



Bonita Springs Utilities, Inc.

SEWER USE POLICY

Revised June 2005

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SECTION ONE – PURPOSE

- 1.1 This policy sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for Bonita Springs Utilities, Inc. (BSU) and enables BSU to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).
- 1.2 The objectives of this policy are:
 - 1.2.1 To prevent the introduction of pollutants into the BSU wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - 1.2.2 To prevent the introduction of pollutants into the BSU wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - 1.2.3 To improve the opportunity to recycle and reclaim wastewaters and sludge from the system; and
 - 1.2.4 To provide for equitable distribution of the cost of the BSU wastewater system.
- 1.3 This policy provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement activities, requires user reporting, assures that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- 1.4 This policy shall apply to the BSU Water & Sewer Customers and to persons outside the Franchise area who are, by contract or agreement with BSU, Users of the Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Utilities Administrator shall administer, implement and enforce the provisions of this policy.

SECTION TWO – DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this policy shall be as follows:

- 2.1 **“ADMINISTRATOR”** shall mean the administrator of the US Environmental Protection Agency, Florida Department of Environmental Protection (FDEP) or his duly authorized representative.
- 2.2 **“AUTHORIZED REPRESENTATIVE”** shall be a principal executive officer of at least the level of Vice President if the industrial user is a corporation; a general partner or proprietor if the industrial user is a partnership or sole proprietorship; or an individual if such representative is responsible for the overall operation of the facility.
- 2.3 **“BOD”** (Biological Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degree C, expressed in milligrams per liter.

- 2.4 **“BUILDING DRAIN”** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- 2.5 **“BUILDING SEWER”** shall mean the extension from the building drain to the public sewer or other place of disposal.
- 2.6 **“BSU”** shall mean Bonita Springs Utilities, Inc., or the duly authorized staff, agent or the representative acting on behalf of BSU to supervise and manage the operation of the publicly owned water and wastewater facilities
- 2.7 **“CHEMICAL OXYGEN DEMAND (COD)”** shall mean a measure of oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.
- 2.8 **“CUSTOMER/USER”** shall mean the owner/leasee of any facility properly connected to BSU for wastewater disposal services.
- 2.9 **“COOLING WATER”** shall mean the water discharge from a building subsequent to its use for purposes connected with air conditioning, cooling, refrigeration, or for other purposes to which the only pollutant added is heat.
- 2.10 **“DIRECT DISCHARGE”** shall mean the discharge of treated or untreated wastewater directly to the surface waters of the State of Florida.
- 2.11 **“DOMESTIC WASTEWATER”** shall mean a combination of water-carried wastes which shall not exceed the following concentrations: 200 mg/l BOD, 200/l TSS, 30 mg/l TKN and 15 mg/l Phosphorus.
- 2.12 **“EASEMENT”** shall mean acquired legal right for the specific use of land owned by others.
- 2.13 **“ENVIRONMENTAL PROTECTION AGENCY (EPA)”** shall mean the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- 2.14 **“FDEP”** shall mean the Florida Department of Environmental Protection, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- 2.15 **“GARBAGE”** shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- 2.16 **“INDIRECT DISCHARGE”** shall mean the discharge or introduction of non-domestic pollutants from any source into the municipal wastewater facilities as regulated under Section 307 (b), © or (d) of the Clean Water Act, as amended from time to time.
- 2.17 **“INDUSTRIAL USER”** shall be a source of Indirect Discharge as regulated under Section 307 (b), or (d) of the Clean Water Act, as amended from time to time.
- 2.18 **“INDUSTRIAL WASTE SURCHARGE”** shall mean the monetary charge made in excess of the sewer service charge for all wastewater over and above normal wastewater.
- 2.19 **“INDUSTRIAL WASTES”** shall mean the liquid wastes discharged from industrial manufacturing processes, trades, or businesses and having characteristics different from domestic wastewaters.
- 2.20 **“INFILTRATION/INFLOW”** shall mean ground water and surface water which leaks into the sewers through cracked pipes, joints, manholes or other openings.

- 2.21 **“INTERFERENCE”** shall mean the inhibition or disruption of the Publicly Owned Treatment Works (POTW) processes or its operation which contributes to a violation of any requirement of the BSU state issued operating permit.
- 2.22 **“MAY”** is a word that when utilized in this Policy has a permissive meaning.
- 2.23 **“NATIONAL CATEGORICAL PRETREATMENT STANDARD”** or **“PRETREATMENT STANDARD”** shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with the Clean Water Act, as amended from time to time.
- 2.24 **“NATURAL OUTLET”** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- 2.25 **“NORMAL WASTEWATER”** shall mean wastewater discharged into the sanitary sewers in which the average concentration of total suspended solids and BOD is not more than 250 mg/l, total phosphorus is not more than 15 mg/l, total Kjeldahl nitrogen is not more than 30 mg/l; and total flow is not more than 25,000 gallons per day.
- 2.26 **“OWNER”** shall mean person desiring or receiving service.
- 2.27 **“PERSON”** shall mean any individual, firm, company, government entity, association, society, corporation, or group.
- 2.28 **“PH”** shall mean the logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 2.29 **“POLLUTION”** shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.
- 2.30 **“POLLUTANT”** shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal or agricultural wastes discharged into the surface waters or ground waters of the State of Florida.
- 2.31 **“PRETREATMENT OR TREATMENT”** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties of a wastewater to a less harmful degree prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.
- 2.32 **“PRETREATMENT REQUIREMENTS”** shall mean any substantive or procedural requirement related to pretreatment other than a National Categorical Pretreatment Standard imposed on a non-domestic wastewater discharger.
- 2.33 **“PRIVATE SEWAGE DISPOSAL SYSTEM”** shall mean any individual on-site sewage treatment and disposal system such as septic tanks, cesspools and similar facilities but not including package sewage treatment plants.
- 2.34 **“PROPERLY SHREDDED GARBAGE”** shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all articles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- 2.35 **“PUBLICLY OWNED TREATMENT WORKS (POTW)”** shall mean a treatment works which is owned in this instance by BSU. This definition includes any sewers that convey wastewater to the treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.
- 2.36 **“PUBLIC SEWER”** shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by a public authority or their franchise holder.

