

ORDINANCE NO. 060457
0-06-106

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO WASTEWATER PRETREATMENT AND CROSS CONNECTION CONTROL PROGRAMS; AMENDING CHAPTER 27 OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SECTION 27-96, DEFINITIONS; AMENDING SECTION 27-180.1 PRETREATMENT PROGRAM – PROHIBITED SUBSTANCES; AMENDING SECTION 27-180.7 PRETREATMENT PROGRAMS – ENFORCEMENT AND APPENDIX A UTILITIES (4) SEWERAGE SUBSECTION d, RELATING TO RATES FOR EXCESS STRENGTH WASTEWATER DISCHARGED INTO THE CITY'S WASTEWATER SYSTEM; AMENDING SECTION 27-135 CROSS CONNECTION CONTROL PROGRAMS; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE AND AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, at least ten (10) days notice has been given of the public hearings once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of the public hearings in the City Commission meeting room, first floor, City Hall, City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notices described above at which hearings the parties with interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 27-96 of the Gainesville Code of Ordinances is hereby amended by revising and/or adding certain definitions pertaining to pretreatment in alphabetical sequence to read as follows:

1 **Section 27-96 Definitions.**

2 The following words, terms and phrases, when used in this article, shall have the
3 meanings ascribed to them in this section unless the context clearly indicates otherwise:

4 *Abutting* shall mean adjacent to or contiguous to or located immediately across any road,
5 street, right-of-way or easement from the relevant water line, wastewater line or other
6 relevant property.

7 *Additional facilities or structures* shall mean any additional construction of buildings or real
8 property appurtenances at a specific location that would create or tend to create additional
9 demand for water or wastewater service.

10 *Apartment* shall mean two or more buildings constructed on a single parcel of property
11 where each building contains at least two living units or one building constructed on a
12 single parcel of property containing two or more living units.

13 *Applicant* shall mean the person, organization or corporation who signs an application form
14 requesting electric, water or wastewater services be made available at a specific location
15 and thereby agrees to pay for all such services at that location. (Also see "Customer").

16 *Authorized representative of industrial user* shall mean:

17 (1) A principal executive officer of at least the level of vice-president, if the industrial user
18 is a corporation;

19 (2) A general partner or proprietor, if the industrial user is a partnership or proprietorship,
20 respectively;

21 (3) A duly authorized representative of the individual designated above, if such
22 representative is responsible for the overall operation of the facilities from which the
23 industrial waste originates.

24 *Backflow preventer* shall mean a mechanical device operated by the reduced pressure
25 principle that is installed in conjunction with a water meter to prevent a flow of water from
26 the customer's side of the meter into the city's distribution system under conditions where
27 water pressure on the customer's side of the meter exceeds the pressure in the city
28 distribution system. The installation and design of this device will be determined by the
29 water and wastewater engineering division of the city.

30 *Base system* shall mean the city's water transmission and distribution system or
31 wastewater collection system which is in existence at the time an application is made for an
32 extension of service.

33 *Biochemical oxygen demand (BOD)* shall mean the amount of oxygen expressed in parts
34 per million necessary to satisfy the oxygen requirements of a sample of wastewater
35 incubated for five days at 20 degrees Celsius and tested in accordance with standards of
36 testing in the latest edition of "Standard Methods" published jointly by the American Public
37 Health Association, the American Water Works Association and the Water Pollution Control
38 Foundation.

39 *Building* shall mean any structure, either temporary or permanent, having a roof and used
40 or built for the shelter or enclosure of persons, animals, vehicles, goods, merchandise,
41 equipment, materials or property of any kind. This definition shall include, but is not limited
42 to, tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports,
43 animal kennels, store rooms or vehicles serving in any way the function of a building as
44 described herein.

1 *Categorical pretreatment standard* or *categorical standard* shall mean any regulation
2 containing pollutant discharge limits promulgated in accordance with Section 307 of the
3 Clean Water Act which may apply to a specific industrial user and which appears in 40 CFR
4 Chapter I Subpart N, incorporated by reference in Chapter 62-660, F.A.C.
5 *Central wastewater system* shall mean the pipe, pumps, tanks, treatment plants, collection
6 mains and other appurtenances either connected directly to or isolated from the city's base
7 system which serves two or more lots or which serves any multiple family, commercial,
8 industrial, institutional or other use where the total wastewater flow exceeds 2,000 gallons
9 per day. All central wastewater systems shall meet the design and construction
10 requirements of the city.
11 *Central water system* shall mean the water source, pumps, treatment plants, distribution
12 mains, fire protection mains and other appurtenances either connected directly to or
13 isolated from the city's base system which serves two or more lots or which serves any
14 multiple family, commercial, industrial, institutional or other use where the total wastewater
15 flow exceeds 2,000 gallons per day. All central water systems shall meet the design and
16 construction requirements of the city.
17 *Chemical oxygen demand (COD)* shall mean the amount of oxygen expressed in parts per
18 million required for the chemical oxidation of organics in wastewater.
19 *City* shall mean the City of Gainesville, doing business as Gainesville Regional Utilities.
20 *Connection charges* shall mean a general term referring to the specific development
21 charges that must be satisfied in order to receive water and/or wastewater service. For the
22 purposes of this article, the following shall constitute water connection charges:
23 transmission and distribution, meter installation, water treatment plant, standby fire line, fire
24 hydrant installation, inspection service fees, crossing charges and tapping fees. For the
25 purposes of this article, the following shall constitute wastewater connection charges:
26 collection system, wastewater treatment plant, pumping station (primary and relay), force
27 main (base system) charges, inspection service fees, crossing charges, and tapping fees.
28 *Consumer* shall mean the person or persons who actually receive and utilize water service
29 at a specific location, and/or who contribute, cause or permit the contribution of, wastewater
30 into the city's wastewater system.
31 *Contribution in aid of construction (CIAC)* shall mean a charge paid by an applicant desiring
32 service from the city for a portion of the capital cost for additional facilities which must be
33 constructed to provide water or wastewater service to the applicant.
34 *Customer* shall mean the person responsible for payment for all electric, water or
35 wastewater services used at a specific location, and further defined as that person who
36 signed the application requesting that services be made available at the specific location
37 and thereby agreeing to pay for all usage of such services occurring at the location. (See
38 "Applicant").
39 *Customer's installation* shall mean all pipes, shutoffs, valves, fixtures, pretreatment
40 equipment and appliances or apparatus of every kind and nature used in connection with or
41 forming a part of an installation for utilizing water or wastewater service. Customer's
42 installations are located on the customer's side of the "point of delivery," whether such
43 installation is owned outright by the customer or is used by the customer under lease or
44 otherwise.

