

**ORDINANCE NO. O2013-05**

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, REPEALING ARTICLE V OF CHAPTER 19 OF THE CITY OF WILDWOOD'S CODE OF ORDINANCES IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE V, CHAPTER 19; PERTAINING TO SEWER USE; PERTAINING TO DEFINITIONS; PERTAINING TO ABBREVIATIONS; PERTAINING TO DIRECTOR; PERTAINING TO PURPOSE AND POLICY; PERTAINING TO USE OF PUBLIC SEWERS; PERTAINING TO PRIVATE WASTEWATER DISPOSAL; PERTAINING TO SEWERS AND CONNECTIONS; PERTAINING TO DAMAGE; PERTAINING TO POWERS AND AUTHORITY OF INSPECTORS; PERTAINING TO AUTHORITY TO DISCONNECT SERVICE; PERTAINING TO LEGAL REMEDIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, The City wishes to amend Article V, Chapter 19 of the Code of Ordinances in order to be in compliance with requirements of the Florida Department of Environmental Protection.

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

SECTION 1. Article V, Chapter 19 of the City of Wildwood Code of Ordinances is hereby repealed in its entirety. This includes Divisions 1, 2, 3, 4, 5, 6, and 7 of Article V of Chapter 19 of the City of Wildwood Code of Ordinances and those portions codified into Article V included in Sections 1.1, 1.2, 1.3, 2, 4, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.12, 7, 8.1, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 10.1, 10.2, 10.3, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, Ordinance number 188, which became effective August 24, 1987; Ordinance number 210, which became effective January 8, 1996; Section 1, Ordinance 249, which became effective January 25, 1993; Section 1, Ordinance number 273, which became effective January 23, 1995; Section 1, Ordinance number 279, which became effective August 28, 1995; Sections 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20 and 21, Ordinance number 324, which became effective August 10, 1998; Ordinance number 339, which became effective April 26, 1999; and Section 1, Ordinance number 373, which became effective December 11, 2000.

SECTION 2. Article V, Chapter 19 of the City of Wildwood Code of Ordinances attached hereto, is adopted in its entirety.

SECTION 3. The remainder of Chapter 19 remains in full force and effect.

Return To: City of Wildwood  
100 N Main Street  
Wildwood, FL 34785

SECTION 4. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION 5. 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 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

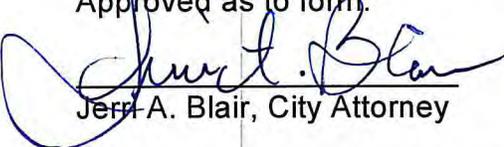
PASSED AND ORDAINED this 25<sup>th</sup> day of February, 2013, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

  
Ed Wolf, Mayor

  
ATTEST:   
Joseph Jacobs, City Clerk

First Reading: February 11, 2013  
Second Reading: February 25, 2013

Approved as to form:  
  
Jerr A. Blair, City Attorney

**ARTICLE V.  
SEWER USE  
DIVISION 1.**

**GENERAL Sec. 19-181. Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. The singular shall include the plural where indicated by the context.

*Act or the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.S.C. 1251 et seq.).

*Approval authority* means the director in an NPDES state with an approved state pre-treatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

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

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

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

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

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

*Best Management practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 19-207 and 19-208. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

*Building drain* means that part of the piping of a building which collects wastewater inside the walls of the building and conveys it to outside the building wall.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal, also called "house connection."

*Categorical industrial user* means an Industrial User subject to a categorical Pretreatment Standard or categorical standard.

*Categorical standards* means national categorical pretreatment standards or pretreatment standard.

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

*City* means the City of Wildwood or the city commission of the city.

*City commission* means the duly elected officials of the city.

*City manager* means the person designated by the city commission to administer all city activities.

*Control authority* means the "approval authority," defined in this section, or the Director if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

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

*Customer* means every person who is responsible for contracting (expressly or implicitly) with the city in obtaining, having or using sewer connections with, or sewer taps to, the sewer system of the city and in obtaining, having, or using water and other related services furnished by the city for the purpose of disposing of wastewater and sewage through such system. The word "customer" includes the occupants of each unit of a multiple-family dwelling unit building as a separate and distinct customer.

