

immediately supersede the limitations imposed under this article. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

Section 71.      Modification of federal categorical pretreatment standards.

Where the District's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the District may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system ninety-five (95) percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403)-"General Pretreatment Regulations for Existing and New Sources of Pollution" published pursuant to the Act. The district may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approved authority is obtained.

Section 72.      Specific pollutant limitations.

No person/business shall discharge wastewater containing in excess of:

- (a) 0.1 mg/l arsenic
- (b) 10 mg/l cadmium
- (c) 10 mg/l copper
- (d) 0.1 mg/l cyanide
- (e) 0.1 mg/l lead
- (f) 0.1 mg/l mercury
- (g) 1.0 mg/l nickel
- (h) 5.0 mg/l silver
- (i) 0.25 mg/l total chromium
- (j) 0.08 mg/l zinc

Section 73.      State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this article.

Section 74.      District's right of revision.

The District reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this article.

Section 75.      Excessive discharge.

No user shall ever increase the use of process water or, in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the District or State.

Section 76.      Accidental discharges.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved by the District before construction of the facility. All users shall complete such a plan within ninety (90) days after date of official notice to connect to the District's wastewater system. No user who commences contribution to the POTW before completing said plan should be permitted to introduce pollutants into the system until the superintendent has approved accidental discharge procedures. Review and approval of such plans and operating procedures shall not relieve the industrial user from the

responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- (a) Within five (5) days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- (b) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sections 77-87. Reserved.

#### DIVISION 5. POINT OF CONNECTION

Section 88. General.

The point of connection of the water or wastewater facilities shall be where the District deems its system adequate to provide service.

Section 89. Existing service lines.

Where existing sanitary sewer lines are in place through previous construction, and are judged to be in compliance with existing codes and standards by the District, the applicant for the new sewer service may use these lines.

Section 90. Pressure sewer extensions.

Where pressure sewers are constructed by the District to extend wastewater service to a lot or development, the applicant for such wastewater service shall pay to the District a contribution in aid of construction (CIAC) prior to the commencement of construction of the pressure sewer. The pressure sewer CIAC shall be calculated as the cost as estimated by the District of constructing a pressure sewer sized and routed at the shortest practicable length to the closest point in the existing wastewater system capable of providing service to the applicant's development only. The District will determine sizing and routing of the pressure sewer.

Section 91. Requirement for additional CIAC.

In any instance where it is determined that the District's share of cost to construct new facilities (including over-sizing costs) prompted by an application for wastewater service is greater than the district is willing and/or able to afford, the applicant may be allowed to pay an additional contribution in aid of construction (CIAC), which may be required by the District in order to reduce the District's share of cost to an amount acceptable to the District. The District shall determine the amount of CIAC that is necessary under this section.

Section 92. Pump station (primary).

Where a pumping station is constructed to receive the cumulative wastewater flow from a development, the developer shall pay all costs associated with pump station design and construction required to serve the proposed development including all future phases. The District may elect to pay over-sizing costs, if required, to serve existing or future customers outside of the proposed development.

Section 93. Gravity line or pump station/force main construction.

In the instance where it is physically feasible to construct either gravity line or a pump station/pressure sewer to serve a development, the facilities to be constructed shall be determined by the District. The applicant shall pay the lesser of:

- (a) CIAC for gravity line extensions; or
- (b) Pump station (primary) CIAC plus pressure sewer extension CIAC plus any additional CIAC that may be assessed by the District.

Section 94. Refunds of prepaid charges.

Prepaid wastewater connection charges which are paid prior to installation of the facilities at the site for which they are paid, may be refunded to the current owner of the property for which the charges were paid upon application made, provided that the facilities for which payment was made have not been installed, and provided that all costs of the District incurred in connection therewith, including but not limited to administrative and engineering costs shall first be deducted prior to making any such refund. The District on any such refund shall pay no interest for prepayments. The burden of proof of any such prepayments shall be the applicant's.

Section 95. Maintenance of building sewer.

The customer shall be responsible for keeping his building sewer free of all obstructions from his premises. The customer will be responsible for any damage occurring to the customer's property due to an obstruction in the building sewer.

Section 96. Over-sized facilities.

The District reserves the right to require over-sizing of any wastewater facility (gravity wastewater lines, lift stations, pressure sewers, etc.) and shall pay the developer for such over-sizing on the basis of additional costs incurred because of the over-sizing. The District shall pay over-sizing costs based on the difference between the engineering estimates for the cost of oversized facility and the cost of the facility that is required to serve the development.

