

ORDINANCE NO. O2011-10

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, AMENDING SECTIONS 19-181; 19208; 19-212; 19-242; 19-281; and 19-283 OF THE CITY OF WILDWOOD CODE; PROVIDING FOR A DEFINITION FOR SIGNIFICANT NONCOMPLIANCE; PROVIDING FOR LOCAL LIMITS FOR METALLIC DISCHARGES; PROVIDING FOR NOTICE TO DIRECTOR OF FACILITY CHANGES THAT COULD AFFECT SLUG DISCHARGES; PROVIDING FOR INDIVIDUAL WASTEWATER PERMITS; PROVIDING FOR REPORTING REQUIREMENTS; PROVIDING FOR RECORD KEEPING; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Wildwood, Florida, is proposing to require as follows:

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

SECTION 1. The definition of significant noncompliance or SNC contained in Section 19-181 is amended as follows (cross throughs (-) shall indicate deletions and underlines () shall indicate additions):

Sec. 19-181. Definitions.

Significant noncompliance or SNC means an SIU shall be in significant noncompliance when any one or more of the following criteria are satisfied:

- (1) Chronic violations of wastewater discharge limits defined here as those in which sixty-six percent (66%) or more of all measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2; ~~when 66 percent or more of the measurements taken during a six-month period exceed (by any magnitude) the maximum limit or average limit (if applicable) for the same pollutant parameter;~~
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2, multiplied by the applicable criteria

~~(1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); when 33 percent or more of the measurements for each pollutant parameter is taken during a six-month period equal or exceed the product of the maximum limit or average limit (if applicable) multiplied by the applicable TRC:~~

- ~~a. For BOD, TSS, Total Oil and Grease, TRC = 1.4 or 40 percent over the limit;~~
- ~~b. for all other pollutants, TRC = 1.2 or 20 percent over the limit;~~

- ~~(3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that [the Superintendent] determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;~~
- ~~(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in [the Superintendent's] exercise of its emergency authority to halt or prevent such a discharge;~~
- ~~(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit [or a general permit] or enforcement order for starting construction, completing construction, or attaining final compliance;~~
- ~~(6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;~~
- ~~(7) Failure to accurately report noncompliance; or~~
- ~~(8) Any other violation(s), which may include a violation of Best Management Practices, which [the Superintendent] determines will adversely affect the operation or implementation of the local pretreatment program.~~

~~When the SIU fails to respond within ten days of receipt of a letter of violation (LOV) issued by the director;~~

- ~~(4) When the SIU fails to accurately report non-compliance;~~
- ~~(5) When the SIU reports false "information";~~
- ~~(6) When the SIU intentionally or negligently violates a permit condition~~

or requirement;

- ~~(7) When the SIU refuses to permit entry to the director or a duly authorized employee for inspection, etc., as specified in this article;~~
- ~~(8) When any violation occurs that the director reasonably believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass through; or endangered the health of the POTW employees or the general public;~~
- ~~(9) When any discharge occurs which causes imminent endangerment to human health, welfare or to the environment or results in the POTW's use of its emergency authority to halt or prevent such a discharge;~~
- ~~(10) When violations of industrial wastewater discharge permit (IWDP) or other required compliance schedules occur such as, but not limited to, failure to start or complete construction, or failure to attain final compliance with the compliance schedule date;~~
- ~~(11) When periodic compliance reports, base-line monitoring reports or other required reports are not received by the director within 30 days after due date; or~~
- ~~(12) When any violation or group of violations occurs which, in the judgment of the director, may reasonably be expected to have a significant adverse impact on the operation or implementation of the pretreatment program, the wastewater treatment system, the quality of sludge, the system's reclaimed water quality or air emissions generated by the system, or has the potential to endanger the POTW employees.~~

SECTION 2. Section 19-208 is amended as follows (cross throughs (-) shall indicate deletions and underlines () shall indicate additions):

Sec. 19-208.- Restricted discharges.

