

ENFORCEMENT MEASURES, LEGAL AUTHORITY AND ORDINANCE

To view the Delray Beach's Legal Authority Ordinance click on this link for PBCO-NPDES.org

The following pages are a copy of Delray Beach's Industrial Treatment Program Enforcement Response Plan.



**CITY
OF
DELRAY BEACH**

**INDUSTRIAL PRETREATMENT PROGRAM
ENFORCEMENT RESPONSE PLAN**

**CITY OF DELRAY BEACH, FLORIDA
INDUSTRIAL PRETREATMENT PROGRAM
ENFORCEMENT PLAN**

TABLE OF CONTENTS

<u>TITLE</u>	<u>PAGE</u>
1. Objectives	2
2. Enforcement Responses	2
3. Abbreviations	2
4. Using the Enforcement Guide	3
5. Legal Action	6
6. Surcharge Invoice	6
7. Notice of Violation	6
8. Consent Orders	6
9. Charges and Fees	6
10. Data Screening Procedures	7
11. Site Visits	8
12. Violation Enforcement Tracking	9
13. Inspection	9
14. Sampling	10
15. Show Cause Hearing	10
16. The City of Delray Beach Enforcement Response Guide	12
17. Time Frame for Responses	22
18. Further Administrative/Legal Action	22

1. Objectives:

This Enforcement Response Guide has the following objectives:

- a. To define the range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors.
- b. To promote consistent and timely use of enforcement remedies on a strict liability basis. Strict liability in this context is taken to mean that every instance of noncompliance (regardless of fault, negligence, or intent on the part of the industrial user) is a violation of the Boynton Beach Code and subjects the user to enforcement.

2. Enforcement Responses:

The implementation of a particular enforcement response should be determined by evaluating the following factors:

- a. The magnitude and duration of the violation.
- b. The effect of the violation on the Wastewater Facility (WWF), its workers and the quality of its reclaimed water and sludges.
- c. The compliance history and good faith rating of the industrial user concerned.

3. Abbreviations:

CA	-City Attorney (or his/her designee)
DEP	-The Florida Department of Environmental Protection
EPA	-United States Environmental Protection Agency
IU	-Industrial User
Fine	-Monetary Penalty Assessed by the City of Delray Beach
IWP	-Industrial Wastewater Permit
NOV	-Notification of Violation
SNC	-Significant Noncompliance
SIU	-Significant Industrial User
WWF	-Wastewater Facility

4. Using the Enforcement Response Guide:

The following are actions that may be taken by the City to enforce the Pretreatment Ordinance and any applicable provisions of Federal or State Law, or regulation regarding industrial discharges to the WWF.

a. Descriptive Use:

- 1) Locate the type of noncompliance in column one, and identify the description of the violation in column two.
- 2) Assess the appropriateness of the recommended response(s) in column three. First offenders or users demonstrating good faith efforts may merit a more lenient response. Repeat offenders, or those demonstrating negligence may require a more stringent response.
- 3) Apply the enforcement response to the industrial user. Specify corrective action or other responses required of the industrial user, if any. Column four indicates the personnel authorized to take each response. If you cannot apply this response, refer it immediately to the person that can.
- 4) Follow up the response with escalated enforcement action if the industrial user's response is not received or violation continues.

b. Severance of Service:

The City may suspend the wastewater treatment service and/or a Discharge Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the WWF or causes the City to violate any condition of the Discharge Permits. Any person notified of a suspension of the wastewater treatment service and /or the Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize discharge to the WWF system or endangerment to any individuals. The City shall reinstate the Discharge Permit and/or wastewater treatment service upon **proof** of the elimination of the non-complying discharge. A detailed written statement submitted by the USER describing the causes of the harmful contributions and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence.

c. *Revocation of Permit:*

Any user who violates the following conditions of this Ordinance, or applicable State or Federal regulation, is subject to having their permit revoked in accordance with the procedures of the Pretreatment Ordinance:

- 1) Failure of a user to report factually the wastewater constituents and characteristics of his discharge;
- 2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- 3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- 4) Violation of conditions of the permit.
- 5) Discharging to the WWF any discharge that endangers public health or welfare, threatens the environment, or which threatens the operation of the WWF.

d. *Notification of Violation:*

Whenever the City finds that any user has violated or is violating the Pretreatment Ordinance, a Discharge Permit, or any prohibition or limitation of requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

e. *Record of Conversation:*

Whenever the City finds that any user has filed an incomplete report, is less than fifteen days late in filing a report, or for other violations, the City may contact such user by telephone or informal site visit. In cases of repeat violations or when an initial visit does not result in adequate resolution of the violation, the user may be visited by higher authorities. A brief summary of conversations held concerning violations of user permits are to be placed in the user's file.

f. *Publication for Significant Noncompliance:*

The City shall publish quarterly within the daily newspaper with the largest circulation within its jurisdiction, the names of industrial users which, at any time during the previous 12 months were in significant noncompliance. A user is in significant noncompliance if its violation meets one or more of the criteria set forth in Chapter 62-625.500 (2) (b) 8, FAC.

For the purposes of this Enforcement Response Plan the definition of Significant Noncompliance is as follows. An industrial user is in significant noncompliance if its violation meets one of the following criteria:

- 1) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- 2) Technical Review Criteria (TRC) violations, defined as those in which 33% or more of all measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, grease and 1.2 for all other pollutants except pH).
- 3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public).
- 4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority to halt or prevent such a discharge.
- 5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism of enforcement order for starting construction, completing construction, or attaining final compliance.
- 6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- 7) Failure to accurately report noncompliance.
- 8) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

5. Legal Action:

If any person discharges sewage, industrial wastes or other wastes into the wastewater disposal system contrary to the provisions of the Pretreatment Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of Palm Beach County.

6. Surcharge Invoice:

The City may establish a surcharge schedule for any user that is exceeding the limits of the following parameters: CBOD, COD, oil and grease, and TSS. The purpose of the surcharge is to recoup the additional expense to the WWF for removing these excess charges. The surcharge is based on a cost per pound discharged and is included in the user's IWP.

7. Notice of Ordinance Violation:

If a violation is found during a site visit, a routine inspection, or any other visit, a notice of ordinance violation can be issued. The notice includes the specific nature of the violation and a time frame for correcting the violation. The notice is to be signed by the user and the inspector. Corrective actions in the notice of ordinance violation can include an order to cease and desist discharge if the violation discovered warrants immediate cessation of activities.

8. Consent Orders:

If the City finds that alterations must be made in an industrial user's pretreatment facility, the City may issue an order to which the user shall consent in order to establish a compliance schedule. The consent order will include milestone dates to be met to bring the facility in compliance with the user's IWP. The user will be allowed to continue discharging to the WWF as long as the schedule for compliance, established in the consent order, is followed. Violations of the compliance schedule can result in the revocation of the user's permit and severance of service.

9. Charges and Fees:

It is the purpose of this chapter to provide for the recovery of costs from users of the wastewater disposal system for the implementation and continued operation of the program established herein. These fees relate solely to the matters covered by the Pretreatment Ordinance and are separate from all other fees chargeable by the City. Charges and fees shall be for the recovery of actual costs of City labor, materials

and equipment (plus 25% overhead expenses and the invoiced charges by others for the above services).

The City may adopt charges and fees which may include:

- a. Fees for reimbursement of costs of setting up and operating the City's Pretreatment Program.
- b. Fees for monitoring, inspections and surveillance procedures.
- c. Fees for reviewing accidental discharge procedures and construction.
- d. Fees for permit applications.
- e. Fees for filing appeals.
- f. Fees for consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards.
- g. Other fees as the City may deem necessary to carry out the requirements contained herein.

10. Data Screening Procedures:

A. *Screening of City Monitoring Data:*

Laboratory analyses are performed by laboratories certified by the Florida Department of Health. Field Sheets are filed in order of sample collection date and summary sheets listing all sampling activities are generated on a monthly basis. All data shall be compared with pollutant limits, and all instances of noncompliance shall be immediately detected. Appropriate enforcement action will commence as required. Hard copies of all monitoring activities shall be retained in the file established for each user.

B. *Screening of Industrial Periodic Compliance Monitoring Data:*

All pretreatment correspondence arriving at the pretreatment office shall be opened and date stamped. Envelopes shall be retained to determine postage dates where required. Periodic compliance monitoring reports shall be addressed or hand delivered to the program administrator as required by the user's IWP. The program administrator shall review and assess the periodic compliance monitoring report of each industrial user within five days from its receipt at the pretreatment office. All instances of noncompliance shall be immediately detected. Copies of the printouts shall be retained in the user's file.

C. *Screening of Telephone and Fax Data:*

Analytical data relayed to the pretreatment office shall be recorded and inserted in the user's file and shall include the name of the person taking the call, the name of the caller, the Industrial User, and the results. These records shall only be used for identifying the date and time of required noncompliance reporting by an industrial user. The date and time automatically on fax transmitted analytical data shall be used to record the receipt of a periodic compliance monitoring report or omitted data, provided that an original copy of the complete report is received not more than two (2) working days after the fax. This procedure may be used as a method of avoiding late reporting penalties by industrial users. No data received by telephone shall be accepted for compliance.

11. Site Visits:

A. *Response to Complaints:*

The sanitary sewer crews radio complaints when they encounter problems in the collections system that may be related to industrial users. The complaints include excessive grease in sewer lines or lift stations, suspected illegal connections, and suspected improper discharges. The IPP staff responds to these complaints and investigates for the source of any suspected discharge violations. The investigation may include consulting sewer line diagrams and tracking back to possible sources of the discharge. Other complaints may come from other users, agencies, or citizens. All complaints received are investigated as soon as possible. Complaint responses are documented on a complaint/emergency response report. Other documentation is also completed as needed.

B. *Site Visits – Non-permitted Users:*

- 1) The program administrator maintains an Industrial Waste Program file to schedule periodic inspections on non-permitted users. These users include restaurants, garages, car washes and small laundries. The inspections include grease traps, oil water separators, and lint traps. The users are inspected for proper operation, maintenance and pumping of pretreatment devices. The City Ordinance recommends that all grease traps be pumped on a quarterly basis.
- 2) Copies of the inspection reports are maintained in files, and are reviewed by the program, administrator on a monthly basis. Violations detected during the site visits are documented.

C. *Site Visits – Permitted Users:*

Permitted industrial users are inspected prior to permit issuance or renewal. Site visits for permits are conducted using the Industrial Inspection Checklist and Report. Any violations noted during an inspection are also documented for review prior to the issuance of any permit or permit renewal.

12. Violation Enforcement Tracking:

A. *Violation Tracking File:*

The program administrator shall maintain a violation tracking file to track all enforcement action and violation responses. This file is checked at the beginning of each week to determine what user corrective actions are to be verified that week. As responses to violations and enforcement actions are received, the corresponding documentation is removed from the violation tracking file. If an adequate response to the violation is not received by the response due date, further enforcement action is initiated. Violations and enforcement actions that are tracked using the violation tracking file include but are not limited to the following:

- 1) *Notices of Violation* – A copy of all notices of violation that require a response from the user will be placed in the violation tracking file. If multiple due dates are listed on the NOV, a separate copy will be kept in the corresponding folders of the file.
- 2) *Grease Trap Inspection Reports* – If a user has been required to pump out a grease trap, a copy of the report is placed in the next week's file so that verification can be made that the trap was pumped.
- 3) *Industrial Monitoring Site Visit Report* – If a violation is detected during a user visit and a response due date is discussed with the user during the visit, a copy of the Site Visit Report is placed in the violation tracking files.
- 4) *Surcharge Invoices* – If a Surcharge Invoice is issued, a copy of the invoice is placed in the next month's folder so that follow-up can be made to verify that the user is paying the surcharge in a timely fashion and that the client is not questioning the surcharges.

b. *Publication File:*

Any time a user is found to be in significant noncompliance as outlined previously, a NOV shall be issued. A copy of the NOV will be placed in a file for publication. On a quarterly basis, the program administrator will review the publication file and users that are found to warrant publication will be published as outlined previously.

13. Inspection:

- a. Inspections will be used to identify problem areas and IU noncompliance.
- b. Noncompliance will be re-inspected within 1 to 90 days depending on the severity of the violation.

- c. After identifying any problems, the delegated personnel will place the inspection report into the discharger's file.
- d. Any inspection problems will be documented and placed into a pending file which will be reviewed at a minimum of every 30 days or as needed. Any recommendations will be implemented.
- e. Inspections that are unscheduled will be on a case-by-case basis or as needed.
- f. Inspections will include:
 - 1) A pre-inspection preparation.
 - 2) Completion of an inspection form.
 - 3) Data collection and accompanying documentation.
 - 4) A post inspection evaluation.
- g. When the sampling results are received, a review for completeness and accuracy will be performed. Any enforcement action will be initiated.

14. Sampling:

- a. Samples will be collected according to the Department of Environmental Protection Standard Operating Procedures.
- b. A chain-of-custody form will be filled out for all samples.

15. Show Cause Hearing:

- a. The City may order any user who causes or allows an unauthorized discharge to enter the WWF to show cause before the City Commission or South Central Regional Wastewater Treatment and Disposal Board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Commission or South Central Regional Wastewater Treatment and Disposal Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Commission or South Central Regional Wastewater Treatment and Disposal Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

- b. The City Commission or South Central Regional Wastewater Treatment and Disposal Board may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City to:
 - 1) Issue in the name of the City Commission or South Central Regional Wastewater Treatment and Disposal Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - 2) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Commission or South Central Regional Wastewater Treatment and Disposal Board for action thereon.
 - 3) Take evidence.
- c. At any hearing held pursuant to the Industrial Pretreatment Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- d. After the City Commission or South Central Regional Wastewater Treatment and Disposal Board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

16. The City of Deraly Beach Enforcement Response Guide

I. UNAUTHORIZED DISCHARGE (NO PERMIT)

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
<p>A. Exceedance of local, state, or federal standards for SIU</p>	<ol style="list-style-type: none"> I.U. is unaware of the requirement; no harm to system, workers, WWF or the environment. I.U. is unaware of the requirement; however, harm occurs to the system, workers, WWF, and/or the environment. Failure to comply after notice is given by WWF. Discharge without a permit (due to failure to renew) 	<p>Phone call, N.O.V. (no fine) and complete a site survey to determine if a permit is warranted.</p> <p>Site visit, give application for Permit. N.O.V. (with fine) Further administrative/legal action/sewer severance</p> <p>Legal Action Case by case enforcement including severity and perception of intent. Minimum of N.O.V.</p> <p>N.O.V. (with fine) and/or compliance schedule. And/or further administrative action.</p>	<p>E.S./L.D.</p> <p>E.S./L.D.</p> <p>E.S./L.D./P.C./DIR.</p> <p>P.C./DIR./O.C.A. P.C./DIR./O.C.A.</p> <p>P.C./DIR./O.C.A.</p>
<p>B. Exceedance of local, state, or federal standards for other than SIU</p>	<ol style="list-style-type: none"> I.U. is unaware of the requirement; no harm to system, workers, WWF, or the environment. I.U. is unaware of the requirement; however, harm occurs to the system, workers, WWF, and/or the environment. Failure to comply after notice is given by WWF. 	<p>Phone call, N.O.V. (no fine) and complete a site survey to determine if a Permit is warranted.</p> <p>Site visit, give application for Permit. N.O.V. (with fine) Further administrative/legal action/sewer severance</p> <p>Legal Action Criminal Investigation Terminate Service</p>	<p>E.S./L.D.</p> <p>E.S./L.D. E.S./L.D./P.C./DIR. P.C./DIR./O.C.A.</p> <p>P.C./DIR./O.C.A. P.C./DIR./O.C.A.</p>

