

## ARTICLE IV. INDUSTRIAL WASTE\*

### Sec. 78-126. Purpose and policy.

(a) *Purpose.* The purpose of this article is to set forth uniform requirements for users of the city's publicly owned treatment works (POTW) to enable the city to comply with the provisions of the Clean Water Act and Chapter 62-625, F.A.C. and other applicable federal and state law and regulations, as they may be from time to time promulgated or amended, and to provide for the public health and welfare by regulating the quality and quantity of wastewater discharged into the city's POTW.

(b) *Objectives.* The objectives of this article include but are not limited to:

- (1) Prevent introduction of pollutants into the POTW which will interfere with the operation of the POTW or contaminate the resulting sludge;
- (2) Prevent the introduction of pollutants into the POTW which will pass through the system, inadequately treated, into receiving surface waters or groundwaters or the atmosphere or otherwise be incompatible with the POTW;
- (3) Provide for the general health, safety and welfare of both POTW employees and the general public;
- (4) Ensure that the opportunity for recycling and reclaiming of wastewaters and sludges from the POTW will be ever present;
- (5) Provide for equitable distribution of the cost of operation, maintenance and improvement of the POTW;
- (6) Enable the city's POTW to comply with NPDES permit conditions, effluent and sludge use and disposal requirements and any other federal or state permits or laws to which it is subject;

(7) Provide uniform requirements for building sewers and connections to the city's wastewater system;

(8) Provide uniform requirements for industrial wastewater discharge; and

(9) Regulate private wastewater disposal systems.

(c) *Application.* This article shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city's POTW. The article authorizes the issuance of Industrial wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. Except as otherwise provided in this article, the assistant to the city manager for public services shall administer, implement, and enforce this article. Any powers granted to or duties imposed upon the assistant to the city manager for public services may be delegated by the assistant to the city manager for public services to a duly authorized city employee.

(d) Any industrial user, whether use is actual or intended, is required to obtain an industrial wastewater discharge permit. An actual or intended use includes any change from one use to another use, any new use or any new utility user/customer. An industrial user includes any actual or intended use on property for which the zoning or other code provision allows an industrial use. A new occupant or tenant of a building with an existing physical connection to wastewater services on property having an industrial zoning designation or other approval allowing an industrial use must obtain an industrial wastewater discharge permit before: (i) use of the wastewater system for any purpose, and (ii) obtaining a building permit for renovations, alterations, or interior build-outs. A new occupant or tenant of a building on property having an industrial zoning or other approval allowing an industrial use may not use or receive services from the city based upon the wastewater utility account of a prior occupant or tenant of the building. No industrial wastewater discharge

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\*Editor's note—Ord. No. 11-38, § I(Exh. A), adopted December 8, 2011, amended §§ 78-126—78-141 in its entirety to read as herein set out. Former article IV, §§ 78-126—78-141, pertained to similar subject matter, and derived from Ord. No. 11-12, § 1(Exh. A), 7-28-11.

permit may be issued for any use or user on property that is not located within City of Winter Garden's boundaries.

(Ord. No. 11-38, § I(Exh. A), 12-8-11; Ord. No. 22-43, § III, 10-27-22)

### **Sec. 78-127. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act or the act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

*Approval authority* means the State of Florida Department of Environmental Protection or its successor agencies.

*Assistant to the city manager for public services* means the city administrative official who has overall responsibility for overseeing the administration of the City of Winter Garden's Industrial Pretreatment Program, or his designee, authorized deputy, agent, or representative.

*Authorized representatives of industrial user.* An authorized representative of an industrial user may be:

(a) If the user is a corporation:

(1) 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

(2) 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 compli-

ance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for industrial waste discharge permit (IWDP) 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 or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

*Best management practices or BMPs* mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 78-132(a) and (b) of this article. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage.

*BOD (biochemical oxygen demand)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter. The BOD shall

be determined in accordance with procedures set forth in standard methods, as defined in this section.

*Building drain* means that part of the lowest horizontal piping of the internal plumbing system which receives the wastewater discharge from other plumbing inside the walls of the building and conveys it to a point five feet outside the outer face of the building wall to the building sewer.

*Building sewer* means the service line from the public sewer or other place of disposal to a point five feet outside the building wall.

*Bypass* means the intentional diversion of wastestreams from any portion of a user's treatment facility.

*Categorical pretreatment standard or categorical standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

*Categorical industrial user* means 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, hereby adopted and incorporated by reference.

*City* means the City of Winter Garden, Florida, a municipal corporation, or where appropriate the term may also be used as a designation for any duly authorized official or employee of the city.

*COD (chemical oxygen demand)* means the laboratory determination of the oxygen equivalent expressed in milligrams per liter of that portion of the sample that is susceptible to oxidation by the standard dichromate reflux method. The COD shall be determined in accordance with procedures set forth in standard methods.

