

OFFICE OF THE
COUNTY ATTORNEY

2012 APR -9 PM 1:59

MEMORANDUM

Date: April 9, 2012

To: Jennifer Belpedio-White
Assistant County Attorney

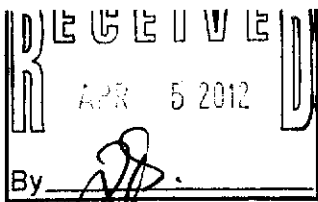
From: Teresa Polaski, Deputy Clerk
Minutes & Records Department

Re: Validated Ordinance 2012-13

Enclosed please find **one copy** of the document referenced above (**Agenda Item #17A**) adopted by the Board of County Commissioners on **Tuesday, March 27, 2012**.

If you should have any questions, please contact me at 252-8411.

Enclosures



ORDINANCE NO. 2012 - 13

AN ORDINANCE AMENDING ORDINANCE NO. 2003-18, THE COLLIER COUNTY INDUSTRIAL PRETREATMENT ORDINANCE, AMENDING SECTION ONE: DEFINITIONS AND ABBREVIATIONS; SECTION TWO: SCOPE OF APPLICATION OF THIS ORDINANCE, RULES AND REGULATIONS; SECTION THREE: REPORTING REQUIREMENTS; SECTION FOUR: MONITORING AND INSPECTIONS; SECTION FIVE: VIOLATION AND PENALTIES; SECTION SIX: CONFIDENTIALITY, PUBLIC RECORDS LAW; SECTION SEVEN: SERVICE CHARGE AND FEES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION INTO THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING AN EFFECTIVE DATE.

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CLERK OF COUNTY
COLLIER COUNTY
FLORIDA

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, on April 23, 2003 the Board adopted Ordinance No. 2003-18, establishing the Industrial Pretreatment Program which regulates the proper and legal usage of the sewer system for disposal of industrial waste for the protection of the environment, public and employee health, and the domestic transmission and conveyance wastewater collection system and treatment facilities; and

WHEREAS, the District's Industrial Pretreatment Program is required 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) as well as Chapter 62-625 of the Florida Administrative Code; and

WHEREAS, The Florida Department of Environmental Protection is requiring the CCWSD to update the Ordinance to comply with specific requirements of the facility operating permits issued to the CCWSD's water reclamation facilities and the domestic transmission and conveyance wastewater collection system.

WHEREAS, this ordinance amendment is to comply with the Florida Department of Environmental Protection's requirements by using the EPA Model Pretreatment Ordinance, dated January 2007;

WHEREAS, the District intends to protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public; and

Whereas, the District intends to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject; 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 continue to 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: AMENDMENTS TO SECTION ONE OF ORDINANCE NO. 2003-18.

SECTION ONE: Definitions and Abbreviations.

A. Definitions

Words Underlined are added; Words ~~Struck-Through~~ are deleted.

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

1. "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq.
- 1- 2. "Administrator" shall mean the administrator of the U.S. Environmental Protection Agency or his duly authorized representative.
- 2- 3. "Authorized or Duly Authorized Representative of the User" shall mean: 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.
 - (a) If the user is a corporation:
 - i. The president, secretary, treasurer, or a 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
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (c) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (d) The individuals described in paragraphs a) through c), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates

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- or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Collier County.
4. "Best Management Practices" or "BMPs" shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 - ~~3.~~ 5. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure ~~in~~ for five (5) days at 20°C, expressed in milligrams per liter.
 4. 6. "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.~~ 7. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
 8. "Bypass" shall mean the intentional diversion of wastestreams from any portion of a User's facility.
 - ~~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.
 9. "Categorical Pretreatment Standard" or "Categorical Standard" or "National Categorical 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 that appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and provides limitations on the introduction of pollutants into the publicly owned treatment works. The term includes the prohibited discharge standards under Sections 2.C-E of this Ordinance, including local limits, as now or hereafter amended or superseded from time to time. The term also includes the provisions of Rule 62-625.410, F.A.C. and subsection 62-625.200(3), F.A.C., as now or hereafter amended or superseded from time to time.
 10. "Categorical User" shall mean an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as of July 1, 2009, hereby adopted and incorporated by reference.
 - ~~7.~~ 11. "Chemical Oxygen Demand" (COD) shall mean a measure of oxygen equivalent of to that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.

8. 12. "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.
13. "Consistent Removal" shall mean the average of the lowest 50 percent of the removal measured in accordance with subsection 62-625.420(2), F.A.C.
14. "Control Authority" or "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.
9. 15. "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.
16. "Daily Maximum" shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.
17. "Director" shall mean the Wastewater Director.
18. "Discharge" see definition of "Indirect Discharge".
- ~~10.~~ ~~"Direct Discharge" shall mean the discharge of treated or untreated wastewater directly to any surface water of the State of Florida.~~
- ~~11.~~ 19. "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.~~
20. "District" or "Control Authority" 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.~~ 21. "Domestic Wastewater" shall mean wastewater discharged into the sanitary sewers in which the concentration of Total Suspended Solids is not more than 400 mg/l, and BOD is not more than ~~250~~ 350 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~~ 50 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."

