

# **JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD**

## **RULE 3 WATER POLLUTION**

**Amended December 1992, effective January 1993**  
**Amended November 1993, effective December 1993**  
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**RULE OF THE  
JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD  
RULE 3  
WATER POLLUTION**

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**JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD  
RULE 3  
WATER POLLUTION**

PREFACE - The Jacksonville Environmental Protection Board adopts these rules as the City's standards with respect to water pollution control. The specific Authority for adopting these rules is found in Section 100.201, Section 362.104(c), and Section 73.102, Ordinance Code. The law implemented is Chapter 362, Ordinance Code. [History: Effective 1/10/93]

**PART I  
GENERAL PROVISIONS**

**3.101 Definitions**

Throughout this rule, definitions contained in adopted sections of the Florida Administrative Code and the St. Johns River Water Management Rules are hereby adopted by reference except that, whenever used in this rule:

- A. Board means the Jacksonville Environmental Protection Board.
- B. Commission means the Jacksonville Environmental Protection Board.
- C. Department means the Regulatory and Environmental Services Department.
- D. District means the Regulatory and Environmental Services Department.
- E. Division means Air and Water Quality Division (AWQD).
- F. Drainage, Absorption and Injection Wells means wells which will receive fluids by gravity flow or under pressure.
- G. Erosion means the wearing away of the land surface by water, wind or other geological agents; detachment and movement of soil or rock fragments by wind, water, or gravity.
- H. "Intermittent" streams are those streams that flow seasonally or following a rainfall and shall be those determined from U.S. Geological Survey Maps or other comparable information. Channelization (ditching) alone shall not be sufficient evidence of intermittent status. Visual evidence (i.e., stagnant pools) shall be sufficient evidence for "intermittent" status but not for "permanent" status of the water course.
- I. "Keep in Service" means to operate, maintain and repair equipment in such a manner as to insure the operational function of the equipment.

- J. "New" discharge shall for purposes of §3.409(H) means any discharge (specific point of discharge, flow rate, and constituents) not having a valid permit prior to January 1, 1990. The Department will accept an NPDES permit as satisfying the requirement for existing discharge status.
- K. Peak Discharge means the maximum instantaneous flow from a given rainstorm condition at a specific location.
- L. Peak Flow means the maximum instantaneous sewage flow (either sanitary or industrial waste) which occurs in a given service area.
- M. Secretary means the Director of the Regulatory and Environmental Services Department.
- N. Sediment is defined as all organic and inorganic particles capable of being transported by water and which will settle.
- O. Slope means the degree of deviation of a surface from the horizontal; measured as a numerical ratio, percentage, or in degrees.
- P. Treatment Facility means any plant or other works used for the purpose of transmitting, treating, stabilizing or holding wastewater.
- Q. Vector Nuisance means a carrier organism that is capable of transmitting a pathogen from one organism to another.
- R. Waters mean rivers, lakes, streams, springs, impoundments, and all other water or bodies of water, including fresh, brackish, saline, tidal, surface, or underground. Underground waters include water contained in pores of rocks or soils or flowing through in channels, whether man-made or natural.

[History: Effective 3/18/85, amended 9/27/90, amended 1/10/93, amended 11/08/99]

### **3.102 Severability**

The provisions of these water pollution control rules are severable. If one or more of the provisions should be invalidated, the Board intends that the other portions should become effective or remain in effect. [History: Effective 3/18/85]

### **3.103 Prohibition and Requirements**

- A. Prohibition Against Pollution. It shall be unlawful for a person to discharge or to cause or allow to be discharged to surface or groundwaters within Duval County, unpermitted discharges of sewage, industrial wastewater, or other wastewater or other material in violation of the requirements, conditions, and standards of the rules of the Board.
- B. Drainage, Absorption and Injection Wells. The use or construction of drainage, absorption or injection wells is prohibited, except as may be authorized pursuant to §366.308(d), City Ordinance Code.
- C. Operation of Wastewater Facilities. Upon construction of a wastewater transmission

and/or treatment facility, the owner shall keep in service the equipment and lines designed for collection, transmission, handling, treating and disposing of wastewater.

- D. Breakdown or Malfunctions. In the case of a breakdown or malfunction of a wastewater facility and/or its transmission/collection system which causes or is likely to cause discharge of improperly treated wastewater, it shall be the duty of the owner and operator of the wastewater system to promptly notify the Department. The failure of a contractor or operator to notify the owner of the breakdown or malfunction shall not be an excuse for failure of the owner to notify the Department. In addition to the owner, an operator may also be held liable for failure to notify the Department pursuant to §362.110(c), Ordinance Code.
- E. Prohibitions.
  - 1. Industrial or domestic wastewater which is not treated in accordance with applicable standards shall not be discharged into a sewer designed to carry storm water nor shall storm water be discharged into a sewer designed to carry sewage.
  - 2. No waste or wastewater shall be allowed to bypass its treatment facility nor shall untreated waste or wastewater be discharged into the waters of the State of Florida.

[History: Effective 3/18/85, amended 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

### **3.104 Quality Assurance**

Florida Administrative Code (FAC) Chapter 62-160 is hereby adopted and incorporated by reference as the City's Quality Assurance requirements. [History: Effective 3/18/85, amended 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

**PART II  
WATER QUALITY STANDARDS**

**3.201 Intent and Definition**

Florida Administrative Code (FAC) Sections 62-302.100 through 62-302.200 are hereby adopted and incorporated by reference as the City's intent and definition for ambient water quality for surface waters and FAC Sections 62-520.100 through 62-520.300 are hereby adopted and incorporated by reference as the City's intent and definition for ambient water quality for ground waters. [History: Effective 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

**3.202 Determination of the Landward Extent of Surface Waters**

FAC Chapter 62-301 is hereby adopted and incorporated by reference as the City's criteria for determining the landward extent of surface waters. [History: Effective 9/27/90, amended 2/13/95, amended 11/08/99]

**3.203 Surface Water Standards**

FAC Sections 62-302.300 through 62-302.800 are hereby adopted and incorporated by reference as the City's antidegradation policy and ambient water quality standards for surface waters. [History: Effective 3/18/85, amended 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

**3.204 Ground Water Standards**

FAC Sections 62-520.400 through 62-520.520 are hereby adopted and incorporated by reference as the City's ambient water quality standards for ground waters. [History: Effective 3/18/85, amended 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

**3.205 Ground Water Guidance Concentrations**

FAC Chapter 62- 777, Table I is hereby adopted and incorporated by reference as the City's Groundwater Guidance Concentrations. [History: Effective 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

**PART III  
PERMITS**

**3.301 Permits**

FAC Chapters 62-4 and 62-522 and Sections 120.57 through 120.62, Florida Statutes, are hereby incorporated and adopted by reference as the City's permitting requirements. [History: Effective 3/18/85, amended 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

### **3.302 Collection Systems and Transmission Facilities**

FAC Chapter 62-604 is hereby incorporated and adopted by reference as the City's design, permitting, and operation and maintenance requirements for collection systems and transmission facilities in addition to other requirements as contained herein. [History: Effective 9/27/90, amended 2/13/95, amended 11/08/99]

### **3.303 Permit Provisos**

Section 403.161(1), Florida Statutes, is hereby incorporated and adopted by reference as the City's permit compliance requirements. [History: Effective 9/27/90, amended 11/08/99]

### **3.304 Public Notice**

FAC Sections 62-110.106, 28-106.110, 28-106.201, and 28-106.301 are hereby adopted by reference as the Board requirements for public notice in conjunction with water permitting. [History: Effective 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

**PART IV  
WASTEWATER FACILITIES**

**3.401 Domestic Wastewater Facilities**

- A. FAC Chapter 62-600 is hereby adopted and incorporated by reference as the City's design and performance standards for domestic wastewater facilities.
- B. Any domestic surface water discharge is regulated.
- C. Permitting requirements for the subject facilities are contained in Rule 3.301.