Sections 97-107. Reserved.

DIVISION 6. RATES AND CHARGES GENERALLY

Section 108. Persons liable.

The depositor of record being served shall be liable for payment of all amounts due from rates and charges established by this article.

Section 109. Usage rates.

Monthly rates and charges to be charged by the District for the provision of water and sewerage services and the use and privilege of the use of the District's wastewater system shall be as follows:

- (a) Residential/Commercial Customers (water and sewage)
  - Up to 3,000 gals Base rate of \$26.00 for water plus \$35.15 for sewage (\$61.15)
  - 3,000 – 4,000 gals + \$ 1.50 per 1,000 gals for water/\$35.15 for sewage (\$62.65)
  - 4,000 – 5,999 gals + \$ 4.90 per 1,000 gals
  - 6,000 – 8,999 gals + \$ 5.20 per 1,000 gals
  - 9,000 – 14,999 gals + \$ 5.75 per 1,000 gals
  - 15,000 – 20,999 gals + \$ 6.25 per 1,000 gals
  - 21,000 – 26,999 gals + \$ 6.90 per 1,000 gals
  - 27,000 – 32,999 gals + \$ 7.65 per 1,000 gals
  - 33,000 – 38,999 gals + \$ 8.40 per 1,000 gals
  - 39,000 – 44,999 gals + \$ 9.15 per 1,000 gals

45,000 – 50,999 gals	+ \$ 9.90 per 1,000 gals
51,000 gals and up	+ \$10.65 per 1,000 gals

(b) Residential/Commercial Customers (water only)

Up to 3,000 gals	Base rate of \$26.00
3,000 – 4,000 gals	+ \$ 1.50 per 1,000 gals
4,000 – 5,999 gals	+ \$ 1.50 per 1,000 gals
6,000 – 8,999 gals	+ \$ 1.80 per 1,000 gals
9,000 – 14,999 gals	+ \$ 2.35 per 1,000 gals
15,000 – 20,999 gals	+ \$ 2.85 per 1,000 gals
21,000 – 26,999 gals	+ \$ 3.50 per 1,000 gals
27,000 – 32,999 gals	+ \$ 4.25 per 1,000 gals
33,000 – 38,999 gals	+ \$ 5.00 per 1,000 gals
39,000 – 44,999 gals	+ \$ 5.75 per 1,000 gals
45,000 – 50,999 gals	+ \$ 6.50 per 1,000 gals
51,000 gals and up	+ \$ 7.25 per 1,000 gals

(c) The volume charge per one thousand (1,000) gallons is based on sewage of normal household strength. Upon determination by the District that any customer is discharging waste which regularly exceeds normal domestic strength, the applied volume charge shall be the normal volume charge multiplied by the following surcharge:

$$\frac{(\text{BOD Measured or Estimated, mg/l}) + (\text{Suspended Solids Measured or Estimated, mg/l})}{600}$$

(d) Sewage volume shall be based on water consumption as metered by the District.

The District may, at its discretion, allow exemption of water volume from sewer billing to commercial users where such water is for agricultural use and is separately metered or where it is clear that one hundred (100) percent of the water exempted is included in a manufactured product and will not enter the sewer system of the District. This exemption shall not be made for normal commercial use of water or for normal residential use.

The fact that a percentage of all water consumed does not enter the sewer system has been recognized in defining the volume rate for use in sewer billings.

Section 110. Connection charges

Before any person shall newly connect any property, building, or structure to the water and/or sewer system, he shall pay for such connection and availability a connection charge to be assessed by the superintendent in accordance with the following:

- (a) Residential customer sewer connection, (TBD) for each Service Unit.
- (b) Commercial customer sewer connection, (TBD) per connection point to the sewer system plus the greater of:
  - (1) (TBD) for each additional Service Unit served by the connection point.
  - (2) (TBD) for each additional one thousand (1,000) gallons per month above the initial five thousand (5,000) gallon increment of flow estimated through the connection point by the superintendent, such estimates of flow shall be made by the superintendent in accordance with normal flows expected from the plumbing fixtures being served by the connection.
- (c) The following non-refundable connection fee shall be collected from each residential and commercial customer of the District prior to furnishing water service:
  - (1) Residential: \$1,000
  - (2) Commercial: \$1,000

Section 111. Due date.

All bills evidencing charges for use of the water and/or sanitary sewerage system of the District shall be payable to the District by the users thereof on or before the twentieth (20<sup>th</sup>) day of the month following the day on which such billing was rendered.

