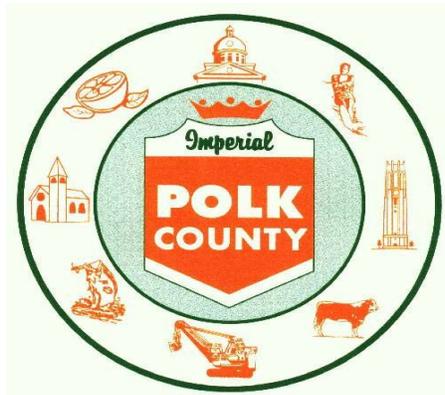


Polk County Utilities, Florida

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

Utilities Code Reference Manual 6(E)



Polk County Board of County Commissioners

Bob English
District 1

Melony Bell
District 2

Ed Smith
District 3

Todd Dantzler
District 4

Sam Johnson
District 5

Jim Freeman
County Manager

Bill Beasley, PE
Deputy County Manager

Gary Fries, PE
Utilities Director

December 2010

(Reference Manual Update: December 2012)

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

1.0 GENERAL PROVISIONS

1.1 Purpose

This MANUAL sets forth uniform program and policy requirements for customers/users of the wastewater treatment facilities (WWTF) of Polk County Utilities (PCU). This MANUAL shall enable PCU to comply with all applicable Federal and State laws, including the Clean Water Act (33 United States Code 1251 *et seq.*), the General Pretreatment Regulations (40 CFR Part 403), Chapter 403, Florida Statutes (FS), and 62-625 Florida Administrative Code (FAC). The objectives of this MANUAL are:

- (A) To prevent the introduction into the WWTF any pollutants which will interfere with the operation of the system or contaminate the resulting residuals;
- (B) To prevent the introduction of pollutants into the WWTF's which will pass through the system, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the system;
- (C) To insure the quality of the treated wastewater and residuals in order to provide high quality products of reuse and recycling in compliance with applicable regulations;
- (D) To promote the beneficial reuse and recycling of treated wastewater and residuals in order to conserve water;
- (E) To provide for fees for the equitable distribution of the costs of operation, maintenance, and improvement of PCU's WWTF, and the implementation of an approved pretreatment program as required in 62-650 FAC and other applicable State and Federal statutes and regulations.
- (F) To enable PCU to comply with permit conditions, residuals use and disposal regulations, reuse regulations, and any other Federal and State laws to which PCU is subject.

This MANUAL authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the equitable distribution of costs resulting from the MANUAL established herein.

1.2 Applicability

This MANUAL shall apply to all existing and future customers/users of the WWTF owned by PCU. In addition, this MANUAL shall apply to customers/users of the PCU Wastewater System, including those users who are customers of another utility but whose building sewer

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

is connected to any portion of the PCU WWTF. As a minimum, all developments shall comply with the provisions of the Utilities Standards and Specifications Manual and the Land Development Code.

1.3 Administration

Except as otherwise provided for, PCU shall administer, implement, and enforce the provisions of this MANUAL. Any powers granted to or duties imposed upon the PCU Director may be delegated by the Director to other County personnel. PCU will promulgate and maintain current specific implementation procedures for this MANUAL and for the ancillary Fats, Oil and Grease (FOG) Program.

1.4 Abbreviations

The following abbreviations, when used in this MANUAL, shall have the designated meanings given below:

<u>BOD:</u>	Biochemical Oxygen Demand
<u>CFR:</u>	Code of Federal Regulations
<u>COD:</u>	Chemical Oxygen Demand
<u>FAC:</u>	Florida Administrative Code
<u>FDEP:</u>	Florida Department of Environmental Protection
<u>FS:</u>	Florida Statute
<u>EPA:</u>	Environmental Protection Agency
<u>GPD:</u>	Gallons per day
<u>IU:</u>	Industrial User
<u>L:</u>	Liter
<u>Mg:</u>	Milligram
<u>Mg/L:</u>	Milligrams per liter
<u>MIU:</u>	Minor Industrial User
<u>NPDES:</u>	National Pollutant Discharge Elimination System
<u>O&M:</u>	Operation and Maintenance
<u>PCU:</u>	Polk County Utilities
<u>SIC:</u>	Standard Industrial Classification
<u>TSS:</u>	Total Suspended Solids
<u>WWTF:</u>	Wastewater Treatment Facility

1.5 Definitions

The following terms and phrases, as used in this MANUAL, shall have the meanings hereinafter designated, unless context clearly changes the meaning or unless a provision explicitly states otherwise.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

ACT OR “THE ACT”: the Federal Water Pollution Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.*

APPROVAL AUTHORITY: the Florida Department of Environmental Protection (FDEP) or its successor agency.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER (IU): any of the below:

- (A) A principal executive officer of at least of the level of vice president, if the IU is a corporation;
- (B) A general partner or proprietor if the IU is a partnership or proprietorship, respectively; or
- (C) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities discharging to the WWTF.

BIOCHEMICAL OXYGEN DEMAND: the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five calendar days at 20 degrees centigrade expressed in terms of weight and concentration [milligrams per liter (mg/L)].

BOARD: the Polk County Board of County Commissioners.

BUILDING SEWER: a sewer conveying wastewater from the premises of a customer/user to the WWTF.

BYPASS: the international diversion of wastewater streams from any portion of an IU’s treatment facility.