- ~~22.~~ "Duly Authorized Representative" see definition of "Authorized or Duly Authorized Representative of the User"
- ~~15.~~ 23. "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.~~ 24. "Environmental Protection Agency" or "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.
- ~~25.~~ "Excess Strength Surcharge" see definition of "Industrial Waste Surcharge".
- ~~26.~~ "Existing Source" shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source in the standard is thereafter promulgated in accordance with Section 307 of the Act.
- ~~17.~~ "FOG Program" shall mean Fats, Oil & Grease Program.
- ~~18.~~ 27. "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.
- ~~28.~~ "Grab Sample" shall mean a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- ~~19.~~ 29. "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.~~ 30. "Grease Interceptor" shall mean a pretreatment device designed and installed to separate animal fats, oils and other grease from entering the wastewater system.
- ~~21.~~ 31. "Grease Trap" shall mean a pretreatment device designed and installed to separate animal fats, oils and other grease from entering the wastewater system.
- ~~22.~~ 32. "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.~~ 33. "Indirect Discharge" or "Discharge" shall mean the discharge or introduction of non-domestic pollutants from any source into wastewater facilities as regulated

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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.~~ 34. "Industrial Waste Surcharge" or "Excess Strength Surcharge" shall mean the monetary charge made in excess of the sewer service charge for all wastewater over and above normal wastewater.
- ~~26.~~ 35. "Industrial Wastes" shall mean the liquid wastes discharged from industrial manufacturing processes, trades or businesses that ~~has~~ have 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.~~
36. "Instantaneous Limit" the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- ~~28.~~ 37. "Interference" shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- a. Inhibits or disrupts the WWF, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and
 - b. Is a cause of a violation of any requirement of the WWF's permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of the Department and Chapter 403, F.S.
- ~~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.~~
38. "Local Limit" shall mean the specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in subsections 62-625.400(1)(a) and (2), F.A.C.

- ~~29.~~ 39. "Manhole" shall mean a hole for which sewer, drains and pipes can be accessed for maintenance, repairs and sample collection.
- ~~30.~~ 40. "May" is permissive as defined by the District.
41. "Medical Waste" shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
42. "National Categorical Standard" see definition of "Categorical Pretreatment Standard."
- ~~31.~~ ~~"National Categorical Pretreatment Standard" or "Pretreatment Standard" shall mean any regulation promulgated by EPA in accordance with Sections 307 (b) and (e) 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.~~
43. "New Source" shall mean:
- a. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - b. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - c. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - d. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - i. Construction on a site at which an existing source is located results in a building, structure, facility, or installation meeting the criteria of sections (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

Words Underlined are added; Words ~~Struck Through~~ are deleted.

- ii. Construction of a new source as defined under this paragraph has commenced.
 - e. Begun, or caused to begin, as part of a continuous onsite construction program.
 - i. Any placement, assembly, or installation of facilities or equipment; or
 - ii. Significant site preparation work including cleaning, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - f. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
33. ~~44.~~ "Noncompliance" shall mean any violation of any part of this Ordinance, local limits, industrial wastewater discharge permit, or National Categorical Pretreatment Standard.
45. "Noncontact Cooling Water" shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
34. ~~46.~~ "Oil Separator" shall mean a pretreatment device designed and installed to separate petroleum based oil and grease from wastewater.
35. ~~47.~~ "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.
48. "Pass Through" shall mean a discharge which exits the POTW into waters of the United States 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 Collier County's NPDES permit, including an increase in the magnitude or duration of a violation.
36. ~~49.~~ "Person" shall mean any individual, firm, partnership, company, government entity, association, society, corporation, or similar or dissimilar group or entity.
37. ~~50.~~ "pH" shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units the logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
38. ~~51.~~ "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

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39. ~~52.~~ "Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt ~~and/or industrial~~, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) ~~or other waste discharged into any surface water or ground water of the State of Florida.~~
40. ~~53.~~ "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. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by subsection 62-625.410(5), F.A.C.
41. ~~54.~~ "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.
55. "Pretreatment Standards or Standards" Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
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.~~
56. "Prohibited Discharge Standards" or "Prohibited Discharges" shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.C and Section 2.D of this ordinance.
43. ~~57.~~ "Publicly Owned Treatment Works" or ~~(POTWS)~~ "POTW" 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. ~~58.~~ "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. ~~59.~~ "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~~ POTW or that individual's duly authorized deputy, agent or representative.

