



ORDINANCE NO. 2003 - 18

COLLIER COUNTY INDUSTRIAL PRETREATMENT ORDINANCE FOR DIRECT AND INDIRECT CONTRIBUTIONS INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEMS OF THE COLLIER COUNTY WATER-SEWER DISTRICT; DEFINITIONS; ABBREVIATIONS; PROVIDING FOR SUPPLEMENTAL SERVICE CHARGES; SCOPE OF APPLICATION OF THIS ORDINANCE; RULES AND REGULATIONS; PROVIDING FOR MONITORING AND INSPECTIONS; VIOLATIONS AND PENALTIES; APPENDICES FOR RATES, FEES AND CHARGES; CONFIDENTIALITY; PUBLIC RECORDS LAW; DECLARATION OF EXCLUSION FROM THE ADMINISTRATIVE PROCEDURES ACT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION INTO THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING AN EFFECTIVE DATE.

RECORDED
MAY 14 11:02
CLERK OF STATE
TALLAHASSEE, FLORIDA

FILED

WHEREAS, the original Collier County Water-Sewer District, also known as the County Water-Sewer District of Collier County, was approved on November 4, 1969 by the voters of Collier County in accordance with the requirements of Chapter 153, Part II, Florida Statutes; and

WHEREAS, Chapter 88-499, Laws of Florida, a Special Act of the Florida Legislature, reestablished the District and provides for all rights, duties, powers, jurisdictions, obligations, responsibilities and interests of both Districts created pursuant to Chapter 153, Part II, Florida Statutes; and

WHEREAS, Chapter 88-499, Laws of Florida, and any modifications thereto have been codified in the Code of Laws and Ordinances of Collier County, Florida as Sections 262-631 through 262-653; and

WHEREAS, Sections 262-631 through 262-653 of the Collier County Codification is included in part and in whole, including any subsequent amendments thereto, as an attachment to the Ordinance; and

WHEREAS, the Board of County Commissioners of Collier County, Florida is the Ex-officio governing Board of the District; and

WHEREAS, uniform requirements for direct and indirect contributors into the wastewater collection and treatment systems are in the public interest; and

WHEREAS, the District intends to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (Chapter 40 of the Code of Federal Regulations, Part 403); and

WHEREAS, all interceptors and/or separators shall be subject to the standards set forth in the Florida Building Code, Plumbing Sections 1003.1 – 1003.5; and

WHEREAS, the District intends to prevent the introduction of pollutants into the District's wastewater system which will interfere with the operation of the system or contaminate the resulting sludge; and

WHEREAS, the District intends to prevent the introduction of pollutants into the District's wastewater system which will pass through the system, inadequately treated, into receiving waters or into the atmosphere, or otherwise be incompatible with the system; and

WHEREAS, the District intends to improve the opportunity to recycle and reclaim wastewater and sludge from the system; and

WHEREAS, the District intends to provide for equitable distribution of the cost of the District's wastewater system; and

WHEREAS, the District intends to provide for the regulation of direct and indirect contributors to the District's wastewater system through the issuance of permits to certain non-domestic users and through enforcement activities; and

WHEREAS, this Ordinance shall apply to the District and to persons outside the District who are users of the County Publicly Owned Treatment Works.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AS THE EX-OFFICIO GOVERNING BOARD OF THE COLLIER COUNTY WATER-SEWER DISTRICT, that

SECTION ONE: Definitions and Abbreviations.

A. Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. "Administrator" shall mean the administrator of the U.S. Environmental Protection Agency or his duly authorized representative.
2. "Authorized Representative" shall be a principle executive officer of at least the level of vice president if the industrial user is a corporation; a general partner or proprietor if the industrial user is a partnership or sole proprietorship; or an individual if such representative is responsible for the overall operation of the facility.
3. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
4. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
5. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
6. "Carbonaceous Biological Oxygen Demand" (CBOD) shall mean a quantitative measure of the amount of dissolved oxygen required for the biological oxidation of carbon-containing compounds in a sample.
7. "Chemical Oxygen Demand" (COD) shall mean a measure of oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.
8. "Cooling Water" shall mean the water discharged from a building or structure subsequent to use of that water for purposes connected with air conditioning, cooling, refrigeration, or for other

purposes to which the only pollutant added to that discharged water is heat.

9. "County" shall mean Collier County, the Board of County Commissioners of Collier County, Florida, or the duly authorized staff, agent or the representative acting on behalf of the Board of County Commissioners to supervise and/or manage the operation of the Publicly Owned Treatment Works, which includes administration of this Ordinance.
10. "Direct Discharge" shall mean the discharge of treated or untreated wastewater directly to any surface water of the State of Florida.
11. "Discharge Permit" shall mean a regulatory document issued by the County to Industrial Users. The purpose of these permits is to control the discharge of pollutants and slug loads.
12. "Discharge Quality Bond" shall mean a Bond for the permit years payable to the County and District and conditioned upon the Industrial User's faithful compliance with the conditions of this ordinance and all other State and Federal regulations relating to water pollution control.
13. "District" shall mean the Collier County Water-Sewer District including the Collier County Public Utilities Division and Wastewater Department and any of its Sub-Districts.
14. "Domestic Wastewater" shall mean wastewater discharged into the sanitary sewers in which the concentration of total suspended solids and BOD is not more than 250 mg/L, and COD is not more than 375 mg/L, and Total Phosphorous is not more than 15 mg/L, and Total Kjeldahl Nitrogen is not more than 40 mg/L; and total flow is not more than 25,000 gallons per day. Wastewater that exceeds any of these stated items is thereby not "domestic wastewater."

15. "Easement" shall mean legal rights for specific uses of land by the grantee of the easement and/or all beneficiaries of the respective easement. Easements convey an interest in real property.
16. "Environmental Protection Agency (EPA)" shall mean the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said Agency.
17. "FOG Program" shall mean Fats, Oil & Grease Program.
18. "Garbage" shall mean food wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
19. "Grease" shall mean any material that is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate procedure in "Standard Methods" for the Examination of Water and Waste Manual, American Water Works Association (Includes Fats and Oils).
20. "Grease Interceptor" shall mean a pretreatment device designed and installed to separate animal fats, oils and other grease from entering the wastewater system.
21. "Grease Trap" shall mean a pretreatment device designed and installed to separate animal fats, oils and other grease from entering the wastewater system.
22. "Hauled Waste" shall mean any water and/or waste, which has been removed and transported from any pit, sump, holding tank, septic tank, portable toilet, wastewater treatment facility or industrial facility.
23. "Indirect Discharge" shall mean the discharge or introduction of non-domestic pollutants from any source into wastewater facilities

as regulated under Section 307(b), (c), or (d) of the Clean Water Act of 1977, as now or hereafter amended or superceded from time to time.

