

# Exhibit A



## **Industrial Pretreatment Regulations**

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# **JEA INDUSTRIAL PRETREATMENT REGULATION**

## **SECTION 1. GENERAL PROVISIONS**

### **SECTION 1.1. Purpose and Policy**

Pursuant to Article 21 of the Charter of the Consolidated City of Jacksonville, 180.06 (4) Florida Statutes, Laws of Florida, as amended, chapter 92-341, and City of Jacksonville Ordinance 97-229-E, JEA establishes this Industrial Pretreatment Regulation, which sets forth uniform requirements for users of JEA's Water Reclamation Facilities (JEAWRF) and potable reuse systems. This Regulation enables JEA to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251 et seq.), the General Pretreatment Regulations (40 Code of Federal Regulations Part 403), and the Florida Administrative Code (Rule 62-625 FAC). The objectives of this regulation are:

- A. To prevent the introduction of pollutants into JEAWRF or potable reuse systems that will interfere with its operation;
- B. To prevent the introduction of pollutants into JEAWRF or potable reuse systems that will pass through JEAWRF or potable reuse systems, inadequately treated, into receiving waters or potable reuse systems; or otherwise be incompatible with JEAWRF or potable reuse systems;
- C. To protect both JEA personnel who may be affected by wastewater and biosolids in the course of their employment and the general public;
- D. To promote reuse of reclaimed water and biosolids from JEAWRF;
- E. To promote potable reuse and protect JEA WRFs and Advanced Water Treatment facilities.
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of JEAWRF; and
- G. To enable JEA to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which JEAWRF are subject.

This regulation shall apply to all users of JEAWRF. The regulation authorizes the issuance of discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### **SECTION 1.2. Administration**

Except as otherwise provided herein, JEA shall administer, implement, and enforce the provisions of this regulation. Any powers granted to or duties imposed upon JEA may be delegated to JEA personnel.

### **SECTION 1.3. Abbreviations**

The following abbreviations, when used in this regulation, shall have the designated meanings:

ATW – Advanced Treated Water

ATWF – Advanced Treated Water Facility

BOD - Biochemical Oxygen Demand

BMP – Best Management Practice

CAO – Chief Administrative Officer

CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act of 1980 FR  
– *Code of Federal Regulations*

COD - Chemical Oxygen Demand

CMP - Code of Management Practice

DPR – Direct Potable Reuse

EPA - U.S. Environmental Protection Agency

FAC - Florida Administrative Code

FDEP - Florida Department of Environmental Protection

GPD - Gallons Per Day

IDLH - Immediately Dangerous to Life and Health

IPR – Indirect Potable Reuse

IU – Industrial User

JEAWRF - JEA's Water Reclamation Facilities

LEL - Lower Explosive Limit

mg/l - Milligrams per Liter

NPDES - National Pollutant Discharge Elimination System

RCRA - Resource Conservation and Recovery Act

SIC - Standard Industrial Classification

TSS - Total Suspended Solids

TLV-TWA - Threshold Limit Value-Time Weighted Average

TLV-STEL - Threshold Limit Value-Short Term Exposure Level

USC - United States Code

µg/l - Micrograms per Liter

#### **SECTION 1.4. Definitions**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this regulation, shall have the meanings hereinafter designated.

- A. *Act or "The Act"* means The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.
- B. *Advanced Treated Water* means water produced from an advanced treatment water facility for potable reuse applications. Advanced treated water can be from more than one advanced treatment water facilities.
- C. *Advanced Treated Water Facility* means the facility where advanced treated water is produced. The specific combination of treatment technologies employed will depend on the quality of the reclaimed water and the type of potable reuse.
- D. *Approval Authority* means the Florida Department of Environmental Protection.
- E. *Authorized Representative of the User*.
  - (1) If the user is a corporation:
    - (a) The president, vice president, secretary, or treasurer, of the corporation in charge of a principal business function, or any other person who performs

- similar policy-or decision-making functions for the corporation; or
- (b) The manager of one or more manufacturing, production, or operation facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations: can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
    - (a) The individuals described in paragraphs 1 through 3 above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to JEA.
- F. *BOD* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20°C expressed as milligrams per liter.
- G. *BMP* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B. BMP's include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- H. *Building Sewer* means a sewer extension either from the building drain or an industrial process to JEA WRF or to the place of disposal.
- I. *Bypass* means the intentional diversion of waste streams from any portion of a user's sewer system, treatment facility or pretreatment facility or other control facility.
- J. *Categorical Pretreatment Standard or Categorical Standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- K. *Categorical Industrial User* is an Industrial User subject to a categorical pretreatment standard.
- L. *CERCLA* means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and all amendments thereto.
- M. *Chemical Oxygen Demand (COD)* means the quantity of oxygen utilized in the oxidation of organic and oxidizable inorganic material present in water or wastewater established using approved methods.
- N. *Conventional Pollutant* means biochemical oxygen demand, chemical oxygen demand, suspended solids, pH, fecal coliform, and oil and grease.
- O. *Composite Sample* means a sample made up by combining individual grab samples collected within the user's daily operations. For all pollutants subject to composite sampling requirements, flow proportional composite samples shall be obtained when feasible. If the user demonstrates that flow proportional composite samples are not feasible, then JEA may allow the collection of

time proportional composite samples. In no case may a composite sample be made from fewer than four grab samples. In all cases, the individual grab sample must be adequately spaced so as to ensure a sample that is representative of the user's daily operations.

- P. *Contributory Users* are industrial users discharging a pollutant above domestic concentrations. Contributory users are allocated the pollutant using the IU Contributory Flow method detailed in EPA's 2004 *Local Limits Development Guidance* manual, page 6-11.
- Q. *Cooling Water* means water discharged from any condensation, air conditioning, cooling, refrigeration, industrial cooling process, or other cooling system, which uses or generates water during operation.
- R. *Daily Maximum* is the arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- S. *Daily Maximum Limit* is the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- T. *Direct Discharge* means the discharge of treated reclaimed water or untreated wastewater directly to the waters of the state.
- U. *Direct Potable Reuse* means the delivery of advanced treated water from an advanced treatment water facility to a drinking water treatment facility or directly into a potable water supply distribution system without an environmental buffer.
- V. *Emergency* means conditions causing danger, threat to JEA WRF or severe inconvenience to health and safety, including contamination, severe water shortages, major breakdowns or threats of war or weather disaster.
- W. *EPA* means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- X. *Existing Source* is any source of discharge that is not a "New Source."
- Y. *Food Service Establishment* means any commercial user that prepares and or serves food or beverages for sale or consumption.
- Z. *Garbage* means any refuse accumulation of solid animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storing of food and from the handling, storage and sale of produce.
- AA. *Grab Sample* means a sample, which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- BB. *Groundwater* means any water pertaining to, formed, or occurring underneath the surface of the earth.
- CC. *Hauled Waste* means any waters or liquids which have been removed and transported from any pit, sump, holding tank, privies, cesspools, septic tank, sewage treatment plant or industrial facility for discharge to JEA WRF at designated points.
- DD. *Indirect Discharge* means the introduction of pollutants into the JEA WRF from any nondomestic source.
- EE. *Indirect Potable Reuse* means the planned delivery or discharge of reclaimed water or advanced treated water to ground or surface waters for the development of, or to supplement, potable water supply in accordance with projects identified in paragraph 62-565.100(1)(c) and (d), F.A.C.
- FF. *Industrial Pretreatment Manager* means the person designated by JEA and who is responsible for administering this regulation and other duties and responsibilities associated with the Industrial Pretreatment Program.