PERSONNEL LEGEND

- E.S./L.D. - Enforcement Specialist and/or Laboratory Designee
- P.C. - Pretreatment Coordinator
- DIR. - Director of Public Utilities
- O.C.A. - Office of The City Attorney

16. The City of Delray Beach Enforcement Response Guide

I. UNAUTHORIZED DISCHARGE (NO PERMIT) (cont.)

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
C. Exceedance of local, state, or federal standards for SIU, or non SIU, including permits	<ol style="list-style-type: none"> 1. First occurrence during previous 12 month period (not a slug load; no harm to system, workers, WWF and/or the environment) 2. Second occurrence during previous 12 month period (not a slug load; no harm to system, workers, WWF and/or the environment) 3. Third and any succeeding occurrence during previous 12 month period (not a slug load; no harm to system, workers, WWF and/or the environment) 	<p>Phone call</p> <p>N.O.V. (no fine)</p> <p>N.O.V. (with fine) and/or compliance schedule; and/or further administrative action</p>	<p>E.S./L.D./P.C.</p> <p>E.S./L.D./P.C.</p> <p>P.C./L.D./DIR./O.C.A.</p>

PERSONNEL LEGEND

- 5. E.S./L.D. - Enforcement Specialist and/or Laboratory Designee
- 6. P.C. - Pretreatment Coordinator
- 7. DIR. - Director of Public Utilities
- 8. O.C.A. - Office of The City Attorney

16 The City of Delray Beach Enforcement Response Guide (continued)

II. DISCHARGE LIMIT VIOLATION BY PERMITTED USER

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
<p>A. Exceedance of local, state, or federal standards for SIU, or non SIU, including permits</p>	<p>1. First occurrence during previous 12 month period (not a slug load; no harm to system, workers, WWF and/or the environment)</p> <p>2. Second occurrence during previous 12 month period (not a slug load; no harm to system, workers, WWF and/or the environment)</p> <p>3. Third and any succeeding occurrence during previous 12 month period (not a slug load; no harm to system, workers, WWF and/or the environment)</p>	<p>Phone call</p> <p>N.O.V. (no fine)</p> <p>N.O.V. (with fine) and/or compliance schedule; and/or further administrative action</p>	<p>E.S./L.D./P.C.</p> <p>E.S./L.D./P.C.</p> <p>P.C./L.D./DIR./O.C.A.</p>
<p>B. Exceedance of local, state, or federal standards for SIU, or non SIU, including permits</p>	<p>1. Any occurrence which harms system, workers, WWF and/or the environment.</p>	<p>Site visit</p> <p>N.O.V. (with fine)</p> <p>Further administrative/legal action/sewer severance</p>	<p>E.S./L.D./P.C.</p> <p>E.S./L.D./P.C.</p> <p>P.C./DIR./O.C.A.</p>

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16. The City of Delray Beach Enforcement Response Guide (continued)

II. DISCHARGE LIMIT VIOLATION BY PERMITTED USER

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
<p>C. Exceedance of local, state, or federal standards while on compliance schedule</p>	<p>1. First occurrence during previous 12 month period</p> <p>2. Second and all succeeding occurrences</p>	<p>N.O.V. (no fine)</p> <p>N.O.V. (with fine). The fine is based upon the industrial discharge loading and a percentage of the total fine amount will be assessed for payment upon discovery of the violation, with the remaining fine(s) to be held in abeyance pending timely and successful compliance with the compliance schedule.</p>	<p>E.S./L.D.</p> <p>E.S./L.D./P.C./DIR.</p>
<p>D. Significant Non Compliance</p>	<p>1. Exceeds significant non compliance criteria for any 6 month period</p> <p>a. Chronic Violations (66%)</p> <p>b. Technical review criteria (33%)</p>	<p>Publish in local newspaper</p> <p>Publish in local newspaper</p>	<p>P.C./L.D./DIR.</p> <p>P.C./L.D./DIR.</p>

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16. The City of Delray Beach Enforcement Response Guide (continued)

III. SELF MONITORING AND REPORTING VIOLATIONS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
<p>A. Reporting Violation -monthly report late</p> <p>Note: All reports >30 days late are considered significant noncompliance, and a disregard for N.O.V.</p>	<p>1. First occurrence during previous 12 month period A. Disregard for phone call B. Disregard for reminder letter C. Disregard for N.O.V.</p> <p>2. Second occurrence during previous 12 month period a. Disregard for reminder letter b. Disregard for N.O.V.</p> <p>3. Third and any succeeding occurrences during previous 12 month period a. Disregard for N.O.V.</p>	<p>Phone call on due date</p> <p>Reminder letter – 5 days N.O.V. (with fine) – 5 days Further administrative/legal action</p> <p>Reminder letter – 5 days</p> <p>N.O.V. (with fine) Further administrative/legal action</p> <p>N.O.V. (with fine)</p> <p>Further administrative/legal action</p>	<p>E.S./L.D.</p> <p>E.S./L.D.</p> <p>E.S./L.D./P.C./DIR.</p> <p>E.S./L.D./DIR./O.C.A.</p> <p>E.S./L.D.</p> <p>E.S./L.D./P.C./DIR.</p> <p>P.C./DIR./O.C.A.</p> <p>E.S./L.D./P.C./DIR.</p> <p>P.C./DIR./O.C.A.</p>
<p>B. Report improperly signed or certified</p>	<p>1. First occurrence during previous 12 month period a. Disregard for phone call b. Disregard for N.O.V. c. Disregard for N.O.V.</p> <p>2. Second occurrence during previous 12 month period a. Disregard for N.O.V. b. Disregard for N.O.V.</p> <p>3. Third and any succeeding occurrences during previous 12 month period a. Disregard for N.O.V.</p>	<p>Phone call</p> <p>N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action</p> <p>N.O.V. (no fine)</p> <p>N.O.V. (with fine) Further administrative/legal action</p> <p>N.O.V. (with fine)</p> <p>Further administrative/legal action</p>	<p>E.S./L.D.</p> <p>E.S./L.D./P.C.</p> <p>E.S./L.D./P.C.</p> <p>P.C./DIR./O.C.A.</p> <p>E.S./P.C.</p> <p>E.S./L.D./P.C.</p> <p>P.C./DIR./O.C.A.</p> <p>E.S./P.C.</p> <p>P.C./DIR./O.C.A.</p>

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16. The City of Delray Beach Enforcement Response Guide (continued)

III. SELF MONITORING AND REPORTING VIOLATIONS (continued)

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
C. Failure to report process changes	<ol style="list-style-type: none"> 1. No harm to system, workers, WWF, or the environment 2. Potential created to harm system, workers, WWF and/or the environment 3. Harm to system, workers, WWF, and/or the environment 	<p>Unannounced inspection</p> <p>Unannounced inspection and N.O.V. (with fine)</p> <p>Unannounced inspection Further administrative/legal action/sewer severance</p>	<p>E.S./L.D.</p> <p>E.S./L.D. E.S./L.D./P.C.</p> <p>E.S./L.D./P.C. P.C./DIR./O.C.A.</p>
D. Failure to respond when required	<ol style="list-style-type: none"> 1. Required documentation not submitted on due date <ol style="list-style-type: none"> a. Disregard for phone call b. Disregard for Final Notice c. Disregard for N.O.V. 	<p>Phone call on due date</p> <p>Final Notice 7 days past due date N.O.V. (with fine) Further administrative/legal action/sewer severance</p>	<p>E.S./L.D.</p> <p>E.S./L.D./P.C. E.S./L.D./P.C./DIR. P.C./DIR./O.C.A.</p>
E. Failure to monitor all pollutants as required by Permit	<ol style="list-style-type: none"> 1. First occurrence during previous 12 month period <ol style="list-style-type: none"> a. Disregard for phone call b. Disregard for N.O.V. c. Disregard for N.O.V. 2. Second occurrence during previous 12 month period <ol style="list-style-type: none"> a. Disregard for N.O.V. b. Disregard for N.O.V. 3. Third and all succeeding occurrences during previous 12 month period <ol style="list-style-type: none"> a. Disregard for N.O.V. 	<p>Phone call</p> <p>N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action</p> <p>N.O.V. (no fine)</p> <p>N.O.V. (with fine) Further administrative/legal action</p> <p>N.O.V. (with fine) Further administrative/legal action.</p>	<p>E.S./L.D.</p> <p>E.S./L.D./P.C. E.S./L.D./P.C./DIR. P.C./DIR./O.C.A.</p> <p>E.S./L.D./P.C.</p> <p>E.S./L.D./P.C./DIR. P.C./DIR./O.C.A.</p> <p>E.S./L.D./P.C./DIR. P.C./DIR./O.C.A.</p>

PERSONNEL LEGEND

1. E.S./L.D. - Enforcement Specialist and/or Laboratory Designer
2. P.C. - Pretreatment Coordinator
3. DIR. - Director of Public Utilities
4. O.C.A. - Office of The City Attorney

16. The City of Delray Beach Enforcement Response Guide (continued)

III. SELF MONITORING AND REPORTING VIOLATIONS (continued)

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
F. Failure to obtain proper sample type	1. First occurrence during previous 12 month period a. Disregard for phone call b. Disregard for N.O.V. c. Disregard for N.O.V. 2. Second occurrence during previous 12 month period a. Disregard for N.O.V. b. Disregard for N.O.V. 3. Third and all succeeding occurrences during previous 12 month period a. Disregard for N.O.V.	Phone call N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action N.O.V. (with fine) Further administrative/legal action	E.S./L.D. E.S./L.D./P.C. E.S./L.D./P.C. P.C./DIR./O.C.A. E.S./L.D./P.C. E.S./L.D./P.C. P.C./DIR./O.C.A. E.S./L.D./P.C. P.C./DIR./O.C.A.
G. Falsification of data	1. Any data which is submitted bearing an untruthful account of results or events	Administrative/Legal Action/Sewer Severance	P.C./L.D./DIR./O.C.A.
H. Failure to report additional monitoring	1. First occurrence a. Disregard for phone call b. Disregard for N.O.V. c. Disregard for N.O.V.	Phone call N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action	E.S./L.D. E.S./L.D./P.C. E.S./L.D./P.C. P.C./DIR./O.C.A.
I. Failure to install monitoring equipment	1. First occurrence a. Disregard for phone call b. Disregard for N.O.V. c. Disregard for N.O.V.	Phone call N.O.V. (no fine) N.O.V. (with fine) Further administrative/legal action	E.S./L.D. E.S./L.D./P.C. E.S./L.D./P.C. P.C./DIR./O.C.A.

PERSONNEL LEGEND

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16. The City of Delray Beach Enforcement Response Guide (continued)

IV. COMPLIANCE SCHEDULE VIOLATIONS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
A. Missed milestone (no effect on final milestone)	<ol style="list-style-type: none"> 1. Missed milestone is less than 90 days late 2. Missed milestone is greater than 90 days late 3. Recurring violations of schedule. 	<p>N.O.V. (no fine)</p> <p>N.O.V. (with fine)/SNC publication</p> <p>N.O.V. (with fine) Further administrative/legal action/sewer severance</p> <p>N.O.V. (no fine)</p>	<p>E.S./L.D./P.C.</p> <p>P.C./DIR./O.C.A.</p> <p>E.S./L.D./P.C./D.I.R./O.C.A.</p>
B. Missed milestone (affecting the final milestone)	<ol style="list-style-type: none"> 1. Missed milestone is less than 90 days late 2. Missed milestone is greater than 90 days late 3. Recurring violations of schedule 4. Refusal to enter into a consent order 	<p>N.O.V. (with fine)/SNC publication</p> <p>N.O.V. (with fine)</p> <p>Further administrative/legal action/sewer severance</p> <p>Permit revocations/sewer severance</p>	<p>E.S./L.D./P.C.</p> <p>P.C./DIR./O.C.A.</p> <p>E.S./L.D./P.C./D.I.R./O.C.A.</p> <p>P.C./DIR./O.C.A.</p>
C. Failure to meet compliance after final milestone date	<ol style="list-style-type: none"> 1. Exceed final milestone deadline (<30 days) 2. Continues to exceed final milestone deadline (>30 days) 	<p>N.O.V. (with fine). The fine is based upon the industrial discharge loading and a percentage of the total fine upon discovery of the violation, with the remaining fine(s) to be held in abeyance pending timely and successful compliance with the compliance schedule. Further administrative/legal action/sewer severance</p>	<p>P.C./L.D./DIR./O.C.A.</p> <p>P.C./DIR./O.C.A.</p>

PERSONNEL LEGEND

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16. The City of Delray Beach Enforcement Response Guide (continued)

V. VIOLATIONS DETECTED DURING SITE INSPECTIONS/VISITS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
A. Facility Entry	Entry Denied	Leave area – consult O.C.A.	E.S./P.C./O.C.A.
B. Records Review	Consent withdrawn to review/copy records	Leave area – consult O.C.A.	E.S./P.C./O.C.A.
C. Prohibited materials/substances discharged to sanitary sewer system	1. No harm to system, workers, WWF and/or the environment.	N.O.V. (no fine) with letter	E.S.
	2. Potential created to harm system, workers, WWF and/or the environment	N.O.V. (with fine)	E.S./P.C.
	3. Harm to system, workers, WWF and/or the environment	Further administrative/legal action/sewer severance	P.C./DIR./O.C.A.
D. Sampling at incorrect location	1. First occurrence	Verbal Notice (Documented)	E.S./L.D.
	2. Second occurrence	N.O.V. (with fine)	E.S./L.D./P.C.
	3. Third occurrence	Further administrative/legal action/sewer severance	P.C./DIR./O.C.A.
E. Record Keeping	1. Records found to be incomplete	N.O.V. (no fine), with letter	E.S./L.D.
	2. Recurring	N.O.V. (with fine), and/or Further administrative/legal action/sewer severance	P.C./DIR./O.C.A.

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16. The City of Delray Beach Enforcement Response Guide (continued)

V. VIOLATIONS DETECTED DURING SITE INSPECTIONS/VISITS

NON COMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
F. Waste streams are diluted in lieu of treatment	<ol style="list-style-type: none"> Initial findings Recurring 	<p>N.O.V. (no fine), with letter</p> <p>N.O.V. (with fine), and/or Further administrative/legal action/sewer severance</p>	<p>E.S./L.D./P.C.</p> <p>E.S./L.D./P.C. P.C./DIR./O.C.A.</p>
G. Failure to properly operate/maintain pretreatment equipment results in:	<ol style="list-style-type: none"> No harm to system, workers, WWF and/or the environment Potential created to harm system, workers, WWF and/or the environment Harm to system, workers, WWF and/or the environment 	<p>Phone call</p> <p>N.O.V. (with fine)</p> <p>Further administrative/legal action/sewer severance</p>	<p>E.S./L.D./P.C.</p> <p>E.S./L.D./P.C.</p> <p>P.C./DIR./O.C.A.</p>
H. Failure to mitigate noncompliance (or to halt discharge)	<ol style="list-style-type: none"> No harm to system, workers, WWF and/or the environment Potential created to harm system, workers, WWF and/or the environment Harm to system, workers, WWF and/or the environment 	<p>N.O.V. (with fine), further administrative action/sewer severance</p> <p>N.O.V. (with fine), further administrative action/sewer severance</p> <p>N.O.V. (with fine)/SNC publication/further administrative action/sewer severance</p>	<p>E.S./L.D./P.C./D.I.R./O.C.A.</p> <p>E.S./L.D./P.C./D.I.R./O.C.A.</p> <p>E.S./L.D./P.C./D.I.R./O.C.A.</p>

PERSONNEL LEGEND

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17. Time Frame for Responses:

1. All violations will be identified and documented within five (5) days of receiving compliance information.
2. Initial enforcement responses [involving contact with the industrial user and requesting information on corrective or preventive action(s)] will occur within thirty (30) days of violation detection.
3. Follow-up actions for continuing or recurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
4. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
5. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within thirty (30) days of the identification of significant noncompliance.