[History: Effective 3/18/85, amended 3/10/87, amended 9/27/90, amended 2/13/95, amended 11/08/99]

**3.402 Domestic Treatment Plant Classification**

FAC Chapter 62-699.310 is hereby adopted and incorporated by reference as the City's classification of and staffing requirements for domestic wastewater treatment plants (DWTPs). [History: Effective 3/18/85, amended 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

**3.403 Domestic Operator Certification**

FAC Chapter 62-699.311 is hereby adopted and incorporated by reference as the City's requirement for certification of operators of DWTPs. The Board does not establish a new fee or certification process, but merely establishes that failure of a facility to employ State-certified operators shall be a violation of this rule. [History: Effective 3/18/85, amended 9/27/90, amended 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

**3.404 Domestic/Municipal Wastewater Treatment Facility Monitoring**

FAC Chapter 62-601 is hereby adopted and incorporated by reference as the City's requirements for monitoring and reporting by domestic and municipal wastewater treatment facilities and for laboratory certification. [History: Effective 3/18/85, amended 9/27/90, amended 2/13/95, amended 11/08/99]

- A. **Responsibility for Reports.** Any person signing a report required by Board Rule (e.g., monthly Discharge Monitoring Report, engineering report, Master Plan) shall be responsible for the accuracy of the report. Any operator employed to comply with monitoring and operating schedules required for a wastewater facility shall be responsible for any failure to comply with monitoring and operating requirements.

### **3.405 Industrial Wastewater Treatment Facilities**

FAC Chapter 62-660 is hereby incorporated and adopted by reference as the City's design and performance standards for industrial wastewater treatment facilities. [History: Effective 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

### **3.406 Wetland Application**

FAC Chapter 62-611 is hereby incorporated and adopted by reference as the City's wetlands application requirements. [History: Effective 9/27/90, amended 2/13/95, amended 11/08/99]

### **3.407 Water Quality Based Effluent Limits**

FAC Chapter 62-650 is hereby incorporated and adopted by reference as the City's requirements for the determination of and compliance with water quality based effluent limits. [History: Effective 9/27/90, amended 2/13/95, amended 11/08/99]

### **3.408 Reuse of Reclaimed Water and Land Application**

FAC Chapter 62-610 is hereby adopted and incorporated by reference as the City's design and performance standards for reuse of reclaimed water and land application of effluents. [History: Effective 9/27/90, amended 2/13/95, amended 11/08/99]

### **3.409 Regional Sewerage**

- A. Regulatory Intent. Based upon the recommendations of the Water Quality Management Plan (WQMP) for Duval County, upon the environmental impact statements for the five existing sewer districts and the engineering reports pertaining thereto, and because of the accelerated growth of the County, and because discharges from wastewater treatment facilities (WWTFs) and septic tanks which frequently violate effluent limits still exist and cause or contribute to water quality violations, the Environmental Protection Board (Board) finds and determines that an integrated regional waste treatment management system (regional sewerage system) generally as described in Sections 750.401 and 750.701, et seq Ordinance Code and by the WQMP for Duval County, is required to be completed, expanded, updated and coordinated in order to improve, and to preserve as improved, the quality of water in the County for public health and welfare and propagation of fish and other marine and wildlife dependent thereon. The intent of this rule is to facilitate county-wide utility service for water quality purposes described above.
- B. Definition - Regional Sewer Utility shall mean:
  - 1. City of Jacksonville publicly owned treatment works (POTW) and appurtenant sewerage - existing and future - as defined by the WQMP and which conform to the Master Plan for Regional Sewerage Development and which comply with sewage treatment and disposal regulations to attain water quality standards (i.e., EPB Rule 3 and DEP rules adopted therein).
  - 2. The POTW of the cities of Baldwin, Atlantic Beach, Jacksonville Beach, and Neptune Beach and appurtenant sewerage - existing and future - which conform to the cities' Master Plan for Regional Sewerage Development and which comply with sewage treatment and disposal regulations to attain water quality standards (i.e., EPB Rule 3 and DEP rules adopted therein).
  - 3. Any WWTF and appurtenant sewerage of any privately owned water and sewer

utility now or hereinafter operated or constructed in territories covered by a certificate of public convenience and necessity issued by the Public Service Commission (PSC), and which has the ability to provide for new connections within existing capacity or via future construction of additional capacity, and which complies with sewage treatment and disposal regulations to attain water quality standards (i.e., EPB Rule 3 and DEP rules adopted therein), and which is specifically operated and monitored in accordance with FAC Chapters 62-600, 62-601, and 62-699 requirements relating to frequency, methodology and operator class for facilities greater than 1 mgd. At facilities where regional status requires additional (i.e., a WWTF greater than 1 mgd) monitoring frequency, methodology, operator class and operator attendance than is required by FAC Chapters 62-600, 62-601, and 62-699 for the actual WWTF permitted capacity, the regional utility may apply, in writing, to the Department for approval of alternative WWTF monitoring methodology as equivalent in reliability to the frequency, methodology, operator class and operator attendance for WWTF greater than 1 mgd. However, the Department approval may not reduce the FAC requirement without DEP concurrence.

4. Any WWTF and appurtenant sewerage with treatment capacities and customer base that would qualify it as a PSC certificated facility and which has the ability to provide for new connections within existing capacity or via future construction of additional capacity, and which complies with sewage treatment and disposal regulations to attain water quality standards (i.e., EPB Rule 3 and DEP rules adopted therein), and which is specifically operated in accordance with FAC Chapters 62-600, 62-601, and 62-699 requirements relating to frequency, methodology and operator class for facilities greater than 1 mgd. At facilities where regional status requires additional (i.e., for a > 1 mgd WWTF) monitoring frequency, methodology, operator class and operator attendance than is required by FAC Chapters 62-600, 62-601, and 62-699 for the actual WWTF permitted capacity, the regional utility may apply, in writing, to the Department for approval of alternative WWTF monitoring methodology as equivalent in reliability to the > 1 mgd frequency, methodology, operator class and operator attendance. However, the Department approval may not reduce the FAC requirement without DEP concurrence.
5. Special Requirements for Designation of Water Reuse Systems as Regional Systems:
  - a. Percolation ponds, absorption fields, overland flow, and other land application systems described in FAC Chapter 62-610 which do not reduce water consumption shall not be considered as reuse systems for purposes of this rule.
  - b. Where the SJRWMD mandates reuse, any wastewater facility which discharges effluent via reuse systems may be approved by the Department as a regional system provided that the following criteria are met:
    - (1) The WWTF complies with sewage treatment and disposal regulations to attain water quality standards, i.e., EPB Rule 3, and DEP rules adopted therein, and
    - (2) The WWTF is specifically operated and monitored in accordance with FAC Chapters 62-601 and 62-699 requirements relating to frequency, methodology and operator

class for facilities greater than 1 mgd, and

- (3) The requirements of FAC Sections 62-610.400 through 62-610.426 or the requirements of FAC Sections 62-610.450 through 62-610.491 are met, and
- (4) The implementation of water reuse systems shall be used for one or more of the following purposes as described in FAC Chapter 62-610 Parts II and III:
  - (a) Irrigation of vegetated land surfaces as described in FAC Chapter 62-610 Part II.
  - (b) Reuse systems as described by FAC Chapter 62-610 Part III.
    - i) Irrigation of residential lawns, golf courses, cemeteries, parks, landscape areas, or highway medians.
    - ii) Fire protection.
    - iii) Aesthetic purposes (decorative ponds or fountains)
    - iv) Toilet flush
    - v) Dust control on construction sites
    - vi) Irrigation of edible crops
- c. The Master Plan requirements of EPB Rule 3.409C shall not apply to such systems.