- GG. *Industrial User or User* means any person who discharges into JEA WRF from a source other than residential.
- HH. *Industrial Waste* means the water-borne wastes, including contaminated cooling water, from industrial processes, as distinct from sanitary wastewater.
- II. *Instantaneous limit* means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- JJ. *Interference* means a discharge, which alone or in conjunction with a discharge or discharges from other sources, both:
- (1) Inhibits or disrupts JEA WRF or potable reuse system, its treatment processes or operations or its sludge processes, use or disposal; and
  - (2) Is a cause of a violation of any requirement of the JEA WRF or potable reuse system's permits (including an increase in the magnitude or duration of a violation) or prevents use or disposal of biosolids in compliance with local regulations or rules of the Department and Chapter 403, F.S.
  - (3) Interference as it pertains to potable reuse will also mean a discharge from a non-domestic wastewater source which alone or in conjunction with a discharge or discharges from other sources that inhibits or disrupts the treatment processes or operations that has a significant potential to have serious adverse effects on public health or to cause an exceedance either of a treatment requirement or of a Maximum Contaminant Level for finished drinking water.
- KK. *JEA*, formerly known as the Jacksonville Electric Authority, is the public water, sewer and electric utility providing service to the City of Jacksonville, and parts of Clay, Nassau, and St. Johns Counties.
- LL. *JEA WRF* means the entire system of sanitary sewers, pump stations/lift stations, and water reclamation facilities, including potable reuse facilities and infrastructure, operated by JEA.
- MM. *Local Limits* are specific discharge limits developed and enforced by JEA upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- NN. *Long term average* means an average volume or rate of discharge or average mass of pollutants discharged or average rate of production based on actual levels of production or operation over an extended period sufficient to capture the normal range of variations in production or operation. A long-term average should be based on a minimum of one recent year's historical data if available, or upon well documented projections if such data are not available.
- OO. *Maximum Allowable Discharge Limit* means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- PP. *Measurement* means the ability of the analytical method or protocol to quantify, as well as identify, the presence of the substance in question.
- QQ. *Medical Waste* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis waste.
- RR. *NPDES permit or FDEP permit* means a permit issued to a publicly-owned treatment works pursuant to section 402 of the Act or pursuant to Florida Law.
- SS. *New Source* means
- a. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed



pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (c) The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous onsite construction program:
    - (i) Any placement, assembly, or installation of facilities or equipment; or
    - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

TT. *Nonconventional Pollutant* means a pollutant that is not included in the list of conventional pollutants in 40 CFR Part 401.16

UU. *Non-contact Cooling Water* means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

VV. *Non-Significant Industrial User* means any non-residential user which provides a service or one connected with commerce which is not classified as a Significant Industrial User.

WW. *Normal Strength Wastewater or Sewage* means wastewater which prior to any treatment, contains no more than the following in the pollutant categories indicated:

- a. COD.....650 mg/l
- b. TSS.....300 mg/l

XX. *Outfall* means any point of discharge into a water course, or other body of surface or groundwater.

YY. *Pass-through* means a discharge which exits JEAWRF into waters of the United States or into waters used as a drinking water source in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes or contributes to a violation of any requirement of JEA's WRF's or potable reuse permits, including an increase in the

magnitude or duration of a violation.

ZZ. *Person* means any individual, partnership, co-partnership, firm, company, corporation, association, Joint Stock Company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

AAA. *Photographic Processing Facility* means a facility, which processes images from silver-sensitized films and papers. This includes, but is not limited to, commercial photographic and film processing facilities, in-house photographic processing facilities, micro labs, printers, X-ray and other medical/dental/industrial/institutional diagnostic facilities which use silver-based imaging paper, the processing of which produces a silver-rich solution.

BBB. *pH* means a measure of the acidity or alkalinity of a solution, expressed in standard units.

CCC. *Point Source* means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding Operation, vessel, or other floating craft from which pollutants are or may be discharged.

DDD. *Pollutant* means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

EEE. *Pollution* means the man-made or -induced alteration of the chemical, physical, biological and radiological integrity of water.

FFF. *Potable reuse system* means the permitted facilities interconnected for the purpose of producing finished drinking water from domestic wastewater.

GGG. *Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into JEA WRF. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

HHH. *Pretreatment Requirement* means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

III. *Pretreatment Standards or Standard* means prohibited discharge standards, categorical pretreatment standards, and local limits.

JJJ. *Problem discharge* means any upset, slug discharge, bypass, spill or accident which does or may result in a discharge into JEA WRF or into a watercourse of a prohibited substance or a regulated substance in excess of limitations listed in this regulation or a regulated substance in excess of limitations established in any permit issued to the user by JEA or any NPDES permit issued to the user, and which may: (a) cause interference or pass-through; (b) contribute to a violation of any requirement of JEA's NPDES permit; or (c) cause violation of any State or Federal Water Quality Standard.

KKK. *Production Based Discharge Limitation* means a pollutant limitation, which is expressed in terms of allowable mass discharge of pollutant per unit of production. To determine compliance with such limitation, the actual discharge rate and the actual production rate at the time of sampling must be known.

LLL. *Prohibited Discharge Standards or Prohibited Discharges* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this regulation.

MMM. *Properly Shredded Garbage* means the waste from the preparation, cooking and dispensing of

food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in dimension.

NNN. *RCRA* means the Federal Resource Conservation and Recovery Act of 1976 and all amendments thereto.

OOO. *Reclaimed Water* means water that has received at least secondary treatment and is reused after flowing out of a water reclamation plant.

PPP. *Residential* means property used for human residency and shall include subdivisions, single family dwellings, two family dwellings, and multifamily dwellings.

QQQ. *Sanitary Sewer* means a sewer, which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

RRR. *Sanitary Wastewater* is any superfluous solid, liquid, or gaseous material principally from the use of sanitary Conveniences of residences, businesses, industries, or institutions.

SSS. *Septic Tank Waste* means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

TTT. *Severe Property Damage* means in connection with a bypass, substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

UUU. *Sewage* means human excrement and gray water (household showers, etc.).

VVV. *Shall* is mandatory. *May* is permissive.

WWW. *Significant Industrial User* means:

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of twenty-five thousand (25,000) GPD or more of process wastewater to JEAWRF (excluding domestic wastewater, non-contact cooling, and boiler blow-down wastewater);

(b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of JEA wastewater treatment WRF; or

(c) Is designated as such by JEA on the basis the user has a reasonable potential for adversely affecting JEAWRF's operation, any portion of the potable reuse system, or for violating any pretreatment standard or requirement in accordance with paragraph 62-625.500(2)(e), F.A.C.

(3) JEA may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, is a non-significant categorical industrial user.

(4) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting JEAWRF's operation or for violating any pretreatment standard or requirement, JEA may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in Rule 62-625.500(2)(e)

FAC determine that such user should not be considered a significant industrial user.

XXX. *Significant Noncompliance* means:

- (1) Chronic violations of discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limit, daily maximum limit, the average limit, or JEA's Maximum Allowable Discharge Limit multiplied by the applicable criteria (TRC=1.4 for BOD, TSS, total oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum, long-term average, instantaneous limit, or narrative standard), that JEA determines has caused, alone or in combination with other discharges, interference or pass-through, (including endangering the health of JEA's personnel or the general public);
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in JEA's exercise of emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within forty-five (45) days after the due date, required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations, which may include a violation of Best Management Practices which JEA determines will adversely affect the operation or implementation of JEA's pretreatment program.

YYY. *Silver CMP* means the Code of Management Practice for Silver Dischargers, issued by the Silver Council and the Association of Metropolitan Sewerage Agencies (AMSA), September 1995, and all subsequent revisions thereto. The Silver CMP provides recommendations on technology, equipment and management practices for controlling silver discharges from facilities that process photographic and x-ray materials.

ZZZ. *Silver-Rich Solution* means a solution containing sufficient silver such that cost-effective recovery can be done either on-site or off-site. Within photographic and x-ray processing facilities, such solutions include, but are not limited to, fix and bleach solutions, stabilizers (e.g. plumb-less stabilizers and chemical washes), low-replenished (low-flow) washes, and all functionally-similar solutions. It does not include such low silver solutions as used developers, bleaches, stop baths, pre-bleaches, stabilizers following washes and wash waters.

AAAA. *Slug Discharge* means any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate JEA's regulations, local limits or permit conditions.

BBBB. *Standard Industrial Classification (SIC) Code* means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

CCCC. *Storm Water* means any flow occurring during or following any form of natural precipitation,

and resulting from such precipitation, including snow-melt.

DDDD. *Storm drain and storm sewer* means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

EEEE. *Suspended Solids* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is retained by a laboratory filter.

FFFF. *Toxic pollutant* means a pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under the provisions of Sections 307(a), (b) and (c) and 402(b)(8) of the Act.

GGGG. *Waste* means and includes sewage and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, of human or animal origin or from any producing, manufacturing or processing operation of whatever nature, including waste placed within containers of whatever nature prior to and for purposes of disposal.

HHHH. *Wastewater* means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to JEAWRF.

IIII. *Wastewater Constituents and Characteristics* means the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

JJJJ. *Water Reclamation Facility or Treatment Plant* means that portion of JEAWRF which discharges wastes into waters of the State or which can reasonably be expected to be a source of water pollution and includes any or all of the following: the collection and transmission system, the water reclamation facility, the reuse or disposal system, and the biosolids management facility.

## **SECTION 2. GENERAL SEWER USE REQUIREMENTS**

### **SECTION 2.1. Prohibited Discharge Standards**

#### **A. General Prohibitions.**

- (1) No user shall introduce or cause to be introduced into JEAWRF or potable reuse system any pollutant or wastewater which causes pass-through or interference or shall introduce or cause to be introduced pollutants, substances, or wastewater that have not been processed or stored in such a manner that they could be discharged to JEAWRF or potable reuse system. No significant industrial user shall discharge to JEAWRF or potable reuse system without authorization from JEA. These general prohibitions apply to all users of JEAWRF or potable reuse system whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.
- (2) Affirmative Defenses. An industrial user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (1), above, and the specific prohibitions in paragraphs B.(3),(5),(6),(7),(10), below, where the industrial user can demonstrate that:
  - a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause

pass through or interference; and

b) Either of the following:

1. A local limit designed to prevent pass through or interference was developed in accordance with section 2.4, below, for each pollutant in the industrial user's discharge that caused pass through or interference, and the industrial user was in compliance with each such local limit directly prior to and during the pass through or interference; or
2. If a local limit designed to prevent pass through or interference has not been developed in accordance with section 2.4, below, for the pollutants that caused the pass through or interference, and the industrial user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the industrial user's discharge activity when the JEA WRF or potable reuse system was regularly in compliance with its permit requirements and applicable requirements for biosolids.

