

# City of South Daytona

## Office of the City Manager

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3014



### MEMORANDUM

To: The Honorable Mayor and Members of the City Council

From: James L. Gillis Jr., City Manager

Re: **Consideration of approving the Second and Final Reading of Ordinance No. 2023-07**, amending the Code of Ordinances, Chapter 20, Water and Sewer Service, Article IV. Sewers, creating Section 20-60, Public Sanitary Sewer System Pretreatment, to adopt Section 7.2 (P), “Public Sanitary Sewer System Pretreatment”, of the City of Daytona Beach Land Development Code by reference, and to prohibit the introduction of industrial waste into the City of South Daytona sanitary sewer system; amending Chapter 20, Water and Sewer System; amending Chapter 20, Water and Sewer Service, to delete Article VII. Commercial and Industrial Wastes. **Public Hearing.**

Date: March 30, 2023

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The City Council approved the First Reading of Ordinance 2023-07 on April 11, 2023. This is the Second and Final Reading.

The City of Daytona Beach provides water, wastewater and reuse water services to the City of South Daytona. A Water and Wastewater Service Agreement was executed in June 1994 which established the terms and conditions of the water and wastewater services to be provided and the compensation South Daytona is to pay for said services.

Staff members from Daytona Beach and South Daytona have negotiated the terms and conditions of a new Wholesale Water, Wastewater and Reuse Water Services Agreement which requires our city to adopt a Wastewater Use Code which adheres to the City of Daytona Beach’s Pretreatment Code as set out in Section 7.2(P), City of Daytona Beach Land Development Code.

To fulfill this requirement, staff recommends amending the South Daytona City Code to adopt Section 7.2(P) of the City of Daytona Beach Land Development Code by reference in lieu of including the actual language which would have to be amended each time Daytona Beach amends their code. Within this modification to the code, the City is also clarifying that any introduction of industrial waste into the City of South Daytona sanitary sewer system is prohibited.

The existing language in our code referencing pretreatment standards needs to be deleted if this ordinance is adopted to avoid any conflicts.

As a result, staff recommends the City Council approve the Second and Final Reading of Ordinance No. 2023-07, amending the Code of Ordinances, Chapter 20, Water and Sewer Service, Article IV “Sewers”, to comply with the requirements of the new agreement with Daytona Beach and includes the deletion of Article VII “Commercial and Industrial Wastes” to avoid any conflicts.

## ORDINANCE NO. 2023-07

**AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING THE CITY OF SOUTH DAYTONA CODE OF ORDINANCES, CHAPTER 20, WATER AND SEWER SERVICE, ARTICLE IV. SEWERS, CREATING SECTION 20-60, PUBLIC SANITARY SEWER PRETREATMENT, TO ADOPT SECTION 7.2(P), “PUBLIC SANITARY SEWER SYSTEM PRETREATMENT”, OF THE CITY OF DAYTONA BEACH LAND DEVELOPMENT CODE BY REFERENCE, AND TO PROHIBIT THE INTRODUCTION OF INDUSTRIAL WASTE INTO THE CITY OF SOUTH DAYTONA SANITARY SEWER SYSTEM; AMENDING CHAPTER 20, WATER AND SEWER SERVICE, TO DELETE ARTICLE VII. COMMERCIAL AND INDUSTRIAL WASTES; AND PROVIDING FOR CONFLICTS, SEVERABILITY, APPLICABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, Chapters 166 and 163, *Florida Statutes*, include authority to enact regulations to protect the health, safety, and welfare, and in the interest of the citizens of the City; and

**WHEREAS**, Daytona Beach and South Daytona executed a Water and Wastewater Service Agreement in June 1994 which established the terms and conditions of the water and wastewater services to be provided and the compensation South Daytona is to pay for said services; and

**WHEREAS**, Daytona Beach and South Daytona have negotiated the terms and conditions of a new Wholesale Water, Wastewater and Reuse Water Services Agreement which includes adopting a Wastewater Use Code which adheres to the City of Daytona Beach’s Pretreatment Code as set out in Section 7.2(P), City of Daytona Beach Land Development Code; and

**WHEREAS**, the Council finds the amendment of the code is in the best interest of the protecting the health, safety, and welfare of the residents and guests of the City; and

