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ORDINANCE NO. O2022-1

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA, AMENDING SECTIONS 19-183 - PURPOSE AND POLICY AND 19-207 - PROHIBITED DISCHARGES GENERALLY (CHAPTER 19- UTILITIES, ARTICLE V - SEWER USE); PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Purpose.

This article amends, restates, supersedes and replaces the current Sections 19-183 and 19-207 of the Wildwood Code of Ordinances (Chapter 19; Article V) to conform the same to comply with certain federal and state regulations.

Section 2. Findings.

The City Commission finds that Sections 19-183 and 19-207 of the Code of Ordinances should be amended to better comply with relevant federal and state regulations. The City Commission finds that the adoption of this amendment will bring certain pretreatment standards and reporting and recordkeeping requirements into harmony with said regulations.

Section 3. Amendment.

The City Commission adopts in full the amended and revised language of Sections 19-183 and 19-207 of the Code of Ordinances as follows:

See Attachment "A"

Section 4. Conflict.

Any existing ordinance of the City of Wildwood, or portions thereof, in conflict with the terms of this ordinance are hereby repealed.

Section 5. Severability

If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared unconstitutional, inoperative, or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to

have been the Commission's intent to pass this Ordinance without such unconstitutional, invalid, or inoperative part therein.

Section 6. Effective date.

This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ORDAINED this 24th day of January, 2022, by the City Commission of the City of Wildwood, Florida.

SEAL

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

ATTEST:



Susan Patterson, City Clerk



Ed Wolf, Mayor

First Reading:

1.10.2022

Second Reading:

1.24.2022

Approved as to form:



City Attorney

Attachment "A"

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

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director shall administer, implement, and enforce the provisions of this article.

(d) Requirements for dental facilities that remove or place amalgam fillings.

(1) Definitions. For the purposes of this section the following words and phrases shall be as defined herein.

a. "Amalgam separator" is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

b. "Amalgam waste" means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

c. "ANSI/ADA Standard No. 108" is the American National Standards Institute and American Dentistry association standard for amalgam separators.

d. "Existing Source" is any facility subject to this Section whose first discharge to the sewer collection system occurred on or before July 14, 2017.

e. "ISO 11143" is the international Organization for Standardization's standard for amalgam separators.

f. "New Source" is any facility subject to this Section whose first discharge to the sewer system occurs after July 14, 2017 and must comply immediately upon commencement of discharge.

(2) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:

a. For existing sources, the One-Time Compliance Report is due no later than October 12, 2020 or no later than 90 days after transfer of ownership.

- b. For new sources, the One-Time Compliance Report is due within 90 days of the start of discharge to the sewer collection system.

 - c. No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.

 - d. Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury containing material and fixer-containing solutions and shall maintain training records that shall be available for inspection by the superintendent or designee during normal business hours.

 - e. Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.

 - f. Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.

 - g. The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.
- (3) All owners and operators of dental vacuum suction systems, except as set forth in subsections (4) and (5) of this section, shall comply with the following:
- a. An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system on or before July 14, 2020; provided, however, that all dental facilities that are newly constructed on and after the effective date of this ordinance shall include an installed ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator device. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO certified.

b. Proof of certification and installation records shall be submitted to the superintendent within 30 days of installation.

c. Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request therefor by the superintendent or designee during normal business hours. Records shall be maintained for a minimum of three years.

(4) Facilities with vacuum suction systems that meet all the following conditions may apply to the superintendent for an exemption to the requirements of subsection (3) of this section:

a. The system is a dry vacuum pump system with an air-water separator.

b. The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.

c. Evidence of regular pump outs by a licensed hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the superintendent during normal business hours.

d. The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An owner or operator whose facility meets conditions a. through d. may apply for this exemption by written letter to the superintendent. The superintendent or designee will review the system and, if the exemption is approved, shall provide a written letter of exemption.

An exemption obtained pursuant to this subsection (4) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection (3) of this section before commencing further operation.

(5) Dental dischargers that exclusively practice one or more of the following specialties

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are not subject to the requirements of this section: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.

(6) Dental practices that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, are exempt from the requirements of this part, provided the dental practice:

a. Submits the following statement to the City, signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline identified in Section 19-183(d)(2):

"This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(1) of the above named dental facility, and 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.";

b. Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances, less than ten (10) times per year and as no more than 1% of dental procedures; and

c. The dental practice notifies the City of any changes affecting the applicability of this certification.

(8) Disposal of hauled waste from dental facilities to the sanitary sewer is prohibited in accordance with Section 19-207(c)(2).

(9) Dental dischargers that fail to comply with this section will be considered significant industrial users, and will be subject to the requirements herein, including the

compliance monitoring, reporting requirements, and enforcement remedies identified in Sections 19-210, 19-211 and 19-215, respectively.

Sec. 19-207. - Prohibited discharges generally.

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

(a) Definitions. For the purposes of this section the following words and phrases shall be as defined herein.

(1) "Hazardous waste pharmaceutical" is a pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations (40 CFR) section 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C or is listed in 40 CFR part 261 subpart D.

(2) "Healthcare facility" means any person that is lawfully authorized to:

a. Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or

b. Distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

Healthcare facility does not include pharmaceutical manufacturers.

(3) "Pharmaceutical" means any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette

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

- (4) "Reverse distributor" means any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

(b) General Prohibitions. 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

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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.

(c) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Any hazardous waste pharmaceuticals from healthcare facilities and reverse distributors.
- (2) Hauled waste from dental facilities.