

RESOLUTION NO. 2026-404

A RESOLUTION OF GAINESVILLE REGIONAL UTILITIES AUTHORITY, A UNIT OF CITY GOVERNMENT OF THE CITY OF GAINESVILLE, FLORIDA, PURSUANT TO ITS POWERS AND DUTIES AS SET FORTH IN CHAPTER 2023-348, LAWS OF FLORIDA, INCLUDING TO ESTABLISH AND AMEND THE RATES, FEES, ASSESSMENTS, CHARGES, RULES, REGULATIONS, AND POLICIES GOVERNING THE SALE AND USE OF SERVICES PROVIDED THROUGH GAINESVILLE REGIONAL UTILITIES, AMENDING THE CITY OF GAINESVILLE'S INDUSTRIAL PRETREATMENT PROGRAM (IPP) REGULATIONS BY MAKING AND INCORPORATING FINDINGS; ADOPTING AMENDMENTS TO GAINESVILLE'S IPP REGULATIONS, INCLUDING REVISIONS TO SATISFY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) REQUIREMENTS; BY AUTHORIZING ENFORCEMENT; DIRECTING GRU STAFF TO PROVIDE A CERTIFIED COPY OF THIS RESOLUTION TO FDEP; PROVIDING FOR NOTIFICATION TO THE CITY COMMISSION OF THE CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE .

WHEREAS, Article VII, 7.03(1)(b) of Chapter 2023-348, Laws of Florida vests the Gainesville Regional Utilities Authority (the "Authority"), a unit of city government of the City of Gainesville, with the powers and duties to amend the rates, fees, assessments, charges, rules, regulations, and policies governing the sale and use of services provided through the utilities; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) has delegated the authority to oversee local Industrial Pretreatment Programs (IPPs) to the FDEP as the primary approval authority in the State of Florida; and

WHEREAS, IPPs protect sewer infrastructure, treatment plant operations, and the environment from toxic substances like heavy metals and cyanide; and

WHEREAS, the Florida Department of Environmental Protection (FDEP) regulates industrial wastewater discharges to domestic wastewater treatment facilities through the IPP as established in Chapter 62-625, Florida Administrative Code (F.A.C.); and

WHEREAS, the Authority is authorized to implement and enforce these pretreatment standards under section 403.0885, Florida Statutes, Chapter 62-625, F.A.C., and the federal Clean Water Act (33 U.S.C. § 1251 et seq.); and

WHEREAS, the primary purpose of Gainesville’s IPP is to protect Gainesville Regional Utilities’ (GRU’s) wastewater treatment facilities from interference, pass-through of pollutants, and damage to infrastructure, as well as to protect the health and safety of utility personnel; and

WHEREAS, periodic updates to the Gainesville’s IPP regulations are necessary to ensure the local pretreatment program remains in compliance with evolving state and federal discharge standards and technical requirements; and

WHEREAS, Gainesville’s IPP regulations were codified in Chapter 27, Article IV, “Water and Sewage”, in the City of Gainesville’s Code of Ordinances, and colloquially known as Gainesville’s “Sewer Use Ordinance”, before the creation of the Authority; and

WHEREAS, the proposed amendments to Gainesville’s IPP regulations include additional definitions and information and updates to revised prohibited discharge standards and updated local limits for specific pollutants to ensure the continued protection of receiving water bodies; and

WHEREAS, the Authority finds that adopting these updates is in the best interest of the public health, safety, and welfare of residents, ratepayers, and the preservation of the local environment; and

WHEREAS, the FDEP has reviewed and provided preliminary approval for the proposed modifications to Gainesville’s IPP regulations; and

WHEREAS, notice has been given by posting on GRU's main website at <https://www.gru.com> notifying the public of this proposed resolution and of the public hearings in the GRU Multipurpose Room located on the first floor of the GRU Administration building, located at 301 SE 4th Avenue, Gainesville, FL 32601; and

WHEREAS, a public hearing was held pursuant to the published notice described above, at which all interested parties had an opportunity to be, and were, in fact, heard.

NOW, THEREFORE, BE IT RESOLVED BY THE GAINESVILLE REGIONAL UTILITIES AUTHORITY, A UNIT OF CITY GOVERNMENT OF THE CITY OF GAINESVILLE, FLORIDA, AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated herein by reference as if set forth fully herein.

SECTION 2. The Authority, a Unit of City Government of the City of Gainesville, Florida hereby adopts the amendments to its IPP regulations, attached hereto as Exhibit “A” and incorporated herein by reference as if set forth fully herein.

SECTION 3. The Authority’s CEO or designee is authorized to implement and enforce these updated regulations, including the issuance of Wastewater Discharge Permits and the execution of enforcement actions as outlined in GRU’s Enforcement Response Plan (ERP).

SECTION 4. Following the adoption of this Resolution, GRU’s CEO or designee is directed to provide a certified copy of this Resolution to the FDEP Wastewater Management Program administrator or designee for official program modification approval.

SECTION 5. Following the adoption of this Resolution, GRU’s CEO or designee is directed to provide a certified copy of the adopted Resolution to the Gainesville City Commission’s Clerk to notify the Gainesville City Commission of the amendment and conflict with its existing Code of Ordinances.

SECTION 6. All City ordinances, policies, rates, fees, assessments, charges, rules, regulations, and budgets in conflict with any of the provisions of this Resolution are hereby repealed, superseded, and of no effect, pursuant to Article VII, 7.10(2) of Chapter 2023-348, Laws of Florida, effective as of the effective date of this Resolution.

SECTION 7. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 8. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED IN PUBLIC SESSION OF THE GAINESVILLE REGIONAL UTILITIES AUTHORITY, THIS 10TH DAY OF JUNE 2026.

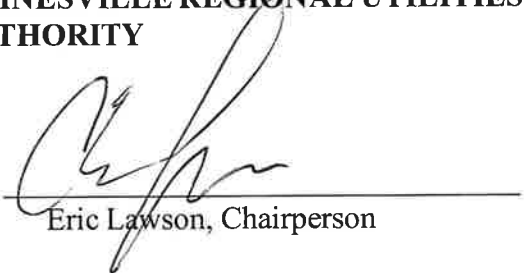
**GAINESVILLE REGIONAL UTILITIES
AUTHORITY**

ATTESTED:

By:


Edward J. Bielariski, Jr., CEO

By:


Eric Lawson, Chairperson

Approved as to form and Legality:

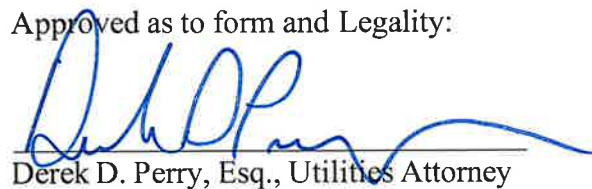

Derek D. Perry, Esq., Utilities Attorney

EXHIBIT "A"

ARTICLE IV. WATER AND SEWERAGE

DIVISION 1. GENERALLY

Sec. 27-96. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

Abutting shall mean adjacent to or contiguous to or located immediately across any road, street, right-of-way or easement from the relevant water line, wastewater line or other relevant property.

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

Additional facilities or structures shall mean any additional construction of buildings or real property appurtenances at a specific location that would create or tend to create additional demand for water or wastewater service.

Apartment shall mean two or more buildings constructed on a single parcel of property where each building contains at least two living units or one building constructed on a single parcel of property containing two or more living units.

Applicant shall mean the person, organization or corporation who signs an application form requesting electric, water or wastewater services be made available at a specific location and thereby agrees to pay for all such services at that location. (Also see "Customer").

Authorized representative of industrial user shall mean:

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

Backflow preventer shall mean a mechanical device operated by the reduced pressure principle that is installed in conjunction with a water meter to prevent a flow of water from the customer's side of the meter into the city's distribution system under conditions where water pressure on the customer's side of the meter exceeds the pressure in the city distribution system. The installation and design of this device will be determined by the water and wastewater engineering division of the city.

Base system shall mean the city's water transmission and distribution system or wastewater collection system which is in existence at the time an application is made for an extension of service.

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 section 27-180.1. BMPs include but are not limited to treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD) shall mean the amount of oxygen expressed in parts per million necessary to satisfy the oxygen requirements of a sample of wastewater incubated for five days at 20 degrees Celsius and tested in accordance with standards of testing in the latest edition of "Standard Methods" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Foundation.

Biosolids shall mean the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility not including solids removed from pump stations, lift stations, and screenings, grit, sand, and inorganic material removed from the preliminary treatment components of domestic wastewater treatment facilities.

Building shall mean any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, vehicles, goods, merchandise, equipment, materials or property of any kind. This definition shall include, but is not limited to, tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, store rooms or vehicles serving in any way the function of a building as described herein.

Categorical pretreatment standard or categorical standard shall mean any regulation containing pollutant discharge limits promulgated in accordance with Section 307 of the Clean Water Act which may apply to a specific industrial user and which appears in 40 CFR Chapter I Subpart N, incorporated by reference in Chapter 62-660, F.A.C.

Central wastewater system shall mean the pipe, pumps, tanks, treatment plants, collection mains and other appurtenances either connected directly to or isolated from the city's base system which serves two or more lots or which serves any multiple family, commercial, industrial, institutional or other use where the total wastewater flow exceeds 2,000 gallons per day. All central wastewater systems shall meet the design and construction requirements of the city.

