

HARDEE CLERK TO BOARD
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ORDINANCE NO. 2024-06

1
2 AN ORDINANCE OF THE BOARD OF COUNTY
3 COMMISSIONERS OF HARDEE COUNTY, FLORIDA,
4 REPEALING AND REPLACING AND ORDINANCES IN
5 CONFLICT THEREWITH AND CREATING CHAPTER 14 OF
6 THE HARDEE COUNTY CODE OF ORDINANCES "WATER
7 AND SEWERS" TO UPDATE THE WATER AND
8 WASTERWATER UTILITY REGULATIONS AND PROVIDE
9 FOR THE IMPOSITION OF PENALTIES AND
10 ADMINISTRATIVE FINES, CIVIL CITATION AND HEARING
11 PROCEDURES AND LIEN IMPOSITION AND RELEASE
12 GUIDELINES; PROVIDING FOR REPEAL, CONFLICTS,
13 SEVERABILITY, CODIFICATION AND FOR AN
14 EFFECTIVE DATE.

15 WHEREAS, Chapter 125, Florida Statutes, authorizes the various counties of the
16 State of Florida to adopt regulations in the interest of the public health, safety, and the
17 general welfare of the public; and

18 WHEREAS, the Board of County Commissioners (the "Board") of Hardee County
19 (the "County") created a central water and wastewater system to provide safe and clean
20 potable water and minimize the use of septic or other onsite wastewater systems; and

21 WHEREAS, the Board finds it periodically necessary to repeal and replace parts
22 of its Code of Ordinances (the "County Code") in order to update regulations and
23 procedures to implement County goals and objectives; and

24 WHEREAS, the proposed ordinance codifies and updates the existing regulations
25 governing water and sewer connections, septic tanks, private systems, wastewater
26 discharge, cooling towers, cross connection backflow prevention and service connections
27 and provides for imposition of penalties and administrative fines, civil citations and
28 hearing procedures and lien imposition guidelines; and

29 WHEREAS, this Ordinance was duly noticed and advertised pursuant to the law;
30 and

31 **WHEREAS**, the Board finds that it would be in the best interests of the residents
32 of the County to repeal any ordinances or resolutions in conflict with the proposed Chapter
33 14 “Water and Sewers”; and

34 **WHEREAS**, the Board finds it to be in the best interest of the County to adopt
35 Chapter 14 “Water and Sewers”.

36 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
37 **COMMISSIONERS OF HARDEE COUNTY:**¹

38 **Section 1. Recitals.** That the above recitals are confirmed, adopted, and
39 incorporated herein and made a part hereof by reference.

40 **Section 2. Repeal.** Upon Adoption, any ordinances or resolutions in conflict
41 shall be repealed to the extent of the conflict as provided for herein.

42 **Section 3. Replace/Amendment.** That Chapter 14, “Water and Sewers,” of the
43 County Code of Ordinances is hereby created as follows:

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45 **Section 4. Conflicts.** All Sections or parts of Sections of the County Code of
46 Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of
47 Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

48 **Section 5. Severability.** That the provisions of this Ordinance are declared to
49 be severable and if any section, sentence, clause or phrase of this Ordinance shall for
50 any reason be held to be invalid or unconstitutional, such decision shall not affect the
51 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but
52 they shall remain in effect, it being the legislative intent that this Ordinance shall stand
53 notwithstanding the invalidity of any part.

54 **Section 6. Codification.** That it is the intention of the Board, and it is hereby
55 ordained that the provisions of this Ordinance shall become and be made a part of the
56 County Code, that the sections of this Ordinance may be renumbered or relettered to
57 accomplish such intentions, and that the word Ordinance shall be changed to Section or
58 other appropriate word.

59 **Section 7. Effective Date.** That this Ordinance shall become effective
60 immediately upon adoption on second reading.

61 **PASSED ON FIRST READING** on the 15th day of August, 2024.

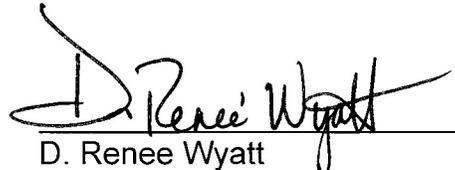
¹ Coding: Any changes between first and second reading shall be indicated by a ~~strickethrough-for-words~~ that are deletions to the existing words. Underlined words are additions to the existing words.

62 PASSED AND ADOPTED ON SECOND READING this 30th day of
63 September, 2024.

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[SIGNATURE PAGE TO FOLLOW]

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D. Renee Wyatt
CHAIR

ATTEST:

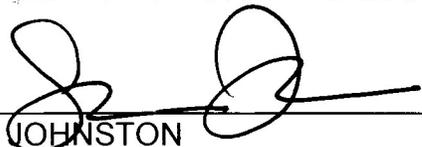




VICTORIA L. ROGERS
EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS

Board Approved: 09/30/2024
Date: 10/08/2024

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



SARAH JOHNSTON
COUNTY ATTORNEY

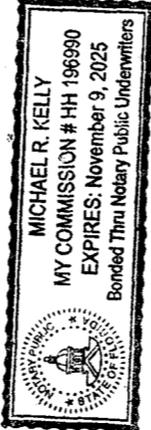
AFFIDAVIT OF PUBLICATION
The Herald-Advocate
 Published Weekly at Wauchula, Florida

STATE OF FLORIDA,
 COUNTY OF HARDEE

Before the undersigned authority personally appeared Kim Russ who on oath says he is the Secretary of The Herald-Advocate, a newspaper published at Wauchula, in Hardee County, Florida; that the attached copy of advertisement, being a Notice of Public Hearing - BOCC in the matter of Ordinance # 2024-06 in the Sept. 12, 2024 Court, was published in said newspaper in the issues of Sept. 12, 2024

Affiant further says that the said Herald-Advocate is a newspaper published at Wauchula, in said Hardee County, Florida, and that the said newspaper has heretofore been continuously published in said Hardee County, Florida, each week and has been entered as periodicals matter at the post office in Wauchula, in said Hardee County, Florida, for a period of one year next preceding the publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 12 day of September A.D. 20 24
Michael R Kelly
 Notary Public



HARDEE CLERK TO BOARD
 OCT 8 '24 AM 9:11

HARDEE COUNTY, FLORIDA
NOTICE OF PUBLIC HEARING

BOARD OF COUNTY COMMISSIONERS MEETING
THURSDAY, SEPTEMBER 26, 2024, 8:30 AM

Please take notice that the Hardee County Board of County Commissioners will hold a public hearing on Thursday, September 26, 2024, at 8:30 a.m. or as soon thereafter as possible, in the Hardee County Commission Chambers at 412 West Orange Street, Suite 102, Wauchula, Florida to hear the following item on second reading:

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HARDEE COUNTY, FLORIDA, REPEALING AND REPLACING ORDINANCES IN CONFLICT THEREWITH AND CREATING CHAPTER 14 OF THE HARDEE COUNTY CODE OF ORDINANCES "WATER AND SEWERS" TO UPDATE THE WATER AND WASTEWATER UTILITY REGULATIONS AND PROVIDE FOR THE IMPOSITION OF PENALTIES AND ADMINISTRATIVE FINES, CIVIL CITATION AND HEARING PROCEDURES AND LIEN IMPOSITION AND RELEASE GUIDELINES; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

D. Renee Wyatt, Chairman

Copies of the proposed amendments are available for inspection and review at the County Managers Office between 8 am and 5 pm, Monday through Friday, excluding holidays. Comments may also be submitted in writing to the Hardee County Board of Commission prior to or during the meeting.

Persons are advised that if a person decides to appeal any decision made by the Board of County Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, at his or her own expense and effort, which record includes the testimony and evidence upon which the appeal is to be based per Section 286.0105, Florida Statutes.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the County Manager's Office at least 48 hours before the public hearing by contacting (863) 773-9430.

Chapter 144 WATER AND SEWERS

ARTICLE I. ENABLING PROVISIONS

Sec. 14-1. Short Title.

This article may be known and cited as the Hardee County Water and Wastewater Utility Service Ordinance.

Sec. 14-2. Legislative Findings.

It is hereby declared as a matter of legislative determination that it is in the best interest of the residents of Hardee County to develop a central water and wastewater system to provide safe and clean potable water and minimize the use of septic tanks and onsite wastewater treatment systems. In order to implement the system and provide consistency, rules, regulations, and procedures for customer service and orderly development of the utility mandatory connections are necessary. In the interest of limiting the polluting effects of septic tanks and other onsite treatment facilities on ground waters and surface waters within the county, it is necessary to establish a mandatory connection policy requiring the connection of these facilities to the County system under certain circumstances.

Sec. 14-3. Definitions.

- (a) As used in this section, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:
- (1) **Act or the Act**-The Federal Water Pollution Control Act, 33 U.S.C. 1251 et. Seq., as amended.
 - (2) **Applicant**- Any Developer or potential consumer who seeks to receive potable water, dispose of wastewater, or receive reclaimed water service from the County.
 - (3) **Approval authority** - The Director in an NPEDS state with an approved state pretreatment program and the administrator of the EPA in a non-NPEDS state or NPDES state without an approved state pretreatment program.
 - (4) **Area of operation**: Area designated by the Board of County Commissioners, by resolution duly adopted, as the area to be served by and in which a sewer system or water system or combined water and sewer system, constructed or acquired pursuant to this ordinance, may operate. The county shall have the exclusive right to furnish water or sewer services, or both, in such area of operation, including any part of such area of operation which is within the territorial limits of any municipality and in which such water or sewer services are not being furnished by such municipality at the time of the issuance of any revenue bonds or assessment bonds by the county to furnish such water or sewer services in said area of operation, including such territory of such municipality, to the full extent that the county is able and agrees to furnish such water or sewer services in such area of operation at the time the furnishing of such water or sewer services are requested by any of the owners or occupants of premises located in such area of operation.

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- (5) **Assessable improvements** shall mean that portion or portions of a sewer system or a water system or combined water and sewer system of a local nature and of benefit to the premises or lands served thereby and particularly, without limiting the generality of the foregoing, with reference to a sewer

Hardee County, Florida, Code of Ordinances

- system, shall include, without being limited to, laterals and mains for the collection and reception of sewage from premises connected therewith, local or auxiliary pumping or lift stations, treatment plants or disposal plants, and other appurtenant facilities and equipment for the collection, treatment and disposal of sewage; and with reference to a water system shall include such mains and laterals and other distribution facilities, pumping stations, and sources of supply as are of benefit to the property served by such water system together with incidental equipment and appurtenances necessary therefore.
- (6) **Assessment bonds** shall mean bonds or other obligations secured by and payable from special assessments levied against benefited lands pursuant to this article.
- (7) **Authorized representative of industrial user** - An authorized representative of an industrial user may be a principal 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 proprietorship, respectively, or a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (8) **Biochemical oxygen demand (BOD)** - 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.
- (9) **Building drain** - That part of the piping of a building that collects wastewater inside the walls of the building and conveys it to outside the building wall.
- (10) **Building sewer**- The extension from the building drain to the public sewer or other places of disposal, also called "house connection."
- (11) **Categorical standards** - National categorical pretreatment standards or pretreatment standards.
- (12) **Chemical oxygen demand (COD)** - A measure of oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.
- (13) **Clean Water Act or (CWA)**- The Federal Water Pollution Control Act, 33 U.S.C. 1251 et. Seq., as amended.
- (14) **Connection Point** - Means the point within the County's existing Utility Facilities where an Applicant will be required to connect the Utility Facilities to be constructed by the Applicant to the County Utility Facilities, regardless of whether the Utility Facilities are designed or be owned by the County in the future, or to continue to be owned and maintained by the Applicant or Consumers.
- (15) **Consumer Service Assembly** - All pipes, shut-offs, valves, fixtures, and other appliances and apparatus of every kind or nature lying on the customer's side of the Point of Delivery.
- (16) **Contributions In Aid of Construction (CIAC)** - Means any amount or item of money or property received by the County, from any Applicant, which is provided at no cost to the utility, which represents an addition or transfer to the capital of the County's utility, and which is utilized to offset the

improvement or construction costs of the Water or Wastewater Capacity used to provide utility services to the public.

- (17) **Control authority** - The term "control authority" shall refer to the "approval authority," defined hereinabove; or the County if the County has an approved pretreatment program under the provisions of 40 C.F.R. 403.11
- (18) **Cooling water** - The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
- (19) **County** - This means Hardee County, a political subdivision of the state of Florida.
- (20) **County Manager** - The person designated by the Board of County Commissioners to administer all County activities.
- (21) **Board of County Commissioners** - Those duly elected officials of Hardee County, Florida, charged with the responsibility of overseeing local County government
- (22) **Cost** as applied to the acquisition and construction of a water system or a sewer system or combined water and sewer system, or extensions, additions or improvements thereto shall include the cost of construction or reconstruction, acquisition or purchase, including payments based upon connections to such system or systems made during a period not exceeding ten (10) years after the date of acquisition by purchase of such system or systems, the cost of labor, materials, machinery and equipment, cost of all lands and interests therein, property, rights, easements and franchises of any nature whatsoever, financing charges, interest prior to and during construction or acquisition and for not more than two (2) years after completion of the construction or acquisition of such water system or sewer system or combined water and sewer system or extensions, additions or improvements thereto, the creation of initial reserve funds for debt service, or improvements to such system or systems, working capital for a reasonable period after such construction or acquisition of such system or systems, bond discount, cost of plan and specifications, surveys and estimates of costs and revenues, cost of engineering, financial and legal services, and all other expenses necessary or incidental in determining the feasibility or practicality of such construction, reconstruction or acquisition; administrative expenses and such other expenses as may be necessary or incidental to the financing authorized by this article, and including reimbursement of the county or any other person, firm or corporation for any moneys advanced in connection with any of the foregoing items of cost.
- (23) **County Engineer or Engineer** - Depending on the specific needs of a given project, this may be either an engineer employed by the County or a consulting engineer hired under a continuing contract or for the specific task needed.
- (24) **Customer or Consumer** -Any individual, corporation, partnership, or other legal entity other than Bulk Service Customer, who has executed an application for service and has commenced to receive continuous potable water, wastewater, or reclaimed water service, from the County.
- (25) **Direct discharge** -The discharge of treated or untreated wastewater directly to the waters of the state.
- (26) **Easement** - An acquired legal right for the specific use of land owned by others.
- (27) **Environmental Protection Agency or EPA** - The U.S. Environmental Protection Agency or other duly authorized official of that agency
- (28) **Existing Potential Applicant** - Means any property owner not already connected to the Utility System, which has already applied for a County building permit prior to the initial effective date of this ordinance.

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- (29) **Floatable oil** - Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated, and the wastewater does not interfere with the collection system.
- (30) **Flush toilet** - The common sanitary flush commodes in general used for the disposal of human excrement.
- (31) **Garbage** - The animal and vegetable waste resulting from the handling of preparations, cooking, and serving of foods.
- (32) **Grab sample** - A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (33) **Health Officer** - The director of the Hardee County Health Department.
- (34) **Holding tank waste** - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (35) **Indirect discharge** - The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system).
- (36) **Industrial user** - A source of indirect discharge that does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (37) **Industrial waste surcharge** - The charge made in excess of the sewer service charge for all wastewater over and above normal wastewater.
- (38) **Industrial wastes** - The wastewater from industrial processes is distinct from domestic or sanitary wastes.
- (39) **Infiltration/inflow (I&I)**- Groundwater and surface water which leaks into the sewers through cracked pipes, joints, manholes, or other openings.
- (40) **Interference** - The inhibition or disruption of the Publicly Owned Treatment Works (POTW) treatment processes or operations which contributes to a violation of any requirement of the County's NPDES permit. The term includes the prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- (41) **Meter** - Means the measuring device purchased, owned, and/or installed by the County for use on a service line for the purpose of accurately measuring the water used by a Consumer.
- (42) **National categorical pretreatment standard or pretreatment standard** - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
- (43) **National Pollution Discharge Elimination System (NPDES) permit**- A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342)
- (44) **National prohibitive discharge standard or prohibitive discharge standard** - Any regulation developed under the authority of Section 307(b) of the Act and 40 C.F.R. 403.5.
- (45) **Natural outlet** - Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
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- (46) **New source** - Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. 1317) national categorical pretreatment standard which will be applicable to such source if such standard is thereafter promulgated within 120 days of the proposal in the Federal Register. Where the standard is promulgated later than 120 days after the date of promulgation or the standard.
- (47) **Normal wastewater** - Wastewater discharged into the sanitary sewers in which the average concentration of total suspended solids and BOD is not more than 200 milligrams per liter, total phosphorus is not more than 15 milligrams per liter, total Kjeldahl nitrogen is not more than 30 milligrams per liter, and total flow is not more than 25,000 gallons per day.
- (48) **Off-Site Utility Facilities** - Those Utility Facilities to be constructed totally outside of the Applicant's property.
- (49) **On-Site Utility Facilities** - Those Utility Facilities to be constructed within an Applicant's property, whether those Utility facilities are to be ultimately owned by the County or not.
- (50) **Pass through** - The waste discharged to the County's wastewater treatment system is not removed by the treatment process such that the discharged wastes may cause a violation of the County's permits, and/or diminish the ability of the County to dispose or reuse effluent or sludge.
- (51) **Person** - Any individual, partnership, co-partnership, firm, company, governmental entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.
- (52) **PH** - A measure of acidity and alkalinity of a solution that is a number on a scale of which a value of 7 represents neutrality and lower numbers indicate increasing acidity and higher numbers increasing alkalinity and on which each unit of change represents a tenfold change in acidity or alkalinity and that is the negative logarithm of the effective hydrogen-ion concentration or hydrogen- ion activity in gram equivalents per liter of the solution.
- (53) **Pit privy** - Shored, vertical pit in the earth completely covered with a fly-tight slab.
- (54) **Point of Delivery** - This means the point at which the County ownership and control over Utility Facilities ends, and the consumers' responsibility commences, regardless of the ownership of the Utility Facilities.
- (55) **Pollutant** - Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (56) **Potential New Applicant** - This means any property owner applying to the County to construct a building after the initial effective date of this ordinance. If any property owner or person takes any action resulting in a flow increase or increase in the Equivalent Residential Unit (ERU) that property owner shall thereafter be considered a potential new applicant.
- (57) **Pretreatment or treatment** - The reduction of the number of pollutants, the elimination of pollutants or the alteration of the nature 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 POTW. The reduction of alteration can be obtained by physical, chemical or biological processes, or by process changes or other means, except as prohibited by 40 C.F.R. 403.6(d).
- (58) **Pretreatment requirements** - Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.
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- (59) **Properly shredded garbage** - The wastes from the preparation, cooking, and dispensing of food that has 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 in any dimension.
- (60) **Public sewer** - A common sewer controlled by a governmental agency or public utility.
- (61) **Public-owned treatment works (POTW)**- A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the County. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purpose of this section "POTW" shall also include any sewer that conveys wastewater to the POTW from persons outside the County who are, by contract or agreement with the County, users of the County's POTW.
- (62) **POTW treatment plant**- That portion of the POTW is designed to provide treatment to wastewater.
- (63) **Revenue bonds** shall mean bonds or other obligations secured by and payable from the revenues derived from rates, fees and charges collected by the county from the users of the facilities of any water system or sewer system or combined water and sewer system and which may be additionally secured by a pledge of the proceeds of special assessments levied against benefited property.
- (64) **Sampling Box** - A box designed to be placed on the gravity service line of a customer designated to be a potential source of waste exceeding the Specific Limitations or to cause pass-through or interference with treatment. The box will be capable of accommodating an appropriate timed sampling device according to County specifications.
- (65) **Sanitary sewer** - A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater, and surface water that is not admitted intentionally.
- (66) **Septic tank** - A subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:
- (a) A sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub-out; and
 - (b) A subsurface system of trenches, piping and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.
- (67) **Sewage** - The spent water of a community. The equivalent term is "wastewater" (q.v.).
- (68) **Sewer** - A pipe or conduit that carries wastewater.
- (69) **Sewer system** shall mean and shall include any plant, system, facility or property and additions, extensions and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage of any nature or originating from any source, including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources; and without limiting the generality of the foregoing definition shall include treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains and all necessary appurtenances and equipment, all sewer mains and laterals for the reception and collection of sewage from premises connected therewith, and shall include all real and personal property and any interest therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.
- (70) **Shall** - is mandatory; may is permissive.
- (71) **Significant industrial user** - Any industrial user of the County's wastewater disposal system who
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- (1) has a discharge flow of 25,000 gallons or more per average workday; or (2) has a flow greater than five percent of the flow in the County's wastewater treatment system; or (3) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or Florida Statutes and rules; or (4) is found by the County, the FDEP or the EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (72) **Slug** - Any discharge of water or wastewater which in concentration of any given constituent or quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentrations of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater facilities.
- (73) **Standard industrial classification (SIC)** - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (74) **State:** State of Florida
- (75) **State Law** - For the purposes of this Ordinance, State Law refers to the state statute Chapter 403 F.S., the administrative codes promulgated thereunder, and any other applicable state or federal law or regulations.
- (76) **Storm drain** - Sometimes termed "storm sewer," it shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- (77) **Stormwater** - Any flow accruing during or following any form of natural precipitation and resulting therefrom.
- (78) **Suspended solids** - Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater," and referred to as non-filterable residue.
- (79) **Toxic pollutant** - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of CWA 307 (1) or other acts.
- (80) **Unpolluted water**- Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewer and wastewater treatment facilities provided.
- (81) **User** - Any person who contributes, causes, or permits the contribution of wastewater into the County's POTW.
- (82) **Utility Facilities** - Except for those facilities making up the Consumer Service Assembly, Utility Facilities shall mean all County wastewater collection mains, laterals, services, pumping stations, and related appurtenances and equipment and all reclaimed water mains, pumps services, meters, and related appurtenances and equipment not related to the Wastewater Treatment Plant; and all potable water mains, hydrants, service lines, storage, pumping, and related appurtenances and equipment not related to the Water Supply or Water Treatment Plant equipment.
- (83) **Utility System** - All personnel, supplies and equipment, including tangible and intangible, as well as real and personal property, including without limitation, County-owned Utility Facilities, Wastewater Treatment Facilities, Water Supply and Treatment Facilities, Utility system personnel and office equipment.
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- (84) **Wastewater** - The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and storm water that may be present.
- (85) **Wastewater capacity** - Theoretical availability of wastewater treatment plants and disposal facilities and wastewater Utility Facilities in sufficient size and design to accommodate future connections by Applicants.
- (86) **Wastewater Equivalent Residential Unit (ERU)** - The amount of wastewater determined to be the average daily flow from a single residential unit. In Hardee County, the equivalent residential unit (ERU) for wastewater equals 150 gallons per day (gpd). ERUs for non-residential, commercial, or industrial use shall be determined by dividing the wastewater flow required by 150 gpd.
- (87) **Wastewater Treatment and Disposal Facilities** - The land, equipment, supplies, and inventory used or provided for use by the County for the treatment of wastewater, and the disposal or reuse of wastewater effluent. Includes without limitation, treatment plants and related lines, equipment, laboratories and equipment, truck, construction and repair equipment and other rolling stock, and office equipment at the wastewater treatment plants.
- (88) **Water Capacity**- Theoretical availability of water supply facilities, water treatment facilities, and water distribution Utility Facilities in sufficient size and design to accommodate future connections by Applicants.
- (89) **Water Equivalent Residential Unit (ERU)** - The amount of potable water determined to be the average daily demand for a single residential unit. The water equivalent residential unit (ERU) in Hardee County is 200 gallons per day (gpd). ERUs for non-residential, commercial, or industrial use shall be determined by dividing the water flow or demand by 200 gpd.
- (90) **Water Supply and Treatment Facilities** - The land, equipment, supplies and inventory used or provided for use by the County for the production of raw water from wells, treatment of potable water, and providing pressure to the water in the Utility Facilities used for distribution of the water to consumers. Includes without limitation, treatment plants and related lines, equipment, laboratories and equipment, trucks, construction and repair equipment and other rolling stock, and office equipment at the wastewater treatment plants.
- (91) **Watercourse** - Shall mean natural or artificial channel for the passage of water either continuously or intermittently.
- (92) **Waters of the State** - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial public or private, which are contained within, flow through, or border upon the State or any portion.
- (93) **Water system** shall mean and include any plant, system, facility or property and additions, extensions and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the development of sources, treatment or purification and distribution of water for domestic or industrial use and, without limiting the generality of the foregoing, shall include dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals, and pipes for the purpose of carrying water to the premises connected with such system and shall include all real and personal property and any interests therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.
- (94) **Abbreviations.** The following abbreviations shall have the designated meanings:
- (1) BMP—Best Management Practice.
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- (2) BOD—Biochemical Oxygen Demand.
 - (3) CFR—Code of Federal Regulations.
 - (4) COD—Chemical Oxygen Demand.
 - (5) EPA—U.S. Environmental Protection Agency.
 - (6) F.A.C.—Florida Administrative Code.
 - (7) FDEP—Florida Department of Environmental Protection.
 - (8) gpd—Gallons per day
 - (9) MAS—Maintenance Access Structure.
 - (10) mg/l—Milligrams per liter.
 - (11) NPDES—National Pollutant Discharge Elimination System.
 - (12) NSCIU—Non-Significant Categorical Industrial User.
 - (13) O&G —Oil and Grease.
 - (14) O&M—Operations and Maintenance.
 - (15) pH—Logarithm of the reciprocal of the hydrogen ion concentration.
 - (16) POTW—Publicly owned treatment works.
 - (17) RCRA—Resource Conservation and Recovery Act.
 - (18) SIC—Standard Industrial Classification.
 - (19) SWDA—Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
 - (20) TOMP—Toxic Organics Management Plan.
 - (21) TSS—Total Suspended Solids.
 - (22) U.S.C.—United States Code.
 - (23) WWF—Wastewater Facility.

Sec. 14-4. General Powers of Board of County Commissioners.

- (a) In addition to any other powers which are conferred upon the Board of County Commissioners by the provisions of this ordinance or which may now or hereafter be conferred upon the Board of County Commissioners by the provisions of any other law, general, special or otherwise, the Board of County Commissioners is hereby authorized and empowered:
 - (1) *Designate areas of operation.* To, by resolution duly adopted, designate one (1) or more areas of operation within the county which are to be served by and in which a sewer system or water system or combined water and sewer system constructed or acquired pursuant to this article, may operate and to denominate such area or areas of operation by number, name or other appropriate descriptive title;
 - (2) *Employment of experts, agents, employees.* To employ engineers, attorneys, accountants, financial or other experts and such other agents and employees as said Board of County Commissioners may require or deem necessary to effectuate the purposes of this article, or to contract for any such services;

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- (3) *Construct, improve, finance improvements.* To construct, install, erect, acquire and to operate, maintain, improve, extend, or enlarge and reconstruct a water system or a sewer system or combined water and sewer system within the county and, for and on behalf of the county, to have the exclusive control and jurisdiction thereof; to issue revenue bonds or assessment bonds of the county, or any combination thereof, to pay all or part of the cost of such construction, reconstruction, erection, acquisition or installation of such water system, sewer system or combined water and sewer system, and additions, extensions and improvements thereto;
 - (4) *Regulate use of water and sewers.* To regulate the use of sewers and the supply of water within the county and to prohibit the use and maintenance of outhouses, privies, septic tanks or other unsanitary structures or appliances within the county;
 - (5) *Fees, charges, etc.* To fix and collect rates, fees and other charges to persons or property or both for the use of the facilities and services provided by any water system or sewer system or combined water and sewer system and to fix and collect charges for making connections with any such water system or sewer system or combined water and sewer system and to provide for the imposition of reasonable penalties on any users or property for any such rates, fees or charges that are delinquent;
 - (6) *Acquisition of property.* To acquire in the name of the county by purchase, gift or the exercise of the right of eminent domain, such lands and rights and interest therein, including lands under water and riparian rights and to acquire such personal property as it may deem necessary in connection with the construction, reconstruction, improvement, extension, installation, erection or operation and maintenance of any water system or sewer system or combined water and sewer system and to hold and dispose of such real and personal property;
 - (7) *Exercise jurisdiction, enforce rules, etc.* To exercise exclusive jurisdiction, control and supervision over any water system or sewer system or combined water and sewer system or any part thereof owned, operated and maintained by the county and to make and enforce such rules and regulations for the

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- maintenance and operation of any water system or sewer system or combined water and sewer system as may be, in the judgment of the Board of County Commissioners, necessary or desirable for the efficient operation of any such system or improvements in accomplishing the purposes of this article;
- (8) *Prevent violations.* To restrain, enjoin or otherwise prevent the violation of this article or of any resolution, rule or regulation adopted pursuant to the powers granted by this article;
 - (9) *Contracts.* To contract with municipalities or other private or public corporations or persons to provide or receive a water supply or for sewage disposal, collection or treatment;
 - (10) *Pretreatment of industrial wastes.* To prescribe methods of pretreatment of industrial wastes not amenable to treatment with domestic sewage before accepting such wastes for treatment and to refuse to accept such industrial wastes when not sufficiently pretreated as may be prescribed, and by proper resolution to prescribe penalties for the refusal of any person or corporation to so pretreat such industrial wastes;
 - (11) *Require use of facilities.* To require and enforce the use of its facilities whenever and wherever they are accessible;
 - (12) *Sale of sewage by-products.* To sell or otherwise dispose of the effluent, sludge or other by-products as a result of sewage treatment;
 - (13) *Construction and operation of mains, etc.* To construct and operate connecting, intercepting or outlet sewers and sewer mains and pipes and water mains, conduits or pipelines in, along or under any streets, alleys, highways or other public places or ways within the state or any municipality or political subdivision necessary for the purposes of this article; and
 - (14) *Financing.* Subject to such provisions and restrictions as may be set forth in the resolution authorizing or securing any bonds or other obligations issued under the provisions of this article, to enter into contracts with the government of the United States or any agency or instrumentality thereof, or with any county, municipality, district, authority or political subdivision, private corporation, partnership, association or individual providing for or relating to the treatment, collection and disposal of sewage, or the treatment, supply and distribution of water and any other matters relevant thereto or otherwise necessary to effect the purposes of this article, and to receive and accept from any federal agency, grants or loans for or in aid of the planning, construction, reconstruction or financing of any water system or sewer system or combined water and sewer system and to receive and accept aid or contributions or loans from any other sources of either money, property, labor or other things of value, to be held, used and applied for the purpose for which such grants, contributions or loans may be made.

Sec. 14-5. Bond Issuances Generally; Purchase of Water and Sewer Systems.

- (a) *Bonds authorized; payment of principal and interest.* The Board of County Commissioners, for and on behalf of the county, is authorized to provide from time to time for the issuance of revenue bonds of the county to pay all or any part of the cost of a water system or sewer system or combined water and sewer system, or any additions, extensions or improvements thereto. The principal of and interest on any such bonds shall be payable from the rates, fees, charges or other revenues derived from the operation of any such system or systems in the manner provided in this article and the resolution authorizing such revenue bonds and pledging such revenues. Such revenue bonds may also be additionally secured by the pledge of special assessments levied pursuant to this article.
- (b) *Scope of provisions; resolution authorizing bonds, etc.* The provisions of this section shall apply to any revenue bonds or assessment bonds issued pursuant to this article. Said bonds may be authorized by resolution or resolutions of the Board of County Commissioners, which may be adopted at the same meeting

at which they are introduced by a majority of all the members thereof then in office and need not be published or posted. Said bonds shall bear interest at a rate or rates not exceeding maximum interest rate allowed by law, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their respective dates, except that assessment bonds shall not mature later than two (2) years after the maturity of the last annual installment of the special assessments pledged for the payment of such assessment bonds, may be payable in such medium of payment, at such place or places within or without the state, may carry such registration privileges, may be subject to such terms of prior redemption, with or without premium, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form otherwise as such resolution or subsequent resolutions shall provide. Said bonds may be sold, or exchanged for refunding bonds, or delivered to contractors in payment for any part of the works or improvements financed by such bonds, or delivered in exchange for any properties, either real, personal or mixed, including franchises, to be acquired for such works or improvements, all at one time or in blocks from time to time, in such manner as the Board of County Commissioners in its discretion shall determine, and at such price or prices, computed according to standard tables of bond values, as will yield to the purchasers, or the holders of outstanding obligations surrendered in exchange for refunding bonds, or the contractors paid with such bonds, or the owners of any properties exchanged for such bonds, income at a rate not exceeding maximum interest rate allowed by law to the stated maturity dates of the bonds on the money paid or the principal amount of outstanding revenue bonds or assessment bonds exchanged for refunding revenue bonds or assessment bonds, or the amount of any indebtedness to contractors paid with such revenue bonds or assessment bonds, or the value of any properties exchanged for said revenue bonds or assessment bonds.

- (c) *Interim certificates, temporary bonds.* Pending the preparation of the definitive bonds, interim certificates or receipts or temporary bonds in such form and with such provisions as the Board of County Commissioners may determine may be issued to the purchaser or purchasers of the bonds issued hereunder. Said bonds and such interim certificates or receipts or temporary bonds shall be fully negotiable and shall be and constitute negotiable instruments within the meaning of and for all purposes of the law merchant and the negotiable instruments law of the State of Florida.
- (d) *Use of bond proceeds.* The proceeds of the sale of any such bonds shall be used solely for the payment of the costs of the construction or acquisition of any water system or sewer system or combined water and sewer system or the reconstruction or construction or acquisition of extensions, improvements and additions thereto, and shall be disbursed in such manner and under such restrictions, as the Board of County Commissioners may provide in the authorizing resolution. The Board of County Commissioners may also provide for the replacement of any bonds which shall have become mutilated and be destroyed or lost upon proper indemnification. Revenue bonds and assessment bonds may be issued under the provisions of this article without obtaining the consent of any commission, board, bureau or agency of the state, and without any other proceeding or happening of any other condition or thing than those proceedings, conditions or things which are specifically required by this article.
- (e) *Limitations in resolution.* A resolution providing for the issuance of revenue bonds may also contain such limitations upon the issuance of additional revenue bonds secured on a parity with the bonds theretofore issued, as the Board of County Commissioners may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such authorizing resolution.
- (f) *Purchase or acquisition of water or sewer systems.* The Board of County Commissioners may provide that upon the purchase or acquisition of any water system, sewer system or combined water and sewer system, part of the purchase price shall be paid to the owner thereof upon the purchase or acquisition of such water system, sewer system or combined water and sewer system, either in cash from the proceeds of such bonds or by the

delivery to such owner of bonds, and the remainder of such purchase price shall be paid to the owner of such system in installments from time to time during a future period not exceeding ten (10) years from the date of such purchase or acquisition of such system, and the amount of the part of the purchase price of such system to be paid in future installments may be based in whole or part upon the number of

connections made to the system being acquired from such owner by the county, or the number of connections made to such system in the area of service of such system whether made by the county or such owner, during such period of not exceeding ten (10) years.

- (g) *Retention of rights by seller of water or sewer system.* The county is hereby further authorized in connection with any such purchase or acquisition of any existing water system, sewer system or combined water and sewer system to agree that the owner of such existing system being purchased or acquired shall have the right to retain any rights, duties and obligations and powers under any agreements with developers of residential or business properties entered into by the owner of such existing system for the construction of and installation of water or sewer mains or facilities, or both, by such owner prior to the purchase and acquisition of such system by the county; and, further, that if such owner shall retain the rights and obligations under such developers agreement, such owner shall be entitled to continue and complete any construction of any parts of such system or facilities therefore provided for under such developers agreement and to retain any sums due to such owner upon the construction and completion of such parts of such system or facilities provided for in such developers agreement; provided, however, that if the county and the owner of such system being purchased and acquired shall so agree, the owner of such system may assign all his or its rights and obligations under such developers agreement to the county, and in such event, the county shall have the right to continue and complete the construction of any parts of such system or facilities therefore provided for in such developers agreement and be entitled in the place and stead of such owner, to collect all sums which may be due or become due to such owner under such developers agreement, as fully and to the same extent as the owner of said system would have had if the county had not purchased and acquired such system.
- (h) *Agreements to be just and fair.* It is further the intent of this article that the county and the owner of any water system, sewer system or combined water and sewer system shall have full power and discretion to enter into any and all agreements relating to the water system, sewer system or combined water and sewer system being purchased and acquired which are fair, reasonable and just, and which could be entered into by private corporations acquiring such water system, sewer system or combined water and sewer system and which, in the opinion of the Board of County Commissioners, is in the best interest of the inhabitants of said county.

Sec. 14-5.1. Issuance of Water, Sewer Revenue Bonds to Service Outstanding Bonds.

- (a) The Board of County Commissioners, for and on behalf of the county, is authorized by resolution to provide from time to time for the issuance of revenue bonds of the county to provide funds for the purpose of refunding any or all outstanding water and sewer revenue bonds of the county. Any such refunding may be affected by the county using the proceeds of its refunding revenue bonds, together with any other available moneys, to purchase obligations of the federal government the principal of and the interest on which, when due, will provide sufficient moneys to pay the principal, interest and redemption premium, if any, on the outstanding bonds to be refunded as the same become due whether at their respective maturities or upon the date selected for their redemption prior to maturity, and any associated expenses. For the purposes of this section, the Board of County Commissioners in its discretion may elect in the resolution or resolutions authorizing such refunding bonds to redeem all the revenue bonds to be refunded on one or more selected redemption dates, or so to redeem some of the bonds to be refunded and to allow the balance of the bonds to

be refunded to mature in accordance with their original principal payment schedule; provided, that in either case the redemption and the payments at maturity, together with interest and any redemption premium, will be provided from the proceeds of the revenue bonds authorized by this section, any other available moneys and investment earning thereon. In connection with any such refunding, the county may enter into contractual arrangements deemed necessary or desirable by the Board of County Commissioners with banks or other fiduciaries as to the escrowing, investment and application of refunding revenue bond proceeds, revenues of the county's water and sewer system, and any other available funds.

(b) The revenue bonds authorized by this section:

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- (1) May be secured by and payable from the revenue sources described in section 14-3(6) of this chapter, and in addition, by income derived from the investment of such revenue sources;
 - (2) May be sold in such manner as the Board of County Commissioners shall determine; and
 - (3) May bear interest at a rate or rates not exceeding the maximum rate then permitted under Florida law.

Sec. 14-6. Rates, Fees and Charges Generally.

- (a) *Initial schedule of rates, fees, charges; revisions.* The Board of County Commissioners shall fix the initial schedule of rates, fees or other charges for the use of the services and facilities to be furnished by any such water system or sewer system or combined water and sewer system to be paid by the owner, tenant or occupant of each lot or parcel of land which may be connected with or use any such system or systems of the county. After the system or systems shall have been in operation the Board of County Commissioners may revise the schedule of rates, fees and charges from time to time; provided, however, that such rates, fees and charges shall be so fixed and revised so as to provide sums, which, with other funds available for such purposes, shall be sufficient at all times to pay the expenses of operating and maintaining such water system or sewer system or combined water and sewer system, including reserves for such purposes, the principal of and interest on revenue bonds as the same shall become due and reserves therefore, and to provide a margin of safety over and above the total amount of any such payments, and to comply fully with any covenants contained in the proceedings authorizing the issuance of any bonds or other obligations of the county. The county shall charge and collect such rates, fees and charges so fixed or revised, and such rates, fees and charges shall not be subject to the supervision or regulation by any other commission, board, bureau, agency or other political subdivision or agency of the county or state.
- (b) *Rates, fees and charges to be just and equitable.* Such rates, fees and charges shall be just and equitable and uniform for users of the same class and where appropriate may be based or computed either upon the quantity of water consumed or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises or upon the number or average number of persons residing or working in or otherwise using or occupying such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors as may be determined by the Board of County Commissioners or on any other equitable basis.
- (c) *Public hearing required; notice; adoption.* No rates, fees or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all the users of the proposed sewer system or water system or combined water and sewer system, or owners, tenants or occupants served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed rates, fees and charges. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees and charges shall be given by one publication in a newspaper published in the county at least ten (10) days before

the date fixed in such notice for the hearing, which may be adjourned from time to time. After such hearing such schedule or schedules, either as initially adopted, or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees or charges finally adopted shall be kept on file in the Office of the Clerk of the Board of County Commissioners and shall be open at all times to public inspection. The rates, fees or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any hearing or notice. Any change or revision of such rates, fees or charges may be made in the same manner as such rates, fees or charges were originally established as hereinabove provided; provided, however, that if such changes or revisions be made substantially pro rata as to all classes of service no hearing or notice shall be required.

- (d) *Each system to have separate schedules.* A separate and different schedule of rates, fees and charges may be fixed, established and maintained by the county, in the manner and under the procedures herein provided, for each individual water system, sewer system or water and sewer system now owned or hereafter constructed or acquired by the county, whether such water system, sewer system or water and sewer

system shall be operated singly or shall be hereafter combined and consolidated with any other water system, sewer system or water and sewer system now owned or hereafter to be acquired by the county.

Sec. 14-7. Proceeds of Bonds to Constitute Trust Funds.

The proceeds of all bonds or other obligations issued under this article and all revenues derived from the operation of any water system or sewer system or combined water and sewer system for the payment of all or part of the cost of which any bonds or other obligations authorized by this article have been issued shall be and constitute trust funds, and shall be used and applied only in accordance with the proceedings authorizing the issuance of any revenue bonds, assessment bonds or other obligations issued pursuant to this article, and the Board of County Commissioners may appoint trustees, within or without the state, under trust agreements or indentures to hold and administer the proceeds of any such bonds or other obligations or any such revenues.

Sec. 14-8. Specific Provisions Authorized in Resolution Authorizing Bond Issuance.

- (a) In addition to the other provisions and requirements of this article, any resolution authorizing the issuance of revenue bonds, assessment bonds or any other obligations issued hereunder, may contain provisions and the Board of County Commissioners is authorized to provide and may covenant and agree with the several holders of such bonds as to:
- (1) Reasonable deposits with the county in advance to insure the payment of rates, fees or charges for the facilities of the system;
 - (2) The discontinuance of the services and facilities of any water system or sewer system or combined water and sewer system for delinquent payments for either water services or sewer services and the terms and conditions of the restoration of such services;
 - (3) Contracts with private or public owners of a water system or sewer system not owned and operated by the county for the discontinuance of service to any users of the water system or sewer system or combined water and sewer system, as the case may be, owned and operated by the county;
 - (4) Limitations on the powers of the county to construct, acquire or operate, or permit the construction, acquisition or operation of any plants, structures, facilities or properties which may compete or tend to compete with any water system or sewer system or combined water and sewer system;

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- (5) The manner and method of paying service charges and rates and the levying of penalties for delinquent payments;
 - (6) Subject to this article, the manner and order of priority of the disposition of revenues or redemption of any bonds or other obligations;
 - (7) Terms and conditions for modification or amendment of any provisions or covenants in any such proceedings authorizing the issuance of bonds or other obligations;
 - (8) Provisions for and limitations on the appointment of a trustee for bondholders for any water system or sewer system or combined water and sewer system;
 - (9) Provisions as to the appointment of a receiver of any sewer system or water system or combined water and sewer system, on default of payment of principal or interest on any such bonds or other obligations or the breach of any covenant or condition of such authorizing proceedings or the provisions and requirements of this article;
 - (10) Provisions as to the execution and entering into of trust agreements regarding the holding and disposition of revenues derived from such systems and the proceeds of bonds issued for the cost of

acquisition or construction or improvement of a water system or sewer system or combined water and sewer system, or for any other purposes necessary to secure any such bonds;

- (11) Provisions as to the maintenance of any such system or systems and reasonable insurance thereof; and
 - (12) Any other matters necessary to secure such bonds and the payment of the principal and interest thereof.
- (b) All such provisions of the bond proceedings and all such covenants and agreements in addition to the other provisions and requirements of this article shall constitute valid and legally binding contracts between the county and the several holders of any such bonds and shall be enforceable by any such holder or holders by mandamus or other appropriate action, suit or proceeding in law or in equity in any court of competent jurisdiction.

Sec. 14-9. Lien for Unpaid Water and Sewer Charges; Foreclosure.

- (a) In the event that the fees, rates or charges for the services and facilities of any water or sewer system or combined water and sewer system shall not be paid as and when due, any unpaid balance thereof and all interest accruing thereon shall be a lien on any parcel or property affected thereby as hereinafter prescribed.
- (b) The County Manager or his/her designee may mail, within sixty (60) days from the date of default on said water or sewer or said water and sewer bill, a notice of default to the property owner. Said notice shall be sent by first-class mail to the most recent address shown on the most recent ad valorem tax roll. If such notice be returned unclaimed, then a copy of such notice shall be posted in a conspicuous place on the property receiving water or sewer or water and sewer services. The notice shall direct the property owner to pay, within thirty (30) days after the date thereof, any unpaid balance for water or sewer or water and sewer services. Said notice shall further state that in the event the property owner does not pay the charges, any unpaid amounts and all interest accruing thereon shall become a lien upon the parcel or property affected thereby. In the event the balance of the bill continues unpaid beyond the prescribed thirty-day period, the Board of County Commissioners of Hardee County, Florida, may, by resolution, assess a lien on behalf of Hardee County against

any such parcel or property for any unpaid balance of said fees, rates or charges and all interest accruing thereon. Such liens shall be superior and paramount to the interest in such parcel or property of any owner, lessee, tenant, mortgagee or other person or entity, excepting only the lien of county taxes and said lien shall be on a parity with the lien of such county taxes. A notice of lien, in such form as the Board of County Commissioners of Hardee County, Florida, shall determine, may be recorded in the official records book of Hardee County and shall constitute a lien upon said property from the date of the adoption of the resolution assessing the lien against the parcel or property affected thereby. The notice of lien shall be prima facie evidence of the debt to the county and shall bear interest at the legal rate. The unpaid balance thereof and all interest accrued thereon, together with attorneys' fees and costs, may be recovered by the county in a civil action, and any such lien and accrued interest may be foreclosed or otherwise enforced by the county by action or suit in equity as for the foreclosure of a mortgage on real property.

Sec. 14-10. Effect of Article on Bond Obligations.

No proceedings in respect of the issuance of revenue bonds, assessment bonds or other obligations authorized by this article shall be necessary except such as are required by this article. The provisions of this article shall constitute an irrevocable contract between said county and the holders of any such bonds or coupons thereof issued pursuant to the provisions hereof. Any holder of such bonds may either at law or in equity, by suit, action or mandamus, enforce and compel the performance of the duties required by this article or of any of the officers or persons herein mentioned in relation to said bonds, or the levy, assessment, collection and enforcement and application of the revenues, assessments and other funds pledged for the payment of the principal and interest thereof.

Sec. 14-11. Special Assessments.

The Board of County Commissioners may provide for the construction or reconstruction of assessable improvements as defined in section 14-3 hereof, and provide for funding of such improvements through special assessments levied and collected pursuant to the authority and procedures set forth in sections 125.01(1)(q) and (r), Florida Statutes, Chapter 153, Florida Statutes, and/or section 197.3632, Florida Statutes, or pursuant to any other method authorized by law.

Sec. 14-12. Issuance of Certificates of Indebtedness and Assessment Bonds; Form and Contents.

- (a) The Board of County Commissioners may, after any assessments for assessable improvements are made, determined and confirmed as provided in section 14-11, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefited, as the case may be, and separate certificates shall be issued against each part or parcel of land assessed, which certificates shall state the general nature of the improvement for which the said assessment is made. Said certificates shall be payable in annual installments in accordance with the installments of the special assessments for which they are issued. The Board of County Commissioners may determine the interest to be borne by such certificates at a rate no greater than maximum interest rate allowed by law, and may sell such certificates at either private or public sale and determine the form, manner of execution and other details of such certificates. Such certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any revenue bonds or assessment bonds issued to finance in whole or

in part such assessable improvements, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

- (b) The Board of County Commissioners may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in paragraph (a) may be deposited; or, if such certificates of indebtedness have not been issued, the Board of County Commissioners may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in section 14-11, unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The Board of County Commissioners is hereby authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest and penalties thereon for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund, and to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in said special fund, after such assessment liens have become delinquent and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund, and to further make any other necessary covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.
- (c) All assessment bonds or other obligations issued under the provisions of this article, except certificates of indebtedness issued against separate parcels of land as provided in this section, shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

Sec. 14-13. Annual Report.

The Board of County Commissioners shall cause to be made at least once a year a comprehensive report of each water system or sewer system or combined water and sewer system, including all matters relating to rates, revenues, expenses of maintenance, repair and operation and renewals and capital replacements, principal and interest requirements and the status of all funds and accounts. Copies of such report shall be filed with the Clerk of the Board of County Commissioners and shall be open to public inspection.

Sec. 14-14. Exemption from Taxation.

As the exercise of the powers conferred by this article constitutes the performance of essential public functions and as any water system or sewer system or combined water and sewer system constructed under the provisions of this article constitutes public property used for public purposes, such water systems, sewer systems or combined water and sewer system and all properties, revenues, or other assets thereof [and all bonds issued hereunder and the interest thereon, shall be exempt from taxation by the state, or any political subdivision, agency or instrumentality thereof].

Sec. 14-15. Bonds as Securities for Public Bodies.

All revenue bonds and assessment bonds issued pursuant to this article shall be and constitute legal investments for state, county, municipal and all other public funds and for banks, savings banks, insurance companies, executors, administrators, trustees and all other fiduciaries, and shall also be and constitute securities eligible as collateral security for all state, county, municipal or other public funds.

Sec. 14-16. Bonds as Payment for Services.

The Board of County Commissioners is authorized to enter into agreements for the delivery of any revenue bonds or assessment bonds at one time or from time to time as full or partial payment for the services of any engineer or work done by any contractor who may have been retained or hired or been awarded a contract for the construction of all or any part of a water system or sewer system or combined water and sewer system, provided, however, that any such bonds so delivered for payment of such services or work performed shall have been authorized and issued in the manner provided in this article and shall otherwise conform to the provisions hereof.

Sec. 14-17. Consolidation of Systems.

Any water system or sewer system of the county may, by resolution of the Board of County Commissioners, be combined into a single consolidated system for purposes of financing or of operation and administration or both.

Sec. 14-18. Free Water and Sewer Service Prohibited.

The same rates, fees and charges shall be fixed and collected from the county and any school district or other political subdivision using the services and facilities of the water system or sewer system or combined water and sewer system, as are fixed and collected from other users of such facilities in the same class. No free water or sewer services shall be rendered by the county and no discrimination shall exist in the fees, rates and charges for users of the same class for any given water and/or sewer system. This section shall not require the charging of identical rates for users of different systems within the county.

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Sec. 14-19. Contracts Enforceable by Bondholders.

Any contract entered into by the county shall be deemed to have been made for the benefit of any holders of bonds issued pursuant to this article to the extent necessary, and the terms of any such contract shall be enforceable by such bondholders in any appropriate legal proceeding. Any such contract if made with another public body or municipality shall be enforceable without the requirement of formal consideration.

Sec. 14-20. Board Approval of Construction of Water and Sewage Facilities.

No sewage disposal plant or other facilities for the collection and treatment of sewage or any water treatment plant or other facilities for the supply and distribution of water, shall be constructed within any area of operation of a water system, sewer system or combined water and sewer system unless the Board of County Commissioners shall give its consent thereto and approve the plans and specifications thereof; subject, however, to the terms and provisions of any resolution authorizing any bonds and agreements with bondholders.

Sec. 14-21. Construction of Provisions.

The provisions of this article shall be liberally construed to affect its purposes and shall be deemed cumulative, supplemental and alternative authority for the exercise of the powers provided herein.

Secs. 14-22—14-32. Reserved.

ARTICLE II. WATER AND SEWER CONNECTION ORDINANCE

Sec. 14-33. Short Title; Application.

This article is to be known as the "Hardee County Water and Sewer Connection Ordinance," and shall apply to all areas of Hardee County.

Sec. 14-34. Mandatory Connection

General. It shall be the County's policy to require connections to the County's Utility System, under circumstances described herein, to protect and preserve the public safety, health or welfare, or to comply with the requirements of County financing instruments such as grants, loans or bonds. The following requirements are intended to comply with that policy. All such connections shall be made in accordance with the rules and regulations which shall be adopted from time to time by the Board of County Commissioners, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as the Board may fix and determine.

Sec. 14-35. Exceptions to Connection Requirements.

This section shall not be construed to require or entitle any person to cross the private property of another to make any such water or wastewater connection, or require that a water or wastewater connection be made across a State highway or railroad right-of-way unless the County deems it to be in the best interest of the citizens of the County.

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- (a) **Mandatory Water Connections.** Mandatory water connections shall be based on the class of service provided, and whether the service is considered as existing or new under this ordinance.
 - (1) **Residential.** All property containing uses that would be classified under this Ordinance as Residential Consumers, and whose property line is not located within 100 feet of the existing water main as of the effective date of this ordinance, shall be required to connect to the County Utilities when the County's Water Main lies within 100 feet of the property line of that residential property, or is across no more than two lanes of roadway. Potential new applicants must pay all fees and connect prior to issuance of a certificate of occupancy, while existing Potential applicants shall pay all fees and connect to the Water Utility Facilities within three hundred and sixty-five (365) days of notice of such requirement by the County, but must pay all fees prior to obtaining service. Although payment of fees and connection may be delayed as described above, the existing residential property owner shall apply for service no later than sixty (60) days after receiving notice of the requirement.

