

## **ORDINANCE 20- 19**

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING ARTICLE IV OF SAID CODE; PROVIDING FOR IMPLEMENTATION OF FEDERAL STANDARDS INCLUDING THOSE RELATED TO DENTAL FACILITIES AND PHARMACEUTICALS; PROVIDING FOR OTHER MODIFICATIONS FOR CLARITY AND CONSISTENCY; PROVIDING FOR ADMINISTRATION OF THE ORDINANCE; PROVIDING FOR SEVERABILITY AND AREAS EMBRACED; PROVIDING FOR FILING, CODIFICATION, AND EFFECTIVE DATE.

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, Florida is empowered to manage, operate, and control a wastewater collection, transmission, treatment, and disposal system; to require industrial surcharges and pretreatment; to charge connection fees; and to require and regulate connection to such wastewater system, pursuant to Section 153, Florida Statutes, and the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq. (“the Act”); and

WHEREAS, the County operates regional sewage treatment facilities in accordance with Federal law, State law, other applicable authorities and existing or future interlocal agreements; and

WHEREAS, revisions to the Ordinance include necessary updates regarding permit requirements for non-domestic waste users and ensure Pinellas County has proper legal authority to implement new regulations in the Dental Amalgam Rule and Pharmaceutical Hazardous Waste Ban, pursuant to the Act and Florida regulations;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

SECTION 1. Article IV of the Pinellas County Code is hereby amended to read as follows:

### **ARTICLE IV. - COUNTY SEWER SYSTEM**

#### **DIVISION 1. - IN GENERAL**

**Sec. 126-276. - Abbreviations and definitions.**

The following abbreviations, when used in this article, shall have the designated meanings:

BMP—Best Management Practices.

BOD—Biochemical Oxygen Demand.

CFR—Code of Federal Regulations.

CIU—Categorical Industrial User.

COD—Chemical Oxygen Demand.

EPA—U.S. Environmental Protection Agency.

FAC—Florida Administrative Code.

FDEP—Florida Department of Environmental Protection.

FS – Florida Statutes.

g.p.d.—Gallons Per Day.

mg/l—Milligrams Per Liter.

NAICS – North American Industry Classification System.

NPDES—National Pollutant Discharge Elimination System.

POTW—Publicly Owned Treatment Works (a.k.a. WWF).

RCRA—Resource Conservation and Recovery Act.

SIC—Standard Industrial Classification.

SIU—Significant Industrial User.

TRC—Technical Review Criteria.

TSS—Total Suspended Solids.

TTO—Total Toxic Organics.

U.S.C.—United States Code.

WRF—Wastewater Reclamation Facility

WWF—Wastewater Facility.

The following words, terms and phrases, when used in this article, shall have the definitions ascribed to them in this section, except where the context clearly indicates a different meaning, or the provision explicitly states otherwise.

- (1) *Act or the Act.* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.
- (2) *Approval authority.* The Florida Department of Environmental Protection is the designated approval authority.
- (3) *Batch discharge.* A non-continuous industrial user discharge to the POTW which contains a specific volume of treated wastewater and occurs over a specific period of time.
- (4) *Best management practices or BMPs.* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsections 62-625.400(1)(a) and (2), F.A.C. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage.
- (5) *Biochemical oxygen demand (BOD).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
- (6) *Building sewer.* The conduit or pipe which conveys wastewater from the plumbing drain system of a building to a public sewer or other place of disposal.
- (7) *Categorical industrial user.* An industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as amended from time to time, hereby adopted and incorporated by reference.
- (8) *Categorical pretreatment standard or categorical standard.* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (9) *Chemical oxygen demand (COD).* A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (10) *Chlorine requirement.* The amount of chlorine, in milligrams per liter (mg/l), which must be added to wastewater to produce specified residual chlorine content, or to meet some other standard.
- (11) *Composite sample.* A sample collected on a time or flow proportional basis over a designated period of time. For compliance purposes, the normal composite period will be 24 hours, or during the operational hours of the facility being monitored, including all periods of time when there is any discharge from the facility other than from domestic waste.
- (12) *Control authority.* The county is the control authority for all activities related to control of industrial wastewater discharges into the county sewer system. The control authority refers to the director or his duly authorized representative(s). The control authority for the pretreatment program is the Water Quality Division, industrial pretreatment program.

- (13) *Connected systems.* A publicly or privately-owned wastewater collection system that connects to and discharges into the county sewer system for purposes of treatment and disposal.
- (14) *County.* Pinellas County, Florida, or any department of Pinellas County, Florida within this article.
- (15) *Daily maximum.* The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (16) *Director.* The county administrator or his/her designee.
- (17) *Discharge or indirect discharge.* Dispose of, deposit, place, emit, unload, release, or cause or allow to be disposed of, deposited, placed, emitted, unloaded, released or otherwise introduce pollutants into the county sewer system from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- (18) *Daily maximum limit.* The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (19) *Domestic waste.* Any superfluous solid, liquid, or gaseous material derived principally from the use of sanitary conveniences of residences (including apartments and hotels), office buildings, industrial plants, or institutions.
- (20) *Duplicate samples.* Samples which are collected from the same source at the same time, either simultaneously or consecutively, using identical collection methods, containers and preservatives, in order to assess the precision of the sampling system.
- (21) *Environmental Protection Agency (EPA).* The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.
- (22) *Existing source.* 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.
- (23) *Florida Department of Environmental Protection (FDEP).* The State of Florida Department of Environmental Protection or, where appropriate, the term may also be used as a designation for the secretary or other duly authorized official of such agency.
- (24) *FOG.* Fats, Oil and grease. Shall mean any substance such as vegetable or animal product used in, or a byproduct of, the cooking, or food preparation, or cleaning process, that can cause or lead to corrosion, blockages, reduced flow, or interference with the sanitary sewer system when discharged alone or combined with other materials or waste which turns or may turn viscous or solidifies with a change in temperature or other conditions.

- (25) *Food service establishment.* Establishments which prepare and/or package food or beverages for sale or consumption, on- or off-site, with the exception of private residences. Food Service Establishments shall include, but are not limited to: food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, nursing homes, churches, schools, coffee shops and all other Food Service Establishments not listed above.
- (26) *Food waste.* Any superfluous solid material produced either from the domestic or commercial preparation, cooking, consumption, or dispensing of food, or from the handling, storage, or sale of produce.
- (27) *Four-day average.* The arithmetic average calculated from the independent results of four consecutive sampling days. These sampling days are not necessarily consecutive calendar days but reflect the sampling frequency.
- (28) *Grab sample.* A grab sample includes all sub samples or aliquots (e.g. individual containers for specific analytes or analyte groups), sample fractions (e.g. total and filtered samples), and all applicable field quality control samples (e.g. field sample duplicates or split samples) collected at the same locations within a time not exceeding 15 minutes.
- (29) *FOG Control Devices (FCDs).* A grease interceptor, grease trap, or grease removal device *that is* an appurtenance designed to separate grease FOG from wastewater flow with a containment area designed to collect, contain, or remove FOG laden wastes prior to discharge to the sewer system.
- a. Grease interceptor. A FOG control device with a flow rate more than 50 gallons per minute (g.p.m.) which is constructed in different sizes, generally located underground between a Food Service Establishment and the connection to the sewer system, and primarily uses gravity to separate FOG from the wastewater. This device must be cleaned and maintained with the FOG removed and disposed of at regular intervals to be effective.
  - b. Grease trap or hydromechanical grease interceptor. FOG control device with a flow rate of 50 g.p.m or less located near one or more plumbing fixtures and before a building sanitary drain, designed to collect, contain or remove FOG from the wastestream. A grease trap can be located above or below ground.
- (30) *Hazardous waste pharmaceutical.* 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.
- (31) *Healthcare facility.* 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.

- (32) *Industrial user*. Any user discharging or having the potential to discharge industrial waste into the county sewer system or a connected system.
- (33) *Industrial waste*. Food waste, other waste, or any superfluous solid, liquid, or gaseous material resulting from manufacturing or commercial processes, or from natural resource development, recovery or processing.
- (34) *Industrial waste surcharge*. An additional service charge assessed against industrial users whose wastewater characteristics exceed the county's established surcharge limits.
- (35) *Industrial wastewater permit*. Written authorization from the director to discharge industrial wastewater to the county sewer system or a connected system, setting certain conditions and/or restrictions on such discharge.
- (36) *Industrial wastewater no-discharge permit*. An industrial wastewater permit issued to an industrial user that does not discharge any processed industrial wastewater, but stores and uses chemicals or other pollutants in such manner that they have the potential of entering or being discharged to the county sewer system or a connected system through system access. As used herein, the term *Industrial wastewater permit* may be used to include *Industrial wastewater no-discharge permits*.
- (37) *Instantaneous limit*. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (38) *Interference*. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
  - a. Inhibits or disrupts the WWF, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and
  - b. Is a cause of a violation of any requirement of the WWF's permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of FDEP and Chapter 403, FS.
- (39) *Local limit*. Specific discharge limits developed and enforced by the county upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

- (40) *Maximum allowable industrial loading.* The total mass of a pollutant that all industrial users and other controlled sources may discharge without causing pass through or interference.
- (41) *Medical waste.* 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.
- (42) *Method detection limit or "MDL."* An estimate of the minimum amount of a substance that an analyte process can reliably detect. An MDL is analyte and matrix-specific and is laboratory dependent.
- (43) *Monthly average.* The arithmetic average calculated from the results of all sampling events performed during a calendar month.
- (44) *New source* means:
- a. 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:
    1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    3. 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.
  - b. 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 a 2. or 3. above but otherwise alters, replaces, or adds to existing process or production equipment.
  - c. Construction of a new source as defined under this chapter has commenced if the owner or operator has:
    1. Begun, or caused to begin, as part of a continuous onsite construction program:
      - (a) Any placement, assembly, or installation of facilities or equipment; or
      - (b) 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

2. 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.

(45) *Non-contact cooling water*. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(46) *Non-significant categorical industrial user*. An industrial user that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

- a. Has consistently complied with all applicable categorical pretreatment standards and requirements;
- b. Submits the certification statement required in subsection 62-625.600(17), FAC, together with any additional information necessary to support the certification statement, at a frequency determined by the Control Authority; and
- c. Never discharges any untreated categorical process wastewater.

(47) *North American Industry Classification System (NAICS)*. A numeric industry classification system issued by the United States Office of Management and Budget. [NAICS replaced the Standard Industry Classification system in 1997.]