B. Specific Prohibitions. No user shall introduce or cause to be introduced into JEA WRF the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in JEA WRF, including, but not limited to, waste streams with a closed-cup flash point of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
- (2) Water having a pH lower than 5.5 or higher than 12.0, or otherwise causing corrosive structural damage to JEA WRF or equipment.
- (3) Any solids or viscous substances in amounts which will cause obstruction of the flow in the JEA WRF or potable reuse system resulting in interference.
- (4) Any animal or vegetable-based oils, fats, or greases whether or not emulsified, which would tend to coat or clog, cause interference, pass through, or adverse effects on JEA WRF. Grease removed from grease traps or interceptors shall not be discharged to JEA WRF.
- (5) Pollutants, including oxygen-demanding pollutants (BOD, 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 JEA WRF or potable reuse system.
- (6) No user shall discharge into a sewer line or other appurtenance of the JEA WRF any wastewater having a temperature greater than 140°F (60°C) or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C). If a lower temperature limit is required than 140°F at the point of connection to JEA WRF, then the limit shall be depicted in the user's wastewater discharge permit.
- (7) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin at a total concentration exceeding 150 mg/l.
- (8) Water containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with a water treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of JEA WRF, causing the treatment plant to fail a toxicity test or exceed the limitation set forth in a

categorical pretreatment standard.

- (9) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by JEA.
- (10) Pollutants which result in the presence of toxic gases, vapors, or fumes within JEA WRF in a quantity that may cause acute worker health and safety problems. Acute worker health and safety problems may be defined using the most recent information on TWA-TLV, TWA-STEL, and IDLH from the American Conference of Governmental Industrial Hygienists (ACGIH), National Institute for Occupational Safety and Health (NIOSH), EPA, and the Occupational Health and Safety Administration (OSHA).
- (11) Trucked or hauled pollutants, except at discharge points designated by JEA in accordance with Section 6.3 of this regulation.
- (12) Noxious or malodorous liquids (City of Jacksonville, City Odor Ordinance, Chapter 376, Ordinance Code), gases, solids, or other wastewater 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, inspection or repair.
- (13) Water which impart color that cannot be removed by the treatment process and causes a violation of JEA WRF's or potable reuse system permits such as, but not limited to, dye wastes and vegetable tanning solutions.
- (14) Water containing any radioactive wastes or isotopes except in compliance with applicable Federal and State regulations or permits issued by Federal and State Agencies and specifically authorized by JEA.
- (15) Sludge, screenings, or other residues from the pretreatment of industrial wastes.
- (16) Medical or infectious wastes, except as specifically authorized by JEA in a wastewater discharge permit.
- (17) Detergents, surface-active agents, or other substances which may cause excessive foaming and cause interference and pass-through JEA WRF.
- (18) Garbage that has not been properly shredded to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in JEA WRF. At no time shall the concentration of properly ground garbage exceed a level that would prevent JEA WRF from maintaining the required efficiency or cause operational difficulties.
- (19) Swimming pool drainage unless specifically authorized by JEA. No person who fills a swimming pool with non-metered water may discharge swimming pool drainage to a sanitary sewer without a JEA wastewater discharge authorization.
- (20) It shall be unlawful for silver-rich solution from a photographic processing facility to be discharged or otherwise introduced into JEA WRF, unless such silver-rich solution is managed by the photographic processing facility in accordance with the most recent version of the Silver CMP prior to its introduction into JEA WRF.
- (21) Disposing of discontinued, expired, or unused pharmaceuticals to the sanitary sewer is prohibited. Pharmaceuticals include but are not limited to: hazardous & non-hazardous prescription & over-the-counter therapeutic drugs; excess medication in IV bags, syringes, or vials; chemotherapy drug wastes; diagnostic agents; nutraceuticals; and antibiotics.

## **SECTION 2.2. National Categorical Pretreatment Standards**

The categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471 and adopted by reference in Chapter 62-625.410 FAC are hereby incorporated into this

regulation.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, JEA may impose equivalent concentration or mass limits in accordance with 62-625.410(4) FAC.
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, JEA shall impose an alternate limit using the combined waste stream formula in accordance with 62-625.410(6) FAC.
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 62-625.700 FAC, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 62-625.820 FAC.
- E. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, a user may request that JEA convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the JEA. JEA may establish equivalent mass limits only if the user meets all the conditions set forth in Sections 2.2E(1)(a) through 2.2E(1)(e) below.

(1) To be eligible for equivalent mass limits, the Industrial User must:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- c. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
- e. Have consistently complied with all applicable categorical pretreatment standards during the period prior to the Industrial User's request for equivalent mass limits.

(2) A user subject to equivalent mass limits must:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- c. Continue to record the facility's production rates and notify the JEA whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2F(1)(c) of this Section. Upon notification of a revised production rate, JEA will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2E(1)(a) of this Section



so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, JEA:

- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
  - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - c. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.6. The user must also be in compliance with Section 13.3 regarding the prohibition of bypass.
- F. JEA may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual users. The conversion is at the discretion of JEA.
- G. Once included in its permit, the user must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- H. Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- I. Any user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify JEA within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying JEA of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

### **SECTION 2.3. State Pretreatment Standards**

Users must comply with the Florida Pretreatment Standards codified in 62-625 FAC.

### **SECTION 2.4. Local Limits**

The pollutant limits listed in Appendix A are established to protect against pass-through and interference and implement the prohibitions listed in section 2.1, above. No industrial user shall discharge water in excess of the concentrations listed in Appendix A. JEA shall enforce local limits which, together with appropriate changes in the treatment plant or operation, are necessary to ensure compliance with the JEAWRF or potable reuse system's permit(s) or biosolids use or disposal practices. JEA may authorize as a special permit condition, alternative discharge limits if calculations show that such limits will protect JEAWRF or potable reuse against interference and pass-through only after individual notice has been given to the impacted parties with time to respond. The limits in Appendix A shall apply at the point where the water is discharged to JEAWRF or potable reuse system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. Local limits are defined as maximum allowable discharge concentrations. JEA may impose mass limitations in addition to, or in place of, the concentration-

based limitations listed in Appendix A.

## **SECTION 2.5. JEA's Right of Revision**

JEA reserves the right to establish, by regulation or in discharge permits, more stringent standards or requirements on discharges to JEAWRF.

## **SECTION 2.6. Dilution**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. JEA may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

## **SECTION 2.7. Best Management Practices**

JEA may develop Best Management Practices, by regulation or in individual wastewater discharge permits, to implement local limits and the requirements of section 2.1. The following are fully enforceable BMP's and constitute local limitations and pretreatment standards.

- A. The Silver CMP
- B. JEA's BMP and Guidance Manual for Cooling Towers
- C. JEA's BMP and Guidance Manual for Food Service Establishments
- D. JEA's BMP for Auto Repair Facilities
- E. JEA's BMP for Embalming Facilities
- F. JEA's BMP for Mercury Waste Management in Dental Facilities
- G. FDEP's Guide to BMPs for 100% Closed Loop Recycle Systems at Vehicle and Other Equipment Wash Facilities

# **SECTION 3. PRETREATMENT OF WASTEWATER**

## **SECTION 3.1. Pretreatment Facilities**

- A. Users shall provide wastewater treatment as necessary to comply with this regulation and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this regulation within the time limitations specified by EPA, the State, or JEA , whichever is more stringent.
- B. Any facilities necessary for compliance shall be provided, designed, constructed, operated, and maintained at the user's expense.
- C. Detailed plans, specifications and operating procedures for new wastewater pretreatment facilities or process modifications to existing pretreatment systems shall be prepared by a Florida registered professional engineer, and shall be submitted to JEA for review in accordance with accepted engineering practices at least ninety (90) days before the commencement of construction activities. JEA shall review the plans, specifications and operating procedures and shall recommend appropriate changes within forty-five (45) days of receipt of such documents. Prior to beginning construction of the pretreatment facility, the user shall also secure the building, plumbing or other permits that may be required. The user shall construct the pretreatment facility within the time provided in the user's discharge permit, compliance agreement, or other applicable documents. Following completion of construction, the user shall provide JEA with "as built" drawings certified and

sealed by a Florida registered professional engineer to be maintained by JEA.