The following substances, materials, waters, or waste shall be limited in discharges to municipal waste systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property, or constitute a nuisance. The city manager may set limitations lower than the limitations established in the regulations listed below, if in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to acceptability, the city manager will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater process employed, capacity of wastewater treatment plant, degree of treatability of the waste in wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste of wastewater discharged to the sanitary sewer are as follows:

- 1) Any substance having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104 degrees Fahrenheit). Unless a higher temperature is allowed under the user's IWDP, no user shall discharge into a sewer line or other appurtenance of the POTW, wastewater with a temperature exceeding 65.5 degrees Celsius (150 degrees Fahrenheit).
- 2) Any substance which is harmful to the wastewater collection or treatment 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 along 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. At no time, shall two successive readings on an explosive 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 may exclude, 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, state, or EPA has notified the user is a fire hazard, a health hazard, or a hazard to the system.
- 3) Wastewater containing more than 100 milligrams per liter of oils, fat or grease or any other combination thereof.
- 4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- 5) All wastewater discharge exceeding local limits for metallic substances.
Local limits shall be set by resolution. The established local limits apply at the point where the wastewater is discharged to the WWF. All concentrations for metallic substances are for total metal unless indicated otherwise. At his or her discretion, the director may impose mass limitations in addition to or in place of the concentration based limitations.

A copy of the approved local limits is available upon requested at the following location: City of Wildwood Wastewater Treatment Plant.

~~Any wastewater discharges exceeding categorical standards or alternatively having an excess of:~~

Parameter	Maximum Limit in Milligrams Per Liter*
silver	4.1
arsenic	1.6

manganese	5.4
lead	8.3
nickel	3.9

zinc	2.4
copper	0.4
cadmium	1.1

total chromium	4.1
selenium	0.4
<p>*All concentrations for metallic substances are for total metals unless otherwise indicated. In the exercise of discretion, the director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.</p>	

- 6) Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the Director.
- 7) Any radioactive or isotopes of such halflife or concentrations as may exceed limits established in compliance with applicable state or federal regulations.

- 8) Quantities of flow, concentration, or both which constitute a "slug" as defined in Section 19-181.
- 9) Waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- 10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form solids which interfere with the collection system, or create a condition deleterious to structures and treatment process.
- 11) Wastewater, which does not constitute normal wastewater as, defined by this ordinance.
- 12) Any substances that include or will cause pass through or interference.

SECTION 3. Section 19-212 is amended as follows (cross throughs (-) shall indicate deletions and underlines () shall indicate additions):

- (1) In order to provide for accurate sampling and measurement of industrial wastes, each designated discharger shall provide and maintain, on each of its industrial waste outlet sewers, a large manhole for sampling, or other devices acceptable to the city to be located outside or near its plant boundary line. If the inside of the plant fence, there shall be a gate near the sampling chamber with a key furnished to the city. There shall be ample room provided in each sampling chamber to enable convenient inspection and sampling by the city or its agent. The sampling port shall be of a design approved by the wastewater director.
- (2) Each sampling chamber shall contain a Parshall flume, accurate weir, or other approved device, with a recording and totalizing register for measurement of the liquid quantity; or the metered water supply to the industrial plant may be used as the liquid quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment can be made in the metered supply to determine the liquid quantity. The measuring, totalizing, recording devices are to be supplied, installed, and maintained by the owner. All wastewater samples must be representative of the User's discharge. Wastewater monitoring flow measurement facilities

shall be properly operated, kept clean, and maintained in good working order at all times. The failure of the User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

SECTION 4. Section 19-242 is amended as follows (cross throughs (-) shall indicate deletions and underlines () shall indicate additions):

Sec. 19-242. Accidental discharge/slug control plans.

- (a) Each user shall provide protection from accidental or slug discharges of prohibited materials of other substances regulated by this article. Facilities to prevent accidental or slug discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense.
- (b) An accidental discharge/slug control plan shall address, at a minimum, the following:
 - (1) Description of discharge practices, including nonroutine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the director of any accidental or slug discharge, as required by section 19-283(f); and
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (c) No user who commences contribution to the POTW after the effective date of this article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city.
- (d) Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article.
- (e) In the case of an accidental or slug discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident and provide written notification within five days of the

accidental or slug discharge. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this division or other applicable law.

- (f) The wastewater director shall evaluate each industrial user at least once every two years to determine if an accidental discharge/slug control plan is required.
- (g) Significant Industrial Users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

SECTION 5. Section 19-281 is amended as follows (cross throughs (-) shall indicate deletions and underlines () shall indicate additions):

Sec. 19-281– Wastewater discharges.

(a) It shall be unlawful for any person to discharge without a city permit to the POTW any wastewater except as authorized by the in accordance with the provisions of this article.