24. "Industrial User" shall be an Indirect Discharger that is the focus of control efforts under the national pretreatment program; includes all indirect dischargers subject to national categorical pretreatment standards, and all other indirect dischargers that contribute 25,000 gpd or more of process wastewater, or which make up five percent (5%) or more of the hydraulic or organic loading to the municipal treatment plant, subject to certain exceptions. (40 CFR 403.3 (t)) as now or hereafter amended or superceded from time to time.
25. "Industrial Waste Surcharge" shall mean the monetary charge made in excess of the sewer service charge for all wastewater over and above normal wastewater.
26. "Industrial Wastes" shall mean the liquid wastes discharged from industrial manufacturing processes, trades or businesses that has characteristics exceeding domestic wastewaters.
27. "Infiltration/Inflow" shall mean ground water and surface waters, which leaks into the sewers through cracked pipes, joints, manholes or other openings.
28. "Interference" shall mean the inhibition or disruption of the Publicly Owned Treatment Works processes or its operation, which contributes to a violation of any requirement of the County's state issued operating permit.
29. "Manhole" shall mean a hole for which sewer, drains and pipes can be accessed for maintenance, repairs and sample collection.
30. "May" is permissive as defined by the District.
31. "National Categorical Pretreatment Standard" or "Pretreatment Standard" shall mean any regulation promulgated by EPA in accordance with Sections 307 (b) and (c) of the Clean Water Act

of 1977 that applies to a specific category of industrial users and provides limitations on the introduction of pollutants into the publicly owned treatment works. The term includes the prohibited discharge standards under 40 CFR 403.5, including local limits (40 CFR 403.3), as now or hereafter amended or superseded from time to time.

32. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
33. "Noncompliance" shall mean any violation of any part of this Ordinance, local limits, industrial wastewater discharge permit, or National Categorical Pretreatment Standard.
34. "Oil Separator" shall mean a pretreatment device designed and installed to separate petroleum based oil and grease from wastewater.
35. "Owner" shall mean persons desiring or receiving service or any individual or entity that holds any title to real estate regarding the building or facility receiving wastewater service, including any tenant by the entireties, any co-owner, any tenant in common, etc.
36. "Person" shall mean any individual, firm, partnership, company, government entity, association, society, corporation, or similar or dissimilar group or entity.
37. "pH" shall mean the logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
38. "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.
39. "Pollutant" shall mean any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munition, chemical waste, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, cellar dirt and/or industrial,

municipal, agricultural or other waste discharged into any surface water or ground water of the State of Florida.

40. "Pretreatment or Treatment" shall mean the reduction of the amount of pollutant(s), the elimination of pollutant(s), or the alteration of the nature of pollutant properties of a wastewater to a less harmful degree prior to or in lieu of discharging or otherwise introducing such pollutant(s) into a County Publicly Owned Treatment Works.
41. "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment other than a National Categorical Pretreatment Standard imposed on a non-domestic wastewater discharger.
42. "Private Sewage Disposal System" shall mean any individual on-site sewage treatment and disposal system such as septic tanks, cesspools and similar facilities but not including package sewage treatment plants.
43. "Publicly Owned Treatment Works (POTWS)" shall mean a treatment works that is owned by the District. This definition includes sewers that convey wastewater to the treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing wastewater treatment.
44. "Public Sewer" shall mean a sewer that is owned by or is controlled by a public authority. This does not include utilities regulated by the Collier County Water/Wastewater Authority.
45. "Public Utilities Administrator" shall mean the individual designated by the Collier County Board of County Commissioners or by the County Manager to supervise the operation of the POTWS or that individual's duly authorized deputy, agent or representative.

46. "Sanitary Sewer" shall mean a sewer that carries sewage and to which storm, surface waters and ground waters are not intentionally admitted.
47. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and/or industrial establishments, together with such ground waters and surface and storm waters as may be present.
48. "Sewage Treatment Plant" shall mean all facilities that treat and/or dispose of sewage.
49. "Sewage Works" shall mean all facilities collecting, pumping, treating and disposing sewage.
50. "Sewer" shall mean a pipe or conduit for carrying sewage.
51. "Shall" and "Will" are mandatory as defined by the District.
52. "Significant Violation" shall mean a violation that remains uncorrected for forty-five (45) days after notification of noncompliance; or which is part of a pattern of noncompliance over a twelve (12) month period; or which involves a failure to accurately report noncompliance; or which results in the POTWS exercising its emergency authority to immediately halt or immediately eliminate a discharge.
53. "Slug" shall mean any discharge of water, sewage or industrial waste in concentration of any given constituent or in quantity of flow that may cause upset of the POTWS operation or exceeds for any period of duration longer than fifteen (15) minutes or more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
54. "State" shall mean the State of Florida, including any regulatory agency within the Florida State government having jurisdiction over a particular subject or topic of concern in the context of this Ordinance.

55. "Standard Industrial Classification" "(SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, in 1972, as now or hereafter amended or superseded from time to time.
56. "Storm Drain" (sometimes "storm sewer") shall mean a sewer that carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
57. "Supplemental Service Charge" shall mean a monthly supplemental service charge for additional services required to monitor the wastes being discharged by users included in the Pretreatment Program and the Fats, Oil and Grease Program.
58. "Total Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removed by laboratory filtering.
59. "Toxic Pollutant" shall mean any pollutant or combination of pollutants listed as a toxic pollutant in the toxin regulations listed in the CWA Clean Water Act SECTION 307 promulgated by the Administrator of the Environmental Protection Agency under the provisions of the Clean Water Act, as now or hereafter amended or superceded from time to time.
60. "User" shall mean any person who contributes, causes, permits or suffers any contribution of wastewater into the County's POTWS.
61. "Wastewater" shall mean a combination of the water-carried wastes from residence, business building, institution, and/or industrial establishment, together with such ground, surface and storm waters as may be present.
62. "Wastewater Director" shall mean the individual designated by the Public Utilities Administrator to supervise operations of the POTWS.

63. "Watercourse" shall mean a canal or channel in which a flow of water occurs, continuously or intermittently.

B. Abbreviations

1. "ASTM" American Society for Testing and Materials
2. "BOD" Biochemical Oxygen Demand
3. "CBOD" Carbonaceous Biological Oxygen Demand
4. "CFR" Code of Federal Regulations
5. "COD" Chemical Oxygen Demand
6. "FDEP" Florida Department of Environmental Protection
7. "EPA" U.S. Environmental Protection Agency
8. "FOG" Fats, Oil and Grease
9. "mg/L" Milligram per liter
10. "NPDES" National Pollutant Discharge Elimination System
11. "POTWS" Publicly Owned Treatment Works
12. "ppm" Parts Per Million
13. "SIC" Standard Industrial Classification
14. "TSS" Total Suspended Solids
15. "TKN" Total Kjeldahl Nitrogen
16. "WEF" Water Environment Federation

SECTION TWO: Scope of Application of this Ordinance; Rules and Regulations

A. The following Rules and Regulations apply throughout the geographic areas encompassing Collier County, including within municipalities, but limited to wastewater dischargers that are then directly or indirectly provided wastewater service by the District. To the extent, if any, that this Ordinance conflicts with any then applicable building code, plumbing code or other technical code, the most restrictive provision shall apply.

B. Discharge of Industrial Waste.

1. Any Owner discharging Industrial Wastes into the wastewater collection system at the time of passage of this Ordinance shall submit a discharge permit application on the required form not

later than six (6) months after the effective date of this Ordinance. All industrial wastewater dischargers proposing to discharge into the District's wastewater system must file with the District on forms furnished by the District an additional application for discharge permit, clearly indicating the volume, the strength and the characteristics of waste discharged or to be discharged into the Public Sewer. If determined necessary by the District, analyses of the representative wastes must be made promptly by an approved independent laboratory and be submitted promptly with the application. Following initial approval, any change in the use of the premises or change in production or operation thereof which causes an alteration in the water use, waste volume, strength or other characteristics relevant to the purposes of this Ordinance, must require a promptly amended application to be filed for approval by the District prior to implementing the proposed alteration to the premises. All discharge permit and amended discharge permit applications will require payment of a fee to be paid when the application is filed. All review costs, in addition to the basic discharge permit fee, shall be borne by the permit applicant and must be paid in full prior to issuance of any discharge permit.

