

Loxahatchee River District

Water Reclamation | Environmental Education | River Restoration

2500 Jupiter Park Drive, Jupiter, Florida 33458

Telephone (561) 747-5700 • Fax (561) 747-9929 • www.loxahatcheeriver.org



D. Albrey Arrington, Ph.D., Executive Director

AGENDA REGULAR MEETING #2-2020 JANUARY 16, 2020 – 7:00 PM AT DISTRICT OFFICES ALL MEETINGS ARE OPEN TO THE PUBLIC

1. Call to Order & Pledge of Allegiance
2. Administrative Matters
 - A. Roll Call
 - B. Previous Meeting Minutes **Page 4**
 - C. Additions and Deletions to the Agenda
 - D. Election of Officers **Page 9**
3. Comments from the Public
4. Status Updates
 - A. Loxahatchee River Watershed **Page 10**
 - B. Loxahatchee River District Dashboard **Page 11**
5. Consent Agenda (see next page)
6. Regular Agenda
 - A. Consent Agenda Items Pulled for Discussion **Page 26**
 - B. Governing Board Appointments and Liaisons **Page 27**
 - C. Rules Chapter 31-13 **Page 29**
 - D. Rules Chapter 31-10 **Page 86**
 - E. Busch Wildlife Sanctuary License Agreement **Page 106**
7. Reports (see next page) Pulled for Discussion **Page 107**
8. Future Business **Page 148**
9. Board Comments
10. Adjournment

“...if a person decides to appeal any decision made by the Board, with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

Submitted by:
Date: January 6, 2020

Gordon M. Boggie
Board Member

Stephen B. Rockoff
Board Member

James D. Snyder
Chairman

Dr. Matt H. Rostock
Board Member

Harvey M. Silverman
Board Member

5. CONSENT AGENDA

All items listed in this portion of the agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Board member or citizen; in which event, the item will be removed and considered under the regular agenda.

- A. Authorization to Execute Reports (2020-01) **Page 13**
- B. New Palm Beach Heights Preliminary Assessment (2020-02) **Page 15**
- C. Employee Retirement Plan Trustee Designation – to designate Trustee **Page 23**
- D. Fixed Asset Disposal – to approve disposal **Page 24**
- E. Change Orders to Current Contracts – to approve modifications **Page 25**

7. REPORTS

- A. Neighborhood Sewering **Page 107**
- B. Legal Counsel's Report **Page 109**
- C. Engineer's Report **Page 111**
- D. Busch Wildlife Sanctuary **Page 114**
- E. Director's Report **Page 115**

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D. Albrey Arrington, Ph.D., Executive Director

AGENDA
PUBLIC HEARING #1-2020
JANUARY 16, 2020 - 6:55 P.M. AT DISTRICT OFFICES
ALL MEETINGS ARE OPEN TO THE PUBLIC

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. To receive public comments pertaining to the Rules Chapter 31-13, Regulation of Sewer Use
4. Comments from the Board
5. Adjournment

".... if a person decides to appeal any decision made by the Board, with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

A handwritten signature in blue ink, appearing to read "D. Albrey Arrington".

Submitted by:
Date: January 6, 2020

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Gordon M. Boggie
Board Member

Stephen B. Rockoff
Board Member

Dr. Matt H. Rostock
Chairman

Harvey M. Silverman
Board Member

James D. Snyder
Board Member

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D. Albrey Arrington, Ph.D., Executive Director

MEMORANDUM

TO: Governing Board

FROM: Recording Secretary

DATE: January 7, 2020

RE: Approval of Meeting Minutes

Attached herewith are the minutes of the Regular Meeting of December 19, 2019. As such, the following motion is presented for your consideration.

“THAT THE GOVERNING BOARD approve the minutes of the December 19, 2019 Regular Meeting as submitted.”

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Gordon M. Boggie
Board Member

Stephen B. Rockoff
Board Member

Dr. Matt H. Rostock
Chairman

Harvey M. Silverman
Board Member

James D. Snyder
Board Member

Ref: #18-2019

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT
REGULAR MEETING - MINUTES
DECEMBER 19, 2019

1. CALL TO ORDER

Chairman Rostock called the Regular Meeting of December 19, 2019 to order at 7:03 PM.

2. ADMINISTRATIVE MATTERS

A. ROLL CALL

The following Board Members were in attendance.

Mr. Boggie
Mr. Rockoff (arrived at 7:06)
Mr. Silverman
Mr. Snyder
Dr. Rostock

Staff Members in attendance were Dr. Arrington, Mr. Dean, Mr. Howard and Ms. Fraraccio, Mr. Collins, Mr. Nicoletto, Mr. Jesteadt and Mr. Bains.

Consultants in attendance were Mr. Muniz from Hazen & Sawyer, Ms. Marshall from Baxter & Woodman, Ms. Wood from Holtz Consulting, Mr. Shenkman with Curtis Shenkman, PA and Mr. Morton with Nolan, Holt & Miner, PA.

B. PREVIOUS MEETING MINUTES

The minutes of the Regular Meeting of November 21, 2019 were presented for approval and the following motion was made.

MOTION: Made by Mr. Silverman, Seconded by Mr. Boggie,
Passed Unanimously.

“THAT THE GOVERNING BOARD approve the minutes of the November 21, 2019 Regular Meeting as submitted.”

C. ADDITIONS & DELETIONS TO THE AGENDA

Items 6C and 6D were deleted.

3. COMMENTS FROM THE PUBLIC

No comments were received.

4. STATUS UPDATES

A. LOXAHATCHEE WATERSHED STATUS

Mr. Howard gave an update on preliminary results of the additional water quality monitoring in Jones Creek.

B. LOXAHATCHEE RIVER DISTRICT DASHBOARD

Dr. Arrington reviewed the District Dashboard.

5. CONSENT AGENDA

MOTION: Made by Mr. Boggie, Seconded by Mr. Rockoff,
Passed unanimously.

“THAT THE GOVERNING BOARD approve the Consent Agenda of December 19, 2019 as presented.”

The following motions were approved as a result of the Board’s adoption of the Consent Agenda:

A. Biosolids Hauling (Synagro) – to approve annual contract

“THAT THE DISTRICT GOVERNING BOARD authorize the Executive Director to execute an annual purchase order to Synagro South, LLC in accordance with the contract specifications and their bid of August 6, 2018, for an amount not to exceed \$150,000.”

B. Fixed Asset Disposal – to approve disposal

No Fixed Assets were submitted for disposal.

C. Change Orders – to approve modifications

“THAT THE DISTRICT GOVERNING BOARD authorize the Executive Director to execute a Change Order to the Alternate A1A 16-inch Force Main Extension Construction Contract in an amount up to \$50,000.00 for an alternate installation through upland mangroves.”

D. Buy Back of Excess Equivalent Connections: Jupiter Country Club – to approve buy back

“THAT THE DISTRICT GOVERNING BOARD authorize buyback of 135.25 equivalent connections from Toll Brothers Inc., LLC in an amount of \$101,796.21 upon execution of an Assignment of Interest back to the District for P578 and P655.”

6. REGULAR AGENDA

A. CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

No items were pulled for discussion.

B. Final Audit

Mr. Morton reviewed the Final Audit.

MOTION: Made by Mr. Rockoff, Seconded by Mr. Silverman,
Passed unanimously.

“THAT THE GOVERNING BOARD receive the Annual Financial Report for the fiscal years ended September 30, 2019 and 2018 as prepared and submitted Nowlen, Holt & Miner, P.A.”

E. Rules Chapter 31-13, Regulation of Sewer Use

Dr. Arrington reviewed the proposed changes to Rules Chapter 31-13, Regulation of Sewer Use. No action was taken.

F. Executive Director Review

Dr. Rostock reviewed Dr. Arrington’s performance over the past year.

MOTION: Made by Mr. Silverman, Seconded by Mr. Snyder,
Passed 4-1 with Mr. Boggie voting against.

“THAT THE DISTRICT GOVERNING BOARD receive the review of Dr. Albrey Arrington, Executive Director, and adjust his Employment Agreement as follows:

A three percent (3%) increase in his base salary, effective December 28, 2019, and a net Ten Thousand Dollar (\$10,000.00) bonus, paid January 2, 2020.”

7. REPORTS

The following reports stood as written.

A. NEIGHBORHOOD SEWERING

B. LEGAL COUNSEL’S REPORT

C. ENGINEER’S REPORTS

D. BUSCH WILDLIFE SANCTUARY

E. DIRECTOR’S REPORT

8. FUTURE BUSINESS

Dr. Arrington reviewed the Future Business report.

9. COMMENTS FROM THE BOARD

The Board wished everyone Happy Holidays and a Happy New Year.

10. ADJOURNMENT

MOTION: Made by Mr. Silverman, Seconded by Mr. Snyder,
Passed Unanimously.

“That the regular meeting of December 19, 2019 adjourns at 8:40 PM.”

BOARD CHAIRMAN

BOARD SECRETARY

RECORDING SECRETARY

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D. Albrey Arrington, Ph.D., Executive Director



MEMORANDUM

TO: Governing Board
FROM: D. Albrey Arrington, Ph.D., Executive Director
DATE: January 7, 2020
SUBJECT: Election of Officers

The Governing Board annually conducts an election of officers to fill the five positions described below. Existing officers are shown in parentheses.

Chairman (Rostock)	runs the meetings, executes contracts and documents and sets the meeting agendas.
Vice-Chairman (Rockoff)	fills in for the Chairman in his absence and conducts official business as may be delegated by the Chair.
Treasurer (Boggie)	signs checks and money transfers and monitors the budget through review of monthly statements and the audit.
Secretary (Silverman)	keeps the records of the District in proper order and attests formal documents.
Asst. Sec'y/Treasurer (Snyder)	acts in the absence of the Secretary or Treasurer of the Board.

At our meeting this month, Chairman Rostock will open the floor for nominations. The motion format suggested below can be used. If necessary, an election, by hand count or ballot, may be conducted.

Once the new Chairman is elected, he will receive the gavel and conduct the remainder of the meeting.

Suggested Motion Format:

"THAT THE GOVERNING BOARD elect:

**Mr. Rockoff to serve as Chairman,
Mr. Boggie to serve as Vice Chairman,
Mr. Silverman to serve as Treasurer,
Mr. Snyder to serve as Secretary, and
Dr. Rostock to serve as Assistant Secretary/Treasurer**

of the Governing Board of the Loxahatchee River Environmental Control District."

If you have any questions or comments on this procedure, please feel free to give me a call.

j:\admin\board\OfficerElection

Gordon M. Boggie
Board Member

Stephen B. Rockoff
Board Member

Dr. Matt H. Rostock
Chairman

Harvey M. Silverman
Board Member

James D. Snyder
Board Member




Loxahatchee River Watershed Status Report:

Mr. Dean will be giving a presentation on Contractor Safety Evaluation and Performance.

LOXAHATCHEE RIVER DISTRICT'S EXECUTIVE DASHBOARD



		Stewardship	Wastewater						Engineering	General Business				EHS	River Health			
		# People educated at RC	Mean Daily Incoming Flow	Delivery of Reclaimed Water	Customer Service	Sewer Overflow	Permit exceedance	NANO Blend to Reuse (@ 511)	Grease Interceptor Inspections	Cash Available	Revenue (excluding assessment & capital contrib.)	Operating Expenses	Capital Projects	Employee Safety	Minimum Flow Compliance	Salinity @ NB seagrass beds	River Water Quality	
Benchmark / Customer Expectation		% of Target	million gallons/day	# days demand not met	# blockages with damage in home	# occurrences	# occurrences	Max Specific Conductance (umhos/cm)	% requiring pump out	\$	% of Budget	% of Budget	% within budget	% on time	# of OSHA recordable injuries	# Days MFL Violation	%	Fecal Coliform Bacteria (cfu/100ml)
Green Level		≥ 90%	< 7.7	<2	Zero	Zero	Zero	<1542	≤ 15	≥ \$9,894,657	≥ 95%	≥ 85% but ≤ 105%	≥80%	≥80%	Zero	0	min ≥ 20 %	90% of sites ≤ 200
Yellow		< 90%	< 8.8	≥ 2	1	1	1	≤1875	≤ 25	< \$9,894,657	≥ 90%	≥ 80%	≥60%	≥60%	-	1	min ≥ 10 %	2 or more sites >200 but ≤ 400
Red		<75%	≥ 8.8	≥ 9	≥ 2	≥ 2	≥ 2	>1875	> 25	< \$5,557,057	< 90%	< 80% or > 105%	< 60%	< 60%	≥ 1	≥ 2	min < 10 %	≥ 2 sites > 400
2016 Baseline		2,189	6.7	0	0	1	0	1,063	12	\$ 33,223,663	96%	90%	100%	85%	0	not avail	18	1 > 200
2017 Baseline		104%	6.6	1	0	2	0	1,127	9	\$ 30,425,084	95%	85%	98%	85%	0	not avail	23	1 > 200
2018 Baseline		112%	6.5	1	0	2	0	1,216	8	\$ 33,683,858	99%	86%	95%	56%	0	42	23	1 > 200
2018	Dec	131%	6.8	0	0	1	0	1,310	6	\$ 37,311,234	103%	84%	100%	67%	1	14	33.3	0 > 200
2019	Jan	106%	7.2	0	1	6	0	1,399	8	\$ 37,478,367	101%	84%	100%	67%	1	17	29.9	1 > 200
	Feb	106%	7.6	0	1	0	0	1,262	7	\$ 39,498,968	101%	86%	100%	83%	0	3	24.5	1 > 400
	Mar	119%	7.2	0	0	2	0	1,170	0	\$ 38,046,365	99%	88%	100%	75%	0	0	30.4	0 > 200
	Apr	79%	6.9	0	0	4	0	1,176	2	\$ 38,021,490	99%	89%	100%	73%	0	0	31.2	0 > 200
	May	113%	6.7	0	0	0	0	1,125	6	\$ 36,569,040	98%	90%	92%	50%	0	0	25.7	0 > 200
	June	98%	6.6	0	0	5	0	1,233	17	\$ 34,111,378	98%	89%	92%	42%	0	0	23.5	1 > 200
	July	85%	6.2	0	0	1	0	1,279	6	\$ 34,006,523	98%	88%	92%	42%	1	0	28.8	0 > 200
	Aug	89%	6.9	1	0	1	2	1,163	8	\$ 33,341,832	97%	89%	92%	33%	1	0	15.9	3 > 200
	Sept	74%	6.6	3	1	4	0	1,125	13	\$ 31,673,764	97%	89%	92%	33%	0	0	12.9	0 > 200
	Oct	116%	6.5	1	1	2	0	1,298	7	\$ 32,222,812	105%	103%	92%	88%	1	0	26.9	0 > 200
	Nov	113%	6.5	3	1	4	0	1,230	18	\$ 33,374,276	98%	90%	92%	83%	0	0	18.7	1 > 200
	Dec	108%	6.9	0	1	3	0	1,291	18	\$ 33,400,263	105%	87%	92%	83%	0	0	6.1	1 > 200
Consecutive Months at Green		3	127	1	0	0	4	112	0	126	90	0	50	3	2	10	0	4
Metric Owner		O'Neill	Campbell	Dean	Dean	Dean	Campbell	Campbell	Dean	Fraraccio	Fraraccio	Fraraccio	Dean	Dean	Campbell	Howard	Howard	Howard

Metric

Explanation

Customer Service
Sewer Overflow
Grease Interceptors
Operating Expenses
Salinity @ North Bay

In November, we had 1 blockage within a home that was reported to our insurance company for potential reimbursement.
3 sewage spills occurred: (1) a 6 inch sewer service lateral was blocked by roots and caused 200 gallons of sewage to overflow; (2) faulty floats in a low pressure sewer system caused 100 gallons of sewage to be spilled; (3) 10 gallons of sewage was spilled from our vac-truck when the debris tank door malfunctioned
For the second month in a row, 18% of inspected grease interceptors required pump out.
Our operating expenses are somewhat behind straight-line projections, and this is relatively common this early in the fiscal year (see last December).
10.5 inches of rain fell at the District in December, which caused Loxahatchee flow to peak at 417 cfs on Dec. 28 and S-46 flood control releases to exceed 600 cfs on Dec. 28, 29, and 30. These rainfall driven flows caused salinity to be depressed in the Central Embayment.

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D. Albrey Arrington, Ph.D., Executive Director

MEMORANDUM

TO: Governing Board
FROM: Administration Staff
DATE: January 10, 2020
SUBJECT: Consent Agenda

All items listed below are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Board Member or citizen, in which event, the item will be removed and considered under the regular agenda.

This month's consent agenda consists of the following items:

- A. Authorization to Execute Reports (2020-01)
- B. New Palm Beach Heights Preliminary Assessment (2020-02)
- C. Employee Retirement Plan Trustee Designation – to designate Trustee
- D. Fixed Asset Disposal – to approve disposal
- E. Change Orders to Current Contracts – to approve modifications

Should you have any questions regarding these items, I would be pleased to discuss them further with you.

The following Motion is provided for Board consideration:

“THAT THE GOVERNING BOARD approve the Consent Agenda of January 16, 2020 as presented.”

Signed,

D. Albrey Arrington, Ph.D.
Executive Director

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Loxahatchee River District

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D. Albrey Arrington, Ph.D., Executive Director



MEMORANDUM

TO: Governing Board

FROM: Kara Fraraccio, Director of Finance and Administration

DATE: January 10, 2020

RE: Approval of Resolution 2020-01

Attached herewith is Resolution 2020-01, authorizing specific signatures for execution of all reports required under the Florida Statutes.

“THAT THE GOVERNING BOARD approve Resolution 2020-01 authorizing specific signatures for execution of all reports required under the Florida Statutes.”

Gordon M. Boggie
Board Member

Stephen B. Rockoff
Board Member

Dr. Matt H. Rostock
Chairman

Harvey M. Silverman
Board Member

James D. Snyder
Board Member

Loxahatchee River District

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D. Albrey Arrington, Ph.D., Executive Director



RESOLUTION NO. LRECD 2020-01

A RESOLUTION OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT AUTHORIZING SPECIFIC SIGNATURES FOR EXECUTION OF ALL REPORTS REQUIRED UNDER THE FLORIDA STATUTES, AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED by the Loxahatchee River District Board as follows:

1. The Executive Director (D. Albrey Arrington) and/or Deputy Executive Director (Kris Dean), or their designee, are hereby authorized on behalf of the Loxahatchee River District to execute all permits and reports required under the Florida Statutes and as required by any other rule, statute, law, ordinance or regulation.
2. As relates to financial reports, the Director of Finance and Administration (Kara Fraraccio) is also authorized to sign.
3. As relates to permit-required Reports, sent to the Environmental Protection Agency and the Department of Environmental Protection, the Lead Operator (Brandon Collins), or his designee, is also authorized to sign.
4. This Resolution shall be effective as of the date of its adoption.

PASSED and ADOPTED at the regular Board Meeting by the Loxahatchee River District Board on January 16, 2020.

Loxahatchee River District

, Chairman

Attest:

, Vice Chairman

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Gordon M. Boggie
Board Member

Stephen B. Rockoff
Board Member

Dr. Matt H. Rostock
Chairman

Harvey M. Silverman
Board Member

James D. Snyder
Board Member

**CURTIS L.
SHENKMAN**
*Board Certified
Real Estate Attorney*

CURTIS SHENKMAN, P.A.
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4400 PGA BLVD, SUITE 301
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PARALEGALS
JUDY MONTEIRO
DENISE B. PAOLUCCI
MELISSA KAJEEJIT

Sent by email

D. Albery Arrington, PhD., Executive Director
Loxahatchee River Environmental Control District
2500 Jupiter Drive
Jupiter, Florida 33458-8964

Re: Resolution 2020-02 and Preliminary Assessment Roll for NEW PALM BEACH HEIGHTS

Dear Dr. Arrington:

Please attach to this letter is Resolution 2020-02, Exhibit "A" Preliminary Assessment Roll, & Exhibit "B" Map & most recent list of property owners as part of the Resolution.

In the Resolution, Sections 2 and 7, the "Board of Adjustment" public hearing and "Governing Board" meeting to confirm the "final" assessment roll is proposed for FEBRUARY 20, 2020. Preparation is necessary of the Notice to be published and mailed out by Friday, February 7, 2020.

A SUGGESTED MOTION for the Board at the January 16, 2020 meeting is as follows:
"THAT THE GOVERNING BOARD approve Resolution 2020-02 adopting the
NEW PALM BEACH HEIGHTS Preliminary Assessment Roll."

Sincerely,

Curtis L. Shenkman

Curtis L. Shenkman

LRECD RESOLUTION NO. 2020-02

A RESOLUTION OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT RELATING TO THE **NEW PALM BEACH HEIGHTS** ASSESSMENT AREA IMPROVEMENTS; ADOPTING THE PRELIMINARY ASSESSMENT ROLL FOR **NEW PALM BEACH HEIGHTS** ASSESSMENT AREA IMPROVEMENTS AS PREPARED BY THE DISTRICT CLERK AND ATTACHED HERETO AS EXHIBITS “A” AND “B”; AUTHORIZING THE DISTRICT GOVERNING BOARD TO ACT AS THE BOARD OF ADJUSTMENT; PROVIDING FOR THE FURNISHING OF TEN DAYS’ WRITTEN NOTICE TO ALL PROPERTY OWNERS AFFECTED; DIRECTING THAT AN AFFIDAVIT OF PUBLICATION BE OBTAINED; REQUIRING THE FILING OF THE PROOF OF PUBLICATION AND OF THE WRITTEN NOTICE; MAKING REFERENCE TO RESOLUTION NO. **2018-31** PROVIDING FOR THE PUBLICATION OF THE NOTICE OF THE MEETING TO CONSIDER CONFIRMATION OF THE PRELIMINARY ASSESSMENT ROLL; DIRECTING THAT AN AFFIDAVIT OF PUBLICATION BE OBTAINED; REQUIRING THE FILING OF THE PROOF OF PUBLICATION; PROVIDING FOR CONSISTENCY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Governing Board of the Loxahatchee River Environmental Control District (hereinafter called the “District” has authorized the sewer improvements to the **NEW PALM BEACH HEIGHTS** Assessment Area in **PALM BEACH** County, Florida.

WHEREAS, the Governing Board has considered the presentation of the District Engineer and considered such recommendations to be in accordance with the requests and the best interests of the citizens of the District.

WHEREAS, the Governing Board has considered the improvements to be in accordance with the best interests of the citizens of the **NEW PALM BEACH HEIGHTS** Assessment Area.

WHEREAS, the District’s previous Resolution **2018-31** was approved by the District’s Governing Board and directed the preparation of the Assessment Roll.

WHEREAS, the District Clerk has prepared the Preliminary Assessment Roll attached hereto as Exhibits “A” and “B”.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE DISTRICT, THAT:

Section 1. The District adopts the Preliminary Assessment Roll in the form as attached hereto as Exhibits “A” and “B”.

RESOLUTION 2020-02
OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

Section 2. The District Clerk is directed to publish a Notice stating that the District's Governing Board shall act as the **Board of Adjustment** at a hearing to be held on the **20th day of February, 2020** at the District's Governing Board meeting chambers, Jupiter, Florida. Such Notice shall be published at least ten (10) days in advance of such hearing, once in a newspaper published in Martin County and once in a newspaper published in Palm Beach County. Such Notice shall state that at the hearing, the Governing Board will hear objections of all interested persons to the confirmation of such resolution. Such Notice shall state in brief and general terms a description of the improvements with the location thereof and shall also state that plans, specifications, estimates, and the tentative apportionment of cost thereof are on file in the office of the District. The District Clerk is directed to mail a copy of such Notice to each of the affected property owners at least ten (10) days in advance of the hearing.

Section 3. During the Board of Adjustment hearing, such affected property owner may present information to the Governing Board in relation to his Special Assessment and the project, provided that such property owners must submit in writing to the District either prior to or at the time of said meeting of the Board of Adjustment their objections to the Special Assessment.

Section 4. The District Clerk is directed to obtain from the publisher of the newspaper(s) used for publication herein an affidavit confirming the publication of the Notice of the Hearing of the Governing Board as the Board of Adjustment as set forth herein.

Section 5. The District Clerk shall file Proof of Publication and Proof of Written Notice to the affected property owners at the Board of Adjustment hearing.

Section 6. Resolutions No. **2018-31 and 2020-02** of the District shall be a part of the record to be considered by the Governing Board at the aforescribed hearing when the Governing Board sits as the Board of Adjustment.

Section 7. The District Clerk is directed to publish a Notice stating that at the meeting of the Governing Board to be held on **February 20, 2020** at the District Governing Board meeting chambers, Jupiter, Florida, all interested persons may appear and file written objections to the confirmation of the Final Assessment Roll. Such Notice shall be published at least twelve (12) days in advance of such meeting, once in a newspaper published in Martin County and once in a newspaper published in Palm Beach County. Such Notice shall state the class of the improvement and the location thereof by terminal points and route. Such Notice shall also be mailed to those interested parties requesting such in writing.

Section 8. The District Clerk is directed to obtain from the publisher of the newspaper(s) used for publication herein an affidavit confirming the publication of the Notice of the Meeting of the Governing Board to confirm the Final Assessment Roll.

Section 9. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

RESOLUTION 2020-02
OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

Section 10. In the event that any portion of this Resolution is found to be unconstitutional or illegal, it shall be severed herefrom without affecting the validity or enforceability of the remaining portions of this Resolution.

Section 11. This Resolution shall become effective upon its passage and adoption.

PASSED AND ADOPTED BY THE GOVERNING BOARD OF THE LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, THIS **16th** day of **January, 2020**.

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

VOTE

JAMES D. SNYDER

STEPHEN ROCKOFF

GORDON M. BOGGIE

HARVEY SILVERMAN

DR. MATT H. ROSTOCK

EXHIBIT "A"
PRELIMINARY ASSESSMENT ROLL
LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT
NEW PALM BEACH HEIGHTS ASSESSMENT AREA

TOTAL COSTS AND EXPENSES RELATED TO THE IMPROVEMENTS. The District shall consider the **total** costs and expenses related to the improvements in the **NEW PALM BEACH HEIGHTS** Assessment Area shall be **\$6,689.18** per parcel of property in the **NEW PALM BEACH HEIGHTS** Area.

APPORTIONMENT OF COSTS BETWEEN THE DISTRICT AND THE PROPERTY OWNERS. The District shall pay from the District's general funds ten percent (10%) of the total cost to the District of construction, reconstruction, labor, materials, acquisition, or property rights, surveys, design, engineering, and legal fees, administration expenses, and all other expenses necessary or incidental to completion of the specially assessed improvement and each lot or parcel of land subject to this special assessment shall be responsible for ninety percent (90%) of the total cost.

PAYMENT OF ASSESSMENT. As to Parcels of **NEW PALM BEACH HEIGHTS** Assessment Area Property in EXHIBIT "B", the **\$6,020.26** assessment may be paid, interest free, at the office of the District on or before May 1, 2020.

Owners who do not pay the \$6,020.26 assessment on or before May 1, 2020 shall have the \$6,020.26 principal added to the tax roll as a non-ad valorem assessment to accrue interest, beginning October 1, 2019, at six and seven eights percent (6.875%) per annum, to be collected in twenty (20) equal annual installments of \$562.76, commencing with the November 1, 2020 Real Estate Tax Bill.

