



Cover Memorandum/Staff Report

File #: 24-934

Agenda Date: 8/5/2024

Item #: 9.A.

TO: Mayor and Commissioners
FROM: Hassan Hadjimiry, P.E., Utilities Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: August 5, 2024

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 TREATMENT WORKS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommended Action:

Consider Ordinance No. 23-24, a City initiated 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 treatment works; providing a conflicts clause; providing a severability clause; authority to codify, and providing an effective date.

Background:

The City of Delray Beach Utilities Department, through requirements from 40 CFR Part 266.505 and 62-625.400, Florida Administrative Code, prohibits hazardous waste pharmaceuticals managed by healthcare facilities and reverse distributors. Traditional wastewater treatment operations are not designed to remove pharmaceuticals present in discharges from medical and veterinary facilities. This prohibition will ensure proper protection of the City's sanitary sewer system, which flows into the South Central Regional Wastewater Treatment Facility (SCRWWTP).

A summary of the reasoning for the changes in Chapter 53, "Sanitary Sewers", is as follows:

- The EPA issued 84 FR 5816, which added regulations for the management of hazardous waste pharmaceuticals by animal and human health care facilities.
- The State of Florida adopted the EPA requirements in Rule 62-625.400.
- The amendment will update definitions in the ordinance to include facilities or businesses

affected by the requirements.

- The amendment will add prohibitions to hazardous waste pharmaceuticals into the sanitary sewer system.

Staff recommends the approval of this amendment of the existing ordinance that will align our City ordinance with the requirements and recommendations contained in Florida Administrative Code (F.A.C.) 62-625.400 and 40 CFR Part 266.505.

City Attorney Review:

Approved to form and legal sufficiency.

Funding Source/Financial Impact:

No budgetary impact. BIE reviewed and approved by Finance and Legal.

Timing of Request:

Ordinance No. 23-24 will be effective immediately after the Second Reading.