1 *Deposit* shall mean the amount of money placed with the city by each customer as security
2 for payment of the water or wastewater bill.

3 *Detector check value* shall mean a device which detects leakage or unauthorized use of
4 water from fire line services.

5 *Developer* shall mean any person or legal entity engaged in developing or subdividing land
6 to which water and/or wastewater service is to be rendered by the city. Also where
7 applicable, any individual or legal entity that applied for the provision of water mains or
8 wastewater facilities in order to serve a certain property.

9 *Development* shall mean a subdivision or any other parcel of land which consists of two or
10 more lots. In addition, parcels of land for commercial projects or multiple-family dwellings
11 shall be considered as developments.

12 *Discharge* shall mean the introduction of sewage or industrial waste, or any other flow into
13 the wastewater system.

14 *Dwelling* shall mean a living unit, house, mobile home, apartment or building used primarily
15 for human habitation. The word "dwelling" shall not include hotels, motels, tourist courts or
16 other accommodations for transients, nor shall it include dormitories, fraternities, sororities,
17 rooming houses, business or industrial facilities.

18 (1) *Single-family* shall mean a building containing not more than one living unit on a
19 single lot or a living unit of a multiple-family dwelling where each living unit is constructed
20 on a separate lot. Mobile homes containing one living unit not in approved mobile home
21 parks are considered single-family dwellings.

22 (2) *Multiple-family* shall mean a building which contains two or more living units.

23 *Engineering estimate* shall mean a calculation of the cost of a project based on the city's
24 current contracts for material and labor plus overhead for engineering, contingency and
25 general and administrative costs. If there is no contract for the project or a part of the
26 project, the best available data as determined by the city will be used.

27 *Excess strength wastewater* shall mean wastewater containing constituents whose
28 parameters are in excess of those specified for normal strength wastewater.

29 *Extension* shall mean a water or wastewater facility constructed to enable the provision of
30 water, fire protection or wastewater service.

31 *Force main* shall mean a wastewater line which carries wastewater under pressure from a
32 lift station.

33 *Frontage* shall mean a unit of measurement expressed in linear feet which is determined
34 from one or more lengths of a property's boundaries. The method of determination of
35 frontage shall be specified in the city's current "Water and Wastewater Policies." The
36 method of determination of frontage shall take into consideration location of water or
37 wastewater lines which are adjacent to the property being served, irrespective of whether
38 such line is located in a public or private right-of-way, an easement, or on public or private
39 property.

40 *Grab sample* shall mean a sample taken without regard to flowrate and over a period of
41 time not to exceed 15 minutes.

42 *Grease interceptor* shall mean a device, usually located underground and outside of a food
43 service facility, designed to collect, contain, and remove food wastes and grease from the
44 wastestream while allowing the remaining wastewater to be discharged to the wastewater
45 collection system by gravity.

1 *Grease trap* shall mean a device, usually located inside the building and under a sink of a
2 food service facility designed to collect, contain, and remove food wastes and grease from
3 the wastestream while allowing the remaining wastewater to be discharged to the
4 wastewater collection system by gravity.
5 *Identifiable internal water service lines* shall mean a water line, owned and installed by the
6 customer on the customer's side of the point of delivery whose purpose is to provide water
7 service to any new or additional facility or structure.
8 *Individual or person* shall mean any individual, partnership, co-partnership, firm, company,
9 corporation, association, joint stock company, trust, estate, governmental entity, or other
10 legal entity, or their legal representatives, agents, or assigns. This definition includes all
11 federal, state, and local government entities.
12 *Industrial use or user* shall mean any use or user of the water or wastewater system that
13 produces industrial waste.
14 *Industrial wastes* shall mean solid or liquid wastes from any manufacturing or processing
15 plant or other industrial undertaking and solid or liquid wastes discharged from any other
16 source including but not limited to dwellings, and commercial establishments, which contain
17 pollutants that exceed or have the potential to exceed normal strength wastewater limits or
18 any other discharge limit established in this division, or which are wastes discharged from
19 any source containing toxic pollutants as defined in this section, or which are wastes
20 discharged at a flow rate of 25,000 gallons or more per average workday.
21 *Instantaneous maximum discharge limit* shall mean the maximum concentration of a
22 pollutant allowed to be discharged at any time, determined from the analysis of any discrete
23 or composited sample as specified by the general manager for utilities or his/her designee,
24 independent of the industrial flow rate and the duration of the sampling event.
25 *Interceptor* shall mean a large size gravity wastewater line which has been designed to
26 receive wastewater from two or more collecting wastewater lines.
27 *Interference* shall mean the inhibition or disruption of the wastewater collection system,
28 treatment process or any wastewater system operations. This term includes disruption of
29 wastewater sludge use or disposal.
30 *Lift station (also pump station)* shall mean a facility which receives wastewater from gravity
31 wastewater collection lines and/or other lift stations and pumps the wastewater under
32 pressure through a force main to another location.
33 *Local discharge limit* shall mean the maximum concentration or mass of a pollutant allowed
34 to be discharged, determined from the analysis of a sample collected in a manner as
35 specified by the general manager of utilities or his/her designee. Such limit may be an
36 instantaneous maximum discharge limit, daily maximum discharge limit, or average
37 discharge limit as determined by the general manager of utilities or his/her designee.
38 *Lot* shall mean a part of a subdivision or any other parcel of land intended as a unit for
39 building development or transfer of ownership, or both. Parcels of and less than one acre
40 for commercial projects or multiple-family dwellings and parcels of land for each single-
41 family dwelling shall be considered lots.
42 *Lot line* shall mean the property line, abutting the right-of-way line or any line defining the
43 exact location and boundary of the lot of property.
44 *Meter (water)* shall mean the measuring device owned and installed by the city on a service
45 line for the purpose of accurately measuring water use by a customer.