#### C. Master Plans for Regional Sewerage Development

1. Master Plans Required as Permit Condition. Every permit issued to a Regional Sewerage Utility Wastewater Treatment Facility will include a specific condition requiring preparation of a Master Plan for Regional Sewerage Development which details how the utility will provide services necessary to achieve water quality standards within its service area, to include: expansion to accommodate growth, phase out of noncomplying wastewater treatment facilities, and reduction in septic tank utilization. Master Plans will describe elimination of existing septic tank problem areas identified by the WQMP in the core and northwest parts of the County and in those areas identified by the Environmental Engineering Division inventory of priority problems. Master Plans will identify and provide service to areas where site conditions are not appropriate for septic tank installation. Once the points of connection are identified by a regional report to phase out non-regional WWTFs, the points shall be maintained and made available for a period of not less than two years.

The intent of this Rule is to facilitate county-wide utility service for water quality purposes described above. Therefore, the requirement of facility planning with specificity enough to show how the non-regional wastewater treatment plants will be phased out in the most economical manner and the cost estimates for all

phaseout are mandatory from all regional plant owners. Failure of the regional plant owners to provide the master plans shall be deemed an egregious violation of this rule.

2. Master Plan Schedules. The Regional Sewerage Utility will submit its initial Master Plan to the Department not later than January 15, 1989. The utility will bi-annually update said sewerage Master Plan to reflect current status, including budgets for implementation of the regional sewerage system sufficiently early to obtain funds for the scheduled project.
  
3. Master Plan Content:
  - a. On-site Disposal System. The regional sewerage utility will conduct engineering planning and prepare a report, to be made part of the Master Plan for regional sewerage development, addressing within its service area the sewerage to the areas designated as septic tank problem areas (public health and water pollution) by the WQMP technical supplement, Figure VII-1. The WQMP section of the Service District Engineer's reports titled "Wastewater Flow Projections", paragraph titled "Projected Residential Flows to Regional System", subparagraph titled "Service by Septic Tanks" is deleted and shall no longer govern City planning.
  
  - b. Regional Interceptors and Trunks System. In accordance with the Section titled Acquisition of Sewage Flows of the engineer's report, the regional sewerage utility shall: Develop revisions to the engineer's reports that specifically addresses what and where priority 2 and 3 projects will be constructed. Priority 2 projects are the servicing of point sources whose owners wish to be connected to the regional system and Priority 3 projects are the servicing of the balance of the service district radiating in a logical manner from the regional plants. Specifically, under Priority 2, the regional sewerage utility shall determine which point source owners are willing to connect if the system is made available and on the basis of said responses schedule and prioritize construction. Recognizing that the St. Johns River has a waste load tolerance and final assimilative capacity, and recognizing that the district boundaries have been adjusted because of Priority 1 interceptor construction, the regional sewerage utilities shall redefine the five existing district boundaries and additionally redelineate the other seven sewerage districts to cover and plan for the entire County, including:
    - (1) Plans for areas omitted from utility service in the WQMP because low density populations were projected for those areas.
    - (2) Optimizing use of the assimilative capacity of the St. Johns River, as may be identified pursuant to requirements of EPB Rule 3, adopting the Water Quality Based Effluent rules in FAC Chapter 62-650.
    - (3) Cognizance of sewer lines and treatment construction which transcend previous district boundaries.

The Master Plan shall take into consideration the St. Johns River Water Management District requirements for water reuse. The revised regional interceptor and trunk system plan is to be made part of the utilities' Master Plans for regional sewerage and shall be submitted not later than January 15, 1989.

- c. Sewer System Rehabilitation. In accordance with the provisions of PL 92-500, the regional sewerage utility will incorporate in the Master Plan for sewerage development specific information and planning on sewer system rehabilitation. Information as to how, when and where the excessive infiltration will be removed from the existing regional systems will be included. Also included therein will be the costs and funding schedule and mechanisms for the program of removal of excessive infiltration. The revised plan for sewer system rehabilitation will be made part of the Master Plan and will be submitted not later than January 15, 1989.

- d. Pre-treatment. In order to protect the wastewater facilities and water quality, the regional sewerage utility will develop and promulgate pre-treatment regulations in technical accordance with the national pre-treatment program Volume 40, Part 403 of the Code of Federal Regulations.
  - (1) Pre-treatment rules for the City of Jacksonville POTWs have been adopted by the JEA. The City of Jacksonville POTWs are exempt from the requirements of paragraphs (2) - (6) below.
  - (2) Regional utilities other than the City of Jacksonville shall make standards which provide protection comparable to 40-CFR.403 a part of their developer agreements.
  - (3) Pre-treatment programs shall be specific to each WWTF and shall include the following components:
    - (a) Permitting
    - (b) Monitoring
    - 8 Enforcement
    - (d) Volumetric and concentration (pretreatment) standards
    - (e) Termination
  - (4) The pre-treatment program may be administered via contract for services provided by the JEA.
  - (5) The requirement for pre-treatment standards applies to all regional WWTFs regardless of size unless the utility shall demonstrate to the Department that there are no industrial customers for the WWTF. The WWTF shall not accept any industrial customers until such time as a pre-treatment program has been developed and submitted to the Department.
  - (6) A copy of the pre-treatment standards shall be submitted to the Department annually.

D. Regional Sewerage Facilities List

- 1. On a semi-annual basis, the Division shall certify and publish in a newspaper of general circulation and in a report to the Board, a current list of regional wastewater facilities for each of the 12 service districts. The list shall include permitted capacity, and obligations against the permitted capacity of regional systems meeting the requirements of this rule.
- 2. Establishment of a list does not preclude:
  - a. Addition of qualifying facilities to the list by AWQD, provided that the permits be modified at the time of addition so as to meet the requirements and obligations conferred by regional status.
  - b. Removal from the list by AWQD of facilities which have failed to abide by section E. below.

E. Loss of Regional Status

1. The following will be grounds for loss of regional status:
  - a. Any continuing or repeated violation of effluent limits where the utility is not taking immediate action to correct as soon as possible. The utility is responsible for notifying the Department of upsets, malfunctions, etc., which can reasonably be expected to cause violations, and for taking immediate action for resolution.
  - b. Any violation of operator staffing requirements in FAC Chapter 62-699 and EPB Rule 3.409B after attaining regional status where the utility is not taking immediate action to correct as soon as possible.
  - c. Any failure to maintain equipment to operate as designed and/or permitted, including the failure to have and use an operation and maintenance manual to insure the continuous operation of all equipment.
  - d. Any failure to immediately initiate repairs of malfunctions or failed equipment upon discovery. This includes failure to replace equipment which is continuously or chronically malfunctioning, even with prior notice to the Department.
  - e. Any failure to provide chlorine or other chemicals or equipment for the disinfection of effluent. Backup equipment or methods must be available in case of primary equipment failure.
  - f. Failure to maintain a valid permit.
  - g. Noncompliance with permit conditions.
  - h. Failure to monitor the wastewater facility with the required frequency.
  - i. Failure to submit monthly Discharge Monitoring Reports.
  - j. Any combination of violations of any applicable rules and regulations where the violations have been continual or repeated or where the utility is not actively seeking resolution.
2. All regional facilities have the responsibility to insure compliance with all rules and regulations; any violation of those rules and regulations may subject the facility to removal from regional status. Facilities removed from regional status have the right to appeal or reconsideration pursuant to Section 360.112, Ordinance Code.