- 2.37 **“SANITARY SEWER”** shall mean a sewer which carries sewage and to which storm, surface waters and ground waters are not intentionally admitted.
- 2.38 **“SEWAGE”** shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground waters and surface and storm waters as may be present.
- 2.39 **“SEWAGE TREATMENT PLANT”** shall mean all facilities for treatment and disposal of sewage.
- 2.40 **“SEWAGE WORKS”** shall mean all facilities for collecting, pumping, treatment, and disposal of sewage.
- 2.41 **“SEWER”** shall mean a pipe or conduit for carrying sewage.
- 2.42 **“SHALL”** and **“WILL”** are words, that when utilized in this Policy, have a mandatory meaning.
- 2.43 **“SIGNIFICANT VIOLATION”** shall be a violation which remains uncorrected for 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a six month period; which involves a failure to accurately report noncompliance; or which results in the POTW exercising its emergency authority to halt or eliminate immediately a discharge.
- 2.44 **“SLUG”** shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow may cause upset of the POTW operation or exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- 2.45 **“STATE”** shall mean the State of Florida or regulatory agency within the State government having jurisdiction over a particular topic of concern.
- 2.46 **“STANDARD INDUSTRIAL CLASSIFICATION (SIC)”** shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, in 1972, as amended from time to time.
- 2.47 **“STORM DRAIN”** (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
- 2.48 **“SUSPENDED SOLIDS”** shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.
- 2.49 **“TOXIC POLLUTANT”** shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of the Clean Water Act, as amended from time to time.
- 2.50 **“USER”** shall mean any person who contributes causes or permits the contribution of wastewater into the BSU POTW.
- 2.51 **“UTILITIES ADMINISTRATOR”** shall mean the person designated by BSU to supervise the operation of the public-owned treatment works or his duly authorized deputy, agent or representative.
- 2.52 **“VIOLATION”** shall mean failure to observe the terms of this policy.
- 2.53 **“WASTEWATER”** shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.
- 2.54 **“WATERCOURSE”** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION THREE - ABBREVIATIONS

- 3.1. "ASTM" American Society for Testing and Materials
- 3.2. "BOD" Biochemical Oxygen Demand
- 3.3. "CFR" Code of Federal Regulations
- 3.4. "COD" Chemical Oxygen Demand
- 3.5. "FDEP" Florida Department of Environmental Protection
- 3.6. "EPA" US Environmental Protection Agency
- 3.7. "mg/l" Milligram per liter
- 3.8. "NPDES" National Pollutant Discharge Elimination System
- 3.9. "POTW" Publicly Owned Treatment Works - In this instance BSU
- 3.10. "ppm" Parts per million
- 3.11. "SIC" Standard Industrial Classification
- 3.12. "SS" Suspended Solids
- 3.13. "TKN" Total Kjeldahl Nitrogen
- 3.14. "WPCF" Water Pollution Control Federation

SECTION FOUR - SUPPLEMENTAL SERVICE CHARGE

- 4.1. Wastewater system users determined by BSU to be included in the Pretreatment program shall pay a monthly Supplemental Service Charge for the additional services required to monitor the waters being discharged by such users. This Supplemental Service Charge will be levied for the following:
 - 4.1.1. Monitoring, inspections and surveillance procedures;
 - 4.1.2. Collection and analyses of wastewater samples;
 - 4.1.3. Collection and evaluation of monitoring data;
 - 4.1.4. Equipment servicing by an independent service company;
 - 4.1.5. Other requirements deemed necessary to implement the pretreatment program as delineated in this Policy.

This charge shall be separate and distinct from the industrial sewage strength service charge.

