

- those which become effective during the term of the industrial wastewater discharge permit; and
- h. Compliance schedules.
  - i. Prohibition of discharge of certain wastewater constituents.
  - j. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto; any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples.
    - 1. The date, exact place, method, and time of sampling and the names of the person taking the samples.
    - 2. The dates analyses were performed.
    - 3. The person that performed the analyses.
    - 4. The analytical techniques/ methods used; and
    - 5. The results of such analyses.
  - k. Requirements for notification of the city for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
  - l. Other conditions as deemed appropriate by the city to ensure compliance with this article. The city shall require that any or all of the pretreatment requirements or restrictions be provided by the user at his expense.



(b) *Costs of compliance.* The permittee shall be responsible for all costs associated with satisfying IWDP conditions, requirements and restrictions.

(c) *Pretreatment requirements.* If pretreatment is required through the issuance of an IWDP, the permittee shall, at its own expense, design, construct, operate, and maintain such wastewater pretreatment facilities whenever necessary to reduce, modify, or eliminate the user's wastewater discharge to achieve compliance with the limitations in wastewater strength set forth in section 78-132, to meet applicable national pretreatment standards or to meet any other wastewater condition or limitation contained in the user's IWDP. If required by the city, plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered professional engineer and shall be submitted to the assistant to the city manager for public services for review. Prior to beginning construction of such pretreatment facilities, the user shall submit a set of final construction plans and specifications to the assistant to the city manager for public services. Prior to beginning construction, the user shall also secure such building, plumbing, or other permits that may be required by the city. The user shall construct the pretreatment facility within the time provided in the user's IWDP. Following completion of construction, the user shall provide the assistant to the city manager for public services with as-built drawings. Neither filing of the plans nor the issuance of a permit shall be construed to indicate that the city in any way vouches for or warrants the performance capabilities of any facilities constructed pursuant to such plans, specifications, or data. Subsequent alterations or additions to such pretreatment of flow-control facilities shall not be made without prior notice to the city.

(d) *Duration.* IWDPs shall be issued for any specified period of time, not to exceed five years.

(e) *Applicant's right to object.* Upon receipt of the IWDP, the applicant shall have 45 days to file in writing objections to any term or condition of the IWDP and:

- (1) If the applicant files no objections within this time, the IWDP is deemed to be accepted.

(2) If the applicant files a timely objection and agreement cannot be reached, the assistant to the city manager for public services may submit to the city commission the proposed IWDP conditions and the applicant's written objections thereto at a meeting of the commission.

(3) The city commission shall schedule a public hearing within 90 days following the submission by the assistant to the city manager for public services of the proposed IWDP and written objections, unless such time be extended for just cause shown to resolve any disputed matters relevant to such IWDP. The assistant to the city manager for public services shall notify the applicant of the date, time, place and purpose of the hearing scheduled before the city commission. The commission shall establish such special permit conditions as it deems advisable to ensure the applicant's compliance with this article or applicable law or regulation and direct the assistant to the city manager for public services to issue an IWDP to the applicant accordingly.

(f) *Modification.* The terms and conditions of any IWDP may be subject to modification and change by the city during the life of the IWDP to accommodate changed conditions and as local, state, regional, and federal laws, rules and regulations and case decisions are modified or amended or for a variation in reported data as provided in section 78-137. Modifications may also be made to correct technical mistakes, erroneous interpretations of federal, state or local law, or typographical errors. IWDP holders shall be informed of any proposed changes in their respective permits at least 60 days prior to the effective date of change and shall be allowed to comment relating to any of the proposed changes in their permits within the first 30 days after issuance of such proposed change by the city. The city shall allow a discharger a reasonable period of time to comply with any changes in the permit required by the city, unless otherwise required by emergency or governmental regulations. The IWDP holder may petition the city for modification of the permit based on changed conditions. The assistant to the

city manager for public services shall review such petitions with such supporting data as he deems necessary and shall take appropriate action.

(g) *Transferability.* A separate permit shall be required for each wastewater connection discharging, directly or indirectly, into the sewer system. For each discharger having multiple connections at a single plan or facility, a single permit shall be required which may set forth specific effluent limitations and conditions for discharge from each separate connection. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned or transferred or sold to a new owner, new user, or for different premises, unless approved by the assistant to the city manager for public services, and any such attempted assignment, transfer, or sale shall be void and of no effect.

(h) *IWDP re-issuance.* The SIU shall submit a completed reissuance application form as prescribed by the city together with a reissuance fee to the assistant to the city manager for public services at least 90 days prior to the expiration of the current IWDP. Conditions governing the reissuance of an IWDP shall be the same as those governing the issuance of a new IWDP.