46. ~~60.~~ "Sanitary Sewer" shall mean a sewer that carries sewage and to which storm, surface waters and ground waters are not intentionally admitted.
47. ~~61.~~ "Sewage" shall mean human excrement and gray water (household showers, dishwashing operations, etc.) ~~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. ~~62.~~ "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. ~~63.~~ "Sewer" shall mean a pipe or conduit for carrying sewage.
64. "Severe Property Damage" shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
65. "Significant Industrial User" shall mean:
- a. A user subject to categorical pretreatment standards; or
 - b. A user that:
 - i. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - ii. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
 - iii. Is designated as such by the County on the basis that the user has a reasonable potential for adversely affecting the POTW operation of for violating any pretreatment standard or requirement in accordance with paragraph 62-625.500(2)(e), F.A.C.
 - c. The District acting as the control authority may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, is a non-significant categorical industrial user (NSCIU) if the user discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and if the following conditions are met.

Words Underlined are added; Words ~~Struck Through~~ are deleted.

- i. The Industrial User, prior to the Districts finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - ii. The Industrial User annually submits the certification statement required in Section 2.B.8 of this Ordinance, together with any additional information necessary to support the certification statement; and
 - iii. The Industrial User never discharges any untreated categorical process wastewater to the sewer system.
- d. Upon a finding that a user meeting the criteria in paragraph (b) above has no reasonable potential for adversely affecting the POTWS operation or for violating any pretreatment standard or requirement, the County may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in paragraph 62-625.500(2)(e), F.A.C., determine that such user should not be considered a significant industrial user.

~~51.~~ 66. "Shall" and "Will" are mandatory as defined by the District.

~~52.~~ 67. "Significant Noncompliance" or "SNC" ~~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 if an Industrial User's violation meets one or more of the following criteria:~~

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude), a numeric pretreatment standard or requirement, including instantaneous limits, the daily maximum limit or the average limit for the same pollutant parameter.
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, Total Oil and Grease, and 1.2 for all other pollutants except pH).
- c. Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

Words Underlined are added; Words ~~Struck Through~~ are deleted.

- d. Any discharge that has resulted in the District's exercise of its emergency authority under sub-subparagraph 62-625(2)(a)5.b., F.A.C. to halt or prevent such a discharge,
- e. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance,
- f. Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules,
- g. Failure to accurately report noncompliance, and
- h. Any other violation or group of violations, including a violation of best management practices, which the District determines will adversely affect the operation or implementation of the pretreatment program, except when the FDEP is acting on behalf of the District.

53. 68. "Slug", "Slug Load", and "Slug Discharge" shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in sections 2.C and 2.D of this ordinance 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. A slug discharge is any discharge of a non-routine, episodic nature, including by not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

54. 69. "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. 70. "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.

71. "Storm Water" shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- ~~57.~~ 72. "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.~~ 73. "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.~~ 74. "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 ~~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.
75. "Treatment Plant" see definition of "Wastewater Treatment Plant."
76. "Upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factor beyond the reasonable control of the User.
- ~~60.~~ 77. "User" shall mean any person or industrial user who contributes, causes, permits or suffers any contribution of wastewater into the County's POTW ~~POTW~~.
- ~~61.~~ 78. "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 liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- ~~62.~~ 79. "Wastewater Director" or "Director" shall mean the individual designated by the Public Utilities Administrator to supervise operations of the ~~POTW~~ POTW.
80. "Wastewater Treatment Plant" or "Treatment Plant" shall mean that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- ~~63.~~ 81. "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

Words Underlined are added; Words ~~Struck Through~~ are deleted.

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~~

1. "BMP" Best Management Practices
2. "CFR" Code of Federal Regulation
3. "COD" Chemical Oxygen Demand
4. "EPA" United States Environmental Protection Agency
5. "F.A.C." Florida Administrative Code
6. "FDEP" Florida Department of Environmental Protection
7. "FOG" Fats, Oil, and Grease
8. "F.S." Florida Statutes
9. "gpd" Gallons Per Day
10. "IU" Industrial User
11. "mg/l" Milligrams Per Liter
12. "NPDES" National Pollutant Discharge Elimination System
13. "NSCIU" Non-Significant Categorical Industrial User
14. "POTW" Publicly Owned Treatment Works
15. "SIC" Standard Industrial Classification
16. "SNC" Significant Noncompliance
17. "TKN" Total Kjeldahl Nitrogen
18. "TRC" Technical Review Criteria
19. "TSS" Total Suspended Solids
20. "U.S.C." United States Code

SECTION TWO: AMENDMENTS TO SECTION TWO OF ORDINANCE NO. 2003-18.

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. Except as otherwise provided herein, Wastewater Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties

imposed upon the Director may be delegated by Director to a duly authorized County employee.