F. Availability of and Connections to Regional Sewerage Required.

1. The property owner of each "lot or parcel" of land upon which any building shall have been constructed for residential, commercial or industrial use having an onsite disposal system (septic tank/drainfield) permitted pursuant to FAC Chapter 10D-6, and Chapter 470, Ordinance Code, shall connect to any gravity or low pressure regional sewerage system in a right-of-way which abuts the "lot or parcel". Commercial or industrial property shall connect to gravity mains in a right-of-way which abuts the lot or parcel or to any gravity, low pressure, or force main which may be economically reached. Generally this will mean any line within 1,000 feet which does not involve crossing major

obstacles such as railroads or 4-lane roadways. Connection shall be made within 365 days of either: (1) the date that the regional sewer is installed, or (2) the effective date of this rule, whichever is later.

2. Domestic wastewater facilities which are not regional as defined in Sections 3.409B and E above shall connect to a regional sewerage system pursuant to its Master Plan as set forth in paragraphs a. through e. below. Connection to a least-cost alternative to the Master Plan point of connection is permissible.

- a. Availability and Feasibility

- (1) For purposes of paragraph 3.409F.2., a gravity, low-pressure, or force main will be considered available if a letter has been received from the appropriate regional utility identifying the master-planned regional point of connection for the wastewater facility is in place.

- (2) The Board presumes that all connections in accordance with the approved Regional Utility Master Plans are financially feasible. However, a facility which is unable to obtain financing for the connection may petition the Department for continued operation as a non-regional WWTF, subject to the operating obligations of EPB Rule 3.409F.2.g. Connection is not presumed feasible and the owner's petition shall be granted if any of the following conditions are sufficiently documented by the petitioner:

- (a) Construction costs (including design and engineering fees and costs; right-of-way or easement acquisition fees and costs; financing costs; permit and connection fees; legal fees and installation costs), when amortized for (divided by) 7 years, exceed for any one WWTF: 10% of net operating income after debt service; or 10% of working capital as determined by generally accepted accounting principles ("GAAP"); or total construction costs exceed \$4500 per ERC (ERC = 350 gal/day).

or

- (b) For individual WWTF construction, the direct distance via public right-of-way or utility easement from its property line to the point of connection exceeds 1000 feet for WWTFs of 5000 gpd or less and exceeds 70 feet per ERC for WWTFs over 5000 gpd. For locations where there is an opportunity for multiple WWTF to cooperate via the most direct routes along public right-of-way, the distance from the property line of any one WWTF to the shared transmission/collection system exceeds 1000 feet and the total distance for the multiple WWTFs exceeds 70 feet/ERC times the ERC total for the combined sources.

It shall be the obligation of the petitioning WWTF owner to provide complete documentation in a format specified by the Department. All such petitions must be

received by the Department no later than 120 days after notification that a point of connection is available and feasible. All fiscal data is to be certified by a Florida registered CPA at the petitioner's expense.

The relief provisions of subparagraphs (a) and (b) do not apply to connections via the City revolving fund in Rule 3.409F.2.c.

- b. **Where Connection Is Available and Feasible.** All wastewater facilities which have access to an available gravity main in a right-of-way which abuts the lot or parcel on which the wastewater facility is located or which have access to an available and feasible gravity, low-pressure, or force main shall apply to the regional utility for all permits necessary to connect to such regional sewerage system as soon as possible, but in no event later than ninety (90) days after receiving notification of an available and feasible connection to regional sewerage and shall connect to such regional sewerage system within one hundred eighty (180) days of the receipt of such permits from the Department. Later connection dates may be adopted by Board Order upon showing of Department approved plans necessitating a longer compliance schedule.
- c. **Connection by Revolving Fund.** Notwithstanding subpart a. above, any wastewater facility to be phased out under the Revolving Fund (City of Jacksonville Ordinance) shall connect to the gravity, low-pressure, or force main constructed by or under the direction of the JEA. Application for the permits necessary to achieve such connection shall be made to JEA within ninety (90) days of the owner or operator's receipt of notice from the JEA that the JEA engineering plans and drawings for the construction project related to the wastewater facility have been completed and approved by all appropriate governmental agencies and are available for review and inspection by the owner or operator of the wastewater facility. Connection shall thereafter occur within sixty (60) days of receipt of written notice from the JEA and/or the Department that the gravity, low-pressure, or force mains have been constructed and are available for connection. Later connection dates may be adopted by Board Order upon showing of Department approved plans necessitating a longer compliance schedule; provided that no extension of time may be granted which is longer than one (1) year from the receipt of notice by the owner or operator of the wastewater facility that the gravity, low-pressure, or force main is available for connection if the point of connection is less than 300 feet from the property. The Board may also consider and grant variances as set forth in Chapter 360 of this Ordinance Code; provided that such variance is for a maximum of one (1) year after receipt of the foregoing notice if the point of connection is less than 300 feet from the property.
- d. **Where Connection Not Currently Available and Feasible.** Any facility not provided for in b. or c. above, i.e., any WWTF where connection to a regional sewerage system is not currently available and feasible shall receive notice from the regional utility at such time that a gravity, low-pressure, or force main has been constructed and becomes available for connection. The feasibility criteria of 3.409F.2.a. apply. If the connection becomes available and feasible, the WWTF shall have no more than ninety (90) days after receipt of this notice to submit application for the permits necessary to achieve said connection and

shall connect to such regional sewerage system within one hundred eighty days (180) days of receipt of such permits. Later connection dates may be adopted by Board Order upon showing of Department approved plans necessitating a longer compliance schedule; provided that no extension will be granted for more than five (5) years after the point of connection becomes available and feasible. Connection dates for future connections by the revolving fund shall be in accordance with paragraph 3.409F.2.c. The Board may also consider and grant variances as set forth in Chapter 360 of this Ordinance Code; provided that such variance is for a maximum of five years after the point of connection becomes available and feasible. The owner and/or operator of any wastewater facility which does not hold a current operating permit or which is not currently in compliance with the applicable operating permit, or compliance plan stipulation for such wastewater facility shall, within thirty (30) days of the effective date of this Rule, submit a compliance schedule to the Department identifying those corrective actions which will be implemented to bring the wastewater facility into compliance and to provide the "high degree of reliability" specified in paragraph g. below. Such corrective actions shall be implemented within sixty (60) days of Department approval of the compliance plan and receipt of all permits necessary to implement actions.

e. Non-Compliance With Effluent Limits and Requirements Pending Connection to a Regional Sewerage System.

(1) For purposes of this paragraph, the term non-compliance shall mean the following four categories:

(a) Failure to Monitor and Sample. Any one event of failure to monitor and sample the wastewater facility in accordance with the requirements of the applicable operating permit, or Board Order; provided that the permittee fails to notify the Department of the failure within 24 hours and provided that such failure occurs during a time period when the facility was not substantially complying with its effluent limits. For purposes of this category, a wastewater facility is not in substantial compliance with its effluent limits (annual, quarterly, monthly, daily, weekly, or maximum) if it has violated (as defined in Chapter 360 Ordinance Code) any parameter by more than 20% three or more times in less than six months.

