

MEMORANDUM

Agenda Item No. 5(K)
(Public Hearing: 5-6-25)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: March 18, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to sanitary sewer discharge limitations and pretreatment standards; amending article I of chapter 24 of the Code; providing certain definitions and modifying other definitions; incorporating by reference State of Florida and Federal Pretreatment Regulations; clarifying that the environmental quality control board shall not have jurisdiction to grant variances or extensions of time for pretreatment regulations; revising local limits; requiring submittal of reports related to pretreatment regulations; revising regulations pertaining to operating permits to remove obsolete provisions and make technical changes; amending adoptions of federal and state environmental protection regulations; amending section 24-42.4; revising definitions, criteria, and requirements relating to pretreatment, sanitary sewer discharge limitations, wastewater, and storm sewers; amending section 24-44; updating references to state regulations relating to state program contaminated site cleanup criteria; amending section 24-44.2; incorporating by reference pretreatment regulations and revising provisions, including provisions related to compliance tests, sampling points, and methods; amending section 24-46; revising provisions relating to liquid waste transporters; making technical changes

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.


Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001

Memorandum



Date: May 6, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Danielle Levine Cava *Danielle Levine Cava*
Mayor

Subject: Ordinance Amending Chapter 24 of the Code of Miami-Dade County, Florida, Adopting Elements of the Florida Department of Environmental Protection (FDEP) Pretreatment Regulations and Incorporating Criteria for Sanitary Sewer Discharge Limitations and Pretreatment Standards Consistent with FDEP Pretreatment Regulations

Executive Summary

This proposed revision of Chapter 24 seeks to amend County Code specifically to the provisions in the Model Sewer Use Ordinance for industrial pretreatment programs, as required by the United States Environmental Protection Agency (USEPA) and FDEP. The Chapter 24 amendments that have been required by USEPA and FDEP will incorporate existing provisions of federal law into the County Code. Because such federal law provisions already apply, and because the applicable federal regulations are currently incorporated by reference in section 24-25 of the Code, these changes to Chapter 24 will not result in new or additional regulations, and facilities subject to these regulations are already required to comply with the provisions of the federal regulations. The changes to the Code will provide a clear representation of the requirements rather than merely a citation of the federal rules.

In addition to the above-referenced changes to Chapter 24, this ordinance also includes changes to the existing Local Limits related to industrial pretreatment, and such changes are reflected in the numerical chart in this ordinance. As explained further in this memorandum, these changes to the existing Local Limits are being proposed to comply with certain federal regulations.

Additionally, the proposed amendments to certain sections of Chapter 24 of the Code of Miami-Dade County (Code), will allow for compliance with the Domestic Wastewater Facility Permit #FL0024805-043 issued by the Florida Department of Environmental Protection (FDEP) to Miami-Dade County for its Miami-Dade Water and Sewer Department (MDWASD) Central District Wastewater Treatment Plant (CDWWTP).

Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the proposed ordinance amending Chapter 24 of the Code, providing certain definitions and modifying other definitions, adopting the Florida Department of Environmental Protection (FDEP) pretreatment regulations, and incorporating criteria for sanitary sewer discharge limitations and pretreatment standards consistent with FDEP Pretreatment Regulations based on a Local Limits re-evaluation project.

Scope

This ordinance involves environmental regulation throughout Miami-Dade County (County).

Delegation of Authority

The proposed ordinance delegates authority to the Director of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM) to enforce all rules and regulations pertaining to the Federal Pretreatment Standards promulgated under the authority of Section 307 of the Federal Clean Water Act.

Fiscal Impact/Funding Source

Approval of this item is not anticipated to create a fiscal impact to the County, as the proposed changes will not require additional staffing resources or generate additional operational expenses that would not already be covered in the existing operating permits.

Social Equity

This ordinance is not anticipated to have a specific social equity benefit or burden as described under Ordinance No. 15-83.

Track Record/Monitor

The Pollution Regulation Chief in RER-DERM, Bernardo Bieler, P.E., will be responsible for monitoring the application of this ordinance.

Background

All Publicly Owned Treatment Works (POTWs), which include Miami-Dade Water and Sewer Department's North, Central and South District wastewater treatment plants are required by federal and state law through their National Pollutant Discharge Elimination System (NPDES) permits to establish a local industrial pretreatment program.

The County established its Industrial Pretreatment Program in 1983 upon approval by the United States Environmental Protection Agency (USEPA) and was one of the first local programs to be approved in Florida. The creation of this program required the adoption of the pretreatment regulations (*i.e.*, 40 C.F.R. Part 403, Code of Federal Regulations) in the Code. As a result, the implementation and ongoing administration, including enforcing the provisions of the federal regulations, became the responsibility of RER-DERM as Control Authority through the permitting, compliance and enforcement provisions in the Code under the oversight of the USEPA as the program's Approval Authority which has been delegated to the Florida Department of Environmental Protection (FDEP). Consequently, Section 24-42.4 of the Code pertaining to sanitary sewer discharge limitations and pretreatment standards [also referred to as the Sewer Use Ordinance] for industrial users that discharge nondomestic wastewater into the public sanitary sewers was created based on the requirement in the federal pretreatment regulations.

The primary objective of this ordinance is to amend Section 24-42.4 of the Code to comply with FDEP's permit requirements. To accomplish this task, the Model Sewer Use Ordinance could not be inserted in its entirety in Section 24-42.4 because several of its elements were already present in Chapter 24. As a result, Sections 24-5, 24-7, 24-12, 24-15.1, 24-21, 24-25, 24-43.2, 24-44.2 and 24-46 underwent minor revisions, including but not limited to, additional definitions, duties and powers of the Director, and adoption of Chapter 62-625, Florida Administrative Code, among others.

In addition to the aforementioned amendments to the Code, Federal Rule 40 CFR 403.5(c) requires each Publicly Owned Treatment Works developing a POTW Pretreatment Program to develop and enforce specific limits to prevent the introduction of pollutant(s) listed under 40 CFR 403.5 paragraphs (a) and (b) into the POTW. As approved by the BCC through resolution No. R-653-20, RER-DERM contracted a consultant in 2022 to conduct a study of the effectiveness of the existing local limits and to revise these limits where necessary. The secondary objective of this ordinance is to amend Section 24-42.4 of the Code to adopt these revised local limits. These numerical changes apply to all Industrial Waste Pretreatment (IW-P) permit holders. The IW-P program oversees facilities whose operations result in discharges of industrial waste to County wastewater treatment plants via sanitary sewer collection systems, which are subject to federal pretreatment regulations and County sanitary sewer discharge limitations and pretreatment standards. One of the key requirements is to re-evaluate the existing General Pretreatment Standards and Local Limits in Chapter 24 of the Code of Miami-Dade County. Local limits protect the POTW against discharges from industrial and commercial sources that may interfere with treatment processes, protect the quality of the sludge produced and the disposal options for the same standards, as well as protecting worker health and safety. The County last updated the Local Limits in 2004 and the Florida Department of Environmental Protection (FDEP), as the federally delegated administrator of the Clean Water Act, had determined, through an abbreviated re-evaluation, that a full re-evaluation of the Local Limits was warranted.

This ordinance furthers water quality and sewer system performance standard goals of the Water and Sewer Sub-element in the Comprehensive Development Master Plan (CDMP), including but not limited to:

- “WS-2A. To assure adequate level of service, potable water and sanitary sewer facilities shall meet the following level of service standards:...
 - ...2) Sanitary Sewer:
 - Effluent discharged from wastewater treatment plants shall meet all federal, State, and County standards.
- “WS-2C. Miami-Dade County shall maintain procedures and programs to monitor levels of service of each water supply, water treatment and wastewater treatment facility for use by agencies that issue development orders or permits. Such procedures may include the establishment of water and wastewater allocation processes to assure that adequate water supply, and water and wastewater transmission and treatment capacity is available prior to issuance of development orders or permits.”
- “WS-2D. All wastewater treatment operations will comply with federal and state regulations for overflows.”



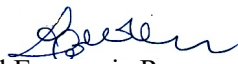
Roy Coley
Chief Utilities and Regulatory Services Officer

Memorandum



Date: March 4, 2025

To: Honorable Chairman Anthony Rodriguez
Board of County Commissioners

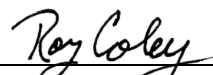
From: Lourdes M. Gomez, Director 
Department of Regulatory and Economic Resources

Subject: Request to Process Late Departmental Agenda Item

I am respectfully requesting that the ordinance listed below be placed on the March 18, 2025, Board of County Commission Meeting Agenda so the ordinance may be in full effect by July of 2025. The Department of Regulatory and Economic Resources is responsible for enforcing the provisions of this ordinance which include modifications to the Code required by the United States Environmental Protection Agency and the Florida Department of Environmental Protection (FDEP). The FDEP is requiring implementation by July of 2025 as a condition of the Domestic Wastewater Facility Permit #FL0024805-043 issued to Miami-Dade County.