CATEGORICAL STANDARDS: National Categorical Pretreatment Standards or Pretreatment Standards.

CHEMICAL OXYGEN DEMAND: a measure of the oxygen consuming capacity of organic matter present in wastewater, expressed as the amount of oxygen consumed from a chemical oxidant during a specific test, in mg/L.

COLOR: the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equal to zero (0.0) density.

COMPOSITE SAMPLE: the sample resulting form the combination of individual wastewater samples taken at selected intervals based on increments of either flow or time or both.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

CONTROL AUTHORITY: the “Approval Authority” defined above or the PCU Director at such time that PCU has an approved Pretreatment Program under the provisions of 62-625 FAC.

COOLING WATER: the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

COUNTY: the Polk County Board of County Commissioners.

CUSTOMER/USER: any person or entity that contributes or causes the contribution of wastewater into the PCU WWTF.

DIRECT DISCHARGE: the discharge of treated or untreated wastewater directly to the waters of the State of Florida, or the waters of the United States.

DIRECTOR: the person who is responsible for the day to day administration and management of Polk County Utilities.

DISCHARGE: the introduction of pollutants into a WWTF from any nondomestic source regulated under Chapter 403, FS.

ENVIRONMENTAL PROTECTION AGENCY (EPA): the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of the EPA.

GRAB SAMPLE: a sample that is taken from a wastestream on a one-time basis with no regard to flow or time.

HOLDING TANK WASTE: any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INDIRECT DISCHARGE: the discharge or the introduction of nondomestic pollutants from any sources regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the WWTF (including holding tank waste discharged into the system).

INDUSTRIAL USER (IU): a source of discharge.

INDUSTRIAL WASTES: the liquid wastes from industrial or manufacturing processes, or from a trade or business as contrasted with domestic waste.

INTERFERENCE: a discharge that, alone or in conjunction with a discharge or discharges from other sources, both:

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

- (A) Inhibits or disrupts the WWTF, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and
- (B) Is a cause of a violation of any requirement of the WWTF permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of the FDEP and Chapter 403, FS.

LOCAL LIMITS: site specific perimeters based on the efficiency of the receiving WWTF in treating wastes, the WWTF's history of compliance with its NPDES permit limits, the condition of the water body that receives the WWTF's treated effluent, any water quality standards that are applicable to the water body receiving the WWTF's effluent, the receiving WWTF's retention, use, and disposal of sewage sludge, and worker health and safety concerns.

MAY: is permissive.

MEASUREMENT: the ability of the analytical method or protocol to quantify, as well as identify, the presence of the substance in question.

MEDICAL WASTE: isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD: any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33U.S.C.1347) which applies to a specific category of IU.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT: a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

NEW SOURCE:

- (A) Any building, structure, facility or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the CWA which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
 1. The building, structure, facility or installation is constructed at a site at which no other source is located;
 2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered;
 - (B) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (A)(2) or (A)(3) above but otherwise alters, replaces, or adds to existing process or production equipment; or
 - (C) Construction of a new source, as defined herein, has commenced if the owner or operator has;
 1. Begun, or caused to begin as part of a continuous onsite construction program:
 - (a) Any placement, assembly, or installation of facilities or equipment, or
 - (b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or construction of new source facilities or equipment; or
 2. Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this rule.

PASS THROUGH: a discharge which exists the WWTF into waters of the State or United States, or into ponds, rapid infiltration basins (RIBS), artificial wetlands, or other bodies of water used by PCU for effluent disposal in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWTF's permit (including an increase in the magnitude or duration of a violation).

PERSON: any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

pH: the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTANT: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

POLK COUNTY UTILITIES (PCU): the Polk County entity which has the responsibility of administering, operating, and maintaining the potable water, wastewater, and reclaimed water facilities and infrastructure owned and/or operated by the County.

PRETREATMENT: the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a WWTF. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by Rule 62-625.410(5), FAC. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or slug discharges that might interfere with or otherwise be incompatible with the WWTF. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Rule 62-625.410(6), FAC.

PRETREATMENT REQUIREMENT: any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

PRETREATMENT STANDARDS (STANDARDS): prohibited discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS (PROHIBITED DISCHARGES): absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this MANUAL.

REFERENCE MANUAL 6(A): the Polk County Utilities Administration Manual, adopted by reference herein.

REFERENCE MANUAL 6(B): the Polk County Utilities Standards and Specifications Manual, adopted by reference herein.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

REFERENCE MANUAL 6(C): the Polk County Utilities Cross-Connection Control Policy Manual, adopted by reference herein.

REFERENCE MANUAL 6(D): the Polk County Utilities Reclaimed Water Policy Manual, adopted by reference herein.

REFERENCE MANUAL 6(E): this Manual, the Polk County Industrial Wastewater Pre-Treatment Policy Manual, adopted by reference herein.

REFERENCE MANUAL 6(F): the Polk County Utilities Water Conservation Policy Manual, adopted by reference herein.

REFERENCE MANUAL 6(G): the Polk County Utilities Fats, Oils, and Grease Policy Manual, adopted by reference herein.

REMOVAL: a reduction in the amount of a pollutant in a WWTF's effluent or alteration of the nature of a pollutant during treatment at the WWTF. The reduction or alteration can be obtained by physical, chemical, or biological means and may be the result of specifically designed WWTF capabilities or may be incidental to the operation of the treatment system. Removal as used in this MANUAL shall not mean dilution of a pollutant in the WWTF.