Section 112. Delinquent bills.

- (a) To each sewer payment that is past due there shall be added a surcharge of ten (10) percent.
- (b) If any rates, fees or charges established for the use and privilege of the use of the District's water and/or wastewater system shall not be paid within ten (10) working days after the same shall become due and payable, the District may disconnect the premises from all utilities served by the District. The customer of said premises may cause to have his premises reconnected upon payment to the District all delinquent billings, penalties, and reconnection fees.

Sections 113-123. Reserved.

DIVISION 7. RATES AND CHARGES, SIGNIFICANT USERS: PERMITS AND ENFORCEMENT

Section 124. Fees.

- (a) Purpose. It is the purpose of this article to provide for the recovery of costs from users of the District's water and/or wastewater system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the District's schedule of charges and fees.
- (b) No service free. No water or wastewater service shall be furnished or rendered free of charge to any person, firm, or corporation whatsoever, and every agency, department, or instrumentality that uses either or both services shall pay at the rates fixed by this Ordinance.
- (c) Charges and fees. The District may adopt charges and fees which may include:
  - (1) Fees for reimbursement of costs of setting up and operating the District's pretreatment program shall be actual cost incurred.
  - (2) Fees for monitoring, inspections, and surveillance procedures shall be actual cost incurred.
  - (3) Fees for reviewing accidental discharge procedures and construction shall be actual cost incurred.
  - (4) Fees for "class b" service permit applications, as defined in Section 31 above, shall be (TBD) each.
  - (5) Fees for filing appeals, (TBD) each.
  - (6) Fees for consistent removal (by the District) of pollutants otherwise subject to federal pretreatment standards shall be actual cost incurred.
  - (7) Other fees as the District may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the District.

Section 125. Administration.

- (a) Wastewater dischargers. It shall be unlawful to discharge without a District permit to the POTW any wastewater except as authorized by the superintendent in accordance with the provisions of this article.
- (b) Wastewater contribution permits.
  - (1) All significant industrial or commercial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. A significant user is one that will increase the daily effluent flow rate to the treatment plant by ten percent.
  - (2) Users required to obtain a wastewater contribution permit shall complete and file with the District an application in the form prescribed by the District. At the superintendent's discretion, a fee of (TBD) may be charged. Users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
    - a. Name, mailing address, telephone number, fax number, email address, and service location (if different from the mailing address).
    - b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
    - c. Wastewater constituents and characteristics including but not limited to those mentioned in this article as determined by a reliable analytical laboratory; Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.
    - d. Time and duration of contribution.
    - e. Average daily and thirty-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
    - f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and evaluation.
    - g. Description of activities, facilities and plant processes on the premises including all materials that are or could be discharged.
    - h. Where known, the nature and concentration of any pollutants in the discharge that are limited by the district, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards will be met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment will be required for the user to meet applicable pretreatment standards.
    - i. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule shall be the schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
      - 1. Each product produced by type, amount, process or processes and rate of production.

2. Type and amount of raw materials processed (average and maximum per day).
3. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
4. Any other information as may be deemed by the District to be necessary to evaluate the permit application.

The district will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the District may issue a wastewater contribution permit subject to terms and conditions provided herein.

Section 126. Permit conditions.

Wastewater contribution permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the district. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
- (b) Limits on the average and maximum wastewater constituents and characteristics.
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (d) Requirements for installation and maintenance of inspection and sampling facilities.
- (e) Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (f) Compliance schedules.
- (g) Requirements for submission of technical reports or discharge reports.
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the District, and affording District access thereto.
- (i) Requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (j) Requirements for notification of slug discharges.
- (k) Other conditions as deemed appropriate by the District to ensure compliance with this article.

Section 127. Permit duration.

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements as identified are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.



- (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (b) No increment referred to in paragraph (1) shall exceed nine (9) months.
- (c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

Section 128. Permit modifications.

Within nine (9) months of the publication of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as required by section 125, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the publication of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the superintendent within one hundred eighty (180) days after the publication of an applicable federal categorical pretreatment standard the information required by paragraphs (h) and (i) of section 125.

Section 129. Permit transfer.

Wastewater contribution permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the District. Any succeeding owner or user shall also comply with terms and conditions of the existing permit.

Section 130. Reporting requirements for permittee.

- (a) Compliance date report. Within eighty (80) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.
- (b) Periodic compliance reports.
  - (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows that, during the reporting period, exceeded the average daily flow reported in section 125(b). At the discretion



of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

- (2) The superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of the sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the superintendent pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the superintendent.