2. It shall be unlawful for any User of the District sewers to discharge industrial wastes into the public sewers without having obtained a discharge permit from the District. Applications for such discharge permits shall be made to the District on forms provided by the District. All information that the District deems necessary to determine potential impacts to the POTWS shall be provided by the applicant.
3. Discharge permits shall be issued to the applicants by the District upon finding that the information set forth in the application will conform to the provisions of this Ordinance, and that the

proposed use will be compatible with the capacity, process, treatment and nutrient load of the District wastewater facilities. Discharge permits shall be valid for a term of three (3) years from the date of issuance unless surrendered to, or revoked by, the District upon the determination that an industrial user is exceeding the peak quality and volume of effluent set forth in the original application and/or discharge permit conditions. In the event an Industrial User proposes to make any change in the peak quality and volume of effluent during the term of the permit, resulting from increase in production and/or changes in the production profile, beyond the scope of the discharge permit, such User shall file with the District an amended application for a permit authorizing such change. Such permit shall not be reassigned or transferred to a new Owner, new User, or to different premises without the approval of the District. Discharge permits shall be renewed by completing the permit application form and subsequent review of the application and historical compliance records.

4. Applications must be signed by the Owner of the premises or his duly authorized agent, and signed by the authorized representative of the District showing payment to the District and County of the applicable connection charges and impact fees provided for prior to the initiation of the services.
5. All applicants for service, whether or not such service is to be provided to property within the District area, expressly agree as a condition of acceptance of service to abide by the rules and regulations delineated herein.
6. All cost and expenses related to the installation and connection of the building sewer shall be the responsibility of the Owner. The Owner shall indemnify the District from any loss or damage that

may directly or indirectly be occasioned by the installation of the building sewer.

C. Discharge Quality Bond.

To further assure compliance with the requirements of this Ordinance, all permitted Industrial Users, before receipt of the respective User's discharge permit, must deposit with the District a "Discharge Quality Bond" for the permit years. The Bond shall be payable to the County and District and shall be conditioned upon the Industrial User's faithful compliance with the provision of this Ordinance and all State and Federal Regulations relating to water pollution control. Said bond shall be further conditioned upon the Industrial User's prompt payment of all charges assessed to the Industrial User by the District under this Ordinance resulting from the Industrial User's failure to comply with any of the provisions herein, and to the Industrial User fully indemnifying and protecting the County and the District from any and all penalties, damages and/or claims for penalties and damages (including attorney's fees and costs for defending any and all such claims, including appeals) arising or resulting from the Industrial User's failure to comply with any provision of this Ordinance and/or the State and Federal Regulations relating to water pollution control. The amount of the discharge quality bond shall be set forth by Resolution of the Board of County Commissioners. The bond shall be approved by the County Attorney as a condition of issuance of any such discharge permit.

D. General Prohibitions.

1. No user shall discharge, cause to be discharged, or suffer the discharge, of any storm water, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling water and/or unpolluted industrial process water(s) to the County wastewater collection system.
2. No person shall enter, obstruct, uncover or tamper with any portion of the County sewer system, or connect to same, or

discharge any wastewater or any other substance directly or indirectly into a manhole or other opening in the County sewerage system except in strict compliance with all requirements established in this (or incorporated by reference into Ordinance) and through service sewers approved by the Wastewater Director. The Wastewater Director may grant permission and establish requirements and policies for such direct discharge. No person shall remove or demolish any building or structure that has any plumbing fixtures connected directly or indirectly to the County sewer without first notifying the District of such intent. All openings in or leading to the County sewer line or lines caused by such work shall be sealed watertight and inspected by the District before being backfilled.

3. No person shall fill, backfill over, cover or obstruct access to any sewer manhole.
4. No person shall erect any improvement, structure or building over County sewer lines without prior express written permission to do so by the County's Wastewater Director.
5. Other discharge limitations established to prevent interferences with the operation or performance of the POTWS are specified by the following.

E. Specific Prohibitions.

1. No User shall contribute, cause or suffer, to be contributed, directly or indirectly, any pollutant or wastewater which does or which will interfere with the operation or performance of the POTWS. These general prohibitions apply to all Users of a POTWS whether or not the User is subject to the National Categorical Pretreatment Standards or any other Federal, State, or Local Pretreatment Standards or requirements. A User shall not contribute any of the following substances to any POTWS:

- a. Any liquid, solid or gas which by reason of their nature or quantity are, or may be, sufficient - alone or by interaction with other substances - to cause fire or explosion or otherwise be injurious in any other way to the POTWS or to the operation of the POTWS. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor shall any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ether, alcohol, ketone, aldehyde, peroxide, chlorate, perchlorate, bromate, carbide, hydride, sulfide and/or any other substance(s) which the County, District, the State or the EPA has notified the User is a hazard to the system.
- b. Any solid or viscous substance(s) which may cause obstruction to the flow in the sewer or otherwise cause interference with the operation of any wastewater treatment facility such as, but not limited to, grease, animal gut(s) or tissue(s), paunch manure, bone(s), hair hide(s) or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, wood or metal shavings, grass clippings, rags, spent grains, spent hops, used birth control and/or feminine hygiene product(s), wastepaper, wood, plastic(s), gas, tar, asphalt residue(s), residue(s) from refining or processing of fuel, or lubricating oil, mud, or glass grinding or polishing waste(s), and any garbage particles greater than one-half inch (1/2") in any dimension must be shredded. Waste human blood and blood products are prohibited in the

sewer system and shall always be classified and managed as infectious waste and should be treated by sterilization or incineration. After sterilization, the liquid portion can be safely poured off into a drain without violating this Ordinance.

- c. Any wastewater having any corrosive properties capable of causing damage or hazard to any structure, equipment, and/or personnel of the POTWS.
- d. Any wastewater containing any toxic pollutant(s) in sufficient quantity, either singularly or by interaction with other pollutant(s), to injure or interfere with any wastewater treatment process, constitute a hazard to humans and/or animals, create a toxic effect in any receiving water(s) of the POTWS, or exceed any limitation(s) set forth in the National Categorical Pretreatment Standards. A toxic pollutant shall include, but not be limited to, any pollutant then identified as such pursuant to Section 307(a) of the Clean Water Act of 1977, as now or hereafter amended or superceded from time to time.
- e. Any noxious or malodorous liquid(s), gas(es), or solid(s) which either singularly or by interaction with other waste(s) are sufficient to create a public nuisance or a hazard to life, or are sufficient to prevent entry into any sewer for maintenance and/or repair.
- f. Any substance which may cause the POTWS effluent or any other product of the POTWS such as residue(s), sludge(s), or scum(s) to be unsuitable for reclamation and/or re-use, or to interfere with the reclamation process. In no instance shall a substance discharged to the POTWS cause the POTWS to be in noncompliance with sludge use and/or disposal criteria, guideline(s) or regulation(s) under

Section 405 of the Clean Water Act of 1977 and 40 CFR Part 503, as now or hereafter amended or superceded from time to time; also any criteria, guideline(s), or regulation(s) applicable to sludge use and/or disposal pursuant to the Solid Waste Disposal Act, the Clean Air Act of 1977, the Toxic Substances Control Act, or State of Florida Criteria applicable to the sludge management method being used.