(b) Individual Wastewater Discharge Permit–contents.

An individual wastewater discharge permit, or a general permit, shall include such conditions as are deemed reasonably necessary by the director to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Individual wastewater discharge permits must contain:

- a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- b. A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

- c. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- d. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law;
- e. The process for seeking a waiver from monitoring for pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4.B.;
- f. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law.
- g. Requirements to control Slug Discharge, if determined by the city to be necessary;
- h. Any grant of the monitoring waiver by the city must be included as a condition in the user's permit.

SECTION 6. Section 19-283 is amended as follows (cross throughs (-) shall indicate deletions and underlines () shall indicate additions):

Sec. 19-283. Reporting requirement for permittee.

a) Baseline monitoring reports.

- (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Rule 62-625.410(2)(d), F.A.C., whichever is later, existing industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph (2) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in paragraph (2), below. New sources shall report the method of pretreatment it intends to use to meet applicable pretreatment standards. New source also shall give estimates of the information requested in paragraph (2)(d) and (3) below.

- (2) Industrial users described above shall submit the information set forth below:
- a. Identifying information. The name and address of the facility, including the name of the operator and owner.
 - b. Permits. A list of any pollution control permits held by or for the facility.
 - c. Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications (SIC) codes of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - d. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 62-625.41(6) F.A.C.
 - e. Measurement of pollutants.
 1. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by [the Superintendent]. Where time-proportional composite sampling or grab sampling is authorized by [the City], the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides and the sulfide samples may be composited in the laboratory. Composite samples for other parameters unaffected by the composting procedures as documented in approved EPA methodologies may be authorized by [the City], as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
3. For sampling required in support of a baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12 (b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data are available, [the Superintendent] may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
14. The categorical pretreatment standards applicable to each regulated process.
25. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and all laboratory and analytical reports shall comply with Rule 62-160.670, F.A.C.
36. A minimum of four grab samples must be used for any of these applicable tests: pH, cyanide, total phenols, oil and grease, sulfide, volatile organics, temperature dissolved oxygen, chlorine residual, unionized ammonia, microbiology, specific conductance, and dissolved constituents (e.g. ortho phosphate, etc.). For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority shall waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is

technically infeasible. In such cases, samples shall be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the industrial user demonstrates that this will provide a representative sample of effluent being discharged.

47. The industrial user shall take a minimum of one representative sample to compile that data necessary to comply with these requirements.
58. Samples shall be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the industrial user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of Rule 62-625.410(6), F.A.C., in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Rule 62-625410(6), F.A.C., this adjusted limit, along with supporting data, shall be submitted to the control authority.
69. All activities related to sampling and analysis shall comply with Chapter 62-160, F.A.C., and shall be conducted under the requirements of Rule 62-160.300(5), F.A.C., which is Category 2A.
 - i. Sampling activities and laboratory analyses shall be performed according to procedures specified in "The Department of Environmental Regulation Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-AQ-001/92) September 1992, herein incorporated by reference. Alternately, an organization with the required protocols listed in their department approved comprehensive quality assurance plan may sample and analyze according to the protocols specified in that document.
 - ii. To the extent possible, analytical tests shall be performed in accordance with the techniques prescribed in chapter 62-160, F.A.C. If a test for a specific component is not available in

chapter 62-160, F.A.C., the testing laboratory shall select an alternative method from those listed in DER-QA-001/92 and propose its use to the quality assurance section of the department. The department shall determine if the proposed method is appropriate and applicable for use by the laboratory in accordance with Rule 62-160.530, F.A.C.

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

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

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

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

Certification of Permit Applications, User Reports and Initial Monitoring Waiver— The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4 A-D,

and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4). The following certification statement must be signed and by an Authorized Representative as defined in Section 1.4C:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- g. Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 19-283(b).
 - 1. Where the industrial user's categorical pretreatment standard has been modified by the combined waste stream formula in accordance with Rule 62-625.410(6), F.A.C., a removal credit in accordance with Rule 62-625.420, F.A.C., or a fundamentally different factor variance in accordance with Rule 62-625.700, F.A.C., at the time the industrial user submits the report required by this subsection, the information requested in f. and g. of this subsection shall pertain to the modified limits.
 - 2. If the categorical pretreatment standard is modified by the combined waste stream formula, a removal credit, or a fundamentally different factor variance after the industrial user submits the report required by this subsection, any necessary amendment to the information requested in f. and g. of this subsection shall be submitted by the industrial user to the control authority within 60 days after the modified limit is approved.
 - h. Signature and certification. All baseline monitoring reports must be signed and certified in accordance with section 19-282(b)(14).
- (b) Compliance to schedule progress reports. The following conditions shall

apply to the compliance schedule required by section 19-283(a)(2)g.:

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning on conducting routine operation);
 - (2) No increment referred to above shall exceed nine months;
 - (3) The user shall submit a progress report to the director no later than 14 days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken to return the established schedule; and,
 - (4) In no event shall more than nine months elapse between such progress reports to the director.
- (c) Reports on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in section 19-283(a)(2)d. through f. For users subject to equivalent mass or concentration limits established in accordance with procedures in [Rule] 62-625.410(4) [F.A.C.], this 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. All compliance reports must be signed and certified in accordance with section 19-282(b)(14).
- (d) Periodic compliance reports.
- (1) All significant industrial users shall, at a frequency determined by the director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. The city may require more detailed reporting of flows if necessary to comply with the requirements of this article. All periodic compliance reports must be signed and certified in accordance with section 19-282(b)(14).
 - (2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good

working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- (3) If a user subject to the reporting requirements in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in section 19-283(k), the results of this monitoring shall be included in the report.
- (e) Reports of changed conditions. Each user must notify the director 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 30 days before the change.
- (1) The director may require the user submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 12-282(b).
 - (2) The director may issue a wastewater discharge permit under section 19-282 or modify an existing wastewater discharge permit under section 19-282(c) in response to changed conditions or anticipated changed conditions.
 - (3) For purposes of this requirement, significant changed include, but are not limited to, flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants.
- (f) Reports of potential problems.
- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
 - (2) Within five days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, 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 article.
 - (3) A notice shall be permanently posted on the user's bulletin board or other permanent place advising employees whom to call in the event of a discharge described in subsection (1) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification

procedure.

- (g) Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the director as the director may require.
- (h) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within 30 days after becoming aware of the violation. The user is not required to resample if the director monitors at the user's facility at least once a month, or if the director samples between the user's initial sampling and when the user receives the results of this sampling.
- (i) Notification of discharge hazardous waste.
 - (1) The industrial user shall notify the control authority and the department's hazardous waste and pretreatment authorities in writing of any discharge into the WWF of a substance, which, if otherwise disposed of, would be hazardous waste under Chapter 62-730, F.A.C. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the WWF, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. Industrial users who commence discharging after the effective date of this article shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under subsection (e) above. The notification requirement of this section does not apply to pollutants already reported under the self-monitoring requirements of subsections (a), (c) and (d) of this section.
 - (2) Discharges are exempt from the requirements of subsection (1) above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in chapter 62-730, F.A.C., requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

- (3) In the case of any new department regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the control authority and the department's hazardous waste and pretreatment authorities of the discharge of such substance within 90 days of the effective date of such regulations.
 - (4) In the case of any notification made under this subsection, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
 - (5) This provision does not create a right to discharge any substance not permitted to be discharged by this ordinance, a permit issued thereunder, or applicable federal or state law.
- (j) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in Rule 62-160, F.A.C., unless otherwise specified in an applicable categorical pretreatment standard. If Rule 62-160, F.A.C. does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
- (k) Sample collection.
- (1) Except as indicated in subsection (2), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
 - (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (l) Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall be given.
- (m) Record keeping.
- (1) Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of such requirements, and documentation associated with Best Management Practices established under Section 2.4C. Records shall include the date,

exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the city, or where the user has been specifically notified of a longer retention period by the city. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director.

- (2) Except as indicated in Sections b and c below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time-proportional composite sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24 hour period may be composited prior to the 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. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (3) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (4) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling

data do not exist; for facilities for which historical sampling data are available, the city may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

SECTION 7. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION 8. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 9. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ORDAINED this 13th day of September, 2011, by the City Commission of the City of Wildwood, Florida.

SEAL

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

ATTEST: Joseph Jacobs
Joseph Jacobs, City Clerk

Ed Wolf Mayor Pro Tem
Ed Wolf, Mayor

First Reading: August 22, 2011
Second Reading: September 13, 2011

Approved as to form:

Jerril A. Blair
Jerril A. Blair, City Attorney

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