18. Further Administrative / Legal Action:

Administrative/Legal action may include, but shall not be limited to the following:

1. Petition for Federal or State enforcement as may be provided by applicable Federal or State laws to ensure compliance by industrial users of applicable pretreatment standards.
2. The City may file a petition in the Circuit Court of Palm Beach County or any other courts having jurisdiction, seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this division or other applicable law or regulation.
3. The Director of Public Utilities reserves the right to assess fines on a case by case assessment. Suit may be brought to recover any and all damages suffered by the City as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the WWF, or for any other expense, loss, or damage of any kind or nature suffered by the City.

INDUSTRIAL WASTE AND PRETREATMENT AGREEMENT

THIS INDUSTRIAL WASTE AND PRETREATMENT AGREEMENT is entered into by and between the SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD, an entity created by Interlocal Agreement pursuant to Florida Statutes Section 163.01 (hereinafter referred to as POTW), the CITY OF BOYNTON BEACH, FLORIDA, a municipal corporation, and the CITY OF DELRAY BEACH, FLORIDA, a municipal corporation (both of which are collectively referred to herein as the CITIES).

WITNESSETH:

WHEREAS, it is a requirement of the POTW to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations 40 CFR, Part 403; and

WHEREAS, by the terms of that certain Interlocal Agreement dated December 26, 1974, between the CITIES, the POTW was created and the CITIES became the sole, direct customers of the POTW; and

WHEREAS; by the terms of the above referenced Interlocal Agreement, the CITIES, as the sole customers of the POTW, then sell wastewater treatment and disposal services directly to users as well as to industrial users; and

WHEREAS; in order to comply with the provisions of the above referenced **Clean Water Act** as well as State and Federal law, the parties hereto are desirous of entering into this Agreement setting forth the terms and conditions upon which the CITIES may discharge wastewater effluent to the POTW's regional treatment facilities and, further, that pursuant to the terms of this Agreement, the CITIES, as condition to the discharge permit being granted hereby, agree to adopt an industrial waste and pretreatment ordinance with terms, conditions, and provisions no less stringent than the terms set forth in this Agreement for the regulation of the issuance and compliance with discharge permits to the CITIES', users and industrial users.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained the adequacy of which is hereby acknowledged, the parties hereby agree as follows:

1. Purpose

The purpose of this Agreement is to regulate industrial waste pretreatment facilities and discharge of waste into the Publicly Owned Treatment Works (POTW) operated by the South Central Regional Wastewater Treatment and Disposal Board and providing for pollutant limitations, data collection, monitoring, sampling, and providing for penalties for the violation thereof for the following purposes:

- A) To prevent the introduction of pollutants into the CITIES' wastewater system which will interfere with the normal operation of the wastewater collection system or the wastewater treatment plant, or which will contaminate the resulting municipal sludge;
- B) To prevent the introduction of pollutants into the CITIES' wastewater collection system which do not receive adequate treatment by the POTW, and which will

pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;

- C) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

2. Policy and Scope

The POTW is responsible for the proper treatment and disposal of all waste that is proper to process through the regional treatment facilities, beginning at the point source. The terms of this Agreement shall be incorporated into an ordinance adopted by the CITIES respectively to regulate their users' discharge of wastewater into the portion of the sewer collector system located within the City of Boynton Beach and/or the City of Delray Beach and any other portion controlled or operated therein.

The policy is established that the provisions of this Agreement will be enforced to the fullest extent possible under the provisions of Federal Pretreatment Regulations 40 CFR Part 403 and Chapter 62-625 Florida Administrative Code (F.A.C) issued by the Florida Department of Environmental Protection. The standards set forth are minimum requirements to ensure the general health and welfare of the public.

3. Applicability to All Users

The regulations of this Agreement shall apply to all users of the sewer facilities of the city whether inside or outside the City, including all other local governments such as, but not limited to, the Town of Highland Beach, the Town of Gulfstream, and contributions from incorporated or unincorporated agencies of Palm Beach County. Furthermore, all local government users shall be required, within 60 days after enactment of this Agreement and notice thereof, to enact ordinances substantially similar to this Agreement and to apply and enforce the same to all users of their public and sanitary sewer systems.

4. Definitions

As used in this Agreement, all definitions shall be applied and interpreted in accordance with 40 CFR 403 and Chapter 62-625, F.A.C., as amended.

"Act" and "The Act": The Federal Water Pollution Control Act, also known as the Clean Water Act of 1977, as amended, 33 U.S.C. 1251, et seq.

"Authorized Representative of Industrial User":

- (1) If the user is a corporation, a responsible corporate officer.
- (2) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.
- (3) If the user is a Federal, State, or local government facility: a Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in subsections (A) through (C) above may designate another authorized representative if the authorization is in writing by the individual described in (A) through (C), the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

"Best Management Practices 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 damage from raw materials storage.

"Board": The South Central Regional Wastewater Treatment and Disposal Board, including, in the appropriate case, the regional treatment facilities, and all its other attendant facilities.

"Board (POTW)": The Board of Directors of the South Central Regional Wastewater Treatment and Disposal Board.

"BOD (Denoting Biochemical Oxygen Demand)": The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius. expressed in milligrams per liter.

"Building Sewer": Sewer conveying wastewater from the premises of a user to the collection system which transmits wastewater to the POTW.

"Categorical Standards": National categorical pretreatment standards or pretreatment standard.

"Chemical Oxygen Demand (COD)": A measurement of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant using procedures listed in 40 CFR 136.

"City" or "Cities": The City of Boynton Beach and/or the City of Delray Beach; all that land and water area included within the boundaries of the "City" in which the Commission proposes to acquire, establish, construct, extend, operate, and maintain sewerage facilities, except as follows:

- (1) All state and federally owned land and water area located in the City or County, except where the state and federal government consent to the provisions of this Agreement.
- (2) All land and water area duly franchised by the City or County to privately owned sewer utility companies for the provisions of sewer service, except where the privately owned sewer utility companies consent to the provisions of this Agreement.

"Collection System": The system of public sewers to be operated by the City and connected to the POTW facilities.

"Compatible Pollutant": A substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat those pollutants, and in fact, does remove the pollutant to a substantial degree.

"Composite Sample": A series of samples taken over a specific 24-hour time period at intervals not to exceed fifteen (15) minutes in the waste stream which are combined into one sample. Flow proportional sampling is mandated unless circumstances do not permit it; then it shall be time proportional. Samples shall be taken during effluent discharge times only.

"Cooling Water": The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

"Direct Discharge": The discharge of treated or untreated wastewater directly to the waters of the state.

"Director of Public Utilities, Utilities Director, or Director": This refers to the individual in charge of the Public Utilities Department in either City or his/her specific designee.

"Discharge": Disposal of, deposit, place, emit, unload, release or cause or allow to be disposed of, deposited, placed, emitted, unloaded, or released.

"Domestic Wastewater": Wastewater derived principally from dwellings, commercial buildings, institutions, and industry resulting from household or toilet waste resulting from human occupancy. It may or may not contain ground water, surface water, or stormwater.

"Environmental Protection Agency" or "EPA": The U. S. Environmental Protection Agency, or where applicable, the term may also be used as a designation for the Administrator or other duly authorized official of that agency.

"Executive Director": The administrative director or his authorized deputy, agent, or representative of the South Central Regional Wastewater Treatment and Disposal Board.

"Garbage": The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"Grab Sample": An individual, discrete sample collected at a specific time. 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 location within a time not exceeding 15 minutes.

"Grantee": Recipient of a federal grant for all or a portion of a treatment works as administered by the Environmental Protection Agency.

"Holding Tank Waste": Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump trucks.

"Indirect Discharge": The discharge or introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

"Industrial or Commercial Waste": The liquid wastes from industrial, commercial, or institutional processes as distinct from domestic or sanitary sewage.

"Industrial or Commercial Waste Discharge Permit": A permit issued to control the process flows from industry, commerce, or institutions that may be discharged into the sanitary sewer system. This permit is issued in addition to any other types of permits. When issued, the permit will define the characteristics and volume of the flow and acceptance or rejection of individual waste components and/or require high strength waste surcharges.

"Industrially Classified User": An industrial or commercial user whose liquid wastes are, in part, made up of flows related to industrial processes, as distinct from an industrial or commercial user whose waste flows are primarily domestic or resulting from human occupancy.

"Industrial User": A source of indirect discharge and discharge of industrial and commercial waste which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act, (33 U.S.C. 1342).

"Interference": The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the NPDES permit or reduces the efficiency of the POTW. The term also includes prevention of sewage sludge use or disposal by the POTW.

"Milligrams per Liter mg/l": The number of units of minor constituents present with each one million units of the major constituent of a solution of mixture. "Milligrams per Liter" shall be considered equivalent to parts per million.

"Monitoring Costs": Those costs incurred by the City in performing monitoring and/or sampling as prescribed by 40 CFR 403.

"National Categorical Pretreatment Standard": Any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.

"National Pollutant Discharge Elimination System" or "NPDES Permit": A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

"National Prohibitive Discharge Standard" or "Prohibitive Discharge Standard": Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

"Natural Outlet": Any ditch, canal, stream, waterway, lake, river, pond, well, gully, or other water body.

"New Source": Any source, the construction of which is commenced after the publication of the proposed Pretreatment Standards under Section 307(c) of the Act, and which conforms to 40 CFR 403(k).

"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) Annually submits the certification statement required in 62-625.600(17), F.A.C. together with any additional information necessary to support the certification statement; and
- (C) Never discharges any untreated categorical process wastewater.

"Pass Through": A discharge of a pollutant from the POTW when such discharges causes a violation of any requirement of the POTW's NPDES permit, or a violation of a State or Federal water quality standard or increases the magnitude or duration of any violation and which is the result of a user's discharge of the pollutant either alone or in conjunction with other user's discharges of the pollutant into the POTW. A user contributes to pass through when the user:

- (1) Discharges a pollutant concentration or a daily pollutant loading in excess of that allowed by City or permit or by State or Federal law;
- (2) Discharges wastewater which substantially differs in nature and constituents from the user's normal, average discharge;
- (3) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other users, would result in pass through; or
- (4) Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its NPDES permit and that such user's discharge, either alone or in conjunction with discharges from other users, increases the magnitude or duration of the POTW's violations.

"Person": Any individual, firm, company, association, society, corporation, or group.

"pH": Logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Pollutant": Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes; biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

"Pollution": The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"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 prior to or in lieu of discharging or otherwise introducing those pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or other process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).

"Pretreatment Requirements": Any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW.

"Pretreatment Standards": National categorical pretreatment standards or alternative discharge limits, whichever is applicable.

"Publicly Owned Treatment Works (POTW)": In this case, the regional treatment plant operated by the South Central Regional Wastewater Treatment and Disposal Board and the collection sewer system owned and operated separately by the City of Boynton Beach and/or the City of Delray Beach (POTW).

"Properly Shredded Garbage": The wastes from the preparation, cooking, and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

"Public Sewer": A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

"Regional Treatment Facilities": The South Central Regional Wastewater Treatment Plant transmission and disposal facilities as operated by the South Central Regional Wastewater Treatment and Disposal Board.

"Replacement": Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment process facilities to maintain the capacity and performance for which those facilities were designed and constructed.

"Responsible Corporate Officer."

- (A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principle 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 long-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.

"Sanitary Sewage": The household and toilet wastes resulting from human occupancy.

"Sanitary Sewer": A sewer which carries sewage and to which storm, surface, and ground water are not intentionally admitted.

"Sewage": A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with ground, surface, and stormwaters as may be present.

"Sewage Works": All facilities for collecting, pumping, treating, and disposing of wastewater including the POTW.

"Sewer": A pipe or conduit for carrying sewage.

"Shall" is mandatory; "May" is permissive.

"Significant Industrial User": Except as provided in paragraphs (3) and (4) below:

- (1) Categorical industrial users; and
- (2) Any other industrial user that:
 - (a) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the Treatment Works (excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater);
 - (b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
 - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the Treatment Works operation or for violating any pretreatment standard or requirement.
- (3) The City may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C. including 40 CFR Chapter I, Subchapter N, Parts 405-471, is a non-significant categorical industrial user.

(4) Upon a finding that a user meeting the criteria in Section (B) of this definition has no reasonable potential for adversely affecting the Treatment Works operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 62-625.500(2)(e), determine that such user should not be considered a significant industrial user.

"Significant Non-Compliance": Means that violations of this Agreement by a user subject to pretreatment standards meet one or more of the following criteria:

- (1) Chronic Violation: 66% or more of all measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- (2) Technical Review Criteria (TRC) Violation: 33% or more of all measurements taken for the same pollutant during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC. (TRC equals 1.4 for BOD, TSS, and Oil and Grease; and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the City determines has caused, along or in combination with other discharges, interference or pass through (including endangering the health of City or POTW personnel or the general public);
- (4) A discharge caused imminent endangerment to human health, welfare, or the environment and resulted in the City exercising its emergency authority under Section 30 of this Agreement;
- (5) Failure to meet a compliance schedule milestone date within ninety (90) days or more after the scheduled date contained in a control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
- (6) Failure to submit a required report within forty-five (45) days of its due date;
- (7) Failure to accurately report non-compliance; or
- (8) Any other violation or group of violations, including a violation of best management practice, which the Director determines may cause interference or pass through or will adversely affect implementation of the City's pretreatment program.

"Significant Violation": A violation that remains uncorrected 45 days after notification of non-compliance; which is part of a pattern of non-compliance over a twelve-month period; which involves a failure to accurately report non-compliance; or which resulted in the POTW exercising its emergency authority under Section 403.8(F)(1)(B) of the Act.

"Slug Discharge": Any discharge of non-routine, episodic nature, which as reasonable potential to cause interference or pass through, or in any other way violate the POTW regulations, local limits or permit conditions.

"Standard Industrial Classification (SIC)": Classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the President, Office of Management and Budget, as amended.

"State": State of Florida.

"Storm Drain" or "Storm Sewer": A sewer that carries stormwater and surface water, street wash, and other wash waters or drainage, but excludes domestic wastewater and industrial and commercial waste.

"Stormwater": Any flow occurring during or following any form of natural precipitation and resulting there from.

"Superintendent": The person designated by the POTW to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this Agreement, or his duly authorized representative.

"Surcharge": An extra charge levied to a user for treatment of compatible wastewaters that contain substances in excess of specified maximum allowable limits.

"Suspended Solids": Solids that are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

"Toxic Pollutant": Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

"Treatment Plant": That portion of regional treatment facilities designed to provide treatment to wastewater and is operated by the South Central Regional Wastewater Treatment and Disposal Board.

"Treatment Works": The wastewater treatment plant, interceptors, forcemains, lift stations, and collection systems.

"User": Any person who contributes, causes, or permits the contribution of wastewater into the POTW.

"User Charge" or "User Fee": A charge levied on the users of the treatment process facilities for the cost of operation and maintenance of those facilities and other equitable and necessary charges.

"Wastewater": The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings; industrial facilities, and institutions (whether treated or untreated) which is contributed into or permitted to enter the POTW.

"Wastewater Treatment Plant": Any arrangement of devices and structures used for treating wastewater, such as the POTW.

"Watercourse": A channel in which a flow of water occurs, either continuously or intermittently.

5. Compliance with Provisions or More Stringent Regulations

The use of public sanitary sewers and the POTW shall be as outlined in this Agreement or if more stringent standards are promulgated by law, then the more stringent standards shall supersede and be considered a part of this Agreement.