ORDINANCE RELATING TO SANITARY SEWER DISCHARGE LIMITATIONS AND PRETREATMENT STANDARDS; AMENDING ARTICLE I OF CHAPTER 24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING CERTAIN DEFINITIONS AND MODIFYING OTHER DEFINITIONS; INCORPORATING BY REFERENCE STATE OF FLORIDA AND FEDERAL PRETREATMENT REGULATIONS; CLARIFYING THAT THE ENVIRONMENTAL QUALITY CONTROL BOARD SHALL NOT HAVE JURISDICTION TO GRANT VARIANCES OR EXTENSIONS OF TIME FOR PRETREATMENT REGULATIONS; REVISING LOCAL LIMITS; REQUIRING SUBMITTAL OF REPORTS RELATED TO PRETREATMENT REGULATIONS; REVISING REGULATIONS PERTAINING TO OPERATING PERMITS TO REMOVE OBSOLETE PROVISIONS AND MAKE TECHNICAL CHANGES; AMENDING ADOPTIONS OF FEDERAL AND STATE ENVIRONMENTAL PROTECTION REGULATIONS; AMENDING SECTION 24-42.4; REVISING DEFINITIONS, CRITERIA, AND REQUIREMENTS RELATING TO PRETREATMENT, SANITARY SEWER DISCHARGE LIMITATIONS, WASTEWATER, AND STORM SEWERS; AMENDING SECTION 24-44; UPDATING REFERENCES TO STATE REGULATIONS RELATING TO STATE PROGRAM CONTAMINATED SITE CLEANUP CRITERIA; AMENDING SECTION 24-44.2; INCORPORATING BY REFERENCE PRETREATMENT REGULATIONS AND REVISING PROVISIONS, INCLUDING PROVISIONS RELATED TO COMPLIANCE TESTS, SAMPLING POINTS, AND METHODS; AMENDING SECTION 24-46; REVISING PROVISIONS RELATING TO LIQUID WASTE TRANSPORTERS; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

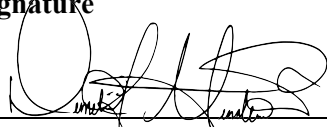
I am aware that this item is subject to approval for placement on the agenda by the Board Chairman, and review by the Office of the County Attorney.



Approved by Mayor or Mayor's Designee
Signature

Roy Coley

Print Name



Approved by Policy Director or Designee
Signature

Demetria Henderson

Print Name

MDC005

c: Geri Bonzon-Keenan, County Attorney
CAOagenda@miamidade.gov



MEMORANDUM (Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: May 6, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(K)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(K)
5-6-25

ORDINANCE NO. _____

ORDINANCE RELATING TO SANITARY SEWER DISCHARGE LIMITATIONS AND PRETREATMENT STANDARDS; AMENDING ARTICLE I OF CHAPTER 24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING CERTAIN DEFINITIONS AND MODIFYING OTHER DEFINITIONS; INCORPORATING BY REFERENCE STATE OF FLORIDA AND FEDERAL PRETREATMENT REGULATIONS; CLARIFYING THAT THE ENVIRONMENTAL QUALITY CONTROL BOARD SHALL NOT HAVE JURISDICTION TO GRANT VARIANCES OR EXTENSIONS OF TIME FOR PRETREATMENT REGULATIONS; REVISING LOCAL LIMITS; REQUIRING SUBMITTAL OF REPORTS RELATED TO PRETREATMENT REGULATIONS; REVISING REGULATIONS PERTAINING TO OPERATING PERMITS TO REMOVE OBSOLETE PROVISIONS AND MAKE TECHNICAL CHANGES; AMENDING ADOPTIONS OF FEDERAL AND STATE ENVIRONMENTAL PROTECTION REGULATIONS; AMENDING SECTION 24-42.4; REVISING DEFINITIONS, CRITERIA, AND REQUIREMENTS RELATING TO PRETREATMENT, SANITARY SEWER DISCHARGE LIMITATIONS, WASTEWATER, AND STORM SEWERS; AMENDING SECTION 24-44; UPDATING REFERENCES TO STATE REGULATIONS RELATING TO STATE PROGRAM CONTAMINATED SITE CLEANUP CRITERIA; AMENDING SECTION 24-44.2; INCORPORATING BY REFERENCE PRETREATMENT REGULATIONS AND REVISING PROVISIONS, INCLUDING PROVISIONS RELATED TO COMPLIANCE TESTS, SAMPLING POINTS, AND METHODS; AMENDING SECTION 24-46; REVISING PROVISIONS RELATING TO LIQUID WASTE TRANSPORTERS; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The memorandum referenced in the above recital is incorporated in this ordinance and is approved.

Section 2. Article 1 of Chapter 24 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

ARTICLE I. - IN GENERAL

DIVISION 1. - GENERAL PROVISIONS

* * *

Sec. 24-5. Definitions.

In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in chapter 403, Florida Statutes, as may be amended from time to time, and in rules and regulations promulgated thereunder, as may be amended from time to time, shall apply. The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section.

* * *

>>(70) Cooling Water shall mean the wastewater discharged from any system of heat transfer, such as condensation, air conditioning, cooling, or refrigeration. Cooling water is distinct from noncontact cooling water, which is separately defined in this chapter.<<

* * *

[[87]]>>(88)<< *Director* shall mean the primary official that has been delegated responsibility to administer the Department, with duties created pursuant to this chapter. ~~[[Except where expressly provided or where context dictates otherwise, the~~

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

~~term "Director" includes the Director's designee]]>>~~Director shall include the Director's designee, at all times, unless the particular code provision in this chapter expressly excludes such designee.<<

* * *

>>(111) EPA shall mean the United States Environmental Protection Agency or successor agency.<<

* * *

>>(119) FDEP shall mean the State of Florida Department of Environmental Protection or successor agency.<<

* * *

>>(165) Heat shall mean the form of energy that flows between two samples of matter due to their difference in temperature.<<

* * *

~~[(184)]>>(187)<<~~ Liquid waste shall mean liquid or sludge waste materials resulting from >>operations such as<< domestic, commercial, industrial, mining, institutional, agricultural, or governmental operations, including such materials to be recycled or otherwise beneficially reused, that would cause a nuisance or would otherwise cause a violation of this chapter if discharged to the ground or waters of Miami-Dade County. Liquid waste includes, but is not limited to, solvents, sewage, industrial waste, hazardous waste, semisolid waste, and potentially infectious waste, as well as the materials resulting from or contained in any of the following: waste treatment works; air pollution control facility; onsite sewage treatment and disposal system; FOG control device; sediment trap; portable toilet; or oil-water separator. Notwithstanding any other provision to the contrary, the following shall not constitute liquid waste for purposes of this definition: subsurface materials that are extracted as a result of rock mining and that are not discharged to canals, wetlands, or other water bodies.

~~[(185)]>>(188)<<~~ Liquid waste transporter shall mean any person or entity which carries, conveys, bears or transports any liquid waste in any moving vehicle including but not limited to a car, truck, tank car, railroad car or other vehicle.

* * *

>>(195) Method Detection Limit or MDL shall mean an estimate of the minimum amount of a substance that an analyte process can reliably detect. An MDL is analyte- and matrix-specific and is laboratory dependent.<<

* * *

~~[(202) Reserved.]>>(206)~~ Nanomaterials shall mean a diverse class of small-scale substances that have structural components smaller than 100 nanometers (nm) in at least one dimension. Nanomaterials can be categorized into three types according to their source: natural, incidental, and engineered. Engineered nanomaterials are designed with specific properties or composition, are intentionally produced through certain chemical processes, physical processes, or both, such as self-assembly (from atoms and molecules) or milling (from their macro-scale counterparts). These nanomaterials released into the environment may occur primarily through industrial and environmental applications or improper handling. Nanomaterials no longer used for its intended purpose and discarded are considered nanowastes.

(207) Naphtha shall mean a generic term applied to a petroleum fraction with an approximate boiling range between 122- and 400-degrees Fahrenheit.<<

* * *

>>(215) Noncontact cooling water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.<<

* * *

>>(243) pH shall mean a measure of the acidity or alkalinity of a substance, expressed in standard units.

(244)<<[(237)] Point of discharge (POD) for a heated-water discharge shall mean either that point at which the effluent physically leaves its carrying conduit (open or closed) and discharges into the waters of the State, or a specific point

designated by the Florida Department of Environmental Protection for that particular thermal discharge.

>>(245) Pollutant shall mean any substance, material, or matter, including, but not limited to, organic or inorganic matter or chemical, biological, radiological, or thermal material, which if introduced into the environment, is reasonably expected to: impair, degrade, inhibit, disrupt, or negatively affect the quality or usefulness of a resource, such as air, water, sediment, or soil, or be harmful or injurious to human health, public safety, or public welfare, animal or plant life, or property, or cause a nuisance, or exceed or to cause an exceedance of any clean-up target level or other numerical or narrative limit or standard or criteria in or incorporated by reference by this chapter.

(246)<<[[~~(238)~~]] *Pollution prevention* shall mean the use of materials processes, or practices that reduce or eliminate the creation of, or toxicity of, pollutants or wastes at the source.

>>(247)<<[[~~(239)~~]] *Pollution* shall mean the presence of any >>pollutant.<< [[~~foreign substance (organic, inorganic, radiological, biological or thermal) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.~~]]

* * *

>>(255) Pretreatment regulations shall mean federal and state pretreatment standards regulating introduction of pollutants into POTWs and associated regulations, including, without limitation, requirements to maintain records and provide reports of activities, that are promulgated under the authority of the following federal and state regulations: section 307 of the Federal Clean Water Act (33 U.S.C. § 1317); part 403 of title 40 of the Code of Federal Regulations; chapter 403, part I, of the Florida Statutes; and chapter 62-625 of the Florida Administrative Code (F.A.C.), which have been incorporated into this chapter, as they may be amended, except for those provisions expressly excluded pursuant to division 2 of this article. Pretreatment regulations may also be referred to herein as *federal and state pretreatment regulations*.

(256) Pretreatment requirements shall be as defined in section 24-42.4.