*Daily maximum* means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

*Direct discharge* means the discharge of treated or untreated wastewater directly to the waters of the state.

*Director* means director of the POTW.

*Easement* means an acquired legal right for the specific use of land owned by others.

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

*Excess strength wastewater* means wastewater containing constituents whose parameters are in excess of normal wastewater.

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

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

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

*Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

*Grab sample* means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

*Health officer* means the county environmental health director.

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

*Indirect discharge* means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307 (b) or (c) of the Act (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

*Industrial user* means a source of indirect discharge.

*Industrial wastes* means the wastewater from industrial processes as distinct from normal wastewater.

*Infiltration/Inflow* means groundwater and surface water which leaks into the sewers through cracked pipes, joints, manholes or other openings.

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

*Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste

Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act and any state laws which reflect the same or similar subject matter as these federal laws.

*Local Limit* means specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

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

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

*National pollution discharge elimination system or NPDES permit* means a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

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

*Natural outlet* means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

*New source* means:

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

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

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new

building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

a) Begun, or caused to begin, as part of a continuous onsite construction program:

i) Any placement, assembly, or installation of facilities or equipment; or

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

or

b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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

*Normal wastewater* means wastewater discharged into the sanitary sewers in which the average concentration of total suspended solids and BOD is not more than 250 mg/l, total phosphorus is not more than 15 mg/l, total nitrogen is not more than 30 mg/l; COD is not more than 450 mg/l; TSS is not more than 250 mg/l; and a pH range of 6.5 to 8.0 and for which total flow is not more than 25,000 gallons per day.

*Pass through* means a discharge which exits the POTW to a water of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from all other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation); or wastewater constituent which is not adequately treated by the treatment process resulting in its discharge to the receiving environment.

*Person* means any individual, partnership, co-partnership, firm, company, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

*pH* means a measure of the acidity or alkalinity of a solution, expressed in standard units.

*Pit privy* means a shored, vertical pit in the earth completely covered with a flytight slab on which is securely located a flytight riser covered with a hinged flytight seat and lid.

*Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharge into water.

*Pollution* means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

*POTW treatment plant* means that portion of the POTW designed to provide treatment to wastewater.

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes or other means, except as prohibited Rule 62-625.410(5), FAC.

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

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

*Prohibited discharge standards or prohibited discharges* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 19-207.

*Properly shredded* means the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

*Public sewer* means a common sewer controlled by a governmental agency or public utility.

*Publicly owned treatment works (POTW)* means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

*Sanitary sewer* means a sewer that carries liquid and water-carried wastes from residences, commercial building, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

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

- (1) A sewer line constructed with soldered pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out; and
- (2) A subsurface system of trenches, piping and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.

*Sewage* means the spent water of a community. The equivalent term is "wastewater,"

as defined in this section.

*Sewer means* a pipe or conduit that carries wastewater.

*Significant industrial user (SIU)* means any industrial user of the city's wastewater disposal system who is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
  - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater);
  - (b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

*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 ;
- (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 in 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);
- (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 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.

*Significant violation* means any violation or group of violations of an industrial user's IWDP which establishes significant noncompliance.

*Slug* means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentrations of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater facilities.

*Spill containment plan* means a detailed plan showing facilities and operating procedures to provide protection from accidental discharge.

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

*Storm drain*, sometimes termed *storm sewer*, means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

*Stormwater* means any flow occurring during or following any form of natural precipitation and resulting therefrom.

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

*Total nitrogen (TN)* means TKN + nitrate/nitrite.

*Total toxic organics (TTO)* means the summation of all quantifiable values, greater than 0.01 mg/l, of toxic organic substances identified by the EPA for electroplating point source categories listed in 40 CFR 413.02(i) and for metal finishing subcategories listed in 40 CFR 433.11(e), or identified in any equivalent state law.

*Toxic pollutant* means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency (EPA) under the provision of CWA 307(1) or other acts.

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

*User* means any person who contributes, causes or permits the contribution of wastewater into the city POTW.