1 *Meter tampering* shall mean when any person shall willfully alter, injure, or knowingly suffer
 2 to be injured any water meter or other apparatus or device belonging to the city in such a
 3 manner as to cause loss or damage or to prevent any such meter installed for registering
 4 water consumption, from registering the quantity which otherwise would pass through the
 5 same; or to alter any such meter; or in any way to hinder or interfere with the proper action
 6 or just registration of any such meter or device or make or cause to be made any
 7 connection of any appurtenance in such a manner as to use, without the consent of the
 8 city, any water without such water service being reported for payment or such water
 9 passing through a meter provided by the city and used for measuring and registering the
 10 quantity of water passing through the same.

11 *Mobile home park (approved)* shall mean a parcel of property zoned under provisions of the
 12 applicable city or county zoning regulations whose allowed and recognized use is the
 13 business of renting spaces or lots upon which mobile homes are placed and occupied as
 14 single-family dwellings and shall include any associated and allowed laundry and
 15 recreational and common facilities incidental thereto.

16 *New industrial source* shall mean any building, structure, facility, or installation which
 17 commenced construction after the publication of proposed pretreatment standards under
 18 Section 307(c) of the Clean Water Act as specified in 40 CFR 403.3(k)(1).

19 *Noncontact cooling water* shall mean water used for cooling which does not come into
 20 direct contact with a toxic pollutant, industrial waste or wastewater.

21 *Normal strength wastewater* shall mean wastewater which does not exceed the
 22 concentration of any constituent for which a normal strength wastewater limit has been
 23 established by the general manager of utilities or his/her designee. A copy of the
 24 established normal strength wastewater limits shall be kept on file in the office of the
 25 general manager for utilities or his/her designee and made available on request. Customers
 26 discharging wastewater containing any constituent exceeding a normal strength
 27 wastewater limit may be charged for excess strength wastewater according to Appendix A.
 28 with constituents which do not exceed the following limits:
 29

Constituent	Maximum Concentration (mg/l)
Total solids	700
Volatile	490
Fixed	210
Total suspended solids	250
Volatile	175
Fixed	75
Total dissolved solids	450
Volatile	315
Fixed	135
BOD (5-day)	250

COD	375
Total kjeldahl nitrogen	65
Organic	25
Ammonia nitrogen	40
Nitrate/nitrite nitrogen	40
Chlorides	75
Alkalinity	150
Fats	30
Total phosphorus	15

- 1
- 2 *Off-site facilities* shall mean water mains, wastewater lines, force mains and lift stations
- 3 constructed to connect on-site facilities with the nearest point in the base system at which
- 4 adequate capacity is available to meet the requirements of the new services.
- 5 *Oil/water separator* shall mean a device designed to remove oil (e.g. petroleum-based)
- 6 from the wastestream while allowing the remaining wastewater to be discharged to the
- 7 wastewater collection system by gravity.
- 8 *On-site facilities* shall mean the water mains, services, meters, fire hydrants, wastewater
- 9 lines, force mains, lift stations and pretreatment equipment installed within a residential,
- 10 commercial or industrial development. It includes those facilities in peripheral streets and
- 11 easements constructed wholly or in part for use by that development.
- 12 *Oversized facilities* shall mean a facility designed in size and location by the city to be
- 13 larger than that required to serve the applicant's project and greater than the following
- 14 minimum criteria:
- 15 (1) Water main: eight inches;
- 16 (2) Gravity wastewater line: eight inches;
- 17 (3) Force mains: four inches.
- 18 In certain instances, oversizing may also refer to the routing or location of a water or
- 19 wastewater facility by the city at a greater length than that required to serve the applicant's
- 20 project.
- 21 *Pass through* shall mean a discharge from the city's wastewater treatment works into
- 22 waters of the United States in quantities or concentrations which alone or in conjunction
- 23 with a discharge or discharges from other sources, is a cause of a violation of any
- 24 requirement of the city's NPDES permit or any federal or state law. This includes an
- 25 increase in the magnitude or duration of a violation.
- 26 *pH* shall mean the measure of the acidity or alkalinity of a solution, expressed in standard
- 27 units.
- 28 *Point of delivery or connection:*
- 29 (1) *Water service* shall mean the point where the city's water meter nipple is connected
- 30 with the pipe of the customer, and where water service to the customer begins.
- 31 (2) *Wastewater service* shall mean the point where the service lateral crosses the
- 32 customer's property line.