- D. The review and approval of such plans and operating procedures shall in no way relieve the user from the responsibility of operating and modifying such facilities as necessary to produce a discharge acceptable to JEA under the provisions of this regulation.

### **SECTION 3.2. Additional Pretreatment Measures**

- A. JEA may designate that certain wastewater be discharged only into specific sewers, that existing discharges be relocated and/or consolidated, and such other conditions as may be necessary to protect JEA WRF and to determine the user's compliance with the requirements of this regulation.
- B. JEA may require any person discharging into JEA WRF to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A discharge permit may be issued solely for flow equalization. The user at its expense shall maintain these facilities continuously and in satisfactory and effective operation.
- C. Grease, oil, and sand interceptors shall be provided for laundries, food service establishments, service stations, auto repair shops, car washes, or other facilities when, in the opinion of JEA, they are necessary for the proper handling of wastewater containing excessive amounts of flammable wastes, grease and oil, sand or other harmful substances; except that such interceptors shall not be required for residential users.

(1) All interception units shall be of a type and capacity approved by JEA and shall be so located and of a design for easy accessibility for cleaning and inspection.

(2) Such interceptors shall be inspected and repaired regularly, as needed, by the user at its expense. Grease and solids shall be removed or cleaned from such interceptors at a frequency determined by JEA, but not at an interval greater than once per ninety (90) days unless granted a variance by JEA. If a facility determines that factors unique to its operation warrant less frequent interceptor cleaning, it may make application to JEA for a semi-annual cleaning frequency. It shall be JEA's sole decision to decrease the interceptor cleaning frequency to semi-annual.

(3) Facilities with interceptors of a capacity of 50 gallons or less must have the entire contents removed at a minimum frequency of once per fifteen (15) days.

(4) Cleaning records, such as waste manifests, shall be retained by the user in accordance with Section 7.13 of this regulation.

- D. Users with the potential to discharge flammable substances shall be required to install and maintain an approved combustible gas detection meter when, they are necessary for the protection of JEA WRF, JEA personnel, and the general public. Meters shall be so located to be easily accessible for cleaning and inspection. Such meters shall be maintained continuously and in satisfactory and effective operation by the user at their expense. Maintenance records shall be retained by the user in accordance with Section 7.13 of this regulation.
- E. The permitted user serviced by a sewer carrying industrial wastes may be required to install a suitable control sampling location, together with the necessary meters or appurtenances to facilitate sampling and flow measurement of the wastes. JEA retains the right to establish suitable control sampling locations with necessary meters or appurtenances to conduct sampling and flow measurement of wastes discharged from industrial users. Plans shall be prepared and signed by a Florida registered professional engineer of suitable discipline. The sampling location shall be accessible and safely located and shall be constructed in accordance with plans approved by JEA. The sampling location shall be installed by the owner at his expense and shall be maintained by the user so as to be safe

and accessible at all times.

### **SECTION 3.3. Accidental Discharge/Slug Control Plans (ADSCP)**

- A. JEA shall evaluate, at least once every two years, whether each significant industrial user needs a plan to control slug discharges. Significant industrial users discharging to potable reuse systems shall have an ADSCP. The plan shall be re-evaluated annually and updated as necessary. New significant industrial users must be evaluated prior to permit issuance. Significant industrial users are required to notify JEA immediately of any changes at its facility affecting the potential for a slug discharge. An accidental discharge/slug control plan shall address, at a minimum, the following:
- (1) Description of discharge practices, including non-routine batch discharges.
  - (2) Description of stored chemicals.
  - (3) Procedures for immediately notifying JEA of any accidental or slug discharge, as required by Section 7.6 of this regulation.
  - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- B. Where JEA has determined that secondary containment is necessary to prevent adverse impact from any accidental or slug discharge, the user shall comply with all of the following procedures:
- (1) Secondary containment shall be constructed of materials that are compatible with, and impervious to, or otherwise capable of containing any spilled, leaked or discharged polluting materials so that the materials can be recovered and so that polluting materials cannot escape directly or indirectly to any public sanitary sewer.
  - (2) Secondary containment shall provide a capacity that is not less than 10% of the total volume of the tanks or containers within the secondary containment structure or provide a capacity of 110% of the largest single tank or container within the secondary containment structure, whichever is larger.
  - (3) User must allow surveillance of the tanks or containers for the timely detection of any leaks and recovery of any spillage, and the removal and proper disposal of any captured precipitation so that the minimum required capacity is maintained at all times. Captured precipitation may be removed by drainage through normally closed valves if all of the following procedures are met:
    - a. The drainage is conducted under the direct supervision of qualified facility personnel;
    - b. The valves are secured closed at all times, except during precipitation removal; and
    - c. The drainage to the WRF is performed in full compliance with all applicable federal, state, and local requirements.
  - (4) All user areas and indoor storage areas shall be designed, constructed, maintained, and operated to prevent the release of polluting materials through sewers, drains, or otherwise directly or indirectly into any public sanitary sewer.

- (5) Polluting materials in solid form shall be enclosed, covered, contained, or otherwise protected to prevent runoff and runoff, seepage, or leakage to any public sanitary sewer.
- (6) Alternate secondary containment, control, or treatment systems other than those required by this subsection that provide adequate protection may be used upon written approval of JEA. Requests for alternative secondary containment, control, or treatment systems shall be submitted in writing to JEA.

#### **SECTION 3.4. Measurement**

The owner of property serviced by JEA WRF who wishes to measure the sewerage output for purposes of billing shall install and maintain at the owner's expense a flow measuring system as indicated in Section 3.2. JEA also reserves the right to own, design, install, and/or maintain such monitoring equipment as deemed necessary to comply with the requirements of this regulation. All design requirements shall comply with requirements in Section 3.2. Such system shall be regularly maintained and calibrated in accordance with guidelines established by JEA.

### **SECTION 4. SIGNIFICANT INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT APPLICATION**

#### **SECTION 4.1. Permit Requirements**

- A. No significant industrial user shall discharge wastewater into JEA WRF without first obtaining a discharge permit from JEA.
- B. JEA may require other Users to obtain individual discharge permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of a discharge permit shall be deemed a violation of this regulation and subjects the user to the sanctions set out in Sections 11 and 12 of this regulation. Obtaining a discharge permit does not relieve a user of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

#### **SECTION 4.2. Permitting: Existing Connections (without a current permit)**

JEA will notify a Significant Industrial User, which when in the opinion of JEA, the regulation of such is necessary for the protection of JEA WRF. Within sixty (60) days of receipt of JEA's notification, the Significant Industrial User shall submit a completed JEA application for a discharge permit in accordance with Section 4.4 of this regulation and shall not cause or allow discharges to the JEA WRF to continue after sixty (60) days of the effective date of this regulation except in accordance with an individual discharge permit issued by JEA.

#### **SECTION 4.3. Permitting: New Connections**

Before discharging non-residential waste into JEA WRF any user required to obtain a discharge permit who proposes to begin or recommence discharging into the JEA WRF must obtain such permit prior to the beginning or recommencing of such discharge. An application for this discharge permit, completed in accordance with Section 4.4 of this regulation, must be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin.

#### **SECTION 4.4. Permit Application Contents**

All users required to obtain a discharge permit must submit a permit application on a form provided by JEA. JEA may require all users to submit, as part of an application, the following information:

- A. All information required by Section 7.1(B) of this regulation;

- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to JEA WRF;
- C. Number of employees, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, treatment facility schematics, treatment process diagrams, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, sampling locations, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges;
- H. Any other information as may be deemed necessary by JEA to evaluate the discharge permit application;
- I. Description of flow monitoring/wastewater sampling equipment to be installed or methods to be used;
- J. Description of proposed sampling/monitoring locations.

#### **SECTION 4.5. Incomplete Application**

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. JEA will notify any user of an incomplete or inaccurate application within thirty (30) days of receipt of submittal.

#### **SECTION 4.6. Application Signatories and Certification**

- A. All discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to JEA prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by JEA pursuant to Section 1.4.WWW(3) must annually submit the signed certification statement in Section 7.14.B.

#### **SECTION 4.7. Permit Decisions**

JEA will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete discharge permit application, JEA will determine whether

or not to issue a discharge permit.

#### **SECTION 4.8 Registration of Non-permitted Users**

All users not required to obtain an discharge permit shall submit a registration form to JEA as may be required. Such users shall include, but not be limited to:

- A. Facilities that produce a silver rich waste stream, such as photographic and x-ray processing facilities.
- B. Food service establishments.
- C. Dental facilities

### **SECTION 5. SIGNIFICANT INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

#### **SECTION 5.1. Permit Contents**

A discharge permit shall include such conditions as are deemed reasonably necessary by JEA to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to JEA WRF.