Central water system shall mean the water source, pumps, treatment plants, distribution mains, fire protection mains and other appurtenances either connected directly to or isolated from the city's base system which serves two or more lots or which serves any multiple family, commercial, industrial, institutional or other use where the total wastewater flow exceeds 2,000 gallons per day. All central water systems shall meet the design and construction requirements of the city.

Chemical oxygen demand (COD) shall mean the amount of oxygen expressed in parts per million required for the chemical oxidation of organics in wastewater.

City shall mean the City of Gainesville, doing business as Gainesville Regional Utilities; or the Gainesville Regional Utilities Authority, a unit of city government of the City of Gainesville, as the governing board of Gainesville Regional Utilities, pursuant to Ch. 2023-348, Laws of Florida; as applicable.

Connection charges shall mean a general term referring to the specific development charges that must be satisfied in order to receive water and/or wastewater service. For the purposes of this article, the following shall constitute water connection charges: transmission and distribution, meter installation, water treatment plant, standby fire line, fire hydrant installation, inspection service fees, crossing charges and tapping fees. For the purposes of this article, the following shall constitute wastewater connection charges: collection system, wastewater treatment plant, pumping station (primary and relay), force main (base system) charges, inspection service fees, crossing charges, and tapping fees.

Consumer shall mean the person or persons who actually receive and utilize water service at a specific location, and/or who contribute, cause or permit the contribution of, wastewater into the city's wastewater system.

Contribution in aid of construction (CIAC) shall mean a charge paid by an applicant desiring service from the city for a portion of the capital cost for additional facilities which must be constructed to provide water or wastewater service to the applicant.

Control Authority. Gainesville Regional Utilities is the control authority for all activities related to control of industrial wastewater discharges into the city sewer system. The Control Authority refers to the Chief Executive Officer or their duly authorized representative(s).

Customer shall mean the person responsible for payment for all electric, water or wastewater services used at a specific location, and further defined as that person who signed the application requesting that services be made available at the specific location and thereby agreeing to pay for all usage of such services occurring at the location. (See "Applicant").

Customer's installation shall mean all pipes, shutoffs, valves, fixtures, pretreatment equipment and appliances or apparatus of every kind and nature used in connection with or forming a part of an installation for utilizing water or wastewater service. Customer's installations are located on the customer's side of the "point of delivery," whether such installation is owned outright by the customer or is used by the customer under lease or otherwise.

Daily Maximum Limit. The maximum allowable discharge of a pollutant during a 24-hour period, expressed either in units of mass or as the arithmetic average measurement of concentration for all measurements within the 24-hour period.

Deposit shall mean the amount of money placed with the city by each customer as security for payment of the water or wastewater bill.

Detector check value shall mean a device which detects leakage or unauthorized use of water from fire line services.

Developer shall mean any person or legal entity engaged in developing or subdividing land to which water and/or wastewater service is to be rendered by the city. Also where applicable,

any individual or legal entity that applied for the provision of water mains or wastewater facilities in order to serve a certain property.

Development shall mean a subdivision or any other parcel of land which consists of two or more lots. In addition, parcels of land for commercial projects or multiple-family dwellings shall be considered as developments.

Discharge shall mean the introduction of sewage or industrial waste, or any other flow into the wastewater system.

Dwelling shall mean a living unit, house, mobile home, apartment or building used primarily for human habitation. The word "dwelling" shall not include hotels, motels, tourist courts or other accommodations for transients, nor shall it include dormitories, fraternities, sororities, rooming houses, businesses or industrial facilities. Facilities for the preparation, storage and keeping of food for consumption within the premises shall cause a unit to be construed as a single dwelling unit. Each area with separate facilities for the preparation, storage and keeping of food for consumption within the premises shall be considered as a separate dwelling unit.

- (1) *Single-family* shall mean a building containing not more than one dwelling unit on a single lot or a [dwelling] unit of a multiple-family dwelling where each dwelling unit is constructed on a separate lot and served by a single domestic water meter. Mobile homes containing one dwelling unit not in approved mobile home parks and served by a single domestic water meter are considered single-family dwellings.
- (2) *Multiple-family* shall mean a building which contains two or more dwelling units served by a single domestic water meter.

Engineering estimate shall mean a calculation of the cost of a project based on the city's current contracts for material and labor plus overhead for engineering, contingency and general and administrative costs. If there is no contract for the project or a part of the project, the best available data as determined by the city will be used.

Excess strength wastewater shall mean wastewater containing constituents whose parameters are in excess of those specified for normal strength wastewater.

Extension shall mean a water or wastewater facility constructed to enable the provision of water, fire protection or wastewater service.

Force main shall mean a wastewater ~~line~~pipe which carries wastewater under pressure from a lift station.

Food Service Facility shall mean any facility which prepares and/or packages food or beverages for sale or consumption, on or off-site, with the exception of private residences, including but not limited to food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, and/or schools.

Frontage shall mean a unit of measurement expressed in linear feet which is determined from one or more lengths of a property's boundaries. The method of determination of frontage shall be specified in the city's current "Water and Wastewater Policies." The method of

determination of frontage shall take into consideration location of water or wastewater lines/pipes which are adjacent to the property being served, irrespective of whether such lines/pipes is located in a public or private right-of-way, an easement, or on public or private property.

General manager for utilities shall mean the lead administrator of Gainesville Regional Utilities, such as the Chief Executive Officer, General Manager, or assigned Charter Officer or their designee, as applicable.

Grab sample shall mean a sample taken without regard to flowrate and over a period of time not to exceed 15 minutes.

Grease shall mean a liquid or solid material, composed primarily of fats and oils from animal or vegetable sources.

Grease interceptor shall mean a device, usually located underground and outside of a food service facility, designed to collect, contain, and remove food wastes and grease from the wastestream while allowing the remaining wastewater to be discharged to the wastewater collection system by gravity.

Grease trap shall mean a device, usually located inside the building and under a sink of a food service facility designed to collect, contain, and remove food wastes and grease from the wastestream while allowing the remaining wastewater to be discharged to the wastewater collection system by gravity.

Identifiable internal water service lines shall mean a water line/pipe, owned and installed by the customer on the customer's side of the point of delivery whose purpose is to provide water service to any new or additional facility or structure.

Individual or person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity, or their legal representatives, agents, or assigns. This definition includes all federal, state, and local government entities.

Industrial use or user shall mean any use or user of the water or wastewater system that produces industrial waste.

Industrial wastes shall mean solid or liquid wastes from any manufacturing or processing plant or other industrial undertaking and solid or liquid wastes discharged from any other source including but not limited to dwellings, and commercial establishments, which contain pollutants that exceed or have the potential to exceed normal strength wastewater limits or any other discharge limit established in this division, or which are wastes discharged from any source containing toxic pollutants as defined in this section, or which are wastes discharged at a flow rate of 25,000 gallons or more per average workday.

Instantaneous discharge limit or instantaneous limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample as specified by the general manager for utilities or ~~his/her~~ their designee, independent of the industrial flow rate and the duration of the sampling event.

Interceptor shall mean a large size gravity wastewater ~~line~~pipe which has been designed to receive wastewater from two or more collecting wastewater ~~lines~~pipes.

Interference shall mean the inhibition or disruption of the wastewater collection system, treatment process or any wastewater system operations. This term includes disruption of wastewater sludge use or disposal.

Lift station (also pump station) shall mean a facility which receives wastewater from gravity wastewater collection ~~lines~~pipes and/or other lift stations and pumps the wastewater under pressure through a force main to another location.

Local discharge limit or local limit shall mean the maximum concentration or mass of a pollutant allowed to be discharged, determined from the analysis of a sample collected in a manner as specified by the general manager of utilities or ~~his/her~~their designee. Such limit may be an instantaneous discharge limit, daily discharge limit, or average discharge limit as determined by the general manager of utilities or ~~his/her~~their designee.

Lot shall mean a part of a subdivision or any other parcel of land intended as a unit for building development or transfer of ownership, or both. Parcels of and less than one acre for commercial projects or multiple-family dwellings and parcels of land for each single-family dwelling shall be considered lots.

Lot line shall mean the property line, abutting the right-of-way line or any line defining the exact location and boundary of the lot of property.

Meter (water) shall mean the measuring device owned and installed by the city on a service ~~line~~pipe for the purpose of accurately measuring water use by a customer.

Meter tampering shall mean when any person shall willfully alter, injure, or knowingly suffer to be injured any water meter or other apparatus or device belonging to the city in such a manner as to cause loss or damage or to prevent any such meter installed for registering water consumption, from registering the quantity which otherwise would pass through the same; or to alter any such meter; or in any way to hinder or interfere with the proper action or just registration of any such meter or device or make or cause to be made any connection of any appurtenance in such a manner as to use, without the consent of the city, any water without such water service being reported for payment or such water passing through a meter provided by the city and used for measuring and registering the quantity of water passing through the same.

Mobile home park (approved) shall mean a parcel of property zoned under provisions of the applicable city or county zoning regulations whose allowed and recognized use is the business of renting spaces or lots upon which mobile homes are placed and occupied as single-family dwellings and shall include any associated and allowed laundry and recreational and common facilities incidental thereto.