SECTION FIVE - RULES AND REGULATIONS

- 5.1. The following Rules and Regulations apply throughout the area encompassing the BSU Water-Sewer District and to all wastewater dischargers provided wastewater service by BSU.
- 5.2. Use of Public Sewers Required
 - 5.2.1. All premises shall be provided, by the owner thereof, with at least one (1) toilet. All toilets shall be kept clean and in a sanitary working condition. Every flush toilet shall be connected to a public sewer where available or to a septic tank. Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.
 - 5.2.2. No person shall dispose of human excrement except in a toilet.
 - 5.2.3. It shall be unlawful to discharge to any natural outlet within BSU, or in any area under the jurisdiction of said BSU, any sanitary sewage, wastewater, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
 - 5.2.4. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
 - 5.2.5. The Owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes within the boundaries of BSU with property lines and located within two hundred (200) feet of a line of public sanitary sewer now in existence or which may be constructed in the future is hereby required at his own expense to install suitable toilet facilities therein and to connect such facilities directly with said line of public sanitary sewer in accordance with the provisions of this Ordinance and Florida Statutes, Title XXIX, Chapter 381.00655.
 - 5.2.6. All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer; provided that where no sewer is available, septic tanks or other private subsurface disposal facilities, approved by BSU must be used.
 - 5.2.7. User shall be notified when sewer is available.
 - 5.2.7.1. Sewage shall be considered available to an existing single family dwelling when the dwelling can be connected by gravity flow to a line in any public right-of-way or easement which passes the property at any point. Grinder pumps may be considered if a gravity connection is not feasible, at the discretion of the Engineering Department.
 - 5.2.7.2. Sewage shall be considered available to any new single family dwelling when the dwelling can be connected by the installation of 200 linear feet of gravity flow line from the nearest point of the property. Grinder pumps may be considered if a gravity connection is not feasible, at the discretion of the Engineering Department.
 - 5.2.8. Sewer user fees shall be charged effective upon notification of the availability of sewer service

5.2.9. Connection to the public water system is a prerequisite to receiving wastewater service, provided a public water line is within two hundred (200) feet of the property line.

5.3. Private Sewage Disposal

5.3.1. Where a public sanitary sewer is not available under the provisions of Section 5.2, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section, Florida Statutes, Title XXIX, Chapter 381.0065 and Chapter 64E-6 Florida Administrative Code.

5.3.2. It shall be unlawful for any person to construct or maintain any privy, privy vault or cesspool and shall be unlawful to maintain or construct any septic tank where public sewer is available. Availability of service is defined in Section 5.2 of this Ordinance.

5.3.3. Before commencement of construction of a private sewage disposal system, the Owner shall first obtain a written permit issued by the HRS-Lee County Public Health Unit Division of Environmental Health and Engineering (hereinafter referred to as Health Department).

5.3.4. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Health Department. The Health Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Health Department when the work is ready for final inspection and before any underground portions are covered.

5.3.5. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Health Department and the agency of the State of Florida having jurisdiction. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

5.3.6. At such time as a public sewer becomes available to property served by a private sewage disposal system, a direct connection shall be made to the public sewer under the provisions of Section 5.2. Abandonment of any septic tanks, cesspools, and similar private sewage disposal facilities shall be as outlined in Chapter 64E-6, Florida Administrative Code, as may be amended from time to time.

5.3.7. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to BSU.

5.3.8. Any premises that has an existing, onsite liquid waste disposal system, located thereon that does not function in a sanitary manner shall be corrected within thirty (30) days from the receipt of written notification from the Health Officer that said system is not functioning in a sanitary manner, and order that said system be corrected.

5.3.9. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Health Department or BSU.

5.4. Building Sewers and Connections

- 5.4.1. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from BSU.
- 5.4.2. A separate and independent Building Sewer shall be provided for every building, except where one building stands at the rear of another and where a separate and independent building sewer cannot physically be located without passing beneath the building in front, or be constructed to the rear building through an adjoining alley, courtyard, or driveway. In such cases, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer, provided both buildings are under the same ownership. If the buildings are under different ownerships, BSU shall require the Owner(s) to enter into an agreement, meeting the requirements of the BSU Attorney, regarding ownership and maintenance of the Building Sewer.
- 5.4.3. Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by BSU, to meet all the requirements of this Policy.
- 5.4.4. The size, slope, alignment, materials of construction of a Building Sewer and the methods to be used in excavating placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code of Lee County and other applicable rules and regulations of BSU, the County, and State. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice Number 9 shall apply.
- 5.4.5. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the lowest finished floor. In all buildings in which any Building Drain is too low to permit gravity flow to the public wastewater collection system, wastewater carried by such Building Drain shall be lifted by an approved means, and discharged to the Building Sewer.
- 5.4.6. No Owner shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface run-off or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to the public sanitary sewer system. All such existing connections shall be removed and corrected at the expense of the user.
- 5.4.7. The connection of the Building Sewer into the public sanitary sewer system shall conform to the requirements of the building and plumbing code of Lee County and other applicable rules and regulations of BSU and the County or other procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice Number 9.
- 5.4.8. The applicant for the Building Sewer connection permit shall notify BSU and the County Building and Plumbing Inspector when the Building Sewer is ready for inspection and connection to the public sewer. The connection shall be made by a licensed plumber, under the supervision of the County Building and Plumbing Inspector and the BSU inspector.
- 5.4.9. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from danger.

- 5.4.10. If any house sewer permits entrance of infiltration or inflow, the Utilities Administrator may:
 - 5.4.10.1. Require the Owner to repair the house sewer.
 - 5.4.10.2. Charge the Owner a sewer rate that reflects the additional cost of sewage treatment from the Owner's property.
 - 5.4.10.3. Require the Owner to disconnect his sewer from BSU's sewer system.