(257) Pretreatment standards shall be as defined in section 24-42.4.<<

* * *

>>(265)<< [[(254)]] *Publicly owned treatment works (POTW)* shall mean any ~~[[device or system that is used in the treatment (including recycling and reclamation) of sewage and that is owned by a state, county, or municipality. Sewers, pipes, or other conveyances are included only if they convey sewage to a POTW]]~~ >>treatment works owned by a state, county, or municipality. The components of a POTW shall include, where applicable, the collection and transmission system; the wastewater treatment plant (WWTP); the reuse or disposal system; and the residuals management facility.<<

* * *

Sec. 24-7. Same-Duties and powers.

* * *

- (1) The enforcement of the provisions of this chapter and the rules and regulations promulgated hereunder, all rules and regulations of the ~~[[Florida Department of Environmental Protection]]~~ >>FDEP and the EPA<< pertaining to air and water pollution>>, as incorporated in this chapter, as well as<< [[and]] >>federal and state pretreatment regulations, as defined in this chapter and<< [[the Federal Pretreatment Standards, promulgated under the authority of Section 307 of the Federal Clean Water Act]] as incorporated >>herein<<[[in this chapter]].

* * *

- (5) Maintain and review all operating records required to be filed by persons operating facilities and equipment subject to the provisions of this chapter and as required by >>this chapter. This shall include, but not be limited to, all operating records relating to federal and state pretreatment regulations that are required to be filed by persons operating facilities and equipment subject to the provisions of this chapter and as required by federal and state pretreatment regulations, as defined in this chapter.<< [[40 CFR 403.8

~~and 40 CFR 403.12, Federal Pretreatment Regulations]].~~

* * *

- (8) Publish and disseminate information to the public concerning air and water pollution and recommended methods for decreasing and eliminating pollution. Additionally, publish annually a list of industrial users in significant noncompliance >>of applicable federal and state pretreatment regulations<< ~~[[in accordance with the requirements of 40 CFR 403.8(f)(2)(vii), Federal Pretreatment Regulations]].~~

* * *

Sec. 24-12. Variances and extensions of time for compliance.

* * *

- (3) The board shall not have the power and authority to grant variances and extensions of time to comply with >>federal and state pretreatment regulations<< ~~[[the Federal Pretreatment Regulations set forth in 40 CFR 403 as incorporated in this chapter]].~~

* * *

Sec. 24-15.1. Procedure for approval of plans.

* * *

- (2) REQUIRED INFORMATION. Each such application shall be accompanied by the following data and information >>submitted in a form acceptable to the Director<<:

* * *

- (e) *Additional data.* Such additional data and information as may be reasonably required by the Director ~~[[or the Director's designee]]~~, including, but not limited to, Baseline Monitoring Reports, Compliance Reports, or any report required for compliance pursuant to the >>federal and state pretreatment regulations<< ~~[[Federal Pretreatment Regulations]].~~

* * *

Sec. 24-18. Operating permits.

- (A) *Permit Required.* No person shall operate, maintain, permit, cause, allow, let, or suffer the operation or maintenance of >>any facility set forth in this subsection (A) without a valid operating permit issued by the Director or in violation of any condition, limitation, or restriction that is part of an operating permit. Facilities subject to this subsection are:<<a public water >>or sanitary sewer<< system [[~~public sewerage system~~]]>>operated by a utility as defined in section 24-5; and any facility at<<[[;]] a location [[~~where~~]]>>at which<< a site rehabilitation action has been completed in accordance with [[~~the provisions set forth in Section~~]]>>section<< 24-44(2)(k)(ii)[[;]]>>; and<< [[~~or~~]] any of the following facilities, all of which will reasonably be expected to be a source of air pollution, ground pollution, or water pollution[[~~, without a valid operating permit issued by the Director or the Director's designee or in violation of any condition, limitation, or restriction which is part of an operating permit~~]]:

* * *

- (4) Facilities that generate, dispose of, store, use, discharge, handle or reclaim any liquid waste other than domestic sewage, any hazardous waste, or any hazardous material (except factory prepackaged products intended primarily for domestic use or consumption), including, but not limited to, the following:

* * *

- (20) FOG Liquid Waste Transporter;
- (21) Liquid Waste Transporter;
- (22) FOG, Yellow Grease, Brown Grease, or other Grease Storage, Transfer or Treatment facility;
- (23) FOG Control Device Operator;
- (24) Commercial vehicle storage facility.

(B) *Permit Criteria.*

(1) The criterion for issuance of an operating permit pursuant to this section is compliance with ~~[[Chapter]]~~ >>this chapter.<< ~~[[24, Miami Dade County Code. Additionally, no]]~~

>>(2) No<< resource recovery and management facility permit shall be granted without the written recommendation of approval of the Director of the Department of Solid Waste Management >>or successor department<< issued pursuant to ~~[[the provisions of Chapter]]~~>>chapter<< 15~~[[, Miami Dade County Code]]~~.

>>(3)<< At the >>Director's<< discretion ~~[[of the Director or the Director's designee]]~~, conditions, limitations>>₁<< or restrictions may be required as part of the operating permit if said conditions, limitations>>₁<< and restrictions are consistent with the requirements of this chapter.

~~[[2]]~~>>(4)<< The Director ~~[[or the Director's designee]]~~ may deny the issuance of>>₁, suspend, or revoke<< an operating permit if the public water system, public sewerage system or pollution source does not comply with the provisions of this chapter.

~~[[3]]~~ The Director ~~or the Director's designee~~ may ~~suspend or revoke an operating permit if the public water system, public sewerage system or pollution source does not comply with the provisions of this chapter.~~

~~(4)]~~>>(5)<< Such operating permits shall not be required for the aforesaid facilities, systems, and plants existing on the effective date of this section until ~~[[one hundred twenty (120)]]~~>>120<< days from the effective date of this section.

~~[[5]]~~>>(6)<<This section shall not be immediately applicable to air pollution sources with valid air pollution control operating permits on the effective date of this section. However, said air pollution sources shall comply with this section by obtaining the operating permit required by this section no later

than ~~[[one hundred eighty (180)]]~~>>180<< days from the effective date of this section.

~~[(6) Notwithstanding anything in this chapter to the contrary, such operating permits shall not be required for underground storage facilities until ninety (90) days from the effective date of this paragraph.]]~~

(7) All applications for permits issued pursuant to this section shall be on a form prescribed by the Director and accompanied by a fee ~~[[which shall be]]~~ established by >>implementing order<< ~~[[administrative order of the County Manager and]]~~ approved by the Board of County Commissioners.

(8) >>With respect to well stimulation, as defined by this chapter, no permit shall be issued to, and facilities subject to<< ~~[[Facilities operating under]]~~ the provisions of this chapter shall not>>₁<< conduct well stimulation activities >>or<< ~~[[and shall not]]~~ receive, store, treat, discharge, or dispose of any waste or wastewater generated from well stimulation or any ancillary or associated activities.

~~[(9) No permit shall be issued to allow well stimulation or the receipt, storage, treatment, discharge, or disposal of any waste or wastewater generated from well stimulation or any ancillary or associated activities.]]~~

* * *

Sec. 24-21. Operating records.

>>(1)<< The owner ~~[[or]]~~>>and the<< operator of any facility installed or operating under the provisions of this chapter shall>>:

(a)<< cause to be maintained and kept such records of the operation data and control tests as >>the Director may require<< ~~[[may be required by the Director]]~~ to indicate the operating efficiency of such facility, and to show whether or not such facility is causing pollution as ~~[[herein]]~~ defined~~[[, and to furnish]]~~ >>in this chapter;

(b) cause to be furnished to the Department<< all such information and data concerning the operation of the facility as the Director may require from time to time[[:]]>>; and

(c) where the obligation has been fully satisfied by either the owner or the operator, the other party shall be relieved of the burden of complying with subparagraphs (1)(a) and (1)(b) with respect to said particular obligation.<<

>>(2)<< In addition to the above, any industrial user, as defined in section 24-42.4[[(1)(e) of this Code]], shall comply with the reporting and record keeping requirements >>of the applicable pretreatment regulations<<[set forth in 40 CFR 403.12, Federal Pretreatment Regulations]].

* * *

DIVISION 2. - STATE AND FEDERAL ADOPTIONS

Sec. 24-25. [[Violations]]>>Adoption<< of rules and regulations of the State of Florida Department of Environmental Protection, Florida Department of Health, and the United States Environmental Protection Agency >>and violations related thereto<<.

(1) All of the following rules and regulations are hereby adopted and are incorporated herein by reference hereto as same may be amended from time to time:

(a) Chapter 62-160 of the Florida Administrative Code>>₁<<

(b) Chapter 62-550 of the Florida Administrative Code>>₁<<

(c) Chapter 62-713 of the Florida Administrative Code>>₁<<

(d) Chapter 62-761 of the Florida Administrative Code>>₁<<

(e) Chapter 62-762 of the Florida Administrative Code>>₂<<

~~[(f) Chapter 62-770 of the Florida Administrative Code]~~

>>(f)<<[(g)] Chapter 62-777 of the Florida Administrative Code>>;<<

>>(g) Chapter 62-780 of the Florida Administrative Code<<

~~[(h) Chapter 62-782 of the Florida Administrative Code]~~

~~[(i) Chapter 62-785 of the Florida Administrative Code]~~

>>(h)<<[(i)] Chapter ~~[[64E-6]]~~ >>62-6<< of the Florida Administrative Code>>; and<<

>>(i)<<[(k)] Chapter 64E-8 of the Florida Administrative Code>>;<<

(2) FDEP regulations set forth in chapter 62-625, Florida Administrative Code, as may be amended from time to time, are hereby adopted and incorporated by reference herein, with the exception of the following listed rules which are not adopted or incorporated:

(a) 62-625.500(2)(b)5.a and 62-625.600(4)(b)-(c), F.A.C. (Oversight of Categorical Industrial Users (Reduced Reporting and Pollutant Monitoring Waivers))

(b) 62-625.500(2)(a)7 and 8, F.A.C. (General Control Mechanisms);

(c) 62-625.200(14), 62-625.200(25), 62-625.500(2)(b)5.b, and 62-625.600(17), F.A.C. (Oversight of Categorical Industrial Users (Non-significant Categorical Industrial User));

(d) 62-625.500(2)(b)5.c, 62-625.600(4)(d), 62-625.600(14), F.A.C (Oversight of Categorical Industrial Users (Reduced Reporting)); and

(e) 62-625.410(e), F.A.C (Equivalent Mass Limits for Concentration Limits).