RESPONSIBLE CORPORATE OFFICER:

- (A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (B) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$65 million (in second-quarter 2008 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

SEVERE PROPERTY DAMAGE: substantial physical damage to property, damage to an IU's treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

SHALL: mandatory.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

SEWAGE: human excrement and gray water (household showers, dishwashing operations, etc.)

SIGNIFICANT INDUSTRIAL USER:

- (A) All IUs subject to categorical pretreatment standards under Rule 62-625.410, FAC, and 40 CFR Chapter I, Subchapter N which has been adopted by reference in Chapter 62-660, FAC; and
- (B) Any other IU that discharges an average of 25,000 GPD or more of process wastewater to the WWTF (excluding domestic wastewater, noncontact cooling and boiler blow-down wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the WWTF's operation or for violating any pretreatment standard or requirement in accordance with Rule 62-625.500 (2) (e), FAC.

Upon finding that an IU meeting the criteria in (B) above has no reasonable potential for adversely affecting the WWTF's operation for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an IU, and in accordance with Rule 62-625.500 (2) (e), FAC, determine that such IU is not a significant IU.

SIGNIFICANT NONCOMPLIANCE (SNC): a significant violation or patterns of violations.

SLUG DISCHARGE: any discharge of a non-routine, episodic nature.

STATE: the State of Florida.

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

TOTAL NITROGEN: the total quantity of nitrogen in the forms of organic nitrogen, ammonia, nitrite and nitrate as determined by standard analytical methods, expressed in milligrams per liter.

TOTAL SUSPENDED SOLIDS (TSS): solids that either float on the surface of or are suspended in water, wastewater or other liquids, which are removable by laboratory filtering expressed in mg/L.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

TOXIC POLLUTANT: any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of CWA 307 (a) or other acts.

TREATMENT PLANT: that portion of the WWTF designed to provide treatment to wastewater.

UPSET: an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the IU.

USER/CUSTOMER: any person who contributes or causes the contribution of wastewater into the WWTF.

USER FEE SCHEDULE: the reasonable rates and fees established by a separate Board approved Resolution so that PCU is reimbursed the costs of administering this MANUAL.

WASTEWATER: the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with such groundwater, surface water, and stormwater as may inadvertently be present, whether treated or untreated, which is contributed into or permitted to enter the WWTF.

WASTEWATER TREATMENT FACILITY (WWTF): a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by PCU. This definition includes any sewers that convey wastewater to the WWTF, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this MANUAL, "WWTF" shall also include any sewers that convey wastewaters to the WWTF from persons outside the jurisdiction of Polk County who are, by contract or agreement with PCU, customers/users of the PCU WWTF.

WATER QUALITY STANDARDS: a numerical limit determined by the State which all direct, point source, discharges into waters of the State must meet.

2.0 GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- (A) General Prohibitions: No user shall introduce or cause to be introduced into the WWTF any pollutant or wastewater which causes pass through or interference. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the WWTF. These general prohibitions apply to each IU of the WWTF whether or not they are

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.

- (B) Specific Prohibitions: No user shall introduce or cause to be introduced into the WWTF the following pollutants, substances, or wastewater:
1. Pollutants that create a fire or explosive hazard in the WWTF, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than 5.0 or greater than 9.5 or otherwise causing corrosive structural damage to the WWTF or equipment;
 3. Solid or viscous substances in amounts that will cause obstruction of the flow in the WWTF resulting in interference;
 4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the WWTF;
 5. Heat in amounts which will inhibit biological activity in the WWTF resulting in interference, but in no case wastewater which causes the temperature at the introduction to the treatment plant to exceed 104 degrees F (40 degrees C);
 6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWTF in a quantity that may cause acute worker health and safety problems;
 8. Trucked or hauled pollutants, except at discharge points and times designated by PCU in accordance with Section 3.4 of this MANUAL;
 9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or to prevent entry into the sewers for maintenance or repair;
 10. Wastewater which imparts color which can not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solution, which consequently imparts color to the treatment plant's effluent;
 11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable Federal or State regulations;

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

12. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by PCU;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical wastes, except as specifically authorized by PCU in a wastewater discharge permit;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the WWTF; or
17. Hazardous waste under 40 CFR Part 261, in any amount.

2.2 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, and adopted by reference in Chapter 62-660, FAC, are hereby incorporated.

- (A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, PCU may impose equivalent concentration or mass limits in accordance with 62-625.410(4)(b), FAC.
- (B) When wastewater subject to categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined wastestream formula in 62-625.410(6), FAC.
- (C) An IU may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 62-625.700, FAC, that factors relating to its discharge are fundamentally different from the factors considered when developing the categorical pretreatment standard applicable to that IU and further, that the existence of those factors justifies a different discharge limit than specified in the applicable categorical pretreatment standard.

2.3 State Pretreatment Standards

State pretreatment standards located at 62-625.410 FAC, and any and all pretreatment standards that may be adopted by the State are hereby incorporated.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

2.4 Local Limits

Local pollutant limits are established to protect against pass through and interference from IUs utilizing each individual receiving WWTF. No person shall discharge wastewater containing in excess of these local instantaneous maximum allowable discharge limits. Local limits apply at the point where the wastewater is discharged to the receiving WWTF. PCU has completed a Local Limits Needs Assessment. Based on evaluation of the technical data contained within this Needs Assessment, PCU has determined there is currently no existing requirement for imposing Local Limits. PCU shall perform Local Limits Needs Assessments periodically as needed in order to determine whether Local Limits should be established.