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- (2) Commercial & Industrial. All Potential new commercial and industrial applicants within 500 feet of existing water main shall connect to the water main prior to receiving a certificate of occupancy.
 - (3) Unlawful connection. No person shall be allowed to connect into any water line owned by the County without the written consent of the County, and then the connection with such line shall be made only under the direction and supervision of the County. Any person who shall make any connection without such consent of the County shall upon conviction be subject to the penalties provided in Sections 14-37 through 14-38 hereof.
 - (4) Connecting existing plumbing. Whenever it is desirable to connect existing plumbing with the County water line, the owner or plumber contemplating doing such work shall notify the County or designee, who will inspect the existing plumbing and notify the owner or plumber what alterations will be necessary to place the existing plumbing in an acceptable condition for such connection. Any person who shall make any connection without such approval shall, upon conviction, be subject to the penalties provided in Sections 14-37 through 14-38 hereof.
 - (5) Separate connections for each separate unit. Each residential unit, whether occupying one or more lots and whether it shall occupy any lot or parcel jointly with any other residential unit, shall be considered a separate unit for the payment of the water fees and separate connections and meters will be required for each of such units.
- (b) Mandatory Wastewater Connections. Mandatory wastewater connections shall be based on the class of service provided, and whether the service is considered as existing or new under this Ordinance. All such connections shall be made in accordance with the rules and regulations which shall be adopted from time to time by the Board of County Commissioners, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as the Board may fix and determine.
- (1) Residential. All property containing uses that would be classified under this Ordinance as Residential consumers, shall be required to connect to the wastewater utility facilities and pay all required fees, and become a continuous wastewater customer of the County Utilities when the County' s gravity wastewater utility facilities lies within 100 feet of the property line of that residential property, or is across no more than two lanes of roadway. Potential new applicants must pay all fees and connect prior to issuance of a certificate of occupancy, while existing potential applicants shall pay all fees and connect to the wastewater utility facilities within three hundred and sixty-five (365) days of notice of such requirement by the Utilities Department or Code Enforcement Officer, but must pay all fees prior to obtaining service. Although payment of fees and connection may be delayed as described above, the existing residential property owner shall apply for service no later than sixty (60) days after receiving notice of the requirement.
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- (2) Commercial & Industrial. All potential new commercial and industrial applicants within 500 feet of existing utility facilities shall connect to those utility facilities prior to receiving a certificate of occupancy. In the event that an existing septic tank or drain field requires replacement, that facility shall be considered a potential new applicant, and shall connect if within 500 feet as discussed above.

Sec. 14-36 Enforcement Procedures.

The provisions of this ordinance shall be enforced by the County Manager, or his designee.

Sec. 14-37 Compliance Requirement: Remedies.

All Applications for water and/or sewer service, and users thereof, including special agreements, shall comply with this Ordinance. Any person, firm, or corporation, either individually or through agents, employees, or independent contractors who shall violate the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each violation or imprisonment for not more than sixty (60) days in County Jail for each violation, or both, and each day of violation shall constitute a separate offence. If within any provision of this ordinance there exists a specific enforcement of punishment provision, the specific provision shall take precedent over the provisions of this section 14-37.

Sec. 14-38 Additional and/or Alternative Remedies Available: Disconnection, Injunction.

The remedies herein are alternative of supplemental and do not prohibit the County from seeking any and all other forms of relief available under the law. In addition to any other remedies or relief available, the County may disconnect service to the Applicant, enjoin any violation of this ordinance.

Sec. 14-39 – Sec. 14-40 Reserved.

ARTICLE III. WATER, SANITARY SEWER AND SEPTIC TANK ORDINANCE

Sec. 14-41. Short Title and Application.

This article is to be known as the "Hardee County Water, Sanitary Sewer and Septic Tank Ordinance," and shall apply county-wide.

Sec. 14-42. Declaration of Legislative Findings.

- (a) In order to protect and preserve the quality of the water as a natural resource of Hardee County, and in order to ensure the continued public health and safety of the residents of Hardee County by preventing significant damage to the environment and drinking water resources, the Board recognizes the need to enact appropriate water, sanitary sewer, and septic tank regulations.
- (b) Many homeowners in Hardee County who utilize private potable wells use treatment units that are relatively effective in improving the aesthetic quality of the water but are ineffective in removal of pathogenic bacteria and viruses that can cause waterborne disease outbreaks. Furthermore, potential chemical contamination of the groundwater offers an added health risk to users of private potable wells.
- (c) The Board of County Commissioners of Hardee County ("Board") finds that violations of Sections 14-33 through 14-50 of this chapter constitute a public nuisance, the abatement of which is necessary to protect the health, safety, and welfare of Hardee County's residents and its environment.

Sec. 14-43. Applicable Area.

The Board declares that this article is an environmental regulation that shall apply countywide

Sec. 14-44. Survey Requirements; Private Water System Requirements.

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- (a) Prior to the issuance of a septic tank permit for any lot, plot or parcel of ground, a survey of the property shall be prepared and certified by a registered land surveyor and submitted to the Hardee County Health Department for approval showing the following:
 - (1) Sea level datum benchmark or reference point located within 200 feet of the property based on the National Geodetic Vertical Datum as established by the National Oceanic and Atmospheric Administration;
 - (2) Elevation of the crown of the road or roads adjacent to the property;
 - (3) Location and distance of any private well, septic systems, or surface waters within 75 feet of the property, or any public well within 200 feet of the property;
 - (4) The existing site elevation at the location of the proposed system.
 - (b) Prior to the issuance of a certificate of occupancy for a single or multifamily dwelling or commercial or industrial building, the water system, if other than an approved public water distribution system, shall have been inspected and approved by the Hardee County Health Department with respect to:
 - (1) Proximity to sources of contamination;
 - (2) Well construction;
 - (3) Well surface protection;
 - (4) Disinfection of the system and bacteriological quality of the water supply.

Sec. 14-45. Connection to Public Water Supply and/or Sanitary Sewers which are Located Within One-quarter Mile of a Proposed Subdivision.

- (a) When subdivisions are comprised of premises used or intended for human habitation, or other establishments where a water supply is or may be used for human consumption, and where such subdivision is located within one-quarter ($\frac{1}{4}$) mile of available public water distribution or sanitary facilities as accessed via dedicated easements or rights-of-way, the developer of such subdivision shall extend the water supply mains and/or sanitary sewers and connect all lots thereto. These requirements shall apply to new development and redevelopment of all non-residential subdivisions, and all residential subdivisions of five (5) or more lots one (1) acre or less in size.
- (b) The one-quarter ($\frac{1}{4}$) mile distance between the existing water main or sanitary sewer in a dedicated right-of-way and the subdivision shall be measured between the point within the subdivision nearest to the existing water main or sanitary sewer as accessed via existing easements or rights-of-way.
- (c) The material coupling to water or sanitary sewer service shall be made in accordance with the requirements of all applicable rules and regulations of any county, state, or municipal agency having jurisdiction thereof.
- (d) The provisions of this section shall not apply when a utility cannot provide a public water distribution system or sanitary sewer system due to the utility's franchise limitations or the inability or unwillingness of a city to extend its water or sewer systems.

Sec. 14-46. Regulation of Septic Tank Usage.

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- (a) All new septic system drain fields shall be constructed so that the absorption surface of the drain field shall not be subject to flooding based on ten (10) year flood elevations shown on the Hardee County's Ten (10) Year Flood Elevation Map, as amended. A proposed septic system to serve an addition or modification to an existing structure served by a previously approved septic system may be exempted from this requirement. Such an exemption may be granted if the proposed or modified drain field cannot be constructed to achieve compliance with the ten (10) year flood elevation due to existing plumbing elevations, provided that a minimum twenty-four (24) inch separation between the seasonal high-water table and the bottom surface of the septic system drain field is maintained as required by Rule 64E-6, F.A.C., as amended.
 - (b) Where there exists an approved public water distribution system available to serve the building site, platted or unplatted, there shall be no installation of a septic tank, and no permit for the installation of any septic tank shall be issued when greater than one thousand five hundred (1,500) gallons of wastewater a day per unsubmerged acre of land will be generated by the actual projected use of the building site proposed for installation of a septic tank.
 - (c) In the event there is not an approved public water distribution system available to serve the building site, platted or unplatted, then no permit for the installation of any septic tank shall be issued where greater than seven hundred fifty (750) gallons of wastewater a day per unsubmerged acre of land will be generated by the actual or projected use.
 - (d) This section is not to be construed as authorizing the use of septic tanks where the issuance of a permit is otherwise prohibited by law, state or county codes. The provisions of subsections (b) and (c) relate to multifamily (five (5) or more dwelling units), commercial and industrial-zoned lots, and are applicable to new and existing subdivisions.

Sec. 14-47. Regulation of On-site Private Water Systems.

- (a) It shall be unlawful to install any on-site water supply well without first obtaining a well construction permit from the Hardee County Health Department.
- (b) Prior to the issuance of a construction permit for an on-site potable water system, a plot plan shall be submitted to the Hardee County Health Department showing location of the proposed well.
- (c) The Hardee County Health Department shall inspect the construction of each on-site private water system for compliance with the following:
 - (1) All premises intended for human habitation or occupancy shall be provided with a supply of potable water.
 - (2) The well casing shall be a continuous length of new pipe and shall terminate not less than thirty (30) feet below grade in a suitable aquifer. Pipe six (6) inches or less in diameter shall be galvanized or approved PVC. Well shall be developed and free of all loose sand and stone.
 - (3) A tee, of the same size as the casing, shall be installed on the top of the well to allow for proper inspection, introduction of disinfecting agents, and for measurements of depth and static water level.
 - (4) The well shall be so located as to be free of danger of contamination from unsafe water supply and shall be at least seventy-five (75) feet from a septic tank, drain field, soakage pit, or discharge well and of sufficient depth to provide a protected source of potable water.
 - (5) Before a new potable water supply well or one which has been repaired is placed in use, it shall be disinfected in accordance with the method approved by the Hardee County Health Department and shall be pumped clear of disinfecting agent after disinfection.

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- (6) A concrete pad, eighteen (18) inches in diameter, a minimum of four (4) inches thick, shall be poured around the well casing of both driven and drilled wells. Such pad shall be placed on grade and poured with four-inch wire mesh, and the surface shall slope outwardly. The well casing shall extend above the pad to permit disinfection.
 - (7) Rotary drilled wells shall be provided with a casing as set forth in paragraph (2) above, and annular space between the bored hole and the casing shall be filled with a neat cement grout.
 - (8) The licensed well driller shall provide the Hardee County Health Department with certification on a form provided as to well depth, construction method and materials used. Water system approval shall be contingent upon receipt of satisfactory certification.

Sec. 14-48. Reserved.

Sec. 14-49. Penalties and Remedies.

- (a) Any developer or property owner determined to be in violation of Section 14-45 of this article, or who is determined to have installed or be operating a septic tank in violation of either Section 14-46(a) or 14-46(b) of this article, shall be required to pay a civil penalty of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each repeat violation. Each day such violation continues shall constitute a separate offense.
- (b) These penalties shall not preclude any other remedies, including injunctive relief, otherwise available at law or in equity.

Sec. 14-50. Enforcement.

- (a) This article shall be applicable in the incorporated and unincorporated areas of Hardee County, with enforcement in the unincorporated areas being the responsibility of Hardee County and enforcement in the incorporated areas being the responsibility of the respective municipalities.
- (b) Every code enforcement officer having jurisdiction in the area governed by this article shall, in addition to all other duties imposed by law, enforce the provisions of this article.
- (c) Violations of this article are civil infractions and, as such, may be enforced pursuant to the provisions of Hardee County Code of Ordinances ("Code"), specifically, Chapter 3, with penalties assessed pursuant to Ch. 162, F.S., or any applicable code enforcement provision.

ARTICLE IV. SERVICE CLASSES AND RATES

DIVISION 1. CLASSES OF SERVICE

Secs. 14-51 Classes of Service.

- (a) *General.* The County shall establish different classes of service for implementation of rates and charges for consumers. The classes of service shall be established to reflect the use and demand on the Utility System, as well as other lawful considerations.
- (b) *Classes of Water Service.* There shall be three (3) classes of water service established for County service.

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- (1) *Residential.* Residential Service Consumers shall include normal, domestic water flows to single family homes, individually-metered trailers or recreational vehicles not within parks or communities of similar types of trailers or recreational vehicles, and permanently installed on property owned or leased by the consumer. It shall include duplex units or triplex units individually metered.
 - (2) *Commercial.* All Consumers, which are neither residential nor industrial, are commercial customers. Such Consumers shall include, but are not limited to, mobile home or recreation vehicle parks, apartments, schools, churches, warehouses, restaurants, convenience marts and other stores, shops and all forms of commercial establishments except industrial Consumers.
 - (3) *Industrial.* All Consumers which are businesses listed in the Standard Industrial Codes (SIC), or which, by the nature of their business are considered by the County' s Engineer to use public water to process or produce products.
- (c) *Classes of Wastewater Service.* There shall be three (3) classes of wastewater service established for County service.
- (1) *Residential.* Residential Service Consumers shall include normal, domestic wastewater flows from single family homes, individually-metered trailers or recreational vehicles not within parks or communities of similar types of trailers or recreational vehicles, and permanently installed on property owned or leased by the consumer. It shall include duplex units
 - (2) *Commercial.* All Consumers, which are neither residential nor industrial. Such Consumers shall Include, but are not limited to mobile home or recreation vehicle parks, apartments, schools, churches, warehouses, restaurants, convenience marts and other stores, shops and all forms of commercial establishments requiring a County occupational license except industrial Consumers.
 - (3) *Industrial.* All Consumers which are businesses listed in the Standard Industrial Codes (SIC), or which, by the nature of their business are considered by the County' s Engineer to have a reasonable likelihood of discharging wastewater other than domestic wastewater, with the exception of oils and grease discharges from restaurants.
- (d) *Subclasses Based on Billing Technique.* Within each class of service, the County may establish a subclass for customers based on the manner in which the County determines the amount to charge the Consumer for the service, such as, but not limited to:
- (1) *Metered service.* When the customer's service flows are metered.
 - (2) *Flat Rate Service.* When the Consumer's service is not metered, or water is metered but wastewater service charges is not based on water flows.
 - (3) *Bulk Service* - Where service is sold to another entity for resale to that entity' s consumers.
 - (4) *Guaranteed Revenues* - When an Applicant has contracted for service, but has not yet connected, has connected, but has not used the full capacity reserved in its favor, that Applicant shall, by Special Agreement, pay the costs associate with holding that capacity for the Applicant's future use. The Commission shall, by resolution, establish a charge for Guaranteed Revenues.
 - (5) *Contractual* - In special circumstances, the County establishes charges for services based solely on contractual agreements.

14.52—14-57. Reserved.

DIVISION 2. SCHEDULE

Sec. 14-58. Schedule of Rates, Fees and Charges for Water and Sewer Services Rendered by the Hardee County Utilities .

The schedule of rates, fees and charges for water and sewer services rendered by the Hardee County Utilities shall be established by resolution of the Board of County Commissioners at a duly publicized public hearing in accordance with section 14-6 of this chapter. Existing rates and fees in effect prior to this ordinance shall be in effect until changed by resolution.

Secs. 14-59—14-100. Reserved.

ARTICLE V. PRIVATE SYSTEMS

Sec. 14-101. Definition.

The term "privately owned water and/or sewer system," as used herein, means and includes every person, corporation, partnership, association or other legal entity (other than a governmental agency), and their lessees, trustees or receivers, now or hereafter either owning, operating, managing or controlling any plant or other facility supplying water and sewerage service to or for the citizens of Hardee County, Florida, directly or indirectly, for compensation.

Sec. 14-102. County Exemption from Regulation by Public Service Commission.

In accordance with Section 367.171(3), F. S., Hardee County is exempt from the provisions of Chapter 367, F.S.

Sec. 14-103. Regulation by County Authorized.

14The Board of County Commissioners of Hardee County, Florida, or its duly authorized agents, shall have the power and authority to regulate and control the operation of all privately owned water and/or sewer systems which operate in Hardee County, excluding therefrom all privately owned water and/or sewer systems operating under existing franchises with municipalities when said municipalities adopt a resolution declaring that said municipalities shall exercise control and regulation of said franchised private water and/or sewer systems under authority of the common law of the State of Florida and/or special acts of the legislature.

Sec. 14-104. Applications for Rate Changes; Power of County to Fix Rates; Investigation.

14 All applications for changes in rates shall be made to the Board of County Commissioners of Hardee County, or its duly authorized agents, in writing, and shall be governed by the rules of procedure as adopted by the Board of County Commissioners of Hardee County, or its duly authorized agents, for such purpose. The Board of County Commissioners of Hardee County, or its duly authorized agents, shall have the authority to determine and fix fair, just and reasonable rates that may be requested, demanded, charged or collected by any privately-owned water and/or sewer system for its services. The Board of County Commissioners of Hardee County, or its duly authorized agents, shall investigate and determine the actual legitimate cost of the property to each said utility company actually used and useful in the public service, and shall keep a current record of the net investment of each utility company in said property, which value, as determined by the Board of County Commissioners of Hardee County, or its duly authorized agents, shall be used for rate-making purposes and shall be the money honestly and prudently invested by the said utility company in such property used and useful in serving the public, less accrued depreciation, and shall not include any goodwill, going concern value or franchise value, or contributions in aid of construction in excess of payments made therefore.

Sec. 14-105. Filing of Rates and Charges with County.

14All privately owned water and/or sewer systems which operate in Hardee County, Florida, shall file with the Board of County Commissioners of Hardee County, or its duly authorized agents, a schedule of all rates then being charged to customers of the utilities.

Sec. 14-106. Violations.

If any privately owned water and/or sewer system, by any authorized officer, agent or employee, shall knowingly refuse to comply with or willfully violate any of the provisions of this article or any lawful rate, rule or regulation, order, direction, demand or requirement prescribed by the Board of County Commissioners of Hardee County, or its duly authorized agents, such utility shall incur a penalty for each such offense of not more than one thousand dollars (\$1,000.00) to be fixed, imposed and collected by the Board of County Commissioners of Hardee County or its duly authorized agents. Each day that said refusal continues shall constitute a separate offense, and each penalty shall be a lien upon the real and personal property of the utility, enforceable by the Board of County Commissioners of Hardee County, or its authorized agents, as statutory liens under Chapter 86, F.S., the proceeds of which shall be deposited in the general revenue fund of Hardee County.

Secs. 14-107—14-137. Reserved.

ARTICLE VI. WASTEWATER DISCHARGE STANDARDS

Sec. 14-138. General Provisions.

- (a) *Purpose and Policy.* This article sets forth uniform requirements for users of the Wastewater Facility ("WWF") of Hardee County and enables the County to comply with all applicable federal and state laws required by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.), the General Pretreatment Regulations (40 CFR, Part 403), and Chapter 62-625, Florida Administrative Code (F.A.C.).

This article shall apply to the WWF, all industrial users of the WWF, and to persons outside the system who are, by contract or agreement with the County, users of the WWF. Except as otherwise provided herein, the Manager of Hardee County Water and Wastewater Services ("Director") shall administer, implement, and enforce the provisions of this article. Any powers granted to, or duties imposed upon, the Director may be delegated by the Director to other Control Authority personnel.

- (b) Objectives of this section are:

- (1) To prevent the introduction of pollutants into the County wastewater system, which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the County wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the County wastewater system.

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- (c) *Definitions.* The following terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where a provision explicitly states otherwise. The use of the singular shall include the plural, and plural shall include the singular as indicated by context. Where terms have not been defined in this section, they shall have their accepted meanings or such as context may imply. "May" is permissive. "Shall" is mandatory.
- (1) *Act or "the Act"* shall mean the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.), also known as the Clean Water Act of 1977.
 - (2) *Authorized representative of the industrial user* shall mean:
 - a. 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;
 - b. The manager of one (1) or more manufacturing, production, or operation facilities, provided that the manager (i) is authorized to make decisions that govern the operation of the regulated facility, including having the explicit and implicit duty to make major capital investment recommendations, and to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; (ii) can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and (iii) has been assigned and delegated the proper authority;
 - c. An authorized partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively; or
 - d. A director or highest official appointed or designated to oversee the operation and performance of the activities of a government facility, or authorized designee, if the industrial user is a federal, state, or local governmental facility.
 - (3) *Best Management Practices ("BMPs")* shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Rules 62-625.400(1)(a) and (2), F.A.C. BMPs shall 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. BMPs shall also include alternative means (i.e., management plans) of complying with, or in place of, certain established categorical pretreatment standards and effluent limits.
 - (4) *Biochemical oxygen demand* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in terms of mass and concentration.
 - (5) *Biosolids* shall mean the nutrient rich organic materials resulting from the treatment of sewage sludge.
 - (6) *Building sewer* shall mean the extension from the building drain to the public sanitary sewer or other place of disposal; also called a house connection, which conveys wastewater from the premises of an industrial user to the WWF.
 - (7) *Categorical industrial 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 405-471, as of July 1, 2009, hereby adopted and incorporated by reference.

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- (8) *Categorical pretreatment standards or categorical standards* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act that apply to a specific category of industrial users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

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- (9) *Chemical oxygen demand* shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
 - (10) *Conventional parameter* shall mean biochemical oxygen demand, total suspended solids, pH, fecal coliform bacteria, and any additional parameters identified in the WWF's National Pollutant Discharge Elimination System ("NPDES") permit for which the WWF is designed to treat.
 - (11) *Composite sample* shall mean a sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
 - (12) *Constituents* shall mean the particles and dissolved substances which exist in wastewater.
 - (13) *Control Authority* shall mean Hardee County Water and Wastewater Services.
 - (14) *Cooling water* shall mean the water discharged from uses such as air conditioning, cooling, or refrigeration, to which the only pollutant added is heat.
 - (15) *Daily maximum* shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.
 - (16) *Daily maximum limit* shall mean the maximum allowable discharge limit of a pollutant during a calendar day.
 - (17) *Director* shall mean the Director of Hardee County Water and Wastewater Services or designee.
 - (18) *Discharge* shall mean the introduction of pollutants into the wastewater facility from any nondomestic source regulated under Chapter 403, Florida Statutes.
 - (19) *Discharge permit* shall mean wastewater discharge permits and waste hauler discharge permits.
 - (20) *Domestic wastewater* shall mean the human body wastes from sanitary fixtures, domestic laundry wastes, or water-borne solid or grease wastes generated by food preparation.
 - (21) *Effluent* shall mean the wastewater or other liquid, whether partially or completely treated or in its natural state, flowing out of a reservoir, basin, treatment process, or treatment plant.
 - (22) *Enforcement Response Plan ("ERP")* shall mean the Florida Department of Environmental Protection (FDEP) approved enforcement procedures followed by the Control Authority to identify, document, and respond to any violations of this article.
 - (23) *Existing source* shall mean any source of pollutant that is not a new source.
 - (24) *Flow proportional composite sampling* shall mean a sample consisting of several individual portions in which each portion of the sample is proportional to the flow and combined to form a representative sample.
 - (25) *Four-day average values* shall mean the average of daily values for four (4) consecutive monitoring days.
 - (26) *Garbage* shall mean the solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
 - (27) *Grab sample* shall mean a sample that is collected from a single waste stream over a period of time not exceeding fifteen (15) minutes, with no regard to the flow in the waste stream.
 - (28) *Grease trap* shall mean a device for removing food-related grease from wastewater by allowing the retained liquid to cool and the grease to solidify, thereby allowing the grease to be separated by floatation and rise to the top of the trap, where it is held. This definition includes under sink interceptors at food service facilities.
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- (29) *Hauled waste* shall mean any hauled domestic wastewater, septic tank waste, storm sewer waste, or hauled industrial wastewater.
- (30) *Hazardous materials* shall have the meaning given in 40 CFR or prohibited discharges Sec. 14-139.
- (31) *Hazardous substance or waste* shall mean any substance defined or identified as a hazardous waste either in 40 CFR Parts 260—265 and appendices, promulgated pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq., or in Chapter 62-730, F.A.C.
- (32) *High strength wastewater surcharge* shall mean the additional charge made in excess of the sewer service charge assessed against industrial users of the WWF or industrial users of persons outside the County's system who are, by contract or agreement with the County, users of the WWF, whose wastewater characteristics exceed established limits for designated compatible pollutants.
- (33) *Indirect discharge or discharge* shall mean the introduction of pollutants into the WWF from any nondomestic source regulated under Chapter 403, Florida Statutes.
- (34) *Industrial user or user* shall mean a source of discharge.
- (35) *Industrial wastewater* shall mean the water-carried wastes from commercial, manufacturing, and other nondomestic sources, as distinguished from domestic wastewater.
- (36) *Instantaneous maximum limit* shall mean the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (37) *Interference or interfere* shall mean a discharge which, either 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) causes a violation, or results in an increase in magnitude or duration of a violation, of a requirement of the WWF's permit, or prevents use or disposal of domestic wastewater residuals in compliance with the law, including Chapter 403, Florida Statutes.
- (38) *Local limit* shall mean specific pollutant discharge limits developed by the Control Authority and imposed on users to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (39) *Maintenance Access Structure* shall mean a cap, cover, hatch, lid, plug, seal, valve, or other type of access to a stationary system used to convey wastewater streams or residuals to the WWF.
- (40) *Mass emission rate* shall mean the weight of material discharged during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.
- (41) *Medical waste* shall mean isolation waste, infectious agents, human blood or blood byproducts, pathological waste, sharps, body parts, fomite, etiologic agents, contaminated bedding, surgical waste, potentially contaminated laboratory waste, and dialysis waste.
- (42) *Method detection limit* shall mean an estimate of the minimum amount of a substance that an analyte process can reliably detect. An MDL is analyte- and matrix-specific and is laboratory dependent.
- (43) *Monthly average* shall mean the sum of all daily discharges measured during a calendar month, divided by the number of daily discharges measured during that calendar month.
- (44) *Monthly average limit* shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
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(45) *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 prescribed under Section 307(c) (33 U.S.C. 1317) of the Act which will be applicable to such source, if such standards are thereafter promulgated in accordance with that section, provided that: (1) the building, structure, facility, or installation is constructed at a site at which no other source is located; 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 paragraph a.(2) or a.(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, (i) any placement, assembly, or installation of facilities or equipment, or (ii) significant site preparation work including clearing or excavation; 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.
- (46) *Noncontact cooling water* shall mean water used for cooling that does not come into contact with any raw material, intermediate product, waste product, or finished product. The only pollutant contributed from the discharge is heat.
- (47) *Nondomestic source* shall mean the non-sanitary liquid wastes from industrial processes, commercial processes, or commercial laundries; nondomestic source is considered to have the same meaning as industrial wastewater.
- (48) *Oil and grease* shall mean a group of substances including fats, waxes, free fatty acids, soaps, and certain other materials which are from animal or vegetable sources and biodegradable, excluding petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin.
- (49) *Oil and water separator* shall mean any tank, box, sump, or other container in which any petroleum or grease product thereof, floating on, or entrained in, or contained in water entering such tank, box, sump, or other container, and is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.
- (50) *Pass through* shall mean a discharge which exits the WWF into the 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 the WWF's NPDES permit (including an increase in the magnitude or duration of a violation).
- (51) *Person* shall mean any individual, firm, company, association, society, corporation, partnership, copartnership, joint stock company, trust, estate, group, industrial concern, municipality, governmental entity, political subdivision, public officer, or any other legal entity, or their legal representatives,

agents, or assigns, or any combination thereof. This definition includes all federal, state, or local governmental entities.

- (52) *Person in responsible charge* shall mean the individual or person responsible for the overall operation of the facilities from which the discharge originates, or who has overall responsibility for environmental matters for the facilities.
- (53) *pH* shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions. The concentration is the weight of hydrogen ions in grams per liter of solution, expressed in standard units.
- (54) *Pollutant* shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, medical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water, and certain characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, biochemical oxygen demand, chemical oxygen demand, toxicity, odor).
- (55) *Pollution* shall mean the human-made or human-induced alteration of the chemical, physical, biological, or radiological integrity of water.
- (56) *Pretreatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the WWF. The reduction or alteration may be obtained by physical, chemical, or biological processes, by process changes, or by other means, except as prohibited by Rule 62-625.410, F.A.C., or by 40 CFR 403.6.
- (57) *Pretreatment requirement* shall mean any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.
- (58) *Pretreatment standards or standards* shall mean prohibited discharge standards, categorical pretreatment standards, and local limits. In case of conflicting standards, the more stringent thereof shall apply.
- (59) *Prohibited discharge standards or prohibited discharges* shall mean the absolute prohibition against the discharge of certain substances; these prohibitions appear in Section 14-139(a) of this article.
- (60) *Publicly owned treatment works ("POTW")* shall mean a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes, and any conveyances which transport wastewater to the treatment plant.
- (61) *Public sanitary sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (62) *Sanitary fixtures* shall mean any toilets or sinks, either fixed or mobile, for the disposal of human body wastes.
- (63) *Self-monitoring* shall mean sampling, analyzing, and monitoring by an industrial user or by the Control Authority of regulated discharge at the expense of the industrial user.
- (64) *Septic tank* shall mean a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:
- a. A sewer line constructed with solid pipe, with joints sealed, connecting the impervious tank with a plumbing stub out; and
 - b. A subsurface system of piping to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.

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- (65) *Septic tank waste* shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (66) *Sewage* shall mean human excrement and gray water (which includes showers and dishwashing operations).
- (67) *Sewer* shall mean a pipe or conduit intended to carry wastewater.
- (68) *Significant industrial user* shall mean any one (1) of the following:
- a. An industrial user subject to categorical pretreatment standards, unless determined to be a nonsignificant categorical industrial user (NSCIU) under paragraph c. below; or
 - b. An industrial user that meets any one (1) of the following, unless determined to be a nonsignificant industrial user under paragraph d. below:
 1. Discharges an average of twenty-five thousand (25,000) gpd (gallons per day) or more of process water to the WWF (excluding sanitary, noncontact cooling water, and boiler blowdown wastewater);
 2. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the County's wastewater treatment system; or
 3. Is designated, in accordance with paragraph 62-625.500(2)(e), F.A.C., as significant by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or violating any pretreatment standard or requirement.
 - c. The Control Authority may determine that an industrial user subject to categorical pretreatment standards is an NSCIU on a finding that:
 1. The industrial user never discharges more than 100 gpd of total categorical wastewater (excluding domestic wastewater, noncontact cooling water, and boiler blow-down wastewater);
 2. The industrial user, prior to the Control Authority's finding in 1. above, has consistently complied with all applicable categorical pretreatment standards and requirements;
 3. The industrial user annually submits the certification statement required in Section 14142(a)(6), together with any additional information, necessary to support the certification statement; and
 4. The industrial user never discharges any untreated concentrated wastewater.
 - d. Upon finding that an industrial user meeting the criteria in paragraph b. above has no reasonable potential for adversely affecting the WWF'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 pursuant to paragraph 62-625.500(2)(e), F.A.C., determine that such industrial user is not a significant industrial user.
- (69) *Sludge* shall mean the accumulated settled solids separated from liquids, such as water or wastewater, during processing.
- (70) *Slug or slug load* shall mean any discharge of water, sewage, or industrial waste at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 14-139(a) of this article.
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- (71) *Slug discharge* means any discharge of a nonroutine, episodic nature, which has a reasonable potential to cause interference or pass through, or in any other way violate the wastewater facility/publicly owned treatment works regulations, local limits, or permit conditions.
- (72) *Standard Industrial Classification ("SIC") Code* shall mean a classification pursuant to the latest edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.
- (73) *State* shall mean the State of Florida.
- (74) *Storm water* shall mean any flows occurring during or following any form of natural precipitation and resulting therefrom.
- (75) *Total suspended solids ("TSS")* shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering through a standard glass fiber filter.
- (76) *Toxic organics management plan ("TOMP")* shall mean a strategy for keeping track of all solvents delivered to a site, their storage, use, and disposal. This includes keeping spent solvents segregated from process wastewaters to maximize the value of the recoverable solvents, to avoid contamination of other segregated wastes, and to prevent the discharge of toxic organics to the WWF or the environment. The plan should address the control of spills and leaks and also ensure that there is no deliberate dumping of solvents. This is also known as a "solvent management plan."
- (77) *Toxic pollutant* shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision(s) of the Clean Water Act, Section 307(a), or other Federal or State Acts.
- (78) *Waste* shall include wastewater and any and all other substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operations of whatever nature, including such substances placed within containers of whatever nature prior to and for the purpose of disposal.
- (79) *Waste hauler discharge permit* shall mean the permit issued to waste haulers for the disposal of hauled waste into the WWF as set forth in Section 14-142 of this article.
- (80) *Wastewater* shall mean the liquid and water-carried waste from dwellings, commercial buildings, industrial facilities, and institutions, together with any storm, surface, or ground waters which may be present, whether treated or untreated, which is contributed or permitted to enter the WWF.
- (81) *Wastewater discharge permit* shall be a permit for an industrial user to discharge wastewater to the WWF as set forth in Section 14-142 of this article.
- (82) *Wastewater Facility (WWF)* shall mean the entire County sewerage system and POTW, including any sewers that convey wastewater to the POTW from persons outside the County wastewater system who are, by contract or agreement with the County, users of the POTW and as defined in Rule 62-625.200, F.A.C.
- (83) *Wastewater treatment plant or treatment plant* shall mean that portion of the POTW which is designed to treat sewage and industrial waste.
- (84) *Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (85) *Waters of the state* shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations
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of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(d) *Abbreviations:* The following abbreviations shall have the following meanings:

- (1) BMP—Best Management Practice.
- (2) BOD—Biochemical Oxygen Demand.
- (3) CFR—Code of Federal Regulations.
- (4) COD—Chemical Oxygen Demand.
- (5) EPA—U.S. Environmental Protection Agency.
- (6) F.A.C.—Florida Administrative Code.
- (7) FDEP—Florida Department of Environmental Protection.
- (8) gpd—Gallons per day.
- (9) MAS—Maintenance Access Structure.
- (10) mg/l—Milligrams per liter.
- (11) NPDES—National Pollutant Discharge Elimination System.
- (12) NSCIU—Non-Significant Categorical Industrial User.
- (13) O&G. —Oil and Grease.
- (14) O&M—Operations and Maintenance.
- (15) pH—Logarithm of the reciprocal of the hydrogen ion concentration.
- (16) POTW—Public Owned Treatment Works.
- (17) RCRA—Resource Conservation and Recovery Act.
- (18) SIC—Standard Industrial Classification.
- (19) SWDA—Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (20) TOMP—Toxic Organics Management Plan.
- (21) TSS—Total Suspended Solids.
- (22) U.S.C.—United States Code.
- (23) WWF—Wastewater Facility.

Sec. 14-139. General Sewer Use Requirements.

- (a) *Prohibited discharge standards.* No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that will pass through, or cause interference, with the operation or performance of the WWF. These general prohibitions apply to each user of the WWF whether or not the user is subject to national categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements. At a minimum, a user shall not contribute the following substances to the WWF:
- (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other

way to the WWF or to the operation of the WWF. This includes, but is not limited to, all waste streams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods specified in 40 CFR 261.21.

- (2) Solids or viscous substances which may cause obstruction to the flow in the WWF resulting in interference, such as, but not limited to: grease, garbage, animal intestines or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, car wash recirculation sludge, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes, or any solids greater than one-half (½) inch or 1.27 centimeters in any dimension.
- (3) Any wastewater having a pH less than 5.5 or otherwise causing corrosive damage or hazard to structures, equipment, or endangering personnel of the WWF.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with the WWF, constituting a hazard to humans or animals, creating a toxic effect in the receiving waters or effluent reuse of the WWF, exceeding the limitation set forth in a categorical pretreatment standard or local limit, or causing the WWF's effluent to fail a toxicity test. A toxic pollutant shall include but not be limited to any pollutant identified in Section 307(a) of the Act or in 40 C.F.R. 401.15.
- (5) Any 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, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the WWF's effluent or any other product of the WWF, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

In no case shall a substance discharged to the WWF cause the WWF to be in noncompliance with effluent criteria, effluent reuse criteria, or biosolids use and disposal criteria; or guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines, or regulations affecting effluent reuse or biosolids use and disposal developed pursuant to the SWDA, the Clean Air Act, the Toxic Substances Control Act, or state or local criteria applicable to the effluent reuse or the biosolids management method being used.

- (7) Any sludges or residues from industrial process, including but not limited to, car wash sludges, catch basin residual, lint trap solids, and other similar waste, screenings, or other residues from the pretreatment of industrial wastes without Control Authority approval.
- (8) Any wastewater that imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent thereby violating the WWF's NPDES permit. The color of the wastewater (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonally established norm for aquatic life.
- (9) Any wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (65.5 degrees Celsius) or which inhibits biological activity in the WWF resulting in interference, but in no case wastewater which causes the temperature at introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with

either the WWF, or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals. In no case shall a slug load have a flow rate or contain a concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

- (11) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved by the Director in compliance with applicable local, state, or federal laws and regulations.
- (12) Any wastewater which results in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems or creates a public nuisance.
- (13) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (14) Any hauled wastes, except at the discharge point designated by the Control Authority in accordance with Section 14-140(e).
- (15) Any storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, ground water remediation discharge, and unpolluted industrial wastewater, unless specifically authorized by the Director.
- (16) Any medical wastes, except as specifically authorized by the Director in a discharge permit.
- (17) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the WWF.
- (18) Any hazardous substance or waste.
- (19) Any enzyme degreasers, unless specifically authorized by the Director or previously approved by the Control Authority.
- (20) Wastewater causing, alone or in conjunction with other sources, the WWF's effluent to fail the toxicity test as defined in the WWF's NPDES permit.
- (21) Fats, oils, or greases of animal or vegetable origin in concentration greater than 100 mg/l.

When the Director determines that a user is contributing to the WWF any of the above enumerated substances in such amounts as to interfere with the operation of the WWF, the Director shall: (1) advise the user of the impact of the contribution on the WWF; and (2) develop effluent limitations for such user to correct the interference with the WWF. Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WWF. All floor drains located in process or materials storage areas must discharge to the user's pretreatment facility before connecting with the WWF.

- (22) Any wastewaters having in excess of (limits in parts per million or milligrams per liter):

Silver	0.10
Barium	5.0
Tin	1.0
Iron	2.0
Phenol	0.2
Arsenic	0.05
Boron	1.0

Manganese	1.0
Lead	0.1
Mercury	0.005
Nickel	0.4
Zinc	1.0
Copper	0.1
Cadmium	0.02
Total Chrome	1.8
Selenium	0.02
Chlorides	250

- (23) and any substance or combination thereof that reduces the BOD by ten percent will be considered a toxic material. In addition, the limits for the following are (limits in parts per million or milligrams per liter):

Antimony	0.0
Beryllium	0.0
Bismuth	0.0
Cobalt	0.0
Cyanide	0.0
Molybdenum	0.0
Rhenium	0.0
Tellurium	0.0
Uranyl ion	0.0
Strontium	0.0
Herbicides	0.0
Pesticides	0.0
Fungicides	0.0

- (b) *Pretreatment standards: Categorical Standards.* CIUs must comply with the categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the County Manager or his/her designee may provide equivalent concentration or mass limits, respectively, in accordance with Rule 62-625.410(4), F.A.C., and 40 CFR 403.6(c).

Once incorporated into its permit, the IU must comply with the equivalent limitations developed in this section in lieu of the categorical pretreatment standards from which the equivalent limitations were derived.

- (2) 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 waste stream formula in Rule 62-625.410(6), F.A.C., and 40 CFR 403.6(e).

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- (3) A user may obtain from EPA a variance from a categorical pretreatment standard pursuant to the procedural and substantive provisions in Rule 62-625.700, F.A.C., and 40 CFR 403.13.
 - (4) A user may obtain a net/gross adjustment from EPA to a categorical standard in accordance with Rule 62-625.820, F.A.C., and 40 CFR 403.15.
 - (c) *State requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or when they are more stringent than the requirements and limitations in this article.
 - (d) *Specific pollutant limitations - local limits; public hearing required.* The Control Authority shall establish local pollutant limits, in accordance with Rule 62-625.400, F.A.C., to protect against pass through and interference. No person shall discharge wastewater containing the material or substances in amounts which exceed the local pollutant limits established by the Control Authority. The Control Authority shall establish the local pollutant limits at a public hearing at which all the users and all others interested shall have an opportunity to be heard concerning the proposed local pollutant limits. Notice of such public hearing setting forth the proposed schedule or schedules of local pollutant limits shall be given by one (1) publication in a newspaper published in the County at least ten (10) days before the date fixed in such notice for the hearing, which may be adjourned from time to time. After such hearing, such schedule or schedules shall be kept on file in the office of the County Manager or his/her designee and shall be open at all times to public inspection. The Control Authority may revise the schedule or schedules of local pollutant limits from time to time in the same manner as the local pollutant limits were originally established. In addition to the local pollutant limits established by the Control Authority, the County Manager or his/her designee may impose mass limitations, instantaneous maximum limits, maximum monthly average values, or maximum four-day average values, in addition to, or in place of, the pollutant limits established by the Control Authority. The above established limits apply at the point where the wastewater is discharged to the WWF. The Control Authority may develop and incorporate BMPs into individual wastewater permits to implement local limits and the requirements of Section 14-139(a).
 - (e) *Control Authority's right of revision.* The Control Authority reserves the right to establish, by ordinance or in wastewater discharge permits or in waste hauler discharge permits, more stringent limitations or requirements on discharges to the WWF if deemed necessary to comply with the objectives presented in Section 14-138 of this article.
 - (f) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitution for adequate treatment to achieve compliance with the limitations unless expressly authorized by an applicable categorical pretreatment standard, or listed in any other pollutantspecific limitation developed by the Control Authority or state. The County Manager or his/her designee may impose mass limitations on users that are using dilution to meet applicable pretreatment standards or requirements.

Sec. 14-140. Pretreatment of Wastewater.

- (a) *Pretreatment facilities.* Users shall provide necessary wastewater treatment as is required to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and prohibitions set forth in Section 14-139 above within the time limitations as specified by the EPA, the FDEP, or the County Manager or his/her designee, whichever is more stringent. Any pretreatment facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. The user shall submit detailed plans showing the pretreatment facilities and operating procedures to the Control Authority for review before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from responsibility for modifying the facility as necessary to produce an effluent within the requirements and limitations under the provisions of this article. Any proposed changes in the pretreatment
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facilities or operating procedures shall be approved by the Control Authority prior to the user's initiation of the changes.

(b) *Additional pretreatment measures.*

- (1) Whenever deemed necessary, the County Manager or his/her designee may require an industrial user to restrict its discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate or consolidate points of discharge, separate domestic wastewater from industrial wastes, require such other conditions as may be necessary to protect the WWF, and determine the industrial user's compliance with the requirements of this article.
- (2) The County Manager or his/her designee may require any industrial user discharging into the WWF to install and maintain, on its property and at its sole expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Oil and water separators shall be provided when, in the determination of the County Manager or his/her designee, they are necessary for the proper handling of wastewater containing excessive amounts of petroleum-related oil and sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the County Manager or his/her designee and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, at the user's expense.
- (4) Industrial users that have drains which serve a dual purpose, such as storm water and industrial process water, or drains located in areas where industrial wastewater is generated or hazardous materials are utilized, must have a lock off valve. Such valves should be readily accessible in case of emergency spills.
- (5) Industrial users with the potential to discharge flammable substances may be required to install and maintain at their sole expense an approved combustible gas detection meter. At no time shall two (2) readings on an explosion hazard meter at the point of discharge to the WWF, or at any point in the WWF, be more than five percent (5%) nor shall any single reading be over ten percent (10%) of the lower explosive limit (LEL) on the meter.
- (6) Oil and water separators and grease traps shall be properly maintained by the user to prevent the occurrence of pass through and interference into the sewer system and to meet federal, state, and local standards. Oil and water separators and grease traps shall be inspected, cleared, and repaired regularly as needed at the user's sole expense.

(c) *Accidental discharge/slug control plans.* Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Based on federal, state, or local regulatory requirements and past operations history, the County Manager or his/her designee may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two (2) years, the County Manager or his/her designee shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges.
 - (2) Description of all stored chemicals.
 - (3) Procedures for immediately notifying the WWF of any accidental or slug discharge. This notification shall include location of the discharge, type of waste, concentration and volume, and corrective actions. Such notification must also be given for any discharge that would violate any of the prohibited discharges in Section 14-139 of this article.
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- a. Immediate notification: In the case of any discharge including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, noncustomary batch discharges, or slug loads, which may cause potential problems for the WWF, including a violation of Section 14-139 of this article, the user shall notify the Control Authority by telephone immediately after the user knows or should know of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. An industrial user is required to notify the Control Authority immediately of any changes at its facility affecting the potential for a slug discharge.
 - b. Written notice: Within five (5) days following such discharge, the IU shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
 - c. Notice to employees: A notice shall be permanently posted by the user on a bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure. All IUs are required to notify the Control Authority immediately of any changes at their facility affecting the potential for a slug discharge.
- (4) Each industrial user shall provide the Control Authority with procedures to prevent adverse impact from any accidental or slug discharge of toxic organic pollutants (including solvents). These procedures or TOMP shall include, but not be 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 measures and equipment for emergency response. This TOMP shall be submitted by each industrial user to the Control Authority for review and approval before construction of new sources. All existing industrial users shall complete and submit a TOMP within one hundred eighty (180) days following the effective date of this article. No industrial user who commences contribution to the WWF after the effective date of this article shall be permitted to introduce pollutants into the WWF without a TOMP having been approved by the Control Authority. Review and approval of such plans and procedures shall not relieve the industrial user from responsibility to modify its facility or procedures as necessary to meet the requirements of this article.
 - (5) Each industrial user shall prevent the discharge of rain water run-off or storm water from entering the sewer system. Drains located in industrial processing areas, chemical storage areas, fuel storage areas, and fuel pumping bays which are connected to the sanitary sewer are prohibited unless approved by the Control Authority.
- (d) *Tenant responsibility.* Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if the owner or tenant is an industrial user, both may be held responsible for compliance with the provisions of this article.
 - (e) *Hauled waste.*
 - (1) Waste may be accepted into the WWF at a designated receiving facility at such times as are established by the County Manager or his/her designee, provided that such wastes do not violate Section 14-139 of this article or any other requirements established or adopted by the County. Waste hauler discharge permits for individual vehicles to use such facilities shall be issued by the Control Authority. All waste haulers shall be required to obtain a waste hauler discharge permit from the Control Authority. The
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- reoccurring discharge of industrial wastewater requires a wastewater discharge permit from the Control Authority.
- (2) The discharge of hauled industrial wastes requires prior approval from the Control Authority. Generators of hauled industrial waste may be required to obtain wastewater discharge permits. The County Manager or his/her designee shall have the authority to prohibit the disposal of such wastes, if such disposal would interfere with WWF operation. Waste haulers' discharge is subject to all other sections of this article.
 - (3) Waste haulers may discharge loads only at locations designated by the County Manager or his/her designee and only with the prior written approval of the County Manager or his/her designee. The County Manager or his/her designee may collect samples of each hauled load to ensure compliance with applicable standards. The County Manager or his/her designee may require the waste hauler to provide a waste analysis of any load prior to discharge.
 - (4) Each waste hauler must provide the Control Authority with a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, the waste hauler discharge permit number (if applicable), truck identification, names and addresses of generators of waste, the generator's discharge permit number (if included in the load), and volume and characteristics of the waste included in the load. The form shall identify the type of industry generating the waste, known or suspected waste constituents, and whether any wastes are RCRA hazardous waste. A nonhazardous waste manifest may be required for each category of waste that makes up the load.
 - (5) Wastes from locations outside the WWF or from persons outside the system who are, by contract or agreement with the County, users of the WWF, shall not be discharged into the WWF or any connected system without previous written approval of the County Manager or his/her designee. Such discharge shall only be made at a site approved by the County Manager or his/her designee.
 - (6) Fees for dumping hauled waste will be established by the Control Authority as part of the fee system authorized in Section 14-15434-158.
 - (7) Any waste hauler that has hauled waste rejected by the Control Authority must submit a manifest to the Control Authority of the ultimate disposal site for such rejected hauled waste.
- (f) *Vandalism.* No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance, or equipment, or other part of the WWF. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 14-152 through 14-154 below.

Sec. 14-141. Special Agreements.

The Control Authority reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the WWF. In no case will a special agreement waive compliance with a categorical pretreatment standard or requirement. However, the industrial user may request a variance or a net/gross adjustment to a categorical standard from EPA in accordance with Rules 62-625.700 and 62-625.820, F.A.C., and 40 CFR 403.13 and 403.15.

Sec. 14-142. Wastewater Discharge Permit Administration.

- (a) *Wastewater survey.* When requested by the County Manager or his/her designee, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey within thirty (30) days after the request. The County Manager or his/her designee shall prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this article.
- (b) *Wastewater discharge permit requirements.* It is unlawful to discharge industrial wastewater without a County-issued wastewater discharge permit in any area under the jurisdiction of the County or into any part of the WWF; or by any person outside the WWF who is, by contract or agreement with the County, a user of the WWF; except as authorized by the County Manager or his/her designee in accordance with the provisions of this article. It is unlawful for any significant industrial user to discharge wastewater into the WWF without first obtaining a wastewater discharge permit from the County Manager or his/her designee. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and shall subject the holder of the wastewater discharge permit to the sanctions set out in Sections - 14-152 through 14-154. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment requirements and limitations or any other requirements and limitations of federal, state, and local laws. It shall be unlawful for a waste hauler to deposit wastewater into a MAS or other point of discharge in the WWF without prior written approval by the County Manager or his/her designee and payment of applicable fees.
- (c) *Wastewater discharge permitting: existing connections.* Any industrial user discharging industrial waste into the WWF prior to the effective date of this article and who wishes to continue such discharges shall, within ninety (90) days after said effective date, apply to the Control Authority for a wastewater discharge permit in accordance with Section 14-142(e) below, and shall not cause or allow discharges to the WWF to continue one hundred eighty (180) days after the effective date of this article without a wastewater discharge permit issued by the County Manager or his/her designee.
- (d) *Wastewater discharge permitting: new connections.* Any industrial user proposing to begin or recommence discharging industrial waste into the WWF must obtain a wastewater discharge permit from the Control Authority prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit may be filed at least one hundred eighty (180) days but no later than thirty (30) days prior to the date upon which any discharge will begin.
- (e) *Wastewater discharge permit application contents.* In order to be considered for a wastewater discharge permit, all industrial users required to obtain a wastewater discharge permit must submit the information required by Section 14-146(a) of this article on a permit application in the form prescribed by the County Manager or his/her designee, and accompanied by the application fee. In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

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- (1) Identifying information to include: name, address, all monitoring locations covered by the permit (if different from the address), and name of the facility operator and owner, and their contact information;
- (2) SIC Code according to the Standard Industrial Classification Manual, United States Office of Management and Budget, 1987, and the North American Industry Classification System (NAICS);
- (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 14-139 of this article as determined by an FDEP approved analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136;
- (4) Time and duration of discharges;
- (5) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation, and all points of discharge;
- (7) Description of activities, facilities, and plant processes on the premises, including 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 WWF;
- (8) Accidental and slug discharge control procedures and TOMP;
- (9) Where known, the categorical pretreatment standards applicable to each regulated process and to any new categorically regulated processes for existing sources, the nature and concentration of any pollutants in the discharge which are limited by any local, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional O&M or additional pretreatment, or both, are required for the industrial user to meet applicable pretreatment standards;
- (10) A list of all environmental permits held by or for the facility;
- (11) A description of operations, including each product produced by type, amount, process or processes, and rate of production;
- (12) Type and amount of raw materials processed (average per day and maximum per day);
- (13) Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system;
- (14) The location for monitoring all waste covered by the permit; and
- (15) Any other information as may be deemed by the County Manager or his/her designee to be necessary to evaluate the permit application. Incomplete or inaccurate applications will not be processed but will be returned to the industrial user for revision. After evaluation and acceptance of the information furnished, the County Manager or his/her designee may issue a wastewater discharge permit subject to terms and conditions provided herein.

(f) *Signatories and certification.*

- (1) All wastewater discharge permit applications, industrial user reports, and certification statements must contain the following and must be acknowledged and signed by an authorized representative of the industrial user:

"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 fines and imprisonment for knowing violations."

- (2) 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 Control Authority prior to, or together with, submittal of any permit applications, reports, or certification statements.
- (3) A facility determined to be an NSCIU must annually submit the following certification statement signed in accordance with the signatory requirements in Section 14-142(f). This certification must accompany an alternative report required by the Control Authority.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief, during the period from _____, 20_____, to _____, 20_____,:

- (1) The facility described as _____ [facility name and location] ("the facility") met the definition of an NSCIU as described in Section 14-138(c)(71);
- (2) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
- (3) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during the above reporting period.

This compliance certification is based on the following information: _____
_____."

- (g) *Wastewater discharge permit decisions.* Within one hundred twenty (120) days after receipt of a complete wastewater discharge permit application, the County Manager or his/her designee will determine whether or not to issue a wastewater discharge permit. The County Manager or his/her designee may deny any application for a wastewater discharge permit when the information indicates that the industrial user would not meet the requirements of this article.

Sec. 14-143. Wastewater Discharge Permit Issuance.