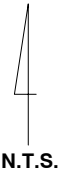
LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

By: _____
D. Albrey Arrington, District Clerk, Executive Director

EXHIBIT "B"

NEW PALM BEACH HEIGHTS

SEWER SYSTEM ASSESSMENT AREA



JUNO BEACH, FLORIDA

11-20-2018

Mr. & Mrs. Robert Seelman
1690 Floral Dr
N Palm Bch FL 33408
re: 1690 Floral Dr
28-43-41-28-10-013-0011

Mr. & Mrs. Rex Montana
13882 Cocoanut Ave
N Palm Bch FL 33408
re: 13882 Cocoanut Ave
28-43-41-28-10-013-0030

Mr. John Irwin
13868 Cocoanut Ave
N Palm Bch FL 33408
re: 13868 Cocoanut Ave
28-43-41-28-10-013-0040

Mr. & Mrs. Victor Di Ramio
13854 Cocoanut Ave
N Palm Bch FL 33408
re: 13854 Cocoanut Ave
28-43-41-28-10-013-0060

Mr. & Mrs. John Mc Guire
1675 Park St
N Palm Bch FL 33408
re: 1675 Park St
28-43-41-28-10-013-0081

Mr. & Mrs. Glenn Black
13896 Cocoanut Ave
N Palm Bch FL 33408
re: 13896 Cocoanut Ave
28-43-41-28-10-013-0151

Ms. J Smith/S Mather
13786 Cocoanut Ave
N Palm Bch FL 33408
re: 13768 Cocoanut Ave
28-43-41-28-10-014-0110

Mr. Carl Masztal
1481 NW North River Dr
Miami FL 33125
re: 13782 Cocoanut Ave
28-43-41-28-10-014-0130

Mr. Alberto Santarelli II
13790 Cocoanut Ave
N Palm Bch FL 33408
re: 13790 Cocoanut Ave
28-43-41-28-10-014-0150

Ceravolo Construction LLC
7293 Buckley Rd
Syracuse NY 13212
re: 1676 Park St
28-43-41-28-10-014-0170

Mr. Mitchell Domin
1922 S Ocean Ln, 16
Ft Lauderdale FL 33316
re: 13797 Cocoanut Ave
28-43-41-28-10-015-0012

Laura/James/Robt Sunstone
201 N First St
Hampton VA 23664
re: vac Cocoanut Ave
28-43-41-28-10-015-0030

Ms. Vickie Deskin
6691 SE Raintree Ave
Stuart FL 34997
re: vac Cocoanut Ave
28-43-41-28-10-015-0040

Mr. Steven Kaplan
PO Box 14363
N Palm Bch FL 33408
re: vac Cocoanut Ave
28-43-41-28-10-015-0060

Amer Shelter/P Marshall Corp
13760 150th Ct N
Jupiter FL 33478
re: vac Cocoanut Ave
28-43-41-28-10-015-0070

Mr. Jared Thomas
13757 Cocoanut Ave
N Palm Bch FL 33408
re: 13757 Cocoanut Ave
28-43-41-28-10-015-0081

Ms. Nicole Bouthillette
1704 Floral Dr
N Palm Bch FL 33408
re: 1704 Floral Dr
28-43-41-28-10-016-0010

Mr. & Mrs. Forrest Stickney
13867 Cocoanut Ave
N Palm Bch FL 33408
re: 13867 Cocoanut Ave
28-43-41-28-10-016-0022

Mr. Steven Kaplan
PO Box 14363
N Palm Bch FL 33408
re: vac Cocoanut Ave
28-43-41-28-10-016-0050

Mr. Jonathan Butler
13839 Cocoanut Ave
N Palm Bch FL 33408
re: 13839 Cocoanut Ave
28-43-41-28-10-016-0060

Ms. Gail Toti
13825 Cocoanut Ave
N Palm Bch FL 33408
re: 13825 Cocoanut Ave
28-43-41-28-10-016-0070

Ms. C Frasher/W Owen
45 Via Verona
Palm Bch Grdns FL 33418
re: 1705 Floral Dr
28-43-41-28-10-017-0010

Mr. & Mrs. William Weber
13896 Oleander Ave
N Palm Bch FL 33408
re: 13894 Oleander Ave
28-43-41-28-11-000-0010

Mr. & Mrs. Michael Shea
13878 Oleander Ave
N Palm Bch FL 33408
re: 13876 Oleander Ave
28-43-41-28-11-000-0020

Mr. & Mrs. Jesus Tejada
1679 Park St
N Palm Bch FL 33408
re: 1679 Park St
28-43-41-28-11-000-0050

Mr. & Mrs. Anthony Grimaldi
2097 Pleasant Dr
N Palm Bch FL 33408
re: 13857 Oleander Ave
28-43-41-28-11-000-0060

Mr. & Mrs. Carl Masztal
1481 NW North River Dr
Miami FL 33125
re: 13871 Oleander Ave
28-43-41-28-11-000-0070

S Anwar/K Zackria
15111 Elk Run Rd
Chantilly VA 20151
re: 13883 Oleander Ave
28-43-41-28-11-000-0080

Mr. Mark Johnson
300 Toney Penna Dr #10
Jupiter FL 33458
re: vac Oleander Ave
28-43-41-28-11-000-0090

Ms. Anastasia Terzis
1513 Ocean Dunes Cir
Jupiter FL 33477
re: 13753 Oleander Ave
28-43-41-28-12-000-0050

Juno Bch Bungalows Inc
9436 SE River Terr
Tequesta FL 33469
re: 13767 Oleander Ave
28-43-41-28-12-000-0060

RMBJ LLC
13779 Oleander Ave
N Palm Bch FL 33408
re: 13779 Oleander Ave
28-43-41-28-12-000-0070

J+D Acquisitions LLC
2318 Bay Village Ct
Palm Bch Grdns FL 33410
re: 13791 Oleander Ave
28-43-41-28-12-000-0080

Ms. Susan Gornall
13805 Oleander Ave
N Palm Bch FL 33408
re: 13805 Oleander Ave
28-43-41-28-12-000-0090

New Oak Props LLC
5270 Desert Vixen Rd
Palm Bch Grdns FL 33418
re: 1678 Park St
28-43-41-28-12-000-0100

Loxahatchee River District

Water Reclamation | Environmental Education | River Restoration

2500 Jupiter Park Drive, Jupiter, Florida 33458

Telephone (561) 747-5700 • Fax (561) 747-9929 • www.loxahatcheeriver.org

D. Albrey Arrington, Ph.D., Executive Director



MEMORANDUM

TO: Governing Board

FROM: Kara Fraraccio, Director of Finance and Administration

DATE: January 10, 2020

SUBJECT: Election of Trustee

Loxahatchee River Environmental Control District Money Purchase Plan and Trust, the official name of the District's defined contribution retirement plan, is managed by an Administrative Committee. The Administrative Committee is comprised of the Chairman of the Governing Board (to be determined), the Executive Director (Albrey Arrington), the Director of Finance and Administration (Kara Fraraccio), an Employee Representative (Debra Henderson), and a Trustee. The Trustee is defined as "a member of the (District's) Governing Board who is elected annually from among the members of the Governing Board."

The Board needs to elect a Board Member to serve as Trustee for 2020. Mr. Silverman is willing to serve as Trustee.

Therefore, I recommend consideration of the following Motion:

"THAT THE GOVERNING BOARD elects Harvey Silverman to serve as Trustee for the Loxahatchee River Environmental Control District Money Purchase Plan and Trust."

J:\BOARD\TrusteeDesignation2020.docx

Gordon M. Boggie
Board Member

Stephen B. Rockoff
Board Member

Dr. Matt H. Rostock
Chairman

Harvey M. Silverman
Board Member

James D. Snyder
Board Member

Fixed Asset Disposal

No Fixed Assets are presented for Disposal this month.

Change Orders

***No Change Orders are presented for
Board consideration this month.***

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2500 Jupiter Park Drive, Jupiter, Florida 33458

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D. Albrey Arrington, Ph.D., Executive Director



MEMORANDUM

To: Governing Board

From: D. Albrey Arrington, Ph.D., Executive Director

Date: January 10, 2020

Subject: Board Appointments and Liaisons

The attached chart shows liaison positions held by Governing Board members. Blue and yellow blocks designate external organizations with which the District interacts, while purple blocks represent internal departments and activities of the District.

I encourage a discussion among Board Members regarding the appointments and liaisons shown in the attached chart. Following your discussion and any potential revisions you may implement, I suggest you enact the following motion:

“THAT THE GOVERNING BOARD adopt the chart of Governing Board appointments and liaisons for the 2020 calendar year.”

Signed,

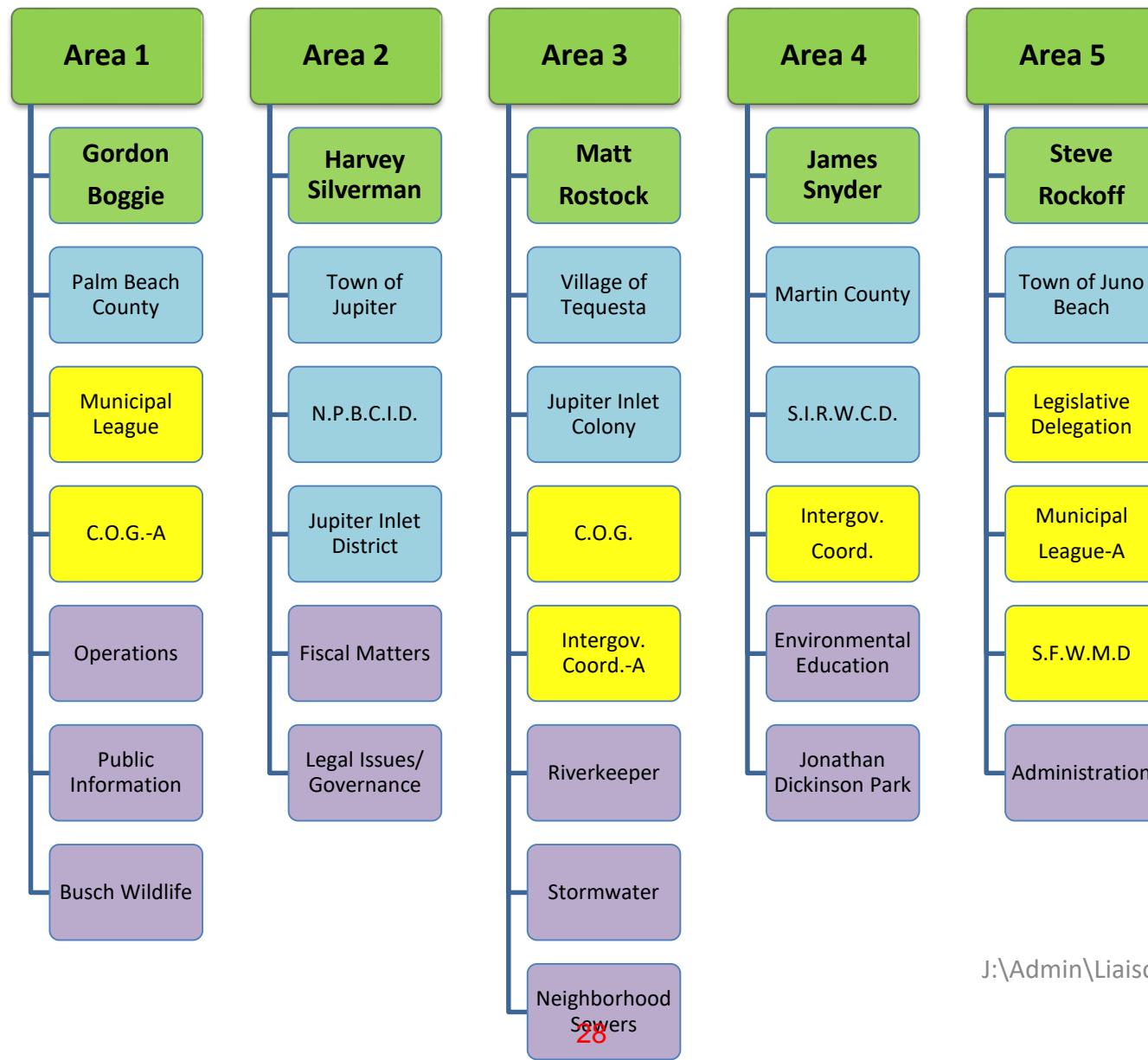
A handwritten signature in blue ink, appearing to read "D. Albrey Arrington".

D. Albrey Arrington
Executive Director

Admin/Board/LiaisonMemo

GOVERNING BOARD

APPOINTMENTS & LIAISONS - 2020



Loxahatchee River District

Water Reclamation | Environmental Education | River Restoration

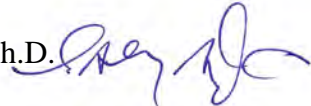
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D. Albrey Arrington, Ph.D., Executive Director

MEMORANDUM

TO: GOVERNING BOARD
FROM: D. ALBREY ARRINGTON, Ph.D. 
DATE: JANUARY 10, 2020
SUBJECT: PROPOSED REVISIONS TO CHAPTER 31-13 REGULATION OF SEWER USE

The District's Chapter 31-13 Regulation of Sewer Use Rule is commonly referred to as our "Sewer Use Ordinance" or our "Industrial Pretreatment Ordinance" by regulatory agencies such as EPA and DEP. We last revised Chapter 31-13 in 2011. Last month, we brought a comprehensive revision of Chapter 31-13 Regulation of Sewer Use for your review. Suggested revisions are in specific accord with EPA's Model Pretreatment Ordinance and DEP's Model Pretreatment Ordinance.

The two most substantive revisions to Chapter 31-13 are incorporation of

1. EPA's Resource Conservation and Recovery Act Hazardous Waste Pharmaceuticals Final Rule (40 CFR section 266.505; effective February 22, 2019) that prohibits flushing or pouring down the drain of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors; and
2. EPA's Dental Amalgam Rule (i.e., The Effluent Limitations Guidelines and Standards for the Dental Category; 40 CFR Part 441). This EPA rule was incorporated into state statute by reference (i.e., 62-625.110(3) FAC) on May 23, 2018.

While these Federal statutes have not yet been incorporated into the State of Florida Model Pretreatment Ordinance, given the timing and importance of these new regulations, we have revised Chapter 31-13 to comport with these Federal Statutes promulgated by EPA. Prohibitions of flushing hazardous waste pharmaceuticals are addressed in Section 1.4 Definitions and Section 2.1 Prohibited Discharge Standards. The Dental Amalgam Rule requirements are addressed in Section 1.4 Definitions and Section 3.3 Dental Facilities that Remove or Place Amalgam Fillings. Additional sections were revised to improve overall clarity, to provide reference to Chapter 119 F.S. (public records requirements), and to improve conformity with the State of Florida Model Pretreatment Ordinance.

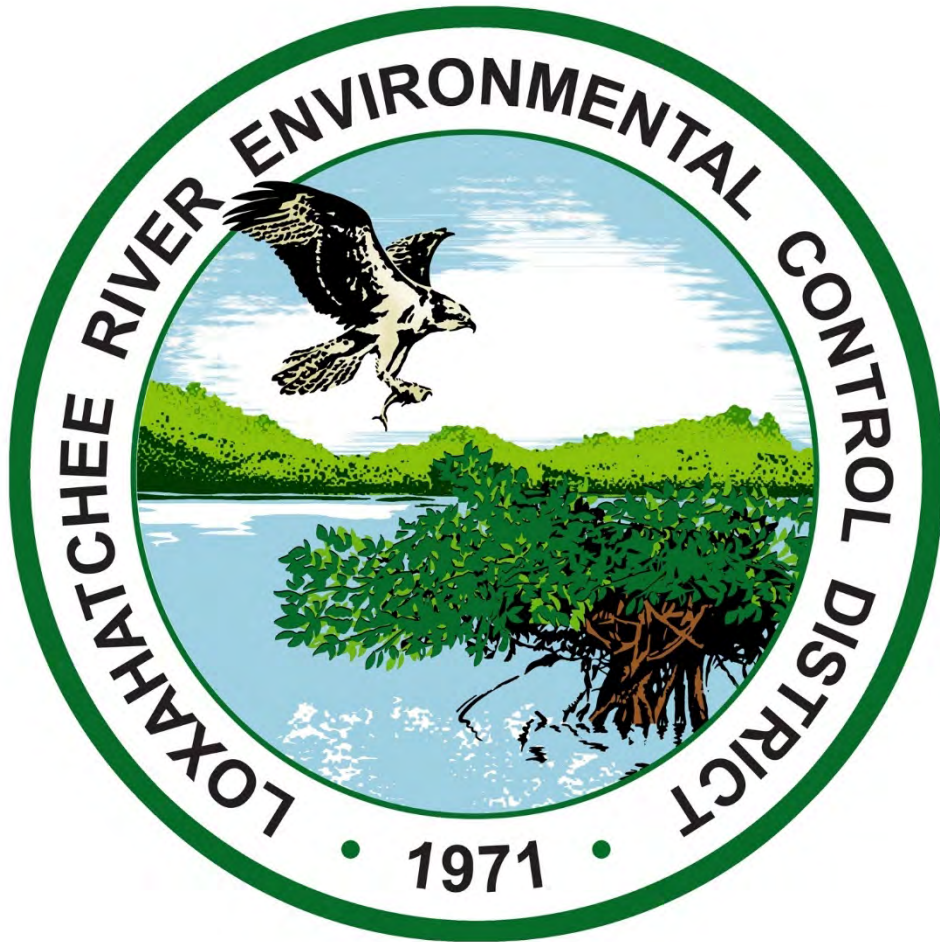
Deveyand Dave, LRD's Industrial Pretreatment Coordinator, has spent a considerable amount of time communicating with DEP regarding our proposed revisions of Chapter 31-13. Deveyand has provided our proposed revisions to Chapter 31-13 to DEP, but we have not yet received their feedback. We hope to have their input before your meeting. In addition, last month Deveyand mailed specific and direct communications to all known or suspected dental offices in our service area addressing EPA's new dental amalgam requirements.

This month we are seeking Board approval of the revised Chapter 31-13; therefore, staff request your consideration of the following motion:

"THAT THE DISTRICT GOVERNING BOARD approve the revisions to Rule Chapter 31-13 as presented."

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

CHAPTER 31-13 REGULATION OF SEWER USE



2500 Jupiter Park Drive
Jupiter, Florida 33458
Palm Beach County
Latitude: 26° 55' 27.32" N Longitude: 80° 08' 22.91" W

TABLE OF CONTENTS

SECTION 1 - GENERAL PROVISIONS	5
<u>1.1. Purpose and Policy.....</u>	<u>5</u>
<u>1.2 Administration</u>	<u>5</u>
<u>1.3 Abbreviations.....</u>	<u>6</u>
<u>1.4 Definitions.....</u>	<u>7</u>
SECTION 2 - GENERAL SEWER USE REQUIREMENTS.....	16
<u>2.1 Prohibited Discharge Standards.....</u>	<u>16</u>
<u>2.2 National Categorical Pretreatment Standards.....</u>	<u>18</u>
<u>2.3 State Requirements</u>	<u>18</u>
<u>2.4 Local Limits.....</u>	<u>18</u>
<u>2.5 District’s Right of Revision</u>	<u>19</u>
<u>2.6 Dilution.....</u>	<u>20</u>
SECTION 3—PRETREATMENT OF WASTEWATER.....	20
<u>3.1 Pretreatment Facilities.....</u>	<u>20</u>
<u>3.2 Additional Pretreatment Measures</u>	<u>20</u>
<u>3.3 Dental Facilities that Remove or Place Amalgam Fillings</u>	<u>21</u>
<u>3.4 Accidental Discharge / Slug Discharge Control Plans</u>	<u>23</u>
<u>3.4 Hauled Wastewater</u>	<u>24</u>
SECTION 4 – INDIVIDUAL WASTEWATER DISCHARGE PERMITS.....	24
<u>4.1 Wastewater Analysis.....</u>	<u>24</u>
<u>4.2 Individual Wastewater Discharge Permit Requirement</u>	<u>25</u>
<u>4.3 Individual Wastewater Discharge Permitting: Existing Connections.....</u>	<u>25</u>
<u>4.4 Individual Wastewater Discharge Permitting: New Connections.....</u>	<u>25</u>
<u>4.5 Individual Wastewater Discharge Permit Application Contents</u>	<u>25</u>
<u>4.6 Application Signatories and Certifications.....</u>	<u>27</u>
<u>4.7 Individual Wastewater Discharge Permit Decisions</u>	<u>27</u>
SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE.....	27
<u>5.1 Individual Wastewater Discharge Permit Duration</u>	<u>27</u>
<u>5.2 Individual Wastewater Discharge Permit Contents.....</u>	<u>28</u>
<u>5.3 Individual Wastewater Discharge Permit Appeals.....</u>	<u>29</u>

5.4 Individual Wastewater Discharge Permit Modification.....	29
5.5 Individual Wastewater Discharge Permit Transfer	30
5.6 Individual Wastewater Discharge Permit Revocation	31
5.7 Individual Wastewater Discharge Permit Reissuance	31
5.8 Regulation of Waste Received from Other Jurisdictions	31
SECTION 6 - REPORTING REQUIREMENTS	33
6.1 Baseline Monitoring Reports	33
6.2 Compliance Schedule Progress Reports	34
6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline	35
6.4 Periodic Compliance Reports	35
6.5 Reports of Changed Conditions	38
6.6 Reports of Potential Problems	39
6.7 Reports from Unpermitted Users	39
6.8 Non-Compliance Reporting.....	39
6.9 Notification of the Discharge of Hazardous Waste	40
6.10 Analytical Requirements	40
6.11 Sample Collection	41
6.12 Date of Receipt of Reports.....	42
6.13 Record Keeping	43
6.14 Certification Statement.....	43
SECTION 7 - COMPLIANCE MONITORING	45
7.1 Right of Entry: Inspection and Sampling.....	45
7.2 Search Warrants	45
SECTION 8 - CONFIDENTIAL INFORMATION	46
SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE.....	46
SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES.....	47
10.1 Notification of Violation.....	47
10.2 Consent Orders	47
10.3 Show Cause Hearing	48
10.4 Compliance Orders	48
10.5 Cease and Desist Orders	48
10.6 Administrative Fines	49

<u>10.7 Emergency Suspensions.....</u>	<u>49</u>
<u>10.8 Termination of Discharge (Non-Emergency)</u>	<u>50</u>
<u>SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES</u>	<u>50</u>
<u>11.1 Injunctive Relief</u>	<u>50</u>
<u>11.2 Civil Penalties.....</u>	<u>50</u>
<u>11.3 Criminal Prosecution.....</u>	<u>51</u>
<u>11.4 Remedies Non-exclusive</u>	<u>52</u>
<u>SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS</u>	<u>52</u>
<u>12.1 Upset.....</u>	<u>52</u>
<u>12.2 Prohibited Discharge Standards</u>	<u>53</u>
<u>12.3 Bypass</u>	<u>53</u>
<u>SECTION 13 - MISCELLANEOUS PROVISIONS</u>	<u>55</u>
<u>13.1 Pretreatment Charges and Fees</u>	<u>55</u>
<u>13.2 Severability</u>	<u>55</u>
<u>13.3 Conflicts</u>	<u>55</u>
<u>SECTION 14 - EFFECTIVE DATE</u>	<u>55</u>

SECTION 1 - GENERAL PROVISIONS

1.1. Purpose and Policy

This Rule sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the area serviced by the Loxahatchee River Environmental Control District (DISTRICT, the District) and enables the District to comply with all applicable State and Federal laws, including (33 United States Code [U.S.C.] section 1251 et seq.), the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403 and Chapter 62-625 Florida Administrative Code [F.A.C.]. The objectives of this Rule are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW, including interference with its use or disposal of municipal biosolids [40 CFR 403.2(a)];
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- C. To ensure that the quality of the wastewater treatment plant biosolids is maintained at a level that allows its use and disposal in compliance with applicable statutes and regulations;
- D. To protect POTW personnel who may be affected by wastewater and biosolids in the course of their employment and to protect the general public; and
- E. To improve the opportunity to recycle and reclaim wastewater and biosolids from the POTW.
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- G. To enable the District to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, biosolids use, and disposal requirements, and any other Federal or State laws to which the wastewater treatment plant is subject.

This Rule shall apply to all Users of the POTW, and requires compliance with Chapter 62-625, F.A.C. of all such Users. The Rule authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the District Executive Director shall administer, implement, and enforce the provisions of this Rule. Any powers granted to or duties imposed upon the Executive Director may be delegated to other duly authorized District personnel. Whenever the Executive Director is authorized to take any action or make any decisions pursuant to the District's Rules, the District's duly

authorized representatives, agents and employee shall have similar authority in the Executive Director's stead.

It is anticipated this document will need periodic review and updating to keep current with changing regulations. However, the basic procedural information and methods of implementation should remain valid.

1.3 Abbreviations

The following abbreviations shall have the designated meanings:

- ASPP - Accidental Spill Prevention Plan
- BOD - Biochemical Oxygen Demand
- BMP – Baseline Monitoring Practice
- BMR – Baseline Monitoring Report
- CFR - Code of Federal Regulations
- CIU – Categorical Industrial User
- COD - Chemical Oxygen Demand
- DISTRICT - Loxahatchee River Environmental Control District
- EPA - U.S. Environmental Protection Agency
- F.A.C. – Florida Administrative Code
- FDEP – Florida Department of Environmental Protection
- F.S. – Florida Statutes
- GPD - gallons per day
- IU – Industrial User
- MDL – Method Detection Limit
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- NSCIU – Non-Significant Categorical Industrial User
- O&M - Operation and Maintenance
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classifications
- SIU – Significant Industrial User
- SWDA - Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- TRC – Technical Review Criteria
- TSS - Total Suspended Solids
- USC or U.S.C. - United States Code
- WWF – Wastewater Facility

1.4 Definitions

Except as discussed below, the general definitions set forth in the enabling legislation of the District, Chapter 71-822, Laws of Florida, as amended, and as set forth in chapter 31, Florida Administrative Code shall apply to this Rule. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Rule, shall have the meanings hereinafter designated.

1. 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.

2. Amalgam separator. a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

3. Amalgam waste. Non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

4. ANSI/ADA Standard No. 108. The American National Standards Institute and American Dentistry association standard for amalgam separators.

5. Applicable Pretreatment Standards. For any specified pollutant, District prohibitive standards, District specific pretreatment standards (local limits), State of Florida pretreatment standards, or EPA's Categorical Pretreatment Standards (when effective), whichever standard is appropriate or most stringent.

63. Approval Authority. Designated as the State of Florida (due to Florida having an EPA approved pretreatment program)

74. Authorized Representative of the User.

(1) If the User is a corporation:

(a) A president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively;

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

(4) The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

85. Best Management Practices (BMPs). means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsections 62-625.400(1)(a) and (2), F.A.C. BMP's include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

96. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° degrees Celsius, usually expressed as a concentration [milligrams per liter (mg/l)].

107. Bypass. The intentional diversion of wastewater streams from any portion of a User's treatment facility.

118. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

129. Chemical Oxygen Demand (COD). A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

1340. Categorical User (CU) or Categorical Industrial User (CIU). A User regulated by one of EPA's Categorical Pretreatment Standards

1444. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

1542. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

1643. Control Authority: The Loxahatchee River Environmental Control District (District).

1744. Cooling Water/Non-Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.

1845. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

1946. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

2047. Discharge. The introduction of pollutants or other material or substance into the POTW from any from any nondomestic source regulated under Chapter 403, F.S.

21. Domestic User (Residential User). Any person who contributes, causes, or allows the contribution of wastewater into the District POTW that is of a similar volume and/or chemical make-up to that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 100 gallons per capita per day, 0.17 pounds of BOD per capita per day, and 0.2 pounds of TSS per capita per day.

2248. Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency.

2349. Existing Source. Any source of discharge that is not a “New Source.”

2420. Existing User. Any non-categorical User which was discharging wastewater prior to the effective date of this Rule.

2524. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

2622. Hazardous Waste Pharmaceutical. A pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations (40 CFR) section 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C or is listed in 40 CFR part 261 subpart D.

27. Healthcare Facility. Any person that is lawfully authorized to:

(1) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or

(2) Distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health

clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

Healthcare facility does not include pharmaceutical manufacturers.

28. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source.

~~23. Wastewater Discharge Permit. An authorization or equivalent control document issued by the District to Users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this Rule.~~

2924. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

3025. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources, either:

(1) Inhibits or disrupts the POTW, its treatment processes or operations;

(2) Inhibits or disrupts its biosolids processes, use or disposal; or

(3) Is a cause of a violation of the District's NPDES permit or of the prevention of sewage biosolids use or disposal in compliance with any of the following statutory/ regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource

Conservation and Recovery Act (RCRA); any State regulations contained in any State biosolids management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

31. ISO 11143. The International Organization for Standardization's standard for amalgam separators.

3226. Local Limit(s). Specific discharge limit(s) developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in subsections 62-625.400(1)(a) and (2), F.A.C. Refer to Sections 2.1 A and B for a list of prohibitions.

3327. Medical Wastes. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

3428. Method Detection Limit. An estimate of the minimum amount of a substance that an analyte process can reliably detect. An MDL is analyte-specific and matrix-specific and is laboratory dependent.

35. Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

3629. Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

3730. New Source.

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307 of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous on-site construction program

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and

contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

3834. New User. A "new User" is a User that is not regulated under federal categorical pretreatment standards but that applies to the District for a new building permit or occupies an existing building and plans to commence discharge of wastewater to the District's collection system after the effective date of this Rule. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an "existing User" if no significant changes are made in the manufacturing operation.

3932. Non-contact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

40.- Non-significant categorical industrial User (NSCIU). Means an industrial User that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

- (a) Has consistently complied with all applicable categorical pretreatment standards and requirements;
- (b) Annually submits the certification statement required in subsection 62-625.600(17), F.A.C., together with any additional information necessary to support the certification statement; and
- (c) Never discharges any untreated categorical process wastewater.

4133. North American Industry Classification System (NAICS). Groups together and identifies establishments that use the same or similar processes to produce goods or services. Developed jointly by the U.S., Canada, and Mexico to provide comparable statistics about business activity across North America. NAICS has replaced and supersedes the U.S. Standard Industrial Classification (SIC) system.

NAICS		SIC	
2-digit	Sector	Division	Letter
3-digit	Subsector	Major Group	2-digit
4-digit	Industry Group	Industry Group	3-digit
5-digit	NAICS Industry	Industry	4-digit
6-digit	National	N/A	N/A

NAICS vs. SIC: Structure and Nomenclature

4234. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a

cause of a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of a violation).

4335. Permittee. A person or User issued a wastewater discharge permit.

4436. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, or local governmental entities.

4537. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

4638. Pharmaceutical. Any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by Title 21 of the Code of Federal Regulations part 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. Pharmaceutical does not include dental amalgam or sharps.

47. Plant Superintendent. The person designated by the District to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Rule. The term also means a Duly Authorized Representative of the District.

4839. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage biosolids, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, or odor].

4940. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

5041. Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.

