

LEGISLATIVE #

120211

ORDINANCE NO. 120211

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3
4 AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING
5 CHAPTER 27, DIVISION 3, SEWERAGE, OF THE GAINESVILLE CODE OF
6 ORDINANCES; BY AMENDING SECTION 27-180, "PRETREATMENT
7 PROGRAM – GENERALLY," RELATING TO OBJECTIVES AND
8 IMPLEMENTATION; AMENDING SECTION 27-180.1 "SAME - PROHIBITED
9 SUBSTANCES" RELATING TO STANDARDS AND REQUIREMENTS;
10 AMENDING SECTION 27-180.3, "SAME – PERMITTING" RELATING TO
11 REQUIREMENTS FOR INDUSTRIAL WASTES; AMENDING SECTION 27-
12 180.4 "SAME - MONITORING, REPORTING AND NOTIFICATION,"
13 RELATING TO SEMI-ANNUAL COMPLIANCE REPORTS; AMENDING
14 SECTION 27-180.5 "SAME - PRETREATMENT FACILITIES AND
15 MONITORING EQUIPMENT" RELATING TO OPERATING PROCEDURES
16 FOR HANDLING HARMFUL WASTE; AMENDING SECTION 27-180.6
17 "SAME – ACCIDENTAL DISCHARGE/SLUG PREVENTION" RELATING TO
18 PROCEDURES FOR SLUG DISCHARGE; AMENDING SECTION 27-180.7
19 "SAME – ENFORCEMENT" RELATING TO COMPLIANCE AND
20 INSPECTIONS; AMENDING SECTION 27-180.8 "SAME – REGULATION OF
21 WASTEWATER RECEIVED FROM OTHER JURISDICTIONS" RELATING
22 TO INTER-JURISDICTIONAL AGREEMENTS; PROVIDING A REPEALING
23 CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A
24 SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE
25 DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.
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28 **WHEREAS**, at least ten (10) days notice has been given of the public hearings once by publication
29 in a newspaper of general circulation notifying the public of this proposed ordinance and of the public
30 hearings in the City Commission meeting room, first floor, City Hall, City of Gainesville; and

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

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

35 **Section 1.** Section 27-180, "Pretreatment program—Generally," subsections (a)(1), a(3), a(4)
36 and subsection (c) of the Gainesville Code of Ordinances, is hereby amended to read as follows:

37
38 **Sec. 27-180. Pretreatment program--Generally.**

39 (a) The objectives of this section are to:

- 40 (1) Prevent the introduction of pollutants into the city wastewater treatment system that will
41 cause interference with its operation or pass through inadequately treated into receiving
42 waters or biosolids.

1 (3) Ensure compliance of the city with applicable federal and state laws including section
2 402 of the Clean Water Act (specifically 40 CFR Part 403), and Chapter 62-625 and Chapter
3 62-640 of the Florida Administrative Code.

4 (4) To promote reuse and recycling of reclaimed water, biosolids, and industrial wastewater
5 and sludge from the wastewater system.

6 (c) Except as otherwise provided herein, the general manager for utilities shall administer, implement,
7 and enforce the provisions of this section. Any powers granted to or duties imposed upon the general
8 manager for utilities may be delegated by the general manager for utilities to a duly authorized city
9 employee.

10
11 **Section 2.** Section 27-180.1, "Same --Prohibited substances," subsections (b)(9), (f) and subsection
12 (h) of the Gainesville Code of Ordinances, is hereby amended to read as follows:

13
14 **Sec. 27-180.1. Same--Prohibited substances.**

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

17 (9) Contains waste exceeding the local discharge limit of any pollutant for which a limit has
18 been established by the general manager for utilities or his/her designee using standard
19 procedures, calculations and methods acceptable to the Florida Department of
20 Environmental Protection (FDEP) to protect against pass through, interference, protection of
21 wastewater system employees, and adverse effects on wastewater ~~residuals~~ biosolids
22 disposal. Such limits shall be included as permit conditions and attached to each industrial
23 wastewater discharge permit issued. The established local discharge limits, incorporated by
24 reference herein, are subject to change and may be modified as needed based on
25 regulatory requirements and standards, wastewater system operation, performance and
26 processes, the industrial user base, potable water quality and domestic wastewater
27 characteristics. Modifications to the established local discharge limits must be reviewed and
28 approved by FDEP prior to implementation. Implementation shall be effective 30 days from
29 notice of acceptance of the modified discharge limits by FDEP. Permitted significant
30 industrial users shall also be issued an addendum to their wastewater discharge permit
31 containing the revised local discharge limits. A copy of the approved local discharge limits
32 shall be kept on file in the office of the general manager for utilities or his/her designee and
33 made available on request.

