

## **Chapter 190**

### **WATER AND SEWERS**

**[HISTORY: Adopted by the Town Council of the Town of Callahan as indicated in Part histories. Amendments noted where applicable.]**

#### **Part 1 Conveyance Pipes**

**[Adopted 10-16-1945 by Ord. No. B-40]**

#### **ARTICLE I Installation Requirements**

##### **§ 190-1. Depth and distance from ditches.**

It shall be unlawful, for any person, party, firm or corporation to install, lay or maintain any pipe or pipes for the purpose of conveying water, for any and all purposes, at a depth of less than 20 inches from the bottom of Town ditches or within a distance of four feet from the outside bluff of said Town ditches.

##### **§ 190-2. Responsibility of town; conditions.**

The Town of Callahan shall assume all responsibility for breaking or otherwise damaging any pipe conveying water at street intersections or under streets; provided, however, that said pipes which have heretofore been laid in and paralleling town ditches shall be removed from said town ditches by the owner of said pipes by order of the Town Council or the Mayor.

##### **§ 190-3. Penalties for offenses.**

The penalty for violation of this Part 1 shall be as provided in Section 12 of Ordinance B-1.

#### **Part 2 Septic Tanks**

**[Adopted 7-16-1951 as Ord. No. S-2]**

#### **ARTICLE II General Provisions**

##### **§ 190-4. Minimum requirements to be met.**

All septic tanks installed in the Town of Callahan after passage and approval of this Part 2 shall meet or exceed the minimum requirements of the Florida State Board of Health as prescribed in the Sanitary Code of the State of Florida.

A. All absorption fields or drainage fields connecting with and used for the disposal of

effluent from septic tanks shall meet or exceed the minimum requirements of the Florida State Board of Health as prescribed in the Sanitary Code of the State of Florida.

- B. Where existing ditches are available within a reasonable distance or where terrain or physical characteristics will permit the digging or opening of drainage ditches, the absorption fields or drainage field shall be of the sand filter type as prescribed by the Florida State Board of Health and shown on the attached print and available for inspection in office of Town Clerk. The same shall meet the minimum requirements of the Florida State Board of Health.

**§ 190-5. Permit required.** [Added 6-2-1952]

Any person, persons, individuals or group of persons as a company or corporation or otherwise who shall or cause to be installed within the town limits of Callahan, Florida, a septic tank or septic tanks, absorption fields or drainage fields connecting with and used for the disposal of effluent from septic tanks and/or grease traps or disposals of water or effluent from sinks shall obtain from the Town Clerk of Callahan, Florida, a permit authorizing the installation of such septic tank and/or absorption fields or drainage fields as authorized by prior sections of this Part 2. That permit shall be obtained prior to beginning of any installation or construction of items listed above.

**§ 190-6. Permit fees.** [Added 6-2-1952]

That person or persons applying for permits shall pay a fee of two dollars (\$2.), which shall cover the cost of the permit and inspection of installation and approval by the Town Health Officer or person designated by Town Council to inspect and approve such installations.

**§ 190-7. Penalties for offenses.** [Amended 6-2-1952]

Any party or parties violating any part of this Part 2, as amended, shall upon conviction be subject to a fine not to exceed one hundred dollars (\$100.) or imprisonment not to exceed sixty (60) days.

**Part 3  
Connection Charges**

[Adopted 2-1-1982 by Ord. No. 1-1982]

ARTICLE III  
**General Provisions**

**§ 190-8. Town to make connections; charges.** [Amended 1-6-2003 by Ord. No. 7-O-2002;4-18-2005 by Ord. No. 4-O-2005]

- A. The Town will make water main taps, water main connections, service lines and water meter installations within publicly owned rights-of-way or construction easements at a cost to the customer of \$1,000 for Customer Classifications I through IV. Connection charges for all other classifications will be at cost.
- B. The Town will make all sewer main taps, sewer main connections and house service line

installations within publicly owned rights-of-way or construction easements at a cost to the customer of \$1,000 for Customer Classifications I through IV. Connection charges for all other classifications will be at cost.

**Part 4**  
**Sewer and Water Connections**

**[Adopted 5-2-1983 as Ord. No. 2-0-1983]**

ARTICLE IV  
**Required Connections**

**§ 190-9. Connections with waterworks system.**

Where the same shall be available, the owner of every lot or parcel of land within the municipal limits of the Town of Callahan, Florida, may connect or cause the plumbing of any building or buildings thereon to be connected with the municipal waterworks system of the Town of Callahan, Florida, and use the facilities of such system. All such connections shall be made in accordance with the rules and regulations which shall be adopted from time to time by the Town Council of the Town of Callahan, Florida, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as such Town Council may fix and determine.

**§ 190-10. Connections with sewer required.**

The owner of each lot or parcel of land within the municipal limits of the Town of Callahan, Florida, upon which lot or parcel of land any building, or trailer used as a dwelling, is now situated or shall hereafter be situated, for either residential, commercial or industrial use, shall connect or cause such building or buildings or trailer or trailers to be connected with the public sewer facilities of the municipal sewer system of the Town of Callahan, Florida, and use such facilities within three months following notification to so do by the Clerk of the Town of Callahan, Florida. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the Town Council of the Town of Callahan, Florida, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as such Town Council may fix and determine. No connection or connections shall be required where said sewer system or line is more than 100 feet from such lot or parcel of land.

**§ 190-11. Exceptions.**

This Part 4 shall not be construed to require or entitle any person to cross the private property of another to make any such sewer or water connection.

**§ 190-12. Town authorized to make connections.**

If any such owner of any lot or parcel of land within the Town of Callahan, Florida, shall fail and refuse to connect with and use the facilities of the sewer system of the Town of Callahan, Florida, after notification by the Town Clerk as provided herein, then the town shall be authorized to make such connections, entering on or upon any such lot or parcel of land for the

purpose of making such connection. The town shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternative means of collecting such costs of making such connections, the town shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of state and county and municipal taxes. Such lien may be foreclosed by the town in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

**§ 190-13. Rate schedule.**

The rate schedule shall be as follows:

- A. Residential, commercial and nonprofit users. [Amended 3-6-1985 by Ord. No. 1-0-1985; 10-12-1987 by Ord. No. 4-O-1987; 11-1-1999 by Ord. No. 4-O-1999; 12-20-2004 by Ord. No. 12-O-2004; 5-21-2007 by Ord. No. 10-O-2007; 7-21-2008 by Ord. No. 2008-12; 10-19-2009 by Ord. No. 2009-13; 9-7-2010 by Ord. No. 2010-10]