- (a) *Wastewater discharge permit conditions.* All wastewater discharge permittees shall be subject to all provisions of this article, all other applicable regulations, and user charges and fees established by the County. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the County Manager or his/her designee to prevent pass through or interference; to protect the quality of the water body receiving the WWF's effluent; to protect worker health and safety; to facilitate biosolids and effluent reuse management and disposal; to protect ambient air quality; and to protect against damage to the WWF.
 - (1) Wastewater discharge permits must contain the following conditions:
 - a. Wastewater discharge permit duration in no event shall exceed five (5) years;

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- b. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the Control Authority in accordance with Section - 14-143(c) of this article, and provision for furnishing the permit transferee with a copy of the existing wastewater discharge permit;
 - c. Effluent limits, including BMPs, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local laws;
 - d. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on local, state, and federal laws, rules, and regulations;
 - e. Statement of applicable civil, criminal, and administrative fines and 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 local, state, and federal laws, rules, and regulations; and
 - f. Requirements for a slug discharge control plan, if determined by the Control Authority to be needed.
- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- a. The unit charge or schedule of user charges and fees for management of the wastewater to be discharged to the WWF;
 - b. Limits on the instantaneous maximum, daily average, monthly average, and four-day maximum concentration, mass, or other measures of identified wastewater constituents and characteristics;
 - c. Limits on the average and maximum rate of discharge, time of discharge, and requirements for flow regulations and equalization;
 - d. Requirements for installation and maintenance of inspection facilities, and flow metering and sampling equipment;
 - e. 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 WWF;
 - f. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
 - g. Development and implementation of waste minimization pollution prevention plans to reduce the amount of pollutants discharged to the WWF;
 - h. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable state and federal pretreatment standards, including those which become effective during the term of the wastewater discharge permit; or
 - i. Other conditions as deemed appropriate by the County Manager or his/her designee to ensure compliance with this article, and local, state, and federal laws, rules, and regulations.
- (b) *Wastewater discharge permit denial.* The Control Authority may deny issuance of a permit if it determines that an applicant has been in any way associated or affiliated with any industrial user or waste hauler that
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has previously violated the provisions of this article, either by noncompliance with permit requirements or due to failure to pay required service fees, annual fees, fines, and penalties.

- (c) *Wastewater discharge permit duration.* Permits shall be issued for any specified time period, not to exceed five (5) years. Each wastewater discharge permit will be stated to expire on a specific date as set forth in the permit.
- (d) *Wastewater discharge permit transfer.* Wastewater discharge permits shall only be issued to a specific user for a specific operation at a specific location. A wastewater discharge permit may be transferred to another person only if the permittee gives at least thirty (30) days' written notice to the County Manager or his/her designee, and the County Manager or his/her designee approves the wastewater discharge permit transfer.

The notice to the County Manager or his/her designee shall include a written certification by the proposed transferee which:

- (1) States that the proposed transferee has no immediate intent to change the permitted facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the terms and conditions of the existing permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable by the Control Authority.

- (e) *Wastewater discharge permit review.* The County Manager or his/her designee may provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Control Authority to review the conditions of a wastewater discharge permit within fifteen (15) days after its issuance. The petition for review must be received by the Control Authority within the fifteen (15) day filing period.
 - (1) Failure to submit a timely petition shall be a waiver of the administrative review.
 - (2) In its petition, the party seeking review must indicate the wastewater discharge permit conditions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
 - (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 - (4) Decisions denying review of a wastewater discharge permit, denying issuance of a wastewater discharge permit, or denying proposed modifications to a wastewater discharge permit shall be considered final administrative action for purposes of judicial review. If the Control Authority fails to act within fifteen (15) days after receipt of the petition, a petition for review and relief sought therein shall be deemed to be denied.
 - (5) Aggrieved parties seeking judicial review of the final administrative action by the Control Authority must do so by certiorari to the Tenth Judicial Circuit Court in and for Hardee County in accordance with the Florida Rules of Appellate Procedure.
- (f) *Wastewater discharge permit modification.* The County Manager or his/her designee or permittee may request by written notice a modification of the wastewater discharge permit at any time for good cause including, but not limited to, the following:
 - (1) Any new or revised local, state, or federal pretreatment standards or requirements;
 - (2) Alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

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- (3) A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (4) Information indicating that the permitted discharge poses a threat to the WWF, County personnel, or the waters of the state;
 - (5) Violations of any terms or conditions of the wastewater discharge permit;
 - (6) Permittee's misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (7) Revision of, or a grant of variance from, categorical pretreatment standards pursuant to Rule 62625.820, F.A.C., or 40 CFR 403.13;
 - (8) Discovery of typographical or other errors in the wastewater discharge permit; or
 - (9) A transfer of the facility ownership, location, or operation.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

- (g) *Wastewater discharge permit suspension.* The Control Authority may suspend for a period of up to one (1) year any permit held by an industrial user, if the industrial user or an employee of the industrial user violates any of the provisions of this article, or any rule or regulation promulgated by the Control Authority, or if the wastewater account has a past due balance for forty-five (45) days or more. Once suspended, the Control Authority may not reinstate a permit until the Control Authority determines that the permittee is again qualified, has corrected all existing noncompliance issues and violations, has taken precautions to prevent future violations, and has paid all outstanding amounts due for wastewater service fees, annual fees, fines, and penalties.
- (h) *Wastewater discharge permit revocation.* The Control Authority may revoke a permit for any of the following actions or inactions by the permittee:
 - (1) Failure to provide notification to the Control Authority of significant changes to the wastewater before discharge.
 - (2) Failure to provide notification to the Control Authority of a changed condition pursuant to Section 14146(h).
 - (3) Misrepresentation of, or failure to fully disclose, all relevant facts in the wastewater discharge permit application.
 - (4) Falsifying self-monitoring reports.
 - (5) Tampering with monitoring equipment.
 - (6) Refusing to allow the Control Authority timely access to the facility premises and records.
 - (7) Failure to meet effluent limitations.
 - (8) Failure to pay fines or penalties.
 - (9) Failure to pay wastewater service fees.
 - (10) Failure to meet compliance schedules.
 - (11) Failure to complete a wastewater survey or the wastewater discharge permit application.
 - (12) Failure to provide thirty (30) days' written notice of the transfer of a permitted facility.

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- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.
 - (14) Failure to disclose any affiliates or affiliations by the applicant with any industrial user or waste hauler company that previously violated the provisions of this article, either by noncompliance with permit requirements or due to failure to pay required wastewater service fees, disposal fees, annual fees, fines, or penalties.

Wastewater discharge permits shall be voidable by the Control Authority upon nonuse, cessation of operations, or transfer (whether partial or whole) of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit for the same user.

- (i) *Wastewater discharge permit reissuance.* An industrial user with an expiring wastewater discharge permit shall apply for reissuance of its wastewater discharge permit by submitting a complete discharge permit application, in accordance with Section 14-143 of this article at least thirty (30) days prior to the expiration of the user's existing wastewater discharge permit.
- (j) *Regulation of wastewater discharge from other jurisdictions.* In the event that another jurisdiction or municipality discharges all or a portion of its wastewater to the WWF, the County Manager or his/her designee must require such jurisdiction or municipality to enter into an interlocal agreement with the Control Authority for the regulation of its wastewater.
 - (1) Prior to entering into an interlocal agreement, the discharging jurisdiction or municipality shall provide to the County Manager or his/her designee the following information:
 - a. A description of the quality and volume of the wastewater at any point where it enters the WWF from the discharging jurisdiction or municipality.
 - b. An inventory of all industrial users within the discharging jurisdiction or municipality.
 - c. Such other information as may be required by the County Manager or his/her designee.
 - (2) Any interlocal agreement shall contain the following conditions:
 - a. The discharging jurisdiction or municipality shall enact a sewer use ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in Section 14-139. The interlocal agreement shall provide that such ordinance and limits must be revised as necessary to reflect changes made to this Ordinance.
 - b. The discharging jurisdiction or municipality shall submit a revised industrial user inventory on at least an annual basis.
 - c. The discharging jurisdiction or municipality shall: (i) conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling, and enforcement; or (ii) authorize the Control Authority to conduct such activities on its behalf.
 - d. The discharging jurisdiction or municipality shall provide the Control Authority with access to all information that the jurisdiction or municipality obtains as part of its pretreatment activities.
 - e. Limits on the nature, quality, and volume of wastewater at the points where the discharging jurisdiction or municipality discharges to the WWF.
 - f. Requirements for monitoring the jurisdiction or municipality discharge.
 - g. The County Manager or his/her designee shall have access to the facilities of industrial users located within the discharging jurisdiction's or municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the County Manager or his/her designee.

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- h. Specific remedies available for breach of the terms of the interlocal agreement.
 - (k) Violation of the terms and conditions of the interlocal agreement subjects the discharging jurisdiction or municipality to the sanctions set out in Sections 14-152 through 14-154.

Sec. 14-144. Waste Hauler Discharge Permit Administration.

- (a) *Waste hauler discharge permit requirements.* It is unlawful to discharge hauled waste in Hardee County without a waste hauler discharge permit. It is unlawful for any waste hauler to discharge hauled waste into the WWF or areas approved by the County Manager or his/her designee without first obtaining a waste hauler discharge permit from the County Manager or his/her designee. Any violation of the terms and conditions of the waste hauler discharge permit or policies and procedures established for hauled waste disposal is a violation of this article and subjects the waste hauler to the sanctions set out in this article. Obtaining a waste hauler discharge permit does not relieve a permittee of its obligations to comply with all federal and state requirements and limitations or any other requirements and limitations of federal, state, and local laws. It shall be unlawful for a domestic waste hauler or industrial waste hauler to deposit wastewater into a MAS or other point of discharge in the wastewater system of the WWF without prior written approval by the County Manager or his/her designee and payment of applicable fees. The County Manager or his/her designee may require waste haulers hauling industrial wastewater to obtain a wastewater discharge permit as necessary to carry out the purposes of this article.
 - (b) *Waste hauler discharge permitting: new sources.* Any waste hauler proposing to begin discharging hauled wastes into the WWF or areas designated by the County Manager or his/her designee must obtain a waste hauler discharge permit before beginning such discharge. Prior to requesting a waste hauler discharge application, the waste hauler must establish a billing account with the County Manager or his/her designee and comply with the requirements associated with establishing a billing account, which may include the submission of information and deposits by the waste hauler.
 - (c) *Waste hauler discharge permit application contents.* In order to be considered for a waste hauler discharge permit, all waste haulers required to obtain a waste hauler discharge permit must submit the information specified on a permit application in the form prescribed by the County Manager or his/her designee, accompanied by the application fee. In support of the application, the waste hauler must submit, in terms appropriate for evaluation, the following information:
 - (1) Hauler name, address, and location (if different from the facility address);
 - (2) Business name, address, telephone number, fax number, and e-mail address;
 - (3) Vehicle storage location;
 - (4) The specific waste types to be disposed;
 - (5) Designated facility contact;
 - (6) All environmental permits and licenses held, including type, issuing body, and applicable expiration date;
 - (7) Waste hauling vehicle information for every vehicle to be utilized for the disposal of hauled waste in the County, including vehicle make/model, year, license tag number, Hardee County Landfill , Vehicle Identification Number (VIN), and waste disposal capacity (in gallons); and
 - (8) Valid proof of insurance for every vehicle identified in (7), above.
 - (d) *Application signatories and certification.* All waste hauler discharge permit applications must contain the following certification statement and be signed by an authorized representative of the waste hauler:
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"I am an authorized representative of the above-named Waste Hauling Company and have the authority to commit resources necessary to achieve and maintain compliance with the terms and conditions of this permit. I have reviewed this permit application and understand the requirements contained herein.

I acknowledge that no hazardous waste is to be transported or mixed with liquid waste hauled under this permit.

I also acknowledge that no industrial waste (except where specifically approved by the County Manager or his/her designee on a case-by-case basis) is to be transported or mixed with liquid waste hauled under this permit.

I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision. 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 fines and imprisonment for knowing violations."

- (e) *Waste hauler discharge permit decisions.* Upon receipt of a complete waste hauler discharge permit application, the County Manager or his/her designee may issue a waste hauler discharge permit requiring the waste hauler to comply with this article.

Sec. 14-145. Waste Hauler Discharge Permit Issuance.

- (a) *Waste hauler discharge permit conditions.* All holders of waste hauler discharge permits shall be subject to all provisions of this article, all other applicable regulations, and user charges and fees established by the County. Waste hauler discharge permits shall include such conditions as are reasonably deemed necessary by the County Manager or his/her designee to prevent pass through or interference; to protect the quality of the water body receiving the WWF's effluent; to protect worker health and safety; to facilitate biosolids and effluent reuse management and disposal; to protect ambient air quality; and to protect against damage to the WWF.

(1) Waste hauler discharge permits must contain the following general permit conditions:

- a. A statement that violation of any permit condition may result in the suspension or revocation of the permittee's disposal privileges at the designated waste disposal facility;
- b. A statement that the County Manager or his/her designee reserves the unconditional right to refuse the acceptance of any load or to stop an unloading operation in progress at any time; c. A listing of acceptable waste types;
- d. A listing of waste types subject to approval by the County Manager or his/her designee on a case-by-case basis before disposal;
- e. A listing of prohibited waste types;
- f. The administrative requirement of the waste hauler to obtain a waste hauler discharge permit prior to discharging wastewater at the Hardee County Septage Receiving Facility or location approved by the County Manager or his/her designee;
- g. The administrative requirement of the waste hauler to obtain a waste hauler license from the Hardee County Environmental Department for the transportation of each waste type identified by the waste hauler on the hauled waste discharge permit application, and in accordance with this Chapter 14;
- h. The administrative requirement of the waste hauler to obtain a waste hauler license vehicle decal from the Hardee County Landfill for the transportation of domestic or industrial waste;
- i. The administrative requirement of the waste hauler to maintain a current waste hauler account with the County Manager or his/her designee;

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- j. A statement that the waste hauler must complete and submit to the County Manager or his/her designee, prior to discharge, a waste tracking form identifying the source of all waste (i.e., origin/location, address, and estimated volume) for each load to be disposed at the Hardee County Landfill or designated disposal location;
 - k. A statement that all vehicles used to haul waste must be equipped with a safe and easily accessible sample point; and
 - l. A statement that analytical data may be required of all waste types subject to approval by the Control Authority.
- (2) Waste hauler discharge permits must contain the following specific permit conditions:
- a. A detailed listing of specific acceptable waste types and a statement that the waste hauler may dispose the specific waste types listed;
 - b. A detailed listing of the specific vehicles (as identified by vehicle make, waste transportation license number, license tag, VIN, and waste capacity [in gallons]) authorized to dispose hauled waste;
 - c. A statement that the original waste hauler discharge permit must be kept on file in the permanent business office location of the waste hauler;
 - d. A statement that each permitted waste hauling vehicle shall carry a copy of the waste hauler discharge permit at all times;
 - e. A statement that the waste hauler shall immediately report any change in business name, ownership, address, or permitted vehicles in writing by submitting to the County Manager or his/her designee a waste hauler discharge permit application (with appropriate fee) detailing all reported changes;
 - f. A statement that all waste subject to approval shall not be comingled with other waste;
 - g. A statement that in the case of multiple pump-outs contained in one (1) vehicle load, any part of the load which is unacceptable may render the entire load unacceptable for discharge; and
 - h. A statement that the waste hauler shall follow the established procedures and policies regarding the use of the Hardee County Landfill.
- (3) Waste hauler discharge permits must contain vehicle-specific waste tracking forms or nonhazardous waste disposal manifests identifying the following information at a minimum:
- a. Waste hauler business name;
 - b. Hardee County Resilient Environment Department vehicle waste transporter license number;
 - c. Waste hauler account number;
 - d. Waste hauler discharge permit number;
 - e. Waste pick-up date;
 - f. Waste generator name, and address (of waste origin), including identification of what county the waste came from, for all waste types excluding portable toilet waste and used cooking oil. Waste haulers disposing of portable toilet waste must maintain customer records identifying generator name and address, and shall make this information available to the County Manager or his/her designee upon request;
 - g. Waste type and estimated volume (in gallons);
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- h. The presence of liquid waste;
 - i. The need for vehicle cleaning at the septage receiving facility;
 - j. A certification from the waste hauler that the information provided on the waste tracking form or nonhazardous waste disposal manifest is true, accurate, and complete; and
 - k. Waste hauler driver's name and signature.
- (4) Waste hauler discharge permits may require waste tracking forms or nonhazardous waste disposal manifests to be signed. Waste hauler discharge permits may also require that all waste generators sign and date the waste tracking form or nonhazardous waste disposal manifest to be submitted to the County Manager or his/her designee with every load (excluding portable toilet waste and cooking oil).
- (b) *Waste hauler discharge permit denial.* The Control Authority may deny issuance of a permit if it determines that an applicant has been in any way affiliated or associated with any waste hauler or industrial user that has previously violated the provisions of this article, either by noncompliance with permit requirements or due to failure to pay required disposal fees, annual fees, fines, or penalties.
- (c) *Waste hauler discharge permit duration.* Permits shall be issued for any specified time period, not to exceed two (2) years. Each waste hauler discharge permit shall expire on a specific date as set forth in the permit.
- (d) *Waste hauler discharge permit transfer.* Waste hauler discharge permits are issued to a specific waste hauler for a specific operation at a specific location. A waste hauler discharge permit is not transferrable to another person, business, or location.
- (e) *Waste hauler discharge permit review.* Any waste hauler may petition the Control Authority to review the conditions of a waste hauler discharge permit within fifteen (15) days after the waste hauler's receipt. The petition for review must be received by the Control Authority within the fifteen (15) day time period.
- (1) Failure to submit a timely petition shall be deemed to be a waiver of the administrative review.
 - (2) In its petition, the party seeking review must indicate the waste hauler discharge permit conditions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the waste hauler discharge permit.
 - (3) The effectiveness of the waste hauler discharge permit shall not be stayed pending the appeal.
 - (4) Decisions denying review of a waste hauler discharge permit, denying issuance of a waste hauler discharge permit, or denying proposed modifications to a waste hauler discharge permit shall be considered final administrative action for purposes of judicial review. If the Control Authority fails to act within fifteen (15) days after receipt of the petition for review from the permittee, a petition for review and relief sought therein shall be deemed to be denied.
 - (5) Aggrieved parties seeking judicial review of the final administrative action by the Control Authority must do so by certiorari to the Tenth (10) Judicial Circuit Court in and for Hardee County in accordance with the Florida Rules of Appellate Procedure.
- (f) *Waste hauler discharge permit modification.* The County Manager or his/her designee or permittee may request by written notice a modification of the waste hauler discharge permit at any time for good cause including, but not limited to the following:
- (1) Any new or revised local, state, or federal pretreatment standards or requirements;
 - (2) Alterations or additions to the waste hauler's operation, processes, acceptable or unacceptable waste types or vehicle make, license tag, waste capacity, or waste transporter license number since the time of waste hauler discharge permit issuance;
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- (3) A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized waste discharge;
 - (4) Information indicating that the permitted discharge poses a threat to the WWF, or persons or waters of the state;
 - (5) Violations of any terms or conditions of the waste hauler discharge permit;
 - (6) Permittee's misrepresentations or failure to fully disclose all relevant facts in the waste hauler discharge permit application or in any required reporting;
 - (7) Discovery of typographical or other errors in the waste hauler discharge permit; and
 - (8) A transfer of the facility ownership, location, or operation.

The filing of a request by the permittee for a waste hauler discharge permit modification does not stay any waste hauler discharge permit condition.

- (g) *Waste hauler discharge permit suspension.* The Control Authority may suspend for a period of up to one (1) year all permits held by a liquid waste transporter if the transporter or an employee of the transporter violates any of the provisions of this article, or any rule or regulation promulgated by the Control Authority, or if the waste hauler account has a past due balance of forty-five (45) days or more. Once suspended, a permit shall not be reinstated until the Control Authority determines that the permittee is again qualified, has corrected all existing noncompliance issues and violations, has taken precautions to prevent future violations, and has paid all outstanding amounts due for fines and penalties, for permit fees, and for disposal fees, plus a deposit. The deposit shall consist of one (1) month's discharge fees, based upon the average fees for the permittee over the previous six (6) month period.
 - (h) *Waste hauler discharge permit revocation.* The Control Authority may revoke a permit for any of the following actions or inactions by the permittee:
 - (1) Discharging of industrial wastewater without prior Control Authority approval.
 - (2) Disposing hauled waste at any location not designated or approved by the Control Authority.
 - (3) Misrepresenting or failing to fully disclose all relevant facts in the waste hauler discharge permit application.
 - (4) Falsifying information provided on waste tracking forms or nonhazardous waste disposal manifests.
 - (5) Tampering with samples collected from waste loads.
 - (6) Refusing to allow the Control Authority timely access to the facility premises or records.
 - (7) Failing to meet effluent requirements.
 - (8) Failing to pay fines or penalties.
 - (9) Failing to pay waste disposal charges.
 - (10) Failing to meet compliance schedules.
 - (11) Failing to complete a waste hauler discharge permit application.
 - (12) Violating any general or specific permit condition or requirement, or any terms of the waste hauler discharge permit or this article.
 - (13) Failing to disclose the applicant's association or affiliation with any industrial user or waste hauler company that previously violated the provisions of this article, either by noncompliance with permit requirements or by failing to pay required service fees, disposal fees, annual fees, fines, or penalties.
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Waste hauler discharge permits shall be voidable by the Control Authority upon nonuse, cessation of operations, or transfer of business ownership. A waste hauler discharge permit is void upon the issuance of a new waste hauler discharge permit.

- (i) *Waste hauler discharge permit reissuance.* A waste hauler with an expiring waste hauler discharge permit may apply for reissuance of its waste hauler discharge permit by submitting a complete discharge permit application, in accordance with Section - 14-144(c) of this article prior to the expiration of the user's existing waste hauler discharge permit.
- (j) Regulation of hauled waste received from outside service area.
 - (1) All hauled waste discharged to the Hardee County Landfill which originates from an area located outside Hardee County is subject to an "Out of Service Area" fee.
 - (2) Any industrial facility discharging industrial waste to the WWF by means of a waste hauler may need to obtain a discharge permit and may also be subject to regulation by the Control Authority.

Sec. 14-146. Reporting Requirements.

- (a) *Baseline monitoring reports.* Any industrial user subject to a national categorical pretreatment standard, and currently discharging to or scheduled to discharge to the WWF, shall submit to the County Manager or his/her designee within one hundred eighty (180) days after the effective date of the national categorical pretreatment standard promulgated under Sections 307 (b) or (c) of the Act, or the date of the final administrative decision on a category determination under Rule 62-625.410(2)(d), F.A.C., whichever is later, a baseline monitoring report.

After promulgation of an applicable categorical standard, and at least ninety (90) days prior to commencement of a discharge, a new source or source that becomes an industrial user shall submit a baseline monitoring report to the County Manager or his/her designee.

At the same time a new source submits a baseline monitoring report, a new source shall also report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged. A baseline monitoring report must include at least the following:

- (1) The name and address of the facility, including the name of the operator and owner;
- (2) A list of all environmental control permits, licenses, or registrations held by or for the facility;
- (3) A brief description of the nature, average rate of production, and standard industrial classification number(s) of the operation(s) carried out by the industrial user. This description shall include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes;
- (4) Information showing the measured average daily flow and maximum daily flow, in gallons per day, to the WWF from each regulated process stream and other streams as necessary to allow use of the combined waste stream formula of Rule 62-625.410, F.A.C., and included in 40 CFR 403.6(e);
- (5) The national pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;
- (6) The results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge of each regulated process. Instantaneous, daily maximum and long-term average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with the procedures set forth in Section - 14-146(e). When the pretreatment standard requires compliance with a BMP or pollution prevention

alternative, the industrial user shall submit documentation as required by the Control Authority or the applicable pretreatment standard to determine compliance with the pretreatment standard;

- (7) Where the flow of the regulated stream being sampled is less than or equal to two hundred fifty thousand (250,000) gallons per day, the industrial user shall take three (3) samples within a two-week period. Where the flow of the regulated stream is greater than two hundred fifty thousand (250,000) gallons per day, the industrial user shall take six (6) samples within a two-week period;
- (8) Samples shall be taken immediately downstream from pretreatment facilities if such facilities 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 industrial user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of Section 62625.410(6), F.A.C., and included in 40 CFR 403.6 in order to evaluate compliance with the pretreatment standards. Where an alternative concentration or mass limit has been calculated in accordance with Section 62-625.410(6), F.A.C., this adjusted limit along with supporting data shall be submitted to the Control Authority;
- (9) A baseline monitoring report may be submitted which utilizes only historical data so long as the data comes from a facility of similar production and capacity, and the data provides information sufficient to determine the need for industrial pretreatment measures;
- (10) A statement, signed by the authorized representative of the industrial user and certified by the person in responsible charge, indicating whether national pretreatment standards are being met on a consistent basis, and, if not, whether O&M or additional pretreatment, or both, are required for the industrial user to meet national pretreatment standards and Control Authority requirements;
- (11) If O&M or additional pretreatment will be required to meet the pretreatment standards, the shortest compliance schedule by which the industrial user will provide such additional pretreatment or O&M.

The completion date in this schedule shall not be later than the compliance date established for the applicable national categorical pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set forth in Section 14-142(e)(10) of this article; and

- (12) All baseline monitoring reports must be signed and certified in accordance with Section 14-142(f).

(b) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by Section 14-146(a) (11):

- (1) The schedule shall contain dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities or systems required for the industrial user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (2) No individual activity date duration shall exceed nine (9) months;
- (3) The user shall submit a progress report to the Control Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

(c) *Report on compliance with categorical pretreatment standard deadline report.* Within ninety (90) days following the date for final compliance with the applicable standards, or in the case of a new source following

commencement of the introduction of wastewater into the WWF, any industrial user subject to pretreatment requirements shall submit to the County Manager or his/her designee a baseline monitoring report containing the information described in Section - 14-146(a) of this article. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 62625.410(4), F.A.C., and included in 40 CFR 403.6, 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) Any industrial user required to perform self-monitoring by its wastewater discharge permit shall submit to the County Manager or his/her designee at a frequency determined by the County Manager or his/her designee, but in no case less than twice per year, a periodic compliance report indicating the nature and concentration of the pollutants in the effluent which are limited by the wastewater discharge permit. In addition, the periodic compliance report shall include the measured or estimated average and maximum daily flows for the reporting period for the discharge. At the discretion of the County Manager or his/her designee and in consideration of such factors as high or low flow rates, holidays, budget cycles, etc., the County Manager or his/her designee may agree to alter the months during which the above periodic compliance reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with Section 14-142(f) of this article.
 - (2) In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the industrial user must submit documentation required by the Control Authority or the pretreatment standard necessary to determine the compliance status of the industrial user.
 - (3) All wastewater samples must be representative of the industrial 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 an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.
 - (4) If an industrial user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the WWF, using the sampling procedures prescribed in Section - 14-146(m) of this article, the results of this sampling shall be included in the periodic compliance reports.
 - (5) All periodic compliance reports must be signed and certified in accordance with Section 14-142(f).
- (e) *Hauled waste—waste acceptance request.* Any waste generator requesting to dispose hauled waste subject to Control Authority waste acceptance approval prior to disposal (including without limitation, industrial or commercial process, holding tank or septic tank waste, storm sewer clean out, processed restaurant grease trap clean out, leachates, condensates, equipment or facility wastewater or wastewater treatment facility sludges) may be required to perform self-monitoring by its wastewater discharge permit (if applicable) or as required by the waste transporter's waste hauler discharge permit. The permitted waste hauler shall submit to the County Manager or his/her designee, at a frequency determined by the County Manager or his/her designee, a waste acceptance request indicating the nature and concentration of the pollutants in the hauled waste which are limited by the wastewater discharge permit (if applicable) or by the WWF local limits (if no wastewater discharge permit exists). In addition, the waste acceptance request shall indicate the total volume of waste to be hauled to the WWF, and the estimated frequency of further discharges.
- (f) *Self-monitoring and analysis of user discharge reports.* The reports required in paragraphs (a), (b), and (c) of Section - 14-146 shall contain the results of sampling and analysis of the discharge, including the waste

stream concentration or mass of pollutants contained therein which are limited by the wastewater discharge permit. The frequency of monitoring to demonstrate compliance shall be as prescribed in the wastewater discharge permit. All pollutant analyses, including sampling techniques, shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods approved by the County Manager or his/her designee. Sampling and analytical requirements shall meet the requirements outlined in subparagraphs 62-625.600(1)(e)3, 5, and 7, F.A.C., Chapter 62-160, F.A.C., and the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01 (DEP-SOP001/01, FS2400, Wastewater Sampling).

- (g) *Self-monitoring and analysis of hauled waste acceptance request.* The information required in Section 14146(d) shall contain the results of sampling and analysis of the requested hauled waste discharge, including the waste stream concentration of pollutants contained therein which are limited by the wastewater discharge permit (if applicable) or by the WWF local limits. The frequency of monitoring to demonstrate compliance shall be as prescribed in the wastewater discharge permit (if applicable) or as specified by the Control Authority. All pollutant analysis, including sampling techniques, shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. Where 40 CFR Part 136 does not include sampling or analytical techniques for pollutants in question, or where the EPA determines that the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods approved by the County Manager or his/her designee.

The waste hauler requesting the acceptance of hauled waste for disposal at the WWF must collect a grab sample representative of the waste to be discharged by the waste generator.

- (h) *Report of significant material changed conditions.* Each industrial user shall notify the County Manager or his/her designee of planned significant material changes to the industrial user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change. "Significant" material changes shall mean flow increases of ten percent (10%) or greater, the discharge of any previously unreported pollutants, or modification to the industrial user's facilities, operations, or pretreatment system which alters the nature or quantity of its wastewater.

- (1) The County Manager or his/her designee may require the industrial user to submit such information as may be deemed necessary by the County Manager or his/her designee to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 14142(e).
- (2) The County Manager or his/her designee may issue a wastewater discharge permit under Section 14143(a) or modify an existing wastewater discharge permit under Section 14-143(e).
- (3) No industrial user shall implement a planned significant material change of condition unless and until the County Manager or his/her designee has responded to the industrial user's notice.

- (i) *Reports of potential problems.*

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or a slug load that might cause potential problems for the WWF, the user shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste,

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- concentration and volume, if known, and corrective actions taken by the user, and shall meet all requirements of Section 14-140(c)(3) of this article.
- (2) Within five (5) days after such discharge, the user shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might have incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.
 - (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (h), above. Employers shall ensure that all employees are advised of the emergency notification procedure.
 - (4) A significant industrial user is required to notify the County Manager or his/her designee immediately of any changes at its facility affecting the potential for a slug discharge.
- (j) *Reports from unpermitted users.* Any user not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Control Authority as the Control Authority may require.
- (k) *Notice of violation/repeat sampling and reporting for industrial users.* If sampling and analysis performed by an industrial user indicate a parameter violation, the industrial user must notify the County Manager or his/her designee within twenty-four (24) hours after becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat sample analysis to the Control Authority within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the Control Authority performs monitoring at the industrial user's facilities at least once a month, or if the Control Authority performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.
- (l) *Notice of violation and reporting for waste haulers.* If sampling and analysis performed by a waste hauler or waste generator requesting waste acceptance from the Control Authority indicate a parameter violation, the Control Authority may deny a waste acceptance or waste disposal request. If at the time of waste discharge it is identified by the Control Authority that waste is subject to waste acceptance sampling, the Control Authority may collect a sample of the waste for analysis. If sampling and analysis performed by the Control Authority indicate a parameter violation (for all pollutants except BOD, COD, and TSS), the waste hauler and waste generator may be subject to fines and penalties, in addition to costs associated with the analysis of hauled waste. For instances where sampling and analysis performed by the Control Authority indicate compliance with waste acceptance requirements, the waste hauler and waste generator may be subject to fees associated with the recovery of costs for the analysis of hauled waste samples.
- (m) *Submittal and receipt of reports.* Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.
- (n) *Notification of the discharge of hazardous waste.*
- (1) Any industrial user who commences the discharge of hazardous waste shall notify the WWF, the EPA Regional Waste Management Division County Manager or his/her designee, and State hazardous waste authorities, in writing, of any discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the WWF, the notification also shall contain the following information to the extent such information is known and readily available to the industrial
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user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, a notification of changed conditions must be submitted under Section 14-146(h). The notification requirement in this section does not apply to pollutants already reported by industrial users subject to categorical pretreatment standards under the self-monitoring requirements of this section.

- (2) Dischargers are exempt from the requirements of Section 14-146(n), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Chapter 62-730, F.A.C. Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Chapter 62-730, F.A.C., requires a one-time notification. Subsequent months during which the industrial user (IU) discharges more than such quantities of any hazardous waste do not require additional notification.
 - (3) In the case of any new FDEP regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the IU must notify the Control Authority and the FDEP's hazardous waste and pretreatment authorities of the discharge of such substance within ninety (90) days after the effective date of such regulations.
 - (4) In the case of any notification made under this section, the IU shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (o) *Sample collection.* 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, and based on data that is representative of conditions occurring during the reporting period.
- (1) Except as indicated in paragraphs (2) and (3) below, the industrial user must collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Control Authority. Where time proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; and for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority. In addition, grab samples may be required to show compliance with instantaneous maximum limits.
 - (2) Samples for oil and grease, temperate, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab sample collection techniques.
 - (3) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Sections 14-146(a) and (b), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, and sulfide and volatile organic compounds for facilities for which historical sampling data does not exist; for facilities for which historical sampling data is available, the Control Authority may authorize a lower minimum. For the reports required by Section 14-146(c), the

industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

Sec. 14-147. Records.

- (a) *Sampling and analysis records.* Any user subject to the reporting requirements established in Section 14-146 shall retain, and make available for inspection and copying, all records and necessary information resulting from monitoring activities required by Section - 14-146, any additional records or necessary information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with BMPs established under Section 14-139. Such records shall include for all samples at least the following:
- (1) The date, exact place, method, time of sampling, name of the person or persons taking the sample, any appropriate field sample preservation methods, and chain-of-custody information;
 - (2) The dates analyses were performed;
 - (3) Who performed the analyses;
 - (4) The analytical methods/techniques used and detection limits; and
 - (5) The results of such analyses.
- (b) *Monitoring activities and results records.* Any user subject to the reporting requirements established in Section - 14-146 shall retain, for a minimum of three (3) years, any records of monitoring activities and results (whether or not such monitoring activities are required by this article) and shall make such records available for inspection and copying by the Control Authority, FDEP, and EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the user, or when requested by the Control Authority, FDEP, or EPA.

Sec. 14-148. Monitoring Facilities.

The Control Authority may require any industrial user to provide and operate, at the industrial user's sole expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and the regulated process discharge. The monitoring facility shall be situated on the industrial user's property at a location approved by the Control Authority prior to its installation. But the Control Authority may, when such a location would be impractical or cause undue hardship on the industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling MAS or facility to allow accurate flow measurements, sampling, and preparation of samples for analysis. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Control Authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Control Authority.

The Control Authority may require any significant industrial user to provide and operate, at the significant industrial user's sole expense, suitable flow metering and sampling equipment to facilitate the accurate observation, sampling, and flow measurement of process wastewater. Such sampling and measuring equipment shall be properly operated, kept clean, and maintained in good working order at all times and at the expense of the significant industrial user, and shall be accessible to the Control Authority at all times. All devices used to measure wastewater flow and quality shall be calibrated periodically based on the manufacturer's recommendation to ensure their accuracy. The failure of a significant industrial user to keep its monitoring facility in good working order shall not be grounds for the significant industrial user to claim that sample results are unrepresentative of its discharge and will be deemed a separate violation of this article.

Sec. 14-149. Compliance Monitoring.

- (a) *Inspection and sampling.* The Control Authority shall have the right to inspect the facilities and vehicles of any industrial user or waste hauler to ascertain whether the purposes of this article, and any permit or order issued hereunder, are being met and all requirements are being complied with.

Persons occupying or operating such facilities or vehicles where waste is created, transported or discharged shall allow the Control Authority ready access to all parts of the facility or vehicle premises for the purposes of inspection, sampling, records for examination and copying, and the performance of any of the Control Authority's duties. The Control Authority, FDEP, and EPA shall have the right to set up or attach such devices as are necessary to conduct sampling inspection, compliance monitoring, and metering operations. Tampering with, or knowingly rendering inaccurate, such devices shall be a significant violation and could result in immediate wastewater discharge permit and waste hauler permit termination and shall place the user in significant noncompliance, as defined in Section 14- 150 of this article.

Where a user has a security measure in force which requires proper identification and clearance before entry into its premises, the industrial user or waste hauler shall make necessary arrangements with its security guards so that upon presentation of proper identification, personnel from the Control Authority, FDEP, or EPA are permitted to enter, without delay, for the purposes of performing compliance monitoring.

Any temporary or permanent obstruction to safe and easy access to the industrial user's or waste hauler's facility shall be promptly removed by the industrial user or waste hauler at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be borne by the industrial user or waste hauler. Unreasonable delays in allowing the Control Authority, FDEP, or EPA personnel access to the industrial users or waste hauler's premises shall be a violation of this article.

- (b) *Search warrants.* If Control Authority personnel have been refused access to a building, structure, or property, or any part thereof, and if Control Authority personnel have demonstrated probable cause to believe that there may be a violation of this article or that there is a need to inspect the industrial user's facility as part of a routine inspection program of the Control Authority designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the County Attorney may appear before any judge 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. The warrant shall specify what may be searched on the property described. Such warrant shall be served at reasonable hours by Control Authority personnel in the company of a uniformed police officer of Hardee County or the local municipality. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

Sec. 14-150. Publication of Industrial Users in Significant Noncompliance.

The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the County, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

The term "significant noncompliance" shall apply to all significant industrial users (or any other industrial user that violates paragraphs (3), (4), or (8) of this section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous maximum limits;
- (2) Technical review criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous maximum limits, multiplied by the applicable criteria (1.4 for BOD, TSS, and total Oil and Grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement (daily maximum limit, long-term average, instantaneous maximum limit, or narrative standard) that the Control Authority 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;
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Control Authority's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s) that the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program, which may include a violation of BMPs.

Sec. 14-151. Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from inspections and sampling activities shall be available to the public or other government agencies without restriction, unless the information is exempt or protected from disclosure under applicable state law. Any claim or request for exemption or protection from disclosure must be asserted at the time of submission of the information or data to the Control Authority, and must detail the basis for such claim or request.

Sec. 14-152. Administrative Enforcement.

- (a) *Notification of violation.* Whenever the Control Authority finds that any user has violated or is violating this article, a discharge permit, or any prohibition, limitation, or requirement contained herein, the County Manager or his/her designee shall serve upon said user a written notice of the violation. Within ten (10) days

after the receipt date of this notice, the user shall respond, in writing, to the County Manager or his/her designee in defense of the violation and shall provide a written plan for the satisfactory correction and prevention thereof, including specific actions proposed to be taken. Submission of this plan in no way relieves the user of liability for any violation occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Control Authority to take action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

- (b) *Consent orders.* The County Manager or his/her designee may, in his or her sole discretion, enter into consent orders, assurances of voluntary compliance, or other similar documents to establish an agreement with any user responsible for noncompliance. Such orders or similar documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. A Consent order or similar document shall have the same force and effect as an administrative order issued pursuant to Section 14-152(d) and (e) below.
- (c) *Show cause hearing.* The County Manager or his/her designee may order a user that allegedly causes or contributes to a violation of this article, a discharge permit or orders issued hereunder, or any other pretreatment standard or requirement to appear before the County Manager or his/her designee and show cause why a proposed enforcement action should not be taken. The Control Authority shall serve notice personally or by registered or certified mail (return receipt requested), at least ten (10) days prior to the hearing, on the user, or posted at the location where the alleged violation is occurring or has occurred, and shall specify the time and place of the hearing, 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. Whether or not the user appears as notified, immediate enforcement action may be pursued by the County Manager or his/her designee following the hearing. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

Any user dissatisfied or aggrieved with the decision of the County Manager or his/her designee may appeal the County Manager or his/her designee's decision in writing as described in Section 14-156 of this article. The request must include a nonrefundable violation appeal process charge in accordance with the Hardee County Fee Schedule, which is adopted by Resolution annually. .

- (d) *Compliance orders.* When the County Manager or his/her designee finds that a user has violated, or continues to violate, any provision of this article, a discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the County Manager or his/her designee may issue an order to the user responsible for the discharge directing that the user come into compliance within thirty (30) days. If the user does not come into compliance within thirty (30) days, the County Manager or his/her designee shall discontinue sewer service to the user's facilities, unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices designed to minimize the concentration of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor may a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (e) *Cease and desist orders.* When the County Manager or his/her designee finds that a user has violated, or continues to violate, any provisions of this article, a discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the County Manager or his/her designee may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - (1) Immediately comply with all requirements; and

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- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge, or both. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (f) *Authority to impose administrative fines and penalties.*
- (1) Notwithstanding any other section of this article, any user who is found to have violated any provision of this article, a discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, may be fined in an amount described in the fines and penalties section of the Control Authority's FDEP approved ERP. Each day on which noncompliance occurs or continues shall be a separate and distinct violation. Assessments of such fines and penalties may be added to the user's next scheduled billing for sewer service. Unpaid fines and penalties shall, after thirty (30) calendar days, be considered delinquent, and the Control Authority shall then pursue other collection remedies as may be permitted under applicable law. A lien against the user's property may be filed for unpaid fines and penalties. Any user desiring to dispute such fines and penalties must file a request in writing within ten (10) days after being notified of the fine or penalty, as described in Section - 14-156 of this article. The request must include a nonrefundable violation appeal process charge in accordance with the Hardee County Fee Schedule, which is adopted by Resolution annually. The Control Authority may seek reimbursement of all prosecutorial costs including, but not limited to, laboratory costs, consultants' fees, sampling, and inspection expenses.
- (2) The Control Authority shall establish the ERP in accordance with Rule 62-625.500, F.A.C. The ERP shall contain, at a minimum: methods of investigating noncompliance; the identification of personnel responsible for enforcement; a description of the types of escalating enforcement responses; time frame for responses, enforcement tools, tracking, and follow-up, and an enforcement response guide inclusive of the fine and penalty matrix. The Control Authority shall establish the ERP at a public hearing at which all the users and all others interested shall have an opportunity to be heard concerning the proposed ERP. Notice of such public hearing setting forth the proposed schedule or schedules of the ERP shall be given by one (1) publication in a newspaper published in the County at least ten (10) days before the date fixed in such notice for the hearing, which may be adjourned from time to time. After such hearing, such schedule or schedules shall be kept on file in the office of the County Manager or his/her designee and shall be open at all times to public inspection. The Control Authority may revise the ERP from time to time in the same manner as the ERP was originally established. In addition to the administrative fines and penalties established by the Control Authority within the ERP, additional enforcement action may be imposed by the County Manager or his/her designee in accordance with Sections - 14-153 and - 14-154 herein.
- (3) Issuance of an administrative fine or penalty shall not be a bar against, or a prerequisite for, taking any other action against the user, nor shall an administrative fine or penalty release the user of liability for any violation, including any continuing violation.
- (g) *Emergency suspensions.* The County Manager or his/her designee may immediately suspend a user's discharge permit after written notice to the user whenever such suspension is necessary to stop an actual or threatened discharge that reasonably is causing, or could cause, an imminent or substantial endangerment to the health or welfare of a person. The County Manager or his/her designee may also immediately suspend a user's discharge permit, after notice and opportunity to respond, whenever such suspension is necessary to stop an actual or threatened discharge that reasonably presents, or could present, an endangerment to the environment, or threatens, or could threaten, interference with the operation of the WWF. Any user notified of a suspension of its discharge permit shall immediately stop or eliminate the noncomplying discharge. If the user fails to immediately comply with the suspension order, the County Manager or his/her designee shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or
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minimize damage to the WWF, its receiving stream, or endangerment to any person. The County Manager or his/her designee may reinstate the discharge permit when the user has demonstrated to the County Manager or his/her designee the elimination of the noncomplying discharge. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment to the WWF, its receiving stream, or to the health and welfare of a person, shall submit a detailed written statement to the County Manager or his/her designee describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any hearing. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section; however, a show cause hearing shall be scheduled as quickly as possible (the same day as the suspension when possible) but in no event shall such hearing be held later than twenty-four (24) hours after an emergency suspension.

- (h) *Termination of discharge.* The following actions or inactions by a user shall subject the user to termination of a discharge point:
- (1) Violation of discharge permit conditions;
 - (2) Failure to accurately report the waste constituents and characteristics of its discharge;
 - (3) Failure to report significant changes in operations or waste volume, constituents, and characteristics prior to discharge;
 - (4) Refusal of access to the user's premises for the purpose of inspection, monitoring, or sampling;
 - (5) Refusal of access to the waste hauler's vehicle waste contents for the purpose of inspection, monitoring, or sampling; or
 - (6) Violation of the pretreatment standards in Section 14-139 of this article.

Such user shall be notified of the proposed termination of its discharge point and shall be entitled to a show cause hearing under Section 14-152(c) of this article to prove why the proposed action should not be taken against the user. A request for a show cause hearing shall not be a bar to, or a prerequisite for, taking any other action against the user.

Sec. 14-153. Judicial enforcement.

If any person discharges wastewater, industrial wastes, or other wastes into the wastewater disposal system in violation of the provisions of this article or any order or permit issued hereunder after being ordered to discontinue such discharge as provided in Section 14-152, the County Manager or his/her designee, through the County Attorney, shall have the authority to commence an action in the name of the County for appropriate legal or equitable relief.

- (a) *Injunctive relief.* Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this article, discharge permits, or orders issued hereunder, or any other pretreatment requirement imposed by this article, the County Manager or his/her designee, through the County Attorney, may commence an action in the name of the County for injunctive relief to restrain or compel the specific performance of the provisions of this article, discharge permits, or orders issued hereunder, or any other pretreatment requirement imposed by this article on activities of the user. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (b) *Civil penalties.* Any user who has violated, or continues to violate, any provisions of this article, a discharge permit or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the County for up to the maximum civil penalty permitted under state law, but for not less than One Thousand Dollars (\$1,000) per day, plus actual damages incurred by the Control Authority per violation, for as long as the violation continues. In addition to the above-described penalty and damages, the County may recover court costs and other expenses associated with the enforcement activities, including sampling and

monitoring expenses, and the cost of any actual damages incurred by the Control Authority. In determining the amount of civil penalty, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. The County, through the County Manager or his/her designee and County Attorney, shall petition the court to impose, assess, and recover such sums. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

- (c) *Criminal prosecution.* If a user willfully or negligently violates any provision of this article, discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, such user shall, upon conviction, be punished by the maximum penalty permitted under state law per violation, per day, or imprisonment for not more than sixty (60) days, or both.

If a user willfully or negligently introduces any substance into the WWF that causes personal injury or property damage, such user shall, upon conviction, be punished by the maximum penalty permitted under state law but not less than One Thousand Dollars (\$1,000) per violation, per day, or imprisonment for not more than sixty (60) days, or both. This penalty shall be in addition to any other causes of action for personal injury or property damage available under state law.

If a user knowingly makes false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained pursuant to this article, discharge permit, or order issued hereunder, or falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, such user shall, upon conviction, be punished by the maximum penalty permitted under state law per violation, per day, or imprisonment for not more than sixty (60) days, or both.

- (d) *Remedies nonexclusive.* The provisions in Sections 14-152 and - 14-153 are nonexclusive remedies. The Control Authority reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will be in accordance with the Control Authority's FDEP approved ERP. However, the Control Authority reserves the right to take other action against any user when the circumstances warrant. Further, the Control Authority is empowered to take more than one (1) enforcement action against any noncompliant user. These actions may be taken concurrently.

Sec. 14-154. Supplemental Enforcement.

- (a) *Performance bonds.* The County Manager or his/her designee may decline to issue or reissue a discharge permit to any user that has failed to comply with the provisions of this article, a previous discharge permit, or order issued hereunder, unless such user first provides a performance bond, payable to the Control Authority, in a sum not to exceed a value determined by the County Manager or his/her designee to be necessary to achieve consistent compliance.
- (b) *Water supply severance.* Whenever a user has violated or continues to violate the provisions of this article, wastewater discharge permit, or order issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after the user has satisfactorily demonstrated its ability to comply. The Control Authority shall not be responsible for any damages incurred by a user caused by, or related to, the water supply being severed.
- (c) *Penalties for late reports.* A penalty shall be assessed to any user for each day that a report required by this article, a permit, or order issued hereunder is late, beginning five (5) days after the date the report is due. Actions taken by the Control Authority to collect late reporting penalties shall not limit the Control Authority's ability to initiate other enforcement actions that may include, but are not necessarily limited to, penalties for late reporting violations.

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- (d) *Liability insurance.* The County Manager or his/her designee may decline to issue or reissue a discharge permit to any user who failed to comply with any provision of this article, a previous discharge permit, or order issued hereunder, unless such user first provides proof that it has obtained liability insurance sufficient to restore or repair damage to the POTW caused by its discharge.
 - (e) *Payment of outstanding fees, fines, and penalties.* The County Manager or his/her designee may decline to issue or reissue a discharge permit to any user who failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this article, a previous discharge permit, or order issued hereunder.

Sec. 14-155. Affirmative Defenses.

- (a) *Treatment upsets.*
 - (1) For the purposes of this section, "upset" shall mean an incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - (2) An upset shall be an affirmative defense to an administrative action brought for noncompliance with categorical pretreatment standards if the requirements of Section 14-155(a)(3) are met.
 - (3) An industrial user who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
 - a. An upset occurred and the industrial user can identify the cause of the upset;
 - b. At the time of the upset, the facility was being properly operated; and
 - c. The industrial user has submitted the following information to the County Manager or his/her designee within twenty-four (24) hours after becoming aware of the upset. If this information is provided verbally, a written submission must be provided to the County Manager or his/her designee within five (5) days and must include all of the following:
 - 1. A description of the discharge and cause of noncompliance;
 - 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - 3. A plan including specific measures to reduce, eliminate, and prevent recurrence of the noncompliance.
 - (4) In any administrative enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
 - (5) An industrial user will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
 - (6) Upon reduction, loss, or failure of the industrial user's treatment facility, the industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards until the facility is restored or an alternative method of treatment 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.
 - (b) *Specific prohibitions.* An industrial user shall have an affirmative defense to an administrative enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 14-139 of
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this article 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 industrial 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 discharge was no different substantially in nature or constituents from the industrial user's prior discharge when the Control Authority was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. (c) *Treatment bypasses.*
 - (1) For purposes of this section, "bypass" shall mean the intentional diversion of waste streams from any portion of an industrial user's treatment facility or vehicle used to haul waste. "Severe property damage" shall mean substantial physical damage to property, damage to a treatment facility which causes it 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 shall not include economic loss caused by delays in production.
 - (2) Bypass is prohibited, and the County Manager or his/her designee may take enforcement action against an industrial user or waste hauler for a bypass, unless:
 - a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There was no feasible alternative to the bypass, such as the use of auxiliary treatment, retention of the wastewater, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment, in reasonable engineering judgment, should have been installed to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance, but was not; and
 - c. The industrial user properly notified the County Manager or his/her designee as required under Section 14-155(c)(3).
 - (3) 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 provisions of Sections 14-155(c)(2) and (4).
 - (4) If an industrial user knows in advance of the need for a bypass, it shall submit notice to the County Manager or his/her designee at least ten (10) days before the date of the bypass. An industrial user shall verbally notify the County Manager or his/her designee of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours after the time the industrial user becomes aware of the bypass. A written report shall also be submitted to the County Manager or his/her designee within five (5) days after the time the industrial user becomes aware of the unanticipated bypass. Whether the bypass is known about in advance or unanticipated, the written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The County Manager or his/her designee may waive the written report on a case-by-case basis if the verbal report has been received within twenty-four (24) hours and includes all information deemed necessary by the County Manager or his/her designee.

The County Manager or his/her designee may approve an anticipated bypass, after considering adverse effects, if the County Manager or his/her designee determines that it will meet three (3) conditions listed in Section 14155(c)(4).

Sec. 14-156. Appeal Process.

(a) *Appeal procedure.*

- (1) Appeal by administrative hearing shall be accomplished by filing a request in writing to the address indicated on the enforcement action, not later than ten (10) days after the receipt date.
- (2) Upon receipt of a timely request for an administrative hearing, the matter shall be set for hearing on the next regularly scheduled hearing, unless involving emergency suspensions.
- (3) The County shall serve a notice of hearing to the violator, which notice shall include, but not be limited to, the following:
 - a. Place, date, and time of the hearing;
 - b. Right of the violator to present witnesses and evidence and conduct cross-examination; and
 - c. A conspicuous statement reflecting the requirements of Chapter 286, Florida Statutes, that a person deciding to appeal a decision of a hearing examiner on a fine or penalty will need to ensure that a verbatim record of the proceedings is made.

The notice of the hearing shall be served personally or mailed by registered or certified mail (return receipt requested). If the notice of the hearing is served personally, the notice shall be served at least ten (10) days before the hearing. If, on the other hand, the notice of the hearing is mailed by registered or certified mail (return receipt requested), the notice shall be mailed at least fifteen (15) days before the hearing. Such notice may be served on any authorized representative of the user.

- (4) If the hearing examiner finds that a violation occurred but determines that the time given for correction was not reasonable, the hearing examiner shall determine a reasonable time period and enter an order that the alleged violator comply with this article.
 - (5) If the hearing examiner finds that the fine or penalty was issued before the reasonable time expired, the hearing examiner shall enter an order finding that a fine or penalty occurred, but shall not assess the applicable fine or penalty against the violator. However, if the hearing examiner finds that the alleged violator has not complied by the time of the hearing, the hearing examiner may choose to disregard the failure of the Control Authority to provide a reasonable time for the alleged violator to come into compliance and enter an appropriate fine or penalty.
- (b) *Hearing examiner.* There is hereby created for the purposes of this article the position of hearing examiner. The hearing examiner shall be a member in good standing of The Florida Bar. The hearing examiner shall conduct the hearing in accordance with the rules and regulations set forth herein.
- (c) *Authority of the hearing examiner.* In addition to all other authority granted in this section and other sections of this article, the hearing examiner shall have the authority, with regard to adjudicatory proceedings, to:
- (1) Administer oaths and affirmations.
 - (2) Issue subpoenas authorized by law, including those requiring the attendance of witnesses and the production of documents and other items which may be used as evidence.
 - (3) Rule upon motions presented and offers of proof and receive relevant evidence.
 - (4) Issue appropriate orders to effectuate discovery.
 - (5) Regulate the course of the hearing.
 - (6) Dispose of procedural requests or similar matters.