5142. Pretreatment Standards or Standards. Prohibited discharge standards, categorical pretreatment standards, and local limits and/or BMPs established by the District/POTW.

5243. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances, which appear in Sections 2.1 (A) and (B) of this Rule.

5344. Publicly Owned Treatment Works (POTW). A "treatment works," as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the District.

5445. Removal. A reduction in the amount of a pollutant in the POTW's effluent or alteration of the nature of a pollutant during treatment at the POTW. The reduction or alteration can be obtained by physical, chemical, or biological means and may be the result of specifically designed POTW capabilities or may be incidental to the dilution of a pollutant in the POTW.

5546. Reverse Distributor. Any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

56. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

5747. Severe Property Damage. Substantial physical damage to property that causes the property to become inoperable, or substantial and permanent loss of natural resources. Severe property damage does not mean economic loss caused by delays in production.

58. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

5948. Sewer. Any pipe, conduit ditch, or other device used to collect and transport sewage from the generating source.

6049. Shall, May. "Shall" is mandatory, "may" is permissive.

6150. Significant Industrial User (SIU).

(1) A User subject to categorical pretreatment standards; or

(2) A User that:

(a) Discharges an average of 25,000 GPD or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a User meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from a User and in accordance with procedures in paragraph 62-625.500(2)(e), F.A.C. determine that such User should not be considered a significant industrial User.

~~6254.~~ Significant Non-Compliance ("SNC"). For the purposes of this provision, a User is in significant non-compliance if its violation meets the criteria specified in Section 9 of this Rule.

~~6352.~~ Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in Section 2.1 through 2.4 of this Rule or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

~~6453.~~ Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

~~6554.~~ State. The State of Florida or an agency within the state government having relevant jurisdiction.

~~66.~~ Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

~~6755.~~ Total Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

~~6856.~~ Treatment Plant Effluent. The discharge from the POTW into waters of the United States.

~~6957.~~ Upset. An exceptional incident in which there is unintentional and temporary non-compliance with applicable Pretreatment Standards because of factors beyond the reasonable control of the User.

~~70.~~ User or Industrial User (IU). A source of ~~indirect~~ discharge.

~~7158.~~ Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

~~7223.~~ Wastewater Discharge Permit. An authorization or equivalent control document issued by the District to Users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this Rule.

~~7359.~~ Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

A. General Prohibitions: No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

B. Specific Prohibitions: No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flash point of less than 140° F (60° C) using the test methods specified in 62-730, F.A.C;

(2) Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference; such as, but not limited to, ashes, bones, cinders, sand, mud, grass clippings, straw, spent grains, spent lime, stone or marble dusts, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, hide or fleshings, entrails and paper dishes, cups, milk containers, either whole or ground garbage grinders, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, or glass grinding or polishing wastes.

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Pass Through or Interference with the POTW;

(5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C);

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Any trucked or hauled pollutants, except at discharge points designated by the District in accordance with section 3.4 of this Rule. All industrial or septic waste haulers shall

have a discharge permit issued by the Palm Beach County Health Unit or Martin County Health Unit. No hauled load may be discharged without prior written consent from the District. Samples may be collected from each load to ensure compliance with applicable standards. The hauler may be required to provide waste analysis of any load prior to discharge. The hauler must provide a waste tracking form for every load. The form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, volume and characteristics of waste. This form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are Resource Conservation and Recovery Act (RCRA) hazardous wastes.

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or health, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the District's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the District;

(13) Any sludge, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;

(14) Medical wastes, except as specifically authorized by the District;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100.0 mg/l;

(18) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.

(19) Any hazardous wastes as defined in rules published by the State of Florida or in 62-730, F.A.C.

(20) Any hazardous waste pharmaceutical from a healthcare facility or reverse distributor.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the District may impose equivalent concentration or mass limits in accordance with requirements specified in subsection 62-625.410(4), F.A.C..

B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the District may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Users, in accordance with requirements specified in subsection 62-625.410(4), F.A.C..

C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the District shall impose an alternate limit in accordance with 62-625.410(6), F.A.C.

2.3 State Requirements

State requirements and limitations on discharges to the POTW shall be met by all Users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this Rule or in other applicable Rules, regulations or ordinances.

2.4 Local Limits

A. The District is authorized to establish Local Limits pursuant to 62-625.411(3) F.A.C.

(1) No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants which have been established for the Loxahatchee River District's POTW using standard procedures, calculations and methods acceptable to FDEP to protect against pass through, interference, protection of POTW employees, and adverse effects on wastewater residuals disposal. No User shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth by the District. Local limits shall be included as permit conditions and attached to each SIU wastewater permit issued.

(2) Established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, POTW operation, performance and processes, the User base, potable water quality and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 days from notice of acceptance of the modified limits by FDEP. Permitted SIUs shall also be issued an addendum to their wastewater discharge permit containing the new local limits.

B. The following pollutant limits are established to protect against Pass Through and Interference. No User shall discharge wastewater containing in excess of the following Instantaneous Limits:

0.24 mg/l arsenic
400 mg/l BOD5
0.18 mg/l cadmium
2.67 mg/l chromium
16.3 mg/l copper
0.64 mg/l cyanide
3.30 mg/l lead
0.41 mg/l mercury
0.27 mg/l molybdenum
1.94 mg/l nickel
0.34 mg/l selenium
4.44 mg/l silver
1.66 mg/l zinc
400 mg/l total suspended solids
100 mg/l Fats, oils and grease
< 5.5 pH
> 9.5 pH
150° F Temperature

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The District may impose mass limitations in addition to the concentration--based limitations above. Where a User is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

C. The District may develop Best Management Practices (BMPs), by rule or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 2.1.

2.5 District's Right of Revision

The District reserves the right to establish, by Rule or in industrial wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this Rule.

2.6 Dilution

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 an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The District may impose mass limitations on Users which it believes may be using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

SECTION 3—PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide necessary wastewater treatment as necessary to comply with this Rule and shall achieve compliance with all applicable Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this Rule within the time limitations specified by the EPA, the State of Florida, or the District, whichever is more stringent. Any facilities necessary for compliance 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 District for review and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying such facilities as necessary to produce discharge acceptable to the District under the provisions of this Rule.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the District may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Rule.

B. The District may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the District Engineer and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at the User's expense. 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 District. Any removal and hauling of the collected materials not performed by the owner must be performed by licensed waste disposal firms.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

E. When a property's discharge may be injurious to the District's systems or may violate the Rules of the District, the owner of any property serviced by a building sewer carrying wastes shall, at the request of the District, install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the District. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

F. The District may require a User or an owner of sewer services to provide access for inspection of the User's or owner's records and making copies thereof, and to provide information needed to determine compliance with this Rule. These requirements may include:

- (1~~a~~) Wastewaters discharge peak rate and volume over a specified time period;
- (b~~2~~) Chemical analyses of Wastewaters;
- (e~~3~~) Information on raw materials, processes, and products affecting wastewater volume and quality;
- (4~~d~~) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
- (5~~e~~) A plot plan of sewers on the User's or owner's property showing sewer and pretreatment facility location;
- (6~~f~~) Details of wastewater pretreatment facilities;
- (7~~g~~) Details of systems to prevent and control the losses of materials through spills to any District sewer.

3.3 Dental Facilities that Remove or Place Amalgam Fillings

A. All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:

- (1) For dental facilities whose first discharge to the POTW occurred on or before January 16, 2020 the One-Time Compliance Report is due no later than October 12, 2020 or no later than 90 days after transfer of ownership.
- (2) For dental facilities whose first discharge to the POTW occurred after January 16, 2020, the One-Time Compliance Report is due within 90 days of the start of discharge to the sewer collection system.
- (3) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.
- (4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions and shall maintain training records that shall be available for inspection by the District during normal business hours.

- (5) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
- (6) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
- (7) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

B. All owners and operators of dental vacuum suction systems, except as set forth in subsections (d) and (e) of this section, shall comply with the following:

- (1) An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system on or before July 14, 2020; provided, however, that all dental facilities that are newly constructed on and after the effective date of this Rule shall include an installed ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator device. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.
- (2) Proof of certification and installation records shall be submitted to the District within 30 days of installation.
- (3) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request therefor by the District during normal business hours. Records shall be maintained for a minimum of three years.

C. Facilities with vacuum suction systems that meet all the following conditions may apply to the District for an exemption to the requirements of subsection (c) of this section:

- (1) The system is a dry vacuum pump system with an air-water separator.
- (2) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
- (3) Evidence of regular pump outs by a licensed hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the District during normal business hours.
- (4) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An owner or operator whose facility meets conditions (1) through (4) may apply for this exemption by written letter to the District. The District will review the system and, if the exemption is approved, shall provide a written letter of exemption.

An exemption obtained pursuant to this subsection (d) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection (c) of this section before commencing further operation.

D. Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this section: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.

E. Dental practices that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, are exempt from the requirements of this part, provided the dental practice:

(1) Submits the following statement to the District, signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline identified in Section 3.3A:

“This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(2) Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances, less than 48 times per year and as no more than 5% of dental procedures; and

(3) The dental practice notifies the District of any changes affecting the applicability of this certification.

F. Disposal of hauled wastewater from dental facilities to the sanitary sewer must be in accordance with Section 2 General Sewer Use Requirements and Section 3.4 Hauled Wastewater and may be subject to industrial Pretreatment Requirements.

G. Dental dischargers that fail to comply with this section will be considered significant industrial users, and will be subject to the requirements herein, including Section 6 Reporting Requirements, Section 7 Compliance Monitoring, Section 10 Administrative Enforcement Remedies, and/or Section 11 Judicial Enforcement Remedies.

3.4 Accidental Discharge / Slug Discharge Control Plans

The District shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The District may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the District may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

A. Description of discharge practices, including non-routine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the District of any accidental or Slug Discharge, as required by Section 4.5 of this Rule; and

D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

Hauled industrial waste may not be introduced to the POTW.

Septic tank waste may be introduced into the POTW only at a designated receiving structure within the treatment plant area, and at such times as are established by the District. Such wastes shall not violate Section 2 of this Rule or any other requirements established or adopted by the District. Discharge permits for individual vehicles to use such facilities are required and shall be issued by the Plant Superintendent.

A. Septic tank waste haulers may only discharge loads at locations specifically designated by the District. No load may be discharged without prior consent of the Plant Superintendent. The on-duty Operator shall collect samples of each hauled load to ensure compliance with applicable pretreatment standards. The District may require the hauler to provide a waste analysis of any load prior to discharge.

B. Septic tank waste haulers will be provided, by the Plant Superintendent, with a waste tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste, and volume and characteristics of waste.

C. Fees for dumping hauled wastes are established as part of the District's Chapter 31-10 Schedule of Rates, Fees, and Charges.

SECTION 4 – INDIVIDUAL WASTEWATER DISCHARGE PERMITS

4.1 Wastewater Analysis

When requested by the District, a User must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Plant Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 Individual Wastewater Discharge Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the District, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this Rule may continue to discharge for the time period specified therein.

B. The District may require other Users, including liquid waste haulers, to obtain individual wastewater discharge permits as necessary to carry out the purposes of this Rule.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this Rule and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this Rule. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Rule and that wishes to continue such discharges in the future shall, within forty-five (45) days after notification by the District, submit a permit application to the District in accordance with Section 4.5 of this Rule and shall not cause or allow discharges to the POTW to continue after ninety (90) days after the effective date of this Rule except in accordance with an individual wastewater discharge permit issued by the District.

4.4 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 4.5 of this Rule, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The District uses the State of Florida, Individual Industrial User Survey Application, from its Pretreatment Guidance Manual as a permit application. Categorical Users submitting the following information shall have complied with subsection 62-625.600(1), F.A.C. The District may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.
- b. Contact information, description of activities, facilities, and plant production processes on the premises;

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Type and amount of raw materials processed (average and maximum per day);
- e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C (62-625.410(6), F.A.C.).

(7) Measurement of Pollutants.

- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District, of regulated pollutants in the discharge from each regulated process.
- c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
- d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this Rule. Where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with procedures set out in Section 6.11 of this Rule.

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4 B [62-625.600(4)(c)1, F.A.C.].

(9). Any other information as may be deemed necessary by the District to evaluate the permit application.

Incomplete or inaccurate applications will not be process and will be returned to the User for revision.

4.6 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.14 A.

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the District prior to or together with any reports to be signed by an Authorized Representative.

C. A facility determined to be a Non-Significant Categorical Industrial User by the District pursuant to Section 1.4 (32) must annually submit the signed certification statement in Section 6.14 B [Note: See 62-625.200(25)(c), F.A.C.].

4.7 Individual Wastewater Discharge Permit Decisions

The District will evaluate the data furnished by the User and may require additional information. Within forty-five (45) days of receipt of a complete individual wastewater discharge permit application, the District will determine whether or not to issue a discharge permit. The District may deny any application for any individual wastewater discharge permit.

SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

5.1 Individual Wastewater Discharge Permit Duration

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the District. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the District to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW.

A. Industrial wastewater discharge permits must contain:

- (1). A statement that indicates the wastewater discharge permit issuance date, effective date, and expiration date ~~and effective date~~ (in no case more than 5 years);
- (2). A statement that the wastewater discharge permit is non-transferable without prior notification to the District in accordance with Section 5.5 of this Rule, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3). Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4). Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on the applicable general pretreatment standards in Section 6.11 and chapter 62-625.500(2)(a)(2)(d), F.A.C., categorical pretreatment standards, local limits, and State and Local laws and;
- (5). The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4B.
- (6). A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (7). Requirements to control Slug Discharge, if determined by the District to be necessary.
- (8). Any grant of the monitoring waiver by the District must be included as a condition in the User's permit (Section 6.4B).

B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1). Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

- (2). Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3). Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4). Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5). The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6). Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7). A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
- (8). Other conditions as deemed appropriate by the District to ensure compliance with this Rule, and State and Federal laws, rules, and regulations.

5.3 Individual Wastewater Discharge Permit Appeals

Any person wishing to appeal a decision of the District may do so to the District's Governing Board.

5.4 Individual Wastewater Discharge Permit Modification

User requests for permit modifications shall be made in writing and include the facts or reasons which support the request. When modifying a permit, the District shall allow a reasonable time frame for the User to comply with the new or changed conditions if the User cannot meet them at the time of modification and if permitted by law. If the new or changed conditions are the result of new or changed pretreatment regulations, those regulations will stipulate the compliance period. The filing of a request by the permittee for an industrial wastewater discharge permit modification does not stay any wastewater discharge permit condition.

The District may modify an individual wastewater discharge permit for good cause including, but not limited to, the following:

- A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the District's POTW, personnel, beneficial reuse of biosolids or reclaimed water, or the receiving waters;
- E. Violation of any terms or conditions of the individual wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report;
- G. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to rule 62-625.700, F.A.C.;
- H. To correct typographical or other errors in the wastewater discharge permit;
- I. To reflect a transfer of the facility ownership and/or operation to a new owner or operator where requested in accordance with Section 5.5; or
- J. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

5.5 Individual Wastewater Discharge Permit Transfer

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least ninety (90) days advance notice to the District and the District approves the individual wastewater discharge permit transfer. The notice to the District must include a written certification by the new owner and/or operator that:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.

5.6 Individual Wastewater Discharge Permit Revocation

The District may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the District of significant changes to the wastewater prior to a changed discharge;
- B. Failure to provide prior notification to the District of changed conditions pursuant to Section 6.5 of this Rule;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the District timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this Rule.

5.7 Individual Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for an individual wastewater discharge permit reissuance by submitting a completed individual wastewater discharge permit application, in accordance with Section 4.5 of this Rule, a minimum of ninety (90) days prior to the expiration of the User's existing industrial wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

The District must ensure that discharges received from entities outside its jurisdictional boundaries are regulated to the same extent as are discharges from within its jurisdictional boundaries.

A. If another Special District or municipality, or User located within another Special District or municipality, contributes wastewater to the POTW, the District Governing Board shall authorize execution of an interlocal agreement with the contributing Special District or municipality.

B. Prior to entering into an agreement required by paragraph A, above, the District shall request the following information from the contributing Special District or municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing Special District or municipality;
- (2) An inventory of all Users located within the contributing Special District or municipality that are discharging to the POTW; and
- (3) Such other information as the District may deem necessary.

C. An interlocal agreement, as required by paragraph A, above, shall contain the following conditions:

- (1) A requirement for the contributing Special District or municipality to adopt a sewer use ordinance which is at least as stringent as this Rule and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this Rule. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the District's Rule or Local Limits;
- (2) A requirement for the contributing Special District or municipality to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing Special District or municipality; which of these activities will be conducted by the District; and which of these activities will be conducted jointly by the contributing Special District or municipality and the District;
- (4) A requirement for the contributing Special District or municipality to provide the District with access to all information that the contributing Special District or municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing Special District or municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing Special District or municipality's discharge;

(7) A provision ensuring the District access to the facilities of Users located within the contributing Special District or municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the District; and

(8) A provision specifying remedies available for breach of the terms of the interlocal agreement.

Nothing in this section shall impair existing Interlocal Agreements.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

Users that become subject to new or revised categorical Pretreatment Standards are required to comply with following reporting requirements even if they have been designated as Non-Significant Categorical Industrial Users.

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 62-625.410(2)(d), F.A.C., whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the District, a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the District a report which contains the information listed in paragraph B, below. ~~Each~~A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. ~~Each~~A New Source ~~also~~ shall give estimates of the information requested in Section B (below) of this Rule~~its anticipated flow and quantity of pollutants to be discharged.~~

B. Users described above shall submit the information set forth below.

(1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6).

(2) Measurement of pollutants.

a. The User shall provide the information required in Section 4.5 A (7) (a) through (d).

b. The User shall take a minimum of four representative samples to compile that data necessary to comply with the requirements of this paragraph.

c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no

pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 62-625.410(6) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 62-625.410(6) this adjusted limit along with supporting data shall be submitted to the Control Authority;

d. Sampling and analysis shall be performed in accordance with Section 6.11;

e. The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4(4) and certified by a qualified professional, indicating whether 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 to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. 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 and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this Rule.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this Rule and signed by an Authorized Representative as defined in Section 1.4(4).

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this Rule.

A. 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

B. No increment referred to in paragraph (A) of this section shall exceed nine (9) months.

C. The User shall submit a progress report to the District no later than fourteen (14) days following each date in the schedule and the final date for compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for delay, and, if appropriate, the steps being taken by the User to return to the established schedule.

D. In no event shall more than 9 months elapse between such progress reports.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the District, a report containing the information described in Section 4.5A(6) and (7) and 6.1(B)(2) of this Rule.

For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Sections 4.5 and 6.1(2)(b), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14(A) of this Rule. All sampling will be done in conformance with Section 6.11 of this Rule.

6.4 Periodic Compliance Reports for Categorical Industrial Users

All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User.

A. Any CIU, except an NSCIU, after the compliance date of such pretreatment standard, or, in the case of a new source, after the commencement of the discharge into the POTW, shall submit to the District during the months of June and December, unless required more frequently in the pretreatment standard or by the District in accordance with section 6.4 D of this Rule, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in section 6.1 B(4) of this Rule. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation required by the District or the pretreatment standard necessary to determine the compliance status of the IU. The IU may request submission of this report in months other than June and December, if based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions. All Significant Industrial Users must, at a frequency determined by the District submit no less than twice per year (June and December)

~~reports indicating that nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard required compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the User.~~

B. The District may authorize a CIU to waive sampling of a pollutant regulated by a categorical pretreatment standard if the CIU demonstrates the following through sampling and other technical factors: an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User.

(1) The pollutant is neither present nor expected to be present in the discharge, or the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the CIU; and

(2) The pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

C. This authorization of the monitoring waiver is subject to the following conditions and does not supersede certification processes and requirements established in categorical pretreatment standards, except as specified in the categorical pretreatment standard is subject to the following conditions:

~~(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.~~

(12) The monitoring waiver is valid only for the duration for the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The CIU~~ser~~ must submit a new request for the waiver before the waiver can be granted for each subsequent wastewater discharge permit.

(23) In making a demonstration that a pollutant is not present, the ~~Industrial User~~CIU must provide data from at least four samplings of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. -Non-detectable sample results may only be used as a demonstration that a pollutant is not present if FDEP's approved method from Rule 62-4.246, F.A.C., with the lowest MDL for that pollutant was used in the analysis;

(34) The request for a monitoring waiver must be signed in accordance with Section 1.4(4) and include the certification statement in Section 6.14A.

~~(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.~~

~~(46) The authorization must be included as a condition in the CIU's permit. Any grant of the monitoring waiver by the District must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User-CIU in its request for the waiver must be maintained by the District for 3 years after expiration of the waiver.~~

~~(57) Upon approval of the monitoring waiver and revision of the CIU's individual wastewater discharge permit by the District, the CIU-Industrial User must certify each report with the statement in Section 6.14(C) above of this Rule, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.~~

~~(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the CIU's operations, the CIU must immediately notify the District and comply: Comply with the monitoring requirements of Section 6.4A2 of this rule above or other more frequent monitoring requirements imposed by the District, and notify the District.~~

~~(9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.~~

~~D.C.~~ All periodic compliance reports must be signed and certified in accordance with Section 6.14A of this Rule and signed by an authorized representative of the user as defined in section 1.4 C.

~~E.D.~~ CIU's must notify the District immediately of any changes at its facility causing it to no longer meet the conditions of section 6.4 D(1) and (2) of this Rule. Upon notification, the CIU must immediately begin complying with the minimum reporting required in section 6.4 A of this Rule. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

F. Sampling and analysis shall be performed in accordance with sections 6.11 and 6.12 of this Rule.

G. For this report, the IU will be required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Pretreatment Requirements.

~~H.E.~~ —If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using

the procedures prescribed in Section 6.11 of this Rule, the results of this monitoring shall be included in the report.

6.5 Periodic Compliance Reports for Industrial Users Not Subject to Categorical Pretreatment Standards

A. Industrial users with discharges that are not subject to categorical pretreatment standards shall submit to the District during the months of June and December, unless required more frequently in the pretreatment standard or by the District in accordance with section 6.4 D of this Rule, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in section 6.1 B(4) of this Rule. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation required by the District or the pretreatment standard necessary to determine the compliance status of the IU. The IU may request submission of this report in months other than June and December, if based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions.

B. All periodic compliance reports must be certified in accordance with section 6.15 A of this Rule and signed by an authorized representative of the user as defined in section 1.4 C.

C. Sampling and analysis shall be performed in accordance with sections 6.11 and 6.12 of this Rule.

D. For this report, the IU will be required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

E. If an IU subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the procedures prescribed in section 6.12 of this Rule, the results of this monitoring shall be included in the report.

6.6 Reports of Changed Conditions

Each User must notify the District of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change (62-625.600(9), F.A.C.).

A. The District may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this Rule.

B. The District may issue an individual wastewater discharge permit under Section 5.7 (Permit Reissuance) of this Rule or modify an existing wastewater discharge permit under Section 5.4 (Permit Modification) of this Rule in response to changed conditions or anticipated changed conditions.

6.76 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the District of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

B. Within five (5) days following such discharge, the User shall, unless waived by the District, submit a detailed written report describing the cause(s) 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 might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Rule.

C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. ~~All Significant Industrial~~ Users are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.87 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the District as the District may require.

6.98 ~~Non-Compliance~~ Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User shall notify the District within 24 hours of becoming aware of the violation. The User shall also repeat the sampling ~~and analysis within 5 days~~ and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation. Where the District has performed the sampling and analysis in lieu of the ~~Industrial~~ User, the District ~~must will~~ perform the repeat sampling and analysis unless ~~it notifies~~ the User ~~is notified of the violation~~ and ~~requires the User~~ to perform the repeat analysis. Re-sampling is not required if ~~the~~:

~~A. The~~ District performs sampling at the Industrial User at a frequency of at least once per month,
or

~~B. The~~ District performs sampling at the User's sampling location between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling.

6.109 Notification of the Discharge of Hazardous Waste

A. Discharge of hazardous waste, as defined in rules published by the State of Florida or in 62-730, F.A.C., to the POTW is prohibited. The discharge of hazardous waste to the POTW shall be considered a violation of this rule.

B. Users shall notify the District and FDEP's hazardous waste and pretreatment authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under Chapter 62-730, F.A.C. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the WWF, the notification shall also contain the following information to the extent such information is known and readily available to the IU: (1) An identification of the hazardous constituents contained in the wastes, (2) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and (3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. Users shall provide notification no later than thirty (30) days after the discharge of the listed or characteristic hazardous waste. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 62-730, F.A.C.. Such notification must include the name of the hazardous waste as set forth in 62-730, F.A.C., the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). All notifications must take place no later than twenty-four (24) hours after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 (Reports of Changed Conditions) of this Rule. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3 and 6.4 of this Rule.

C. In the case of any new FDEP regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the IU must notify the District, the FDEP's hazardous waste and pretreatment authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this section, the IU shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Rule, a permit issued thereunder, or any applicable Federal or State law.

6.1140 Analytical Requirements

Analytical tests All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, as of July 1, 2009, hereby adopted and incorporated by reference and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If a test for a specific component is not listed in 40 CFR Part 136, or if the test procedure has been determined to be inappropriate for the analyte in question (e.g., insufficient sensitivity) the laboratory, with the approval of the IU and the District, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C. If a sampling procedure is not available or none of the approved procedures are appropriate for collecting the samples, the sampling organization, with the approval of the IU and the District, shall identify and propose a method for use in accordance with Rule 62-160.220, F.A.C. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other parties approved by EPA.

6.1211 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate quarterly sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the quarterly reporting period.

A. Except in the case of NSCIUs, the reports required in section 6.1, 6.3, 6.4, and 6.5 of this ordinance 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 District, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the District in lieu of the IU. Where the District performs the required sampling and analysis in lieu of the IU, the IU is not required to submit the compliance certification required in section 6.1, 6.3, 6.4 and 6.5 of this ordinance. In addition, where the District collects all the information required for the report, including flow data, the IU is not required to submit the report. All laboratory analytical reports prepared by the IU or the District shall comply with Rule 62-160.340, F.A.C. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

B. The reports required in sections 6.1, 6.3, 6.4 and 6.5 shall be based upon data obtained through sampling and analysis performed during the period covered by the report. These data shall be

representative of conditions occurring during the reporting period. The District will indicate the frequency of monitoring necessary to assess and assure compliance by the IU with applicable Pretreatment Standards and Requirements. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For all sampling required by this ordinance, grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the sample must be representative of the discharge and the decision to allow the alternative sampling will be documented in the IU's file. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grabs collected during a 24-hour period may be composited prior to analysis as follows:

- (1) Samples for cyanide, total phenols, and sulfides may be composited in the laboratory or in the field;
- (2) Samples for volatile organics and oil and grease may be composited in the laboratory; and
- (3) Composite samples for other parameters unaffected by the compositing procedures as allowed in FDEP's approved sampling procedures and laboratory methodologies may be authorized by the District, as appropriate.

D. Oil and grease samples shall be collected in accordance with section 6.12 C, above, unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and grease sample. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

E. ~~For~~ Sampling required in support of baseline monitoring ~~report~~ and 90-day compliance reports required in Section 6.1 and 6.2 of this Rule shall be conducted as follows:

- (1) For Users where historical sampling do not exist, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.
- (2) For Users where ~~for facilities for which historical sampling data do not exist; for facilities for which~~ historical sampling data are available, the District may authorize a lower minimum. ~~For the reports required by Section 6.3 (62-625.600(4) and (7), F.A.C.), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.~~

6.1312 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.1413 Record Keeping

A. Any IU subject to the reporting requirements of this ordinance shall:

- (1) Maintain records of all information resulting from any monitoring activities required by this ordinance, including documentation associated with BMPs. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, F.A.C.; and
- (2) Maintain for a minimum of three (3) years any records of monitoring results (whether or not such monitoring activities are required by this ordinance), including documentation associated with BMPs and shall make such records available for inspection and copying by the District and FDEP. This period of retention shall be extended during the course of any unresolved litigation regarding the IU or the District, where the IU has been specifically notified of a longer retention period by the District.

B. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

~~Users subject to the reporting requirements of this Rule shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this Rule, and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4.~~

~~Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the District.~~

6.1544 Certification Statement

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.6; Users submitting baseline monitoring reports under Section 6.1B(5) [Note: See 62-625.600(1)(a)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3 [Note: See 62-625.600(3)]; Users submitting periodic compliance reports required by Section 6.4 A–D [Note: See 62-625.600(4) and (7)], and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4) [Note: See 62-625.600(4)(c)(2)]. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4(4):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

B. Annual Certification for Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant Categorical Industrial User by the District, pursuant to 1.4(32) and 4.6C, must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4(4). This certification must accompany an alternative report required by the District:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4(32)

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total cateorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4 B(2) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User. ~~[Note: See 62-625.600(4)(e)(4)]~~

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The District shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Rule and any individual wastewater discharge permit or order issued hereunder. Users shall allow District personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, District personnel shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. District personnel shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

C. The District may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications and approved by the District. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

D. Unreasonable delays in allowing District personnel access to the User's premises shall be a violation of this Rule.

7.2 Search Warrants

The District may seek issuance of a search warrant(s) from any court of competent jurisdiction for any of the following reasons:

A. Refusal of access to a building, structure or property or any part thereof.

B. If the District is able to demonstrate probable cause to believe that there may be a violation of this rule.

C. If there is a need to inspect and sample as part of a routine inspection and sampling program of the District.

D. To protect ~~the~~ public health, safety and welfare within~~of~~ the District.

SECTION 8 - CONFIDENTIAL INFORMATION

~~In accordance with Chapter 119, F.S., all information, documents, and data submitted to the District are considered to be public information, and as such on a User obtained from reports, surveys, industrial wastewater discharge permit applications, monitoring programs, and from District inspection and sampling activities shall be available to the public. However, in accordance with section 403.111, F.S., any information submitted to the District in accordance with this Rule may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the District shall make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in section 403.111, F.S. without restriction, unless the User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the User furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report.~~ Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

The District shall publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the District, a list of the Users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates ~~one or more of the following criteria paragraphs (C), (D) or (H) of this Section) and shall mean:~~

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2.4;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, ~~as defined by Section 2~~ multiplied by the applicable ~~criteria~~ TRC (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement ~~as defined by Section 2~~ (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through, ~~(including endangering the health of POTW personnel or the general public)~~;

D. Any discharge ~~that of a pollutant that has caused imminent endangerment to the public or to the environment, or~~ has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide, within forty five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the District finds that a User has violated, or continues to violate, any provision of this Rule, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may serve upon that User a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the District. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The District may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for non-compliance. Such documents shall include specific action to be taken by the User to correct the non-compliance within a time period specified by

the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this Rule and shall be judicially enforceable.

10.3 Show Cause Hearing

The District may order, via a certified letter or registered mail, a User which has violated or continues to violate any provision of this Rule, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the District and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

When the District finds that a User has violated, or continues to violate any provision of this Rule, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

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

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Fines

A. When the District finds that a User has violated or continues to violate any provision of this Rule, an industrial wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may fine such User in at least the amount of one-thousand dollars (\$1,000) a day for each violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after ninety (90) calendar days, be assessed an additional penalty of two percent (2%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1.5%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the District to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the District shall convene a hearing on the matter within forty-five (45) days of receiving the request from the User. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The District may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions

The District may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The District may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW or which presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The District shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this Rule are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District prior to the date of any show cause or termination hearing under Sections 10.3 and 10.8 of this Rule.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

10.8 Termination of Discharge (Non-Emergency)

In addition to the provisions in Section 5.6 of this Rule, any User that violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this Rule.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this Rule why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the District finds that a User has violated, or continues to violate, any provision of this Rule, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may seek injunctive, civil and criminal remedies in at least the amount of one thousand dollars (\$1,000.00) a day for each violation in the court(s) of applicable jurisdiction. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 Civil Penalties

A. A User which has violated or continues to violate any provision of this Rule, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a maximum civil penalty of not less than \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

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

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution

The District may seek criminal prosecution of Users by the applicable State's attorney with jurisdiction.

A. A User which has willfully or negligently violated any provision of this Rule, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than one-thousand dollars (\$1,000) per day, or imprisonment in accordance with State sentencing guidelines, or both.

B. A User which has willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one-thousand dollars (\$1,000) and/or be subject to imprisonment in accordance with State sentencing guidelines, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under law.

C. A User which knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Rule, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this Rule shall, upon conviction, be punished by a fine of not less than \$1,000 per violation per day, or imprisonment in accordance with State sentencing guidelines, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not less than one-thousand dollars (\$1,000) per violation per day, or imprisonment in accordance with State sentencing guidelines, or both.

11.4 Remedies Non-exclusive

The remedies provided for in this Rule are not exclusive. The District reserves the right to take any, all, or any combination of these actions against a non-compliant User. Enforcement in response to pretreatment violations will generally be in accordance with this Rule. However, the District reserves the right to take other action against any User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any non-compliant User. These actions may be taken concurrently.

SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

12.1 Upset

A. For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary non-compliance with applicable Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable Pretreatment Standards if the requirements of paragraph C of this section are met.

C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the User can identify the cause(s) of the upset; and
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The User has submitted the following information to the District and Plant Superintendent within twenty four (24) hours of becoming aware of the upset. Note: If this information is provided orally, a written submission must be provided within five (5) days:
 - (a) A description of the indirect discharge and cause of non-compliance;
 - (b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with applicable Pretreatment Standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with applicable Pretreatment Standards upon reduction, loss, or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

12.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in Section 2.1(A) and Section 2.1(B)(3 through 7 and 9 through 18) of this Rule if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

(a) A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

(b) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable effluent and/or biosolids use or disposal requirements.

12.3 Bypass

~~A. For the purposes of this section,~~

~~1. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.~~

~~2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.~~

~~AB.~~ A User may allow any bypass to occur which does not cause applicable Pretreatment Standards or Requirements to be violated, but only if it ~~also~~ is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs ~~(BE)~~ and ~~(CD)~~ of this section.

~~BE.~~ Bypass Notification

1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the District at least ten (10) days before the date of the bypass, if possible. If a User does not know of the need for a bypass ten days prior to the bypass then the User shall notify the District immediately upon knowledge of the need for the bypass.

2. A User shall submit oral notice to the District of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.

3. In the event further information is requested, the User shall provide the information within forty-eight (48) hours of the request. If the event occurs during a holiday period or weekend, the written notification shall be the first working day following the holiday period or weekend. 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, natural resources, or any other damage to person or property; nor shall notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Rule or other applicable law.

CD. Prohibition of Bypass

1. Bypass that exceeds applicable Pretreatment Standards is prohibited, and the District may take an enforcement action against a User for a bypass, unless

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no technically feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The User submitted notices as required under paragraph (BE) of this section.

(2) The District may approve an anticipated bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in paragraph (CD)(1) above, of this section.

SECTION 13 - MISCELLANEOUS PROVISIONS

13.1 Pretreatment Charges and Fees

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Fees to recover administrative and legal costs associated with an enforcement activity taken by the District to address noncompliance by a User; and
- F. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Rule and are separate from all other fees, fines, and penalties chargeable by the District.

13.2 Severability

If any provision of this Rule is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

13.3 Conflicts

All other District Rules and parts of other District Rules inconsistent or conflicting with any part of this Rule are hereby repealed to the extent of the inconsistency or conflict.

SECTION 14 - EFFECTIVE DATE

This Rule shall be in full force and effect immediately following its approval and publication, as provided by law.

Note: Chapter 31-13 was amended and restated in its entirety based upon the EPA Model Rule, and approved in its entirety by the Governing Board on October 20, 2011. The former version is available in the District archives. The Specific Authority for the entire Chapter 31-13 is from the District's enabling Legislation, Chapter 2002-358, Laws of Florida, including but not limited to Section (6), subsections (13), (14), (19) and (24).

| *History: New 5-5-85, Amended 5-15-92, 8-19-99, 10-20-2011, 1-16-20.*

Loxahatchee River District

Water Reclamation | Environmental Education | River Restoration

2500 Jupiter Park Drive, Jupiter, Florida 33458-8964

Telephone (561) 747-5700 • Fax (561) 747-9929 • www.loxahatcheeriver.org



D. Albrey Arrington, Ph.D., Executive Director

MEMORANDUM

TO: GOVERNING BOARD
FROM: D. ALBREY ARRINGTON, Ph.D.
DATE: JANUARY 9, 2020
SUBJECT: CHAPTER 31-10.013 & RENEWAL OF IQ WATER AGREEMENTS

Since 1986 the Loxahatchee River District has been beneficially reusing our treated effluent (i.e., Irrigation Quality Water or I.Q. Water) to meet local landscape irrigation needs. This is a significant part of our mission (*We are dedicated to protecting public health and preserving the Loxahatchee River watershed and its natural habitats through innovative wastewater solutions, research, and environmental stewardship.*).

In 1998 the LRD began receiving 1.5 million gallons per day (MGD) of reclaimed water from Seacoast Utilities in order to meet landscape irrigation needs within Abacoa and the Bear's Club. The associated agreements are scheduled to expire on April 6, 2020. Staff evaluated extending the Seacoast Contract but found their reclaimed water rate of \$9.00 per 1,000 gallons to be cost prohibitive. Staff, therefore, evaluated other options regarding our ability to reliably provide IQ Water to our existing customers, and we believe we can continue to meet our IQ Water demand with the following conditions:

1. We will work to optimize all of our available storage features (lakes and ponds). Effectively using all storage available will help us manage I.Q. Water deliveries when demand exceeds supply.
2. We will revise on-site piping that will allow us to manage I.Q. Water flows directly from our chlorine contact chamber through our stabilization ponds and to our I.Q. Water pump station. By bypassing our large storage lakes, we will minimize groundwater losses during very dry periods.
3. We will maintain Curtailable Agreements with I.Q. Water customers that have permitted irrigation systems, e.g., Admirals' Cove, Trump National, Jonathan's Landing, and Bear's Club. Curtailable agreements with these I.Q. Water customers will allow us to discontinue up to 2.88 MGD of I.Q. Water deliveries on an as-needed basis.

By maximizing our storage (over 160 million gallons) and maintaining curtailable agreements that are nearly 2x the lost Seacoast water, we are confident we will be able to meet anticipated I.Q. Water demands. Moving forward, we need to execute revised Irrigation Quality Water Agreements with our I.Q. Water customers whose agreements are set to expire on April 6, 2020. I have worked with Mr. Shenkman to draft three versions of a renewal contract: Wholesale, Wholesale Curtailable, and Retail. These draft contracts are on the following pages for your review. In addition, we identified needed revisions to Chapter 31-10.013 Irrigation Quality Water User; Rates, Fees and Charges for Irrigation Quality Water Service; Irrigation Quality Water Agreements. Immediately following this page, you will see our suggested revisions to Chapter 31-10.013.

Through this process we have also systematically evaluated our I.Q. Water rates and we have found they are not adequate to offset costs associated with managing and providing I.Q. Water. Thus, we are proposing increased I.Q. Water rates.

We look forward to Board discussion this month. Next month we anticipate seeking Board approval of revisions to 31-10.013 and approval of the standard Renewal Irrigation Quality Water Agreements.

31-10.013 Irrigation Quality Water User; Rates, Fees and Charges for Irrigation Quality Water Service; Irrigation Quality Water Agreements.

(1) “I.Q. Water” is defined to mean Irrigation Quality Water provided by the District, regardless of the original source of the I.Q. Water. I.Q. Water ~~is sometimes~~ also may be referred to as “reuse water” or “reclaimed water”, which is further defined in Chapter 62-610, F.A.C.

(2) “Wholesale I.Q. User” is defined as user of I.Q. Water, for which the I.Q. Water is pumped by the District, to a storage facility, such as ponds, lakes, or tanks, at an off-site location. The I.Q. Water is then pumped by a party other than the District, into the lines that irrigate the User’s property.

(3) “Retail I.Q. User” is defined as a user of I.Q. Water, for which the I.Q. Water is pumped by the District, to a storage facility, such as ponds, lakes or tanks, at an off-site location. The I.Q. Water is then pumped by the District from the storage facility, into the lines that deliver I.Q. Water to the User’s property for further distribution and irrigation by the User.

(4) “Nano I.Q. User” is defined as user of I.Q. Water, where the I.Q. Water was originally made available by blending the Town of Jupiter’s nanofiltration concentrate and for which the I.Q. Water is pumped by the District, to a storage facility, such as ponds, lakes, or tanks, at an off-site location. The I.Q. Water is then pumped by a party other than the District, into the lines that irrigate the User’s property.

(5) Rates, Fees and Charges for Retail, ~~and~~ Wholesale, and Nano I.Q. Users
use of and the services and facilities to be furnished by the regional I.Q. Water system of the District shall consist of those rates, fees and charges approved, set, and levied by the Governing Board of the District on the basis of the total cost to the District of construction, reconstruction, labor, materials, equipment, acquisition, property rights, surveys, design, engineering, legal,

administration, operation, maintenance, and all other expenses necessary or incidental to completion-construction, operation, and improvement of the I.Q. Water system ~~and improvements~~ and provision of I.Q. Water.

(~~65~~) The District's monthly rate for I.Q. Water shall be:

(a) Wholesale I.Q. Users shall pay 53.38 cents per 1,000 gallons for their Requested G.P.D.

(b) Retail I.Q. Users shall pay 72.61 cents per 1,000 gallons for their Requested G.P.D.

(c) Nano I.Q. Users shall pay 91.44 cents per 1,000 gallons for their Requested G.P.D.

~~for Retail users shall be 57.45 cents per 1,000 gallons per day until September 30, 2019 ("Retail I.Q. Rate"). The District's monthly rate for I.Q. Water for Wholesale users shall be 45.06 cents per 1,000 gallons per day until September 31, 2019 ("Wholesale I.Q. Rate"). The District's monthly rate for I.Q. Water for Wholesale users dependent upon the Town of Jupiter's nanofiltration concentrate shall be 70.97 cents per 1,000 gallons per day until September 31, 2019 ("Nano I.Q. Rate"). Commencing October 1, 2016 and thereafter, the Retail, Wholesale, and Nano I.Q. Rates shall increase each April 1st based upon the annual increase in the Engineering News Record Construction Cost Index as of the preceding February 1st. In addition, the District shall have the right to increase Retail, Wholesale, and Nano I.Q. Rates from time to time hereunder, upon providing sixty (60) days prior written notice and justification of costs increase based upon the annual increase in the Engineering News Record Construction Cost Index as of July 1st of each year. For I.Q. Wholesale Users which that~~ have a written I.Q. Agreement prior to the effective date hereof and which have a lower or higher I.Q. Rate, said lower or higher I.Q. Rate shall be in accordance with said I.Q. Agreement until the expiration or termination of said I.Q. Agreement. The I.Q. Rate shall be billed monthly or such other billing cycle period as the District may determine.

~~Said billing of the Rate shall be made monthly as delivered, or such other billing cycle period as the District may determine.~~

(~~76~~) The Start Up Fee of the District for Retail I.Q. Users shall be the greater of (a) six (6) months of charges at the Retail I.Q. Rate for the requested gallons per day, or (b) \$3,500.00. The Application Fee of the District for Wholesale I.Q. Users shall be the greater of (a) six (6) months of charges at the I.Q. Rate for the requested gallons per day, or (b) \$18,000.00.

(~~87~~) All persons, firms and corporations (hereinafter called "Applicant") desiring to reserve service availability in the regional I.Q. Water system of the District where said I.Q. Water is available or is proposed to be available, as determined by the District, prior to receiving District approval, shall sign a Standard Irrigation Quality Water Agreement and pay the charges and fees as specified therein. ~~These further requirements shall be met:~~

~~(a) Plans and specifications shall clearly indicate the number of gallons per day contemplated for the property to be served.~~

~~(b) The Applicant shall enter into a "Standard Irrigation Quality Water Agreement" with the District, form LRECD 100 dated 05/21/98 or form LRECD 101 dated 05/21/98, or a "Renewal Irrigation Quality Water Agreement", form LRECD 144 dated 5/19/06, said forms incorporated herein by reference, the form of which may be obtained without cost from the District office, providing for the following matters:~~

~~1. The provision of I.Q. Water availability in the regional I.Q. Water system in terms of gallons per day.~~

~~2. Administrative, legal, engineering and inspection expenses in an amount which shall have a substantial relationship to actual cost.~~

~~3. Construction of on-site facilities, and off-site facilities under certain conditions.~~

~~4. Dedication of the facilities to the District.~~

~~5. Describing the provision of I.Q. Water availability in terms of the gallons per day as non assignable, non transferable, and running with the land, and describing exceptions.~~

~~6. Requiring payment of a Start Up Fee for Retail I.Q. Users or an Application Fee for Wholesale I.Q. Users.~~

~~7. Describing payment and obligations and providing for recovery of costs and attorney's fees.~~

~~8. Subjecting the owner to the rates, fees and charges of the District as established from time to time but fixing the rate for the Start Up Fee for Retail I.Q. Users or the Application Fee for Wholesale I.Q. Users.~~

Specific Authority Chapter 2002-358 Laws of Florida. Law Implemented Chapter 2002-358 Sections 6(6), 6(8), 6(9), 6(11), 6(12), 6(27) and Section 8; History-New 7-23-97, Amended 11-1-98, 3-16-06, 3-18-10, 3-21-2013, 3-19-2015, 3-21-2019, [2-20-2020](#).

LRECD-IQ-2020-Renewal-Wholesale
Dated: 1-16-2020
Prepared By & Return To:
D. Albrey Arrington, Ph.D.
Loxahatchee River District
2500 Jupiter Park Drive
Jupiter, FL 33458
(561) 747-5700

RENEWAL IRRIGATION QUALITY WATER AGREEMENT – **WHOLESALE**

THIS AGREEMENT MADE AND ENTERED INTO this _____ day of _____, 20____, by and between LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, herein referred to as the "LRECD", and _____

_____, authorized to do business in the State of Florida, its successors and assigns, herein referred to as "Owner", with regard to the property described in Exhibit "A" attached hereto and made a part hereof, (the "Property").

The parties therefore agree as follows:

1. PROVISION OF IRRIGATION QUALITY WATER. The LRECD shall provide "Reclaimed Water" as defined in Chapter 62-610 Florida Administrative Code, incorporated herein by reference, (herein referred to as the "Reuse Rule") in the amount of _____ gallons per day ("G.P.D.") (herein referred to as the "Requested G.P.D."). Reclaimed Water shall be referred to hereafter as "Irrigation Quality Water" or "I.Q. Water". Owner shall have no obligation to take such Irrigation Quality Water, but it shall be provided as set forth herein and Owner shall pay the charges set forth in Paragraph 4 herein regardless of whether or not Owner takes Irrigation Quality Water when available. The Requested G.P.D. will be delivered during a portion of the 24-hour period as the operational requirements of the LRECD may necessitate.

2. EFFECTIVE DATE. This agreement shall commence on April 7, 2020 (herein referred to as "Effective Date"). Upon the Effective Date all prior Irrigation Quality Water agreements between the LRECD and Owner shall be expired and no longer of any legal force.

3. TERM. The term of this Agreement shall run for twenty (20) years from the Effective Date.

4. I.Q. RATE AND INCREASE. The Owner agrees that Owner shall pay to the LRECD the sum of 53.38 cents per 1,000 gallons (herein referred to as the **Wholesale** "I.Q. Rate") for the Requested G.P.D. Failure of Owner to take Irrigation Quality Water when available from the LRECD shall not relieve Owner from paying the charges set forth herein. The I.Q. Rate shall be billed monthly or such other billing cycle period as the LRECD may determine. I.Q. Rates shall increase each April 1st based upon the annual increase in the Engineering News Record Construction Cost Index as of the preceding February 1st. In addition, the LRECD shall have the right to increase the Retail I.Q. Rate from time to time hereunder, upon providing sixty (60) days prior written notice and justification of costs increase.

5. I.Q. FACILITIES.

a) LRECD I.Q. Line and Facilities. The pipes and appurtenances that deliver I.Q. Water to the LRECD Metering Station (herein referred to as the "LRECD I.Q. Line") are owned and operated by the LRECD. The Owner shall provide to the LRECD and maintain any rights-of-way, easements, or permits to operate and maintain the LRECD I.Q. Line.

b) LRECD I.Q. Metering Station. The on-site metering station (herein referred to as "LRECD Metering Station") is owned and operated by the LRECD and is the designated facility for determining quantities of I.Q. Water delivered, e.g., Requested G.P.D. Owner shall provide to the LRECD and maintain any rights-of-way, easements, or permits to operate and maintain the LRECD I.Q. Metering Station.

c) Owner I.Q. Facilities. The Owner shall be solely responsible to design, permit, construct, own, operate, maintain, and replace the facilities necessary to receive I. Q. Water from the Owner's side of the LRECD Metering Station and to provide all necessary transmission, storage, pumping, and irrigation facilities on-site (herein referred to as the "Owner I.Q. Facilities"). All Owner I.Q. Facilities shall be constructed at the Owner's expense in accordance with final plans and specifications approved by the LRECD and the Florida Department of Environmental Protection and subject to inspection by LRECD. Owner shall comply with Chapter 62-610 Florida Administrative Code, e.g., signage, spray regulations, color coding, cross-connection devices.

6. ALLOCATION OF IRRIGATION QUALITY WATER AVAILABILITY. If more water is available as determined by the LRECD and Owner desires to receive it, then it shall be delivered at no cost to Owner. In the event the availability of Irrigation Quality Water is insufficient to meet the expected demand, the LRECD shall allocate available Irrigation Quality Water on a proportional basis among its Irrigation Quality Water customers; nonetheless, I.Q. Customers with a curtailment clause shall have their I.Q. deliveries reduced or discontinued first. If the Requested G.P.D. is not available, then Owner shall only be obligated to pay based on the pro rata share of the I.Q. Water available. Failure of Owner to take Irrigation Quality Water when available from the LRECD shall not relieve Owner from paying the charges set forth in Paragraph 4 herein.

7. DEFAULT; LIEN; ATTORNEY'S FEES; VENUE. Upon failure of Owner to pay any monies due under this Agreement for any period greater than thirty (30) days from the date they become due, the Owner shall be deemed in default and the LRECD shall terminate this Agreement without prejudice to the LRECD's rights and remedies set forth in its Charter, Rules, or herein. The LRECD shall have a lien on the Property and premises served by it for all charges under this Agreement, until paid, which lien shall be prior to all other liens, except that such lien shall be on parity with the lien of state, county, and municipal taxes, and any lien for charges for services created pursuant to Section 159.17, Florida Statutes. Such lien shall be perfected by the LRECD by recording in the official records of the county, in which the Property is located, a claim of lien in form substantially as provided in Section 713.08, Florida Statutes. A copy of the claim of lien shall be served as provided in Section 713.18, Florida Statutes, within ten (10) days after the claim of lien is recorded. If thirty (30) days after service has been made liens created under this section remain delinquent, such liens shall be foreclosed by the LRECD in the manner provided by the laws of Florida for the foreclosure of mortgages on real property, and the LRECD shall be entitled to reasonable interest and attorneys' fees and other court costs. The LRECD shall bring legal action against Owner to collect monies due and in default, and/or to obtain injunctive and/or declaratory relief. In the event of any litigation arising hereunder, the prevailing party shall be entitled to

recovery of costs and reasonable attorney's fees. Any such litigation shall have jurisdiction and venue in Palm Beach County, Florida. It is mutually agreed by and between the respective parties to hereby waive trial by jury in any action, proceeding or counterclaim brought by either party against the other on any matter arising out of or in any way connected with this Agreement.

8. TRANSFERABILITY OF AGREEMENT. The terms and obligations of this Agreement shall run with the Property. The Irrigation Quality Water to be provided under this Agreement may not be transferred from the Property to any other property, but ownership of the Property may change from time to time and the Agreement shall run with the Property.

9. RECORDATION. A copy of this Agreement may be filed in the public records of the county where the Property is located. If this Agreement is terminated before the end of its term, then a Notice of Termination signed by Owner and the LRECD and recorded shall discharge this Agreement of public record.

10. INDEMNIFICATION. In the event the Owner shall fail to comply with any rule, regulation, or order of any Federal, State, County, Municipality, or other agency, or commit a violation of any permit granted with regard to the construction, operation, maintenance, or use of the Irrigation Quality Water on the Property, Owner shall indemnify the LRECD, its officers, governing board, employees and agents against all claims, demands, causes of action, suits, judgments, fines, penalties, or losses, including all costs suffered or incurred by the LRECD by reason of such failure or violation.

11. TERMINATION. The LRECD may terminate this agreement upon ninety (90) days written notice if LRECD is ordered to cease delivery of I.Q. Water to Owner by a governmental authority of competent jurisdiction or if, in LRECD's sole discretion, revisions to legal or regulatory requirements will render provision of I.Q. Water to be impossible or cost prohibitive.

12. GENERAL PROVISIONS.

a) Authority. Owner agrees to furnish promptly upon demand, a corporate resolution, proof of due authorization by partners, or other appropriate documentation evidencing the due authorization of Owner to enter into this Agreement.

b) Captions. The captions inserted in this Agreement are for convenience only and in no way define, limit or otherwise describe the scope of intent of this Agreement, or any provision hereof, or in any way affect the interpretation of this Agreement.

c) Amendment. This Agreement may not be altered, changed or amended except by an instrument in writing signed by both parties hereto.

d) Severability. If any clause, provision or portion of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable under applicable law, such event shall not affect, impair or render invalid or unenforceable the remainder of this Agreement nor any other clause, phrase, provision or portion hereof, nor shall it affect the application of any clause, phrase, provision or portion hereof to other persons or circumstances, and it is also the intention of the parties to this Agreement that in lieu of each such clause, phrase, provision or portion of this Agreement that is invalid or unenforceable, there be added as a part to this Agreement a clause, phrase, provision or portion as similar in terms to such invalid or unenforceable clause, phrase, provision or portion as may be possible and be valid and enforceable.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this _____ day of _____, 20____.

Signed, Sealed and Delivered
in the presence of:

LOXAHATCHEE RIVER ENVIRONMENTAL
CONTROL DISTRICT

WITNESS
Print Name _____

By: _____
D. ALBREY ARRINGTON, Ph.D.
EXECUTIVE DIRECTOR

WITNESS
Print Name _____

(LRECD SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

SWORN AND SUBSCRIBED TO BEFORE ME by means of ____ physical presence or ____ online notarization, this _____ day of _____, 20__, by D. ALBREY ARRINGTON, Ph.D., Executive Director, on behalf of the Loxahatchee River Environmental Control District.

(NOTARY SEAL)

NOTARY PUBLIC, STATE OF FLORIDA
Print Name _____
My Commission Expires: _____

Signed, Sealed and Delivered
in the presence of:

OWNER: _____

WITNESS

Print Name _____

BY: _____

TITLE: _____

WITNESS

Print Name _____

ATTEST: _____

TITLE: _____

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

SWORN AND SUBSCRIBED TO BEFORE ME by means of _____ physical presence or
_____ online notarization, this _____ day of _____, 20_____,
by _____, as _____ and
_____, as _____
on behalf of _____.

(NOTARY SEAL)

NOTARY PUBLIC, STATE OF FLORIDA

Print Name _____

My Commission Expires:

LRECD-IQ-2020-Renewal-Wholesale-Curtailable
Dated: 1-16-2020
Prepared By & Return To:
D. Albrey Arrington, Ph.D.
Loxahatchee River District
2500 Jupiter Park Drive
Jupiter, FL 33458
(561) 747-5700

RENEWAL IRRIGATION QUALITY WATER AGREEMENT – **WHOLESALE CURTAILABLE**

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_____, authorized to do business in the State of Florida, its successors and assigns, herein referred to as "Owner", with regard to the property described in Exhibit "A" attached hereto and made a part hereof, (the "Property").

The parties therefore agree as follows:

1. PROVISION OF IRRIGATION QUALITY WATER. The LRECD shall provide "Reclaimed Water" as defined in Chapter 62-610 Florida Administrative Code, incorporated herein by reference, (herein referred to as the "Reuse Rule") in the amount of _____ gallons per day ("G.P.D.") (herein referred to as the "Requested G.P.D."). Reclaimed Water shall be referred to hereafter as "Irrigation Quality Water" or "I.Q. Water". Owner shall have no obligation to take such Irrigation Quality Water, but it shall be provided as set forth herein and Owner shall pay the charges set forth in Paragraph 4 herein regardless of whether or not Owner takes Irrigation Quality Water when available. The Requested G.P.D. will be delivered during a portion of the 24-hour period as the operational requirements of the LRECD may necessitate.

2. EFFECTIVE DATE. This agreement shall commence on April 7, 2020 (herein referred to as "Effective Date"). Upon the Effective Date all prior Irrigation Quality Water agreements between the LRECD and Owner shall be expired and no longer of any legal force.

3. TERM. The term of this Agreement shall run for twenty (20) years from the Effective Date.

4. I.Q. RATE AND INCREASE. The Owner agrees that Owner shall pay to the LRECD the sum of 53.38 cents per 1,000 gallons (herein referred to as the **Wholesale** "I.Q. Rate") for the Requested G.P.D. Failure of Owner to take Irrigation Quality Water when available from the LRECD shall not relieve Owner from paying the charges set forth herein. The I.Q. Rate shall be billed monthly or such other billing cycle period as the LRECD may determine. I.Q. Rates shall increase each April 1st based upon the annual increase in the Engineering News Record Construction Cost Index as of the preceding February 1st. In addition, the LRECD shall have the right to increase the Retail I.Q. Rate from time to time hereunder, upon providing sixty (60) days prior written notice and justification of costs increase.

5. I.Q. FACILITIES.

a) LRECD I.Q. Line and Facilities. The pipes and appurtenances that deliver I.Q. Water to the LRECD Metering Station (herein referred to as the "LRECD I.Q. Line") are owned and operated by the LRECD. The Owner shall provide to the LRECD and maintain any rights-of-way, easements, or permits to operate and maintain the LRECD I.Q. Line.

b) LRECD I.Q. Metering Station. The on-site metering station (herein referred to as "LRECD Metering Station") is owned and operated by the LRECD and is the designated facility for determining quantities of I.Q. Water delivered, e.g., Requested G.P.D. Owner shall provide to the LRECD and maintain any rights-of-way, easements, or permits to operate and maintain the LRECD I.Q. Metering Station.

c) Owner I.Q. Facilities. The Owner shall be solely responsible to design, permit, construct, own, operate, maintain, and replace the facilities necessary to receive I. Q. Water from the Owner's side of the LRECD Metering Station and to provide all necessary transmission, storage, pumping, and irrigation facilities on-site (herein referred to as the "Owner I.Q. Facilities"). All Owner I.Q. Facilities shall be constructed at the Owner's expense in accordance with final plans and specifications approved by the LRECD and the Florida Department of Environmental Protection and subject to inspection by LRECD. Owner shall comply with Chapter 62-610 Florida Administrative Code, e.g., signage, spray regulations, color coding, cross-connection devices.

