

ORDINANCE NO. 23-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH CHAPTER 53, "SANITARY SEWERS," SECTION 53.004, "ABBREVIATIONS; DEFINITIONS," TO ADOPT DEFINITIONS FOR HAZARDOUS WASTE PHARMACEUTICALS, HEALTHCARE FACILITY, PHARMACEUTICAL, AND REVERSE DISTRIBUTOR, AND TO CORRECT NUMBERING; AMENDING SECTION 53.051, "PROHIBITED DISCHARGES TO SEWERS," TO ADD HAZARDOUS WASTE PHARMACEUTICALS TO THE LIST OF SUBSTANCES PROHIBITED FROM BEING INTRODUCED TO THE CITY'S TREATMENT WORKS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2015, the Environmental Protection Agency (EPA), proposed to impose a sewer ban on all hazardous waste pharmaceuticals managed by healthcare facilities and reverse distributors, preventing these facilities from utilizing an existing exclusion; and

WHEREAS, the ban was proposed because numerous studies found the flushing of leftover medications became a prevalent practice used in lieu of proper hazardous waste management; and

WHEREAS, traditional wastewater treatment operations were designed to remove conventional pollutants, such as suspended solids and biodegradable organic compounds, and not to remove pharmaceuticals that are present in discharges from medical and veterinary facilities; and

WHEREAS, on February 22, 2019, the EPA issued 84 FR 5816, adding regulations for the management of hazardous waste pharmaceuticals by healthcare facilities (for both humans and animals) and requiring reverse distributors to manage their hazardous waste pharmaceuticals under the new set of sector-specific standards; and

WHEREAS, the EPA prohibition was codified at Title 40 Code of Federal Regulations (CFR) 266.505; and

WHEREAS, the State of Florida adopted the EPA regulations in Rule 62-625.400, Florida Administrative Code (F.A.C.); and

WHEREAS, in order to comply with 40 CFR 266.505 and F.A.C. Rule 62-625.400, the City of Delray Beach needs to adopt new requirements prohibiting healthcare facilities and reverse distributors from introducing, or causing to be introduced, any hazardous waste pharmaceuticals into its Treatment Works; and

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of Delray Beach as set forth in Article VIII, Section 2, of the Constitution of the State of Florida, Chapter 166, *Florida Statutes*, and other applicable controlling laws; and

WHEREAS, the City Commission deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Delray Beach and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. Chapter 53, “Sanitary Sewers,” Section 53.004, “Abbreviations; Definitions,” of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended as follows:

**Sec. 53.004. – ABBREVIATIONS; DEFINITIONS.**

(A) (This subsection shall remain in full force and effect as adopted.)

(B) The following terms, or phrases, shall have the designated meanings:

*Act and the Act.* The Federal Water Pollution Control Act, also known as the Clean Water Act of 1977, as amended, 33 U.S.C. 1251, et seq.

*Approval authority.* The Florida Department of Environmental Protection.

*Authorized representative of industrial user.*

(~~A~~1) If the user is a corporation, a responsible corporate officer.

(~~B~~2) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

(~~C~~3) If the user is a Federal, State, or local government facility: a Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

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

*Best Management Practices or BMPs.* 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 damage from raw materials storage.

*Board.* The Board of Directors of the South Central Regional Wastewater Treatment and Disposal Facility.

*BOD.* The quantity of oxygen utilized in the biochemical oxidation of organic matter when nitrification is not inhibited.

*Building sewer.* Sewer conveying wastewater from the premises of a user to the collection system which transmits wastewater to the Treatment Works.

*Capacity charge.* The charges calculated to cover cost incurred to have the system available and in good operating condition without regard to use, which shall include, but not be limited to, costs of minimum personnel, capital outlay, debt service, insurance, transfers, reserve requirements, and debt service coverage.

*Categorical pretreatment standard or categorical standard.* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405—471.

*Categorical industrial users.* 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—471, as of July 1, 2009, hereby adopted and incorporated by reference.

*City Personnel.* Person designated by the Director.

*COD.* A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

*CBOD.* The quantity of oxygen utilized in the biochemical oxidation of organic matter when inhibiting the nitrogenous oxygen demand.

