



**INDUSTRIAL WASTEWATER DISCHARGE PERMIT # 2017-  
MCSWLEACHATE**

**-FL0043214**

**ISSUED November 1, 2017**

Issued by  
MARTIN COUNTY UTILITIES AND SOLID WASTE DEPARTMENT  
P.O. BOX 9000, STUART FL 34995-9000  
STUART FLORIDA

**To  
MARTIN COUNTY SOLID WASTE  
9101 SW BUSCH ST.  
PALM CITY FLORIDA 34990**

## COVER PAGE

### INDUSTRIAL WASTEWATER DISCHARGE PERMIT

In accordance with the provisions of Chapter 159, Water and Sewers, Article 8 of Martin County Ordinance Number 906 and Sections 159.375A through Section 159.388 of Martin County's Pretreatment Ordinance, **MARTIN COUNTY SOLID WASTE DEPARTMENT**, located at 9101 SW Busch St. Palm City FL 34990 is hereby authorized to discharge a total of 100,000 gallons of leachate from the onsite holding tanks per day from the above identified facility only through the outfalls identified herein into the Martin County sewer system in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in Section 1 (specific) and Section 2 (general) attached hereto and incorporated by reference herein as part of this permit.

Compliance with this permit does not relieve the permittee of its obligation to comply with all pretreatment regulations, standards or requirements under local, State and Federal laws, including any such laws, regulations, standards, or requirements that may become effective during the term of this permit.

Noncompliance with the terms and conditions of this permit shall constitute a violation of Sections 159.375A thru 159.388 of the Martin County Industrial Pre-Treatment Ordinance.

This permit shall become effective on November 1, 2017 and shall expire at midnight on November 1, 2020.

The permittee shall not discharge after the date of expiration. If the permittee wishes to continue to discharge after this expiration date an application must be filed for reissue of this permit in accordance with the requirements of Section 159.383.H of the Martin County Industrial Pre-Treatment Ordinance, a minimum of 90 days prior to the expiration date.

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Darrell Schuler  
Project Manager, Utilities & Solid Waste  
Utilities Department  
Martin County, FL

## **SECTION 1.**

### **SPECIFIC CONDITIONS PART 1.**

#### **OPERATION AND EFFLUENT ORIGINS**

##### **A. Description and Regulation of Operation**

The Martin County Solid Waste Department located at 9101 SW Busch St., Palm City Florida, 34996 is identified for the purposes of this industrial wastewater discharge permit (IWDP) as a transfer station and recycling facility and discharges more than 25,000 gallons of wastewater to the County's POTW and is thereby is classified as a Significant Non-Categorical Industrial User.

##### **Origins of Regulated Wastewater and Pretreatment Requirements**

The Solid Waste Department owns and maintains a closed landfill that is equipped with a leachate collection system with a series of lift stations that discharge to two onsite storage tanks.

Currently there are no other waste streams as the site has an onsite septic system for sanitary flows.

Any significant change (i.e. a change greater than 20%) in the operation, construction or treatment process of the pretreatment system must be approved by the director at least 30 days prior to the change taking place.

#### **PART 2. EFFLUENT LIMITATIONS**

##### **A. Outfall**

During the period from 6 AM to 12 midnight daily the permittee is authorized to discharge up to 100,000 gallons of wastewater to the Martin County sanitary sewer system via tanker truck and dumped into the onsite lift station at the Martin Downs Mater Repump Facility that is shown as Outfall 001 as shown in Section Appendix 1. of this IWDP.

The permittee shall apply in writing to the director for permission to discharge wastewater to any other outfall than those indicated above. Reasons for the change and detailed plans and drawings of the proposed new outfall must accompany the request.

During the period from 6 AM to 12 midnight daily the discharge from the outfall listed above shall not exceed the effluent limitations. Effluent from this outfall consists of processed

wastewater discharged at "end of process" from the pretreatment system. Martin County's Local established limits as listed below shall not be exceeded.

### **PART 3. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

#### **A. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms of this IWDP. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the IWDP.