6. ALLOCATION OF IRRIGATION QUALITY WATER AVAILABILITY. If more water is available as determined by the LRECD and Owner desires to receive it, then it shall be delivered at no cost to Owner. In the event the availability of Irrigation Quality Water is insufficient to meet the expected demand, **as determined at the sole discretion of the LRECD, the LRECD shall curtail or cease IQ Water deliveries. When the full Requested G.P.D. of IQ Water is not available, the Owner may meet their irrigation demand using Owner's existing irrigation wells operated under a Consumptive User Permit provided by the relevant agency, e.g., South Florida Water Management District.** If the Requested G.P.D. is not available, then Owner shall only be obligated to pay based on the pro rata share of the I.Q. Water available. Failure of Owner to take Irrigation Quality Water when available from the LRECD shall not relieve Owner from paying the charges set forth in Paragraph 4 herein.

7. DEFAULT; LIEN; ATTORNEY'S FEES; VENUE. Upon failure of Owner to pay any monies due under this Agreement for any period greater than thirty (30) days from the date they become due, the Owner shall be deemed in default and the LRECD shall terminate this Agreement without prejudice to the LRECD's rights and remedies set forth in its Charter, Rules, or herein. The LRECD shall have a lien on the Property and premises served by it for all charges under this Agreement, until paid, which lien shall be prior to all other liens, except that such lien shall be on parity with the lien of state, county, and municipal taxes, and any lien for charges for services created pursuant to Section 159.17, Florida Statutes. Such lien shall be perfected by the LRECD by recording in the official records of the county, in which the Property is located, a claim of lien in form substantially as provided in Section 713.08, Florida Statutes. A copy of the claim of lien shall be served as provided in Section 713.18, Florida Statutes, within ten (10) days after the claim of lien is recorded. If thirty (30) days after service has been made liens created under this section remain delinquent, such liens shall be foreclosed by the LRECD in the manner provided by the laws of Florida for the foreclosure of mortgages on real property, and the LRECD shall be entitled to reasonable interest and attorneys' fees and other court costs. The LRECD shall bring legal action

against Owner to collect monies due and in default, and/or to obtain injunctive and/or declaratory relief. In the event of any litigation arising hereunder, the prevailing party shall be entitled to recovery of costs and reasonable attorney's fees. Any such litigation shall have jurisdiction and venue in Palm Beach County, Florida. It is mutually agreed by and between the respective parties to hereby waive trial by jury in any action, proceeding or counterclaim brought by either party against the other on any matter arising out of or in any way connected with this Agreement.

8. TRANSFERABILITY OF AGREEMENT. The terms and obligations of this Agreement shall run with the Property. The Irrigation Quality Water to be provided under this Agreement may not be transferred from the Property to any other property, but ownership of the Property may change from time to time and the Agreement shall run with the Property.

9. RECORDATION. A copy of this Agreement may be filed in the public records of the county where the Property is located. If this Agreement is terminated before the end of its term, then a Notice of Termination signed by Owner and the LRECD and recorded shall discharge this Agreement of public record.

10. INDEMNIFICATION. In the event the Owner shall fail to comply with any rule, regulation, or order of any Federal, State, County, Municipality, or other agency, or commit a violation of any permit granted with regard to the construction, operation, maintenance, or use of the Irrigation Quality Water on the Property, Owner shall indemnify the LRECD, its officers, governing board, employees and agents against all claims, demands, causes of action, suits, judgments, fines, penalties, or losses, including all costs suffered or incurred by the LRECD by reason of such failure or violation.

11. TERMINATION. The LRECD may terminate this agreement upon ninety (90) days written notice if LRECD is ordered to cease delivery of I.Q. Water to Owner by a governmental authority of competent jurisdiction or if, in LRECD's sole discretion, revisions to legal or regulatory requirements will render provision of I.Q. Water to be impossible or cost prohibitive.

12. GENERAL PROVISIONS.

a) Authority. Owner agrees to furnish promptly upon demand, a corporate resolution, proof of due authorization by partners, or other appropriate documentation evidencing the due authorization of Owner to enter into this Agreement.

b) Captions. The captions inserted in this Agreement are for convenience only and in no way define, limit or otherwise describe the scope of intent of this Agreement, or any provision hereof, or in any way affect the interpretation of this Agreement.

c) Amendment. This Agreement may not be altered, changed or amended except by an instrument in writing signed by both parties hereto.

d) Severability. If any clause, provision or portion of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable under applicable law, such event shall not affect, impair or render invalid or unenforceable the remainder of this Agreement nor any other clause, phrase, provision or portion hereof, nor shall it affect the application of any clause, phrase, provision or portion hereof to other persons or circumstances, and it is also the intention of the parties to this Agreement that in lieu of each such clause, phrase, provision or portion of this Agreement that is invalid or unenforceable, there be added as a part to

this Agreement a clause, phrase, provision or portion as similar in terms to such invalid or unenforceable clause, phrase, provision or portion as may be possible and be valid and enforceable.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this _____ day of _____, 20____.

Signed, Sealed and Delivered
in the presence of:

LOXAHATCHEE RIVER ENVIRONMENTAL
CONTROL DISTRICT

WITNESS
Print Name _____

By: _____
D. ALBREY ARRINGTON, Ph.D.
EXECUTIVE DIRECTOR

WITNESS
Print Name _____

(LRECD SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

SWORN AND SUBSCRIBED TO BEFORE ME by means of ____ physical presence or ____ online notarization, this _____ day of _____, 20__, by D. ALBREY ARRINGTON, Ph.D., Executive Director, on behalf of the Loxahatchee River Environmental Control District.

(NOTARY SEAL)

NOTARY PUBLIC, STATE OF FLORIDA
Print Name _____
My Commission Expires: _____

Signed, Sealed and Delivered
in the presence of:

OWNER: _____

WITNESS

Print Name _____

BY: _____

TITLE: _____

WITNESS

Print Name _____

ATTEST: _____

TITLE: _____

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

SWORN AND SUBSCRIBED TO BEFORE ME by means of _____ physical presence or
_____ online notarization, this _____ day of _____, 20_____,
by _____, as _____ and
_____, as _____
on behalf of _____.

(NOTARY SEAL)

NOTARY PUBLIC, STATE OF FLORIDA
Print Name _____
My Commission Expires: _____

LRECD-IQ-2020-Renewal-Retail
Dated: 1-16-2020
Prepared By & Return To:
D. Albrey Arrington, Ph.D.
Loxahatchee River District
2500 Jupiter Park Drive
Jupiter, FL 33458
(561) 747-5700

RENEWAL IRRIGATION QUALITY WATER AGREEMENT – **RETAIL**

THIS AGREEMENT MADE AND ENTERED INTO this _____ day of _____, 20____, by and between LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT, herein referred to as the "LRECD", and _____

_____, authorized to do business in the State of Florida, its successors and assigns, herein referred to as "Owner", with regard to the property described in Exhibit "A" attached hereto and made a part hereof, (the "Property").

The parties therefore agree as follows:

1. PROVISION OF IRRIGATION QUALITY WATER. The LRECD shall provide "Reclaimed Water" as defined in Chapter 62-610 Florida Administrative Code, incorporated herein by reference, (herein referred to as the "Reuse Rule") in the amount of _____ gallons per day ("G.P.D.") (herein referred to as the "Requested G.P.D."). Reclaimed Water shall be referred to hereafter as "Irrigation Quality Water" or "I.Q. Water". Owner shall have no obligation to take such Irrigation Quality Water, but it shall be provided as set forth herein and Owner shall pay the charges set forth in Paragraph 4 herein regardless of whether or not Owner takes Irrigation Quality Water when available. The Requested G.P.D. will be delivered during a portion of the 24-hour period as the operational requirements of the LRECD may necessitate.

2. EFFECTIVE DATE. This agreement shall commence on April 7, 2020 (herein referred to as "Effective Date"). Upon the Effective Date all prior Irrigation Quality Water agreements between the LRECD and Owner shall be expired and no longer of any legal force.

3. TERM. The term of this Agreement shall run for twenty (20) years from the Effective Date.

4. I.Q. RATE AND INCREASE. The Owner agrees that Owner shall pay to the LRECD the sum of 72.61 cents per 1,000 gallons (herein referred to as the **Retail** "I.Q. Rate") for the Requested G.P.D. Failure of Owner to take Irrigation Quality Water when available from the LRECD shall not relieve Owner from paying the charges set forth herein. The I.Q. Rate shall be billed monthly or such other billing cycle period as the LRECD may determine. I.Q. Rates shall increase each April 1st based upon the annual increase in the Engineering News Record Construction Cost Index as of the preceding February 1st. In addition, the LRECD shall have the right to increase the Retail I.Q. Rate from time to time hereunder, upon providing sixty (60) days prior written notice and justification of costs increase.

5. I.Q. FACILITIES.

a) LRECD I.Q. Line and Facilities. The pipes and appurtenances that deliver I.Q. Water to the LRECD Metering Station (herein referred to as the "LRECD I.Q. Line") are owned and operated by the LRECD. The Owner shall provide to the LRECD and maintain any rights-of-way, easements, or permits to operate and maintain the LRECD I.Q. Line.

b) LRECD I.Q. Metering Station. The on-site metering station (herein referred to as "LRECD Metering Station") is owned and operated by the LRECD and is the designated facility for determining quantities of I.Q. Water delivered, e.g., Requested G.P.D. Owner shall provide to the LRECD and maintain any rights-of-way, easements, or permits to operate and maintain the LRECD I.Q. Metering Station.

c) Owner I.Q. Facilities. The Owner shall be solely responsible to design, permit, construct, own, operate, maintain, and replace the facilities necessary to receive I. Q. Water from the Owner's side of the LRECD Metering Station and to provide all necessary transmission, storage, pumping, and irrigation facilities on-site (herein referred to as the "Owner I.Q. Facilities"). All Owner I.Q. Facilities shall be constructed at the Owner's expense in accordance with final plans and specifications approved by the LRECD and the Florida Department of Environmental Protection and subject to inspection by LRECD. Owner shall comply with Chapter 62-610 Florida Administrative Code, e.g., signage, spray regulations, color coding, cross-connection devices.

6. ALLOCATION OF IRRIGATION QUALITY WATER AVAILABILITY. If more water is available as determined by the LRECD and Owner desires to receive it, then it shall be delivered at no cost to Owner. In the event the availability of Irrigation Quality Water is insufficient to meet the expected demand, the LRECD shall allocate available Irrigation Quality Water on a proportional basis among its Irrigation Quality Water customers; nonetheless, I.Q. Customers with a curtailment clause shall have their I.Q. deliveries reduced or discontinued first. If the Requested G.P.D. is not available, then Owner shall only be obligated to pay based on the pro rata share of the I.Q. Water available. Failure of Owner to take Irrigation Quality Water when available from the LRECD shall not relieve Owner from paying the charges set forth in Paragraph 4 herein.

7. DEFAULT; LIEN; ATTORNEY'S FEES; VENUE. Upon failure of Owner to pay any monies due under this Agreement for any period greater than thirty (30) days from the date they become due, the Owner shall be deemed in default and the LRECD shall terminate this Agreement without prejudice to the LRECD's rights and remedies set forth in its Charter, Rules, or herein. The LRECD shall have a lien on the Property and premises served by it for all charges under this Agreement, until paid, which lien shall be prior to all other liens, except that such lien shall be on parity with the lien of state, county, and municipal taxes, and any lien for charges for services created pursuant to Section 159.17, Florida Statutes. Such lien shall be perfected by the LRECD by recording in the official records of the county, in which the Property is located, a claim of lien in form substantially as provided in Section 713.08, Florida Statutes. A copy of the claim of lien shall be served as provided in Section 713.18, Florida Statutes, within ten (10) days after the claim of lien is recorded. If thirty (30) days after service has been made liens created under this section remain delinquent, such liens shall be foreclosed by the LRECD in the manner provided by the laws of Florida for the foreclosure of mortgages on real property, and the LRECD shall be entitled to reasonable interest and attorneys' fees and other court costs. The LRECD shall bring legal action against Owner to collect monies due and in default, and/or to obtain injunctive and/or declaratory relief. In the event of any litigation arising hereunder, the prevailing party shall be entitled to

recovery of costs and reasonable attorney's fees. Any such litigation shall have jurisdiction and venue in Palm Beach County, Florida. It is mutually agreed by and between the respective parties to hereby waive trial by jury in any action, proceeding or counterclaim brought by either party against the other on any matter arising out of or in any way connected with this Agreement.

8. TRANSFERABILITY OF AGREEMENT. The terms and obligations of this Agreement shall run with the Property. The Irrigation Quality Water to be provided under this Agreement may not be transferred from the Property to any other property, but ownership of the Property may change from time to time and the Agreement shall run with the Property.

9. RECORDATION. A copy of this Agreement may be filed in the public records of the county where the Property is located. If this Agreement is terminated before the end of its term, then a Notice of Termination signed by Owner and the LRECD and recorded shall discharge this Agreement of public record.

10. INDEMNIFICATION. In the event the Owner shall fail to comply with any rule, regulation, or order of any Federal, State, County, Municipality, or other agency, or commit a violation of any permit granted with regard to the construction, operation, maintenance, or use of the Irrigation Quality Water on the Property, Owner shall indemnify the LRECD, its officers, governing board, employees and agents against all claims, demands, causes of action, suits, judgments, fines, penalties, or losses, including all costs suffered or incurred by the LRECD by reason of such failure or violation.

11. TERMINATION. The LRECD may terminate this agreement upon ninety (90) days written notice if LRECD is ordered to cease delivery of I.Q. Water to Owner by a governmental authority of competent jurisdiction or if, in LRECD's sole discretion, revisions to legal or regulatory requirements will render provision of I.Q. Water to be impossible or cost prohibitive.

12. GENERAL PROVISIONS.

a) Authority. Owner agrees to furnish promptly upon demand, a corporate resolution, proof of due authorization by partners, or other appropriate documentation evidencing the due authorization of Owner to enter into this Agreement.

b) Captions. The captions inserted in this Agreement are for convenience only and in no way define, limit or otherwise describe the scope of intent of this Agreement, or any provision hereof, or in any way affect the interpretation of this Agreement.

c) Amendment. This Agreement may not be altered, changed or amended except by an instrument in writing signed by both parties hereto.

d) Severability. If any clause, provision or portion of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable under applicable law, such event shall not affect, impair or render invalid or unenforceable the remainder of this Agreement nor any other clause, phrase, provision or portion hereof, nor shall it affect the application of any clause, phrase, provision or portion hereof to other persons or circumstances, and it is also the intention of the parties to this Agreement that in lieu of each such clause, phrase, provision or portion of this Agreement that is invalid or unenforceable, there be added as a part to this Agreement a clause, phrase, provision or portion as similar in terms to such invalid or unenforceable clause, phrase, provision or portion as may be possible and be valid and enforceable.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this _____ day of _____, 20____.

Signed, Sealed and Delivered
in the presence of:

LOXAHATCHEE RIVER ENVIRONMENTAL
CONTROL DISTRICT

WITNESS
Print Name _____

By: _____
D. ALBREY ARRINGTON, Ph.D.
EXECUTIVE DIRECTOR

WITNESS
Print Name _____

(LRECD SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

SWORN AND SUBSCRIBED TO BEFORE ME by means of ____ physical presence or ____ online notarization, this _____ day of _____, 20__, by D. ALBREY ARRINGTON, Ph.D., Executive Director, on behalf of the Loxahatchee River Environmental Control District.

(NOTARY SEAL)

NOTARY PUBLIC, STATE OF FLORIDA
Print Name _____
My Commission Expires: _____

Signed, Sealed and Delivered
in the presence of:

OWNER: _____

WITNESS

Print Name _____

BY: _____

TITLE: _____

WITNESS

Print Name _____

ATTEST: _____

TITLE: _____

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

SWORN AND SUBSCRIBED TO BEFORE ME by means of _____ physical presence or
_____ online notarization, this _____ day of _____, 20_____,
by _____, as _____ and
_____, as _____
on behalf of _____.

(NOTARY SEAL)

NOTARY PUBLIC, STATE OF FLORIDA
Print Name _____
My Commission Expires: _____

Item 6E

The Busch Wildlife Sanctuary License Agreement will be presented at a later Board Meeting.

LOXAHATCHEE RIVER DISTRICT

Neighborhood Sewering Schedule



Rank *	Area Description	# Lots	Activity	Original Target Date	Revised Target Start Date
14	Whispering Trails	181	Notified Owners – January 2013 Notice of Intent – November 2016 Construction Started - October 2018	2017	2017
16	Limestone Creek Road-West	71	Notified Owners – January 2013	2018	2020
16	181 st St N Gravity	11	Notified Owners – January 2013 Notice of Intent to Assess – October 2018	2018	2018
20	New Palm Beach Heights	35	Notified Owners – January 2016 Notice of Intent to Assess – October 2018 Notified to Connect – October 2019 Preliminary Assessment – January 2020	2019	2019
22	Bridgewater	70	In discussions with developer/engineer	2019	2019
11	Jupiter Farms (East)	708		TBD	TBD
11	PB Country Estates	1547		TBD	TBD

* Rank based upon "2010 Septic System Inventory & Assessment"

TBD = To be determined

Remnant Areas

Rank*	Area Description	Lots	Activity	Original Target Date	Revised Target Start Date
C	FDOT Turnpike Station <i>(institutional)</i>	3 ECs	Notified to Connect – February 2016 Variance requested – May 2016	2012	2020
H	Olympus Dr, Juno (LP)	2	Notified Owners – June 2013 Prelim. Design started – August 2017 Survey - 2018	2016	2018
	18870+18890 SE Country Club Dr	2	Notified Owner – April + Aug 2017 Design started – August 2017 Notice of Intent – December 2018	2018	2019
	US Highway 1 (13440-13500)	3	Notified Owners – August 2017 Notice of Intent – March 2019	2019	2019
	Thelma Ave. LPSS	3	Notified Owners – September 2017 Notice of Intent to Assess–September 2019	2020	2020
EE	Hobart St SE (Martin Co.)	13	Notified Owners – January 2013 Notice of Intent to Assess–September 2019	2016	2020
	197 th Pl N	3	Notified Owners – April 2019 Notice of Intent to Assess – February 2015		2020

Private Road Areas – Page 2

Rank *	Area Description	# Lots	Activity	Original Target Date	Revised Target Start Date
AA	Peninsular Road	5	Private Road Notice of Intent – February 2010 Partial construction complete - June 2013 Soliciting easements for remainder of project	2010	AEO
BB	Rivers Edge Road (Martin Co.)	35	Notified Owners – August 2010 Private Road-Easements Solicited –May 2014 Notice of Intent – February 2014 Project Delayed	2013	AEO
CC	171 st Street (Martin Co.)	7	Private Road - In House Design Owners notified October 2012 Easement rec'd from Church – April 2017 Grant received	2014	AEO
CC	Jamaica Dr	11	Private Road Owners notified Oct 2012	2014	AEO
CC	66 th Terr+Way	19	Notified Owners – Aug 2010 *Private Roads Notice of Intent to Assess – February 2015	2014	AEO
D	Loggerhead Park <i>(institutional)</i>	6 ECs	Need Easements from Palm Beach County	2014	2017
DD	Taylor Road	38	Notified Owners – September 2011 Private Roads	2015	AEO
EE	Imperial Woods LPSS	47	Notified Owners – October 2010 Notice of Intent to Assess – September 2017 Notified to Connect – August 2019	2016	2018
FF	Rolling Hills	50	Notified Owners – January 2013 Private HOA Notice of Intent to Assess – October 2019	2017	2020
FF	Gardiner Lane	1	Notified Owner – July 2013 Private Road Notice of Intent to Assess – October 2019	2017	2019
FF	North A1A	3	Postponed-Town activities in area	2012	AEO
GG	815 S US 1 (Yum Yum Tree)	9 ecs	Notified Owner – November 2014	2016	AEO
GG	Rockinghorse <i>(north of Roebuck Road)</i>	10	Notified Owners – January 2013	2018	AEO
GG	Island Country Estates	47	Notified Owners – January 2013 Private HOA-Received Easement – Feb. 2018 Notice of Intent – July 2018 Construction Award – November 2019	2018	2019
HH	Harbor Rd. S. LPSS	6	Notified Owners – January 2014 Private Road	2017	AEO
HH	SE Indian Hills	12	Notified Owners – January 2016 Easement for Road & Utilities, No Dedication	2019	AEO
19	US Coast Guard Station Offices <i>(institutional)</i> PX Commercial <i>(commercial)</i>	2 ECs 2 ECs	US Government - private roads Albrey- mtg. w/BLM & Historical 3-2011 Prelim design prepared In House 4-2011 Working with Jupiter to obtain easement Working with BLM for options to move forward	2019	2020

* Rank based upon "2010 Septic System Inventory & Assessment"

TBD = To be determined

AEO = As easements are obtained

CURTIS L. SHENKMAN
Board Certified
Real Estate Attorney

CURTIS SHENKMAN, P.A.

4400 PGA BLVD, SUITE 301
PALM BEACH GARDENS, FLORIDA 33410
TELEPHONE (561) 822-3939
Curtis@PalmBeachLawyer.Law

LEGAL ASSISTANTS
REAL ESTATE
JUDY D. MONTEIRO
DENISE B. PAOLUCCI
MELISSA KAJEEJIT

January 6, 2020

Loxahatchee River Environmental Control District
D. Albrey Arrington, Exec. Dir. and Board Members (sent by email to DHenderson)
2500 Jupiter Park Drive
Jupiter, FL 33458

RE: PENDING LITIGATION STATUS REPORT

Dear Dr. Arrington and Board Members:

We are enclosing herewith a brief status report relating to the litigation in which the Loxahatchee River Environmental Control District is involved with our law firm as the attorney of record. This status report updates the last monthly status report previously submitted and consists of a summary of the record proceedings which have occurred in each of the pending cases since last month.

There are no analyses of the pending cases included, as the inclusion of such items might constitute a waiver of any attorney/client privilege that exists between our firm and the District. Therefore, if you would like to discuss the particulars of any specific case in more detail or would like to obtain more information concerning the strategy, status, or settlement posture of any of the individual cases, please feel free to contact me.

As always, we are available at any time to discuss any of these lawsuits with each individual Board Member by telephone or by conference, if there are any questions.

Respectfully submitted,

CURTIS L. SHENKMAN

CURTIS L. SHENKMAN

Attachments

OTHER LITIGATION

NONE

LIEN FORECLOSURES

NONE

MORTGAGE OR LIEN FORECLOSURES / LRD COUNTERCLAIMS/CROSSCLAIMS

NONE



Loxahatchee River Environmental Control District
Monthly Status Report
January 9, 2020

Submitted To: Kris Dean, P.E., Deputy Executive Director/Director of Engineering

The following is a summary of work performed by Baxter and Woodman, Inc. (B&W), on District projects for the monthly period ending January 9, 2020.

Alternate A1A 16-Inch Force Main Extension

B&W and the District continued to coordinate with the U.S. Army Corps of Engineers to address potential impacts to mangrove plants on the south side of the bridge. All parties previously agreed (District, FEC and USACOE) that the installation of the final ~210-LF segment of 16-inch force main using the horizontal directional drilling method was acceptable. B&W submitted additional information to USACOE, who then indicated that a Florida Bonneted Bat Roost Survey was now required. The required survey was completed and submitted to USACOE on January 8, 2020. USACOE acknowledged receipt and indicated that review of the survey and final application documents was in process. The Contractor (Johnson-Davis, Inc.) is tentatively scheduled to re-mobilize to complete the project on January 21, 2020, pending final approval by USACOE.

Master Lift Station No. 1 Rehabilitation

The following items were ongoing or completed during the last monthly period:

- Substantial Completion was achieved on July 11, 2019
- Civil & Architectural walkthrough completed & Formal Punchlist issued September 10, 2019
- A Final Change Order has been executed rendering Contract dates for Substantial Completion July 24, 2019 and Final Completion September 27, 2019.
- Completion of Punch List items nearly complete. Contractor is still waiting on supply and installation of the switch assemblies required to provide local control capabilities for the pneumatic actuators supplied by Rotork
- Final Inspection and Close-out anticipated by January 31, 2019

Whispering Trails Gravity Sewer System

Below is a summary of the ongoing construction activities for the project:

- Substantial Completion Inspection Complete
- Project Punchlist Issued
- Thermo Striping Completed this week
- Landscaping Around LS Turnaround Area being Completed Next Week
- Final PBC Inspection scheduled within next two weeks
- FDEP Certification Being Sent next Week
- Final Completion Inspection within the next 30 Days.
- There is a pending time extension (FPL Conflicts & PBC Drainage Repairs), however it remains unclear whether or not the extension will be commensurate with the project delay duration.

Jupiter Farms Elementary Sanitary Sewer System

Below is a summary of the ongoing activities for the project:

- Contract Substantial Completion was October 19, 2019 (with weather delays)
- Substantial Completion was achieved on November 14, 2019
- A punch list was issued November 25, 2019
- Completion of Punch list items in progress, only minor items and paperwork remains
- Contract Final Completion is 65 days from date of actual Substantial completion, January 18, 2019.
- Final Inspection and Close-out anticipated by January 31, 2019

Respectfully Submitted by:

BAXTER & WOODMAN, INC.



Jason A. Pugsley, P.E.
Vice President / Florida Operations Manager



HOLTZ CONSULTING ENGINEERS, INC.
270 South Central Boulevard, Suite 207, Jupiter, FL 33458 (561) 575 2005

MEMORANDUM

To: Kris Dean, PE, Deputy Director/Director of Engineering, Loxahatchee River Environmental Control District
From: Christine Miranda, PE, Holtz Consulting Engineers, Inc.
Date: January 9, 2020
Subject: **Loxahatchee River Environmental Control District Monthly Status Report**

The following is a summary of work performed by Holtz Consulting Engineers, Inc. (HCE) on Loxahatchee River District projects through January 9, 2020. **Note: Any information that is historical or repeated from previous months are shown in italics. Otherwise, all information as shown below is newly reported information.**

Imperial Woods Low Pressure Sewer System

- *The cost proposal from A Cut Above Landscape & Irrigation to install the root barrier at the entrance of Imperial Woods per the arborist plan was provided to District staff on November 18, 2019. District staff is coordinating with the homeowner's association for their review and approval of what elements of the work they would like completed. Upon the homeowner's association direction and approval, a change order will be issued to the Contract for the additional work and extension of the contract time, if needed. The work should take approximately three days to complete.*

Island Country Estates Low Pressure Sewer System

- *The recommendation of award to The Lazarus Group, Inc. was approved at the November board meeting. The Contactor has provided shop drawing submittals to HCE for review and approval. Contracts are currently being prepared for execution. Upon execution of the contracts, the preconstruction meeting will be scheduled with a Notice to Proceed being issued at approximately the same time. HCE has reviewed the shop drawings and will provide comments back to the Contractor upon execution of the contracts.*

Lift Station No. 082 Master Plan and Improvements

- The draft technical memorandum summarizing the results, conclusions, and recommendations of the hydraulic model was provided to District staff on December 20, 2019. HCE met with District staff on January 8, 2020 to review the technical memorandum. We are currently finalizing the memorandum and will have the revised version delivered to the District by January 13, 2020. Based upon the results and conclusions of the hydraulic model, HCE will now proceed with the design improvements for Master Lift Station No 082.