1 *Pollutant* shall mean any toxic pollutant, dredged, spoiled, solid waste (as defined in 40
2 CFR 261), incinerator residue, garbage, grease, sludge, munitions, chemical wastes,
3 biological materials, radioactive materials, heat, wrecked or discharged equipment, rock,
4 sand, dirt; any industrial, municipal or agricultural waste discharged into water; or any
5 material designated by the general manager for utilities or his/her designee on the basis
6 that the material has a reasonable potential for adversely affecting the city's wastewater
7 system.

8 *Pretreatment* shall mean the reduction of the amount of pollutants, the elimination of
9 pollutants or the alteration of the nature of pollutants in wastewater to a less harmful state
10 prior to, or in lieu of, discharging or otherwise introducing such pollutants into the city
11 wastewater system. The reduction or alteration can be obtained by physical, chemical or
12 biological processes; process changes; or by facility process changes or other means,
13 except by diluting the concentration of the pollutants.

14 *Pretreatment standards* or *standards* shall mean prohibited discharge standards,
15 categorical pretreatment standards, and ~~instantaneous maximum~~ local discharge limits.

16 *Prohibited discharge standards* or *prohibited discharges* shall mean absolute prohibitions
17 against the discharge of certain substances.

18 *Residential service* shall mean service to a single living unit located in a single-family or
19 multiple-family dwelling or a living unit consisting of a sorority, fraternity, cooperative
20 housing unit of a college or university or other nonprofit group living unit. A living unit shall
21 be a place where people reside on a nontransient basis containing a room or rooms
22 comprising the essential elements of single housekeeping unit. Each separate facility for
23 the preparation, storage and keeping of food for consumption within the premises shall
24 cause a housekeeping unit to be construed as a single living unit. All water supplied shall
25 be through a single meter at a single point of delivery.

26 *Rooming unit* shall mean a room or rooms used as a place where sleeping or
27 housekeeping accommodations are provided for pay to transient or permanent guests.

28 *Septic tank waste* shall mean any wastewater from holding tanks from vessels, chemical
29 toilets, campers, trailers, and septic tanks.

30 *Service* shall mean the readiness and ability on the part of the city to furnish water or
31 wastewater service to the customer on demand. Thus, the maintenance of water pressure
32 at the point of delivery or presence of a wastewater service lateral shall constitute the
33 rendering of service, irrespective of whether the customer makes any use thereof.

34 *Significant industrial user* shall mean:

35 (1) Any industrial user subject to categorical pretreatment standards.
36 (2) Any industrial user that discharges an average of 25,000 gallons per day or more of
37 process wastewater to the city wastewater system or contributes five percent or more of the
38 dry weather hydraulic or organic capacity of the city wastewater system, excluding sanitary
39 and noncontact cooling and boiler blowdown wastewater.
40 (3) Any industrial user designated significant by the general manager for utilities or
41 his/her designee on the basis that the industrial user has a reasonable potential for
42 adversely affecting the city's wastewater collection system, treatment process, or any
43 wastewater system operation or for violating any federal, state, or local discharge limit or
44 standard.

1 *Slug discharge* shall mean any discharge of a nonroutine, episodic nature which could
2 cause a violation of the prohibited discharge standards.
3 *Standard Industrial Classification (SIC) Code* shall mean a classification pursuant to the
4 Standard Industrial Classification Manual issued by the United States Office of
5 Management and Budget.
6 *Standby fire line* shall mean the pipe, isolating valve, detector check valves and fittings of
7 the city which extend from the water main to the fire line pipes of the customer and which
8 are used for supplying water exclusively for fire protection purposes. Point of service for
9 standby fire lines shall be on the customer's side of the detector check valve vault.
10 *Stormwater* shall mean any flow occurring during or following any form of natural
11 precipitation, and resulting from such precipitation, including snowmelt.
12 *Subdivision* shall mean a division of a lot, tract or parcel of land or water into two or more
13 lots, plots, sites or other subdivisions of land or water for the purpose, whether immediate
14 or future, of sale, rent, lease, building development or other use, and which further includes
15 the term "subdivide," meaning to divide land by conveyance or improvement into lots,
16 blocks, parcels, tracts or other portions.
17 *Suspended solids* means the total suspended matter that floats on the surface of, or is
18 suspended in water, wastewater, or other liquid, and which is removable by filtering with a
19 1.2 micrometer pore diameter filter.
20 *Toxic pollutant* shall mean any pollutant listed as a priority pollutant in 40 CFR 401.15.
21 *Wastewater* shall mean the liquid and water-carried industrial or domestic wastes from
22 dwellings, commercial buildings, industrial facilities and institutions together with any
23 groundwater, surface water and stormwater that may be present, whether treated or
24 untreated, which is contributed into or permitted to enter the wastewater system.
25 *Wastewater line* shall mean a pipe which carries wastewater and to which storm and
26 surface waters and groundwaters are not intentionally admitted.
27 *Wastewater service lateral* shall mean wastewater connection extending from the collecting
28 wastewater line in the street to a customer's property line or from the collecting wastewater
29 line in an easement to the easement line.
30 *Wastewater system* shall mean the entire wastewater utility system that services the needs
31 of the customer which includes treatment facilities, collection lines, lift stations, force mains
32 and all other related appurtenances incidental thereto.
33 *Water system* shall mean that entire water utility system that services the needs of the
34 customer which includes treatment facilities, transmission, distribution and fire protection
35 lines, meters and all other related appurtenances incidental thereto.

36
37
38 **Section 2.** Section 27-180.1 of the Gainesville Code of Ordinances is hereby
39 amended to read as follows:

40
41

1 **Section 27.180.1 Same—Prohibited substances**

2 (a) No user shall introduce or cause to be introduced into the wastewater system any
3 pollutant or wastewater, which either singly or by interaction with other pollutants causes
4 pass through or interference. This general prohibition applies to all users of the wastewater
5 system whether or not they are subject to categorical pretreatment standards or any other
6 federal, state, or local pretreatment standards or requirements.