- (1) For residential users within the corporate limits:

Type	Rate	
Water:		
	First 3,000 gallons	\$14.21 per month/minimum
	All over 3,000 gallons in a month	\$3.43 per 1,000 gallons
Sewer:		
	First 3,000 gallons	\$14.21 per month/minimum
	All over 3,000 gallons in a month	\$3.85 per 1,000 gallons of water used

- (2) For residential users outside the corporate limits:

Type	Rate	
Water:		
	First 3,000 gallons	\$18.84 per month/minimum
	All over 3,000 gallons in a month	\$4.64 per 1,000 gallons
Sewer:		
	First 3,000 gallons	\$18.84 per month/minimum
	All over 3,000 gallons in a month	\$5.20 per 1,000 gallons of water used

- (3) For commercial and nonprofit users within the corporate limits:

Type	Rate	
Water:		
	First 3,000 gallons	\$18.61 per month/minimum
	All over 3,000 gallons in a month	\$3.68 per 1,000 gallons
Sewer:		
	First 3,000 gallons	\$18.61 per month/minimum
	All over 3,000 gallons in a month	\$4.76 per 1,000 gallonsof water used

- (4) For commercial and nonprofit users outside of the corporate limits:

Type	Rate	
Water:		
	First 3,000 gallons	\$24.77 per month/minimum
	All over 3,000 gallons in a month	\$4.97 per 1,000 gallons
Sewer:		
	First 3,000 gallons	\$24.77 per month/minimum
	All over 3,000 gallons in a month	\$6.43 per 1,000 gallons of water used

- B. Nassau County School District. The Nassau County School District shall be charged a fee of \$1.62 per person (students and employees) each month for water and sewer service as determined by the number of such persons certified by the Superintendent.<sup>1</sup> [Amended 3-15-1999 by Ord. No. 1-O-1999]

**§ 190-14. Unlawful connection.**

No person shall be allowed to connect into any waterline or sewer owned by the town without the written consent of the town, and then the connection with such line shall be made only under the direction and supervision of the town. Any property owner or plumber who shall make any connection without such consent of the town shall, upon conviction, be subject to the penalties

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1. Editor's Note: Former Subsection C, Deposits, which immediately followed this subsection, was repealed 7-21-2008 by Ord. No. 2008-12.

hereinafter provided.

**§ 190-15. Unlawful construction.**

No person, group of persons, firm or corporation shall build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the town which is within 100 feet of a public sanitary sewer line, unless it is provided with water-carried sewerage facilities.

**§ 190-16. Connection of old plumbing; notification to town.**

Whenever it is desirable to connect old plumbing to the town's sewer main and/or waterline, the owner or plumber contemplating doing such work shall notify the Town Building Inspector, who will inspect said old plumbing and notify the owner or plumber what alterations will be necessary to place said old plumbing in an acceptable condition for such connection. Any owner or plumber who shall make any connection without the approval of the Building Inspector shall, upon conviction, be subject to the penalties hereinafter provided.

**§ 190-17. Sanitary requirements.**

Every residence and building in which human beings reside, are employed or congregate shall be required to have a sanitary method of disposing of human excrement, namely, either a sanitary water closet that is connected with the town's sewer or an approved type of septic tank. A septic tank will be used only if the property is more than 100 feet from the sewer line.

**§ 190-18. Disposal requirements.**

It shall be unlawful for any person, persons, firm or corporation owning or leasing any premises in the town to permit the disposal of any human excrement on any property leased or rented by any such person, firm or corporation or the agent of any such person, firm or corporation, except in a sanitary water closet where sewage lines are available as defined above.

**§ 190-19. Septic tank.**

No septic tank other than those approved by the State Department of Pollution Control shall be constructed within the corporate limits of Callahan, Florida. No septic tank shall be constructed within 100 feet of the sewer line.

**§ 190-20. Maintenance of plumbing system.**

The owner of the property shall be responsible for maintaining and keeping clean the water and sewer pipes leading and connecting from the plumbing system to the town's distribution lines and main sewers.

**§ 190-21. Billing and payment.** [Amended 5-16-1988 by Ord. No. 4-O-1988; 8-3-2009 by Ord. No. 2009-09]

- A. Bills for monthly charges and fees are due and payable on the first day of each month. If a monthly bill remains unpaid for 15 or more days after the due date, a late charge of \$10

shall be imposed, and the water service to the customer shall be subject to immediate discontinuance until all past-due water and sewer bills are fully paid, together with a reconnection charge of \$25 if reconnection does not require repair, replacement, or reinstallation of the water meter. If reconnection requires repair, replacement, or reinstallation of the meter, then the reconnection charge is \$50.

- B. On all new accounts, a security deposit for the payment of water and sewer charges must be paid as follows:
  - (1) For each residential account, the deposit shall be \$100.
  - (2) For each commercial and nonprofit account, the deposit shall be \$125.
- C. After 24 consecutive on-time payments, a customer's deposit shall be credited against the customer's next bill. For existing customers as of the effective date of Ordinance No. 2009-09, customers whose payment history establishes 24 prior consecutive on-time payments shall receive a credit against their next bill in an amount equal to the deposit the customer originally paid as indicated by the Town's records.

**§ 190-22. Collection of sewer fees where owner has private water supply.**

Where sewage disposal fees are not paid in accordance with provisions outlined above, in those instances where the owner has his own private water supply, the town shall have a right to cut off such water supply to the plumbing system, and the owner shall have no right to reconnect his own private water supply until the sewage disposal fees shall have been paid in full. Any violation of this provision by reconnecting his private water supply, until such sewage disposal fees are paid in full, shall be considered a violation of this Part 4 and subject to the penalties hereinafter provided.

**§ 190-23. Failure to maintain plumbing system.**

Failure to keep the sewer pipe, i.e., the pipe leading from the plumbing system to the town's main, clean and maintained in a proper manner will give the town the right to cut off the water connection, which shall not be reconnected until the sewer pipe is cleaned and maintained properly. In those instances where the owner has his own private water supply, the town shall have the right to cut off such water supply to the plumbing system, and the owner shall have no right to reconnect his own private water supply until the sewer pipe leading from the plumbing system to the town's main has been maintained and cleaned and in proper condition. Any violation of this provision by reconnecting his private water supply or the connection from the town's water line, until such sewer pipes are cleaned and maintained properly, shall be considered a violation of this Part 4 and subject to the penalties hereinafter provided.

**§ 190-24. No service free.**

No water nor sewage disposal service shall be furnished or rendered free of charge to any person, firm or corporation whatsoever, and the town and each and every agency, department or instrumentality which uses either or both such service shall pay therefor at the rates fixed by this Part 4.