Section 131. Monitoring facilities.

The District may require the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the District may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that landscaping or parked vehicles will not obstruct it. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District.

Section 132. Inspection and sampling.

The District shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the district or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The District and regulatory agencies having jurisdiction shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force that would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District and regulatory agencies will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 133. Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pre-treat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and

operating procedures shall be submitted to the District for review, and shall be acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the user's initiation of the changes.

The District may annually publish a list of the users that were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to officials of the District or jurisdictional regulatory agencies upon request.

Section 134. Confidential information.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and for inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user under state or federal law.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential shall not be transmitted to any governmental agency or to the general public by the District until and unless a ten-day notification is given to the user.

Section 135. Enforcement.

- (a) Harmful contributions. The District may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the District, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the District to violate any condition of its operating permits.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The District shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the District within fifteen (15) days of the date of occurrence.

- (b) Revocation of permit. Any user who violates the following conditions of this article, or applicable state and federal regulations, is subject to having his permit revoked in accordance with this article:
  - (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge.

- (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.
  - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
  - (4) Violation of conditions of the permit.
- (c) Show cause hearing. The District may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the District Board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the District regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served as required by law, before the hearing. The "show case" may be made on any agent or officer of a corporation.

The District Board shall itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employees of the (assigned department) to:

- (1) Issue in the name of the District notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
- (2) Take the evidence.
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the District Board for action thereon.

At any hearing held pursuant to this article, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. After the District Board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

- (d) Legal action. If any person discharges sewage, industrial wastes or other wastes into the District's wastewater disposal system contrary to the provisions of this article, Federal or State pretreatment requirements, or any order of the District, the Board's attorney may commence an action for appropriate legal and/or equitable relief in the Court of Taylor County.

Section 136. Penalty costs.

- (a) Civil penalties. Any user who is found to have violated an order of the Board or who willfully or negligently failed to comply with any provision of this article, and the orders, rules, regulations and permits issued hereunder, shall be fined for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the District may recover reasonable attorneys' fees, regulatory agency fines, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations, and permits issued hereunder.
- (b) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both.

Section 137. Appeals.

An aggrieved party may appeal a final decision of the Board to the Circuit Court. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Board. An appeal shall be filed within thirty (30) days of the execution of the Board's decision.

Section 138. Severability.

If any provision, paragraph, word, section or article of this article is invalidated by any court or competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict.

Section 138-148. Reserved.

DIVISION 8. WATER AND WASTEWATER SERVICE AREA

Section 149. Taylor Coastal Water and Sewer District (TCW&SD) Service Area.

- (a) Creation, purpose. There is hereby created under authority of Florida Statutes section 180.02 (1997) an area defined as the Taylor Coastal Water and Sewer District Service Area for the purpose of delivering to that area water and wastewater services and exercising within that area the powers provided for by law.
- (b) The Service Area for the Taylor Coastal Water and Sewer District is defined by Taylor County Ordinance 2000-10 as amended by Taylor County Ordinances 2000-12, 2004-8, 2005-3, and 2006-8.
- (c) The legal description by section number, township number and range number of the land in Taylor County, Florida included within the District is on file with the Clerk of Court of Taylor County located in Perry, Florida.
- (d) None of the TCW&SD Service Area includes any area within the district limits or urban reserve of any other incorporated municipality.
- (e) Water and sewer availability.
  - (1) To the full extent permitted by law, all buildings and structures that are located or constructed on property in the TCW&SD Service Area and that are adjacent to a public right-of-way or easement that has a water main or public sanitary sewer located in it, but whose property line is greater than two hundred (200) feet (61 meters) from the nearest public sanitary sewer, are hereby urged to connect with and use the services and facilities of the District water and wastewater systems in order to preserve the health, safety, and welfare of the citizens and inhabitants of the TCW&SD Service Area.
  - (2) A water main or public sanitary sewer is considered adjacent or available to a property when it is located anywhere in a public right-of-way or easement adjoining the property. A water main or public sanitary sewer will not be considered available in a state road right-of-way unless it is available on the same side of the paved roadway as the property to be served.

Sections 150-155. Reserved.

DIVISION 9. EFFECTIVE DATE


Section 156. Effective date.

This Ordinance shall take effect ten (10) days after passage.

PASSED this 21<sup>st</sup> day of May, 2007.

  
Chairman, TCW&SD

ATTEST:

  
Secretary, TCW&SD

(Municipal Seal)