*Wastewater* means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.

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

*Watercourse* means a natural or artificial channel for the passage of water either continuously or intermittently.

*Waters of the state* means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion. (Ord. No. 188, § 1.2, 8-24-87; Ord. No. 273, § 1, 1-23-95; Ord. No. 279, § 1, 8-28-95; Ord. No. 324, § 1, 8-10-98; Ord. No. 339, 4-26-99) Cross reference-Definitions and rules of construction generally, § 1-2.

#### **Sec. 19-182. Abbreviations.**

The following abbreviations shall have the designated meanings:

BOD, biochemical oxygen demand.

CA, city attorney.

CFR, Code of Federal Regulations.

CIVIL ACTION, civil litigation against a user seeking equitable relief, monetary penalties and actual damages.

COD, chemical oxygen demand.

CRIMINAL ACTION, pursuing punitive measures against an individual and/or organization through a court of law.

D, waste water director.

EPA, United States Environmental Protection Agency. FDEP, Florida Department of Environmental Protection.

FINE, monetary penalty assessed by the city.

I, inspector (environmental specialist).

IWDP, industrial wastewater discharge permit.

l, liter.

LATE FEE, monetary penalty imposed for late reporting.

LOV, letter of violation.

MG, milligrams.

MG/l, milligrams per liter.

NOSNC, notice of significant noncompliance.

NPDES, national pollutant discharge elimination system.

POTW, publicly owned treatment works.

PUBLICATION, publication in the annual list of significant violators.

SIC, standard industrial classification.

SIU, significant industrial user.

SNC, significant noncompliance.

SWDA, Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)

TSS, total suspended solids.

USC, United States Code.

(Ord. No. 188, § 1.3, 8-24-87; Ord. No. 273, § 1, 1-23-95; Ord. No. 279, § 1, 8-28-95)

#### **Sec. 19-182.1. Director.**

(a) *Director and/or Authorized Staff.* The director shall be responsible for the administration and enforcement of all sections of this division and shall be responsible for the operation of the POTW.

(b) *Records.* The director shall keep all records required under this division including records of all IWDPs as required by applicable state and federal regulations.

(c) *Public participation requirements.* The director shall comply with all applicable public participation requirements of section 101(e) of the Act and 40 CFR Part 25, in the enforcement of national categorical pretreatment standards.

(d) *Public notice.* The director shall provide individual notice and opportunity to comment to persons or groups who request in writing notification of local limits development.

(e) *Public notification.* The director shall annually publish in the largest daily newspaper of general circulation within the county a list of the SIUs identified as being in significant noncompliance with applicable pretreatment requirements or standards at least once during the previous calendar year. The notification shall also summarize any enforcement actions taken against the SIUs during the same 12 months.

(Ord. No. 273, § 1, 1-23-95; Ord. No. 279, § 1, 8-28-95)

#### **Sec. 19-183. Purpose and Policy.**

(a) This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977

and the general pretreatment regulations (Rule 62-625, FAC). The objectives of this article are:

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.

(3) To protect the general public and wastewater facility personnel.

(4) To improve the opportunity to recycle and reclaim wastewaters and sludge from the system.

(5) To provide for equitable distribution of the cost of the municipal wastewater system.

(6) To enable the wastewater facility to comply with its FDEP wastewater facility permit conditions, residuals use and disposal requirements and any other federal or state laws.

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

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

(Ord. No. 188, § 1.1, 8-24-87; Ord. No. 273, § 1, 1-23-95; Ord. No. 279, § 1, 8-28-95; Ord. No. 324, § 2, 8-10-98)

#### **Sec. 19-184. Use of public sewers required.**

(a) All premises shall be provided, by the owner thereof, with at least one toilet. All toilets shall be kept clean and in a sanitary working condition.

(b) No person shall dispose of human excrement except in a toilet.

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

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

(e) The owner of all houses, buildings, or properties used for human occupancy,

employment, recreation, or other purposes situated within the city jurisdiction and abutting on any street, alley, or right-of-way in which there is not located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein.