34 (f) The city may establish, by ordinance or in individual wastewater discharge permits, more
35 stringent standards or requirements or standards for substances not contained in this section for
36 discharges to the wastewater system consistent with the purpose of this division.

1 (h) When wastewater subject to a National Categorical Pretreatment Standard is mixed with
2 wastewater not regulated by the same Standard, the general manager for utilities or his/her designee
3 shall impose an alternate limit in accordance with Rule 62-625.410 F.A.C.
4

5 **Section 3.** Section 27-180.3, "Same—Permitting," subsections (a)(4), (a)(7-8), (b), and
6 subsection (i) of the Gainesville Code of Ordinances, is hereby amended to read as follows:
7

8 **Sec. 27-180.3. Same--Permitting.**

9 (a) Industrial wastes shall not be discharged into the wastewater system without written permission
10 of the general manager for utilities or his/her designee. All significant industrial users who are
11 proposing to connect or contribute to the wastewater system shall obtain an industrial wastewater
12 discharge permit before connecting to or contributing to the wastewater system. Industrial wastewater
13 discharge permits shall contain but are not limited to the following conditions:

14 (4) Limits. Effluent limits, including Best Management Practices, shall be specified based on
15 applicable pretreatment standards.

16 (7) Slug Discharges. The permit shall contain requirements to control slug discharges if
17 determined by the general manager for utilities or his/her designee to be necessary.

18 (8) Monitoring Waiver. The permit shall include any grant of a monitoring waiver and shall
19 specify the process for seeking a waiver from monitoring for a pollutant either not present or
20 not expected to be present in the industrial user's wastewater discharge in accordance with
21 Sec. 27-180.4(r).

22 (b) Significant industrial users, and any other user required to obtain a wastewater discharge permit
23 by the general manager for utilities or his/her designee, shall be required to complete an industrial
24 wastewater discharge application as provided by the general manager for utilities or his/her designee
25 prior to receiving a permit.

26 (i) The general manager for utilities or his/her designee may require any user connected prior to the
27 effective date of this division to obtain an industrial wastewater discharge permit.

28 **Section 4.** Section 27-180.4, "Same--Monitoring, reporting and notification," subsections (b), (c),
29 (e), (f), (i), (l), (m), (p), (q) and subsection (r) of the Gainesville Code of Ordinances, is hereby amended to
30 read as follows:
31

32 **Sec. 27-180.4. Same--Monitoring, reporting and notification.**

33 (b) Categorical compliance report. Within 90 days following the date for final compliance with
34 applicable categorical pretreatment standards under Rule 62-660, or in the case of a new source
35 following commencement of the introduction of wastewater to the city wastewater system, any
36 industrial user subject to the pretreatment standard shall submit a report containing the information as
37 required in Rule 62-625.600(1)(d)--(ef). For users subject to equivalent mass or concentration
38 discharge limits established by the general manager for utilities or his/her designee in accordance
39

1 with the procedures in Rule 62-625.410(4), this report shall contain a reasonable measure of the
2 user's long term production rate. For all other users subject to categorical pretreatment standards
3 expressed in terms of allowable pollutant discharge per unit of production or other measure of
4 operation, this report shall include the user's actual production during the appropriate sampling
5 period. This report shall also meet the requirements of Sec. 27-180.4(g).