B. Discharge of Industrial Waste.

1. Any ~~Owner~~User 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 in accordance with section 2.B.2 of this ordinance, 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~~ within thirty (30) days by an approved independent laboratory and be submitted within ninety (90) days ~~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 an ~~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.

The District will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the District will determine whether or not to issue a wastewater discharge permit. The District may deny any application for a wastewater discharge permit.

2. Discharge Permit Applications

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 except those Users discharging at the time of passage of this Ordinance that file a timely application in accordance with 2.B.1 may continue to discharge during the application process. 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 ~~POTW~~POTWSPOTW shall be provided by the applicant. All Users required to obtain a wastewater discharge permit must submit a permit application. The District may require Users to submit all or some of the following information as part of a permit application:

a. Identifying Information.

- i. The name and address of the facility, including the name of the operator and owner.
- ii. Contact information, description of activities, facilities, and plant production processes on the premises;
- b. Environmental Permits.
A list of any environmental control permits held by or for the facility.
- c. Description of Operations.
 - i. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - ii. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - iii. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - iv. Type and amount of raw materials processed (average and maximum per day);
 - v. 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;
- d. Time and duration of discharges;
- e. The location for monitoring all wastes covered by the permit;
- f. Flow Measurement.
Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in subsection 62-625.410(6), F.A.C.
- g. Measurement of Pollutants.
 - i. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District, of regulated pollutants in the discharge from each regulated process.
 - iii. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - iv. The samples shall be representative of daily operations and shall be collected and analyzed in accordance with procedures set out in Section 2.P of this ordinance.
 - v. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.

Words Underlined are added; Words ~~Struck-Through~~ are deleted.

- h. Any other information as may be deemed necessary by the District to evaluate the permit application.
- i. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

3. Issuance of Discharge Permits

- a. 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 as outlined below in section 2.B.7. Discharge permits shall be renewed by completing the permit application form and subsequent review of the application and historical compliance records.
- b. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Section 5 of this ordinance. 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.
- c. Any person, including the User, may petition the District to reconsider the terms of a wastewater discharge permit within 30 days of its issuance.
 - i. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - ii. In its petition, the appealing party 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
 - iii. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 - iv. If the District fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a

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- wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- v. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Circuit Court of the Twentieth Judicial Circuit in and for Collier County within the time provided for in Section 95.11, Florida Statutes.
- d. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, a minimum of 60 days prior to the expiration of the user's existing wastewater discharge permit.
- e. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the District to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- i. Wastewater discharge permits must contain:
- (a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - (b) A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 2.B.7 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (c) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - (d) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
 - (e) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - (f) Requirements to control Slug Discharge, if determined by the District to be necessary;
- ii. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (b) 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 treatment works;
- (c) 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;
- (d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (e) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (g) 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
- (h) Other conditions as deemed appropriate by the District to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

- f. The District may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - i. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - ii. 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;
 - iii. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - iv. Information indicating that the permitted discharge poses a threat to the POTW, County personnel, or the receiving water;
 - v. Violation of any terms or conditions of the individual wastewater discharge permit;
 - vi. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

Words Underlined are added; Words ~~Struck Through~~ are deleted.

- vii. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to Rule 62-625.700, F.A.C;
- viii. To correct typographical or other errors in the individual wastewater discharge permit; or
- ix. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 2.B.7.

4. Certification Statement.

~~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.~~

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

- b. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the District prior to or together with any reports to be signed by an Authorized Representative.

- 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.

7. Transfer of Discharge Permits

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the District and the District approves the wastewater discharge permit transfer. The notice to the District must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

8. Annual Certification for Non-Significant Categorical Industrial Users

A facility determined to be a Non-Significant Categorical Industrial User (NSCIU) by the District pursuant to Section 1.A.65(c) of this Ordinance must annually submit the following certification statement signed by a duly authorized representative. This certification must accompany an alternative report required by Director and shall include but may not be limited to all records of the proper disposal of all categorical industrial wastes:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief that during the period from [insert month, day, year] to [insert month, day, year]:

- a. The facility described as [insert facility name] met the definition of a Non-Significant Categorical Industrial User as described in paragraph 62-625.200(25)(c), F.A.C.;
- b. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- c. The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.
- d. This compliance certification is based on the following information. [insert appropriate information to determine if NSCIU conditions are being met]."

C. Discharge Quality Bond.

The Director may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous individual 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 District, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance. 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.
- 2.1. 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 discharges. 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.
- ~~3.2.~~ No person shall fill, backfill over, cover or obstruct access to any sewer manhole.
- ~~4.3.~~ 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.
- ~~5.4.~~ No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

5. Other discharge limitations established to prevent pass through or interferences with the operation or performance of the ~~POTW~~POTW are specified by the following.