5.5. Application for Services

- 5.5.1. All applications for the introduction of water and wastewater service must be made for BSU on forms which will be furnished for that purpose, stating fully the various uses to which the water is to be employed from which the sewage will be generated.
- 5.5.2. There shall be two (2) classes of building sewer connection permits; (a) for residential service, and (b) for commercial service and establishments producing industrial wastes. In either case, the Owner or his agent shall make application for sewer connection on a form furnished by BSU. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of BSU. Sewer connection, impact, tap and inspection fees for any commercial or industrial building sewer connection shall be paid to BSU at the time in which application is filed in accordance with connection, impact, tap and inspection fee schedules as adopted by BSU.

All sewer service applications shall be submitted to the Utilities Division of Lee County which will review and, if in order, will approve and forward one copy to the Building and Plumbing Inspector, one copy to BSU, and one copy to the applicant.

- 5.5.3. Any Owner discharging industrial wastes into the public wastewater collection system at the time of passage of this policy shall submit an effluent permit application in the required form within six (6) months from the date of passage of this policy. All industrial wastewater dischargers proposing to discharge into the Public Sewers shall file with BSU an additional application for effluent permit, showing the volume, strength and characteristics of waste discharged or to be discharged into the Public Sewer. If determined necessary by BSU, analysis of the representative wastes shall be made by an approved independent laboratory and submitted with the application. Following the initial approval, any change in the use of the premises or change in production or operation thereof which causes an alteration in the water use, waste volume, strength or characteristics, shall require an amended application to be filed and approved by BSU prior to implementing the proposed alternation to the premises. All effluent permit and amended effluent permit applications will require payment of a fee to be paid at the time the application is filed. All review costs, in addition to the basic effluent permit fee, shall be borne by the User and paid prior to issuance of any effluent permit.

- 5.5.4. It shall be unlawful for any User of BSU's sewers to discharge industrial wastes into the public sewers without obtaining an effluent permit from BSU. Applications for such effluent permits shall be made to BSU. All information that BSU deems necessary to determine potential impacts to the Publicly Owned Treatment Works shall be provided by the applicant.
- 5.5.5. Effluent permits shall be issued to applicants by BSU upon finding that the information set forth in the application will conform to the provisions of this policy, and that the proposed use will be compatible with the capacity, process, treatment and nutrient load of BSU's wastewater facilities. Effluent permits shall be valid for a term of three (3) years from the date of issuance unless surrendered to, or revoked by, BSU upon the realization that an industrial user is exceeding the peak quality and volume of effluent set forth in the original application and/or effluent permit conditions. In the event an Industrial User proposes to make any change in the peak quality and volume of effluent during the term of the permit, resulting from increases in production and/or changes in the production profile, beyond the scope of the effluent permit, such User shall file an amended application for a permit authorizing such change. Such permit shall not be reassigned or transferred to a new Owner, new User or different premises without the approval of BSU. Effluent permits shall be renewed by completing the permit application form and subsequent review of the application and historical compliance records.
- 5.5.6. Applications must be signed by the Owner of the premises or his duly authorized agent, and signed by the authorized representative of BSU showing payment to BSU of the applicable connection charges, impact fees and deposits provided for prior to the initiation of the services.
- 5.5.7. All applicants for service, whether or not such service is to be provided to property within the BSU Sewer Service area, expressly agree as a condition of acceptance of service to abide by the Rules and Regulations delineated herein.
- 5.5.8. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the Owner. The Owner shall indemnify BSU from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

5.6. Effluent Quality Bond

- 5.6.1. To further assure compliance with the requirements of this policy, all permitted Industrial Users, upon receipt of the effluent permit, shall deposit with BSU an "Effluent Quality Bond" for the permit years payable to BSU and conditioned upon the Industrial User's compliance with the provisions of this policy and all State and Federal Regulations relating to water pollution control. Said bond shall be further conditioned upon the Industrial User's prompt payment of all charges assessed to the Industrial User by BSU under the provisions of this policy resulting from the industrial User's failure to comply with the terms hereof, and to the Industrial User fully indemnifying and protecting BSU from any penalties, damages or claims for penalties and damages (including attorney's fees and costs for defending such claims, including any appeals) arising or resulting from the Industrial User's failure to comply with any provision of

this Policy and/or the State and Federal Regulations relating to water pollution control. The amount of the effluent quality bond shall be set forth by resolution. The bond shall be approved by BSU's Attorney as a condition of issuance of any permit.

5.7. Use of the Public Wastewater System

- 5.7.1. No user shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any public wastewater collection system.
- 5.7.2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated a storm sewers, or to a natural outlet approved by BSU. Industrial cooling water or unpolluted waters may be discharged, on approval by BSU, to a storm sewer or natural outlet.
- 5.7.3. Other discharge limitations established to prevent interference with the operation or performance of the Publicly Owned Treatment Works (POTW) are specified by the following sections.

