

ORDINANCE NO. C-25-04

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 28 - WATER, WASTEWATER AND STORMWATER, SECTIONS 28-203, 28-223, 28-231; CREATING A NEW SECTION 28-251. – CEASE AND DESIST ORDER AND RE-CODIFYING SECTIONS 25-252 THROUGH 28-254, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY ADDING AND REMOVING LANGUAGE IN ACCORDANCE WITH CHAPTER 62-625, FLORIDA ADMINISTRATIVE CODE; REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the Florida Department of Environmental Protection (“FDEP”) conducted a Pretreatment Program Audit on May 1, 2024; and

WHEREAS, the City of Fort Lauderdale’s (“City”) current ordinance needed to be amended in accordance with Chapter 62-625, Florida Administrative Code; and

WHEREAS, in a November 6, 2024, letter from FDEP, reviewed the proposed ordinance amendments and it was determined that the revisions satisfied the requirements of Chapter 62-625, Florida Administrative Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Chapter 28 - Water, Wastewater and Stormwater - Section 28-203. - Administrative, of the Code of Ordinances of the City of Fort Lauderdale, Florida, by adding a right to revision clause, is hereby amended as follows:

**Sec. 28-203. - Administrative.**

Except as otherwise provided herein, the director shall administer, implement, and enforce the provisions of this article. Any powers granted to the director or duties imposed upon the director may be delegated by the director to his or her duly authorized representative.

The City reserves the right to establish, by ordinance or in individual wastewater discharge permit, more stringent Standards or Requirements on discharges to the Wastewater Treatment Plant consistent with the purpose of this ordinance.

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SECTION 2. That Chapter 28 - Water, Wastewater and Stormwater - Section 28-223. - Periodic Compliance Reports, of the Code of Ordinances of the City of Fort Lauderdale, Florida, by removing language, is hereby amended as follows:

**Sec. 28-223. - Periodic Compliance Reports.**

- (a) Any categorical industrial user, ~~except an NSCIU,~~ after the compliance date of such pretreatment standard, or, in the case of a new source, after the commencement of the discharge into the WWF, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, in accordance with this article, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Section 28-220(b) of this article. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the user. The user may request submission of this report in months other than June and December, if based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions.
- (b) The City may authorize a user to waive sampling of a pollutant regulated by a categorical pretreatment standard if the user demonstrates the following through sampling and other technical factors:
  - (1) The pollutant is neither present nor expected to be present in the discharge, or the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the user; and
  - (2) The pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
- (c) The authorization of the monitoring waiver is subject to the following conditions and does not supersede certification processes and requirements established in

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categorical pretreatment standards, except as specified in the categorical pretreatment standard:

- (1) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit;
  - (2) In making a demonstration that a pollutant is not present, the user must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if FDEP's approved method from Rule 62-4.246, F.A.C., with the lowest MDL for that pollutant was used in the analysis;
  - (3) The request for a monitoring waiver must be certified in accordance with this article and signed by an authorized representative of the user as defined in Section 28-26;
  - (4) The authorization must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the director for three (3) years after expiration of the waiver;
  - (5) Upon approval of the monitoring waiver and revision of the user's individual wastewater discharge permit by the director, the user must certify on each report the statement in Section 28-232(b) of this article; and
  - (6) In the event that a waived pollutant is found to be present, or is expected to be present based on changes that occur in the user's operations, the user must immediately notify the director and comply with the monitoring requirements of Section 28-223 of this article or other more frequent monitoring requirements imposed by the director.
- (d) All periodic compliance reports must be certified in accordance with this article and signed by an authorized representative of the user as defined in Section 28-26.

- (e) Sampling and analysis shall be performed in accordance with this article.
- (f) For this report, the user will be required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.
- (g) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (h) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed by this article, the results of this monitoring shall be included in the report.

SECTION 3. That Chapter 28 - Water, Wastewater and Stormwater – Section 28-231. - Sample Collection, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended as follows:

**Sec. 28-231. - Sample Collection.**

- (a) ~~Except in the case of NSCIUs, t~~The reports required in Sections 28-220, 28-222 and 28-223 of this article shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the City in lieu of the user. Where the city performs the required sampling and analysis in lieu of the user, the user is not required to submit the compliance certification required in Section 28-220(b)(6) and 28-222 of this article. In addition, where the city collects all the information required for the report, including flow data, the user is not required to submit the report. All laboratory analytical reports shall comply with Rule 62-160.340 F.A.C.
- (b) The reports required in Sections 28-220, 28-222 and 28-223 shall be based upon data obtained through sampling and analysis performed during the period covered by the report. These data shall be representative of conditions occurring during the reporting period. The director will indicate the frequency of monitoring necessary to assess and

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assure compliance by the user with applicable pretreatment standards and requirements.

- (c) For all sampling required by this ordinance, grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the director. Where time-proportional composite sampling or grab sampling is authorized by the director, the sample must be representative of the discharge and the decision to allow the alternative sampling will be documented in the user's file. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grabs collected during a twenty-four-hour period may be composited prior to analysis as follows:
- (1) Samples for cyanide, total phenols, and sulfides may be composited in the laboratory or in the field; and
  - (2) Samples for volatile organics and oil and grease may be composited in the laboratory; ~~and~~
  - (3) Composite samples for other parameters unaffected by the compositing procedures as allowed in FDEP's approved sampling procedures and laboratory methodologies may be authorized by the director, as appropriate.
- (d) Oil and grease samples shall be collected in accordance with paragraph (c) above unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and grease sample. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (e) Sampling required in support of the BMR and ninety-day compliance report required in this article shall be conducted as follows:

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- (1) For users where historical sampling data do not exist, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.
- (2) For users where historical sampling data are available, the director may authorize a lower minimum.

SECTION 4. That Chapter 28 - Water, Wastewater and Stormwater - Section 28-251. - Cease and Desist Orders, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created as follows:

**Sec. 28-251. - Cease and Desist Orders.**

When the Public Works Director or designee finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Public Works Director or designee may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (a) Immediately comply with all requirements.
- (b) Take such appropriate remedial or preventive actions as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

SECTION 5. That Chapter 28 - Water, Wastewater and Stormwater - Section 28-251. - Pretreatment Charges and Fees, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

**Sec. 28-251.2. - Pretreatment Charges and Fees.**

The City may adopt reasonable fees for reimbursement of the costs of setting up and operating the city's pretreatment program which may include:

- (a) Fees for wastewater discharge permit applications, including, but not limited to, the cost of processing such applications.

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- (b) Fees for monitoring, inspection, surveillance and response procedures, including, but not limited to, the cost of collection and analyses of a user’s discharge and reviewing monitoring reports submitted by users.
- (c) Fees for reviewing and responding to accidental discharge procedures and facility construction.
- (d) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines and penalties chargeable by the City.

**Secs. 28-2523 - 28-254. Reserved.**

SECTION 6. At the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, and clause numbers and letters, and capitalization, set forth in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct any non-substantive scrivener’s errors in the codification of this Ordinance without the need for a public hearing.

SECTION 7. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 8. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 9. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 22<sup>nd</sup> day of January, 2025.

PASSED SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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Mayor  
DEAN TRANTALIS

ATTEST:

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City Clerk  
DAVID R. SOLOMAN