- A. Discharge permits shall contain:
  - (1) Each discharge permit will indicate a specific date upon which it will expire. A permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit.
  - (2) A statement that the discharge permit is nontransferable without prior notification to JEA in accordance with Section 5.3 of this regulation, and provisions for furnishing the new owner or operator with a copy of the existing discharge permit;
  - (3) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
  - (4) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 7.4D;
  - (5) Requirements to control slug discharge, if determined by JEA to be necessary;
  - (6) Any grant of the monitoring waiver by JEA (Section 7.4D);
  - (7) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
  - (8) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- B. Discharge permits may contain, but need not be limited to, the following conditions:
  - (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to JEA WRF;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to JEA WRF;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the discharge permit does not relieve the user of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the discharge permit; and conditions as deemed appropriate by JEA to ensure compliance with this regulation, and State and Federal laws, rules, and regulations.

## **SECTION 5.2. Permit Modifications**

JEA may modify a discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of discharge permit issuance;
- C. A change in JEA WRF or potable reuse system that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to JEA WRF, JEA personnel, or the receiving waters;
- E. Violation of any terms or conditions of the discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13; or
- H. To correct typographical or other errors in the discharge permit.

## **SECTION 5.3. Permit Transfer**

Discharge permits may be transferred to a new owner or operator only if the existing permittee gives at least thirty (30) days advance notice to JEA and JEA approves the discharge permit transfer. The notice to JEA must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operation and process;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing discharge permit.

If either party does not agree to a transfer, the new owner must comply with requirements in Section 4.2 for obtaining a new discharge permit.



#### **SECTION 5.4. Permit Revocation**

JEA may revoke a discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify JEA of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to JEA of changed conditions pursuant to Section 7.5 of this regulation;
- C. Misrepresentation or failure to fully disclose all relevant facts in the discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow JEA timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the discharge permit or this regulation.

Discharge permits shall be voidable upon cessation of operations for sixty (60) days or greater, or upon transfer of business ownership. All discharge permits issued to a particular user are void upon the issuance of a new discharge permit to that user.

#### **SECTION 5.5. Permit Re-issuance**

A user with an expiring discharge permit shall apply for a discharge permit by submitting a complete permit application, in accordance with Section 4.4, a minimum of one hundred twenty (120) days prior to the expiration of the users existing discharge permit. The terms and conditions of a permit are automatically continued past its expiration date and remain fully enforceable pending issuance of a new permit if: (a) The permittee has submitted a timely and sufficient application for renewal; or (b) JEA is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit; and (c) The permittee is not in significant noncompliance with the terms and conditions of the previous permit on its expiration date.

#### **SECTION 5.6. Regulation of Waste Received from Other Jurisdictions**

- A. JEA shall be the permitting authority for any discharge that goes into a JEA WRF or potable reuse system. If another utility contributes wastewater to JEAWRF, JEA shall enter into an agreement with the contributing utility.
- B. Prior to entering into an agreement required by paragraph A, above, JEA shall request the following information from the contributing utility:
  - (1) A description of the quality and volume of wastewater discharged to JEAWRF or potable reuse system by the contributing utility;
  - (2) An inventory of all users located within the contributing utility that are discharging to JEAWRF or potable reuse system; and

- (3) Such other information JEA may deem necessary to evaluate the wastewater discharge.
- C. An agreement, as required by paragraph A, above, shall contain the following conditions:
- (1) A requirement for the contributing utility to adopt a sewer use regulation which is at least as stringent as this regulation and local limits which are at least as stringent as those set out in Section 2.4 of this regulation. The requirement shall specify that such regulation and limits must be revised as necessary to reflect changes made to JEA's regulation or local limits;
  - (2) A requirement for the contributing utility to submit a revised user inventory on at least an annual basis;
  - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing utility and which of these activities will be conducted by JEA;
  - (4) A requirement for the contributing utility to provide JEA with access to all information that the contributing utility obtains as part of its pretreatment activities;
  - (5) Limits on the nature, quality, and volume of the contributing utility's wastewater at the point where it discharges to JEAWRF;
  - (6) Requirements for monitoring the contributing utility's discharge;
  - (7) A provision ensuring JEA access to the facilities of users located within the contributing utility's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by JEA;
  - (8) A provision specifying remedies available for breach of the terms of the agreement; and
  - (9) Establishment of Fees and Charges associated with this agreement.

#### **SECTION 5.7. Permit Appeals Process**

- A. The industrial user may petition JEA to reconsider the terms of an individual discharge permit within thirty (30) days of its issuance. The appeals process may be used when:
- (1) An applicant has made three good faith attempts at providing a complete application pursuant to Section 4.4; or
  - (2) JEA denies a permit pursuant to Section 4.7; or
  - (3) A permit applicant or holder disputes a decision by JEA to impose, modify, or add permit limitations or conditions as authorized under Section 5.1 and 5.2.
- B. Procedures for Appeal. All appeals shall follow the procedures outlined in this Section.
- (1) Failure to submit a petition for review within thirty (30) days of permit issuance for review shall be deemed a waiver of the administrative appeal.
  - (1) Schedule of Hearing. The permit applicant shall appeal to the Chief Administrative Officer (CAO) to schedule the hearing. Upon receipt of the written request or submission of the disputed issue, the CAO shall set a date for an administrative hearing, to be held not more than ninety (90) days after the date of the request or submission. The Office of General Counsel shall provide a hearing officer. The hearing officer may, for just cause shown, extend the time for a hearing to resolve the disputed issues.
  - (2) Presentation of Objections. At the hearing, the applicant or the applicant's agent or attorney shall be afforded an opportunity to present, by oral testimony or documentary

evidence, any objections. JEA may present, by oral testimony or documentary evidence support for or explanation of prior decisions.

- (3) Findings and Recommendations. Within fourteen (14) days after the conclusion of the hearing, the hearing officer shall report their findings and recommendations to the CAO. The CAO shall, within thirty (30) days from the date the receives hearing officer's report is received, make his or her decision, based upon the evidence presented at the hearing. If the hearing was held:
- (a) As a result of a request by the permit applicant regarding an incomplete application, the CAO may decide one of the following:
    - (i) That the application is incomplete and directs the applicant to provide the necessary information.
    - (ii) That the application is complete and directs the Industrial Pretreatment Manager to evaluate the application based upon the information already provided by the applicant.
  - (b) From an appeal by permit applicant concerning a denied permit, the CAO may decide one of the following:
    - (i) That the permit applicant shall receive a discharge permit.
    - (ii) That the permit applicant shall not receive a discharge permit.
    - (iii) That the permit applicant shall resubmit a completed application in accordance with Section 4.4.
  - (c) From an appeal by a permittee disputing a decision by JEA to impose, modify or add permit limitations or conditions as authorized under Section 5.2, the CAO may decide one of the following:
    - (i) The change requested by the permittee shall be implemented.
    - (ii) The permittee shall receive a permit with stipulations as determined by the CAO.
    - (iii) That the request is denied.

The decision of the CAO, under Section 5.7 B.(3) (a), (b), or (c), shall be final and a copy of the decision shall be furnished to the applicant or permittee and to the Office of the General Counsel.

## **SECTION 6. DISCHARGES FROM NON-SIGNIFICANT INDUSTRIAL USERS**

### **SECTION 6.1. Notification**

JEA will notify a non-significant industrial user, which when in the opinion of JEA, the regulation of such is necessary for the protection of JEAWRF. The non-significant industrial user shall submit a completed JEA application for a Non-Significant Industrial Wastewater Discharge Permit within the time period specified by JEA.

### **SECTION 6.2. Permit Contents**

JEA shall issue a Non-Significant Industrial Wastewater Discharge Permit for non-significant users notified under Section 6.1. A permit shall include such conditions as are deemed reasonably necessary by JEA, including but not limited to self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements may include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on

Federal, State, and local law.

### **SECTION 6.3. Hauled Waste**

- A. Any haulers of septic tank waste doing business within JEA, if said waste is to be discharged into a JEA WRF, shall obtain a Waste Hauler Permit from JEA. If the hauled waste is not classified as septic tank waste, then the user shall comply with the permitting requirements of Section 4.
- B. Any haulers of septic tank waste shall discharge loads only at locations designated by JEA and at such times established by JEA. No load may be discharged without prior consent of JEA. JEA may collect samples of each hauled load to ensure compliance with this regulation. JEA may require the industrial waste haulers to provide a waste analysis of any load prior to discharge. JEA may prohibit the disposal of hauled waste after reviewing the waste analysis and waste-tracking information.
- C. Any haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of each source of waste, and volume and type of waste, and whether such waste are classified as RCRA hazardous.