5.8. General Discharge Prohibitions

- 5.8.1. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the Publicly Owned Treatment Works (POTW). These general prohibitions apply to all such Users of a POTW whether or not the User is subject to the National Categorical pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements. A User shall not contribute the following substances to any POTW:
 - 5.8.1.1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which BSU, FDEP or EPA has notified the User is a fire hazard to the system.
 - 5.8.1.2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, used birth control and feminine

- hygiene products, wastepaper, wood, plastics, gas, tar, asphalt residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- 5.8.1.3. Any wastewater having a pH of less than 5.5, or higher than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
 - 5.8.1.4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic affect in the receiving waters of the POTW, or to exceed the limitations set forth in the National Categorical Pretreatment Standards. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Clean Water Act, as amended from time to time.
 - 5.8.1.5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 - 5.8.1.6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and re-use to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act, as amended from time to time; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
 - 5.8.1.7. Any substance which may cause the POTW to violate its State operating permit(s) or the receiving water quality standards.
 - 5.8.1.8. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
 - 5.8.1.9. Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104 degrees Fahrenheit).
 - 5.8.1.10. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32 degrees) and one hundred four (104 degrees F) (0 degrees and 40 degrees C).
 - 5.8.1.11. Any pollutants, including oxygen demanding pollutants (BOD, etc). released at a flow rate and/or pollutant concentration which a User knows, or has reason to know, will cause interference in the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed or any time period longer than

- fifteen (15) minutes more than five times the average twenty-four (24) hours concentration, quantities, or flow during normal operation.
- 5.8.1.12. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed the limits established in compliance with applicable State or Federal Regulations.
 - 5.8.1.13. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).
 - 5.8.1.14. Any garbage that has not properly been shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Utilities Administrator.
 - 5.8.1.15. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
 - 5.8.1.16. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Utilities Administrator for such materials.
 - 5.8.1.17. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Utilities Administrator as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
 - 5.8.1.18. Materials which exert or cause:
 - 5.8.1.18.1. Concentrations of inert suspended solids (such as, but not limited to, sodium chloride and sodium sulfate) differing from that typically found in domestic wastewater.
 - 5.8.1.18.2. High BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a higher loading than normal wastewater on the sewage treatment workers.
 - 5.8.1.18.3. High volume of flow or concentration of wastes constituting slugs.
 - 5.8.1.19. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - 5.8.1.20. Any wastewater which causes a hazard to human life or creates a public nuisance.
- 5.8.2. When BSU determines that a User(s) is contributing to the POTW, any of the above enumerated substances in such amounts which threaten to interfere with the operation of the POTW or may present an endangerment to the environment, BSU shall have the authority to immediately halt or prevent any discharge of pollutants to the POTW.

BSU shall provide the User notice of this action with Section 7.5 of this Policy.

5.8.3. Subsequent to such action, BSU shall allow the User 30 days for a response, which shall include the cause of the discharge and corrective measures taken. Wastewater service shall not be resumed until such corrective measures as needed have been undertaken to eliminate threat of interference or endangerment to the environment.

5.8.4. Following this response period, BSU, as it determines necessary, shall begin development of effluent limitation(s) and a compliance schedule for such User to correct the interference with the POTW.

5.9. Maximum Concentrations Allowed

5.9.1. All sewage service customers are prohibited to discharge the following above their indicated concentrations at any time:

5.9.1.1.	Cyanide	0.050 mg/l
5.9.1.2.	Arsenic	0.020 mg/l
5.9.1.3.	Cadmium	0.030 mg/l
5.9.1.4.	Total Chromium	0.010 mg/l
5.9.1.5.	Copper	0.300 mg/l
5.9.1.6.	Lead	0.200 mg/l
5.9.1.7.	Mercury	0.002 mg/l
5.9.1.8.	Nickel	0.200 mg/l
5.9.1.9.	Silver	0.040 mg/l
5.9.1.10.	Zinc	0.300 mg/l
5.9.1.11.	Total Phosphorous	10.000 mg/l
5.9.1.12.	Ammonia Nitrogen	25.000 mg/l
5.9.1.13.	Total Nitrogen	40.000 mg/l

5.10. Pretreatment Facilities - Approval

5.10.1. If BSU permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of BSU, and subject to the requirements of all applicable codes, ordinances, and laws.

5.11. Pretreatment Facilities - Maintenance

5.11.1. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at the Owner's expense.

5.12. Interceptors

5.12.1. Grease, oil, and sand interceptors shall be provided when, in the opinion of BSU, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling or dwelling units. Grease traps are not permitted within the BSU service area. Grease Interceptors

shall be provided for all hospitals, jails, restaurants, and other establishments where food is handled or prepared for consumption. All interceptors shall be of a type and capacity approved by BSU, and shall be located as to be readily and easily accessible for planning, cleaning and inspection. The minimum size of interceptors shall be in conformance with Chapter 64E-6 Florida Administrative Code. The owner/lease' of a premises or business where a grease interceptor and/or oil separator is located shall obtain from BSU a maintenance card which shall be posted in a conspicuous manner showing proof of regular maintenance. Upon notice and at reasonable times (at least monthly), interceptors and separators shall be open for inspection by BSU personnel.

5.13. Control Manhole

- 5.13.1. When required by BSU, the Owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by BSU. The manhole shall be installed by the Owner at his expense, and shall be maintained by Owner so as to be safe and accessible at all times.

5.14. Measurements, Tests

- 5.14.1. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Policy shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole shall be carried out by customarily accepted methods to reflect the affect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

5.15. Special Arrangements

- 5.15.1. No statement contained in this Policy shall be construed as preventing any special agreement or arrangement between BSU and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by BSU for treatment, when acceptance by BSU will aid in treatment at the sewage treatment plant, subject to payment of an additional charge for treatment of these wastes by the industrial concern.