6 (c) *Semiannual compliance report.* Any significant industrial user discharging to the city wastewater
7 system is required to submit by January 31st and July 31st each year a report detailing the nature
8 and concentration of pollutants in their wastewater discharge, a record of the wastewater flow for the
9 period, and a summary of any changes to pretreatment equipment. The general manager for utilities
10 or his/her designee may require these reports more frequently to ensure industrial user compliance.
11 The general manager for utilities or his/her designee may reduce the reporting frequency to a
12 minimum of once per year, unless required more frequently in any applicable pretreatment standard
13 or unless required more frequently by the Florida Department of Environmental Protection, provided
14 that the industrial user meets all of the following conditions:

15 (1) The industrial user's total categorical wastewater flow does not exceed 0.01 percent of
16 the design dry weather hydraulic capacity of the water reclamation facility to which it
17 discharges, or 5,000 gallons per day, whichever is smaller, as measured by a continuous flow
18 monitoring device unless the industrial user discharges in batches.

19 (2) The industrial user's total categorical wastewater flow does not exceed 0.01 percent of
20 the design dry weather organic treatment capacity of the water reclamation facility to which it
21 discharges.

22 (3) The industrial user's total categorical wastewater flow does not exceed 0.01 percent of
23 the maximum allowable headworks loading for any pollutant regulated by any applicable
24 categorical pretreatment standard for which approved local limits have been developed for
25 the water reclamation facility to which it discharges in accordance with 62-625.400(3), F.A.C.

26 (4) The industrial user has not been in significant noncompliance in the past two years and
27 the industrial user does not have daily flow rates, production levels, or pollutant levels that
28 vary so much that decreasing the reporting requirement would result in data that are not
29 representative of conditions occurring during any reporting period pursuant to 62-
30 625.400(6)(c), F.A.C.

31 If changes occur at the industrial user's facility which cause it to no longer meet the
32 conditions of Sec. 27-180.4(c)(1)-(4), the industrial user must immediately notify the general
33 manager for utilities or his/her designee and the industrial user must immediately begin
34 reporting semiannually or more frequently as determined by the general manager for utilities
35 or his/her designee.

36 (e) *Self-monitoring.* The general manager for utilities or his/her designee may require self-
37 monitoring reports from industrial users as are deemed necessary to assess and ensure compliance
38 by industrial users with pretreatment standards and requirements including but not limited to the

1 reporting requirements set forth in Rule 62-6160 and the test procedures for wastewater analyses
2 found in 40 CFR Part 136, which are incorporated by reference as part of this section. All self-
3 monitoring reports shall be based on data obtained through sampling and analysis performed during
4 the period covered by the report. These data shall be representative of conditions occurring during
5 the reporting period.

6
7 (f) *Sample collection.* All wastewater samples shall be representative of the industrial user's
8 discharge. Wastewater monitoring and flow measurement equipment shall be properly operated and
9 maintained. The failure of an industrial user to maintain its monitoring equipment in good working
10 order shall not be grounds for the industrial user to claim that sample results are not representative of
11 its discharge. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and
12 volatile organic compounds shall be obtained using grab collection techniques. Using methods
13 specified in 40 CFR Part 136, multiple grab samples collected during a 24-hour period may be
14 composited prior to analysis as follows: for cyanide, total phenols, and sulfides the samples may be
15 composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may
16 be composited in the laboratory. All other samples shall be collected using flow proportional
17 composite techniques. The general manager for utilities or his/her designee may authorize the use of
18 time proportional sampling or a minimum of four grab samples. For sampling required in support of
19 baseline monitoring (Sec. 27-180.4(a)) and 90-day compliance reports (Sec. 27-180.4(b)), a minimum
20 of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile
21 organic compounds for industrial users for which historical sampling data do not exist; for industrial
22 users for which historical sampling data are available, the general manager for utilities or his/her
23 designee may authorize a lower minimum.

24 (i) *Prohibited discharge notification.* Any industrial user discovering in the course of self-monitoring
25 that any prohibited discharge limit has been exceeded shall notify the general manager for utilities or
26 his/her designee within 24 hours of learning of the discharge. This notification shall be followed within
27 30 days of the date of discovery of the violation by resampling of the parameter, reanalysis, and
28 submittal of a certified monitoring report. Such notification and resampling will not relieve the
29 industrial user of liability for any penalties or corrective action required due to the prohibited
30 discharge. Resampling by the industrial user is not required if the general manager for utilities or
31 his/her designee performs sampling at the industrial user's facility at least once per month, or if the
32 general manager for utilities or his/her designee performs sampling at the industrial user's facility
33 between the time when the initial sampling was performed and the time when the industrial user or
34 the general manager for utilities or his/her designee receives the results of this sampling, or if the
35 general manager for utilities or his/her designee has performed the sampling and analysis in lieu of
36 the industrial user.