(48) *NPDES permit*. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

(49) *Other waste*. Municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, and all other substances as distinct from domestic waste, industrial waste or food waste.

(50) *Pass-through*. A discharge which exits the WWF into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF's permit (including an increase in the magnitude or duration of a violation).

(51) *Person*. Any individual, corporation, firm, company, joint venture, partnership, sole proprietorship, association, or any other business entity, any state or political subdivision thereof, any municipality, any interstate body and any department, agency, or instrumentality of the United States and any officer, agent or employee thereof, and any organized group of persons, whether incorporated or not.

(52) *pH*. A measure of the acidity or alkalinity of a solution expressed in standard units. Determined as the logarithm of the reciprocal of the hydrogen ion concentration. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ .



- (53) *Pharmaceutical*. 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.
- (54) *Pinellas County Sewer System*. All facilities for collecting, pumping, treating, and disposing of wastewater which are owned and controlled by the county, along with any connected systems.
- (55) *Pollutant*. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and wastewater with characteristics exceeding any applicable limits or meeting the definition of a hazardous waste (e.g., pH, temperature, TSS, color, BOD, COD, toxicity, or odor).
- (56) *Pollution*. The manmade or man-induced alteration of chemical, physical, biological or radiological integrity of water.
- (57) *Pretreatment*. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the county sewer system. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants (as prohibited by Rule 62-625.410(5), FAC, unless specifically allowed by an applicable pretreatment standard.
- (58) *Pretreatment requirements*. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (59) *Pretreatment standards*. The county's prohibited discharge standards for any specified pollutant as set forth in this article, the state's pretreatment standards, or the national categorical pretreatment standards, whichever standard is the most stringent.
- (60) *Processed groundwater*. Groundwater which has been pretreated.
- (61) *Prohibited discharge*. Absolute prohibitions against the discharge of certain substances; [these prohibitions appear in section 126-327 of this article.]
- (62) *Responsible corporate officer*.
- a. A president, secretary, treasurer, or 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:
    - 1. Is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations;
    - 2. Is authorized to initiate and direct other comprehensive measures to assure one-term environmental compliance with environmental laws and regulations;
    - 3. Can ensure that the necessary systems are established, or actions taken to gather complete and accurate information for control mechanism requirements;
    - 4. Has been assigned or delegated the authority to sign documents in accordance with corporate procedures.
  - c. Or a general partner or proprietor of a partnership or sole proprietorship.
- (63) Reverse distributor. 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.
- (64) *Sanitary sewer*. A sewer carrying domestic, commercial, and/or industrial wastes, to which storm, surface, and ground waters are not intentionally admitted.
- (65) *Septic tank waste*. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (66) *Sewage*. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (67) *Sewer*. A pipe or conduit designed for carrying wastewater.
- (68) *Significant industrial user (SIU)* means, except as provided in paragraphs c and e below, the following:
- a. Categorical industrial users; or
  - b. Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the WWF (excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement in accordance with subsections 62-625.400 and 62-625.410, FAC.

- c. The control authority may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625.410, FAC, including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, is a non-significant categorical industrial user.
  - d. Categorical industrial users that do not discharge process wastewater but have the potential to discharge to the county sewer system or a connected system.
  - e. Upon a finding that an industrial user meeting the criteria in paragraph b above has no reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with Rule 62-625.500(2)(e), FAC, determine that such industrial user is not a significant industrial user.
- (69) *Significant noncompliance (SNC)*. The term significant noncompliance shall mean:
- a. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude), a numeric pretreatment standard or requirement, including instantaneous limits.
  - b. Technical review criteria (TRC). Violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
  - c. Any other violation of a pretreatment standard or requirement (daily maximum, long term average, instantaneous limit, or narrative standard) that the control authority believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of WWF personnel or the general public;
  - d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the control authority's exercise of its emergency authority to halt or prevent such a discharge;
  - e. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
  - f. Failure to provide within 45 days after the due date, any required reports;
  - g. Failure to accurately report noncompliance; or
  - h. Any other violation(s), including violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

- (70) *Sludge*. Any solid or semisolid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of treated effluent from a WWF.
- (71) *Slug discharge*. A discharge of a non-routine, episodic nature, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWF's regulations, discharge limits or permit conditions.
- (72) *Split samples*. Subsets of the same sample, which are collected by collecting a large volume of sample, mixing it, and subdividing it into identical containers.
- (73) *Standard industrial classification code (SIC)*. A numeric classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (74) *Storm water*. Any flow occurring during or following any form of natural precipitation and resulting from such precipitation.
- (75) *Total metals*. The sum of the concentration or mass of copper, chromium, nickel and zinc measured in a sample.
- (76) *Total suspended solids*. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (77) *Total toxic organic standard*. The sum of the concentrations of individual toxic organic compounds listed in a categorical pretreatment standard when they are present in a regulated waste stream in a concentration greater than 0.01 mg/l.
- (78) *Transported liquid waste*. Domestic liquid sewage wastes removed from septic tanks and portable chemical toilets, and liquid and solid food wastes removed from grease interceptors or grease traps at food service establishments.
- (79) *User*. Any person who discharges, causes, or allows the discharge of wastewater into the county sewer system or any connected system.
- (80) *Wastewater*. Liquid and water-carried domestic or industrial waste, together with any other water that may be present, from residential dwellings, commercial buildings, industrial, groundwater remediation projects, manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the WWF.
- (81) *Wastewater facility or WWF* means any facility which discharges wastes into waters of the state or which can reasonably be expected to be a source of water pollution and includes any or all of the following: the collection and transmission system, the wastewater treatment works, the reuse or disposal system, and the residuals management facility.

**Sec. 126-277. - Intent.**

Except as otherwise provided herein, the director shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the director may be delegated by the director to other qualified county personnel.

This article sets forth uniform requirements for users of the county sewer system and enables the county to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (Chapter 62-625, FAC, 40 CFR 403).

This article is adopted by the county for the purpose of maintaining efficient, economic and safe operation of the county sewer system and for the protection of the health, safety and general welfare of the public within all of Pinellas County. This article is intended to prevent and abate pollution through the regulation and control of connections to the county sewer system and to limit the use of the sewer system to the collection, conveyance, treatment and disposal of wastewater through appropriate regulation and enforcement. The prohibitive discharge standards contained in this article were developed under the authority of section 307(b) of the Act, 40 CFR 403.5, and subsection 62-625.400, FAC. The specific objectives of this article are:

- (1) To prevent the introduction of pollutants into the WWF that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the WWF that will pass through the WWF, inadequately treated, into receiving waters, or otherwise be incompatible with the WWF;
- (3) To protect the health of the general public and of county personnel who may be affected by wastewater and residuals in the course of their employment;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the WWF;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the WWF; and
- (6) To enable the county to comply with its National Pollutant Discharge Elimination System permit conditions, residuals use and disposal requirements, and any other federal or state laws to which the WWF is subject.

This article shall apply to all users of the WWF. The article authorizes the issuance of industrial wastewater permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

**Sec. 126-278. - Wastewater disposal requirements.**

It shall be unlawful for any person to dispose of wastewater or any other polluted waters or to allow wastewater or other polluted waters to be disposed of in any unsanitary manner on any property, public or private, in the county.

It shall be unlawful to discharge to any watercourse, pond, ditch, lake, or other body of surface water or groundwater, any wastewater or other polluted waters, unless specifically authorized by the county or State of Florida.

**Sec. 126-279. - Regulation of septic tanks.**

Except as provided by state law or county ordinance or rules and regulations adopted pursuant thereto, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the treatment or disposal of wastewater.

**Sec. 126-280. - Areas embraced.**

All territory within the legal boundaries of Pinellas County, Florida, including all incorporated and all unincorporated areas, shall be embraced by the provisions of this article.

**Sec. 126-281. - Powers and authority of inspectors.**

The control authority, the FDEP, and the EPA shall have the right to enter the premises of any user of the Pinellas County sewer system or connected systems without prior notification for the purposes of inspection, observation, measurement, sampling, testing, or investigation as may be necessary to determine whether the user is complying with all requirements of this article and any industrial wastewater permit or order issued hereunder. Users shall allow the control authority ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. Entry shall be made during normal operating hours unless abnormal or emergency circumstances require otherwise.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the control authority will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (3) Unreasonable delays in allowing the control authority access to the user's premises shall be a violation of this article.

If the control authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the county designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the control authority may seek issuance of a search warrant from the appropriate court.

**Sec. 126-282. - Damage to structures or equipment prohibited.**

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 county sewer system, or which is owned or being utilized by the county in the performance of activities required or allowed by this article.

**Sec. 126-283. - Confidentiality.**

Information and data on a user obtained from reports, surveys, industrial wastewater permit applications, industrial wastewater permits, and monitoring programs, and from the control authority inspection and sampling activities, shall be available to the public or other governmental agencies to the extent permitted by state law, unless the user specifically requests, and is able to demonstrate to the satisfaction of the control authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

**Sec. 126-284. - Public notice of users violating pretreatment standards.**

The control authority shall publish annually, in the daily newspaper with the largest circulation published in the municipality where the WWF is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements.

**Secs. 126-285—126-300. - Reserved.**

**DIVISION 2. - APPLICATIONS, CONSTRUCTION AND CONNECTIONS**

**Sec. 126-301. - Compliance with plans and specifications.**

No person shall construct a new wastewater collection system that is to be connected to the county sewer system or substantially alter or improve any wastewater collection system that is connected to the county sewer system until the control authority has first determined such construction to be in conformance with Pinellas County standard technical specifications, the long range Pinellas County plans as approved by the board of county commissioners, the water quality management plan for the Tampa Bay region, and the north and central Pinellas County 201 Facility Plans.

**Sec. 126-302. - Connection to Pinellas County sewer system required.**

The owner or occupant of any house, building or property used for human occupancy, employment, recreation, or other purposes situated within the county and abutting on any street, alley, easement, or right-of-way in which there are located available sanitary sewers is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the available sanitary sewer in accordance with the provisions of this article, within 180 days after sewer service is available, provided that the available sewer is within 100 feet of the property line. In those cases where there is an available sewer within 100 feet of the property line, but connection would cause undue hardship for such reasons as the topography of the property or the length of pipe necessary to connect with the sewer, the board of county commissioners is authorized to grant exceptions to this requirement provided that the property meets applicable federal, state and local regulations for the alternate wastewater disposal method to be used. At such time as a sanitary sewer becomes available to a property served by a private individual wastewater disposal system (such as a septic tank or sand filter), a direct connection shall be made to the sewer in compliance with this article within 180 days and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned and their further use for any purposes prohibited. An abandoned septic tank, when declared to be a hazard by the county health department, shall be pumped out; have the bottom suitably opened or ruptured so as to prevent the tank from retaining water; and be filled with clean sand or other suitable material; the actions being taken in the order listed.