5.16. Special Arrangements - Determination of Acceptability

5.16.1. In forming the opinion as to the acceptability of the wastes enumerated in Paragraph 5.8, BSU will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

5.17. National Categorical Pretreatment Standards

5.17.1. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Policy for sources in that subcategory, shall immediately supersede the limitations imposed under this Policy. BSU shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12, as amended from time to time.

5.18. Alternative Discharge Limits

5.18.1. The User(s) shall have the right to seek, at their expense, modified Categorical Pretreatment Standards by obtaining a removal allowance, using the combined waste stream formula, and/or obtaining a fundamentally different factor variance through the procedures outlined in 40 CFR, Part 403, as amended from time to time.

5.19. State Requirements

5.19.1. 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 Policy.

5.20. BSU's Right of Revision

5.20.1. BSU reserves the right to establish by revision more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of this Policy.

5.21. Excessive Discharge

5.21.1. 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 national Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by BSU or State.

5.22. Pretreatment Standards

- 5.22.1. Users shall provide necessary wastewater treatment as required to comply with this Policy and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to BSU shall be designed, constructed, operated, and maintained by the User at his expense with the prior approval of BSU.
- 5.22.2. All records relating to compliance with the referenced Pretreatment Standards shall be made available to BSU, FDEP and the EPA for examination and duplication upon request at no charge.

5.23. Slug Discharges

- 5.23.1. Each User shall provide BSU protection from slug discharge of prohibited materials or other substances regulated by this Policy. Facilities to prevent slug discharge of prohibited materials shall be provided and maintained at the Owner's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to BSU for review, and shall be approved by BSU before construction of the facility. Expenses for such review shall be borne by the User and paid prior to final approval for construction. All existing Users shall complete such a plan within one (1) year of the issuance of an Effluent Permit. Not User who commences contribution to the POTW after the effective date of this Policy shall be permitted to introduce pollutants into the system until slug discharge procedures have been approved by BSU. 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 Policy. In the case of a slug 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.
- 5.23.2. Within five (5) days following a slug discharge, the User shall submit to BSU 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; not shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Policy or other applicable law.
- 5.23.3. 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 ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

5.24. Malicious Damage

5.24.1. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest and shall be responsible for any loss of revenue or monetary expenditures needed for repairs brought about by their actions.

5.25. BSU's Responsibility for Normal Maintenance

5.25.1. BSU will be responsible for normal servicing, testing and repair of meters, mains and all other plant and equipment belonging to BSU.

5.26. Temporary Shut Offs

5.26.1. BSU may shut off water or wastewater service temporarily whenever necessary for the purpose of making alterations or repairs, or for any other good cause necessitating any such temporary shut off.

5.27. Reasonable Service Conditions

5.27.1. BSU reserves the right to refuse to provide, or to cease providing, water or wastewater service to any connector for reasons which shall include, but shall not be limited to, use of water or contribution of wastewater in such manner or form as to be injurious or detrimental to the general welfare of its customers or the community. BSU may require that pretreatment, flow regulations, or other remedial, preventive, or corrective facilities be installed at the expense of the connector, when the situation so warrants the provision and use of such facilities.

5.27.2. BSU shall have the authority to halt or eliminate immediately and effectively, upon notice to the User in accordance with Section 7.5 of this Policy, any actual or threatened discharge of pollutants to the POTW which presents or may present an imminent or substantial endangerment to the health or welfare of persons.

5.28. Baseline Report

5.28.1. Within 180 days after the effective date of a categorical Pretreatment Standard, all Industrial Users subject to Pretreatment Standards shall submit to BSU a report containing the following information:

5.28.1.1. The name and address of the facility including the name of the operator and Owners:

5.28.1.2. A list of any environmental control permits held by or for the facility;

5.28.1.3. A brief description of the nature, average rate of production and Standard Industrial Classification of the operations. This description shall include a schematic diagram of points of discharge to the POTW from regulated processes;

5.28.1.4. The measured maximum single day flow, peak one hour flow, and the average daily flow from each process stream, in gallons per day;

- 5.28.1.5. The Pretreatment Standards applicable to each regulated process. The user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each process. These samples shall be representative of daily operations and include both maximum and average concentrations. Where feasible, samples must be obtained through flow proportional composite sampling techniques specified in the applicable Categorical Pretreatment Standard. Where composite sampling is not feasible, a grab sample will be accepted. Where stream flow is less than or equal to 250,000 gallons per day, the user must take three samples within a two-week period. Where stream flow is greater than 250,000 gallons per day, the User must take six samples within a two-week period. Samples should be taken immediately downstream from pretreatment facilities if such exist, or immediately downstream from the regulated process if no pretreatment exists. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, or amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Utilities Administrator determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods, as approved by BSU. BSU may allow the submission of a baseline report which utilizes only historical data if the data provides information sufficient to determine the need for pretreatment measures. The baseline report shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW; and
- 5.28.1.6. A statement reviewed and signed by an authorized representative of the Industrial User and certified to by a qualified professional engineer indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the Pretreatment Standards and Requirements.