New industrial source shall mean any building, structure, facility, or installation which commenced construction after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act as specified in 40 CFR 403.3(k)(1).

Noncontact cooling water shall mean water used for cooling which does not come into direct contact with a toxic pollutant, industrial waste or wastewater.

Non-significant categorical industrial user shall mean an industrial user which the general manager for utilities or ~~his/her~~their designee determines is not a significant industrial user based on a finding that the industrial user discharges 100 gallons per day or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

- (1) The industrial user has consistently complied with all applicable categorical pretreatment standards and requirements; and
- (2) The industrial user annually submits the certification statement as specified in 62-625.600(17), F.A.C. together with any information necessary to support the certification statement; and
- (3) The industrial user never discharges any untreated concentrated wastewater.

Normal strength wastewater shall mean wastewater which does not exceed the concentration of any constituent for which a normal strength wastewater limit has been established by the general manager of utilities or ~~his/her~~their designee. A copy of the established normal strength wastewater limits shall be kept on file in the office of the general manager for utilities or ~~his/her~~their designee and made available on request. Customers discharging wastewater containing any constituent exceeding a normal strength wastewater limit may be charged for excess strength wastewater according to Appendix A-GRU's Schedule of Fees, Rates and Charges [As adopted by Gainesville Regional Utilities Authority Resolution No. 2025-378, as amended from time to time, and incorporated herein by reference and made a part hereof is if attached hereto].

Off-site facilities shall mean water mains, wastewater ~~lines~~pipes, force mains and lift stations constructed to connect on-site facilities with the nearest point in the base system at which adequate capacity is available to meet the requirements of the new services.

Oil/water separator shall mean a device designed to remove oil (e.g. petroleum-based) from the wastestream while allowing the remaining wastewater to be discharged to the wastewater collection system by gravity.

On-site facilities shall mean the water mains, services, meters, fire hydrants, wastewater ~~lines~~pipes, force mains, lift stations and pretreatment equipment installed within a residential, commercial or industrial development. It includes those facilities in peripheral streets and easements constructed wholly or in part for use by that development.

Oversized facilities shall mean a facility designed in size and location by the city to be larger than that required to serve the applicant's project and greater than the following minimum criteria:

- (1) Water main: eight inches;
- (2) Gravity wastewater ~~line~~pipe: eight inches;
- (3) Force mains: four inches.

In certain instances, oversizing may also refer to the routing or location of a water or wastewater facility by the city at a greater length than that required to serve the applicant's project.

Pass through shall mean a discharge from the city's wastewater treatment works into waters of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit or any federal or state law. This includes an increase in the magnitude or duration of a violation.

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

Point of delivery or connection:

- (1) *Water service* shall mean the point where the city's water meter nipple is connected with the pipe of the customer, and where water service to the customer begins.
- (2) *Wastewater service* shall mean the point where the service lateral crosses the customer's property line.

Pharmaceutical means any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by Title 21 of the Code of Federal Regulations part 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. Pharmaceutical does not include dental amalgam or sharps.

Pollutant shall mean any toxic pollutant, dredged, spoiled, solid waste (as defined in 40 CFR 261), incinerator residue, garbage, grease, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, dirt; any industrial, municipal or agricultural waste discharged into water; or any material designated by the general manager for utilities or ~~his/her~~their designee on the basis that the material has a reasonable potential for adversely affecting the city's wastewater system.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutants in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the city wastewater system. The reduction or alteration can be obtained by physical, chemical or biological processes; process changes; or by facility process changes or other means, except by diluting the concentration of the pollutants.

Pretreatment Requirement means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standards or standards shall mean prohibited discharge standards, categorical pretreatment standards, and local discharge limits.

Prohibited discharge standards or prohibited discharges shall mean absolute prohibitions against the discharge of certain substances.

Publicly Owned Treatment Works shall mean a "treatment works," as defined by Section 212 of the Act (33 USC 1292), which is owned by GRU. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of wastewater or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plan.

Residential service shall mean service to a single living unit located in a single-family or multiple-family dwelling or a living unit consisting of a sorority, fraternity, cooperative housing unit of a college or university or other nonprofit group living unit. A living unit shall be a place where people reside on a nontransient basis containing a room or rooms comprising the essential elements of single housekeeping unit. Each separate facility for the preparation, storage and keeping of food for consumption within the premises shall cause a housekeeping unit to be construed as a single living unit. All water supplied shall be through a single meter at a single point of delivery.

Rooming unit shall mean a room or rooms used as a place where sleeping or housekeeping accommodations are provided for pay to transient or permanent guests.

Septic tank waste shall mean any wastewater from holding tanks from vessels, chemical toilets, campers, trailers, and septic tanks.

Service shall mean the readiness and ability on the part of the city to furnish water or wastewater service to the customer on demand. Thus, the maintenance of water pressure at the point of delivery or presence of a wastewater service lateral shall constitute the rendering of service, irrespective of whether the customer makes any use thereof.

Sewage. Refer to Wastewater.

Significant industrial user shall mean:

- (1) Any industrial user subject to categorical pretreatment standards, unless the general manager for utilities or ~~his/her~~their designee determines the industrial user to be a non-significant categorical industrial user.
- (2) Any industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the city wastewater system or contributes five percent or more of the dry weather hydraulic or organic capacity of the city wastewater system, excluding sanitary and noncontact cooling and boiler blowdown wastewater.
- (3) Any industrial user designated significant by the general manager for utilities or ~~his/her~~their designee on the basis that the industrial user has a reasonable potential for adversely affecting the city's wastewater collection system, treatment process, or any wastewater system operation or for violating any federal, state, or local discharge limit or standard.

Slug discharge shall mean any discharge of a nonroutine, episodic nature which could cause a violation of the prohibited discharge standards.

Standard Industrial Classification (SIC) Code shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Standby fire line shall mean the pipe, isolating valve, detector check valves and fittings of the city which extend from the water main to the fire line pipes of the customer and which are used for supplying water exclusively for fire protection purposes. Point of service for standby fire lines shall be on the customer's side of the detector check valve vault.

Stormwater shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Subdivision shall mean a division of a lot, tract or parcel of land or water into two or more lots, plots, sites or other subdivisions of land or water for the purpose, whether immediate or future, of sale, rent, lease, building development or other use, and which further includes the term "subdivide," meaning to divide land by conveyance or improvement into lots, blocks, parcels, tracts or other portions.

Suspended solids means the total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquid, and which is removable by filtering with a 1.2 micrometer pore diameter filter.

Toxic pollutant shall mean any pollutant listed as a priority pollutant in 40 CFR 401.15.

Wastewater shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the wastewater system.

Wastewater line shall mean a pipe which carries wastewater and to which storm and surface waters and groundwaters are not intentionally admitted.

Wastewater Treatment Plant. Refer to Water Reclamation Facility.

Water Reclamation Facility. That portion of the POTW, which is designed to provide treatment of domestic and industrial wastes.

Wastewater service lateral shall mean wastewater connection extending from the collecting wastewater ~~line~~pipe in the street to a customer's property line or from the collecting wastewater ~~line~~pipe in an easement to the easement line.

Wastewater system shall mean the entire wastewater utility system that services the needs of the customer which includes treatment facilities, collection ~~lines~~pipes, lift stations, force mains and all other related appurtenances incidental thereto.

Water system shall mean that entire water utility system that services the needs of the customer which includes treatment facilities, transmission, distribution and fire protection ~~lines~~pipes, meters and all other related appurtenances incidental thereto.

[...]

Sec. 27-180. Pretreatment program—Generally.

- (a) The objectives of this section are to:
- (1) Prevent the introduction of pollutants into the city wastewater treatment system that will cause interference with its operation or pass through inadequately treated into receiving waters or biosolids.
 - (2) Provide protection for the general public and city personnel who may be affected by wastewater and sludge in the course of their employment.
 - (3) Ensure compliance of the city with applicable federal and state laws including Section 402 of the Clean Water Act (specifically 40 CFR Part 403), and Chapter 62-625 and Chapter 62-640 of the Florida Administrative Code.
 - (4) To promote reuse and recycling of reclaimed water, biosolids, and industrial wastewater from the wastewater system.
 - (5) To provide for the equitable distribution of the cost of operation, maintenance, and improvement of the wastewater system.
- (b) Compliance with this division may not under some circumstances constitute compliance with the Alachua County Hazardous Material Management Code. Industrial users should contact the Alachua County Environmental Protection Department for further information on compliance with the Hazardous Material Management Code.
- (c) Administration. Except as otherwise provided herein, the general manager for utilities shall administer, implement, and enforce the provisions of this section. Any powers granted to or duties imposed upon the general manager for utilities may be delegated by the general manager for utilities to a duly authorized city employee.

Sec. 27-180.1. Same—Prohibited substances.