- g. Any substance that may cause the POTWS to violate its State of Florida operating permit(s) and/or any receiving water quality standard(s).
- h. Any wastewater with objectionable color not removed in or by the treatment process, such as, but not limited to, dye waste(s) and/or vegetable tanning solution(s).
- i. Any wastewater having a temperature that will or does inhibit biological activity in the POTWS resulting in interference, and in no instance shall any wastewater have a temperature at the introduction into the POTWS that exceeds 40°C (104°F).
- j. Any waste or waste containing any fat(s), wax, grease or oil(s), whether emulsified or not, in excess of one hundred (100) mg/L, or containing substances which may solidify or become viscous at temperatures between thirty-two (32°F) and one hundred four (104°F) (0°C and 40°C).
- k. Any pollutant(s), including oxygen demanding pollutant(s) (BOD, etc.) released at a flow rate and/or pollutant concentration which a User knows, or has reason to know, will cause interference in the POTWS. In no instance shall a slug load have a flow rate or contain concentration or qualities of pollutant(s) that exceed for any time period longer than fifteen (15) minutes more than five times the

average twenty-four (24) hours concentration, quantities, or flow during normal operation.

- I. Any wastewater containing any radioactive waste(s) or isotope(s) of such half-life or concentration as may exceed any limit(s) established under then applicable State and/or Federal Regulations.
- m. Any garbage that has not been properly shredded (see Section 2, paragraph E, item b.) The installation and operation of any garbage grinder equipment with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Public Utilities Administrator or designee.
- n. Any water(s) or waste(s) containing strong acid iron pickling waste(s), or concentrated plating solution(s), whether or not neutralized.
- o. Any water(s) or waste(s) containing iron, chromium, copper, zinc, and similar objectionable toxic substance(s) and/or waste(s) exerting an excessive chlorine requirement as defined by the District, to such degree that any such material received in the composite sewage at the sewage treatment works or facility exceeds any limit(s) established by the Public Utilities Administrator for such materials.
- p. Any water(s) or waste(s) containing phenol(s) or other taste or odor-producing substance(s), in such concentrations (exceeding any limit(s) established by the Public Utilities Administrator) after treatment of the composite sewage so as to meet all requirements of Florida, Federal and/or other public agency (or agencies) with jurisdiction over any such discharge(s) to percolation ponds, reclaimed water system, or groundwater wells.
- q. Material which exert or cause:

- i. Concentration(s) of inert suspended solid(s) (such as, but not limited to, sodium chloride and/or sodium sulfate) differing from that typically found in domestic wastewater.
- ii. High BOD, chemical oxygen demand, or chlorine requirement(s) in such quantities as to constitute a higher loading than normal wastewater on the sewage treatment workers.
- iii. High volume of flow or concentration of waste(s) constituting slugs.
- r. Water(s) or waste(s) containing substance(s) which are not amenable to treatment or to reduction by the sewage treatment processes then employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet all requirements of other agencies having jurisdiction over discharge to any percolation ponds, reclaimed water system or groundwater wells.
- s. Any wastewater, which causes a hazard to human life or creates any public or private nuisance.
- t. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- u. Any trucked or hauled pollutants which result in the present of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- v. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- w. Medical wastes, except as specifically authorized by the Division.

- x. Detergents, surface-active agents, or other substances, which may cause excessive foaming in the POTW.

F. Local Limits.

1. All sewage service customers are prohibited at all times to discharge the following above their indicated concentrations:

- a. Cyanide 0.4 mg/L
- b. Arsenic 0.4 mg/L
- c. Cadmium 0.10 mg/L
- d. Total Chromium 0.9 mg/L
- e. Copper 0.1 mg/L
- f. Lead 0.2 mg/L
- g. Mercury 0.03 mg/L
- h. Nickel 0.9 mg/L
- i. Silver 0.1 mg/L
- j. Zinc 0.9 mg/L
- k. Oil/Grease 100 mg/L
- l. pH > 5.5 - < 11.0 pH Units

The concentration set forth above shall automatically be deemed to be amended to comply with then applicable Florida and/or Federal regulations because those regulations are hereby deemed to supersede this Ordinance.

G. National Categorical Pretreatment Standards. Upon promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede any limitations imposed under this Ordinance. The District (as a courtesy) shall try to notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12, as now or hereafter amended or superceded from time to time.

H. Slug Discharges.

1. Each User shall provide the District protection from slug discharge of prohibited materials or other substance(s) regulated by this Ordinance. Facilities to prevent slug discharge of prohibited materials shall be provided and maintained at no cost or expense to the County. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved by the District before any commencement of construction of the respective facility. Expenses for such review shall be borne by the User and shall be paid in full prior to final approval for the proposed construction. All existing Users shall complete such a plan within one (1) year of the issuance of the respective Discharge Permit. No User who commences contribution to the POTWS after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until slug discharge procedures have been submitted for approval to, and have been approved by, the District. Review and approval of such plans and operating procedures shall not relieve the Industrial User from its responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance.

I. Pretreatment Standards.

1. Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve and maintain compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pre-treat wastewater to a level acceptable to the District shall be designed, constructed, operated, and maintained by the User at no expense to the County and require prior approval from the District.

2. All records relating to compliance with the referenced Pretreatment Standards shall be in Collier County and shall promptly and at no cost be made available for inspection and/or copying by the County, the District, the State, and/or the EPA.
- J. Alternative Discharge Limits. The User(s) may seek, at their expense, modified Categorical Pretreatment Standards by obtaining a removal allowance, using the combined waste stream formula, and/or obtaining a fundamentally different factor variance through the procedures then outlined in 40 CFR, Part 403, as now or hereafter amended or superceded from time to time.
- K. Excessive Discharge. 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 the limitations of the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation of the County, the District, or the State.
- L. Pretreatment Facilities.
1. Approval of Pretreatment Facilities. If the District permits the pretreatment or equalization of waste flows, the design and installation of the plant(s) and/or equipment shall be subject to the review and approval of the District, and be subject to all requirements of all then applicable codes, ordinances, and/or laws.
 2. Maintenance of Pretreatment Facilities. Where preliminary treatment or flow equalizing facilities are provided for any water(s) or waste(s), they shall be maintained continuously in satisfactory and effective operation by Owner and at no expense to the County.
- M. Fats, Oils and Grease (FOG) Program.
1. Use of Interceptors and Grease Traps under the FOG Program. All interceptors and Grease Traps shall be of a type and capacity

approved by the District and shall be located as to be readily and easily accessible for planning, cleaning and inspection. The minimum size of interceptors and grease traps shall be in conformance with the Florida Building Code; Sections 1003.1 – 1003.5. Wastewater with large amounts of grease shall not be discharged into the wastewater system and all grease traps shall be maintained in efficient operation at all times by the owner at no expense to the County. The owner shall be responsible for proper removal and/or disposal by appropriate means of captured material, and shall maintain within Collier County written records, the dates, amounts and means of disposal, all of which records are subject to review by the County upon demand. Every hospital, nursing home, jail, cafeteria, grocery store and restaurant (and any other establishment where food is handled or prepared for consumption or distribution) shall maintain all grease traps located on the premises, and all oil separators shall be maintained on a regular basis and must be functioning properly at all times, including but not limited to vehicle maintenance centers (recreational or otherwise), body shop, machine shop and/or any storage and/or use of any petroleum base product(s). The owner and/or operator of a premise or business upon prior notice and at all reasonable times shall make each interceptor, grease trap or oil separator on the property open and available for immediate inspection by the County, and shall promptly provide the County with copies of all receipts for grease removal. Upon completion of an on-site inspection, the inspector may issue a written notice to the facility representative to document any discrepancies, noncompliances, enforcement actions, special instruction(s) or other guidance identified during the compliance evaluation. Each business shall pay a monthly Supplemental Service Charge as established by Resolution of the Board of County Commissioners.