**Sec. 126-303. - Independent building sewer required.**

A separate and independent building sewer connection 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. In that case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

**Sec. 126-304. - Design and construction.**

The size, slope, alignment, and construction materials of a building sewer, and the methods to be used in excavation, placing of the pipe, jointing, testing and backfilling the trench shall conform to section 170-36. The connection of the building sewer to the county sewer system shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations adopted by the county. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

**Sec. 126-305. - Public safety and property.**

All excavations for building sewer installations shall be adequately guarded with barricades and lights 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 county.



**Sec. 126-306. - Unauthorized usage prohibited.**

No unauthorized person shall disturb, use, alter, or make connection to the county sewer system or any connected system.

**Sec. 126-307. - Application and fees.**

The owner of any building or his agent shall make application on a form furnished by the county prior to making a connection to the county sewer system. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director. A connection fee, plumbing permit fee and any other applicable fees shall be paid to the county before such connection is approved.

**Sec. 126-308. - Nondomestic user application for discharge.**

All commercial and industrial users requesting to discharge wastewater to the county sewer system or connected system shall be required to complete an application for discharge which shall contain information including, but not limited to, the principal business activities to be performed at the site, the hours of operation, the number of employees, the amount of water used, chemicals used or stored at the site, and a description of all waste disposal methods in use at the facility. The application shall be completed and submitted on a form provided by the control authority, and shall be supplemented with a complete set of plumbing diagrams showing all lines and clearly identifying all points of discharge to the sewer system. Nondomestic users shall be evaluated to determine whether they fall under the definition of a SIU, and whether an industrial wastewater permit will be issued. The Control Authority may waive the application for discharge submittal based on its evaluation of the business.

Users classified as SIU shall be subject to permitting as provided in section 126-352. Users that are not classified as SIU must comply with the provisions of this article, and shall be responsible for following the best management practices of their industry, including housekeeping, pretreatment, and liquid and solid waste management procedures, as applicable. These businesses may also be permitted under the provisions of other sections included within this article.

The owner of a leased property shall be responsible for notifying the control authority of any changes in tenancy, and ensuring that a nondomestic user application for discharge is completed by all tenants prior to initiation of any discharge to the sewer system.

**Sec. 126-309. - Owner's responsibilities.**

All costs and expenses incident to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the county from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

**Sec. 126-310. - Runoff connections prohibited.**

No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to the county sewer system. Upon determination that such a connection exists, the property owner shall be responsible for severing such connection within

ten days of notification. Prohibited connections and failure to correct such connections are subject to enforcement under the provisions of section 126-403 of this article.

**Sec. 126-311. - Interceptors required.**

Grease, oil, and other solids interceptors, or grease traps shall be provided when, in the opinion of the control authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, sand or other solids, or other harmful ingredients; except that such interceptors and grease traps shall not be required for residential users. Businesses requiring interceptors shall include, but are not limited to food manufacturers, food packagers, restaurants, grocery stores, all other food service facilities, hospitals, nursing homes, automotive repair facilities, bakeries, laundries, lounges, churches, schools, animal kennels and grooming establishments. These businesses may also be subject to regulation under the provisions of Chapter 126, Article VI, Grease Waste Management.

All interception units shall be of the type and capacity specified in Chapter 126, Article VI, Grease Waste Management, or other applicable building codes and approved by the control authority and shall be located so as to be easily accessible for inspection and maintenance. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. Interceptor wastes shall be pumped by a Pinellas County permitted or otherwise authorized liquid waste hauler and must be disposed of at a disposal site that is permitted for the type of waste being discharged. All interceptor installation, maintenance, and cleaning must be conducted in accordance with Chapter 126, Article VI, Grease Waste Management. Provisions for grease waste hauler permitting and approved grease waste disposal procedures are also provided in Chapter 126, Article VI, Grease Waste Management.

**Sec. 126-312. - Monitoring site required.**

In accordance with section 126-330 of the Pinellas County Code, all categorical, non-significant categorical, and non-categorical significant industrial users are required to provide a suitable sampling point. A suitable sampling point must meet the following minimum criteria, unless otherwise determined by the control authority:

- (1) The sample site shall provide a means to obtain representative samples of the industrial user's process wastestream.
- (2) The sample site shall be designed in such a manner that flow proportional samples may be obtained where required by the control authority in accordance with the provisions of the sample point protocol.
- (3) The sample site shall be readily accessible, safe and secure. The equipment must be removed from public, personnel and vehicle traffic areas, or isolated so that there will be no contact. Personnel hazards shall be minimized.
- (4) The sample site shall be covered in such a manner as to prevent rainwater infiltration into the sewer system. This covering shall not interfere with access to the site or discharge flow or with sampling activities at the site.
- (5) The sample site shall be large enough to accommodate the wastewater monitoring equipment for simultaneous use by the control authority and the industrial user. Control authority equipment may include up to two automatic samplers and one flow

meter. Equipment sizes may vary depending upon the type of meter in use; however, composite samplers are commonly up to 30 inches in height and up to 24 inches in diameter. Flow meters are normally smaller than the samplers.

All sample site proposals submitted to the control authority by an industrial user shall be approved by a professional engineer registered in the State of Florida. Proposals shall include the following information, along with a certification statement to the effect that the proposed sample site has been designed in accordance with standard practices for open channel flow measurements for the type and quantity of wastewater discharged from the business:

- (1) Flow constituent characteristics;
- (2) Expected average, maximum and minimum flows (hourly and total);
- (3) Length, grade/slope and size of pipe;
- (4) Design criteria for any primary or secondary devices;
- (5) Existing and proposed layout features, with cross sectional and plan views; and
- (6) Certification statement.

The sample site shall be inspected by the engineer who submitted the proposal after installation to ensure that the specifications provided in the proposal were met. The engineer shall sign, date and seal a letter to be provided to the control authority stating that the sample site has been suitably installed and tested for accuracy.

**Secs. 126-313—126-325. - Reserved.**

### **DIVISION 3. - DISCHARGE PROHIBITIONS AND LIMITATIONS**

#### **Subdivision I. - In General**

##### **Sec. 126-326. - Compliance required.**

No user shall discharge any waste into the county sewer system or any connected system unless in accordance with this article. The county may apply "no net increase" standards and develop best management practices (BMPs) to implement the pretreatment standards and requirements of sections 126-327, 126-328, and 126-329.

##### **Sec. 126-327. - Prohibited discharges.**

No user shall introduce or cause to be introduced into the WWF any pollutant or wastewater which causes pass-through or interference, or which could cause or contribute to blockages or damage to the county sewer system. These general prohibitions apply to all users of the WWF whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

No user shall introduce or cause to be introduced into the WWF the following pollutants, substances, or wastewater:

- (1) Toxic or poisonous substances, chemical elements or compounds, phenols or other taste or odor-producing substances, or any other pollutants, including oxygen-demanding pollutants, released at a flow rate and/or pollutant concentration which,

either singly or by interaction with other pollutants, are not amenable to treatment or reduction by the wastewater treatment processes employed by the county, or which are amenable to treatment only to such degree that the substances may interfere with the biological processes or efficiency of the WWF, or that may pass through a WWF and cause the effluent there from, or any other product from the plant, or the water or groundwater into which it is discharged to fail to meet applicable state or federal standards, or which shall cause the county to be in noncompliance with sludge use or disposal criteria, guidelines or regulations applicable to the sludge management method being used.

- (2) Pollutants which result in the presence of toxic, noxious, or malodorous solids, liquids or gases within the WWF or county sewer system, which either singly or by interaction with other waste or wastewater:
  - a. Are capable of creating a public nuisance or causing acute worker health and safety problems or hazard to human or animal life;
  - b. Are or may be sufficient to prevent entry into a sewer for its maintenance, inspection or repair;
  - c. May create any hazard in receiving waters of the county; or
  - d. Which are in noncompliance with Pinellas County's local limits, or any other applicable regulation.
- (3) Liquids, solids, or gases which by reason of their nature or quantity are sufficient to cause fire or explosion or be injurious in any other way to the county sewer system or to its operation, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21, or any other substance which the county, the state or any federal agency had determined is a fire hazard or a hazard to the county sewer system and which is discharged in concentrations that would cause an exceedance of the closed-cup flashpoint standard at the point of entry to the county sewer system or connected system.
- (4) Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by all applicable regulations and which will or may cause damage or hazards to the county sewer system or its operating personnel.
- (5) Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the control authority. However, if the user was discharging non-contact cooling water to the county sewer system or a connected system prior to the effective date of this ordinance [Ordinance No. 12-41] or a preceding ordinance, then such user may continue to discharge noncontact cooling water in amounts that are not harmful to the operation of the county sewer system.
- (6) Domestic wastes from septic tanks, portable toilets, or other similar facilities, unless at a site approved by the director or their designee in writing.

- (7) Petroleum oil, non-biodegradable cutting oil, or other products of mineral oil origin in amounts that may cause interference or pass through or may cause obstruction to the flow in the county sewer system or damage to the WWF.
- (8) Animal or vegetable fats, waxes, grease or oils in amounts that may cause interference or pass through or may cause obstruction to the flow in the sewer collection system or damage to the WWF, whether emulsified or not; or any substances which may solidify or become viscous at temperatures lower than or equal to 150°F (65.5°C).
- (9) Solid or viscous substances in such quantities or of such size as to be capable of causing obstruction to the flow in a sewer, or other interference with the proper operation of any connected system or the WWF, such as but not limited to grease, food wastes, human or animal entrails or tissue, whole blood, paunch manure, bones, hair, hides or fleshings, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, wastepaper, wood, plastics, rubber stoppers, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances. In no case shall solids greater than one-half inch in any dimension be discharged. The control authority may allow discharges in excess of the surcharge local limit as a permit condition; such discharges may be subject to surcharge in accordance with subsection 126-354(1)c.
- (10) Inert suspended solids, such as but not limited to, fuller's earth, lime slurries, and lime residues, or dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate, in such concentrations as to pass through or interfere with the operations of the county sewer system.
- (11) Any waste or wastewater having a pH lower than 5.0 or higher than 11.0, or exhibiting any corrosive property which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, equipment, or personnel of the county sewer system.
- (12) BOD, COD, or chlorine in such concentration and/or flow as to constitute a significant load on or shock to the county sewer system, or which cause or contribute to interference at the WWF. The control authority may allow discharges in excess of the surcharge local limit as a permit condition; such discharges may be subject to surcharge in accordance with subsection 126-354(1)c.
- (13) Any wastewater discharged at a volume of flow or concentration of wastes constituting a slug discharge as defined in this article.
- (14) Wastewater having a temperature greater than 150°F (65.5°C), except where higher temperatures are required by law, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).
- (15) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the county's NPDES permit.
- (16) Sludges, screenings, or other residues from the pretreatment of industrial wastes.