E. Specific Prohibitions.

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

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams 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 otherwise causing corrosive structural damage to the POTW or equipment;
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference, but in no case solids greater than one-half inch (1/2") in any dimension;
4. Pollutants, including oxygen-demanding pollutants (BOD, 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 POTW;
5. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
6. Petroleum oil, nonbiodegradable 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 POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 2.0 of this ordinance;
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 a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the District's NPDES permits;

Words Underlined are added; Words ~~Struck-Through~~ are deleted.

11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Director;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical Wastes, except as specifically authorized by the Director in an individual wastewater discharge permit;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
16. Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
17. Fats, oils, or greases of animal or vegetable origin in concentrations greater than one-hundred (100) mg/l;
18. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

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 POTW.

- ~~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,~~

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~~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.~~

Words Underlined are added; Words ~~Struck-Through~~ are deleted.

- ~~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.~~
- ~~l. 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.~~~~

Words Underlined are added; Words ~~Struck Through~~ are deleted.

- ~~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 POTWS.~~

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
e. 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.~~

The Director is authorized to establish Local Limits pursuant to subsection 62-625.400(3), F.A.C., and as such, no person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants which have been established for Collier County POTWS using standard procedures, calculations and methods acceptable to the State to protect against pass through interference, protections of POTWS employees, and adverse affects on wastewater residuals disposal.

2. No industrial user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth by the Director. Local limits shall be included as permit conditions and attached to each IU's wastewater permit issued.
3. The established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, POTW operations, performance and processes, the industrial user base, potable water quality and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by the FDEP. Permitted IUs shall also be issued an addendum to their wastewater discharge permit containing the new local limits.
4. The established local limits apply at the point where the wastewater is discharged to the POTW.
5. All concentrations for metallic substances are for total metal unless indicated otherwise.
6. At his or her discretion, the Director may impose mass limitations in addition to or in place of the concentration-based limitations.
7. A copy of the approved local limits is available upon request at the following location:
Collier County Wastewater Department
Environmental Compliance Section
5600 Warren Street
Naples, Florida 34113
8. The District may develop Best Management Practices (BMPs), by ordinance or in wastewater discharge permits, to implement Local Limits and the requirements of Sections 2.D and 2.E of this Ordinance.

G. National Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated. This is also in accordance with Rule 62-625.410, F.A.C. as defined by subsection 62-625.200(3), F.A.C.

1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with subsection 62-625.410(4), F.A.C.
2. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the District may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
3. When wastewater subject to a 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 subsection 62-625.410(6), F.A.C.
4. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in Rule 62-625.700, F.A.C., that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
5. A user may obtain a net gross adjustment to a categorical standard in accordance with Rule 62-625.820, F.A.C.

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~~ Rule 62-625.600, F.A.C., as now or hereafter amended or superceded from time to time.

H. Accidental Discharge/Slug Control Plans ~~Slug Discharges.~~

4. Each Significant Industrial User shall provide the District protection from slug discharge of prohibited materials or other substance(s) regulated by this Ordinance. Facilities necessary to prevent slug discharge of prohibited materials shall be provided for and maintained by the User at no cost or expense to the County. Detailed plans showing facilities if deemed necessary by the County 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 POTW 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, to and 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.

At least every two (2) years, the District shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The District may require any user to develop, submit for approval, and implement such a plan. Alternatively, the District may develop such a plan for any user. An accidental discharge/slug odor control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the District of any accidental or slug discharge and
4. 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.

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, local limits, and the prohibitions set forth in Sections 2.D and 2.E of this Ordinance within the time limitations as specified by the EPA, the State and the Federal Pretreatment Regulations which ever is more stringent. 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. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieved the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Collier County sewer system. 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 superseded from time to time.~~

~~K. J.~~ Excessive Discharge.

Unless expressly authorized to do so by an applicable pretreatment standard or requirement, No User shall ever increase the use of process water 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. The District shall impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements.

~~L. K.~~ 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.

L. Additional Pretreatment Measures.

1. Whenever deemed necessary, the Director 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 wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
2. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

M. Fats, Oils and Grease (FOG) Program.

1. Use of Oil Interceptors and Grease Traps under the FOG Program.
 - a. All oil interceptors and Grease Traps or interceptors 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. Requests for deviations

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in accordance the procedures outlined in the Collier County Utilities Standards Manual may be completed and submitted to the District for review. Wastewater with large amounts of grease shall not be discharged into the wastewater system.