6. Disposal of Sewage Other Than Through Regional Facilities

- A) The disposal of sewage by means other than use of the available regional wastewater facilities shall be in accordance with city, county, state, or federal law.
- B) The disposal of sewage to the POTW shall be as outlined in this Agreement and shall be subject to standards which meet or exceed the CITIES' industrial and commercial waste ordinance requirements as shall exist from time to time, and shall also be subject to the provisions of the Interlocal Agreement dated December 26, 1974, between the CITIES creating the POTW.

7. Right to Refuse Waste Upon Noncompliance

The CITIES shall adopt within their ordinance the right to refuse waste from any user where wastewater does not comply with the requirements of this Agreement.

8. Damaging or Tampering With Sewage Works

The CITIES shall adopt ordinances requiring that no person shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works.

9. Permit Required for Use of Public Sewer

No unauthorized person shall be permitted to uncover, make any connections with or openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit or permission from the proper official empowered to do so by the CITIES, individually, whose public sewer is affected.

10. Wastes Discharged Into Sanitary Sewers to Meet Criteria

The CITIES shall each be responsible to adopt ordinances or regulations to assure that all waste discharged to public sanitary sewers, which in turn discharge to the regional treatment facilities (POTW), shall meet or exceed the following criteria:

- A) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B) Stormwater and all other unpolluted drainage shall be discharged to those sewers as are specifically designated as storm sewers, or to a natural outlet approved by the proper City or county official. Industrial cooling water or unpolluted process waters may be discharged on approval of the Utilities Director to a storm sewer or natural outlet.
- C) No person shall discharge or cause to be discharged any of the following described waters or wastes to any sanitary sewers:
 - (1) Flammable or explosive liquids or solids or gas including, but not limited to, gasoline, benzene naphtha, fuel oil, or other materials with a closed-cup flash-point of less than 140 degrees Fahrenheit. (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.
 - (2) Any water or wastes containing toxic or poisonous or pathogenic solids, liquids, or gases in sufficient quantity (either singly or by interaction with other wastes) to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
 - (3) Solid or viscous substances in quantities of a size capable of causing obstruction to the flow in sewers, or other interference with the proper

operation of the sewer works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

- D) No person shall discharge or cause to be discharged the below described materials, waters, or wastes (collectively, the substances) if it appears likely that acceptance of those wastes can harm the wastewater treatment process or equipment, the public sewers, the sanitary sewer systems, or have an adverse effect on the receiving water body, or can otherwise endanger life, limb, public property, or constitute a nuisance. The decision shall be based on those factors as the quantities subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of waste in the wastewater treatment plant, and other pertinent factors. The substances prohibited are as follows:
- (1) Any liquid having a temperature higher than 150 degrees Fahrenheit or causing the wastewater treatment plant influent to exceed 104 degrees Fahrenheit.
 - (2) Any water or waste containing fats, wax, grease, or oils (whether emulsified or not) in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (0 degrees Celsius and 60 degrees Celsius). Unless the user is approved by the City and provided further that the user complies with the requirements of the City's High Strength Sewer Surcharge.
 - (3) Any waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions whether neutralized or not.
 - (4) Any waters or wastes containing phenols or other taste or odor producing substances, in a concentration exceeding limits which may be established by the POTW as necessary after treatment of the composite sewage to meet the requirements of the state, federal, or other public agencies of jurisdiction for that discharge to the receiving waters.
 - (5) Any garbage that has not been properly shredded, which shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle size greater than 1/2 inch of any dimension.
 - (6) Any water or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structure, equipment, or personnel or any waste treatment works.
 - (7) Any wastes containing toxic substances in quantities in excess of the following limits and measured at the point of discharge into any sewer

system, or any substance that will pass through the waste treatment facilities and exceed the state and federal requirements for receiving waters:

<u>Parameter</u>	<u>Limit</u>
<u>Metals</u>	
Arsenic	1.14 mg/l
Cadmium	.93 mg/l
Chromium – Total	17.97 mg/l
Copper	17.59 mg/l
Lead	1.76 mg/l
Mercury	.45 mg/l
Molybdenum	2.50 mg/l
Nickel	5.37 mg/l
Selenium	2.96 mg/l
Silver	4.49 mg/l
Zinc	2.28 mg/l
<u>Inorganics</u>	
Chloride	645 mg/l
Cyanide	1.72 mg/l
pH	5.5 – 9.5 std units
Temperature	150 degrees Fahrenheit
<u>Organics</u>	
CBOD	400/700 mg/l *
COD	800/1,500 mg/l*
Oil and Grease	100/240 mg/l*
Petroleum Hydrocarbons	25 mg/l
Phenol	5.0 mg/l
TSS	400/500 mg/l*
Particle Size	<1/2 inch
Radioactive Elements	Are Prohibited

****Depicts lower surcharge limit/upper local limit. Upper local limit subject to enforcement action.***

- (8) Any waste from sodium-cycle cation exchange (water softening) units from industrial or commercial users where the chloride content exceeds 645 milligrams per liter.
 - (9) Any water or waste containing suspended solids or color of a character and quantity that unusual attention or expense is required to handle those materials at the waste treatment facilities without a special permit issued by the City.
 - (10) Any water or waste with a chlorine demand greater than 15 milligrams per liter.
 - (11) Any radioactive isotopes without a special permit issued by the City.
 - (12) Under no conditions will the discharge of domestic, sanitary, industrial, or commercial waste be permitted into the storm sewer system.
 - (13) Any radioactive wastes or isotopes or half-life or concentration as may exceed limits established by the POTW in compliance with applicable state or federal regulations.
 - (14) Volume of flow or concentration of wastes constituting slugs as defined herein.
 - (15) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to that degree that the wastewater treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge to the receiving waters.
 - (16) Any waters or wastes containing suspended solids in excess of 400 milligrams per liter unless the user is approved by the City and provided further that the user complies with the requirements of the City's high strength sewer surcharge.
 - (17) Any waters or wastes with a five (5) day, 20 degrees Celsius BOD greater than 400 milligrams per liter unless the user is approved by the City and provided further that the user complies with the requirements of the City's high strength sewer surcharge system.
 - (18) Any waters or wastes containing Chemical Oxygen Demand (COD) greater than 800 milligrams per liter unless the user is approved by the City and provided further that the user complies with the requirements of the City's high strength sewer surcharge system.
- E) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection D of this Section, and which, in the judgment of the POTW Executive Director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or

which otherwise create a hazard to life or constitute a public nuisance, the Executive Director may evoke any of the following:

- (1) Reject the wastes
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers
- (3) Require control over the quantities and rates of discharge
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing fees or sewer charges as contained in the strength charge system.

If the POTW permits the pretreatment or equalization of waste flows, the plans for the design and installation of the equipment shall be subject to the review and approval of the POTW and the City and subject to the requirements of applicable codes, ordinances, and laws and compliance schedules as established by the City. In addition, any major contributing industry as defined by 40 CFR 403 shall comply with 40 CFR 403.12 and any other regulation as shall from time to time be established by EPA or other appropriate regulating governmental agency.

- F) Grease, oil, and sand interceptors are to be provided when, in the opinion of the Executive Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; except that those interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be so located as to be readily and easily accessible for cleaning and inspection.
- G) Where preliminary treatment or flow equalizing facilities and/or interceptors like but not limited to grease traps, lint traps, or grit traps are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the user at his expense. Interceptors must have watertight closures for their inspection covers. The covers themselves must be of a type which conforms with the Plumbing Codes of the Building Department of the City regulating the installation and maintenance of the interceptors. Use of solvents, detergents, soaps, and/or degreasers is restricted to those levels which do not interfere with the proper functioning of the interceptors.

11. Admission of Industrial and Commercial Waste

The Cities shall adopt an appropriate Strength Surcharge System and ordinances and/or regulations intended to require their users of the public sewers or sanitary sewers to recognize and comply with the following:

- A) The economy and desirability of the combined treatment of industrial and commercial wastes and sanitary sewage is recognized. However, not all types and quantities of industrial and commercial wastes can be so treated.

It shall be the policy to admit the types and quantities of industrial and commercial wastes that are not harmful or damaging to the structures, processes, or operation of the sewage works or are not specifically prohibited. In all cases, a special permit will be issued which will state specific conditions and requirements to be maintained. It is also recognized that to provide this service, additional facilities or treatment are required, and the cost of that must be borne by the user receiving the benefits.

B) Approval in advance by the City is required for the admission of industrial or commercial wastes into the public sewers having the following:

(1) A five day, 20 degrees Celsius BOD. greater than 400 milligrams per liter or chemical oxygen demand (COD) greater than 800 milligrams per liter.

(2) A suspended solids content greater than 400 Milligrams per liter.

The user shall provide chemical analyses of the discharge according to a schedule to be established by the POTW and continued discharge shall be subject to approval by the City.

C) Samples shall be collected so as to be a representative sample of the actual quality of the wastes. Samples for analysis may be collected by the user or his representative. Analysis shall be made by a registered sanitary engineer or graduate chemist whose qualifications are acceptable to the City or a wastewater treatment plant operator licensed and registered in the state, or a water testing laboratory certified by the state, using the laboratory methods for the examination of wastewater as set forth in 40 CFR 136, Chapter 62-160, F.A.C., and Chapter 62-625, F.A.C, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain appropriate sampling or analytical techniques for the pollutant in question, the laboratory, with approval of the industrial user, the City and FDEP, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C.

D) When required by the Utilities Director, any establishment discharging industrial or commercial wastes into the sewer system shall construct and maintain (at its sole expense) a suitable control manhole or other suitable control station downstream from any treatment, storage, or other approved works to facilitate observation, measurement, and sampling of all wastes including all domestic sewage from the establishment. The location and methods of construction of the control station shall be approved by the Utilities Director. The control station shall be maintained by the establishment so as to be safe and accessible at all times. If any establishment wishes to meter its waste discharge into the sewer system to verify in-product water retention or other uses of metered flow, they may (at their sole expense) install a flow-metering device as approved by the Utilities Director. The control station shall be accessible to City personnel at all times for sampling. All authorized POTW or City employees shall be permitted, upon suitable notice to the user, to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing

in accordance with provisions of this Agreement and the appropriate City Ordinances.

12. Compliance

- A) The CITIES shall adopt ordinances which require industrial users to provide necessary wastewater treatment as required to comply with this Agreement and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations and as required by the POTW. Industrial with integrated facilities shall comply with any alternative discharge limits as set by the City. Any facility required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained solely at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review at the request of the City. The review of those plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the City prior to the user's initiation of the changes.
- B) All records relating to compliance with pretreatment standards shall be available to officials of the City, the POTW, EPA, or FDEP upon request. All users are required to retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, documentation associated with best management practices, and any and all summaries thereto, relating to monitoring, sampling, waste hauling and chemical analyses made by or on behalf of a user in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Board or the City pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. Users shall make such records available for inspection and copying by the City and/or FDEP. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, F.A.C.

13. Application of More Stringent Requirements; City Shall Notify Affected Users

Upon promulgation of the national categorical pretreatment standards or alternative discharge limits for a particular industrial subcategory, the pretreatment standard, if more stringent than limitations imposed under this Agreement for sources in that subcategory, shall immediately supersede the limitations imposed under this Agreement and shall be considered part of this Agreement. After the CITIES receive notice, the CITIES shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

14. POTW Board's Right of Revision

The POTW Board reserves the right to establish by resolution more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Agreement.

15. Excessive Discharge

The CITIES shall adopt ordinances intended to prohibit all users from increasing the use of process water or, in any way, attempting to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, alternative discharge limits, or in any other pollutant-specific limitation developed by the city or state.

16. Prevention of Accidental and Slug Discharges

A) The CITIES shall adopt ordinances to mandate that, where needed, a user shall provide protection from accidental discharge of prohibited materials or other substances required by this Agreement. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner's expense.

B) Prevention of accidental discharges requires, but is not limited to, providing secondary containment for storage of potentially hazardous and/or regulated materials. The containment requirements are those now specified in, but not limited to, 40 CFR 264.170 through 176. Containment requirements must meet or exceed the following criteria of this Agreement:

- (1) **Containment Volume to be Provided** shall be 150% of one item or 150% of the largest item or 15% of the total to be stored, whichever is to be largest.
- (2) **Storage Sheltering**: All outdoor storage shall be sheltered from rainfall, or a suitable means of removing rainwater shall be provided.
- (3) **Conditions of the Stored Vessel**: All stored containers shall be maintained in sound condition; no rust, corrosion, or other signs of deterioration of the primary containment wall shall be permitted. All stored containers shall be closed and sealed during storage.
- (4) **Segregation of Chemically Reactive Contents**: Materials which are potentially reactive with each other shall not be stored in the same containment area (unless physical barrier separations are provided within the common area).
- (5) **Stand-by Materials/Equipment**: Absorbents and pumps for pumping out spills shall be available when needed.

- (6) **Design of Containment Floor/Base:** The floor or base of the containment area on which the stored vessels rest shall either be sloped or raised or provided with a drain faucet to prevent or minimize contact between the storage container wall and spilled content.
 - (7) **Materials of Construction for Containment:** The walls, sidings, and floor or base of the containment area shall be constructed of materials which are chemically inert with the stored materials and which render the provided containment volume leak proof.
- C) On the request of the POTW Board, the City shall require the user to submit to the City for review detailed plans showing facilities and operating procedures to provide this protection. All required users shall complete this plan within ninety (90) days after notification by the City. If further required by the City, a user who commences contribution to the public sewers after the effective date of this Agreement shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of those plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements.
 - D) The CITIES shall evaluate, at least once every two years, whether each significant industrial user needs a plant to control slug discharges. New significant industrial users must be evaluated within 1 year of being designated a significant industrial user. Significant industrial users are required to notify the City immediately of any changes at its facility affecting the potential for a slug discharge. If the City decides that a slug control plan is needed, the plan shall be prepared in accordance with the requirements of Rule 62-625.500(2)(b)(6), F.A.C.
 - E) The CITIES shall adopt ordinances that mandate that, in the case of an accidental discharge, including slug discharges and prohibited discharges, it is the responsibility of the user to immediately notify by telephone, the Utilities Director, the Executive Director of the POTW, and the POTW. The notification shall include location of discharge, type of waste, concentration and volume, and correction actions.

17. Written Report Required Describing Cause of Discharge

Within five (5) days following an accidental discharge, the CITIES' ordinance shall require the user to submit to the POTW and to the City a written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to public/sanitary sewer system, the sanitary sewer system, the POTW, fish kills, or any other damage to person or property; nor shall the notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Agreement or other applicable law.

18. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the CITIES within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the CITIES within thirty (30) days after becoming aware of the violation. If the CITIES have performed the sampling and analysis in lieu of the industrial user, the CITIES must perform the repeat sampling and analysis unless the user is notified of the violation and the CITIES requires the user to perform the repeat analysis. The user is not required to resample if the CITIES monitors at the user's facility at least once a month, or if the CITIES samples between the user's initial sampling and when the user receives the results of the sampling.

19. Notice to Employees in Event of Dangerous Discharge: Emergency Notification Procedure

The CITIES' ordinances shall require a notice to be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Furthermore, all employers shall ensure that all employees who may cause a dangerous discharge to occur are advised of the emergency notification procedure.