- (17) Trucked or hauled pollutants, except at discharge points designated by the control authority.
- (18) Medical wastes, except as specifically authorized by the control authority in a wastewater discharge permit.
- (19) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (20) Detergents, surface-active agents, or other substances which may cause excessive foaming in the WWF.
- (21) Wastewater which meets the definition of a hazardous waste as set forth in 40 CFR Part 261 and Chapter 62-730, FAC.
- (22) Heat in amounts which will inhibit biological activity in the WWF resulting in interference, but in no case heat in such quantities that result in the discharge from the treatment plant having a temperature that exceeds 40 degrees C (104°F) unless approved by the Florida Department of Environmental Protection.
- (23) Any Hazardous Waste Pharmaceuticals from Healthcare Facilities and Reverse Distributors.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WWF.

**Sec. 126-328. - Compliance with national, state and local standards.**

It shall be unlawful for any person to discharge any pollutant into the county sewer system or a connected system except when such discharge is in compliance with all federal standards, including those promulgated pursuant to the Act, and any other more stringent state and local standards. It is the intent of this code to make such standards enforceable, and all such provisions and definitions, as amended from time to time, are hereby incorporated. The categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Parts 405—471 are hereby incorporated. Wastes containing concentrations in excess of the National Categorical Pretreatment Standards are prohibited. New sources shall be subject to proposed standards which are thereafter promulgated in accordance with the Act.

- (1) *Concentration and mass limits.*
  - a. Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in pretreatment standards, equivalent mass limits will be provided so that local, state or federal authorities responsible for enforcement may use concentration or mass limits. Limits in categorical pretreatment standards shall apply to the effluent of the process regulated by the pretreatment standard, or as otherwise specified by the pretreatment standard.
  - b. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

- c. When calculating equivalent mass-per-day limitations under paragraph b. above, the control authority shall calculate such limitations by multiplying the limits in the pretreatment standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the industrial user's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.
- d. When calculating equivalent concentration limitations under paragraph b. above, the control authority shall calculate such limitations by dividing the mass limitations derived under paragraph c. above, by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during a representative year.
- e. When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, an industrial user may request that the control authority convert the limits to equivalent mass limits. The control authority may convert to equivalent mass limits only if the industrial user meets all the following conditions:
  - 1. Employs, or demonstrates that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;
  - 2. Currently uses control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;
  - 3. Provides sufficient information to establish the industrial user's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, and the industrial user's long-term average production rate, if applicable. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
  - 4. Does not have daily flow rates, production rates, or pollutant levels that vary more than 20 percent so that equivalent mass limits are not appropriate to control the discharge; and
  - 5. Has consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.
- f. An industrial user subject to equivalent mass limits based on paragraph e. above must:
  - 1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

2. Record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  3. Record the facility's production rates and notify the control authority when the production rates are expected to vary more than 20 percent from its baseline production rates determined in subparagraph e.3. above; and
  4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subparagraph e.1. above.
- g. If the control authority chooses to establish equivalent mass limits it:
1. Must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
  2. Must reassess the equivalent mass limit and recalculate the limit, as necessary, to reflect changed conditions at the facility upon notification from the industrial user of a revised production rate; and
  3. May retain the same equivalent mass limit in subsequent control mechanism terms if:
    - i. The industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies,
    - ii. The actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to subsection j. below, and
    - iii. The industrial user is in compliance with Rule 62-625.860, FAC.
- h. The control authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.
- i. The control authority may convert the mass limits of the categorical pretreatment standards in 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users under the following conditions:
1. When converting such limits to concentration limits, the control authority must use the limits listed in the applicable subparts of 40 CFR Parts 414, 419, and 455, and
  2. Document that dilution is not being substituted for treatment as prohibited by subsection j. below.
- j. Equivalent limitations calculated in accordance with paragraphs (1)c., d. and e. above, are deemed pretreatment standards for the purposes of section 307(d) of



CWA and this chapter. The control authority must document how the equivalent limits were derived and make this information available in the industrial user's file for public review. Once incorporated into its control mechanism, the industrial user must comply with the equivalent limitations in lieu of the categorical pretreatment standards from which the equivalent limitations were derived.

- k. Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitations.
  - l. Any industrial user operating under a control mechanism, as described in Rule 62-625.500(2)(a)2., FAC., incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within two business days after the industrial user has a reasonable basis to know that the production level will change more than 20 percent within the next calendar month. Any industrial user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.
- (2) *Combined waste stream formula.* Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the control authority or by the industrial user with the written concurrence of the control authority. When the FDEP is acting as the control authority, the FDEP shall allow the development of fixed alternative discharge limits when direct sampling of the regulated waste stream is not technically feasible. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the control authority or industrial user shall calculate both an alternative daily maximum value using the daily maximum values specified in the appropriate categorical pretreatment standards and an alternative consecutive sampling day average value using the monthly average values specified in the appropriate categorical pretreatment standards. The industrial user shall comply with the alternative daily maximum and monthly average limits fixed by the control authority until the control authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user must immediately report any such material or significant change to the control authority. Where appropriate new alternative categorical limits shall be calculated within 30 days.
- a. Alternative limit calculation. For purposes of these formulas, the "average daily flow" means a reasonable measure of average daily flow for a 30-day period of production during a representative year. For new sources, flows shall be estimated using projected values. The alternative limit for a specified pollutant shall be derived by the use of either of the following formulas:

1. Alternative concentration limit.

$$C_T = \left( \frac{\sum_{i=1}^N C_i F_i}{\sum_{i=1}^N F_i} \right) \left( \frac{F_T - F_D}{F_T} \right)$$

2. Alternative mass limit.

$$M_T = \left( \sum_{i=1}^N M_i \right) \left( \frac{F_T - F_D}{\sum_{i=1}^N F_i} \right)$$

3. The terms used in the equations in 1. and 2. above are defined as follows:

$C_T$  = The alternative concentration limit for the combined waste stream.

$C_i$  = The categorical pretreatment standard concentration limit for a pollutant in the regulated stream  $i$ .

$M_T$  = The alternative mass limit for a pollutant in the combined waste stream.

$M_i$  = The categorical pretreatment standard mass limit for a pollutant in the regulated stream  $i$  (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

$F_i$  = The average daily flow (at least a 30-day average) of stream  $i$  to the extent that it is regulated for such pollutant.

$F_D$  = The average daily flow (at least a 30-day average) from waste streams identified in subsection (7), below.

$F_t$  = The average daily flow (at least a 30-day average) through the combined treatment facility (includes  $F_i$ ,  $F_d$  and unregulated streams).

$N$  = The total number of regulated streams.

- b. Alternative limits below detection limit. An alternative pretreatment limit shall not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.
- c. Self-monitoring. Self-monitoring required to ensure compliance with the alternative categorical limit shall be conducted in accordance with the requirements of Rule 62-625.600, FAC.
- d. Choice of monitoring location. Where a treated regulated process waste stream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process waste stream or the combined waste stream for the purpose of determining compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process waste stream, it shall apply the applicable categorical pretreatment standard. If the industrial user chooses to monitor the combined waste stream, it shall apply an alternative discharge limit calculated using the combined waste stream formula as provided in paragraph (a) above. The industrial user may change monitoring points only after receiving approval from the control authority. The control authority shall ensure that any change in an industrial user's monitoring points will not allow the industrial user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

(3) For the purposes of the combined waste stream formula, dilute waste streams include:

- a. Boiler blowdown streams, noncontact cooling streams, storm water streams, and demineralizer backwash streams; unless such streams contain a significant amount of a pollutant and are combined with the regulated process waste stream prior to treatment, and the treatment will result in a substantial reduction of that pollutant. The control authority shall determine whether such streams are classified as diluted or unregulated. The industrial user shall provide engineering, production, sampling and analysis, and such other information so that the control authority can make its determination;
- b. Sanitary waste streams where such streams are not regulated by a categorical pretreatment standard;
- c. Any process waste streams which were or could have been entirely exempted from categorical pretreatment standards for one or more of the following reasons:
  - 1. The pollutants of concern are not detectable in the effluent from the industrial user;
  - 2. The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;
  - 3. The pollutants of concern are present in amounts too small to be effectively reduced by known technologies; or
  - 4. The waste stream contains only pollutants which are compatible with the WWF.

- d. Waste streams from the list of industrial user subcategories identified in Rule 62-625.880(1), FAC.

Pretreatment requirements and general and specific prohibitions contained in 40 CFR 403 and Chapter 62-625, FAC, are also hereby incorporated.

**Sec. 126-329. - Local limits.**

No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants which have been established for Pinellas County's WWFs using standard procedures, calculations and methods acceptable to FDEP to protect against pass through, interference, protection of WWF employees, and adverse effects on wastewater residuals disposal. No industrial user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth by the director. Local limits shall be included as permit conditions and attached to each SIU wastewater permit issued.

The established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, WWF operation, performance and processes, the industrial user base, potable water quality and domestic wastewater characteristics. Modifications to established local limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 days from the notice of acceptance of the modified limits by FDEP. Permitted SIUs shall also be issued an addendum to their wastewater discharge permit containing the new local limits.

The established local limits apply at the point where the wastewater is discharged to the WWF. All concentrations for metallic substances are for total metal unless indicated otherwise. At their discretion, the director may impose mass limitations in addition to or in place of the concentration-based limitations. Local limits may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this chapter. Any industrial user wishing to obtain credit for intake pollutants must make application to the control authority.