- (a) General Prohibitions. No user shall introduce or cause to be introduced into the wastewater system any pollutant or wastewater, which either singly or by interaction with other pollutants causes pass through or interference. This general prohibition applies to all users of the wastewater system whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.
- ~~(b)~~ (b) Prohibited discharge standards. It shall be unlawful for any person willfully or with culpable negligence to discharge or cause to be discharged into the wastewater system of the city any substance which:
- (1) Is harmful to the wastewater system, or is hazardous to the wastewater system because it contains flammable or explosive liquids, solids or gases, which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the

wastewater system or to the operation of the wastewater system. No substance may be discharged with a closed cup flashpoint of less than 60° C (140° F) using test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent, nor any single reading over ten percent, of the lower explosive limit (LEL) of the meter. Such materials shall include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city~~City~~ determines to be a fire hazard, health hazard or a hazard to the system.

- (2) Has a temperature which would have adverse effects on the wastewater system. In no case shall discharges cause the temperature of influent to the wastewater treatment plant to exceed 40° C (104° F).
- (3) May cause stoppages in the wastewater system because of size, quantity, volume or any other characteristic. Solid or viscous substances which may cause obstruction to the flow in the sewer or other interference with the operation of the wastewater treatment facilities shall not be discharged into the wastewater system.
- (4) Has corrosive properties capable of causing damage or hazard to structures, equipment and/or personnel of the wastewater system.
- (5) May cause the wastewater system's effluent or any other product of the wastewater system, such as biosolids, residues, sludges or scums to be unsuitable for reclamation and reuse, or to interfere with the reclamation process.
- (6) Contains any pollutant, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which either singly or by interaction with other pollutants, will cause interference or pass through in the wastewater system. No user shall discharge flow at a rate that will be disruptive to the wastewater system or cause interference or pass through in the wastewater system.
- (7) Results in the presence of toxic gases, vapors, or fumes in any part of the wastewater system in a quantity that may cause acute worker health and safety problems.
- (8) Contains pollutants in sufficient quantity, either singly or by interaction with other pollutants, which constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater system.
- (9) Contains waste exceeding the local discharge limit of any pollutant for which a limit has been established by the general manager for utilities or ~~his/her~~their designee using standard procedures, calculations and methods acceptable to the Florida Department of Environmental Protection (FDEP) to protect against pass through, interference, protection of wastewater system employees, and adverse effects on wastewater biosolids disposal. Such limits shall be included as permit conditions and attached to each industrial wastewater discharge permit issued. The established local discharge limits, incorporated by reference herein, are subject to change and may be

modified as needed based on regulatory requirements and standards, wastewater system operation, performance and processes, the industrial user base, potable water quality and domestic wastewater characteristics. Modifications to the established local discharge limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 days from notice of acceptance of the modified discharge limits by FDEP. Permitted significant industrial users shall also be issued an addendum to their wastewater discharge permit containing the revised local discharge limits. A copy of the approved local discharge limits shall be kept on file in the office of the general manager for utilities or ~~his/her~~their designee and made available on request.

- (10) Discharge limits for sulfate, sulfide, and organic pollutants shall be determined by the general manager for utilities or ~~his/her~~their designee with considerations for acceptable worker exposure levels or prevention of damage, interference or pass through in the wastewater system, whichever provides the lower discharge limit.
- (11) Local discharge limits shall apply at the point where the wastewater is discharged to the wastewater system. All concentrations for metallic substances are for "total" metal.
- (c) ~~No user shall ever increase the use of process water, or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment, to achieve compliance with a local discharge limit, prohibited discharge standard, or categorical pretreatment standard. The general manager for utilities or his/her designee may impose mass limitations when appropriate.~~
- ~~(d)~~(c) No user shall discharge petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through in the wastewater system.
- (ed) No user shall discharge trucked or hauled wastes to the wastewater system except at points designated by special agreement with the ~~city~~City.
- (f) ~~The city may establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements or standards for substances not contained in this section for discharges to the wastewater system consistent with the purpose of this division.~~
- (g) ~~The National~~ e) Categorical Pretreatment Standards ~~pretreatment standards. The categorical pretreatment standards found at in 40 CFR Chapter I, Subpart~~Subchapter N and Chapter 62-660, F.A.C., as may be amended from time to time, Parts 405-471, are hereby incorporated by reference. The State of Florida's version of these regulations is included in Chapter 62-625 FAC.
- ~~(h)~~(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the general manager for utilities or their designee may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c) and Chapter 62-625.410(4), FAC.

- (2) ~~When wastewater subject to a National Categorical Pretreatment Standard~~categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the general manager for utilities or ~~his/her~~their designee shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e) and Chapter 62-625.410(6) FAC.
- (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (4) A user may obtain a net gross adjustment to a categorical standard in accordance with Rule~~40 CFR 403.15 and Chapter 62-625.410 F.A.C. 820, FAC.~~
- (f) Best management practices. The general manager for utilities or their designee may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of Section (c)(4).
- (g) Specific local limits. The pollutant limits listed in GRU's Local Discharge Limit table are established to protect against pass through and interference. These limits are available upon request and published on GRU's Pretreatment Program webpage and shall apply to the point where the wastewater is discharged to GRU's wastewater collection system. No industrial user shall discharge wastewater in excess of the concentration listed in GRU's Pretreatment Program webpage. All concentrations for metallic substances are for "total" metal unless indicated otherwise. Local Limits are defined as maximum allowable discharge concentrations. GRU may impose mass limitation in addition to, or in place of, the concentration-based limitations listed on the table.
- Parameter compliance will normally be determined by composite sampling. At the discretion of the general manager for utilities or their designee, either a time-composite and/or flow-proportional sample will be required. For time-composite and/or flow proportional sample collection, the allowable limit shall be the concentration limit, above. Exceeding the allowable limit for either collection method shall be a violation of this policy.
- (h) The City's right of revision. The City reserves the right to establish, by Ordinance or resolution, by policy, or in wastewater discharge permits, more stringent standards or requirements on discharges to the wastewater collection and treatment facility.
- (i) Dilution. No user shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The general manager for utilities or their designee may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Sec. 27-180.2. Same—Conditional requirements for specific discharges.

- (a) *Fats, oils and grease.* Wastewater containing such amounts of fats, oils or greases as may be determined by the general manager for utilities or ~~his/her~~their designee to be detrimental to the wastewater system shall not be discharged into the wastewater system. An efficient grease trap, grease interceptor or oil/water separator shall be utilized prior to discharge to the wastewater system and maintained as required in this section. Wastewater from ~~restaurants or places where cooking is done~~food service facilities shall be presumed to contain grease and grease traps or grease interceptors shall be required at all such locations. Automotive-related facilities including but not limited to car-washes and automobile repair shops, which may contribute petroleum-based oil to the collection system, are required to have an approved oil/water separator.
- (1) All nonresidential facilities that prepare, process or serve food as determined by the ~~assistant~~ general manager for ~~water/wastewater~~ utilities or ~~his/her~~their designee are required to have a grease interceptor discharge permit issued by ~~GRU~~the City and an approved grease interceptor or approved grease trap. The grease interceptor discharge permit for any facility shall be renewed whenever there is a significant change in operation including facility expansion, remodeling that requires a plumbing permit, or change in ownership.
 - (2) Grease interceptors, grease traps, and oil/water separators shall be installed solely at the customer's expense. Proper operation, maintenance, and repair of grease interceptors, grease traps, and oil/water separators shall be done solely at the customer's expense.
 - (3) The "Oil and Grease Management Manual" promulgated by the general manager for utilities or ~~his/her~~their designee, as amended from time to time is hereby adopted and incorporated by reference as part of this section. ~~Copies of the~~The "Oil and Grease Management Manual" shall be available upon request and electronically at GRU's FOG Program webpage.
 - (4) Grease traps, grease interceptors and oil/water separators shall be designed, installed, and maintained as required in the "Oil and Grease Management Manual." The owner or operator shall maintain a maintenance log for the grease interceptors, grease traps, or oil/water separators on-site that includes the previous 12-months activity. The log shall be available upon request by ~~the city~~GRU and include the date, time, maintenance performed, volume removed each pump out, and the name, signature, and contact information of the person who performed the maintenance.
 - (5) If grease accumulates in the wastewater collection system ~~lines~~pipes or damage to the wastewater system is caused by the discharge of fats, oils, or greases, the owner or operator will be billed for cleaning the collection lines or any other expense incurred by the city.
- (b) *Private wells.* Where private wells are used, disposal into the wastewater system shall be done only by special agreement with the ~~city~~City.

- (c) *Storm water, air-conditioners and similar wastes.* Storm water, air-conditioning water, condenser waters, swimming pool waters or other similar type wastes shall be discharged into the wastewater system only by special agreement with the ~~city~~City.
- (d) *Septic tank and portable toilet waste.* Septic tank and portable toilet waste shall be introduced into the ~~city's~~City's wastewater system only when specifically authorized and only at the time, place and manner prescribed by the ~~city~~City.

Sec. 27-180.3. Same—Permitting.