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- (7) Enter any order, consistent with the authority granted by this section, to carry out the purposes of this article.
 - (8) Make final orders and issue findings of fact and conclusions of law.
 - (9) Enter agreed final orders upon motion of the parties.
 - (10) Upon motion by the Control Authority, enter finalized settlements as final orders.
 - (11) Enter final orders that require compliance with the standards, rules, and provisions established by this article and with any license condition and that specify a reasonable time for such compliance.
 - (12) Render unchallenged fines or penalties into final orders.
 - (13) Enter orders resolving administrative review of final Control Authority decisions.
 - (14) Render final orders as liens upon all real and personal property of the violator.
 - (15) Enter other orders and consider other issues as necessary for the exercise of the hearing examiner's jurisdiction.
- (d) *Assessment of civil penalties, order for correction of the violation, and environmental damage.*
- (1) If it is determined by a preponderance of the evidence by the hearing examiner, after receiving all of the competent relevant evidence, that the respondent (alleged violator) has violated a provision of this article, the hearing examiner shall order that the violator be assessed a civil penalty. The hearing examiner shall consider during the determination of a civil penalty, among other issues:
 - a. The potential extent of the health concerns, damage to the WWF, and environmental damage;
 - b. The violator's cooperation with the Control Authority in taking remedial action to correct the violation and any environmental damage, and to perform other mitigation prior to the hearing;
 - c. History of noncompliance before and after the violation;
 - d. Economic benefit of noncompliance;
 - e. That the violator knew or should have known that it was not complying with this article; and
 - f. The amount necessary to ensure immediate and continued compliance with this article.
 - (2) In setting the civil penalty, the hearing examiner may not consider the amount of money or its equivalent expended by the violator to correct the violation or to come into compliance with this article.
 - (3) During the hearing of an appeal, the hearing examiner may remand the matter with instructions that the issuance of a notice of violation be considered for a violation of this article that was not previously identified.
 - (4) In addition, the hearing examiner shall determine and assess against the violator reasonable costs incurred by the County in the enforcement of this article.
 - (5) Each day during any portion of which a violation of this article occurs, or continues to occur, constitutes a separate violation.
 - (6) The hearing examiner shall order that the violator conduct appropriate actions as necessary to correct the violation and any environmental damage, and to ensure compliance with this article. The hearing examiner may establish compliance requirements. Compliance requirements may be stated generally or, upon delegation by the hearing examiner, established by the Control Authority. The violator's compliance activities shall be reviewed by the Control Authority to ensure compliance with
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the hearing examiner's order and this article and shall be conducted in accordance with the Control Authority requirements and pursuant to an appropriate Control Authority permit. The hearing examiner shall retain jurisdiction until the compliance activities have been completed to ensure compliance with this article.

Sec. 14-157. Surcharge Rates.

The County may adopt high strength wastewater surcharge rates for the following quantities of conventional pollutants:

- (1) BOD₅—above 400 mg/l
- (2) COD—above 800 mg/l
- (3) TSS—above 400 mg/l
- (4) TKN—above 30 mg/l and not exceeding 100 mg/l
- (5) NH₃-N—above 25 mg/l and not exceeding 70 mg/l
- (6) Total P—above 5 mg/l and not exceeding 20 mg/l
- (7) O&G—above 100 mg/l and not exceeding 500 mg/l

High strength industrial wastewater surcharge rates will be based on the WWF's treatment cost and will be charged on a mass emission rate basis. The rates shall be established and set forth in the schedule of rates set by the Hardee County Commission.

Sec. 14-158. Fees.

- (a) *Purpose.* It is the purpose of this section to provide for the recovery of costs from users of the WWF for the implementation of the program established herein. The applicable charges or fees shall be established and set forth in the Hardee County Fee Schedule, adopted by Resolution each year. .
- (b) *Fees.* The Control Authority may adopt charges and fees, which may include the following:
 - (1) Fees for reimbursement of costs of setting up and operating the County's pretreatment monitoring program;
 - (2) Fees for monitoring, inspections, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing self-monitoring reports submitted by users;
 - (3) Fees for reviewing accidental slug discharge procedures, TOMP, and construction plans;
 - (4) Fees for wastewater discharge permit and waste hauler discharge permit applications, including the cost of processing such applications;
 - (5) Fees for wastewater discharge permits and waste hauler discharge permits;
 - (6) Fees for high strength wastewater surcharges for conventional parameters;
 - (7) Fees for filing appeals; and
 - (8) Other fees as the County may deem necessary to carry out the purposes of this article.

These fees relate solely to matters covered by this article and are separate from all other fees chargeable by the County.

Secs. 14-159—14-164. Reserved.

ARTICLE VII. COOLING TOWER WATER USE EFFICIENCY

Sec. 14-165. Short Title and Application.

This article is to be known as the "Hardee County Cooling Tower Water Use Efficiency Ordinance" and shall apply countywide.

Sec. 14-166. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivatives shall have the meanings given herein. The word "shall" is always mandatory and not merely County Manager or his/her designee.

- (a) *Cooling tower* means a heat exchanger used to dissipate heat loads to the atmosphere. When water is used as the heat transfer medium, the cooling tower may be referred to as a wet or evaporative cooling tower.
- (b) *Division* means the Permitting, Licensing and Consumer Protection Division, or successor agency.
- (c) *Reclaimed water* means wastewater that has received at least secondary treatment and a basic disinfection and is reused after flowing out of a wastewater treatment facility.
- (d) *Service provider* means the mechanical service contractor or water treatment service provider who, on behalf of the owner or the entity that has the legal ability to perform or authorize the operation and maintenance of the cooling tower, is responsible for the maintenance of the waters of a cooling tower system pursuant to the relevant regulations and standards.
- (e) *User* means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or other legal entity that is subject to the requirements of the Florida Building Code and that directly or indirectly takes water from the water resource, including taking from private or public utility systems, and taking from individual wells or pumps, for the operation of a cooling tower.
- (f) *Water resource* means any and all water on or beneath the surface of the ground including natural or artificial water courses or bodies, lakes, ponds or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

Sec. 14-167. Application of Article.

The provisions of this article shall apply to all users, as defined herein, within the geographic boundaries of Hardee County. This article shall not apply to cooling towers using reclaimed water or to persons who are not subject to the requirements of the Florida Building Code.

Sec. 14-168. Regulation of Cooling Towers.

- (a) *License required:* Unless exempted in Section 14-169, owner(s) of property within the geographic boundaries of Hardee County upon which new cooling towers that use the water resources of the County are located,

including cooling tower replacements, shall obtain from the Division a "Cooling Tower License" to operate a cooling tower.

- (b) *Type of license:* Property owners, or their representatives who have the legal ability to perform or authorize the operation and maintenance of the cooling tower, shall obtain a Cooling Tower License within twelve (12) months after a cooling tower replacement or new installation.
- (c) *Annual renewal of Cooling Tower License:* Licenses shall be renewed annually on or before March 31st. Each renewal application shall be accompanied by the applicable fee, a log of the operation and maintenance schedule for the components of the cooling tower system, and a signed affidavit of compliance with the Florida Building Code from the service provider. The signed affidavit shall include all dates of service within the reporting period and verification of system operation at a minimum of eight (8) cycles of concentration.
- (d) *Requirements to obtain a Cooling Tower License:* Applications for a Cooling Tower License shall be on the forms supplied by the Division and shall include documentation demonstrating that the new or replacement cooling tower:
 - (1) Is operated with conductivity controllers and make-up and blow-down meters;
 - (2) Achieves a minimum of eight (8) cycles of concentration; and
 - (3) Is equipped with efficient drift eliminators that achieve drift reduction to a maximum of 0.002% of the recirculated water volume for counterflow towers and 0.005% of the recirculated water flow for crossflow towers.

Sec. 14-169. Exemption.

Cooling tower systems utilizing reclaimed water are exempt from the licensing requirements under this article.

Sec. 14-170. Enforcement.

The Division shall have the power and authority to enforce the provisions of this article.

Sec. 14-171. Penalties.

- (a) A violation of any provision of this article is a violation of a County ordinance and may be enforced as provided by Chapter 3 of the Hardee County Code of Ordinances. Each day in violation of this article shall constitute a separate offense.
- (b) Violations of this article are civil infractions and, as such, may be enforced pursuant to the provisions of Hardee County Code of Ordinances ("Code"), with penalties assessed pursuant to Ch. 162, F.S., or any applicable code enforcement provision.

Secs. 14-172—14-181. Reserved.

ARTICLE VIII. CAPACITY FEES

Secs. 14-182: Capacity Fee Policy

Policy; Calculation. In order to minimize the costs incurred by rate payers for providing service to individual applicants, a Capacity Fee shall be paid by each applicant to reserve capacity for the applicant's use as otherwise provided herein. Capacity fees shall be uniform, and based upon average costs of providing potable water supply or wastewater treatment plant and disposal facilities. An individual applicant's capacity fees shall be based upon the anticipated average daily water consumption and/or wastewater flow contribution for the type of development or establishment requesting service. When existing structures connected to the system will require an increased water supply and/or sewage capacity, additional capacity fees shall be charged based upon the anticipated increase in flow resulting from the new demand. When existing structures connected to the system use a greater water supply and/or sewage capacity than they were allocated, additional capacity fees shall be charged based upon the increased flow resulting from the additional usage. The amount of additional capacity fees charged for the additional usage shall be based on the average daily water usage and/or sewage treated for the most recent twelve (12) month period. All additional capacity fees shall be paid at the rates then in effect at time of payment.

Secs. 14-183 Imposed:

Declared additional. A capacity fee is hereby imposed on each new connection or addition to the County's water system or sewer system. This fee shall be charged in addition to all other charges for sewer and water connections and servicing.

Secs. 14-184: Computation of Amount.

- (a) Each single-family residence and each unit of a duplex will be considered a separate unit or equivalent residential units (ERU) and the appropriate water and sewer capacity fees shall be charged per unit.
- (b) Mobile homes and apartments will be considered three fourths (3/4) of an ERU.
- (c) Recreational Vehicles connected to the water or sewer system will be considered one half (1/2) of an ERU.
- (d) Capacity fees for institutional, commercial, or industrial developments which do not meet the individual unit criteria will be based on the number of ERU equal to their estimated daily flow of water and/or wastewater. Such fees shall be set by the County Manager or designee based on the recommendation of the County's consulting engineers.
- (e) The capacity fees for water and sewer shall be as set forth in the exhibits hereto. Any amendments thereto may be made by resolution.

Secs. 14-185: Payment Prerequisite to Service.

Each capacity fee imposed by the County shall be paid to the County or a payment schedule shall be established before regular service is provided. Service can be discontinued if the customer does not adhere to the payment schedule.

Secs. 14-186: Reservation of Capacity.

The capacity fee paid shall be in exchange for a theoretical reservation of the capacity required for the applicant's use. There shall be no refund of the Capacity Fee, regardless of the amount used. The County must approve any transfer of reserved capacity. The applicant cannot transfer the reserved capacity except in a transfer of the whole parcel of property for which service was initially requested.

- (a) Disposition of Unused Reserved Capacity. The reservation of capacity remains open for the shorter of the date that service is commenced at the applicant's property (not including construction water service), or a two (2) year period. All capacity remaining unused for a period of two (2) or more years is subject to resale to other applicants. The applicant will then be subject to the availability of future capacity.

Secs. 14-187: Capacity Fees.

The Board of County Commissioners may choose to adopt or amend capacity fees for water and/or wastewater facilities by resolution of the Board, as provided by law.

- (a) Special Agreements - Capacity fees. The Board of County Commissioners may enter into special agreements with new or existing users with respect to capacity fees.

Secs. 14-188: Capacity Fees for Industrial or Abnormal Strength Wastewater.

If the Applicant's projected use of his property indicates a reasonable likelihood of industrial, or abnormal strength wastewater flows, the capacity fees shall be adjusted. In no event, however, shall any consumer's wastes cause pass through or interference as defined in the CWA, State CWA or herein.

- (a) Industrial Wastewater - The capacity fees calculated as otherwise provided herein, shall be increased by a multiple of 1.5 times that standard capacity fee (1.5x multiplier) to reflect a greater capacity cost generally experienced in treatment and disposal of industrial wastes, even when such wastes are lawfully discharged within the required limitations of the CWA. The payment of this 1.5x multiplier shall not be deemed to authorize exceedances from the pretreatment limitations in this ordinance, the CWA or the State CWA, nor shall it be a defense or excuse for discharges by the Consumer in excess of the pretreatment requirements in this Ordinance, the CWA or the State CWA.
- (b) Excess Strength Wastewater - The capacity fees calculated as otherwise provided herein, shall be increased by a multiple of the amount of the strength of the wastewater expressed as either Biochemical Oxygen Demand (BOD) or Total Suspended Solids (TSS), in excess over the residential strength established for BOD and TSS in the Pretreatment Limitations Section herein. Other chemical and biological constituents may only be exceeded on by written agreement between the County and applicant, and only to the extent they will not cause interference or pass through, or otherwise degrade the treatment process or equipment, as evaluated on a case-by-case basis, and as further specified in the Pretreatment Limitations Section herein.

Secs. 14-189: Capacity Fee Use Restricted.

- (a) Enterprise Funds Established. The County shall establish separate and distinct enterprise funds for the deposit of capacity fees.
- (b) Such funds derived from capacity fees shall be deposited or invested so as to maximize interest earnings and may be pledged for borrowing purposes.

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- (c) Wastewater capacity fees may only be expended for emergency repairs, expansion, modification, design, and new construction for the county's wastewater treatment plants, lift stations, or collection systems, including required land purchases. These funds may also be used to pay any related professional services or debt service for the financing of new facilities.
 - (d) Water capacity fees may only be expended for emergency repairs, expansion, modification, design, and new construction for the county's water treatment plants, pumping, storing, treating, or distribution facilities, including required land purchases. These funds may also be used to pay any related professional services or debt service for the financing of new facilities.

14-190—14-211. Reserved.

ARTICLE IX. CROSS CONNECTION BACKFLOW PREVENTION ORDINANCE

Sec. 14-212. Short Title.

This article shall be known as "The Hardee County Cross Connection Backflow Prevention Ordinance."

Sec. 14-213. Applicability.

This article shall apply to all areas of incorporated and unincorporated Hardee County for which the Hardee County Water and Wastewater Fiscal Operations Division provides retail water service.

Sec. 14-214. Purpose.

The purpose of this article is:

- (a) To protect the public potable water supply of Hardee County from the possibility of contamination or pollution by containing within the customer system such contaminants or pollutants that could backflow into the utility system; and
- (b) To promote the elimination or control of existing cross connections, actual or potential, which could create backflow and back siphonage, between the customer system and plumbing fixtures, and industrial piping systems; and
- (c) To provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of the Hardee County Utility System.

Sec. 14-215. Responsibility.

The Manager of the Hardee County Utilities Department shall be responsible for the protection of the utility system from contamination or pollution due to the backflow or back siphonage of contaminants or pollutants through the water service connection. If a backflow prevention assembly is required at a water service connection to any premises for the safety of the water system, the County Manager or his/her designee shall give notice in accordance with the Florida Building Code in writing to said owner to install a backflow prevention assembly at each water service connection to the premises. The owner shall install a backflow prevention assembly at no cost to Hardee County, and failure, refusal, or inability on the part of the owner to install said device or devices shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed. Moreover, the County Manager or his/her designee of the Permitting, Licensing and Consumer Protection

Division shall be responsible for ensuring that the initial installation and testing of the backflow prevention assembly has been completed properly and in accordance with this article, and the Hardee County Utilities Department will be responsible for ensuring implementation of annual testing and renewal requirements for the backflow prevention assemblies in accordance with this article. This article does not change or supersede any building codes related to fire prevention or any provisions of Chapter 633, Florida Statutes, Fire Prevention and Control, as amended. The owner will be responsible for complying with all applicable fire protection codes, statutes, and ordinances.

Sec. 14-216. Definitions.

- (a) *Approved*: Accepted by the Manager Hardee County Utilities as meeting an applicable specification stated or cited in this article, and as suitable for the proposed use.
- (b) *Atmospheric Vacuum Breaker (A.V.B.)*: An assembly that consists of a float check, a check seat, an open air inlet port, and a shutoff valve.
- (c) *Auxiliary Water Supply*: Any water supply available to a premise other than the water purveyor's utility system. Auxiliary water supply may include water from another municipality's public potable water supply, private potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids."
- (d) *Backflow*: The flow of water or other liquids, or substances under pressure into the utility system from any source or sources other than its intended source.
- (e) *Backflow Preventer*: An assembly, device or other means designed to prevent backflow or back siphonage.
- (f) *Backpressure*: A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.
- (g) *Back siphonage*: Backflow caused by negative or reduced pressure in the utility system.
- (h) *Building Official*: The principal enforcing officer of the Florida Building Code within a particular jurisdiction.
- (i) *Backflow Prevention Assembly*: A means or mechanism designed to prevent flow reversal through pipes or valves.
- (j) *Backflow Prevention Assembly Standards*: All backflow prevention assemblies required herein shall be an American Water Works Association (AWWA) approved backflow prevention assembly and shall be manufactured in full conformance with the standards established by the AWWA entitled:

AWWA C510-89 - Standard for Double Check Valve Backflow Prevention Assembly; and

AWWA C511-89 - Standard for Reduced-pressure Principle Backflow Prevention Assembly.

Further, backflow prevention assemblies must comply with the applicable laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California established by:

"Specification of backflow prevention assemblies"-Sec. 10 of the most current issue to the *Manual of Cross Connection Control*; and in full conformance with standards established by the American Society of Sanitary Engineers entitled:

ASSE 1001	-	Atmospheric-Type Vacuum Breakers
ASSE 1020	-	Pressure-Type Vacuum Breakers
ASSE 1024	-	Dual Check-Type Backflow Preventer (Residential Use only)

ASSE 1013	-	Reduced-pressure Principle, Back-Pressure Backflow Preventers
ASSE 1015	-	Double Check Valve-Type Back-Pressure Backflow Preventers

Section 7 of the AWWA Manual M-14 describes the requirements for maintenance and testing procedures in detail for these approved backflow prevention assemblies. Said mechanism or means may be an air-gap separation, reduced-pressure backflow prevention assembly, double check valve assembly, dual check valve device, or other device which is accepted by the AWWA as being effective for the type of risk under which the premises are classified.

(k) *Backflow Prevention Mechanisms:*

- (1) *Air-gap separation:* The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim. An AWWA approved air-gap separation shall be at least double the diameter of the supply pipe, measured vertically, above the top of the flood level rim and, in no case, less than one (1) inch. When an air-gap separation is used at the water service connection to prevent the contamination or pollution of the utility system, an emergency bypass shall be installed which shall include a backflow prevention assembly.
- (2) *Reduced-pressure backflow prevention assembly:* Two (2) independently acting check valves together with a hydraulically operating, mechanically independent pressure-differential relief valve located between the check valves and below the first check valve. These units are located between two (2) tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks.
- (3) *Double check valve assembly:* Two (2) internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two (2) tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cocks. This assembly shall be used only to protect against a non-health hazard and must be accessible for in-line maintenance and testing.
- (4) *Dual check valve device:* A compact unit manufactured with two (2) independent spring-activated check valves to prevent backflow. This device shall be used only on residential property to protect against a non-health hazard and cannot be tested or maintained.

(l) *Certified Tester:* A person certified through one of the following agencies as being competent to test, repair, overhaul, certify the operation, and make reports on backflow prevention assemblies:

- (1) American Society of Sanitary Engineers (A.S.S.E.).
- (2) National Environmental Technology Training Institute (N.E.T.T.I.).
- (3) Foundation for Cross Connection Control and Hydraulic Research (F.C.C.H.R.) - University of Southern California.
- (4) Training, Research, and Education for Environmental Occupations (T.R.E.E.O.) - University of South Florida.
- (5) Institution for Cross Connection Control (I.C.C.C.).

(m) *Building Official:* The Hardee County or municipal plumbing official responsible for the enforcement of plumbing regulations and prevention of cross connections.

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- (n) *Contamination*: The introduction or admission of any foreign substance into the potable water supply that degrades the quality or creates a health hazard.
 - (o) *Cross Connection*: Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids, through which, or because of which, backflow or back siphonage may occur into the water system. A water service connection between a utility system and a customer system that is cross connected to a contaminated fixture, industrial fluids system, or with a potentially contaminated supply or auxiliary water system, constitutes one type of cross connection. Other types of cross connections include, but are not limited to, connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or changeover devices, sliding multiport tube, and solid connections.
 - (p) *Cross Connection Control*: A cross connection with a backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
 - (q) *Customer*: The person, firm, corporation, or other legal entity whose name or names appear on billing for a water service connection under the jurisdiction of the Hardee County Utilities Department
 - (r) *Customer System*: This system shall include those parts of the facilities beyond the water service connection, including the service lines that are utilized in conveying potable water to points of use, and other internal systems.
 - (s) *Building Department/Building Inspector, Licensing and Consumer Protection Division*: The person in charge of the Permitting, Licensing and Consumer Protection Division of Hardee County or designee who is vested with the authority and responsibility for the implementation of building codes and for the enforcement of the provisions of this article by delegation through the building official to the chief plumbing official.
 - (t) *Director of the Fiscal Operations Division*: Hardee County Utilities Department or designee who is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this article.
 - (u) *Fire Marshal*: For unincorporated Hardee County, the person in charge of the fire prevention bureau of the emergency services division or designee, vested with the authority and responsibility for the enforcement of fire codes. For incorporated Hardee County, the person charged with authority and responsibility to enforce the fire codes.
 - (v) *Hazard, Health*: A cross connection or potential cross connection involving any substance that could, if introduced in the water system, cause death, illness, or disease, or have a high probability of causing such effects.
 - (w) *Hazard, Non-Health*: A cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the water system.
 - (x) *Hazard, Plumbing*: A plumbing-type cross connection in a customer system that has not been properly protected by an atmospheric vacuum breaker or backflow prevention assembly. Unprotected plumbing-type cross connections are considered to be a health hazard.
 - (y) *Hazard, System*: A threat of severe damage to the physical properties of the water system or of pollution or contamination that would have a protracted effect on the quality of the potable water in the water system.
 - (z) *Industrial Fluids System*: Any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, nonhealth, plumbing, or system hazard, if introduced into the water system. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis;
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circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and so forth; oils, gases, glycerin, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used for fire-fighting, industrial, or other purposes.

- (aa) *Owner*: The person, firm, corporation or other legal entity that holds title to a property or premises.
- (ab) *Pollution*: The presence of any foreign substance in water that degrades its quality so as to constitute a health hazard or impair the usefulness of the water.
- (ac) *Potable Water*: Any water which, according to recognized federal and state standards, is safe for human consumption.
- (ad) *Pressure-Type Vacuum Breaker (P.V.B.)*: An assembly used to isolate entire irrigation lines from the water system.
- (ae) *Source*: All components of the facilities utilized in the production, treatment, storage and delivery of water.
- (af) *Used Water*: Any water supplied by the water purveyor from a utility system to a customer system after it has passed through the water service connection and is no longer under the sanitary control of the water purveyor.
- (ag) *Utility System*: This system shall consist of the source, treatment facilities, the distribution system, which includes the network of conduits, storage facilities, pumping apparatus, and any additional points of authorized utility chemical treatment (e.g., injection facilities) used for the delivery of water; and shall include all those facilities of the water system under the complete control of the water purveyor, up to the point where the customer system begins (i.e. water service connection).
- (ah) *Water Purveyor*: Hardee County. The owner or operator of the public potable water system supplying the water supply to the public.
- (ai) *Water Service Connection*: The terminal end of a service connection from the utility system, that is, where the water purveyor's jurisdiction and sanitary control over the water at its point of delivery to the customer system ends. If a meter is installed at the water service connection, then the water service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention assembly located at the point of delivery to the customer system. Water service connection shall also include connections from a fire hydrant and all other temporary or emergency connections from the utility system.
- (aj) *Water System*: The water system shall be the total system of water supply and distribution of potable water, including the utility system and the customer system.

Sec. 14-217. Policy.

- (1) No water service connection to any premises shall be installed or maintained by the water purveyor unless the water system is protected as required by state laws, regulations, and this article. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention assembly required by this article is not installed, tested, certified, and maintained, or if it is found that a backflow prevention assembly has been removed or bypassed, or if an unprotected cross connection exists on the premises. The Director or County Manager Designee of the Hardee County Utilities Department shall notify the Hardee County Fire Marshal's office of such cases in a timely manner. Service shall not be restored until such conditions or defects are corrected.

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- (2) The customer system shall be open for inspection at all reasonable times to authorized representatives of the Hardee County Utilities Department, the Hardee County Health Department, and the Hardee County Building Department, or other building or plumbing officials with jurisdiction to determine whether cross connections or other structural or sanitary hazards, including violations of the provisions of this article, exist. Water service may be discontinued after notice to the owner and occupant if a violation of this article exists on the premises, and such other precautionary measures may be taken as are deemed necessary to eliminate any danger to the potable water. Water service shall not be restored until the danger has been eliminated in compliance with the provisions of this article.
- (3) A backflow prevention assembly shall also be installed on each service line to a customer system at or near the property line or immediately outside the building being served, but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:
- (a) In the case of premises having any auxiliary water supply, the utility system shall be protected against backflow from the premises by installing a backflow prevention assembly in the service line appropriate to the degree of hazard as described in subsections (4) and (6) of this section.
 - (b) In the case of premises on which any auxiliary water supply or industrial fluids system is utilized, the utility system shall be protected against backflow from the premises by installing a backflow prevention assembly in the service line appropriate to the degree of hazard as described in subsection (5).
 - (c) In the case of premises having internal cross connections or intricate plumbing and piping arrangements, the utility system shall be protected against backflow from the premises by installing a backflow prevention assembly in the service line appropriate to the degree of hazard as described in subsection (5).
 - (d) In the case of fire protection systems, see subsection (6).
- (4) The type of protective device required under subsections (3)(a), (b), and (c) shall depend upon the degree of hazard which exists as follows:
- (a) In the case of any premises where there is an auxiliary water supply as stated in subsection (3)(a) and it is not subject to paragraphs (b),(c) and (d) of this subsection (4), the utility system shall be protected by an air-gap separation or a reduced-pressure backflow prevention assembly.
 - (b) In the case of any premises where a non-health hazard exists, these systems shall be protected by a double check valve assembly.
 - (c) In the case of any premises where there are either actual or potential cross connections, the utility system shall be protected by a backflow preventer on exterior water faucets, and an air-gap separation or a reduced-pressure backflow prevention assembly at the water service connection. The type of backflow prevention assembly shall be determined by the level and degree of hazard as outlined in subsections (2)— (4) of this section.
 - (d) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the utility system shall be protected against backflow or back siphonage from the premises by an air-gap separation or a reduced-pressure backflow prevention assembly at each water service connection to the premises.
- (5) A backflow prevention assembly of the type designated shall be installed on each water service connection to the following types of facilities. This list is presented as a guideline with respect to the facilities listed and is not to be construed as being complete.

Abbreviations are as follows:

A.G.	-	Air Gap Separation
R.P.	-	Reduced-Pressure Backflow Prevention Assembly
D.C.V.A.	-	Double Check Valve Assembly
P.V.B.	-	Pressure Vacuum Breaker
A.V.B.	-	Atmospheric Vacuum Breaker

BACKFLOW PREVENTION DEVICES FOR FACILITY TYPES

Type of Facility	Minimum Type of Protection
Agricultural Irrigation Systems	R.P.
Automotive Maintenance Facilities	R.P.
Auxiliary Water Systems	R.P.
Breweries, Distilleries, Bottling Plants	R.P.
Buildings with House Pumps and/or Water Storage Tanks	D.C.V.A.
Buildings with Sewage Injectors	R.P.
Canneries, Packing Houses, or Reduction Plants	R.P.
Car Wash with Recycling System and/or Wax	R.P.
Chemical Plants	R.P.
Commercial Laundries	R.P.
Convalescent Homes and Sanitariums	R.P.
Dairies	R.P.
Dentist Office	R.P.
Dye Works	R.P.
Fertilizer Plants	R.P.
Film Laboratory or Processing Plant	R.P.
Fire Systems with pumps and/or Storage Tanks	R.P.
Food or Beverage Plant	R.P.
Hospitals, Clinics, Medical Buildings	R.P. (Parallel)

Irrigation Systems	R.P. or P.V.B.
Laboratories	R.P.
Laundries and Dry-Cleaning Plants	R.P.
Machine Tool Plants (Health or System Hazard)	R.P.
Manufacturing, Processing, and Fabricating Plants	R.P.
Metal Processing Plant (Health or System Hazard)	R.P.
Metal Processing Plant (Pollution Hazard)	R.P.
Metal Plating Plant	R.P.
Mobile Home Parks	R.P.
Morgues or Mortuaries	R.P.
Nursing Homes	R.P.
Oil and Gas Production Facilities	R.P.
Packing Houses or Rendering Plants	R.P.
Paper Products Plants	R.P.
Pesticides (Exterminating Companies)	A.G.
Petroleum Processing Plant	R.P.
Petroleum Storage Yard (Health or System Hazard)	R.P.
Petroleum Storage Yard (Pollution Hazard)	R.P.
Pharmaceutical or Cosmetic Plant	R.P.
Piers, Docks or Water Front Facilities	R.P.
Plating Plants	R.P.
Power Plants	R.P.
Radioactive Material Plants	R.P.
Residential Unit	D.C.V.A.
Restaurants	R.P.
Restricted, Classified or Other Restricted and/or Closed Facilities	R.P.
Sand and Gravel Plants	R.P.

Schools	R.P.
Shops (Retail and Wholesale)	R.P.
Swimming Pools with Piped Fill Line	A.G. at pool
Sewage Pumping Stations	R.P.
Sewage Treatment Plants	R.P.
Storm Drain Facilities	R.P.
Buildings Over Three (3) Stories	R.P.
Veterinary Establishments	R.P.

- (6) Due to the variety of installation designs of fire systems which may preclude the use of a meter, the point of service shall be defined as the last valve prior to the outside stem and yoke (OS&Y) valve. A backflow prevention assembly of the type designated below shall be installed on the water service connection for each fire protection service to any premises. Fire protection systems are divided into six (6) general classes. The following are typical:

<i>Minimum Type of Protection</i>	
Class 1 D.C.V.A.	A closed automatic fire protection system without pumper connection, having 20 heads or less;
Class 2 D.C.V.A.	A closed automatic fire protection system with pumper connection;
Class 3 R.P.	A closed automatic fire protection system with pumper connection and an auxiliary water supply on or available to the premises; or an auxiliary water supply which may be located within 1,700 feet of the pumper connection;
Class 4 R.P.	A closed automatic fire protection system with a closed pressure tank supply (this class may have a jockey pump interconnected with the domestic water supply and/or an air compressor connection);
Class 5 R.P.	A closed automatic sprinkler system interconnected with an auxiliary water supply;
Class 6	Fire protection system used for the combined purposes of supplying the automatic sprinklers, hose lines, fire hydrants and standpipes and being used for industrial purposes.
R.P.	(a) Self-draining fire hydrants on premises presenting a health or system hazard (i.e., chemical plants, petroleum storage plants, bulk storage yards, stockyards, sewer plants, or similar facilities) where ground seepage of toxic materials may occur.
D.C.V.A.	(b) Self-draining fire hydrants on premises presenting a non-health hazard (i.e., parks, playfields, or similar facilities) where ground seepage of non-health-hazard materials may occur.

- (7) A backflow prevention assembly shall be required in all premises not described in the previous sections, with the exception of services which have received waivers as authorized herein.
- (8) Backflow prevention devices as specified by the County shall be provided with the following types of plumbing devices:

Plumbing Device Installed	Minimum Type of Protection

Air conditioning system with chill water	R.P.
Air conditioning cooling tower	R.P.
Autoclave and sterilizer steam tables	R.P.
Below the rim of inverted supply water inlets in devices such as aquariums, bidets, baptisteries, bed pan washers, bird baths, fish ponds, foot tubs, sinks, drinking fountains, siphon flush tanks, lavatories, tanks, and other tubs or vats	R.P.
Boiler industrial feed lines	R.P.
Commercial dishwashing machines	R.P.
County water and sewage direct connections	R.P.
Dairy and stable water troughs	R.P.
De-greasing equipment	R.P.
Dental cuspidors and saliva ejectors	R.P.
Etching tanks	R.P.
Floor drains with trap primers or flush connections	R.P.
Garbage can washers	R.P.
Hospital digesters	R.P.
Hospital laundry machines	R.P.
Hydraulic elevators and industrial processes	R.P.
Industrial in-plant plumbing systems	R.P.
Industrial plant's protection meter	R.P.
Lawn sprinkling systems	R.P.
Medical aspirators	R.P.
Medical and industrial condensers	R.P.
Poultry or livestock water troughs where vaccine is added	R.P.
Processing tanks	R.P.
Pumps for unsafe materials primed with water	R.P.
Rubber hoses equipped with hand controls or selfclosing faucets	D.C.V.A.
Steam tables	R.P.
Suction side pump chlorinators	R.P.
Swimming pools	D.C.V.A.

- (9) Backflow prevention devices may be required by the County for other facilities not listed if deemed necessary to protect the water system from possible contamination, pollution and/or deterioration.
- (10) New facilities:
- (a) All new customers shall provide backflow protection as stipulated in Section 32.217. Additionally, each applicant for a building permit (excluding permits for residential units) shall be required to complete, and submit to the County, a cross-connection application.

(b) If upon review of the application it is determined that a potential cross-connection would exist, the County will notify the new customer in writing and arrange a meeting to discuss the requirements for backflow prevention. Procedures for inspection of the device will be discussed at this meeting. The customer will be required to provide construction drawings of his proposed facility.

- (11) Approval of a backflow prevention assembly shall be evidenced by a certificate of approval issued by an AWWA-approved testing laboratory certifying full compliance with AWWA and A.S.S.E. standards and F.C.C.H.R. specifications.

Backflow prevention assemblies that have been fully tested and have been granted a certificate of approval may be installed without further testing or qualification.

- (12) It shall be the duty of the owner at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year. Failed inspections, or those instances where the director of the division deems the hazard to be great enough, shall require tests at six-month intervals. These inspections and tests shall be at no cost to Hardee County, shall be performed only by a certified tester, and shall require a premises permit issued by the Hardee County Building Department or other County/ City departments with jurisdiction.

There is no charge for premises permit for county-owned installations or certifications of backflow prevention assemblies owned and operated by Hardee County.

It shall be the duty of the Hardee County Building Department or County Manager designee to see that timely tests are made in accordance with Section 4620.8(b) of the Florida Building Code, as amended from time to time. These backflow prevention assemblies shall be repaired, overhauled or replaced at no cost to Hardee County whenever such devices are found to be defective. The certified tester shall send two (2) certified records of such tests, repairs, overhaul or replacement, one (1) to the Hardee County Utilities Department and one (1) to the Hardee County Building Department or the County/ City municipal department with jurisdiction.

- (13) The County Manager or his/her designee is authorized to establish a program, under which owners may request and receive a waiver from the provisions of this article. Such waiver may only be granted to commercial services determined to be low hazard to the water supply. A low hazard commercial service shall be defined as a commercial facility which has no physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage, reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as the result of backflow or which in the normal course of business does not store or use hazardous quantities of pollutants or contaminants. The program, at minimum, must be set forth in writing, must be approved for inclusion in the County Administrative Policies and Procedures (CAPP) manual, and must require review of this waiver at least annually and upon change of occupancy and/or use of the property.
- (14) Nothing herein shall relieve the owner of the responsibility for conducting, or causing to be conducted, periodic surveys of water use practices on the premises to determine where there are actual or potential cross connections in the customer system through which contaminants or pollutants could backflow into the water system.
- (15) All presently installed backflow prevention assemblies that do not meet the requirements of this article shall be modified or replaced to satisfactorily protect the utility system. Whenever an existing backflow prevention assembly is moved from the present location, or the lack of maintenance constitutes a Health hazard, the device must be recertified as correct for the new application in accordance with subsections (4), (5), and (6) and must be subsequently re-inspected.

Sec. 14-218. Fees.

- (1) The County may from time to time establish and assess such fees as may be required to defray Hardee County's cost of maintenance of the County's backflow protection program including administration, monitoring, compliance and enforcement. The schedule of fees may be amended from time to time pursuant to Section 14-6, Hardee County Code, and as subsequently amended.
- (2) The Hardee County Building and Permitting Division minimum permit fees and fees related to fire services for unincorporated Hardee County are set forth in the Hardee County Fee Schedule which is adopted by Resolution annually. Other fees may apply to municipal departments in other cities which have jurisdiction.

Sec. 14-219. Time Frames.

The time frame for installation of backflow prevention assemblies under this article is specified in the South Florida Building Code in section P2902, Effective Date of Enforcement, and as subsequently amended.

Sec. 14-220. Noncompliance.

- (1) If a backflow prevention assembly required by this article is not installed, tested and maintained as specified herein, or if it is found that a backflow prevention assembly has been removed or bypassed, the water purveyor may discontinue water service after a notice has been issued. Notice may be waived in any case where:
 - (a) The public health, safety and welfare is directly and immediately threatened as determined by the director of the fiscal operations division or by the director of the building and permitting division or other department having jurisdiction; and
 - (b) The water purveyor has attempted to give notice, verbal or otherwise, to the customer.

In any case where notice has been waived and water service discontinued, the water purveyor shall issue a notice to the customer within twenty-four (24) hours of the discontinuance. After notice has been given or in any case in which notice has been waived, the customer may request a hearing which will be held within one (1) working day of said request before the director of the Utilities Operations Manager or the Hardee County Building Department or Official or other department having jurisdiction. In addition to the procedures set forth in this section, the provisions of this article may be enforced by any means provided by law for the enforcement of county ordinances.

Secs. 14-221—14-239. Reserved.

ARTICLE X. WATER AND WASTEWATER SERVICE CONNECTION PERMITTING

Sec. 14-240. Purpose, Scope and Application.

- (a) *Purpose.* The purpose of this article shall be to establish uniform minimum standards and requirements for the design and installation of safe hook up of water distribution and wastewater collection services within the Hardee County System which promote the efficient use and protection of water and other natural resources.
- (b) *Service area.* Except in formally established municipal service areas, no person shall construct any residential, commercial or industrial building within the unincorporated area of Hardee County without first requesting water and sewer service from the County.
- (c) *Scope and Application.* Water represents a resource of Hardee County belonging to the general public. This article shall apply to all water distribution and wastewater collection systems within the Hardee County

System, except for County owned property. It addresses the design, requirements, water quality, installation, inspection and testing for such hook ups.

- (d) *Individual Single-Family Homes* - Applications for single family residential homes shall be made directly to the Hardee County Utility System.
- (e) All applicants for service in the County shall complete an application form provided by the County and submit to:

HARDEE COUNTY Utilities Department
2428 Commerce Park
Bowling Green, Florida 33834

Sec. 14-241. Definitions.

When used in this article, the following term shall have the following meaning:

Hook Up means the connection of a water and/or wastewater collection to the Hardee County System.

Sec. 14-242. Hardee County Utility Connection Permit ("HCUCP").

- (a) *Permits Required.* It shall be unlawful to hook up any water or wastewater collection service to the Hardee County System without first having filed an application and obtained a HCUCP from the Hardee County Building Department with a Utilities Department sign off and appropriate fees , hereinafter "Director."
- (b) All work to be performed under the HCUS shall be in compliance with all rules and regulations of all governing agencies having jurisdiction of the matter, including but not limited to the State of Florida, Department of Environmental Protection, the Hardee County Health Department and Hardee County Utilities Department.
- (c) The Permit Application shall be submitted by the owner of the property to be serviced by the Hardee County System; and authorized by any other property owner through which the facilities for such service are to be situated
- (d) All fees required by the HCUS Application shall be as set forth in the Hardee County Code of Ordinances or as otherwise provided by law, ordinance, rule, or regulation.
- (e) The HCUS Application shall:
 - (1) Identify the location of the property to be served and the location through which the facilities for the water distribution and/or wastewater collection system connection are situated.
 - (2) Require the applicant and any other property owner through which the facilities for such service are situated to indemnify, hold harmless and, at County Attorney's option, defend or pay for an attorney selected by County Attorney to defend County, its officers, agents, servants, and employees against any and all claims, losses, liabilities, and expenditures of any kind, including attorney fees, court costs, and expenses, caused by negligent act or omission of owner and applicant, its employees, agents, servants, or officers, or accruing, resulting from, or related to the subject matter of the Permit Application, including, without limitation, any and all claims, demands, or causes of action of any nature whatsoever resulting from injuries or damages sustained by any person or property, to the extent provided by law.

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- (3) In the case where the service facilities are to be located outside the right of way, Applicant shall provide a title opinion reflecting ownership of the property through which the facilities for the water distribution and/or wastewater collection system connection are located and any lien hold interests. The record title owner of such property shall provide to County an easement over, upon and through the property for the water distribution and/or wastewater collection system connection upon completion and acceptance of the work by County. The owner shall be joined in the easement by any lienholder as reflected in the title opinion. The Application shall be accompanied by Florida Department of Revenue form DR-219.
 - (4) Include a copy of the design of the facilities. This design shall meet the "Minimum Design and Construction Standards" of the Building Department to make consistent with other sections of the ordinance. This design shall be preapproved by HCUS prior to submission of the Application.
- (f) *Review of application:*
- (1) The "Application for Service" will be reviewed and evaluated as to the feasibility of providing service, with a written response issued to the applicant within a reasonable time of receipt of the application, indicating the availability or unavailability of service, or requesting additional information. Upon receipt of the Preliminary response, or in the event that no written response is issued within two weeks of receipt of application, the Applicant may request a Final Review in writing.
 - (2) *Final Review.* Within a reasonable time of receipt of a request for Final Review and the furnishing of all additional information requested, the County shall advise the Applicant in writing of the availability of service and, if service is available, the connection fee, point of connection, required extensions, and any other pertinent requirements.
 - (3) *Agreements for Service.* If the Applicant accepts the general terms of service, the County shall prepare, or cause to be prepared, an agreement describing more specific requirements for the Applicant, including without limitation, the Applicant's on-site and off-site Utility Facility construction responsibilities, Connection Point, and other Special Agreements, if applicable.
 - (4) *Deposit Agreements.* For connections previously served water and/or sewer, or connections where, in the judgment of the County, there is no need for the more comprehensive developer's Service Agreement, the Applicant will complete a Deposit Agreement briefly describing the requirements for service, and establishing a deposit to be paid with execution of the Agreement.
 - (5) *Service Agreement:* For larger projects requiring main extensions, or in the opinion of the County and Engineer otherwise requiring a more comprehensive description of the rights and duties of the Applicant and the County, the County shall require that the Applicant execute and comply with a Service Agreement, in form approved by the County attorney.
 - (5) *Deposit for Professional Fees.* Prior to drafting the Service Agreement, the County shall collect a deposit for the anticipated costs of the fees for professionals necessary for the drafting of the Service Agreement and the County's contractual participation in the work needed to provide service to the Applicant's project. This deposit shall be calculated by the County based on five percent (5%) of the Utility Facility construction costs for the project, but in any event shall not be less than \$1,000. Additional deposits may be established in the Service Agreement as necessary. If the actual cost of County officers, employees, or agents exceeds the deposit, service shall be withheld until all such costs are paid. If the actual costs are less than the deposit, the remaining deposit shall be refunded within
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sixty (60) days after service is commenced, unless other costs are anticipated. Any such deposit paid shall be forfeited upon withdrawal of application for service.

Sec. 14-243. Design, Installation and Inspection.

(a) *Design.*

- (1) To the extent practicable, all facilities shall be constructed in accordance with the HCUS "Minimum Design and Construction Standards" in effect at the time of submission of the Permit Application.
- (2) Where, in the opinion of HCUS, the construction effort requires more than a reference to the County Standards, the design for the facilities shall be prepared by a Professional Engineer, licensed in the State of Florida, in accordance with Chapter 471, Florida Statutes. The design shall be shown on plans and specifications signed and sealed by the Engineer.

(b) *Installation and Inspections.*

- (1) All material and installations covered by this section shall be inspected by County to verify compliance with the Building Department and the plans and specifications.
- (2) County will provide periodic inspection of the facilities during construction to insure compliance with this Division and the plans and specifications.
- (3) All materials shall adhere to HCUS minimum Design Standards and shall be approved as a shop drawing or approved material review list.

Sec. 14-244. Close Out.

Upon completion of the construction of the facilities, owner shall provide:

- (a) A Bill of Sale Absolute for all of owner's right, title and interest to all of the facilities constructed in the right of way and the easement, if applicable.
- (b) As-Built drawings of the water distribution and/or wastewater collection system connection, containing all pertinent information therein. As-Built prints shall be verified and sealed by a Florida Registered Engineer. As-Built drawing information as to easements, the correct location of all mains services, grades, invert elevations, heights related to known datum and all appurtenances belonging to the installations shall also be certified and signed and sealed by a Florida Registered Professional Land Surveyor. The As-Built drawings and all information shown thereon shall be in such a form as approved and accepted by the Director.
- (c) An Affidavit that all persons, firms or corporations who furnished labor or materials used directly or indirectly in the prosecution of the work required to be performed by the agreement have been paid, which shall be in writing, in a form approved and accepted by Director.
- (d) A Release of Lien from all contractors and suppliers of materials and/or labor who might have acquired interest into the facilities by the supplying of materials and/or labor.
- (e) A Final Release of Lien releasing all liens the owner might have on the facilities, which shall be in writing, in a form approved and accepted by Director.
- (f) All manufacturer's warranties which owner might have received or is due to receive on any part of the facilities.

Sec. 14-245. Termination.

Should owner fail to complete the facilities within the time set forth in the Permit, or fail to comply with the plans, specifications and/or provisions, after ten (10) days written notice, County may disconnect all hook ups, if any, and retain some or all fees and costs required to be paid by owner, up to a maximum of Five Thousand Dollars (\$5,000). Should such termination occur, owner shall be required to reapply for a Permit to hook up to the County System and again pay any and all fees and costs required.

ARTICLE XI. RECLAIMED WATER

Sec. 14-246. Short Title.

This article shall be known as the "Hardee County Reclaimed Water Ordinance."

Sec. 14-247. Authority, Purpose, and Intent.

This article is created in accordance with Chapter 125, Florida Statutes, Section 403.064, Florida Statutes, and Chapter 62-610, Florida Administrative Code, and provides for the safe and beneficial use of reclaimed water to protect the environment and conserve Hardee County's limited potable water supply.

The use of reclaimed water is necessary and in the best interests of the citizens of Hardee County.

Sec. 14-248. Applicability.

This article applies to unincorporated and incorporated areas of Hardee County located within the Hardee County Water and Wastewater Services' service area and areas included by interlocal agreement, and shall be liberally construed to effectuate the purposes set forth herein.

Sec. 14-249. Definitions.

As used in this article, the definitions contained herein shall apply unless otherwise specifically stated.

Auxiliary Water Supply shall mean any water supply available to a premise other than the water provider's utility system. Auxiliary water supply may include water from another municipality's public potable water supply, private potable water supply, or any natural source(s) such as a well, spring, river, stream, canal, lake, pond, or harbor.

Board shall mean the Board of County Commissioners of Hardee County.

County shall mean Hardee County, Florida, a political subdivision of the State of Florida.

Cross-connection shall mean any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids, through which, or because of which, backflow or back siphonage may occur into the water system. A water service connection between a utility system and a customer system that is cross-connected to a contaminated fixture, industrial fluids system, or with a potentially contaminated supply or auxiliary water system, constitutes one (1) type of cross-connection. Other types of cross-connections include, but are not limited to, connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or changeover devices, sliding multiport tube, and solid connections.

Customer shall mean any person, property owner, agent, developer, company, association, or other entity with legal authority relative to real property which accepts, receives, or benefits from reclaimed water service rendered by Hardee County Utilities Department .

Development shall mean any new project which requires potable water service or requires continuation of existing potable water service.

Director shall mean the Director or Manager of Hardee County Utilities Department or of any successor agency.

FDEP shall mean the Florida Department of Environmental Protection, a component unit of the executive branch of the State of Florida created by Section 20.255, Florida Statutes.

Irrigation shall mean the use of water to maintain and enhance the growth of lawns, shrubs, and trees.

Potable Water shall mean water that is not reclaimed water and meeting recognized federal and state standards as safe for human consumption.

Public Potable Water Supply Customer shall mean a customer that directly receives potable water as supplied by Hardee County Water and Wastewater Services.

Reclaimed Water shall mean domestic wastewater effluent that has received at least secondary treatment, basic disinfection, and which is suitable for direct, non-potable, beneficial reuse in accordance with FDEP regulations.

Reclaimed Water Distribution System shall mean a network of pipes, pumping facilities, storage facilities, and related appurtenances designed to convey and distribute reclaimed water to customers from the treatment facility.

Reclaimed Water System shall mean all facilities required for the production, storage, transmission, distribution, and use of reclaimed water.

Reuse shall mean the deliberate application or usage of reclaimed water for a beneficial purpose, in accordance with applicable federal, state, and county laws.

Service Line shall mean that conduit used to transmit reclaimed water from the distribution main to the customer's property line.

Service Connection shall mean that portion of the reclaimed water system connecting the Hardee County Utilities Department reclaimed water distribution main to the customer's property line, including the tap into the distribution main, the service line, and the water meter and appurtenances.

State shall mean the State of Florida.

Sec. 14-250. Administration.

The County Manager or his/her designee is responsible for the development and promulgation of the necessary rules and regulations for the administration and enforcement of this article.

Sec. 14-251. Sources of Reclaimed Water.

The source of reclaimed water shall be from Hardee County's wastewater treatment facilities or purchased from a third party in order to supply customers of Hardee County's Utilities Department.

Sec. 14-252. Connection to Reclaimed Water Supply.

- (a) All developments located within one-quarter (1/4) mile of an available public reclaimed water system accessible by dedicated easements or rights-of-way shall extend the reclaimed water system the full width of the portion of the development abutting a dedicated easement or rights-of-way and connect thereto. All property within the development is subject to the reclaimed water prohibitions found in Section 14-254

without further notice. The one-quarter (1/4) mile distance between an available public reclaimed water system in a dedicated easement or right-of-way and the development shall be measured between the point within the development nearest to an available public reclaimed water system accessible by a dedicated easement or right-of-way.

- (b) Regardless of the proximity of the development to a public reclaimed water system, if the County has published plans to provide reclaimed water to the development's location within the next five (5) years as evidenced by the County's capital projects budget or adopted capital program, the development shall install "dry lines" and associated appurtenant improvements for reclaimed water service prior to completion of onsite utilities.
- (c) Any development having an average total potable water demand of one thousand (1,000) gallons per day or less, as determined by the County Manager or his/her designee, are exempt from paragraph (a) of this section.
- (d) Upon application, the County Manager or his/her designee may waive the requirements of paragraphs (a) and (b) based on the practicality, economic feasibility, and clear and measurable benefits of providing reclaimed water.
- (e) All public potable water supply customers that abut a public reclaimed water distribution system shall be subject to the reclaimed water prohibitions found in Section 14-254 one hundred eighty (180) days after a notice is issued by the County Manager or his/her designee. The County Manager or his/her designee shall serve such notice by registered mail, addressed to the owner(s) of the property, as they are known to the County Manager or his/her designee, or as the name(s) and address(es) appear in the records of the Hardee County Property Tax Collector. Notice is deemed complete and sufficient when so addressed and deposited in the United States mail with proper prepaid postage.

Sec. 14-253. Use of Reclaimed Water.

- (a) All uses of reclaimed water shall be in accordance with applicable rules of the FDEP and other regulatory agencies having jurisdiction.
- (b) Each customer shall be solely responsible for maintaining the customer's reclaimed water irrigation piping, controllers, spray heads, and other system appurtenances in good working condition.
- (c) As approved by the County Manager or his/her designee, reclaimed water may be used for air-conditioning cooling systems in commercial or industrial facilities or buildings or for industrial processes, in accordance with FDEP regulations.
- (d) Below-ground reclaimed water hose bibs, color coded in purple, are permitted for nonresidential customers only when they are clearly labeled as non-potable and can only be operated by use of a special tool to be approved by the County Manager or his/her designee.
- (e) The County will monitor reclaimed water connections so as not to exceed the capacity of the reclaimed water system. It is the County's intent to maximize the use of reclaimed water. However, at times it may be necessary to limit a customer's use of reclaimed water. Notwithstanding any provision of this article to the contrary, the County makes no representation as to the continuing availability or implementation of reclaimed water service within the County.

Sec. 14-254. Prohibitions Relating to Use of Reclaimed Water.

No customer shall:

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- (a) Use potable water, wells, or surface water withdrawal for irrigation of landscaped areas where the use of reclaimed water is available, unless authorized in writing by the County Manager or his/her designee.
 - (b) Make reclaimed water available inside any single-family or multi-family dwelling unit.
 - (c) Use aboveground reclaimed water hose bibs on residential property or for use thereon.
 - (d) Use reclaimed water for the filling of swimming pools, hot tubs, wading pools, or decorative fountains.
 - (e) Convey reclaimed water into, or use reclaimed water inside of, any building or structure, unless authorized in writing by the County Manager or his/her designee.
 - (f) Cut or remove a County installed lock; tamper with the meter, or bypass or reverse a reclaimed water meter; use, alter, or make any connection to the reclaimed water distribution system unless prior written approval has been given by the County Manager or his/her designee, and an employee or authorized person of the County is present at the time of said approved action.
 - (g) Sell, barter, trade, or otherwise transfer reclaimed water to any other person or entity, unless authorized in writing by the County Manager or his/her designee.