*Collection system.* The system of public sewers to be operated by the City and connected to the Treatment Works.

*Commodity charge.* The charges calculated to cover the costs which vary with the amount of water produced or sewage processed, which shall include, but not be limited to, costs of personnel to operate the system, electricity, repairs and maintenance, and operating supplies.

*Compatible pollutant.* A substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned Treatment Works was designed to treat those pollutants, and in fact does remove the pollutant to a substantial degree.

*Composite sample.* A series of samples taken over a specific twenty-four-hour time period at intervals not to exceed fifteen (15) minutes in the waste stream which are combined into one sample. Flow proportional sampling is mandated unless circumstances do not permit it, then it shall be time

proportional. Samples shall be taken during effluent discharge times only.

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

*Customer charge.* The charges calculated to cover the costs incurred in the billing system, which shall include, but not be limited to costs of meter reading, recording, data processing, billing and collecting.

*Direct discharge.* The discharge of treated or untreated wastewater directly into the waters of the state.

*Director.* This refers to the individual in charge of the Department of Environmental Services for the City.

*Discharge.* To dispose, deposit, place, emit, unload, release or cause or allow to be disposed of, deposited, placed, emitted, unloaded, or released.

*Domestic wastewater.* Wastewater derived principally from dwellings, commercial buildings, institutions, and industry comprised of household or toilet waste resulting from human occupancy. It may or may not contain ground water, surface water, or stormwater.

*Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency. Where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of that agency.

*Executive Director.* The administrative director or his or her authorized deputy, agent or representative of the South Central Regional Wastewater Treatment and Disposal Board. The Executive Director is the authorized administrative authority of the South Central Regional Wastewater Treatment and Disposal Board.

*Existing source.* Any source of discharge that is not a "New Source."

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

*Grab sample.* An individual, discrete sample collected at a specific time. A grab sample includes all sub samples or aliquots (e.g. individual containers for specific analytes or analyte groups), sample fractions (e.g. total and filtered samples) and all applicable field quality control samples (e.g. field sample duplicates or split samples) collected at the same locations within a time not exceeding fifteen (15) minutes.

*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, as may be amended from time to time, which exhibits one or more characteristics identified in 40 CFR Part 261 subpart C or is listed in 40 CFR Part 261 subpart D.

Healthcare Facility. As defined in 40 CFR Section 266.500, as may be amended from time to time, any person that is lawfully authorized to:

- (1) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or
- (2) Distribute, sell, or dispense Pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

Healthcare Facility does not include pharmaceutical manufacturers.

*Indirect discharge.* The introduction of pollutants into the Treatment Works from any nondomestic source regulated under Section 307(B), (C) or (D) of the Act and F.S. ch 403.

*Industrial or commercial waste.* The liquid wastes from industrial, commercial, or institutional processes as distinct from domestic or sanitary sewage.

*Industrial and commercial waste discharge permit.* A permit issued to control the process flows from industry, commerce, or institutions that may be discharged into the sanitary sewer system. This permit is issued in addition to any other types of permits. When issued, the permit will define the characteristics and volume of the flow and acceptance or rejection of individual waste components and/or require high strength waste surcharges.

*Industrially classified user.* An industrial or commercial user whose liquid wastes are, in part, made up of flows related to industrial processes, as distinct from an industrial or commercial user whose waste flows are primarily domestic or resulting from human occupancy.

*Industrial user.* A source of indirect discharge and discharge of industrial or commercial waste which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act, (33 U.S.C. 1342).

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

*Interference.* A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the Treatment Works, its treatment process or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit

or the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations; F.S. ch. 403; Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

*Local Limit.* Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Rule 62-625.400, F.A.C.

*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.

*Milligrams per liter (mg/l).* Milligrams per liter shall be considered equivalent to parts per million.

*Monitoring costs.* Those costs incurred by the City in performing monitoring and/or sampling as prescribed by 40 CFR 403.

*National Categorical Pretreatment Standard.* Any Federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.