- (a) ~~(a) —~~Industrial wastes shall not be discharged into the wastewater system without written permission of user survey. When requested by the general manager for utilities or his/her~~their~~ designee. All significant industrial users who are proposing to connect, any user or contribute to the potential user must submit information regarding the nature and characteristics of their wastewater by completing a wastewater system questionnaire. The questionnaire shall be completed and returned to the general manager for utilities or their designee within 90 days. The general manager for utilities or their designee may periodically require existing users to complete or update the survey. Failure to complete this survey shall obtain an industrial be reasonable grounds for terminating service to the user and shall be considered a violation of the division. The survey must be signed and certified in accordance with Subsection (g) of this section.
- (b) Wastewater analysis. When requested by the general manager for utilities or their designee, a user must submit information on the nature and characteristics of its wastewater within 90 days of the request. The general manager for utilities or their designee is authorized to prepare a form for this purpose and may periodically require users to update this information.
- (c) Permit Requirements
 - (1) No significant industrial user shall discharge wastewater into the wastewater system of the City without first obtaining a wastewater discharge permit before connecting to or contributing to the wastewater from the general manager for utilities or their designee.
 - (2) The general manager for utilities or their designee may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.
 - (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the user to the sanctions set out in Sections 180.7 and 180.9 of this ordinance. Obtaining a wastewater discharge permit does not relieve a user of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(d) Wastewater Discharge Permitting: Existing Connections (without a current permit)

Any significant industrial user or minor industrial user discharging into the wastewater treatment system prior to the effective date of the ordinance from which this division is derived and who wishes to continue discharging wastewater into the wastewater treatment system, shall, within 90 days after said effective date, apply to the general manager for utilities or their designee for a wastewater discharge permit in accordance with this section, and shall not cause or allow discharges to the wastewater collection and treatment facility to continue after 180 days of the effective date of the ordinance from which this division is derived except in accordance with a wastewater discharge permit issued by the general manager for utilities or their designee.

(e) Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the wastewater collection and treatment facility must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with this section, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

(f) Wastewater Discharge Permit Application Contents. All users required to obtain a wastewater discharge permit must submit a permit application. The general manager for utilities or their designee may require all users to submit, as part of an application, the following information:

- (1) All information required by Section 27-180.4 of this ordinance's superseding resolution (pursuant to §2, 7.03(1)(b) and 7.10(2), Ch. 2023-348, Laws of Fla.);*
- (2) Name of Facility*
- (3) Physical address of the facility;*
- (4) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the wastewater system of the city;*
- (5) Number of employees, and proposed or actual hours of operation;*
- (6) Each product produced by type, amount, process or processes, and fate of production;*
- (7) Type and amount of raw materials processed (average and maximum per day);*
- (8) Site plans, treatment facility schematics, treatment process diagrams, floor plans, mechanical and plumbing plans, and details to show all sewer piping, floor drains, sampling locations, and appurtenances by size, location, and elevation, and all points of discharge;*
- (9) Time and duration of discharges;*
- (10) Any other information as may be deemed necessary by the general manager for utilities or their designee to evaluate the wastewater discharge permit application;*

- (11) Flow Measurement. The user shall submit information showing the measured average daily and maximum daily flow (in gpd), to the wastewater system of the City from each of the following:
- a. Regulated process streams, and
 - b. Other streams as necessary to allow for use of the combined wastestream formula of the subsection 62-625.410(6) F.A.C. Verifiable estimates of these flows are permitted, where justified by cost of feasibility considerations.
- (12) Wastewater constituents and characteristics, including any pollutants in the discharge which are limited by Federal, State or local standards, pretreatment standards applicable to each regulated process; and nature and concentration (or mass if pretreatment standard requires) of regulated pollutants in each regulated process (daily maximum and average concentration or mass as required by pretreatment standard). Sampling and analysis will be undertaken in accordance with 40 CFR Part 136, Chapter 62-160 F.A.C. and EPA Standard Operating Procedures – Quality Assurance Manual.
- (13) A permit fee payable to the City may be deemed necessary by the general manager for utilities or their designee based on a fee schedule approved or modified by the general manager for utilities or their designee from time to time, listed in Appendix A – Schedule of fees, Rates and Charges [Remains unamended, as adopted in the City of Gainesville Code of Ordinances]
- (14) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The general manager for utilities or their designee will notify any user of an incomplete or inaccurate application within thirty (30) days of receipt of submittal.
- (g) Application signatories and certification.
- (1) Wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (2) Any industrial user submitting permit applications, baseline monitoring reports, reports on compliance with any categorical pretreatment standard deadlines, periodic compliance or monitoring reports, and any industrial user submitting an initial request to forego sampling of a pollutant on the basis of section 27-180.4(r) shall submit the certification statement found in Rule 62-625.410(2)(b)2, F.A.C.

- (3) Any industrial user determined by the general manager for utilities or their designee to be a non-significant categorical industrial user shall submit the certification statement found in Rule 62-625.600(17), F.A.C.
- (4) Any industrial user that has a monitoring waiver approved by the general manager for utilities or their designee in accordance with section 27-180.4(r) shall submit each report with the certification statement found in Rule 62-625.600(4)(c)5. F.A.C.
- (h) Wastewater Discharge Permit contents. Industrial wastewater discharge permits shall contain but are not limited to the following conditions:
 - (1) *Duration.* The duration shall not exceed five years from the effective date of the permit.
 - (2) *Renewal.* The user shall apply for permit renewal a minimum of 180 days prior to the expiration of the existing permit.
 - (3) *Transferability.* The permit may not be sold, transferred, or reassigned.
 - (4) *Limits.* Effluent limits, including best management practices, shall be specified based on applicable pretreatment standards.
 - (5) *Monitoring.* Self-monitoring, sampling, reporting, notification, and record-keeping shall be specified, including identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on applicable federal, state, and local laws.
 - (6) *Penalties.* Applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule shall be stated. Such schedule shall not extend the compliance date beyond applicable state or federal deadlines.
 - (7) *Slug discharges.* The permit shall contain requirements to control slug discharges if determined by the general manager for utilities or ~~his/her~~their designee to be necessary.
 - (8) *Monitoring waiver.* The permit shall include any grant of a monitoring waiver and shall specify the process for seeking a waiver from monitoring for a pollutant either not present or not expected to be present in the industrial user's wastewater discharge in accordance with section 27-180.4(r).
- ~~(b) Significant industrial users, and any other user required to obtain a wastewater discharge permit by the general manager for utilities or his/her designee, shall be required to complete an industrial wastewater discharge application as provided by the general manager for utilities or his/her designee prior to receiving a permit.~~
- ~~(e)(j)~~ Industrial users shall be required to submit a waste minimization plan when submitting either an industrial wastewater discharge application or an application for permit renewal. The waste minimization plan must include but is not limited to the following items:

- (1) A detailed description of the components and estimated volume of all waste streams that comprise the industrial wastewater discharge.
- (2) Practices currently employed or future plans to minimize the amount of waste in the industrial wastewater discharge.

The plan will be forwarded to the Alachua County Environmental Protection Department for comment. Any comments received within 14 days of delivery of the plan to the Alachua County Environmental Protection Department shall be considered by the general manager or ~~his/her~~their designee when making waste minimization plan approval decisions.

- (~~dk~~) The general manager for utilities or ~~his/her~~their designee may require an industrial user to perform self-monitoring as a prerequisite to being granted an industrial wastewater discharge permit.
- (e) ~~–l) Modifications.~~ Modifications. The general manager for utilities or ~~his/her~~their designee ~~may require other users, who are not significant industrial users, to obtain industrial wastewater discharge permits.~~
- (f) ~~Modifications.~~ Modifications. The general manager for utilities or ~~his/her~~their designee may modify any industrial wastewater discharge permit. The industrial user shall be informed of any substantive modifications to the permit at least 30 days prior to the effective date of the change.
- (~~gm~~) Approval decisions. The general manager for utilities or ~~his/her~~their designee will review and evaluate the application and waste minimization plan and determine whether or not to issue an industrial wastewater discharge permit. The general manager for utilities or ~~his/her~~their designee may deny any application for an industrial wastewater discharge permit. Industrial users shall comply with the standards set forth in Chapter 62-625, Florida Administrative Code, as amended from time to time.
- (~~hn~~) Appeals. Any person, including the user, may petition the general manager for utilities or ~~his/her~~their designee to reconsider the terms of an industrial wastewater discharge permit within 30 days of notice of its issuance.
- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - (2) In its petition, the appealing party must indicate the industrial wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the industrial wastewater discharge permit.
 - (3) The effectiveness of the industrial wastewater discharge permit shall not be stayed pending the appeal.
 - (4) If the general manager for utilities or ~~his/her~~their designee fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an industrial wastewater discharge permit, not to issue an industrial

wastewater discharge permit, or not to modify an industrial wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

- (i) The general manager for utilities or ~~his/her~~their designee may require any user connected prior to the effective date of this division to obtain an industrial wastewater discharge permit.

Sec. 27-180.4. Same—Monitoring, reporting, and notification.