5.29. Compliance Schedule

- 5.29.1. BSU staff shall require Industrial Users to develop compliance schedules required to meet Pretreatment Standards. The proposed compliance schedule shall be submitted to BSU for review and approval. This schedule shall be the time limits required for industrial users to provide additional pretreatment and/or operation and maintenance in order to meet these Pretreatment Standards. The completion date of this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The schedule shall contain increments of progress in the form of specific dates for completion of major events leading to the construction and operation of required pretreatment facilities necessary for the Industrial User to meet the applicable

pretreatment Standards. No increment of such schedule shall exceed nine (9) months. No later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to BSU including whether or not it complied with the increments 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 the delay and measures being taken to return to the schedule established.

5.30. Compliance Date Report

- 5.30.1. A Industrial User subject to the National Categorical Pretreatment Standards and associated Pretreatment Requirements will submit to BSU within ninety (90) days following the date for final compliance with said Pretreatment Standards and Requirements, or in the case of a new connector following commencement of wastewater discharge to the POTW, a report indicating the nature and concentration, as well as the maximum single day, peak one hour and average daily flow, of all pollutants limited by said Pretreatment Standards and associated Pretreatment Requirements being discharged to the POTW. This report will indicate whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis, and if not, what additional operation and maintenance procedures and/or pretreatment will be implemented to bring the user into compliance with the applicable National Categorical Pretreatment Standards and associated Pretreatment Requirements. This statement shall be signed by an authorized representative of the industrial user and shall be certified by a qualified engineering professional.

5.31. Periodic Compliance Reports

- 5.31.1. A User subject to the National Categorical Pretreatment Standards and associated Pretreatment Requirements will submit to the BSU during the months of June and December, unless required more frequently in said Pretreatment Standards or by BSU, a report indicating the nature and concentration of pollutants in the effluent which are limited by the referenced Pretreatment Standards. In addition, this report will include a record of the maximum single day and average daily flows being discharged during the reporting period. At the discretion of BSU and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., BSU may decide to alter the months during which the compliance reports are to be submitted by a particular User. These reports shall be signed by an authorized representative of the industrial user prior to submittal.
- 5.31.2. BSU may impose quantum limitations on Users in order to meet the applicable National Categorical Pretreatment Standards and associated Pretreatment Requirements, or in other cases where the imposition of quantum limitations are appropriate. In such cases, the compliance report required by subparagraph (1) of this Paragraph will indicate the quantity of pollutants regulated by said Pretreatment Standards to be discharged by the User. These reports will contain the results of sampling and analyses

of the discharge, and will include a record of the flow, nature and concentration, or quantity in pounds where requested by BSU of pollutants contained therein which are limited by the applicable Pretreatment Standards and associated Pretreatment Requirements. The frequency of monitoring will be prescribed in the referenced Pretreatment Standards. All analyses will be performed in accordance with the procedures established by the Administrator pursuant to Section 304(g) of the Clean Water Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling will be performed in accordance with the techniques approved by the Administrator. It should be noted that where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analyses will be performed in accordance with the procedures set forth in the EPA publication entitled "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants" dated April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

SECTION SIX - MONITORING AND INSPECTION

6.1 Monitoring Facilities

6.1.1 BSU shall require construction, operation and maintenance, at the User's expense, of monitoring facilities to allow inspection of the building sewer and/or internal drainage systems, and sampling and flow measurement of the waste being discharged to the POTW. Appropriate valving shall be included in design and construction of such facilities to halt discharges immediately and effectively under situations described by Paragraph 5.8 and Paragraph 5.9 of this Policy. The monitoring facility should normally be situated on the user's premises, but BSU may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public right-of-way and located so that it will not be obstructed by landscaping or parked vehicles. Ample room shall be provided in the area of such sampling manhole of facility to allow accurate sampling and preparation of samples for analyses. 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 constructed in accordance with the BSU requirements and all applicable local construction standards and specifications.

6.2 Inspection and Sampling

6.2.1 BSU staff shall inspect the facilities of any user to ascertain whether the purpose of this Policy is being met and that all requirements are being complied with. Persons or occupants of the premises where wastewater is being generated and discharged to the POTW will allow the representatives of BSU, the County, FDEP or the EPA ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and records duplication or in

the performance of any of their designated duties. BSU, FDEP and the EPA 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. In those cases where a User has security measures in force which 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 BSU, FDEP and the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

6.3 Powers and Authority of Inspectors

- 6.3.1 Duly authorized employees of BSU bearing proper credentials and identification shall be admitted to all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the sewer system in accordance with the provisions of the Policy.
- 6.3.2 While performing the necessary work on private properties referred to herein, the authorized employees of BSU shall observe all safety rules applicable to the premises established by the Owner.
- 6.3.3 Duly authorized employees of BSU bearing proper credentials and identification shall be permitted to enter all private properties through which BSU holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION SEVEN – VIOLATIONS

7.1 Penalties

- 7.1.1 If any person fails or refuses to obey or comply with or violates any of the provisions of this Policy, such person upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) or by imprisonment not to exceed Sixty (60) days in the County jail, or both, in the discretion of the Court. Each violation or non-compliance shall be considered a separate and distinct offense. Further, each day of continued violation or non-compliance shall be considered as a separate offense.

If any person fails to obey or comply with the provisions of this policy they shall be properly notified and disconnected from the system.

- 7.1.2 Nothing herein contained shall prevent or restrict BSU from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful

actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

7.1.3 Further, nothing in this Section shall be construed to prohibit BSU from prosecuting any violation of this Policy by means of a Code Enforcement Board established pursuant to the authority of Chapter 162, Florida Statutes.