20. Notification of the Discharge of Hazardous Wastes

A) The Cities shall adopt ordinances intended to require all industrial users to have provisions for notifying the CITIES (Director), the Executive Director of the POTW the EPA Regional Waste Management Division Director, and the state hazardous waste authorities in writing of any discharge into the City Sewer System of a substance which is a listed or characteristic waste under Section 3001 of RCRA, 40 CFR part 261, or Chapter 62-730, F.A.C. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). This requirement shall not apply to pollutants already reported under the self-monitoring requirements. Notification is required no later than thirty (30) days after the discharge of the listed or characteristic hazardous waste. If the industrial user discharges more than 100 kilograms of such waste per calendar month to the Treatment Works, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user:

- (1) An identification of the hazardous constituents contained in the waste,
- (2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and
- (3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

- B) Dischargers are exempt from requirements during a calendar month in which they generate no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes, as specified in 40 CFR 261 and Chapter 62-730, F.A.C. Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261 and Chapter 62-730, F.A.C., requires a one-time notification. Subsequent months during which the industrial user discharges more than 15 kilograms of hazardous wastes do not require additional notification.
- C) In case of the new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous wastes or listing any additional substance as a hazardous waste, the industrial user must notify the Utilities Director of the discharge of such substance within ninety (90) days of the effective date of such regulations, except for the exemption in Paragraph 2 of this Section.
- D) In the case of any notification made under this Section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

21. Compliance Date Report

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the public/sanitary sewer system, each City shall submit to the Executive Director, a monitoring report that meets the requirements of Rule 62-625.600(1), F.A.C., indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by those pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified representative.

22. Periodic Compliance Report

Each City shall submit to the POTW during the months of June and December, unless required more frequently in the pretreatment standard or by the POTW, a report indicating the nature and concentration of pollutants in the effluent which are limited by those pretreatment standards or this chapter. The reports must be based on sampling and analysis performed in the period covered by the report. Periodic compliance reports shall meet the requirements of Rule 62-625.600(4) and (7), F.A.C. In addition, this report shall include a record of all daily flows which, during the reporting period, exceed the average daily flow reported in the submission information. At the discretion of the POTW and in consideration of those factors as local high or low flow rates, holidays, budget cycles, and the like, the POTW may agree to alter the months during which the above reports may be submitted. The CITIES may reduce reporting requirements to a frequency no less than once a year, unless required more frequently in the pretreatment standard of by FDEP, if the industrial user meets the requirements of Rule 62-625.600(4)(d), F.A.C. In cases where the pretreatment standard requires compliance with best management practice (BMP), or pollution prevention alternative, the CITIES shall require the industrial user to submit documentation required by the City or the pretreatment standard necessary to determine the compliance status of the industrial user. The CITIES may authorize an industrial user to waive sampling of a regulated pollutant if the industrial user demonstrates compliance with Rule 62-625.600(4)(b) and (c), F.A.C.

23. Monitoring Facilities

- A) Each City may require to be provided and operated, all at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement for the building sewer or internal drainage systems. The monitoring facility should normally be located on the user's premises, but the City may, when a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and preparation of samples for analysis.
- B) The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by each City and all applicable local construction standards and specifications. When required, construction of those facilities shall be completed within ninety (90) days following written notification by the City.

24. Inspection and Sampling

Each City, through its employees, is authorized to inspect the facilities of any user to ascertain whether the purpose of this Agreement is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or its representative ready

access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying, or in the performance of their duties. The City, POTW, state, DEP, and EPA shall have the right to set up on the user's property those devices that are necessary to conduct sampling inspection, compliance monitoring, or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, POTW, DEP and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

25. Information and Data to be Made Available

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be made available to the public or other governmental agency in accordance with applicable state statutes or federal law.

26. Special Permit Required; Term

A special permit will be required by the POTW for each City. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire. These permits involve the implementation of a formula for surcharge for wastes which exceed the sewage parameters for strength as set forth herein and also require enforcement by the Cities to prevent the discharge of wastes which exceed the sewage parameters for strength as defined in the Agreement. In order to effect these provisions, each City shall provide for development of a permit program for its users.

27. Application for Permits

The Cities agree to administer a waste discharge permit program for all their industrial users as follows:

- A) The application for a waste discharge permit shall be of a form specified by each City.
- B) This application will define all of the pertinent data concerning the acceptance of industrial and commercial waste flows and will provide the basis for the issuing of a permit certificate specifying limitations on what the user may discharge. The permittee may petition specific conditions of the permit for a period of thirty (30) calendar days following the date of issuance. After this period, the permittee waives all right to petition the conditions of the permit.
- C) The initial permit shall be effective for a period of no more than five years from date of issuance.

- D) An application for an initial permit shall be accompanied by a cashier's check in an amount as established by each City as a Permit fee plus the City's monitoring costs.
- (1) Industrial and Commercial Waste Discharge Permit Form: The form of permit for industrial and commercial wastes shall be as specified by each City. Specific provisions for continued acceptance by each City of the waste shall be attached to and made a part of the permit to discharge. Each City may prescribe those items as equalized flow discharge, pre-chlorination, or additional limitations on waste characteristics not adequately described in this Agreement, or may prescribe pretreatment quality, requirements for the waste flow in detail.
 - (2) Renewal of Industrial and Commercial Waste Discharge Permit: The application for a renewed waste discharge permit shall be of a form specified by each City.
- E) Administration of Permits:
- (1) The administration of the industrial and commercial waste discharge permit program and the application of the surcharge formula imposes additional obligations of the Cities.
 - (2) The Cities, in addition to determining the waste flow volumes and analyzing the wastes strengths for development of the surcharge, must also maintain an accurate record of the permit applications, permits, meter installation details, meter calibrations, and shall make available to each establishment the necessary renewal application forms.

28. Application of Surcharge Over Standard Use Fee

- A) The Cities shall adopt ordinances providing for a surcharge to be applied over and above the standard sewer use fee when the wastes from lot or parcel of land, upon which there is located any building or activity, contain BOD, COD, Ammonia, or suspended solids concentration higher than defined herein.
- B) The surcharge in dollars shall be computed by the formulas established by the Cities for the user charge and industrial cost recovery system.
- C) Nothing in this Agreement shall restrict the City from making additional adjustments in rates if it is found that the nature or quantity of the wastes creates an additional burden on the system or if those adjustments are necessary to comply with regulations of the State Department of Environmental Protection or the United States Environmental Protection Agency.

29. Responsibility for Treatment and Disposal

The POTW is responsible for the proper treatment and disposal of all waste that is proper to process through the regional treatment facilities, beginning at the point source.

30. Right to Enter Premises and Obtain Information Concerning Discharges

A) To the extent permitted by general law, the proper official and other duly authorized employees of the City or the POTW bearing proper credentials and identification shall be permitted to enter all properties for purposes of inspection, observations, measurement, sampling, and testing in accordance with the provisions of this Agreement. The official or his representatives will not inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

B) To the extent permitted by general law, the proper official and other duly authorized employees of the City or the POTW bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within that easement.

31. Suspension of Wastewater Treatment Service; Notice to Stop Discharge; Failure to Comply

A) The Cities shall adopt ordinances providing that each City may suspend the wastewater treatment service to any user, including other local governments, when the suspension is necessary, in the opinion of the City, in order to stop an actual or threatened violation which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference to the POTW, caused the POTW to violate any condition of its NPDES permit, or causes the City to be in violation of any of its agreements with the POTW.

B) The Cities shall require that any user notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the City to cause the user to voluntarily comply with the suspension order, the POTW shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW systems or endangerment to any individuals. The POTW may reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days from the date of the occurrence.

32. Notification of Violations

Whenever the POTW finds that any City has violated or is violating any of the provisions of this Agreement, or any prohibition, limitation requirements contained herein, or any regulations promulgated by the City pursuant to this Agreement, the POTW may serve upon that City a written notice stating the nature of the violation. Within thirty (30) days of the receipt of the notice, a plan for the satisfactory correction thereof shall be submitted to the POTW by the City.

33. Publication of Users in Significant Non-Compliance

The POTW or the City shall publish annually a list of the industrial users which, during the previous 12 months, were in "significant non-compliance" with applicable pretreatment standards and requirements as defined in Section 4 of this Agreement. Public notification shall be included in a newspaper(s) of general circulation within the jurisdiction served by the Treatment Works that meets the requirements of Sections 50.011 and 50.013, F.S.

34. False Statements of Documents Prohibited

No person shall knowingly make any false statements, representation, or certification in any application record, report, plan, or other document filed or required to be maintained pursuant to this Agreement, or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this chapter.

35. Show Cause Hearing

- A) Any party subject to enforcement action under the provisions of this Agreement may request a hearing before the Executive Director within ten (10) days of receipt of notification or proposed enforcement action. A hearing is to be held by the Director concerning the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Executive Director why the proposed enforcement action should not be taken.
- B) The Executive Director may conduct the hearing and take the evidence, or, at the Executive Director's sole discretion, may designate the POTW attorney or an independent arbitrator to:
 - (1) Issue, in the name of the Executive Director, notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in that hearing.
 - (2) Take evidence and hear testimony (the strict rules of evidence shall not apply to any hearing).
 - (3) Transit a report of the evidence and hearing, including transcripts and other evidence, together with recommendation to the Executive Director or his designee for action thereon.

- C) At any hearing held pursuant to this Agreement, testimony taken must be under oath and recorded stenographically, with the costs thereof to be borne by the user. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- D) After the Executive Director or his designee has reviewed the evidence, he may issue an order to the user responsible for the non-compliance(s) stating that, following a thirty (30) day time period to provide remediation of non-compliance(s), penalties as per this Agreement shall go into effect. Further orders as are necessary and appropriate may be issued.
- E) The POTW shall also establish appropriate surcharges or fees to the Cities to reimburse the POTW for the additional cost of operation and maintenance of the wastewater treatment works due to the violation of this Agreement.
- F) Any action by the Executive Director or his designee may be appealed to the POTW Board.
- G) Costs for conducting a Show Cause Hearing shall be borne by the user requesting the hearing, if the enforcement action is upheld.

36. Legal Action Against User for Appropriate Relief

If any person discharges sewage, industrial wastes, or other wastes into the City's wastewater disposal system contrary to the provisions of this Agreement, federal or state pretreatment requirements, or any Order of the City, and the City has not timely taken appropriate action to prevent such a violation, the POTW's attorney may commence an action against the City within whose collection system the violation is occurring, for appropriate legal relief, in the appropriate court which has jurisdiction.

37. Retention of Records Required

The Cities shall adopt ordinances which require all users to retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, documentation associated with best management practices, and any and all summaries thereto, relating to monitoring, sampling, and chemical analyses made by or on behalf of a user in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the POTW or the City pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. Users shall make such records available for inspection and copying by the CITIES and/or FDEP. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, F.A.C.

38. Enforcement Plan

The Cities shall adopt ordinances providing for an escalating enforcement strategy to be used by the Cities to maintain compliance with this Agreement. The various types of enforcement actions shall be used as determined by the Utilities Director depending on

the severity of the violation. A copy of the enforcement plan will be kept on file at the POTW.

39. Penalties

The Cities shall adopt, by ordinance, as a minimum, the following penalties:

- A) Civil Penalties: The Cities shall adopt an ordinance providing that any user who is found to have violated an Order of the City or Ordinance adopted to provide for compliance with this Agreement or who fails to comply with any orders, rules, and regulations issued by the City pursuant to this Agreement, shall be penalized in at least the amount of \$1,000.00 per day for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, each City may, to the extent permitted or authorized by law, recover reasonable attorneys' fees and other expenses of litigation by appropriate motions or suit at law against the user/person found to have violated this Agreement or the ordinances, orders, rules, regulations, and permits issued hereunder.
- B) Any person who shall continue any violation beyond the time limit provided for in this Agreement shall be guilty of a violation, and on conviction thereof, shall be penalized in at least the amount of \$1,000 and not exceeding \$5,000.00 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.
- C) Within thirty (30) days of any and all violations, the user shall cause a sample of the discharge to be taken and laboratory analysis performed on said sample at their expense with the results to be provided to the Utilities Director. The Utilities Director may require further at such times as he deems appropriate.

40. Cost Recovery Formula

At Board level, the costs for testing of each City's effluent line to the facility will vary with the number and types of industries reported to exist in each City.

The following Cost Recovery Formula is hereby adopted and shall be applied to each City on the basis of such monitoring activity:

- 41. This Agreement supersedes in their entirety, all prior Industrial Waste and Pretreatment Agreements between the parties and all amendments thereto.**

BOARD ORDINANCE PRETREATMENT COST RECOVERY FORMULA

$$PC_c = (S_a \times S_n) + (A_c \times A_n)$$

Formula Definitions:

PC_c = Pretreatment Monitoring Charge per City

S_a = Sampling Activity Cost

S_n = Number of Samples

A_c = Analysis Cost

A_n = Number of Analyses

CODE OF ORDINANCES CITY OF DELRAY BEACH, FLORIDA

SUPPLEMENT HISTORY TABLE modified

- DELRAY BEACH CHARTER
- TITLE 1 - GENERAL PROVISIONS
- TITLE 3 - ADMINISTRATION
- ▼ TITLE 5 - PUBLIC WORKS
 - CHAPTER 50. - UTILITIES GENERALLY; PUBLIC SERVICE TAX
 - CHAPTER 51. - GARBAGE AND TRASH
 - ▼ CHAPTER 52. - WATER
 - GENERAL PROVISIONS
 - ▼ METERS
 - Sec. 52.15. - MINIMUM SIZE OF METERS.
 - Sec. 52.16. - TESTING OF METERS.
 - Sec. 52.17. - MULTIPLE CONNECTIONS THROUGH ONE METER.
 - Sec. 52.18. - REMOVAL OF METERS WHEN SERVICE DISCONTINUED; TEMPORARY REMOVAL SUBJECT TO RETROACTIVE BILLS.
 - Sec. 52.19. - VEGETATION WATER METERS.
 - Sec. 52.20. - ACCESS TO WATER METERS.
 - Secs. 52.21—52.29. - RESERVED.
 - RATES, CHARGES, AND FEES
 - BILLINGS

➤ WATER SHORTAGE EMERGENCIES



▼ CONTROL OF BACKFLOW AND CROSS CONNECTIONS

Sec. 52.80. - INTRODUCTION.

Sec. 52.81. - PURPOSE.

Sec. 52.82. - DEFINITIONS.

Sec. 52.83. - BACKFLOW PREVENTION DEVICES; WHEN REQUIRED; SPECIFICATIONS.

Sec. 52.84. - ENVIRONMENTAL SERVICES DEPARTMENT TO ADMINISTER.

Sec. 52.85. - NOTICE OF VIOLATION; FAILURE TO REMEDY.

Secs. 52.86—52.97. - RESERVED.

Sec. 52.98. - PRIMA FACIE EVIDENCE OF VIOLATION.

Sec. 52.99. - PENALTY.

➤ CHAPTER 53. - SANITARY SEWERS

➤ CHAPTER 56. - STORMWATER

➤ CHAPTER 57. - RIGHT-OF-WAY APPLICATION PROCESS FOR COMMUNICATIONS FACILITIES

➤ CHAPTER 59. - RECLAIMED WATER

➤ TITLE 7 - TRAFFIC CODE

➤ TITLE 9 - GENERAL REGULATIONS

➤ TITLE 11 - BUSINESS REGULATIONS

➤ TITLE 13 - GENERAL OFFENSES

➤ TITLE 15 - BUILDING REGULATIONS

CODE COMPARATIVE TABLE - ORDINANCES modified

< Sec. 51.99. - PENALTY.

CHAPTER 53. - SANITARY SEWERS >

CHAPTER 52. - WATER



GENERAL PROVISIONS



Sec. 52.01. - TURNING ON OF SERVICE. ☰

- (A) Upon application by the owner, authorized agent, property association or tenant of the property for water service and payment of a deposit as required by this Chapter and presentation of proper and acceptable identification, water will be turned on as soon as practical.
- (B) If a duplex, two-dwelling houses, tenant houses, apartment houses, or other buildings suitable for living quarters or store buildings have only one meter, the account shall be opened in the name of the owner, homeowners or condominium association, or other legal entity responsible for the account.