(f) All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer; provided, that where no sewer is available, septic tanks or other private subsurface disposal facilities, approved in accordance with all applicable laws, may be used.

(g) The customer shall be notified when the sewer is available.

(1) Sewage shall be considered available to an existing single-family dwelling when the dwelling can be connected by gravity flow to a line in any public right-of-way or easement which passes the property at any point.

(2) Sewage shall be considered available to any new single-family dwelling when the dwelling can be connected by the installation of 200 linear feet of gravity flow line from the nearest point of the property.

(h) Even if the sewer system is available, if the City has executed a contract that allows continued use of a properly operating existing septic tank, as long as the terms of the contract are met and the existing septic tank is providing adequate disposal, the terms of the contract will apply.

(i) Sewer charges shall be in effect upon notification of the availability of sewer service.

(Ord. No. 188, § 2, 8-24-87; Ord. No. 273, § 1, 1-23-95; Ord. No. 279, § 1, 8-28-95)

**Sec. 19-185. Private wastewater disposal.**

(a) Where a public sanitary sewer is not available under the provisions of section 19-184, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section. No person shall construct a septic tank or other wastewater disposal facility without prior approval from the city manager's office. The availability of sewer is defined in section 19-184.

(b) Septic tanks shall be constructed, repaired, altered, enlarged and maintained in accordance with plans and specifications approved by the county health officer.

(c) No person shall construct, repair, alter or enlarge any septic tank unless he receives approval by the wastewater director and shall hold a valid permit for such work issued by the county health officer.

(d) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all regulations of the state department of environmental protection and all other applicable regulations. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) No septic tank or other subsurface disposal facility shall be installed where a public sewer is accessible to the premises involved.

(f) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 30 days if the property is located within the city and 120 days if the Property is located outside of the city after notice and no further connection or interconnection With such previously used facility shall be allowed. Even if the sewer system is available, if the City has executed a contract that allows continued use of a properly operating existing septic tank, as long as the terms of the contract are met and the existing septic tank is providing adequate disposal, the terms of the contract will apply.

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

(h) Every flush toilet shall be connected to a public sewer where available or to a septic tank. Flush toilets shall be provided at all times, with sufficient running water under pressure to flush the toilet clean after each use.

(i) No pit privy shall be installed.

(j) Discharge of septic tanks into sewer system.

(1) Restricted. It shall be unlawful to empty, dump, throw or otherwise discharge, into any manhole, catch basin or other opening, into the city sewer system, or any system connected with and discharging into the sewer system, the contents of any septic tank, sludge, sewage or other similar matter or material, except as provided in paragraph (2).

(2) Permits. The director is hereby authorized to grant permits to discharge the contents of septic tanks (from domestic sources only) at locations specified by him and under his supervision. Such permits may be revoked at any time if, in the opinion of the director, continued dumping of such matter into the sewers will be injurious to the sewer system or treatment processes.

(3) Charges. A charge shall be made for the privilege of dumping contents of septic tanks, as provided in separate rules. A record shall be kept of such dumping and statements shall be payable within ten days after rendition. Failure to pay the amounts due within such ten-day period shall be cause for revoking the permit.

(k) Any premises that have a septic tank, privy or any other sewage, industrial waste, or liquid waste disposal system, located thereon that does not function in a sanitary manner shall be corrected within 30 days from the receipt of written notification from the director that the system is not functioning in a sanitary manner, and order that the system be corrected.

(l) Premises with private water systems shall not be connected with the public sewage system unless approved by the director,

(m) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the county health officer or director. (Ord. No. 188, § 3, 8-24-87; Ord. No. 273, § 1, 1-23-95; Ord. No. 279, § 1, 8-28-95)

**Sec. 19-186. Building sewers and connections.**

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

(b) *Application fee.* The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director. A permit and inspection fee as specified elsewhere shall be paid at the time the application is filed.

(c) *Costs indemnification.* All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) *Separate buildings.* A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building. However, additional connection fees may be required. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(e) *Old building sewers.* Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the director and community development department, to meet all requirements of this article.