**§ 190-25. Separate connections for each separate unit.**

Each residential unit, whether occupying one (1) or more lots and whether it shall occupy any lot or parcel jointly with any other residential unit, shall be considered a separate unit for the payment of the water fees and the sewage disposal fees, and separate connections and meters will be required for each of such units.

**§ 190-26. Penalties for offenses.**

Any person, firm or corporation violating any of the provisions of this Part 4 shall, upon conviction thereof, for each such offense, be subject to a fine of not to exceed five hundred dollars (\$500.) or imprisonment for not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the County Judge. Any failure or refusal by an owner to connect to the town's sewer system after notification so to do, as hereinabove provided, or any failure or refusal to pay the charges or rates hereinabove provided, shall be construed to be a violation of this Part 4.

**Part 5**  
**Wastewater Collection and Treatment**  
**[Adopted 8-18-1986 as Ord. No. 3-0-1986]**

ARTICLE V  
**General Provisions**

**§ 190-27. Purpose and policy.**

- A. This Part 5 sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Callahan, Florida, and enables the town 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).
- B. The objectives of this Part 5 are:
  - (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
  - (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
  - (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
  - (4) To provide for equitable distribution of the cost of the municipal wastewater system.
- C. This Part 5 provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

D. This Part 5 shall apply to the Town of Callahan, Florida, and to persons outside the town who are, by contract or agreement with the town, users of the town POTW. Except as otherwise provided herein, the Town Manager of Callahan, Florida, shall administer, implement and enforce the provisions of this Part 5.

**§ 190-28. Definitions and word usage.**

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Part 5, shall have the meanings hereinafter designated:

**ACT or THE ACT** — The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

**APPROVAL AUTHORITY** — The Director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

**AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER** — An authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation.
- (2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively.
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

**BIOCHEMICAL OXYGEN DEMAND (BOD)** — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C.), expressed in milligrams per liter.

**BUILDING DRAIN** — That part of the piping of a building which collects wastewater inside the walls of the building and conveys it to outside the building wall.

**BUILDING SEWER** — The extension from the building drain to the public sewer or other place of disposal, also called "house connection."

**CATEGORICAL STANDARDS** — National categorical pretreatment standards or pretreatment standard.

**CHEMICAL OXYGEN DEMAND (COD)** — 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.

**COMBINED SEWER** — A sewer receiving both surface water runoff and sewage.

**COOLING WATER** — The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**CONTROL AUTHORITY** — Refers to the "approval authority" defined hereinabove; or the Town Manager if the town has an approved pretreatment program under the provisions of 40

CFR 403.11.

**CUSTOMER** — Every person who is responsible for contracting (expressly or implicitly) with the town in obtaining, having or using sewer connections with, or sewer taps to, the sewer system of the town and in obtaining, having or using water and other related services furnished by the town for the purpose of disposing of wastewater and sewage through said system. Said terms shall include the occupants of each unit of a multiple-family dwelling unit building as a separate and distinct customer.

**DIRECT DISCHARGE** — The discharge of treated or untreated wastewater directly to the waters of the State of Florida.

**EASEMENT** — An acquired legal right for the specific use of land owned by others.

**ENVIRONMENT PROTECTION AGENCY or EPA** — 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.

**FLOATABLE OIL** — Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**FLUSH TOILET** — The common sanitary flush commode in general use for the disposal of human excrement.

**GARBAGE** — The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

**GRAB SAMPLE** — A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

**HEALTH OFFICER** — The Nassau County Environmental Health Director.

**HOLDING TANK WASTE** — Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

**INDIRECT DISCHARGE** — The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. § 1317), into the POTW, including holding tank waste discharged into the system.

**INDUSTRIAL USER** — A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

**INDUSTRIAL WASTES** — The wastewater from industrial processes as distinct from domestic or sanitary waste.

**INDUSTRIAL WASTE SURCHARGE** — The charge made in excess of the sewer service charge for all wastewater over and above normal wastewater.

**INFILTRATION/INFLOW** — Groundwater and surface water which leaks into the sewers through cracked pipes, joints, manholes or other openings.

**INTERFERENCE** — The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria, (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the POTW).

**NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD** — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

**NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD** — Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

**NATURAL OUTLET** — Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

**NEW SOURCE** — Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. § 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a "new source" means any source, the construction of which is commenced after the date of promulgation of the standard.

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT** — A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

**NORMAL WASTEWATER** — Wastewater discharged into the sanitary sewers in which the average concentration of total suspended solids and BOD is not more than two hundred fifty (250) mg/l, total phosphorus is not more than fifteen (15) mg/l, total Kjeldahl nitrogen is not more than thirty (30) mg/l; and total flow is not more than twenty-five thousand (25,000) gallons per day.

**PERSON** — Any individual, partnership, copartnership, firm, company, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

**pH** — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

**PIT PRIVY** — Shored, vertical pit in the earth completely covered with a flytight slab on which is securely located a flytight riser covered with hinged flytight seat and lid.

**POLLUTION** — The man-made or man-induced alteration of the chemical physical, biological and radiological integrity of water.

**POLLUTANT** — 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 and agricultural waste discharge into water.

**PRETREATMENT or TREATMENT** — The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or by process changes or other means, except as prohibited by 40 CFR 403.6(d).

**PRETREATMENT REQUIREMENTS** — Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

**PRIVATE SEWAGE DISPOSAL SYSTEM** — A sewage collecting, treating and disposal facility installed, maintained and owned by persons other than the town and not connected to the public sewer.

**PROPERLY SHREDDED GARBAGE** — The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ( 1/2) inch in any dimension.

**PUBLICLY OWNED TREATMENT WORKS (POTW)** — A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Part 5, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

**POTW TREATMENT PLANT** — That portion of the POTW designed to provide treatment to wastewater.

**PUBLIC SEWER** — A common sewer controlled by a governmental agency or public utility.

**SANITARY SEWER** — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground-, storm- and surface waters that are not admitted intentionally.

**SEPTIC TANK** — A subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes, together with:

- (1) A sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out.
- (2) A subsurface system of trenches, piping and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.

**SEWAGE** — The spent water of a community. The equivalent term is "wastewater" (see below).

SEWER — A pipe or conduit that carries wastewater.

SIGNIFICANT INDUSTRIAL USER — Any industrial user of the town's wastewater disposal system who:

- (1) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average workday;
- (2) Has a flow greater than five percent (5%) of the flow in the town's wastewater treatment system;
- (3) Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or Florida Statutes and Rules; or
- (4) Is found by the town, state control agency or the United States Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentrations of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater facilities.