7 (b) It shall be unlawful for any person willfully or with culpable negligence to discharge or
8 cause to be discharged into the wastewater system of the city any substance which:

9 (1) Is harmful to the wastewater system, or is hazardous to the wastewater system
10 because it contains flammable or explosive liquids, solids or gases, which by reason of
11 their nature or quantity are, or may be, sufficient, either alone or by interaction with other
12 substances, to cause fire or explosion or be injurious in any other way to the wastewater
13 system or to the operation of the wastewater system. No substance may be discharged
14 with a closed cup flashpoint of less than 60° C (140° F) using test methods specified in 40
15 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at the
16 point of discharge into the system (or at any point in the system) be more than five percent,
17 nor any single reading over ten percent, of the lower explosive limit (LEL) of the meter.
18 Such materials shall include, but are not limited to, gasoline, kerosene, naphtha, benzene,
19 toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates,
20 bromates, carbides, hydrides and sulfides and any other substances which the city
21 determines to be a fire hazard, health hazard or a hazard to the system.

22 (2) Has a temperature which would have adverse effects on the wastewater system. In
23 no case shall discharges cause the temperature of influent to the wastewater treatment
24 plant to exceed 40° C (104° F).

25 (3) May cause stoppages in the wastewater system because of size, quantity, volume or
26 any other characteristic. Solid or viscous substances which may cause obstruction to the
27 flow in the sewer or other interference with the operation of the wastewater treatment
28 facilities shall not be discharged into the wastewater system.

29 (4) ~~Has a pH less than 5.5 or more than 11.0, or wastewater having any other corrosive~~
30 ~~property~~ corrosive properties capable of causing damage or hazard to structures,
31 equipment and/or personnel of the wastewater system.

32 (5) May cause the wastewater system's effluent or any other product of the wastewater
33 system, such as residues, sludges or scums to be unsuitable for reclamation and reuse, or
34 to interfere with the reclamation process.

35 (6) Contains any pollutant, including oxygen demanding pollutants (BOD, etc.), released
36 at a flow rate and/or pollutant concentration which either singly or by interaction with other
37 pollutants, will cause interference or pass through in the wastewater system. No user shall
38 discharge flow at a rate that will be disruptive to the wastewater system or cause
39 interference or pass through in the wastewater system.

40 (7) Results in the presence of toxic gases, vapors, or fumes in any part of the
41 wastewater system in a quantity that may cause acute worker health and safety problems.

42 (8) Contains pollutants in sufficient quantity, either singly or by interaction with other
43 pollutants, which constitute a hazard to humans or animals, or create a toxic effect in the
44 receiving waters of the wastewater system.

1 (9) ~~Contains waste exceeding the instantaneous maximum local discharge limit of any~~
2 ~~parameter listed below pollutant for which a limit has been established by the general~~
3 ~~manager for utilities or his/her designee using standard procedures, calculations and~~
4 ~~methods acceptable to the Florida Department of Environmental Protection (FDEP) to~~
5 ~~protect against pass through, interference, protection of wastewater system employees,~~
6 ~~and adverse affects on wastewater residuals disposal. Such limits shall be included as~~
7 ~~permit conditions and attached to each industrial wastewater discharge permit issued.~~
8 ~~The established local discharge limits, incorporated by reference herein, are subject to~~
9 ~~change and may be modified as needed based on regulatory requirements and standards,~~
10 ~~wastewater system operation, performance and processes, the industrial user base,~~
11 ~~potable water quality and domestic wastewater characteristics. Modifications to the~~
12 ~~established local discharge limits must be reviewed and approved by FDEP prior to~~
13 ~~implementation. Implementation shall be effective 30 days from notice of acceptance of the~~
14 ~~modified discharge limits by FDEP. Permitted significant industrial users shall also be~~
15 ~~issued an addendum to their wastewater discharge permit containing the revised local~~
16 ~~discharge limits. A copy of the approved local discharge limits shall be kept on file in the~~
17 ~~office of the general manager for utilities or his/her designee and made available on~~
18 ~~request.~~
19

Parameter	Instantaneous Maximum Discharge Limit (mg/L)
Arsenic	0.15
Barium	450
Cadmium	0.08
Chromium	3.0
Copper	0.5
Cyanide	0.15
Fluoride	20
Iron	100
Lead	0.2
Manganese	7.0
Mercury	0.0002
Molybdenum	0.35
Nickel	0.8
Oil and Grease	100
pH, lower limit (standard units)	5.5
pH, upper limit (standard units)	11.0
Selenium	0.15
Silver	0.1
Zinc	2.5

- 1 (10) Discharge limits for sulfate, sulfide, and organic pollutants ~~not included in this~~
2 ~~section~~ shall be determined by the general manager for utilities or his/her designee with
3 considerations for acceptable worker exposure levels or prevention of damage, interference
4 or pass through in the wastewater system, whichever provides the lower discharge limit.
- 5 (11) The Local discharge limits ~~in this section~~ shall apply at the point where the
6 wastewater is discharged to the wastewater system. All concentrations for metallic
7 substances are for "total" metal.
- 8 (c) No user shall ever increase the use of process water, or, in any way, attempt to dilute
9 a discharge as a partial or complete substitute for adequate treatment, to achieve
10 compliance with ~~an instantaneous maximum daily~~ a local discharge limitation, prohibited
11 discharge standard, or categorical pretreatment standard. The general manager for utilities
12 or his/her designee may impose mass limitations when appropriate.
- 13 (d) No user shall discharge petroleum oil, nonbiodegradable cutting oil, or products of
14 mineral oil origin in amounts that will cause interference or pass through in the wastewater
15 system.
- 16 (e) No user shall discharge trucked or hauled wastes to the wastewater system except at
17 points designated by special agreement with the city.
- 18 (f) The city may establish standards for substances not contained in this section.
- 19 (g) The National Categorical Pretreatment Standards found at 40 CFR Chapter I,
20 Subpart N and Chapter 62-660, F.A.C., as may be amended from time to time, are hereby
21 incorporated by reference.
22