**WHEREAS**, for purposes of this Ordinance, underlined type shall constitute additions to the original text, \*\*\* shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA, THAT:**

**SECTION 1. Recitals.** The above recitals are true and correct and are incorporated herein by reference.

**SECTION 2. Adoption.** The City Council of the City of South Daytona hereby amends Chapter 20, Water and Sewer Service, Article IV. Sewers, Section 20-60. Public Sanitary Sewer System Pretreatment of the *City of South Daytona Code of Ordinances*, to read as follows:

**Sec. 20-60. ~~Reserved.~~ Public Sanitary Sewer System Pretreatment.**

Per the Wholesale Water, Wastewater, and Refuse Water Services Agreement with the City of Daytona Beach, Section 7.2(P) “Public Sanitary Sewer System Pretreatment” of the City of Daytona Beach Land Development Code is hereby adopted by reference, as amended from time to time. As applied within the City of South Daytona, all references therein to the City of Daytona Beach and its respective officers and decisionmakers shall mean the corresponding officers and decisionmakers for the City of South Daytona. However, notwithstanding any provision in Section 7.2(P) of the City of Daytona Beach Land Development Code or any other provision in this Code, the introduction of industrial waste into the City of South Daytona sanitary sewer system is prohibited.

**SECTION 3. Adoption.** The City Council of the City of South Daytona hereby amends Chapter 20, Water and Sewer Service, Article VII. Commercial and Industrial Wastes, of the *City of South Daytona Code of Ordinances*, to read as follows:

**ARTICLE VII. – ~~RESERVED.~~ COMMERCIAL AND INDUSTRIAL WASTES**

**Sec. 20-110 -20.117. Reserved**

**Sec. 20-110. Definitions.**

For the purposes of this article:

- (a) ~~City shall mean the City of South Daytona, Florida.~~
- (b) ~~Director shall mean the city public works director.~~
- (c) ~~Person shall be defined as it is in Florida Statute Section 1.01.~~

**Sec. 20-111. Use of public sewers.**

- (a) ~~Discharge of stormwater, surface water, etc., to sanitary sewers prohibited.~~ No person shall discharge or cause to be discharged any stormwater, surface water, ground water, reclaimed ground water, roof runoff, swimming pool water, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (b) ~~Discharge to storm sewers and natural outlets.~~ Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the director. Industrial cooling water and unpolluted process waters may be discharged on approval of the director to a storm sewer or natural outlet. Under no conditions will the discharge of domestic, sanitary, industrial, or commercial waste be permitted into the storm sewer system.
- (c) ~~Waters or wastes prohibited from discharge to public sewers.~~ No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes; or any other substance, which in the opinion of the director might harm any portion of the sewers, wastewater treatment process or equipment, adversely affect the receiving stream, pass through untreated, or otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the director will give consideration to such factors as the quantities of the subject wastes in relations to flows and velocities in the sewers, materials of construction of the sewers, the toxicity of the wastes, nature of the

wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (2) Any pollutants which create a fire or explosion hazard in the treatment works, including but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21.
- (3) Any waters or wastes having a PH lower than 5.0 or greater than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size (greater than one half (0.5) inch in any dimension) capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, petroleum oil, non biodegradable cutting oil or products of mineral oil origin, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (5) Any liquid or vapor having a temperature higher than one hundred four (104) degrees Fahrenheit (forty (40) degrees Centigrade).
- (6) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of two hundred thirty (230) mg/l or containing substances which solidify or become viscous at temperatures between thirty two (32) and ninety five (95) degrees Fahrenheit (zero (0) and thirty five (35) degrees Centigrade).
- (7) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three fourths horsepower (.75 hp metric) or greater shall be subject to the review and approval of the director. Garbage grinders which release particles greater than one-half inch shall be prohibited.
- (8) Any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
- (9) Materials which exert or cause:
  - a. Unusual concentrations or inert suspended solid (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Chlorine demand requirement in such quantity as to constitute a significant load on the wastewater treatment works. An unusual chlorine demand is considered one which requires an increase of more than twenty five per cent (25%) in chlorine over that used prior to entry of the waste into the treatment plant.
  - d. Unusual volume of flow or concentration of wastes constituting "slugs", as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment by reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. Such substances include, but are not limited to, pesticides, fungicides and herbicides.
- (11) Any water or waste containing toxic substances in quantities in excess of the following limits and measured at the point of discharge into the sewer system:

Substance	Mg/l
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Arsenic	0.75
Cadmium	0.54
Chromium total	3.8
Copper, total	1.0
Cyanides	0.04
Lead	2.8
Mercury, total	0.004
Nickel	3.2
Selenium	1.1
Silver	0.81
Zinc, total	7.6

or

- a. ~~Any substance that will pass through the waste treatment facilities and exceed the state and federal requirements for receiving waters;~~
- b. ~~Or preclude the beneficial use of wastewater effluent; or~~
- c. ~~Preclude the beneficial use of wastewater sludge either in land spreading or in marketing the sludge in a treated form.~~

~~An industrial or commercial user identified as having discharged a prohibited waste or a waste in excess of the allowable limits as established in this agreement shall pay for all damages and expenses incurred as a result of that discharge. This penalty is separate from any other defined in this agreement. The continued discharge of prohibited wastes shall subject the user to the penalties defined in section 20-117.~~

~~(12) Pollutants, including oxygen-demanding pollutants (CBOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the municipal sewer system.~~

~~(13) Pollutants which result in the presence of toxic gases, vapors or fumes within the sewer system in a quantity that may cause acute worker health and safety problems.~~

~~(14) Any trucked or hauled pollutants.~~

~~(15) Noxious or malodorous liquids, gases, solids or other wastewaters which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair.~~

~~(16) Sludges, screenings or other residues from the pretreatment of industrial wastes.~~

~~(17) Medical wastes, except as specifically authorized in written form by the city.~~

~~(18) Wastewater causing, alone or in conjunction with other sources, effluent to fail a toxicity test.~~

~~(19) Detergents, surface-active agents or other substances which may cause excessive foaming in the wastewater system.~~

~~(d) Rejection, pretreatment or control over quantities or rates of discharge. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristic enumerated in this agreement and which, in the judgment of the director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:~~

~~(1) Reject the wastes.~~

~~(2) — Require pretreatment to an acceptable condition for discharge to the public sewers.~~

~~(3) — Require control over the quantities and rates of discharge.~~

If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the director and subject to the requirements of all applicable codes, ordinances, and laws. In addition, any contributing industry as defined by 40 CFR 403 shall comply with 40 CFR 403, the Clean Water Act, and any other regulation as shall from time to time be established by EPA or other appropriate regulating governmental agency.

~~(e) — Grease, oil and sand interceptors.~~ Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; except, such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director and shall be located as to be readily and easily accessible for cleaning and inspection.

~~(f) — Maintenance of treatment facilities.~~ Where preliminary treatment, flow equalizing facilities, or grease, oil, and sand interceptors are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

~~(g) — Federal categorical pretreatment standards.~~ Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The city shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

~~(h) — Right of entry.~~ The director, or their designee, may enter upon any land and make inspections, examinations and surveys as necessary in the administration and enforcement of this article.

## **~~Sec. 20-112. Admission of industrial and commercial waste.~~**

~~(a) — The economy and desirability of the combined treatment of industrial and commercial wastes and sanitary sewage is recognized. However, not all types and quantities of industrial and commercial wastes can be so treated. It shall be the policy to admit the types and quantities of industrial and commercial wastes that are not harmful or damaging to the structures, processes, or operation of the treatment works or are not specifically prohibited. In all cases, a special agreement will be issued which will state specific conditions and requirements to be maintained. It is also recognized that to provide this service, additional facilities and/or treatment are required, and the cost of such must be borne by the user receiving the benefits.~~

~~(b) — Approval is required for the admission of commercial or industrial wastes into the public sewers having:~~

~~(1) — A five day twenty degree centigrade BOD greater than three hundred (300) mg/l; or~~

~~(2) — A suspended solids content greater than three hundred (300) mg/l; or~~

~~(3) — A chemical oxygen demand content greater than four hundred (400) mg/l; or~~

~~(4) — A total phosphorous content greater than ten (10) mg/l; or~~

~~(5) — A total nitrogen content greater than thirty (30) mg/l.~~

The user shall provide chemical analysis of discharge according to a schedule to be established by the city and continued discharge shall be subject to approval of the city.