**B.** The permittee shall not at any time discharge wastewater that exceeds any of the limits in the table above.

	<b>POLLUTANT</b>	<b>Local Limit</b>	<b>Units</b>
1	Arsenic	<b>0.095</b>	<b>mg/l</b>
2	Cadmium	<b>0.052</b>	<b>mg/l</b>
3	*CBOD <sub>5</sub>	<b>2,100.00</b>	<b>mg/l</b>
4	Chlorides	<b>350.00</b>	<b>mg/l</b>
5	Chromium	<b>1.50</b>	<b>mg/l</b>
6	Copper	<b>5.20</b>	<b>mg/l</b>
7	Cyanide	<b>0.53</b>	<b>mg/l</b>
8	Lead	<b>0.53</b>	<b>mg/l</b>
9	Mercury	<b>0.039</b>	<b>mg/l</b>
10	Molybdenum	<b>0.46</b>	<b>mg/l</b>
11	Nickel	<b>1.40</b>	<b>mg/l</b>
12	Selenium	<b>0.32</b>	<b>mg/l</b>
13	Silver	<b>1.40</b>	<b>mg/l</b>
14	Total Nitrogen	<b>310.00</b>	<b>mg/l</b>
15	Total Suspended Solids	<b>1,700.00</b>	<b>mg/l</b>
16	Zinc	<b>1.10</b>	<b>mg/l</b>
17	Oil & Grease - Petroleum (HEM-SGT) Non Polar	<b>100.00</b>	<b>mg/l</b>
18	Oil & Grease - Vegetable /Animal (HEM Polar)	<b>270.00</b>	<b>mg/l</b>

### **C. Duty to Halt or Reduce Activity**

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with this IWDP, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the IWDP.

### **D. Bypass of Treatment Facilities**

- 1) Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury or severe property damage or no feasible alternatives exist.
- 2) Bypass not exceeding limitations. The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.

### **D. Notification of Bypass:**

- 1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the director.
- 2) Unanticipated bypass. The permittee shall immediately notify the director and submit a written notice to the POTW within 5 days. This report shall specify:
  - (i) A description of the bypass, and its cause and duration;
  - (ii) Whether the bypass has been corrected; and
  - (iii) The steps being taken or to be taken to reduce, eliminate or prevent a reoccurrence of the bypass.

**E. Facility Site Maps and Sewer Layouts**



## **PART 4. SAMPLING AND MONITORING REQUIREMENTS**

### **A. Sample Points**

During the period from December 1 to January 31 and May 1 to May 30, the permittee shall collect samples and monitor the treated process wastewater discharge from the following sample points:

1. Outfall 001 located outside the facility prior to the connection into the County's sewer system as shown on Part 3, Section E of this IWDP. This is the only sampling point that is approved by the director for the permittee's collection of process wastewater samples.

## B. Sampling and Analysis

The samples collected by the permittee or its' authorized representative shall be analyzed for the following parameters. Frequency and types of samples to be taken are indicated below:

<b>Parameter</b>	<b>Sample Location</b>	<b>Measurement Frequency (b)</b>	<b>Sample Type (a)</b>
Flow	Outfall 001	Semi-Annually	Trip Tickets
pH	Outfall 001	Semi-Annually	Grab Sample (c)
Biochem. Oxyg. Demand	Outfall 001	Semi-Annually	Grab Sample
Chem. Oxygen Demand	Outfall 001	Semi-Annually	Grab Sample
Cadmium (Total Cd)	Outfall 001	Semi-Annually	Grab Sample
Chromium (Total Cr)	Outfall 001	Semi-Annually	Grab Sample
Copper (Total Cu)	Outfall 001	Semi-Annually	Grab Sample
Cyanide (Total CN)	Outfall 001	Semi-Annually	Grab Sample
Lead (Total Pb)	Outfall 001	Semi-Annually	Grab Sample
Nickel (Total Ni)	Outfall 001	Semi-Annually	Grab Sample
Silver (Total Ag)	Outfall 001	Semi-Annually	Grab Sample
Zinc (Total Zn)	Outfall 001	Semi-Annually	Grab Sample
Oil and Grease-Petroleum (HEM-SGT Non-Polar)	Outfall 001	Semi-Annually	Grab Sample
Oil and Grease-Vegetable/Animal (HEM Polar)	Outfall 001	Semi Annually	Grab Sample
Total Suspended Solids	Outfall 001	Semi Annually	Grab Sample
Arsenic	Outfall 001	Semi Annually	Grab Sample
Chlorides	Outfall 001	Semi Annually	Grab Sample