23 **Section 3.** Section 27-180.7 of the Gainesville Code of Ordinances is hereby
24 amended to read as follows:

25 **Section 27-180.7 Same –Enforcement**

- 26 (a) *Inspection.* The general manager for utilities or his/her designee may enter the
27 premises of any industrial user to determine whether the user is complying with all
28 requirements of this section and any industrial wastewater discharge permit. Industrial
29 users shall allow the general manager for utilities or his/her designee ready access to all
30 parts of the premises for the purposes of inspection, sampling, records examination, and
31 copying and the performance of any additional duties. The general manager for utilities or
32 his/her designee may remove records for the purposes of copying if copying facilities are
33 not available on the premises.
- 34 (b) *Search warrants.* If the general manager for utilities or his/her designee has been
35 refused access to the premises and is able to demonstrate probable cause to believe that
36 there may be a violation of sections 27-180 and 27-180.1 through 27-180.7, or that there is
37 a need to inspect and or sample as part of a routine inspection and sampling program of
38 the city designed to verify compliance with sections 27-180 and 27-180.1 through 27-180.7
39 or any industrial wastewater discharge permit or to protect the public health, safety, and
40 welfare of the community, then the general manager for utilities or his/her designee may
41 seek issuance of search warrant from the appropriate court of law.

- 1 (c) *Notification of violation.* Whenever the general manager for utilities or his/her
2 designee finds that a user has violated or continues to violate any provision of this division,
3 industrial wastewater discharge permit, compliance schedule, or any order issued in
4 association with this division, the general manager for utilities or his/her designee may
5 serve on the user a written notice of violation. Within 15 days of the receipt of this notice,
6 an explanation of the violation and a plan for the satisfactory correction and prevention of
7 the violation shall be submitted by the user to the general manager for utilities or his/her
8 designee. Nothing in this provision shall be interpreted to require the general manager for
9 utilities or his/her designee to issue a notice of violation before taking any action including
10 emergency actions or any other enforcement action.
- 11 (d) *Remedies nonexclusive.* The remedies provided for in this division are not exclusive.
12 Generally, enforcement action procedures will be conducted in accordance with the city
13 industrial pretreatment program enforcement response plan ("enforcement plan") on file in
14 the office of the general manager for utilities or his/her designee, incorporated by reference
15 herein, copies of which are available upon request. However, the general manager for
16 utilities or his/her designee may take other action against any user when circumstances
17 warrant and may take more than one enforcement action against any user in
18 noncompliance with this section including, but not limited to, action under the provision
19 chapter 2, article III, division 8.
- 20 (e) *Publication of users in significant noncompliance.* The general manager for utilities or
21 his/her designee shall publish annually, in the largest daily newspaper published in the city,
22 a list of the users which, during the previous 12 months, were in significant noncompliance
23 with applicable pretreatment standards and requirements. An industrial user is in significant
24 noncompliance if its violation meets one or more of the following criteria:
- 25 (1) Chronic violations of wastewater discharge limits, defined as those in which 66
26 percent or more of all the wastewater measurements taken during a six-month period
27 exceed (by any magnitude) the daily maximum limit or the average limit for the same
28 pollutant parameter;
- 29 (2) Technical review criteria (TRC) violations, defined as those in which 33 percent or
30 more of all the measurements for any pollutant parameter taken during a six-month period
31 equal or exceed the product of the daily maximum limit or the average limit multiplied by the
32 applicable TRC (TRC = 1.4 for conventional pollutants such as pH, BOD, TSS, Total Oil
33 and Grease; TRC = 1.2 for all other pollutants except %LEL and pH). ~~For pH, the TRC is~~
34 ~~applied to the hydrogen ion concentration.~~ For %LEL, any reading in excess of the
35 industrial wastewater discharge permit or limit set forth in this division shall be significant
36 noncompliance.
- 37 (3) Any violation of a pretreatment effluent limit (daily maximum or longer-term average)
38 that the general manager for utilities or his/her designee determines has caused, alone or
39 in combination with other discharges, interference or pass through (including endangering
40 the health of city employees or the general public).
- 41 (4) Any discharge that has resulted in the general manager for utilities or his/her
42 designee's exercise of emergency authority (under 62-625.500(2)(a)5.b. F.A.C.) to halt or
43 prevent such a discharge.