(b) Exceedance of Monthly Average Effluent Limits. Any two consecutive months in which the waste- water facility exceeds any of the monthly average effluent limitations for the wastewater facility discharge by more than 20%.

8 Failure to Notify Re Equipment Failures. Any one event of violation of the maximum discharge limits by more than 20% where the Respondent has failed to notify the Department as required by permit or rule of equipment failure or malfunction which will cause, or has the potential to cause, exceedance of the

discharge limits.

- (d) Exceedance of Maximum Discharge Limits. Any two episodes in one month (any consecutive 30-day period) where maximum discharge limits are exceeded by more than 20%.
- (2) Any wastewater facility which experiences more than three (3) episodes of non-compliance in the same category in less than twelve (12) months and the owner of such wastewater facility fails or refuses to implement those corrective actions necessary to bring the facility into compliance shall be required to connect to a regional sewerage system, regardless of whether the point of connection for the wastewater facility is feasible as defined herein, or shall otherwise cease operation as a wastewater facility. A determination of non-compliance under this section which is based upon one or more alleged effluent violations shall not be made unless the owner of the wastewater facility has received at least twenty-four (24) hours notice of the sampling by the Department and has been provided the opportunity to take split samples. The Board's authority to compel connections under this subpart or to require the wastewater facility to cease operations is supplemental to any other enforcement authority granted to the Board or the Department by any other rule, ordinance or statute and may be utilized only if the following procedures have been met:
- (a) The Department shall notify the owner and operator of the wastewater facility by certified mail of its allegation that the wastewater facility has experienced more than three (3) episodes of non-compliance in a single category in less than twelve (12) months and shall require the owner of the wastewater facility to submit within fifteen (15) days of receipt of the notice a compliance schedule identifying those corrective actions which will be implemented within thirty (30) days to resolve the episodes of non-compliance.
  - (b) If the owner of the wastewater facility fails or refuses to submit a compliance schedule or to implement the corrective actions identified in the compliance schedule, the Department may apply to the Board for an order requiring connection to a regional sewerage system or termination of the wastewater facility operations. The owner and operator of such wastewater facility shall be given at least fifteen (15) days notice of any meeting of the Water Committee or the Board at which such a request is considered and shall be given the opportunity to make a presentation to the members of the Water Committee and the Board. Notice of the meetings of the Water Committee and the Board shall be made to the owner or operator of the wastewater facility in writing and must be received by the owner or operator, by certified mail at least fifteen (15) days before any such meeting.

- f. Continued Operation. Any business which would undergo foreclosure as the result of complying with the regional connection requirements or for which connection is not feasible as defined in paragraph 2.a.(2) above may submit documentation of its situation along with an alternative compliance plan prepared by professional engineer to provide for continued operation of the wastewater treatment facility in a manner that provides a "high degree of reliability."
  - (1) In approving continued operation under this paragraph, the Board may approve a reasonable period for amortization of WWTF replacement or major rehabilitation costs.
  - (2) "High degree of reliability" shall mean measures which may include or are comparable to any or all of the following:
    - (a) Advanced wastewater treatment as described in FAC Section 62-600.720(4)(c); extended aeration; or land application with restricted access, or other reuse, and the above to include six day/week certified operator attendance and OMR in accordance with an engineer-prepared OMR manual, or
    - (b) A facility which by its operating history has provided continual compliance without the need for agency enforcement may be proposed in the engineer's report for a Department concurrence as meeting the "high degree of reliability." An OMR plan will be required.
  - (3) Future enforcement may revoke this status via Board Order and the requirements of F.2.a. through F.2.e. will apply.
  - (4) Every WWTF applying for continued operation beyond March 10, 1994, shall be required in addition to the "high degree of reliability," to comply with the requirements of state and local law which may include if applicable: Water Quality Based Effluent Limits (WQBELS), antidegradation, reuse, and dechlorination, and an engineer prepared operation and maintenance performance report (OMP).
- 3. After the effective date of this rule, a temporary private domestic sewer service system for undeveloped property which the owner chooses to develop as allowed by JEA rules shall be permitted by the Department only with the specific agreement that the system will be connected to a regional sewerage system in accordance with paragraph 3.409F.2. and in accordance with the section of the engineer's report for the particular district titled Acquisition of Sewage Flows.
- 4. Industrial process wastewaters and cooling waters are exempt from the mandatory connection requirements of EPB Rule 3.409F.2. The exemption does not preclude voluntary connection nor preclude mandatory connection as an enforcement remedy.

G. Industrial Zoning

Septic tanks are prohibited within industrial zoning in accordance with FAC Chapter

10D-6. Septic tanks which may be authorized on such property via variance or other remedy of FAC Chapter 10D-6 shall be provided with an aboveground sampling point on the effluent side of the tank.

H. Intermittent Receiving Waters

There shall be no new discharge to an intermittent water course from any industrial or domestic wastewater facility. Thermal discharges which have no chemical addition (i.e., once-through cooling or groundwater heat pump) may be considered case-by-case as permissible only if they will not contribute to odor, water quality or vector nuisances.

I. Construction Practices

1. All treatment plants, collection or transmission systems, lift stations, and appurtenances thereto constructed after the effective date of these rules shall conform to the Master Plan for Regional Sewerage Utility Development, and with published recognized engineering practices for sewer utility construction.
2. All food-serving establishments, commercial facilities, and multi-family dwellings shall be equipped with grease traps designed in accordance with FAC Chapters 10D-6 and 10D-9. Maintenance and cleanout of the grease traps will be the responsibility of the property owner. Any utility representative for a WWTF less than 5 mgd, discovering failure by a property owner to comply with the requirement shall notify the Department of the situation within 48 hours of discovery.

J. Ownership

Nothing in these rules requiring connection to a regional sewerage system shall be construed as conveying ownership of sewer systems or facilities to the regional utility owner or as restricting the conveyance by sale, dedication, or condemnation, of ownership of such systems or facilities to the regional utility owner. [History: Effective 3/10/87, amended 9/27/90, amended 3/11/91, amended 12/2/92, amended 1/10/93, amended 2/13/95, amended 11/08/99]

### 3.410 Liability of Wastewater Facility Operators

#### A. General Liability

In addition to the owner, an operator of a wastewater facility may also be held liable for failure to comply with the requirements of Sections 3.401, 3.402, 3.403, 3.404, 3.406, 3.407, and 3.408 above, pursuant to 362.110(c), Ordinance Code.