Mercury	Outfall 001	Semi Annually	Grab Sample
Molybdenum	Outfall 001	Semi Annually	Grab Sample
Selenium	Outfall 001	Semi Annually	Grab Sample
Total Nitrogen	Outfall 001	Semi Annually	Grab Sample

- a. Types of samples collected by the permittee or its' authorized representative shall be as representative as possible of the volume and nature of the permittee's wastewater discharge throughout the daily period of facility operation. All handling and preservation of collected samples shall be performed in accordance with 40 CFR Part 136 and The Florida Department of Environmental Protection's manual entitled "Standard Operating Procedures for Laboratory Operations and Sample Collection Activities. DEP - QA-001/01" and amendments thereto. The County reserves the right to spot check sampling procedures by the permittee's contract laboratory at any time (see Section 2, Part 3A, c, of this IWDP).

### **C. Permittee's Analytical Laboratory**

The permittee shall utilize a State of Florida Department of Health and Rehabilitative Services certified laboratory of its choosing for the purposes of complying with the requirements of this IWDP. Certification must be current during the performance of a required analysis for each parameter measured. The permittee is directly responsible for ensuring the validity of all analytical measurements received from its laboratory as required by this IWDP.

The County 'will only accept analytical results that are performed by a laboratory

certified by the State of Florida Department of Health and Rehabilitative Services for environmental analysis. Analytical measurements submitted by non certified laboratories or resulting from the analysis of samples during periods of non certification for the analyte will be considered null and void and the facility will be considered as not having monitored for these parameters.

Prior to performing any analysis regulated by this IWDP, the permittee shall instruct its laboratory to submit a copy of its current Environmental Water Certification Analytes List and Environmental Certificate to the County. The laboratory(ies) shall also submit a copy of the latest FDEP approval correspondence containing the FDEP assigned Comprehensive Quality Assurance Plan number to the County. As soon as these three documents are renewed or revised in any way, the laboratory shall send updated copies of these documents to the County as appropriate.

The County will not accept analytical results from any certified laboratory until the above requirements have been complied with.

#### **D. Sampling Procedures**

All sampling procedures shall comply with the requirements contained in the Department of Environmental Protection's manual entitled "Standard Operating Procedures for Laboratory Operations and Sample Collection Activities - DEP - QA-001/01.

If the permittee performs its own sampling, the permittee shall prepare a written description of its procedure entitled "Standard Operating Procedure (SOP) for Environmental Sampling for Industrial Pretreatment Requirements". This document shall be submitted to the County for approval within 90 days after the issuance of this IWDP. The County may, at its option, observe the collection of the required samples by the permittee to ensure that FDEP approved sampling methods are complied with in full. Failure to follow FDEP sampling procedures will result in the County's rejection of the sample and any resulting analytical results that may be submitted by the permittee.

If the permittee's chosen laboratory performs the sampling for the permittee, the County may, at its option, observe the collection of the required samples to ensure that FDEP approved sampling methods are complied with in full by the laboratory concerned. Failure to follow FDEP sampling procedures will result in the County's rejection of the sample and any resulting analytical results that may be submitted by the permittee or its laboratory.

### **PART 5. REPORTING REQUIREMENTS**

#### **A. Periodic Compliance Reports**

Analytical results obtained shall be summarized and reported on a copy of the attached industrial user periodic compliance report form. Each periodic compliance report shall indicate the nature and concentration of all required pollutants in the effluent for which

sampling and analyses were performed, including measured wastewater flows or potable water consumption.