The control authority reserves the right to establish more stringent standards or requirements on discharges to the WWF consistent with the purpose of this article.

**Sec. 126-330. - Sampling and analytical requirements.**

All sample collection and analytical activities required by this article, by a permit issued pursuant to this article, or which are to be submitted as part of a discharge permit application or any other report, shall be performed in accordance with the techniques prescribed in Chapter 62-160, FAC, and 40 CFR part 136, unless otherwise specified in an applicable categorical pretreatment standard. If Chapter 62-160, FAC, 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. Where a user will be contracting sample collection or analysis to an outside source, the contract laboratory must hold National Environmental Laboratory Accreditation Program (NELAP) Certification from the Florida Department of Health's Environmental Laboratory Certification Program (DOH ELCP). The control authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling and/or metering of the user's operations. The control authority may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. Such installations

shall be readily accessible to the control authority at all times and without limitation. All devices used to measure wastewater flow and quality shall be calibrated at a frequency determined by the control authority to ensure their accuracy.

The reports required in sections 126-377, 126-379, and section 126-380 shall be based upon data obtained through sampling and analysis performed during the period covered by the report. These data shall be representative of conditions occurring during the reporting period. The control authority shall require a frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. For all sampling required by this chapter, grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the sample must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility. Using protocols (including appropriate preservation) specified in Chapter 62-160, FAC., and DEP-SOP-001/01, multiple grabs collected during a 24-hour period may be composited prior to analysis as follows:

- (1) Samples for cyanide, total phenols, and sulfides may be composited in the laboratory or in the field;
- (2) Samples for volatile organics and oil and grease may be composited in the laboratory; and
- (3) Composite samples for other parameters unaffected by the compositing procedures as allowed in the FDEP's approved sampling procedures and laboratory methodologies may be authorized by the control authority, as appropriate.

Except as indicated below, 24-hour composite wastewater samples must be collected using flow proportional composite collection techniques. The control authority may authorize the use of time proportional sampling in accordance with section 126-312 or allow for a minimum of four grab samples to be collected over a 24-hour period where the user demonstrates that this will provide a representative sample of the effluent being discharged. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab sample collection techniques.

**Sec. 126-331. - Dilution prohibited.**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment, to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The control authority shall impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

**Sec. 126-332. - Right of revision.**

The county reserves the right to establish, by article or in wastewater discharge permits, more stringent standards or requirements on discharges to the WWF.

**Secs. 126-333—126-350. - Reserved.**

## **Subdivision II. - Industrial Monitoring and Pretreatment**

### **Sec. 126-351. - Wastewater analysis report.**

When requested by the control authority, a user must submit information on the nature and characteristics of its wastewater discharge within 30 days of the request. The control authority is authorized to prepare a form for this purpose and may require users to periodically update this information.

### **Sec. 126-352. – Industrial wastewater permit requirement.**

All significant industrial users (SIU) shall apply for an industrial wastewater permit, the cost of which is to be incurred by the industrial user, prior to discharge to the county sewer system. The control authority may require other industrial users to obtain industrial wastewater permits as necessary to carry out the purposes of this article.

Any industrial user required to obtain an industrial wastewater permit who was discharging wastewater into the county sewer system prior to the effective date of this article or any preceding ordinance, and who wishes to continue such discharges in the future, may temporarily continue to discharge in compliance with the codes, regulations and policies of the control authority. This temporary authorization shall expire 60 days after the date of notification through registered mail by the director of the requirement for an industrial user to make application. If, prior to the expiration date, the user has filed an application for an industrial wastewater permit pursuant to this section, then its temporary authorization to discharge will continue until the date that the industrial wastewater permit is issued or denied. Any industrial user discharging pursuant to the temporary authorization provided in this section is subject to all provisions of this article and such authorization may be suspended or revoked in accordance with the terms and procedures set forth in this article.

Any industrial user required to obtain an industrial wastewater permit who proposes to begin or recommence discharging into the county sewer system must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater permit, in accordance with section 126-353 of this article, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

Any violation of the terms and conditions of an industrial wastewater permit shall be deemed a violation of this article and subject the industrial wastewater permittee to the sanctions set out in sections 126-400 through 126-406 of this article.

Obtaining and complying with the conditions of an industrial wastewater permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, or local law.

**Sec. 126-353. – Industrial wastewater permit application contents.**

All industrial users required to obtain an industrial wastewater permit must submit an industrial wastewater permit application on a form provided by the control authority. The following information shall be submitted as part of an application:

- (1) The name and address of the facility (physical and mailing), including the name of the owner, operator, authorized representative and any additional facility contacts. For leased facilities, the name, address, email address (if applicable), and telephone number of the property owner shall also be included.
- (2) A statement as to whether the facility is an existing facility or proposed new facility, and the year established on site for existing facilities.
- (3) A list of any environmental control permits held by or for the facility.
- (4) A detailed description of the nature of the operation(s) carried out by such user and all applicable standard industrial classification codes and categorical standards, including:
  - a. Hours of operation, and number and type of employees per shift; including identification of any scheduled shutdowns or peak production periods;
  - b. Each product produced by type, amount, process or processes, and rate of production;
  - c. Type and amount of raw materials processed (average and maximum per day); and
  - d. Schematic process flow diagram for each major activity in which water is used or wastewater is generated, including average daily volume and maximum daily volume of each waste stream.
- (5) Site plans, floor plans, mechanical and plumbing plans, and plan details to show all water flow into and out of the facility, including water meter locations, water lines, sewer lines, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (6) A listing of all raw materials and chemicals used or stored at the facility, the storage location(s) and the average quantity stored on site.
- (7) A description of all water supply source(s) and average quantities used, with a breakdown by flow of how the water is used within the facility (i.e., sanitary usage, process, cooling, irrigation, etc.). A description of any water treatment or water recycling operations shall also be included.
- (8) Information showing the measured average daily and maximum daily discharge flow, in gallons per day, to the WWF from regulated process streams and all other waste streams, including time and duration of discharges. This listing shall be broken down by each process.
- (9) Detailed process flow diagrams for any wastewater treatment systems in use at the facility, including identification of which waste streams are treated, flows treated, by products generated, and disposal methods for all treated wastewater and byproducts.

- (10) The results of sampling and analysis identifying the nature and concentration of priority pollutants, as well as any other regulated pollutants, in the discharge from the facility. Sampling must be performed in accordance with procedures set out in section 126-330 of this article.
- (11) If the results of facility sampling show any noncompliant results, a description of what operational and maintenance procedures or additional treatment technology are being considered to bring the facility into compliance, along with a schedule for bringing the facility into compliance must be submitted.
- (12) Describe waste disposal practices for any liquid or solid waste generated at the facility that is not discharged to the sewer system, including frequencies and quantities generated.
- (13) The location for monitoring all wastes covered by the permit.
- (14) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 126-330 of this article. Where the standard requires compliance with a BMP or pollution prevention alternative, the industrial user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.
- (15) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on section 126-377 [40 CFR 403.12(e)(2)].
- (16) Any other information as may be deemed necessary by the control authority to evaluate the industrial wastewater permit application.
- (17) All industrial wastewater permit applications must be signed and certified by the responsible corporate officer of the facility as required by section 126-364.

All industrial wastewater permit applications shall be typed or printed in black ink and submitted on the form provided by the control authority.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. All industrial wastewater permit applications shall be updated as necessary when changes occur in the chemicals or treatment processes used, or when other changes in facility operations occur, including significant changes in water usage and number of employees.

#### **Sec. 126-354. – Industrial wastewater permit decisions.**

The control authority will evaluate the data furnished by the user and may require additional information. Within 60 days of receipt of a complete industrial wastewater permit application, the control authority will determine whether or not to issue an industrial wastewater permit. If any wastes or wastewaters are discharged, or are proposed to be discharged to the county sewer system or any connected system which contain the substances or possess the characteristics enumerated in sections 126-327 or 126-329 of this article, and which may have a deleterious effect upon the county sewer system, its processes, equipment or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the director may:

- (1) Approve the industrial wastewater permit, with one or more of the following conditions:



- a. Require the industrial user to demonstrate that in-plant improvements will modify the discharge to such a degree as to be acceptable;
- b. Require pretreatment of the industrial user's discharge to ensure compliance with this article; or
- c. Require payment of an industrial waste surcharge to cover the added cost of handling and treating excess loads imposed on the county sewer system by such discharge. These special surcharges shall be at rates as approved by the board of county commissioners and published in the Schedule of Rates and Fees for Pinellas County Sewer System. Approval of industrial waste surcharges for the recovery of treatment costs does not replace or supersede the requirements for pretreatment facilities, should they be found necessary by the director.

(2) Deny the application for an industrial wastewater permit.

**Sec. 126-355. – Industrial wastewater permit duration.**

An industrial wastewater permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. An industrial wastewater permit may be issued for a period less than five years, at the discretion of the control authority. Each industrial wastewater permit will indicate a specific date upon which it will expire. The permit fee shall be based upon the permit type and duration, as provided in the Pinellas County Utilities Schedule of Rates and Fees.

**Sec. 126-356. – Industrial wastewater permit contents.**

An industrial wastewater permit shall include such conditions as are deemed reasonably necessary by the control authority 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 WWF.

- (1) All industrial wastewater permits contain the following information:
  - a. A statement that indicates industrial wastewater permit duration and expiration date, which in no event shall exceed five years;
  - b. References to applicable portions of this article regarding procedures for permit application, renewal, transfer, modification, and revocation; right of entry; allowable waste disposal; discharge prohibitions; definitions of terms used in the permit; and record keeping;
  - c. Effluent limits, including best management practices based on applicable pretreatment standards;
  - d. Self-monitoring, sampling, and analysis requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
  - e. Reporting, notification, and record-keeping requirements, including the types, contents and frequency of reports to be submitted; spill and violation notification requirements; and the type and contents of internal records and documentation that must be maintained;

- f. Process for seeking a waiver for a pollutant neither present or expected to be present in the discharge in accordance with Rule 62-625.600(4)(b), FAC, or a specific waived pollutant in the case of an individual control mechanism;
  - g. Approval of the monitoring waiver by the control authority;
  - h. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
  - i. Any applicable compliance schedule(s). Such schedules may not extend the time for compliance beyond that required by applicable federal, state, or local law;
  - j. A statement that compliance with the industrial wastewater permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the industrial wastewater permit; and
  - k. Requirements to control slug discharges.
- (2) The control authority has the right to require additional pretreatment measures, as necessary, to meet the intent of this article as provided in section 126-277. These measures shall be included as special conditions of the industrial wastewater permit. Industrial wastewater permits shall be voidable upon cessation of operations or transfer of business ownership. All industrial wastewater permits issued to a particular user are void upon the issuance of a new industrial wastewater permit to that user.