STATE — The State of Florida.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STORM DRAIN — Sometimes termed "storm sewer," a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

STORMWATER — Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS — Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency (EPA) under the provision of CWA 307(1) or other acts.

TOWN — The Town of Callahan, Florida, or the Town Council.

TOWN MANAGER — The person designated by the Town Council to administer all town activities.

TOWN COUNCIL — The duly elected officials of the Town of Callahan, Florida.

UNPOLLUTED WATER — Water of quality equal to or better than the effluent criteria in effect

or water that would not cause violations of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**USER** — Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

**WASTEWATER** — The spent water of a community. From the standpoint of source, it may be a combination of the liquid- and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground-, surface and storm water that may be present.

**WASTEWATER FACILITIES** — The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

**WATERCOURSE** — A natural or artificial channel for the passage of water, either continuously or intermittently.

**WATERS OF THE STATE** — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion.

B. The term "shall" is mandatory; "may" is permissive.

**§ 190-29. Abbreviations.**

The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
FDER	Florida Department of Environmental Regulation
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. § 6901, et seq.
TSS	Total suspended solids
USC	United States Code

**ARTICLE VI**  
**Use of Public Sewers Required**

**§ 190-30. Unlawful deposit of waste.**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the

town, any human or animal excrement, garbage or other objectionable waste.

- A. 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.
- B. No person shall dispose of human excrement except in a toilet.

**§ 190-31. Unlawful discharge to natural outlets.**

It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

**§ 190-32. Unlawful construction of privies.**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tanks, cesspool or other facility intended or used for the disposal of sewage.

**§ 190-33. Owners required to install toilet facilities.**

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article within ninety (90) days after date of official notice to do so, provided that the public sewer is within one hundred feet [thirty and five-tenths (30.5) meters] of the property line.

**§ 190-34. Connection of fixtures and appliances.**

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 the Health Officer and Mayor and Council, may be used.

**§ 190-35. Customer to be notified when sewer available.**

The customer shall be notified when sewer is available.

- A. 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.
- B. Sewage shall be considered available to any new single-family dwelling when the dwelling can be connected by the installation of one hundred (100) linear feet of gravity flow line from the nearest point of the property.

**§ 190-36. Charges in effect upon notification.**

Sewer charges shall be in effect upon notification of the availability of sewer service.

**§ 190-37. Hardship exemption.**

In isolated hardship instances, the Town Manager, with the concurrence of the Town Council, may exempt owners of property from the mandatory sewer connection provision of § 190-32 upon a finding that connection to the public sewer is not feasible. The determination of nonfeasibility may be based upon financial considerations or physical obstructions which restrict connection to the sewer system. All requests from owners of property for an exemption from the mandatory sewer connection shall be submitted in writing to the Town Manager and shall contain the name of the owner, the address and legal description of the property, the present use of the property, any proposed change in the use of the property and the justification for the requested exemption. The Town Manager shall review the request and shall grant or deny the request in writing, citing the specific reasons for the denial thereof, within thirty (30) days following receipt of the completed application for an exemption. Failure of the Town Manager to make a determination within said thirty-day period shall be deemed to constitute a denial of the request for an exemption.

ARTICLE VII  
**Private Wastewater Disposal**

**§ 190-38. When public sewer not available.**

Where a public sanitary sewer is not available under the provisions of Article VI, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article. No person shall construct a septic tank or other wastewater disposal facility without prior approval from the Town Manager. The availability of sewer is defined in Article VI of this Part 5.

**§ 190-39. Construction to be in accordance with plans.**

Septic tanks shall be constructed, repaired, altered, enlarged and maintained in accordance with plans and specifications approved by the Health Officer.

**§ 190-40. Permit required for construction.**

No person shall construct, repair, alter or enlarge any septic tank unless he receives approval by the Town Manager and shall hold a valid permit for such work issued by the Health Officer.

**§ 190-41. Compliance with state regulations.**

The type, capacities, location and layout of a private wastewater disposal system shall comply with all regulations of the Department of Environmental Regulation of the State of Florida. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**§ 190-42. Installation where public sewer accessible prohibited.** [Amended 11-15-2010 by Ord. No. 2010-13]

No septic tank or other subsurface disposal facility shall be installed where a public sewer runs within 500 feet of any part of the property involved.

**§ 190-43. Connection and filling in upon availability.**

At such time as a public sewer becomes available to a property served by a private wastewater disposal system that has failed, a direct connection shall be made to the public sewer within thirty (30) days after notice. Any septic tanks, cesspools and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable materials.

**§ 190-44. Operation to be in a sanitary manner.**

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the town.

**§ 190-45. Connection of flush toilet.**

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.

**§ 190-46. Pit privies prohibited.**

No pit privy shall be installed.

**§ 190-47. Discharge of septic tanks into sewer system.**

- A. Restricted. It shall be unlawful to empty, dump, throw or otherwise discharge into any manhole, catch basin or other opening, into the town's sewer system or any system connected with and discharging into the sewer system the contents of any septic tank, sludge, sewage or other similar matter or material, except as provided in Subsection B hereof.
- B. Permits. The Town Manager is hereby authorized to grant permits to discharge the contents of septic tanks (from domestic sources only) at locations specified by him and under his supervision. Such permits may be revoked at any time, if, in the opinion of the Town Manager, continued dumping of such matter into the sewers will be injurious to the sewer system or treatment processes.
- C. Charges. A charge shall be made for the privilege of dumping contents of septic tanks, as provided in separate rules. A record shall be kept of such dumpings, and statements shall be payable within ten (10) days after rendition. Failure to pay the amounts due within such ten-day period shall be cause for revoking the permit.

**§ 190-48. Correction of insanitary systems.**

Any premise that has a septic tank, privy or any other sewage, industrial waste or 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.

**§ 190-49. Connection to be approved by town.**

Premises with private water systems shall not be connected with the public sewerage system unless approved by Town Council.

**§ 190-50. Additional requirements.**

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

**ARTICLE VIII  
Building Sewers and Connections**

**§ 190-51. Connection permit required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Manager.

**§ 190-52. Application for permit.**

The owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Town Manager. A permit and inspection fee as specified elsewhere shall be paid at the time the application is filed.

**§ 190-53. Costs to be borne by owner.**

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

**§ 190-54. Separate sewer for each building; exception.**

A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

**§ 190-55. Requirements for using old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Town Manager, to meet all requirements of this Part 5.