Sec. 14-255. Discontinuing Service by County.

- (a) If a customer's reclaimed water system is not installed and maintained as specified herein, the County may discontinue reclaimed water service upon seven (7) calendar days' written notice to the customer.
- (b) Notice may be deemed automatically waived when the public health, safety, or welfare is directly and immediately threatened as determined by the County Manager or his/her designee or other agency of competent jurisdiction. In any case where notice has been waived and reclaimed water service has been discontinued, the County shall issue notice to the customer within twenty-four (24) hours after the discontinuance.
- (c) After notice has been given or in any case in which notice has been waived, the customer may appeal in writing to the County Manager or his/her designee and determination will be made by the County Manager or his/her designee, in his or her sole discretion, within five (5) business days after said appeal.
- (d) In addition to the procedures set forth in this section, the provisions of this article may be enforced by any means provided by law for the enforcement of County ordinances.

Sec. 14-256. Service Interruption.

The County reserves the right to temporarily discontinue service to the entire reclaimed water system or any portion thereof as deemed necessary by the County Manager or his/her designee, or as required by FDEP regulations, or for predictable as well as unforeseen shortages and reclaimed water supply issues, or for maintenance of any part of the reclaimed water system.

Sec. 14-257. Right to Refuse Service.

No payment of any costs, submittal of any petition, or any other act to receive reclaimed water service shall guarantee such service. The County shall have the right, at all times, to refuse to extend service on the basis of a use detrimental to the system, a potential risk to public health, safety, and welfare, inadequate supply of reclaimed water, lack of payment of required fees, or for any other reason which, in the sole discretion of the County Manager or his/her designee, will cause the extension to be nonbeneficial to Hardee County.

Sec. 14-258. Operating Conditions of New Reclaimed Water Facilities.

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- (a) All reclaimed water system extensions designed and constructed pursuant to Section 14-252 shall be designed and constructed in accordance with applicable federal, state, and county policies, standards, and specifications including, but not limited to, the Hardee County Utilities Department Services Minimum Design and Construction Standards and the construction standards of other agencies authorized by the County to distribute reclaimed water.
 - (b) All connections to the reclaimed water system, whether residential or nonresidential, require the use of an appropriately licensed contractor or plumber.
 - (c) As required by state regulations, advisory signs shall be posted where reclaimed water is used in public areas. Advisory signs shall include the following text in both English and Spanish: "Do Not Drink" and shall include the equivalent standard international symbol.
 - (d) Advisory signs shall be posted adjacent to lakes and ponds used to store reclaimed water. In such cases, the advisory signs shall include the following text in both English and Spanish: "Do Not Drink" and "Do Not Swim" and shall include the equivalent standard international symbols.
 - (e) Hardee County Utilities Department does not guarantee the supply of reclaimed water; therefore, the customer is responsible for the establishment of a backup system, if needed. All alternate water sources, such as canals, wells, and ponds used as backup sources or to supplement the reclaimed water supply, must comply with local, state, and federal regulations.

Sec. 14-259. Cross-connection Control.

Cross-connections between the reclaimed water system and potable water system are prohibited. On all properties where reclaimed water service is provided, any potable water supply shall be protected by a certified approved backflow prevention assembly pursuant to the Hardee County Cross-Connection Backflow Prevention Ordinance, as codified in Chapter 14, Article IX of the Hardee County Code of Ordinances.

Sec. 14-260. Inspections.

In order to ascertain and ensure compliance with the provisions of this article and related regulations, the County reserves the right to inspect, secure, and disconnect, without prior notice, any and all devices wherever located which connect to or control any discharge from the reclaimed water system.

- (a) Inspections shall be made by the County to ensure compliance with this article or any related regulations, and shall be at such times and with such frequency as the County, through the County Manager or his/her designee, deems necessary.
- (b) The denial of access to an authorized agent or employee of the County to inspect any property receiving reclaimed water service for the purpose of conducting any inspection permitted under this article shall constitute a violation of this article and shall be grounds for the immediate discontinuance of reclaimed water service by the County to the customer.

Chapter 144 WATER AND SEWERS

ARTICLE I. ENABLING PROVISIONS

Sec. 14-1. Short Title.

This article may be known and cited as the Hardee County Water and Wastewater Utility Service Ordinance.

Sec. 14-2. Legislative Findings.

It is hereby declared as a matter of legislative determination that it is in the best interest of the residents of Hardee County to develop a central water and wastewater system to provide safe and clean potable water and minimize the use of septic tanks and onsite wastewater treatment systems. In order to implement the system and provide consistency, rules, regulations, and procedures for customer service and orderly development of the utility mandatory connections are necessary. In the interest of limiting the polluting effects of septic tanks and other onsite treatment facilities on ground waters and surface waters within the county, it is necessary to establish a mandatory connection policy requiring the connection of these facilities to the County system under certain circumstances.

Sec. 14-3. Definitions.

- (a) As used in this section, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:
- (1) **Act or the Act**-The Federal Water Pollution Control Act, 33 U.S.C. 1251 et. Seq., as amended.
 - (2) **Applicant**- Any Developer or potential consumer who seeks to receive potable water, dispose of wastewater, or receive reclaimed water service from the County.
 - (3) **Approval authority** - The Director in an NPEDS state with an approved state pretreatment program and the administrator of the EPA in a non-NPEDS state or NPDES state without an approved state pretreatment program.
 - (4) **Area of operation**: Area designated by the Board of County Commissioners, by resolution duly adopted, as the area to be served by and in which a sewer system or water system or combined water and sewer system, constructed or acquired pursuant to this ordinance, may operate. The county shall have the exclusive right to furnish water or sewer services, or both, in such area of operation, including any part of such area of operation which is within the territorial limits of any municipality and in which such water or sewer services are not being furnished by such municipality at the time of the issuance of any revenue bonds or assessment bonds by the county to furnish such water or sewer services in said area of operation, including such territory of such municipality, to the full extent that the county is able and agrees to furnish such water or sewer services in such area of operation at the time the furnishing of such water or sewer services are requested by any of the owners or occupants of premises located in such area of operation.
 - (5) **Assessable improvements** shall mean that portion or portions of a sewer system or a water system or combined water and sewer system of a local nature and of benefit to the premises or lands served thereby and particularly, without limiting the generality of the foregoing, with reference to a sewer

system, shall include, without being limited to, laterals and mains for the collection and reception of sewage from premises connected therewith, local or auxiliary pumping or lift stations, treatment plants or disposal plants, and other appurtenant facilities and equipment for the collection, treatment and disposal of sewage; and with reference to a water system shall include such mains and laterals and other distribution facilities, pumping stations, and sources of supply as are of benefit to the property served by such water system together with incidental equipment and appurtenances necessary therefore.

- (6) **Assessment bonds** shall mean bonds or other obligations secured by and payable from special assessments levied against benefited lands pursuant to this article.
- (7) **Authorized representative of industrial user** - An authorized representative of an industrial user may be a principal 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 proprietorship, respectively, or a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (8) **Biochemical oxygen demand (BOD)** - 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.
- (9) **Building drain** - That part of the piping of a building that collects wastewater inside the walls of the building and conveys it to outside the building wall.
- (10) **Building sewer**- The extension from the building drain to the public sewer or other places of disposal, also called "house connection."
- (11) **Categorical standards** - National categorical pretreatment standards or pretreatment standards.
- (12) **Chemical oxygen demand (COD)** - A measure of oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.
- (13) **Clean Water Act or (CWA)**- The Federal Water Pollution Control Act, 33 U.S.C. 1251 et. Seq., as amended.
- (14) **Connection Point** - Means the point within the County's existing Utility Facilities where an Applicant will be required to connect the Utility Facilities to be constructed by the Applicant to the County Utility Facilities, regardless of whether the Utility Facilities are designed or be owned by the County in the future, or to continue to be owned and maintained by the Applicant or Consumers.
- (15) **Consumer Service Assembly** - All pipes, shut-offs, valves, fixtures, and other appliances and apparatus of every kind or nature lying on the customer's side of the Point of Delivery.
- (16) **Contributions In Aid of Construction (CIAC)** - Means any amount or item of money or property received by the County, from any Applicant, which is provided at no cost to the utility, which represents an addition or transfer to the capital of the County's utility, and which is utilized to offset the improvement or construction costs of the Water or Wastewater Capacity used to provide utility services to the public.
- (17) **Control authority** - The term "control authority" shall refer to the "approval authority," defined hereinabove; or the County if the County has an approved pretreatment program under the provisions of 40 C.F.R. 403.11
- (18) **Cooling water** - The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
- (19) **County** - This means Hardee County, a political subdivision of the state of Florida.

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- (20) **County Manager** - The person designated by the Board of County Commissioners to administer all County activities.
- (21) **Board of County Commissioners** - Those duly elected officials of Hardee County, Florida, charged with the responsibility of overseeing local County government
- (22) **Cost** as applied to the acquisition and construction of a water system or a sewer system or combined water and sewer system, or extensions, additions or improvements thereto shall include the cost of construction or reconstruction, acquisition or purchase, including payments based upon connections to such system or systems made during a period not exceeding ten (10) years after the date of acquisition by purchase of such system or systems, the cost of labor, materials, machinery and equipment, cost of all lands and interests therein, property, rights, easements and franchises of any nature whatsoever, financing charges, interest prior to and during construction or acquisition and for not more than two (2) years after completion of the construction or acquisition of such water system or sewer system or combined water and sewer system or extensions, additions or improvements thereto, the creation of initial reserve funds for debt service, or improvements to such system or systems, working capital for a reasonable period after such construction or acquisition of such system or systems, bond discount, cost of plan and specifications, surveys and estimates of costs and revenues, cost of engineering, financial and legal services, and all other expenses necessary or incidental in determining the feasibility or practicality of such construction, reconstruction or acquisition; administrative expenses and such other expenses as may be necessary or incidental to the financing authorized by this article, and including reimbursement of the county or any other person, firm or corporation for any moneys advanced in connection with any of the foregoing items of cost.
- (23) **County Engineer or Engineer** - Depending on the specific needs of a given project, this may be either an engineer employed by the County or a consulting engineer hired under a continuing contract or for the specific task needed.
- (24) **Customer or Consumer** -Any individual, corporation, partnership, or other legal entity other than Bulk Service Customer, who has executed an application for service and has commenced to receive continuous potable water, wastewater, or reclaimed water service, from the County.
- (25) **Direct discharge** -The discharge of treated or untreated wastewater directly to the waters of the state.
- (26) **Easement** - An acquired legal right for the specific use of land owned by others.
- (27) **Environmental Protection Agency or EPA** - The U.S. Environmental Protection Agency or other duly authorized official of that agency
- (28) **Existing Potential Applicant** - Means any property owner not already connected to the Utility System, which has already applied for a County building permit prior to the initial effective date of this ordinance.
- (29) **Floatable oil** - Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated, and the wastewater does not interfere with the collection system.
- (30) **Flush toilet** - The common sanitary flush commodes in general used for the disposal of human excrement.
- (31) **Garbage** - The animal and vegetable waste resulting from the handling of preparations, cooking, and serving of foods.
- (32) **Grab sample** - A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (33) **Health Officer** - The director of the Hardee County Health Department.
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- (34) **Holding tank waste** - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
 - (35) **Indirect discharge** - The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system).
 - (36) **Industrial user** - A source of indirect discharge that does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
 - (37) **Industrial waste surcharge** - The charge made in excess of the sewer service charge for all wastewater over and above normal wastewater.
 - (38) **Industrial wastes** - The wastewater from industrial processes is distinct from domestic or sanitary wastes.
 - (39) **Infiltration/inflow (I&I)**- Groundwater and surface water which leaks into the sewers through cracked pipes, joints, manholes, or other openings.
 - (40) **Interference** - The inhibition or disruption of the Publicly Owned Treatment Works (POTW) treatment processes or operations which contributes to a violation of any requirement of the County's NPDES permit. The term includes the prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
 - (41) **Meter** - Means the measuring device purchased, owned, and/or installed by the County for use on a service line for the purpose of accurately measuring the water used by a Consumer.
 - (42) **National categorical pretreatment standard or pretreatment standard** - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
 - (43) **National Pollution Discharge Elimination System (NPDES) permit**- A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342)
 - (44) **National prohibitive discharge standard or prohibitive discharge standard** - Any regulation developed under the authority of Section 307(b) of the Act and 40 C.F.R. 403.5.
 - (45) **Natural outlet** - Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
 - (46) **New source** -Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. 1317) national categorical pretreatment standard which will be applicable to such source if such standard is thereafter promulgated within 120 days of the proposal in the Federal Register. Where the standard is promulgated later than 120 days after the date of promulgation or the standard.
 - (47) **Normal wastewater** - Wastewater discharged into the sanitary sewers in which the average concentration of total suspended solids and BOD is not more than 200 milligrams per liter, total phosphorus is not more than 15 milligrams per liter, total Kjeldahl nitrogen is not more than 30 milligrams per liter, and total flow is not more than 25,000 gallons per day.
 - (48) **Off-Site Utility Facilities** - Those Utility Facilities to be constructed totally outside of the Applicant's property.
 - (49) **On-Site Utility Facilities** - Those Utility Facilities to be constructed within an Applicant's property, whether those Utility facilities are to be ultimately owned by the County or not.
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- (50) **Pass through** - The waste discharged to the County's wastewater treatment system is not removed by the treatment process such that the discharged wastes may cause a violation of the County's permits, and/or diminish the ability of the County to dispose or reuse effluent or sludge.
- (51) **Person** - Any individual, partnership, co-partnership, firm, company, governmental entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.
- (52) **PH** - A measure of acidity and alkalinity of a solution that is a number on a scale of which a value of 7 represents neutrality and lower numbers indicate increasing acidity and higher numbers increasing alkalinity and on which each unit of change represents a tenfold change in acidity or alkalinity and that is the negative logarithm of the effective hydrogen-ion concentration or hydrogen- ion activity in gram equivalents per liter of the solution.
- (53) **Pit privy** - Shored, vertical pit in the earth completely covered with a fly-tight slab.
- (54) **Point of Delivery** - This means the point at which the County ownership and control over Utility Facilities ends, and the consumers' responsibility commences, regardless of the ownership of the Utility Facilities.
- (55) **Pollutant** - Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (56) **Potential New Applicant** - This means any property owner applying to the County to construct a building after the initial effective date of this ordinance. If any property owner or person takes any action resulting in a flow increase or increase in the Equivalent Residential Unit (ERU) that property owner shall thereafter be considered a potential new applicant.
- (57) **Pretreatment or treatment** - The reduction of the number of pollutants, the elimination of pollutants or the alteration of the nature 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 POTW. The reduction of alteration can be obtained by physical, chemical or biological processes, or by process changes or other means, except as prohibited by 40 C.F.R. 403.6(d).
- (58) **Pretreatment requirements** - Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.
- (59) **Properly shredded garbage** - The wastes from the preparation, cooking, and dispensing of food that has 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 in any dimension.
- (60) **Public sewer** - A common sewer controlled by a governmental agency or public utility.
- (61) **Public-owned treatment works (POTW)**- A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the County. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purpose of this section "POTW" shall also include any sewer that conveys wastewater to the POTW from persons outside the County who are, by contract or agreement with the County, users of the County's POTW.
- (62) **POTW treatment plant**- That portion of the POTW is designed to provide treatment to wastewater.
- (63) **Revenue bonds** shall mean bonds or other obligations secured by and payable from the revenues derived from rates, fees and charges collected by the county from the users of the facilities of any water system or sewer system or combined water and sewer system and which may be additionally secured by a pledge of the proceeds of special assessments levied against benefited property.
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- (64) **Sampling Box** - A box designed to be placed on the gravity service line of a customer designated to be a potential source of waste exceeding the Specific Limitations or to cause pass-through or interference with treatment. The box will be capable of accommodating an appropriate timed sampling device according to County specifications.
- (65) **Sanitary sewer** - A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater, and surface water that is not admitted intentionally.
- (66) **Septic tank** - A subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:
- (a) A sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub-out; and
 - (b) A subsurface system of trenches, piping and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.
- (67) **Sewage** - The spent water of a community. The equivalent term is "wastewater" (q.v.).
- (68) **Sewer** - A pipe or conduit that carries wastewater.
- (69) **Sewer system** shall mean and shall include any plant, system, facility or property and additions, extensions and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage of any nature or originating from any source, including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources; and without limiting the generality of the foregoing definition shall include treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains and all necessary appurtenances and equipment, all sewer mains and laterals for the reception and collection of sewage from premises connected therewith, and shall include all real and personal property and any interest therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.
- (70) **Shall** - is mandatory; may is permissive.
- (71) **Significant industrial user** - Any industrial user of the County's wastewater disposal system who
- (1) has a discharge flow of 25,000 gallons or more per average workday; or
 - (2) has a flow greater than five percent of the flow in the County's wastewater treatment system; or
 - (3) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or Florida Statutes and rules; or
 - (4) is found by the County, the FDEP or the EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (72) **Slug** - Any discharge of water or wastewater which in concentration of any given constituent or quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentrations of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater facilities.
- (73) **Standard industrial classification (SIC)** - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (74) **State**: State of Florida
- (75) **State Law** - For the purposes of this Ordinance, State Law refers to the state statute Chapter 403 F.S., the administrative codes promulgated thereunder, and any other applicable state or federal law or regulations.
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- (76) **Storm drain** - Sometimes termed "storm sewer," it shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- (77) **Stormwater** - Any flow accruing during or following any form of natural precipitation and resulting therefrom.
- (78) **Suspended solids** - Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater," and referred to as non-filterable residue.
- (79) **Toxic pollutant** - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of CWA 307 (1) or other acts.
- (80) **Unpolluted water**- Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewer and wastewater treatment facilities provided.
- (81) **User** - Any person who contributes, causes, or permits the contribution of wastewater into the County's POTW.
- (82) **Utility Facilities** - Except for those facilities making up the Consumer Service Assembly, Utility Facilities shall mean all County wastewater collection mains, laterals, services, pumping stations, and related appurtenances and equipment and all reclaimed water mains, pumps services, meters, and related appurtenances and equipment not related to the Wastewater Treatment Plant; and all potable water mains, hydrants, service lines, storage, pumping, and related appurtenances and equipment not related to the Water Supply or Water Treatment Plant equipment.
- (83) **Utility System** - All personnel, supplies and equipment, including tangible and intangible, as well as real and personal property, including without limitation, County-owned Utility Facilities, Wastewater Treatment Facilities, Water Supply and Treatment Facilities, Utility system personnel and office equipment.
- (84) **Wastewater** - The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and storm water that may be present.
- (85) **Wastewater capacity** - Theoretical availability of wastewater treatment plants and disposal facilities and wastewater Utility Facilities in sufficient size and design to accommodate future connections by Applicants.
- (86) **Wastewater Equivalent Residential Unit (ERU)** - The amount of wastewater determined to be the average daily flow from a single residential unit. In Hardee County, the equivalent residential unit (ERU) for wastewater equals 150 gallons per day (gpd). ERUs for non-residential, commercial, or industrial use shall be determined by dividing the wastewater flow required by 150 gpd.
- (87) **Wastewater Treatment and Disposal Facilities** - The land, equipment, supplies, and inventory used or provided for use by the County for the treatment of wastewater, and the disposal or reuse of wastewater effluent. Includes without limitation, treatment plants and related lines, equipment, laboratories and equipment, truck, construction and repair equipment and other rolling stock, and office equipment at the wastewater treatment plants.
- (88) **Water Capacity**- Theoretical availability of water supply facilities, water treatment facilities, and water distribution Utility Facilities in sufficient size and design to accommodate future connections by Applicants.
- (89) **Water Equivalent Residential Unit (ERU)** - The amount of potable water determined to be the average daily demand for a single residential unit. The water equivalent residential unit (ERU) in Hardee County
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is 200 gallons per day (gpd). ERUs for non-residential, commercial, or industrial use shall be determined by dividing the water flow or demand by 200 gpd.

- (90) **Water Supply and Treatment Facilities** - The land, equipment, supplies and inventory used or provided for use by the County for the production of raw water from wells, treatment of potable water, and providing pressure to the water in the Utility Facilities used for distribution of the water to consumers. Includes without limitation, treatment plants and related lines, equipment, laboratories and equipment, trucks, construction and repair equipment and other rolling stock, and office equipment at the wastewater treatment plants.
- (91) **Watercourse** - Shall mean natural or artificial channel for the passage of water either continuously or intermittently.
- (92) **Waters of the State** - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial public or private, which are contained within, flow through, or border upon the State or any portion.
- (93) **Water system** shall mean and include any plant, system, facility or property and additions, extensions and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the development of sources, treatment or purification and distribution of water for domestic or industrial use and, without limiting the generality of the foregoing, shall include dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals, and pipes for the purpose of carrying water to the premises connected with such system and shall include all real and personal property and any interests therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.
- (94) **Abbreviations.** The following abbreviations shall have the designated meanings:
- (1) BMP—Best Management Practice.
 - (2) BOD—Biochemical Oxygen Demand.
 - (3) CFR—Code of Federal Regulations.
 - (4) COD—Chemical Oxygen Demand.
 - (5) EPA—U.S. Environmental Protection Agency.
 - (6) F.A.C.—Florida Administrative Code.
 - (7) FDEP—Florida Department of Environmental Protection.
 - (8) gpd—Gallons per day
 - (9) MAS—Maintenance Access Structure.
 - (10) mg/l—Milligrams per liter.
 - (11) NPDES—National Pollutant Discharge Elimination System.
 - (12) NSCIU—Non-Significant Categorical Industrial User.
 - (13) O&G —Oil and Grease.
 - (14) O&M—Operations and Maintenance.
 - (15) pH—Logarithm of the reciprocal of the hydrogen ion concentration.
 - (16) POTW—Publicly owned treatment works.
 - (17) RCRA—Resource Conservation and Recovery Act.

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- (18) SIC—Standard Industrial Classification.
 - (19) SWDA—Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
 - (20) TOMP—Toxic Organics Management Plan.
 - (21) TSS—Total Suspended Solids.
 - (22) U.S.C.—United States Code.
 - (23) WWF—Wastewater Facility.

Sec. 14-4. General Powers of Board of County Commissioners.

- (a) In addition to any other powers which are conferred upon the Board of County Commissioners by the provisions of this ordinance or which may now or hereafter be conferred upon the Board of County Commissioners by the provisions of any other law, general, special or otherwise, the Board of County Commissioners is hereby authorized and empowered:
 - (1) *Designate areas of operation.* To, by resolution duly adopted, designate one (1) or more areas of operation within the county which are to be served by and in which a sewer system or water system or combined water and sewer system constructed or acquired pursuant to this article, may operate and to denominate such area or areas of operation by number, name or other appropriate descriptive title;
 - (2) *Employment of experts, agents, employees.* To employ engineers, attorneys, accountants, financial or other experts and such other agents and employees as said Board of County Commissioners may require or deem necessary to effectuate the purposes of this article, or to contract for any such services;
 - (3) *Construct, improve, finance improvements.* To construct, install, erect, acquire and to operate, maintain, improve, extend, or enlarge and reconstruct a water system or a sewer system or combined water and sewer system within the county and, for and on behalf of the county, to have the exclusive control and jurisdiction thereof; to issue revenue bonds or assessment bonds of the county, or any combination thereof, to pay all or part of the cost of such construction, reconstruction, erection, acquisition or installation of such water system, sewer system or combined water and sewer system, and additions, extensions and improvements thereto;
 - (4) *Regulate use of water and sewers.* To regulate the use of sewers and the supply of water within the county and to prohibit the use and maintenance of outhouses, privies, septic tanks or other unsanitary structures or appliances within the county;
 - (5) *Fees, charges, etc.* To fix and collect rates, fees and other charges to persons or property or both for the use of the facilities and services provided by any water system or sewer system or combined water and sewer system and to fix and collect charges for making connections with any such water system or sewer system or combined water and sewer system and to provide for the imposition of reasonable penalties on any users or property for any such rates, fees or charges that are delinquent;
 - (6) *Acquisition of property.* To acquire in the name of the county by purchase, gift or the exercise of the right of eminent domain, such lands and rights and interest therein, including lands under water and riparian rights and to acquire such personal property as it may deem necessary in connection with the construction, reconstruction, improvement, extension, installation, erection or operation and maintenance of any water system or sewer system or combined water and sewer system and to hold and dispose of such real and personal property;
 - (7) *Exercise jurisdiction, enforce rules, etc.* To exercise exclusive jurisdiction, control and supervision over any water system or sewer system or combined water and sewer system or any part thereof owned, operated and maintained by the county and to make and enforce such rules and regulations for the

maintenance and operation of any water system or sewer system or combined water and sewer system as may be, in the judgment of the Board of County Commissioners, necessary or desirable for the efficient operation of any such system or improvements in accomplishing the purposes of this article;

- (8) *Prevent violations.* To restrain, enjoin or otherwise prevent the violation of this article or of any resolution, rule or regulation adopted pursuant to the powers granted by this article;
- (9) *Contracts.* To contract with municipalities or other private or public corporations or persons to provide or receive a water supply or for sewage disposal, collection or treatment;
- (10) *Pretreatment of industrial wastes.* To prescribe methods of pretreatment of industrial wastes not amenable to treatment with domestic sewage before accepting such wastes for treatment and to refuse to accept such industrial wastes when not sufficiently pretreated as may be prescribed, and by proper resolution to prescribe penalties for the refusal of any person or corporation to so pretreat such industrial wastes;
- (11) *Require use of facilities.* To require and enforce the use of its facilities whenever and wherever they are accessible;
- (12) *Sale of sewage by-products.* To sell or otherwise dispose of the effluent, sludge or other by-products as a result of sewage treatment;
- (13) *Construction and operation of mains, etc.* To construct and operate connecting, intercepting or outlet sewers and sewer mains and pipes and water mains, conduits or pipelines in, along or under any streets, alleys, highways or other public places or ways within the state or any municipality or political subdivision necessary for the purposes of this article; and
- (14) *Financing.* Subject to such provisions and restrictions as may be set forth in the resolution authorizing or securing any bonds or other obligations issued under the provisions of this article, to enter into contracts with the government of the United States or any agency or instrumentality thereof, or with any county, municipality, district, authority or political subdivision, private corporation, partnership, association or individual providing for or relating to the treatment, collection and disposal of sewage, or the treatment, supply and distribution of water and any other matters relevant thereto or otherwise necessary to effect the purposes of this article, and to receive and accept from any federal agency, grants or loans for or in aid of the planning, construction, reconstruction or financing of any water system or sewer system or combined water and sewer system and to receive and accept aid or contributions or loans from any other sources of either money, property, labor or other things of value, to be held, used and applied for the purpose for which such grants, contributions or loans may be made.

Sec. 14-5. Bond Issuances Generally; Purchase of Water and Sewer Systems.

- (a) *Bonds authorized; payment of principal and interest.* The Board of County Commissioners, for and on behalf of the county, is authorized to provide from time to time for the issuance of revenue bonds of the county to pay all or any part of the cost of a water system or sewer system or combined water and sewer system, or any additions, extensions or improvements thereto. The principal of and interest on any such bonds shall be payable from the rates, fees, charges or other revenues derived from the operation of any such system or systems in the manner provided in this article and the resolution authorizing such revenue bonds and pledging such revenues. Such revenue bonds may also be additionally secured by the pledge of special assessments levied pursuant to this article.
 - (b) *Scope of provisions; resolution authorizing bonds, etc.* The provisions of this section shall apply to any revenue bonds or assessment bonds issued pursuant to this article. Said bonds may be authorized by resolution or resolutions of the Board of County Commissioners, which may be adopted at the same meeting
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at which they are introduced by a majority of all the members thereof then in office and need not be published or posted. Said bonds shall bear interest at a rate or rates not exceeding maximum interest rate allowed by law, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their respective dates, except that assessment bonds shall not mature later than two (2) years after the maturity of the last annual installment of the special assessments pledged for the payment of such assessment bonds, may be payable in such medium of payment, at such place or places within or without the state, may carry such registration privileges, may be subject to such terms of prior redemption, with or without premium, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form otherwise as such resolution or subsequent resolutions shall provide. Said bonds may be sold, or exchanged for refunding bonds, or delivered to contractors in payment for any part of the works or improvements financed by such bonds, or delivered in exchange for any properties, either real, personal or mixed, including franchises, to be acquired for such works or improvements, all at one time or in blocks from time to time, in such manner as the Board of County Commissioners in its discretion shall determine, and at such price or prices, computed according to standard tables of bond values, as will yield to the purchasers, or the holders of outstanding obligations surrendered in exchange for refunding bonds, or the contractors paid with such bonds, or the owners of any properties exchanged for such bonds, income at a rate not exceeding maximum interest rate allowed by law to the stated maturity dates of the bonds on the money paid or the principal amount of outstanding revenue bonds or assessment bonds exchanged for refunding revenue bonds or assessment bonds, or the amount of any indebtedness to contractors paid with such revenue bonds or assessment bonds, or the value of any properties exchanged for said revenue bonds or assessment bonds.

- (c) *Interim certificates, temporary bonds.* Pending the preparation of the definitive bonds, interim certificates or receipts or temporary bonds in such form and with such provisions as the Board of County Commissioners may determine may be issued to the purchaser or purchasers of the bonds issued hereunder. Said bonds and such interim certificates or receipts or temporary bonds shall be fully negotiable and shall be and constitute negotiable instruments within the meaning of and for all purposes of the law merchant and the negotiable instruments law of the State of Florida.
- (d) *Use of bond proceeds.* The proceeds of the sale of any such bonds shall be used solely for the payment of the costs of the construction or acquisition of any water system or sewer system or combined water and sewer system or the reconstruction or construction or acquisition of extensions, improvements and additions thereto, and shall be disbursed in such manner and under such restrictions, as the Board of County Commissioners may provide in the authorizing resolution. The Board of County Commissioners may also provide for the replacement of any bonds which shall have become mutilated and be destroyed or lost upon proper indemnification. Revenue bonds and assessment bonds may be issued under the provisions of this article without obtaining the consent of any commission, board, bureau or agency of the state, and without any other proceeding or happening of any other condition or thing than those proceedings, conditions or things which are specifically required by this article.
- (e) *Limitations in resolution.* A resolution providing for the issuance of revenue bonds may also contain such limitations upon the issuance of additional revenue bonds secured on a parity with the bonds theretofore issued, as the Board of County Commissioners may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such authorizing resolution.
- (f) *Purchase or acquisition of water or sewer systems.* The Board of County Commissioners may provide that upon the purchase or acquisition of any water system, sewer system or combined water and sewer system, part of the purchase price shall be paid to the owner thereof upon the purchase or acquisition of such water system, sewer system or combined water and sewer system, either in cash from the proceeds of such bonds or by the delivery to such owner of bonds, and the remainder of such purchase price shall be paid to the owner of such system in installments from time to time during a future period not exceeding ten (10) years from the date of such purchase or acquisition of such system, and the amount of the part of the purchase price of such system to be paid in future installments may be based in whole or part upon the number of

connections made to the system being acquired from such owner by the county, or the number of connections made to such system in the area of service of such system whether made by the county or such owner, during such period of not exceeding ten (10) years.

- (g) *Retention of rights by seller of water or sewer system.* The county is hereby further authorized in connection with any such purchase or acquisition of any existing water system, sewer system or combined water and sewer system to agree that the owner of such existing system being purchased or acquired shall have the right to retain any rights, duties and obligations and powers under any agreements with developers of residential or business properties entered into by the owner of such existing system for the construction of and installation of water or sewer mains or facilities, or both, by such owner prior to the purchase and acquisition of such system by the county; and, further, that if such owner shall retain the rights and obligations under such developers agreement, such owner shall be entitled to continue and complete any construction of any parts of such system or facilities therefore provided for under such developers agreement and to retain any sums due to such owner upon the construction and completion of such parts of such system or facilities provided for in such developers agreement; provided, however, that if the county and the owner of such system being purchased and acquired shall so agree, the owner of such system may assign all his or its rights and obligations under such developers agreement to the county, and in such event, the county shall have the right to continue and complete the construction of any parts of such system or facilities therefore provided for in such developers agreement and be entitled in the place and stead of such owner, to collect all sums which may be due or become due to such owner under such developers agreement, as fully and to the same extent as the owner of said system would have had if the county had not purchased and acquired such system.
- (h) *Agreements to be just and fair.* It is further the intent of this article that the county and the owner of any water system, sewer system or combined water and sewer system shall have full power and discretion to enter into any and all agreements relating to the water system, sewer system or combined water and sewer system being purchased and acquired which are fair, reasonable and just, and which could be entered into by private corporations acquiring such water system, sewer system or combined water and sewer system and which, in the opinion of the Board of County Commissioners, is in the best interest of the inhabitants of said county.

Sec. 14-5.1. Issuance of Water, Sewer Revenue Bonds to Service Outstanding Bonds.

- (a) The Board of County Commissioners, for and on behalf of the county, is authorized by resolution to provide from time to time for the issuance of revenue bonds of the county to provide funds for the purpose of refunding any or all outstanding water and sewer revenue bonds of the county. Any such refunding may be affected by the county using the proceeds of its refunding revenue bonds, together with any other available moneys, to purchase obligations of the federal government the principal of and the interest on which, when due, will provide sufficient moneys to pay the principal, interest and redemption premium, if any, on the outstanding bonds to be refunded as the same become due whether at their respective maturities or upon the date selected for their redemption prior to maturity, and any associated expenses. For the purposes of this section, the Board of County Commissioners in its discretion may elect in the resolution or resolutions authorizing such refunding bonds to redeem all the revenue bonds to be refunded on one or more selected redemption dates, or so to redeem some of the bonds to be refunded and to allow the balance of the bonds to be refunded to mature in accordance with their original principal payment schedule; provided, that in either case the redemption and the payments at maturity, together with interest and any redemption premium, will be provided from the proceeds of the revenue bonds authorized by this section, any other available moneys and investment earning thereon. In connection with any such refunding, the county may enter into contractual arrangements deemed necessary or desirable by the Board of County Commissioners with banks or other fiduciaries as to the escrowing, investment and application of refunding revenue bond proceeds, revenues of the county's water and sewer system, and any other available funds.
- (b) The revenue bonds authorized by this section:

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- (1) May be secured by and payable from the revenue sources described in section 14-3(6) of this chapter, and in addition, by income derived from the investment of such revenue sources;
 - (2) May be sold in such manner as the Board of County Commissioners shall determine; and
 - (3) May bear interest at a rate or rates not exceeding the maximum rate then permitted under Florida law.

Sec. 14-6. Rates, Fees and Charges Generally.

- (a) *Initial schedule of rates, fees, charges; revisions.* The Board of County Commissioners shall fix the initial schedule of rates, fees or other charges for the use of the services and facilities to be furnished by any such water system or sewer system or combined water and sewer system to be paid by the owner, tenant or occupant of each lot or parcel of land which may be connected with or use any such system or systems of the county. After the system or systems shall have been in operation the Board of County Commissioners may revise the schedule of rates, fees and charges from time to time; provided, however, that such rates, fees and charges shall be so fixed and revised so as to provide sums, which, with other funds available for such purposes, shall be sufficient at all times to pay the expenses of operating and maintaining such water system or sewer system or combined water and sewer system, including reserves for such purposes, the principal of and interest on revenue bonds as the same shall become due and reserves therefore, and to provide a margin of safety over and above the total amount of any such payments, and to comply fully with any covenants contained in the proceedings authorizing the issuance of any bonds or other obligations of the county. The county shall charge and collect such rates, fees and charges so fixed or revised, and such rates, fees and charges shall not be subject to the supervision or regulation by any other commission, board, bureau, agency or other political subdivision or agency of the county or state.
- (b) *Rates, fees and charges to be just and equitable.* Such rates, fees and charges shall be just and equitable and uniform for users of the same class and where appropriate may be based or computed either upon the quantity of water consumed or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises or upon the number or average number of persons residing or working in or otherwise using or occupying such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors as may be determined by the Board of County Commissioners or on any other equitable basis.
- (c) *Public hearing required; notice; adoption.* No rates, fees or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all the users of the proposed sewer system or water system or combined water and sewer system, or owners, tenants or occupants served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed rates, fees and charges. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees and charges shall be given by one publication in a newspaper published in the county at least ten (10) days before the date fixed in such notice for the hearing, which may be adjourned from time to time. After such hearing such schedule or schedules, either as initially adopted, or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees or charges finally adopted shall be kept on file in the Office of the Clerk of the Board of County Commissioners and shall be open at all times to public inspection. The rates, fees or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any hearing or notice. Any change or revision of such rates, fees or charges may be made in the same manner as such rates, fees or charges were originally established as hereinabove provided; provided, however, that if such changes or revisions be made substantially pro rata as to all classes of service no hearing or notice shall be required.
- (d) *Each system to have separate schedules.* A separate and different schedule of rates, fees and charges may be fixed, established and maintained by the county, in the manner and under the procedures herein provided, for each individual water system, sewer system or water and sewer system now owned or hereafter constructed or acquired by the county, whether such water system, sewer system or water and sewer

system shall be operated singly or shall be hereafter combined and consolidated with any other water system, sewer system or water and sewer system now owned or hereafter to be acquired by the county.

Sec. 14-7. Proceeds of Bonds to Constitute Trust Funds.

The proceeds of all bonds or other obligations issued under this article and all revenues derived from the operation of any water system or sewer system or combined water and sewer system for the payment of all or part of the cost of which any bonds or other obligations authorized by this article have been issued shall be and constitute trust funds, and shall be used and applied only in accordance with the proceedings authorizing the issuance of any revenue bonds, assessment bonds or other obligations issued pursuant to this article, and the Board of County Commissioners may appoint trustees, within or without the state, under trust agreements or indentures to hold and administer the proceeds of any such bonds or other obligations or any such revenues.

Sec. 14-8. Specific Provisions Authorized in Resolution Authorizing Bond Issuance.

- (a) In addition to the other provisions and requirements of this article, any resolution authorizing the issuance of revenue bonds, assessment bonds or any other obligations issued hereunder, may contain provisions and the Board of County Commissioners is authorized to provide and may covenant and agree with the several holders of such bonds as to:
- (1) Reasonable deposits with the county in advance to insure the payment of rates, fees or charges for the facilities of the system;
 - (2) The discontinuance of the services and facilities of any water system or sewer system or combined water and sewer system for delinquent payments for either water services or sewer services and the terms and conditions of the restoration of such services;
 - (3) Contracts with private or public owners of a water system or sewer system not owned and operated by the county for the discontinuance of service to any users of the water system or sewer system or combined water and sewer system, as the case may be, owned and operated by the county;
 - (4) Limitations on the powers of the county to construct, acquire or operate, or permit the construction, acquisition or operation of any plants, structures, facilities or properties which may compete or tend to compete with any water system or sewer system or combined water and sewer system;
 - (5) The manner and method of paying service charges and rates and the levying of penalties for delinquent payments;
 - (6) Subject to this article, the manner and order of priority of the disposition of revenues or redemption of any bonds or other obligations;
 - (7) Terms and conditions for modification or amendment of any provisions or covenants in any such proceedings authorizing the issuance of bonds or other obligations;
 - (8) Provisions for and limitations on the appointment of a trustee for bondholders for any water system or sewer system or combined water and sewer system;
 - (9) Provisions as to the appointment of a receiver of any sewer system or water system or combined water and sewer system, on default of payment of principal or interest on any such bonds or other obligations or the breach of any covenant or condition of such authorizing proceedings or the provisions and requirements of this article;
 - (10) Provisions as to the execution and entering into of trust agreements regarding the holding and disposition of revenues derived from such systems and the proceeds of bonds issued for the cost of

acquisition or construction or improvement of a water system or sewer system or combined water and sewer system, or for any other purposes necessary to secure any such bonds;

- (11) Provisions as to the maintenance of any such system or systems and reasonable insurance thereof; and
 - (12) Any other matters necessary to secure such bonds and the payment of the principal and interest thereof.
- (b) All such provisions of the bond proceedings and all such covenants and agreements in addition to the other provisions and requirements of this article shall constitute valid and legally binding contracts between the county and the several holders of any such bonds and shall be enforceable by any such holder or holders by mandamus or other appropriate action, suit or proceeding in law or in equity in any court of competent jurisdiction.

Sec. 14-9. Lien for Unpaid Water and Sewer Charges; Foreclosure.

- (a) In the event that the fees, rates or charges for the services and facilities of any water or sewer system or combined water and sewer system shall not be paid as and when due, any unpaid balance thereof and all interest accruing thereon shall be a lien on any parcel or property affected thereby as hereinafter prescribed.
- (b) The County Manager or his/her designee may mail, within sixty (60) days from the date of default on said water or sewer or said water and sewer bill, a notice of default to the property owner. Said notice shall be sent by first-class mail to the most recent address shown on the most recent ad valorem tax roll. If such notice be returned unclaimed, then a copy of such notice shall be posted in a conspicuous place on the property receiving water or sewer or water and sewer services. The notice shall direct the property owner to pay, within thirty (30) days after the date thereof, any unpaid balance for water or sewer or water and sewer services. Said notice shall further state that in the event the property owner does not pay the charges, any unpaid amounts and all interest accruing thereon shall become a lien upon the parcel or property affected thereby. In the event the balance of the bill continues unpaid beyond the prescribed thirty-day period, the Board of County Commissioners of Hardee County, Florida, may, by resolution, assess a lien on behalf of Hardee County against any such parcel or property for any unpaid balance of said fees, rates or charges and all interest accruing thereon. Such liens shall be superior and paramount to the interest in such parcel or property of any owner, lessee, tenant, mortgagee or other person or entity, excepting only the lien of county taxes and said lien shall be on a parity with the lien of such county taxes. A notice of lien, in such form as the Board of County Commissioners of Hardee County, Florida, shall determine, may be recorded in the official records book of Hardee County and shall constitute a lien upon said property from the date of the adoption of the resolution assessing the lien against the parcel or property affected thereby. The notice of lien shall be prima facie evidence of the debt to the county and shall bear interest at the legal rate. The unpaid balance thereof and all interest accrued thereon, together with attorneys' fees and costs, may be recovered by the county in a civil action, and any such lien and accrued interest may be foreclosed or otherwise enforced by the county by action or suit in equity as for the foreclosure of a mortgage on real property.

Sec. 14-10. Effect of Article on Bond Obligations.

No proceedings in respect of the issuance of revenue bonds, assessment bonds or other obligations authorized by this article shall be necessary except such as are required by this article. The provisions of this article shall constitute an irrevocable contract between said county and the holders of any such bonds or coupons thereof issued pursuant to the provisions hereof. Any holder of such bonds may either at law or in equity, by suit, action or mandamus, enforce and compel the performance of the duties required by this article or of any of the officers or persons herein mentioned in relation to said bonds, or the levy, assessment, collection and enforcement and application of the revenues, assessments and other funds pledged for the payment of the principal and interest thereof.

Sec. 14-11. Special Assessments.

The Board of County Commissioners may provide for the construction or reconstruction of assessable improvements as defined in section 14-3 hereof, and provide for funding of such improvements through special assessments levied and collected pursuant to the authority and procedures set forth in sections 125.01(1)(q) and (r), Florida Statutes, Chapter 153, Florida Statutes, and/or section 197.3632, Florida Statutes, or pursuant to any other method authorized by law.

Sec. 14-12. Issuance of Certificates of Indebtedness and Assessment Bonds; Form and Contents.

- (a) The Board of County Commissioners may, after any assessments for assessable improvements are made, determined and confirmed as provided in section 14-11, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefited, as the case may be, and separate certificates shall be issued against each part or parcel of land assessed, which certificates shall state the general nature of the improvement for which the said assessment is made. Said certificates shall be payable in annual installments in accordance with the installments of the special assessments for which they are issued. The Board of County Commissioners may determine the interest to be borne by such certificates at a rate no greater than maximum interest rate allowed by law, and may sell such certificates at either private or public sale and determine the form, manner of execution and other details of such certificates. Such certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any revenue bonds or assessment bonds issued to finance in whole or in part such assessable improvements, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.
- (b) The Board of County Commissioners may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in paragraph (a) may be deposited; or, if such certificates of indebtedness have not been issued, the Board of County Commissioners may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in section 14-11, unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The Board of County Commissioners is hereby authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest and penalties thereon for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund, and to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in said special fund, after such assessment liens have become delinquent and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund, and to further make any other necessary covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.
- (c) All assessment bonds or other obligations issued under the provisions of this article, except certificates of indebtedness issued against separate parcels of land as provided in this section, shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

Sec. 14-13. Annual Report.

The Board of County Commissioners shall cause to be made at least once a year a comprehensive report of each water system or sewer system or combined water and sewer system, including all matters relating to rates, revenues, expenses of maintenance, repair and operation and renewals and capital replacements, principal and interest requirements and the status of all funds and accounts. Copies of such report shall be filed with the Clerk of the Board of County Commissioners and shall be open to public inspection.

Sec. 14-14. Exemption from Taxation.

As the exercise of the powers conferred by this article constitutes the performance of essential public functions and as any water system or sewer system or combined water and sewer system constructed under the provisions of this article constitutes public property used for public purposes, such water systems, sewer systems or combined water and sewer system and all properties, revenues, or other assets thereof [and all bonds issued hereunder and the interest thereon, shall be exempt from taxation by the state, or any political subdivision, agency or instrumentality thereof].

Sec. 14-15. Bonds as Securities for Public Bodies.

All revenue bonds and assessment bonds issued pursuant to this article shall be and constitute legal investments for state, county, municipal and all other public funds and for banks, savings banks, insurance companies, executors, administrators, trustees and all other fiduciaries, and shall also be and constitute securities eligible as collateral security for all state, county, municipal or other public funds.

Sec. 14-16. Bonds as Payment for Services.

The Board of County Commissioners is authorized to enter into agreements for the delivery of any revenue bonds or assessment bonds at one time or from time to time as full or partial payment for the services of any engineer or work done by any contractor who may have been retained or hired or been awarded a contract for the construction of all or any part of a water system or sewer system or combined water and sewer system, provided, however, that any such bonds so delivered for payment of such services or work performed shall have been authorized and issued in the manner provided in this article and shall otherwise conform to the provisions hereof.

Sec. 14-17. Consolidation of Systems.

Any water system or sewer system of the county may, by resolution of the Board of County Commissioners, be combined into a single consolidated system for purposes of financing or of operation and administration or both.

Sec. 14-18. Free Water and Sewer Service Prohibited.

The same rates, fees and charges shall be fixed and collected from the county and any school district or other political subdivision using the services and facilities of the water system or sewer system or combined water and sewer system, as are fixed and collected from other users of such facilities in the same class. No free water or sewer services shall be rendered by the county and no discrimination shall exist in the fees, rates and charges for users of the same class for any given water and/or sewer system. This section shall not require the charging of identical rates for users of different systems within the county.

Sec. 14-19. Contracts Enforceable by Bondholders.

Any contract entered into by the county shall be deemed to have been made for the benefit of any holders of bonds issued pursuant to this article to the extent necessary, and the terms of any such contract shall be enforceable by such bondholders in any appropriate legal proceeding. Any such contract if made with another public body or municipality shall be enforceable without the requirement of formal consideration.

Sec. 14-20. Board Approval of Construction of Water and Sewage Facilities.

No sewage disposal plant or other facilities for the collection and treatment of sewage or any water treatment plant or other facilities for the supply and distribution of water, shall be constructed within any area of operation of a water system, sewer system or combined water and sewer system unless the Board of County Commissioners shall give its consent thereto and approve the plans and specifications thereof; subject, however, to the terms and provisions of any resolution authorizing any bonds and agreements with bondholders.

Sec. 14-21. Construction of Provisions.

The provisions of this article shall be liberally construed to affect its purposes and shall be deemed cumulative, supplemental and alternative authority for the exercise of the powers provided herein.

Secs. 14-22—14-32. Reserved.

ARTICLE II. WATER AND SEWER CONNECTION ORDINANCE

Sec. 14-33. Short Title; Application.

This article is to be known as the "Hardee County Water and Sewer Connection Ordinance," and shall apply to all areas of Hardee County.

Sec. 14-34. Mandatory Connection

General. It shall be the County's policy to require connections to the County's Utility System, under circumstances described herein, to protect and preserve the public safety, health or welfare, or to comply with the requirements of County financing instruments such as grants, loans or bonds. The following requirements are intended to comply with that policy. All such connections shall be made in accordance with the rules and regulations which shall be adopted from time to time by the Board of County Commissioners, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as the Board may fix and determine.

Sec. 14-35. Exceptions to Connection Requirements.

This section shall not be construed to require or entitle any person to cross the private property of another to make any such water or wastewater connection, or require that a water or wastewater connection be made across a State highway or railroad right-of-way unless the County deems it to be in the best interest of the citizens of the County.

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- (a) Mandatory Water Connections. Mandatory water connections shall be based on the class of service provided, and whether the service is considered as existing or new under this ordinance.
- (1) Residential. All property containing uses that would be classified under this Ordinance as Residential Consumers, and whose property line is not located within 100 feet of the existing water main as of the effective date of this ordinance, shall be required to connect to the County Utilities when the County's Water Main lies within 100 feet of the property line of that residential property, or is across no more than two lanes of roadway. Potential new applicants must pay all fees and connect prior to issuance of a certificate of occupancy, while existing Potential applicants shall pay all fees and connect to the Water Utility Facilities within three hundred and sixty-five (365) days of notice of such requirement by the County, but must pay all fees prior to obtaining service. Although payment of fees and connection may be delayed as described above, the existing residential property owner shall apply for service no later than sixty (60) days after receiving notice of the requirement.
 - (2) Commercial & Industrial. All Potential new commercial and industrial applicants within 500 feet of existing water main shall connect to the water main prior to receiving a certificate of occupancy.
 - (3) Unlawful connection. No person shall be allowed to connect into any water line owned by the County without the written consent of the County, and then the connection with such line shall be made only under the direction and supervision of the County. Any person who shall make any connection without such consent of the County shall upon conviction be subject to the penalties provided in Sections 14-37 through 14-38 hereof.
 - (4) Connecting existing plumbing. Whenever it is desirable to connect existing plumbing with the County water line, the owner or plumber contemplating doing such work shall notify the County or designee, who will inspect the existing plumbing and notify the owner or plumber what alterations will be necessary to place the existing plumbing in an acceptable condition for such connection. Any person who shall make any connection without such approval shall, upon conviction, be subject to the penalties provided in Sections 14-37 through 14-38 hereof.
 - (5) Separate connections for each separate unit. Each residential unit, whether occupying one or more lots and whether it shall occupy any lot or parcel jointly with any other residential unit, shall be considered a separate unit for the payment of the water fees and separate connections and meters will be required for each of such units.
- (b) Mandatory Wastewater Connections. Mandatory wastewater connections shall be based on the class of service provided, and whether the service is considered as existing or new under this Ordinance. All such connections shall be made in accordance with the rules and regulations which shall be adopted from time to time by the Board of County Commissioners, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as the Board may fix and determine.
- (1) Residential. All property containing uses that would be classified under this Ordinance as Residential consumers, shall be required to connect to the wastewater utility facilities and pay all required fees, and become a continuous wastewater customer of the County Utilities when the County' s gravity wastewater utility facilities lies within 100 feet of the property line of that residential property, or is across no more than two lanes of roadway. Potential new applicants must pay all fees and connect prior to issuance of a certificate of occupancy, while existing potential applicants shall pay all fees and connect to the wastewater utility facilities within three hundred and sixty-five (365) days of notice of such requirement by the Utilities Department or Code Enforcement Officer, but must pay all fees prior to obtaining service. Although payment of fees and connection may be delayed as described above, the existing residential property owner shall apply for service no later than sixty (60) days after receiving notice of the requirement.
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- (2) Commercial & Industrial. All potential new commercial and industrial applicants within 500 feet of existing utility facilities shall connect to those utility facilities prior to receiving a certificate of occupancy. In the event that an existing septic tank or drain field requires replacement, that facility shall be considered a potential new applicant, and shall connect if within 500 feet as discussed above.

Sec. 14-36 Enforcement Procedures.

The provisions of this ordinance shall be enforced by the County Manager, or his designee.

Sec. 14-37 Compliance Requirement: Remedies.

All Applications for water and/or sewer service, and users thereof, including special agreements, shall comply with this Ordinance. Any person, firm, or corporation, either individually or through agents, employees, or independent contractors who shall violate the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each violation or imprisonment for not more than sixty (60) days in County Jail for each violation, or both, and each day of violation shall constitute a separate offence. If within any provision of this ordinance there exists a specific enforcement of punishment provision, the specific provision shall take precedent over the provisions of this section 14-37.

Sec. 14-38 Additional and/or Alternative Remedies Available: Disconnection, Injunction.

The remedies herein are alternative of supplemental and do not prohibit the County from seeking any and all other forms of relief available under the law. In addition to any other remedies or relief available, the County may disconnect service to the Applicant, enjoin any violation of this ordinance.

Sec. 14-39 – Sec. 14-40 Reserved.

ARTICLE III. WATER, SANITARY SEWER AND SEPTIC TANK ORDINANCE

Sec. 14-41. Short Title and Application.

This article is to be known as the "Hardee County Water, Sanitary Sewer and Septic Tank Ordinance," and shall apply county-wide.

Sec. 14-42. Declaration of Legislative Findings.