#### B. Special Liability Related to Section 3.409

1. Non-regional wastewater treatment facility operators shall be responsible for the following:
  - a. Compliance with applicable requirements of FAC Chapters 62-600, 62-601, 62-602, and 62-699.
  - b. Familiarity with rules and permit conditions as a basis for establishing a contractual scope of services.
  - c. In order to ensure that the owner is aware of all permit and rule requirements, which could be under the control of a certified operator, the operator shall explain these options. The owner shall then contract for the appropriate services for that facility. The operator shall clearly document the services to be provided in a registered letter to the owner.
  - d. The operator shall accomplish the specifications of the contractual agreement in a manner consistent with Chapters 62-602 and 62-699, FAC.
  - e. The operator shall perform plant process control consistent with "Standard Operating Practice," as defined in Section 62-602.200(14), FAC.
  - f. Upon entering into a contract for services, the operator or contracting company shall provide the Department a written description of the services to be provided to the owner. This shall be submitted within 30 days of the contractual agreement and is not required to include fees or costs.
  - g. Prompt notification and diligent requests to an owner regarding necessary operation, maintenance, and repair (OMR) not covered by service agreement beyond the service contract scope (e.g., major equipment replacement and other OMR to reasonably ensure required effluent quality, etc.) as required to maintain continuous compliance with permit conditions. It is intended that such permit conditions be limited to those in which the operator has responsibility.
  - h. The Department shall consider the act of reporting (i.e., notice to owner as described in paragraph g. above, notice to the Department as described in paragraph l. below, and notice to the Department of equipment out of service) as evidence of good will and shall consider this in the actions it takes. The Department will make a good faith effort to notify the operator of a WWTF problem prior to notifying the

owner and prior to regulatory actions being taken, provided that an emergency notification sign is posted at the WWTF with the following information which includes, but is not limited to:

- (1) Twenty-four (24) hour telephone or beeper number for operator notification, and
- (2) Name and address of the operator, and
- (3) Name, address, and telephone number of the WWTF owner.

I. Notification to the Department of an owner's failure to authorize OMR per paragraph g. above.

2. Loss of Privilege of Operation in Duval County

a. Any person responsible for items within paragraph 3.410B.1 at a wastewater treatment facility in Duval County shall be required to notify the Department in writing to include:

- Department of Professional Regulation (DPR) certificate number, level, and expiration date
- Name and location of wastewater facility
- Duration of contract (including starting/ending dates or hiring date)

Companies with multiple operator employees and WWTFs may list all employees and WWTFs in one notification letter with amendments within thirty (30) days of changes at a WWTF.

Notification shall be made within 30 days of the effective date of this rule and thereafter within 30 days of the initiation of service or employment at a WWTF.

b. Whenever a wastewater treatment facility is found by the Department or a subsequent appeal level to be in non-compliance requiring connection to regional sewerage pursuant to paragraph 3.409F.2.d., and the operator is determined by the Department to have caused the non-compliance, then the operator shall be prohibited from operating any wastewater facility in Duval County for a period not to exceed one year.

c. It shall be the obligation of the Department to prove the case against the operator in accordance with enforcement procedures in Chapter 360, Ordinance Code, or to negotiate a settlement agreement for Board Ordered adoption.

d. All appeals provided at law are available in operator defense. Additional defenses which the Department and the Board must recognize include documentation of full compliance with responsibilities listed in part 3.410.B.1.

e. Nothing in paragraphs 3.410.B.2.d. shall preclude other remedies against an operator as provided in Chapters 360 and 362, Ordinance

Code, and applicable FAC provisions (i.e., fines, orders, injunctions, prosecutions).

[History: Effective 9/27/90, amended 12/2/92, amended 1/10/93, amended 2/13/95, amended 11/08/99]

### **3.411 Sewerage Standard Design and Specifications**

- A. Requirements in this section shall apply to all sewerage systems for which an application is submitted after August 14, 1990.
- B. Sewerage design contained in standard City of Jacksonville development documents are applicable for all applicants for permits within Duval County. The City of Jacksonville "City Standard Specifications", "City Standard Detail", "City Standard Construction Contract Documents", ("Standards") - dated August 9, 1989, and the "Land Development Procedures Manual", as sent to the Public Services Committee on June 13, 1989, are hereby adopted by reference as the Board requirement for permitting sewerage systems, per Sections 3.301 and 3.302.
- C. Upon petition to the Department, the substitution of regional utility specifications may be allowed by the Department.
  - 1. The "Standards" of Jacksonville Suburban Utilities Corp. and Southern States Utility Services Inc. are adopted hereby.
  - 2. Within City property and right-of-way (R/W), the City "Standards" apply; elsewhere, the regional utility "Standards" prevail; if outside any service area, City "Standards" apply.
  - 3. Non-regional utility systems must comply with City "Standards".
- D. After the effective date of this rule, manifolded multiple customers connections into a privately owned force main (other than into the single allowable lift station) shall be prohibited, unless the applicant provides a permanent agreement for cost sharing of upgrade and operation, maintenance and repair (OMR) of the system.

- E. As a minimum private lift stations serving multiple customers shall meet the regional utility requirements. Private lift stations will be permitted to serve multiple customers only where a permanent OMR agreement exists which demonstrates capability for operation of the lift station, in the form of management corporations, bonds, maintenance contracts and regional utility access to repair.
- F. The following standards shall apply to private lift stations serving single customers:
1. General Requirements - Sewage pumping stations serving greater than 100 Equivalent Residential Connections (ERC) shall be designed and constructed according to the minimum requirements as specified herein.
    - a. Pumping and lift station design and construction shall be in accordance with applicable sections of FAC Chapter 62-604.
    - b. Private pumping and lift stations discharging to gravity sewer manholes owned by a regional utility shall require the installation of a force main shut off valve in the R/W accessible to the utility.
    - c. The utility being connected to by a private force main shall be granted an easement or permitted access to the pump-out and shut-off valve.
    - d. Acid and corrosion protection as approved by the utility is required for new or existing manholes into which any force main discharges, except service connection to manholes along the property line or to private manholes. Any 4-inch or larger force main within a utility easement shall not be considered a service connection and a liner will be required.
  2. Submittals to Regional Utilities

All privately owned sewage pump stations discharging to the regional utility collection or treatment systems shall submit the following information to the utility:

    - a. Detailed and dimensioned as-built drawing, including location of pump station and force main point of connection with regional system.
    - b. Factory certified pump-performance test by Hydraulic Institute Standard or field performance test by vendor.
    - c. Provide access and double locking provision to the regional utility for emergency access.
    - d. A posted 24-hour emergency telephone contact number.
  3. Privately owned sewage pump stations shall not be permitted until the applicant and the regional utility have entered into a contract providing for emergency operation by the utility and including the following minimum contract provisions:
    - a. Upgrading pumps as force main pressures increase.
    - b. 24-hour a day access to the private system by the utility.

4. All private lift stations shall be equipped with alarms.

G. The following standards shall apply to all lift stations:

1. All lift stations shall be constructed with a minimum of two (2) pumps. Each pump shall be a standby for the other and shall be of the same capacity and capable of handling flows in excess of the design peak flow. The control system shall automatically alternate pumping starts. Should the lead pump fail, the station shall activate an alarm prior to alternation and start of the lag pump.
2. Onsite emergency generator power with automatic transfer switch and a maintenance contract are required for lift stations upon reaching 500 ERC (350 gpd/ERC) permitted connections. Any site with planned capacity exceeding 500 ERC will have a site layout to accommodate installation of onsite emergency power.
3. All lift stations and transmission systems require inspection during construction by the project engineer or utility and certification per FAC Chapter 62-604.
4. All stations will have electrical connections for temporary or installed emergency power. Stations without onsite emergency power will also have a pumpout adjacent to the lift station.

H. Operation

1. Effective August 1, 1991 each pumping and lift station shall be visited under the responsible charge of licensed WWTF or collection system operator, or manufacturer trained and certified technician, as frequently as necessary to preclude lift station failure but in no case less than once per month and an onsite permanent log shall be kept onsite or at the appropriate regional WWTF.
2. Log entries shall include:
  - a. Date, time and printed name of operator.
  - b. Meter readings (electric, lapsed timer) or explanatory note.

