

Section 201.64. - Definitions; construction and interpretation.

(A) Unless the context specifically indicates otherwise, the meaning of the following terms used in this part shall be defined as follows:

- (1) *Act*: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- (2) *Approval authority*: The State of Florida Department of Environmental Protection ("FDEP").
- (3) *Best management practices* or "*BMPs*" mean 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. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage.
- (4) *Categorical industrial user* means an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as of July 1, 2009, hereby adopted and incorporated by reference.
- (5) *Categorical pretreatment standards*: Any regulation containing pollutant discharge limits promulgated by U.S. Environmental Protection Agency in accordance with Sections [307\(b\)](#) and (c) of the Act that apply to a specific category of users and appear in 40 CFR Chapter I, Subchapter N, Parts 405—471.
- (6) *Control authority*: The agency, service, organization or authority with the responsibility of control of the industrial pretreatment program.
- (7) *Cooling water*: The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (8) *Daily maximum*: The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (9) *Director* means the director of the county's department of utilities services or the director's designee.
- (10) *Domestic wastewater*: Wastewater derived principally from dwellings, business buildings, institutions, and other non-industrial sources.
- (11) *Environmental Protection Agency* or *EPA* means the U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official, of such agency.
- (12) *Existing source*: Any source of discharge, the construction or operation of which began before publication by EPA of proposed categorical pretreatment standards, and to which categorical pretreatment standards will be applicable if the categorical pretreatment standard is thereafter promulgated in accordance with [Section 307](#) of the Act.
- (13) *Grab sample*: A sample that is taken from a waste stream without regard to the flow in the waste stream and taken over a time period not to exceed fifteen (15) minutes.

(14) 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.

(15) Healthcare facility: any person that is lawfully authorized to:

- a) 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
- b) 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.

(16) Indirect discharge or discharge: the introduction of pollutants into the publicly-owned treatment works from any nondomestic source regulated under [Section 307](#)(b), (c), or (d) of the Act.

(17) Industrial user: Any user other than a domestic wastewater user.

(18) Industrial wastewater: Any discharge to the POTW other than segregated domestic wastes or wastes from sanitary conveniences.

(19) Instantaneous maximum allowable discharge 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.

(20) Interference: A discharge that, alone or in conjunction with a discharge or discharges from other sources, both: (a) inhibits or disrupts the POTW, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and (b) is a cause of a violation of any requirement of the county's NPDES or FDEP permits (including an increase in the magnitude or duration of a violation), or prevents use or disposal of domestic wastewater residuals by the county in compliance with F.S. [ch. 403](#) and FDEP rules.

(21) Local Limit: Specific discharge limits developed and enforced by the county upon industrial or commercial facilities to implement the general and specific discharge prohibitions as referenced in [Section 201.65](#) of this chapter and as listed in 40 CFR 403.5(a)(1) and (b).

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(22) *Medical waste*: 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.

(23) *Monthly average*: The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(24) *New source*:

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

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

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

(iii) The production or wastewater generating processes of the building structure, facility, or installation are substantially independent of an existing source of discharge 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 shall be considered;

(b) 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 subparagraphs (a)(2) or (a)(3) above but otherwise alters, replaces, or adds to existing process or production equipment; or

(c) Construction of a new source, as defined herein, has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous on-site construction program (a) any placement, assembly, or installation of facilities or equipment, or (b) 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

(ii) 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 definition.

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(25) Pass through: The discharge through the publicly owned treatment works into waters of the state or of the United States in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the county's NPDES permits (including an increase in the magnitude or duration of a violation).

(26) Person means any individual, partnership, limited liability company, 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, and local governmental entities.

(27) 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.

(28) Pollutant: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, [as such terms are herein defined] toxicity, or odor).

(29) POTW or publicly-owned treatment works: A "treatment works," as defined by [Section 212](#) of the Act that is owned by Indian River County. 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 that convey wastewater to a treatment plant.

(30) Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into 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.

(31) Pretreatment requirements: Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(32) Pretreatment standards or standards: Prohibited discharge standards, categorical pretreatment standards, and Local Limits.

(33) Prohibited discharge standards or prohibited discharges: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in [Section 201.65](#) hereof.

(34) Responsible corporate officer:

(a) A president, secretary, treasurer, or 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 operating facilities, provided, the manager:

(i) 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;

(ii) Is authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;

(iii) Can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements;

(iv) Has been assigned or delegated the authority to sign documents in accordance with corporate procedures.

(35) 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.

(36) Septic tank waste: Any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(37) Significant industrial user: Any user of the POTW that is subject to categorical pretreatment standards; or a user that (a) discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); (b) contributes a process waste stream 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 county, on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. Upon a finding that an industrial user meeting criteria (2)(a) or (b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the county may, at any time, on its own initiative or in response to a petition received from an industrial user and in accordance with Rule 62-625.500(2)(e), FAC, if applicable, determine that such industrial user is not a significant user.

(38) Slug: Any discharge of any substance released in/or at a rate or concentration which, could cause a violation of the prohibited discharge standards.

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(39) Slug discharge: Any discharge of a nonroutine, episodic nature, which has a reasonable potential to cause interference or pass through, or in any other way violate the wastewater facility's regulations, Local Limits or permit conditions.

(40) Toxic pollutant: Any pollutant or combination of pollutants listed as toxic by the administrator of the Environmental Protection Agency under the provisions of [Section 301\(a\)](#) of the Act and listed in 40 CFR 401.15.

(41) Treatment plant means that portion of a wastewater facility which is designed to provide treatment (including recycling and reclamation) of domestic and industrial wastewater.

(42) Upset: An exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards adopted under this Part III or established as part of its wastewater discharge permit, due to factors beyond the reasonable control of the user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations thereof.

(43) User or industrial user: A source of indirect discharge.

(40) Wastewater: Industrial or domestic wastewaters from dwellings, commercial buildings, industrial facilities, and institutions together with any groundwater, surface water and stormwater that may be naturally present, whether treated or untreated, which is discharged into the POTW.

(44) Wastewater discharge permit: Industrial wastewater discharge permit issued by the county to all significant industrial users pursuant to this part.

(45) Wastewater standard parameters:

(a) *B.O.D. (biochemical oxygen demand):* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in parts per million by weight, and determined by 40 CFR Part 136.

(b) *pH:* the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution, as determined by 40 CFR Part 136.

(c) *ppm or mg/l* shall mean parts per million, a ratio by weight, and interchangeable with milligrams per liter.

(d) *Suspended solids:* The solids that either float on the surface of, or in suspension in, the wastewater, expressed in ppm, as determined by 40 CFR Part 136.

(f)[(e)] *Total solids:* The total weight, expressed in ppm or mg/l, of all settleable suspended, or dissolved solids in the wastewater, as determined by 40 CFR Part 136.

(B) This part shall be liberally construed to carry out effectively the intent and purpose of this part. Where any provision of Part III of [Chapter 201](#) of the Code refers to or incorporates another provision,

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statute, rule, regulation, or other authority, this part refers to the most current version, including and incorporating any amendments thereto or renumbering thereof.

(C) For the purposes of administration and enforcement of this Part III of [Chapter 201](#) of the Code, unless otherwise stated in this Part III, the following rules of construction shall apply to the text of this division: when not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular; words in the singular number include the plural; the terms "hereof", "hereby", "herein", "hereto", "hereunder" and similar terms refer to this part and this Part III of [Chapter 201](#) of the Code. The word "shall" is always mandatory and not merely discretionary. The definitions set forth in [Section 201.01](#) of this chapter are also applicable to this Part III.