2.5 Right of Revision

Polk County reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the WWTF.

2.6 Dilution

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

2.7 Wastewater Constituent Limitations

- (A) If any wastes are discharged, or proposed to be discharged, to a wastewater treatment plant which contain pollutants in excess of normal concentrations as defined in Paragraph B below, or possess characteristics which, in the judgment of PCU, may have a deleterious effect upon the wastewater treatment plant, or which otherwise create a hazard to life or constitute a public nuisance, the County may either alone or in combination:
1. refuse to accept the waste: or
 2. require pretreatment to an acceptable condition for discharge to the wastewater treatment plant; or
 3. require control over the quantities and rates of discharge; or
 4. require payment of a surcharge to cover the added cost of handling and treating the wastes.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

- (B) Regular user charges shall apply to wastes that are at or below normal concentrations as follows:
1. BOD – 300 mg/L
 2. Total Suspended Solids (TSS) – 300 mg/L
 3. Nitrogen – 60 mg/L
 4. Grease – 100 mg/L
- (C) Determination of abnormal strength waste.
1. The Director of PCU or his designee may initiate the sampling and testing of wastewater of non-residential users at least once per year, and more frequently at his discretion. Such sampling and testing shall be at the expense of the user. The analytical results from said sampling shall be used to determine the strength of the waste and to determine the surcharge for the high strength waste. Additional sampling and testing may be conducted on the request and at the expense of the user, as detailed in Paragraph 2 below.
 2. The strength of the wastewater determined as a result of said sampling and testing shall be averaged with the results of the last sample and test to determine the surcharge for high strength wastes. The results of the averaged samples shall be presumed to be the strength of the waste until the next sample. Where continuous sampling and testing (more frequently than once per month) methods are used, the results of the sampling and testing for a 3-month period shall be averaged to determine the strength of the waste for the 3-month period. The surcharge for high strength wastes shall be based on said results. Ideally, a monitor program for surcharge testing will include the collection and averaging of 24-hour time composite samples collected at least four times per year, except for those pollutant analyses requiring grab sampling methodology. This increased sampling and averaging described herein does not preclude the Director of PCU from assessing a surcharge based on the analytical results of a single, annual sample as detailed in Paragraph 1 above.
 3. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the latest edition of “Standard Methods of the Examination of Water and Wastewater,” published by the American Public Health Association, from suitable samples taken at a said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb and property. The particular analysis involved will determine whether a 24 hours composite of all outfalls of a premise is appropriate whether a grab sample or other multiple samples should be taken.
- (D) Surcharge for high-strength wastes formula.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

1. Computation. The surcharge in dollars for BOD and TSS shall be computed by multiplying the total mg/L of BOD and Total Suspended Solids above 600 mg/L times the metered water used during the billing in millions of gallons times a treatment surcharge factor. The surcharge factor shall be derived annually from the following formula and shall be set forth in the schedule of fees:

$$\text{Surcharge factor} = \frac{\text{Cost of Treatment Per million Gallons}}{600}$$

Where costs of treatment per million gallons equals operational costs of PCU's wastewater treatment plant(s) for the preceding fiscal year (including pro rata administrative costs) divided by the total sewage flow through all plants in millions of gallons. Six hundred (600) equals maximum normal BOD plus Total Suspended Solids content expressed in milligrams per liter.

2. The surcharge in dollars for fats, waxes, grease, oils and solvent-soluble substances shall be computed on a basis of \$0.02 per ppm over a maximum of 100 ppm.
 3. The surcharge in dollars for nitrogen shall be computed on a basis of \$0.02 per ppm over a maximum of 60 ppm.
- (E) Samples shall be analyzed by a state certified or NELAC certified laboratory which is certified to perform the analysis for the analyte(s) of concern. Laboratory analytical work will be performed by the contract laboratory designated by PCU laboratory support contract. The associated costs for laboratory services shall be directly assessed to the customer. The customer can request that a split sample be drawn, provided that the customer ensures that split samples shall be analyzed by a state certified or NELAC certified laboratory which is certified to perform the analysis for the analyte(s) of concern.
- (F) Fees, charges, surcharges, expenses, etc. referenced herein shall be assessed in accordance with below Section 12.2 of this MANUAL.

3.0 PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this MANUAL and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this MANUAL within the time limitations specified by the EPA, the State, or PCU, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

expense. Detailed plans describing such facilities and operating procedures shall be submitted to PCU for review in accordance with the provisions of Reference Manual 6(A), and shall be acceptable to PCU before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user of the responsibility of modifying such facilities as necessary to produce a discharge acceptable to PCU under the provisions of this MANUAL.

3.2 Additional Pretreatment Measures

- (A) Whenever deemed necessary, PCU may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and impose other such conditions as may be necessary to protect the WWTF and determine the user's compliance with the requirements of this MANUAL.
- (B) PCU may require any person discharging into the WWTF to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (C) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (D) Grease, oil, and sand interceptors shall be provided when they are deemed necessary by PCU for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by PCU and in accordance with Reference Manual 6(C) and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at the user's expense. Maintenance and cleaning records of such interceptors shall be kept and made available upon request to PCU for a minimum of three (3) calendar years. Specific provisions of the PCU Fats, Oil and Grease Program are contained in the Industrial Pretreatment Program Implementation Procedures.