*Combined wastestream formula (CWF)* means a procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream from a categorical industrial user

is combined with other wastestreams prior to treatment or discharge as provided for in 40 CFR 403.6(e) and Rule 62-625.410(6), F.A.C.

*Compatible pollutant* means biochemical oxygen demand, chemical oxygen demand, fats, oils or grease, suspended solids, pH, ammonia, nitrogen, total Kjeldahl nitrogen and fecal coliform bacteria, plus any additional pollutants identified in the city's POTW NPDES permit, where the POTW is capable of treating such pollutants, does treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES permits.

*Control authority* means the public utility (City of Winter Garden) that administers a pretreatment program that has been approved by the approval authority in accordance with the requirements of 62-625.510, F.A.C.

*Cooling water* means:

- (a) *Uncontaminated.* Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the city's potable water except for heat.
- (b) *Contaminated.* Water used for cooling purposes which may become contaminated either through the use of water treatment chemicals used as corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

*Customer* means the actual user of the sewer.

*Daily daximum* means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

*Dilute wastestream*, for purposes of the combined wastestream formula, means the average daily flow (at least 30-day average) from:

- (a) Boiler blowdown streams, noncontact cooling streams, and demineralized backwash streams (provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with the industrial users regulated process

wastestream(s) will result in a substantial reduction of that pollutant, the assistant to the city manager for public services, upon application of the industrial user may exercise discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the assistant to the city manager for public services, the industrial user must provide engineering, production, sampling and analysis, and such other information so that the assistant to the city manager for public services can make a determination);

- (b) Sanitary wastestreams where such streams are not regulated by a categorical pretreatment standard; or
- (c) From any wastestreams in which:
  - (1) The pollutants of concern are not detectable in the effluent from the industrial user.
  - (2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects.
  - (3) The pollutants of concern are present in amounts too small to be effectively reduced by current technologies.
  - (4) The wastestream contains only pollutants which are compatible with the POTW.

*Direct discharge* means the discharge of treated or untreated wastewater directly to any surface or underground waters.

*Domestic wastewater* means the wastes produced from noncommercial or nonindustrial activities and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in households.

*Environmental protection agency or EPA* means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of such agency.

*Existing source* means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

*Garbage* means animal and vegetable wastes resulting from the domestic and commercial preparation, cooking, dispensing, and consumption of food and from the handling, storage and sale of produce.

*Grab sample* means an individual, discrete sample collected at a specific time. A grab sample includes all sub samples or aliquots (e.g. individual containers for specific analytes or analyte groups), sample fractions (e.g. total and filtered samples), and all applicable field quality control samples (e.g. field sample duplicates or split samples) collected at the same locations within a time not exceeding 15 minutes.

*Gray water* means all residential waste other than that carried off by toilet and kitchen drains and sewers, including bath, lavatory, sink (other than a kitchen sink) and laundry wastes.

*Holding tank waste* means any waste from holding tanks such as but not limited to vessels, aircraft, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

*Incompatible pollutant* means all pollutants other than compatible pollutants, as defined in this section. More specifically, it shall mean any pollutant other than BOD, suspended solids, pH, and fecal coliform bacteria or additional pollutants identified in the publicly owned treatment facilities which the facilities were not designed to treat or do not remove to an acceptable degree.

*Indirect discharge or discharge* means the discharge or the introduction of pollutants from any nondomestic source into the POTW, including holding tank waste discharged into the system.

*Industrial user* means any user of publicly owned treatment works identified in the Standard

Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (a) Division A, Agriculture, Forestry and Fishing;
- (b) Division B, Mining;
- (c) Division D, Manufacturing;
- (d) Division E, Transportation, Communication, Electric, Gas and Sanitary Services;
- (e) Division G, Retail Trade; and
- (f) Division I, Services.

Also included within "industrial user" is: (i) any user (or proposed user) from a structure located upon an industrial zoned property, or (ii) any user (or proposed user) involved in the separation, grinding, manufacturing or recycling of plastics.

A user in the divisions listed in this definition may be excluded if it is determined by the assistant to the city manager for public services that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences and is not a significant industrial user as defined in this section.

*Industrial wastes* mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from domestic wastewater.

*Industrial wastewater discharge permit or permit or IWDP* means a permit issued to an industrial user by the city which authorizes the discharge of industrial wastewater to the POTW. This permit may set certain conditions and restrictions to this discharge.

*Infiltration* means the water unintentionally entering the public sewer system, including water from sanitary building drains and sewers, from the ground through such means as but not limited to defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include and is distinguished from inflow.

*Infiltration/inflow* means the total quantity of water from both infiltration and inflow, without distinguishing the source.