37 (l) *Signatory and certification requirements.* Documents submitted by any industrial user for the
38 purposes of compliance with an industrial wastewater discharge permit or any requirement of this

1 section shall be signed by a duly authorized representative and contain the appropriate certification
2 statement ~~cited in Rule 62-625.410(2)(b)2.~~ determined as follows:

3 (1) Any industrial user submitting permit applications, baseline monitoring reports, reports on
4 compliance with any categorical pretreatment standard deadlines, periodic compliance or
5 monitoring reports, and any industrial user submitting an initial request to forego sampling of
6 a pollutant on the basis of Sec. 27-180.4(r) shall submit the certification statement found in
7 Rule 62-625.410(2)(b)2, F.A.C.

8 (2) Any industrial user determined by the general manager for utilities or his/her designee to
9 be a non-significant categorical industrial user shall submit the certification statement found in
10 Rule 62-625.600(17), F.A.C.

11 (3) Any industrial user that has a monitoring waiver approved by the general manager for
12 utilities or his/her designee in accordance with Sec. 27-180.4(r) shall submit each report with
13 the certification statement found in Rule 62-625.600(4)(c)5, F.A.C.

14 (m) Recordkeeping. All industrial users shall keep, for a minimum of three years, any documents
15 that are required by or developed to comply with this section or with an industrial wastewater
16 discharge permit including but not limited to monitoring data, notices of violation, documentation
17 associated with best management practices, and compliance reports. The record retention period
18 shall be extended for the duration of any litigation concerning the industrial user or the city, or where
19 the industrial user has been specifically notified of a longer retention time by the general manager for
20 utilities or his/her designee. Monitoring records shall include the following information: date and time
21 of sampling, sampling location, sampling method, name of the person collecting the sample, analysis
22 date, analyst name, analytical method, and results of analysis.

23 (p) Slug Discharge. All significant industrial users shall notify the general manager for utilities or
24 his/her designee immediately of any changes at its facility affecting the potential for a slug discharge.

25 (q) Best Management Practice Documentation. In cases where an industrial user is required to meet
26 compliance with a Best Management Practice (BMP) or pollution prevention alternative, the industrial
27 user must submit documentation as required by the general manager for utilities or his/her designee
28 to determine the compliance status of the industrial user.

29 (r) Monitoring Waiver of a Categorical Pretreatment Standard. The general manager for utilities or
30 his/her designee may authorize an industrial user subject to a categorical pretreatment standard to
31 forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user
32 has demonstrated through sampling and other technical factors that the pollutant is not present or
33 not expected to be present in the wastewater discharge, or present only at background
34 concentrations from intake water and without any increase in the pollutant due to the activities of the
35 industrial user. This authorization is subject to the following conditions:

36 (1) The waiver may be authorized if a pollutant is determined to be present solely due to the
37 sanitary wastewater discharged from the industrial user's premises provided that the sanitary

