

OCT 7 1985

RESOLUTION NO. 85-SW-11

A RESOLUTION AUTHORIZING THE ADVANCE RELEASE OF CAPACITY FOR WASTEWATER TREATMENT IN THE EASTERN WASTEWATER SERVICE AREA SYSTEM TO PERMITTEES UNDER THE PHASE III PROGRAM; PROVIDING AN ECONOMIC IMPACT DETERMINATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Orange County currently has in operation the Eastern Service Area Wastewater Treatment Facility which has the capability of treating and disposing six million (6,000,000) gallons a day (MGD) of wastewater; and

WHEREAS, Orange County has received all necessary permits and has awarded a contract to expand said treatment facility by an additional six (6) MGD via the County's Phase III Expansion Program; and

WHEREAS, the County has heretofore sold 4,029,661 GPD of capacity within the Phase III program with said capacity becoming available to the purchasers upon the availability of said Phase III Program; and

WHEREAS, current wastewater flows to the existing facilities are substantially below the six (6) MGD current design capacity, the Florida Department of Environmental Regulation, by letter of October 1, 1985, has formally indicated its willingness to commence permitting collection system applications against the Phase III capacity up to an interim total capacity of 9.5 MGD.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

Section 1. Of the 3,500,000 gallons per day of capacity to be made immediately available under the Phase III program, the County will make immediately available to permittees of record the amount of 2,650,000 gallons per day, reserving the balance of 850,000 gallons per day for connection of existing wastewater treatment facilities required to be taken off line.

Section 2. All permittees in the Phase III program be allowed to immediately apply for building permits, subject to applicable regulations and in accordance with the terms and

1 conditions of the wastewater permit, for structures requiring
2 wastewater capacity of up to 50,000 gallons per day.

3 Section 3. Permittees who do not receive a building
4 permit for any portion of their project on the lands
5 described in the wastewater permit by June 15, 1986, will
6 forfeit this advanced release of capacity.

7 Section 4. Any balance of capacity not committed under
8 item 3 above will be offered to permittees of record who hold
9 permits with a capacity in excess of 50,000 gallons per day.
10 Said offering will be made on a pro rata basis utilizing the
11 ratio of the remaining balance over the sum of all permitted
12 capacity in excess of 50,000 gallons per day for each
13 permittee times that increment of permitted capacity of each
14 permit in excess of 50,000 gallons per day. Any remaining
15 capacity not committed by the above procedures will be
16 offered after October 15, 1986, in a manner to be prescribed
17 by the Board of County Commissioners.

18 Section 5. Economic Impact Determination. The Board
19 does hereby determine and find, pursuant to Section
20 1-27(2)(b), Orange County Code, that sufficient information
21 has been provided for the Board to assess the economic impact
22 of this resolution on the development of real property in
23 Orange County. The Board does hereby determine and find that
24 no further economic impact statement or economic impact
25 information is required in this matter.

26 Section 6. Severability. If any provision of this
27 resolution or the application thereof to any person or cir-
28 cumstance is held invalid, the invalidity shall not affect
29 other provisions or applications of this resolution which can
30 be given effect without the invalid provision or application,
31 and to this end the provisions of this resolution are
32 declared severable.

33 Section 7. Effective Date. This resolution shall take
34 effect immediately upon adoption.

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RESOLVED THIS 7th DAY OF OCTOBER, 1985.

Hal Marston
Chairman, Board of County
Commissioners of Orange County

ATTEST:

Mary Jo Garrison
Deputy Clerk to the Board
of County Commissioners

JLP 10/03/85