3.3 Accidental Discharge/Slug Control Plans

At least once every two years, PCU shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. PCU may require any user to develop, submit for approval, and implement such a plan. An accidental discharge/slug discharge plan shall address, at a minimum the following:

- (A) Description of discharge practices, including non-routine batch discharges;

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

- (B) Description of stored chemicals;
- (C) Procedures for immediately notifying PCU of any accidental or slug discharge, as required by Section 5.6 of this MANUAL; and
- (D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

No person shall introduce into any PCU WWTF any water, wastewater, industrial wastewater, sewer cleaning residuals, septic or holding tank waste, or any other waste materials of any kind transported by truck or tanker to the WWTF. This provision does not include wastewater residuals or components transported from one PCU WWTF to another PCU WWTF for the purposes of further treatment or other purposes of PCU.

4.0 WASTEWATER DISCHARGE PERMITS

4.1 Wastewater Analysis

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

4.2 Wastewater Discharge Permit Requirement

- (A) No significant IU shall discharge wastewater into the WWTF without first obtaining a wastewater discharge permit from PCU, except that a significant IU that has filed a timely application pursuant to Section 4.3 of this MANUAL may continue to discharge for the time period specified therein.
- (B) PCU may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this MANUAL.
- (C) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this MANUAL and subjects the wastewater discharge permittee to the sanctions set out in Section 8 through 10 of this MANUAL. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

4.3 Wastewater Discharge Permitting for Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the WWTF prior to the effective date of this MANUAL and who wishes to continue such discharges in the future, shall within 90 calendar days after said date, apply to PCU for a wastewater discharge permit in accordance with Section 4.5 of this MANUAL, and shall not cause or allow discharges to the WWTF to continue after 90 calendar days of the effective date of this MANUAL except in accordance with a wastewater discharge permit issued by PCU.

4.4 Wastewater Discharge Permitting for New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into WWTF must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this MANUAL, must be filed at least 90 calendar days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The following information shall be included as part of the application:

- (A) All information required by Section 5.1 (B) of this MANUAL;
- (B) Description of activities, facilities, and plant processes on the premises, including a list of raw materials, and chemicals used or stored at the facility which are, or could accidentally or intentionally be discharged to the WWTF;
- (C) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (D) Each product produced by type, amount, process or processes, and rate of production;
- (E) Type and amount of raw materials processed (average and maximum per day);
- (F) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (G) Time and duration of discharges; and

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

- (H) Any other information as may be deemed necessary by PCU to evaluate the wastewater discharge permit application.

Inaccurate or incomplete applications will not be processed and will be returned to the user for revision.

4.6 Wastewater Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

4.7 Wastewater Discharge Permit Decisions

PCU will evaluate the data furnished by the user and may require additional information. Within 90 calendar days of receipt of a complete wastewater discharge permit application, PCU will determine whether or not to issue a wastewater discharge permit. PCU may deny any application for a wastewater discharge permit.

4.8 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period of less than five years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

4.9 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include each conditions as are deemed reasonably necessary by PCU to prevent pass through or interference, protect the quality of the water body receiving the treatment plant’s effluent, protect the quality of effluent permitted for reuse, facilitate residuals management and disposal, and protect against damage to the WWTF.

- (A) All wastewater discharge permits issued by PCU shall contain:

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
 2. A statement that the wastewater discharge permit is non-transferable without prior notification to PCU in accordance with Section 4.12 of this MANUAL, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 3. Effluent limitations based on applicable pretreatment standards in 62-625, FAC, national categorical pretreatment standards, local limits, and State and local law;
 4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
 5. A statement of civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule shall not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (B) Wastewater discharge permits may contain, but are not limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the WWTF;
 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WWTF;
 5. The unit charge or schedule of unit charges and fees for the management of the wastewater discharged to the WWTF;
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
8. Other conditions as deemed appropriate by PCU to ensure compliance with this MANUAL, and State and Federal laws, rules and regulations.

4.10 Wastewater Discharge Permit Appeals

PCU shall provide notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition PCU to reconsider the terms of a wastewater discharge permit within 30 calendar days of notice of its issuance.

- (A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (B) In its petition, the appealing part must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (D) If PCU fails to act within 30 calendar days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (E) Aggrieved parties seeking judicial review of the final administrative discharge decision must do so by filing a complaint with the Circuit Court for the County within 30 calendar days.

4.11 Wastewater Discharge Permit Modification

PCU may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (A) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

- (B) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
- (C) A change in the WWTF that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (D) Information indicating that the permitted discharge poses a threat to the PCU WWTF, personnel, or the receiving waters;
- (E) Violation of any terms or conditions of the wastewater discharge permit;
- (F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (G) Revision of or grant of variance from categorical pretreatment requirements pursuant to 62-625, FAC;
- (H) To correct typographical or other errors in the wastewater discharge permit; or
- (I) To reflect a transfer of ownership or operation to a new owner or operator, if the permit is transferable as provided in Section 4.12.