- (a) In order to protect and preserve the quality of the water as a natural resource of Hardee County, and in order to ensure the continued public health and safety of the residents of Hardee County by preventing significant damage to the environment and drinking water resources, the Board recognizes the need to enact appropriate water, sanitary sewer, and septic tank regulations.
- (b) Many homeowners in Hardee County who utilize private potable wells use treatment units that are relatively effective in improving the aesthetic quality of the water but are ineffective in removal of pathogenic bacteria and viruses that can cause waterborne disease outbreaks. Furthermore, potential chemical contamination of the groundwater offers an added health risk to users of private potable wells.
- (c) The Board of County Commissioners of Hardee County ("Board") finds that violations of Sections 14-33 through 14-50 of this chapter constitute a public nuisance, the abatement of which is necessary to protect the health, safety, and welfare of Hardee County's residents and its environment.

Sec. 14-43. Applicable Area.

The Board declares that this article is an environmental regulation that shall apply countywide

Sec. 14-44. Survey Requirements; Private Water System Requirements.

- (a) Prior to the issuance of a septic tank permit for any lot, plot or parcel of ground, a survey of the property shall be prepared and certified by a registered land surveyor and submitted to the Hardee County Health Department for approval showing the following:
 - (1) Sea level datum benchmark or reference point located within 200 feet of the property based on the National Geodetic Vertical Datum as established by the National Oceanic and Atmospheric Administration;
 - (2) Elevation of the crown of the road or roads adjacent to the property;
 - (3) Location and distance of any private well, septic systems, or surface waters within 75 feet of the property, or any public well within 200 feet of the property;
 - (4) The existing site elevation at the location of the proposed system.
- (b) Prior to the issuance of a certificate of occupancy for a single or multifamily dwelling or commercial or industrial building, the water system, if other than an approved public water distribution system, shall have been inspected and approved by the Hardee County Health Department with respect to:
 - (1) Proximity to sources of contamination;
 - (2) Well construction;
 - (3) Well surface protection;
 - (4) Disinfection of the system and bacteriological quality of the water supply.

Sec. 14-45. Connection to Public Water Supply and/or Sanitary Sewers which are Located Within One-quarter Mile of a Proposed Subdivision.

- (a) When subdivisions are comprised of premises used or intended for human habitation, or other establishments where a water supply is or may be used for human consumption, and where such subdivision is located within one-quarter ($\frac{1}{4}$) mile of available public water distribution or sanitary facilities as accessed via dedicated easements or rights-of-way, the developer of such subdivision shall extend the water supply mains and/or sanitary sewers and connect all lots thereto. These requirements shall apply to new development and redevelopment of all non-residential subdivisions, and all residential subdivisions of five (5) or more lots one (1) acre or less in size.
- (b) The one-quarter ($\frac{1}{4}$) mile distance between the existing water main or sanitary sewer in a dedicated right-of-way and the subdivision shall be measured between the point within the subdivision nearest to the existing water main or sanitary sewer as accessed via existing easements or rights-of-way.
- (c) The material coupling to water or sanitary sewer service shall be made in accordance with the requirements of all applicable rules and regulations of any county, state, or municipal agency having jurisdiction thereof.
- (d) The provisions of this section shall not apply when a utility cannot provide a public water distribution system or sanitary sewer system due to the utility's franchise limitations or the inability or unwillingness of a city to extend its water or sewer systems.

Sec. 14-46. Regulation of Septic Tank Usage.

- (a) All new septic system drain fields shall be constructed so that the absorption surface of the drain field shall not be subject to flooding based on ten (10) year flood elevations shown on the Hardee County 's Ten (10) Year Flood Elevation Map, as amended. A proposed septic system to serve an addition or modification to an existing structure served by a previously approved septic system may be exempted from this requirement. Such an exemption may be granted if the proposed or modified drain field cannot be constructed to achieve compliance with the ten (10) year flood elevation due to existing plumbing elevations, provided that a minimum twenty-four (24) inch separation between the seasonal high-water table and the bottom surface of the septic system drain field is maintained as required by Rule 64E-6, F.A.C., as amended.
- (b) Where there exists an approved public water distribution system available to serve the building site, platted or unplatted, there shall be no installation of a septic tank, and no permit for the installation of any septic tank shall be issued when greater than one thousand five hundred (1,500) gallons of wastewater a day per unsubmerged acre of land will be generated by the actual projected use of the building site proposed for installation of a septic tank.
- (c) In the event there is not an approved public water distribution system available to serve the building site, platted or unplatted, then no permit for the installation of any septic tank shall be issued where greater than seven hundred fifty (750) gallons of wastewater a day per unsubmerged acre of land will be generated by the actual or projected use.
- (d) This section is not to be construed as authorizing the use of septic tanks where the issuance of a permit is otherwise prohibited by law, state or county codes. The provisions of subsections (b) and (c) relate to multifamily (five (5) or more dwelling units), commercial and industrial-zoned lots, and are applicable to new and existing subdivisions.

Sec. 14-47. Regulation of On-site Private Water Systems.

- (a) It shall be unlawful to install any on-site water supply well without first obtaining a well construction permit from the Hardee County Health Department.
- (b) Prior to the issuance of a construction permit for an on-site potable water system, a plot plan shall be submitted to the Hardee County Health Department showing location of the proposed well.
- (c) The Hardee County Health Department shall inspect the construction of each on-site private water system for compliance with the following:
 - (1) All premises intended for human habitation or occupancy shall be provided with a supply of potable water.
 - (2) The well casing shall be a continuous length of new pipe and shall terminate not less than thirty (30) feet below grade in a suitable aquifer. Pipe six (6) inches or less in diameter shall be galvanized or approved PVC. Well shall be developed and free of all loose sand and stone.
 - (3) A tee, of the same size as the casing, shall be installed on the top of the well to allow for proper inspection, introduction of disinfecting agents, and for measurements of depth and static water level.
 - (4) The well shall be so located as to be free of danger of contamination from unsafe water supply and shall be at least seventy-five (75) feet from a septic tank, drain field, soakage pit, or discharge well and of sufficient depth to provide a protected source of potable water.
 - (5) Before a new potable water supply well or one which has been repaired is placed in use, it shall be disinfected in accordance with the method approved by the Hardee County Health Department and shall be pumped clear of disinfecting agent after disinfection.

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- (6) A concrete pad, eighteen (18) inches in diameter, a minimum of four (4) inches thick, shall be poured around the well casing of both driven and drilled wells. Such pad shall be placed on grade and poured with four-inch wire mesh, and the surface shall slope outwardly. The well casing shall extend above the pad to permit disinfection.
 - (7) Rotary drilled wells shall be provided with a casing as set forth in paragraph (2) above, and annular space between the bored hole and the casing shall be filled with a neat cement grout.
 - (8) The licensed well driller shall provide the Hardee County Health Department with certification on a form provided as to well depth, construction method and materials used. Water system approval shall be contingent upon receipt of satisfactory certification.

Sec. 14-48. Reserved.

Sec. 14-49. Penalties and Remedies.

- (a) Any developer or property owner determined to be in violation of Section 14-45 of this article, or who is determined to have installed or be operating a septic tank in violation of either Section 14-46(a) or 14-46(b) of this article, shall be required to pay a civil penalty of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each repeat violation. Each day such violation continues shall constitute a separate offense.
- (b) These penalties shall not preclude any other remedies, including injunctive relief, otherwise available at law or in equity.

Sec. 14-50. Enforcement.

- (a) This article shall be applicable in the incorporated and unincorporated areas of Hardee County, with enforcement in the unincorporated areas being the responsibility of Hardee County and enforcement in the incorporated areas being the responsibility of the respective municipalities.
- (b) Every code enforcement officer having jurisdiction in the area governed by this article shall, in addition to all other duties imposed by law, enforce the provisions of this article.
- (c) Violations of this article are civil infractions and, as such, may be enforced pursuant to the provisions of Hardee County Code of Ordinances ("Code"), specifically, Chapter 3, with penalties assessed pursuant to Ch. 162, F.S., or any applicable code enforcement provision.

ARTICLE IV. SERVICE CLASSES AND RATES

DIVISION 1. CLASSES OF SERVICE

Secs. 14-51 Classes of Service.

- (a) *General.* The County shall establish different classes of service for implementation of rates and charges for consumers. The classes of service shall be established to reflect the use and demand on the Utility System, as well as other lawful considerations.
- (b) *Classes of Water Service.* There shall be three (3) classes of water service established for County service.
 - (1) *Residential.* Residential Service Consumers shall include normal, domestic water flows to single family homes, individually-metered trailers or recreational vehicles not within parks or communities of similar types of trailers or recreational vehicles, and permanently installed on

property owned or leased by the consumer. It shall include duplex units or triplex units individually metered.

- (2) *Commercial.* All Consumers, which are neither residential nor industrial, are commercial customers. Such Consumers shall include, but are not limited to, mobile home or recreation vehicle parks, apartments, schools, churches, warehouses, restaurants, convenience marts and other stores, shops and all forms of commercial establishments except industrial Consumers.
 - (3) *Industrial.* All Consumers which are businesses listed in the Standard Industrial Codes (SIC), or which, by the nature of their business are considered by the County' s Engineer to use public water to process or produce products.
- (c) *Classes of Wastewater Service.* There shall be three (3) classes of wastewater service established for County service.
- (1) *Residential.* Residential Service Consumers shall include normal, domestic wastewater flows from single family homes, individually-metered trailers or recreational vehicles not within parks or communities of similar types of trailers or recreational vehicles, and permanently installed on property owned or leased by the consumer. It shall include duplex units
 - (2) *Commercial.* All Consumers, which are neither residential nor industrial. Such Consumers shall Include, but are not limited to mobile home or recreation vehicle parks, apartments, schools, churches, warehouses, restaurants, convenience marts and other stores, shops and all forms of commercial establishments requiring a County occupational license except industrial Consumers.
 - (3) *Industrial.* All Consumers which are businesses listed in the Standard Industrial Codes (SIC), or which, by the nature of their business are considered by the County' s Engineer to have a reasonable likelihood of discharging wastewater other than domestic wastewater, with the exception of oils and grease discharges from restaurants.
- (d) *Subclasses Based on Billing Technique.* Within each class of service, the County may establish a subclass for customers based on the manner in which the County determines the amount to charge the Consumer for the service, such as, but not limited to:
- (1) *Metered service.* When the customer's service flows are metered.
 - (2) *Flat Rate Service.* When the Consumer's service is not metered, or water is metered but wastewater service charges is not based on water flows.
 - (3) *Bulk Service* - Where service is sold to another entity for resale to that entity' s consumers.
 - (4) *Guaranteed Revenues* - When an Applicant has contracted for service, but has not yet connected, has connected, but has not used the full capacity reserved in its favor, that Applicant shall, by Special Agreement, pay the costs associate with holding that capacity for the Applicant's future use. The Commission shall, by resolution, establish a charge for Guaranteed Revenues.
 - (5) *Contractual* - In special circumstances, the County establishes charges for services based solely on contractual agreements.

14.52—14-57. Reserved.

DIVISION 2. SCHEDULE

Sec. 14-58. Schedule of Rates, Fees and Charges for Water and Sewer Services Rendered by the Hardee County Utilities .

The schedule of rates, fees and charges for water and sewer services rendered by the Hardee County Utilities shall be established by resolution of the Board of County Commissioners at a duly publicized public hearing in accordance with section 14-6 of this chapter. Existing rates and fees in effect prior to this ordinance shall be in effect until changed by resolution.

Secs. 14-59—14-100. Reserved.

ARTICLE V. PRIVATE SYSTEMS

Sec. 14-101. Definition.

The term "privately owned water and/or sewer system," as used herein, means and includes every person, corporation, partnership, association or other legal entity (other than a governmental agency), and their lessees, trustees or receivers, now or hereafter either owning, operating, managing or controlling any plant or other facility supplying water and sewerage service to or for the citizens of Hardee County, Florida, directly or indirectly, for compensation.

Sec. 14-102. County Exemption from Regulation by Public Service Commission.

In accordance with Section 367.171(3), F. S., Hardee County is exempt from the provisions of Chapter 367, F.S.

Sec. 14-103. Regulation by County Authorized.

14The Board of County Commissioners of Hardee County, Florida, or its duly authorized agents, shall have the power and authority to regulate and control the operation of all privately owned water and/or sewer systems which operate in Hardee County, excluding therefrom all privately owned water and/or sewer systems operating under existing franchises with municipalities when said municipalities adopt a resolution declaring that said municipalities shall exercise control and regulation of said franchised private water and/or sewer systems under authority of the common law of the State of Florida and/or special acts of the legislature.

Sec. 14-104. Applications for Rate Changes; Power of County to Fix Rates; Investigation.

14 All applications for changes in rates shall be made to the Board of County Commissioners of Hardee County, or its duly authorized agents, in writing, and shall be governed by the rules of procedure as adopted by the Board of County Commissioners of Hardee County, or its duly authorized agents, for such purpose. The Board of County Commissioners of Hardee County, or its duly authorized agents, shall have the authority to determine and fix fair, just and reasonable rates that may be requested, demanded, charged or collected by any privately-owned water and/or sewer system for its services. The Board of County Commissioners of Hardee County, or its duly authorized agents, shall investigate and determine the actual legitimate cost of the property to each said utility company actually used and useful in the public service, and shall keep a current record of the net investment of each utility company in said property, which value, as determined by the Board of County Commissioners of Hardee County, or its duly authorized agents, shall be used for rate-making purposes and shall be the money honestly and prudently invested by the said utility company in such property used and useful in serving the public, less accrued depreciation, and shall not include any goodwill, going concern value or franchise value, or contributions in aid of construction in excess of payments made therefore.

Sec. 14-105. Filing of Rates and Charges with County.

14All privately owned water and/or sewer systems which operate in Hardee County, Florida, shall file with the Board of County Commissioners of Hardee County, or its duly authorized agents, a schedule of all rates then being charged to customers of the utilities.

Sec. 14-106. Violations.

If any privately owned water and/or sewer system, by any authorized officer, agent or employee, shall knowingly refuse to comply with or willfully violate any of the provisions of this article or any lawful rate, rule or regulation, order, direction, demand or requirement prescribed by the Board of County Commissioners of Hardee County, or its duly authorized agents, such utility shall incur a penalty for each such offense of not more than one thousand dollars (\$1,000.00) to be fixed, imposed and collected by the Board of County Commissioners of Hardee County or its duly authorized agents. Each day that said refusal continues shall constitute a separate offense, and each penalty shall be a lien upon the real and personal property of the utility, enforceable by the Board of County Commissioners of Hardee County, or its authorized agents, as statutory liens under Chapter 86, F.S., the proceeds of which shall be deposited in the general revenue fund of Hardee County.

Secs. 14-107—14-137. Reserved.

ARTICLE VI. WASTEWATER DISCHARGE STANDARDS

Sec. 14-138. General Provisions.

- (a) *Purpose and Policy.* This article sets forth uniform requirements for users of the Wastewater Facility ("WWF") of Hardee County and enables the County to comply with all applicable federal and state laws required by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.), the General Pretreatment Regulations (40 CFR, Part 403), and Chapter 62-625, Florida Administrative Code (F.A.C.).

This article shall apply to the WWF, all industrial users of the WWF, and to persons outside the system who are, by contract or agreement with the County, users of the WWF. Except as otherwise provided herein, the Manager of Hardee County Water and Wastewater Services ("Director") shall administer, implement, and enforce the provisions of this article. Any powers granted to, or duties imposed upon, the Director may be delegated by the Director to other Control Authority personnel.

- (b) Objectives of this section are:
- (1) To prevent the introduction of pollutants into the County wastewater system, which will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) To prevent the introduction of pollutants into the County wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
 - (4) To provide for equitable distribution of the cost of the County wastewater system.

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- (c) *Definitions.* The following terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where a provision explicitly states otherwise. The use of the singular shall include the plural, and plural shall include the singular as indicated by context. Where terms have not been defined in this section, they shall have their accepted meanings or such as context may imply. "May" is permissive. "Shall" is mandatory.
- (1) *Act or "the Act"* shall mean the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.), also known as the Clean Water Act of 1977.
 - (2) *Authorized representative of the industrial user* shall mean:
 - a. 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;
 - b. The manager of one (1) or more manufacturing, production, or operation facilities, provided that the manager (i) is authorized to make decisions that govern the operation of the regulated facility, including having the explicit and implicit duty to make major capital investment recommendations, and to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; (ii) can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and (iii) has been assigned and delegated the proper authority;
 - c. An authorized partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively; or
 - d. A director or highest official appointed or designated to oversee the operation and performance of the activities of a government facility, or authorized designee, if the industrial user is a federal, state, or local governmental facility.
 - (3) *Best Management Practices ("BMPs")* shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Rules 62-625.400(1)(a) and (2), F.A.C. BMPs shall 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. BMPs shall also include alternative means (i.e., management plans) of complying with, or in place of, certain established categorical pretreatment standards and effluent limits.
 - (4) *Biochemical oxygen demand* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in terms of mass and concentration.
 - (5) *Biosolids* shall mean the nutrient rich organic materials resulting from the treatment of sewage sludge.
 - (6) *Building sewer* shall mean the extension from the building drain to the public sanitary sewer or other place of disposal; also called a house connection, which conveys wastewater from the premises of an industrial user to the WWF.
 - (7) *Categorical industrial 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 405-471, as of July 1, 2009, hereby adopted and incorporated by reference.
 - (8) *Categorical pretreatment standards or categorical standards* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act that apply to a specific category of industrial users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
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- (9) *Chemical oxygen demand* shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
 - (10) *Conventional parameter* shall mean biochemical oxygen demand, total suspended solids, pH, fecal coliform bacteria, and any additional parameters identified in the WWF's National Pollutant Discharge Elimination System ("NPDES") permit for which the WWF is designed to treat.
 - (11) *Composite sample* shall mean a sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
 - (12) *Constituents* shall mean the particles and dissolved substances which exist in wastewater.
 - (13) *Control Authority* shall mean Hardee County Water and Wastewater Services.
 - (14) *Cooling water* shall mean the water discharged from uses such as air conditioning, cooling, or refrigeration, to which the only pollutant added is heat.
 - (15) *Daily maximum* shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.
 - (16) *Daily maximum limit* shall mean the maximum allowable discharge limit of a pollutant during a calendar day.
 - (17) *Director* shall mean the Director of Hardee County Water and Wastewater Services or designee.
 - (18) *Discharge* shall mean the introduction of pollutants into the wastewater facility from any nondomestic source regulated under Chapter 403, Florida Statutes.
 - (19) *Discharge permit* shall mean wastewater discharge permits and waste hauler discharge permits.
 - (20) *Domestic wastewater* shall mean the human body wastes from sanitary fixtures, domestic laundry wastes, or water-borne solid or grease wastes generated by food preparation.
 - (21) *Effluent* shall mean the wastewater or other liquid, whether partially or completely treated or in its natural state, flowing out of a reservoir, basin, treatment process, or treatment plant.
 - (22) *Enforcement Response Plan ("ERP")* shall mean the Florida Department of Environmental Protection (FDEP) approved enforcement procedures followed by the Control Authority to identify, document, and respond to any violations of this article.
 - (23) *Existing source* shall mean any source of pollutant that is not a new source.
 - (24) *Flow proportional composite sampling* shall mean a sample consisting of several individual portions in which each portion of the sample is proportional to the flow and combined to form a representative sample.
 - (25) *Four-day average values* shall mean the average of daily values for four (4) consecutive monitoring days.
 - (26) *Garbage* shall mean the solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
 - (27) *Grab sample* shall mean a sample that is collected from a single waste stream over a period of time not exceeding fifteen (15) minutes, with no regard to the flow in the waste stream.
 - (28) *Grease trap* shall mean a device for removing food-related grease from wastewater by allowing the retained liquid to cool and the grease to solidify, thereby allowing the grease to be separated by floatation and rise to the top of the trap, where it is held. This definition includes under sink interceptors at food service facilities.
 - (29) *Hauled waste* shall mean any hauled domestic wastewater, septic tank waste, storm sewer waste, or hauled industrial wastewater.
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- (30) *Hazardous materials* shall have the meaning given in 40 CFR or prohibited discharges Sec. 14-139.
- (31) *Hazardous substance or waste* shall mean any substance defined or identified as a hazardous waste either in 40 CFR Parts 260—265 and appendices, promulgated pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq., or in Chapter 62-730, F.A.C.
- (32) *High strength wastewater surcharge* shall mean the additional charge made in excess of the sewer service charge assessed against industrial users of the WWF or industrial users of persons outside the County's system who are, by contract or agreement with the County, users of the WWF, whose wastewater characteristics exceed established limits for designated compatible pollutants.
- (33) *Indirect discharge or discharge* shall mean the introduction of pollutants into the WWF from any nondomestic source regulated under Chapter 403, Florida Statutes.
- (34) *Industrial user or user* shall mean a source of discharge.
- (35) *Industrial wastewater* shall mean the water-carried wastes from commercial, manufacturing, and other nondomestic sources, as distinguished from domestic wastewater.
- (36) *Instantaneous maximum limit* shall mean the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (37) *Interference or interfere* shall mean a discharge which, either 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) causes a violation, or results in an increase in magnitude or duration of a violation, of a requirement of the WWF's permit, or prevents use or disposal of domestic wastewater residuals in compliance with the law, including Chapter 403, Florida Statutes.
- (38) *Local limit* shall mean specific pollutant discharge limits developed by the Control Authority and imposed on users to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (39) *Maintenance Access Structure* shall mean a cap, cover, hatch, lid, plug, seal, valve, or other type of access to a stationary system used to convey wastewater streams or residuals to the WWF.
- (40) *Mass emission rate* shall mean the weight of material discharged during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.
- (41) *Medical waste* shall mean isolation waste, infectious agents, human blood or blood byproducts, pathological waste, sharps, body parts, fomite, etiologic agents, contaminated bedding, surgical waste, potentially contaminated laboratory waste, and dialysis waste.
- (42) *Method detection limit* shall mean an estimate of the minimum amount of a substance that an analyte process can reliably detect. An MDL is analyte- and matrix-specific and is laboratory dependent.
- (43) *Monthly average* shall mean the sum of all daily discharges measured during a calendar month, divided by the number of daily discharges measured during that calendar month.
- (44) *Monthly average limit* shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (45) *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 prescribed under Section 307(c) (33 U.S.C. 1317) of the Act which will be applicable to
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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 paragraph a.(2) or a.(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, (i) any placement, assembly, or installation of facilities or equipment, or (ii) significant site preparation work including clearing or excavation; 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.
- (46) *Noncontact cooling water* shall mean water used for cooling that does not come into contact with any raw material, intermediate product, waste product, or finished product. The only pollutant contributed from the discharge is heat.
- (47) *Nondomestic source* shall mean the non-sanitary liquid wastes from industrial processes, commercial processes, or commercial laundries; nondomestic source is considered to have the same meaning as industrial wastewater.
- (48) *Oil and grease* shall mean a group of substances including fats, waxes, free fatty acids, soaps, and certain other materials which are from animal or vegetable sources and biodegradable, excluding petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin.
- (49) *Oil and water separator* shall mean any tank, box, sump, or other container in which any petroleum or grease product thereof, floating on, or entrained in, or contained in water entering such tank, box, sump, or other container, and is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.
- (50) *Pass through* shall mean a discharge which exits the WWF into the 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 the WWF's NPDES permit (including an increase in the magnitude or duration of a violation).
- (51) *Person* shall mean any individual, firm, company, association, society, corporation, partnership, co-partnership, joint stock company, trust, estate, group, industrial concern, municipality, governmental entity, political subdivision, public officer, or any other legal entity, or their legal representatives, agents, or assigns, or any combination thereof. This definition includes all federal, state, or local governmental entities.
- (52) *Person in responsible charge* shall mean the individual or person responsible for the overall operation of the facilities from which the discharge originates, or who has overall responsibility for environmental matters for the facilities.

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- (53) *pH* shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions. The concentration is the weight of hydrogen ions in grams per liter of solution, expressed in standard units.
- (54) *Pollutant* shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, medical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water, and certain characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, biochemical oxygen demand, chemical oxygen demand, toxicity, odor).
- (55) *Pollution* shall mean the human-made or human-induced alteration of the chemical, physical, biological, or radiological integrity of water.
- (56) *Pretreatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the WWF. The reduction or alteration may be obtained by physical, chemical, or biological processes, by process changes, or by other means, except as prohibited by Rule 62-625.410, F.A.C., or by 40 CFR 403.6.
- (57) *Pretreatment requirement* shall mean any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.
- (58) *Pretreatment standards or standards* shall mean prohibited discharge standards, categorical pretreatment standards, and local limits. In case of conflicting standards, the more stringent thereof shall apply.
- (59) *Prohibited discharge standards or prohibited discharges* shall mean the absolute prohibition against the discharge of certain substances; these prohibitions appear in Section 14-139(a) of this article.
- (60) *Publicly owned treatment works ("POTW")* shall mean a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes, and any conveyances which transport wastewater to the treatment plant.
- (61) *Public sanitary sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (62) *Sanitary fixtures* shall mean any toilets or sinks, either fixed or mobile, for the disposal of human body wastes.
- (63) *Self-monitoring* shall mean sampling, analyzing, and monitoring by an industrial user or by the Control Authority of regulated discharge at the expense of the industrial user.
- (64) *Septic tank* shall mean a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:
- a. A sewer line constructed with solid pipe, with joints sealed, connecting the impervious tank with a plumbing stub out; and
 - b. A subsurface system of piping to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.
- (65) *Septic tank waste* shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (66) *Sewage* shall mean human excrement and gray water (which includes showers and dishwashing operations).
- (67) *Sewer* shall mean a pipe or conduit intended to carry wastewater.
- (68) *Significant industrial user* shall mean any one (1) of the following:
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- a. An industrial user subject to categorical pretreatment standards, unless determined to be a nonsignificant categorical industrial user (NSCIU) under paragraph c. below; or
 - b. An industrial user that meets any one (1) of the following, unless determined to be a nonsignificant industrial user under paragraph d. below:
 - 1. Discharges an average of twenty-five thousand (25,000) gpd (gallons per day) or more of process water to the WWF (excluding sanitary, noncontact cooling water, and boiler blow-down wastewater);
 - 2. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the County's wastewater treatment system; or
 - 3. Is designated, in accordance with paragraph 62-625.500(2)(e), F.A.C., as significant by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or violating any pretreatment standard or requirement.
 - c. The Control Authority may determine that an industrial user subject to categorical pretreatment standards is an NSCIU on a finding that:
 - 1. The industrial user never discharges more than 100 gpd of total categorical wastewater (excluding domestic wastewater, noncontact cooling water, and boiler blow-down wastewater);
 - 2. The industrial user, prior to the Control Authority's finding in 1. above, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - 3. The industrial user annually submits the certification statement required in Section 14-142(a)(6), together with any additional information, necessary to support the certification statement; and
 - 4. The industrial user never discharges any untreated concentrated wastewater.
 - d. Upon finding that an industrial user meeting the criteria in paragraph b. above has no reasonable potential for adversely affecting the WWF'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 pursuant to paragraph 62-625.500(2)(e), F.A.C., determine that such industrial user is not a significant industrial user.
- (69) *Sludge* shall mean the accumulated settled solids separated from liquids, such as water or wastewater, during processing.
- (70) *Slug or slug load* shall mean any discharge of water, sewage, or industrial waste at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 14-139(a) of this article.
- (71) *Slug discharge* means any discharge of a nonroutine, episodic nature, which has a reasonable potential to cause interference or pass through, or in any other way violate the wastewater facility/publicly owned treatment works regulations, local limits, or permit conditions.
- (72) *Standard Industrial Classification ("SIC") Code* shall mean a classification pursuant to the latest edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.
- (73) *State* shall mean the State of Florida.
- (74) *Storm water* shall mean any flows occurring during or following any form of natural precipitation and resulting therefrom.
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- (75) *Total suspended solids ("TSS")* shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering through a standard glass fiber filter.
- (76) *Toxic organics management plan ("TOMP")* shall mean a strategy for keeping track of all solvents delivered to a site, their storage, use, and disposal. This includes keeping spent solvents segregated from process wastewaters to maximize the value of the recoverable solvents, to avoid contamination of other segregated wastes, and to prevent the discharge of toxic organics to the WWF or the environment. The plan should address the control of spills and leaks and also ensure that there is no deliberate dumping of solvents. This is also known as a "solvent management plan."
- (77) *Toxic pollutant* shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision(s) of the Clean Water Act, Section 307(a), or other Federal or State Acts.
- (78) *Waste* shall include wastewater and any and all other substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operations of whatever nature, including such substances placed within containers of whatever nature prior to and for the purpose of disposal.
- (79) *Waste hauler discharge permit* shall mean the permit issued to waste haulers for the disposal of hauled waste into the WWF as set forth in Section 14-142 of this article.
- (80) *Wastewater* shall mean the liquid and water-carried waste from dwellings, commercial buildings, industrial facilities, and institutions, together with any storm, surface, or ground waters which may be present, whether treated or untreated, which is contributed or permitted to enter the WWF.
- (81) *Wastewater discharge permit* shall be a permit for an industrial user to discharge wastewater to the WWF as set forth in Section 14-142 of this article.
- (82) *Wastewater Facility (WWF)* shall mean the entire County sewerage system and POTW, including any sewers that convey wastewater to the POTW from persons outside the County wastewater system who are, by contract or agreement with the County, users of the POTW and as defined in Rule 62-625.200, F.A.C.
- (83) *Wastewater treatment plant or treatment plant* shall mean that portion of the POTW which is designed to treat sewage and industrial waste.
- (84) *Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (85) *Waters of the state* shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
- (d) *Abbreviations:* The following abbreviations shall have the following meanings:
- (1) BMP—Best Management Practice.
 - (2) BOD—Biochemical Oxygen Demand.
 - (3) CFR—Code of Federal Regulations.
 - (4) COD—Chemical Oxygen Demand.
 - (5) EPA—U.S. Environmental Protection Agency.
 - (6) F.A.C.—Florida Administrative Code.
 - (7) FDEP—Florida Department of Environmental Protection.
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- (8) gpd—Gallons per day.
 - (9) MAS—Maintenance Access Structure.
 - (10) mg/l—Milligrams per liter.
 - (11) NPDES—National Pollutant Discharge Elimination System.
 - (12) NSCIU—Non-Significant Categorical Industrial User.
 - (13) O&G. —Oil and Grease.
 - (14) O&M—Operations and Maintenance.
 - (15) pH—Logarithm of the reciprocal of the hydrogen ion concentration.
 - (16) POTW—Public Owned Treatment Works.
 - (17) RCRA—Resource Conservation and Recovery Act.
 - (18) SIC—Standard Industrial Classification.
 - (19) SWDA—Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
 - (20) TOMP—Toxic Organics Management Plan.
 - (21) TSS—Total Suspended Solids.
 - (22) U.S.C.—United States Code.
 - (23) WWF—Wastewater Facility.

Sec. 14-139. General Sewer Use Requirements.

- (a) *Prohibited discharge standards.* No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that will pass through, or cause interference, with the operation or performance of the WWF. These general prohibitions apply to each user of the WWF whether or not the user is subject to national categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements. At a minimum, a user shall not contribute the following substances to the WWF:
 - (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. This includes, but is not limited to, all waste streams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods specified in 40 CFR 261.21.
 - (2) Solids or viscous substances which may cause obstruction to the flow in the WWF resulting in interference, such as, but not limited to: grease, garbage, animal intestines or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, car wash recirculation sludge, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes, or any solids greater than one-half (½) inch or 1.27 centimeters in any dimension.
 - (3) Any wastewater having a pH less than 5.5 or otherwise causing corrosive damage or hazard to structures, equipment, or endangering personnel of the WWF.
 - (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with the WWF, constituting a hazard to humans or animals, creating a toxic effect in the receiving waters or effluent reuse of the WWF, exceeding the limitation set forth in a categorical pretreatment standard or local limit, or causing the WWF's effluent to fail a

toxicity test. A toxic pollutant shall include but not be limited to any pollutant identified in Section 307(a) of the Act or in 40 C.F.R. 401.15.

- (5) Any 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, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the WWF's effluent or any other product of the WWF, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

In no case shall a substance discharged to the WWF cause the WWF to be in noncompliance with effluent criteria, effluent reuse criteria, or biosolids use and disposal criteria; or guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines, or regulations affecting effluent reuse or biosolids use and disposal developed pursuant to the SWDA, the Clean Air Act, the Toxic Substances Control Act, or state or local criteria applicable to the effluent reuse or the biosolids management method being used.

- (7) Any sludges or residues from industrial process, including but not limited to, car wash sludges, catch basin residual, lint trap solids, and other similar waste, screenings, or other residues from the pretreatment of industrial wastes without Control Authority approval.
- (8) Any wastewater that imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent thereby violating the WWF's NPDES permit. The color of the wastewater (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonally established norm for aquatic life.
- (9) Any wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (65.5 degrees Celsius) or which inhibits biological activity in the WWF resulting in interference, but in no case wastewater which causes the temperature at introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the WWF, or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals. In no case shall a slug load have a flow rate or contain a concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (11) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved by the Director in compliance with applicable local, state, or federal laws and regulations.
- (12) Any wastewater which results in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems or creates a public nuisance.
- (13) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (14) Any hauled wastes, except at the discharge point designated by the Control Authority in accordance with Section 14-140(e).
- (15) Any storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, ground water remediation discharge, and unpolluted industrial wastewater, unless specifically authorized by the Director.
- (16) Any medical wastes, except as specifically authorized by the Director in a discharge permit.

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- (17) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the WWF.
 - (18) Any hazardous substance or waste.
 - (19) Any enzyme degreasers, unless specifically authorized by the Director or previously approved by the Control Authority.
 - (20) Wastewater causing, alone or in conjunction with other sources, the WWF's effluent to fail the toxicity test as defined in the WWF's NPDES permit.
 - (21) Fats, oils, or greases of animal or vegetable origin in concentration greater than 100 mg/l.

When the Director determines that a user is contributing to the WWF any of the above enumerated substances in such amounts as to interfere with the operation of the WWF, the Director shall: (1) advise the user of the impact of the contribution on the WWF; and (2) develop effluent limitations for such user to correct the interference with the WWF. Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WWF. All floor drains located in process or materials storage areas must discharge to the user's pretreatment facility before connecting with the WWF.

- (22) Any wastewaters having in excess of (limits in parts per million or milligrams per liter):

Silver	0.10
Barium	5.0
Tin	1.0
Iron	2.0
Phenol	0.2
Arsenic	0.05
Boron	1.0
Manganese	1.0
Lead	0.1
Mercury	0.005
Nickel	0.4
Zinc	1.0
Copper	0.1
Cadmium	0.02
Total Chrome	1.8
Selenium	0.02
Chlorides	250

- (23) and any substance or combination thereof that reduces the BOD by ten percent will be considered a toxic material. In addition, the limits for the following are (limits in parts per million or milligrams per liter):

Antimony	0.0
Beryllium	0.0
Bismuth	0.0
Cobalt	0.0
Cyanide	0.0
Molybdenum	0.0
Rhenium	0.0
Tellurium	0.0

Uranyl ion	0.0
Strontium	0.0
Herbicides	0.0
Pesticides	0.0
Fungicides	0.0

- (b) *Pretreatment standards: Categorical Standards.* CIUs must comply with the categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.
- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the County Manager or his/her designee may provide equivalent concentration or mass limits, respectively, in accordance with Rule 62-625.410(4), F.A.C., and 40 CFR 403.6(c).

Once incorporated into its permit, the IU must comply with the equivalent limitations developed in this section in lieu of the categorical pretreatment standards from which the equivalent limitations were derived.
 - (2) 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 waste stream formula in Rule 62-625.410(6), F.A.C., and 40 CFR 403.6(e).
 - (3) A user may obtain from EPA a variance from a categorical pretreatment standard pursuant to the procedural and substantive provisions in Rule 62-625.700, F.A.C., and 40 CFR 403.13.
 - (4) A user may obtain a net/gross adjustment from EPA to a categorical standard in accordance with Rule 62-625.820, F.A.C., and 40 CFR 403.15.
- (c) *State requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or when they are more stringent than the requirements and limitations in this article.
- (d) *Specific pollutant limitations - local limits; public hearing required.* The Control Authority shall establish local pollutant limits, in accordance with Rule 62-625.400, F.A.C., to protect against pass through and interference. No person shall discharge wastewater containing the material or substances in amounts which exceed the local pollutant limits established by the Control Authority. The Control Authority shall establish the local pollutant limits at a public hearing at which all the users and all others interested shall have an opportunity to be heard concerning the proposed local pollutant limits. Notice of such public hearing setting forth the proposed schedule or schedules of local pollutant limits shall be given by one (1) publication in a newspaper published in the County at least ten (10) days before the date fixed in such notice for the hearing, which may be adjourned from time to time. After such hearing, such schedule or schedules shall be kept on file in the office of the County Manager or his/her designee and shall be open at all times to public inspection. The Control Authority may revise the schedule or schedules of local pollutant limits from time to time in the same manner as the local pollutant limits were originally established. In addition to the local pollutant limits established by the Control Authority, the County Manager or his/her designee may impose mass limitations, instantaneous maximum limits, maximum monthly average values, or maximum four-day average values, in addition to, or in place of, the pollutant limits established by the Control Authority. The above established limits apply at the point where the wastewater is discharged to the WWF. The Control Authority may develop and incorporate BMPs into individual wastewater permits to implement local limits and the requirements of Section 14-139(a).
- (e) *Control Authority's right of revision.* The Control Authority reserves the right to establish, by ordinance or in wastewater discharge permits or in waste hauler discharge permits, more stringent limitations or requirements on discharges to the WWF if deemed necessary to comply with the objectives presented in Section 14-138 of this article.

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- (f) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitution for adequate treatment to achieve compliance with the limitations unless expressly authorized by an applicable categorical pretreatment standard, or listed in any other pollutant-specific limitation developed by the Control Authority or state. The County Manager or his/her designee may impose mass limitations on users that are using dilution to meet applicable pretreatment standards or requirements.

Sec. 14-140. Pretreatment of Wastewater.

- (a) *Pretreatment facilities.* Users shall provide necessary wastewater treatment as is required to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and prohibitions set forth in Section 14-139 above within the time limitations as specified by the EPA, the FDEP, or the County Manager or his/her designee, whichever is more stringent. Any pretreatment facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. The user shall submit detailed plans showing the pretreatment facilities and operating procedures to the Control Authority for review before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from responsibility for modifying the facility as necessary to produce an effluent within the requirements and limitations under the provisions of this article. Any proposed changes in the pretreatment facilities or operating procedures shall be approved by the Control Authority prior to the user's initiation of the changes.
- (b) *Additional pretreatment measures.*
- (1) Whenever deemed necessary, the County Manager or his/her designee may require an industrial user to restrict its discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate or consolidate points of discharge, separate domestic wastewater from industrial wastes, require such other conditions as may be necessary to protect the WWF, and determine the industrial user's compliance with the requirements of this article.
 - (2) The County Manager or his/her designee may require any industrial user discharging into the WWF to install and maintain, on its property and at its sole expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
 - (3) Oil and water separators shall be provided when, in the determination of the County Manager or his/her designee, they are necessary for the proper handling of wastewater containing excessive amounts of petroleum-related oil and sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the County Manager or his/her designee and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, at the user's expense.
 - (4) Industrial users that have drains which serve a dual purpose, such as storm water and industrial process water, or drains located in areas where industrial wastewater is generated or hazardous materials are utilized, must have a lock off valve. Such valves should be readily accessible in case of emergency spills.
 - (5) Industrial users with the potential to discharge flammable substances may be required to install and maintain at their sole expense an approved combustible gas detection meter. At no time shall two (2) readings on an explosion hazard meter at the point of discharge to the WWF, or at any point in the WWF, be more than five percent (5%) nor shall any single reading be over ten percent (10%) of the lower explosive limit (LEL) on the meter.
 - (6) Oil and water separators and grease traps shall be properly maintained by the user to prevent the occurrence of pass through and interference into the sewer system and to meet federal, state, and local standards. Oil and water separators and grease traps shall be inspected, cleared, and repaired regularly as needed at the user's sole expense.
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- (c) *Accidental discharge/slug control plans.* Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Based on federal, state, or local regulatory requirements and past operations history, the County Manager or his/her designee may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two (2) years, the County Manager or his/her designee shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:
- (1) Description of discharge practices, including nonroutine batch discharges.
 - (2) Description of all stored chemicals.
 - (3) Procedures for immediately notifying the WWF of any accidental or slug discharge. This notification shall include location of the discharge, type of waste, concentration and volume, and corrective actions. Such notification must also be given for any discharge that would violate any of the prohibited discharges in Section 14-139 of this article.
 - a. Immediate notification: In the case of any discharge including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, noncustomary batch discharges, or slug loads, which may cause potential problems for the WWF, including a violation of Section 14-139 of this article, the user shall notify the Control Authority by telephone immediately after the user knows or should know of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. An industrial user is required to notify the Control Authority immediately of any changes at its facility affecting the potential for a slug discharge.
 - b. Written notice: Within five (5) days following such discharge, the IU shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
 - c. Notice to employees: A notice shall be permanently posted by the user on a bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure. All IUs are required to notify the Control Authority immediately of any changes at their facility affecting the potential for a slug discharge.
 - (4) Each industrial user shall provide the Control Authority with procedures to prevent adverse impact from any accidental or slug discharge of toxic organic pollutants (including solvents). These procedures or TOMP shall include, but not be 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 measures and equipment for emergency response. This TOMP shall be submitted by each industrial user to the Control Authority for review and approval before construction of new sources. All existing industrial users shall complete and submit a TOMP within one hundred eighty (180) days following the effective date of this article. No industrial user who commences contribution to the WWF after the effective date of this article shall be permitted to introduce pollutants into the WWF without a TOMP having been approved by the Control Authority. Review and approval of such plans and procedures shall not relieve the industrial user from responsibility to modify its facility or procedures as necessary to meet the requirements of this article.
 - (5) Each industrial user shall prevent the discharge of rain water run-off or storm water from entering the sewer system. Drains located in industrial processing areas, chemical storage areas, fuel storage areas,
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and fuel pumping bays which are connected to the sanitary sewer are prohibited unless approved by the Control Authority.

- (d) *Tenant responsibility.* Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if the owner or tenant is an industrial user, both may be held responsible for compliance with the provisions of this article.
- (e) *Hauled waste.*
- (1) Waste may be accepted into the WWF at a designated receiving facility at such times as are established by the County Manager or his/her designee, provided that such wastes do not violate Section 14-139 of this article or any other requirements established or adopted by the County. Waste hauler discharge permits for individual vehicles to use such facilities shall be issued by the Control Authority. All waste haulers shall be required to obtain a waste hauler discharge permit from the Control Authority. The reoccurring discharge of industrial wastewater requires a wastewater discharge permit from the Control Authority.
 - (2) The discharge of hauled industrial wastes requires prior approval from the Control Authority. Generators of hauled industrial waste may be required to obtain wastewater discharge permits. The County Manager or his/her designee shall have the authority to prohibit the disposal of such wastes, if such disposal would interfere with WWF operation. Waste haulers' discharge is subject to all other sections of this article.
 - (3) Waste haulers may discharge loads only at locations designated by the County Manager or his/her designee and only with the prior written approval of the County Manager or his/her designee. The County Manager or his/her designee may collect samples of each hauled load to ensure compliance with applicable standards. The County Manager or his/her designee may require the waste hauler to provide a waste analysis of any load prior to discharge.
 - (4) Each waste hauler must provide the Control Authority with a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, the waste hauler discharge permit number (if applicable), truck identification, names and addresses of generators of waste, the generator's discharge permit number (if included in the load), and volume and characteristics of the waste included in the load. The form shall identify the type of industry generating the waste, known or suspected waste constituents, and whether any wastes are RCRA hazardous waste. A nonhazardous waste manifest may be required for each category of waste that makes up the load.
 - (5) Wastes from locations outside the WWF or from persons outside the system who are, by contract or agreement with the County, users of the WWF, shall not be discharged into the WWF or any connected system without previous written approval of the County Manager or his/her designee. Such discharge shall only be made at a site approved by the County Manager or his/her designee.
 - (6) Fees for dumping hauled waste will be established by the Control Authority as part of the fee system authorized in Section 14-15434-158.
 - (7) Any waste hauler that has hauled waste rejected by the Control Authority must submit a manifest to the Control Authority of the ultimate disposal site for such rejected hauled waste.
- (f) *Vandalism.* No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance, or equipment, or other part of the WWF. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 14-152 through 14-154 below.

Sec. 14-141. Special Agreements.

The Control Authority reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the WWF. In no case will a special agreement waive compliance with a categorical pretreatment standard or requirement. However, the industrial user may request a variance or a net/gross adjustment to a categorical standard from EPA in accordance with Rules 62-625.700 and 62-625.820, F.A.C., and 40 CFR 403.13 and 403.15.

Sec. 14-142. Wastewater Discharge Permit Administration.

- (a) *Wastewater survey.* When requested by the County Manager or his/her designee, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey within thirty (30) days after the request. The County Manager or his/her designee shall prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this article.
- (b) *Wastewater discharge permit requirements.* It is unlawful to discharge industrial wastewater without a County-issued wastewater discharge permit in any area under the jurisdiction of the County or into any part of the WWF; or by any person outside the WWF who is, by contract or agreement with the County, a user of the WWF; except as authorized by the County Manager or his/her designee in accordance with the provisions of this article. It is unlawful for any significant industrial user to discharge wastewater into the WWF without first obtaining a wastewater discharge permit from the County Manager or his/her designee. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and shall subject the holder of the wastewater discharge permit to the sanctions set out in Sections - 14-152 through 14-154. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment requirements and limitations or any other requirements and limitations of federal, state, and local laws. It shall be unlawful for a waste hauler to deposit wastewater into a MAS or other point of discharge in the WWF without prior written approval by the County Manager or his/her designee and payment of applicable fees.
- (c) *Wastewater discharge permitting: existing connections.* Any industrial user discharging industrial waste into the WWF prior to the effective date of this article and who wishes to continue such discharges shall, within ninety (90) days after said effective date, apply to the Control Authority for a wastewater discharge permit in accordance with Section 14-142(e) below, and shall not cause or allow discharges to the WWF to continue one hundred eighty (180) days after the effective date of this article without a wastewater discharge permit issued by the County Manager or his/her designee.
- (d) *Wastewater discharge permitting: new connections.* Any industrial user proposing to begin or recommence discharging industrial waste into the WWF must obtain a wastewater discharge permit from the Control Authority prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit may be filed at least one hundred eighty (180) days but no later than thirty (30) days prior to the date upon which any discharge will begin.
- (e) *Wastewater discharge permit application contents.* In order to be considered for a wastewater discharge permit, all industrial users required to obtain a wastewater discharge permit must submit the information required by Section 14-146(a) of this article on a permit application in the form prescribed by the County Manager or his/her designee, and accompanied by the application fee. In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

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- (1) Identifying information to include: name, address, all monitoring locations covered by the permit (if different from the address), and name of the facility operator and owner, and their contact information;
 - (2) SIC Code according to the Standard Industrial Classification Manual, United States Office of Management and Budget, 1987, and the North American Industry Classification System (NAICS);
 - (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 14-139 of this article as determined by an FDEP approved analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136;
 - (4) Time and duration of discharges;
 - (5) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
 - (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation, and all points of discharge;
 - (7) Description of activities, facilities, and plant processes on the premises, including 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 WWF;
 - (8) Accidental and slug discharge control procedures and TOMP;
 - (9) Where known, the categorical pretreatment standards applicable to each regulated process and to any new categorically regulated processes for existing sources, the nature and concentration of any pollutants in the discharge which are limited by any local, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional O&M or additional pretreatment, or both, are required for the industrial user to meet applicable pretreatment standards;
 - (10) A list of all environmental permits held by or for the facility;
 - (11) A description of operations, including each product produced by type, amount, process or processes, and rate of production;
 - (12) Type and amount of raw materials processed (average per day and maximum per day);
 - (13) Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system;
 - (14) The location for monitoring all waste covered by the permit; and
 - (15) Any other information as may be deemed by the County Manager or his/her designee to be necessary to evaluate the permit application. Incomplete or inaccurate applications will not be processed but will be returned to the industrial user for revision. After evaluation and acceptance of the information furnished, the County Manager or his/her designee may issue a wastewater discharge permit subject to terms and conditions provided herein.
- (f) *Signatories and certification.*
- (1) All wastewater discharge permit applications, industrial user reports, and certification statements must contain the following and must be acknowledged and signed by an authorized representative of the industrial user:

"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
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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 fines and imprisonment for knowing violations."

- (2) 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 Control Authority prior to, or together with, submittal of any permit applications, reports, or certification statements.
- (3) A facility determined to be an NSCIU must annually submit the following certification statement signed in accordance with the signatory requirements in Section 14-142(f). This certification must accompany an alternative report required by the Control Authority.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief, during the period from _____, 20_____, to _____, 20_____,:

- (1) The facility described as _____ [facility name and location] ("the facility") met the definition of an NSCIU as described in Section 14-138(c)(71);
- (2) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
- (3) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during the above reporting period.

This compliance certification is based on the following information: _____
_____."

- (g) *Wastewater discharge permit decisions.* Within one hundred twenty (120) days after receipt of a complete wastewater discharge permit application, the County Manager or his/her designee will determine whether or not to issue a wastewater discharge permit. The County Manager or his/her designee may deny any application for a wastewater discharge permit when the information indicates that the industrial user would not meet the requirements of this article.

Sec. 14-143. Wastewater Discharge Permit Issuance.

- (a) *Wastewater discharge permit conditions.* All wastewater discharge permittees shall be subject to all provisions of this article, all other applicable regulations, and user charges and fees established by the County. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the County Manager or his/her designee to prevent pass through or interference; to protect the quality of the water body receiving the WWF's effluent; to protect worker health and safety; to facilitate biosolids and effluent reuse management and disposal; to protect ambient air quality; and to protect against damage to the WWF.
 - (1) Wastewater discharge permits must contain the following conditions:
 - a. Wastewater discharge permit duration in no event shall exceed five (5) years;
 - b. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the Control Authority in accordance with Section - 14-143(c) of this article, and provision for furnishing the permit transferee with a copy of the existing wastewater discharge permit;
 - c. Effluent limits, including BMPs, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local laws;

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- d. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on local, state, and federal laws, rules, and regulations;
 - e. Statement of applicable civil, criminal, and administrative fines and 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 local, state, and federal laws, rules, and regulations; and
 - f. Requirements for a slug discharge control plan, if determined by the Control Authority to be needed.
- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- a. The unit charge or schedule of user charges and fees for management of the wastewater to be discharged to the WWF;
 - b. Limits on the instantaneous maximum, daily average, monthly average, and four-day maximum concentration, mass, or other measures of identified wastewater constituents and characteristics;
 - c. Limits on the average and maximum rate of discharge, time of discharge, and requirements for flow regulations and equalization;
 - d. Requirements for installation and maintenance of inspection facilities, and flow metering and sampling equipment;
 - e. 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 WWF;
 - f. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
 - g. Development and implementation of waste minimization pollution prevention plans to reduce the amount of pollutants discharged to the WWF;
 - h. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable state and federal pretreatment standards, including those which become effective during the term of the wastewater discharge permit; or
 - i. Other conditions as deemed appropriate by the County Manager or his/her designee to ensure compliance with this article, and local, state, and federal laws, rules, and regulations.
- (b) *Wastewater discharge permit denial.* The Control Authority may deny issuance of a permit if it determines that an applicant has been in any way associated or affiliated with any industrial user or waste hauler that has previously violated the provisions of this article, either by noncompliance with permit requirements or due to failure to pay required service fees, annual fees, fines, and penalties.
- (c) *Wastewater discharge permit duration.* Permits shall be issued for any specified time period, not to exceed five (5) years. Each wastewater discharge permit will be stated to expire on a specific date as set forth in the permit.
- (d) *Wastewater discharge permit transfer.* Wastewater discharge permits shall only be issued to a specific user for a specific operation at a specific location. A wastewater discharge permit may be transferred to another person only if the permittee gives at least thirty (30) days' written notice to the County Manager or his/her designee, and the County Manager or his/her designee approves the wastewater discharge permit transfer.
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The notice to the County Manager or his/her designee shall include a written certification by the proposed transferee which:

- (1) States that the proposed transferee has no immediate intent to change the permitted facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the terms and conditions of the existing permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable by the Control Authority.

- (e) *Wastewater discharge permit review.* The County Manager or his/her designee may provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Control Authority to review the conditions of a wastewater discharge permit within fifteen (15) days after its issuance. The petition for review must be received by the Control Authority within the fifteen (15) day filing period.

- (1) Failure to submit a timely petition shall be a waiver of the administrative review.
- (2) In its petition, the party seeking review must indicate the wastewater discharge permit conditions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (4) Decisions denying review of a wastewater discharge permit, denying issuance of a wastewater discharge permit, or denying proposed modifications to a wastewater discharge permit shall be considered final administrative action for purposes of judicial review. If the Control Authority fails to act within fifteen (15) days after receipt of the petition, a petition for review and relief sought therein shall be deemed to be denied.
- (5) Aggrieved parties seeking judicial review of the final administrative action by the Control Authority must do so by certiorari to the Tenth Judicial Circuit Court in and for Hardee County in accordance with the Florida Rules of Appellate Procedure.