(3) EPA regulations<< ~~[(2) The regulations of the United States Environmental Protection Agency as]~~ set forth in 40 C.F.R. Part 403 >>and 40 C.F.R. Part 441<<, ~~[[as of January 1,~~

~~2011,]] >>as may be amended from time to time,<< are hereby adopted and incorporated herein by reference hereto, with the exception of >>the following provisions, which are excluded from this adoption as permitted by the Streamlining Rule, 70 F.R. 60134, established on October 14, 2005:<< [[40 C.F.R. § 403.6(e)(5), 40 C.F.R. § 403.8(f)(2)(v), and 40 C.F.R. § 403.12(e). The regulations of the United States Environmental Protection Agency set forth in 40 C.F.R. § 403.6(e)(5), 40 C.F.R. § 403.8(f)(2)(v), and 40 C.F.R. § 403.12(e) as published in 40 C.F.R. Part 403 as of July 1, 2005 are hereby adopted and incorporated herein by reference hereto.]]~~

- >>(a) 40 C.F.R. § 403.3(v)(2) (Oversight of Categorical Industrial Users (Non-significant Categorical Industrial User));
- (b) 40 C.F.R. § 403.6(c)(5) (Equivalent Mass Limits for Concentration Limits);
- (c) 40 C.F.R. § 403.8(f)(1)(iii)(A) (General Control Mechanisms);
- (d) 40 C.F.R. § 403.8(f)(2)(v)(A), (B) and (C) (Oversight of Categorical Industrial Users (Reduced Reporting));
- (e) 40 C.F.R. § 403.12(e)(2) and (3) (Oversight of Categorical Industrial Users (Pollutant Monitoring Waivers)); and
- (f) 40 C.F.R. § 403.12(q) (Oversight of Categorical Industrial Users (Non-significant Categorical Industrial User)).<<

>>(4)<<[[~~(3)~~]] All rules and regulations promulgated by >>FDEP<< [[~~the State of Florida Department of Environmental Protection~~]] pursuant to [[~~provisions of Chapters~~]] >>chapters<< 373, 403 and 253, Florida Statutes, as they may be amended from time to time, are hereby adopted and are made a part of this chapter by reference.

>>(5)<< [[(4)] Any person who commits a violation of any rules and regulations adopted pursuant to this section shall be deemed guilty of committing a violation of this chapter. Violations of such rules and regulations shall constitute violations of this chapter [[~~triable in the court of appropriate~~

~~jurisdiction]] >>and shall be enforceable as such, as provided in this chapter and as provided in section 1-5 of the Code<<.~~

* * *

Section 3. Section 24-42.4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-42.4. Sanitary sewer discharge limitations and pretreatment standards>>.<<

- (1) >>Purpose and intent. The purpose and intent of this section is to safeguard public health, safety, and welfare by establishing standards and requirements for industrial users, as defined in this section, that discharge pollutants to a publicly owned treatment works (POTWs) in Miami-Dade County.
 - (a) Industrial users are required to comply with all applicable State and Federal laws concerning sanitary sewer discharge limitations and federal and state pretreatment regulations, which are administered and implemented by the Department.
 - (b) The regulation of industrial users pursuant to this section is necessary to protect the County's surface and ground waters by preventing interference, pass-through, or any other pollution condition that may adversely affect the operation of a POTW.
 - (c) Compliance with the requirements also provides improved opportunities to recycle and reclaim wastewater and sludges. This enables Miami-Dade County to comply with the conditions of its National Pollutant Discharge Elimination System (NPDES) permit and other federal and state laws applicable to POTWs.
 - (d) This section also imposes local limits for certain pollutant discharges into a POTW. The Department developed these limits to comply with prohibited discharge requirements and to prevent the introduction into a POTW of pollutants that interfere with the POTW's operation or pass through the

treatment works. These limits were developed using standard procedures, calculations, and methods acceptable to FDEP and EPA, to ensure compliance with POTWs' design efficiency in treating wastes and compliance with NPDES permit limits while considering the condition of the water body, deep well, or other disposal mechanism that receives treated effluent. Additional factors considered in developing these local limits include water quality standards applicable to the water body receiving the effluent, POTWs' retention, use, and disposal of sewage sludge, and worker health and safety.

(2)<< *Definitions.* The following definitions shall >>apply only to this section:<< ~~[[be applicable only to the provisions of Section 24-42.4:~~

- (a) ~~*Pollutant* shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural wastes discharged into water.~~
- (b) ~~*Categorical industrial user* shall mean a facility subject to regulation by a national categorical pretreatment standard.~~
- (c) ~~*Industrial user* shall mean a nondomestic source of pollutants which discharges into a publicly owned treatment works.~~
- (d) ~~*Interference* shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the publicly owned treatment works (POTW), its treatment process or operations; or its sludge process, use, or disposal; and therefore causes a violation of the POTW's discharge permits or prevents sewage sludge use or disposal in compliance with federal, State or County regulations.~~
- (e) ~~*New source* shall mean any building, structure, facility or installation, the construction of which commenced after the promulgation of Pretreatment~~

~~Standards under Section 307(c) of the Federal Clean Water Act and in accordance with the definition provided in 40 CFR 403.3, Federal Pretreatment Regulations, from which there is or may be a discharge of pollutants.~~

- (f) ~~*Pass through* shall mean a discharge that alone or in combination with other discharges exits the publicly owned treatment works (POTW) in quantities and concentrations to cause a violation of the POTW's discharge permits.~~
- (g) ~~*Pretreatment* shall mean the reduction in the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. This reduction or alteration can be obtained by a physical, chemical, or biological process; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.~~
- (h) ~~*Federal pretreatment standards* shall mean any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users. This term includes the prohibited discharge limits established pursuant to 40 CFR 403.5, Federal Pretreatment Regulations.~~
- (i) ~~*Significant industrial user (SIU)* shall mean an industrial user which is:~~
 - (i) ~~Any categorical industrial user, or~~
 - (ii) ~~Any industrial user which discharges twenty-five thousand (25,000) gallons or more of process wastewater per day (excluding sanitary, noncontact cooling, and boiler blowdown wastewater), or contributes a process wastewater which makes up five (5) percent or more of the dry weather average hydraulic or organic capacity of the publicly owned treatment works, or~~

- (iii) ~~Is designated as such on the basis that it has a reasonable potential to adversely affect the publicly owned treatment works operation or to violate a pretreatment standard or requirement.~~
- (j) ~~Slug discharge shall mean any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, as defined in 40 CFR 403.8(f)(2)(5).]~~
- >>(a) Categorical industrial user (CIU) shall mean an industrial user subject to categorical pretreatment standards under Rule 62-625.410, Fla. Admin. Code, and 40 C.F.R. Chapter I, Subchapter N, Parts 405-471, as may be amended from time to time.
- (b) Categorical pretreatment standard shall mean any regulation containing pollutant discharge limits that: are promulgated by the EPA in accordance with subsections 307(b) and (c) of the Federal Clean Water Act, 33 U.S.C. § 1317; apply to a specific category of industrial users; and appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471, as may be amended from time to time.
- (c) Daily discharge shall mean the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the course of the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the course of the day.
- (d) Daily maximum limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day.
 - (i) For daily maximum limits expressed in units of mass, the daily discharge is the total mass discharged over the course of the day.

- (ii) For daily maximum limits expressed as a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (e) Dental discharger shall mean any person or entity that is performing the practice of dentistry and that discharges wastewater to a POTW. This classification includes, without limitation: institutions; permanent or temporary offices; clinics; home offices; and facilities owned or operated by federal, state, or local governments. Pursuant to this code, all dental dischargers shall be deemed industrial users.
- (f) Discharge shall mean the introduction of pollutants into a POTW.
- (g) Existing source shall mean any source of discharge that is not a new source, as defined in this section.
- (h) Grab sample or discrete sample shall mean an individual sample collected at a specific time. A grab sample includes all sub samples or aliquots (e.g., individual containers for specific analytes or analyte groups), sample fractions (e.g., total and filtered samples), and all applicable field quality control samples (e.g., field sample duplicates or split samples) collected at the sample locations within a time not exceeding 15 minutes.
- (i) Hauled waste shall mean waste transported by a liquid waste transporter, as defined in section 24-5, to a POTW designated receiving area.
- (j) High strength sewage shall mean a sewage discharge to a POTW that contains total suspended solids (TSS), biochemical oxygen demand (BOD), or both, in excess of 145 pounds per day at a concentration exceeding 200 milligrams per liter.
- (k) High strength sewage discharger shall mean a significant industrial user that discharges high strength sewage to a POTW
- (l) Industrial user (IU) shall mean a source or person

that causes, permits, allows, or suffers a discharge, other than domestic wastewater, into a POTW.