1 wastewater of the industrial user is not regulated by any applicable categorical standard and
2 otherwise includes no process wastewater.
3 (2) The waiver is valid only for the duration of the wastewater discharge permit. The industrial
4 user must submit a new request for a waiver before the waiver can be granted for each
5 subsequent wastewater discharge permit.
6 (3) The industrial user shall demonstrate that a pollutant is not present by submitting data to
7 the general manager for utilities or his/her designee from at least one sample of the industrial
8 user's process wastewater prior to any pretreatment and which is representative of all
9 wastewater from all processes.
10 (4) Non-detectable sample results may be used as a demonstration that a pollutant is not
11 present only if the EPA approved method from 40 CFR Part 136 with the lowest minimum
12 detection limit for that pollutant was used in the analysis.
13 (5) Any grant of a monitoring waiver by the general manager for utilities or his/her designee
14 shall be included as a condition in the industrial user's wastewater discharge permit. The
15 reasons supporting the waiver and any information submitted by the industrial user in its
16 request for the waiver shall be maintained by the general manager for utilities or his/her
17 designee for 3 years after expiration of the waiver.
18 (6) In the event that a waived pollutant is found to be present or is expected to be present
19 due to changes that occur in the industrial user's operations, the industrial user shall
20 immediately notify the general manager for utilities or his/her designee and shall comply with
21 the minimum monitoring requirements found in Sec. 27-180.4(c) or more frequent monitoring
22 as required by the general manager for utilities or his/her designee.
23 (7) No waiver shall be granted by the general manager for utilities or his/her designee unless
24 the industrial user's applicable categorical pretreatment standards allow such waivers.
25

26 **Section 5.** Section 27-180.5, "Same--Pretreatment facilities and monitoring equipment,"
27 subsection (a) and subsection (c) of the Gainesville Code of Ordinances, is hereby amended to read as
28 follows:
29

30 **Sec. 27-180.5. Same--Pretreatment facilities and monitoring equipment.**

31 (a) Pretreatment facilities and/or monitoring equipment shall be required for any waste that may be
32 harmful to equipment or the wastewater collection system, cause pass through or interference in the
33 wastewater system, or cause nuisance, odor, or stoppage problems in the wastewater system. Users
34 shall provide wastewater treatment as necessary to comply with this division and shall achieve
35 compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in
36 Section 27-180.1 within the time limitations specified by EPA, the Florida Department of
37 Environmental Protection, or the general manager for utilities or his/her designee, whichever is more
38 stringent.

1 (c) The owner shall be responsible for the construction, operation and maintenance of any
2 pretreatment ~~devices~~facilities or monitoring equipment required by the general manager for utilities or
3 his/her designee. Detailed plans describing such facilities and operating procedures shall be
4 submitted to the general manager for utilities or his/her designee for review, and shall be acceptable
5 to the general manager for utilities or his/her designee before such facilities are constructed. The
6 review of such plans and operating procedures shall in no way relieve the user from the responsibility
7 of modifying the facilities as necessary to produce a discharge acceptable to the general manager for
8 utilities or his/her designee under the provisions of this section.
9

10 **Section 6.** Section 27-180.6, "Same--Accidental discharge/slug prevention," subsections (b)(2-3)
11 of the Gainesville Code of Ordinances, is hereby amended to read as follows:
12

13 **Sec. 27-180.6. Same--Accidental discharge/slug prevention.**

14 (b) The general manager for utilities or his/her designee shall evaluate at least every two years
15 whether each significant industrial user needs an accidental discharge/slug control plan and may
16 require any user to develop, submit for approval, and implement such a plan. This plan shall include
17 but is not limited to the following items:

18 (2) Description of stored chemicals and containment areas.

19 (3) Procedures for immediately notifying the general manager for utilities or his/her designee
20 of any accidental or slug discharge that would constitute a violation of any part of this division
21 with procedures for follow-up written notification within five days as required by the reporting
22 and notification section of this division.
23

24 **Section 7.** Sections 27-180.7, "Same—Enforcement," subsections (a), (e)(1-3), (e)(6), (e)(8), (f),
25 (o), and subsection (p) of the Gainesville Code of Ordinances, is hereby amended to read as follows:
26

27 **Sec. 27-180.7. Same--Enforcement.**

28 (a) *Inspection.* The general manager for utilities or his/her designee may enter the premises of any
29 industrial user to determine whether the user is complying with all requirements of this section and
30 any industrial wastewater discharge permit. Industrial users shall allow the general manager for
31 utilities or his/her designee ready access to all parts of the premises for the purposes of inspection,
32 sampling, records examination, and copying and the performance of any additional duties. Any
33 temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or
34 sampled shall be promptly removed by the user at the written or verbal request of the general
35 manager for utilities or his/her designee and shall not be replaced. The costs of clearing such access
36 shall be borne by the user. Unreasonable delays in allowing the general manager for utilities or
37 his/her designee access to the user's premises shall be a violation of this division. The general

1 manager for utilities or his/her designee may remove records for the purposes of copying if copying
2 facilities are not available on the premises.