- (f) *Wastewater discharge permit modification.* The County Manager or his/her designee or permittee may request by written notice a modification of the wastewater discharge permit at any time for good cause including, but not limited to, the following:

- (1) Any new or revised local, state, or federal pretreatment standards or requirements;
- (2) Alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the WWF, County personnel, or the waters of the state;
- (5) Violations of any terms or conditions of the wastewater discharge permit;
- (6) Permittee's misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of, or a grant of variance from, categorical pretreatment standards pursuant to Rule 62-625.820, F.A.C., or 40 CFR 403.13;
- (8) Discovery of typographical or other errors in the wastewater discharge permit; or

(9) A transfer of the facility ownership, location, or operation.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

- (g) *Wastewater discharge permit suspension.* The Control Authority may suspend for a period of up to one (1) year any permit held by an industrial user, if the industrial user or an employee of the industrial user violates any of the provisions of this article, or any rule or regulation promulgated by the Control Authority, or if the wastewater account has a past due balance for forty-five (45) days or more. Once suspended, the Control Authority may not reinstate a permit until the Control Authority determines that the permittee is again qualified, has corrected all existing noncompliance issues and violations, has taken precautions to prevent future violations, and has paid all outstanding amounts due for wastewater service fees, annual fees, fines, and penalties.
- (h) *Wastewater discharge permit revocation.* The Control Authority may revoke a permit for any of the following actions or inactions by the permittee:
- (1) Failure to provide notification to the Control Authority of significant changes to the wastewater before discharge.
 - (2) Failure to provide notification to the Control Authority of a changed condition pursuant to Section 14-146(h).
 - (3) Misrepresentation of, or failure to fully disclose, all relevant facts in the wastewater discharge permit application.
 - (4) Falsifying self-monitoring reports.
 - (5) Tampering with monitoring equipment.
 - (6) Refusing to allow the Control Authority timely access to the facility premises and records.
 - (7) Failure to meet effluent limitations.
 - (8) Failure to pay fines or penalties.
 - (9) Failure to pay wastewater service fees.
 - (10) Failure to meet compliance schedules.
 - (11) Failure to complete a wastewater survey or the wastewater discharge permit application.
 - (12) Failure to provide thirty (30) days' written notice of the transfer of a permitted facility.
 - (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.
 - (14) Failure to disclose any affiliates or affiliations by the applicant with any industrial user or waste hauler company that previously violated the provisions of this article, either by noncompliance with permit requirements or due to failure to pay required wastewater service fees, disposal fees, annual fees, fines, or penalties.

Wastewater discharge permits shall be voidable by the Control Authority upon nonuse, cessation of operations, or transfer (whether partial or whole) of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit for the same user.

- (i) *Wastewater discharge permit reissuance.* An industrial user with an expiring wastewater discharge permit shall apply for reissuance of its wastewater discharge permit by submitting a complete discharge permit application, in accordance with Section 14-143 of this article at least thirty (30) days prior to the expiration of the user's existing wastewater discharge permit.

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- (j) *Regulation of wastewater discharge from other jurisdictions.* In the event that another jurisdiction or municipality discharges all or a portion of its wastewater to the WWF, the County Manager or his/her designee must require such jurisdiction or municipality to enter into an interlocal agreement with the Control Authority for the regulation of its wastewater.
- (1) Prior to entering into an interlocal agreement, the discharging jurisdiction or municipality shall provide to the County Manager or his/her designee the following information:
- a. A description of the quality and volume of the wastewater at any point where it enters the WWF from the discharging jurisdiction or municipality.
 - b. An inventory of all industrial users within the discharging jurisdiction or municipality.
 - c. Such other information as may be required by the County Manager or his/her designee.
- (2) Any interlocal agreement shall contain the following conditions:
- a. The discharging jurisdiction or municipality shall enact a sewer use ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in Section 14-139. The interlocal agreement shall provide that such ordinance and limits must be revised as necessary to reflect changes made to this Ordinance.
 - b. The discharging jurisdiction or municipality shall submit a revised industrial user inventory on at least an annual basis.
 - c. The discharging jurisdiction or municipality shall: (i) conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling, and enforcement; or (ii) authorize the Control Authority to conduct such activities on its behalf.
 - d. The discharging jurisdiction or municipality shall provide the Control Authority with access to all information that the jurisdiction or municipality obtains as part of its pretreatment activities.
 - e. Limits on the nature, quality, and volume of wastewater at the points where the discharging jurisdiction or municipality discharges to the WWF.
 - f. Requirements for monitoring the jurisdiction or municipality discharge.
 - g. The County Manager or his/her designee shall have access to the facilities of industrial users located within the discharging jurisdiction's or municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the County Manager or his/her designee.
 - h. Specific remedies available for breach of the terms of the interlocal agreement.
- (k) Violation of the terms and conditions of the interlocal agreement subjects the discharging jurisdiction or municipality to the sanctions set out in Sections 14-152 through 14-154.

Sec. 14-144. Waste Hauler Discharge Permit Administration.

- (a) *Waste hauler discharge permit requirements.* It is unlawful to discharge hauled waste in Hardee County without a waste hauler discharge permit. It is unlawful for any waste hauler to discharge hauled waste into the WWF or areas approved by the County Manager or his/her designee without first obtaining a waste hauler discharge permit from the County Manager or his/her designee. Any violation of the terms and conditions of the waste hauler discharge permit or policies and procedures established for hauled waste disposal is a violation of this article and subjects the waste hauler to the sanctions set out in this article. Obtaining a waste hauler discharge permit does not relieve a permittee of its obligations to comply with all federal and state requirements and limitations or any other requirements and limitations of federal, state, and local laws. It shall be unlawful for a domestic waste hauler or industrial waste hauler to deposit wastewater into a MAS or other point of discharge in the wastewater system of the WWF without prior

written approval by the County Manager or his/her designee and payment of applicable fees. The County Manager or his/her designee may require waste haulers hauling industrial wastewater to obtain a wastewater discharge permit as necessary to carry out the purposes of this article.

- (b) *Waste hauler discharge permitting: new sources.* Any waste hauler proposing to begin discharging hauled wastes into the WWF or areas designated by the County Manager or his/her designee must obtain a waste hauler discharge permit before beginning such discharge. Prior to requesting a waste hauler discharge application, the waste hauler must establish a billing account with the County Manager or his/her designee and comply with the requirements associated with establishing a billing account, which may include the submission of information and deposits by the waste hauler.
- (c) *Waste hauler discharge permit application contents.* In order to be considered for a waste hauler discharge permit, all waste haulers required to obtain a waste hauler discharge permit must submit the information specified on a permit application in the form prescribed by the County Manager or his/her designee, accompanied by the application fee. In support of the application, the waste hauler must submit, in terms appropriate for evaluation, the following information:
 - (1) Hauler name, address, and location (if different from the facility address);
 - (2) Business name, address, telephone number, fax number, and e-mail address;
 - (3) Vehicle storage location;
 - (4) The specific waste types to be disposed;
 - (5) Designated facility contact;
 - (6) All environmental permits and licenses held, including type, issuing body, and applicable expiration date;
 - (7) Waste hauling vehicle information for every vehicle to be utilized for the disposal of hauled waste in the County, including vehicle make/model, year, license tag number, Hardee County Landfill , Vehicle Identification Number (VIN), and waste disposal capacity (in gallons); and
 - (8) Valid proof of insurance for every vehicle identified in (7), above.
- (d) *Application signatories and certification.* All waste hauler discharge permit applications must contain the following certification statement and be signed by an authorized representative of the waste hauler:

"I am an authorized representative of the above-named Waste Hauling Company and have the authority to commit resources necessary to achieve and maintain compliance with the terms and conditions of this permit. I have reviewed this permit application and understand the requirements contained herein.

I acknowledge that no hazardous waste is to be transported or mixed with liquid waste hauled under this permit.

I also acknowledge that no industrial waste (except where specifically approved by the County Manager or his/her designee on a case-by-case basis) is to be transported or mixed with liquid waste hauled under this permit.

I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision. 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 fines and imprisonment for knowing violations."

- (e) *Waste hauler discharge permit decisions.* Upon receipt of a complete waste hauler discharge permit application, the County Manager or his/her designee may issue a waste hauler discharge permit requiring the waste hauler to comply with this article.

Sec. 14-145. Waste Hauler Discharge Permit Issuance.

(a) *Waste hauler discharge permit conditions.* All holders of waste hauler discharge permits shall be subject to all provisions of this article, all other applicable regulations, and user charges and fees established by the County. Waste hauler discharge permits shall include such conditions as are reasonably deemed necessary by the County Manager or his/her designee to prevent pass through or interference; to protect the quality of the water body receiving the WWF's effluent; to protect worker health and safety; to facilitate biosolids and effluent reuse management and disposal; to protect ambient air quality; and to protect against damage to the WWF.

(1) Waste hauler discharge permits must contain the following general permit conditions:

- a. A statement that violation of any permit condition may result in the suspension or revocation of the permittee's disposal privileges at the designated waste disposal facility;
- b. A statement that the County Manager or his/her designee reserves the unconditional right to refuse the acceptance of any load or to stop an unloading operation in progress at any time;
- c. A listing of acceptable waste types;
- d. A listing of waste types subject to approval by the County Manager or his/her designee on a case-by-case basis before disposal;
- e. A listing of prohibited waste types;
- f. The administrative requirement of the waste hauler to obtain a waste hauler discharge permit prior to discharging wastewater at the Hardee County Septage Receiving Facility or location approved by the County Manager or his/her designee;
- g. The administrative requirement of the waste hauler to obtain a waste hauler license from the Hardee County Environmental Department for the transportation of each waste type identified by the waste hauler on the hauled waste discharge permit application, and in accordance with this Chapter 14;
- h. The administrative requirement of the waste hauler to obtain a waste hauler license vehicle decal from the Hardee County Landfill for the transportation of domestic or industrial waste;
- i. The administrative requirement of the waste hauler to maintain a current waste hauler account with the County Manager or his/her designee;
- j. A statement that the waste hauler must complete and submit to the County Manager or his/her designee, prior to discharge, a waste tracking form identifying the source of all waste (i.e., origin/location, address, and estimated volume) for each load to be disposed at the Hardee County Landfill or designated disposal location;
- k. A statement that all vehicles used to haul waste must be equipped with a safe and easily accessible sample point; and
- l. A statement that analytical data may be required of all waste types subject to approval by the Control Authority.

(2) Waste hauler discharge permits must contain the following specific permit conditions:

- a. A detailed listing of specific acceptable waste types and a statement that the waste hauler may dispose the specific waste types listed;
- b. A detailed listing of the specific vehicles (as identified by vehicle make, waste transportation license number, license tag, VIN, and waste capacity [in gallons]) authorized to dispose hauled waste;

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- c. A statement that the original waste hauler discharge permit must be kept on file in the permanent business office location of the waste hauler;
 - d. A statement that each permitted waste hauling vehicle shall carry a copy of the waste hauler discharge permit at all times;
 - e. A statement that the waste hauler shall immediately report any change in business name, ownership, address, or permitted vehicles in writing by submitting to the County Manager or his/her designee a waste hauler discharge permit application (with appropriate fee) detailing all reported changes;
 - f. A statement that all waste subject to approval shall not be comingled with other waste;
 - g. A statement that in the case of multiple pump-outs contained in one (1) vehicle load, any part of the load which is unacceptable may render the entire load unacceptable for discharge; and
 - h. A statement that the waste hauler shall follow the established procedures and policies regarding the use of the Hardee County Landfill.
- (3) Waste hauler discharge permits must contain vehicle-specific waste tracking forms or nonhazardous waste disposal manifests identifying the following information at a minimum:
- a. Waste hauler business name;
 - b. Hardee County Resilient Environment Department vehicle waste transporter license number;
 - c. Waste hauler account number;
 - d. Waste hauler discharge permit number;
 - e. Waste pick-up date;
 - f. Waste generator name, and address (of waste origin), including identification of what county the waste came from, for all waste types excluding portable toilet waste and used cooking oil. Waste haulers disposing of portable toilet waste must maintain customer records identifying generator name and address, and shall make this information available to the County Manager or his/her designee upon request;
 - g. Waste type and estimated volume (in gallons);
 - h. The presence of liquid waste;
 - i. The need for vehicle cleaning at the septage receiving facility;
 - j. A certification from the waste hauler that the information provided on the waste tracking form or nonhazardous waste disposal manifest is true, accurate, and complete; and
 - k. Waste hauler driver's name and signature.
- (4) Waste hauler discharge permits may require waste tracking forms or nonhazardous waste disposal manifests to be signed. Waste hauler discharge permits may also require that all waste generators sign and date the waste tracking form or nonhazardous waste disposal manifest to be submitted to the County Manager or his/her designee with every load (excluding portable toilet waste and cooking oil).
- (b) *Waste hauler discharge permit denial.* The Control Authority may deny issuance of a permit if it determines that an applicant has been in any way affiliated or associated with any waste hauler or industrial user that has previously violated the provisions of this article, either by noncompliance with permit requirements or due to failure to pay required disposal fees, annual fees, fines, or penalties.
- (c) *Waste hauler discharge permit duration.* Permits shall be issued for any specified time period, not to exceed two (2) years. Each waste hauler discharge permit shall expire on a specific date as set forth in the permit.
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- (d) *Waste hauler discharge permit transfer.* Waste hauler discharge permits are issued to a specific waste hauler for a specific operation at a specific location. A waste hauler discharge permit is not transferrable to another person, business, or location.
- (e) *Waste hauler discharge permit review.* Any waste hauler may petition the Control Authority to review the conditions of a waste hauler discharge permit within fifteen (15) days after the waste hauler's receipt. The petition for review must be received by the Control Authority within the fifteen (15) day time period.
- (1) Failure to submit a timely petition shall be deemed to be a waiver of the administrative review.
 - (2) In its petition, the party seeking review must indicate the waste hauler discharge permit conditions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the waste hauler discharge permit.
 - (3) The effectiveness of the waste hauler discharge permit shall not be stayed pending the appeal.
 - (4) Decisions denying review of a waste hauler discharge permit, denying issuance of a waste hauler discharge permit, or denying proposed modifications to a waste hauler discharge permit shall be considered final administrative action for purposes of judicial review. If the Control Authority fails to act within fifteen (15) days after receipt of the petition for review from the permittee, a petition for review and relief sought therein shall be deemed to be denied.
 - (5) Aggrieved parties seeking judicial review of the final administrative action by the Control Authority must do so by certiorari to the Tenth (10) Judicial Circuit Court in and for Hardee County in accordance with the Florida Rules of Appellate Procedure.
- (f) *Waste hauler discharge permit modification.* The County Manager or his/her designee or permittee may request by written notice a modification of the waste hauler discharge permit at any time for good cause including, but not limited to the following:
- (1) Any new or revised local, state, or federal pretreatment standards or requirements;
 - (2) Alterations or additions to the waste hauler's operation, processes, acceptable or unacceptable waste types or vehicle make, license tag, waste capacity, or waste transporter license number since the time of waste hauler discharge permit issuance;
 - (3) A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized waste discharge;
 - (4) Information indicating that the permitted discharge poses a threat to the WWF, or persons or waters of the state;
 - (5) Violations of any terms or conditions of the waste hauler discharge permit;
 - (6) Permittee's misrepresentations or failure to fully disclose all relevant facts in the waste hauler discharge permit application or in any required reporting;
 - (7) Discovery of typographical or other errors in the waste hauler discharge permit; and
 - (8) A transfer of the facility ownership, location, or operation.

The filing of a request by the permittee for a waste hauler discharge permit modification does not stay any waste hauler discharge permit condition.

- (g) *Waste hauler discharge permit suspension.* The Control Authority may suspend for a period of up to one (1) year all permits held by a liquid waste transporter if the transporter or an employee of the transporter violates any of the provisions of this article, or any rule or regulation promulgated by the Control Authority, or if the waste hauler account has a past due balance of forty-five (45) days or more. Once suspended, a permit shall not be reinstated until the Control Authority determines that the permittee is again qualified, has corrected all existing noncompliance issues and violations, has taken precautions to prevent future violations, and has paid all outstanding amounts due for fines and penalties, for permit fees, and for disposal

fees, plus a deposit. The deposit shall consist of one (1) month's discharge fees, based upon the average fees for the permittee over the previous six (6) month period.

- (h) *Waste hauler discharge permit revocation.* The Control Authority may revoke a permit for any of the following actions or inactions by the permittee:
- (1) Discharging of industrial wastewater without prior Control Authority approval.
 - (2) Disposing hauled waste at any location not designated or approved by the Control Authority.
 - (3) Misrepresenting or failing to fully disclose all relevant facts in the waste hauler discharge permit application.
 - (4) Falsifying information provided on waste tracking forms or nonhazardous waste disposal manifests.
 - (5) Tampering with samples collected from waste loads.
 - (6) Refusing to allow the Control Authority timely access to the facility premises or records.
 - (7) Failing to meet effluent requirements.
 - (8) Failing to pay fines or penalties.
 - (9) Failing to pay waste disposal charges.
 - (10) Failing to meet compliance schedules.
 - (11) Failing to complete a waste hauler discharge permit application.
 - (12) Violating any general or specific permit condition or requirement, or any terms of the waste hauler discharge permit or this article.
 - (13) Failing to disclose the applicant's association or affiliation with any industrial user or waste hauler company that previously violated the provisions of this article, either by noncompliance with permit requirements or by failing to pay required service fees, disposal fees, annual fees, fines, or penalties.

Waste hauler discharge permits shall be voidable by the Control Authority upon nonuse, cessation of operations, or transfer of business ownership. A waste hauler discharge permit is void upon the issuance of a new waste hauler discharge permit.

- (i) *Waste hauler discharge permit reissuance.* A waste hauler with an expiring waste hauler discharge permit may apply for reissuance of its waste hauler discharge permit by submitting a complete discharge permit application, in accordance with Section - 14-144(c) of this article prior to the expiration of the user's existing waste hauler discharge permit.
- (j) Regulation of hauled waste received from outside service area.
- (1) All hauled waste discharged to the Hardee County Landfill which originates from an area located outside Hardee County is subject to an "Out of Service Area" fee.
 - (2) Any industrial facility discharging industrial waste to the WWF by means of a waste hauler may need to obtain a discharge permit and may also be subject to regulation by the Control Authority.

Sec. 14-146. Reporting Requirements.

- (a) *Baseline monitoring reports.* Any industrial user subject to a national categorical pretreatment standard, and currently discharging to or scheduled to discharge to the WWF, shall submit to the County Manager or his/her designee within one hundred eighty (180) days after the effective date of the national categorical pretreatment standard promulgated under Sections 307 (b) or (c) of the Act, or the date of the final administrative decision on a category determination under Rule 62-625.410(2)(d), F.A.C., whichever is later, a baseline monitoring report.

After promulgation of an applicable categorical standard, and at least ninety (90) days prior to commencement of a discharge, a new source or source that becomes an industrial user shall submit a baseline monitoring report to the County Manager or his/her designee.

At the same time a new source submits a baseline monitoring report, a new source shall also report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged. A baseline monitoring report must include at least the following:

- (1) The name and address of the facility, including the name of the operator and owner;
- (2) A list of all environmental control permits, licenses, or registrations held by or for the facility;
- (3) A brief description of the nature, average rate of production, and standard industrial classification number(s) of the operation(s) carried out by the industrial user. This description shall include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes;
- (4) Information showing the measured average daily flow and maximum daily flow, in gallons per day, to the WWF from each regulated process stream and other streams as necessary to allow use of the combined waste stream formula of Rule 62-625.410, F.A.C., and included in 40 CFR 403.6(e);
- (5) The national pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;
- (6) The results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge of each regulated process. Instantaneous, daily maximum and long-term average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with the procedures set forth in Section - 14-146(e). When the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the industrial user shall submit documentation as required by the Control Authority or the applicable pretreatment standard to determine compliance with the pretreatment standard;
- (7) Where the flow of the regulated stream being sampled is less than or equal to two hundred fifty thousand (250,000) gallons per day, the industrial user shall take three (3) samples within a two-week period. Where the flow of the regulated stream is greater than two hundred fifty thousand (250,000) gallons per day, the industrial user shall take six (6) samples within a two-week period;
- (8) Samples shall be taken immediately downstream from pretreatment facilities if such facilities 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 industrial user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of Section 62-625.410(6), F.A.C., and included in 40 CFR 403.6 in order to evaluate compliance with the pretreatment standards. Where an alternative concentration or mass limit has been calculated in accordance with Section 62-625.410(6), F.A.C., this adjusted limit along with supporting data shall be submitted to the Control Authority;
- (9) A baseline monitoring report may be submitted which utilizes only historical data so long as the data comes from a facility of similar production and capacity, and the data provides information sufficient to determine the need for industrial pretreatment measures;
- (10) A statement, signed by the authorized representative of the industrial user and certified by the person in responsible charge, indicating whether national pretreatment standards are being met on a consistent basis, and, if not, whether O&M or additional pretreatment, or both, are required for the industrial user to meet national pretreatment standards and Control Authority requirements;
- (11) If O&M or additional pretreatment will be required to meet the pretreatment standards, the shortest compliance schedule by which the industrial user will provide such additional pretreatment or O&M.

The completion date in this schedule shall not be later than the compliance date established for the applicable national categorical pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set forth in Section 14-142(e)(10) of this article; and

- (12) All baseline monitoring reports must be signed and certified in accordance with Section 14-142(f).
- (b) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by Section 14-146(a) (11):
- (1) The schedule shall contain dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities or systems required for the industrial user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
 - (2) No individual activity date duration shall exceed nine (9) months;
 - (3) The user shall submit a progress report to the Control Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
 - (4) In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.
- (c) *Report on compliance with categorical pretreatment standard deadline report.* Within ninety (90) days following the date for final compliance with the applicable standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any industrial user subject to pretreatment requirements shall submit to the County Manager or his/her designee a baseline monitoring report containing the information described in Section - 14-146(a) of this article. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 62-625.410(4), F.A.C., and included in 40 CFR 403.6, 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) Any industrial user required to perform self-monitoring by its wastewater discharge permit shall submit to the County Manager or his/her designee at a frequency determined by the County Manager or his/her designee, but in no case less than twice per year, a periodic compliance report indicating the nature and concentration of the pollutants in the effluent which are limited by the wastewater discharge permit. In addition, the periodic compliance report shall include the measured or estimated average and maximum daily flows for the reporting period for the discharge. At the discretion of the County Manager or his/her designee and in consideration of such factors as high or low flow rates, holidays, budget cycles, etc., the County Manager or his/her designee may agree to alter the months during which the above periodic compliance reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with Section 14-142(f) of this article.
 - (2) In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the industrial user must submit documentation required by the Control Authority or the pretreatment standard necessary to determine the compliance status of the industrial user.
 - (3) All wastewater samples must be representative of the industrial 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 an industrial user to keep its monitoring facility in good

working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

- (4) If an industrial user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the WWF, using the sampling procedures prescribed in Section - 14-146(m) of this article, the results of this sampling shall be included in the periodic compliance reports.
 - (5) All periodic compliance reports must be signed and certified in accordance with Section 14-142(f).
- (e) *Hauled waste—waste acceptance request.* Any waste generator requesting to dispose hauled waste subject to Control Authority waste acceptance approval prior to disposal (including without limitation, industrial or commercial process, holding tank or septic tank waste, storm sewer clean out, processed restaurant grease trap clean out, leachates, condensates, equipment or facility wastewater or wastewater treatment facility sludges) may be required to perform self-monitoring by its wastewater discharge permit (if applicable) or as required by the waste transporter's waste hauler discharge permit. The permitted waste hauler shall submit to the County Manager or his/her designee, at a frequency determined by the County Manager or his/her designee, a waste acceptance request indicating the nature and concentration of the pollutants in the hauled waste which are limited by the wastewater discharge permit (if applicable) or by the WWF local limits (if no wastewater discharge permit exists). In addition, the waste acceptance request shall indicate the total volume of waste to be hauled to the WWF, and the estimated frequency of further discharges.
- (f) *Self-monitoring and analysis of user discharge reports.* The reports required in paragraphs (a), (b), and (c) of Section - 14-146 shall contain the results of sampling and analysis of the discharge, including the waste stream concentration or mass of pollutants contained therein which are limited by the wastewater discharge permit. The frequency of monitoring to demonstrate compliance shall be as prescribed in the wastewater discharge permit. All pollutant analyses, including sampling techniques, shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods approved by the County Manager or his/her designee. Sampling and analytical requirements shall meet the requirements outlined in subparagraphs 62-625.600(1)(e)3, 5, and 7, F.A.C., Chapter 62-160, F.A.C., and the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01 (DEP-SOP-001/01, FS2400, Wastewater Sampling).
- (g) *Self-monitoring and analysis of hauled waste acceptance request.* The information required in Section 14-146(d) shall contain the results of sampling and analysis of the requested hauled waste discharge, including the waste stream concentration of pollutants contained therein which are limited by the wastewater discharge permit (if applicable) or by the WWF local limits. The frequency of monitoring to demonstrate compliance shall be as prescribed in the wastewater discharge permit (if applicable) or as specified by the Control Authority. All pollutant analysis, including sampling techniques, shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. Where 40 CFR Part 136 does not include sampling or analytical techniques for pollutants in question, or where the EPA determines that the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods approved by the County Manager or his/her designee.

The waste hauler requesting the acceptance of hauled waste for disposal at the WWF must collect a grab sample representative of the waste to be discharged by the waste generator.

- (h) *Report of significant material changed conditions.* Each industrial user shall notify the County Manager or his/her designee of planned significant material changes to the industrial user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

"Significant" material changes shall mean flow increases of ten percent (10%) or greater, the discharge of any previously unreported pollutants, or modification to the industrial user's facilities, operations, or pretreatment system which alters the nature or quantity of its wastewater.

- (1) The County Manager or his/her designee may require the industrial user to submit such information as may be deemed necessary by the County Manager or his/her designee to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 14-142(e).
 - (2) The County Manager or his/her designee may issue a wastewater discharge permit under Section 14-143(a) or modify an existing wastewater discharge permit under Section 14-143(e).
 - (3) No industrial user shall implement a planned significant material change of condition unless and until the County Manager or his/her designee has responded to the industrial user's notice.
- (i) *Reports of potential problems.*
- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or a slug load that might cause potential problems for the WWF, the user shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user, and shall meet all requirements of Section 14-140(c)(3) of this article.
 - (2) Within five (5) days after such discharge, the user shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might have incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.
 - (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (h), above. Employers shall ensure that all employees are advised of the emergency notification procedure.
 - (4) A significant industrial user is required to notify the County Manager or his/her designee immediately of any changes at its facility affecting the potential for a slug discharge.
- (j) *Reports from unpermitted users.* Any user not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Control Authority as the Control Authority may require.
- (k) *Notice of violation/repeat sampling and reporting for industrial users.* If sampling and analysis performed by an industrial user indicate a parameter violation, the industrial user must notify the County Manager or his/her designee within twenty-four (24) hours after becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat sample analysis to the Control Authority within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the Control Authority performs monitoring at the industrial user's facilities at least once a month, or if the Control Authority performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.
- (l) *Notice of violation and reporting for waste haulers.* If sampling and analysis performed by a waste hauler or waste generator requesting waste acceptance from the Control Authority indicate a parameter violation, the Control Authority may deny a waste acceptance or waste disposal request. If at the time of waste discharge it is identified by the Control Authority that waste is subject to waste acceptance sampling, the Control Authority may collect a sample of the waste for analysis. If sampling and analysis performed by the Control Authority indicate a parameter violation (for all pollutants except BOD, COD, and TSS), the waste hauler and waste generator may be subject to fines and penalties, in addition to costs associated with the analysis of hauled waste. For instances where sampling and analysis performed by the Control Authority indicate

compliance with waste acceptance requirements, the waste hauler and waste generator may be subject to fees associated with the recovery of costs for the analysis of hauled waste samples.

- (m) *Submittal and receipt of reports.* Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.
- (n) *Notification of the discharge of hazardous waste.*
- (1) Any industrial user who commences the discharge of hazardous waste shall notify the WWF, the EPA Regional Waste Management Division County Manager or his/her designee, and State hazardous waste authorities, in writing, of any discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the WWF, the notification also shall contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, a notification of changed conditions must be submitted under Section 14-146(h). The notification requirement in this section does not apply to pollutants already reported by industrial users subject to categorical pretreatment standards under the self-monitoring requirements of this section.
 - (2) Dischargers are exempt from the requirements of Section 14-146(n), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Chapter 62-730, F.A.C. Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Chapter 62-730, F.A.C., requires a one-time notification. Subsequent months during which the industrial user (IU) discharges more than such quantities of any hazardous waste do not require additional notification.
 - (3) In the case of any new FDEP regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the IU must notify the Control Authority and the FDEP's hazardous waste and pretreatment authorities of the discharge of such substance within ninety (90) days after the effective date of such regulations.
 - (4) In the case of any notification made under this section, the IU shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (o) *Sample collection.* 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, and based on data that is representative of conditions occurring during the reporting period.
- (1) Except as indicated in paragraphs (2) and (3) below, the industrial user must collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Control Authority. Where time proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; and for volatile organics and oil and

grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority. In addition, grab samples may be required to show compliance with instantaneous maximum limits.

- (2) Samples for oil and grease, temperate, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab sample collection techniques.
- (3) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Sections 14-146(a) and (b), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, and sulfide and volatile organic compounds for facilities for which historical sampling data does not exist; for facilities for which historical sampling data is available, the Control Authority may authorize a lower minimum. For the reports required by Section 14-146(c), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

Sec. 14-147. Records.

- (a) *Sampling and analysis records.* Any user subject to the reporting requirements established in Section 14-146 shall retain, and make available for inspection and copying, all records and necessary information resulting from monitoring activities required by Section - 14-146, any additional records or necessary information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with BMPs established under Section 14-139. Such records shall include for all samples at least the following:
 - (1) The date, exact place, method, time of sampling, name of the person or persons taking the sample, any appropriate field sample preservation methods, and chain-of-custody information;
 - (2) The dates analyses were performed;
 - (3) Who performed the analyses;
 - (4) The analytical methods/techniques used and detection limits; and
 - (5) The results of such analyses.
- (b) *Monitoring activities and results records.* Any user subject to the reporting requirements established in Section - 14-146 shall retain, for a minimum of three (3) years, any records of monitoring activities and results (whether or not such monitoring activities are required by this article) and shall make such records available for inspection and copying by the Control Authority, FDEP, and EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the user, or when requested by the Control Authority, FDEP, or EPA.

Sec. 14-148. Monitoring Facilities.

The Control Authority may require any industrial user to provide and operate, at the industrial user's sole expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and the regulated process discharge. The monitoring facility shall be situated on the industrial user's property at a location approved by the Control Authority prior to its installation. But the Control Authority may, when such a location would be impractical or cause undue hardship on the industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling MAS or facility to allow accurate flow measurements, sampling, and preparation of samples for analysis. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Control Authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Control Authority.

The Control Authority may require any significant industrial user to provide and operate, at the significant industrial user's sole expense, suitable flow metering and sampling equipment to facilitate the accurate observation, sampling, and flow measurement of process wastewater. Such sampling and measuring equipment shall be properly operated, kept clean, and maintained in good working order at all times and at the expense of the significant industrial user, and shall be accessible to the Control Authority at all times. All devices used to measure wastewater flow and quality shall be calibrated periodically based on the manufacturer's recommendation to ensure their accuracy. The failure of a significant industrial user to keep its monitoring facility in good working order shall not be grounds for the significant industrial user to claim that sample results are unrepresentative of its discharge and will be deemed a separate violation of this article.

Sec. 14-149. Compliance Monitoring.

- (a) *Inspection and sampling.* The Control Authority shall have the right to inspect the facilities and vehicles of any industrial user or waste hauler to ascertain whether the purposes of this article, and any permit or order issued hereunder, are being met and all requirements are being complied with.

Persons occupying or operating such facilities or vehicles where waste is created, transported or discharged shall allow the Control Authority ready access to all parts of the facility or vehicle premises for the purposes of inspection, sampling, records for examination and copying, and the performance of any of the Control Authority's duties. The Control Authority, FDEP, and EPA shall have the right to set up or attach such devices as are necessary to conduct sampling inspection, compliance monitoring, and metering operations. Tampering with, or knowingly rendering inaccurate, such devices shall be a significant violation and could result in immediate wastewater discharge permit and waste hauler permit termination and shall place the user in significant noncompliance, as defined in Section 14- 150 of this article.

Where a user has a security measure in force which requires proper identification and clearance before entry into its premises, the industrial user or waste hauler shall make necessary arrangements with its security guards so that upon presentation of proper identification, personnel from the Control Authority, FDEP, or EPA are permitted to enter, without delay, for the purposes of performing compliance monitoring.

Any temporary or permanent obstruction to safe and easy access to the industrial user's or waste hauler's facility shall be promptly removed by the industrial user or waste hauler at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be borne by the industrial user or waste hauler. Unreasonable delays in allowing the Control Authority, FDEP, or EPA personnel access to the industrial users or waste hauler's premises shall be a violation of this article.

- (b) *Search warrants.* If Control Authority personnel have been refused access to a building, structure, or property, or any part thereof, and if Control Authority personnel have demonstrated probable cause to believe that there may be a violation of this article or that there is a need to inspect the industrial user's facility as part of a routine inspection program of the Control Authority designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the County Attorney may appear before any judge 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. The warrant shall specify what may be searched on the property described. Such warrant shall be served at reasonable hours by Control Authority personnel in the company of a uniformed police officer of Hardee County or the local municipality. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

Sec. 14-150. Publication of Industrial Users in Significant Noncompliance.

The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the County, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

The term "significant noncompliance" shall apply to all significant industrial users (or any other industrial user that violates paragraphs (3), (4), or (8) of this section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous maximum limits;
- (2) Technical review criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous maximum limits, multiplied by the applicable criteria (1.4 for BOD, TSS, and total Oil and Grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement (daily maximum limit, long-term average, instantaneous maximum limit, or narrative standard) that the Control Authority 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;
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Control Authority's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s) that the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program, which may include a violation of BMPs.

Sec. 14-151. Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from inspections and sampling activities shall be available to the public or other government agencies without restriction, unless the information is exempt or protected from disclosure under applicable state law. Any claim or request for exemption or protection from disclosure must be asserted at the time of submission of the information or data to the Control Authority, and must detail the basis for such claim or request.

Sec. 14-152. Administrative Enforcement.

- (a) *Notification of violation.* Whenever the Control Authority finds that any user has violated or is violating this article, a discharge permit, or any prohibition, limitation, or requirement contained herein, the County Manager or his/her designee shall serve upon said user a written notice of the violation. Within ten (10) days after the receipt date of this notice, the user shall respond, in writing, to the County Manager or his/her designee in defense of the violation and shall provide a written plan for the satisfactory correction and prevention thereof, including specific actions proposed to be taken. Submission of this plan in no way relieves the user of liability for any violation occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Control Authority to take action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

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- (b) *Consent orders.* The County Manager or his/her designee may, in his or her sole discretion, enter into consent orders, assurances of voluntary compliance, or other similar documents to establish an agreement with any user responsible for noncompliance. Such orders or similar documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. A Consent order or similar document shall have the same force and effect as an administrative order issued pursuant to Section 14-152(d) and (e) below.
- (c) *Show cause hearing.* The County Manager or his/her designee may order a user that allegedly causes or contributes to a violation of this article, a discharge permit or orders issued hereunder, or any other pretreatment standard or requirement to appear before the County Manager or his/her designee and show cause why a proposed enforcement action should not be taken. The Control Authority shall serve notice personally or by registered or certified mail (return receipt requested), at least ten (10) days prior to the hearing, on the user, or posted at the location where the alleged violation is occurring or has occurred, and shall specify the time and place of the hearing, 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. Whether or not the user appears as notified, immediate enforcement action may be pursued by the County Manager or his/her designee following the hearing. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

Any user dissatisfied or aggrieved with the decision of the County Manager or his/her designee may appeal the County Manager or his/her designee's decision in writing as described in Section 14-156 of this article. The request must include a nonrefundable violation appeal process charge in accordance with the Hardee County Fee Schedule, which is adopted by Resolution annually. **!**

- (d) *Compliance orders.* When the County Manager or his/her designee finds that a user has violated, or continues to violate, any provision of this article, a discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the County Manager or his/her designee may issue an order to the user responsible for the discharge directing that the user come into compliance within thirty (30) days. If the user does not come into compliance within thirty (30) days, the County Manager or his/her designee shall discontinue sewer service to the user's facilities, unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices designed to minimize the concentration of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor may a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (e) *Cease and desist orders.* When the County Manager or his/her designee finds that a user has violated, or continues to violate, any provisions of this article, a discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the County Manager or his/her designee may issue an order to the user directing it to cease and desist all such violations and directing the user to:
- (1) Immediately comply with all requirements; and
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge, or both. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (f) *Authority to impose administrative fines and penalties.*
- (1) Notwithstanding any other section of this article, any user who is found to have violated any provision of this article, a discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, may be fined in an amount described in the fines and penalties section of the Control

Authority's FDEP approved ERP. Each day on which noncompliance occurs or continues shall be a separate and distinct violation. Assessments of such fines and penalties may be added to the user's next scheduled billing for sewer service. Unpaid fines and penalties shall, after thirty (30) calendar days, be considered delinquent, and the Control Authority shall then pursue other collection remedies as may be permitted under applicable law. A lien against the user's property may be filed for unpaid fines and penalties. Any user desiring to dispute such fines and penalties must file a request in writing within ten (10) days after being notified of the fine or penalty, as described in Section - 14-156 of this article. The request must include a nonrefundable violation appeal process charge in accordance with the Hardee County Fee Schedule, which is adopted by Resolution annually. The Control Authority may seek reimbursement of all prosecutorial costs including, but not limited to, laboratory costs, consultants' fees, sampling, and inspection expenses.

- (2) The Control Authority shall establish the ERP in accordance with Rule 62-625.500, F.A.C. The ERP shall contain, at a minimum: methods of investigating noncompliance; the identification of personnel responsible for enforcement; a description of the types of escalating enforcement responses; time frame for responses, enforcement tools, tracking, and follow-up, and an enforcement response guide inclusive of the fine and penalty matrix. The Control Authority shall establish the ERP at a public hearing at which all the users and all others interested shall have an opportunity to be heard concerning the proposed ERP. Notice of such public hearing setting forth the proposed schedule or schedules of the ERP shall be given by one (1) publication in a newspaper published in the County at least ten (10) days before the date fixed in such notice for the hearing, which may be adjourned from time to time. After such hearing, such schedule or schedules shall be kept on file in the office of the County Manager or his/her designee and shall be open at all times to public inspection. The Control Authority may revise the ERP from time to time in the same manner as the ERP was originally established. In addition to the administrative fines and penalties established by the Control Authority within the ERP, additional enforcement action may be imposed by the County Manager or his/her designee in accordance with Sections - 14-153 and - 14-154 herein.
 - (3) Issuance of an administrative fine or penalty shall not be a bar against, or a prerequisite for, taking any other action against the user, nor shall an administrative fine or penalty release the user of liability for any violation, including any continuing violation.
- (g) *Emergency suspensions.* The County Manager or his/her designee may immediately suspend a user's discharge permit after written notice to the user whenever such suspension is necessary to stop an actual or threatened discharge that reasonably is causing, or could cause, an imminent or substantial endangerment to the health or welfare of a person. The County Manager or his/her designee may also immediately suspend a user's discharge permit, after notice and opportunity to respond, whenever such suspension is necessary to stop an actual or threatened discharge that reasonably presents, or could present, an endangerment to the environment, or threatens, or could threaten, interference with the operation of the WWF. Any user notified of a suspension of its discharge permit shall immediately stop or eliminate the noncomplying discharge. If the user fails to immediately comply with the suspension order, the County Manager or his/her designee shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF, its receiving stream, or endangerment to any person. The County Manager or his/her designee may reinstate the discharge permit when the user has demonstrated to the County Manager or his/her designee the elimination of the noncomplying discharge. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment to the WWF, its receiving stream, or to the health and welfare of a person, shall submit a detailed written statement to the County Manager or his/her designee describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any hearing. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section; however, a show cause hearing shall be scheduled as quickly as possible (the same day as the suspension when possible) but in no event shall such hearing be held later than twenty-four (24) hours after an emergency suspension.

(h) *Termination of discharge.* The following actions or inactions by a user shall subject the user to termination of a discharge point:

- (1) Violation of discharge permit conditions;
- (2) Failure to accurately report the waste constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or waste volume, constituents, and characteristics prior to discharge;
- (4) Refusal of access to the user's premises for the purpose of inspection, monitoring, or sampling;
- (5) Refusal of access to the waste hauler's vehicle waste contents for the purpose of inspection, monitoring, or sampling; or
- (6) Violation of the pretreatment standards in Section 14-139 of this article.

Such user shall be notified of the proposed termination of its discharge point and shall be entitled to a show cause hearing under Section 14-152(c) of this article to prove why the proposed action should not be taken against the user. A request for a show cause hearing shall not be a bar to, or a prerequisite for, taking any other action against the user.

Sec. 14-153. Judicial enforcement.

If any person discharges wastewater, industrial wastes, or other wastes into the wastewater disposal system in violation of the provisions of this article or any order or permit issued hereunder after being ordered to discontinue such discharge as provided in Section 14-152, the County Manager or his/her designee, through the County Attorney, shall have the authority to commence an action in the name of the County for appropriate legal or equitable relief.

- (a) *Injunctive relief.* Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this article, discharge permits, or orders issued hereunder, or any other pretreatment requirement imposed by this article, the County Manager or his/her designee, through the County Attorney, may commence an action in the name of the County for injunctive relief to restrain or compel the specific performance of the provisions of this article, discharge permits, or orders issued hereunder, or any other pretreatment requirement imposed by this article on activities of the user. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (b) *Civil penalties.* Any user who has violated, or continues to violate, any provisions of this article, a discharge permit or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the County for up to the maximum civil penalty permitted under state law, but for not less than One Thousand Dollars (\$1,000) per day, plus actual damages incurred by the Control Authority per violation, for as long as the violation continues. In addition to the above-described penalty and damages, the County may recover court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Control Authority. In determining the amount of civil penalty, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. The County, through the County Manager or his/her designee and County Attorney, shall petition the court to impose, assess, and recover such sums. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (c) *Criminal prosecution.* If a user willfully or negligently violates any provision of this article, discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, such user shall, upon conviction, be punished by the maximum penalty permitted under state law per violation, per day, or imprisonment for not more than sixty (60) days, or both.

If a user willfully or negligently introduces any substance into the WWF that causes personal injury or property damage, such user shall, upon conviction, be punished by the maximum penalty permitted under state law but not less than One Thousand Dollars (\$1,000) per violation, per day, or imprisonment for not more than sixty (60) days, or both. This penalty shall be in addition to any other causes of action for personal injury or property damage available under state law.

If a user knowingly makes false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained pursuant to this article, discharge permit, or order issued hereunder, or falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, such user shall, upon conviction, be punished by the maximum penalty permitted under state law per violation, per day, or imprisonment for not more than sixty (60) days, or both.

- (d) *Remedies nonexclusive.* The provisions in Sections 14-152 and - 14-153 are nonexclusive remedies. The Control Authority reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will be in accordance with the Control Authority's FDEP approved ERP. However, the Control Authority reserves the right to take other action against any user when the circumstances warrant. Further, the Control Authority is empowered to take more than one (1) enforcement action against any noncompliant user. These actions may be taken concurrently.

Sec. 14-154. Supplemental Enforcement.

- (a) *Performance bonds.* The County Manager or his/her designee may decline to issue or reissue a discharge permit to any user that has failed to comply with the provisions of this article, a previous discharge permit, or order issued hereunder, unless such user first provides a performance bond, payable to the Control Authority, in a sum not to exceed a value determined by the County Manager or his/her designee to be necessary to achieve consistent compliance.
- (b) *Water supply severance.* Whenever a user has violated or continues to violate the provisions of this article, wastewater discharge permit, or order issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after the user has satisfactorily demonstrated its ability to comply. The Control Authority shall not be responsible for any damages incurred by a user caused by, or related to, the water supply being severed.
- (c) *Penalties for late reports.* A penalty shall be assessed to any user for each day that a report required by this article, a permit, or order issued hereunder is late, beginning five (5) days after the date the report is due. Actions taken by the Control Authority to collect late reporting penalties shall not limit the Control Authority's ability to initiate other enforcement actions that may include, but are not necessarily limited to, penalties for late reporting violations.
- (d) *Liability insurance.* The County Manager or his/her designee may decline to issue or reissue a discharge permit to any user who failed to comply with any provision of this article, a previous discharge permit, or order issued hereunder, unless such user first provides proof that it has obtained liability insurance sufficient to restore or repair damage to the POTW caused by its discharge.
- (e) *Payment of outstanding fees, fines, and penalties.* The County Manager or his/her designee may decline to issue or reissue a discharge permit to any user who failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this article, a previous discharge permit, or order issued hereunder.

Sec. 14-155. Affirmative Defenses.

- (a) *Treatment upsets.*
- (1) For the purposes of this section, "upset" shall mean an incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by

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- operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) An upset shall be an affirmative defense to an administrative action brought for noncompliance with categorical pretreatment standards if the requirements of Section 14-155(a)(3) are met.
 - (3) An industrial user who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
 - a. An upset occurred and the industrial user can identify the cause of the upset;
 - b. At the time of the upset, the facility was being properly operated; and
 - c. The industrial user has submitted the following information to the County Manager or his/her designee within twenty-four (24) hours after becoming aware of the upset. If this information is provided verbally, a written submission must be provided to the County Manager or his/her designee within five (5) days and must include all of the following:
 1. A description of the discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. A plan including specific measures to reduce, eliminate, and prevent recurrence of the noncompliance.
 - (4) In any administrative enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
 - (5) An industrial user will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
 - (6) Upon reduction, loss, or failure of the industrial user's treatment facility, the industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards until the facility is restored or an alternative method of treatment 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.
- (b) *Specific prohibitions.* An industrial user shall have an affirmative defense to an administrative enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 14-139 of this article 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 industrial 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 discharge was no different substantially in nature or constituents from the industrial user's prior discharge when the Control Authority was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (c) *Treatment bypasses.*
- (1) For purposes of this section, "bypass" shall mean the intentional diversion of waste streams from any portion of an industrial user's treatment facility or vehicle used to haul waste. "Severe property damage" shall mean substantial physical damage to property, damage to a treatment facility which causes it 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 shall not include economic loss caused by delays in production.
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- (2) Bypass is prohibited, and the County Manager or his/her designee may take enforcement action against an industrial user or waste hauler for a bypass, unless:
 - a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There was no feasible alternative to the bypass, such as the use of auxiliary treatment, retention of the wastewater, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment, in reasonable engineering judgment, should have been installed to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance, but was not; and
 - c. The industrial user properly notified the County Manager or his/her designee as required under Section 14-155(c)(3).
 - (3) 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 provisions of Sections 14-155(c)(2) and (4).
 - (4) If an industrial user knows in advance of the need for a bypass, it shall submit notice to the County Manager or his/her designee at least ten (10) days before the date of the bypass. An industrial user shall verbally notify the County Manager or his/her designee of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours after the time the industrial user becomes aware of the bypass. A written report shall also be submitted to the County Manager or his/her designee within five (5) days after the time the industrial user becomes aware of the unanticipated bypass. Whether the bypass is known about in advance or unanticipated, the written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The County Manager or his/her designee may waive the written report on a case-by-case basis if the verbal report has been received within twenty-four (24) hours and includes all information deemed necessary by the County Manager or his/her designee.

The County Manager or his/her designee may approve an anticipated bypass, after considering adverse effects, if the County Manager or his/her designee determines that it will meet three (3) conditions listed in Section 14-155(c)(4).

Sec. 14-156. Appeal Process.

(a) *Appeal procedure.*

- (1) Appeal by administrative hearing shall be accomplished by filing a request in writing to the address indicated on the enforcement action, not later than ten (10) days after the receipt date.
- (2) Upon receipt of a timely request for an administrative hearing, the matter shall be set for hearing on the next regularly scheduled hearing, unless involving emergency suspensions.
- (3) The County shall serve a notice of hearing to the violator, which notice shall include, but not be limited to, the following:
 - a. Place, date, and time of the hearing;
 - b. Right of the violator to present witnesses and evidence and conduct cross-examination; and
 - c. A conspicuous statement reflecting the requirements of Chapter 286, Florida Statutes, that a person deciding to appeal a decision of a hearing examiner on a fine or penalty will need to ensure that a verbatim record of the proceedings is made.

The notice of the hearing shall be served personally or mailed by registered or certified mail (return receipt requested). If the notice of the hearing is served personally, the notice shall be served at least

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- ten (10) days before the hearing. If, on the other hand, the notice of the hearing is mailed by registered or certified mail (return receipt requested), the notice shall be mailed at least fifteen (15) days before the hearing. Such notice may be served on any authorized representative of the user.
- (4) If the hearing examiner finds that a violation occurred but determines that the time given for correction was not reasonable, the hearing examiner shall determine a reasonable time period and enter an order that the alleged violator comply with this article.
 - (5) If the hearing examiner finds that the fine or penalty was issued before the reasonable time expired, the hearing examiner shall enter an order finding that a fine or penalty occurred, but shall not assess the applicable fine or penalty against the violator. However, if the hearing examiner finds that the alleged violator has not complied by the time of the hearing, the hearing examiner may choose to disregard the failure of the Control Authority to provide a reasonable time for the alleged violator to come into compliance and enter an appropriate fine or penalty.
- (b) *Hearing examiner.* There is hereby created for the purposes of this article the position of hearing examiner. The hearing examiner shall be a member in good standing of The Florida Bar. The hearing examiner shall conduct the hearing in accordance with the rules and regulations set forth herein.
- (c) *Authority of the hearing examiner.* In addition to all other authority granted in this section and other sections of this article, the hearing examiner shall have the authority, with regard to adjudicatory proceedings, to:
- (1) Administer oaths and affirmations.
 - (2) Issue subpoenas authorized by law, including those requiring the attendance of witnesses and the production of documents and other items which may be used as evidence.
 - (3) Rule upon motions presented and offers of proof and receive relevant evidence.
 - (4) Issue appropriate orders to effectuate discovery.
 - (5) Regulate the course of the hearing.
 - (6) Dispose of procedural requests or similar matters.
 - (7) Enter any order, consistent with the authority granted by this section, to carry out the purposes of this article.
 - (8) Make final orders and issue findings of fact and conclusions of law.
 - (9) Enter agreed final orders upon motion of the parties.
 - (10) Upon motion by the Control Authority, enter finalized settlements as final orders.
 - (11) Enter final orders that require compliance with the standards, rules, and provisions established by this article and with any license condition and that specify a reasonable time for such compliance.
 - (12) Render unchallenged fines or penalties into final orders.
 - (13) Enter orders resolving administrative review of final Control Authority decisions.
 - (14) Render final orders as liens upon all real and personal property of the violator.
 - (15) Enter other orders and consider other issues as necessary for the exercise of the hearing examiner's jurisdiction.
- (d) *Assessment of civil penalties, order for correction of the violation, and environmental damage.*
- (1) If it is determined by a preponderance of the evidence by the hearing examiner, after receiving all of the competent relevant evidence, that the respondent (alleged violator) has violated a provision of this article, the hearing examiner shall order that the violator be assessed a civil penalty. The hearing examiner shall consider during the determination of a civil penalty, among other issues:
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- a. The potential extent of the health concerns, damage to the WWF, and environmental damage;
 - b. The violator's cooperation with the Control Authority in taking remedial action to correct the violation and any environmental damage, and to perform other mitigation prior to the hearing;
 - c. History of noncompliance before and after the violation;
 - d. Economic benefit of noncompliance;
 - e. That the violator knew or should have known that it was not complying with this article; and
 - f. The amount necessary to ensure immediate and continued compliance with this article.
- (2) In setting the civil penalty, the hearing examiner may not consider the amount of money or its equivalent expended by the violator to correct the violation or to come into compliance with this article.
 - (3) During the hearing of an appeal, the hearing examiner may remand the matter with instructions that the issuance of a notice of violation be considered for a violation of this article that was not previously identified.
 - (4) In addition, the hearing examiner shall determine and assess against the violator reasonable costs incurred by the County in the enforcement of this article.
 - (5) Each day during any portion of which a violation of this article occurs, or continues to occur, constitutes a separate violation.
 - (6) The hearing examiner shall order that the violator conduct appropriate actions as necessary to correct the violation and any environmental damage, and to ensure compliance with this article. The hearing examiner may establish compliance requirements. Compliance requirements may be stated generally or, upon delegation by the hearing examiner, established by the Control Authority. The violator's compliance activities shall be reviewed by the Control Authority to ensure compliance with the hearing examiner's order and this article and shall be conducted in accordance with the Control Authority requirements and pursuant to an appropriate Control Authority permit. The hearing examiner shall retain jurisdiction until the compliance activities have been completed to ensure compliance with this article.

Sec. 14-157. Surcharge Rates.

The County may adopt high strength wastewater surcharge rates for the following quantities of conventional pollutants:

- (1) BOD₅—above 400 mg/l
- (2) COD—above 800 mg/l
- (3) TSS—above 400 mg/l
- (4) TKN—above 30 mg/l and not exceeding 100 mg/l
- (5) NH₃-N—above 25 mg/l and not exceeding 70 mg/l
- (6) Total P—above 5 mg/l and not exceeding 20 mg/l
- (7) O&G—above 100 mg/l and not exceeding 500 mg/l

High strength industrial wastewater surcharge rates will be based on the WWF's treatment cost and will be charged on a mass emission rate basis. The rates shall be established and set forth in the schedule of rates set by the Hardee County Commission.

Sec. 14-158. Fees.