### **SECTION 6.4. Annual Compliance Certification**

Each non-significant industrial user that has been notified by JEA in accordance with Section 6.1 of this regulation shall submit an annual compliance certification, (unless the user's permit stipulates other reporting requirements), to be completed by an authorized representative of the facility and submitted to JEA annually. The compliance certification may consist of the following:

A. Annual Report:

The annual report shall contain the following information for the preceding calendar year:

- (1) Type and description of processes and any applicable wastewater treatment employed at the facility.
- (2) Estimate of wastewater discharged expressed as average daily flow.
- (3) Description of any major changes in equipment or changes in operation since the submittal of the last annual report.
- (4) All wastewater sampling results, if required.
- (5) Any other information deemed necessary by JEA.

B. The following certification statement:

"On behalf of [Name of facility], I certify that, as of the date of this certification, this facility is in compliance with the requirements of JEA's Industrial Pretreatment Regulation except as specifically noted below."

### **SECTION 6.5. Permit Renewal**

Duration of the Non-Significant Industrial Wastewater Discharge Permit shall be issued for a specified time period not to exceed five (5) years from the effective date of the permit. A permitted non-significant industrial user with an expiring discharge permit shall apply for a discharge permit by submitting a complete permit application, as provided by JEA, a minimum of one hundred twenty (120) days prior to the expiration of the user's existing discharge permit. The terms and conditions of a permit are automatically continued past its expiration date and remain fully enforceable pending issuance of a new permit if; (a) The permittee has submitted a timely

and sufficient application for renewal; or (b) JEA is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit; and (c) The permittee is not in significant noncompliance with the terms and conditions of the previous permit on its expiration date.

## **SECTION 7. REPORTING REQUIREMENTS**

### **SECTION 7.1. Baseline Monitoring Reports**

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Rule 62-625.410(2) FAC, whichever is later, existing categorical users currently discharging to or scheduled to discharge to JEA WRF shall submit to JEA a report, which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to JEA a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
  - (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of Operations. A brief description of the nature, average rate of production, and SIC code(s) of the operation(s) carried out by such user. This description should include a schematic process diagram that indicates points of discharge to JEA WRF from the regulated processes.
  - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to JEA WRF from regulated process streams and other streams, as necessary, to allow use of the combined waste-stream formula set out in Rule 62-625.410(6) FAC.
  - (5) Measurement of Pollutants.
    - (a) The categorical pretreatment standards applicable to each regulated process.
    - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by JEA of regulated pollutants in the discharge from each regulated process. Daily maximum, average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 7.10 of this regulation.
    - (c) Sampling must be performed in accordance with procedures set out in Section 7.11 of this regulation.
  - (6) Certification. A statement, reviewed by the user's authorized representative and certified by a Florida registered professional engineer, 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 to meet the pretreatment standards and requirements.
  - (7) Compliance Schedule. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which

the user will provide such additional pretreatment and/or operation and maintenance shall be established. 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 7.2 of this regulation.

- (8) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with 7.14(A) of this regulation and signed by an Authorized Representative as defined in section 1.4C.

## **SECTION 7.2. Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 7 of this regulation:

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

## **SECTION 7.3. Reports on Compliance with Categorical Pretreatment Standard Deadline**

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 JEA WRF, any user subject to such pretreatment standards and requirements shall submit to JEA a report containing the information described in Section 7.1(B)(4-6) of this regulation. For users subject to equivalent mass or concentration limits established in accordance with the procedures in Rule 62-625.410(4) FAC, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this regulation.

## **SECTION 7.4. Periodic Compliance Reports**

- A. All significant industrial users shall, at a frequency determined by JEA but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with BMPs or pollution prevention alternative, the user must submit documentation required by JEA or the pretreatment standard necessary to determine the user's compliance status. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this regulation.
- B. 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 a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by JEA, using the procedures prescribed in Section 7.11 of this regulation, the results of this monitoring shall be included in the report.
- D. JEA may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:
  - (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
  - (2) The monitoring waiver is valid only for the duration of the effective period of the individual discharge permit, but in no case longer than 5 years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual discharge permit.
  - (3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  - (4) The request for a monitoring waiver must be signed in accordance with Section 1.4C, and include the certification statement in Section 7.14C.
  - (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  - (6) Any grant of the monitoring waiver by JEA must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by JEA for 3 years after expiration of the waiver.
  - (7) Upon approval of the monitoring waiver and revision of the user's permit by JEA, the industrial user must certify on each report with the statement in Section 7.14C below, that there has been no increase in the pollutant in its waste stream due to activities of the industrial user.
  - (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: comply with the monitoring requirements of Section 6.4 A, or other more frequent monitoring requirements imposed by JEA, and notify JEA.
  - (9) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical

pretreatment standard.

#### **SECTION 7.5. Reports of Changed Conditions**

Each user must notify JEA of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

- A. JEA may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a discharge permit application under Section 4.4 of this regulation.
- B. JEA may issue a discharge permit under Section 5.1 or 6.2 of this regulation or modify an existing discharge permit under Section 5.2 of this regulation in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the discharge of any previously unreported pollutants.
- D. Significant Industrial Users are required to notify JEA immediately of any changes at its facility affecting the potential for a slug discharge.

#### **SECTION 7.6. Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for JEA WRF, the user shall immediately telephone and notify JEA of the incident. This notification shall include the location of the discharge, type of waste, duration, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by JEA, 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 JEA WRF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this regulation.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant industrial users are required to notify JEA immediately of any changes at its facility affecting the potential for a slug discharge.

#### **SECTION 7.7. Reports from Non-permitted Users**

All users not required to obtain a discharge permit shall provide appropriate reports to JEA as may be required. Such users shall include, but not be limited to:

- A. Facilities that produce a silver rich waste stream, such as photographic or x-ray processing



facilities.

- B. Food service establishments.
- C. Dental offices

#### **SECTION 7.8. Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a user indicates a violation, the user must notify JEA within twenty-four (24) hours of becoming aware of the violation. The results of sampling which discloses the violation shall be reduced to writing and dated the day the results were known, if the sampling was conducted by the user, or stamped with the date the written analysis was received by the user from a contract laboratory. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to JEA within thirty (30) days after becoming aware of the violation. The user is not required to re-sample if JEA monitors at the user's facility at least once a month, or if JEA samples between the user's initial sampling and when the user receives the results of this sampling.

#### **SECTION 7.9. Notification of the Discharge of Hazardous Waste**

- A. Any user who commences the discharge of hazardous waste shall notify JEA, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into JEA of a substance which, if otherwise disposed of, would be a hazardous waste under 62-730 FAC. Such notification must include the name of the hazardous waste as set forth in 62-730 FAC, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to JEA, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste-stream discharged during that calendar month, and an estimation of the mass of constituents in the waste-stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 7.5 of this regulation. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 7.1, 7.3, and 7.4 of this regulation.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Rule 62-730 FAC. Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Rule 62-730 FAC, requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify JEA, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the

degree it has determined to be economically practical.

- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this regulation, a permit issued thereunder, or any applicable Federal or State law.

#### **SECTION 7.10. Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a discharge permit application or report shall be performed in accordance with the techniques prescribed in Rule 62-160 FAC unless otherwise specified in an applicable categorical pretreatment standard. If Rule 62-160 FAC, does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by FDEP.

#### **SECTION 7.11. Sample Collection**

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by JEA. Where time-proportional composite sampling or grab sampling is authorized by JEA, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by JEA, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 7.1 and 7.3, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, JEA may authorize a lower minimum. For the reports required by paragraphs Section 7.4 A, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

#### **SECTION 7.12. Timing**

Written reports will be deemed to have been submitted on the date received by JEA.

#### **SECTION 7.13. Record-Keeping**

Users subject to the reporting requirements of this regulation shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this regulation and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements and

documentation associated with BMPs established under Section 2.7. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or JEA, or where the user has been specifically notified of a longer retention period by JEA.

#### **SECTION 7.14      Certification Statements**

A. Certification of permit applications, user reports and initial monitoring waiver—The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 4.6; users submitting baseline monitoring reports under Section 7.1 B (6); users submitting reports on compliance with the categorical pretreatment standard deadlines under Section 7.3; users submitting periodic compliance reports required by Section 7.4 A–D, and users submitting an initial request to forego sampling of a pollutant on the basis of Section 7.4D(4). The following certification statement must be signed by an authorized representative as defined in Section 1.4 C:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

B. Annual certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by JEA pursuant to Section 1.4 WWW(4) and 4.6C must annually submit the following certification statement signed in accordance with the signatory requirements in Section 1.4 C. This certification must accompany an alternative report required by JEA:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

(a) The facility described as \_\_\_\_\_  
[facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 1.4 WWW(4);

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during

this reporting period.

This compliance certification is based on the following information.

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**C. Certification of Pollutants Not Present**

Users that have an approved monitoring waiver based on Section 7.4 D must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the user.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 7.4.A.