3 (e) *Publication of users in significant noncompliance.* The general manager for utilities or his/her
4 designee shall publish annually, in ~~the largest daily newspaper published in the city~~ a newspaper of
5 general circulation that provides meaningful public notice within the jurisdictions served by the city, a
6 list of the users which, during the previous 12 months, were in significant noncompliance with
7 applicable pretreatment standards and requirements. An industrial user is in significant
8 noncompliance if its violation meets one or more of the following criteria:

9 (1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent
10 or more of all the wastewater measurements taken during a six-month period exceed (by any
11 magnitude) ~~the daily maximum limit or the average limit~~ a numeric pretreatment standard or
12 requirement, including instantaneous limits, for the same pollutant parameter;

13 (2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more
14 of all the measurements for any pollutant parameter taken during a six-month period equal or
15 exceed the product of the ~~daily maximum limit or the average limit~~ numeric pretreatment
16 standard or requirement, including instantaneous limits, multiplied by the applicable TRC
17 (TRC = 1.4 for conventional pollutants such as; BOD, TSS, Total Oil and Grease; TRC = 1.2
18 for all other pollutants except %LEL and pH). For %LEL, any reading in excess of the
19 industrial wastewater discharge permit or limit set forth in this division shall be significant
20 noncompliance.

21 (3) Any violation of a pretreatment ~~effluent limit~~ standard or requirement (daily maximum
22 limit, or longer-term average limit, instantaneous limit, or narrative standard) that the general
23 manager for utilities or his/her designee determines has caused, alone or in combination with
24 other discharges, interference or pass through (including endangering the health of city
25 employees or the general public).

26 (6) Failure to provide, within ~~30~~ 45 days after the due date, required reports such as
27 baseline monitoring reports, 90-day compliance reports, reports on compliance with
28 categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on
29 compliance with compliance schedules;

30 (8) Any other violation or group of violations, including a violation of Best Management
31 Practices, which the general manager for utilities or his/her designee determines will
32 adversely affect the operation or implementation of the pretreatment program, except when
33 the state department of environmental protection is acting as the control authority.

34 (f) *Compliance schedules.* The general manager for utilities or his/her designee may issue a
35 compliance schedule to any industrial user that has violated, or continues to violate, any provision of
36 this section or an industrial wastewater discharge permit, directing that the user come into compliance
37 within a specified time. Such schedules shall contain increments of progress in the form of dates for
38 the commencement and completion of major events leading to schedule completion and compliance

1 with documentation being required upon completion of each major event. No increment of progress
2 shall exceed nine months and the time interval between progress reports to the general manager of
3 utilities or his/her designee shall not exceed nine months. The user shall submit a progress report to
4 the general manager of utilities or his/her designee no later than fourteen days following each date in
5 the schedule including the final date of compliance. Progress reports shall include whether or not the
6 user complied with the increment of progress, the reason for any delay, and if appropriate the steps
7 being taken by the user to return to the established compliance schedule. Compliance schedules may
8 also contain other requirements to address the noncompliance including additional self-monitoring
9 and management practices. If the user does not come into compliance within the time provided,
10 sewer service may be discontinued unless adequate treatment facilities are installed and properly
11 operated. Compliance schedules shall not relieve the user of liability for any violation nor preclude the
12 general manager for utilities or his/her designee from taking further action against the user.

13 (o) Consent Order. The general manager for utilities or his/her designee may enter into a consent
14 order, assurance of compliance, or other similar document establishing an agreement with any user
15 responsible for noncompliance. Such document shall include specific action to be taken by the user to
16 correct the noncompliance within a time period specified by the document. Such document shall
17 have the same force and effect as the requirements of Sec. 27-180.7(f) and shall be judicially
18 enforceable.