**Sec. 126-357. – Industrial wastewater permit appeals.**

The control authority shall provide the affected industrial user prior notice of the issuance of any new industrial wastewater permit, or of significant changes in permit conditions for permit renewals. Any user may petition the control authority to reconsider the terms of an industrial wastewater permit within 30 days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the user must indicate the industrial wastewater permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the industrial wastewater permit.
- (3) The effectiveness of the industrial wastewater permit shall not be stayed pending the appeal.
- (4) If the control authority fails to act within 60 days, a request for reconsideration shall be deemed to be approved. Decisions not to reconsider an industrial wastewater permit, not to issue an industrial wastewater permit, or not to modify an industrial wastewater permit shall be considered final administrative actions for purposes of judicial review.
- (5) Aggrieved parties seeking judicial review of the final administrative industrial wastewater permit decision must do so by filing a writ for common law certiorari in the Circuit Court in Pinellas County, Florida.

**Sec. 126-358. – Industrial wastewater permit modification.**

The control authority may modify an industrial wastewater permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements.
- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of industrial wastewater permit issuance. It is the user's responsibility to notify the county when any such changes occur.
- (3) A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (4) Information indicating that the permitted discharge poses a threat to the county's WWF, county personnel, or the receiving waters.
- (5) Violation of any terms or conditions of the industrial wastewater permit.
- (6) Misrepresentations or failure to fully disclose all relevant facts in the industrial wastewater permit application or in any required reporting.
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to Rule 62-625.700, FAC and 40 CFR 403.13.
- (8) To correct typographical or other errors in the industrial wastewater permit.
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

**Sec. 126-359. – Industrial wastewater permit transfer.**

Industrial wastewater permits are issued to a specific industrial user for a specific operation. Industrial wastewater permits may be transferred to a new owner or operator only if the permittee gives at least 60 days' advance notice to the control authority. This notice must be a written certification by the prospective new owner which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
- (2) Identifies the specific date on which the transfer is to occur.
- (3) Acknowledges full responsibility for complying with the existing industrial wastewater permit.

A permit shall not be reassigned, transferred, or sold to a new owner, new facility, different premises, or a new operation without the prior written approval of the director. If transfer or reassignment is approved, any succeeding owner or user shall also comply with the terms and conditions of the existing permit. Failure to provide advance notice of a transfer renders the industrial wastewater permit void as of the date of facility transfer.

**Sec. 126-360. – Industrial wastewater permit reissuance.**

A user with an expiring industrial wastewater permit shall apply for industrial wastewater permit reissuance by submitting a complete permit application, in accordance with section 126-356 of this article, a minimum of 60 days prior to the expiration of the user's existing industrial wastewater permit.

**Sec. 126-361. - Continuation of expired permit.**

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- (1) The permittee has submitted a complete permit application at least 60 days prior to the expiration date of the permittee's existing permit.
- (2) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

**Sec. 126-362. - Revocation of authorization to discharge.**

Authorization to discharge industrial wastewater into the county sewer system or any connected system shall continue in effect unless or until rescinded by the director in writing. The control authority may revoke an industrial wastewater permit for good cause, including, but not limited to, the following reasons:

- (1) Violation of any pretreatment standard or requirement, or any terms of the industrial wastewater permit or this article.
- (2) Failure to complete a wastewater survey or the industrial wastewater permit application, including an application for renewal.
- (3) Misrepresentation or failure to fully disclose all relevant facts in the industrial wastewater permit application.
- (4) Knowingly making any false statement on any report or other document required by this permit.
- (5) Refusing to allow the control authority timely access to the facility premises and records.
- (6) Rendering any monitoring device or method inaccurate.
- (7) Failure to pay sewer charges or fines, including permit fees.
- (8) Failure to meet compliance schedules.
- (9) Failure to provide advance notice of the transfer of business ownership of a permitted facility.
- (10) Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge.
- (11) Failure to provide prior notification to the control authority of changed conditions pursuant to section 126-381 of this article.

These actions may also result in other administrative penalties for violation of the Pinellas County Code, as well as being subject to civil penalties and relief.

**Sec. 126-363. - Appeal of revocation of authorization to discharge.**

In the event the director revokes the authorization of any industrial user to discharge wastes into the county sewer system or any connected system in accordance with section 126-362, notification of such revocation shall be delivered to the user by certified mail or by hand delivery. Any industrial user whose authorization to discharge has been revoked may appeal the decision of the director to the board of county commissioners. The appeal shall be sent in writing by certified mail, return receipt requested, to the board within 14 days of receipt of the director's notification to cease discharge. Following receipt of the appeal, the board will conduct a public hearing concerning the revocation order of the director after giving notice to the user of the time and place for such hearing. At the public hearing, the industrial user, either individually or by counsel, shall have to opportunity to be heard, to present evidence, and to cross-examine witnesses. The board may affirm, reverse, or modify the order of the director and shall issue its decision in writing. The director's order to cease discharge of wastes into the county sewer system or any connected system shall not become effective until the period for appeal to the board has expired, or in the event that an appeal has been filed, until the board has rendered a decision, unless the director has made a finding that continued discharge by the industrial user into the county sewer system or any connected system constitutes a clear and present danger to the operation of the county sewer system, to the health of the public, or to the environment. Any such finding shall be included in the directors' notification to cease discharge, and in such event, the revocation of authorization to discharge wastes shall become effective immediately.

**Sec. 126-364. - Application signatories and certification.**

All industrial wastewater permit applications and user reports must be signed by a responsible corporate officer 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 and 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 possibility of fine and imprisonment for knowing violations."

If the designation of a responsible corporate officer is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the director or their designee prior to or together with any reports to be signed by an a responsible corporate officer.

An industrial user determined to be a non-significant categorical industrial user in accordance with Rule 62-625.200(25)(c), FAC, must annually submit the following certification statement. The certification must accompany any alternative report required by the control authority: "Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief that during the period from [month, day, year] to [month, day, year]:

- (1) The facility described as [industrial username] met the definition of a non-significant categorical industrial user as described in Rule 62-625.200(25)(c), FAC;
- (2) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
- (3) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information: [documentation of basis to continue exemption].

**Sec. 126-365. - Pretreatment facilities.**

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in sections 126-327, 126-328, and 126-329 of this article within the time limitations specified by EPA, the state, or the control authority, whichever is more stringent. If the director requires pretreatment prior to discharge into the sewer system, the plans, specifications and other pertinent data or information relating to such wastewater pretreatment facilities, as prepared by a professional engineer registered in the State of Florida, shall be subject to review and acceptance by the director in accordance with the Pinellas County Utilities Industrial Pretreatment Program Standard Operating Procedures and Enforcement Response Plan, adopted by reference herein. The review of such plans and operating procedures shall in no way exempt the discharge from such facilities from compliance with any applicable code, ordinance or law, or relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the county under the provisions of this article. Any subsequent alterations or additions to such pretreatment or flow control facilities shall not be made without due notice to the director.

Where preliminary treatment is required, the pretreatment facilities shall be constructed and effectively operated and maintained by the owner at his expense, subject to the requirements of this article. The director may require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements.

**Sec. 126-366. - Additional pretreatment measures.**

- (1) Whenever deemed necessary, the control authority may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions be necessary to protect the WWF and determine the user's compliance with requirements of this article.
- (2) The control authority may require any person discharging into the WWF to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An industrial wastewater permit may be issued solely for flow equalization.
- (3) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (4) Requirements for dental facilities that remove or place amalgam fillings:

- a. The definitions and requirements established in 40 C.F.R. 441.10-50, as well as any current or future pertinent state standards, are incorporated and made a part of this code for the purposes of this subsection.
- b. All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:
  - (1) For existing sources, install any system or device as required in 40 C.F.R. 441.10-50, and submit the One-Time Compliance Report, which is due no later than October 12, 2020 or no later than 90 days after transfer of ownership.
  - (2) For new sources, install any system or device as required in 40 C.F.R. 441.10-50, and submit the One-Time Compliance Report, which is due within 90 days of the start of discharge to the sewer collection system.
  - (3) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.
  - (4) 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.
  - (5) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
  - (6) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
  - (7) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.
- a. All owners and operators of dental facilities must comply with all other reporting provisions, including submission of required reports or certifications, maintenance of records, and installations and maintenance of equipment, as provided in 40 C.F.R. 441.10-50.

#### **Sec. 126-367. - Hauled wastewater.**

- (a) Septic tank waste may be introduced into a WWF only at locations designated by the plant manager, and at such times as are established by the plant manager. Such waste shall not violate the discharge standards of this ordinance [Ordinance No. 12-41] or any other requirements established by the county. The control authority may require septic tank waste haulers to obtain individual industrial wastewater permits.
- (b) The control authority may require haulers of industrial waste to obtain individual industrial wastewater permits. The control authority may require generators of hauled industrial waste to obtain individual industrial wastewater permits. The control authority also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance [Ordinance No. 12-41].
- (c) Industrial waste haulers may discharge loads only at locations designated by control authority. No load may be discharged without prior consent of control authority. The control authority may collect samples of each hauled load to ensure compliance with applicable standards. The control authority may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

#### **Secs. 126-368—126-374. - Reserved.**

### **Subdivision III. - Reporting Requirements**

#### **Sec. 126-375. - 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 govern.

#### **Sec. 126-376. - Record keeping.**

Industrial 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 information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, including documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the county, or where the user has been specifically notified of a longer retention period by the control authority.



## **Sec. 126-377. - Baseline monitoring reports.**

Within either 180 days after the effective date of a local or categorical pretreatment standard, or the final administrative decision on a category determination under Rule 62-625.410(2)(d), FAC, or 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such local or categorical pretreatment standards and currently discharging to or scheduled to discharge to the county sewer system shall submit to the control authority a report which contains the information listed below. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable local or categorical standard, shall submit to the control authority a report which contains the information listed below. A new source shall report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source also shall give estimates of the information listed in paragraphs (4) and (5) below.

Industrial users described above shall submit the information set forth below on the form provided by the control authority.