- I. For the purpose of this rule, a pumping system serving an individual house that transmits to a gravity sanitary collection system, that is located in a utility easement or R/W fronting said individual house property, is considered a service connection and the reliability requirements for pumping and lift stations shall not apply.
- J. Any service or system connecting directly into a lift station will require a permit.
- K. Service connections of a single building by gravity sewer to an existing permitted collection system having sufficient available capacity are exempt from collection system design and specification standards.
  - 1. All collection systems requiring DEP permits, including private systems will be televised per regional utility specifications and a copy of the video tape will be provided to the regional utility.
  - 2. Wherever a leak occurs along a service connection or private collection system, repair shall be the responsibility of and be effected by the property owner.
- L. The following standards shall apply to gravity collection systems.
  - 1. A gravity collection system shall be designed to maintain a minimum of a 2.1 fps scour velocity when flowing full. Any application having a lesser slope must include a statement by the regional utility accepting the additional maintenance liability, stating the relationship of the proposed project to the regional Master Plan and addressing that lift station alternative at this site would not serve the intent of the Master Plan and/or adjacent properties and that adjacent properties will be properly served by other subsystems.
  - 2. It is prohibited to substitute an oversized gravity line to subvert the intent of §2.5.7 of the Land Development Procedures Manual and/or subparagraph 1 above, regarding velocities.
  - 3. Where PVC pipe is used for gravity sewer, the design will provide for protection from overburden or traffic loading.
  - 4. All collection systems require inspection during construction by the project engineer or utility and certification per FAC Chapter 62-604.
- M. Deviations not authorized in referenced documents or in this section are prohibited.
- N. Measurement and payment provisions of adopted City documents are not adopted by this rule.
- O. The following substances are prohibited from discharge into sanitary sewers:
  - 1. Non-contact cooling water and condensation.
  - 2. Substances exceeding the loading or concentration allowances of the regional utility's industrial wastewater pretreatment standards.
  - 3. Rainfall runoff inflow.
- P. Drop connections in lieu of extending sanitary sewer lines which would otherwise provide for the extension of gravity systems to serve other properties are prohibited.

[History: Effective 8/14/89, amended 9/27/90, amended 2/13/95, amended 10/9/95, amended 11/08/99]

### **3.412 Low Pressure Sewers**

#### **A. Intent**

Low pressure sewer systems represent a special opportunity to retrofit neighborhood-wide failing septic tanks systems and to preclude septic tanks in isolated areas unsuitable for septic tanks. Low pressure systems also represent special liabilities requiring caution in permit review.

#### **B. Approval Criteria For Low Pressure Sewer Permits**

1. FAC Section 62-604.300 and the DEP manual entitled "Design and Specification Guidelines for Low Pressure Systems", June 1981, are hereby adopted and incorporated by reference as minimum requirements.
2. Low pressure systems will be permitted only where operated by a competent maintenance entity, such as a regional utility, community-owned utility, or permanent management corporation (resorts, commercial projects, etc).
3. When the applicant is not a regional utility, the applicant will submit legal documents demonstrating capability (assets, equipment, resources) to provide for perpetual operation and maintenance of the low pressure system.
4. Applications for low pressure sewer systems shall be submitted on long form, DER Form 62-1.205(2) Application to Construction Domestic Wastewater Collection/Transmission System.
5. Each lot shall be served by a single service connection (tank, pump, service line, electrical).
6. The portion of the private lot occupied by service connection and pump chamber shall be covered by a maintenance easement to the utility.
7. An outside visual alarm or indoor audible alarm in main living area shall be provided with each electrical control panel.
8. Low pressure system tanks will be installed between the house and the public R/W.
9. The low pressure system must discharge into a sanitary sewer manhole.
10. All manholes receiving discharge from low pressure systems shall be protected against corrosive gases.
11. A pumping system serving an individual house that transmits to a gravity sanitary system that is located in utility easement or R/W fronting said individual house property is not a low pressure system.

#### **C. Appropriate uses are encouraged and include:**

1. Retrofitting existing failed septic tank areas.
2. As an alternative to future septic tanks systems.

3. Outside the urbanized area for connection of subdivision to a temporary non-regional wastewater treatment facility.
  4. Within the urbanized area in low-density development (> 1 acre lots).
  5. Areas where site conditions preclude conventional systems (i.e., low-lying waterfront lots).
- D. The Department shall notify the regional sewer utility and the Duval County Public Health Unit Environmental Engineering Division 10 days before any low pressure system is permitted by the Department.
- E. For purposes of EPB Rule 3.409F.1, existence of a low-pressure collection system along the property line shall be considered available. Connection to the low pressure collection system shall be required within 365 days of availability. The existing tank may be retrofitted rather than replaced.
- F. Adoption of regional utility specifications for low pressure systems. (Reserved).

[History: Effective 8/14/89, amended 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

### **3.413 Plumbing Work Provisions**

It shall be a violation of Chapter 360 Ordinance Code and EPB Rules to perform any of the following acts:

- A. The construction, repair, alteration, or modification of any new or existing sewer, plumbing or collection system exterior to a service building, without having first obtained a building permit from the City Building Inspection Division or comparable department at Baldwin or the Beaches and without having first obtained the written consent of the regional utility, is prohibited.

- B. The construction or installation of any sewer fixture including a shower or hot tub drain at an elevation less than 18" above the top of the curb, or if there is no curb above the crown of the street at the high point, along building frontage is prohibited.
- C. The construction, repair, alteration, or modification of any new or existing sewer plumbing or collection system in a fashion inconsistent with the information provided for the building permit or for regional utility permission, including work at any address not shown on the permit, or connection at any point not approved by the utility is prohibited.
- D. Wherever a service lateral or stub out is provided with a collection system for a lot, the connection to any other point without the express written consent of the regional utility is prohibited.
- E. The closing or covering of any excavation wherein the construction, repair, alteration, or modification of any new or existing sewer service or collection system has occurred without notifying the regional utility to accord an opportunity for inspection, is prohibited. Each regional utility shall be required to provide inspection of the plumbing within 4 hours of notification.
- F. For any relocation of a point of connection or construction of new service tee to a collection system, the location shall be marked in red on the curb, and indicated by a 6-foot brand new red-paint tipped fence post buried 3 feet in the ground to mark the point of connection, or have the letter "S" sawcut on the curb or walk. Each service connection shall be made such that no infiltration will occur at the point of connection.

[History: Effective 8/14/89, amended 9/27/90, amended 11/08/99]

### **3.414 Sludge Disposal**

FAC Chapter 62-7, Part IV and FAC Chapter 62-640 are hereby adopted and incorporated by reference as the City's Design and Performance Standards for Domestic Wastewater Residuals which are to be applied to land or distributed and marketed.