The use of any chemical(s) to dissolve grease is not permitted in the wastewater collection system. If grease accumulates in any wastewater collection line(s), the owner or operator shall be billed for all direct and indirect costs and expenses of cleaning such lines and for any other expenses incurred by the County with regard thereto.

2. **Fats, Oils and Grease Program.** Wastewater containing cooking oil should not be discharged into the wastewater system.
- N. **Use of Manholes.** When required by the District, the Owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable manhole built in accordance with the Collier County Utility Technical Standards Manual together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of all wastes. Such manhole, when required by the District, shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the Owner at no expense to the County. Each such manhole shall be maintained by Owner so as to be safe and accessible at all times.
- O. No person shall discharge or cause to be discharged to Collier County's sewer system any water and/or waste which has been removed and transported from any pit, sump, holding tank, septic tank, wastewater treatment facility, industrial facility or any other facility unless expressly authorized by the District in advance and in writing. Such water and/or waste is referred in this Ordinance as "hailed waste." Under no circumstances may hailed hazardous waste, as defined in 40 CFR 261 be discharged to any District facility. Hailed waste of commercial or industrial origin or hailed waste of unusually high strength may be discharged only if the original source of the waste has received expressed prior written approval from the District.
- P. **Measurements, Tests and Analysis.** All measurements, tests, and analyses of the characteristics of waters and wastes to which references

is made in this Ordinance shall be determined in accordance with the then latest edition of "Standard Methods for the Examination of Water and Wastewater", published by American Water Works Association, (or its successor in function) and shall be determined at the manhole provided, or upon suitable samples taken at said manholes, shall be carried out by customarily accepted methods in Collier County to reflect the effect of constituents upon sewage works and to determine the existence of hazard(s) to life, limb, and/or property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a site or premise is appropriate, or whether a grab sample (or samples) should be taken. Normally, but not always, BOD and total suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls where pH samples are determined from periodic grab samples.

Q. Special Arrangements.

1. Nothing in this Ordinance shall prevent any special agreement or arrangement between the District and any industrial concern, whereby an industrial waste (or wastes) of unusual strength and/or character may be accepted by the District for treatment, when, in the judgment of the District, acceptance of same by the District will aid in treatment of such waste(s) by that industrial concern.
2. **Determination of Acceptability.** In forming the opinion as to the acceptability of the wastes, the District will consider such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other relevant factors.

R. State Requirements; Federal Requirements. State requirements and limitations shall supersede this Ordinance if more restrictive than this Ordinance, and if Federal requirement(s) supersede the State

Requirement(s), the Federal requirement(s) shall control unless the Federal requirement provides otherwise.

- S. County's and District's Right of Revision. The County and District reserve the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of this Ordinance.

SECTION THREE: Reporting Requirements.

A. Baseline Report.

1. Within one hundred and eighty (180) days after the effective date of a Categorical Pretreatment Standard, all Industrial Users subject to National Categorical Pretreatment Standards shall deliver to the District a written report containing not less than the following information:

- (a) The name and address of the facility including the name of the operator and all Owners of five or greater percent of the entity;
- (b) A list of any environmental control permits held by (or for) the facility;
- (c) A brief (but complete) description of the nature, average rate of production and Standard Industrial Classification of the operations. This description must include a schematic diagram of points of discharge to the POTWS from regulated processes;
- (d) The measured maximum single day flow, peak one (1) hour flow, and the average daily flow from each process stream, in gallons per day;
- (e) The Pretreatment Standards applicable to each regulated process. The User shall deliver to the County the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from

each process. These samples shall be representative of daily operations and include both maximum and average daily concentration. Where feasible, samples must be obtained through flow proportional composite sampling techniques specified in the applicable Categorical Pretreatment Standard. Where composite sampling is not feasible, a grab sample may be accepted. Where stream flow is less than or equal to two hundred and fifty thousand (250,000) gallons per day, the user must take three (3) samples within a (2) two-week period. Where stream flow is greater than two hundred and fifty thousand (250,000) gallons per day, the User must take six (6) samples within a (2) two-week period. Samples should whenever possible be taken immediately downstream from the regulated process if no pretreatment exists. Sampling and analysis shall be performed in accordance with the techniques then prescribed in 40 CFR Part 136, or then existing amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Public Utilities Administrator determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods, as approved by the Environmental Protection Agency Administrator. The District may allow the submission of a baseline report, which utilizes only historical data if that data provides information is sufficient to determine the need for pretreatment measures. The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analyses

is representative of normal work cycles and expected pollutant discharges to the POTWS; and

- (f) A statement reviewed and signed by an authorized representative of the Industrial User and certified by a qualified professional engineer indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required to the industrial user to meet the National Categorical Pretreatment Standards and associated Pretreatment Requirements.

B. Compliance Schedule Reports.

1. The District shall require Industrial Users to develop compliance schedules required to meet National Categorical Pretreatment Standards. The proposed compliance schedule shall be submitted to the District for review and approval. This schedule shall be the time limits required for industrial users to provide additional pretreatment and/or operation and maintenance in order to meet these pretreatment standards. The completion date of this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.
2. The schedule shall contain increments of progress in the form of specific dates for completion of major events leading to the construction and operation of required pretreatment facilities necessary for the Industrial User to meet the applicable National Categorical Pretreatment Standards. No increment of such schedule shall exceed nine (9) months. No later, than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the District including whether or not it complied with the

increments of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay and measures being taken to return to the schedule established.

C. 90-day Compliance Report.

1. An Industrial User then subject to the National Categorical Pretreatment standards and associated Pretreatment Requirements will submit to the District within ninety (90) days following the date for final compliance with said Pretreatment Standards and Requirements, or in the case of a new connector following commencement of wastewater discharge to the POTWS, a report indicating the nature and concentration, as well as the maximum single day, peak one hour and average daily flow, of all pollutants limited by said Pretreatment Standards and associated Pretreatment Requirements being discharged to the POTWS.
2. This report must indicate whether the applicable National Categorical Pretreatment Standards and associated Requirements are being met on a consistent basis, and if not, what additional operation and maintenance procedures and/or pretreatment have been (or will be) implemented to bring the user into compliance with the then applicable National Categorical Pretreatment Standards and associated Pretreatment Requirements. This statement must be signed by an authorized representative of the industrial user and must be certified by a qualified engineering professional.

D. Periodic Compliance Reports.

1. A User then subject to the National Categorical Pretreatment Standards and associated Pretreatment Requirements must submit to the District during the months of June and December, unless required more frequently in said Pretreatment Standards

or by the District, a written report indicating the nature and concentration of pollutants in the effluent that are limited by the referenced Pretreatment Standards. In addition, this report must include a record of the maximum single day and average daily flows being discharged during the reporting period.