- (a) *Baseline monitoring report.* Within 180 days after the effective date of a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination request under Rule 62-625.410(2)(d), F.A.C., whichever is later, industrial users subject to such categorical pretreatment standards and currently discharging to, or scheduled to discharge to the wastewater system, shall submit to the general manager for utilities or ~~his/her~~their designee a report which contains information as required in Rule 62-625.600(1)(a)—(g). At least 90 days prior to commencement of discharge, new ~~sources~~industrial users, and ~~sources~~industrial users that become subject to categorical standards, shall submit to the general manager for utilities or ~~his/her~~their designee a report which contains the information listed in Rule 62-625.600(1)(a)—(e).
- (b) *Categorical compliance report.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards under Rule 62-660, or in the case of a new source following commencement of the introduction of wastewater to the city wastewater system, any industrial user subject to the pretreatment standard shall submit a report containing the information as required in Rule 62-625.600(1)(d)—(f). For users subject to equivalent mass or concentration discharge limits established by the general manager for utilities or ~~his/her~~their designee in accordance with the procedures in Rule 62-625.410(4), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. This report shall also meet the requirements of section 27-180.4(g).
- (c) *Semiannual compliance report.* Any significant industrial user discharging to the city wastewater system is required to submit by January 31st and July 31st each year a report detailing the nature and concentration of pollutants in their wastewater discharge, a record of the wastewater flow for the period, and a summary of any changes to pretreatment equipment. The general manager for utilities or ~~his/her~~their designee may require these reports more frequently to ensure industrial user compliance. The general manager for utilities or ~~his/her~~their designee may reduce the reporting frequency to a minimum of once per year, unless required more frequently in any applicable pretreatment standard or unless required more frequently by the Florida Department of Environmental Protection, provided that the industrial user meets all of the following conditions:
 - (1) The industrial user's total categorical wastewater flow does not exceed 0.01 percent of the design dry weather hydraulic capacity of the water reclamation facility to which

it discharges, or 5,000 gallons per day, whichever is smaller, as measured by a continuous flow monitoring device unless the industrial user discharges in batches.

- (2) The industrial user's total categorical wastewater flow does not exceed 0.01 percent of the design dry weather organic treatment capacity of the water reclamation facility to which it discharges.
- (3) The industrial user's total categorical wastewater flow does not exceed 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by any applicable categorical pretreatment standard for which approved local limits have been developed for the water reclamation facility to which it discharges in accordance with 62-625.400(3), F.A.C.
- (4) The industrial user has not been in significant noncompliance in the past two years and the industrial user does not have daily flow rates, production levels, or pollutant levels that vary so much that decreasing the reporting requirement would result in data that are not representative of conditions occurring during any reporting period pursuant to 62-625.400(6)(c), F.A.C.

If changes occur at the industrial user's facility which cause it to no longer meet the conditions of section 27-180.4(c)(1)—(4), the industrial user must immediately notify the general manager for utilities or his/her/their designee and the industrial user must immediately begin reporting semiannually or more frequently as determined by the general manager for utilities or his/her/their designee.

- (d) *Unpermitted user reports.* The general manager for utilities or his/her/their designee may require any unpermitted user to submit reports relating to the wastewater discharge as specified by the general manager for utilities or his/her/their designee.
- (e) *Self-monitoring.* The general manager for utilities or his/her/their designee may require self-monitoring reports from industrial users as are deemed necessary to assess and ensure compliance by industrial users with pretreatment standards and requirements including but not limited to the reporting requirements set forth in Rule 62-160 and the test procedures for wastewater analyses found in 40 CFR Part 136, which are incorporated by reference as part of this section. All self-monitoring reports shall be based on 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.
- (f) *Sample collection.* All wastewater samples shall be representative of the industrial user's discharge. Wastewater monitoring and flow measurement equipment shall be properly operated and maintained. The failure of an industrial user to maintain its monitoring equipment in good working order shall not be grounds for the industrial user to claim that sample results are not representative of its discharge. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques. Using methods specified in 40 CFR Part 136, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited

in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. All other samples shall be collected using flow proportional composite techniques. The general manager for utilities or ~~his/her~~their designee may authorize the use of time proportional sampling or a minimum of four grab samples. For sampling required in support of baseline monitoring (section 27-180.4(a)) and 90-day compliance reports (section 27-180.4(b)), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for industrial users for which historical sampling data do not exist; for industrial users for which historical sampling data are available, the general manager for utilities or ~~his/her~~their designee may authorize a lower minimum.

- (g) *Compliance monitoring.* The general manager for utilities or ~~his/her~~their designee shall conduct compliance monitoring to ensure that the industrial user's discharge is in compliance with the industrial wastewater discharge permit and shall have the right to enter the premises of any industrial user for the purpose of such monitoring.
- (h) *Notification of changed discharge.* All industrial users shall notify the general manager for utilities or ~~his/her~~their designee in writing of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days prior to the change.
- (i) *Prohibited discharge notification.* Any industrial user discovering in the course of self-monitoring that any prohibited discharge limit has been exceeded shall notify the general manager for utilities or ~~his/her~~their designee within 24 hours of learning of the discharge. This notification shall be followed within 30 days of the date of discovery of the violation by resampling of the parameter, reanalysis, and submittal of a certified monitoring report. Such notification and resampling will not relieve the industrial user of liability for any penalties or corrective action required due to the prohibited discharge. Resampling by the industrial user is not required if the general manager for utilities or ~~his/her~~their designee performs sampling at the industrial user's facility at least once per month, or if the general manager for utilities or ~~his/her~~their designee performs sampling at the industrial user's facility between the time when the initial sampling was performed and the time when the industrial user or the general manager for utilities or ~~his/her~~their designee receives the results of this sampling, or if the general manager for utilities or ~~his/her~~their designee has performed the sampling and analysis in lieu of the industrial user.
- (j) ~~Accidental discharge notification. Any person causing or suffering from any accidental discharge~~ Mandatory Reporting of Potential Problems. Each user shall immediately report accidental or intentional discharges of prohibited materials or other substances regulated by this ordinance's superseding resolution to the general manager for utilities or their designee. Prevention of prohibited material(s) discharge through maintenance, best practices, and/or equipment shall be provided at the user's own cost and expense.
 - (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the wastewater collection and treatment system, it is the responsibility of the user to notify the general manager for

utilities or his/her designee by telephone to enable countermeasures to be taken to minimize damage to the wastewater system, the health and welfare of the public, and the environment. their designee of the incident immediately. This notification shall be followed include the location of the discharge, type of waste, duration, concentration and volume, if known, and corrective actions taken by the user

- (2) Unless waived by the general manager for utilities or their designee, within five (5) days of the date of occurrence by following such discharge, the user shall submit a detailed written statement submitted by the industrial user report describing the cause(s) of the accidental discharge and the measures being to be taken by the user to prevent similar future occurrence occurrences. Such notification will shall not relieve the industrial user of liability of any expense, loss, or damage, or other liability which may be incurred as a result of damage to the wastewater system- of the City, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this regulation.
 - (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees who may cause such a discharge to occur, are advised of the emergency notification procedure.
 - (4) Significant industrial users are required to notify the general manager for utilities or their designee immediately of any changes at its facility affecting the potential for a slug discharge.
- (k) *Hazardous waste discharge notification.* Any industrial user shall notify the general manager for utilities or ~~his/her~~their designee in writing of any discharge into the wastewater system of a substance, which, if otherwise disposed of, would be hazardous waste under Chapter 62-730, F.A.C. Such notification shall comply with the requirements of Rule 62-625.600(15), F.A.C.
- (l) *Signatory and certification requirements.* Documents submitted by any industrial user for the purposes of compliance with an industrial wastewater discharge permit or any requirement of this section shall be signed by a duly authorized representative and contain the appropriate certification statement determined as follows:
- (1) ~~(1)~~ — (Any industrial user submitting permit applications, baseline monitoring reports, reports on compliance with any categorical pretreatment standard deadlines, periodic compliance or monitoring reports, and any industrial user submitting an initial request to forego sampling of a pollutant on the basis of section 27-180.4(r) shall submit the certification statement found in Rule 62-625.410(2)(b)2, F.A.C.
 - (2) Any industrial user determined by the general manager for utilities or his/her designee to be a non-significant categorical industrial user shall submit the certification statement found in Rule 62-625.600(17), F.A.C.

- (3) ~~Any industrial user that has a monitoring waiver approved by the general manager for utilities or his/her designee in accordance with section 27-180.4(r) shall submit each report with the certification statement found in Rule 62-625.600(4)(c)5, F.A.C.~~
- (m) *Recordkeeping.* All industrial users shall keep, for a minimum of three years, any documents that are required by or developed to comply with this section or with an industrial wastewater discharge permit including but not limited to monitoring data, notices of violation, documentation associated with best management practices, and compliance reports. The record retention period shall be extended for the duration of any litigation concerning the industrial user or the city~~City~~, or where the industrial user has been specifically notified of a longer retention time by the general manager for utilities or his/her/their designee. Monitoring records shall include the following information: date and time of sampling, sampling location, sampling method, name of the person collecting the sample, analysis date, analyst name, analytical method, and results of analysis.
- (~~nm~~) *Public records access.* Documents submitted by industrial users to the general manager for utilities or his/her/their designee are open to inspection by the public in accordance with city~~City~~ policy, state, and federal law. Documents claimed as proprietary information must meet the criteria outlined in Rule 62-625.800. Under no circumstances will effluent data be treated as confidential.
- (~~on~~) *Costs.* All costs associated with monitoring, reporting, and notification shall be borne solely by the industrial user.
- (~~po~~) *Slug discharge.* All significant industrial users shall notify the general manager for utilities or his/her/their designee immediately of any changes at its facility affecting the potential for a slug discharge.
- (~~qp~~) *Best management practice documentation.* In cases where an industrial user is required to meet compliance with a best management practice (BMP) or pollution prevention alternative, the industrial user must submit documentation as required by the general manager for utilities or his/her/their designee to determine the compliance status of the industrial user.
- (~~rg~~) *Monitoring waiver of a categorical pretreatment standard.* The general manager for utilities or his/her/their designee 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 not present or not expected to be present in the wastewater discharge, or present only at background concentrations from intake water and without any increase in the pollutant due to the activities of the industrial user. This authorization is subject to the following conditions:
- (1) The waiver may be authorized if a pollutant is determined to be present solely due to the sanitary wastewater discharged from the industrial user's premises provided that the sanitary wastewater of the industrial user is not regulated by any applicable categorical standard and otherwise includes no process wastewater.