(Code 1980, § 29-20; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 53-86, passed 8/26/86; Ord. No. 28-01, § 1, passed 5/15/01)

Sec. 52.02. - DISCONTINUING SERVICE AT REQUEST OF CUSTOMER. ☰

Water will be cut off at any time requested by the customer and guarantee-of-payment deposit refunded upon settlement of all back charges incurred by the customer. However, water service bills shall continue during the time of any temporary cutoffs, and shall be payable as set forth in Sections [52.30](#) and [52.50](#).

(Code 1980, § 29-23; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 55-93, passed 11/23/93; Am. Ord. No. 31-96, passed 9/17/96)

Sec. 52.03. - USE OF WATER FROM HYDRANTS. ☰

- (A) Fire hydrants shall not be used for obtaining potable water, except under certain extenuating circumstances wherein a request, which must be in writing, may be made to the Director of Environmental Services or his/her designee for permission to use a fire hydrant for potable water on an interim or temporary basis. The Director of Environmental Services or his/her designee must approve all such requests.
- (B) If permission to use a fire hydrant is approved by the Director of Environmental Services or his/her designee on an interim and temporary basis, the applicant shall be required to submit an application including a minimum deposit of seven hundred fifty dollars (\$750.00). A nonrefundable installation/removal fee in the amount of one hundred fifty dollars (\$150.00) will be required to cover the City's cost for meter installation and removal. The customer charges and capacity charges for a two-inch meter as set forth in [Section 52.34](#), shall be due and payable each and every month, for as long as the meter is

installed, regardless of whether the meter is actually turned on and without regard to usage. All charges must be paid in full and the meter returned in serviceable condition before the deposit of seven hundred fifty dollars (\$750.00) is returned to the customer.

(Ord. No. 13-90, passed 4/24/90; Ord. No. 28-01, § 2, passed 5/15/01; Ord. No. 61-06, § 1, passed 11/7/06)

Sec. 52.04. - INTERCONNECTION OF PUBLIC AND PRIVATE SYSTEMS.

No physical connection shall be permitted between a distribution system of the City public water supply and that of any other water supply except for interconnects with adjacent municipalities and water utilities.

(Code 1980, § 29-30; Ord. No. 23-82, passed 3/23/82; Ord. No. 28-01, § 3, passed 5/15/01)

Cross reference— Penalty, [§ 52.99](#).

Sec. 52.05. - TAMPERING WITH OR DAMAGING EQUIPMENT.

It shall be unlawful for any person other than an authorized employee of the Water Department to turn on water service; or to tamper or meddle with any meter or other appliance or any part of the water system in a manner as to cause loss or damage to the Water Department; or to prevent any meter installed for registering water from registering the quantity which otherwise would pass through the same; or in any way to hinder or interfere with the proper action or just registration of any meter; or fraudulently to use, waste, or suffer the waste of water passing through any meter, pipe, or fitting, or other appliance or appurtenance connected with or belonging to the Water Department, after that meter, pipe, fitting, appliance, or appurtenance has been tampered with, injured, or altered.

(Code 1980, § 29-31; Ord. No. 23-82, passed 3/23/82)

Cross reference— Penalty, [§ 52.99](#).

Sec. 52.06. - PRIMA FACIE EVIDENCE OF VIOLATION OF SECTION 52.05.

The existence of any connection, wire conductor, meter alteration or any device whatsoever which offsets the diversion of water without the same being measured or registered by or on a meter installed for that purpose by the City, or the use or waste of water furnished by the City without its being measured or registered on a meter provided therefore by the City shall be prima facie evidence and creates a rebuttable presumption of intent to violate, and of the violation of [Section 52.05](#) by the person using or receiving the direct benefits from the use of the water passing through such connection, device or altered meter or being used without being measured or registered on a meter.

(Ord. No. 47-08, § 1, passed 10/21/08)

Secs. 52.07—52.14. - RESERVED.**METERS****Sec. 52.15. - MINIMUM SIZE OF METERS.**

- (A) The minimum size meter to be used for connection to the City water system shall be three-fourths of one inch. The required meter size for any connection shall be determined by the environmental services department in accordance with tables (1) and (2) below. To arrive at the appropriate size of the connection, the applicable units included in the fixture unit value table (1) will be added together. The total applicable fixture units shall determine the minimum meter size.

(1) *Fixture unit values table:*

Fixture Type	Fixture Unit Value
Automatic clothes washers, commercial	3
Automatic clothes washers, residential	2
Bathroom group (with 3.5 gpf water closet) consisting of water closet, lavatory, bidet and bathtub or shower	6
Bathroom group (with 1.6 gpf water closet)	5
Bathroom group (with 1.6 gpf flushometer tank) with water closet	5.5
Bathtub (with or without overhead shower or whirlpool attachments)	2
Bidet	2
Combination sink and tray	2
Dental lavatory	1
Dental unit or cuspidor	1
Dishwashing machine, domestic	2
Drinking fountain	½
Emergency floor drain	0
Floor drains	2
Hose connection	10
Kitchen sink, domestic	2
Kitchen sink, domestic with food waste grinder and/or dishwasher	2
Laundry tray (1 or 2 compartments)	2
Lavatory	1
Shower compartment, domestic	2

Sink	2
Urinal	4
Urinal, 1 gallon per flush or less	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, flushometer tank, public or private	4
Water closet private installation	4
Water closet public installation	6
Water closet (1.6 gpf), public installation	4
Water closet (1.6 gpf), private installation	3
Water closet (1.6 gpf), flushometer tank, private installation	3.5
Water closet (3.5 gpf), public installation	6
Water closet (3.5 gpf), private installation	4

For SI: 1 inch 25.4 mm, 1 gallon = 3.785L.

(2) *Minimum meter size table:*

No. of Fixture Units	Minimum Meter Size (Inches)
18	¾
19—55	1
56—350	1½
351—550	2
551—640	2½
641—1,340	3

- (B) Size of meters for connections requiring meters larger than three (3) inches will be determined by Environmental Services department based on estimated peak demand flows as provided by the engineer of record for the facility.

(Code 1980, § 29-13; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 55-93, passed 11/23/93; Ord. No. 28-01, § 4, passed 5/15/01)

Sec. 52.16. - TESTING OF METERS.

Any person using a water meter may have the same tested for accuracy by the City by requesting the test from the City Manager and by depositing the sum of one hundred dollars (\$100.00) for all meters three-quarter-inch through two-inch, and the actual cost of the testing (with a minimum of one

hundred dollars (\$100.00) as determined by the Director of Environmental Services for meters three (3) inches and larger) with the City Manager to cover the cost for the testing. If the test reveals that the meter is accurate, the sum paid shall be retained by the City; if the test reveals that the meter is inaccurate, the City Manager shall have a new meter installed for water use, and the sum paid will be returned to the person depositing same.

(Code 1980, § 29-28; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 59-90, passed 12/11/90)

Sec. 52.17. - MULTIPLE CONNECTIONS THROUGH ONE METER.

Two (2) dwelling houses, tenant houses, apartment houses, or other buildings suitable for living quarters or store buildings may be connected through one water meter to the City water supply provided that there exists a single owner, association or other legal entity responsible for the account. This provision shall not apply to master meters serving private water systems.

(Code 1980, § 29-29; Ord. No. 23-82, passed 3/23/82; Ord. No. 28-01, § 5, passed 5/15/01)

Cross reference— Penalty, [§ 52.99](#).

Sec. 52.18. - REMOVAL OF METERS WHEN SERVICE DISCONTINUED; TEMPORARY REMOVAL SUBJECT TO RETROACTIVE BILLS.

At the option of the Water Department, the water meter may be removed by the Water Department whenever water is cut off, either by request of the consumer or by the Water Department for nonpayment of charges, or for other reasons, and a service charge of twenty dollars (\$20.00) plus sixty dollars (\$60.00) for the actual costs of replacement shall be paid before water service is resumed. Any meter removed at the request of the consumer shall not discontinue billings for customer and capacity charges, and those charges may be billed retroactively for that service in a lump sum upon reinstallation of the meter.

(Code 1980, § 29-26; Ord. No. 23-82, passed 3/23/82; Ord. No. 59-90, passed 12/11/90; Am. Ord. No. 31-96, passed 9/17/96)

Sec. 52.19. - VEGETATION WATER METERS.

- (A) Separate vegetation water meters for the purpose of watering or irrigation of vegetation or other plant life shall be permitted in an area east of a line which approximates Interstate 95 from the north City limit to Linton Boulevard, then east to Southwest 4th Avenue, then south along Southwest 4th Avenue (and extensions thereof) to the south City limit, or a line in close proximity thereto as may be established by the Director of Environmental Services; however, no such separate meters shall be permitted on single-family residential properties, except where a single-family home is located on an individual lot or in a subdivision where a restriction of such use has not been imposed

during development approval. Properties that are capable of being served by reclaimed water, as provided in [Chapter 59](#), shall not be allowed to have a separate vegetation water meter. No separate vegetation water meter shall be permitted west of said line except as provided in division (B) below.

- (B) A separate vegetation water meter shall be permitted west of said line where the Director of Environmental Services determines that the chloride content of the on-premises or available groundwater renders it unsuitable for irrigation purposes.
- (C) Said separate vegetation water meter shall serve a water system, and the water flowing from and through such shall be used exclusively for the watering or irrigation of vegetation or other plant life. No connection to said system shall be made for purposes other than the watering or irrigation of vegetation or other plant life.
- (D) The use of City water for irrigation purposes may be allowed on a case-by-case basis anywhere in the City where and when appropriate for good and sufficient purposes, and when there will be no adverse effects on the municipal water system. Such approval may be granted only by the Director of Environmental Services with the concurrence of the City Manager. Good and sufficient purposes may include, but are not limited to, irrigation of areas small in size or resulting in minimal demand on the water system, or where the siting of a well is not appropriate.

(Code 1980, § 29-3; Ord. No. 28-01, § 6, passed 5/15/01; Ord. No. 27-05, § 2, passed 5/17/05)

Cross reference— Penalty, [§ 52.99](#).

Sec. 52.20. - ACCESS TO WATER METERS.

It shall be unlawful for any person to interfere with, effectively deny, or to restrict in any manner, full access to city water meters or their appurtenances by the City's agents or employees, for the purposes of making necessary periodic readings, repairs, removal, or disconnection of service on said meters or their appurtenances. Such interference may include, but shall not be limited to, use of locked gates or fences, presence of animals, physical barriers, or overgrown vegetation.

(Ord. No. 21-89, passed 3/28/89)

Cross reference— Penalty, [§ 52.99](#).

Secs. 52.21—52.29. - RESERVED.

RATES, CHARGES, AND FEES

Sec. 52.30. - OWNER RESPONSIBLE FOR CHARGES.

- (A) The owner of the property or the tenant being serviced by City water shall be responsible for charges against that property for their respective water use, as provided herein.
- (B) It shall be the responsibility of the property owner to ensure continued payment for utility services billed for vacant units whether or not utility services were utilized during the time the unit(s) were vacant. Tenants shall be responsible for all charges incurred during the time the tenant occupied the unit(s).
- (C) If an account has been opened by a tenant, the tenant shall be responsible for all charges; provided, however, if the tenant vacates the premises, the owner shall be responsible for all charges to vacant units as provided in subsection (B) above.
- (D) The City shall not refuse to accept an application for water services or refuse to open a separate water service account in the name of a tenant because the previous tenant had an outstanding unpaid balance. However, the City may refuse to open a separate water service account in the name of a tenant, if the owner of the property has a delinquent account, until the owner pays all delinquencies in full.
- (E) Charges for delinquent accounts shall include collection costs and reasonable attorney fees.

(Code 1980, § 29-24; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 53-86, passed 8/26/86; Ord. No. 28-01, § 7, passed 5/15/01)

Sec. 52.31. - CONNECTION CHARGES.

- (A) *Required.* In addition to the meter installation charge, there shall be connection charges as follows:
 - (1) There shall be a water connection charge of seven hundred eighty-eight dollars (\$788.00) per connection of each residential unit. One residential unit connection is herein defined to be any family living unit, and, where two (2) or more families are living on the same premises, each shall be considered as a separate residential dwelling unit. In apartment buildings, condominiums, cooperatives, duplexes, resort dwelling units, and the like, and per each trailer space in a trailer park, each living unit shall be considered as one residential unit connection.
 - (2) There shall be a nonresidential and irrigation water connection charge which shall be based on seven hundred eighty-eight dollars (\$788.00) per equivalent residential connection (E.R.C.). The following water connection charges are hereby established for nonresidential and irrigation service:

Meter Size (Inches)	E.R.C.	Connection Charge
¾	1.00	\$ 788.00
1	1.67	1,315.96



1½	3.33	2,624.04
2	5.33	4,200.04
3	11.67	9,195.96
4	21.00	16,548.00
6	46.67	36,775.96
8	80.00	63,040.00
10	126.67	99,815.96

- (B) *Outside City.* The connection charges to users wholly outside the corporate limits of the City shall be twenty-five (25) percent higher than for the applicable charge to users within the corporate limits of the City.
- (C) *Limitation on Use of Fees.* The connection fee received by the City under this Section shall be used for the purpose of providing the pro rata shares of construction costs to install adequate size major water distribution lines, ground storage tanks, and repumping facilities all in conformance with the City's water master plan and for any other capital expenditures caused by new users or as pledged impact fees. The City shall establish a separate account into which these fees shall be deposited. The money in this account shall be expended by the City only for the herein referred to purposes and these expenditures shall only be made for locations in reasonable proximity to the development or unit for which the fees were charged or in locations and for projects which are directly impacted by that development.
- (D) *[Payment Required for Authorization.]* Subject to the applicability of [Section 50.03](#), any connection fee for a given residential dwelling unit or its equivalent required under this Section shall be paid in full prior to the issuance of any authorization to connect to the City's water system.

(Code 1980, § 29-15; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 59-90, passed 12/11/90; Am. Ord. No. 62-90, passed 1/8/91; Am. Ord. No. 55-93, passed 11/23/93; Am. Ord. No. 21-98, passed 6/2/98)

Sec. 52.32. - METER INSTALLATION CHARGE.

Meter installation charges shall be as follows:

Meter Size	Inside City Charge	Outside City Charge
¾-inch	\$ 400.00	\$ 500.00
1-inch	525.00	650.00
1½-inch	875.00	1,100.00
2-inch	1,175.00	1,475.00

3-inch	A/C*	A/C + 25%*
4-inch	A/C	A/C + 25%
6-inch & 8-inch	A/C	A/C + 25%
Fire hydrants	A/C	A/C + 25%



*A/C = Actual cost to City as determined by the Director of Environmental Services.

Any other combination of services will be at actual cost as determined by the Director of Environmental Services.

(Code 1980, § 29-14; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 59-90, passed 12/11/90)

Sec. 52.33. - DEPOSIT TO GUARANTEE PAYMENT.

A guarantee-of-payment deposit for all bills shall be made by each consumer or owner, varying according to the size of the meter in use, as follows:

(A) Single-family, multifamily, nonresidential, and irrigation:

Meter Size (Inches)	Inside City	Outside City
¾	\$100.00	\$125.00
1	100.00	125.00
1½	150.00	187.50
2	175.00	218.75
3	200.00	250.00
4	275.00	343.75
6	475.00	593.75
8	675.00	843.75

(B) If a customer had a previous account with the City and there were no previous delinquencies, the customer need not pay the City a deposit.