~~(c) — In order to identify the point sources, all users of the treatment works who are now discharging industrial or commercial wastes to the public sewers shall, upon request of the director of his designated agent, fill in and file with the requesting official within ninety (90) days a questionnaire which shall furnish pertinent data inclusive of quantity of flow and an analysis of the water discharged to the treatment facility. Further, any person desiring to make a new connection to the wastewater system for the purposes of discharging~~

industrial or commercial wastes to the public sewers shall fill in and file with the city officials designated above an industrial and commercial waste questionnaire as outlined for existing users.

- (d) Sampling, unless otherwise directed, shall be a twenty-four hour composite sample, collected so as to be a representative sample of the actual quality of the wastes. Samples for analysis may be collected by the user or his representative. Analysis shall be performed by a laboratory certified by the State of Florida for environmental analysis, using the laboratory methods for the examination of wastewater as set forth in 40 CFR Part 136.
- (e) If it is necessary due to size or complexity of the waste disposal problem of an establishment, an extension of time may be granted, provided it can be shown that it is impractical to meet the schedule imposed in this article. Such schedules may not extend the compliance date beyond applicable federal deadlines. A request for extension must be submitted in writing to the city official identified in paragraph (c) above.
- (f) Any new or existing establishment discharging industrial or commercial wastes into the sewer system shall construct and maintain at its expense a suitable control manhole or manholes downstream from any treatment, storage, or other approved works to facilitate observation, measurement, and sampling of all wastes, including all domestic sewage from the establishment. The control manhole or manholes shall be constructed at suitable and satisfactory locations and built in a manner approved by the city official identified in paragraph (c) above. If any establishment wishes to meter its waste discharge into the sewer system to verify end product water retention or other uses of metered flow, they may install a flow metering device as approved by the director or designated agent. The control manhole shall be accessible to city personnel at all times for sampling. All authorized city employees shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, testing and shall have the authority to inspect records in accordance with provisions of this article.
- (g) Where in the opinion of the public works director the potential exists for contamination of groundwater surrounding any new or existing establishment, the city may require to be installed at the owner's expense, one (1) or more observation/monitoring wells. The well or wells shall be constructed at suitable and satisfactory locations and installed in a manner approved by the city official identified in paragraph (c) above. The monitor well or wells shall be accessible to city personnel at all times for sampling.

### **Sec. 20-113. Industrial and commercial waste discharge agreements—Required; confidential information.**

- (a) A nontransferable discharge agreement will be required for each industrial, commercial, or other type of business which is identified as having other than domestic wastes or waste from sanitary conveniences. The fixed life of an agreement is set for one (1) year from date of issue and a renewed waste discharge agreement will have a fixed life of one (1) year. These agreements involve the implementation of a formula for surcharges for wastes which exceed the sewage parameter for strength as defined in section 20-111.
  - (1) The purpose of these agreements is to control the contribution to the treatment works by each industrial user to ensure compliance with applicable pretreatment standards and requirements. These agreements shall stipulate monitoring and reporting requirements for each user as well as applicable discharge limitations.
- (b) *Required technology.* A compliance schedule shall be developed by each industrial user for the installation of technology required to meet applicable pretreatment standards. The director shall require the submission of notes and self-monitoring reports from industrial users as are necessary to assess, and assure compliance with applicable pretreatment standards.
- (c) *Signatory and certification requirements.*
  - (1) Industrial and commercial waste discharge agreements, baseline monitoring reports (BMR's), final compliance reports and periodic reports on continued compliance must be signed by a duly authorized representative of the industrial users.

- (2) — All agreements and reports must contain the following certification statement and be 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(s) 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 fine and imprisonment for knowing violations."
- (d) — *Confidential information.* In accordance with Florida's Public Records Law, Chapter 119, Florida Statutes (1981), and amendment thereto, information and data on a user obtained from reports, questionnaires, permit applications, agreements and monitoring programs and from inspection shall be available to the public or other governmental agency without restriction unless the user, prior to submitting the information, specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information might divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person claiming that portions of a report might disclose trade secrets or secret processes, those portions shall be submitted by the user, on forms and in a manner acceptable to the city, to the environmental protection agency pursuant to the confidentiality provisions contained within 40 CFR Section 403.14. The city will thereafter request said information from the environmental protection agency and thereafter maintain its confidentiality. The information will thereafter not be made available to the public and only be used for matters related to this article which may include judicial review of enforcement proceedings by a governmental agency involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

