

APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS AT THEIR MEETING

JUL 03 1989

~~APPROVED~~
Repealed

BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

DEC 03 2002 *AA/les*

RESOLUTION NO. 89-SW-12

A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ORANGE COUNTY, FLORIDA;
ADOPTING ENVIRONMENTAL COMPLIANCE AND
SURCHARGE REGULATIONS; PROVIDING AN
ECONOMIC IMPACT DETERMINATION; PROVIDING
FOR SEVERABILITY; PROVIDING AN EFFECTIVE
DATE.

PREMISES

WHEREAS, under the Public and Private Sewer Regulatory
Ordinance of Orange County, Florida, codified as Article IV
of Chapter 28, Orange County Code ("OCC"), and Orange County
Resolution No. 87-SW-03 ("User Rate Schedule"), compliance
and surcharge fees have been established by the Board of
County Commissioners ("BCC") for Orange County wastewater
users; and

WHEREAS, the Director of the Orange County Public
Utilities Division or his designee shall administer the
Compliance and Surcharge Program and maintain all records
associated with the Program including correspondence,
Industrial Discharge Permits, Laboratory Testing Results and
miscellaneous correspondence; and

WHEREAS, the Orange County Wastewater Department shall
be responsible for collecting and delivering the samples from
non-domestic users of the Orange County Wastewater System to
the Orange County Laboratory Department or to an analytical
laboratory, certified by Florida Department of Health and
Rehabilitative Services; and

WHEREAS, monthly billing will be based on the concen-
tration levels determined by analysis of the test samples
collected by the program staff and monthly total water con-
sumption.

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTY
COMMISSION:

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Section 1. Definitions.

(a) "Board" means Orange County, Florida, Board of County Commissioners.

(b) "Certified Laboratory" means laboratory accredited and certified by the Florida Department of Health and Rehabilitative Services.

(c) "Director" means the Orange County Director of Public Utilities, who is the County administrative official in responsible charge of the Orange County Wastewater System or his authorized deputy, agent, or representative.

(d) "Division" means Orange County Public Utilities Division.

(e) "Grab Sample" means a sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.

(f) "Pollutant" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(g) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or by other means, except as prohibited by Title 40 CFR §403.6(d).

(h) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(i) "Program" means Orange County Wastewater Compliance and Surcharge Program.

(j) "Shall", when used, means that it is mandatory, but the term "may", when used, means that it is permitted.

1 (k) "Standard Methods" means the current edition of
2 "Standard Methods for the Examination of Water and Waste-
3 water" as published or republished from time to time by the
4 American Public Health Association.

5 (l) "Surcharge fees" means fees to be imposed on users
6 under Orange County Resolution No. 87-SW-03.

7 (m) "Toxic pollutant" means any pollutant or combin-
8 ation of pollutants listed as toxic in regulations promulgat-
9 ed by the Administrator of the USEPA under the provision of
10 Section 307(a) of the Act, or other acts.

11 (n) "User" means any person who contributes, causes or
12 permits the contribution of sewage or wastewater into the
13 Orange County Wastewater System.

14 (o) "Wastewater constituents" means the individual
15 chemical, physical, bacteriological, and radiological para-
16 meters, including volume and flow rate and such other para-
17 meters that serve to define, classify or measure the
18 contents, quality, quantity, and strength of wastewater.

19 (p) "Wastewater Department" means the Wastewater
20 Department of the Orange County Public Utilities Division.

21 Section 2. Procedures. The Wastewater Department
22 shall conduct tests to ensure environmental compliance as
23 follows:

24 (A) Sample collection frequency will be in accordance
25 with the criteria established in Section 3 of this Resolution.

26 (B) Samples shall be composite, consisting of a minimum
27 of three separate samples collected in an eight hour period.
28 Automatic sampling may be used at locations where discrete 24
29 hour sampling is necessary, as determined by the Director or
30 his designee.

31 (C) Samples will be analyzed by the Public Utilities
32 Laboratory or other certified laboratory. Chain-of-custody
33 procedure will accompany all samples. At a minimum, this
34 procedure will include the following information: Date and
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1 time of sample, business name, location, phone number, name
2 and affiliation of person sampling, sample presentation,
3 general condition of sample site, analysis requested, and
4 sign-over information including the name of the receiver of
5 the sample at the laboratory and date and time. Analysis
6 will be performed in accordance with the criteria established
7 in "Standard Methods".

8 (D) Prohibitions and limitations set forth in Orange
9 County Code, Chapter 28, Article IV, "Public and Private
10 Sewer Regulatory Ordinance" shall apply to all non-domestic
11 users.