(Code 1980, § 29-19; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 59-90, passed 12/11/90; Am. Ord. No. 55-93, passed 11/23/93; Ord. No. 28-01, § 8, passed 5/15/01)

Sec. 52.34. - WATER RATES.

(A) *[Definitions.]* For the purpose of this Section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Capacity charge. The charges calculated to cover costs incurred to have the system available and in good operating condition without regard to use, which shall include, but not be limited to, costs of minimum personnel, capital outlay, debt service, insurance, transfers, reserve requirements, and debt service coverage.

Commodity charge. The charges calculated to cover the costs which vary with the level of service provided, the amount of water produced or sewage processed, which shall include, but not be limited to, costs of personnel to operate the system, electricity, repairs, and maintenance, and operating supplies.

Customer charge. The charges calculated to cover the costs incurred in the billing system, which shall include, but not be limited to, costs of meter reading, recording, data processing, billing, and collecting.

Residential dwelling unit. One or more rooms connected together, constituting a separate, independent housekeeping establishment and physically separated from any other dwelling unit which may be in the same structure, and which contains independent sanitation, living, cooking and sleeping facilities.

- (B) **Monthly Rates.** The monthly rates (except for fire hydrants as set forth in [Section 52.03](#)) for water furnished by the water facilities or plant of the City to customers within and outside the corporate limits of the City, which unless otherwise indicated shall include the appropriate customer charges, capacity charges, and commodity charges for all customers, are fixed as shown in the following schedule:

dwelling unit)		↗ EXPAND
Commodity charge (all metered consumption-per 1,000 gallons)		
Zero to 3,000 gallons	0.00	0.00
4,000 to 12,000 gallons	1.25	1.56
13,000 to 25,000 gallons	2.00	2.50

26,000 to 50,000 gallons	3.50	4.38
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(C) *Emergency Rate Adjustment for Water Conservation.* During periods of mandated water restriction the South Florida Water Management District, an automatic surcharge shall be added to the charge according to the following schedule for all water used in excess of 15,000 gallons by any customer in any one month:

Restriction Phase	Overall Reduction In Use	Percent Surcharge Applied
I	15%	15%
II	30%	30%
III	45%	45%
IV	60%	60%

(D) *Fire hydrant-standpipe charges (annual).*

Fire hydrant rental (per fire hydrant):

Inside city, annually \$165.00

Outside city, annually 206.25

Standpipes and sprinklers charge (per separate system):

Inside city, annually \$165.00

Outside city, annually 206.25

(E) *[Payment.]* The customer charges and capacity charges as set forth in this Section shall be due and payable each and every month, for as long as the meter is installed, regardless of whether or not the meter is actually turned on or off, and without regard to usage or occupancy.

(Code 1980, § 29-18; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 54-82, passed 9/14/82; Am. Ord. No. 36-84, passed 5/22/84; Am. Ord. No. 94-84, passed 11/6/84; Am. Ord. No. 59-90, passed 12/11/90; Am. Ord. No. 32-92, passed 9/22/92; Am. Ord. No. 55-93, passed 11/23/93; Am. Ord. No. 71-94, passed 10/18/94; Am. Ord. No. 31-96, passed 9/17/96; Am. Ord. No. 34-97, passed 9/23/97; Am. Ord. No. 21-98, passed 6/2/98; Ord. No. 46-01, § 1, passed 9/19/01; Ord. No. 39-02, § 1, passed 9/17/02; Ord. No. 56-04, § 1, passed 9/21/04; Ord. No. 70-05, passed 9/20/05; Ord. No. 51-06, § 1, passed 9/19/06; Ord. No. 39-07, § 1, passed 9/18/07; Ord. No. 42-08, § 1, passed 9/16/08; Ord. No. 43-09, § 1, passed 10/20/09)

Sec. 52.35. - RESERVED.

⋮

Sec. 52.36. - CHARGE FOR EACH TIME WATER IS TURNED ON.

⋮

There shall be a service charge of fifteen dollars (\$15.00) for each time water is turned on, except when the provisions of Sections [52.18](#) or [52.52](#) apply regarding turn on as a result of a shutoff notice.

(Code 1980, § 29-20; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 53-86, passed 8/26/86; Am. Ord. No. 59-90, passed 12/11/90; Am. Ord. No. 55-93, passed 11/23/93)

Sec. 52.37. - SERVICE CHARGE FOR AFTER-HOURS CALLS.

A charge of forty dollars (\$40.00) in addition to any applicable turn on-turn off charges shall be made for each service call made by city personnel between 5:00 p.m. and 8:00 a.m. and on Saturdays, Sundays, and holidays.

(Code 1980, § 29-27; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 59-90, passed 12/11/90; Am. Ord. No. 55-93, passed 11/23/93)

Sec. 52.38. - TEMPORARY USE; TAPPING CHARGES AND DEPOSIT.

Tapping charges to contractors and other persons requiring water for temporary use only, shall be charged to cover the City's actual cost as determined by the Director of Environmental Services in installing and removal and for equipment damaged while on the job; and a reasonable deposit shall be made to cover all labor and damage, in addition to the deposit insuring payment for water consumed, as hereafter set forth.

(Code 1980, § 29-16; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 55-93, passed 11/23/93)

Sec. 52.39. - OTHER FEES.

- (A) *Project Inspection Fee.* The Environmental Services Department will estimate the construction cost of the water and sewer improvements to be inspected. The inspection fee will be charged to the project owner and will be calculated as construction cost of water and sewer improvements x [times] two (2.0) percent, but in no case less than twenty-five dollars (\$25.00). In addition, for all water and sewer inspections taking place after normal environmental services business hours, the project owner will pay additional inspection fees at an overtime rate of forty dollars (\$40.00) per hour per inspector. Fees will be billed to the project owner periodically and the project owner shall pay all fees before the certificate of occupancy is issued.
- (B) *Utility Standards Fee.* The charge for the minimum construction standards book (utility standards) issued by the Environmental Services Department is twenty-five dollars (\$25.00).
- (C) *Late Payment.* In the event water use charges become delinquent and/or water services are discontinued by the City, a five-dollar late payment penalty will be charged to the

account.



- (D) *Meter Reread Charge.* There will be a charge of fifteen dollars (\$15.00) for each reread request in excess of three (3) such requests in any one month requested by a customer. If the meter reading is in error in favor of the customer, the account will be adjusted accordingly and the fifteen dollars (\$15.00) service charge shall be waived.
- (E) *Removal of Service Line.* There will be a charge for the removal of the service line based on the actual cost (labor and materials) plus a ten (10) percent surcharge, or one hundred dollars (\$100.00), whichever is greater, per occurrence.
- (F) *Reinstallation of a Service Line.* In the event that a service line has been removed for nonpayment of charges, there will be a charge for reinstallation of a service line based upon the actual replacement cost (labor and materials) plus a ten (10) percent surcharge, or one hundred dollars (\$100.00), whichever is greater, per occurrence.
- (G) *Destruction of Meter and/or Related Equipment.* In the event of any damage to meters and/or other appliance or appurtenance, there will be a charge based upon actual replacement cost (labor and materials) plus a ten (10) percent surcharge, or one hundred dollars (\$100.00), whichever is greater, per occurrence.
- (H) *Fee for Maintenance of Improvements within Right-of-Way.* In the event the City places landscaping improvements and irrigation systems to maintain the landscaping improvements within the right-of-way, the City Commission may impose a fee to cover the cost of providing water to maintain the improvements and to provide for the cost of installing and maintaining a sprinkler or other irrigation system. The City Commission may authorize the payment of a fee to be collected monthly and to be included on the monthly water bill for property owners whose property adjoins the right-of-way in which the City installed the landscaping improvements. The fee shall be seven dollars and fifty cents (\$7.50) [per month] per parcel located adjacent to the right-of-way.

(Ord. No. 59-90, passed 12/11/90; Am. Ord. No. 67-91, passed 12/3/91; Am. Ord. No. 55-93, passed 11/23/93; Am. Ord. No. 60-94, passed 8/16/94; Am. Ord. No. 31-96, passed 9/17/96; Am. Ord. No. 10-97, passed 2/18/97; Am. Ord. No. 52-98, passed 1/5/99; Ord. No. 28-01, § 9, passed 5/15/01)

Secs. 52.40—52.49. - RESERVED.

BILLINGS

Sec. 52.50. - RENDERING OF BILLS; WHEN PAYMENT DUE.

- (A) Bills for all water service, including the customer charge, capacity charge, and commodity charge, shall be rendered to each customer (the person whose name the account is in)

upon installation of the meter, and on a monthly basis thereafter, and shall be due and payable forthwith.

- (B) A billing cycle shall consist of approximately thirty (30) days and is determined to be from one meter reading to the next. Initial and final billing shall be prorated based on service dates.

(Code 1980, § 29-21; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 55-93, passed 11/23/93; Am. Ord. No. 25-95, passed 5/16/95)

Sec. 52.51. - DELINQUENT BILLS; DISCONTINUING SERVICE.

Any bill remaining unpaid for a period of thirty (30) days after rendition shall become delinquent. If a delinquent bill is not paid within eighteen (18) days, the water will be cut off and the service terminated, unless a protest and/or appeal is filed pursuant to the following procedure:

- (A) After the customer's account is delinquent, the Water Department shall notify the customer in writing that it intends to terminate water service eighteen (18) days from the date of the delinquency, stating the reasons therefor, the amount of arrearage, if any, and the date after which water service may be terminated. The Water Department must include in this notification that the customer has six (6) business days (from the date of postmark) in which to make a written protest to a designated officer or managerial employee of the Water Department, stating in the notification the last day for filing a protest. The protest will be considered timely filed if it is received or postmarked not later than the last day for filing a protest. Any legible written statement which may be reasonably construed as a protest and filed within the prescribed time shall be accepted. If a protest hereunder is filed, water service will not be terminated while the protest is pending.
- (B) (1) If a protest is not filed, then after the expiration of that period of eighteen (18) days and before the water service is terminated, the Water Department shall determine if the customer and water user are one and the same person. If they are one and the same person, the water service will then be terminated. If the user is a different person from the customer, the user (if less than eight (8) per one account) shall be notified in writing of the delinquent bill; that the Water Department intends to terminate the water service eighteen (18) days from the date of postmark, if the notice to the user is mailed, or from date of delivery, if the notice to the user is personally delivered; the reasons therefor; the amount of arrearage, if any; the date after which water service may be terminated and that the user has six (6) business days (from the date of delivery of notice, if

personally delivered, or from the date of postmark if the notice is mailed) in which to make a written protest to a designated officer or managerial employee of the Water Department, stating in the notice the last day for filing said protest.

- (2) If the customer is the owner or representative of eight (8) or more users, as in the case of, but not limited to, an apartment house, condominium, cooperative, or multifamily residence building, the users will be notified by posting a written notice on the premises of the delinquent bill, stating that the Water Department intends to terminate the water service eighteen (18) days from the date of the notice posted, the reasons therefor, the amount of arrearage, if any, the date after which the water service may be terminated and that the users have six (6) business days (from the date of posting the notice) in which to make a written protest to a designated officer or managerial employee of the Water Department, stating in the notice the last day for filing a protest.
- (3) The protest will be considered timely filed if it is received or postmarked not later than the last day for filing a protest. Any legible written statement which may be reasonably construed as a protest and filed within the prescribed time shall be accepted. If a protest hereunder is filed, water service will not be terminated while the protest is pending.

(C) If a protest is filed pursuant to the aforementioned procedure, the Water Department officer or managerial employee shall address himself to the customer's or user's communication, make a bona fide inquiry into the dispute presented by the customer or users and make a direct individual response, explaining in detail the Water Department's position upon the matter.

- (1) If the response is oral, the Water Department shall, within a reasonable time thereafter, reduce the same to writing and deliver a copy thereof to the customer. The written response shall contain a notice that the customer or users may file an appeal requesting a hearing, if the customer or users are not satisfied with the aforementioned finding of the Water Department, within six (6) business days (from the date of postmark) stating the last day for filing the appeal; that the appeal must be in writing and must be accompanied by a deposit of twenty-five dollars (\$25.00) or an amount equal to the Water Department's bill to the customer or residence of user for the month prior to the month the account became delinquent, whichever is lower.
- (2) If there was no bill for the month prior to the month said account became delinquent, the deposit shall be twenty-five dollars (\$25.00). The deposit shall be made with the City and held in an escrow account until the hearing is concluded and a decision rendered by the person conducting it. Water service

will not be terminated pending the outcome of the hearing. Any legible, written statement which may reasonably be construed as an appeal and filed within the prescribed time will be accepted as a proper request for a hearing. The appeal will be considered timely if received by the Water Department or postmarked not later than the last day for filing the appeal.

- (D) Upon receipt of a request for a hearing and applicable deposit, the protest and request for hearing shall be assigned by the Water Department to a person to conduct the hearing. The hearing may be conducted by any adult person, including an employee of the City, provided he is not an employee of the Water or Finance Departments. The person to whom the protest has been assigned for hearing shall notify the customer or user as to the date, place, and time of the hearing. This notice shall be at least five (5) business days prior to the date of the hearing. The hearing shall take place within thirty (30) calendar days from the date the request for hearing is received by the Water Department, and shall be open to the public.
- (E) The hearing shall be as informal as is compatible with justice and shall include the following procedures:
- (1) All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross examination, and submit rebuttal evidence;
 - (2) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not that evidence would be admissible in a trial in the Courts of the State;
 - (3) Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath; and
 - (4) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding, unless it would be admissible over objection in civil actions.
- (F) The customer or user will be notified of the outcome of the above hearing and the reasons for the decision. If the decision is in favor of the customer or user and no portion of the bill is found due, the amount of the deposit shall be returned to him immediately. If the decision is adverse to the customer or user, the amount of the deposit shall be applied against the arrearage found due the Water Department. If the deposit is in excess of the arrearage, the excess shall be remitted to the customer or user. If the deposit is less than the arrearage, the notice shall inform the customer or user of the amount of the arrearage due, after crediting the deposit, and that water service will be terminated five (5) days after the notice is

postmarked. The notice will specify the date after which service may be terminated. If the customer or user tenders the amount of the arrearage due the Water Department prior to the aforementioned termination date, the customer's or user's account will be credited, and water service will not be terminated.

- (G) The Water Department will not terminate water service while any of the aforementioned procedures is pending.
- (H) Prior to the filing of any lien for unpaid water bills, the Water Department shall notify by first-class mail the owner of the subject real property against which the lien will be imposed (as the ownership and address of the owners appears on the current county tax rolls) that the City shall file a lien against that real property in the amount of the unpaid bill fifteen (15) days after the date of the notice if the amount in arrears remains unpaid as of that date.

(Code 1980, § 29-22; Ord. No. 23-82, passed 3/23/82)

Sec. 52.52. - RESUMING SERVICE AFTER DISCONTINUANCE FOR DELINQUENCY.

- (A) In the event city utility service charges become delinquent and/or said services are discontinued by the City as herein provided, said services shall not be restored until the entire amount due plus the five dollars (\$5.00) penalty for late payment and a twenty dollars (\$20.00) reconnection charge are paid in full. If the present guarantee-of-payment deposit is less than the current schedule as set forth in [Section 52.33](#), an additional guarantee-of-payment deposit shall be required so that the actual deposit held by the City shall be equal to the current guarantee-of-payment schedule. However, the City shall not refuse to accept an application for water service or to open a separate water service account because of an outstanding delinquent bill on the subject property which was not incurred by the applicant.
- (B) If, after one full year from the date that the increased deposit was required to resume service after disconnection for a delinquency, there has been no additional nonpayment disconnection, the customer may request reduction of deposit to the current deposit rate as set forth in the schedule in [Section 52.33](#).