*Inflow* means the water discharge into a sanitary sewer system, including building drains and sewers, from such sources as but not limited to roof gutters; cellar, yard, and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers or combined sewers; catch basins; stormwaters; surface runoff; street washwaters; or drainage. Inflow does not include, and is distinguished from, infiltration.

*Instantaneous maximum allowable discharge limit or instantaneous limit* means 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.

*Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources:

- (a) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or
- (b) Causes a violation of any requirement of any permit held by the POTW (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Act, (33 USC 1345), the Solid Waste Disposal Act (SWDA), RCRA, and state regulations contained in any state sludge management plan prepared pursuant to title D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act or any other applicable federal or state legislation or regulation.

*Local pollutant* means a pollutant, as identified in this section, which may be subject to regulation and restrictions for discharge to the public sewer system.

*Lower explosive limit (LEL)* means the minimum concentration of combustible gas or vapor in air that will ignite.

*Maximum allowable concentration* means the maximum permitted amount of a specified pollutant in a volume of water or wastewater.

*Medical waste* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

*National Categorical Pretreatment Standard:* See pretreatment standard below.

*National Pollution Discharge Elimination System permit* or *NPDES permit* means a permit issued to a publicly owned treatment works pursuant to Section 402 of the Act (33 USC 1342).

*National Prohibitive Discharge Standard* or *prohibitive discharge standard* means any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*New source* means;

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

process or production equipment that causes the discharge of pollutants at an existing source; or

- (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (a)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - (1) Begun, or caused to begin, as part of a continuous onsite construction program:
    - a. Any placement, assembly, or installation of facilities or equipment; or
    - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase

or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*Noncontact cooling water* means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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

*Person* means any individual partnership, co-partnership, firm, company, corporation, association, society, joint stock company, trust, estate, governmental entity or any other legal entity or combination thereof, or their legal representatives, agents or assigns. This definition includes all federal, state, and local governmental entities.

*pH* means a quantitative expression for acidity or alkalinity of an aqueous solution. Theoretically pH = -log (base 10) cH, where cH is the concentration of hydrogen ions in grams per liter. Scale ranges from 0 to 14, pH 7 being neutral, less than 7 acid, more than 7 alkaline.

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

*Polluted water* means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to any person having jurisdiction thereof for disposal to storm or natural drains or directly to surface waters.

*Pollution* means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

*Pollution control facility.* See "wastewater treatment plant."

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration can 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.

*Pretreatment requirement* means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an industrial user.

*Pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA under Sections 307(b) and (c) of the CWA or by the FDEP under F.S. ch. 403, which applies to industrial users. This term includes prohibitive discharge limits established in Rule 62-625.400, F.A.C., and section 72-132(a), (b) and (e) of this article.

*Private sewage collection system* means a sewer system installed, maintained, operated, and owned by persons other than the city and connected to the public sewer.

*Private sewage disposal system* means a sewage collecting, treating and disposal facility installed, maintained and owned by persons other than the city and not connected to the public sewer.

*Prohibited discharge standards or prohibited discharges* means absolute prohibitions against the discharge of certain substances. These prohibitions appear in section 78-132 of this article.

*Properly shredded garbage* means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the

flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.25 centimeters) in any dimension.

*Public services department* means the public services department of the city including all of its bureaus.

*Public sewer* means a sanitary sewer, other than a building sewer, that is owned or controlled by the city.

*Publicly owned treatment works (POTW)* means the same as the definition of sewer system and is a treatment works as defined by Section 212 of the Act (33 USC 1292) which is owned or operated in this instance by the city. This definition includes any public sewers that convey wastewater to the POTW treatment plant. For the purposes of this article, POTW also includes any sewers that convey wastewater to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

*Reclaimed water* means water which, as a result of treatment of waste, is suitable for direct beneficial uses or a controlled use that would not occur otherwise.

*Sanitary sewer* means a pipe which carries wastewater and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

*Septic tank waste* means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Sewage.* See "wastewater."

*Sewer* means a pipe or conduit for carrying wastewater.

*Sewer system* means any devices and systems used in the storage, treatment, recycling and reclamation of domestic sewage or industrial wastes of a liquid nature including interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alteration thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including

land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined stormwater and sanitary sewer systems.

*Shall* is mandatory; *may* is permissive.

*Significant industrial user* or *SIU* means except as provided in paragraph (c) of this section, a significant industrial user is:

- (a) Categorical industrial users; and
- (b) Any other industrial user that:
  - (1) Discharges an average of 25,000 GPD or more of process wastewater to the POTW (excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater);
  - (2) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (3) Is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with Rule 62-625.500(2)(e), F.A.C.
  - (4) Is involved in the separation, grinding, manufacturing or recycling of plastics.
- (c) Upon a finding that a user meeting the criteria in subsection (b) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with Rule 62-625.500(2)(e), determine that such industrial user is not a significant industrial user.