

ORDINANCE NO. 3960

PROPOSED ORDINANCE NO. 98-63

AN ORDINANCE RELATING TO SEWERS; AMENDING VARIOUS SECTIONS OF CHAPTER 102 OF THE CODE OF THE CITY OF LAKE LAND, FLORIDA; PROVIDING A MODIFICATION TO THE PRETREATMENT PROGRAM; AMENDING DEFINITIONS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA:

SECTION 1. Sections 102-26, 102-27, 102-28, 102-34, 102-49, 102-50, 102-51, 102-52, 102-53, 102-55, 102-56, 102-58, 102-103, 102-112, 102-126, 102-127, 102-128, and 102-129 of the Code of the City of Lakeland are hereby amended, to read as follows:

Sec. 102-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(The following definitions are amended, deleted or added in alphabetic sequence.)

Commercial customers shall include hotels, motels, and any other business structure deemed non-residential and not classified under the City's Pretreatment Program.

~~Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.~~

~~Director or director of public works~~ means the city administrative official responsible for the WWF or his their authorized deputy, agent or representative.

Grandfathered: A location will be deemed grandfathered if it meets the following criteria: location is in city prior to 1971, sewer is available prior to 1972 and location paying sewer prior to 1985. A credit of the flow experience exhibited at location will be extended to customer; but will not be eligible for flow refund of grandfathered flow.

~~pH means a symbol for~~ is the acceptable scientific standard for expressing the degree of acidity ~~or alkalinity~~ of a solution.

Reasonable times means for the purpose of this chapter, any time in which process wastewater is being generated and/or being discharged into the City's sewer system.

Sec. 102-27. Abbreviations.

The following abbreviations shall have the designated meanings for the purposes of this article:

(The following abbreviations are added in alphabetic sequence. Renumber accordingly.)

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(7) F.A.C. means the Florida Administrative Code.

(9) F.S. means the Florida Statutes.

Sec. 102-28. WWF declared public utility; purpose and policy.

* * *

(d) This article shall apply to the City of Lakeland and to persons outside the city who are, by contract or agreement with the city, users of the WWF. Except where otherwise provided herein, the director ~~of public works of the City of Lakeland~~ shall administer, implement and enforce the provisions of this chapter/ordinance.

Sec. 102-49. Duration, renewal of permit; conditions.

* * *

(c) The significant industrial user shall be informed of any proposed changes in the WDP at least 30 days prior to the effective date of the change. Any changes or new conditions in the WDP shall include a reasonable time schedule for compliance expect in the case of imminent danger to the environment, public health, worker safety or gross misrepresentation by the permittee.

Sec. 102-50. Modifications by permittee.

A significant industrial user may request a modification to its WDP by filing an application for same in the same manner and subject to the same requirements provided in section 102-46.

Sec. 102-50~~1~~. Transfer restricted.

Permits are issued under this division to a specific significant industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new significant industrial user, different premises, or a new or changed operation without the approval of the city. The city may deny or impose conditions upon new or increased contributions of pollutants, or change in the nature of pollutants, to the WWF by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the WWF to violate its permit.

Sec. 102-51~~2~~. Changed conditions.

All industrial users shall notify the control authority in advance of any change in the volume ~~of~~ or character of pollutants in their discharge that may result in pass through

or interference at the WWF, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under section 102-53.

Sec. 102-52. Modification.

~~A significant industrial user may request a modification to its WDP by filing an application for same in the same manner and subject to the same requirements provided in section 102-46.~~

Sec. 102-53. Hazardous wastes notification.

* * *

(d) In the case of any notification made ~~user~~ under this subsection, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

Sec. 102-55. Periodic compliance reports.

* * *

(b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated and maintained in good working order at all times. The failure of a user to keep its monitoring and flow measurement facility in good working order shall not be grounds for the user to claim that sample results and/or flow measurements are unrepresentative of the discharge.

Sec. 102-56. Monitoring facilities; control manholes.

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(d) Service connections serving industrial or commercial warehouse space shall make provisions either prior to completion or are hereby made aware that if a facility moves into a location inside the warehouse that requires monitoring or flow measurement, a "monitoring" manhole that conveys all flow from the establishment and no other flow from within the warehouse shall be installed by the owner at their expense.

Sec. 102-58. Industrial monitoring program.