(i) *Continuation of expired IWDPs.* An expired IWDP will continue to be effective and enforceable until the IWDP is reissued provided:

- (1) The SIU has submitted a completed IWDP application at least 90 days but not more than 120 days prior to the expiration date of the user's existing IWDP; and
- (2) The failure to reissue the IWDP, prior to expiration of the previous IWDP, is not due to any act or omission on the part of the SIU.

(j) *Revocation of IWDP.* Any IWDP issued under the provisions of this article is subject to be modified, suspended or revoked in whole or in part during its term for cause shown including, but not limited to any one of the following:

- (1) Violation of any terms or conditions of the IWDP or other applicable law or regulation.

- (2) Obtaining an IWDP by misrepresentation or failure to disclose fully all relevant facts.
- (3) Falsifying periodic compliance reports and certification statements.
- (4) Tampering with monitoring equipment.
- (5) Failure to pay any required charges.
- (6) Failure or refusal to accept notices of violation or compliance schedules or other enforcement procedures.
- (7) Failure to provide notification to the city of any change in any permitted user's operating condition that either alters the nature, quality or volume of its wastewater discharge or requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (8) When necessary to protect the public health, safety and welfare.

(k) *Regulation of waste received from other jurisdictions.* If another municipality, or user located within another municipality, contributes wastewater to the City of Winter Garden's POTW, the control authority shall enter into an inter-jurisdictional agreement with the contributing entity concerning the delegation of responsibility for the administration of the industrial pretreatment program in the specified area or user. An inter-jurisdictional agreement shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits.
- (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis.
- (3) A provision specifying which pretreatment implementation activities, includ-

ing industrial 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 control authority; and which of these activities will be conducted jointly by the contributing municipality and the control authority.

- (4) A requirement for the contributing municipality to provide the control authority with access to all information that the contributing municipality obtains as part of its pretreatment activities.
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW.
- (6) Requirements for monitoring the contributing municipality's discharge.
- (7) A provision ensuring the control authority 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 control authority; and
- (8) A provision specifying remedies available for breach of the terms of the inter-jurisdictional agreement.

(l) *Accidental discharge.* The assistant to the city manager for public services shall evaluate whether each SIU needs an accidental discharge/ slug discharge control plan or other action to control slug discharges within a year from the date that each facility was first determined to be a SIU and required to apply for and be issued with an IWDP. The plan shall contain the following elements:

- (1) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. The assistant to the city manager for public ser-

vices may require any industrial user to develop and implement an accidental discharge/ slug control plan at its own expense. All industrial users shall provide facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this section from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this article. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and shall be approved by the city before construction of the facility. All existing users shall complete such a plan by the date as specified by the IWDP. No new user who begins discharge to the POTW after the effective date of the ordinance from which this article derives shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved. All SIUs who store chemicals, or whose wastewater includes or could include pollutants in amounts sufficient to cause interference at a POTW treatment plant shall be required to develop an accidental discharge/ slug control plan which shall be approved by the assistant to the city manager for public services and reevaluated at least once every two years. A copy of this plan shall be submitted to the assistant to the city manager for public services as part of the IWDP requirements. Accidental discharge/ slug control plans should address, at a minimum, the following:

- a. Description of discharge practices, including non-routine batch discharges.
- b. Description of stored chemicals.
- c. Procedures for immediately notifying the POTW of any accidental or slug discharge.

- d. Procedures to prevent adverse impact from any accidental or slug discharges. 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- (2) SIUs who have a history of serious leaks, spills or other accidental slug discharges of waste regulated by this article shall be subject on a case-by-case basis to a special IWDP condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge.
- (3) Any person causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with the POTW shall notify the assistant to the city manager for public services immediately by telephone. In the absence or unavailability of the assistant to the city manager for public services, notification shall be given to the city employee then in charge of the treatment works.
- (4) Within five days following such occurrence, the user shall provide the assistant to the city manager for public services with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law. Furthermore, the industrial user shall control its production or all its discharges to the extent necessary to maintain compliance with all applicable city, state and federal regulations upon reduction, loss, or failure of its treatment facility, and until the facility is completely restored or an alternative and equally effective method of pretreatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- (5) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call if a dangerous discharge occurs. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
- (6) Significant industrial users are required to notify the assistant to the city manager for public services immediately of any changes at its facility affecting the potential for a slug discharge.
- (m) *City costs.* Annual operation costs of the city's POTW for activities required under this section shall be recovered, at the city's option, through fees charged to the industries and users. Each user may be individually billed for the costs of any scheduled or unscheduled wastewater sampling, analysis and monitoring performed by the city. Each user shall be individually billed for the total costs of wastewater sampling and analysis for all demand monitoring and any other enforcement activities performed by the city. The billing may include direct costs incurred by the city or its authorized agent in sampling, inspecting, and laboratory analyses, adjusted to reflect administrative, legal and other indirect costs incurred by activities that may be required under this section. All self-monitoring costs incurred by any user, these self-monitoring costs including but not limited to the cost of sampling, analysis, and reporting, shall be borne by the user.