7.1.4 All remedies and penalties provided for in this Section shall be cumulative and independently available to BSU and BSU shall be authorized to pursue any and all remedies set forth in this Section to the full extent allowed by law.

7.2 Authority to Disconnect Service

7.2.1 BSU may terminate water and wastewater disposal services and disconnect a User from the system when:

7.2.1.1 Acids or chemicals damaging to sewer lines or the treatment process are released into the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater; or

7.2.1.2 A governmental agency informs BSU that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into a watercourse, and it is found that the User is delivering wastewater to the BSU system that cannot be sufficiently treated or requires treatment that is not provided by BSU as normal domestic treatment; or

7.2.1.3 The User:

7.2.1.3.1 discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority,

7.2.1.3.2 discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment systems,

7.2.1.3.3 fails to pay a monthly bill for water or sanitary sewer services when due, or

7.2.1.3.4 repeats a discharge of prohibited wastes into public sewer.

7.3 Suspension of Service

7.3.1 BSU may suspend the wastewater treatment service and/or effluent permit when such suspension is necessary, in the opinion of the BSU, 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 BSU to violate any condition of its NPDES Permit.

7.3.2 Any person notified of a suspension of the wastewater treatment service and/or the effluent permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, BSU shall take such steps as deemed necessary including initiation of legal action by the BSU Attorney and immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. BSU

shall reinstate the effluent 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 BSU within 15 calendar days of the date of occurrence.

7.4 Revocation of Permit

7.4.1 Any user who violates the following conditions of this Policy or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 7.5 of this Policy:

- 7.4.1.1 Failure of a User to report factually the wastewater constituents and characteristics of his discharge.
- 7.4.1.2 Failure of the User to report significant changes in operations, or wastewater constituents and characteristics.
- 7.4.1.3 Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- 7.4.1.4 Violation of conditions of the permit.

7.5 Notice of Disconnection, Suspension, Revocation

7.5.1 BSU shall notify User in writing prior to disconnecting, suspending or revoking User's service or permit. Said notice will inform User of the sections of this Policy he is violating, state what corrective action must be taken, and state the time period necessary for said corrective action. Failure to comply with the notice will result in disconnecting, suspending or revoking User's service or permit. However, BSU may disconnect, suspend or revoke User's service or permit prior to notification in emergency situations. User will be notified immediately after said action is taken.

SECTION EIGHT - CONFIDENTIAL INFORMATION

8.1 Confidential Information

8.1.1 Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and 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 BSU that the information is not a public record and is clearly within an exemption outlined in the public record laws of the State of Florida.

8.1.2 When requested by the User furnishing a report, the portions of said 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 Policy, the State disposal permitting system and/or the State and Federal pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or other state agency in judicial

review or enforcement proceedings involving the person furnishing the report. Wastewater constitutes and characteristics will not be recognized as confidential information.

- 8.2 Notwithstanding any of the provisions of this Section of this Policy, nothing shall be construed or interpreted to require BSU to violate any public records, laws of the State of Florida, allowing public access to records of BSU, nor shall it require BSU to violate any United States Government or Federal act or law, requiring disclosure of public records. Any release of information or disclosure made by BSU in order to comply with such laws should not give rise to a cause by any User, based on the release of such information.

SECTION NINE - SERVICE CHARGES AND FEES

9.1 Purpose

- 9.1.1 It is the purpose of this Section to provide for the recovery of costs from Users of the BSU Water-Sewer District's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth by Resolution of the City of Bonita Springs and Lee County Board of County Commissioners as the governing bodies of Lee County, Florida, and as ex-officio the governing board of the BSU Water-Sewer District.

9.2 Services Charges

- 9.2.1 It is hereby determined necessary to fix and collect sewer service charges from customers. Such charges shall be published separate from this Policy and the revenue received shall be used for operation, maintenance, debt retirement and other authorized expenses.

9.3 Charges and Fees

- 9.3.1 The BSU Water-Sewer District may adopt charges and fees which may include:
- 9.3.1.1 fees for reimbursement of costs of setting up and operating the BSU's pretreatment program.
 - 9.3.1.2 fees for monitoring, inspection and surveillance procedures
 - 9.3.1.3 fees for reviewing accidental discharge procedures and construction
 - 9.3.1.4 fees for permit applications
 - 9.3.1.5 fees for filing appeals
 - 9.3.1.6 fees for consistent removal (by BSU) of pollutants otherwise subject to Federal Pretreatment Standards
 - 9.3.1.7 amount of effluent bond
 - 9.3.1.8 fees for special arrangements
 - 9.3.1.9 other fees as BSU may deem necessary to carry out the requirements contained herein and approved by the City of Bonita Springs and Lee County.
 - 9.3.1.10 These fees relate solely to the matters covered by this Policy and are separate from all other fees chargeable by BSU.

SECTION TEN - CONFLICT, SEVERABILITY, EFFECTIVE DATE

10.1 Conflicting Policies

10.1.1 All policies or parts of policies in conflict herewith are hereby repealed, but to the extent of such conflict only.

10.2 Severability

10.2.1 If any section, phrase, sentence or portion of this Policy is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion.

10.3 Effective Date

10.3.1 This Policy shall become effective immediately.