**SECTION 7.15. Continuous Monitoring**

When a user employs continuous monitoring techniques for pH and maintains such records through use of a chart recorder, the user shall meet the pH prohibitions and limitations specified in Section 2.1 (B) of this regulation and in any categorical standard; except that unintentional and temporary excursions above the upper and lower pH values are allowed so long as:

- A. The total time during which values for pH are outside the prohibition or limitation levels does not exceed eight (8) hours in any calendar month;
- B. No individual excursion exceeds sixty (60) minutes in length; and
- C. No excursion results in or contributes to violations of the prohibition in Section 2.1 (A) and Section 2.1 (B).

In no case shall the discharge have a pH lower than 5.0 except as authorized by JEA. When JEA determines that a sixty (60) minute excursion by any user will or may result in a violation, JEA may establish a shorter allowable duration for that user.

**SECTION 8. COMPLIANCE MONITORING**

**SECTION 8.1. Right of Entry: Inspection and Sampling**

JEA shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this regulation and any discharge permit or order issued hereunder. Users shall allow JEA ready access to all parts of the premises for the purposes of inspection, sampling, records examination, copying, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, JEA will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. JEA shall have the right to set up on the user's property, or require installation of, such

devices as are necessary to conduct sampling and/or metering of the user's operations.

- C. JEA may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated regularly to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of JEA and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing JEA access to the user's premises shall be a violation of this regulation.

## **SECTION 8.2. Search Warrants**

In the event JEA has asked for and been refused entry into a place, dwelling, structure or premises, other than a user-occupied family residence, to inspect for compliance with a discharge permit, an order issued under this directive, or for an illegal discharge to JEAWRF, JEA may apply for an inspection warrant pursuant to Section 933.20 et seq., Florida Statutes.

## **SECTION 9. CONFIDENTIAL INFORMATION**

Information and data on a user obtained from reports, surveys, discharge permit applications, discharge permits, and monitoring programs, and from JEA's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of JEA that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the user furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

## **SECTION 10. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

JEA shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by JEA, a list of users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements as defined in Section 1.4, XXX. The term Significant Noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (C), (D) or (H) of Section 1.4 XXX).

## **SECTION 11. ADMINISTRATIVE COMPLIANCE REMEDIES**

### **SECTION 11.1 Enforcement Procedures**

JEA shall develop and implement procedures to ensure consistent enforcement of violations when JEA finds that a user has violated, or continues to violate, any provision of this regulation, a

discharge permit or order issued hereunder, or any other pretreatment standard or requirement. These procedures shall be developed in accordance with 62-625.500 (2)(d) FAC.

## **SECTION 11.2. Consent Orders**

JEA may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance to ensure a return to compliance. Such orders shall include specific actions to be taken by the user to correct the noncompliance within a specific time.

## **SECTION 11.3 Show Cause Hearing**

- A. JEA may order a user which has violated, or continues to violate, any provision of this regulation, a discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before JEA and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, and the reasons for such action. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of the user. A Show Cause Hearing shall not be a bar against, or prerequisite for, taking any other action against the user. Any user choosing not to attend the hearing will automatically have their discharge permit revoked and will discontinue discharging waste to the JEA WRF.
- B. The Office of General Counsel shall provide a hearing officer thoroughly familiar with the applicable JEA directives, and City, State and Federal Ordinances, laws, rules and regulations. Although not required to have formal legal training, the officer must be familiar with the rules governing the administrative process. The officer shall possess the ability to listen attentively to persons giving testimony, be able to exercise mature judgment and tact, and be able to communicate clearly and concisely, orally and in writing. The hearing officer, for just cause shown may extend the time for a hearing.
  - (1) At the hearing, the user, or the user's agent or attorney shall be afforded an opportunity to present, by oral testimony or documentary evidence, its defenses to the alleged violation(s), proposed modification(s) or proposed suspension or revocation. The JEA may present, by oral testimony or documents, evidence of the alleged violations, and support for proposed actions as the case may be.
  - (2) The hearing officer shall report his findings and recommendations to the CAO, within fourteen (14) days after the close of the proceedings.
  - (3) Within thirty (30) days from the date the hearing officer's report is received, the CAO shall issue his decision. The CAO may decide one of the following:
    - (a) That the proposed enforcement action against the user as proposed by the Industrial Pretreatment Manager or as amended by the CAO will stand.
    - (b) That the proposed enforcement action against the user is not warranted and the user will be allowed to continue the existing operations.
  - (4) The decision of the CAO shall be final and a copy of the decision shall be furnished to the user, the Industrial Pretreatment Manager and the Office of General Counsel.

#### **SECTION 11.4. Compliance Orders**

When JEA finds that a user has violated, or continues to violate, any provision of this regulation, a discharge permit or order issued hereunder, or any other pretreatment standard or requirement, JEA may issue an order to the user directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. Unless the user's non-compliance with the order constitutes grounds for emergency suspension or termination of service as provided in Section 11 and 12, the user will be notified of the proposed suspension or termination before hand, and offered an opportunity to show cause why the proposed action should not be taken. The Show Cause Hearing shall be conducted as provided in Section 11.3.

#### **SECTION 11.5. Emergency Suspensions**

JEA may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. JEA may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of JEAWRF, or which presents, or may present, an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, JEA may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to JEAWRF, its receiving stream, or endangerment to any individuals. JEA may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of JEA that the period of endangerment has passed, unless the termination proceedings in Section 11.6 of this regulation are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to JEA prior to resuming discharge, and prior to the date of any Show Cause Hearing under Section 11.3 of this regulation.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

#### **SECTION 11.6. Termination of Discharge**

In addition to the provisions in Section 5.4 of this regulation, any user who violates the following conditions is subject to discharge termination:

- A. Violation of discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection,

- monitoring, or sampling;
- E. Violation of the pretreatment standards in Section 2 of this regulation; or
- F. Failure to pay assessed fines and penalties within the time prescribed.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 11.3 of this regulation why the proposed action should not be taken. Exercise of this option by JEA shall not be a bar to, or a prerequisite for, taking any other action against the user.

#### **SECTION 11.7. Civil Penalties**

- A. A user who has violated or continues to violate, any provision of this regulation, a discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to JEA for a maximum civil penalty of \$2,000 per violation, per day as authorized in Chapter 99-458, Laws of Florida. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. Civil penalties may be assessed by:
  - (1) Judicial process in a civil action filed in the name of JEA, in a court of competent jurisdiction: or,
  - (2) Administrative proceedings. Whenever JEA seeks to administratively impose a civil penalty the user, person or entity whose substantial interest is at stake, shall irrevocably elect either:
    - (a) the procedures described in Section 120.569 and Section 120.570, Florida Statutes, as amended, including, when requested, the employment of administrative law judges of the Florida Division of Administrative Hearings to preside over disputed cases; or
    - (b) the alternate dispute resolution procedures described in Section 11.8

A civil penalty assessed in a final order following an administrative hearing or determined in the alternate dispute resolution may be recovered in a civil action filed in the name of JEA.

- C. JEA may recover reasonable attorneys' fees, court and/or administrative hearing costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages JEA incurs.
- D. In determining the amount of civil liability, all relevant circumstances shall be taken into account, including, but not limited to, the extent of harm caused by the violation, an economic benefit gained through the user's violation, corrective actions by the user, the user's compliance history, and any other factors as justice requires.
- E. Assessing civil penalties, judicially or administratively, shall not be a bar against, or a prerequisite for, taking any other action against a user.

#### **SECTION 11.8. Alternate Dispute Resolution**

Whenever alternate dispute resolution pursuant to Section 11.7.B(2)(b) is elected, such election shall be non-revocable and shall proceed as follows:

- A. To engage this alternate dispute resolution procedure and reject Section 11.3 procedures, in relation to civil penalties the user must notify JEA of its election within 14 days after receiving notice of JEA's intent to assess a civil penalty under Section 11.7. The user's



election shall be communicated in writing to the Vice President.