- (m) Instantaneous limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete or composited sample, independent of the industrial flow rate and the duration of the sampling event.
- (n) Interference shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts a POTW, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and (2) is a cause of a violation of any POTW permit requirement (including any increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with federal, state, or County regulations or rules.
- (o) Local limits shall mean specific discharge limits developed to implement the general and specific discharge prohibitions listed in sections 24-42.4(3)(a)(i) and (ii). Local limits are enumerated in section 24-42.4(3)(a)(iii).
- (p) Monthly average shall mean the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- (q) Monthly average limit shall mean the highest allowable average of daily discharges over a calendar month, calculated as: the sum of all daily discharges measured during a calendar month, divided by the number of daily discharges measured during that month.
- (r) New source shall mean:
 - (i) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, where the construction of such building, structure, facility or installation commenced after the

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

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(ii) 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 subparagraphs 24-42.4(2)(r)(i)2 or 24-42.4(r)(i)3 above, but otherwise alters, replaces, or adds to existing process or production equipment.

(iii) Construction of a new source as defined under paragraph 24-42.4(2)(r) has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous onsite construction

program:

- a. Any placement, assembly, or installation of facilities or equipment; or
- b. 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

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(s) *Pass-through* shall mean a discharge which exits a POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of a POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(t) *Pretreatment* shall mean the reduction in the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

(i) Such reduction or alteration may be achieved by: a physical, chemical, or biological process, process changes or by other means.

- (ii) It is provided, however, that, in accordance with paragraph (3)(c) below, reduction or alteration that involves diluting the concentration of pollutants shall not qualify as pretreatment, unless such dilution is allowed by an applicable pretreatment regulation or is authorized in writing by a POTW.
- (u) Pretreatment Program Best Management Practices (PPBMP) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices developed or approved by the Director to implement the general and specific prohibitions herein. Best Management Practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage.
- (v) Pretreatment requirement shall mean any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.
- (w) Pretreatment standard shall mean any regulation containing pollutant discharge limitations promulgated either by the EPA under sections 307(b) and (c) of the Federal Clean Water Act or the FDEP under chapter 403, Florida Statutes. This term includes the standards listed in section 24-42.4(3).
- (x) Prohibited discharge shall mean the discharge of certain substances, as enumerated in section 24-42.4(3)(a), of which discharge is absolutely prohibited.
- (y) Significant industrial user (SIU) shall include any of the following:

 - (i) A categorical industrial user;
 - (ii) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding

domestic wastewater, noncontact cooling water, and boiler blowdown wastewater), or that contributes a process waste stream which makes up five percent or more of the dry weather average hydraulic or organic capacity of a POTW, or is designated as such by the Department on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

- (iii) A high strength sewage discharger; or
- (iv) Upon finding that an industrial user meeting criteria in subparagraph (ii) of this definition has no reasonable potential for adversely affecting a POTW's operation or for violating any pretreatment standard or requirement, the Department may at any time, on its own initiative or in response to a request received from an industrial user, determine that such industrial user is not a SIU.

(z) *Significant Noncompliance.* A significant industrial user, or any industrial user subject to pretreatment regulations which violates paragraphs (iii), (iv), or (viii) below, is in significant noncompliance if its violation meets one or more of the following criteria:

- (i) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 C.F.R. 403.3(l); or
- (ii) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the

- numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 C.F.R. 403.3(l) multiplied by the applicable TRC (TRC=1.4 for biochemical oxygen demand, total suspended solids, fats, oils, and grease, and 1.2 for all other pollutants except pH); or
- (iii) Any other violation of a pretreatment standard or pretreatment requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard), where the Director determines that the violation caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the public); or
- (iv) Any discharge of a pollutant that has caused imminent endangerment to human health, safety, welfare, or the environment or that has resulted in the Director's or the POTW's exercise of its emergency authority to halt or prevent such a discharge; or
- (v) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance; or
- (vi) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules; or
- (vii) Failure to accurately report noncompliance; or
- (viii) Any other violation or group of violations, including, without limitation, a violation of Best Management Practices, that the Director determines will adversely affect the operation

of a POTW or implementation of a local pretreatment program.

(aa) Sludge shall mean semi-liquid residue from industrial processes or treatment of sewage or wastewater.

(bb) Slug Discharge shall mean any discharge of a non-routine, episodic nature, that has a reasonable potential to cause interference or pass through, or to in any other way violate a POTW's regulations, pretreatment standards, or permit conditions.

(cc) Upset shall mean an exceptional incident of unintentional and temporary noncompliance with applicable pretreatment standards that is caused by factors beyond the industrial user's reasonable control.

(dd) Wastewater or municipal waste shall mean liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, that are introduced to a POTW.

(3)<<[(2) ~~General~~] *Pretreatment >>prohibitions and standards.<< [[Standards and Local Limits.*

(a) ~~It shall be unlawful for any person to throw, drain, run or otherwise discharge into a sewer designed to carry storm water, or to cause, permit, allow or suffer to be thrown, run, drained, allowed to seep, or otherwise discharged into such sewer:~~

(i) ~~Domestic sewage, industrial waste, liquid waste or other waste.~~

(ii) ~~Cooling water without the written approval of the Director or the Director's designee. The Director or the Director's designee shall issue a written approval if it is determined that the cooling water does not breach the values set forth in Section 24 42.1 of this Code.~~

(b) ~~It shall be unlawful for any person to throw, drain, run or otherwise discharge into a sanitary sewer, or~~

~~to cause, permit, allow or suffer to be thrown, run, drained, allowed to seep, or otherwise discharged into such sewer any storm water.~~

- (e) ~~The provisions of this section shall not be construed as precluding the installation of a combined system which has been approved by the Director or the Director's designee, and the appropriate State agency, and any such installation shall be subject to all applicable State and County regulations.~~
- (d) ~~It shall be unlawful for any person to throw, drain, run or otherwise discharge into a sanitary sewer, or to cause, permit, allow or suffer to seep, to be thrown, run, drained, or otherwise discharged into such sewer any of the following substances:~~
 - (i) ~~Any gasoline, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; any pollutants which may create a fire or explosion hazard in the POTW, including waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods in 40 CFR 261.21.~~
 - (ii) ~~Any waters or wastes containing any pollutant, a toxic or poisonous substance in sufficient quantity or flow rate to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant or deteriorate quality of the sewage sludge to prevent sludge use or disposal.~~
 - (iii) ~~Any pollutant in amounts which alone or in combination with other discharges will cause obstruction to the flow in the POTW.~~
 - (iv) ~~Any substance that will pass through the sewage treatment plant and exceed State or Federal requirements for the receiving water.~~
 - (v) ~~Any water or waste which contains substances which may solidify become viscous at temperatures between thirty three (33) degrees Fahrenheit and one hundred~~

~~fifty (150) degrees Fahrenheit (10 65
degrees Centigrade).~~

(vi) ~~Any effluents in excess of the following local
limits:]]~~

>>(a) Prohibited Discharges. The following provisions
address prohibited discharges.

(i) General Prohibitions.

1. It shall be unlawful for any person to
introduce into a POTW any pollutant
that causes pass-through or
interference.
2. The prohibitions and standards set
forth in subsection 24-42.4(3) shall
apply to all industrial users and shall
be in addition to any applicable
federal and state pretreatment
regulations, requirements, and
standards.

(ii) Specific Prohibitions.

1. It shall be unlawful for any person to
throw, drain, run, or otherwise
discharge, or to cause, permit, allow,
or suffer the discharge of, any of the
following substances into a sanitary
sewer:
 - a. A pollutant, or combination of
pollutants, that may
reasonably be expected to
create a fire or explosion
hazard in a POTW; such
prohibited discharges include,
without limitation: gasoline;
naphtha; waste streams with a
closed cup flash point of less
than 140 degrees Fahrenheit
or 60 degrees Centigrade, as
measured using the test
methods set forth in 40 C.F.R.
261.21; or other fuel oil or

other flammable or explosive liquid, solid, or gas.

- b. A pollutant, or combination of pollutants, that may be reasonably expected to cause corrosive structural damage to a POTW.
- c. A pollutant, or combination of pollutants, that may be reasonably expected to create a hazard to POTW structures, equipment, or personnel.
- d. A pollutant, or combination of pollutants, including but not limited to toxic or poisonous substances, in sufficient quantity or flow rate to injure or interfere with a sewage treatment process at a POTW.
- e. A pollutant, or combination of pollutants, including toxic or poisonous substances, in sufficient quantity or flow rate to constitute a hazard to humans or animals at a POTW.
- f. A pollutant, or combination of pollutants, including toxic or poisonous substances, in sufficient quantity or flow rate to create a hazard in a POTW's receiving waters.
- g. A pollutant, or combination of pollutants, including toxic or poisonous substances, in sufficient quantity or flow rate to deteriorate the quality of the sewage sludge at a POTW or otherwise prevent sludge use or disposal.

- h. A pollutant in amounts that, alone or in combination with other discharges, may reasonably be expected to cause obstruction to a POTW's flow.
- i. A substance that may reasonably pass through or interfere with a POTW and exceed State or Federal requirements for the receiving water.
- j. A solid or viscous pollutant in amounts which will cause obstruction to the flow in the POTW resulting in interference.
- k. Heat in amounts that may reasonably be expected to inhibit biological activity in a POTW resulting in interference, but in no case shall heat be allowed in such quantities that the temperature at a WWTP exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the POTW obtains written approval for alternate temperature limits.
- l. A pollutant, including oxygen demand pollutants, released in a discharge at a flow rate or pollutant concentration that may reasonably be expected to cause interference with a POTW.
- m. A hazardous waste.
- n. A hazardous waste pharmaceutical from a healthcare facility and a

reverse distributor, pursuant to 40 C.F.R. 266.505.