**§ 190-56. Materials to conform to other codes.**

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in construction shall all conform to the requirements of the Building and Plumbing Codes<sup>2</sup> or other applicable rules and regulations of the town. 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 No. 9 shall apply.

**§ 190-57. Elevation.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

**§ 190-58. Surface runoff connections.**

No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved for purposes of disposal of polluted surface drainage.

**§ 190-59. Notification of Town Manager for inspection.**

The applicant for the building sewer permit shall notify the Town Manager when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Town Manager or his representative.

**§ 190-60. Excavations for sewer installations.**

All excavations for building sewer installations shall be adequately guarded with barricades and lights in compliance with all OSHA requirements so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

**§ 190-61. Council to define availability.**

The Town Council will define the availability of sewers and costs associated with sewer permits or construction.

**§ 190-62. Connections to conform to other codes.**

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes<sup>3</sup> or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and be verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by

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2. Editor's Note: See Ch. 73, Building Construction, and Ch. 143, Plumbing.

3. Editor's Note: See Ch. 73, Building Construction, and Ch. 143, Plumbing.

the Town Manager before installation.

**§ 190-63. Procedure upon infiltration or inflow.** [Amended 11-6-1995 by Ord. No. 3-O-1995]

- A. If any house, mobile home, nonprofit, or commercial property sewer permits entrance of infiltration or inflow, the Mayor shall:
  - (1) Require the owner to repair the sewer.
  - (2) Charge the owner a sewer rate that reflects the additional cost of sewage treatment from the owner's property.
  - (3) Require the owner to disconnect his sewer from the Town's sewer system.
- B. Any person who owns real property located within the corporate limits of the Town of Callahan, Florida, or who owns real property outside such corporate limits which is served by the wastewater collection system of the Town shall have an affirmative duty to promptly report to the Mayor any uncapped sewer lines or other sites of entry of infiltration or inflow.
- C. Enforcement of violations.
  - (1) Upon determination by the Mayor that this section has been violated, he shall immediately send a written notice to the owner of the property and/or building involved and to the person responsible for the violation. This notification shall include:
    - (a) The nature of the violation.
    - (b) An order to immediately cease all illegal activity.
    - (c) A list of remedial actions (if applicable) that can be undertaken by the violator.
    - (d) Information concerning penalties for continued violation of this section.
  - (2) If the person violating this section has not complied with the compliance notice sent by the Mayor nor initiated corrective measures within a time set by the Mayor after the notice's mailing date, the Mayor, after consultation with the Town Attorney, shall initiate the appropriate action or proceedings with the State Attorney's office.
  - (3) The Town Council, in addition to other actions taken, may institute any appropriate action or proceedings of a civil action in the circuit court to enjoin or restrain any person violating the provisions of this section.
- D. Penalties for offenses. Any person found guilty of violating this section shall be deemed guilty of a misdemeanor of the second degree and punished by a fine not to exceed \$500, or imprisoned in the county jail for a period not to exceed 60 days, or both. Each day that a violation continues after the violator received the order to cease violating this section shall be deemed a separate offense
- E. In order to limit the infiltration and inflow of surface water into the Town's wastewater collection system, the following special provisions shall apply:

- (1) Any employee of the Town shall have the right to enter temporarily onto private property for the purpose of inspecting a sewer connection located outside of any structure. However, such employee shall promptly leave the premises if told to do so by the property owner or occupant.
- (2) In all instances where water or sewer service to a mobile home or structure is terminated or transferred, the security deposit for that account shall not be refunded or transferred until the old service location has been inspected by an employee of the Town and any open sewer connection has been properly capped. The water and sewer security deposits for new accounts for mobile homes shall be the sum of \$100.
- (3) As a condition precedent to the issuance of any permit by the Town for the demolition of a structure, an application for such permit on a form approved by the Mayor along with a cash bond of \$300 and the permit fee shall be presented to the Clerk. The cash bond shall be retained by the Town until any existing sewer connection has been properly capped and the site has been inspected by an employee of the Town to insure that any surface water infiltration or inflow has been prevented after the completion of all demolition.
- (4) In the event that any structure is materially damaged by fire or otherwise, the Mayor shall have the authority to order the sewer connection capped until the structure is repaired.

**§ 190-64. Costs where sewer service unavailable.**

Where sewer service is unavailable, all costs associated with permit, construction and extension shall be the responsibility of the permit applicant.

**§ 190-65. Conflict with plumbing standards.**

The town has adopted, by Ord. No. 2-0-1986, the Standard Plumbing Code, 1982 Edition, as revised.<sup>4</sup> In the event of any conflict in the provisions herein with said code, the provisions of this Part 5 will apply.

ARTICLE IX  
**Restricted Use of Public Sewers**

**§ 190-66. Stormwater and related discharges.**

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

**§ 190-67. Use of storm sewers or other outlet.**

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by

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4. Editor's Note: See Ch. 143, Plumbing.

the Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director, to a storm sewer, combined sewer or natural outlet.

**§ 190-68. Prohibited discharges enumerated.**

No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
- C. Any waters having a pH lower than 5.5 or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

**§ 190-69. Restricted discharges enumerated.**

The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb or public property or constitute a nuisance. The Town Manager may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Town Manager will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Town Council are as follows:

- A. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.) [sixty-five degrees Celsius (65° C.)] or will cause the temperature at the influent to a treatment plant to exceed one hundred four degrees Fahrenheit (104° F.) [forty degrees Celsius (40° C.)].
- B. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin.

- C. Wastewater containing more than one hundred (100) milligrams per liter of oils, fat or grease.
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- E. Wastewaters.
  - (1) Any wastewaters having an excess of (limits in parts per million or milligrams per liter) the following:

<b>Type</b>	<b>Amount</b>
Silver	0.10
Barium	5.0
Tin	1.0
Iron	2.0
Phenol	0.2
Arsenic	0.05
Boron	1.0
Manganese	1.0
Lead	0.1
Mercury	0.005
Nickel	0.4
Zinc	1.0
Copper	0.1
Cadmium	0.02
Total Chrome	1.8
Selenium	0.02
Chlorides	250

- (2) Any substance or combination thereof that reduces the BOD by ten percent (10%) will be considered as a toxic material.
- (3) In addition, the limits for the following are:

<b>Type</b>	<b>Amount</b>
Antimony	0.0
Beryllium	0.0
Bismuth	0.0
Cobalt	0.0
Cyanide	0.0
Molybdenum	0.0
Rhenium	0.0
Tellurium	0.0
Uranium	0.0
Strontium	0.0

Herbicides	0.0
Fungicides	0.0
Pesticides	0.0

- F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Town Manager.
- G. Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established in compliance with applicable state or federal regulations.
- H. Quantities of flow, concentrations, or both which constitute a slug, as defined in Article V.
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- J. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
- K. Wastewater containing constituents in concentrations which are in excess of the concentrations set for normal wastewater [two hundred fifty (250) mg/l BOD5 and TSS, thirty (30) mg/l TKN, fifteen (15) mg/l phosphorous].