2. At the discretion of the District and in consideration of such factors as local high or low flow rates, holiday, budget cycles, etc., the District may decide to alter the months during which the compliance reports are to be submitted by the particular User. These reports shall be signed by an authorized representative of the Industrial User prior to submittal.

E. The District may impose quantum limitations on Users in order to meet the applicable National Categorical Pretreatment Standards and associated Pretreatment Requirements, or in other cases where the imposition of quantum limitations are appropriate in the judgment of the District. In each such case, the compliance report must indicate the quantity of pollutants regulated by said Pretreatment Standards to be discharged by the User. These reports must contain the results of sampling and analyses of the discharge, and must include a record of the flow, nature and concentration, or quantity in pounds where requested by the District of pollutants contained therein which are limited by the applicable Pretreatment Standards and associated Pretreatment Requirements. The frequency of monitoring will be prescribed in the referenced Pretreatment Standards. All analysis will be performed in accordance with the procedures established by the EPA Administrator pursuant to Section 304(g) of the Clean Water Act of 1977 and contained in 40 CFR, Part 136 and then existing amendments thereto, or with any other applicable and relevant test procedures approved by the EPA Administrator. Sampling will be performed in accordance with the techniques approved by the EPA Administrator. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant

in question, sampling and analyses will be performed in accordance with the procedures set forth in the then current EPA publication entitled "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants" dated April, 1977, and then existing amendments thereto, or with any other sampling and analytical procedures then approved by the EPA Administrator.

F. Notice of Potential Problems.

1. In the case of a slug discharge, the User must immediately telephone and notify the POTWS of the details of the incident, including the exact location of the discharge, type(s) of waste(s), concentration(s) and volume(s), and corrective action(s). The amount of information must be sufficient to enable the District to be able to evaluate the severity of the incident.
2. Within five (5) working days following a slug discharge, the User shall deliver to the District a detailed written report describing the cause of the discharge and all measures taken (to be taken) by or on behalf of the User to prevent any and all 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 POTWS, fish kills or any other damage to person and/or property; nor shall such notification relieve the User of any fines, civil penalties and/or other liability, duty or responsibility which may be imposed by this Ordinance and/or by any other applicable rule, regulation and/or law.
3. A notice shall be permanently posted on the User's bulletin board or other prominent place advising its employees who to call in the event of a dangerous discharge. All employers shall ensure that all of its respective employees who may cause or suffer such a dangerous discharge to occur are aware of the emergency notification procedure.

- G. Noncompliance Notification. User must notify the POTW within twenty-four (24) hours of becoming aware of any violation of this Ordinance or any potential problems, which may occur due to the user's discharge.
- H. Periodic Compliance Report for Industrial Users not subject to National Categorical Standards. User must provide the POTW with the most current information on the User's discharge. This report will be submitted twice a year on dates provided by the District.
- I. Notification of Changed Discharge. User must notify the POTW of any anticipated changes in wastewater characteristics and/or flow, which may affect treatment.
- J. Notification of Hazardous Wastes Discharge. Within 180 days after commencement of a discharge, User must notify the POTW, the USEPA, and the State of Florida of hazardous wastes per 40 CFR Part 261.
- K. Notice of Upset. Within twenty-four (24) hours of becoming aware of an upset condition, User must notify POTW of unintentional and temporary noncompliance with categorical standards, and within five (5) working days a written submission including the following information is required:
 - 1. Description of discharge and cause of noncompliance.
 - 2. Period of noncompliance. Include dates and times. If upset is not corrected included anticipated duration.
 - 3. Measures take to reduce, eliminate and prevent recurrence of noncompliance.
- L. Notice of Bypass
 - 1. User must notify the POTW of noncompliance and potential problems, which may occur due to a bypass condition.
 - 2. Notice must be received ten (10) days prior to the date of the bypass.
 - 3. If bypass is unplanned, oral notice must be received with 24 hours of User becoming aware of bypass. A written notification must follow within five (5) days.

SECTION FOUR: Monitoring and Inspections.

- A. **Monitoring Facilities.** The District shall require construction, operation and maintenance, at no expense to the County, of monitoring facilities to allow inspection of the building sewer and/or internal drainage systems, and sampling and flow measurement of the waste being discharged to the POTWS. Appropriate valves shall be included in design and construction of such facilities to immediately and effectively halt discharges under situations described by Section Two of this Ordinance. The monitoring facility should normally be situated on the User's premises, but when such a location would be impractical or cause undue hardship to the User, the District may, if feasible, permit the monitoring facility to be constructed in public right-of-way and be located so that it would not be obstructed by landscaping or parked vehicles. Ample room shall be provided in the area of such sampling manhole or facility to allow accurate sampling and preparation of sampling for analyses. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at no expense to the County. Whether constructed on public or private property, the sampling and monitoring facility shall be constructed in accordance with the District's requirements and all applicable local construction standards and/or specifications.
- B. **Inspection and Sampling.** The District shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and that all requirements are being complied with. Persons or occupants of the premises where wastewater is being generated and/or discharged to the POTWS shall allow the representative of the District, the State, or the EPA, immediate, free and ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and/or records duplication, or otherwise in the performance of any of their duties. The County (District), the State, and the EPA shall have the right to set up on the

User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. In instances where a User has security measures in force which would require proper identification and clearance before entry into the premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from Collier County/District, the State, and/or the EPA shall be permitted to enter, freely and without delay, for the purposes of performing their work.

C. Powers and Authority of Inspectors.

1. Duly authorized employees of the County/District bearing proper credentials and identification shall be admitted to all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the sewer system in accordance with this Ordinance.
2. While performing work on private properties referred to herein, the authorized employees of the District shall observe all safety rules applicable to the premises as established by the Owner.
3. Duly authorized employees of the District bearing proper credentials and identification shall be permitted to freely and immediately enter all private properties through which the District holds an easement for the purpose of, but not limited to, inspections, observation, measurement, sampling, repair and/or maintenance of any portion of the wastewater facilities lying within said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
4. Duly authorized employees of the County/District shall provide notice to any violator(s) that the violator has committed a violation of this Ordinance (including rules and regulations incorporated herein by reference) and shall establish a reasonable time period

within which the violator must correct violation(s) that are curable or correctable. Such time period shall generally be no more than thirty (30) days. If, upon personal investigation, an inspector finds that the violator has not corrected the violation within the case specific specified time period for compliance, an inspector may issue a citation to the violator. An inspector does not have to provide the violator with a reasonable time period to correct the violation if the inspector has reason to believe that the violation presents a serious threat to the public health, safety, and/or welfare, or if the violation is irreparable or irreversible.

SECTION FIVE: Violation and Penalties.

A. Violations. Notice of Violation, Consent Orders, Show Cause Hearing

- (a) When the District finds that a user has violated, or continues to violate, any provision of this Ordinance, or order hereunder, or any pretreatment standard or other requirement ("Noncompliance"), the District may serve upon that User a written Notice of Violation in person, or by facsimile, by certified mail or by any lawful means of service. Within ten (10) work days of receipt of this notice, the User shall deliver to the District a written detailed plan for satisfactory correction of all noticed violations and for prevention of further recurrences thereof. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District to take action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- (b) The District may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents must include specific action to be taken by the User

to correct the noncompliance within a time period specified by the document. Such documents shall be judicially enforceable.