- 1 (5) Failure to meet, within 90 days after the schedule date, a compliance schedule
2 milestone contained in a control mechanism or enforcement order for starting construction,
3 completing construction, or attaining final compliance;
- 4 (6) Failure to provide, within 30 days after the due date, required reports such as
5 baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports,
6 and reports on compliance with compliance schedules;
- 7 (7) Failure to accurately report noncompliance;
- 8 (8) Any other violation or group of violations which the general manager for utilities or
9 his/her designee determines will adversely affect the operation or implementation of the
10 pretreatment program, except when the state department of environmental protection is
11 acting as the control authority.
- 12 (f) *Compliance schedules.* The general manager for utilities or his/her designee may
13 issue a compliance schedule to any industrial user that has violated, or continues to violate,
14 any provision of this section or an industrial wastewater discharge permit, directing that the
15 user come into compliance within a specified time. Such schedules shall contain
16 increments of progress in the form of dates for the commencement and completion of major
17 events leading to schedule completion and compliance with documentation being required
18 upon completion of each major event. Compliance schedules may also contain other
19 requirements to address the noncompliance including additional self-monitoring and
20 management practices. If the user does not come into compliance within the time provided,
21 sewer service may be discontinued unless adequate treatment facilities are installed and
22 properly operated. Compliance schedules shall not relieve the user of liability for any
23 violation nor preclude the general manager for utilities or his/her designee from taking
24 further action against the user.
- 25 (g) *Liability.* Any user who discharges a substance prohibited by this section shall be
26 responsible for the payment of all costs incurred by the city to stop the discharge, remove
27 the unlawful substance from the wastewater system, and make necessary repairs to the
28 system. The existence of an affirmative defense as provided herein shall not relieve the
29 user of the obligations in this subsection (g).
- 30 (h) *Fines.* In accordance with Rule 62-625.500(2)(a)5., F.A.C. as amended, a fine of up
31 to \$1,000.00 per violation per day determined in accordance with the enforcement plan
32 shall be assessed against the user for violations of any provision of this section, industrial
33 wastewater discharge permit, compliance schedule, or any order issued in association with
34 this section. Assessment of a fine does not relieve a user of any applicable charges
35 contained in Appendix A, including excess strength charges.
- 36 (i) *Permit revocation.* Any industrial user who commits the following offenses is subject to
37 having his/her industrial wastewater discharge permit revoked, in accordance with the
38 procedures set forth in this section:
- 39 (1) Failure of an industrial user to factually report the wastewater constituents and
40 characteristics of his/her discharge;
- 41 (2) Failure of an industrial user to report changes in operations which significantly affect
42 wastewater constituents and characteristics;
- 43 (3) Refusal of reasonable access to an industrial user's premises for the purposes of
44 inspection or monitoring; or
- 45 (4) Violation of conditions of the permit.

1 (j) *Enforcement action hearing.* The general manager for utilities or his/her designee may
2 require any user who has violated or is violating this division, an industrial wastewater
3 discharge permit or any prohibition or requirement contained therein, to attend an
4 enforcement action hearing. A notice shall be served on the customer specifying the time
5 and place of the hearing, which will be held by the general manager for utilities or his/her
6 designee, regarding the violation and the proposed enforcement action, and directing the
7 customer to show cause before the general manager for utilities or his/her designee why
8 the proposed enforcement action should not be taken. The notice of the hearing shall be
9 served personally on the customer or by registered or certified mail (return receipt
10 requested) at least 20 days before the hearing. Service may be made on a duly appointed
11 authorized representative of the user.

12 At any hearing held pursuant to this section, testimony taken must be under oath and tape-
13 recorded. The transcript so recorded will be made available to any member of the public or
14 any party to the hearing, upon payment of the usual charges therefore.

15 After the general manager for utilities or his/her designee has reviewed the evidence,
16 he/she may issue an order to the customer responsible for the discharge, directing that
17 following a specified time period sewer service and/or the industrial wastewater discharge
18 permit may be discontinued, unless and until adequate treatment facilities, devices or other
19 related appurtenances shall be installed and are properly operating on existing treatment
20 facilities, devices and other related appurtenances. Further orders and directives as are
21 necessary and appropriate may also be issued by the general manager for utilities or
22 his/her designee.

23 Any customer aggrieved by an order issued by the general manager for utilities or his/her
24 designee may appeal the order to a court of competent jurisdiction within 30 days from the
25 date the order is reduced to writing and delivered by certified or registered mail (return
26 receipt requested) to the user.

27 (k) *Injunctive relief.* If any user discharges wastes to the wastewater system contrary to
28 the provisions of this division, federal or state pretreatment requirements, or any order of
29 the general manager for utilities or his/her designee, the city attorney may commence any
30 action for appropriate legal and/or equitable relief in the appropriate court.

31 (l) *Emergency suspension of service.* The general manager for utilities or his/her
32 designee may suspend the wastewater treatment service and/or an industrial wastewater
33 permit when necessary to stop an actual or threatened discharge which presents or may
34 present an imminent or substantial danger to the health or welfare of the public or the
35 environment or cause damage or interference to the wastewater system. Any user notified
36 of a need to sever wastewater treatment service and/or suspend the industrial wastewater
37 permit shall immediately stop or eliminate the discharge in question. In the event of a failure
38 of the user to comply voluntarily with a suspension or severance notice, the general
39 manager for utilities or his/her designee shall take such steps as deemed necessary to
40 prevent or minimize danger to the health or welfare of the public or the environment or to
41 prevent damage or interference to the wastewater system. Such steps may include
42 immediate severance of the sewer connection and/or suspension of the industrial
43 wastewater permit. The general manager for utilities or his/her designee may reinstate
44 wastewater treatment service upon satisfactory demonstration of the elimination of the non-
45 compliant discharge and of adequate measures taken to prevent non-compliant discharges

1 in the future. A detailed written statement submitted by the user describing the causes of
2 the non-compliant discharge and measures taken to prevent a future occurrence shall be
3 submitted to the general manager for utilities or his/her designee within 15 days of the date
4 of occurrence.

5 (m) *Criminal prosecution.* Criminal violations of this division may subject the user to
6 prosecution under applicable state, federal, and local laws.