4.12 Wastewater Discharge Permit Transfer Restrictions

Wastewater discharge permits are issued to a specific IU for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new significant IU, different premises, or a new or changed operation without the express written approval of PCU. Transfers of wastewater discharge permits will only be considered if the following conditions are met:

- (A) The permittee gives at least 90 calendar days advance written notice to PCU and the PCU approves the wastewater discharge permit transfer;
- (B) The notice to PCU includes a written certification from the new owner or operator which:
 1. States that the new owner and or operator has no immediate intent to change the facility's operations and processes;
 2. Identifies the specific date on which the transfer is to occur; and
 3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. In no case will a transfer of a wastewater discharge permit extend the original expiration date.

4.13 Wastewater Discharge Permit Revocation

PCU may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (A) Failure to notify PCU of significant changes to the wastewater prior to the changed discharge;
- (B) Failure to provide prior notification to PCU of changed conditions pursuant to Section 6.5 of this MANUAL;
- (C) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (D) Falsifying self-monitoring reports;
- (E) Tampering and monitoring equipment;
- (F) Refusing to allow PCU timely access to the facility premises and records;
- (G) Failure to meet effluent limitations;
- (H) Failure to pay fines;
- (I) Failure to pay sewer charges;
- (J) Failure to meet compliance schedules;
- (K) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (L) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (M) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this MANUAL.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

4.14 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this MANUAL, a minimum of 90 calendar days and maximum of 180 calendar days prior to the expiration of the user's existing wastewater discharge permit.

5.0 REPORTING REQUIREMENTS

5.1 Baseline Monitoring Reports

(A) Within either 180 calendar days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging or scheduled to discharge to the WWTF shall submit to PCU a report which contains the information listed in paragraph B, below. At least 90 calendar days prior to the commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to PCU a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards.

A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the information set forth below:

1. Identifying Information: The name and address of the facility, including the name of the operator and owner.
2. Environmental Permits: A list of any environmental control permits held by or for the facility.
3. Description of Operations: A brief description of the nature, average rate of production, and SICs of the operation(s) carried out at the facility. This description should include a schematic process diagram which indicates points of discharge to the WWTF from the regulated process.
4. Flow Measurement: Information showing the measured average daily and maximum daily flow, in GPD, to the WWTF from regulated process streams and

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6 (e).

5. Measurement of Pollutants:

(a) The categorical pretreatment standards applicable to each regulated process; and

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by PCU, or regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 5.10 of this MANUAL;

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

7. Compliance Schedule: If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 5.2 of this MANUAL.

8. Signature and Certification: All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this MANUAL.

5.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 5.1 (B) 7 of this MANUAL.

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

- (B) No increment referred to above shall exceed nine months;
- (C) The user shall submit a progress report to PCU no later than 14 calendar days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (D) In no event shall more than nine months elapse between such progress reports to PCU.

5.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within 90 calendar days following the date for compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater to the WWTF, any user subject to such pretreatment standards and requirements shall submit to PCU a report containing the information described in Section 5.1 (B) 4-6 of this MANUAL. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 62-625.410(4) FAC and 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this MANUAL.

5.4 Periodic Compliance Reports

- (A) Each IU permitted under Section 4.0 of this MANUAL shall, at a frequency determined by PCU, but in no case less than twice a year, submit to PCU a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this MANUAL.
- (B) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

- (C) If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by PCU, using the procedures prescribed in Section 5.10 of this MANUAL, the results of this monitoring shall be included in the report.

5.5 Reports of Changed Conditions

Each IU must notify PCU of any planned significant changes to the user's operations or systems which might alter the nature, quality, or volume of its wastewater at least 30 calendar days before the change.

- (A) PCU may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this MANUAL.
- (B) PCU may issue a wastewater discharge permit under Section 4.7 of this MANUAL or modify an existing wastewater discharge permit under Section 4.11 of this MANUAL in response to changed conditions or anticipated changed conditions.
- (C) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent (%) or greater, and the discharge of any previously unreported pollutants.

5.6 Reports of Potential Problems

- (A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the WWTF, the user shall immediately telephone and notify PCU of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (B) Within five calendar days following discharge, the user shall, unless waived by PCU, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability, which may be incurred as a result of damage to the WWTF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this MANUAL.
- (C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

5.7 Reports from Unpermitted Users

All IUs not required to obtain a wastewater discharge permit shall provide appropriate reports to PCU as PCU may require.

5.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Director within 24 hours of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within 30 calendar days after becoming aware of the violation. The user is not required to resample if the Director monitors at the user's facility at least once a month, or if the Director samples between the user's initial sampling and when the user receives the results of this sampling.

5.9 Notification of the Discharge of Hazardous Waste

Discharges, in any amount, to the PCU WWTF of hazardous wastes under 40 CFR Part 261 are prohibited.

5.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall comply with Chapter 62-160, FAC and shall be conducted under the requirements of Rule 62-160.300(5), FAC, which is Category 2A. Sampling activities and laboratory analyses shall be performed according to procedures specified in "The Department of Environmental Regulation Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DERQA-001/92) September 1992. To the extent possible, analytical tests shall be performed in accordance with the techniques prescribed in Chapter 62-160FAC. If a test for a specific component is not available in 62-160, FAC, the testing laboratory shall use an alternative method approved by the Quality Assurance Section of FDEP, or in accordance with procedures approved by the EPA.