- (c) The District may order a User who has received a notice of violation to appear before the District and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least twenty (20) work days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite to, taking any other action against the User.
 - 1. Should any violation of any condition of this Ordinance occur, User will be subject to the penalties described in subparagraph B of this Section.
 - 2. Upset
 - (a) An upset does not constitute 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 provide an affirmative defense to noncompliance provided that proper notification and documentation are demonstrated. User must demonstrate that the facility was being properly maintained and operated at the time of upset.
 - 3. Temporary Bypass
 - (a) User may allow any Temporary Bypass that does not violate pretreatment standards.

- (b) Temporary Bypass which violates pretreatment standards is prohibited unless it was necessary to prevent loss of life, personal injury, or severe property damage.
- (c) User must provide the District prompt written notification of justification for any such Temporary Bypass within twenty four (24) hours of occurrence.

B. Penalties.

1. When the District determines that a User(s) is contributing to the POTWS, any of the prohibited discharges in such amount(s), which do (or which threaten to) interfere with the operation of the POTWS, or may present an endangerment to the environment, the District has authority to immediately halt or immediately prevent any such discharge(s) to the POTWS. The District shall provide the User notice of this action in accordance with Section 5, paragraph F of this Ordinance.
2. Subsequent to such notice, the District may allow the User up to thirty (30) days to deliver a response, which response must include the cause of the discharge and all corrective measures taken or to be taken. Wastewater service shall not be resumed until all such corrective measure(s) as needed have been undertaken to eliminate all threats of interference and/or endangerment to the environment.
3. Following this specified response period in the specific instance, the District, as it determines necessary, shall begin development of effluent limitation(s) and a compliance schedule for such User to correct all interference(s) with the POTWS.
4. Any person who fails or refuses to obey or comply with or violates any provision of this Ordinance may be prosecuted in the same manner as misdemeanors are prosecuted. Such person upon conviction of such offense shall be punished by a fine (as specified herein) for each violation, or by imprisonment not to

exceed sixty (60) days in the County jail, or both, in the discretion of the Court. Pursuant to the authority of Chapter 162.09, Florida Statutes, the fine is not to exceed one thousand dollars (\$1,000) per day per violation for a first violation, five thousand dollars (\$5,000) per day for a repeat violation. In determining the amount of the fine, if any, the trier of fact may consider the gravity of the violation, any actions taken by the violator to correct the violation, and any previous violations committed by that violator. Each violation or non-compliance shall be considered a separate and distinct offense. Further, each day of continued violation or non-compliance may be considered as a separate offense. All expenses incurred by the County in regulating the incident, will be paid by the offending User(s).

5. Nothing herein contained shall prevent or restrict the County or District from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
6. Further, nothing in this Ordinance shall be construed to prohibit the County from prosecuting any violation of this Ordinance by means of a Code Enforcement Board established pursuant to the authority of Chapter 162, Florida Statutes. Furthermore, enforcement in Court shall not prevent referral of the violation to any Code Enforcement Board. In addition, if the violator is within the jurisdiction of the Collier County Water/Wastewater Authority, the matter may also be referred for enforcement to that Authority. If the violator is a tenant, licensee or use permittee of the Collier County Airport Authority, such violation shall also be a violation of the respective lease, license or use agreement.

7. All remedies and penalties provided for in this Section shall be cumulative and independently available to the County and District, and the County and District shall be authorized to pursue any and all remedies set forth in this Section to the full extent allowed by law.
8. All aspects of Sections 1-6 of the Collier County Code of Laws and Ordinance also apply to this Ordinance.

C. Authority to Disconnect Service.

The District may terminate water and wastewater disposal services and disconnect a User from the system when:

1. Acid(s) or chemical(s) damaging to the sewer lines or the treatment process are released into the sewer causing rapid or greater than normal deterioration of these structures, or interfering with proper conveyance and/or treatment of wastewater; or
2. A governmental agency informs the District that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into a percolation pond, reclaimed water system or groundwater well, or it is found that the User is delivering wastewater to the District's system that cannot be sufficiently treated or requires treatment that is not provided by the District as normal domestic treatment; or
3. The User discharges industrial waste or wastewater that is in violation of the permit issued by the District; or
4. The User discharges wastewater at an uncontrollable, variable rate, in sufficient quantity to cause an imbalance in the wastewater treatment systems; or
5. The User fails to pay a monthly bill for water or sanitary sewer services when due, or
6. The User repeats a discharge of prohibited waste(s) into public sewer.

C. Reasonable Service Conditions.

1. The District reserves the right to refuse to provide, or to cease providing, water and/or wastewater services to any connector for any good reason(s) which shall include, but not be limited to, use of water or contribution of wastewater in such manner or form as to be injurious or detrimental to the general welfare of the system, its customers, or the community. The District may require that pretreatment flow regulations or other remedial, preventive, or corrective facilities be installed (at no expense to the County) when the situation warrants provision and use of such facilities.
2. The District is authorized to immediately halt and/or immediately eliminate upon notice to the User in accord with Section 5, paragraph E of this Ordinance, any actual or threatened discharge of pollutants to the POTWS, which does present (or may present) an imminent or substantial endangerment to the health or welfare of any person or any animal.

D. Suspension of Services.

1. The District may suspend the wastewater treatment service and/or effluent permit when such suspension is deemed to be necessary, in the opinion of the District, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTWS or causes the District to violate any condition of its FDEP Permit.
2. Any person notified of a suspension of the wastewater treatment service and/or the effluent permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the District shall take such steps as by the District are deemed to be necessary, including initiation of legal action by the County Attorney and immediate severance of the sewer connection, to prevent or

minimize damage to the POTWS system or endangerment to any individuals. Absent other compelling reason(s) not to do so, the District shall reinstate the effluent permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the cause(s) of the harmful contribution and the measures taken to prevent future occurrence shall be submitted to the District within fifteen (15) calendar days of the date of occurrence.

E. Revocation of Permit.

1. Any User who violates any of the following conditions of this Ordinance or applicable State and Federal regulations, is subject to having its permit revoked in accordance with the following procedures:
2. Failure of a User to report factually the wastewater constituents and characteristics of his discharge.
 - (a) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics.
 - (b) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
 - (c) Violation of conditions of the permit.

F. Notice of Disconnection, Suspension, Revocation. The District shall attempt to notify User in writing prior to disconnecting, suspending or revoking User's service or permit. Said notice should inform User of the sections of this Ordinance being violated, state what corrective action must be taken, and state the time period necessary for said corrective action. Failure to comply with the notice may result in disconnection, suspending or revoking User's service or permit. However, in emergency situations the District may disconnect, suspend or revoke User's service or permit prior to notification. User will, whenever

possible, be notified as soon as is reasonably possible after said action is taken.

SECTION SIX: Confidentiality, Public Records Law.

A. Confidential Information.

1. Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests confidentiality and demonstrates to the satisfaction of the County Attorney that the requested confidentiality is lawful applying the public records laws of the State of Florida, which are as of the effective date of this Ordinance is Chapter 119, Florida Statutes.
2. When requested by the User furnishing a report, portions of said report, if any, which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to the government agencies for uses related to this Section, the State disposal permitting system and/or the State and Federal pretreatment programs provided, however, that such portions of a report shall be available for use by the State or other State agencies in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

- B. Notwithstanding any of the provisions of this Section, nothing shall be construed to imply that the County can or will violate any public records laws or any United States Government or Federal Act or Law, requiring disclosure of public records or otherwise. Any release of information or disclosure made by the County (including the District) in compliance with any such law(s) renders the County immune from any cause or claims based on any release of any such information.