19 (p) Cease and Desist Order. When the general manager for utilities or his/her designee finds that a
20 user has violated, or continues to violate, any part of this division, an individual wastewater discharge
21 permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the
22 user's past violations are likely to recur, the general manager for utilities or his/her designee may
23 issue an order to the user directing it to cease and desist all such violations and directing the user to
24 immediately comply with all requirements and to take such appropriate remedial or preventive action
25 as may be necessary to properly address a continuing or threatened violation, including halting
26 operations and/or terminating the discharge. Issuance of a cease and desist order shall not bar, or
27 be a prerequisite for, taking any other action against the user. Such order shall have the same force
28 and effect as the requirements of Sec. 27-180.7(f) and shall be judicially enforceable.

29
30 **Section 8.** Section 27-180.8, "Same--Regulation of Wastewater Received from Other
31 Jurisdictions," subsections (a) and (b) of the Gainesville Code of Ordinances, is hereby amended to read as
32 follows:
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34 **27-180.8. Same--Regulation of Wastewater Received from Other Jurisdictions**

35 (a) Inter-jurisdictional Agreement. If another municipality or user located within another municipality,
36 contributes wastewater which is transmitted by pipe directly into the City of Gainesville wastewater
37 collection system, the general manager for utilities or his/her designee shall enter into an inter-
38 jurisdictional agreement with the contributing municipality.

1 (b) Contents of Inter-jurisdictional Agreement. The inter-jurisdictional agreement shall contain the
2 following:

3 (1) A requirement that the contributing municipality adopt a sewer use ordinance which is at
4 least as stringent as this division including wastewater discharge limits and monitoring and
5 reporting requirements.

6 (2) A requirement that the contributing municipality revise its ordinance and wastewater
7 discharge limits as necessary to reflect changes made to the city ordinance or wastewater
8 discharge limits.

9 (3) A requirement that the contributing municipality provide access to all information that the
10 contributing municipality obtains as part of its pretreatment activities including a list of users
11 which is updated at least annually.

12 (4) A provision specifying which pretreatment program activities, including wastewater
13 discharge permit issuance, and inspection, sampling, and enforcement, will be conducted by
14 the contributing municipality, which of these activities will be conducted by the general
15 manager for utilities or his/her designee, and which of these activities will be conducted jointly
16 by the contributing municipality and the general manager for utilities or his/her designee.

17 (5) A provision specifying limits on the nature, quality, and volume of the contributing
18 municipality's wastewater at the point where it discharges to the city wastewater collection
19 system.

20 (6) A provision specifying requirements for monitoring the contributing municipality's
21 wastewater discharge.

22 (7) A provision ensuring that the general manager for utilities or his/her designee has access
23 to the facility of any user located within the contributing municipality's jurisdictional
24 boundaries for the purpose of inspection, sampling, and any other duties deemed necessary
25 by the general manager for utilities or his/her designee.

26 (8) A provision specifying remedies available for breach of the terms of the inter-jurisdictional
27 agreement. Such provision shall also ensure the right of the general manager for utilities or
28 his/her designee to enforce the terms of the contributing municipality's ordinance or to
29 impose and enforce any applicable pretreatment standards and requirements directly against
30 users within the contributing municipality's jurisdictional boundaries in the event the
31 contributing municipality is unable or unwilling to take such action.

32
33 **Section 9.** It is the intention of the City Commission that the provisions of Sections 1-8 of this
34 Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida,
35 and that the Sections and Paragraphs of this Ordinance may be renumbered or re-lettered in order to
36 accomplish such intentions.

1 **Section 10.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
2 such conflict hereby repealed.

3 **Section 11.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the
4 application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not
5 affect the other provisions or applications of the ordinance which can be given effect without the invalid or
6 unconstitutional provisions or application, and to this end the provisions of this ordinance are declared
7 severable.

8 **Section 12.** This ordinance shall take effect immediately upon its adoption; provided however,
9 the rates and charges as provided for herein shall be applicable to all monthly bills which are for the first
10 time rendered and postmarked after 12:01 A.M., October 1, 2012.
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13 PASSED and ADOPTED this _____ day September, 2012.

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CRAIG LOWE
MAYOR

ATTEST:

KURT LANNON
CLERK OF THE COMMISSION

Approved as to form and legality

MARION J. RADSON
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2012.

This ordinance passed on second reading this ____ day of _____, 2012.