(f) *Construction.* The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in construction shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(g) *Elevation flow of sewage.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(h) *Surface runoff, groundwater.* No person shall make connection of roof downspouts, foundation drains, areaway drains, air conditioner condensation lines, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved for purposes of disposal of polluted surface drainage.

(i) *Excavations guarded.* All excavations for building sewer installations shall be adequately guarded with barricades and lights in compliance with all OSHA requirements so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(j) *Sewer availability costs.* The city commission will define the availability of sewers and costs associated with sewer permits or construction.

(k) *Manner of connection.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

(l) *Infiltration, inflow.* If any customer sewer connection permits entrance of infiltration or inflow, the director may:

(i) Require the owner to repair the sewer.

(ii) Charge the owner a sewer rate that reflects the additional cost of sewage treatment from the owner's property.

(iii) Require the owner to disconnect his sewer from the city's sewer system.

(m) *Sewer service unavailable.* Where sewer service is unavailable, all cost associated with permit, construction and extension shall be the responsibility of the permitting applicant.

(Ord. No. 188, § 4, 8-24-87; Ord. No. 273, § 1, 1-23-95; Ord. No. 279, § 1, 8-28-95; Ord. No. 324, § 3, 8-10-98)

#### **Sec. 19-187. Malicious damage.**

(a) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities.

(b) Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and/or other appropriate charge and shall be responsible for any loss of revenue or monetary expenditures needed for repairs brought about by their actions and for any fines or penalties imposed upon the city arising from such damage.

(c) The city shall be entitled to attorney's fees and costs in any action or proceeding brought to enforce this provision or to recover damages caused by a violation of this article. (Ord. No. 188, §6, 8-24-87; Ord. No. 273, § 1, 1-23-95; Ord. No. 279 §1, 8-28-95) Cross reference--Offenses and miscellaneous provisions, Ch. 13.

#### **Sec. 19-188. Powers and authority of inspectors.**

(a) Duly authorized employees of the city bearing proper credentials and identification shall be admitted with permission from proper authorities to all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the sewer system in accordance with the provisions of the article.

(b) While performing the necessary work on private properties referred to herein, the authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury

or death to the employees. The city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this article.

(c) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sample, repair, and maintenance of any portion of the wastewater facilities lying within such easement. All entry and subsequent work, if any, on such easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 188, § 7, 8-24-87; Ord. No. 273, § 1, 1-23-95; Ord. No. 279, § 1, 8-28-95)

### **Sec. 19-189. Authority to disconnect service.**

The city reserves the right to terminate water and wastewater disposal services and disconnect a customer from the system when:

- (1) Acids or chemicals damaging to the sewer lines or treatment process are released into the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
- (2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into the environment, and it is found that the customer is delivering wastewater to the city's system that is not sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or
- (3) The customer:
  - a. Discharges industrial waste or wastewater that is in violation of the permit issued by city;
  - b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment systems;
  - c. Fails to pay monthly bills for water and sanitary sewer services when due;
  - d. Repeats a discharge of prohibited wastes into public sewers; or
  - e. Fails to apply for and obtain proper permits. (Ord. No. 188, § 11, 8-24-87; Ord. No. 273, § 1, 1-23-95; Ord. No. 279, § 1, 8-28-95; Ord. No. 324, § 4, 8-10-98)

### **Sec. 19-190. Legal remedy.**

In the event the city is required to disconnect service because of discharging by a customer or user into the POTW of any substance causing damage to the POTW including, but not limited to, any acids or chemicals damaging the sewer lines or treatment process; any substances which have caused the effluent from the wastewater treatment plant to no longer be of a quality permitted for discharge into the environment; any discharge, industrial waste or wastewater that is in violation of the permit issued by the city; any discharges of wastewater at an uncontrolled, variable rate in sufficient

quantity to cause an imbalance in the wastewater treatment system; or any discharge of prohibited waste, which results in any fines or penalties being assessed against the city, the city shall have the right to collect from the user or customer the cost of repair of any damage to the system caused by the materials which led to the disconnection. The city shall also be entitled to recover any fine or penalty assessed against the city assessed against the city as a result of the discharge by any regulatory agency with jurisdiction from the customer causing the discharge. If the city is forced to file an action to enforce these provisions the city shall be entitled to reasonable attorney's fees and costs. (Ord. No. 273, § 1, 1-23-95; Ord. No. 279, § 1, 8-28-95; Ord. No. 324, § 5, 8-10-98)

Secs. 19-191-19-205. Reserved.