**§ 190-70. Town procedure upon occurrence of prohibited discharge.**

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above and which, in the judgment of the Town Manager, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the town may:
  - (1) Reject the wastes.
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
  - (3) Require control over the quantities and rates of discharge.
  - (4) Require surcharge payment to cover added cost of handling and treating the waters.
- B. When considering the above alternatives, the Town Manager shall give consideration to the economic impact of each alternative on the discharger. If pretreatment or equalization of waste flows is permitted, the design and installation of the plants and equipment shall be subject to the review and approval of the Town Manager.

**§ 190-71. Grease, oil and sand interceptors.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town Manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, sand or other harmful ingredients; except that such interceptors shall not be

required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town Manager and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Town Manager. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

**§ 190-71.1. Interceptors, separators and backwater valves, including grease traps.** [Added 7-17-1995 by Ord. No. 5-O-1995]

- A. The provisions of the Florida Building Code and any applicable provisions of the Florida Administrative Code are hereby adopted as the standards for interceptors, separators, and backwater valves, including grease traps, of the Town of Callahan, Florida. [Amended 11-15-2010 by Ord. No. 2010-13]
- B. All grease interceptors shall be installed, cleaned, and maintained as follows:
  - (1) Interceptors shall be provided where there are waste lines leading from sinks, floor drains or other fixtures with food service.
  - (2) Interceptors shall be rated and approved for their efficiency in accordance with accepted practice.
  - (3) Interceptors shall be so installed as to provide ready accessibility to the cover contents and means of servicing and maintaining the interceptor in working and operation condition.
  - (4) Interceptors shall be maintained in efficient operating condition by removal of accumulated contents.
  - (5) The frequency for pumping out each grease trap will be determined by the Town of Callahan Water and Sewer Supervisor. He/She will inspect the unit and notify the property owner in writing of the pumping schedule required.
  - (6) The owner of the interceptor will provide a Bill of Laden to the Town to verify last date cleaned. The Town may inspect grease traps unannounced at any time. A copy of the inspection report will be provided to the customer or owner of the interceptor.
- C. When, in the opinion of the Water and Sewer Commission, a grease hazard exists on any property not otherwise required to install a grease trap, a grease interceptor shall be installed in the waste line leading from drains and all fixtures.
- D. The Water and Sewer Supervisor of the Town shall administer and enforce this section.

**§ 190-72. Maintenance of pretreatment facilities.**

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**§ 190-73. Requirements for large or potential problem dischargers.**

Any industry discharging to the town sewer system more than fifty thousand (50,000) gallons per day or any discharger so designated as a potential problem discharger by the Town Manager shall comply with the following:

- A. In order to provide for accurate sampling and measurement of industrial wastes, each designated discharger shall provide and maintain, on each of its industrial waste outlet sewers, a large manhole or sampling chamber to be located outside or near its plant boundary line. If inside the plant office, there shall be a gate near the sampling chamber with a key furnished to the town. There shall be ample room provided in each sampling chamber to enable convenient inspection and sampling by the town or its agent.
- B. Each sampling chamber shall contain Parshall flume, accurate weir or similar device with a recording and totalizing register for measurement of the liquid quantity; or the metered water supply to the industrial plant may be used as the liquid quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment can be made in the metered supply to determine the liquid quantity. The measuring, totalizing, recording devices are to be supplied, installed and maintained by the owner.
- C. Samples shall be taken every hour, properly refrigerated and composited in proportion to the flow for a representative twenty-four-hour sample. Such sampling shall be repeated on as many days as necessary to ensure representative quantities for the entire reporting period. Industrial plants with wide fluctuations in quantities of wastes will require an automatic sampler paced automatically by the flow-measuring device. Minimum requirements for representative quantities shall include reevaluation during each quarterly period. The determination of representative quantities shall include not less than three (3) consecutive days of twenty-four-hour composite samplings taken during periods of normal operation, together with acceptable flow measurements. The frequency of sampling, sampling chamber, metering device, sampling methods and analysis of samples shall be subject, at any time, to inspection and verification by the town. Sampling and measuring facilities shall be such as to provide safe access for authorized personnel of the town for making such inspection and verification. Plans for sampling chambers, with their location shown on a site plan, shall be submitted to the town.
- D. The owner of each facility discharging industrial wastes shall submit monthly to the town, on forms supplied by the town, a certified statement of the quantities of its wastes discharged into the sewers and sewage works of the town or into any sewer connected therewith. Copies of pertinent water bills shall be submitted with the above statement. Such documents shall be filed with the town not later than the tenth day of the following month. A separate statement shall be filed for each industrial plant. The total quantities of wastes to be measured and certified by the owner shall be:
  - (1) Liquid, in gallons.
  - (2) Five-day BOD, in pounds.
  - (3) Suspended solids, in pounds, on a dry solids basis.

- (4) Total phosphorus, in pounds.
- (5) Total Kjeldahl nitrogen, in pounds.
- (6) COD, in pounds.

**§ 190-74. Discharge of sanitary wastewater into storm sewer system prohibited.**

No person shall discharge or cause to be discharged any sanitary wastewater into the storm sewer system without exception.

**§ 190-75. Permit required for discharge of cooling water.**

Cooling and/or condensing water may be discharged to the storm sewer system only if an NPDES permit is obtained from the FDER.

**§ 190-76. Information to be provided by industrial users.**

The industrial users may be required to provide information needed to determine compliance with this Part 5. These requirements may include:

- A. Wastewater discharge peak rate and volume over a specified time period.
- B. Chemical analyses of wastewaters.
- C. Information on raw materials, processes and products affecting wastewater volume and quality.
- D. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- F. Details of wastewater pretreatment facilities.
- G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

**§ 190-77. Special agreements.**

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment. However, there shall be no agreements made that would violate any state or federal pretreatment standard.

**§ 190-78. Determination of methods of examination.**

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this Part 5 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. Sampling methods, location, times, durations and frequencies are to

be determined on an individual basis subject to approval by the Town Manager.