- (2) The waiver is valid only for the duration of the wastewater discharge permit. The industrial user must submit a new request for a waiver before the waiver can be granted for each subsequent wastewater discharge permit.
 - (3) The industrial user shall demonstrate that a pollutant is not present by submitting data to the general manager for utilities or ~~his/her~~their designee from at least one sample of the industrial user's process wastewater prior to any pretreatment and which is representative of all wastewater from all processes.
 - (4) Non-detectable sample results may be used as a demonstration that a pollutant is not present only if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection limit for that pollutant was used in the analysis.
 - (5) Any grant of a monitoring waiver by the general manager for utilities or ~~his/her~~their designee shall be included as a condition in the industrial user's wastewater discharge permit. The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver shall be maintained by the general manager for utilities or ~~his/her~~their designee for three years after expiration of the waiver.
 - (6) In the event that a waived pollutant is found to be present or is expected to be present due to changes that occur in the industrial user's operations, the industrial user shall immediately notify the general manager for utilities or ~~his/her~~their designee and shall comply with the minimum monitoring requirements found in section 27-180.4(c) or more frequent monitoring as required by the general manager for utilities or ~~his/her~~their designee.
 - (7) No waiver shall be granted by the general manager for utilities or ~~his/her~~their designee unless the industrial user's applicable categorical pretreatment standards allow such waivers.
- (r) If an industrial user subject to the reporting requirements in this section monitors any regulated pollutant at the appropriate permitted sampling location more frequently than required by the general manager for utilities or their designee, using the procedures prescribed in section 27-180.4(f) of this Ordinance's superseding resolution, the results of this monitoring shall be included in the report.

Sec. 27-180.5. Same—Pretreatment facilities and monitoring equipment.

- (a) Pretreatment facilities and/or monitoring equipment shall be required for any waste that may be harmful to equipment or the wastewater collection system, cause pass through or interference in the wastewater system or cause nuisance, odor, or stoppage problems in the wastewater system. Users shall provide wastewater treatment as necessary to comply with this division and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 27-180.1 within the time limitations specified by the EPA, the Florida Department of Environmental Protection, or the general manager for utilities or ~~his/her~~their designee, whichever is more stringent.

- (b) The general manager for utilities or his/her/their designee may require monitoring equipment including but not limited to flow monitoring and sampling devices.
- (c) The ~~owner~~industrial user shall be responsible for the construction, operation and maintenance of any pretreatment facilities or monitoring equipment required by the general manager for utilities or his/her/their designee. Detailed plans describing such facilities and operating procedures shall be submitted to the general manager for utilities or his/her/their designee for review, and shall be acceptable to the general manager for utilities or his/her/their designee before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facilities as necessary to produce a discharge acceptable to the general manager for utilities or his/her/their designee under the provisions of this section.
- (d) Users shall control production of all discharges to the extent necessary to maintain compliance with discharge standards contained in this division upon reduction, loss, or failure of the user's treatment facility until the facility is restored or an alternative method of treatment is provided.

Sec. 27-180.6. Same—Accidental discharge/slug prevention.

- (a) All industrial users shall provide such facilities and such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the wastewater system. Areas with the potential for release include but are not limited to liquid or raw material storage areas, truck and rail car loading and unloading areas, in-plant transfer or processing and materials handling areas, diked areas or holding ponds.
- (b) The general manager for utilities or his/her/their designee shall evaluate at least every two years whether each significant industrial user needs an accidental discharge/slug control plan and may require any user to develop, submit for approval, and implement such a plan. This plan shall include but is not limited to the following items:
 - (1) Description of discharge practices, including non-routine batch discharges.
 - (2) Description of stored chemicals and containment areas.
 - (3) Procedures for immediately notifying the general manager for utilities or his/her/their designee of any accidental or slug discharge that would constitute a violation of any part of this division with procedures for follow-up written notification within five days as required by the reporting and notification section of this division.
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge.
- (c) The industrial wastewater discharge permit of any industrial user shall be subject on a case by case basis to a special permit condition or requirement for the construction of facilities or the establishment of procedures which will prevent or minimize the potential for accidental/slug discharges. ~~Facilities to~~ To prevent accidental/slug discharges, ~~facilities~~ shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the general manager for utilities or his/her/their designee for approval before the facility is constructed. The review

and approval of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this division.

Sec. 27-180.7. Same—Enforcement.

- (a) Right of Entry: Inspection, and Sampling. The general manager for utilities or ~~his/her~~their designee ~~may~~shall have the right to enter the premises of any industrial user to determine whether the user is complying with all requirements of this section and any industrial wastewater discharge permit. Industrial users shall allow the general manager for utilities or ~~his/her~~their designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination, and copying, and the performance of any additional duties.
- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The City shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (3) The City may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated regularly to ensure their accuracy.
- (4) 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 general manager for utilities or ~~his/her~~their designee and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (5) Unreasonable delays in allowing the general manager for utilities or ~~his/her~~their designee access to the user's premises shall be a violation of this division. The general manager for utilities or ~~his/her~~their designee may remove records for the purposes of copying if copying facilities are not available on the premises.
- (b) Search warrants. If the general manager for utilities or ~~his/her~~their designee has been refused access to the premises and is able to demonstrate probable cause to believe that there may be a violation of sections 27-180 and 27-180.1 through 27-180.7, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the ~~city~~City designed to verify compliance with sections 27-180 and 27-180.1 through 27-180.7 or any industrial wastewater discharge permit or to protect the public health, safety, and welfare of the community, then the general manager for utilities or ~~his/her~~their designee may seek issuance of search warrant from the appropriate court of law.

- (c) *Notification of violation.* Whenever the general manager for utilities or his/her/their designee finds that a user has violated or continues to violate any provision of this division, industrial wastewater discharge permit, compliance schedule, or any order issued in association with this division, the general manager for utilities or his/her/their designee may serve on the user a written notice of violation. Within 15 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention of the violation shall be submitted by the user to the general manager for utilities or his/her/their designee. Nothing in this provision shall be interpreted to require the general manager for utilities or his/her/their designee to issue a notice of violation before taking any action including emergency actions or any other enforcement action.
- (d) *Remedies nonexclusive.* The remedies provided for in this division are not exclusive. Generally, enforcement action procedures will be conducted in accordance with ~~the city~~GRU's industrial pretreatment program ~~enforcement response plan~~Enforcement Response Plan ("enforcement plan") on file in the office of the general manager for utilities or his/her/their designee, incorporated by reference herein, copies of which are available upon request. However, the general manager for utilities or his/her/their designee may take other action against any user when circumstances warrant and may take more than one enforcement action against any user in noncompliance with this section including, but not limited to, action under the provision ~~chapter~~Chapter 2, ~~article~~Article III, ~~division~~Division 8.
- (e) *Publication of users in significant noncompliance.* The general manager for utilities or his/her/their designee shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the city, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
- (1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, for the same pollutant parameter;
 - (2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all the measurements for any pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for conventional pollutants such as, BOD, TSS, total oil and grease; TRC = 1.2 for all other pollutants except %LEL and pH). For %LEL, any reading in excess of the industrial wastewater discharge permit or limit set forth in this division shall be significant noncompliance.
 - (3) Any violation of a pretreatment standard or requirement (daily limit, long term average limit, instantaneous limit, or narrative standard) that the general manager for utilities or his/her/their designee determines has caused, alone or in combination with

other discharges, interference or pass through (including endangering the health of city employees or the general public).

- (4) Any discharge that has resulted in the general manager for utilities or his/her/their designee's exercise of emergency authority (under 62-625.500(2)(a)5.b. F.A.C.) to halt or prevent such a discharge.
 - (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (7) Failure to accurately report noncompliance;
 - (8) Any other violation or group of violations, including a violation of best management practices, which the general manager for utilities or his/her/their designee determines will adversely affect the operation or implementation of the pretreatment program, except when the state department of environmental protection is acting as the control authority.
- (f) *Compliance schedules.* The general manager for utilities or his/her/their designee may issue a compliance schedule to any industrial user that has violated, or continues to violate, any provision of this section or an industrial wastewater discharge permit, directing that the user come into compliance within a specified time. Such schedules shall contain increments of progress in the form of dates for the commencement and completion of major events leading to schedule completion and compliance with documentation being required upon completion of each major event. No increment of progress shall exceed nine months and the time interval between progress reports to the general manager of utilities or his/her/their designee shall not exceed nine months. The user shall submit a progress report to the general manager of utilities or his/her/their designee no later than 14 days following each date in the schedule including the final date of compliance. Progress reports shall include whether or not the user complied with the increment of progress, the reason for any delay, and if appropriate the steps being taken by the user to return to the established compliance schedule. Compliance schedules may also contain other requirements to address the noncompliance including additional self-monitoring and management practices. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities are installed and properly operated. Compliance schedules shall not relieve the user of liability for any violation nor preclude the general manager for utilities or his/her/their designee from taking further action against the user.
- (g) *Liability.* Any user who discharges a substance prohibited by this section shall be responsible for the payment of all costs incurred by the ~~city~~City to stop the discharge, remove the unlawful substance from the wastewater system, and make necessary repairs

to the system. The existence of an affirmative defense as provided herein shall not relieve the user of the obligations in this subsection (g).