*National Pollutant Discharge Elimination System Permit or NPDES permit.* A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

*National Prohibitive Discharge Standard or Prohibitive Discharge Standard.* Any regulation developed under the authority of [subsection] 307(B) of the Act and 40 CFR, Section 403.5.

*Natural outlet.* Any ditch, canal, stream, waterway, lake, river, pond, well, gully, or other water body.

*New source.*

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

(~~1~~a) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(~~2~~b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing

source; or

- (3c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (B2) 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 subsections 53.004 (A)(1) or (2) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (C3) Construction of a new source, as defined under this paragraph, has commenced if the owner or operator has begun or caused to begin, as part of a continuous onsite construction program:
  - (1) ~~Begun or caused to begin, as part of a continuous onsite construction program:~~
    - (1a) Any placement, assembly, or installation of facilities or equipment; or
    - (2b) 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
    - (3c) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*Noncontact cooling water.* Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*Non-significant categorical industrial user.* An industrial user that discharges one hundred (100) gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

- (A1) Has consistently complied with all applicable categorical pretreatment standards and requirements;
- (B2) Annually submits the certification statement required in Section 53.081(G) of this Chapter together with any additional information necessary to support the certification statement; and
- (C3) Never discharges any untreated categorical process wastewater.

*Pass through.* A discharge which exits the Treatment Works into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other

sources, is a cause of a violation of any requirement of the wastewater treatment plant permit, including an increase in the magnitude or duration of a violation.

*Permit.* A permit issued to a wastewater treatment plant in accordance with Chapter 62-620, F.A.C.

*pH.* A measure of the acidity or alkalinity of a solution, expressed in standard units.

*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.

*Point source.* The initial point of discharge into the sanitary sewer system.

*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, toxicity or odor).

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

*Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the Treatment Works. 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.

*Pretreatment requirements.* Any substantive or procedural requirement for treating of a waste prior to discharging or otherwise introducing the waste into the Treatment Works.

*Pretreatment standards or standards.* Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

*Prohibited discharge standards or prohibited discharges.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 53.051 of this Chapter.

*Properly shredded garbage.* The wastes from the preparation, cooking, and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions



normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

*Publicly owned treatment works or treatment works.* In this case, the regional treatment plant operated by the South Central Regional Wastewater Treatment and Disposal Board and the sewage collection/transmission system owned and operated separately by the City.

*Public sewer.* A pipe or conduit in which all owners of abutting properties have equal rights, and which is controlled by public authority.

*Regional treatment facilities.* The South Central Regional Wastewater Treatment Plant transmission and disposal facilities as operated by the South Central Regional Wastewater Treatment and Disposal Board.

*Replacement.* Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment process Facilities to maintain the capacity and performance for which those Facilities were designed and constructed.

*Residential dwelling unit.* One or more rooms connected together, constituting a separate, independent housekeeping establishment and physically separated from any other dwelling unit which may be in the same structure, and which contains independent sanitation, living, cooking and sleeping facilities.

*Responsible Corporate Officer.*

- (A1) A president, secretary, treasurer, or vice-president of the corporation in charge of a ~~principle~~principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
- (B2) The manager of one or more manufacturing, production, or operating facilities, provided the manager:
  - (1a) 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;
  - (2b) Is authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;
  - (3c) Can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements;
  - (4d) Has been assigned or delegated the authority to sign documents in accordance with corporate procedures.

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.

*Sanitary sewer.* A pipe or conduit which carries sewage and to which storm, surface, and ground water are not intentionally admitted.

*Septic tank waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Sewage or wastewater.* A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be unintentionally present, which contributes to or is permitted to enter the Treatment Works.

*Significant industrial user.* Except as provided in paragraphs (C) and (D) below:

~~(A1)~~ Categorical industrial users; and

~~(B2)~~ Any other industrial user that:

~~(1a)~~ Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the Treatment Works (excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater);

~~(2b)~~ Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or

~~(3c)~~ Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the Treatment Works operation or for violating any pretreatment standard or requirement.

~~(C3)~~ The City may determine that 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—471, is a non-significant categorical industrial user.

~~(D4)~~ Upon a finding that a user meeting the criteria in Section (B) of this definition has no reasonable potential for adversely affecting the Treatment Works operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in [Rule] 62-625.500(2)(e), determine that such user should not be considered a significant industrial user.