Busch Wildlife Sanctuary At Loxahatchee River District Quarterly Dashboard - 4th Quarter 2019



	Education				Animal Care			Financial Operations			Gift Shop	Volunteers	Safety
	General Public Visitors	Visitors Attending Public Programs	In-reach / Out-reach Program Attendance	Education Net Income	Injured Animals Received / Treated	Animals Released	Average Donation per Animal Admitted	General Donation Income	Grants/Major Donor Income	BWS Net Income	Net Income	Hours Logged	OSHA Recorded Incidents
Benchmark	# of People	# of People	# of People		#	%						#	#
Green	> 25,000	> 3500	> 5500	> \$20,000	< 500	≥30%	≥ \$15.00/Animal	> \$25,000	> \$100,000	≥ \$100,000	> \$10,000	> 2000	0
Yellow	≥ 20,000	≥ 2500	≥ 4000	≥ \$10,000	≥ 500	≥25%	< \$15.00/Animal	≥ \$15,000	≥ \$50,000	> \$0.00	≥ \$5,000	≥ 1500	1
Red	< 20,000	< 2500	< 4000	< \$10,000	>1000	<25%	< \$10.00/Animal	< \$15,000	< \$50,000	≤ \$0.00	< \$5,000	< 1500	>2
2018 Qtr Results													
1st Qtr													
2nd Qtr													
3rd Qtr													
4th Qtr													
2019 Qtr Results													
1st Qtr													
2nd Qtr													
3rd Qtr													
4th Qtr													

4th Quarter Items:

Projects Completed: Boardwalk to Hospital, Songbird Enclosure, Covered area by Waterbirds

Projects In Progress: Gator Swamp Habitat, Updating Signage, Mulching Pineland Nature Trail

Future Projects: Flight Cage Complex, New Raccoon & renovation of old Raccoon and Skunk Habitats, Wildlife Hospital Recuperation Enclosure, Outdoor Rehab and Recovery Enclosures

4th Quarter Special Events and Appearances:

Trainings: First Aid/CPR certification for key staff; All Staff Safety Trainings on workers comp reporting, hazardous materials/chemicals, and hand and portable power tools; Education staff attended a RoP (Reflection Practice)/STEM workshop for Educators

Onsite Educational Activities: Monthly Public Night Walks, Public Guided Tour in October, Family Halloween & Holiday events;

Offsite Educational Activities: Nat'l Night Out, Firefest, PBG Trunk or Treat, Lagoon Fest, Sarasota Peter Gros Wild Kingdom event, Grassy Water Lecture, and North American Vet Center Grand Re-opening

Other Community Events: Wine in the Wild fundraiser held at Sanctuary in December; Community fundraisers at Lilly Pulitzer in Gardens Mall, Sip & Shop at the Dress Collection, Mo's Southwest Grill & Hurricane Grill Givebacks, Tequesta Brewing Co. gift wrapping, and Jupiter Farms Parade event

Metric: Explanation
 Gift Shop: Majority of the purchasing for the giftshop is conducted during the 3rd and 4th Quarters of the year.
 Animal Care: 2nd Quarter is "Baby Season". Always have more animals than usual.
 Financial: Annual Fundraising occurs in December and many contributions are received in 1st Quarter of each year.

Director's Report

- ▶ Admin. & Fiscal Report attach. #1
- ▶ Engineering Report attach. #2
- ▶ Operations Report attach. #3
- ▶ Information Services Report attach. #4
- ▶ Environmental Education attach. #5
- ▶ Safety Report attach. #6
- ▶ Other Matters (as needed) attach. #7

J:\Board\Notebook\Directors Report

Loxahatchee River District

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D. Albrey Arrington, Ph.D., Executive Director

MEMORANDUM

TO: GOVERNING BOARD
FROM: D. ALBREY ARRINGTON, Ph.D.
DATE: JANUARY 10, 2020
SUBJECT: EXECUTIVE DIRECTOR'S 2020 GOALS

Last month during my review, the Board expressed a desire to work on and improve my goals for 2020. I have received input from several Board members and used that input to draft the information on the following two pages. The first page includes "Performance Assessment Criteria" and the second page includes specific "Goals" for 2020. I hope you will view this as a good working draft. These documents are intended to improve the process and quality of my next annual review. I look forward to receiving any constructive feedback to improve these documents.

2020 – Performance Assessment Categories for Dr. Arrington

Organizational Leadership. Does the Executive Director provide strong, visionary leadership to the organization? How well does the Executive Director motivate and energize the organization in pursuit of our mission? Does Executive Director build and model the desired organizational culture and core values?

Effective relationship with Board. How well does Executive Director communicate and interact with the LRD Governing Board? Is the relationship characterized by transparency, candor, open & effective communication? Is the Governing Board kept informed, in a clear and timely manner, regarding all relevant aspects of the District?

Strategic Plan. Are prioritized elements from the Strategic Plan being implemented? Is the organization aligned to the Mission, Vision, and Core Values?

People management. Does the Executive Director recruit and maintain qualified, effective, and productive staff? Are the right people in the right jobs, especially in management positions? Are staff turnover and succession managed effectively?

Operating metrics. Are metrics on the Executive Dashboard (e.g., revenues, expenses, safety, environmental education, customer satisfaction) indicative of a well-run organization?

Governance. Does the Executive Director implement procedures to ensure Governing Board actions and policies are effectively administered? Are District Rules and policies reviewed periodically?

Financial performance. Did the organization achieve a clean audit, which is the product of establishing and implementing effective financial procedures and internal controls? Did the Executive Director produce a timely and quality Rate Study and Budget? Was a budget amendment necessary?

Effective decision making. Does the Executive Director make recommendations and decisions that show sound judgment, clear thinking, and are designed to ensure effective use of organizational resources.

Compliance with legal and regulatory standards. Did the organization operate in compliance with relevant laws and governmental regulations? Did Executive Director respond appropriately to regulatory agency comments and recommendations.

Litigation. Did the organization experience any costly, avoidable litigation?

Relationships with external constituencies. How well does the Executive Director engage with sister agencies, regulatory agencies, state and federal policy makers, and other stakeholders? Is the organization respected within the community?

2020 Goals (specific, measurable, achievable, realistic/relevant, and time-bound)

Safety: Achieve 12 month rolling average of TRIR that places LRD in 2nd quartile of similar sized/oriented organizations by Dec 31.

- Begin implementation of a near miss program by Mar. 31
- Ensure all staff are trained to perform their job functions and track training compliance by Jun 30
- Proactively evaluate safety risks (e.g., lift station fall protection) and develop plan to mitigate risks to acceptable levels by Nov 30.

Operational Improvement: Continue analysis and implementation to ensure balance of long-term reliability, permit adherence, and low cost structure in LRD operations.

- Continued implementation of EAM (asset management software) with goal of systematic maintenance/rehabilitation/replacement of assets based on industry standards, failure analysis, and cost considerations
- Begin assessing potential long-term impacts from climate change – produce a preliminary report on long-term impacts from climate change by Dec. 31.
- Develop long-term plan for LRD property at 2500 Jupiter Park Drive – select landscape architect and/or engineering firm via CCNA process by Jun. 30

Community Engagement/Education: Assess impact and recommend changes/alternatives by Dec. 31

- Revision River Center operations including benefits/improvements to programming, location, target audiences, facilities with draft presented to Board by Dec. 17.
- Evaluate opportunities to increase collaboration with BWS for education by Jun. 30

Continuous Improvement: Commit LRD to and implement a systematic, process based continuous improvement culture.

- Complete yellow belt continuous improvement training for 100% of LRD staff by Apr. 1
- Complete green belt continuous improvement training for selected cadre by Sept. 31
- Evaluate poorest performing operating metrics using pareto methodology by Jun. 30 and work top 3 thru root cause corrective action by Dec. 31

Governance: Ensure currency of and 100% adherence to LRD rules, policies, and procedures.

- Institute and publish a schedule for review and approval of LRD rules and Board-approved policies by Mar. 31
- Provide flexibility for disciplined provisional experimenting/changing LRD policies, procedures, and work instructions to enable implementation of continuous improvement.
- Select new Investment Advisor and Recordkeeper for LRD Retirement Plan before Apr. 1
- Fill Director of Operations position by end of Apr. 1.

River Health: Work to improve the health of the Loxahatchee River

- Work with SFWMD and USACE to achieve federal authorization of the Loxahatchee River Watershed Restoration Project – Chief's Report approved by Jun. 30.
- Continue monitoring and research within Jones Creek and Dubois to understand drivers of fecal coliform bacteria exceedances. Draft technical memorandum explaining findings by Dec 31.
- Submit for peer review a manuscript characterizing nutrient concentrations and loading derived from landscape irrigation with LRD's reclaimed water by Sept. 31.

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D. Albrey Arrington, Ph.D., Executive Director



To: Governing Board
From: Kara Fraraccio, Director of Finance and Administration
Date: January 10, 2020
Subject: Monthly Financial Report

Cash and Investments

Balances as of December 31, 2019

Certificates of Deposit:

Institution	Original Term	Maturity	Rate	Book Value	Monthly Interest Earned	Market Value
Bank United	18 Months	02/04/20	2.65%	\$ 1,000,000	\$ 2,300	\$ 1,024,075
Bank United	2 Years	04/02/20	2.46%	2,000,000	4,248	2,037,650
US Bank	18 Months	05/01/20	3.00%	1,507,875	3,966	1,560,305
Bank United	18 Months	06/07/20	2.88%	1,500,000	3,774	1,546,698
US Bank	2 Years	01/29/21	2.71%	1,011,450	2,304	1,036,663
Bank United	2 Years	03/11/21	2.60%	1,000,000	2,247	1,021,180
Subtotal				\$ 8,019,325	\$ 18,839	\$ 8,226,571

Money Market Accounts:

Synovus - Public Demand	1.50%	\$ 15,701	\$ 12,266,819
TD Bank - NOW	1.66%	11,479	8,202,601
Subtotal		\$ 27,180	\$20,469,420

Checking Account:

SunTrust-Hybrid Business Account	0.50%	\$ 1,157	\$ 4,704,272
Subtotal		\$ 1,157	\$ 4,704,272

Total		\$ 47,176	\$33,400,263
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Average weighted rate of return on investments is: 1.70%

As of 12/31/19:

3 month Short Term Bond: 1.55%

1 month Federal Fund Rate: 1.55%

Cash position for December 2018 was \$37,311,234. Current Cash position is **down** by \$3,910,971.

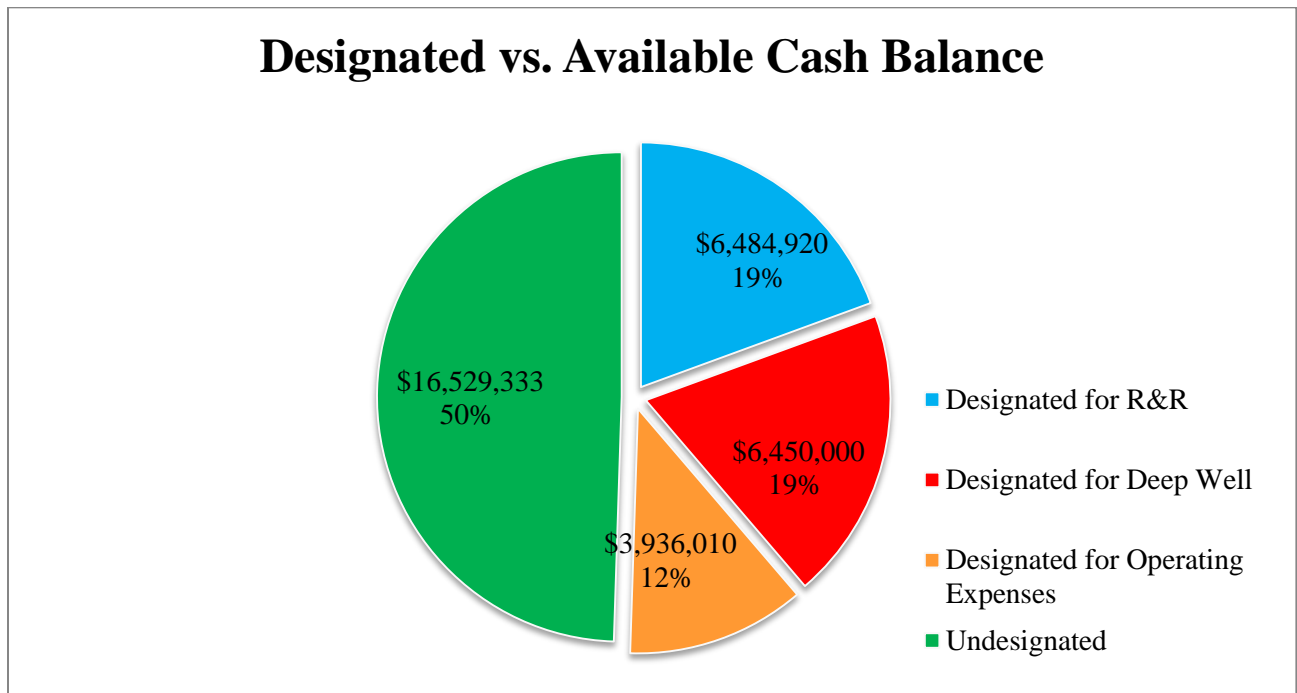
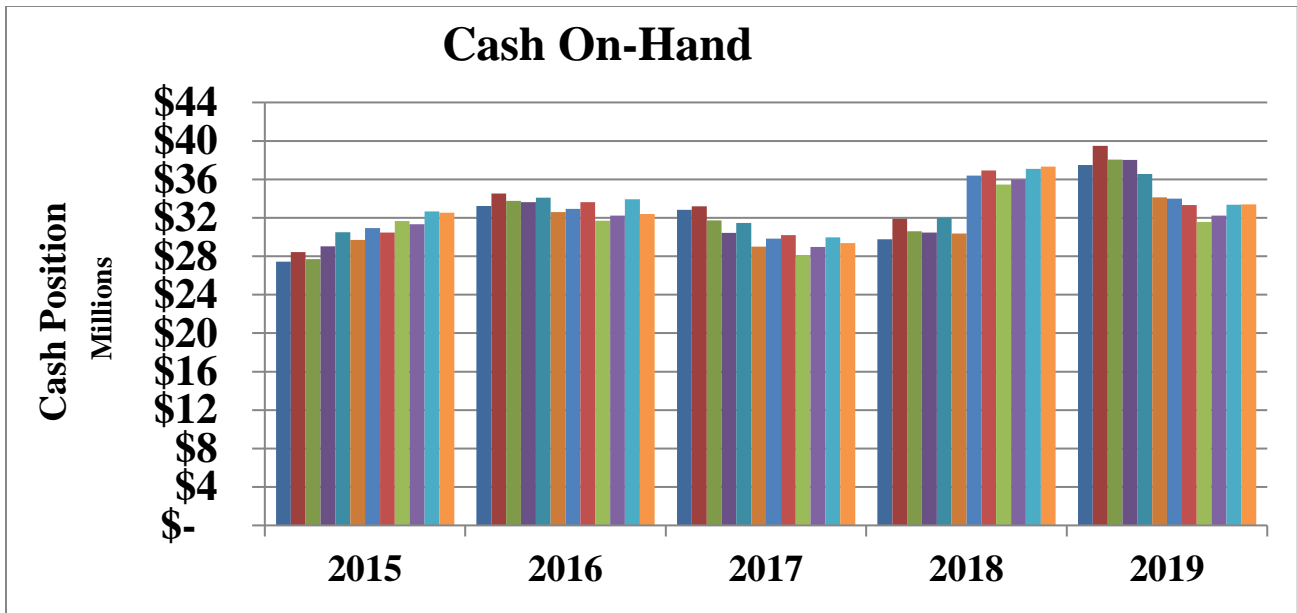
Gordon M. Boggie
Board Member

Stephen B. Rockoff
Board Member

Dr. Matt H. Rostock
Chairman

Harvey M. Silverman
Board Member

James D. Snyder
Board Member



Financial Information

- Legal fees billed for the month of December were \$4,800. The fiscal year-to-date total is \$24,675.
- Septage billing for the month of December was \$115. The fiscal year-to-date total is \$115.
- Developer's Agreement – One new Developer agreement with Seaglass Condominium was entered into in December.
- I.Q. Water Agreements – Abacoa POA, Fairways of Jupiter, and Workplace FL are past due for December.
- Estoppel fees collected in December totaled \$5,550. The fiscal year-to-date total is \$20,700.

Summary of Budget vs. Actual

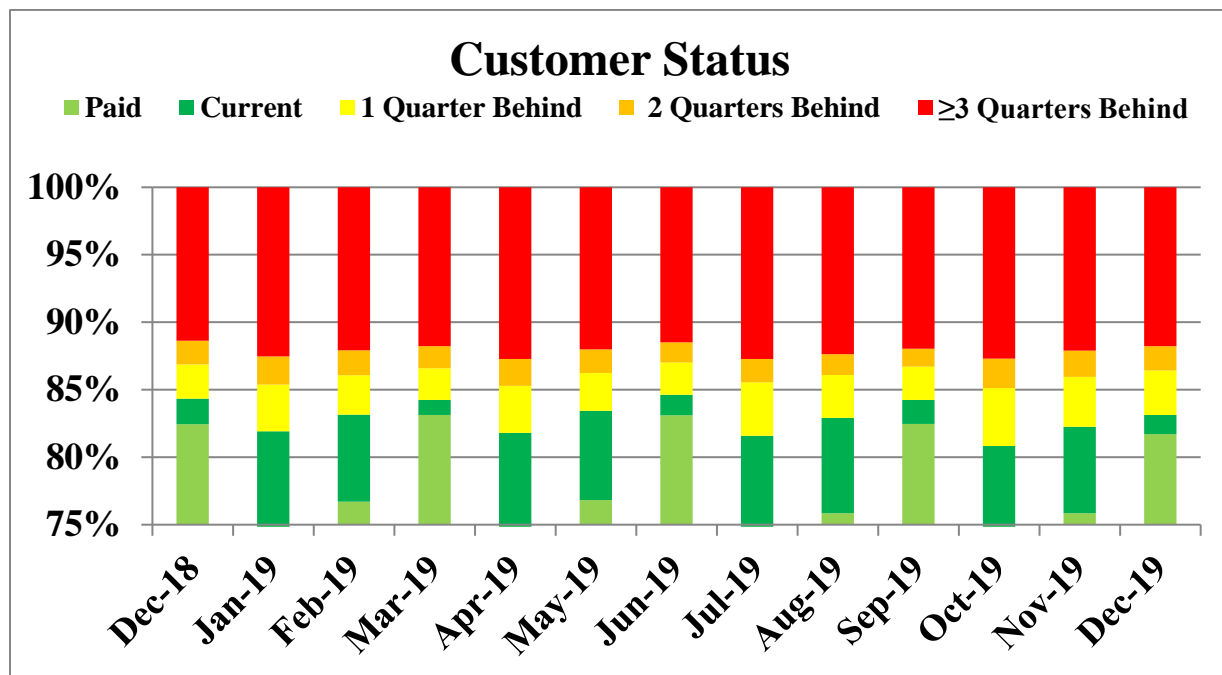
<i>Budget Benchmark</i> 25.00%	Dec-19 Actual	YTD Actual	FY 20 Budget	Favorable (Unfavorable)	Budget Expended	Dec-18 YTD
Revenues						
Operating Revenues						
Regional Sewer Service	\$1,412,727	\$4,241,673	\$17,324,020	\$ (13,082,347)	24.48%	\$4,176,191
Standby Sewer Service	8,088	22,704	98,458	(75,754)	23.06%	22,887
IQ Water Charges	199,340	598,019	2,004,752	(1,406,733)	29.83%	594,296
Admin. and Engineering Fees	5,690	9,544	42,295	(32,751)	22.57%	14,266
Other Revenue	17,945	98,358	300,000	(201,642)	32.79%	99,877
Subtotal Operating Revenues	1,643,790	4,970,298	19,769,525	(14,799,227)	25.14%	4,907,517
Capital Revenues						
Assessments	563,779	656,205	864,897	(208,692)	75.87%	656,260
Line Charges	27,465	46,861	201,337	(154,476)	23.27%	71,264
Plant Charges	35,717	126,013	1,012,727	(886,714)	12.44%	167,571
Capital Contributions		56,059	1,000,000	(943,941)	5.61%	
Subtotal Capital Revenues	626,961	885,138	3,078,961	(2,193,823)	28.75%	895,095
Other Revenues						
Grants				-	100.00%	
Interest Income	469,748	634,268	1,127,200	(492,932)	56.27%	665,852
Subtotal Other Revenues	469,748	634,268	1,127,200	(492,932)	56.27%	665,852
Total Revenues	\$ 2,740,499	\$ 6,489,704	\$ 23,975,686	\$ (17,485,982)	27.07%	\$ 6,468,464
Expenses						
Salaries and Wages	\$427,022	\$1,121,756	\$5,873,500	\$ 4,751,744	19.10%	\$1,095,097
Payroll Taxes	31,039	81,927	427,300	345,373	19.17%	78,962
Retirement Contributions	60,637	160,653	734,200	573,547	21.88%	151,220
Employee Health Insurance	88,888	268,163	1,308,800	1,040,637	20.49%	288,529
Workers Compensation Insurance		46,864	99,800	52,936	46.96%	23,881
General Insurance	1,030	212,898	364,107	151,209	58.47%	96,422
Supplies and Expenses	47,936	290,870	1,132,675	841,805	25.68%	232,660
Utilities	111,587	288,566	1,394,850	1,106,284	20.69%	223,555
Chemicals	19,084	70,632	452,000	381,368	15.63%	146,120
Repairs and Maintenance	87,653	490,475	1,814,429	1,323,954	27.03%	589,515
Outside Services	187,165	402,672	1,917,360	1,514,688	21.00%	376,236
Contingency			225,000	225,000	0.00%	
Subtotal Operating Expenses	1,062,041	3,435,476	15,744,021	12,308,545	21.82%	3,302,197
Capital						
Capital Improvements	313,916	2,348,563	13,579,107	11,230,544	17.30%	2,210,717
Subtotal Capital	313,916	2,348,563	13,579,107	11,230,544	17.30%	2,210,717
Total Expenses	\$ 1,375,957	\$ 5,784,039	\$ 29,323,128	\$ 23,539,089	19.73%	\$ 5,512,914
Excess Revenues						
Over (Under) Expenses	\$ 1,364,542	\$ 705,665	\$ (5,347,442)	\$ 6,053,107		\$ 955,550

Pending/Threatened Litigation

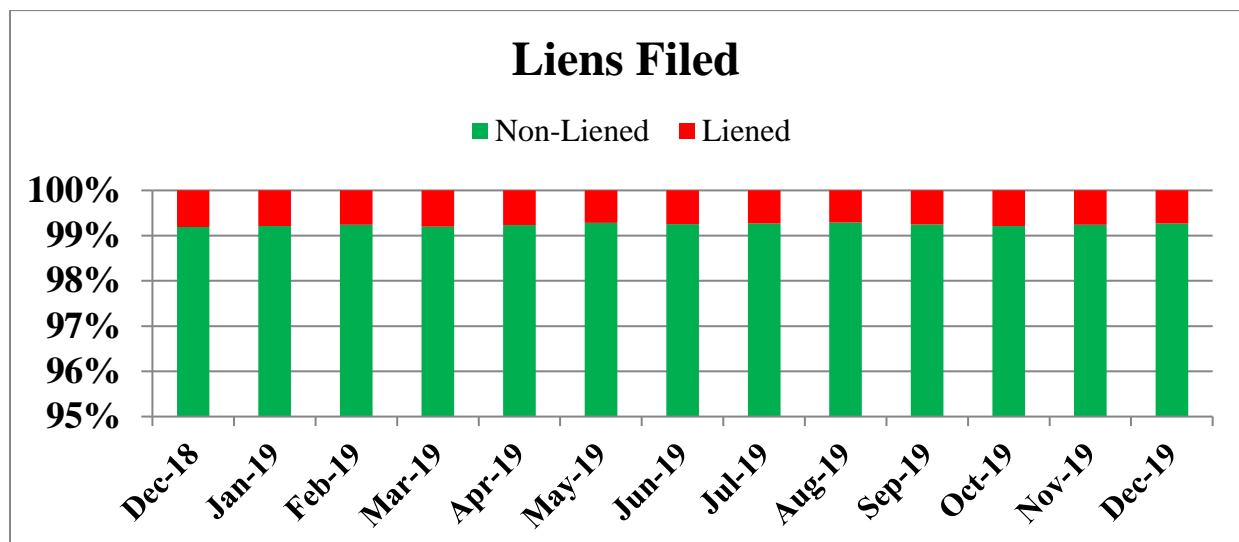
- Whispering Trails – The District received a formal notice that a negligence claim is being made on behalf of a resident of Whispering Trails as a result of a personal injury incident. We notified the District’s legal counsel, the project engineers, the contractor, and the District’s General Liability Insurance provider, PRIA. At this time, we have not received a Notice of Claim.

Accounts Receivable

The chart below illustrates customers’ receivable status as a percentage of quarterly sewer billing. Paid or current balances represent approximately 83% billing.



The District serves approximately 32,600 customers. Currently, the District has 239 liens filed which represent approximately 1% of our customers.



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D. Albrey Arrington, Ph.D., Executive Director

MEMORANDUM

TO: D. Albrey Arrington, Ph.D., Executive Director

FROM: Kris Dean, P.E., Deputy Executive Director/Director of Engineering Services

DATE: January 8, 2020

SUBJECT: Engineering Services Report – January 2020 Board Meeting

PROJECT HIGHLIGHT

Contractor Safety: This month we have been working diligently with Safety to incorporate provisions in our construction contracts and open purchase orders to evaluate and manage contractor's safety performance. A presentation will be included in this month's Watershed Status.

IN-HOUSE PROJECTS

Lift Station Fall Protection: After evaluating nets, hand rails and grates staff have agreed a retro-fitted safety grate is the preferred approach to providing fall protection at lift stations. Staff have completed their evaluation of field installation options and are coordinating with a consultant for a work authorization to proceed with development of bid documents and installation observation.

Lift Station Rehabilitations General Construction Services: The rehabilitation of the third of three stations is nearing completion and we are planning to move forward with Lift Station 101 and 56 in Jan/Feb 2020. Our overall lift station rehabilitation projects are falling behind schedule but staff are working on procedures to expedite the evaluation, purchase order and construction processes under the new general construction services contract.

Cellular Telemetry: IT and Engineering staff are working on a project to test cellular telemetry installation at existing stations with no telemetry. The third alternate option is online and staff will begin working on the procurement process once the viability of the options is determined. It is anticipated that we will select up to three suppliers to source telemetry units through a competitive bid process.

181st Street Gravity Sewer System: This project will serve 11 lots located just off Limestone Creek Rd. The new system will tie into an existing gravity system in Limestone Creek Rd. Design is complete. We have scheduled the project to bid in March 2020.

New Palm Beach Heights Low Pressure Sewer System: This project will serve 36 lots located just off US 1 south of Donald Ross Rd. PBCHD has released the project for operation. The Preliminary Assessment is included in TAB 5B.

Gordon M. Boggie
Board Member

Stephen B. Rockoff
Board Member

Dr. Matt H. Rostock
Chairman

Harvey M. Silverman
Board Member

James D. Snyder
Board Member

Olympus Drive Force Main Replacement: This project is part of our asbestos cement (AC) force main replacement program and will replace approximately 2,000 feet of AC force main in Juno Beach. Soft digs were completed but results were not conclusive. Staff are investigating further with GPR and potholing as required. This project has been significantly delayed from the original schedule but the importance of the utility locates given the nature of the proposed directional bore installation warrants the delay. To expedite the project we are coordinating with a consultant for design/bid services.

Lift Station 57 and 58 Tie-in to Transmission System: This project was awarded at the November Board. Staff are currently coordinating with the Village of Tequesta and our general construction services contractor for permitting and schedule.

Fiscal Year 2020 Main Lining Projects: Staff and the contractor attended the preconstruction meeting this month and discussed overall project coordination and schedule. We anticipate the contractor mobilizing in January 2020 with completion by the end of February 2020 in Brentwood/Weldwood, Lift Station 057 collection system and Lift Station 058.

Fiscal Year 2020 Lateral Lining Projects: Staff are coordinating with the contractor for pricing and piggy back contract options to perform lateral lining once main lining is complete in the Brentwood. Weldwood, Lift Station 057 and Lift Station 058 collection systems. We anticipate bringing this to the February Board with our recommendation.

Lift Station 70 Emergency Generator and Power/Control Panel: This project provides a permanent emergency generator at Lift Station 70 and a new power and control panel including variable speed pump drives. The station went fully online as we prepared for Hurricane Dorian. Staff and the contractor are working to resolve communication and monitoring points between the control panel, generator and data flow telemetry system.

CONSTRUCTION DEPARTMENT

Construction's report is not available at this time.

COLLECTIONS/REUSE

Lift Station 111 located in Juno Ocean Walk East had recurring high level alarm/red lights. Staff determined that the issue causing the alarm/red lights was air trapped in the system reducing the flow capacity of the force main. The force main system had air release valves (ARV) installed on it originally but these ARVs were out of service due to maintenance issues and we had not been successful in obtaining permits in FDOT's right of way to perform the work necessary to put them back into service. Looking at the system we found a location outside of FDOT's right of way that would allow us to vent air from the system and installed a new ARV. This immediately remedied the recurring alarm/red lights for approximately 2 months when they began to recur again. This time staff were able to trace the problem to trash in the check valve for pump 1. We will continue to monitor the station but are hopeful this particular issue has been resolved.

The below graph shows the alarm/red light history over the last 2 years for Lift Station 111. As is apparent from the graph, approximately 1 year ago the station began experiencing frequent red lights over the span of 3-4 months, which stopped with the installation of the ARV. The two isolated instances next to the right were one FPL power issue and one unknown. The two at the far right were due to the check valve issue.



This graph is a visual display of output from our PowerBI Lift Station Evaluation page. The data above is also available in tabular form for all lift stations in our system. We routinely run tabular reports to identify our most problematic stations so we can review issues at the station and come to a final resolution.

SANITARY SEWER OVERFLOWS

There were three sanitary sewer overflows in the collection/transmission system in December.

The first overflow was failed gravity service lateral serving a multi-family dwelling. The cleanout out was broken allowing roots to grow into the lateral causing a blockage. Staff replaced the wye and cleanout.