* * *

(d) Laboratory analytical work in support of city monitoring will normally be done by city personnel at the city's ~~pollution control~~ WWF laboratory. The city may also provide sampling and analysis services for individual self-monitoring users for a fee. Should the city's facilities not be equipped for any special test or should the customer request analysis by an independent private laboratory, such tests shall be made and the cost thereof paid by the user.

(e) All analytical work shall be performed by a state-certified laboratory and comply with Rule 62.160 F.A.C. All sampling shall comply with the Department of Environmental Protection Standard Operating Procedures for Laboratory Operations and Sample Collection Activities, DEP – Q/A – 001/92.

~~(e)~~ (f) Industrial users discharging abnormal but acceptable high strength wastes as identified in section 102-129 may be assessed additional charges for sampling and laboratory analyses up to twice monthly; provided however, that such costs shall not be

assessable if laboratory analyses indicate normal strength wastes. Charges for such sampling and laboratory analyses may be assessed daily where such tests indicate unacceptably high strength waste detrimental to the WWF.

(f) (g) The following schedule of laboratory charges for services rendered by the city shall apply to sampling and laboratory work required in connection with the industrial monitoring program:

(1)	Sample:		
	Sample collection, grab sample.....	\$20.00	<u>\$25.00</u>
	Sample collection, composite... ..	\$40.00	<u>\$50.00</u>

* * *

(2)	Metals:		
	Arsenic.....	\$15.00 (flame)*	\$35.00 (GF)**

(g)(h) If an outside laboratory is employed, actual charges incurred will be billed to the industrial customer. ~~All analytical work shall be performed by a state certified laboratory.~~ Any other laboratory analysis shall be billed at actual cost to the city.

Sec. 102-103. Maintenance of pretreatment, flow-equalizing facilities.

Where ~~preliminary treatment~~ pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be continuously maintained by the owner at his expense and effectively operated to the satisfaction of the City.

Sec. 102-112. Cleaning of Private Sewer Lines.

Any user who has any or all of their internal private sewer system cleaned, for any reason, shall cause to have any material generated during this cleaning operation removed. This material from the cleaning operation shall not be discharged into the City's Sanitary Sewer System. This cleaning shall include, but is not limited to the following operations: Pressure or Jet cleaning; Hydrocleaning; Flushing of system with water or chemical(s); Rooting; Pigging; etc. The discharge of "recycle water" from the cleaner, with acceptable water quality (compliance with this chapter), may be allowed by the City of Lakeland during the cleaning operation.

Prior notification of any cleaning to the City's Industrial Pretreatment Section shall be required. Failure to notify the City and/or have any material generated removed, may be considered a violation of this Section and be liable for Enforcement Actions by the City of Lakeland.

In addition to any enforcement actions by the City of Lakeland, any user who causes any material from a cleaning operation or their system shall be required to have the City's sewer system cleaned, downstream of their connection to the satisfaction of the City's Wastewater Operations Division at the users expense.

Sec. 102-126. Sewer connection charges.

* * *

(b) There is hereby established and imposed a sewer connection charge of \$90.00 for each connection to the ~~public sewerage system~~ WWF; provided that for any development in which all lateral and main sewer lines have been installed at no expense to the city and the city is not responsible for the ownership, maintenance and operation of that private system, the sewer connection charge shall be imposed only for each direct connection to the ~~public sewerage system~~ WWF. Customers who request a connection at a location where an additional tap must be installed shall pay the reasonable costs of installation.

Sec. 102-127. Wastewater impact charges.

* * *

(b) For each single-family residential dwelling unit, the wastewater impact charge shall be \$1,100 per unit representing 8,000 gallons in capacity as determined under subsection (d) of this section. ~~Any lot, parcel or real property within the then existing city limits developed exclusively with a single family dwelling prior to October 1971, shall be exempt from paying a wastewater impact charge.~~

(c) For two-family dwelling units, multiple-family dwelling units, motel and hotel units, mobile homes and travel trailers, the wastewater impact charge shall be 75 percent of the charge established in subsection (b) of this section, per unit. The capacity for each unit shall remain at 6,000 gallons.