#### **Sec. 20-114. Same application; agreement renewal, administration of agreements.**

- (a) — *Application form, contents; term of agreement, fee:*
- (1) — The application for a waste discharge agreement shall be on a form specified by the director or his designated agent.
- (2) — This application will define all of the pertinent data concerning the acceptance of industrial and commercial waste flows and will provide the basis for the issuing of an agreement certificate specifying the limitations on what the user may discharge.
- (3) — The initial agreement shall be effective for a period of one (1) year only from date of issuance and must be renewed annually. This agreement is nontransferable.
- (4) — An application for an initial agreement shall be accompanied by an application fee as outlined in chapter 21 of the city code.
- (b) — *Renewal of industrial and commercial waste discharge agreements.* The application for a renewed waste discharge agreement shall be of a form specified by the director or his designated agent and the annual renewal application fee shall be the same as the initial application fee.
- (c) — *Industrial and commercial waste discharge agreement form.* The form of agreement for industrial or commercial wastes shall be as specified by the director or his designated agent. Specific provisions for continued acceptance by the city of the waste shall be attached to and made a part of the agreement to discharge. The designated agent may prescribe such items as equalized flow discharge, prechlorination, or additional limitations on waste characteristics not adequately described in this article; or may prescribe pretreatment wastewater quality requirements for the waste flow in detail.
- (d) — *Administration of agreements.*
- (1) — The administration of the industrial and commercial waste discharge agreement program and the application of the surcharge formula imposes additional obligations on the city.



~~(2) The city, in addition to determining the waste flow volumes and analyzing the waste strengths for development of the surcharge, must also keep an accurate record of the agreement applications, permits, meter installation details, meter calibrations, and must send to each establishment the necessary renewal application forms in sufficient time to permit the establishment to comply with the city's requirements.~~

~~(3) The system of records keeping for industrial and commercial agreements shall be as follows:~~

- ~~1. Name of Industry/Business~~
- ~~2. Address/Location~~
- ~~3. Type of Process~~
- ~~4. Initial Agreement Application Forms Sent~~
- ~~5. Initial Agreement Application Forms Received~~
- ~~6. Discharge Analysis Received~~
- ~~7. Agreement Issued, Date~~
- ~~8. Meter Details Received~~
- ~~9. Meter Details Approved~~
- ~~10. Meter Installation Approved~~
- ~~11. Expiration Date of Initial Agreement~~
- ~~12. Date Renewal Agreement Application Forms Sent~~
- ~~13. Date Renewal Agreement Applications Forms Received~~
- ~~14. Meter Certification Received~~
- ~~15. Analysis Schedule Required \_\_\_\_\_. If yes, attach schedule.~~
- ~~16. Renewal Agreement Issued, Date~~
- ~~17. Expiration Date of Renewal Permit~~

~~Repeat 12 through 17 for future renewals.~~

~~b. A ledger sheet for control of all agreements as follows:~~

~~Name of Establishment~~

~~Initial Agreement Application Forms Sent~~

~~Expiration Date of Initial Agreement~~

~~Date Renewal Forms to be Sent~~

~~Expiration Date of Renewal Agreement~~

~~Date of Renewal Form to be Sent~~

~~Expiration Date of Renewal Agreement~~

~~Date Renewal Forms to be Sent~~

~~Expiration Date of Renewal Agreement~~

~~Date of Renewal Form to be Sent~~

~~(e) *Baseline monitoring reports.* Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision on a category determination under 40 CFR 403.1(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the municipal system shall be required to submit to the city a report which contains the information listed in subparagraphs section 20-114(e), (4) through (8) below. At least ninety (90) days prior to commencement of their discharge, new sources, including existing users which have changed their operation or processes so as to become new sources, shall be required to submit to the city a report which contains the information listed in subparagraphs section 20-114 (c)(1) through (8). A new source shall also be required to report the method~~

of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

The information required by this section includes:

- (1) ~~Identifying information.~~ The user shall submit the name and address of the facility including the name of the operator and owners.
- (2) ~~Permits.~~ The user shall submit a list of any environmental control permits held by or for the facility.
- (3) ~~Description of operations.~~ The user shall submit a brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the system from the regulation processes.
- (4) ~~Flow measurement.~~ The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the system from regulated process streams and other streams as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- (5) ~~Measurement of pollutants.~~
  - a. ~~The industrial user shall identify the categorical pretreatment standards applicable to each regulated process.~~
  - b. ~~In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard of city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be performed in accordance with procedures set out in 40 CFR Part 136.~~
  - c. ~~Grab samples must be used for PH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. All other pollutants will be measured by composite samples obtained through flow proportional sampling techniques. If flow proportional composite sampling is feasible, samples may be obtained through the proportional sampling techniques or through four (4) grab samples if the user proves such a sample will be representative of the discharge.~~
- (6) ~~Special certification.~~ A statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required in order to meet the pretreatment standards and requirements.
- (7) ~~Compliance schedule.~~ If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest compliance schedule will be established by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 20-113 of this article.
- (8) ~~Signature and certification.~~ All baseline monitoring reports must be signed and certified in accordance with section 20-113(c).
- (f) ~~Compliance deadline reports.~~ Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the municipal wastewater system, any industrial user subject to such pretreatment standards and requirements shall submit to the city a report containing the information described in section 20-114 (e)(5) and (6). For industrial users subject equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable

measure of the 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 user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 20-113(c).

(g) ~~Periodic compliance reports.~~ Any significant industrial user subject to the pretreatment standard shall, at a frequency determined by the director but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 20-113(c).

(1) ~~All wastewater samples must be representative of the 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.~~

(2) ~~In the event an industrial user's monitoring results indicates a violation has occurred, the industrial user must immediately notify the director and resample its discharge. The industrial user must report the results of the repeated sampling within thirty (30) days of discovering the first violation.~~

(h) ~~Notice of changed conditions.~~ Each industrial user is required to notify the director of any planned significant changes to the industrial user's operations or pretreatment systems which might alter the nature, quality or volume of its wastewater.

(1) ~~The director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, and may require the revision of a pretreatment agreement under section 20-113(a) if necessary.~~

(2) ~~No industrial user shall implement the planned changed condition(s) until and unless the director has responded to the industrial user's notice.~~

(3) ~~For purposes of this requirement, flow increases of ten per cent (10%) or greater and the discharge of any previously unreported pollutant shall be deemed significant.~~

(i) ~~Notice of potential problems.~~ All categorical and noncategorical industrial users shall notify the director immediately of all discharges that could cause problems to the municipal wastewater system, including any slug loadings. Each industrial user shall provide protection from accidental or intentional discharges of prohibited material or other substances regulated by this article. Facilities to prevent the discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and shall be approved by the city before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article.

(1) ~~No industrial user which commences contribution to the system after the effective date of this article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city.~~

(2) ~~In the case of an accidental or other discharge which may cause potential problems for the municipal wastewater system, it is the responsibility of the user to immediately telephone and notify the city 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.~~

(3) ~~Within five (5) days following an accidental discharge, the user shall, unless waived by the director, 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 may be incurred as a result of damage to the system,~~

natural resources, or any other damage to person or property; no such notification shall relieve the user of any fines, civil penalties, or other liability which may be imposed by this article.

(4) ~~Failure to notify the city of potential problem discharges shall be deemed a separate violation of this article.~~

(j) ~~Reporting requirements for industrial users not subject to categorical pretreatment standards.~~ Those industrial users not subject to categorical pretreatment standards shall report monitoring results specified in the pretreatment agreement at a frequency specified in the agreement.

(k) ~~Recordkeeping.~~ All industrial users subject to reporting requirements must retain any records of monitoring activities and results for a minimum of three (3) years.

### **Sec. 20-115. Right of refusal.**

The city reserves the right to revoke any agreement and to refuse waste from any lot or parcel of land upon which there is located any building or activity which does not comply with this article, utilize city water, supply proper metering of its waste, or is not within its designated service area.

The city may immediately halt any discharge that is an imminent danger to the system or users of the system and seek injunctive relief or code enforcement board review.