- b. ~~and a~~ All grease traps and oil separators 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 containing; the dates of disposal, amounts of waste disposed of, and means of disposal, all of which records are subject to review by the County upon demand. In accordance with 2.E.17 of this Ordinance, wastewater containing amounts of grease in excess of 100 mg/l shall not be discharged into the wastewater system.
- c. 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 ensure they are functioning properly at all times. ~~and a~~
- d. 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 vehicle storage facility, and/or facility that use utilizes of any petroleum base product(s).
- e. 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/oil 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.
- f. Each business shall pay a monthly Supplemental Service Charge as established by Resolution of the Board of County Commissioners.
- g. The use of any chemical(s) to dissolve grease is not permitted in the wastewater collection system.
- h. 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. Hauled Waste

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 "hauled waste". Under no circumstances may hauled hazardous waste, as defined in ~~40 CFR 261~~ Chapter 62-730, F.A.C., be discharged to any District facility. Hauled waste of commercial or industrial origin or hauled 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. Sampling, Measurements, Tests and Analysis.

All sampling, 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) Chapter 62-160, F.A.C. and subparagraphs 62-625.600(1)(e) 3, 4, and 5, F.A.C., and FDEP Standard Operating Procedure 001/01, FS 2400.~~ and All sampling and analysis 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 the sewage works POTW 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.

1. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period

covered by the report, based on data that is representative of conditions occurring during the reporting period.

- a. Except as indicated in section (b), below, the user must collect wastewater samples using 24 hour flow proportional composite collection techniques, unless time proportional composite sampling or grab sampling is authorized by the District. Where time proportional composite sampling or grab sampling is authorized by District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows:
 - i. Samples for cyanide, total phenols, and sulfides may be composited in the laboratory or in the field;
 - ii. Samples for volatile organics and oil and grease may be composited in the laboratory.
 - iii. Composite samples for other parameters unaffected by the compositing procedures as allowed in the FDEP's approved sampling procedures and laboratory methodologies may be authorized by District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- b. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- c. Oil and grease samples shall be collected in accordance with section 2.P.1.(a) above unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and grease sample.
- d. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 3.A and 3.C of this Ordinance, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs 3.D and 3.H of this Ordinance, the Industrial User is required to collect the number of

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grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

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 Pretreatment Standards 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.~~

Users must comply with Pretreatment Requirements for Existing and New Sources of Pollution codified at Chapter 62-625, F.A.C.

S. County's and District's Right of Revision.

The County and District reserve the right to establish, by Ordinance or in individual wastewater discharge permits, more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of this Ordinance.

T. 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.D of this Ordinance or the specific prohibitions in Section 2.E of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

1. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
2. No Local Limit exists, but the User's discharge did not change substantially in nature or constituents from the User's prior discharge when POTW was regularly in compliance with its NPDES permit requirements and was in compliance with all applicable requirements for domestic wastewater residuals.

U. Regulation of Waste Received from Other Jurisdictions

1. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Director shall enter into an intermunicipal agreement with the contributing municipality.
2. Prior to entering into an agreement required by paragraph 1, above, the Director shall request the following information from the contributing municipality:
 - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - b. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - c. Such other information as the Director may deem necessary.
3. An intermunicipal agreement, as required by paragraph 1, above, shall contain the following conditions:
 - a. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 3.A of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the District's Ordinance or Local Limits;
 - b. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
 - c. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing municipality and the Director;
 - d. A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - e. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 - f. Requirements for monitoring the contributing municipality's discharge;
 - g. A provision ensuring the Director access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
 - h. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

SECTION THREE: AMENDMENTS TO SECTION THREE OF ORDINANCE NO. 2003-18.

SECTION THREE: Reporting Requirements.

A. Baseline Report.

1. Within either one hundred and eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 62-625.410(2)(d), F.A.C., whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the District a report which contains the information listed below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the District a report which contains the information listed 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.

2. Users described above shall submit the information set forth below. ~~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 ~~POTW~~POTW from regulated processes;

 - d. The measured maximum single day flow, peak one (1) hour flow, and the average daily flow, in gallons per day, to the POTW from each of the following: ~~from each process stream, in gallons per day;~~
 - i. Regulated process streams, and
 - ii. Other streams as necessary to allow use of the combined waste stream formula of subsection 62-625.410(6), F.A.C. The control authority shall allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

 - 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

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~~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~~

The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

- 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.~~

Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of subsection 62-625.410(6), F.A.C., in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with subsection 62-625.410(6), F.A.C., this adjusted limit, along with supporting data, shall be submitted to the District;

- g. The information contained in sections 2.B.2.(g)i through 2.B.2.(g)iv of this Ordinance.
- h. Sampling and analysis shall be performed in accordance with Section 2.P of this Ordinance.

- i. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- j. 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 POTW; and
- k. 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. The statement must include but is not limited to the language as described in section 2.B.4 of this ordinance.
- l. If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or operation and maintenance must be provided. 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 below in Section 3.B of this Ordinance.

B. Compliance Schedule Reports.

4. 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 shortest 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. The following conditions shall apply to the compliance schedule required by section 3.A.2.(l) of this Ordinance:

- ~~2.1.~~ 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.
- 2. No increment of such schedule shall exceed nine (9) months.
- 3. 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.