The due date for submission of periodic compliance reports is thirty days after the last day of the month in which the samples are required to be taken (see Section 1, Part 3 B, footnote b of this IWDP). Reports will be considered to be late and a late fee of \$50 will be levied if a report is submitted after the due date. If a report is submitted more than 30 days after the due date, the facility will be deemed to be in noncompliance and appropriate enforcement proceedings will be initiated by the County according to the Industrial Pretreatment Program's "Enforcement Response Plan".

The next periodic compliance report must be submitted before February 28, 2013 (i.e. 30 days after the end of January 2013). This and all subsequent reports should consist of:

1. A completed copy of the attached Sampling and analysis form.
2. A completed copy of the attached Periodic compliance report form.
3. A completed copy of the attached Certification statement.
4. A copy of the original contracting laboratory's analysis, including all chain of custody forms.

A report shall be considered incomplete and in violation of reporting requirements if it does not contain all of the above required forms and information. Incomplete reports will be returned to sender.

#### **B. Extra Monitoring**

If the permittee monitors its discharge for any pollutant more frequently than required by this IWDP, using test procedures prescribed in 40 CFR Part 136 or DEP's QA-001/92 manual or approved amendments thereto, or otherwise approved by EPA or as specified in this IWDP, the results of such monitoring shall be included in the calculation and results shall be reported in the quarterly reports and submitted to the director. Such increased monitoring frequency shall also be indicated on the quarterly report.

#### **C. Automatic Resampling**

If the results of the permittee's wastewater analysis indicate a violation has occurred, the permittee must:

1. Inform the director within 24 hours of becoming aware of the violation; and
2. Repeat the sampling and pollutant analysis for the parameter in violation and submit the results of the second analysis in writing to the County within 30 days after becoming aware of the violation.

#### **D. Accidental Discharge Report**

The permittee shall notify the director immediately upon the occurrence of an accidental discharge of substances prohibited by Section 159.110 of the Martin County Sewer Use Ordinance or any slug loads or spills that may enter the public sewer. During ALL hours the director should be called at (772) 221-1442. The permittee shall inform the director that it is an industrial discharge facility and shall include location of discharge, date and time thereof type of waste, including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, State, or Federal laws. Within five (5) days following an accidental discharge, the permittee shall submit to the director a detailed written report. The report shall specify:

1. Description and cause of the upset, slug or accidental discharge, the cause thereof and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.
2. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
3. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset, slug, accidental discharge, or other conditions of noncompliance.
4. The permittee shall notify the director in writing immediately of any changes at the facility affecting the potential for a slug discharge.

**E. Report Submission** The permittee shall submit all reports required by this IWDP to the director at the following address:

Industrial Pretreatment Coordinator  
Martin County  
P. O. Box 9000  
Stuart, Florida 34995-9000

## **PART 6. DEMAND MONITORING COSTS**

Any required demand monitoring, inspections and surveillance deemed to be necessary as a result of a violation will be carried out by the County and all costs incurred by the County will be billed directly to the permittee. Permittee shall pay all such costs no later than 30 days following receipt of the County's invoice. Failure to remit such payment on time may result in revocation of this permit.

## **PART 7. SPECIAL CONDITIONS**

The director reserves the right at any time throughout the duration of this IWDP to require the permittee to review its discharge/slug control plan which shall be re-evaluated at least once every two (2) years. Accidental discharge/ slug control plans should address at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges.
2. Description of stored chemicals.
3. Procedures for immediately notifying the WWTP of any accidental or slug discharge.
4. Procedures to prevent adverse impact from any accidental or slug discharges. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

## **SECTION 2. GENERAL REQUIREMENTS AND CONDITIONS**

### **PART 1. COMPLIANCE WITH THE MARTIN COUNTY SEWER USE ORDINANCE**

Wastewater discharge permits shall be expressly subject to all provisions of Section 159.106 thru 119, of the Martin County Sewer Use Ordinance as amended and all other applicable codes and regulations.