**§ 190-79. Customer responsible for maintenance of building sewer.**

The customer shall be responsible for the maintenance of the building sewer; specifically, all plumbing from the public sewer into and including the house plumbing. The town shall have the right to inspect the building sewer and to cause discontinuance of water service to any property where the plumbing is not maintained in a sanitary and effective operating condition or if the public sewer facilities may be harmed thereby.

**§ 190-80. Town responsible for maintenance of public sewer.**

The town shall be responsible for the maintenance of the public sewer and for providing service to receive the approved sewage discharge from the building sewers.

**ARTICLE X  
Malicious Damage**

**§ 190-81. Prohibited acts.**

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 under charge of disorderly conduct and shall be responsible for any loss of revenue or monetary expenditures needed for repairs brought about by his or her actions.

**ARTICLE XI  
Powers and Authority of Inspectors**

**§ 190-82. Admission of authorized employees.**

Duly authorized employees of the town bearing proper credentials and identification shall be admitted with permission from proper authorities to all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the sewer system in accordance with the provisions of this Part 5.

**§ 190-83. Town officials to observe all safety rules.**

While performing the necessary work on private properties referred to herein, the authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the employees, and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this Part 5.

**§ 190-84. Easement for inspection and repair.**

Duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds an easement, for the

purposes 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.

ARTICLE XII  
**Compliance With Regulatory Requirements**

**§ 190-85. Scope.**

The provisions of this Part 5 shall not be deemed as alleviating compliance with applicable state and federal regulations. Specific user charge and industrial cost recovery requirements, promulgated pursuant to Public Law 92-500, shall be considered as a part of this Part 5 upon official adoption. All nonresidential users will be required to comply with pretreatment standards as outlined in 40 CFR 403.

**§ 190-86. Federal categorical pretreatment standards.**

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Part 5 for sources in that subcategory, shall immediately supersede the limitations imposed under this Part 5. The Town Manager shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

**§ 190-87. Modification of federal categorical pretreatment standards.**

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

**§ 190-88. State requirements.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations of those in this Part 5.

**§ 190-89. Town's right of revision.**

The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 190-27 of this Part 5.

**§ 190-90. Excessive discharge.**

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

**§ 190-91. Accidental discharges.**

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Part 5. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review and shall be approved by the town before construction of the facility. All existing users shall complete such a plan four (4) months after the sewer use ordinance is enacted. No user who commences contribution to the POTW after the effective date of this Part 5 shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. 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 Part 5. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

- A. Written notice. Within five (5) days following an accidental discharge, the user shall submit to the Town Manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Part 5 or other applicable law.
- B. Notice to employees. 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.

**ARTICLE XIII**

**Violations**

**§ 190-92. Declaration of misdemeanor.**

A violation of this Part 5 shall be a misdemeanor, punishable under the laws of the State of Florida.

**§ 190-93. Suspension of town service.**

The town may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to

the health or welfare of persons, to the environment, causes interference to the POTW or causes the town to violate any condition of its NPDES permit.

**§ 190-94. Failure to comply.**

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

**§ 190-95. Grounds for permit revocation.**

Any user who violates the following conditions of this Part 5 or applicable state and federal regulations is subject to having his permit revoked in accordance with the procedures of this Article XIII of this Part 5:

- A. Failure of a user to report factually the wastewater constituents and characteristics of his discharge.
- B. Failure of the user to report significant changes in operations or wastewater constituents and characteristics.
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- D. Violation of conditions of the permit.

**§ 190-96. Service of notice of violation.**

Whenever the town finds that any user has violated or is violating this Part 5, a wastewater contribution permit or any prohibition, limitation or requirements contained herein, the town may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the town by the user. Each quarter, the town will publish in the local newspapers the list of violators of this Part 5 for that quarter.

**§ 190-97. Issuance of order of corrective action.**

In the event of violation of this Part 5, the Health Officer or authorized employees may verbally instruct the owner as to the necessary corrective action. If the owner fails to carry out verbal instructions in a timely manner or if a serious violation or hazard to public health exists, the Health Officer may issue to the owner a written order stating the nature of the violation, the corrective action and the time limit for completing the corrective action. This time limit will be not less than twenty-four (24) hours nor more than six (6) months, depending upon the type and

severity of the violation. The offender shall within the period of time stated in such notice, permanently cease all violations. The record of the mailing of said notice or order shall be prima facie evidence thereof and failure of said owner or owners to receive the same shall in no way affect the validity of any proceedings conducted pursuant to this Part 5.

**§ 190-98. Authority of Town Attorney to commence legal action.**

If any person discharges sewage, industrial wastes or other wastes into the town's wastewater disposal system contrary to the provisions of this Part 5, federal or state pretreatment requirements or any order of the town, the town's attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court.

**§ 190-99. Penalties for violation of order or failure to comply.**

Any user who is found to have violated an order of the Health Officer or who willfully or negligently failed to comply with any provision of this Part 5 and the orders, rules, regulations and permits issued hereunder shall be fined not less than one hundred dollars (\$100.) nor more than one thousand dollars (\$1,000.) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Part 5 or the orders, rules, regulations and permits issued hereunder.

**§ 190-100. Penalties for misrepresentation.**

Any person who knowingly makes any false statements, representation or certification in any application, record, plan or other document filed or required to be maintained pursuant to this Part 5, or wastewater contribution permits, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part 5 shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.) or by imprisonment for not more than six (6) months or by both.

**§ 190-101. Service charges to be continued.**

A person violating any provisions of this Article authorizing the aforementioned action by the Health Officer shall be charged the normal and usual charges for discontinuance and disconnection of said water and sewer services and the usual charges for recommencing said water and sewer services.

ARTICLE XIV  
**Service Charges and Fees**

**§ 190-102. Purpose.**

It is the purpose of this Article to provide for the recovery of costs from users of the town's wastewater disposal system for the implementation of the program established herein. The

applicable charges or fees shall be set forth in the town's Schedule of Charges and Fees.<sup>5</sup>

**§ 190-103. Service charges to be fixed.**

It is hereby determined necessary to fix and collect sewer service charges from customers. Such charges shall be published separate from this Part 5 and the revenue received shall be used for operation, maintenance, debt retirement and other authorized expenses.

**§ 190-104. Services involving charges and fees.**

- A. The town may adopt charges and fees which may include:
- (1) Fees for reimbursement of costs of setting up and operating the town's pretreatment program.
  - (2) Fees for monitoring, inspection and surveillance procedures.
  - (3) Fees for reviewing accidental discharge procedures and construction.
  - (4) Fees for permit applications.
  - (5) Fees for filing appeals.
  - (6) Fees for consistent removal (by the town) of pollutants otherwise subject to federal pretreatment standards.
  - (7) Other fees as the town may deem necessary to carry out the requirements contained herein.
- B. These fees relate solely to the matters covered by this Part 5 and are separate from all other fees chargeable by the town.