5.11 Sample Collection

- (A) Except as indicated in Section B, below, wastewater samples must be collected using flow proportional composite collection techniques. In the event flow proportional sampling is unfeasible, PCU may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the wastewater

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

being discharged. In addition grab samples may be required to show compliance with instantaneous discharge limits.

- (B) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

5.12 Timing

Written reports will be deemed to have been submitted to PCU on the date postmarked. For reports which are not mailed, postage prepaid, through the United States Postal Service, the reports will be deemed to have been submitted on the actual date of receipt by PCU.

5.13 Record Keeping

Users subject to the reporting requirements of this MANUAL shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this MANUAL and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the date dates the analyses were performed; who performed the analyses; the analytical methods or techniques used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the County, or where the user has been specifically notified of a longer retention period by PCU.

6.0 COMPLIANCE MONITORING

6.1 Right of Entry: Inspection and Sampling

PCU personnel shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this MANUAL and any wastewater discharge permit or order issued hereunder. Users shall allow PCU personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (A) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, PCU personnel will be permitted to enter without delay for the purposes of performing specific responsibilities.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

- (B) PCU shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (C) PCU may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at the user's own expense. All devices used to measure wastewater flow shall be calibrated at least yearly and a copy of calibration certification provided to PCU. All devices used to monitor wastewater quality shall be calibrated as often as necessary to ensure accuracy. Calibration records of wastewater quality monitoring equipment shall be made available to PCU upon request.
- (D) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall promptly be removed by the user at the written or verbal request of PCU and shall not be replaced. The costs of clearing such access shall be born by the user.
- (E) Unreasonable delays in allowing PCU access to the user's premises shall be a violation of this MANUAL.

6.2 Search Warrants

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

6.3 Use of Reported Information

Information and data on a user obtained from reports, surveys, wastewater discharge permits, monitoring programs, and sampling and inspection activities shall be made available to the public without restriction, unless the user specifically requests otherwise in writing, and is able to demonstrate to PCU that such information and data is entitled to protection as trade secrets under applicable State law. Any and all information gathered under this MANUAL, including confidential information, shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data will not be recognized as confidential information and will be available to the public without restriction.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

7.0 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

PCU shall publish annually, in the daily newspaper with the largest distribution in the area where the WWTF is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a 6 calendar month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6 calendar month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (C) Any other discharge that PCU believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of WWTF personnel or the general public;
- (D) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in PCU's exercise of its emergency authority to halt or prevent such a discharge;
- (E) Failure to meet, within 90 calendar days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide within 30 calendar days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance; or
- (H) Any other violation(s) which PCU determines will adversely affect the operation or implementation of the local pretreatment program.

8.0 ADMINISTRATIVE ENFORCEMENT REMEDIES

8.1 Authority of PCU

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

In the enforcement of this MANUAL, PCU may:

- (A) Suspend wastewater treatment service and/or a wastewater discharge permit;
- (B) Revoke a wastewater discharge permit;
- (C) Establish measures designed to correct violations and compliance schedules for such measures;
- (D) Impose a fine of at least \$1,000 per day, per violation, for each day that a violation continues beyond the date established by PCU for its correction regardless of any other enforcement action. Any fine imposed under this Section may, at the discretion of PCU, be retroactive to the date the user was notified; and
- (E) Enact any combination of the above.

8.2 Notification to the User of Violation

When PCU finds that a user has violated, or continues to violate, any provision of this MANUAL, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, PCU shall serve or cause to be served upon that user, by hand delivery, or certified mail, return receipt requested, a written notice stating the nature of the violation. Except as otherwise provided for in this MANUAL, the violator shall, within 30 days of this notification, submit to PCU an explanation of the violation and a written plan for correcting the violations which shall include the manner in which corrections will be made, the time in which all such violations will be corrected, and a plan to prevent such violations from recurring. Submission of this plan in no way relieves the user of any liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of PCU to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation to the user.

8.3 Consent Orders

The County/PCU may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 8.5 and 8.6 of this MANUAL and shall be judicially enforceable.

8.4 Show Cause Hearing

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

PCU may order a user which has violated, or continues to violate, any provision of this MANUAL, a wastewater discharge permit issued under this MANUAL, or any other pretreatment standard or requirement, to appear before PCU, and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request for the user to show cause why the proposed enforcement action should not be taken. This notice of the meeting shall be served by hand delivery or by registered mail (return receipt requested) at least 30 calendar days prior to the hearing. Such notice may be served upon any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

8.5 Compliance Orders

When PCU finds that a user has violated, or continues to violate, any provision of this MANUAL, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, PCU may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the specified time, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the PCU WWTF. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

8.6 Cease and Desist Orders

When PCU finds that a user has violated, or continues to violate, any provision of this MANUAL, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, PCU may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (A) Immediately comply with all requirements; and
- (B) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

8.7 Administrative Fines

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

When PCU finds that a user has violated, or continues to violate, any provision of this MANUAL, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, PCU may fine such user a minimum amount of \$1,000 per day per violation.

8.8 Emergency Suspensions

PCU may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, or threatens to interfere with the operation of the WWTF, or which presents, or may present an endangerment to the environment.

- (A) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply with the suspension order, PCU may take such steps deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWTF, its receiving stream or reuse system, or endangerment to any individuals. PCU may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of PCU that the period of endangerment has passed, unless the termination proceedings described in Section 8.9 of this MANUAL are initiated against the user.
- (B) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to PCU prior to the date of any show cause or termination hearing under Sections 8.4 or 8.9 of this MANUAL.