### **PART 2. DUTY TO REAPPLY**

The User shall apply for permit reissuance at least ninety (90) days, but no more than one hundred and eighty (180) days prior to the expiration of the User's permit. The User shall be informed of any proposed changes to 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.

### **PART 3. CONTINUATION OF EXPIRED IWDPs**

An expired IWDP will continue to be effective and enforceable until the IWDP is reissued if:

1. The permittee has submitted a complete IWDP application at least ninety (90) days

prior to the expiration date of the user's existing IWDP.

2. The failure to reissue the IWDP, prior to expiration of the previous IWDP, is not due to any act or failure to act on the part of the permittee.

#### **PART 4. SIGNATORY REQUIREMENTS**

All reports required by this permit shall contain the name/title of a principal executive officer of the User, and shall be signed by the principal executive officer or his authorized representative.

#### **PART 5. RIGHT OF ENTRY**

The Permittee shall allow the County or its representatives exhibiting proper credentials and identification, to enter upon the premises of the User, at all reasonable hours for the purposes of inspection, sampling, or records inspection and duplication. Reasonable hours in the context of inspection and sampling includes any time the Permittee is operating any process which results in a process wastewater discharge to the County's POTW. In the event that County employees fail or neglect to observe appropriate safety procedures or engage in any act of misconduct while performing the necessary work on private property, the Permittee may request that said employees cease the work and vacate the premises. In the event of such an incident, the Director shall be notified.

#### **PART 6. LIMITATION ON PERMIT TRANSFER**

Wastewater discharge permits are issued to a specific User for a specific operation. They shall not be reassigned, or transferred, or sold to a new owner, new significant Permittee, or transferred to a different premises without County approval.

#### **PART 7. CHANGED CONDITIONS**

The Permittee shall report to the County prior to the introduction of new wastewater or pollutants or any substantial change in the volume or characteristics of the wastewater being discharged into the POTW from the User's industrial processes, in accordance with Section 102-50.

#### **PART 8. RECORDS RETENTION**

1. The Permittee shall retain and preserve for no less than three (3) years, any records, books, and documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of the User in connection with its discharge.
2. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the County shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

## **PART 9. SAMPLE TYPE**

All samples shall be grab composite samples.

## **PART 10. MEASUREMENTS FOR DISCHARGE LIMITATIONS**

### **A. Six Month Average:**

The six (6) month average is a rolling average, equal to the arithmetic mean of the samples collected during consecutive reporting periods which comprise six (6) months. For parameters that are measured at least once per month, the six (6) month average shall be computed at the end of each month and is equal to the arithmetic mean of the monthly average of the month being reported and monthly average of each of the previous five (5) months.

### **B. Monthly Average:**

The monthly average concentration is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar month, divided by the number of daily discharges sampled and/or measured during such month (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day.

### **C. Daily Maximum:**

The daily maximum concentration is the highest value recorded during the reporting period.

## **PART 11. RECORDING OF RESULTS**

For each measurement or sample taken pursuant to the requirements of this permit, the following information shall be recorded:

1. The exact place, date and time of sampling;
2. The dates the analyses were performed;
3. The person responsible for performing the sampling or measurement;
4. The person(s) who performed the analyses;
5. The analytical techniques or methods used, and
6. The results of all required analyses.

## **PART 12. VIOLATION NOTIFICATION AND RESAMPLE REQUIREMENT**

If sampling performed by Permittee indicates a violation of any part of this Permit or

Section 159.110 of the Martin County Sewer Use Ordinance as amended, the Permittee shall notify the control authority within 24 hours of becoming aware of the violation. The Permittee shall repeat the sampling and analysis and submit both results of the analysis to the control authority within 30 days after becoming aware of the violation.