- (a) *Purpose.* It is the purpose of this section to provide for the recovery of costs from users of the WWF for the implementation of the program established herein. The applicable charges or fees shall be established and set forth in the Hardee County Fee Schedule, adopted by Resolution each year. .
- (b) *Fees.* The Control Authority may adopt charges and fees, which may include the following:
- (1) Fees for reimbursement of costs of setting up and operating the County's pretreatment monitoring program;
 - (2) Fees for monitoring, inspections, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing self-monitoring reports submitted by users;
 - (3) Fees for reviewing accidental slug discharge procedures, TOMP, and construction plans;
 - (4) Fees for wastewater discharge permit and waste hauler discharge permit applications, including the cost of processing such applications;
 - (5) Fees for wastewater discharge permits and waste hauler discharge permits;
 - (6) Fees for high strength wastewater surcharges for conventional parameters;
 - (7) Fees for filing appeals; and
 - (8) Other fees as the County may deem necessary to carry out the purposes of this article.

These fees relate solely to matters covered by this article and are separate from all other fees chargeable by the County.

Secs. 14-159—14-164. Reserved.

ARTICLE VII. COOLING TOWER WATER USE EFFICIENCY

Sec. 14-165. Short Title and Application.

This article is to be known as the "Hardee County Cooling Tower Water Use Efficiency Ordinance" and shall apply countywide.

Sec. 14-166. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivatives shall have the meanings given herein. The word "shall" is always mandatory and not merely County Manager or his/her designee.

- (a) *Cooling tower* means a heat exchanger used to dissipate heat loads to the atmosphere. When water is used as the heat transfer medium, the cooling tower may be referred to as a wet or evaporative cooling tower.
- (b) *Division* means the Permitting, Licensing and Consumer Protection Division, or successor agency.
- (c) *Reclaimed water* means wastewater that has received at least secondary treatment and a basic disinfection and is reused after flowing out of a wastewater treatment facility.

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- (d) *Service provider* means the mechanical service contractor or water treatment service provider who, on behalf of the owner or the entity that has the legal ability to perform or authorize the operation and maintenance of the cooling tower, is responsible for the maintenance of the waters of a cooling tower system pursuant to the relevant regulations and standards.
 - (e) *User* means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or other legal entity that is subject to the requirements of the Florida Building Code and that directly or indirectly takes water from the water resource, including taking from private or public utility systems, and taking from individual wells or pumps, for the operation of a cooling tower.
 - (f) *Water resource* means any and all water on or beneath the surface of the ground including natural or artificial water courses or bodies, lakes, ponds or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

Sec. 14-167. Application of Article.

The provisions of this article shall apply to all users, as defined herein, within the geographic boundaries of Hardee County. This article shall not apply to cooling towers using reclaimed water or to persons who are not subject to the requirements of the Florida Building Code.

Sec. 14-168. Regulation of Cooling Towers.

- (a) *License required:* Unless exempted in Section 14-169, owner(s) of property within the geographic boundaries of Hardee County upon which new cooling towers that use the water resources of the County are located, including cooling tower replacements, shall obtain from the Division a "Cooling Tower License" to operate a cooling tower.
- (b) *Type of license:* Property owners, or their representatives who have the legal ability to perform or authorize the operation and maintenance of the cooling tower, shall obtain a Cooling Tower License within twelve (12) months after a cooling tower replacement or new installation.
- (c) *Annual renewal of Cooling Tower License:* Licenses shall be renewed annually on or before March 31st. Each renewal application shall be accompanied by the applicable fee, a log of the operation and maintenance schedule for the components of the cooling tower system, and a signed affidavit of compliance with the Florida Building Code from the service provider. The signed affidavit shall include all dates of service within the reporting period and verification of system operation at a minimum of eight (8) cycles of concentration.
- (d) *Requirements to obtain a Cooling Tower License:* Applications for a Cooling Tower License shall be on the forms supplied by the Division and shall include documentation demonstrating that the new or replacement cooling tower:
 - (1) Is operated with conductivity controllers and make-up and blow-down meters;
 - (2) Achieves a minimum of eight (8) cycles of concentration; and
 - (3) Is equipped with efficient drift eliminators that achieve drift reduction to a maximum of 0.002% of the recirculated water volume for counterflow towers and 0.005% of the recirculated water flow for cross-flow towers.

Sec. 14-169. Exemption.

Cooling tower systems utilizing reclaimed water are exempt from the licensing requirements under this article.

Sec. 14-170. Enforcement.

The Division shall have the power and authority to enforce the provisions of this article.

Sec. 14-171. Penalties.

- (a) A violation of any provision of this article is a violation of a County ordinance and may be enforced as provided by Chapter 3 of the Hardee County Code of Ordinances. Each day in violation of this article shall constitute a separate offense.
- (b) Violations of this article are civil infractions and, as such, may be enforced pursuant to the provisions of Hardee County Code of Ordinances ("Code"), with penalties assessed pursuant to Ch. 162, F.S., or any applicable code enforcement provision.

Secs. 14-172—14-181. Reserved.

ARTICLE VIII. CAPACITY FEES

Secs. 14-182: Capacity Fee Policy

Policy; Calculation. In order to minimize the costs incurred by rate payers for providing service to individual applicants, a Capacity Fee shall be paid by each applicant to reserve capacity for the applicant's use as otherwise provided herein. Capacity fees shall be uniform, and based upon average costs of providing potable water supply or wastewater treatment plant and disposal facilities. An individual applicant's capacity fees shall be based upon the anticipated average daily water consumption and/or wastewater flow contribution for the type of development or establishment requesting service. When existing structures connected to the system will require an increased water supply and/or sewage capacity, additional capacity fees shall be charged based upon the anticipated increase in flow resulting from the new demand. When existing structures connected to the system use a greater water supply and/or sewage capacity than they were allocated, additional capacity fees shall be charged based upon the increased flow resulting from the additional usage. The amount of additional capacity fees charged for the additional usage shall be based on the average daily water usage and/or sewage treated for the most recent twelve (12) month period. All additional capacity fees shall be paid at the rates then in effect at time of payment.

Secs. 14-183 Imposed:

Declared additional. A capacity fee is hereby imposed on each new connection or addition to the County's water system or sewer system. This fee shall be charged in addition to all other charges for sewer and water connections and servicing.

Secs. 14-184: Computation of Amount.

- (a) Each single-family residence and each unit of a duplex will be considered a separate unit or equivalent residential units (ERU) and the appropriate water and sewer capacity fees shall be charged per unit.
- (b) Mobile homes and apartments will be considered three fourths (3/4) of an ERU.
- (c) Recreational Vehicles connected to the water or sewer system will be considered one half (1/2) of an ERU.
- (d) Capacity fees for institutional, commercial, or industrial developments which do not meet the individual unit criteria will be based on the number of ERU equal to their estimated daily flow of water and/or wastewater. Such fees shall be set by the County Manager or designee based on the recommendation of the County's consulting engineers.
- (e) The capacity fees for water and sewer shall be as set forth in the exhibits hereto. Any amendments thereto may be made by resolution.

Secs. 14-185: Payment Prerequisite to Service.

Each capacity fee imposed by the County shall be paid to the County or a payment schedule shall be established before regular service is provided. Service can be discontinued if the customer does not adhere to the payment schedule.

Secs. 14-186: Reservation of Capacity.

The capacity fee paid shall be in exchange for a theoretical reservation of the capacity required for the applicant's use. There shall be no refund of the Capacity Fee, regardless of the amount used. The County must approve any transfer of reserved capacity. The applicant cannot transfer the reserved capacity except in a transfer of the whole parcel of property for which service was initially requested.

- (a) Disposition of Unused Reserved Capacity. The reservation of capacity remains open for the shorter of the date that service is commenced at the applicant's property (not including construction water service), or a two (2) year period. All capacity remaining unused for a period of two (2) or more years is subject to resale to other applicants. The applicant will then be subject to the availability of future capacity.

Secs. 14-187: Capacity Fees.

The Board of County Commissioners may choose to adopt or amend capacity fees for water and/or wastewater facilities by resolution of the Board, as provided by law.

- (a) Special Agreements - Capacity fees. The Board of County Commissioners may enter into special agreements with new or existing users with respect to capacity fees.

Secs. 14-188: Capacity Fees for Industrial or Abnormal Strength Wastewater.

If the Applicant's projected use of his property indicates a reasonable likelihood of industrial, or abnormal strength wastewater flows, the capacity fees shall be adjusted. In no event, however, shall any consumer's wastes cause pass through or interference as defined in the CWA, State CWA or herein.

- (a) Industrial Wastewater - The capacity fees calculated as otherwise provided herein, shall be increased by a multiple of 1.5 times that standard capacity fee (1.5x multiplier) to reflect a greater capacity cost generally experienced in treatment and disposal of industrial wastes, even when such wastes are lawfully discharged within the required limitations of the CWA. The payment of this 1.5x multiplier shall not be deemed to authorize exceedances from the pretreatment limitations in this ordinance, the CWA or the State CWA, nor shall it be a defense or excuse for discharges by the Consumer in excess of the pretreatment requirements in this Ordinance, the CWA or the State CWA.
- (b) Excess Strength Wastewater - The capacity fees calculated as otherwise provided herein, shall be increased by a multiple of the amount of the strength of the wastewater expressed as either Biochemical Oxygen Demand (BOD) or Total Suspended Solids (TSS), in excess over the residential strength established for BOD and TSS in the Pretreatment Limitations Section herein. Other chemical and biological constituents may only be exceeded on by written agreement between the County and applicant, and only to the extent they will not cause interference or pass through, or otherwise degrade the treatment process or equipment, as evaluated on a case-by-case basis, and as further specified in the Pretreatment Limitations Section herein.

Secs. 14-189: Capacity Fee Use Restricted.

- (a) Enterprise Funds Established. The County shall establish separate and distinct enterprise funds for the deposit of capacity fees.

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- (b) Such funds derived from capacity fees shall be deposited or invested so as to maximize interest earnings and may be pledged for borrowing purposes.
 - (c) Wastewater capacity fees may only be expended for emergency repairs, expansion, modification, design, and new construction for the county's wastewater treatment plants, lift stations, or collection systems, including required land purchases. These funds may also be used to pay any related professional services or debt service for the financing of new facilities.
 - (d) Water capacity fees may only be expended for emergency repairs, expansion, modification, design, and new construction for the county's water treatment plants, pumping, storing, treating, or distribution facilities, including required land purchases. These funds may also be used to pay any related professional services or debt service for the financing of new facilities.

14-190—14-211. Reserved.

ARTICLE IX. CROSS CONNECTION BACKFLOW PREVENTION ORDINANCE

Sec. 14-212. Short Title.

This article shall be known as "The Hardee County Cross Connection Backflow Prevention Ordinance."

Sec. 14-213. Applicability.

This article shall apply to all areas of incorporated and unincorporated Hardee County for which the Hardee County Water and Wastewater Fiscal Operations Division provides retail water service.

Sec. 14-214. Purpose.

The purpose of this article is:

- (a) To protect the public potable water supply of Hardee County from the possibility of contamination or pollution by containing within the customer system such contaminants or pollutants that could backflow into the utility system; and
- (b) To promote the elimination or control of existing cross connections, actual or potential, which could create backflow and back siphonage, between the customer system and plumbing fixtures, and industrial piping systems; and
- (c) To provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of the Hardee County Utility System.

Sec. 14-215. Responsibility.

The Manager of the Hardee County Utilities Department shall be responsible for the protection of the utility system from contamination or pollution due to the backflow or back siphonage of contaminants or pollutants through the water service connection. If a backflow prevention assembly is required at a water service connection to any premises for the safety of the water system, the County Manager or his/her designee shall give notice in accordance with the Florida Building Code in writing to said owner to install a backflow prevention assembly at each water service connection to the premises. The owner shall install a backflow prevention assembly at no cost to Hardee County, and failure, refusal, or inability on the part of the owner to install said device or devices shall

constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed. Moreover, the County Manager or his/her designee of the Permitting, Licensing and Consumer Protection Division shall be responsible for ensuring that the initial installation and testing of the backflow prevention assembly has been completed properly and in accordance with this article, and the Hardee County Utilities Department will be responsible for ensuring implementation of annual testing and renewal requirements for the backflow prevention assemblies in accordance with this article. This article does not change or supersede any building codes related to fire prevention or any provisions of Chapter 633, Florida Statutes, Fire Prevention and Control, as amended. The owner will be responsible for complying with all applicable fire protection codes, statutes, and ordinances.

Sec. 14-216. Definitions.

- (a) *Approved*: Accepted by the Manager Hardee County Utilities as meeting an applicable specification stated or cited in this article, and as suitable for the proposed use.
- (b) *Atmospheric Vacuum Breaker (A.V.B.)*: An assembly that consists of a float check, a check seat, an open air inlet port, and a shutoff valve.
- (c) *Auxiliary Water Supply*: Any water supply available to a premise other than the water purveyor's utility system. Auxiliary water supply may include water from another municipality's public potable water supply, private potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids."
- (d) *Backflow*: The flow of water or other liquids, or substances under pressure into the utility system from any source or sources other than its intended source.
- (e) *Backflow Preventer*: An assembly, device or other means designed to prevent backflow or back siphonage.
- (f) *Backpressure*: A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.
- (g) *Back siphonage*: Backflow caused by negative or reduced pressure in the utility system.
- (h) *Building Official*: The principal enforcing officer of the Florida Building Code within a particular jurisdiction.
- (i) *Backflow Prevention Assembly*: A means or mechanism designed to prevent flow reversal through pipes or valves.
- (j) *Backflow Prevention Assembly Standards*: All backflow prevention assemblies required herein shall be an American Water Works Association (AWWA) approved backflow prevention assembly and shall be manufactured in full conformance with the standards established by the AWWA entitled:

AWWA C510-89 - Standard for Double Check Valve Backflow Prevention Assembly; and

AWWA C511-89 - Standard for Reduced-pressure Principle Backflow Prevention Assembly.

Further, backflow prevention assemblies must comply with the applicable laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California established by:

"Specification of backflow prevention assemblies"-Sec. 10 of the most current issue to the *Manual of Cross Connection Control*; and in full conformance with standards established by the American Society of Sanitary Engineers entitled:

ASSE 1001	-	Atmospheric-Type Vacuum Breakers
ASSE 1020	-	Pressure-Type Vacuum Breakers
ASSE 1024	-	Dual Check-Type Backflow Preventer (Residential Use only)

ASSE 1013	-	Reduced-pressure Principle, Back-Pressure Backflow Preventers
ASSE 1015	-	Double Check Valve-Type Back-Pressure Backflow Preventers

Section 7 of the AWWA Manual M-14 describes the requirements for maintenance and testing procedures in detail for these approved backflow prevention assemblies. Said mechanism or means may be an air-gap separation, reduced-pressure backflow prevention assembly, double check valve assembly, dual check valve device, or other device which is accepted by the AWWA as being effective for the type of risk under which the premises are classified.

(k) *Backflow Prevention Mechanisms:*

- (1) *Air-gap separation:* The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim. An AWWA approved air-gap separation shall be at least double the diameter of the supply pipe, measured vertically, above the top of the flood level rim and, in no case, less than one (1) inch. When an air-gap separation is used at the water service connection to prevent the contamination or pollution of the utility system, an emergency bypass shall be installed which shall include a backflow prevention assembly.
 - (2) *Reduced-pressure backflow prevention assembly:* Two (2) independently acting check valves together with a hydraulically operating, mechanically independent pressure-differential relief valve located between the check valves and below the first check valve. These units are located between two (2) tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks.
 - (3) *Double check valve assembly:* Two (2) internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two (2) tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cocks. This assembly shall be used only to protect against a non-health hazard and must be accessible for in-line maintenance and testing.
 - (4) *Dual check valve device:* A compact unit manufactured with two (2) independent spring-activated check valves to prevent backflow. This device shall be used only on residential property to protect against a non-health hazard and cannot be tested or maintained.
- (l) *Certified Tester:* A person certified through one of the following agencies as being competent to test, repair, overhaul, certify the operation, and make reports on backflow prevention assemblies:
- (1) American Society of Sanitary Engineers (A.S.S.E.).
 - (2) National Environmental Technology Training Institute (N.E.T.T.I.).
 - (3) Foundation for Cross Connection Control and Hydraulic Research (F.C.C.H.R.) - University of Southern California.
 - (4) Training, Research, and Education for Environmental Occupations (T.R.E.E.O.) - University of South Florida.
 - (5) Institution for Cross Connection Control (I.C.C.C.).
- (m) *Building Official:* The Hardee County or municipal plumbing official responsible for the enforcement of plumbing regulations and prevention of cross connections.
- (n) *Contamination:* The introduction or admission of any foreign substance into the potable water supply that degrades the quality or creates a health hazard.
- (o) *Cross Connection:* Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial

fluids, through which, or because of which, backflow or back siphonage may occur into the water system. A water service connection between a utility system and a customer system that is cross connected to a contaminated fixture, industrial fluids system, or with a potentially contaminated supply or auxiliary water system, constitutes one type of cross connection. Other types of cross connections include, but are not limited to, connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or changeover devices, sliding multiport tube, and solid connections.

- (p) *Cross Connection Control*: A cross connection with a backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
- (q) *Customer*: The person, firm, corporation, or other legal entity whose name or names appear on billing for a water service connection under the jurisdiction of the Hardee County Utilities Department
- (r) *Customer System*: This system shall include those parts of the facilities beyond the water service connection, including the service lines that are utilized in conveying potable water to points of use, and other internal systems.
- (s) *Building Department/Building Inspector, Licensing and Consumer Protection Division*: The person in charge of the Permitting, Licensing and Consumer Protection Division of Hardee County or designee who is vested with the authority and responsibility for the implementation of building codes and for the enforcement of the provisions of this article by delegation through the building official to the chief plumbing official.
- (t) *Director of the Fiscal Operations Division*: Hardee County Utilities Department or designee who is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this article.
- (u) *Fire Marshal*: For unincorporated Hardee County, the person in charge of the fire prevention bureau of the emergency services division or designee, vested with the authority and responsibility for the enforcement of fire codes. For incorporated Hardee County, the person charged with authority and responsibility to enforce the fire codes.
- (v) *Hazard, Health*: A cross connection or potential cross connection involving any substance that could, if introduced in the water system, cause death, illness, or disease, or have a high probability of causing such effects.
- (w) *Hazard, Non-Health*: A cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the water system.
- (x) *Hazard, Plumbing*: A plumbing-type cross connection in a customer system that has not been properly protected by an atmospheric vacuum breaker or backflow prevention assembly. Unprotected plumbing-type cross connections are considered to be a health hazard.
- (y) *Hazard, System*: A threat of severe damage to the physical properties of the water system or of pollution or contamination that would have a protracted effect on the quality of the potable water in the water system.
- (z) *Industrial Fluids System*: Any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, non-health, plumbing, or system hazard, if introduced into the water system. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and so forth; oils, gases, glycerin, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used for fire-fighting, industrial, or other purposes.
- (aa) *Owner*: The person, firm, corporation or other legal entity that holds title to a property or premises.

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- (ab) *Pollution*: The presence of any foreign substance in water that degrades its quality so as to constitute a health hazard or impair the usefulness of the water.
 - (ac) *Potable Water*: Any water which, according to recognized federal and state standards, is safe for human consumption.
 - (ad) *Pressure-Type Vacuum Breaker (P.V.B.)*: An assembly used to isolate entire irrigation lines from the water system.
 - (ae) *Source*: All components of the facilities utilized in the production, treatment, storage and delivery of water.
 - (af) *Used Water*: Any water supplied by the water purveyor from a utility system to a customer system after it has passed through the water service connection and is no longer under the sanitary control of the water purveyor.
 - (ag) *Utility System*: This system shall consist of the source, treatment facilities, the distribution system, which includes the network of conduits, storage facilities, pumping apparatus, and any additional points of authorized utility chemical treatment (e.g., injection facilities) used for the delivery of water; and shall include all those facilities of the water system under the complete control of the water purveyor, up to the point where the customer system begins (i.e. water service connection).
 - (ah) *Water Purveyor*: Hardee County. The owner or operator of the public potable water system supplying the water supply to the public.
 - (ai) *Water Service Connection*: The terminal end of a service connection from the utility system, that is, where the water purveyor's jurisdiction and sanitary control over the water at its point of delivery to the customer system ends. If a meter is installed at the water service connection, then the water service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention assembly located at the point of delivery to the customer system. Water service connection shall also include connections from a fire hydrant and all other temporary or emergency connections from the utility system.
 - (aj) *Water System*: The water system shall be the total system of water supply and distribution of potable water, including the utility system and the customer system.

Sec. 14-217. Policy.

- (1) No water service connection to any premises shall be installed or maintained by the water purveyor unless the water system is protected as required by state laws, regulations, and this article. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention assembly required by this article is not installed, tested, certified, and maintained, or if it is found that a backflow prevention assembly has been removed or bypassed, or if an unprotected cross connection exists on the premises. The Director or County Manager Designee of the Hardee County Utilities Department shall notify the Hardee County Fire Marshal's office of such cases in a timely manner. Service shall not be restored until such conditions or defects are corrected.
- (2) The customer system shall be open for inspection at all reasonable times to authorized representatives of the Hardee County Utilities Department, the Hardee County Health Department, and the Hardee County Building Department, or other building or plumbing officials with jurisdiction to determine whether cross connections or other structural or sanitary hazards, including violations of the provisions of this article, exist. Water service may be discontinued after notice to the owner and occupant if a violation of this article exists on the premises, and such other precautionary measures may be taken as are deemed necessary to eliminate any danger to the potable water. Water service shall not be restored until the danger has been eliminated in compliance with the provisions of this article.

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- (3) A backflow prevention assembly shall also be installed on each service line to a customer system at or near the property line or immediately outside the building being served, but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:
- (a) In the case of premises having any auxiliary water supply, the utility system shall be protected against backflow from the premises by installing a backflow prevention assembly in the service line appropriate to the degree of hazard as described in subsections (4) and (6) of this section.
 - (b) In the case of premises on which any auxiliary water supply or industrial fluids system is utilized, the utility system shall be protected against backflow from the premises by installing a backflow prevention assembly in the service line appropriate to the degree of hazard as described in subsection (5).
 - (c) In the case of premises having internal cross connections or intricate plumbing and piping arrangements, the utility system shall be protected against backflow from the premises by installing a backflow prevention assembly in the service line appropriate to the degree of hazard as described in subsection (5).
 - (d) In the case of fire protection systems, see subsection (6).
- (4) The type of protective device required under subsections (3)(a), (b), and (c) shall depend upon the degree of hazard which exists as follows:
- (a) In the case of any premises where there is an auxiliary water supply as stated in subsection (3)(a) and it is not subject to paragraphs (b),(c) and (d) of this subsection (4), the utility system shall be protected by an air-gap separation or a reduced-pressure backflow prevention assembly.
 - (b) In the case of any premises where a non-health hazard exists, these systems shall be protected by a double check valve assembly.
 - (c) In the case of any premises where there are either actual or potential cross connections, the utility system shall be protected by a backflow preventer on exterior water faucets, and an air-gap separation or a reduced-pressure backflow prevention assembly at the water service connection. The type of backflow prevention assembly shall be determined by the level and degree of hazard as outlined in subsections (2)— (4) of this section.
 - (d) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the utility system shall be protected against backflow or back siphonage from the premises by an air-gap separation or a reduced-pressure backflow prevention assembly at each water service connection to the premises.
- (5) A backflow prevention assembly of the type designated shall be installed on each water service connection to the following types of facilities. This list is presented as a guideline with respect to the facilities listed and is not to be construed as being complete.

Abbreviations are as follows:

A.G.	-	Air Gap Separation
R.P.	-	Reduced-Pressure Backflow Prevention Assembly
D.C.V.A.	-	Double Check Valve Assembly
P.V.B.	-	Pressure Vacuum Breaker
A.V.B.	-	Atmospheric Vacuum Breaker

BACKFLOW PREVENTION DEVICES FOR FACILITY TYPES

Type of Facility	Minimum Type of Protection
Agricultural Irrigation Systems	R.P.
Automotive Maintenance Facilities	R.P.
Auxiliary Water Systems	R.P.
Breweries, Distilleries, Bottling Plants	R.P.
Buildings with House Pumps and/or Water Storage Tanks	D.C.V.A.
Buildings with Sewage Injectors	R.P.
Canneries, Packing Houses, or Reduction Plants	R.P.
Car Wash with Recycling System and/or Wax	R.P.
Chemical Plants	R.P.
Commercial Laundries	R.P.
Convalescent Homes and Sanitariums	R.P.
Dairies	R.P.
Dentist Office	R.P.
Dye Works	R.P.
Fertilizer Plants	R.P.
Film Laboratory or Processing Plant	R.P.
Fire Systems with pumps and/or Storage Tanks	R.P.
Food or Beverage Plant	R.P.
Hospitals, Clinics, Medical Buildings	R.P. (Parallel)
Irrigation Systems	R.P. or P.V.B.
Laboratories	R.P.
Laundries and Dry-Cleaning Plants	R.P.
Machine Tool Plants (Health or System Hazard)	R.P.
Manufacturing, Processing, and Fabricating Plants	R.P.
Metal Processing Plant (Health or System Hazard)	R.P.
Metal Processing Plant (Pollution Hazard)	R.P.
Metal Plating Plant	R.P.
Mobile Home Parks	R.P.
Morgues or Mortuaries	R.P.
Nursing Homes	R.P.
Oil and Gas Production Facilities	R.P.

Packing Houses or Rendering Plants	R.P.
Paper Products Plants	R.P.
Pesticides (Exterminating Companies)	A.G.
Petroleum Processing Plant	R.P.
Petroleum Storage Yard (Health or System Hazard)	R.P.
Petroleum Storage Yard (Pollution Hazard)	R.P.
Pharmaceutical or Cosmetic Plant	R.P.
Piers, Docks or Water Front Facilities	R.P.
Plating Plants	R.P.
Power Plants	R.P.
Radioactive Material Plants	R.P.
Residential Unit	D.C.V.A.
Restaurants	R.P.
Restricted, Classified or Other Restricted and/or Closed Facilities	R.P.
Sand and Gravel Plants	R.P.
Schools	R.P.
Shops (Retail and Wholesale)	R.P.
Swimming Pools with Piped Fill Line	A.G. at pool
Sewage Pumping Stations	R.P.
Sewage Treatment Plants	R.P.
Storm Drain Facilities	R.P.
Buildings Over Three (3) Stories	R.P.
Veterinary Establishments	R.P.

- (6) Due to the variety of installation designs of fire systems which may preclude the use of a meter, the point of service shall be defined as the last valve prior to the outside stem and yoke (OS&Y) valve. A backflow prevention assembly of the type designated below shall be installed on the water service connection for each fire protection service to any premises. Fire protection systems are divided into six (6) general classes. The following are typical:

<i>Minimum Type of Protection</i>	
Class 1 D.C.V.A.	A closed automatic fire protection system without pumper connection, having 20 heads or less;
Class 2 D.C.V.A.	A closed automatic fire protection system with pumper connection;
Class 3 R.P.	A closed automatic fire protection system with pumper connection and an auxiliary water supply on or available to the premises; or an auxiliary water supply which may be located within 1,700 feet of the pumper connection;
Class 4 R.P.	A closed automatic fire protection system with a closed pressure tank supply (this class may have a jockey pump interconnected with the domestic water supply and/or an air compressor connection);

Class 5 R.P.	A closed automatic sprinkler system interconnected with an auxiliary water supply;
Class 6	Fire protection system used for the combined purposes of supplying the automatic sprinklers, hose lines, fire hydrants and standpipes and being used for industrial purposes.
R.P.	(a) Self-draining fire hydrants on premises presenting a health or system hazard (i.e., chemical plants, petroleum storage plants, bulk storage yards, stockyards, sewer plants, or similar facilities) where ground seepage of toxic materials may occur.
D.C.V.A.	(b) Self-draining fire hydrants on premises presenting a non-health hazard (i.e., parks, playfields, or similar facilities) where ground seepage of non-health-hazard materials may occur.

- (7) A backflow prevention assembly shall be required in all premises not described in the previous sections, with the exception of services which have received waivers as authorized herein.
- (8) Backflow prevention devices as specified by the County shall be provided with the following types of plumbing devices:

Plumbing Device Installed	Minimum Type of Protection
Air conditioning system with chill water	R.P.
Air conditioning cooling tower	R.P.
Autoclave and sterilizer steam tables	R.P.
Below the rim of inverted supply water inlets in devices such as aquariums, bidets, baptisteries, bed pan washers, bird baths, fish ponds, foot tubs, sinks, drinking fountains, siphon flush tanks, lavatories, tanks, and other tubs or vats	R.P.
Boiler industrial feed lines	R.P.
Commercial dishwashing machines	R.P.
County water and sewage direct connections	R.P.
Dairy and stable water troughs	R.P.
De-greasing equipment	R.P.
Dental cuspidors and saliva ejectors	R.P.
Etching tanks	R.P.
Floor drains with trap primers or flush connections	R.P.
Garbage can washers	R.P.
Hospital digesters	R.P.
Hospital laundry machines	R.P.
Hydraulic elevators and industrial processes	R.P.
Industrial in-plant plumbing systems	R.P.
Industrial plant's protection meter	R.P.
Lawn sprinkling systems	R.P.
Medical aspirators	R.P.
Medical and industrial condensers	R.P.
Poultry or livestock water troughs where vaccine is added	R.P.
Processing tanks	R.P.
Pumps for unsafe materials primed with water	R.P.
Rubber hoses equipped with hand controls or self-closing faucets	D.C.V.A.
Steam tables	R.P.
Suction side pump chlorinators	R.P.

Swimming pools	D.C.V.A.
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(9) Backflow prevention devices may be required by the County for other facilities not listed if deemed necessary to protect the water system from possible contamination, pollution and/or deterioration.

(10) New facilities:

(a) All new customers shall provide backflow protection as stipulated in Section 32.217. Additionally, each applicant for a building permit (excluding permits for residential units) shall be required to complete, and submit to the County, a cross-connection application.

(b) If upon review of the application it is determined that a potential cross-connection would exist, the County will notify the new customer in writing and arrange a meeting to discuss the requirements for backflow prevention. Procedures for inspection of the device will be discussed at this meeting. The customer will be required to provide construction drawings of his proposed facility.

(11) Approval of a backflow prevention assembly shall be evidenced by a certificate of approval issued by an AWWA-approved testing laboratory certifying full compliance with AWWA and A.S.S.E. standards and F.C.C.H.R. specifications.

Backflow prevention assemblies that have been fully tested and have been granted a certificate of approval may be installed without further testing or qualification.

(12) It shall be the duty of the owner at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year. Failed inspections, or those instances where the director of the division deems the hazard to be great enough, shall require tests at six-month intervals. These inspections and tests shall be at no cost to Hardee County, shall be performed only by a certified tester, and shall require a premises permit issued by the Hardee County Building Department or other County/ City departments with jurisdiction.

There is no charge for premises permit for county-owned installations or certifications of backflow prevention assemblies owned and operated by Hardee County.

It shall be the duty of the Hardee County Building Department or County Manager designee to see that timely tests are made in accordance with Section 4620.8(b) of the Florida Building Code, as amended from time to time. These backflow prevention assemblies shall be repaired, overhauled or replaced at no cost to Hardee County whenever such devices are found to be defective. The certified tester shall send two (2) certified records of such tests, repairs, overhaul or replacement, one (1) to the Hardee County Utilities Department and one (1) to the Hardee County Building Department or the County/ City municipal department with jurisdiction.

(13) The County Manager or his/her designee is authorized to establish a program, under which owners may request and receive a waiver from the provisions of this article. Such waiver may only be granted to commercial services determined to be low hazard to the water supply. A low hazard commercial service shall be defined as a commercial facility which has no physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage, reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as the result of backflow or which in the normal course of business does not store or use hazardous quantities of pollutants or contaminants. The program, at minimum, must be set forth in writing, must be approved for inclusion in the County Administrative Policies and Procedures (CAPP) manual, and must require review of this waiver at least annually and upon change of occupancy and/or use of the property.

(14) Nothing herein shall relieve the owner of the responsibility for conducting, or causing to be conducted, periodic surveys of water use practices on the premises to determine where there are actual or potential

cross connections in the customer system through which contaminants or pollutants could backflow into the water system.

- (15) All presently installed backflow prevention assemblies that do not meet the requirements of this article shall be modified or replaced to satisfactorily protect the utility system. Whenever an existing backflow prevention assembly is moved from the present location, or the lack of maintenance constitutes a Health hazard, the device must be recertified as correct for the new application in accordance with subsections (4), (5), and (6) and must be subsequently re-inspected.

Sec. 14-218. Fees.

- (1) The County may from time to time establish and assess such fees as may be required to defray Hardee County's cost of maintenance of the County's backflow protection program including administration, monitoring, compliance and enforcement. The schedule of fees may be amended from time to time pursuant to Section 14-6, Hardee County Code, and as subsequently amended.
- (2) The Hardee County Building and Permitting Division minimum permit fees and fees related to fire services for unincorporated Hardee County are set forth in the Hardee County Fee Schedule which is adopted by Resolution annually. Other fees may apply to municipal departments in other cities which have jurisdiction.

Sec. 14-219. Time Frames.

The time frame for installation of backflow prevention assemblies under this article is specified in the South Florida Building Code in section P2902, Effective Date of Enforcement, and as subsequently amended.

Sec. 14-220. Noncompliance.

- (1) If a backflow prevention assembly required by this article is not installed, tested and maintained as specified herein, or if it is found that a backflow prevention assembly has been removed or bypassed, the water purveyor may discontinue water service after a notice has been issued. Notice may be waived in any case where:
- (a) The public health, safety and welfare is directly and immediately threatened as determined by the director of the fiscal operations division or by the director of the building and permitting division or other department having jurisdiction; and
- (b) The water purveyor has attempted to give notice, verbal or otherwise, to the customer.

In any case where notice has been waived and water service discontinued, the water purveyor shall issue a notice to the customer within twenty-four (24) hours of the discontinuance. After notice has been given or in any case in which notice has been waived, the customer may request a hearing which will be held within one (1) working day of said request before the director of the Utilities Operations Manager or the Hardee County Building Department or Official or other department having jurisdiction. In addition to the procedures set forth in this section, the provisions of this article may be enforced by any means provided by law for the enforcement of county ordinances.

Secs. 14-221—14-239. Reserved.

ARTICLE X. WATER AND WASTEWATER SERVICE CONNECTION PERMITTING

Sec. 14-240. Purpose, Scope and Application.

- (a) *Purpose.* The purpose of this article shall be to establish uniform minimum standards and requirements for the design and installation of safe hook up of water distribution and wastewater collection services within

the Hardee County System which promote the efficient use and protection of water and other natural resources.

- (b) *Service area.* Except in formally established municipal service areas, no person shall construct any residential, commercial or industrial building within the unincorporated area of Hardee County without first requesting water and sewer service from the County.
- (c) *Scope and Application.* Water represents a resource of Hardee County belonging to the general public. This article shall apply to all water distribution and wastewater collection systems within the Hardee County System, except for County owned property. It addresses the design, requirements, water quality, installation, inspection and testing for such hook ups.
- (d) *Individual Single-Family Homes* - Applications for single family residential homes shall be made directly to the Hardee County Utility System.
- (e) All applicants for service in the County shall complete an application form provided by the County and submit to:

HARDEE COUNTY Utilities Department
2428 Commerce Park
Bowling Green, Florida 33834

Sec. 14-241. Definitions.

When used in this article, the following term shall have the following meaning:

Hook Up means the connection of a water and/or wastewater collection to the Hardee County System.

Sec. 14-242. Hardee County Utility Connection Permit ("HCUCP").

- (a) *Permits Required.* It shall be unlawful to hook up any water or wastewater collection service to the Hardee County System without first having filed an application and obtained a HCUCP from the Hardee County Building Department with a Utilities Department sign off and appropriate fees , hereinafter "Director."
- (b) All work to be performed under the HCUS shall be in compliance with all rules and regulations of all governing agencies having jurisdiction of the matter, including but not limited to the State of Florida, Department of Environmental Protection, the Hardee County Health Department and Hardee County Utilities Department.
- (c) The Permit Application shall be submitted by the owner of the property to be serviced by the Hardee County System; and authorized by any other property owner through which the facilities for such service are to be situated
- (d) All fees required by the HCUS Application shall be as set forth in the Hardee County Code of Ordinances or as otherwise provided by law, ordinance, rule, or regulation.
- (e) The HCUS Application shall:
 - (1) Identify the location of the property to be served and the location through which the facilities for the water distribution and/or wastewater collection system connection are situated.
 - (2) Require the applicant and any other property owner through which the facilities for such service are situated to indemnify, hold harmless and, at County Attorney's option, defend or pay for an attorney selected by County Attorney to defend County, its officers, agents, servants, and employees against any and all claims, losses, liabilities, and expenditures of any kind, including attorney fees, court costs, and expenses, caused by negligent act or omission of owner and applicant, its employees, agents,

servants, or officers, or accruing, resulting from, or related to the subject matter of the Permit Application, including, without limitation, any and all claims, demands, or causes of action of any nature whatsoever resulting from injuries or damages sustained by any person or property, to the extent provided by law.

- (3) In the case where the service facilities are to be located outside the right of way, Applicant shall provide a title opinion reflecting ownership of the property through which the facilities for the water distribution and/or wastewater collection system connection are located and any lien hold interests. The record title owner of such property shall provide to County an easement over, upon and through the property for the water distribution and/or wastewater collection system connection upon completion and acceptance of the work by County. The owner shall be joined in the easement by any lienholder as reflected in the title opinion. The Application shall be accompanied by Florida Department of Revenue form DR-219.
- (4) Include a copy of the design of the facilities. This design shall meet the "Minimum Design and Construction Standards" of the Building Department to make consistent with other sections of the ordinance. This design shall be preapproved by HCUS prior to submission of the Application.

(f) *Review of application:*

- (1) The "Application for Service" will be reviewed and evaluated as to the feasibility of providing service, with a written response issued to the applicant within a reasonable time of receipt of the application, indicating the availability or unavailability of service, or requesting additional information. Upon receipt of the Preliminary response, or in the event that no written response is issued within two weeks of receipt of application, the Applicant may request a Final Review in writing.
- (2) *Final Review.* Within a reasonable time of receipt of a request for Final Review and the furnishing of all additional information requested, the County shall advise the Applicant in writing of the availability of service and, if service is available, the connection fee, point of connection, required extensions, and any other pertinent requirements.
- (3) *Agreements for Service.* If the Applicant accepts the general terms of service, the County shall prepare, or cause to be prepared, an agreement describing more specific requirements for the Applicant, including without limitation, the Applicant's on-site and off-site Utility Facility construction responsibilities, Connection Point, and other Special Agreements, if applicable.
- (4) *Deposit Agreements.* For connections previously served water and/or sewer, or connections where, in the judgment of the County, there is no need for the more comprehensive developer's Service Agreement, the Applicant will complete a Deposit Agreement briefly describing the requirements for service, and establishing a deposit to be paid with execution of the Agreement.
- (5) *Service Agreement:* For larger projects requiring main extensions, or in the opinion of the County and Engineer otherwise requiring a more comprehensive description of the rights and duties of the Applicant and the County, the County shall require that the Applicant execute and comply with a Service Agreement, in form approved by the County attorney.
- (5) *Deposit for Professional Fees.* Prior to drafting the Service Agreement, the County shall collect a deposit for the anticipated costs of the fees for professionals necessary for the drafting of the Service Agreement and the County's contractual participation in the work needed to provide service to the Applicant's project. This deposit shall be calculated by the County based on five percent (5%) of the Utility Facility construction costs for the project, but in any event shall not be less than \$1,000. Additional deposits may be established in the Service Agreement as necessary. If the actual cost of

County officers, employees, or agents exceeds the deposit, service shall be withheld until all such costs are paid. If the actual costs are less than the deposit, the remaining deposit shall be refunded within sixty (60) days after service is commenced, unless other costs are anticipated. Any such deposit paid shall be forfeited upon withdrawal of application for service.

Sec. 14-243. Design, Installation and Inspection.

(a) *Design.*

- (1) To the extent practicable, all facilities shall be constructed in accordance with the HCUS "Minimum Design and Construction Standards" in effect at the time of submission of the Permit Application.
- (2) Where, in the opinion of HCUS, the construction effort requires more than a reference to the County Standards, the design for the facilities shall be prepared by a Professional Engineer, licensed in the State of Florida, in accordance with Chapter 471, Florida Statutes. The design shall be shown on plans and specifications signed and sealed by the Engineer.

(b) *Installation and Inspections.*

- (1) All material and installations covered by this section shall be inspected by County to verify compliance with the Building Department and the plans and specifications.
- (2) County will provide periodic inspection of the facilities during construction to insure compliance with this Division and the plans and specifications.
- (3) All materials shall adhere to HCUS minimum Design Standards and shall be approved as a shop drawing or approved material review list.

Sec. 14-244. Close Out.

Upon completion of the construction of the facilities, owner shall provide:

- (a) A Bill of Sale Absolute for all of owner's right, title and interest to all of the facilities constructed in the right of way and the easement, if applicable.
- (b) As-Built drawings of the water distribution and/or wastewater collection system connection, containing all pertinent information therein. As-Built prints shall be verified and sealed by a Florida Registered Engineer. As-Built drawing information as to easements, the correct location of all mains services, grades, invert elevations, heights related to known datum and all appurtenances belonging to the installations shall also be certified and signed and sealed by a Florida Registered Professional Land Surveyor. The As-Built drawings and all information shown thereon shall be in such a form as approved and accepted by the Director.
- (c) An Affidavit that all persons, firms or corporations who furnished labor or materials used directly or indirectly in the prosecution of the work required to be performed by the agreement have been paid, which shall be in writing, in a form approved and accepted by Director.
- (d) A Release of Lien from all contractors and suppliers of materials and/or labor who might have acquired interest into the facilities by the supplying of materials and/or labor.
- (e) A Final Release of Lien releasing all liens the owner might have on the facilities, which shall be in writing, in a form approved and accepted by Director.
- (f) All manufacturer's warranties which owner might have received or is due to receive on any part of the facilities.

Sec. 14-245. Termination.

Should owner fail to complete the facilities within the time set forth in the Permit, or fail to comply with the plans, specifications and/or provisions, after ten (10) days written notice, County may disconnect all hook ups, if any, and retain some or all fees and costs required to be paid by owner, up to a maximum of Five Thousand Dollars (\$5,000). Should such termination occur, owner shall be required to reapply for a Permit to hook up to the County System and again pay any and all fees and costs required.

ARTICLE XI. RECLAIMED WATER

Sec. 14-246. Short Title.

This article shall be known as the "Hardee County Reclaimed Water Ordinance."

Sec. 14-247. Authority, Purpose, and Intent.

This article is created in accordance with Chapter 125, Florida Statutes, Section 403.064, Florida Statutes, and Chapter 62-610, Florida Administrative Code, and provides for the safe and beneficial use of reclaimed water to protect the environment and conserve Hardee County's limited potable water supply.

The use of reclaimed water is necessary and in the best interests of the citizens of Hardee County.

Sec. 14-248. Applicability.

This article applies to unincorporated and incorporated areas of Hardee County located within the Hardee County Water and Wastewater Services' service area and areas included by interlocal agreement, and shall be liberally construed to effectuate the purposes set forth herein.

Sec. 14-249. Definitions.

As used in this article, the definitions contained herein shall apply unless otherwise specifically stated.

Auxiliary Water Supply shall mean any water supply available to a premise other than the water provider's utility system. Auxiliary water supply may include water from another municipality's public potable water supply, private potable water supply, or any natural source(s) such as a well, spring, river, stream, canal, lake, pond, or harbor.

Board shall mean the Board of County Commissioners of Hardee County.

County shall mean Hardee County, Florida, a political subdivision of the State of Florida.

Cross-connection shall mean any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids, through which, or because of which, backflow or back siphonage may occur into the water system. A water service connection between a utility system and a customer system that is cross-connected to a contaminated fixture, industrial fluids system, or with a potentially contaminated supply or auxiliary water system, constitutes one (1) type of cross-connection. Other types of cross-connections include, but are not limited to, connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or changeover devices, sliding multiport tube, and solid connections.

Customer shall mean any person, property owner, agent, developer, company, association, or other entity with legal authority relative to real property which accepts, receives, or benefits from reclaimed water service rendered by Hardee County Utilities Department .

Development shall mean any new project which requires potable water service or requires continuation of existing potable water service.

Director shall mean the Director or Manager of Hardee County Utilities Department or of any successor agency.

FDEP shall mean the Florida Department of Environmental Protection, a component unit of the executive branch of the State of Florida created by Section 20.255, Florida Statutes.

Irrigation shall mean the use of water to maintain and enhance the growth of lawns, shrubs, and trees.

Potable Water shall mean water that is not reclaimed water and meeting recognized federal and state standards as safe for human consumption.

Public Potable Water Supply Customer shall mean a customer that directly receives potable water as supplied by Hardee County Water and Wastewater Services.

Reclaimed Water shall mean domestic wastewater effluent that has received at least secondary treatment, basic disinfection, and which is suitable for direct, non-potable, beneficial reuse in accordance with FDEP regulations.

Reclaimed Water Distribution System shall mean a network of pipes, pumping facilities, storage facilities, and related appurtenances designed to convey and distribute reclaimed water to customers from the treatment facility.

Reclaimed Water System shall mean all facilities required for the production, storage, transmission, distribution, and use of reclaimed water.

Reuse shall mean the deliberate application or usage of reclaimed water for a beneficial purpose, in accordance with applicable federal, state, and county laws.

Service Line shall mean that conduit used to transmit reclaimed water from the distribution main to the customer's property line.

Service Connection shall mean that portion of the reclaimed water system connecting the Hardee County Utilities Department reclaimed water distribution main to the customer's property line, including the tap into the distribution main, the service line, and the water meter and appurtenances.

State shall mean the State of Florida.

Sec. 14-250. Administration.

The County Manager or his/her designee is responsible for the development and promulgation of the necessary rules and regulations for the administration and enforcement of this article.

Sec. 14-251. Sources of Reclaimed Water.

The source of reclaimed water shall be from Hardee County's wastewater treatment facilities or purchased from a third party in order to supply customers of Hardee County's Utilities Department.

Sec. 14-252. Connection to Reclaimed Water Supply.

- (a) All developments located within one-quarter (1/4) mile of an available public reclaimed water system accessible by dedicated easements or rights-of-way shall extend the reclaimed water system the full width of the portion of the development abutting a dedicated easement or rights-of-way and connect thereto. All property within the development is subject to the reclaimed water prohibitions found in Section 14-254 without further notice. The one-quarter (1/4) mile distance between an available public reclaimed water system in a dedicated easement or right-of-way and the development shall be measured between the point

within the development nearest to an available public reclaimed water system accessible by a dedicated easement or right-of-way.

- (b) Regardless of the proximity of the development to a public reclaimed water system, if the County has published plans to provide reclaimed water to the development's location within the next five (5) years as evidenced by the County's capital projects budget or adopted capital program, the development shall install "dry lines" and associated appurtenant improvements for reclaimed water service prior to completion of onsite utilities.
- (c) Any development having an average total potable water demand of one thousand (1,000) gallons per day or less, as determined by the County Manager or his/her designee, are exempt from paragraph (a) of this section.
- (d) Upon application, the County Manager or his/her designee may waive the requirements of paragraphs (a) and (b) based on the practicality, economic feasibility, and clear and measurable benefits of providing reclaimed water.
- (e) All public potable water supply customers that abut a public reclaimed water distribution system shall be subject to the reclaimed water prohibitions found in Section 14-254 one hundred eighty (180) days after a notice is issued by the County Manager or his/her designee. The County Manager or his/her designee shall serve such notice by registered mail, addressed to the owner(s) of the property, as they are known to the County Manager or his/her designee, or as the name(s) and address(es) appear in the records of the Hardee County Property Tax Collector. Notice is deemed complete and sufficient when so addressed and deposited in the United States mail with proper prepaid postage.

Sec. 14-253. Use of Reclaimed Water.

- (a) All uses of reclaimed water shall be in accordance with applicable rules of the FDEP and other regulatory agencies having jurisdiction.
- (b) Each customer shall be solely responsible for maintaining the customer's reclaimed water irrigation piping, controllers, spray heads, and other system appurtenances in good working condition.
- (c) As approved by the County Manager or his/her designee, reclaimed water may be used for air-conditioning cooling systems in commercial or industrial facilities or buildings or for industrial processes, in accordance with FDEP regulations.
- (d) Below-ground reclaimed water hose bibs, color coded in purple, are permitted for nonresidential customers only when they are clearly labeled as non-potable and can only be operated by use of a special tool to be approved by the County Manager or his/her designee.
- (e) The County will monitor reclaimed water connections so as not to exceed the capacity of the reclaimed water system. It is the County's intent to maximize the use of reclaimed water. However, at times it may be necessary to limit a customer's use of reclaimed water. Notwithstanding any provision of this article to the contrary, the County makes no representation as to the continuing availability or implementation of reclaimed water service within the County.

Sec. 14-254. Prohibitions Relating to Use of Reclaimed Water.

No customer shall:

- (a) Use potable water, wells, or surface water withdrawal for irrigation of landscaped areas where the use of reclaimed water is available, unless authorized in writing by the County Manager or his/her designee.
- (b) Make reclaimed water available inside any single-family or multi-family dwelling unit.
- (c) Use aboveground reclaimed water hose bibs on residential property or for use thereon.

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- (d) Use reclaimed water for the filling of swimming pools, hot tubs, wading pools, or decorative fountains.
 - (e) Convey reclaimed water into, or use reclaimed water inside of, any building or structure, unless authorized in writing by the County Manager or his/her designee.
 - (f) Cut or remove a County installed lock; tamper with the meter, or bypass or reverse a reclaimed water meter; use, alter, or make any connection to the reclaimed water distribution system unless prior written approval has been given by the County Manager or his/her designee, and an employee or authorized person of the County is present at the time of said approved action.
 - (g) Sell, barter, trade, or otherwise transfer reclaimed water to any other person or entity, unless authorized in writing by the County Manager or his/her designee.

Sec. 14-255. Discontinuing Service by County.

- (a) If a customer's reclaimed water system is not installed and maintained as specified herein, the County may discontinue reclaimed water service upon seven (7) calendar days' written notice to the customer.
- (b) Notice may be deemed automatically waived when the public health, safety, or welfare is directly and immediately threatened as determined by the County Manager or his/her designee or other agency of competent jurisdiction. In any case where notice has been waived and reclaimed water service has been discontinued, the County shall issue notice to the customer within twenty-four (24) hours after the discontinuance.
- (c) After notice has been given or in any case in which notice has been waived, the customer may appeal in writing to the County Manager or his/her designee and determination will be made by the County Manager or his/her designee, in his or her sole discretion, within five (5) business days after said appeal.
- (d) In addition to the procedures set forth in this section, the provisions of this article may be enforced by any means provided by law for the enforcement of County ordinances.

Sec. 14-256. Service Interruption.

The County reserves the right to temporarily discontinue service to the entire reclaimed water system or any portion thereof as deemed necessary by the County Manager or his/her designee, or as required by FDEP regulations, or for predictable as well as unforeseen shortages and reclaimed water supply issues, or for maintenance of any part of the reclaimed water system.

Sec. 14-257. Right to Refuse Service.

No payment of any costs, submittal of any petition, or any other act to receive reclaimed water service shall guarantee such service. The County shall have the right, at all times, to refuse to extend service on the basis of a use detrimental to the system, a potential risk to public health, safety, and welfare, inadequate supply of reclaimed water, lack of payment of required fees, or for any other reason which, in the sole discretion of the County Manager or his/her designee, will cause the extension to be nonbeneficial to Hardee County.

Sec. 14-258. Operating Conditions of New Reclaimed Water Facilities.

- (a) All reclaimed water system extensions designed and constructed pursuant to Section 14-252 shall be designed and constructed in accordance with applicable federal, state, and county policies, standards, and specifications including, but not limited to, the Hardee County Utilities Department Services Minimum Design and Construction Standards and the construction standards of other agencies authorized by the County to distribute reclaimed water.

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- (b) All connections to the reclaimed water system, whether residential or nonresidential, require the use of an appropriately licensed contractor or plumber.
 - (c) As required by state regulations, advisory signs shall be posted where reclaimed water is used in public areas. Advisory signs shall include the following text in both English and Spanish: "Do Not Drink" and shall include the equivalent standard international symbol.
 - (d) Advisory signs shall be posted adjacent to lakes and ponds used to store reclaimed water. In such cases, the advisory signs shall include the following text in both English and Spanish: "Do Not Drink" and "Do Not Swim" and shall include the equivalent standard international symbols.
 - (e) Hardee County Utilities Department does not guarantee the supply of reclaimed water; therefore, the customer is responsible for the establishment of a backup system, if needed. All alternate water sources, such as canals, wells, and ponds used as backup sources or to supplement the reclaimed water supply, must comply with local, state, and federal regulations.

Sec. 14-259. Cross-connection Control.

Cross-connections between the reclaimed water system and potable water system are prohibited. On all properties where reclaimed water service is provided, any potable water supply shall be protected by a certified approved backflow prevention assembly pursuant to the Hardee County Cross-Connection Backflow Prevention Ordinance, as codified in Chapter 14, Article IX of the Hardee County Code of Ordinances.

Sec. 14-260. Inspections.

In order to ascertain and ensure compliance with the provisions of this article and related regulations, the County reserves the right to inspect, secure, and disconnect, without prior notice, any and all devices wherever located which connect to or control any discharge from the reclaimed water system.

- (a) Inspections shall be made by the County to ensure compliance with this article or any related regulations, and shall be at such times and with such frequency as the County, through the County Manager or his/her designee, deems necessary.
- (b) The denial of access to an authorized agent or employee of the County to inspect any property receiving reclaimed water service for the purpose of conducting any inspection permitted under this article shall constitute a violation of this article and shall be grounds for the immediate discontinuance of reclaimed water service by the County to the customer.