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

8.9 Termination of Discharge

In addition to the provisions in Section 4.13 of this MANUAL, any user who violates any of the following conditions is subject to discharge termination:

- (A) Violation of wastewater discharge permit conditions;
- (B) Failure to accurately report the wastewater constituents and characteristics of its discharge;

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

- (C) Failure to report significant changes in operations of wastewater volume, constituents, and characteristics prior to discharge;
- (D) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (E) Violations of the pretreatment standards in Section 2.0 of this MANUAL. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 8.4 of this MANUAL why the proposed action should not be taken. Exercise of this action by PCU shall not be a bar to, or a prerequisite for, taking any other action against the user.

9.0 JUDICIAL ENFORCEMENT REMEDIES

9.1 Injunctive Relief

When PCU finds that a user has violated, or continues to violate, any provision of this MANUAL, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, PCU may petition the Civil Court through the County Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by this ordinance on activities of the user. PCU may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

9.2 Civil Penalties

- (A) A user who has violated, or continues to violate, any provision of this MANUAL, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to PCU for a maximum civil penalty of \$2,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (B) PCU may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by PCU.
- (C) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

- (D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

9.3 Criminal Prosecution

- (A) A user who willingly or negligently violates any provision of this MANUAL, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$2,000 per violation, per day, or imprisonment for not more than 60 calendar days, or both.
- (B) A user who willfully or negligently introduces any substance into the WWTF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000 or be subject to imprisonment for not more than 60 calendar days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- (C) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this MANUAL, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this MANUAL, shall, upon conviction, be punished by a fine of not more than \$2,000 per violation, per day, or imprisonment for not more than 60 calendar days, or both.
- (D) In the event of a second conviction, a user shall be punished by a fine of not more than \$2,000 per violation, per day, or imprisonment for not more than 60 calendar days, or both.

9.4 Remedies Nonexclusive

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

10.0 SUPPLEMENTAL ENFORCEMENT ACTION

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

10.1 Performance Bonds

PCU may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this MANUAL, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the County, in a sum not to exceed a value determined by PCU to be necessary to achieve consistent compliance.

10.2 Liability Insurance

PCU may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this MANUAL, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the WWTF caused by its discharge.

10.3 Water Supply Severance

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

10.4 Public Nuisances

A violation of any provision of this MANUAL, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by PCU. Any person(s) creating a public nuisance shall be subject to the provisions of the County ordinance governing such nuisances, including reimbursing the County for any costs incurred in removing, abating, or remedying said nuisance.

10.5 Contractor Listing

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the County. Existing contracts for the sale of goods or services to the County held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the County.

11.0 AFFIRMATION DEFENSES TO DISCHARGE VIOLATIONS

11.1 Upset

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

- (A) For the purposes of this Section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C) below are met.
- (C) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evident that:
 - 1. An upset occurred and the user can identify the cause(s) of the upset;
 - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - 3. The user has submitted the following information to the Director within 24 hours of becoming aware of the upset. (If this information is provided orally, a written submission must be provided within 5 calendar days.):
 - a) A description of the indirect discharge and cause of non-compliance;
 - b) The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (D) If any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (E) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (F) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where,

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

11.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1 (A) of this MANUAL, or the specific prohibitions in Section 2.1 (B) (3) through (7) of this MANUAL if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (A) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when PCU was regularly in compliance with its operating permit, and in the case of interference, was in compliance with permitted sludge use or disposal requirements.

11.3 Bypass

- (A) For the purposes of this Section,
 - 1. "Bypass" means the intentional diversion of waste streams from any portions of a user's treatment facility.
 - 2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the event of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (B) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (C) and (D) of this Section.
- (C) User:
 - 1. If the user knows in advance of the need for a bypass, it shall submit prior notice to the Director at least 10 calendar days before the date of the bypass, if possible.

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

2. A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 calendar days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence by the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (D) Director:
1. Bypass is prohibited, and the Director may take enforcement action against a user for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The user submitted notices as required under paragraph (C) of this Section.
 2. The Director may approve an anticipated by-pass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph (D) 1 of this Section.

12.0 WASTEWATER PRETREATMENT RATES, CHARGES, AND FEES

12.1 Wastewater Pretreatment Rates

Rates to be charged for pretreatment services provided by PCU will be developed and implemented, as necessary, in accordance with PCU standard operating procedure for determining rates.

12.2 Charges and Fees

INDUSTRIAL WASTEWATER PRETREATMENT POLICY MANUAL

December 2010

PCU may adopt a Fee Assessment Schedule by a separate Board approved Resolution that shall establish reasonable rates and fees for reimbursement of costs for administrating this MANUAL. These charges may include:

- (A) Fees for wastewater discharge permit applications, including the cost of processing such applications;
- (B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (C) Fees for reviewing and responding to accidental discharge procedures and construction;
- (D) Fees for filing appeals; and
- (E) Other fees as PCU may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this MANUAL and are separate from all other fees, fines, and penalties chargeable by PCU.

Charges and fees related solely to the matters covered by this Section are separate from all other fees chargeable by the PCU. Charges and fees shall be directly assessed to the customer for the recovery of actual costs of County labor, materials, and equipment (including customary PCU overhead expenses) and for the invoiced charges by other persons for performing any of the above services or any additional services.