### **Sec. 20-116. Special rates.**

(a) ~~A surcharge shall be imposed upon customers discharging abnormal strength wastes. The term "abnormal strength wastes" as used herein shall refer to the degree of concentration of permissible waste material per unit volume of sewage discharge by the customer. Abnormally high strength waste shall be waste containing a BOD above three hundred (300) mg/l and/or suspended solids above three hundred (300) mg/l and/or a COD above four hundred (400) mg/l.~~

(b) ~~Surcharge for high strength wastes:~~

(1) ~~A surcharge will be imposed where the wastes from any lot or parcel of land upon which there is located any institutional, commercial, or industrial plant building or premises containing an abnormally high BOD and/or suspended solids concentration and/or COD as defined in section 48-58(a).~~

(2) ~~Computation: Said surcharge in dollars shall be computed by the director, or his designated agent, using the following formulas:~~

$$\text{Surcharge for BOD} = (Q) (8.34) (\text{BOD} - 300) (.9) (\text{SF BOD})$$

$$\text{Surcharge for suspended solids} = (Q) (8.34) (\text{SS} - 300) (.9) (\text{SF SS})$$

$$\text{Surcharge for COD} = (Q) (8.34) (\text{COD} - 400) (.9) (\text{SF COD})$$

~~Where:~~

(a) ~~Q = The metered water used during the billing period in millions of gallons, divided by the number of days in that billing period.~~

(b) ~~SF = Surcharge factor.~~

(c) ~~It is understood that if the value for (BOD-300), (SS-300), or (COD-400) is less than or equal to zero (0) that respective surcharge shall equal zero (0) also.~~

(3) ~~Surcharge factors: The surcharge factors shall be derived annually by the following formulas using total figures for the preceding fiscal year:~~

a. ~~Surcharge factor for BOD = SF BOD = total operational cost of the sewage treatment plant divided by the total pounds of suspended solids removed.~~

b. ~~Surcharge factor for suspended solids = SF SD = total operational cost of the sewage treatment plant divided by the total pounds of suspended solids removed.~~

- c. ~~Surcharge factor for COD = SF COD = total operational cost of the sewage treatment plant divided by the total pounds of COD removed.~~
- (c) ~~All users of the sewage system affected by the above-described surcharge shall be allowed ninety (90) days in which to comply with the provisions of this section.~~
- (d) ~~Nothing herein shall restrict the city from making additional adjustments in rates if it is felt by the public works director, or his authorized agent, that the nature or the quantity of this waste creates an additional burden on the system.~~

**~~Sec. 20-117. Penalties clause.~~**

~~Any person who violates any provision of this article shall, upon conviction, be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment for a period not exceeding sixty (60) days, or both fine and imprisonment in the discretion of the court, for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues. After a period of ten (10) days of continued violation, the wastewater services shall be terminated. Additionally and alternatively, the city may enforce this article by applying for civil relief, either in law or equity, for a declaration of rights, injunctive relief, or other appropriate remedies. Upon finding a violation, the court shall grant the relief it finds appropriate. It is the express intent hereof that the city not be required to plead and prove a public nuisance, intent or scienter as a basis for civil relief, and no bond shall be required.~~

~~The provisions may also be enforced by the code enforcement board. Nothing herein shall be construed as authorizing more than one (1) penalty for the same offense.~~

**~~Secs. 20-118—20-120. Reserved.~~**

**SECTION 4. Administrative Actions.** The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

**SECTION 5. Codification.** The provisions of this Ordinance, including its recitals, shall become and be made a part of the City of South Daytona Code of Ordinances and the Sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 1, 4, 5, 6, 7, and 8 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

**SECTION 6. Conflicts.** All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 7. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 8. Effective Date.** This Ordinance shall take effect immediately upon enactment.

**APPROVED** upon first reading on the 11<sup>th</sup> day of April 2023 at a regular meeting of the City Council of the City of South Daytona.

**APPROVED AND ADOPTED** upon second and final reading on the 9<sup>th</sup> day of May 2023 at the regular meeting of the City of South Daytona City Council.

CITY OF SOUTH DAYTONA:

ATTEST:

\_\_\_\_\_  
William C. Hall, Mayor

\_\_\_\_\_  
James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:

\_\_\_\_\_  
Wade C. Vose, City Attorney