

RESOLUTION NO. 270-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING RATES FOR THE CITY'S ADMINISTRATION OF THE INDUSTRIAL PRE-TREATMENT PROGRAM FOR OTHER MUNICIPALITIES; RE-STATING THE PERMIT FEES, SURCHARGE RATES, ADMINISTRATIVE FINES, AND PENALTIES FOR VIOLATIONS OF THE INDUSTRIAL PRETREATMENT PROGRAM AND SEWER USE ORDINANCE; AMENDING AND REPLACING RESOLUTION NO. 348-09; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of West Palm Beach, as holder of the NPDES permit on behalf of the East Central Regional Waste Water Treatment Facility Board (ECRWWTFB) is authorized to administer and enforce a pretreatment program on behalf of the ECRWWTFB; and

WHEREAS, the City of West Palm Beach entered into and Interlocal Agreement with the City of Lake Worth to provides technical and administrative duties necessary to implement and enforce the industrial pretreatment program for industrial users with Lake Worth's jurisdiction; and

WHEREAS, the City of West Palm Beach desires to enter into and Interlocal Agreement with the City of Riviera Beach to provides technical and administrative duties necessary to implement and enforce the industrial pretreatment program for industrial users with Riviera Beach's jurisdiction; and

WHEREAS, Section 90-133 of the Code of Ordinances of the City of West Palm Beach provides that all fees, rates and fines to be imposed regarding the City's industrial pretreatment regulations and sewer regulations shall be established by resolution of the City Commission; and

WHEREAS, the City of West Palm Beach desires to establish the rate for providing enforcement and administrative services relating to the industrial pretreatment program for other jurisdictions; and

WHEREAS, the City desires to amend the resolution establishing the rates and fees charged under the industrial pretreatment and sewer ordinance to include a rate for providing services to other jurisdictions, and to restate the other rates, which shall remain the same and without increase, so that all charges are found in one resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission of the City of West Palm Beach, Florida hereby amends and restates the City's Fees, Fines and Rate Schedule for the industrial pretreatment program and sewer use ordinance, to provide a rate for providing services to other jurisdictions, and to restate the other rates and fees, so that all rates, fees and charges are found in one resolution. The City Commission hereby

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adopts the Schedule of Fees Fines and Rates Related to Industrial Pretreatment Program and Sewer Use Ordinance, set forth in Exhibit A, attached and incorporated into this Resolution.

SECTION 2: This Resolution amends and replaces Resolution No. 348-09 and all prior rate resolutions.

SECTION 3: This Resolution shall take effect as provided by law.

PASSED AND ADOPTED THIS 16 DAY OF September, 2013

(CORPORATE SEAL)

**CITY OF WEST PALM BEACH
BY THE CITY COMMISSION**

ATTEST:

Harline F. Carson
CITY CLERK

Perla Diane Muraw
PRESIDING OFFICER

CITY ATTORNEY'S OFFICE
Approved as to form and legal sufficiency
By: *OSM*

Last printed 9-6-13

Exhibit A to Resolution No. 270-13

**SCHEDULE OF FEES, FINES AND RATES RELATED TO
INDUSTRIAL PRETREATMENT PROGRAM AND SEWER USE ORDINANCE**

The following fees, fines and rates shall be assessed in accordance with the provisions of Chapter 90, Article III, of the Code of Ordinances of the City of West Palm Beach:

Permit Fees:

- (a) Noncategorical Industry Permit, per year: \$200.00;
- (b) Categorical Industry Permit, per year : \$400.00;
- (c) Interceptor Fees, per year: \$150.00;
Interceptor fees are charged per interceptor to all users with interceptors, oil interceptors or grease interceptors, including, but not limited to food service users, carwash users, service stations and other commercial facilities.
- (d) Analytical Fees: On a permit-by-permit basis

Fines and Penalties:

- (a) Failure to provide 24-hour notification: Administrative Fine of \$100.00 per occurrence;
- (b) Failure to resample and submit resampling data to the City: \$150.00 for each violation;
- (c) Continued failure to comply within 60 days from the Initial Notice or by Compliance Date: \$500.00 per month for each violation;
- (d) Significant Noncompliance: \$500.00 for each violation;
- (e) Failure to provide Compliance Schedule within 15 days of Notice of Violation: \$500.00 per violation;
- (f) Continued failure to comply within 60 days of Notice of Violation: \$1,000.00 per month for each violation;
- (g) Failure to obtain an approved final compliance schedule: \$2,000.00 per month for each violation.

Charge for Administration of Industrial Pretreatment Program(s)

The rate per industrial user will be calculated by dividing the jurisdiction's industrial pretreatment program operating budget by the total number of industrial users in the jurisdiction's system. The charge to the jurisdiction will be calculated by multiplying the number of industrial users by the rate per industrial user.

Industrial Waste Surcharge Rates:

BOD = \$0.40/lb

TSS = \$0.40/lb

Oil & grease = \$7.30/lb

Monthly Surcharges shall be calculated as follows:

IWS for BOD = 8.34 (V) (\$0.40 X (BOD-400))

IWS for TSS = 8.34(V)(\$0.40Y(TSS-400))

IWS for OG= 8.34(V) (\$7.30Z (OG-100))

TABLE INSET:

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| IWS | = | Monthly industrial surcharge rate. |
| V | = | Volume of industrial flow in million gallons per month based on metered water. |
| BOD | = | Biochemical oxygen demand in mg/L. |
| TSS | = | Total suspended solids in mg/L. |
| OG | = | Oil and grease in mg/L. |
| X | = | Capital and operating costs per pound of BOD greater than 400 mg/L. |
| Y | = | Capital and operating costs per pound of TSS greater than 400 mg/L. |
| Z | = | Capital and operating costs per pound of oil and grease greater than 100 mg/L. |