### **PART 13. HAZARDOUS WASTE NOTIFICATION**

The Permittee shall notify the Control Authority and the Department of Environmental Protection Hazardous Waste and Pretreatment Authorities in writing of any discharge to the sanitary sewer system of any substance, which, if otherwise disposed of would be a hazardous waste under Rule 62-730, F.A.C. Such notification shall include the name of the hazardous waste, the EPA hazardous waste number, the type of the discharge (continuous, batch or other). If the Permittee discharges more than 100 kilograms (220 pounds) of such waste per calendar month to the WWF, the notification shall also contain the following information to the extent such information is known and readily available to the Permittee: an identification of the hazardous constituents in the waste, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharge during the following 12 months. If the Permittee commences discharge after the effective date of this provision shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this section needs to be submitted only once for each hazardous waste discharged. However, notification of a changed discharge must comply with Section 3, Part 6 of this IWDP.

### **PART 14. DILUTION**

No Permittee shall increase the use of potable or 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 permit.

### **PART 15. PROPER DISPOSAL OF PRETREATMENT SLUDGES AND SPENT CHEMICALS**

The disposal of any sludges and/or spent chemicals by the Permittee shall be done in accordance with Section 405 of the Clean Water Act, Subtitles C and D of the Resource Conservation and Recovery Act and Section 159.110 B 18 of the Martin County Sewer Use Ordinance as amended.

### **PART 16. FLOW MEASUREMENTS**

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitoring discharges. The devices shall be installed, calibrated, and maintained by the Permittee to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from the true discharge rates throughout the range of expected



discharge volumes.

#### **PART 17. SUSPENSION OF SERVICE AND/OR PERMIT**

The County may suspend wastewater treatment service and/or the wastewater discharge permit when such suspension is necessary to stop an actual or threatened discharge which would endanger the health or welfare of persons or the environment, cause interference with POTW operations, cause sludge quality degradation, or cause the County to violate any conditions of its FDEP operating permit and/or its NPDES permit.

#### **PART 18. FAILING TO COMPLY WITH PERMIT CONDITIONS, FALSIFYING INFORMATION OR TAMPERING WITH MONITORING EQUIPMENT**

Any User who willfully or negligently fails to comply with provisions of this permit shall be subject to the imposition of penalties and appropriate recovery of costs by the County. Any person who knowingly makes any false statements, representation or correction in any record, report, plan or other document filed pursuant to this permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this permit shall, upon conviction, be subject to the imposition of penalties prescribed by Section 159.116 of the Martin County Sewer Use Ordinance or any other applicable local, State or Federal law.

#### **PART 19. MODIFICATION OR REVISION OF THE PERMIT**

The Director may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons;

1. To incorporate any new or revised Federal, State or local pretreatment standards or requirements;
2. To address significant alterations or additions to the Permittee's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
3. A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicting that the permitted discharge poses a threat to the County's WWF, personnel, or the receiving waters;
5. Violation of any term or condition of the permit
6. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical pretreatment standards;

8. To correct typographical or other errors in the permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### **PART 20. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

### **SECTION 3.**

#### **ENFORCEMENT**

##### **PART 1. NOTICE OF VIOLATION**

###### **(NOV):**

1. Any violation of pretreatment requirements, including but not limited to discharge limits, sampling, analysis, reporting, and meeting compliance schedules, and regulatory deadlines, shall be considered as noncompliance for which the Permittee is liable for enforcement, including penalties.
2. The Permittee shall respond to any NOV in writing within 30 days of the notice. This written notification shall include the reason for the violation(s), the actions taken to correct the violation(s) and what steps will be taken to prevent the violation(s) from occurring in the future.

##### **PART 2. SIGNIFICANT NONCOMPLIANCE (SNC):**

1. Violations shall be identified as those violations or patterns of violations by the Permittee that are instances of Significant Noncompliance (SNC). The determination of SNC is patterned after criteria used in the NPDES program (40 CFR 123.45). Instances of SNC are Permittee violations which meet one or more of the following criteria:
  - A. Violation of Wastewater Discharge limits:
    - a. **Chronic Violations:** Chronic violations of wastewater discharge limits when 66 percent or more of the measurements taken during a six-month period exceed (by any magnitude) the maximum limit or average limit (if applicable) for the same pollutant parameter;

**b. Technical Review Criteria (TRC) Violation:** Technical review criteria (TRC) violations when 33 percent or more of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the maximum limit or average limit (if applicable) multiplied by the applicable TRC:

For conventional pollutants, TRC = 1.4 or 40 percent over the limit;

For all other pollutants, TRC = 1.2 or 20 percent over the limit;

For detailed explanation and determination of SNC, refer to US EPA publication "Pretreatment Compliance Monitoring and Enforcement Guidance" manual.