* * *

(f) Customers connected to the WWF prior to the initial adoption of wastewater impact charges in October 1971, who were annexed into the city prior to 1972 and who were paying monthly sewer charges prior to 1985 and are not subject to those fees for wastewater flows generated at that time. Each customer's wastewater flow for that time will be considered the base line flow for that customer, and increases in flow over the base line amount shall be subject to wastewater impact charges computed in accordance with the manner prescribed in subsections (b), (c) and (d) of this section.

(g) Wastewater impact fees shall remain with the property on which they were paid or grandfathered and are not transferable with the structure, should the structure be moved from the property to a new location.

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Sec. 102-128. Wastewater impact refunds.

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(b) Beginning on the effective date of this article and no less often than every two years thereafter, a review of each commercial and industrial customer, whose account has been active and held by the same customer for the preceding 24 months, shall be conducted. If the highest six-month rolling average during the preceding ~~24-monthly period~~ two fiscal year periods does not exceed the flow on which their wastewater impact charge is based, plus 30 percent, the customer may be eligible for a reimbursement of their wastewater impact charge; provided, however, that no account will pay less than one equivalent residential connection (E.R.C.) per unit. Accounts which exhibit irregular or increasing flow characteristics may not be entitled to a refund.

* * *

(d) If in the judgment of the Director, there is a likelihood of an increase in flows, the refund may not be offered. Subsequent increases in flows will be billed in accordance with § 102-127 (h).

Sec. 102-129. Standard rates for sewer services.

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(c) Determination of wastewater flows. The determination of flow volumes for purposes of computing additional impact ~~charges~~ fees and volume component of monthly service charges shall be based on metered water consumption; however, such determination may be made by the installation at the user's cost and expense, of an approved operable wastewater flow meter. In the event that the users flow meter is inoperable, an average of the preceding 12 months flows shall be used for the purpose of wastewater billing calculations.

- (1) In the event that the customers flow meter is inoperable, an average of the preceding 12 months flows shall be used for the purpose of wastewater billing calculations. The use of the average flow for an inoperable flow meter shall only be used for two consecutive months. If, at that time, the flow meter is not operational, the customer shall be considered to be without a flow meter and billing shall be based on water meter consumption. If the customer is required to have a flow meter because more water is discharged than metered for consumption, then the customer shall be billed on the highest monthly flow reading from the past 24 months.
- (2) Any customer who fails to keep their monitoring equipment in good working order as specified in sec. 102-55(b) shall not be grounds for the customers claim that the sample results and/or flow monitoring is unrepresentative of the discharge.
- (3) Any customer that installs a wastewater flow meter shall be required to record and maintain daily records of actual water consumption and wastewater volumes including the time the readings were taken and the person responsible for reading the meters. These results shall be mailed, on or before the 10th of the following month, to the following address:

Industrial Pretreatment Coordinator
City of Lakeland
1825 Glendale Street
Lakeland, FL 33803

* * *

(e) *Monthly sewer service charges.* Monthly sewer service charges shall be established by resolution of the city commission.

- (1) The per 1000 gallon charges for wastewater determined by wastewater meter may differ from the per 1000 gallon charges determined by water meter.
- (2) Monthly service charges for Industrial Users may contain both flow and strength (i.e. BOD, TSS, etc.) components.

CODING: Words in ~~striketrough~~ are deletions to existing law; words underlined are additions.

(f) *Service to combinations.* Where two or more user classifications are served by a single water meter, the wastewater service charge shall be the total of the applicable individual rates.

- (1) Where one or more users serviced by a single water meter are/or will be regulated under the city's pretreatment program, separate water meters shall be installed for each regulated location at the owners expense.

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Sec. 102-134. Bills

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(b) Special service. Billings for surcharge or reduction credit in accordance with section 102-129 will be rendered monthly and shall be based upon the waste characteristics of the preceding month. Delinquent payments for special service billings or delinquent payments for wastewater impact charges pursuant to Section 102-127 shall be subject to conditions set forth under subsection (a) of this section.

SECTION 2. All ordinances in conflict herewith are hereby repealed.

SECTION 3. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 4. The effective date of this ordinance shall take effect upon approval from FDEP.

PASSED AND CERTIFIED AS TO PASSAGE this 21st day of September, A. D. 1998.

RALPH L. FLETCHER, MAYOR

ATTEST: _____
PAULA KAY HOFFER
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
JOSEPH P. MAWHINNEY
CITY ATTORNEY