[History: Effective 9/27/90, amended 12/2/92, amended 2/13/95, amended 11/08/99]

**PART V  
ASSESSMENT OF DAMAGES**

**3.501 Fish Values**

FAC Chapter 62-11, is hereby adopted by reference as fish values pursuant to environmental damages provisos of Sections 360.408 and 360.603 Ordinance Code. [History: Effective 3/18/85, amended 9/27/90, amended 2/13/95, amended 11/08/99]

**PART VI  
VESSELS**

(Reserved)

[History: Effective 9/27/90]

**PART VII  
PETROLEUM STORAGE SYSTEM REQUIREMENTS**

**3.701**

FAC Chapter 62-761 is hereby adopted and incorporated by reference as the City's requirements for petroleum storage systems. [History: New 03/13/00, effective 04/03/00]

**PART VIII  
NON-POINT SOURCE POLLUTION**

**3.801 Scope/Intent**

- A. The discharge of untreated stormwater may reasonably be expected to be a source of pollution to waters and is, therefore, subject to Board regulation. The Board's intent is to prevent pollution of waters by discharges of stormwater, to ensure that the designated most beneficial uses of waters, as prescribed by Florida Administrative Code (FAC) Chapter 62-302, are protected.
- B. The Board's intent is to insure compliance with established Florida Administrative Code provisions.
- C. Stormwater discharges to groundwaters shall be regulated under the provisions of EPB Rule 3.301 (FAC Section 62-28.700) and other applicable rules of the Department of Environmental Protection.
- D. Erosion during and immediately following the construction phase is a major contributor to the siltation of drainage ways, tributaries, and rivers and is a major factor in the degradation of the water quality in these water bodies. Therefore the Board intends to prevent pollution of waters by minimizing the impact of erosion and sedimentation resulting from construction practices.

[History: Effective 12/11/89, amended 9/27/90, amended 1/10/93, amended 2/13/95, amended 11/08/99]

**3.802 Design and Performance Standards**

FAC Section 62-25.025, is hereby adopted and incorporated by reference as the construction, operation, maintenance, design, and performance standards within Duval County for all stormwater discharge facilities constructed on or after February 1, 1982, but before April 1, 1986: (Reserved: FAC Section 40C-42.025 is hereby adopted and incorporated by reference as the construction, operation, maintenance, design and performance standards within Duval County for all stormwater discharge facilities constructed on or after April 1, 1986). [History: Effective 12/11/89, amended 9/27/90, amended 11/8/93, amended 11/08/99]

**3.803 Legal Operation/Maintenance Entity Requirements**

FAC Section 62-25.027, is hereby adopted and incorporated by reference as the legal operation and maintenance entity requirements for all stormwater discharge facilities constructed on or after February 1, 1982, but before April 1, 1986; (Reserved: FAC Section 40C-42.027, is hereby adopted and incorporated by reference as the legal operation and maintenance entity requirements for all stormwater discharge facilities constructed on or after April 1, 1986). [History: Effective 12/11/89, amended 9/27/90, amended 11/8/93, amended 11/08/99]

### 3.804 Operation/Maintenance Requirements

- A. The entity responsible for maintaining a stormwater management system, as addressed in FAC 62-25 and JEPB Rule 3.803, shall ensure that the system is periodically maintained as necessary, to ensure that it continues to function in accordance with the originally-permitted and approved design. The following operational maintenance activities shall be performed on a regular basis or as needed on all permitted systems constructed on or after February 1, 1982, but before April 1, 1986:
1. Removal of trash and debris,
  2. Inspection of inlets and outlets,
  3. Removal of sediments when the storage volume or conveyance capacity of the stormwater management system is below design levels, and
  4. Stabilization and restoration of eroded areas.
- B. Specific operational maintenance activities are required, depending on the type of permitted system, in addition to the practices listed in subsection 3.804 A, above.
1. Retention, swale and underdrain systems shall include provisions for:
    - a. Mowing and removal of grass clippings, and
    - b. Aeration, tilling, or replacement of topsoil as needed to restore the percolation capability of the system. If tilling or replacement of the topsoil is utilized, vegetation must be established on the disturbed surfaces.
  2. Exfiltration systems shall include provisions for removal of sediment and debris from sediment sumps.
  3. Wet detention systems shall include provisions for operational maintenance of the littoral zone. Replanting shall be required if the percentage of vegetative cover falls below the permitted level. It is recommended that native vegetation be maintained in the littoral zone as part of the system's operation and maintenance plan. Undesirable species such as cattail and exotic plants should be controlled if they become a nuisance.
  4. Dry detention systems shall include provisions for mowing and removal of grass clippings
  5. Systems in sensitive karst areas shall include provisions for the repair of any sinkhole or solution pipe that develops in the system.
- C. If the system is not functioning as designed and permitted, operational maintenance must be performed immediately to restore the system. If operational maintenance measures are insufficient to enable the system to meet the design and performance standards of this Rule, the permittee must either replace the system or construct an alternative design. A permit modification must be obtained from the Water Management District or Department of Environmental Protection prior to any modification of the permitted system. [History: New: 11/08/99, Effective 12/5/99]

### **3.805 Stormwater General Permits**

FAC Sections 62-25.035 and 62-25.801, are hereby adopted and incorporated by reference as the general permit requirements for all stormwater discharge facilities constructed on or after February 1, 1982, but before April 1, 1986; (Reserved: FAC Section 40C-42.035, is hereby adopted and incorporated by reference as the general permit requirements for all stormwater discharge facilities constructed on or after April 1, 1986). [History: Effective 12/11/89, amended 9/27/90, amended 11/8/93, amended 11/08/99]

### **3.806 Stormwater Treatment Requirements**

FAC Section 62-25.040, subarticle 5 and 6, are hereby adopted and incorporated by reference for all stormwater discharge facilities constructed on or after February 1, 1982, but before April 1, 1986; (Reserved: Anticipated Text As Follows: FAC Section 40C-42.041, Subarticle 5, is hereby adopted and incorporated by reference for all stormwater discharge facilities constructed on or after April 1, 1986). [History: Effective 12/11/89, amended 9/27/90, amended 11/8/93, amended 11/08/99]

### **3.807 Erosion and Sediment Control**

Soil erosion and sediment control measures shall conform to the standards described in the *Duval County Land Development Manual, published by the City of Jacksonville Department of Public Works*. [History: Effective 12/11/89, amended 9/27/90, amended 11/08/99]

### **3.808 Use of Wetlands for Stormwater Treatment**

(Reserved: Anticipated Text As Follows: FAC Section 62-25.042, subarticles 2(a), 2(b), 6(a), 6(b), 6(c), 6(d), 6(e), 6(f) and 6(g), are hereby adopted and incorporated by reference). [History: Effective 12/11/89, amended 9/27/90, amended 11/08/99]

### **3.809 Water Quality Based Effluent Limits**

(Reserved: Anticipated Text As Follows: FAC Chapter 62-650 et seq. is hereby adopted and incorporated by reference and is made applicable to stormwater discharges to surface waters). [History: Effective 12/11/89, amended 9/27/90, amended 11/08/99]

### **3.810 Compliance With Duval County Storm Water Master Plan**

(Reserved: Anticipated Text As Follows: The Duval County Stormwater Master Plan, in whole or upon completion of any basin, is hereby adopted and incorporated by reference as the Master Plan for the management of stormwater in Duval County. Compliance with the elements of the Stormwater Master Plan is required). [History: Effective 12/11/89, amended 9/27/90, amended 11/08/99]

### **3.811 Violations**

Failure to be in compliance with the adopted standards of EPB Rules 3.801 - 3.810 on or after the effective date of this rule shall be a violation of EPB rules and of Chapter 360 Ordinance Code and enforceable by remedies provided therein. [History: Effective 12/11/89, amended 9/27/90, amended 11/08/99]

**DONE AND ORDERED** This \_\_\_\_\_ day of \_\_\_\_\_, 2000, at the regular meeting of the Environmental Protection Board, City of Jacksonville.

### **ENVIRONMENTAL PROTECTION BOARD**

BY: \_\_\_\_\_  
William H. Knibbs, M.D.  
Chairman