(n) *Sampling station.* When required by the assistant to the city manager for public services, the IWDP owner of any property serviced by a building sewer carrying industrial wastes shall install at his expense an industrial sampling station according to the design as approved by the assistant to the city manager for public services together with such necessary approved meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such industrial sampling station, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the assistant to the city manager for public services.

(o) *Entry.* The assistant to the city manager for public services and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties at reasonable times for the purposes of inspection to determine compliance, observations, measurement, installation of monitoring equipment, independent sampling and testing in accordance with this article. The assistant to the city manager for public services shall also be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept, to ensure compliance with pretreatment standards. The assistant to the city manager for public services or duly authorized employees shall also have the right to inspect and copy records pursuant to the IWDP.

(p) *Search warrants.* If control authority personnel have been refused access to a building, structure or property or any part thereof, and if the control authority personnel have demonstrated probable cause to believe that there maybe a violation of pretreatment regulations and requirements or that there is a need to inspect as part of a routine inspection program of the control authority designed to verify compliance with the SUO or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city attorney may appear before any magistrate empowered to issue warrants in criminal cases and provide an affidavit and apply for the issuance of a warrant in the manner provided by law.

(q) *Safety.* While performing the necessary work on private properties referred to in this section or other sections of this article, the assistant to the city manager for public services or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The company, to the extent allowed by law, shall be held harmless from injury or death to the city employees for intentional or negligent acts solely caused by the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, for intentional or negligent acts solely caused by the city employees.

(r) *Special agreements.* No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to special payment therefore, by the industrial concern; provided, however, that at no time will the city be asked to accept such discharges that, in the city's sole judgment, would violate any local, state, or federal pretreatment standard.

(Ord. No. 11-38, § I(Exh. A), 12-8-11)

**Sec. 78-137. Reporting requirements and retention of records for IWDP holders and other industrial users.**

(a) *Baseline monitoring report (BMR).* A completed application for an IWDP shall contain more information than is required from an SIU for a BMR as defined in 40 CFR 403.12(b)(1) through (7) and Rule 62-625.600(1)(a) through (g), F.A.C. The completed application shall be used by the city as the equivalent of a BMR.

(b) *Compliance schedule progress report.* If the application for an IWDP (or BMR) contains a compliance schedule as provided for in section 78-134(a)(5)m., within 90 days following the date for final compliance with applicable pretreatment

standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any SIU subject to pretreatment standards and requirements shall submit to the assistant to the city manager for public services a compliance schedule progress report.

(c) *Report on compliance with categorical pretreatment standards.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in section 78-134(a)(5)c., d., and n., of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the user(s) long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user(s) actual production during the appropriate period.

(d) *Periodic compliance reports.* All permitted SIUs shall submit periodic compliance reports to the assistant to the city manager for public services in accordance with the terms of their IWDP. All compliance reports shall be in accordance with the following:

- (1) Copies of all approved periodic compliance forms attached to the IWDP (or alternative forms approved by the assistant to the city manager for public services) shall be completed and submitted to the assistant to the city manager for public services. In addition, a copy of the analytical results and chain of custody forms received from the contracting laboratory shall be attached to the report.
- (2) The specific months in which periodic compliance reporting is required shall be included in the IWDP of each SIU. This frequency shall equal or exceed the twice per year state requirements of Rule 62-625.600(4)(a) and (7)(a), F.A.C. At the discretion of the assistant to the city manager for public services, as applicable, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the assistant to the city manager for public services may agree in writing to alter the months during which the above reports are to be submitted.
- (3) The due date for submission of periodic compliance reports to the assistant to the city manager for public services shall be the 30th day following the end of the month in which they are required by the significant industrial user's IWDP. Reports submitted after the due date may result in initiation of demand monitoring or other enforcement action by the city at the IWDP holder's expense. Reports submitted 45 days or more after the due date shall result in the SIU being declared to be in significant noncompliance with reporting requirements as required by subsection (h) of the definition of SNC contained herein.
- (4) All SIUs shall complete each periodic compliance report utilizing data obtained through appropriate sampling and analysis performed during the period covered by the report, which is representative of conditions occurring during the reporting period. The city shall include in the IWDP a required frequency of monitoring necessary to assess and assure compliance by SIUs with applicable pretreatment standards and requirements. The results of all discharge monitoring, whether or not required by the IWDP, shall be included in the report provided that test procedures approved by the approval authority are used. In cases where the pretreatment standard or local limit requires compliance with a BMP or pollution prevention alternative, the SIU shall submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the SIU.
- (5) The assistant to the city manager for public services shall approve and include in the IWDP the locations at which the