The second overflow was in the Eganfuskee low pressure sewer system. Unlike the majority of our system, the low pressure stations in this system are owned by the District. This overflow was caused by two failures. The first failure was a faulty "on" float. Which, when tripped, did not call the pump to run. Typically when this occurs, as the water level in the wetwell rises it will trip a high level alarm float. In this instance the high level alarm float

was stuck in the wetwell by the piping and did not “trip” as the water level increased. Staff replaced all the floats in the wetwell and also repositioned the floats to prevent them being stuck in the future.

The third leak was on the vac-con. As the vac-con crew cleaned a wetwell and filled the debris tank, water leaked from the debris tank rear door. This problem has occurred previously and measures taken to prevent its recurrence were not as effective as we had hoped. After discussion with staff, the debris tank rear door safety latches were increased from 1 to 2, testing showed this worked but still took considerable effort to secure. Maintenance is now installing two additional safety latches which will further distribute the sealing force evenly around the door. In addition to the safety latches staff were trained on cleaning and inspecting the seal and seating surface at the rear door.

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D. Albrey Arrington, Ph.D., Executive Director

MEMORANDUM

TO: Albrey Arrington, Ph.D., Executive Director

FROM: Nathan Jarvis, Plant Process Foreman

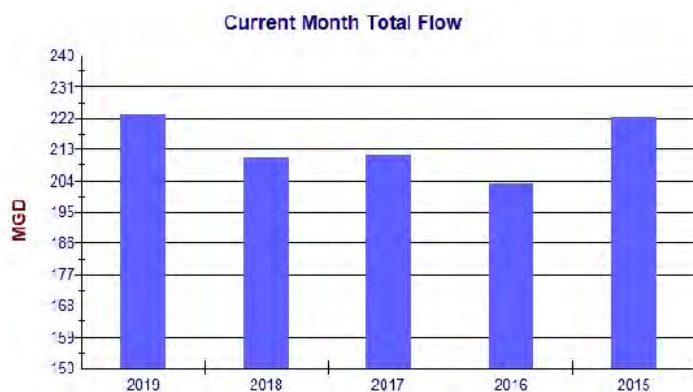
DATE: January 10, 2020

SUBJECT: Operations Department Monthly – Report for December 2019

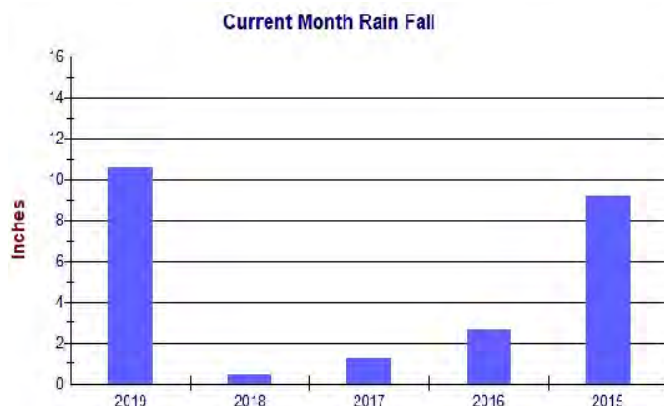
Treatment Plant Division/ Maintenance Department

The Month of December was bittersweet for the operations department the holidays were upon us however our Director of Operations was no longer with us, after his move out of state. This required everyone in the operations department to pull together as a team and pick up Tony's responsibilities. This was a learning curve for our department however everyone quickly stepped up to the plate, and our department continued to run like a well-oiled machine. Instances like these show us how well our team collaborates, and it makes me proud to be a part of it. And we look forward to the future of working with our new Director of Operations.

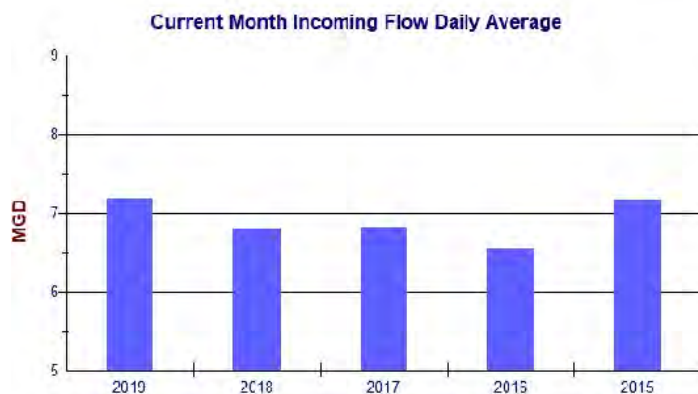
We've had great month of no permit exceedances.



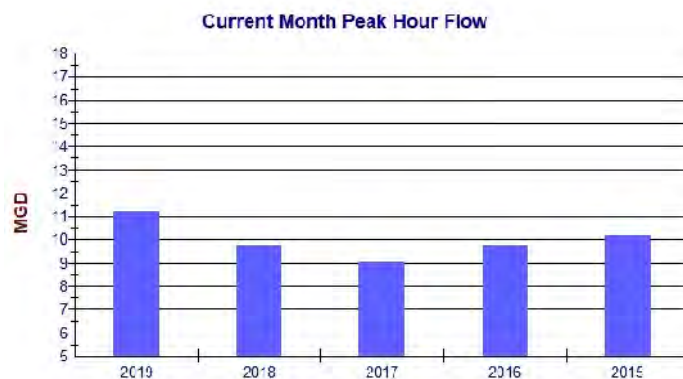
The plant total flow for the month of December was 222.86 million gallons.



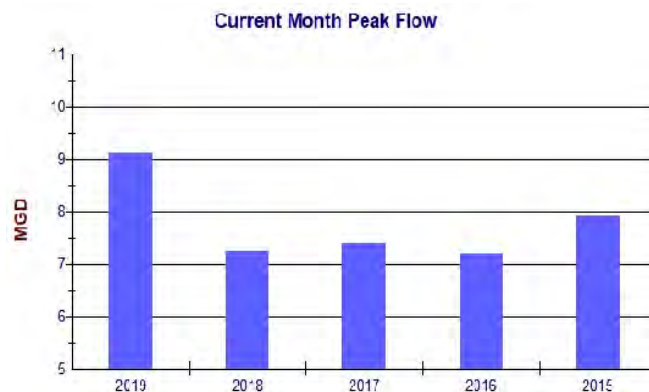
10.52 inches of rain was recorded at the plant site during the month of December, 7.0 inches occurring in one day.



The treatment plant incoming flow for the month of December averaged 7.19 MGD compared to 6.80 MGD one year ago, for the same month.

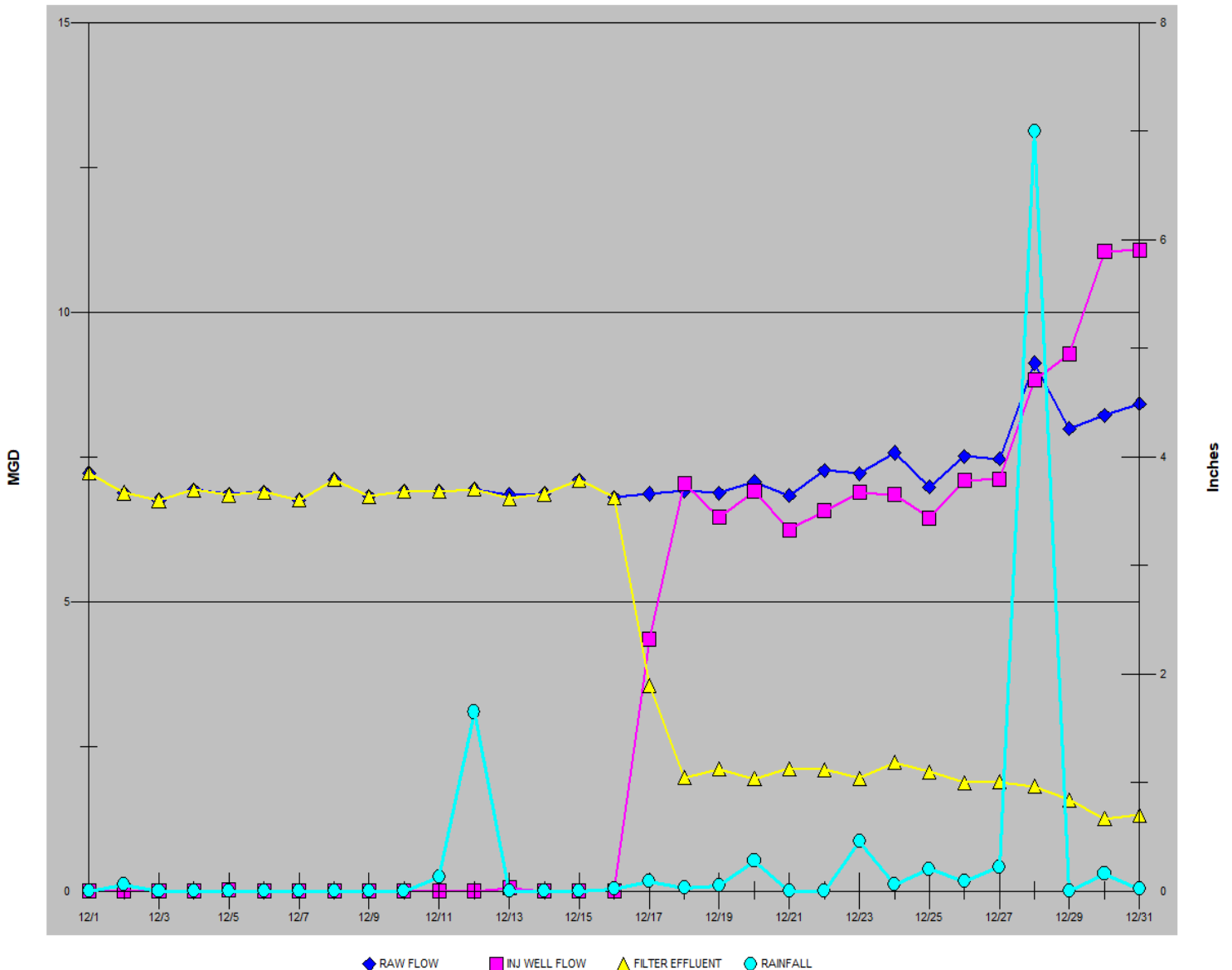


The peak hourly flow rate for December was 11.21 MG.



The greatest single day average flow in December was 9.12 MGD day.

For the month of December, the plant received 222.86 MG of influent flow of which 140.20 million gallons were sent to the IQ storage system where they were dispersed as needed to the various golf courses and the Abacoa development sites. We received 10.52 inches of rain during the month and 112.25 million gallons of blended effluent was diverted to the Injection Well. Overall, 62.91% of incoming flows were recycled for IQ use and the plant delivered 126.50 million gallons of IQ water to the Reuse customers.

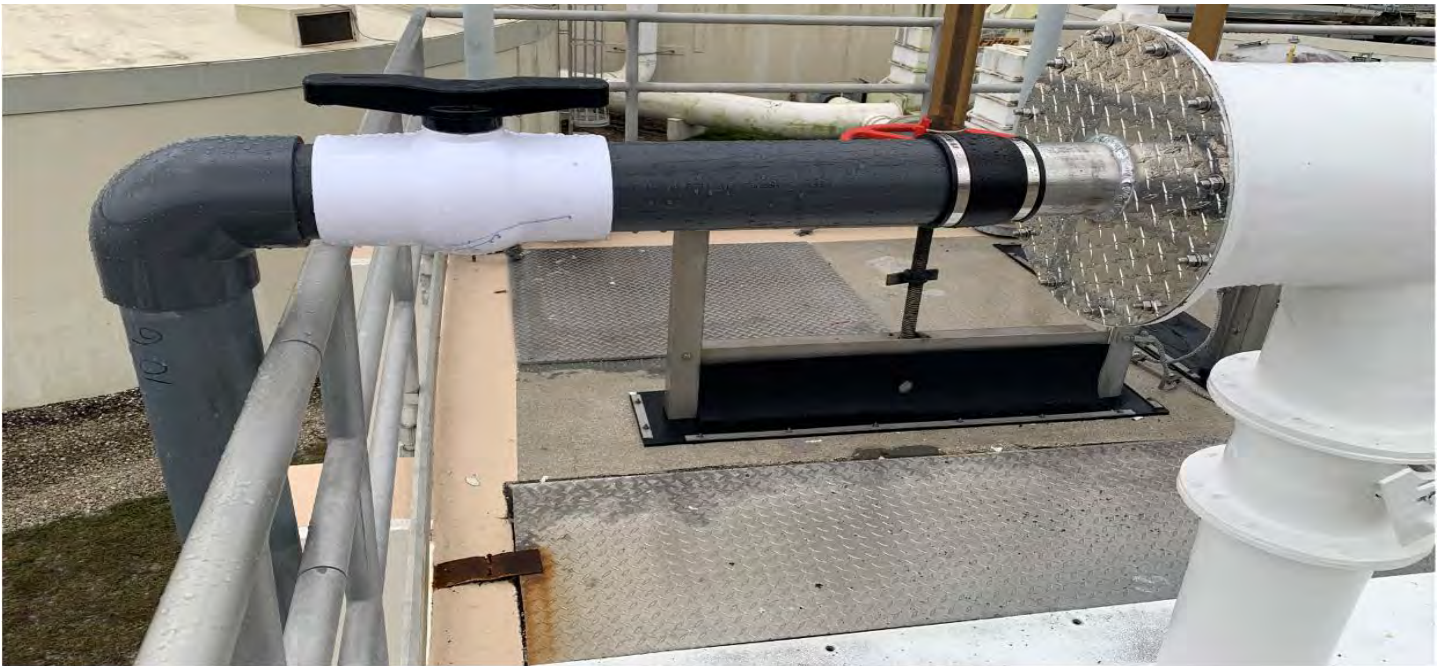


Year to date, the plant recycled 64.52% of all incoming flow and the total amount of IQ water delivered to reuse customers stands at 1,695.01 million gallons.

All monthly reporting has been submitted on time.

Treatment Plant:

Operation worked closely with the maintenance department this month to fabricate a new suction line on the dewatering odor scrubber unit. This suction line is used to draw odoriferous air from the head works equalization gate and pass it through the head works bio filter to scrub impurities from the air to help combat odors. In culmination with an odor study being completed by Evoqua Water Technologies, we are striving to better understand odors in our process and look for ways to dissipate any undesirable odors.



Maintenance Department:

The maintenance shop has worked closely with the collections department in designing and fabricating a stand for the transport and maintenance of our larger submersible pumps. The design includes wood cradle that avoiding damage to the body of the pump. It also provides removable wooden inserts that are installed on the bottom of the unit for easy access with fork trucks and avoids marring concrete and asphalt. This will be a useful tool that will stand the test of time and will be a valuable asset to the district for many years to come.



Loxahatchee River District

Water Reclamation | Environmental Education | River Restoration

2500 Jupiter Park Drive, Jupiter, Florida 33458

Telephone (561) 747-5700 • Fax (561) 747-9929 • www.loxahatcheeriver.org



D. Albrey Arrington, Ph.D., Executive Director

MEMORANDUM

TO: Albrey Arrington, Ph.D., Executive Director
FROM: Bud Howard, Director of Information Services
DATE: January 9, 2020
SUBJECT: Monthly Governing Board Update for December 2019

WildPine Ecological Laboratory

Riverkeeper Project

In December, staff from the lab collected water quality samples from 16 monitoring stations throughout the watershed. Additional bacteria samples were collected by Town of Jupiter staff at 8 stations in Jones and Sims Creeks. Water quality conditions improved throughout the watershed in December compared to November.

Chlorophyll-a concentrations in December scored “Poor” at only 2 out of 16 (13%) stations when compared to the stringent FDEP/EPA Numeric Nutrient Criteria (NNC) water quality standard for each river segment; better than 34% of the stations in November. The highest concentration was found at Lakewood/Sonoma Isles station (St. 88) at 22 ug/L, slightly over the NNC (20 ug/L) for that area. The average chlorophyll values for all stations was 5 ug/L.

Total Phosphorus (TP) concentrations in December also improved over last month with only 2 out of 16 (13%) Riverkeeper stations exceeding the NNC water quality standards. River’s Edge (St. 107) had the highest concentration at 0.1 mg/L, over the NNC of 0.075 mg/L for that segment. The average TP for all stations in December was 0.044 mg/L.

Total Nitrogen (TN) concentrations in December were even better than last month with no Riverkeeper stations exceeding the NNC. Jupiter Farms Canal 1 (St. 95) had the highest concentration of TN at 1.0 mg/L and the average for all stations in December was the same as November at 0.8 mg/L TN.

Fecal coliform bacteria scored “Poor” at 6 of the 24 (25%) stations sampled in December when scored to DEP’s threshold of 800 MPN/100 mL, similar to November. The average bacteria count for all stations sampled was 846 MPN/100 mL, down from 904 MPN/100 mL in November. St. 735 in Sims Creek had the highest concentration of fecal coliform bacteria at 4,106 MPN/100 mL.

Gordon M. Boggie
Board Member

Stephen B. Rockoff
Board Member

Dr. Matt H. Rostock
Chairman

Harvey M. Silverman
Board Member

James D. Snyder
Board Member

Florida Department of Environmental Protection (FDEP) Partner Study Update

As featured in last month's Watershed Status Report, in December we finalized a summary report of the 'wet' season sampling period in Jones Creek as part of our collaborative study with FDEP on Fecal Indicator Bacteria (FIB) in Jones Creek and Dubois basins, including the results of two specialized datasonde instruments deployed from 30 July 2019 through 9 October 2019. To summarize, FDEP analysis indicated high FIB. Human chemical indicators and genetic tracers were consistently present in Jones Creek during August through September. The results indicate low levels of human waste contamination indicative of a single household rather than broken wastewater infrastructure. We continue to adjust our sampling program to try and identify the likely sources. [Here](#) is a link to the report.

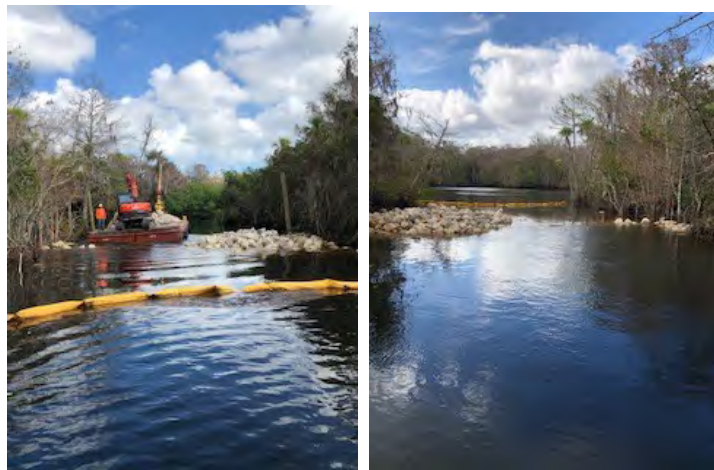
We also sampled Dubois Park as part of this project. In contrast to Jones Creek, Dubois watershed FIB levels were typically less than 100 MPN/100mL and none of the chemical or genetic indicators were traced back to a human source. Based on these results FDEP staff were not concerned with the FIB in Dubois watershed at this time. One interesting finding was the presence of canine genetic material present in the water samples collected at the weir at Carlin Park. The findings suggest that improvements to dog waste education and enforcement within the basin may help improve water quality conditions. Below are some education materials that we intend to share with Parks staff.



Images: DOGIPOT Polyethylene Pet Waste Disposal Station <https://www.dogipot.com/pet-stations> (left). City of Wilmington campaign <https://www.wilmingtonnc.gov/departments/public-services/stormwater/regulations> (right).

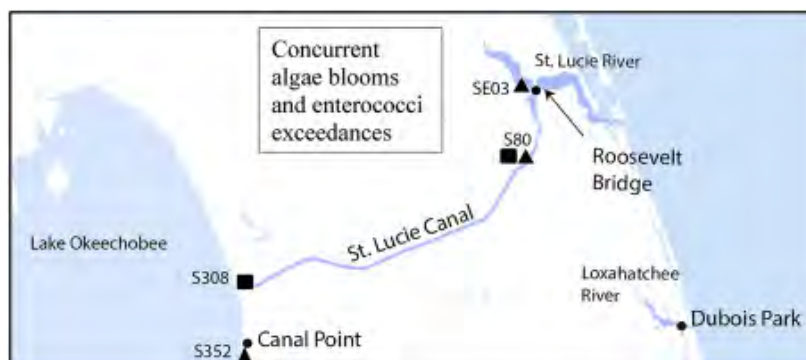
Moonshine Creek Oxbow Restoration Update

The oxbow restoration near Moonshine Creek is progressing. The historical navigational channel has been dredged and the cut plug is almost complete. The pictures (right) were taken by Staff on December 17th while sampling the northwest fork Riverkeeper stations.



Student Collaboration Study

In December, Dr. Elizabeth Kelly, our fecal indicator bacteria (FIB) collaborator from the University of Miami, published a chapter of her dissertation work in the [paper](#) (co-authored by Rachel, our Sr. Scientist) is titled: *Proliferation of microalgae and enterococci in the Lake Okeechobee, St. Lucie, and Loxahatchee watersheds*. This paper investigates the link between high levels of FIB and chlorophyll in Lake Okeechobee, the St. Lucie River and the Loxahatchee River to specific drivers (winds, rains, tides, nutrients, etc.). Even without connection to Lake Okeechobee, Dubois Park had high FIB. In all locations both chlorophyll and FIB were linked to nutrients. Dr. Kelly has taken her expertise to Miami Waterkeeper where she is a scientific consultant continuing her work in water quality research and monitoring.

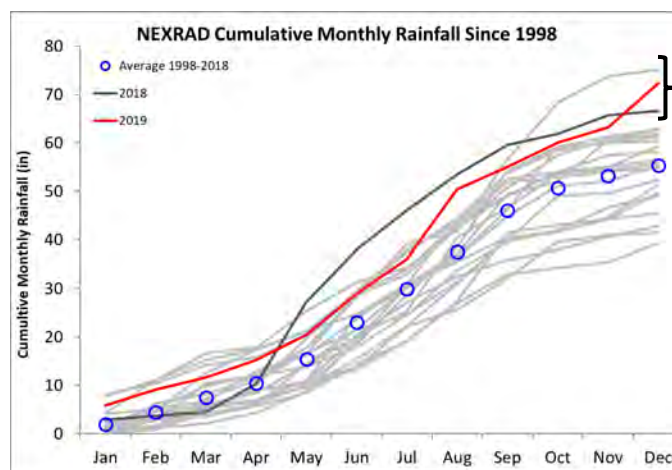


Images: Paper's graphical abstract highlighting study sites.

Hydrologic Monitoring

As 2019 came to a close, December marked the end of yet another extraordinary year of rainfall. To start, rainfall measured across the watershed during December 2019 was the highest on record for that month at 9.1", over four times the 21-year average of 2.2". The watershed experienced rainfall 22 days in December with two notable rainfall events - one occurring on 12/12 with 2.6" and a major rainfall on 12/28 which brought 3.5" of rain average across the watershed and 7" at the LRD plant.

The cumulative total rainfall for 2019 was 72.3" which is 31% higher than the 21 year average total of 55.4" making this year among the wettest on record and second only to 2017's total of 75.2". In fact, 2017 was the start of three consecutive years of record rainfall (see bracket in right figure).

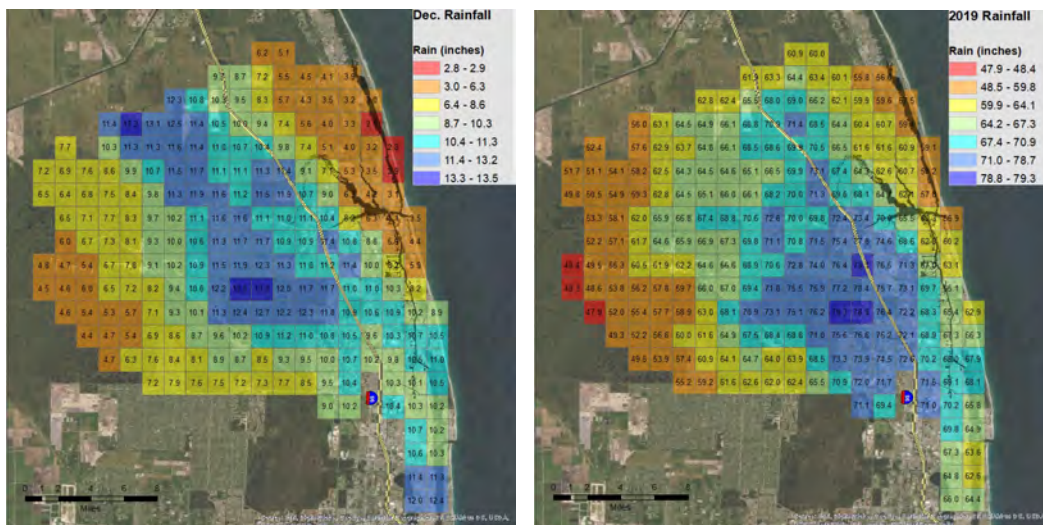


Cumulative annual rainfall using NEXRAD radar-based data. Red line indicates current 2019 cumulative rainfall total. Blue circles indicate mean cumulative rainfall since 1998. (2018 indicated as dark gray line). Bracket indicates rainfall for the years 2017, 2018, and 2019.

Spatially, there was a 10.5" spread in rainfall totals across the watershed. The highest accumulations of rainfall formed a northwest to southeast band across the watershed with regions of Jupiter Farms experiencing up to 13.5" of rain during the month. Regions including Nine Gems and Hungryland

Wildlife and Environmental Area also experienced substantial rainfall between 10-13". The northeast region which includes Jonathan Dickinson State Park, Tequesta and the southwest region of the watershed, which includes J.W. Corbett Wildlife Management Area, experienced the least amount of rainfall between 3-6".

The total annual rainfall map for 2019 (figure below right) highlights the amount of rain that each region accumulated. Notice that rainfall is not evenly distributed. An abundance of rain, up to 79", fell near the south-central regions of the watershed and include urban portions of Jupiter and Abacoa as well as natural areas including Loxahatchee Slough. Incidentally, the regions receiving the least amount of rain in 2019 includes J.W. Corbett WMA and western portion of Hungryland WEA.



Rainfall distribution across the watershed using NEXRAD data; image at left is rainfall data for December and image at right shows total rainfall for 2019. Each pixel represents an area of 2 km x 2 km. Blue colored pixels show highest rainfall and red pixels show lowest rainfall.

Flow over Lainhart Dam during November ranged from 49 to 417 cfs with a mean flow of 146 cfs with no minimum flow violations. The peak flow of 417 cfs occurred on 12/28 following the big rain event. The S-46 flood control structure remained closed until the first significant rain event on 12/12 and remained open through the remainder of the month with average daily flow of 191 cfs and a peak flow of 864 cfs occurring on 12/28. During the flood control releases through S-46 on 12/28 and 12/29 the flows through the G-92 structure, which normally feeds water from the C-18 to the Northwest Fork, reversed and diverted an average 210 cfs into the C-18.

The discharge of excess freshwater had a noticeable effect on salinity in the central region of the estuary. However, all but two of the daily average flows were well below the 700 cfs threshold that is likely harmful. Bottom salinity measured at the USGS structure located at US 1 bridge averaged 31.7 ppt (SD \pm 5.0) for the month, however, starting 12/26 when flows substantially increased in response to high rainfall, the average five-day salinity was 25.0 ppt (SD 8.8) with minimum salinity at near 9 ppt.

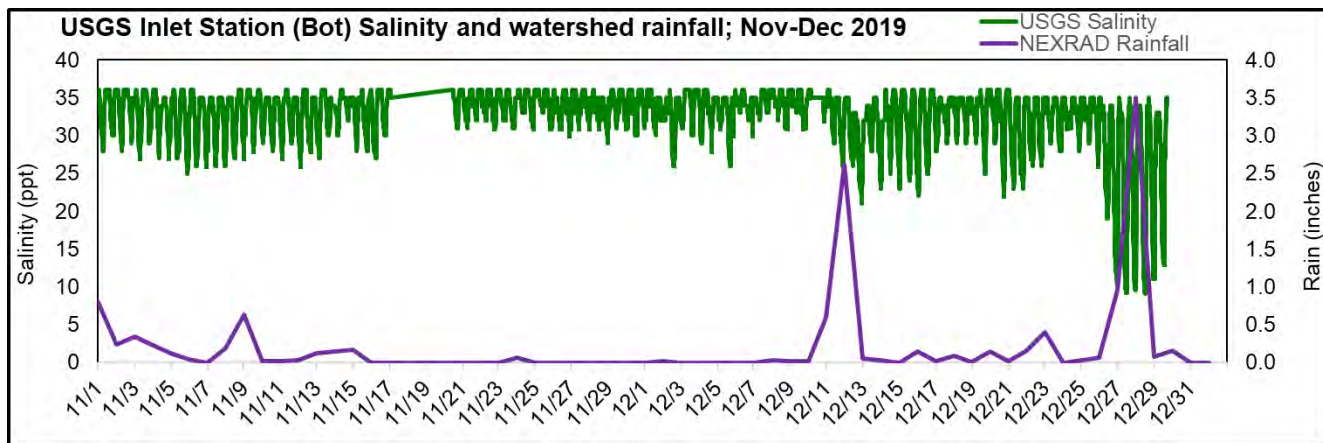


Figure shows bottom salinity (green line) measured the USGS structure located at the pier adjacent to the US-1 bridge plotted with NEXRAD daily rainfall (purple line).