- (1) Identifying information. The name and address of the facility, including the name of the operator and owner.
- (2) A list of any pollution control permits held by or for the facility.
- (3) Description of operations. A brief description of the nature, average rate of production, and NAICS or SIC codes of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes.
- (4) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula, pursuant to Rule 62-625.410, FAC, and 40 CFR 403.6(e).
- (5) Measurement of pollutants.
  - a. The industrial user shall identify the pretreatment standards applicable to each regulated process.
  - b. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the pretreatment standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.
  - c. The industrial user shall take a minimum of one representative sample to demonstrate data is in compliance with these requirements.
  - d. 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), FAC, in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Rule 62-625.410(6), FAC, this adjusted limit, along with supporting data, shall be submitted to the control authority.

- e. All activities related to sampling and analysis shall comply with 40 CFR Part 136, Chapter 62-160, FAC, Rules 62-625-600(6)(d) and (e) F.A.C., and section 126-330, PCC.
    - 1. Sampling activities shall be performed according to procedures specified in "The Department of Environmental Protection Standard Operating Procedures for Field Activities," DEP-SOP-001/01, April 16, 2018, hereby adopted and incorporated by reference. A copy of this document is available for inspection at FDEP district offices and 2600 Blair Stone Road, MS 3540, Tallahassee, Florida 32399-2400 and is also available on the FDEP's internet site.
    - 2. Analytical tests shall be performed in accordance with applicable test procedures identified in 40 CFR Part 136, as amended, hereby adopted and incorporated by reference. If a test for a specific component is not listed in 40 CFR Part 136, or if the test procedure has been determined to be inappropriate for the analyte in question (e.g., insufficient sensitivity) the laboratory, with the approval of the industrial user and control authority, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, FAC.
    - 3. If a sampling procedure is not available or none of the approved procedures are appropriate for collecting the samples, the sampling organization, with the approval of the industrial user and control authority, shall identify and propose a method for use in accordance with Rule 62-160.220, FAC.
  - f. 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.
  - g. The baseline report shall indicate the time, date and place, of sampling; methods 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 WWF.
  - h. Sampling must be performed in accordance with procedures set out in section 126-330 of this article.
- (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) 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 126-378 of this article.
- (8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with section 126-364 of this article.

**Sec. 126-378. - Compliance schedule progress reports.**

The following conditions shall apply to consent orders and/or compliance schedules required by sections 126-365, 126-377, or 126-401(a) of this article:

- (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 industrial 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 and conducting routine operation).
- (2) No increment referred to above shall exceed nine months.
- (3) The industrial user shall submit a progress report to the control authority every 30 days including, as a minimum, whether or not it complied with any scheduled increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule. A final progress report shall be submitted within 14 days of the final compliance date.

**Sec. 126-379. - 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 WWF, any industrial user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in section 126-377 of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in Rule 62-625.410, FAC, and 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 126-364 of this article.

**Sec. 126-380. - Periodic compliance reports.**

All significant industrial users, except a non-significant categorical industrial user, shall, at a frequency determined by the control authority but in no case less than twice per year (June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the required flow data for the reporting period.

Periodic compliance reports may be required to be entered into and/or submitted using the computerized online system utilized by the County, in accordance with due dates specified in the industrial wastewater permit. All reports must be in compliance with Rule 62-625.600(4) FAC, and must be signed and certified in accordance with section 126-364 of this article.

All wastewater samples must be representative of the user's discharge. Sample collection and analysis shall be performed as specified in section 126-330. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

If an industrial user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the control authority, using the procedures prescribed in section 126-330 of this article, the results of this monitoring shall be included in the report.

The control authority may authorize the industrial user subject to a categorical pretreatment standard to waive sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user demonstrates the following through sampling and other technical factors:

- (1) The pollutant is neither present nor expected to be present in the discharge, or the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user; and
- (2) The pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

Industrial users that have an approved monitoring waiver based on section 126-380 must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the industrial user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under section 126-380.

#### **Sec. 126-381. - Reports of changed conditions.**

Each industrial user must notify the control authority in writing of any planned changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 60 days prior to such change.

- (1) The control authority may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial wastewater permit application under section 126-353 of this article.
- (2) The control authority may issue an industrial wastewater permit under section 126-354 of this article or modify an existing industrial wastewater permit under section

126-358 of this article in response to changed conditions or anticipated changed conditions.

- (3) For purposes of this requirement, significant changes include, but are not limited to, changes in flow or production volume of 20 percent or greater, the addition or deletion of any process or process line, and the discharge of any previously unreported pollutants.

Each industrial user must submit a closure plan to the control authority upon becoming aware of plans to close a permitted facility, but in no case less than 60 days prior to initiation of closure activities. A closure plan shall be prepared following the outline provided by the control authority.

**Sec. 126-382. - Slug control plan.**

The control authority requires that each significant industrial user develop, submit for approval, and implement a slug control plan. Detailed plans showing facilities and operating procedures to provide for accidental spill protection shall be submitted to county sewer system for review before construction of the facility. Any new user who begins discharge to the county sewer system after the effective date of this article shall not be permitted to introduce pollutants into the sewer until a slug control plan has been approved. Slug control plans shall be submitted at a frequency determined by the control authority for evaluation. A slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges.
- (2) Description of stored chemicals.
- (3) Procedures 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.
- (4) Detailed site maps showing the facility, piping diagrams, site flow patterns (both internal and external), runoff control devices, the locations of all process, treatment, and chemical storage areas, the location of emergency response equipment and evacuation routes.
- (5) Spill reporting procedures as provided in section 126-383.

**Sec. 126-383. - Accidental discharge reporting procedures.**

Each industrial user shall provide protection from accidental discharge of prohibited materials and other substances regulated by this article as provided in section 126-382. Facility modifications to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge, or facility changes which could potentially cause a slug discharge, the user shall meet the following requirements:

- (1) *Telephone notification.* Any industrial user causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with the county sewer system, shall notify the director, or his previously designated representative immediately by telephone. In the absence or unavailability of the director or his representative, notification shall be given to the county employee then in charge of the treatment plant that accepts the industrial user's wastes. 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) *Written report.* Within five business days following an accidental discharge, the industrial user shall provide the director with a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the county sewer system, natural resources, fish kills, or any other damage to persons or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law. Furthermore, the industrial user shall control its production (or all its discharges) to the extent necessary to maintain compliance with all applicable local, state and federal regulations upon reduction, loss or failure of its pretreatment facility, and until the facility is completely restored or an alternative and equally effective method of pretreatment is provided. This requirement applies in but is not limited to the situation where the primary source of power of the treatment facility is reduced or lost or fails.
- (3) *Notice.* A notice provided by the county shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees who to call in the event of a discharge described above. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

#### **Sec. 126-384. - Toxic organic management plan.**

A toxic organic management plan can be submitted for those significant industrial users subject to categorical pretreatment standards with limits for toxic organic compounds (Total Toxic Organics, or TTO), for which there is provision for submittal of a toxic organic management plan in lieu of monitoring. This substitution must be approved by the control authority, this plan shall include the following information, at a minimum:

- (1) A complete inventory of all toxic organic chemicals in use or identified through sampling and analysis of the wastewater from regulated process operations (organic constituents of trade-name products should be obtained from the appropriate suppliers as necessary).
- (2) The methods of disposal used for the inventoried compounds, such as reclamation, contract hauling, or incineration.
- (3) The procedures for assuring that toxic organic compounds do not routinely leak or spill into the wastewater discharge, floor drains, noncontact cooling water, etc., or any other location which allows discharge of the compounds.

- (4) Determinations or best estimates of the identities and approximate quantities of toxic organic pollutants used, as well as discharged from the regulated manufacturing processes. Compounds present in waste streams that are discharged to sanitary sewers may be a result of regulated processes or disposal, spills, leaks, rinse water carryover, air pollution control, and other sources.
- (5) A certification statement in accordance with section 126-364.

The permittee may submit a toxic organic management plan and request that TTO monitoring requirements be discontinued upon approval and implementation of the plan. The certification statement must be made by a responsible corporate officer of the company both at the time of submission and with periodic reports (i.e. compliance report).

**Sec. 126-385. - Notice of violation/repeat sampling.**

If sampling performed by a user indicates a violation, the industrial user must notify the control authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation. The industrial user is not required to resample if the control authority or industrial user has sampled between the user's initial sampling and when the industrial user received the results of this sampling.

**Sec. 126-386. - Reports from unpermitted users.**

All users not required to obtain an industrial wastewater permit shall provide appropriate reports to the control authority as required by section 126-308 and/or section 126-351.

**Sec. 126-387. - Signatory requirements for industrial user reports.**

Industrial user reports shall be signed as follows:

- (1) By a responsible corporate officer, if the industrial user submitting the reports is a corporation;
- (2) By a general partner or proprietor, if the industrial user submitting the reports is a partnership or sole proprietorship respectively;
- (3) By a duly authorized representative of the individual designated in paragraph (1) or (2) above if:
  - a. The authorization is made in writing by the individual described in paragraph (1) or (2) above,
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, (such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility) or having overall responsibility for environmental matters for the company, and
  - c. The written authorization is submitted to the control authority;
  - d. If an authorization under paragraph c. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a

new authorization satisfying the requirements of paragraph c. above must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative; or

- e. By a duly authorized municipal official. if the industrial user submitting the reports is a municipal department.

**Secs. 126-388—126-399. - Reserved.**

**Subdivision IV. - Enforcement**

**Sec. 126-400. - Penalty for violation of article.**

Failure to comply with the requirements of this article or any permit or approval granted or authorized under this article shall constitute a violation of this article. Violations of the provisions of this article shall be punishable by the administrative remedies provided in section 126-401, and the civil remedies and/or the ordinance violation penalties provided in sections 126-402 through 126-406. If a violation is continued, each day of such violation shall constitute a separate offense.

**Sec. 126-401. - Administrative remedies.**

The board of county commissioners is hereby authorized to institute any appropriate action or proceeding, including suit for injunctive relief, in order to prevent or abate violations of this article. The board of county commissioners is also authorized, in accordance with the Pinellas County Environmental Enforcement Act (Pinellas County Code, sections 58-26 through 58-34), to impose and recover a civil penalty for each violation of this article in an amount of at least \$1,000.00 per day for each offense.