- (h) *Fines.* In accordance with Rule 62-625.500(2)(a)5., F.A.C. as amended, a fine of up to \$1,000.00 per violation per day determined in accordance with the enforcement plan shall be assessed against the user for violations of any provision of this section, industrial wastewater discharge permit, compliance schedule, or any order issued in association with this section. Assessment of a fine does not relieve a user of any applicable charges contained in Appendix A, – Schedule of fees, Rates and Charges [Remains unamended, as adopted in the City of Gainesville Code of Ordinances], including excess strength charges.
- (i) *Permit revocation.* Any industrial user who commits the following offenses is subject to having ~~his/her~~their industrial wastewater discharge permit revoked, in accordance with the procedures set forth in this section:
 - (1) Failure of an industrial user to factually report the wastewater constituents and characteristics of ~~his/her~~their discharge;
 - (2) Failure of an industrial user to report changes in operations which significantly affect wastewater constituents and characteristics;
 - (3) Refusal of reasonable access to an industrial user's premises for the purposes of inspection or monitoring; or
 - (4) Violation of conditions of the permit.
- (j) *Enforcement action hearing.* The general manager for utilities or ~~his/her~~their designee may require any user who has violated or is violating this division, an industrial wastewater discharge permit or any prohibition or requirement contained therein, to attend an enforcement action hearing. A notice shall be served on the customer specifying the time and place of the hearing, which will be held by the general manager for utilities or ~~his/her~~their designee, regarding the violation and the proposed enforcement action, and directing the customer to show cause before the general manager for utilities or ~~his/her~~their designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally on the customer or by registered or certified mail (return receipt requested) at least 20 days before the hearing. Service may be made on a duly appointed authorized representative of the user.

At any hearing held pursuant to this section, testimony taken must be under oath and tape-recorded. The transcript so recorded will be made available to any member of the public or any party to the hearing, upon payment of the usual charges therefor.

After the general manager for utilities or ~~his/her~~their designee has reviewed the evidence, ~~he/she~~they may issue an order to the customer responsible for the discharge, directing that following a specified time period sewer service and/or the industrial wastewater discharge permit may be discontinued, unless and until adequate treatment facilities, devices or other related appurtenances shall be installed and are properly operating on existing treatment facilities, devices and other related appurtenances. Further orders and directives as are

necessary and appropriate may also be issued by the general manager for utilities or his/her/their designee.

Any customer aggrieved by an order issued by the general manager for utilities or his/her/their designee may appeal the order to a court of competent jurisdiction within 30 days from the date the order is reduced to writing and delivered by certified or registered mail (return receipt requested) to the user.

- (k) *Injunctive relief.* If any user discharges wastes to the wastewater system contrary to the provisions of this division, federal or state pretreatment requirements, or any order of the general manager for utilities or his/her/their designee, the ~~city~~City attorney may commence any action for appropriate legal and/or equitable relief in the appropriate court.
- (l) *Emergency suspension of service.* The general manager for utilities or his/her/their designee may suspend the wastewater treatment service and/or an industrial wastewater permit when necessary to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the health or welfare of the public or the environment or cause damage or interference to the wastewater system. Any user notified of a need to sever wastewater treatment service and/or suspend the industrial wastewater permit shall immediately stop or eliminate the discharge in question. In the event of a failure of the user to comply voluntarily with a suspension or severance notice, the general manager for utilities or his/her/their designee shall take such steps as deemed necessary to prevent or minimize danger to the health or welfare of the public or the environment or to prevent damage or interference to the wastewater system. Such steps may include immediate severance of the sewer connection and/or suspension of the industrial wastewater permit. The general manager for utilities or his/her/their designee may reinstate wastewater treatment service upon satisfactory demonstration of the elimination of the non-compliant discharge and of adequate measures taken to prevent non-compliant discharges in the future. A detailed written statement submitted by the user describing the causes of the non-compliant discharge and measures taken to prevent a future occurrence shall be submitted to the general manager for utilities or his/her/their designee within 15 days of the date of occurrence.
- (m) *Criminal prosecution.* Criminal violations of this division may subject the user to prosecution under applicable state, federal, and local laws.
- (n) *Affirmative defense.* Affirmative defenses shall be available to an industrial user as provided in F.A.C. 62-625.400(1)(b), 62-625.840 and 62-625.860, which by this reference are incorporated herein.
- (o) *Consent order.* The general manager for utilities or his/her/their designee may enter into a consent order, assurance of compliance, or other similar document establishing an agreement with any user responsible for noncompliance. Such document shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such document shall have the same force and effect as the requirements of section 27-180.7(f) and shall be judicially enforceable.

- (p) *Cease and desist order.* When the general manager for utilities or ~~his/her~~their designee finds that a user has violated, or continues to violate, any part of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the general manager for utilities or ~~his/her~~their designee may issue an order to the user directing it to cease and desist all such violations and directing the user to immediately comply with all requirements and to take such appropriate remedial or preventive action as may be necessary to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not bar, or be a prerequisite for, taking any other action against the user. Such order shall have the same force and effect as the requirements of section 27-180.7(f) and shall be judicially enforceable.

Sec. 27-180.8. Same—Regulation of wastewater received from other jurisdictions.

- (a) *Inter-jurisdictional agreement.* If another municipality or user located within another municipality, contributes wastewater which is transmitted by pipe directly into the ~~City of Gainesville~~City's wastewater collection system, the general manager for utilities or ~~his/her~~their designee shall enter into an inter-jurisdictional agreement with the contributing municipality
- (b) *Contents of inter-jurisdictional agreement.* The inter-jurisdictional agreement shall contain the following:
- (1) A requirement that the contributing municipality adopt a sewer use ordinance which is at least as stringent as this division including wastewater discharge limits and monitoring and reporting requirements.
 - (2) A requirement that the contributing municipality revise its ordinance and wastewater discharge limits as necessary to reflect changes made to the city ordinance or wastewater discharge limits.
 - (3) A requirement that the contributing municipality provide access to all information that the contributing municipality obtains as part of its pretreatment activities including a list of users which is updated at least annually.
 - (4) A provision specifying which pretreatment program activities, including wastewater discharge permit issuance, and inspection, sampling, and enforcement, will be conducted by the contributing municipality, which of these activities will be conducted by the general manager for utilities or ~~his/her~~their designee, and which of these activities will be conducted jointly by the contributing municipality and the general manager for utilities or ~~his/her~~their designee.
 - (5) A provision specifying limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the city wastewater collection system.

- (6) A provision specifying requirements for monitoring the contributing municipality's wastewater discharge.
- (7) A provision ensuring that the general manager for utilities or ~~his/her~~their designee has access to the facility of any user located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the general manager for utilities or ~~his/her~~their designee.
- (8) A provision specifying remedies available for breach of the terms of the inter-jurisdictional agreement. Such provision shall also ensure the right of the general manager for utilities or ~~his/her~~their designee to enforce the terms of the contributing municipality's ordinance or to impose and enforce any applicable pretreatment standards and requirements directly against users within the contributing municipality's jurisdictional boundaries in the event the contributing municipality is unable or unwilling to take such action.

Sec. 27-180.9. Affirmative Defenses to Discharge Violations

(a) Upset

- (1) For the purposes of this section, "upset," means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and the user can identify the cause(s) of the upset;
 - b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - c. The user has submitted the following information to the general manager for utilities or their designee within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 1. A description of the indirect discharge and cause of noncompliance;

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

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

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

(b) Prohibited Discharge Standards

All users shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 27-180-1(a) of this regulation or the specific prohibitions in Sections 27-180.1(b)(1) through 27-180.1(b)(11) of this ordinance's superseding resolution if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either: Yes

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) Bypass

(1) For the purposes of this section:

a. "Bypass" means the intentional diversion of wastewater from any portion of a user's treatment facility.

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

- (2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.
- (3) Bypass Notifications
- a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the general manager for utilities or their designee, at least ten (10) days before the date of the bypass.
- b. A user shall submit oral notice to the general manager for utilities or their designee of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The general manager for utilities or their designee may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (4) Exceptions to Bypass
- a. Bypass is prohibited, and the general manager for utilities or their designee may take an enforcement action against a user for a bypass, unless
1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The user submitted notices as required under paragraph (8) of this section.
- b. The general manager for utilities or their designee may approve an anticipated bypass, after considering its adverse effects, if the general manager for utilities or their designee determines that it will meet the three conditions listed in paragraph (4) of this section.