Oyster Spawning and Settlement Monitoring

Oyster monitoring for the 27-day period ending December 12 indicated that settlement activity was near the historical average within both forks of the river (see figure at right). The Northwest Fork experienced the highest settlement with average density of 1,290 spat m² compared to 3,599 spat m² last period. This was the highest average density recorded in the Northwest Fork for this time period which topped the previous high of 908 spat m² recorded in 2018. Most of the settlement in the Northwest Fork occurred at the downstream site which accounted for 75% of the total settlement. In the Southwest Fork, average settlement density was 421 spat m² compared to 4,590 spat m² counted last period. Spat settlement was nearly evenly split among the two sample sites with the upstream site accounting for 55% of the settlement total. From this month's data, it appears that the oyster settlement season has ended after a highly variable year.

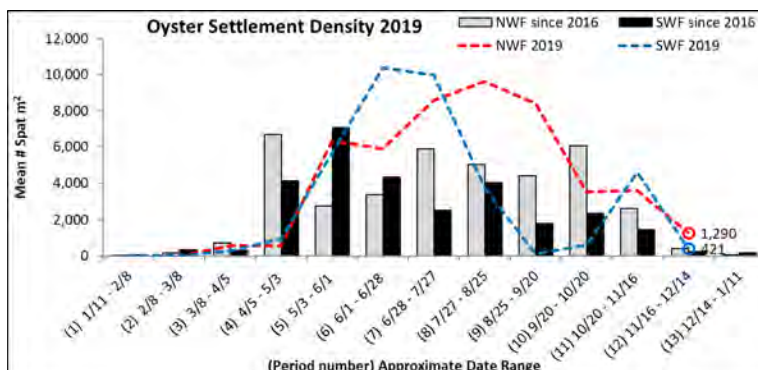


Figure shows mean oyster spat settlement for the Northwest Fork (gray bars) and the Southwest Fork (black bars) since 2016. Dashed lines show oyster spat settlement for 2019 in the NWF (red) and SWF (blue) with the most current density shown next to colored circles.

Bimonthly Seagrass Monitoring

Jerry, Rachel and Albrey made the reviewer's suggested revisions for their scientific paper they wrote on seagrass monitoring frequency and seasonality for the journal of *Regional Studies in Marine Science*. On January 7, they submitted the revised manuscript for final consideration.

Volunteer Water Quality Monitoring Program



The Volunteer Water Quality Monitoring grade for the month of December improved from last month and scored a “A”. All the parameters except one, averaged in the “Good” range throughout the watershed. The average water clarity at station 22 in the intracoastal just barely slipped into the “Poor” range for the month. The reduced clarity was likely a result of the stormwater runoff from the heavy rains in the second half of the month. Station 30, near Burt Reynolds Park, also experienced a decline in water clarity in the second half of December. All in all, it was a great report to end the year!

December-19

Site	Temp (F)	Secchi	Salinity	pH	DO	DO%	Color	Vis	Salt	pH	DO	DO%	Color	Score	Grade
LR10V	76.8	3.3	34.7	8.3	6.7	98.9	1.0	Good	Good	Good	Good	Good	Good	100.0	A
LR22V	72.2	1.4	42.3	8.4	6.0	88.4	1.0	Poor	Good	Good	Good	Good	Good	83.3	B
LR30V	72.1	1.4	27.3	8.3	5.8	78.8	1.0	Good	Good	Good	Good	Good	Good	100.0	A
LR60.1V	73.4	VAB	25.0	7.9	6.6	88.9	1.0	VAB	Good	Good	Good	Good	Good	100.0	A
LR107V	68.0	VAB	5.6	7.0	4.8	54.0	1.0	VAB	Good	Good	Good	Good	Good	100.0	A
Average	72.5								scale: 0=poor 2=fair 4=good					96.7	A

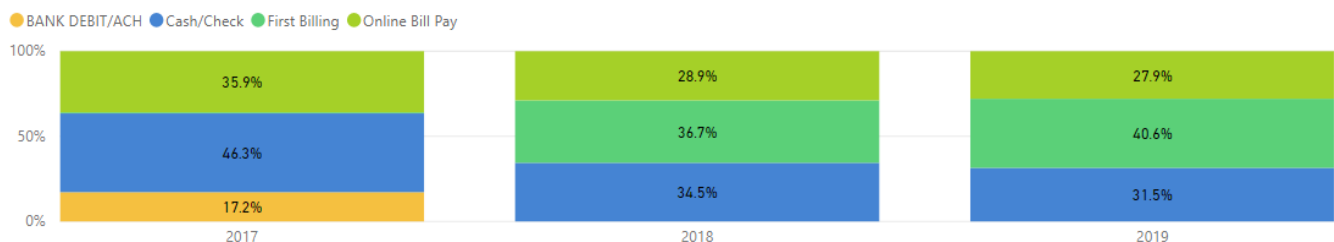
VAB (Visible at Bottom)
DO (Dissolved Oxygen)

Customer Service

Payment Processing

In December the Customer Service sent 3,641 past due notices and closed out the quarter processing over 2,300 late payments, totaling nearly \$260K. In addition, staff were busy preparing for the Q1 2020 billing that is scheduled for distribution on January 9. For the quarter, we just missed breaking through the 70% milestone for digital payments (versus paper check or cash), which came in at 69.5%.

For the year, 68.5% of our customers' 125,000+ payments were digital versus paper check or cash, with 27.9% percent of the payments coming from their banks online bill pay service, 40.6% by eCheck, debit or credit card payments through our payment services provider First Billing, and 31.5% paid by cash or check. Compared to 2018 we saw slight reductions in the proportion of customers paying by cash/check and their banks online payment service, and more transactions through our payment services provider using eCheck or debit/credit card. Of those eCheck and debit/credit card payments 52.9% were autopay, 33.3% were through our website and 13.6% were by phone. There was also a slight (~4%) reduction in the proportion of payments by eCheck (45.5%) to credit/debit card (54.5%) compared to 2018.



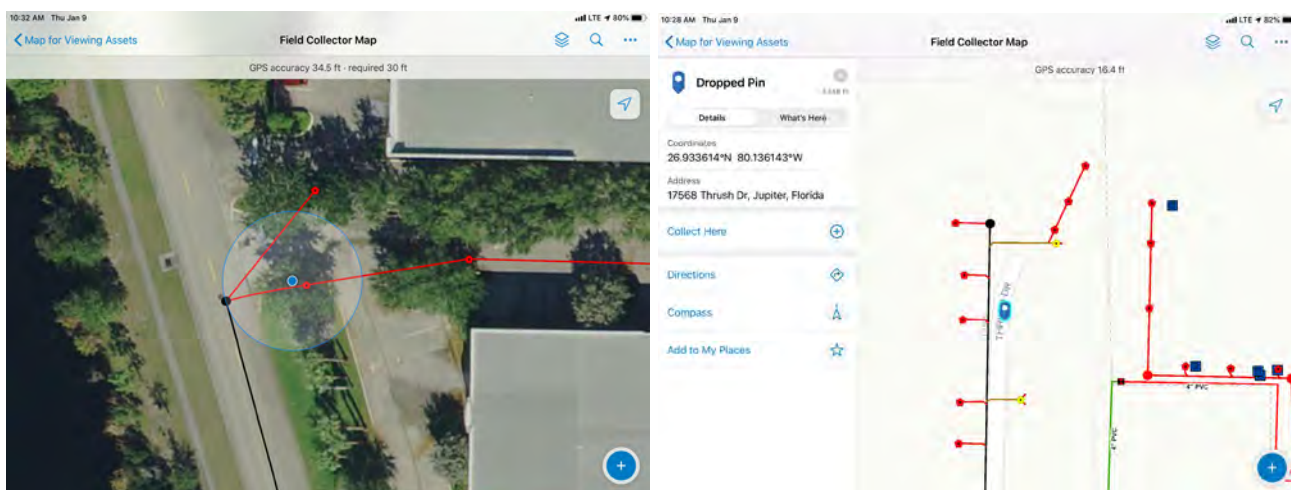
The annual proportion of payments received from the customer's bank bill pay service, eCheck or credit/debit card payments through First Billing (by autopay, website or phone), or paper check or cash. Note the reductions in the labor-intensive paper check and cash payments shown in dark blue.

Information Technology (IT)

Tablets for Infrastructure Locates

For the past several years the Engineering staff have had computers in their work vehicles loaded with a wealth of information about asset locations, information and work order management tools. Several staff expressed the desire to have more portable access to asset location information outside the vehicle when performing infrastructure locates and marking under the Sunshine 811 program.

Building on the IT staff's experience creating our damage assessment mapping and field data collection tools that run on phones and tables, IT staff saw the opportunity to bring highly portable infrastructure mapping data to the Engineering staff using an iPad – an option particularly helpful when performing locates. While on site, staff can view all of the LRD assets as well as basic parcel information relative their location provided by GPS. In addition, the low-pressure technician and several collection's staff are using the same iPad setup to improve their Preventative Maintenance (PM) efficiency and after-hour response time with navigating to, and locating, important assets such as valves. This increased utilization of data in the field, with established workflows for reporting and fixing errors, helps us continuously refine and improve the accuracy of our maps and data.



Screenshots from new tablet infrastructure mapping tools showing the users location and assets.

Loxahatchee River Environmental Center

January 2020

River Center Summary Statistics



LRD'S ENVIRONMENTAL STEWARDSHIP DASHBOARD



	Total Visitors	School & Camp Visitors	RC Offsite Programs	RC Onsite Programs	RC Staff Guest Appearances	Program Cancellations	Volunteer Engagement	1st Time Visitors	Visitor Satisfaction	Staff Assessment	Environmental Stewardship	Expenses	Program Revenue
Benchmark / Customer Expectation	% of Target	% of Target	% of Target	% of Target	% of Target	% of programs	% of Target	% of Target	Rating Average	Rating Average	Positive Responses	% within budget	% of Target
Green Level	≥ 90%	≥ 90%	≥ 90%	≥ 90%	≥ 90%	< 5%	≥ 90%	≥ 90%	≥ 4	≥ 4	≥ 90%	≥ 85% but ≤ 105%	≥ 90%
Yellow	≥ 75%	≥ 75%	≥ 75%	≥ 75%	≥ 75%	< 10%	≥ 75%	≥ 75%	≥ 3	≥ 3	≥ 80%	≥ 80%	≥ 75%
Red	< 75%	< 75%	< 75%	< 75%	< 75%	> 10%	< 75%	< 75%	< 3	< 3	< 80%	< 80% or > 105%	< 75%
2017 Baseline	103%	103%	179%	127%	141%		118%	50%	4.8	4.0	87%	102%	114%
2018 Dec	131%	89%	130%	203%	0%	0%	142%	49%	4.8	3.9	98%	88%	102%
2019 Jan	105%	74%	450%	139%	70%	11%	244%	53%	4.6	4.6	87%	82%	100%
Feb	106%	142%	129%	92%	103%	24%	281%	88%	4.8	3.3	93%	101%	160%
Mar	119%	112%	268%	148%	203%	0%	79%	156%	4.5	4.2	83%	101%	160%
Apr	79%	75%	553%	77%	282%	42%	357%	99%	4.5	4.2	83%	93%	62%
May	113%	113%	960%	164%	0%	9%	270%	74%	4.9	4.4	97%	86%	73%
June	98%	84%	151%	156%	0%	0%	28%	119%	4.8	4.5	91%	89%	66%
July	85%	88%	199%	68%	0%	9%	121%	95%	4.7	4.1	93%	97%	56%
Aug	89%	10%	58%	122%	0%	0%	188%	272%	4.8	4.1	92%	110%	82%
Sept	74%	68%	172%	135%	0%	33%	155%	170%	4.7	5.0	86%	100%	71%
Oct	116%	131%	150%	103%	182%	0%	95%	290%	4.8	4.3	98%	93%	69%
Nov	113%	123%	290%	221%	431%	18%	138%	105%	4.6	4.3	71%	100%	135%
Dec	108%	95%	470%	147%	0%	0%	88%	81%	4.7	4.4	99%	84%	92%
Consecutive Months at Green	3	3	4	5	0	1	0	0	13	10	1	0	2
Metric Owner	O'Neill	Harris	Harris/Duggan	Harris/Duggan	Duggan	Harris	Harris	O'Neill	O'Neill	O'Neill	O'Neill	O'Neill	O'Neill

Metric	Explanation
Guest Appearances	We were not invited to any outreach events this month.
Volunteer Engagement	We believe that winter break had an impact here. We did not see as many volunteers on the break as we normally do.
1st Time Visitors	We did have many guests from out of town during the break, but it is possible, we just didn't see as many this year.
Expenses	We are underbudget for expenses for this point in the fiscal year.

River Center General

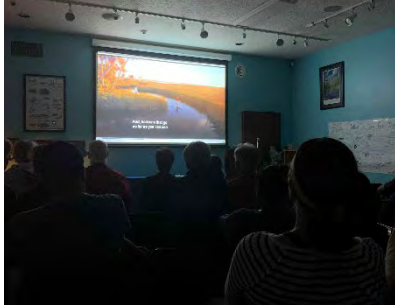
Pollinator Garden – Phase 3

Phase 3 of our Pollinator Garden was completed by Eagle Scout, Michael McGinnis. This part features a bench for viewing and the following host plants: Tropical Sage, Twin Flower, Bushy Aster, Spotted Beebalm, False Rosemary and spiderwort. These different plants each support a different butterfly as well as native Florida bees, beetles, wasps and other pollinators.

Lecture Series – No lecture this month

Special Programs

Documentary Night – December 7th



The River Center hosted our first Documentary Night of the season! We screened the film “The Forgotten Coast: Return to Wild Florida” which highlights three explorers and their trek through the Florida Wildlife Corridor. They followed in the footsteps of endangered Florida wildlife and faced the challenges of wandering through the wilderness in our ever-changing and developing world. We chose to show this film because the issues presented often parallel our own here in Jupiter. Issues including residential and commercial development, highways and roads cutting between our natural

landscaping, and the effects on our local wildlife, are topics that we deal with as a community regularly. We are looking forward to our next documentary night which will showcase a film called “The Swamp” which is about the history of the Florida Everglades.

Craft-a-Palooza – December 26th

The River Center hosted a winter break crafting event. Guests created a variety of holiday crafts including: paper snowmen, heart-shaped penguins, and coffee filter snowflakes! It was a great day and we had over 55 participants for this event.



Blooming in the Garden: Hiding in Plain Sight – December 21st

On December 21st the River Center hosted a Blooming in the Garden early learner family program. The theme this month was camouflage and included story time, camo-themed crafts, the opportunity to read and explore several camouflage books from the library, and a chance to plant some seeds to take home. We explored the River Center’s garden by going on an animal hunt to find and investigate how animals can “hide in plain sight.” We had 6 children and 8 adults enjoy a morning learning and being out in nature.

Fishing Clinic – December 27th

Nineteen children and seventeen adults participated in our Family Fishing Clinic. This program begins with a classroom session lasting about 45 minutes, where we covered fishing regulations, knot tying, various forms of tackle, fish identification, and the importance of safety while fishing. After the basics are covered, we went outside to try some casting with our fishing poles. The last 45 minutes of the clinic are all about fishing. Our guests bait their hooks and take to the dock to await their potential catches. It was a great day to be outdoors.



Old School Science Fun Day – December 28th

The River Center staff hosted another Old School Science day! This ongoing event consisted of engineering molecules using toothpicks and marshmallows, red cabbage titrations, density columns and titration demonstrations by our intern Sarah Burckbuchler. We had over 200 participants for this event. This was such a fun event and the demonstrations were a great addition! We look forward to incorporating these demos in future science day events.



Wild and Scenic Boat Tour – December 20th

Four visitors took a journey up the beautiful, Wild and Scenic Loxahatchee River aboard the “Osprey” [Aqua Adventure Tours] led by a River Center Naturalist. During the afternoon, we saw different estuarine habitats and explored the untouched and protected areas of the river. We saw ospreys building a nest, manatees traveling in Jonathan Dickinson State Park, and several roosting Great Blue Herons. Participants had a gorgeous afternoon out on the river. The River Center is partnering with Aqua Adventures to provide these experiences once a month.

Frenchman’s Forest Nature Walk – December 10th



The River Center staff led a nature hike at the Frenchman Forrest Natural Area. We had eight participants trek along the path through the hardwood hammock, the pine dominated flatwoods, into the cypress swamp, and viewed the blackwater creek leading out to the Lake Worth Lagoon. It was a beautiful afternoon filled with inspiring landscapes and good company. Frenchman’s Forrest is a natural area managed by Palm Beach County Environmental Resources Management and part of the Northeast Everglades Natural Area and the Great Florida Bird and Wildlife Trail. This 172-

acre natural area were once part of the headwaters of Lake Worth Creek, a meandering blackwater creek that flowed north to the Loxahatchee River.

Call of the Wild Conference – December 6-8th

Megan Harris, the River Center’s Environmental Education Coordinator, attended the Call of the Wild Conference at the Ocala Youth Conservation Camp in the Ocala National Forest. Call of the Wild is the annual awards recognition weekend for Project WILD facilitators. It brought together over 40 Project WILD Facilitators from across the state. Project WILD is an interdisciplinary conservation and environmental education program emphasizing wildlife. The program is designed for educators of kindergarten through 12th grade students. Project WILD capitalizes on the natural interest that children and adults have in wildlife by providing hands-on activities that enhance student learning in all subject and skill areas. This weekend allowed for professional development opportunities, support from and networking with other volunteer facilitators, access to the latest environmental education curricula and the most current information about Florida wildlife.



Homeschool Workshops: Habitat Conservation – December 17th & 19th



Due to the amount students, we held two days of programs this month. Twenty-five students total enjoyed an exciting morning of age-appropriate, natural science-themed learning experiences led by River Center educators. Students became Wildlife Scientists going on an adventure looking for wildlife in the River Center's garden. They played observation games finding animals camouflaged in garden learning how to sneak up on animals understanding predator prey relationships. Students learned about animal camouflage, adaptations, and the behaviors needed for survival by playing a game called Quick, Frozen Critters.

Outreach

No outreaches this month



Volunteer of the Month – Kiana Lodge

Kiana Lodge is being honored as December 2019 Employee of the Month for several reasons. Not only is she bright, reliable and fun, but she is incredible at organizing!! To date she has painstakingly inventoried and cataloged our hundred plus story book collection. She has also helped organize and inventory our Halloween supplies... and supply closet...and anything else we send her way. It is her great attention to detail and laser focus that is such a great attribute to our program. Kiana has been with the River Center since June of 2018. She has currently donated 77 hours. Thanks, Kiana, for all you do.

Upcoming River Center Events

RSVP at www.lrdrivercenter.org/events-calendar
rivercenter@lrcd.org or 561-743-7123

January 17, 10 am – 1 pm: Wild and Scenic Boat Tour: Take a trip up the beautiful, Wild and Scenic Loxahatchee River aboard an adventure vessel with Aqua Adventure Tours led by a River Center Naturalist. See the different habitats of our estuary, explore the untouched and protected areas of the river and connect with the wildlife that's in your own backyard. Please register to attend.

January 18, 8:30 am – 12:30 pm: Girl Scouts Nature Artists: Girls will explore the environment and get creative in nature at the River Center's Artists in Nature Girl Scout Workshop. They will art inspired by wildlife, find music in nature, design outdoor art, and get creative all while being immersed in nature. Girls will not only become naturalists but will also express themselves as everyday artist using nature as their inspiration. Cost: \$12/girl.

January 25, 8 am – 4 pm: Boating Safely Class: The River Center continues to collaborate with the US Coast Guard Auxiliary "Flotilla 52" to provide a series of Boating Safely Classes targeted specifically to young boaters in our community. These classes are provided through a generous sponsorship by the AustinBlu Foundation, a not-for-profit dedicated to raising awareness and promoting educational programs to improve boater safety. There is no cost for this class, however a deposit

is required to reserve a seat. The deposit of \$10 will be refunded in full to all students who complete the class. Recommended for children 12 years and up.

February 7, 12 - 1 pm: Our December speaker is Dr. Peter Lekos and he will be discussing butterflies! This program entitled "Colors in the Wind" will include details of a butterfly's life cycle, promoting conservation of butterfly environments, how to properly photograph these creatures, and lastly, the comeback of the "extinct" Atala. You won't want to miss this! Prior to the lecture a light lunch will be provided.

February 8, 10 am – 11:30 am: Art in Nature: Brenda Nicklaus of Art in Nature will lead a program for children ages 5 and up to explore nature and make art. Please register to attend.

February 13, 9 am – 11 am: Nature Hike to Cypress Creek North: Come explore with us! Join the River Center on Thursday, February 13th for our Nature Walk through Cypress Creek North. Walk along the guided paths and immerse yourself in this local natural area. Interested participants should wear closed toed shoes, comfortable clothing and bring plenty of water. Make sure to RSVP to this event! Space is limited.

February 15, 8 am – 4 pm: Boating Safely Class: The River Center continues to collaborate with the US Coast Guard Auxiliary "Flotilla 52" to provide a series of Boating Safely Classes targeted specifically to young boaters in our community. These classes are provided through a generous sponsorship by the AustinBlu Foundation, a not-for-profit dedicated to raising awareness and promoting educational programs to improve boater safety. There is no cost for this class, however a deposit is required to reserve a seat. The deposit of \$10 will be refunded in full to all students who complete the class. Recommended for children 12 years and up.

February 21, 7 pm – 8 pm: Documentary Night – On Friday, February 21st from 7:00 pm to 9:00 pm, we will screen "Mission Blue." Legendary oceanographer and TED prize winner Dr. Sylvia Earle is on a mission to save our oceans. Mission Blue is part action-adventure, part expose of an Eco-disaster. More than 100 scientists, philanthropists and activists gather in the Galapagos Islands to help fulfill Dr. Earle's lifelong wish: build a global network of marine protected areas, like underwater national parks, to protect the natural systems that keep humans alive. As the expedition ends, the Deepwater Horizon oil well explodes. With oil gushing into the Gulf of Mexico, Sylvia and an environmental dream team race around the world trying to defend her 'Hope Spots'. Don't miss out on this exciting story of one of our ocean warriors. Registration is required, space is limited.

February 22, 10 am – 11:30 am: Bloomin' in the Garden: Let's go explore! Join the River Center for our summer Bloomin' in the Garden program, designed for children ages 3-7. The program will start at 10:00 am in the River Center with a story time and a garden-themed craft. We will then move to our garden for a garden themed hands-on activity. When it's time to go home, children will receive a plant to take home to start their own garden! So, don't miss this exciting opportunity for your little ones to enjoy nature! Adults and children-1 should come prepared and dress comfortable for being outside in the garden. All equipment will be provided, and this program is free of charge. Donations are always welcome. Please RSVP to attend!

February 26, 10 am – 1 pm: Wild and Scenic Boat Tour: Take a trip up the beautiful, Wild and Scenic Loxahatchee River aboard an adventure vessel with Aqua Adventure Tours led by a River Center Naturalist. See the different habitats of our estuary, explore the untouched and protected areas of the river and connect with the wildlife that's in your own backyard. Please register to attend.

February 29, 10 am – 1 pm: Atala Butterfly Festival: The River Center host its first Atala Butterfly Festival. Visitors can come from 10am-1pm and learn, explore, and discover the life cycle, host plant, habitats, and success stories of this special native species that almost went extinct. There will be

different activities spread throughout the River Center with crafts, seed harvest and planting, garden tours and explorations, and Native Plant Society guest lecture to learn how to create backyard habitats for pollinators of all kinds. This event is free and open to all ages and families. Registration is encouraged by visiting the River Center's website. Help us celebrate our smallest Florida native butterfly species.

Loxahatchee River District

Water Reclamation | Environmental Education | River Restoration

2500 Jupiter Park Drive, Jupiter, Florida 33458

Telephone (561) 747-5700 • Fax (561) 747-9929 • www.loxahatcheeriver.org



D. Albrey Arrington, Ph.D., Executive Director

MEMORANDUM

To: D. Albrey Arrington, Ph.D., Executive Director
From: Travis Bains, CSHO, ENS, Safety Compliance Officer
Date: January 6, 2020
Subject: District Safety Report for December 2019

Safety Metrics: December 2019

OSHA recordable injuries: **None**

Lost time injuries: **None**

Actual TRIR: **5.0** [TRIR Goal <4.4]

TRIR = Total Recordable Incident Rate

Safety is a Core Value at LRD

Our conduct is shaped by a personal commitment to protect the health and safety of ourselves and our colleagues. Safety is driven through education, training, planning, protective equipment, and individual accountability.

Safety department was presented with the Districts new Experience Modifier Rate (EMR), we should be proud that our new EMR is 0.99, down from 1.13. with our EMR being below 1.00, it means that our loss experience is better than the group average amongst our peers, thus generating credit instead of debit on our Workers Comp rates. This rate improvement is a financial benefit of our efforts to improve our safety performance.

Gas Monitor Training

Training was provided by BW Honeywell Representative Mark Rose. He instructed individuals in Collections, Reuse, Operations, and Engineering on the new and improved gas monitors the Safety department purchased in early December. Training demonstrated how to operate the new meters, the improved functions of the new meters, calibration, and bump testing.



With the assistance from the Maintenance department, each of the external fuel tanks will be getting a mounted spill kit. Each kit is equipped with an absorbent boom, absorbent diapers, kitty litter, gloves and disposal bags. This is in an effort to efficiently clean spills in a timely matter. There will be a one kit per tank once maintenance is finished fabricating the stands.

Gordon M. Boggie
Board Member

Stephen B. Rockoff
Board Member

Dr. Matt H. Rostock
Chairman

Harvey M. Silverman
Board Member

James D. Snyder
Board Member

Hazard Analysis & Individual Accountability

The District Safety Officer works daily with supervisors and staff throughout the organization to assess and evaluate potential hazards by addressing the 4 Qs:

1. What am I about to do?
2. How could I get hurt?
3. What am I going to do to prevent injury?
4. What do I need to do this job and how will I do it safely?

This month the District Safety Officer worked with relevant staff to conduct targeted hazard analyses for the following projects:

Cleaning Plant Structures (hi-pressure water)

Primary hazards: hi-pressure water, flying debris, slip/trip/fall, working from heights, burns, ladder safety (Education: A-frame vs. Extension ladder)

Job Hazard Analysis: no

Job site safety assessment conducted

Checking manholes and cleaning (Collections crews)

Training ** Seasoned Collection employee instructing short service employee on the proper procedure for jetting water thru systems (lateral lines) to ensure no clogging, binding of jet, and no back-pressure issues for residents. Safety Officer discussed selecting the correct glove for the task at hand, e.g., leather vs. nitrile.

Primary hazards: locates (finding manholes covers that are buried), splash from raw sewage, lifting of manhole covers, environmental, hand protection

Mechanical hazards: Pinch points, hose integrity (cuts, rashes, scrapes and broken jackets), noise hazards, jetting hi-pressure from vac-con through lateral lines, possible back-up to resident house

Job Hazard Analysis: complete

Job site safety assessment conducted.

Shop Welding (Maintenance)

Primary hazards: eye wear (safety glasses and checking of welding glass tint) leathers, gloves (leather) welding screen in place, fumes and gases.

Job Hazard Analysis: toolbox talk

Job site safety assessment conducted.

Oxy/Fuel Safety – CNC Machine Cutting (Maintenance)

Primary hazards: pre-inspection of hoses, separation of gases, correct tip for task, correct lens for oxygen acetylene cutting, sparks from CNC plasma machine.

Mechanical Hazard: sharp edges, burns, gloves (leather)

Job Hazard Analysis: toolbox talk

Job site safety assessment conducted.

Safety Quote of the month: *Don't be safety blinded, be safety minded.*

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D. Albrey Arrington, Ph.D., Executive Director



MEMORANDUM

TO: Governing Board

FROM: Administration Staff

DATE: January 10, 2020

SUBJECT: Consultant Payments

The following amounts have been reviewed and approved for payment to our consultants for work performed during the prior month.

	<u>Prior Month</u>	<u>Fiscal YTD</u>
Shenkman, PA	\$28,749.80	\$39,672.30
Hazen	\$0	\$0
Holtz	\$3,487.30	\$25,536.30
Baxter & Woodman	\$0	\$40,208.92

Should you have any questions in regard to these items, please contact Kara Fraraccio concerning the attorney's invoice, and Kris Dean concerning the engineers' invoices.

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Board Member

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Board Member

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Chairman

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Board Member

Future Business



Neighborhood Sewering:

- 181st Street Gravity Construction Contract
- Preliminary Assessment - Imperial Woods

Other:

- Olympia Force Main Replacement Construction Contract
- Lift Station 82 Conversion
- CCNA Plant Engineering
- CCNA Architect & Landscape Engineering
- Greenhouse Gas Emissions Study
- Odor Control Study
- Selection of New Investment Advisor
- Rules Chapter 31-10, Rates, Fees & Charges