- B. JEA shall maintain a list of attorneys, certified as arbitrators by the United States District Court, Jacksonville Division, pursuant to Rule 8, Court Annexed Arbitration, who are willing to serve in JEA alternate dispute resolution proceedings. Any willing attorney on the list is qualified to conduct proceedings under this subsection. Users may proffer additional willing arbitrator candidates for the list, provided the nominee has been certified as an arbitrator by the United States District Court, Jacksonville Division. User's candidates shall not be nominated for any particular hearing, but qualifying nominees shall be added to the list maintained by JEA, which shall be kept in alphabetical order. Only persons on the list may preside over hearings conducted hereunder.
- C. Within five (5) days after receiving a copy of the presider's list, JEA and the user shall confer to select the presiding officer. A single presider shall be selected from the list, which each party to the proceeding, beginning with the user, striking unacceptable candidates. If none of the presiders are acceptable to both parties, JEA may agree to seek other candidates, or withdraw the administrative civil penalty assessment and proceed to file a civil action in a court of competent jurisdiction.
- D. In each proceeding, the presider shall take an oath or affirmation to fairly apply the laws and regulation applicable to the proceeding; disavow any interest, pecuniary or otherwise, in the outcome; and disavow any interest or relationship with the parties, other than a customer relationship with JEA. A presider may be disqualified for bias or prejudice as provided in 28 U.S.C. Section 144 and shall disqualify himself or herself in any proceeding if they were a justice, judge, or magistrate judge governed by 28 U.S.C. Section 445.
- E. Immediately upon selecting a mutually agreeable presider, the parties shall confer with the designee of the CAO to schedule the hearing with the presider. The hearing shall be scheduled no less than twenty (20) days and no more than ninety (90) days after the selection of the presider.
- F. At least ten (10) days before the hearing, JEA and the user shall furnish the other party a list of witnesses, if any, and copies or photographs of all exhibits to be offered at the hearing. The presider may refuse to consider any witnesses or exhibits that have not been so disclosed.
- G. A user or its representative shall attend the hearing unless excused beforehand by the presider for good cause shown. The hearing shall be conducted informally. The Florida Rules of Civil Procedure shall be a guide, but shall not be binding. The presentation of testimony shall be minimized, and cases shall be presented to the presider primarily through the statements and arguments of the parties or their counsel.
- H. Any party may arrange to have a recording and transcript made of the hearing at its own expense.
- I. The presider shall issue a decision within three (3) days after the hearing, which shall be filed with the CAO and shall be mailed and sent by other expeditious means to the parties or legal representatives. The costs of the presider shall be borne by the non-prevailing party.
- J. Review by writ of certiorari lies with the circuit court for Duval County; if, however, an application for a writ of certiorari is filed within thirty (30) days after the presider's order is filed with the CAO. Thereafter, the matter shall be final and conclusive, no appeal or writ shall lie, and the decision of the presider may be implemented by JEA and/or judicially enforced by either party.

#### **SECTION 11.9. Remedies Nonexclusive**

The remedies provided in this regulation are not exclusive. JEA may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with JEA's enforcement procedures. However, JEA may take other action against any user when the circumstances warrant. Further, JEA is empowered to take more than one enforcement action against any non-compliant user.

### **SECTION 12. JUDICIAL ENFORCEMENT REMEDIES**

#### **SECTION 12.1. Injunctive Relief**

When JEA finds that a user has violated, or continues to violate, any provision of this regulation, a discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, JEA is authorized to apply for an injunction to the Circuit Court as appropriate, which restrains or compels the specific performance of the discharge permit, order, or other requirement imposed by this regulation on activities of the user. JEA may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

#### **SECTION 12.2. Civil Penalties Authority of Other Agencies**

JEA may request that the City of Jacksonville assess civil penalties against violators pursuant to Section 750.101, Jacksonville Ordinance Code. JEA may also refer enforcement to appropriate state and federal regulatory authorities for civil penalty assessment. JEA's request that City of Jacksonville, or any state or federal regulatory agency, exercise enforcement jurisdiction or their civil penalty authority, is not subject to the user's election rights under Section 11.7.B.2

#### **SECTION 12.3. Criminal Prosecution**

As prescribed under Section 750.102, Jacksonville Ordinance Code, a person is guilty of a Class D offense who:

- A. Violates an effluent standard or limitation;
- B. Violates the terms or conditions of a discharge permit;
- C. Refuses to complete a filing or report requirement; or
- D. Refuses to perform or properly report a required monitoring.

Each separate violation constitutes a separate offense and each day upon which a violation occurs continues to be deemed a separate offense. JEA may also refer enforcement to appropriate state and federal regulatory authorities for criminal prosecution.

#### **SECTION 12.4. Remedies Nonexclusive**

The remedies provided in this regulation are not exclusive. JEA may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with JEA's enforcement procedures. However, JEA may take other action against any user when the circumstances warrant. Further, JEA is empowered to take more than one enforcement action against any non-compliant user.

## **SECTION 13. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **SECTION 13.1. Upset**

- A. For the purposes of this section, "upset," means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the user can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The user has submitted the following information to JEA within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
    - (a) A description of the indirect discharge and cause of noncompliance;
    - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
    - (d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
    - (e) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
    - (f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or failed.

### **SECTION 13.2. Prohibited Discharge Standards**

All users shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this regulation or the specific prohibitions in Sections 2.1(B)(3) through 2.1(B)(21), except 2.1 (B) (11), of this regulation if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when JEA was regularly in compliance with its NPDES permit,

and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### **SECTION 13.3. Bypass**

- A. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subparagraphs (B) and (C) of this section.
- B. Notice of Bypass
  - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to JEA, at least ten (10) days before the date of the bypass, if possible.
  - (2) A user shall submit oral notice to JEA of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. JEA may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- C. Exceptions to Bypass
  - (1) Bypass is prohibited, and JEA may take an enforcement action against a user for a bypass, unless
    - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (c) The user submitted notices as required under paragraph (B) of this section.
  - (2) JEA may approve an anticipated bypass, after considering its adverse effects, if JEA determines that it will meet the three conditions listed in paragraph (C)(1) of this section.

### **SECTION 14. INDUSTRIAL PRETREATMENT RATES, FEES, AND CHARGES**

All users shall pay the sewer use charges and capital improvement surcharges authorized by JEA. Industrial users who discharge wastewater containing COD, or TSS in excess of the concentrations of those substances in normal wastewater may be subject to extra strength surcharges as established by JEA. Charges or fees to provide for the recovery of costs associated with implementation and enforcement of this regulation shall be by JEA. These fees

shall be in addition to the normal sewer use charges. Charges and fees may include:

- A. Fees for monitoring, inspection and surveillance;
- B. Fees for laboratory analyses;
- C. Fees for permit applications;
- D. Appeal fees;
- E. Charges for emergency actions or repairs; and

#### **SECTION 15. EFFECTIVE DATE**

This regulation shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

## Appendix A Local Limits

The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of the following:

### Maximum Allowable Discharge Limits

POLLUTANTS	BUCKMAN ST WRF	DISTRICT II WRF	SOUTHWEST WRF	ARLINGTON EAST WRF	MANDARIN WRF	BLACKS FORD WRF
Cadmium (mg/l)	1.20	1.20	1.20	1.20	1.20	1.20
Chromium (mg/l)	10.00	10.00	10.00	10.00	10.00	10.00
Copper (mg/l)	3.38	0.82 <sup>(1)</sup>	none	3.38	3.38	3.38
Cyanide (mg/l)	3.38	3.38	3.38	3.38	3.38	3.38
Lead (mg/l)	1.40	0.70	1.90	1.17	1.90	1.90
Mercury (mg/l)	0.006 <sup>(1)</sup>	0.006 <sup>(1)</sup>	0.006 <sup>(1)</sup>	0.006 <sup>(1)</sup>	0.006 <sup>(1)</sup>	0.006 <sup>(1)</sup>
Molybdenum (mg/l)	2.66 <sup>(1)</sup>	0.741 lb/day <sup>(1) (2)</sup>	none	none	none	none
Nickel (mg/l)	3.98 <sup>(1)</sup>	3.98	3.98	3.98	3.98	3.98
Silver (mg/l)	0.43	0.43	0.43	0.43	0.43	0.43
Ultraviolet Transmittance (minimum %)	Individual permit BMP <sup>(3&amp;4)</sup>	Individual permit BMP <sup>(3&amp;4)</sup>	Individual permit BMP <sup>(3&amp;4)</sup>	Individual permit BMP <sup>(3&amp;4)</sup>	Individual permit BMP <sup>(3&amp;4)</sup>	Individual permit BMP <sup>(3&amp;4)</sup>
Zinc (mg/l)	2.61	2.61	2.61	2.61	2.61	2.61

- (1) Limits for contributory users only. Industrial user will be notified by JEA regarding its status as a contributory user.
- (2) Limitations applied in IU permits as determined by JEA.
- (3) Discharges shall not cause interference, bypass, or substantially decrease efficiency of the domestic wastewater facility, including the effectiveness of the disinfection processes. Permitted discharges shall comply with the "JEA BMP for Ultraviolet Light Transmittance-Reducing Discharges" as developed in any corresponding industrial user individual wastewater discharge permit. However, in no case shall an industrial user discharge reduced ultraviolet transmittance below 60% as monitored for the performance of the ultraviolet disinfection system for the receiving domestic wastewater facility.
- (4) Where the receiving domestic wastewater facility's permit does not specify a disinfection system ultraviolet light transmittance performance limit, in no case shall an industrial user discharge reduce ultraviolet transmittance below the threshold necessary for the permitted performance requirements for the ultraviolet disinfection system for the receiving domestic wastewater facility.

The above limits apply at the point where the wastewater is discharged to JEA WRF. All concentrations for metallic substances are for "total" metal unless indicated otherwise. JEA may impose mass limitations in addition to, or in place of, the concentration-based limitations above.