- (1) *Notice of violation.* When the control authority finds that a user has violated, or continues to violate, any provision of this article, an industrial wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, the control authority may serve upon that user a written notice of violation. This notice may be issued in conjunction with a civil penalty as described in section 126-401(7) below, or by an ordinance violation citation as described in section 126-403. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (2) *Consent order.* The control authority may enter into consent orders, compliance agreements, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific actions to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this article and shall be judicially enforceable.



A consent order may include, but shall not be limited to, the following items:

- a. Review and acceptance by the control authority of plans for installation or upgrade of pretreatment system;
  - b. A schedule for achieving compliance, including reporting requirements and allowable time frames for preparation of plans, acquisition of necessary equipment, initiation of construction (including time for permit approval, where required), completion of construction, and a date for achievement of final compliance with the provisions of this article; and
  - c. Payment of a monetary settlement as provided in the Pinellas County Environmental Enforcement Act (sections 58-26 through 58-34).
- (3) *Administrative orders.* When the control authority finds that a user has violated, or continues to violate, any provision of this article, an industrial wastewater permit issued hereunder, or any other pretreatment standard or requirement, the control authority may issue an administrative order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Administrative orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer system. Administrative orders may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does an administrative order relieve the user of liability for any violation, including any continuing violation. Issuance of an administrative order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (4) *Cease and desist orders.* When the control authority finds that a user has violated, or continues to violate, any provision of this article, an industrial wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the control authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:
  - a. Immediately comply with all requirements; and
  - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (5) *Emergency suspension.* The control authority may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The control authority may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the WWF, or which presents, or may present, an endangerment to the environment.

- a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF, its receiving stream, or endangerment to any individuals. The control authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the control authority that the period of endangerment has passed, unless the termination proceedings in section 126-401(6) of this article are initiated against the user.
  - b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the control authority prior to the date of any show cause or termination hearing under section 126-401 of this article.
- (6) *Termination of service.* In addition to the provisions in section 126-401 of this article, any user who violates the following conditions is subject to discharge termination:
- a. Violation of an industrial wastewater permit conditions;
  - b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
  - d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
  - e. Violation of the pretreatment standards in sections 126-327, 126-328 or 126-329 of this article.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (8) of this section why the proposed action should not be taken. Exercise of this option by the control authority shall not be a bar to, or a prerequisite for, taking any other action against the user.

- (7) *Civil penalty.* When the control authority finds that a user has violated, or continues to violate, any provision of this article, an industrial wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, the control authority may institute a civil action in court or competent jurisdiction to penalize such user in at least the amount of \$1,000.00. Such penalties shall be assessed on per violation, per day basis. In the case of monthly or other long-term average discharge limits, penalties may be assessed for each day during the period of violation. Civil penalties may be issued in conjunction with other administrative enforcement actions. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. The control authority may recover reasonable

attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the county in accordance with the Pinellas County Environmental Enforcement Act. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

- (8) *Show cause hearing.* The control authority may order a user which has violated, or continues to violate, any provision of this article, an industrial wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the control authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 14 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
- (9) *Permit revocation.* The control authority may revoke an approved permit under the conditions specified in section 126-362. An industrial user whose permit has been revoked is no longer authorized to discharge process wastewater to the county sewer system.
- (10) *Notice of significant noncompliance.* As provided in section 126-284, and as required by Rule 62-625.500, FAC, and 40 CFR 403.8(f)(2)(vii), the control authority shall publish annually, in the largest daily newspaper published in the municipality where the WWF is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements, as defined in section 126-276.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

#### **Sec. 126-402. - Injunctive relief.**

When the control authority finds that a user has violated, or continues to violate, any provision of this article, an industrial wastewater permit, or order issued hereunder, or any other pretreatment standard or requirement, the control authority may petition the appropriate court through the county's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the industrial wastewater permit, order, or other requirement imposed by this article on activities of the user. The control authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

#### **Sec. 126-403. - Ordinance violation.**

The provisions of this Article may be enforced as provided in Section 1-8 of this Code.

**Sec. 126-404. - Remedies nonexclusive.**

The remedies provided for in this article are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the control authority's enforcement response plan. However, the control authority may take other action against any user when the circumstances warrant. Further, the control authority is empowered to take more than one enforcement action against any noncompliant user.

**Sec. 126-405. - Water supply severance.**

Whenever a user has violated or continues to violate any provision of this article, an industrial wastewater permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

**Sec. 126-406. - Affirmative defenses to discharge violations.**

- (a) *Upset*. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (b) below, are met.
  - (2) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - a. An upset occurred and the user can identify the cause(s) of the upset;
    - b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
    - c. The user has submitted the following information to the control authority within 24 hours of becoming aware of the upset:
      1. A description of the indirect discharge and cause of noncompliance;
      2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
      3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance. If this information is provided orally, a written submission must be provided within five days.
  - (3) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

- (4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
  - (5) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (b) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 126-327 of this article or the specific prohibitions in sections 126-329 of this article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
  - (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the county was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (c) *Bypass.* For the purposes of this section, "bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (1) and (2) of this section. The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in paragraph (3) of this section.
- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, at least ten days before the date of the bypass, if possible.
  - (2) A user shall submit oral notice to the control authority of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass, a written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (3) Bypass is prohibited, and the control authority may take an enforcement action against a user for a bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c. The user submitted notices as required under paragraphs (1) and (2) of this section.

**Secs. 126-407—126-410. - Reserved.**

#### **Subdivision V. - Other Miscellaneous Provisions**

##### **Sec. 126-411. - Regulation of waste received from other jurisdictions.**

Where another municipality, or user located within another municipality, contributes wastewater to the WWF, the control authority shall enter into an inter-municipal agreement with the contributing municipality. Prior to entering into an inter-municipal agreement, the control authority shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the WWF by the contributing municipality.
- (2) An inventory of all users located within the contributing municipality that are discharging to the WWF, including a description of the type of business and average monthly water usage for each user.
- (3) Such other information as the control authority may deem necessary.

Where required, an inter-municipal agreement shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in section 126-329 of this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the county code article or local limits.
- (2) A provision specifying which pretreatment implementation activities, including user inventory, industrial wastewater permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the control authority; and which of these activities will be conducted jointly by the contributing municipality and the control authority.
- (3) A requirement for the contributing municipality to provide the control authority with access to all information that the contributing municipality obtains as part of pretreatment activities.

- (4) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the WWF.
- (5) A provision ensuring the control authority access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspect sampling, and any other duties deemed necessary by the control authority.
- (6) A provision ensuring the control authority the right to take legal action to enforce the terms of the contributing municipality's ordinance or to impose and enforce pretreatment standards and requirements directly against noncompliant dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.
- (7) A schedule of rates and fees for wastewater discharges from the contributing municipality, based on both quality and quantity, and fees for any pretreatment activities which will be conducted by the control authority, either routinely or under the provision of subsections (5) and (6) above.
- (8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

#### **Sec. 126-412. - Processed groundwater.**

The discharge of groundwater to the county sewer system sewer or connected systems is prohibited under section 126-327 of this article, unless specifically authorized by the control authority. The control authority may approve the discharge of processed groundwater generated from groundwater remediation activities under the conditions outlined below or otherwise described in the authorization to discharge. The fees for collection, transmission, treatment, disposal and monitoring of processed groundwater to the county sewer system are provided in the Schedule of Rates and Fees for Pinellas County Sewer System. In no case will any processed groundwater be discharged to the county sewer system prior to the receipt of written authorization from the control authority. Groundwater discharges may be subject to the permitting requirements in section 126-352 and fees set forth in the Pinellas County Utilities Schedule of Rates and Fees.

- (1) The authorized discharger will assume responsibility for any damage to county sewer system facilities or operations resulting from the discharge of processed groundwater to the county sewer system.
- (2) The authorized discharger will immediately cease discharge of processed groundwater to the county sewer system upon notice by the county that such discharge is adversely affecting the biological treatment process or efficient operation of the wastewater treatment facility, or sewer collection system receiving the processed groundwater.
- (3) The authorized discharger will monitor the quality of processed groundwater being discharged to the county sewer system as specified in the permit or other authorization to discharge and will provide control authority with a laboratory analysis of the discharge upon initiation of discharge and on a monthly basis for the duration of groundwater discharge activities. The control authority reserves the right to collect samples independently of the authorized discharger for verification of compliance.
- (4) The processed groundwater discharge flow rate to the county sewer system shall not exceed ten gallons per minute. This flow rate may be adjusted by the control authority

depending upon the location of the discharge, and based upon the capacity of the sewer system at the point of discharge;

- (5) Processed groundwater discharged to the county sewer system shall contain a concentration of no more than 50 parts per billion Total Volatile Organic Aromatics (V.O.A.), as determined using EPA Method 602 for analysis. It shall also meet all other federal, state and local discharge standards. All sampling and analysis must be performed in accordance with section 126-330 of this article.
- (6) A continuous, non-resettable flow meter shall be installed on the discharge line to the county sewer system. Monthly meter readings for volume of processed groundwater discharged to the county sewer system shall be provided by the authorized discharger to Pinellas County for billing purposes.

**Sec. 126-413. - Pretreatment charges and fees.**

The county shall establish reasonable fees for reimbursement of the costs of setting up and operating the county's pretreatment program in the Schedule of Rates and Fees for Pinellas County Sewer System, which may include but are not limited to:

- (1) Fees for an industrial wastewater permits, which include the cost of processing such applications;
- (2) Fees for any additional non-routine monitoring, inspection, surveillance procedures, and other investigative costs resulting from noncompliance including the cost of collecting samples and analyzing a user's discharge, and reviewing monitoring reports submitted by users. These charges will be billed in accordance with the actual time and costs incurred by the control authority as a result of these activities; and
- (3) Fees for excessive loading on the system (surcharge fees). These fees shall be applicable to municipalities contributing flow to the county sewer system under the provisions of section 126-411, as well as to industrial users discharging to the county sewer system or any connected system.
- (4) Fees for groundwater remediation, which include meter processing and volume.

**Secs. 126-414—126-500. - Reserved.**

SECTION 2. Administration of Article. Except as otherwise provided in this article, the County Utilities Department, as may be renamed or reorganized from time to time, is hereby designated as the County agency responsible for administration and enforcement of this article.

SECTION 3. Severability. If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 4. Areas Embraced. This Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

SECTION 5. Inclusion in Code. It is the intention of the Board of County Commissioners that



the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, FS, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.

APPROVED AS TO FORM

By:

  
Office of the County Attorney