## **DIVISION 2.**

### **RESTRICTED USE OF PUBLIC SEWERS**

#### **Sec. 19-206. Unpolluted waters.**

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer. (Ord. No. 188, § 5.1, 8-24-87; Ord. No. 273, § 1, 1-23-95; Ord. No. 279, § 1, 8-28-95)

#### **Sec. 19-207. Prohibited discharges generally.**

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

(1) Any substances which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or its operation. In no case shall pollutants or wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), as determined by the test methods specified in 40 CFR 261.21, be discharged to the POTW. 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. Prohibited materials 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 constitute a fire hazard or a hazard to the system.

(2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injury or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(3) Pollutants which will cause corrosion or structural damage to the treatment works, but in no cases discharges with a pH lower than 6.5 or higher than 8.0 be allowed, unless the works is specifically designed to accommodate such discharge.

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

(5) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through. (Ord. No. 188, § 5.2, 8-24-87; Ord. No. 249, § 1, 1-25-93; Ord. No. 273, § 1, 1-23-95; Ord. No. 279, § 1, 8-28-95; Ord. No. 324, § 6, 8-10-98)

**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 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, keytones, 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 W WF. 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.

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 half-life 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.

#### **Sec. 19-210. Interceptors.**

(a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the director they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the director. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

(b) If any person fails to comply with this section and said failure results in damage to the city system, the city shall be entitled to recover the cost of repair of the system from said person and any fines or penalties assessed against the city as a result of such failure.

(c) In any action brought by the city to enforce this section, the city shall be entitled to reasonable attorney's fees and costs.

### **Sec. 19-212. Significant Industrial Users.**

All significant industrial users discharging to the city sewer system shall comply with the following:

(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 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.

### **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 non-routine 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 must 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.

#### **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 City and director 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 19-281(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 plants 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. 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.
- f. Requirements to control Slug Discharge, if determined by the city to be necessary;

**Section 19-282(b). Permit application.**

Users required to obtain a wastewater contribution permit shall complete and file with the city an application in the form prescribed by the city and accompanied by a fee as set by the city from time to time. New users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from the address).
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in division 2 of this article as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures contained in Rule 62-160, F.A.C., as amended.
- (4) Time and duration of contribution.
- (5) Average daily peak wastewater flow rates, including daily, monthly and seasonal variations if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - a. The schedule shall contain increments of progress in the form of dates for the commencement of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

b. No increment referred to in paragraph a. shall exceed nine months.

c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, at a minimum, whether or not it complied with the increment of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the director.

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

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

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

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

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

(15) All 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 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."

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

### **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 wastestream 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.

4. The categorical pretreatment standards applicable to each regulated process.
5. 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.
6. 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, uni-ionized ammonia, microbiology, specific conductance, and dissolved constituents (e.g. ortho phosphate, etc.). For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority shall waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is technically infeasible. In such cases, samples shall be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the industrial user demonstrates that this will provide a representative sample of effluent being discharged.
7. The industrial user shall take a minimum of one representative sample to compile that data necessary to comply with these requirements.
8. 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.

9. 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.
10. 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.
11. 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. **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 needs to 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
- (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 19-291. Penalties.**

a) *Article violations.* Any person who is found to have violated any provision of this article or any condition of IWDP's issued hereunder, shall be, upon conviction, subject to penalty in an amount not to exceed the maximum amount permissible by law or at least \$1,000.00 or by imprisonment for not more than six months, or by both, for each offense. Each separate violation shall constitute a separate offense, and upon conviction of a specified ordinance violation, each day of violation shall constitute a separate violation. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this division or the orders, rules, regulations, and IWDPs issued hereunder.

b) *Falsifying information.* Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or IWDP, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be subject to a penalty of at least \$1,000.00 or by imprisonment for not more than six months, or by both. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.