ARTICLE XV  
**Authority to Disconnect Service**

**§ 190-105. Causes for disconnection of service.**

The town reserves the right to terminate water and wastewater disposal services and disconnect a customer from the system when:

- A. 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;
- B. A governmental agency informs the town 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 customer is delivering wastewater to the town's system that cannot be sufficiently treated or requires treatment that is not provided by the town as normal domestic treatment;  
or
- C. The customer:
- 

5. Editor's Note: Said schedule is on file in the town offices.

- (1) Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;
- (2) Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment systems;
- (3) Fails to pay monthly bills for water and sanitary sewer services when due; or
- (4) Repeats a discharge of prohibited wastes into public sewers.

**ARTICLE XVI**  
**Administration**

**§ 190-106. Permit required.**

It shall be unlawful to discharge without a town permit to the POTW any wastewater except as authorized by the Town Manager in accordance with the provisions of this Part 5.

**§ 190-107. Wastewater contribution permits.**

A. General permits.

- (1) All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW.
- (2) All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within one hundred eighty (180) days after the effective date of this Part 5.

B. Permit application.

- (1) Users required to obtain a wastewater contribution permit shall complete and file with the town an application, in the form prescribed by the town and accompanied by a fee as set by the town from time to time. Existing users shall apply for a wastewater contribution permit within thirty (30) days after the effective date of this Part 5, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
  - (a) Name, address and location (if different from the address).
  - (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
  - (c) Wastewater constituents and characteristics, including but not limited to those mentioned in Article IX of this Part 5 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended.
  - (d) Time and duration of contribution.

- (e) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation.
- (g) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - [1] The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - [2] No increment referred to in Subsection B(1)(i)[1] shall exceed nine (9) months.
  - [3] Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Town Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Town Manager.
- (j) Each product produced, by type, amount, process or processes and rate of production.
- (k) Type and amount of raw materials processed (average and maximum per day).
- (l) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

- (m) Any other information as may be deemed by the town to be necessary to evaluate the permit application.
  - (2) The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater contribution permit subject to terms and conditions provided herein.
- C. Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater contribution permit as required by Subsection B, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the Town Manager within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by Subsection B(1)(h) and (i) of this section.
- D. Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Part 5 and all other applicable regulations, user charges and fees established by the town. Permits may contain the following:
  - (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
  - (2) Limits on the average and maximum wastewater constituents and characteristics.
  - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
  - (4) Requirements for installation and maintenance of inspection and sampling facilities.
  - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
  - (6) Compliance schedules.
  - (7) Requirements for submission of technical reports or discharge reports (see § 190-108).
  - (8) Requirements for maintaining and retaining plan records relating to wastewater discharge as specified by the town and affording town access thereto.
  - (9) Requirements for notification of the town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
  - (10) Requirements for notification of slug discharges as per § 190-69.
  - (11) Other conditions as deemed appropriate by the town to ensure compliance with this

Part 5.

- E. Permit duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the town during the term of the permit as limitations or requirements as identified in Subsection B are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- F. Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

**§ 190-108. Reporting requirements for permittees.**

- A. Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Town Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional.
- B. Periodic compliance reports.
  - (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Town Manager during each quarterly period, unless required more frequently in the pretreatment standard or by the Town Manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting periods, exceeded the average daily flow reported. At the discretion of the Town Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Town Manager may agree to alter the months during which the above reports are to be submitted.
  - (2) The Town Manager may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the

imposition of mass limitations are appropriate. In such cases, the report required by Subsection B(1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Town Manager, or pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the approval authority pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the approval authority (DER).

NOTE: Where 40 CFR 135 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.

**§ 190-109. Monitoring facilities.**

The town shall require to be provided and operated, at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems.

- A. The monitoring facility should normally be situated on the user's premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the town.

**§ 190-110. Inspection and sampling.**

The town shall inspect the facilities of any user to ascertain whether the purpose of this Part 5 is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or their representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The town, approval authority and (where the NPDES state is the approval authority) 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. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

**§ 190-111. Users to provide pretreatment.**

- A. Users shall provide necessary wastewater treatment as required to comply with this Part 5 and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review and shall be acceptable to the town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under provisions of this Part 5. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the town prior to the user's initiation of the changes.
- B. The town shall annually publish in the largest daily newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.
- C. All records relating to compliance with pretreatment standards will be made available to officials of the EPA or approval authority upon request.

**§ 190-112. Confidential information.**

- A. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Part 5, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- C. Information accepted by the town as confidential shall not be transmitted to any

governmental agency or to the general public by the town until and unless a ten-day notification is given to the user.

**Part 6**  
**Utility Service Area**

**[Adopted 10-4-2010 by Ord. No. 2010-12]**

ARTICLE XVII  
**Boundaries, Services and Connections**

**§ 190-113. Declaration of existence of utility service area.**

The Town of Callahan hereby declares there to exist a utility service area within which the Town intends to engage in certain activities authorized by Chapter 180, Florida Statutes, which include the eventual provision of potable and nonpotable water supply systems and wastewater and sewage removal, treatment, and disposal systems. The utility service area shall include the area located within the Town's corporate limits, as well as all areas extending five miles beyond those limits. By declaring the existence of this utility service area, the Town proposes and intends to exert its influence and control as the general purpose local government regarding the services to be provided through the enactment of this Part 6 to the exclusion of the control of any other local government. This declaration is provided in conformance with Chapter 180 and is necessary for the promotion of the health, safety, and welfare of the public.

**§ 190-114. Amendment of boundaries.**

It is recognized that future conditions may exist from time to time that could necessitate amending the boundaries of the utility service area to include more or less area. Any amendments shall be made by the Town Council in accordance with § 180.02, Florida Statutes.

**§ 190-115. Connection requirements.**

Within three months of sewer services becoming available within the utility service area, all persons and entities are required to connect to sewer services. This Part 6 does not affect persons or entities previously connected to Callahan's water or sewer services. The Town may also prescribe by subsequent ordinance or resolution adopted in accordance with Chapter 180, Florida Statutes, reasonable regulations regarding all persons or entities living or doing business within the utility service area regarding their connection, when available, with any service or utility facilities.

**§ 190-116. Method of extension of services into area.**

The Town of Callahan will extend water and sewer services into the utility service area as financial means to do so become available to the Town, whether by means of indebtedness, special assessment, tax, grant, or use of general, reserve, or capital improvement funds.