4. In no event shall more than 9 months elapse between such progress reports to the control authority.

C. 90-day Compliance Report.

1. ~~An~~ Any Industrial User then subject to the National Categorical Pretreatment standards and associated Pretreatment Requirements ~~will~~ shall submit to the District within ninety (90) days following the date for final compliance with ~~said~~ applicable Pretreatment Standards and Requirements, or in the case of a new ~~connector~~ source following commencement of wastewater discharge to the ~~POTW~~POTW, 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 POTW~~ containing the requirements found in sections 3.A.2.(f) and (g) of this Ordinance.
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. The statement must include but is not limited to the language as described in sections 3.A.2(d)-(h) and (k) of this ordinance. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in subsection 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period.

D. Periodic Compliance Reports.

1. ~~A~~ All Users 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. In cases where the Pretreatment Standard requires compliance

with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director the Pretreatment Standard necessary to determine the compliance status of the User. 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.

2. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the procedures prescribed in Section 2.P of this Ordinance, the results of this monitoring shall be included in the report.
2. 3. 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.
4. These Compliance reports shall be signed by an authorized representative of the Industrial User prior to submittal and shall include the specific language as quoted in section 2.B.4 of this Ordinance.
5. All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the District as the District may require.

E. Notice of Potential Problems.

~~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.~~

Words Underlined are added; Words ~~Struck Through~~ are deleted.

1. ~~In the case of a slug discharge~~ any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User must immediately telephone and notify the ~~POTWS~~ POTW 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) taken by the User. 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 such slug discharge, the User shall, unless waived by the District, deliver to the District a detailed written report describing the cause of the discharge and all measures taken (or 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-POTW,~~ natural resource, 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.
4. Significant Industrial Users are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge.

G. F. 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.~~

1. User must notify the District 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. If sampling performed by a user indicates a violation, the user shall repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. The user is not required to resample if:
 - a. The District monitors at the user's facility at least once a month, or
 - b. The District samples between the user's initial sampling and when the user receives the results of this sampling.

Words Underlined are added; Words ~~Struck Through~~ are deleted.

2. Where the District has performed the sampling and analysis in lieu of the industrial user, the District must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis.

~~H. G.~~ 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.~~

1. The District requires appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant non-categorical industrial users must submit to the control authority at least once every six months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the industrial user must submit documentation required by the control authority to determine the compliance status of the industrial user.
2. The reports must be based on sampling and analyses performed in the period covered by the report, and are subject to the same requirements specified in Sections 2.P.2.(a)-(c) above. The sampling and analysis may be performed by the District in lieu of the significant non-categorical industrial user and is subject to the same requirements specified in Sections 2.P.2.(a)-(c) above. Where the District itself collects all the information required for the report, the significant non-categorical industrial user shall not be required to submit the report. All laboratory analytical reports prepared by the industrial user or the District shall comply with Rule 62-160.340, F.A.C.

~~I. H.~~ Notification of Changed Discharge.

User must notify the POTW of any anticipated changes in wastewater characteristics and/or flow, which may affect treatment. Each User must notify the District of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change.

1. The Director 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 2.B of this Ordinance.
2. The Director may issue an individual wastewater discharge permit under Section 2.B.2 of this Ordinance or modify an existing wastewater discharge permit under Section 2.B.3.(f) of this Ordinance in response to changed conditions or anticipated changed conditions.

~~J. I.~~ Notification of Hazardous Wastes Discharge. 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. Hazardous Wastes as defined but not limited to Chapter 62-730, F.A.C., is prohibited to be discharged into the POTW.

K. J. 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.~~

Users must submit notification of any and all upsets in accordance with section 5.A.5.(c)iii of this Ordinance.

L. K. 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.~~

Users must submit notification of any and all bypasses in accordance with section 5.A.6.(b) of this Ordinance.

L. Date of Receipt of Reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

M. Recordkeeping.

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with best management practices. Records shall contain, as needed, the information as described in F.A.C. 62-160. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the

District, or where the User has been specifically notified of a longer retention period by the District.

SECTION FOUR: AMENDMENTS TO SECTION FOUR OF ORDINANCE NO. 2003-18.

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~~ POTW. 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~~ POTW 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. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the District and shall not be replaced. The costs of clearing such access shall be borne by the User. 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. Unreasonable delays in allowing the

District access to the User's premises shall be a violation of this ordinance. If the District 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 ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the County designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the District may seek issuance of a search warrant from the Circuit Court of the Twentieth Judicial Circuit in and for Collier County.

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: AMENDMENTS TO SECTION FIVE OF ORDINANCE NO. 2003-18.

SECTION FIVE: Violation and Penalties.

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

- (a) 1. 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)~~ 2. 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.