- o. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that may reasonably be expected to cause interference or pass through at a POTW.
 - p. Wastewater containing any radioactive wastes or isotopes, except in compliance with applicable federal and state regulations.
 - q. A trucked or hauled pollutant, except at discharge points designated in accordance with section 24-46(8).
 - r. Stormwater, rainwater, or groundwater, in any amount, without the Director's approval.
- 2. This section shall not be construed to preclude the installation of a combined system that has been approved by the Director and the applicable State agency, and any such installation shall be subject to all applicable State and County regulations.
 - 3. The point of discharge into the POTW for an industrial user shall be located at the industrial user's facility, except for wastes handled by a permitted liquid waste transporter in accordance with the hauled waste procedures in section 24-42.4(9).
 - 4. It shall be unlawful for categorical industrial users subject to categorical pretreatment standards to dispose of

wastewater at a POTW's designated
receival facility via a liquid waste
transporter.

(iii) Local Limits. In addition to the foregoing prohibitions, the following local limits shall apply.

1. It shall be unlawful for any person to throw, drain, run, or otherwise discharge, or to cause, permit, allow, or suffer the throwing, running, draining, seepage, or otherwise discharging of, one or more pollutants in excess of the local limits provided in Table 1 below into a POTW.

Table 1 Local Limits<<

<i>Chemical, Physical or Biological Characteristic</i>	<i>Standards</i>
Biochemical oxygen demand	145 lbs/day at a concentration not to exceed 200 mg/l unless allowed by the POTW >> <u>and, for a high strength sewage discharger, also approved by the Director</u> <<
Total suspended solids	145 lbs/day at a concentration [[level]] not to exceed 200 mg/l unless allowed by the POTW >> <u>and, for a high strength sewage discharger, also approved by the Director</u> <<
Oil and grease EPA Method 1664 (Hexane Extractable Materials)	100.0 mg/l
Oil and Grease by EPA Method 1664 (Hexane Extractable Materials) strictly for facilities classified as FOG Generators subject to [[Section]] >> <u>section</u> << 24-42.6	150.0 mg/l
Total Recoverable Petroleum Hydrocarbons EPA Method 1664 (Silica Gel Treated Hexane Extractable Materials)	50.0 mg/l
Ammonia (un-ionized)	100.0 mg/l

Temperature	150°F and shall not cause the plant influent to exceed 104°F (40°C) or inhibit biological activity
pH	5.5 – 11.5 [[, and shall not cause damage to or create a hazard to structures, equipment, or personnel of the POTW]]
>> <u>Antimony</u> <<	>> <u>0.065 mg/l</u> <<
Arsenic	[[0.325]] >> <u>2.014</u> << mg/l
>> <u>Beryllium</u> <<	>> <u>4.66 mg/l</u> <<
Cadmium	[[0.187]] >> <u>0.356</u> << mg/l
Chromium (Total)	[[7.6]] >> <u>4.53</u> << mg/l
Copper	[[0.5]] >> <u>0.50</u> << mg/l
Lead	[[0.7]] >> <u>0.32</u> << mg/l
Mercury	0.01 mg/l
Molybdenum	[[0.4]] >> <u>0.33</u> << mg/l
Manganese	[[1.9]] >> <u>1.78</u> << mg/l
Nickel	[[0.39]] >> <u>0.26</u> << mg/l
Selenium	[[0.65]] >> <u>0.56</u> << mg/l
Silver	[[0.6]] >> <u>0.06</u> << mg/l
Thallium	0.0005 mg/l
Zinc	[[6.8]] >> <u>1.84</u> << mg/l
Cyanides, total	[[0.5]] >> <u>0.50</u> << mg/l
Poly chlorinated biphenyls	0.008 mg/l
Benzene	[[0.2]] >> <u>0.036</u> << mg/l
Carbon Tetrachloride	[[0.22]] >> <u>0.13</u> << mg/l
1,2-c-Dichloroethylene	[[3.75]] >> <u>3.19</u> << mg/l
>> <u>2,4-Dinitrotoluene</u> <<	>> <u>0.35 mg/l</u> <<
Tetrachloroethylene	[[0.125]] >> <u>0.12</u> << mg/l
Trichloroethylene	[[0.16]] >> <u>0.13</u> << mg/l
>> <u>2,4,6-Trichlorophenol</u> <<	>> <u>0.23 mg/l</u> <<
Vinyl Chloride	[[0.08]] >> <u>0.03</u> << mg/l

[[Table Notes:

1.]]>>2.<< FOG Generators subject to the

provisions of ~~[[Section]]~~ >>section<<
 24-42.6 shall comply with all local
 limits set forth in >>this section 24-
42.4<< [[Section 24-42.4]], unless
 otherwise specifically exempted.

~~[[2-]]~~ >>3.<< Samples shall be taken at the
 point past which no further treatment
 is given by the facility to the waste or
 in the case of effluents subject to
>>federal and state pretreatment
regulations<< [[the State or Federal
Pretreatment Regulations]], at a
 sampling point as determined by the
 Director ~~[[or the Director's designee]]~~
 in accordance with the ~~[[State or~~
~~Federal Pretreatment Regulations in~~
~~accordance with Section]]~~
>>applicable federal and state
pretreatment regulations and
section<< 24-44.2.

>>4. High strength sewage dischargers
may only be authorized by the
Director and accepted by a POTW
when:

- a. The discharge does not cause
pass-through or interference;
and
- b. The discharge does not violate
the provisions of section 24-
42.4(3)(a); and
- c. When a surcharge fee,
established under Ordinance
92-29, is imposed pursuant to
the current schedule of
wastewater fees and charges
administered by the Miami-
Dade County Water & Sewer
Department or successor
department.

5. Specific Pretreatment Program Best

Management Practices (PPBMPs).

- a. The Director is authorized to develop or otherwise approve PPBMPs for a specific facility or an industry sector. PPBMPs may include, without limitation, practices or procedures to prevent violation of pretreatment standards and to prevent pollution from entering a POTW, such as the following:
- i. Changing the chemicals used at a facility.
 - ii. Controlling fugitive emissions, spills and leaks.
 - iii. Storing and transferring materials.
 - iv. Operating and maintaining the facility.
 - v. Minimizing, managing, and treating waste streams.
 - vi. Meeting discharge prohibitions.
 - vii. Managing sludges, solid and hazardous waste and stormwater.
 - viii. Responding to spills, slug discharges, or emergencies.
 - ix. Keeping records of

compliance with
BMPs.

x. Maintaining zero
discharge status.

xi. Addressing discharge
limitations when the
level of concern is
below the approved
analytical method
detection limit.

xii. Establishing alternate
or additional sampling
locations and
requirements.

xiii. Other practice or
procedures as deemed
necessary by the
Department to ensure
compliance with
section 24-42.4(3).b.

b. It shall be unlawful for any
person to fail to comply with
PPBMPs included as a
condition of an operating
permit.<<

~~[(vii) In lieu of the local limits set forth in Section 24-42.4(2)(d)(vi) of the Code, the Director or the Director's designee may utilize equivalent standards as calculated pursuant to the Guide to Protect POTW Workers from Toxic & Radioactive Gases and Vapors (EPA # 812-B-92-001, June 1992), the Guidance Manual on the Development and Implementation of Local Discharge Limitations under the Pretreatment Program (EPA # 833-B-87-202, December 1987), and the Guidance Manual for Developing Best Management Practices (BMP) (EPA # 833-B-93-004, October 1993).~~

~~(viii) If compliance with the local limits set forth in~~

~~Section 24-42.4(2)(d)(vi), is not sufficient to prevent violations of Section 24-42.4(2)(d)(i) through Section 24-42.4(2)(d)(v) above, the Director or the Director's designee shall determine the local limits, as calculated pursuant to the Guide to Protect POTW Workers from Toxic & Radioactive Gases and Vapors (EPA # 812-B-92-001, June 1992), the Guidance Manual on the Development and Implementation of Local Discharge Limitations under the Pretreatment Program (EPA # 833-B-87-202 December 1987), and the Guidance Manual for Developing Best Management Practices (BMP)(EPA # 833-B-93-004, October 1993), which shall be included in the facilities operating permit.~~

~~It shall be unlawful for any person to discharge any pollutant, including slug discharges, to sanitary sewers which pollutant may inhibit or disrupt the POTW's treatment process or operations; or which may inhibit or disrupt the POTW's sludge process, sludge use, or sludge disposal; or which causes a violation of the POTW's state or local discharge permits or prevents sewage sludge use or sewage sludge disposal in compliance with state or county regulations without first notifying the Director or the Director's designee in writing prior to the discharge. If prior notification is not possible because of circumstances beyond the control of the person responsible for such discharge then said discharge shall be reported to the Director or the Director's designee at the earliest practicable time after discovery of the discharge.~~

- (3) ~~Categorical Pretreatment Standards. It shall be unlawful for any industrial user to discharge any pollutant in violation of the Federal Pretreatment Standards set forth in 40 CFR 403.6.]]~~

>>(b) Categorical pretreatment standards.