12 (E) The Board may amend compliance and surcharge para-
13 meters as required contingent on effluent quality require-
14 ments and/or new regulations imposed by State and Federal
15 regulatory agencies.

16 (F) Surcharge fees are established by the User Rate
17 Schedule under Orange County Resolution No. 87-SW-03.
18 Surcharge fees may be subject to review and amendment as
19 required. No credit will be given for analytical test
20 results under the specified limits.

21 (G) Should sample collection be hindered or sample
22 quality be observably poor due to poor maintenance of grease
23 traps/sampling port or improper disposal practices, the User
24 will be immediately notified by certified letter that
25 corrective action must be taken within ten (10) working days
26 after receiving notification.

27 (H) If oil and grease analysis results exceed 100 mg/l,
28 the User will be notified that corrective action must be
29 taken within ten (10) days after receiving notification.

30 (I) If corrective action is not taken by the user with-
31 in the ten day period, the Division may terminate the sewer
32 service to the User after giving a ten (10) day notice of
33 intent to do so.

34 (J) The User may appeal the service termination
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1 notice/order by written request to the Director. Upon
2 investigation, the Director may agree to a compliance
3 schedule for correcting the grease problem.

4 (K) Should a surcharge bill be challenged by the User,
5 the User shall notify the Division in writing within ten (10)
6 days of the receipt of the surcharge bill. After review of
7 the notice, if any possible error in sampling or analysis is
8 suspected, the Division may offer the User an opportunity to
9 split a sample with the Division. The User's portion shall
10 be analyzed by a Certified Laboratory of the User's choice,
11 at User's expense. The analytical methods used to analyze
12 the split sample shall be the same as those used by the
13 Division. The certified laboratory results shall be submit-
14 ted to the Division for review within ten (10) days of
15 sampling. If the split sample results differ by 20% or less,
16 an average will be determined using both sets of results and
17 this value will be used to re-calculate the surcharge rate.
18 If the split sample results differ by greater than 20% then
19 lower value of the split sample results will be used to
20 calculate the surcharge rate. If an agreement cannot be
21 reached between the Division and the User, then after
22 evaluation, the Director may offer the User a second oppor-
23 tunity to split the sample and subsequent analysis. This
24 second split sample shall be analyzed by the User at the
25 User's expense by a laboratory of the User's choice, follow-
26 ing the same analytical methods used by the Orange County
27 Laboratory. The Division's first set of results and the
28 User's two subsequent split sample analysis results will be
29 used to calculate the surcharge rates. This will be the
30 final value to be used to assess the surcharge rate.

31 (L) New accounts shall be established in the following
32 manner:

- 33 i) After the appearance on the monthly consumption
34 report the User will receive a notice advising him
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of the applicable regulations.

ii) A sample will be obtained to determine a background analysis.

iii) Water consumption data and an account sheet will be started on the User.

iv) An average usage will be determined and a sampling frequency will be established.

(M) All Users discharging toxic waste or pollutants into the system are subject to Orange County Code Section 28-60, "Industrial Wastewater Discharge Permits Requirements".

(N) In the event the non-domestic User does not have a grease trap or sampling port, it will be required to construct the appropriate facility within (sixty) 60 days of notification. Surcharge fees will be assessed on such users, based on background, until said structure is completed.

Section 3. Schedule. The schedule for collecting compliance samples from Orange County wastewater users shall be as follows:

<u>Monthly Water Consumption</u> <u>Gallons</u>	<u>Frequency of Sampling</u>
Above 100,000	Monthly
50,000 to 99,000	Quarterly
15,000 to 49,000	Semi-annually
0 to 14,000	Annually

Section 4. Economic Impact Determination. The Board does hereby determine and find, pursuant to Section 1-27(2)(b), Orange County Code, that sufficient information has been provided for the Board to assess the economic impact of this resolution on the development of real property in Orange County. The Board does hereby determine and find that no further economic impact statement or economic impact information is required in this matter.

Section 5. Severability. If any provision of this resolution or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this resolution

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which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

Section 6. Effective Date. This resolution shall take effect immediately upon adoption.

RESOLVED THIS 3rd day of July, 1989

ORANGE COUNTY, FLORIDA

By: *Tom Deeman*
Chairman, Board
of County Commissioners

ATTEST: MARTHA O. HAYNIE, Clerk,
Board of County Commissioners

By: *Mary Jo Garrison*
Deputy Clerk

JLP 6/20/89
#2216h