~~(e)~~ 3. 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.~~ 4. Should any violation of any condition of this Ordinance occur, User will be subject to the penalties described in ~~sub~~paragraph B of this Section.

~~2.~~ 5. 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.

(c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- i. An upset occurred and the user can identify the cause(s) of the upset;
- ii. 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
- iii. The user has submitted the following information to the District within twenty-four (24) hours of becoming aware of the upset.
 - a. A description of the indirect discharge and cause of noncompliance;
 - 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.

3. 6. 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.~~
- (a) Bypass not violating applicable pretreatment standards or requirements.
An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of (b) and (c) below.
- (b) Bypass notifications
 - i. If an industrial user knows in advance of the need for a bypass, it shall submit a notice to the District at least ten days before the date of the bypass. If the industrial user does not know of the need for a bypass ten days prior to the bypass then the industrial user shall notify the District immediately upon knowledge of the need for the bypass.
 - ii. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the District within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain:
 - a. A description of the bypass and its cause;
 - b. 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

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- c. Steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- (c) Prohibition of bypass.
 - i. Bypass is prohibited, and the District shall take enforcement action against an industrial user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage
 - b. There were no technically 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 preventative maintenance; and
 - c. The industrial user submitted notices as required under (b) above.
 - ii. The District shall approve an anticipated bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in (i) above.

B. Penalties

1. When the District determines that a User(s) is contributing to the POTWS POTW, any of the prohibited discharges in such amount(s), which do (or which threaten to) interfere with the operation of the POTWS POTW, 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 POTW. The District shall provide the User notice of this action in accordance with Section 5, ~~paragraph F~~ 5.G 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 POTW.
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

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to the authority of ~~Chapter 162.09, Florida Statutes~~ Rule 62-625.500(2)(a)5.a., F.A.C., the fine shall be in at least the amount of 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 Special Magistrate 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.
9. The District shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

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

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- 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. D. 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. ~~E. paragraph E~~ of this Ordinance, any actual or threatened discharge of pollutants to the ~~POTWS~~ POTW, which does present (or may present) an imminent or substantial endangerment to the health or welfare of any person or any animal.

~~D. E.~~ 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~~ POTW 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 POTW 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. F. 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:~~ Section 5.G of this Ordinance.
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.~~

The Director may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the District of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the District of changed conditions pursuant to Section 3.H of this Ordinance;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports and certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the District 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 or appropriate excess strength fees;
- (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 Ordinance.

Words Underlined are added; Words ~~Struck-Through~~ are deleted.

F- G. 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: AMENDMENTS TO SECTION SIX OF ORDINANCE NO. 2003-18.

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 immediately 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: AMENDMENTS TO SECTION SEVEN OF ORDINANCE NO. 2003-18.

SECTION SEVEN: Service Charge and Fees.

Words Underlined are added; Words ~~Struck Through~~ are deleted.

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~~ surcharge. 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: Conflict and Severability.

Words Underlined are added; Words ~~Struck-Through~~ are deleted.

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 NINE: 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 TEN: Effective Date.

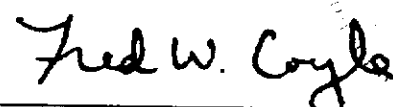
This Ordinance shall become effective upon being filed with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this ~~27th~~ day of March, 2012.

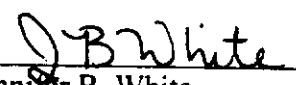
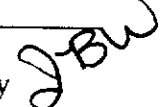
ATTEST:
DWIGHT E. BROCK, CLERK

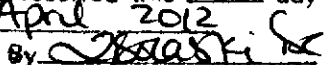
BOARD OF COUNTY COMMISSIONERS OF
COLLIER COUNTY, FLORIDA AS THE EX-
OFFICIO GOVERNING BOARD OF THE COLLIER
COUNTY WATER-SEWER DISTRICT

By: 
Attest as to Chair/Deputy Clerk
signature only

By: 
FRED W. COYLE, CHAIRMAN

Approved as to form
and legal sufficiency:


Jennifer B. White
Assistant County Attorney 

This ordinance filed with the
Secretary of State's Office the
30 day of March 2012
and acknowledgement of that
filing received this 5th day
of April 2012
By: 
Deputy Clerk

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

APPENDIX A – SCHEDULE 1

The Industrial Waste 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 surcharges shall be applicable only to the following conventional constituents: BOD, 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 <u>Application</u> 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 <u>Analysis</u> (TKN)	\$ 15.00
**Chemical Oxygen Demand Analysis (COD)	\$ 15.00
** <u>Biochemical Oxygen Demand Analysis (BOD)</u>	\$ 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 and correct copy of:

ORDINANCE 2012-13

Which was adopted by the Board of County Commissioners on the 27th day of March, 2012, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 29th day of March, 2012.

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



By: Teresa Polaski,
Deputy Clerk