- (i) It shall be unlawful for any categorical industrial user to discharge a pollutant in violation of a categorical pretreatment standard.
- (ii) Pollutant discharge limits in the categorical

pretreatment standards are expressed either as concentration or mass limits. Limits in categorical pretreatment standards shall apply to the effluent of the process regulated by the pretreatment standard, or as otherwise specified by the pretreatment standard.

(iii) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Department may convert the limits to equivalent limitations expressed as effluent concentration for the purpose of calculating effluent limitations applicable to individual CIUs. The equivalent concentration limitations shall be calculated as follows:

1. The categorical pretreatment standard limits shall be multiplied by the CIU's average rate or production to calculate mass-per-day limitations. The average rate of production shall be based upon a reasonable measure of the CIU's actual long-term daily production, such as the average daily production during a representative year. The average rate of production shall not be based upon a CIU's designed production capacity. For new sources, the average rate of production shall be estimated using projected production.
2. Once the mass-per-day limitations have been calculated, the equivalent concentration limitations are determined by dividing said mass-per-day limitations by the average daily flow rate of

the CIU's regulated process wastewater.

Average daily flow shall be based upon a reasonable measure of the CIU's actual long-term average flow rate, such as the daily flow rate during a representative year.

(iv) To calculate limitations applicable to individual industrial users, the Department may convert the mass limits of the categorical pretreatment standards of 40 C.F.R. Parts 414, 419, and 455, to concentration limits, provided that the Department:

1. uses the concentrations listed in the applicable subpart of 40 C.F.R. Parts 414, 419, and 455; and
2. documents that dilution is not being substituted for treatment.

(v) Once equivalent limitations are calculated pursuant to this section and incorporated into an operating permit, the industrial user shall comply with said equivalent limitations in lieu of the categorical pretreatment standards from which the equivalent limitations were derived.

(vi) Where process effluent subject to categorical pretreatment standards is mixed with other wastewaters prior to treatment, or mixed immediately downstream of the regulated process if no pretreatment exists, fixed alternative limits shall be derived by applying the combined waste stream formula in accordance with sections 62-625.410(6) and 62-625.600(1)(e)(4), F.A.C. The industrial user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula.

(c) Dilution. Except where expressly authorized to do so by an applicable pretreatment standard or

requirement, no industrial user shall attempt to achieve compliance with a pretreatment standard or requirement by increasing the use of process water or otherwise diluting a discharge.

(4) Storm Sewer Prohibitions.

(a) It shall be unlawful for any person to throw, drain, run, or otherwise discharge, or to cause, permit, allow, or suffer the discharge of, any of the following into a sewer designed to carry storm water:

(i) Domestic sewage, industrial waste, liquid waste, or other waste; and

(ii) Cooling water, without the written approval of the Director. Written approval shall only be issued if it is demonstrated that the cooling water does not breach the values set forth in section 24-42.1.

(5) Pretreatment of Wastewater.

(a) Pretreatment Facilities.

(i) Industrial users shall provide wastewater pretreatment as necessary to achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set forth in subsection 24-42.4(3) above within the time or standard limitations promulgated in the applicable federal and state pretreatment regulations.

(ii) Each industrial user shall provide, operate, and maintain all necessary pretreatment facilities at the industrial user's own expense and in accordance with the following:

1. Detailed plans describing facilities and operating procedures shall be submitted to the Director for review and approval before commencing construction of such facilities.

2. The above-referenced review requirement shall not be construed to

relieve an industrial user from the obligation to modify required facilities as necessary to produce a discharge acceptable to the Director pursuant to this chapter.

- (iii) Any diversion of a wastewater stream which bypasses a pretreatment system shall be deemed to be a violation of section 24-42.5.

(b) Additional Pretreatment Measures.

- (i) In addition to the requirements of this section, a generator of fats, oils, and grease (FOG) that disposes or discharges any FOG into the public sanitary sewer system shall be subject to section 24-42.6.
- (ii) A dental discharger that disposes or discharges to a POTW any waste amalgam or amalgam process wastewater as defined in 40 C.F.R. 441, as may be amended from time to time, shall install one or more amalgam separators or equivalent amalgam removal devices that comply with 40 C.F.R. Part 441. This requirement shall not apply to dental dischargers that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify such to the Department as required in 40 C.F.R. Part 441.50.
- (iii) The Director may require industrial users with the potential to discharge flammable substances to install and maintain an approved combustible gas detection meter.
- (iv) Based on facility operations, compliance history, or both, the Director may require an industrial user to implement an effluent monitoring system, which may include, without limitation, flow meters, pollutant measuring devices, and on-site and remote monitoring equipment, as approved by the Director.

(v) Effluent monitoring systems shall be designed to monitor, measure, and record effluent discharges to the sanitary sewer system, to prevent violations of pretreatment standards and requirements. Such systems shall not be installed without the Director's prior written approval.

(c) Slug Discharge Control Plans.

(i) The Director may require any significant industrial user (SIU) to develop, submit for approval, and implement a slug discharge control plan, or to take such other action as may be necessary to control slug discharges.

(ii) At least once every two years, the Director shall evaluate whether each SIU is required to institute a slug discharge control plan or other action to control slug discharges.

(iii) New SIUs shall be evaluated within one year of being designated a SIU.

(iv) A slug discharge control plan shall contain at least the following elements:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals and containment areas;
3. Procedures for the SIU to: immediately notify the Department of slug discharges, including any discharge that would violate any specific prohibition set forth in subsection 24-42.4(3) above; and provide follow-up written notification to the Department within five days; and
4. Procedures for the SIU to prevent adverse impact from accidental spills, if any, including inspection and

maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.

(6) Industrial waste pretreatment permit requirements.

- (a) It shall be unlawful for a significant industrial user to throw, drain, run, or otherwise discharge, or to cause, permit, allow, or suffer the discharge of, wastewater into a POTW, or to cause, permit, allow or suffer the throwing, running, drainage, seepage, or discharging of, wastewater into a POTW without first obtaining an industrial waste pretreatment operating permit from the Director pursuant to section 24-18.
- (b) All industrial users required to obtain an industrial waste pretreatment operating permit must submit a permit application in the form and content prescribed by the Director or the Director's designee. Where applicable, categorical industrial users shall comply with the baseline reporting requirements established in chapter 62-625 F.A.C. as part of a permit application review process.
- (c) The Director may require an industrial user to submit any other information as the Director may deem necessary to evaluate the permit application.
- (d) The Director shall include in an industrial waste pretreatment operating permit such conditions as the Director deems reasonably necessary to: prevent pass-through or interference; protect the quality of the water body receiving the wastewater treatment plant's effluent; protect worker health and safety; facilitate sludge management and disposal; protect against damage to the POTW; and comply with applicable provisions of chapter 62-625, F.A.C.

(e) The Director may, in the Director's discretion, modify an industrial waste pretreatment permit for good cause, and such good cause may include, without limitation, the following reasons:

- (i) To incorporate a new or revised federal, state, or local pretreatment standard or requirement;
- (ii) To address an alteration or addition to the permittee's operation, processes, or wastewater volume or character;
- (iii) Violation of any terms or conditions of the permit; or
- (iv) To correct typographical or other errors.

(7) *Transfer or name change of an industrial waste pretreatment operating permit.*

(a) The Director may authorize the transfer of an industrial waste pretreatment operating permit upon request by both the existing permittee and the new owner or operator.

(b) Such transfer request shall be submitted in a form prescribed by the Director and shall include at least the following:

- (i) Written certification by the new owner or operator, under penalty of perjury, that no changes to the facility's permitted operations or processes are planned;
- (ii) The proposed effective date of the permit transfer;
- (iii) Written acknowledgment by the new owner or operator, under penalty of perjury, that the new owner or operator shall be fully responsible for compliance with the existing permit.

- (c) The Director may require such additional information as the Director deems appropriate to decide on a transfer request.
- (d) If the existing permittee is under enforcement or is the subject of a consent agreement with the department pursuant to this chapter, or if the Director determines that additional or revised operating permit conditions would be appropriate, any of the above shall constitute grounds for denial of a transfer request, in the Director's discretion. This shall not constitute a limitation on the Director's authority to deny a transfer request for any other reason.
- (e) The Director may, in the Director's discretion, impose additional or revised permit conditions as part of any approved transfer request.
- (f) Where applicable, if the Director denies the transfer request, the proposed new owner or operator shall submit a complete industrial waste pretreatment operating permit application in accordance with this section.
- (g) An existing permittee that changes its name shall submit a notification of name change to the Department in a form prescribed by or acceptable to the Director.
- (8) *Revocation of industrial waste pretreatment operating permit.*
 - (a) The Director may revoke an industrial waste pretreatment operating permit for good cause, which shall include, without limitation, any of the following reasons:
 - (i) Failure to notify the Department of changes to the wastewater prior to the changed discharge;
 - (ii) Failure to provide prior notification to the Department of changed site conditions, such as an alteration of, or addition to, the operation, process, or wastewater volume or character;

- (iii) Misrepresentation or omission of a material fact, or failure to fully disclose all relevant facts, in the permit application;
- (iv) Submission of a false self-monitoring report or false certification statement;
- (v) Evidence of tampering or allowing the tampering of monitoring equipment;
- (vi) Failure to provide or allow the Department timely access to facility premises or records;
- (vii) Failure to meet effluent limitations;
- (viii) Failure to timely pay fines or penalties;
- (ix) Failure to timely pay sewer charges;
- (x) Failure to timely meet compliance schedules;
- (xi) Failure to timely complete a wastewater survey or the industrial waste pretreatment operating permit application;
- (xii) Failure to provide notice of the transfer of business ownership of a permitted facility;
- (xiii) Violation of any pretreatment standard or requirement; or
- (xiv) Violation of any operating permit terms or conditions.