**c. Any other violation(s):** Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the County determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

**d. Any discharge** of a pollutant that has caused imminent endangerment to human/welfare, or to the environment, and has resulted in the County's exercise of its emergency authority to halt or prevent such a discharge.

- B. When the SIU fails to respond within ten business days of receipt of a notice of violation (NOV) issued by the County Industrial Pretreatment Coordinator;
- C. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- D. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- E. When the SIU fails to accurately report noncompliance;
- F. Any other violation or group of violations that the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

2. As part of its enforcement action, the County shall notify the Permittee of each incidence of a SNC, and each notice shall include an order for the User to come into compliance immediately, or to enter into a compliance agreement with the County. The County shall annually publish a newspaper list of Permittees that were identified as being in SNC during the previous twelve (12) months. The notice shall also summarize any enforcement action taken against the Permittee in accordance with Section 159.116 D.

### **PART 3. CIVIL PENALTIES**

A Permittee who has violated or continues to violate any provision of Section 159.106 thru 119 of the Martin County Sewer Use Ordinance, a wastewater discharge permit or other order issued, or any other pretreatment standard or requirement shall be liable to the County for a maximum civil penalty of \$1,000.00 per violation, per day.

The County may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of actual damage incurred by the County.

In determining the amount of the civil liability, the Code Enforcement Magistrate shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, any economic benefit gained through the Permittee's violation, corrective actions by the Permittee, the compliance history of the Permittee and any other factor as justice requires.

Filing a suit for civil penalties shall not be a bar against or a prerequisite for taking any other action against the Permittee.

### **PART 4. CRIMINAL PROSECUTION**

A Permittee who willfully or negligently violates any provision of Section 159.106 thru 119 of the Martin County Sewer Use Ordinance, a wastewater discharge permit or order issued, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 per violation, per day or imprisonment for not more than six (6) months, or both.

A Permittee who willfully or negligently introduces any substance into the WWF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 per violation, per day or imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

A Permittee who knowingly make any false statements, representations or certification in any application, record, report, plan or other documentation filed or required to be maintained, pursuant to Section 159.106 thru 119 of the Martin County Sewer Use Ordinance, a wastewater discharge permit or order issued, 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 \$500.00 per violation, per day or imprisonment for not more than six (6) months, or both.

In the event of a second conviction, a Permittee shall be punished by a fine of not more than \$1,000.00 per violation, per day or imprisonment for not more than one year, or both.

## **PART 5. EMERGENCY ACTIONS**

The control authority shall have authority and procedures to immediately and effectively halt any discharge to the WWF which endangers public health or welfare. The control authority shall also have the authority and procedures to prevent any discharge to the WWF which endangers the environment or which threatens to interfere with the operations of the WWF. Notice shall be provided to the user prior to such action. If public health or welfare are not endangered, the user shall be given an opportunity to respond to the notice.

## **PART 6. DUTY TO MITIGATE**

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this IWDP, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliant discharge.

## **PART 7. RECOVERY OF COSTS INCURRED**

In addition to civil and criminal liability, the permittee violating any of the provisions of this IWDP or Section 159.106 thru 119 of the Martin County Sewer Use Ordinance or causing damage to or otherwise inhibiting the Martin County wastewater disposal system shall be liable to the County for any expense, or damage caused by such violation or discharge. The Director shall bill the permittee for the costs incurred by the County for any demand monitoring, analysis, cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of Section 159.106 thru 119 of the Martin County Sewer Use Ordinance.

Acknowledgement of Receipt by: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_