(Code 1980, § 29-25; Ord. No. 23-82, passed 3/23/82; Am. Ord. No. 53-86, passed 8/26/86; Am. Ord. No. 59-90, passed 12/11/90; Am. Ord. No. 41-91, passed 5/14/91; Am. Ord. No. 67-91, passed 12/3/91; Am. Ord. No. 55-93, passed 11/23/93; Am. Ord. No. 31-96, passed 9/17/96)

Secs. 52.53—52.64. - RESERVED.

WATER SHORTAGE EMERGENCIES

Sec. 52.65. - INTENT AND PURPOSE.



It is the intent and purpose of this subchapter to protect the water resources of the City, from the harmful effects of over-utilization during periods of water shortage and allocate available water supplies.

(Code 1980, § 29-43; Ord. No. 35-85, passed 4/23/85)

Sec. 52.66. - DEFINITIONS.



For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

District. The South Florida Water Management District.

Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.

Water resource. Any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

Water shortage condition. When sufficient water is not available to meet present or anticipated needs of persons using the water resource, or when conditions are such as to require temporary reduction in total water usage within a particular area to protect the water resource from serious harm. A water shortage condition usually occurs due to drought.

Water shortage emergency. That situation when the powers which can be exercised under part II of Chapter 40E-21, Florida Administrative Code, are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable uses.

(Code 1980, § 29-44; Ord. No. 35-85, passed 4/23/85)

Sec. 52.67. - APPLICATION OF PROVISIONS.



The provisions of this subchapter shall apply to all persons using water both in and outside the City, whenever the City Manager has determined that a water shortage condition or that a water shortage emergency exists. The City Manager shall declare that a water shortage condition or water shortage emergency exists within the City upon such a declaration by the governing board of the South Florida Water Management District or the Department of Environmental Protection. The City Manager may

declare that a water shortage condition or water shortage emergency exists within the City whenever average daily flows (ADF) measured at the City's water treatment facility reach or exceed eighty (80) percent of permitted plant capacity for fifty (50) percent or more of any thirty-day period.

(Code 1980, § 29-45; Ord. No. 38-85, passed 4/23/85; Ord. No. 28-01, § 10, passed 5/15/01)

Sec. 52.68. - WATER SHORTAGE PLAN ADOPTED BY REFERENCE; AMENDMENTS.

Chapter 40E-21, Florida Administrative Code, [and] restrictions otherwise issued by the South Florida Water Management District and the Department of Environmental Protection are incorporated herein by reference as a part of the Code of Ordinances, as same may be amended from time to time.

(Code 1980, § 29-46; Ord. No. 35-85, passed 4/23/85; Ord. No. 28-01, § 11, passed 5/15/01)

Sec. 52.69. - DECLARATION OF WATER SHORTAGE CONDITION; EMERGENCY.

The declaration of a water shortage condition or water shortage emergency within all or any part of the City by the City Manager shall invoke the provisions of this subchapter. Upon the declaration, all water use restrictions shall be subject to enforcement pursuant to this subchapter. When the City Manager declares a water shortage condition or water shortage emergency, the City Manager may invoke alternative water restrictions to water restrictions contained within Chapter 40E-21 of the Florida Administrative Code and restrictions otherwise issued by the South Florida Water Management District and the Department of Environmental Protection. Any violations of the provisions of Chapter 40E-21, Florida Administrative Code, violations of restrictions imposed and issued by the South Florida [Water] Management District and the Department of Environmental Protection or any violations of alternative restrictions invoked by the City Manager, or any order issued pursuant thereto, shall be in violation of this subchapter.

(Code 1980, § 29-47; Ord. No. 35-85, passed 4/23/85; Am. Ord. No. 13-88, passed 3/8/88; Ord. No. 28-01, § 12, passed 5/15/01)

Cross reference— Enforcement by Code Enforcement Board as supplemental method of enforcement, [Chapter 37](#).

Sec. 52.70. - WATER USERS TO ACCEPT PROVISIONS OF SUBCHAPTER.

No water service shall be furnished to any person by a public or private utility unless such person agrees to accept all the provisions of this subchapter. The acceptance of water service shall be in itself the acceptance of the provisions thereof.

(Code 1980, § 29-49; Ord. No. 35-85, passed 4/23/85)

Secs. 52.71—52.79. - RESERVED.

CONTROL OF BACKFLOW AND CROSS CONNECTIONS



Sec. 52.80. - INTRODUCTION. ⋮

A cross connection is defined by the American Water Works Association (AWWA) as "any connection or structural arrangement between the public's or a consumer's potable water system and any nonpotable source or system through which backflow may occur". Backflow, literally a reversal in the normal direction of flow within a water system, is what turns a cross connection into a health hazard. Consequently, either cross connection or the chance of backflow must be eliminated to prevent these "unseen hazards" from degrading the high quality of water that purveyors strive to maintain.

Sec. 52.81. - PURPOSE. ⋮

The purpose of this subchapter is to protect the potable water supply of the City from the possibility of contamination or pollution by isolating within its customer's internal system or systems those contaminants or pollutants which could backflow or back-siphon into the public water supply system; to promote the elimination or control of existing cross connections, actual or potential, between the customer's potable water system or systems and nonpotable water systems, plumbing fixtures, and industrial piping systems; and provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

Sec. 52.82. - DEFINITIONS. ⋮

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Air-gap. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel and, in no case, less than one inch. When an air-gap is used at the service connection to prevent the contamination or pollution of the public potable water system, an emergency bypass shall be installed in the bypass system which shall include an approved backflow prevention device.

Approved. Accepted by the Director of Environmental Services as meeting an applicable specification stated or cited in this subchapter, or as suited for the proposed use.

Auxiliary water supply. Any water supply on, or available to, the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's spring, river, stream, harbor, or the like, or "used waters" or "industrial fluids". These waters may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow. The flow of water or other liquid, mixture, or substance under pressure into the distributing pipes of a potable water supply system from any source or sources other than its intended source.

Backflow preventer. A device or means designed to prevent backflow or back-siphonage.

Back-siphonage. The flow of water or other liquid, mixture, or substance into the distributing pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

Contamination. An impairment of the quality of potable water by sewage, industrial fluids, waste liquids, compounds, or other materials to a degree which creates a potential actual hazard to the public health through poisoning or through the spread of disease.

Cross connection. Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow or back-siphonage may occur into the potable water system. A water service connection between a public potable water distribution system and a customer's water distribution system which is cross-connected to a contaminated fixture, industrial fluid system, or with a potentially contaminated supply or auxiliary water system, constitutes one type of cross connection. Other types of cross connection include connectors such as swing connections, removable Sections, four-way plug valves, spools, dummy Sections of pipe, swivel or changeover devices, sliding multiport tube, solid connections, and the like.

- (1) *Cross connection control by containment.* The installation of an approved backflow prevention device at the water service connection to any customer's premises where it is not physically and economically feasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or the installation of an approved backflow prevention device on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of cross connection.
- (2) *Cross connection—controlled.* A connection between a potable water system and a nonpotable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree

of hazard.



Double check valve assembly. An assembly of two (2) independently operating approved check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications and approval of a recognized and city-approved testing agency for backflow prevention devices. To be approved, these must be readily accessible for in-line maintenance and testing.

Hazard, degree of. The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system, and shall include:

- (1) *Hazard—Health.* Any condition, device, or practice in the water supply system and its operation that could create, or in the judgment of the Director of Environmental Services, may create a danger to the health and well-being of the water consumer. An example of a "health hazard" is a structural defect, including a cross connection, in the water supply system.
- (2) *Hazard—Plumbing.* A plumbing-type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation, or backflow prevention device. Unprotected plumbing-type cross connections are considered to be a health hazard.
- (3) *Hazard—Pollutional.* An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
- (4) *Hazard—System.* An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollutant or contaminant which would have a protracted effect on the quality of the potable water in the system.

Industrial fluids system. Any system containing a fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional, or plumbing hazard if introduced into an approved water supply. This may include, but shall not be limited to: polluted or contaminated waters; all types of process waters and "used waters" originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulated cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, irrigation canals or systems, and the like; and oils, gases, glycerin, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes or for firefighting purposes.

Pollution. The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

Pressure-type vacuum breaker. An assembly used to isolate entire irrigation lines from potable water systems. It has the ability to withstand supply pressure for long periods and to prevent backflow of toxic and nontoxic water into the potable water system in back-siphonage conditions. To be approved, these devices must be readily accessible for in-line maintenance and testing.

Purveyor or water purveyor. The owner or operator of the public potable water system supplying an approved water supply to the public.

Reduced pressure principle device. An assembly of two (2) independently operating approved check valves with an automatically operating differential relief valve between the two (2) check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and city-approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two (2) check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure between the two (2) check valves shall be less than the pressure on the public water supply system side of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two (2) pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged.

Utilities Director or Environmental Services Director. The Director in charge of the department of environmental services of the City who is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this subchapter.

Water.

- (1) *Water—Nonpotable.* Water which is not safe for human consumption or which is of questionable potability.
- (2) *Water—Potable.* Any water which, according to recognized standards, is safe for human consumption.
- (3) *Water—Service connections.* The terminal end of a service connection from the public potable water system; that is, where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water

system. If a meter is installed at the end of the service connection, the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. "Service connection" shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

- (4) *Water—Used.* Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

Water system. The water system shall be considered as made up of two (2) parts: the customer system and the utility system.

- (1) The "customer system" shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use.
- (2) The "utility system" shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins (meter). The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

Sec. 52.83. - BACKFLOW PREVENTION DEVICES; WHEN REQUIRED; SPECIFICATIONS.

- (A) No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by State law and regulation (Florida Administrative Code Rule 17-555) and this subchapter. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention device required by this subchapter is not installed, tested, and maintained, or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- (B) The customer's system should be open for inspection at all reasonable times to authorized representatives of the environmental services department to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Director of Environmental Services shall deny or immediately discontinue service to the premises by

providing for a physical break in the service line until the customer has corrected the condition in conformance with State and City laws relating to plumbing and water supplies and the regulations adopted pursuant thereto.

- (C) An approved backflow prevention device shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served and, in all cases, before the first branch line leading off the service line, wherever the following conditions exist:
- (1) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Director of Environmental Services. The public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.
 - (2) In the case of premises upon which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.
 - (3) In the case of premises having internal cross connections that cannot be permanently corrected and controlled, intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line. The type of protective device required shall depend upon the degree of hazard which exists, as follows:
 - (a) In the case of any premises where there is an auxiliary water supply as stated in this Section, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device.
 - (b) In the case of any premises where there is water or some substance that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.
 - (4) In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public

water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device. Examples of premises where these conditions may exist include wastewater treatment plants, wastewater pumping stations, chemical manufacturing plants, hospitals, mortuaries, and metal plating plants.

- (5) In the case of any premises where there are "uncontrolled" cross connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection.
 - (6) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow or back-siphonage from the premises by the installation of a backflow prevention device in the service line. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed in each service to the premises.
- (D) Any backflow prevention device required herein shall be of a model and size approved by the Director of Environmental Services. The term "approved backflow prevention device" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association and entitled "AWWA C506-69 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices" and which has met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California established by "Specifications of Backflow Prevention Devices-#69-2 dated March 1969" or the most current issue.
- (1) Said AWWA and FCCC and HR standards and specifications have been adopted by the Director of Environmental Services. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCC and HR specifications.
 - (2) It shall be the duty of the customer-user at any premises where backflow prevention devices are installed, to have certified inspections and operational tests made at least once per year. In those instances where the Director deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the customer and shall be performed by the device manufacturer's representative, by the utility personnel, or by a certified tester approved by the Director of Environmental Services. It shall be

the duty of the Director to see that these timely tests are made. The customer-user shall notify the Director in advance when the tests are to be undertaken so that he, or his representative, may witness the tests if it is so desired.

- (3) These devices shall be repaired, overhauled, or replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such tests, repairs, and overhauls, shall be kept and made available to the Director of Environmental Services.
- (4) All presently installed backflow prevention devices which do not meet the requirements of this Section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the Director of Environmental Services is assured that they will satisfactorily protect the public potable water supply system. Whenever the existing device is moved from the present location or requires more than minimum maintenance, or when the Director of Environmental Services finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this Section.

(Am. Ord. No. 52-91, passed 8/27/91)

Cross reference— Penalty, [§ 52.99](#).

Sec. 52.84. - ENVIRONMENTAL SERVICES DEPARTMENT TO ADMINISTER.

- (A) The Environmental Services Department shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection.
- (B) If, in the judgment of the department, an approved backflow prevention device is required at the City's water service connection to any customer's premises for the safety of the water system, the Director of Environmental Services or his designated agent shall give notice in writing to the customer to install such an approved backflow prevention device at each service connection to his premises. The customer shall immediately install such approved device or devices at his own expense; the failure, refusal, or inability on the part of the customer to install said device or devices immediately, shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

Cross reference— Penalty, [§ 52.99](#).

Sec. 52.85. - NOTICE OF VIOLATION; FAILURE TO REMEDY.

The Director of Environmental Services shall notify the owner or authorized agent of the owner of the building or premises in which there is found a violation of this subchapter, of such violation. The Director shall set a reasonable time for the owner to have the violation removed or corrected (thirty (30) days maximum, or as determined by degree of hazard). On failure of the owner to have the defect corrected by the end of a specified time interval, the Director may, if in his judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated and/or recommend such additional fines or penalties to be invoked as are provided in [Section 52.99](#).

Secs. 52.86—52.97. - RESERVED.

Sec. 52.98. - PRIMA FACIE EVIDENCE OF VIOLATION.

The existence of any connection, conductor, meter alteration, or any device whatsoever, which affects the diversion of water without the same being measured or registered by or on a meter installed by the Water Department, or which affects the use of water furnished by the Water Department without its being measured or registered on a meter provided therefor, or the flowing of water through that meter after having been shut off for nonpayment of charges or other reason and before the service is restored by an authorized employee of the Water Department, shall be prima facie evidence of intent to violate and of the violation of this Chapter by the person using or receiving the direct benefits from the use of water passing through a connection, device, or meter, or of being used without being measured or registered on a meter as aforesaid, or of being used without payment of charges therefor.

(Code 1980, § 29-32; Ord. No. 23-82, passed 3/23/82)

Sec. 52.99. - PENALTY.

- (A) Any person, firm, or corporation who violates any provision of this Chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days, or both. Each day any violation shall continue to exist shall constitute a separate offense. The person, firm or corporation may also be subject to action under [Chapter 37](#) of the Code of Ordinances.
- (B) Violation of any provision of Sections [52.65](#) through [52.70](#) shall be subject to the following penalties: First violation, twenty-five dollars (\$25.00); second and subsequent violations, fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed sixty (60) days. Each day in violation of Sections [52.65](#) through [52.70](#) shall constitute a separate offense. The City, in addition to the criminal sanctions contained herein, may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of Sections [52.65](#) through [52.70](#).
- (C) The owner or authorized agent of the owner responsible for the maintenance of the

plumbing systems in the building who knowingly permits a violation of Sections 52.80 through 52.85 to remain uncorrected after the expiration of time set by the Director of Environmental Services shall, on conviction thereof by the appropriate court, be required to pay a fine of not more than one hundred dollars (\$100.00) for each violation. Each day of failure to comply with the requirements of Sections 52.80 through 52.85 after the specified time provided under Section 52.85, shall constitute a separate violation.

(Code 1980, § 29-48; Ord. No. 35-85, passed 4/23/85; Am. Ord. No. 18-95, passed 4/4/95; Ord. No. 47-08, § 2, passed 10/21/08)

< Sec. 51.99. - PENALTY.

CHAPTER 53. - SANITARY SEWERS >