7 (n) *Affirmative defense.* Affirmative defenses shall be available to an industrial user as
8 provided in F.A.C. 62-625.400(1)(b), 62-625.840 and 62-625.860, which by this reference
9 are incorporated herein.
10

11 **Section 4.** Appendix A, Section Utilities (4) Sewerage, subparagraph d. Rates

12 for excess strength wastewater, is hereby amended to read as follows:

13 d. Rates for excess strength wastewater (§ 27-169):

14 1. A customer discharging excess strength wastewater into the city's wastewater system
15 shall be assessed a laboratory charge based on the cost of collecting and analyzing
16 samples used to determine the strength and characteristics of the waste.

17 2. Where automatic sampling equipment is required by the city or requested by the
18 customer and such equipment is owned and/or maintained by the city, a monthly sampling
19 charge shall be assessed based on the cost to the city of operation and maintenance of the
20 equipment plus depreciation.

21 3. A customer discharging excess strength waste into the wastewater system shall be
22 assessed normal strength wastewater charges in addition to excess strength charges
23 calculated according to the following formula:

24 $[Y/X - 1] \times [Z] \times [0.5 \times A]$

Y = Measured concentration of the wastewater constituent.

X = Concentration of constituent in normal strength wastewater.

Z = Thousands of gallons of excess strength wastewater discharge into the city's
wastewater system.

A = Normal strength wastewater rate per thousand in [subsection] c.5(i) above.

25
26 Note: ~~Excess strength charges shall be applicable only to the following conventional~~
27 ~~constituents: COD, BOD, total suspended solids, nitrogen and phosphorus. When COD is~~
28 ~~indicative of the excess wastewater strength, it shall be the preferred measurement~~
29 ~~parameter. Where the wastewater contains more than one excess strength constituent, the~~
30 ~~charge shall be based on the constituent which results in the greatest charge. to any~~

1 parameter for which a normal strength limit has been established by the general manager
2 for utilities or his/her designee.
3

4 **Section 5.** Section 27-135 of the Gainesville Code of Ordinances is hereby
5 amended to read as follows:

6 Section 27-135 Cross-connection control programs.

7 (a) The "Manual of Cross-Connection Control," ("manual") promulgated by the
8 general manager for utilities or his/her designee, as amended from time to time is hereby
9 adopted and incorporated by reference as part of this section. The purpose of the cross
10 connection control program is to protect the health, safety, and welfare of those persons
11 consuming potable water from the city water system through preventing waterborne
12 diseases and contaminants from entering the distribution system. The program is intended
13 to prevent water from private plumbing systems, which could contain water borne diseases
14 and contaminants, from entering the public water system through backflow or cross
15 connection.

16 (b) The prevailing "Manual of Cross-Connection Control" shall be deposited with and
17 maintained by the general manager for utilities or his/her designee and copies thereof shall
18 be available therein for public use, inspection and examination. This manual lists the type
19 of facilities and plumbing devices that require backflow prevention.

20 (c) Under the rules of the Florida Department of Environmental Regulation Protection,
21 Section 17-22.107, 62-555.360, F.A.C., relating to cross connection, the city has the
22 primary responsibility to prevent water from unapproved sources, or any other substances,
23 from entering the water system. Therefore, upon detection of a prohibited cross-connection,
24 the city is directed to either eliminate the cross-connection by requiring the installation of an
25 appropriate backflow prevention or discontinue service until the contamination source is
26 eliminated.

27 (d) The customer's responsibility starts at the water service connection from the city
28 potable water system. The costs of installing, operating and maintaining backflow
29 preventers shall be the responsibility of the customers required by the general manager for
30 utilities or his/her designee to install and maintain backflow prevention. The customer shall
31 maintain accurate records of the test and repairs made to the backflow prevention devices
32 and provide the city with copies of such records as required in the manual.

33 (e) In the event of accidental contamination of the public or customer's potable water
34 supply system due to backflow from the customer's premises, the customer shall promptly
35 take steps to confine further spread of the contamination with the customer's premises and
36 shall immediately notify the city of the hazardous condition.

37 (f) The provisions in subsections (a) through (c) notwithstanding, the requirements for the
38 installation of a backflow preventer may be waived at the discretion of the general manager
39 for utilities or his/her designee, if such official finds that adequate protection against cross-
40 connections is being provided by the customer.

1 (g) Service of water to any premise may be disconnected by the city if a required backflow
2 prevention device is not installed, tested and maintained as required in the manual or has
3 been removed or bypassed, or if unprotected cross-connections exist on the premises and
4 there is inadequate backflow protection at the service connection. Water service will not be
5 restored until such conditions or defects are corrected. All turn-off and turn-on service
6 charges shall be paid by the consumer.
7

8 **Section 6.** All ordinances in conflict herewith, to the extent of such conflict are
9 hereby repealed.


10 **Section 7.** If any portion of this ordinance is declared invalid by a court of
11 competent jurisdiction, such invalidity shall not affect the remaining provisions of this
12 ordinance.

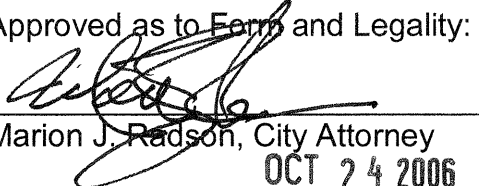
13 **Section 8.** This ordinance shall become effective immediately upon its
14 adoption.

15 PASSED and ADOPTED this 23rd day October, 2006.

16
17 
18 Pegeen Hanrahan
19 Mayor

20 ATTEST:

21
22 
23
24 Kurt M. Lannon, Jr.
25 Clerk of the Commission
26
27
28

29 Approved as to Form and Legality:
30 
31 Marion J. Radson, City Attorney
OCT 24 2006

29 This ordinance passed on first reading this 9th day October 9, 2006.
30 This ordinance passed on second reading this 23rd day of October, 2006.
31