*Significant noncompliance.* Violations of this Chapter by a user subject to pretreatment standards meet one or more of the following criteria:

~~(A1)~~ *Chronic Violation.* Sixty-six (66) percent or more of all measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

- (~~B~~2) *Technical Review Criteria (TRC) Violation.* Thirty-three (33) percent or more of all measurements taken for the same pollutant during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC. TRC equals 1.4 for B.O.D., T.S.S. and oil and grease; and 1.2 for all other pollutants except pH;
- (~~C~~3) *[Effluent Violation.]* Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City or wastewater treatment plant personnel or the general public);
- (~~D~~4) *[Discharge Causing Imminent Endangerment.]* A discharge that caused imminent endangerment to human health, welfare or to the environment and resulted in the City exercising its emergency authority;
- (~~E~~5) *[Failure to Meet Compliance Schedule Milestones.]* Failure to meet a compliance schedule milestone date within ninety (90) days or more after the scheduled date contained in a control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
- (~~F~~6) *[Failure to Meet Report Deadlines.]* Failure to submit a required report within forty-five (45) days of its due date;
- (~~G~~7) *[Failure to Report Noncompliance.]* Failure to accurately report noncompliance; or
- (~~H~~8) *[Violations Causing Interference or Pass Through.]* Any other violation or group of violations, including a violation of best management practice, which the Director determines may cause interference or pass through or will adversely affect implementation of the City's pretreatment program.

*Significant violation.* A violation that remains uncorrected forty-five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve-month period; which involves a failure to accurately report noncompliance; or which resulted in the Treatment Works exercising its emergency authority under Section 403.8(F)(1)(vi)(B) of the Act.

*Slug load or slug discharge.* Any discharge of nonroutine, episodic nature, which has reasonable potential to cause interference or pass through, or in any other way violate the Treatment Works regulations, local limits or permit conditions.

*Standard industrial classification (SIC).* Classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, as amended.

*Storm drain, or storm sewer.* A pipe or conduit that carries stormwater and surface water, street wash, and other wash waters or drainage, but excludes domestic wastewater and industrial and

commercial waste.

*Stormwater.* Any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Surcharge.* An extra charge levied to a user for treatment of compatible wastewaters that contain substances in excess of specified maximum allowable limits.

*Suspended solids.* Solids that are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

*Toxic pollutant.* Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under subsection 307(A) of the Act, or other Acts.

*User.* Any person who contributes, causes, or permits the contribution of wastewater into the Treatment Works.

*User charge or user fee.* A charge levied on the users of the Treatment Works for the cost of operation and maintenance of those facilities and other equitable and necessary charges.

*Wastewater treatment plant or treatment plant.* That portion of regional treatment facilities designed to provide treatment to wastewater which is operated by the South Central Regional Wastewater Treatment and Disposal Board.

*Watercourse.* A channel in which a flow of water occurs, either continuously or intermittently.

Section 3. Chapter 53, "Sanitary Sewers," Section 53.051, "Prohibited Discharges to Sewers," of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended as follows:

**Sec. 53.051. – PROHIBITED DISCHARGES TO SEWERS.**

(A) *General Prohibitions.* No user shall introduce or cause to be introduced into the Treatment Works any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the Treatment Works whether or not they are subject to categorical pretreatment standards or any other national, State, or local pretreatment standards or requirements.

(B) *Specific Prohibitions.* These specific prohibitions exemplify but do not limit the general prohibitions found at subsection 53.051(A) above. No user shall introduce or cause to be introduced into the Treatment Works the following pollutants, substances, or wastewater:

(1) – (16) (These subsections shall remain in full force and effect as adopted.)

(17) Any Hazardous Waste Pharmaceuticals from Healthcare Facilities and Reverse Distributors.

(C) – (H) (These subsections shall remain in full force and effect as adopted.)

Section 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 7. That this Ordinance shall become effective immediately upon its passage on second and final reading and shall apply to all existing and future applications for permits.

PASSED AND ADOPTED in regular session on second and final reading on this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_