(9) *Hauled waste procedures.*

- (a) Hauled waste, including but not limited to wastewater, shall be managed in accordance with the U.S. EPA Guidance Manual for the Control of Wastes Hauled to Publicly Owned Treatment Works (EPA-833-B-98-003), as may be amended from time to time.
- (b) All liquid waste haulers shall obtain a liquid waste transporter operating permit pursuant to section 24-

18 prior to hauling any liquid waste within Miami-Dade County.

- (c) A POTW may only accept hauled waste from a liquid waste transporter when such transporter holds a valid liquid waste transporter operating permit issued pursuant to section 24-18.
- (d) A liquid waste transporter shall only introduce hauled waste into a POTW at locations designated, and times established, by Miami-Dade County.
- (e) The liquid waste transporter shall be responsible for ensuring that hauled waste intended for disposal at a POTW meets POTW standards at the time it is removed from the source facility or location and before it is disposed at a POTW.
- (f) The discharge of all hauled waste at a POTW is subject to the pretreatment prohibitions and pretreatment standards set forth in subsection 24-42.4(3) above and any other applicable requirements or standards established by the County.
- (g) Specific liquid waste hauled by a liquid waste transporter shall not be accepted at a POTW without prior written approval from both the Director and the Miami-Dade County Water and Sewer Department or successor department.
 - (i) Specific liquid waste means: portable chemical toilet waste; non-hazardous commercial or industrial waste; groundwater remediation site waste; landfill leachate; and wastes not currently classified (such as nanowastes from nanomaterials) or of inconsistent occurrence.
 - (ii) The Director may require a permitted liquid waste transporter or generator of the waste to provide an analytical profile of such waste prior to discharge to a POTW, to ensure compliance with applicable standards.

- (h) Notwithstanding paragraph (g) above, a liquid waste transporter may haul the following wastes to a POTW without the Director's prior approval:
 - (i) Domestic sewage and graywater disposal systems; and
 - (ii) Contents of FOG control devices from FOG generators, as defined in this chapter, provided that FOG waste is not commingled with other waste types.
- (i) Waste subject to categorical pretreatment standards as set forth in this section shall not be accepted at a POTW.<<

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Section 4. Section 24-44 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-44. Clean-up Target Levels (CTLs) and Procedures for Site Rehabilitation Actions (SRAs).

- (1) STATE PROGRAM CONTAMINANT CLEAN-UP TARGET LEVELS (CTLs) AND PROCEDURES.
 - (a) For contaminants subject to ~~[[Chapter 62-770]]>>chapter 62-780<<~~, F.A.C., the CTLs and SRA procedures set forth in ~~[[Chapter]]>>chapters<< 62-777 and [[62-770]]>>62-780<<~~, Florida Administrative Code (F.A.C.) shall apply.
 - ~~[[b)] For sites which have entered into a Brownfields Site Rehabilitation Agreement with the Department or the Florida Department of Environmental Protection pursuant to Chapter 62-785, F.A.C., the CTLs and SRA procedures set forth in~~

~~Chapter 62-777 and 62-785, F.A.C. shall apply.]]~~

~~[[e) For contaminants subject to Chapter 62-782, F.A.C., the CTLs and SRA procedures set forth in Chapter 62-777 and 62-782, F.A.C. shall apply.]]~~

~~[[d)]>>(b)<< For lands owned by the state university system, the risk-based clean-up criteria as described in >>sections<< 376.3071, 376.3078, and 376.81, Florida Statutes, shall apply.~~

* * *

Section 5. Section 24-44.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-44.2. Compliance tests, sampling points and methods.

COMPLIANCE TESTS. Sampling points to determine compliance with ~~[[Section]]~~ >>sections<< 24-42, ~~[[Section]]~~ 24-42.1, ~~[[Section]]~~ 24-42.4, ~~[[Section]]~~ 24-42.5, ~~[[Section]]~~ 24-44.1>>₂<< and ~~[[Section]]~~ 24-44.2, >>but not<< ~~[[except]]~~ for ~~[[Section]]~~ >>section<< 24-44>>₂<< shall be selected as follows:

(1) *Effluents.* For compliance with the effluent standards in ~~[[Section]]~~ >>section<< 24-42(2) and the pretreatment standards in ~~[[Section]]~~ >>section<< 24-42.4~~[[;]]~~>>:

(a)<< the samples shall be taken>>:

(i)<< at the point past which no further treatment is given by the facility to the waste>>:

(ii)<< or in the case of effluents subject to >>federal and state pretreatment regulations<< ~~[[Federal Pretreatment Regulations]]~~, at a sampling point as determined by the Director ~~[[or the Director's designee]]~~ in accordance with the >>applicable federal and state pretreatment regulations<< ~~[[Federal Pretreatment Regulations]]~~.

>>(b)<< An outfall line shall not be considered as further treatment.

>>(c)<< In facilities >>that<< [[which]] have sand filter beds where the effluent percolates directly into the soil and no approved sampling points are provided[[,]]>>:

(i)<< the samples will be taken before the sand filter>>;<< and

>>(ii)<< a five [[(5)]] percent overall reduction of the effluent sewage will be allowed.

* * *

Section 6. Section 24-46 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-46. Regulation of liquid waste transporters.

(1) It shall be unlawful for any person to permit, cause, allow, let>>,<< or suffer the transportation within Miami-Dade County of any liquid waste without having a valid liquid waste transporter operating permit issued by the Director [[or the Director's designee]] pursuant to [[Section]]>>section<< 24-18.

* * *

(3) >>Use of permit fees.<< [[All applications for permits issued pursuant to this section shall be on a form prescribed by the Director or the Director's designee and accompanied by a fee which shall be established by administrative order of the County Manager and approved by the Board of County Commissioners.]] The permit fee >>for a liquid waste transporter operating permit<< [[payable hereunder]] shall be deposited in a separate county fund and shall be used exclusively by the Department to pay for the costs of environmental services to and environmental regulation of liquid waste transportation in Miami-Dade County, Florida.

(4) >>Records. The Department shall maintain records of, at a minimum, all liquid waste transporter applications received, permits issued, manifests, monthly reports, and sampling

results. The Department shall maintain all records related to liquid waste transporters in hard-copy, electronic form, or both.

(5)<< All operating permits required by this chapter shall be in addition to any other permits, registrations>>₂<< or occupational licenses >>that<< ~~[[which]]~~ may be required by federal, State or local law. ~~[[The Director, or the Director's designee, in his or her discretion, may require conditions, limitations or restrictions as part of the operating permit if said conditions, limitations and restrictions are consistent with the requirements of this chapter.~~

(5)]>>(6)<< *Monthly reporting required.* All liquid waste transporters shall submit >>to the Director,<< on a monthly basis ~~[[to the Director or the Director's designee,]]~~ >>and<< on a form prescribed by >>or acceptable to the Director,<< ~~[[the Department]]~~ all information required by any conditions, limitations>>₂<< or restrictions >>that were imposed on a<< ~~[[which are part of the]]~~ liquid waste transporter's operating permit >>pursuant to section 24-18<<.

>>(7)<<[(6)] *Immediate reporting required.* Any liquid waste transporter who causes, permits, lets, allows, or suffers any liquid waste accident, liquid waste spill, or other liquid waste discharge anywhere within the boundaries of Miami-Dade County[[;]] shall immediately report the same to the Department.

[(7)]>>(8) *Authorized and unauthorized discharge.*

(a)<< It shall be unlawful for any liquid waste transporter to dump, dispose, throw, drain, run, leak>>₂<< or otherwise discharge, or to allow, cause, permit, let, or suffer ~~[[to be dumped, disposed, thrown, drained, run, leaked or otherwise discharged]]~~ >>the dumping, disposal, throwing, draining, running, leaking or discharge of<< any liquid waste or solid waste>>:

(i)<< into a sanitary sewer, any type of manhole, storm sewer, catch basin, french drain, disposal well, soakage pit, solid waste transfer or disposal facility, recycling facility,

waste oil facility>>₂<< or similar
structure>>₁<< or

>>(ii)<< on to or into the ground[[5]]>>₂<< or

>>(iii)<< into any of the waters of this
county[[5]]>>₂<< or

>>(iv)<< at any other place in Miami-Dade County
>>that is not<< [[~~unless said place is~~]] a
sewage treatment plant or industrial waste
treatment plant or a resource recovery and
management facility approved and permitted
by the Director [[~~or the Director's designee to
receive said liquid or solid wastes and unless
the liquid waste transporter's operating
permit authorizes said place for disposal~~]].

>>(9)<<[[~~(8)~~]] No person shall utilize a liquid waste transporter
unless the liquid waste transporter has a valid operating
permit issued >>in accordance with section 24-18<< [[~~by the
Director or the Director's designee~~]].

>>(10)<<[[~~(9)~~]] The following activities shall be exempt from
>>this section<< [[~~the provisions of this ordinance~~]]:

- (a) The on>>₂<<site transportation of liquid waste to a
place within the boundaries of a particular facility,
location, property>>₂<< or site.
- (b) The transportation of fully containerized and
hermetically-sealed receptacles approved by the
State of Florida Department of Transportation,
provided said transportation does not commence or
end in Miami-Dade County.

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Section 7.

Section 24-5 of the Code shall be renumbered pursuant to the revisions in
section 2 above.

Section 8. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 9. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 10. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

MAG for GBK

Prepared by:



Abbie Schwaderer Raurell