SECTION SEVEN: Service Charge and Fees.

A. The Board of County Commissioners as Ex-officio Board of the Collier County Water-Sewer District hereby adopts the Rates, Fees, and Charges as set forth in Schedule 1; inclusive, appended hereto as Appendix A, which shall be imposed upon all Users of the Collier County Water-Sewer District services within the District boundaries and outside the District boundaries subject to appropriate mutual agreements. These rates, fees, and charges may be changed from time to time by Resolutions of the Board of County Commissioners as Ex-officio Board of the Collier County Water-Sewer District, provided the Board holds an advertised public hearing with regard to the Schedule amendments. The hearing may be placed on the Board's Summary Agenda and remain there for final action of the Board if no one removes the matter from that part of the agenda.

B. Charges and Fees.

1. The District may adopt charges and fees which may include but are not limited to:

- (a) Fees for reimbursement of costs of setting up and operating the District's pretreatment program;
- (b) Fee for monitoring, inspection and surveillance procedures;
- (c) Fee for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal (by the District) of pollutants otherwise subject to Federal Pretreatment Standards;
- (g) Amount of effluent bond;
- (h) Fees for special arrangements; and
- (i) Other fees as the District may deem necessary to carry out the requirements contained herein.

2. Wastewater system Users determined by the County to be included in the "FOG" (Fats, Oil and Grease) Program shall pay a monthly Supplemental Service Charge to be established by Resolution of the Board of County Commissioners. These charges are to pay for additional services required to monitor wastes being discharged by such Users. This charge shall be separate and distinct from the excess strength sewage service charge. This Supplemental Service Charge will be levied to cover costs for:

- (a) Monitoring, inspections and surveillance procedures;
- (b) Collection and analyses of wastewater samples;
- (c) Collection and evaluation of monitoring data;
- (d) Equipment servicing by an independent service company;
and
- (e) Other requirements deemed necessary to implement the pretreatment program as delineated in this Ordinance.

These fees are related solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the District.

SECTION EIGHT: Liberal Construction; Declaration of Exclusions from the Administrative Procedures Act.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purpose in the interest of public health, safety, welfare and convenience. No part of any administrative procedures law(s), rules and/or regulations applies to this Ordinance. The laws, rules and regulations that will apply will be those of the forum to which the matter is referred for enforcement.

SECTION NINE- Conflict and Severability.

The provisions of this Article shall be liberally construed to effectively carry out its purpose in the interest of public health, safety, welfare and/or convenience. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent

provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION TEN – Inclusion in the Code of Laws and Ordinances.

The provisions of this Article shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION ELEVEN - Effective Date.

This Ordinance shall become effective upon being filed with the Department of State, but the revised rates shall not go into effect until the 1st day of June, 2003.

PASSED AND DULY adopted by the Board of County Commissioners as Ex-officio Board of the Collier County Water-Sewer District this 22nd day of April, 2003.

ATTESTED
CLERK

By: Patricia L. Morgan, DC
Deputy Clerk
Attest as to Chairman's signature only.

Approved as to form and legal sufficiency:

Thomas C. Palmer
Thomas C. Palmer,
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS OF
COLLIER COUNTY, FLORIDA AS
EX-OFFICIO BOARD OF THE COLLIER
COUNTY WATER-SEWER DISTRICT

By: TOM HENNING
TOM HENNING, Chairman
4-22-03

This ordinance filed with the Secretary of State's Office the 20th day of April, 2003 and acknowledgement of that filing received this 2nd day of May, 2003
By: Patricia L. Morgan, DC
Deputy Clerk

**COLLIER COUNTY WATER-SEWER DISTRICT
UNIFORM REGULATIONS FOR DIRECT**

APPENDIX A – SCHEDULE 1

The Sewer Surcharge is a mechanism to recover costs incurred when treating high strength wastes discharged by some industrial and commercial users to the wastewater system. These additional funds are needed to cover the cost of operations and maintenance at the Publicly Owned Treatment Works (POTW) and laboratory.

A. Rates For Excess Strength Wastewater

1. A customer discharging excess strength wastewater into the County's wastewater system shall be assessed a laboratory charge based on the cost of collecting and analyzing samples used to determine the strength and characteristics of the waste.
2. Where automatic sampling equipment is required by the County or requested by the customer and such equipment is owned and/or maintained by the County, a monthly sampling charge shall be assessed based on the cost to the County of operation and maintenance of the equipment plus depreciation. The customer must be responsible for security of the automatic sampler.
3. A customer discharging excess strength waste into the wastewater system shall be assessed normal strength wastewater charges in addition to excess strength charges calculated according to the following formula:

$$\text{Excess Strength Fee (\$)} = [Y/X - 1] \times [Z] \times [0.5 \times A]$$

Y = Measured concentration of wastewater constituent.

X = Concentration of constituent in normal strength wastewater.

Z = Thousands of gallons of excess strength wastewater discharged into the County's wastewater system.

A = Normal strength wastewater rate per thousand gallons.

Excess strength charges shall be applicable only to the following conventional constituents: COD, Total Suspended Solids and Total Kjeldahl Nitrogen. When COD is indicative of the excess wastewater strength, it shall be the preferred measurement parameter. Where the wastewater contains no more than one excess strength constituent, the charge shall be based on the constituent, which results in the greatest charge.

**WASTEWATER PRETREATMENT PROGRAM
APPENDIX B – SCHEDULE OF FEES, RATES AND CHARGES**

ITEM	CHARGE
Industrial User Permit Application Fee (based on 7-man hours per permit)	\$ 155.00
Industrial User Amended Permit Application Fee (based on 5 man hours per permit)	\$ 110.00
Industrial User Permit Fee Discharge in gallons per day 0-24,999	\$ 300.00
Industrial User Permit Fee Discharge in gallons per day 25,000-49,999	\$ 450.00
Industrial User Permit Fee Discharge in gallons per day 50,000-99,999	\$ 600.00
Industrial User Permit Fee Discharge in gallons per day greater than or equal to 100,000 per day	\$ 750.00
Review of accidental discharge procedures and construction (based on 3 man-hours per review)	\$ 65.00
*Monthly Supplemental Service Charge (FOG) Program Establishments	\$ 12.00
**Total Suspended Solids Analysis (TSS)	\$ 15.00
** Total Kjeldahl Nitrogen (TKN)	\$ 15.00
**Chemical Oxygen Demand Analysis (COD)	\$ 15.00
Industrial User Inspection	\$ 75.00
Automatic Sampler Usage Fee Per Day	\$ 40.00

*Monthly Supplemental Service Charge For Establishments that fall under the Fats, Oil and Grease Program (FOG). Charges are based on two inspections annually, sampling and analysis of COD and TSS and report preparation.

** The cost of any laboratory analysis expenses incurred by the Collier County Wastewater Department for purposes of an individual user with the Sewer Use Ordinance shall be charged to the user, who shall reimburse the County promptly upon receipt of said charge. This charge is subject to increase or decrease according to the prevailing average cost per test.

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 2003-18

Which was adopted by the Board of County Commissioners on the 22nd day of April, 2003, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 23rd day of April, 2003.

2003 APR 28 PM 1:32
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

Patricia L. Morgan, DC
By: Patricia L. Morgan,
Deputy Clerk

