

RESOLUTION

RESOLUTION ADOPTING ORANGE COUNTY LOCAL LIMITS AND ENVIRONMENTAL SURCHARGE LIMITS FOR WASTEWATER DISCHARGED TO THE COUNTY WASTEWATER SYSTEM

Resolution No. 2009-M-21

WHEREAS, the Board of County Commissioners establishes the necessary regulations for the use of public and private sewers and drains discharging to the Orange County Wastewater System in the interest of public health, safety and welfare of citizens and residents of the County pursuant to its home rule powers granted to the County by the Florida Constitution, the Orange County Charter, and Chapter 125 of the Florida Statutes.

WHEREAS, the Board of County Commissioners, by ordinance, has amended Section 37-737 and Section 37-755, Orange County Code, to provide that the Local Limits¹ and the Environmental Surcharge Limits for the direct and indirect contributors to the Orange County Wastewater System shall be established by resolution and likewise provided that they shall be amended by resolution henceforth.

WHEREAS, the Board of County Commissioners, by ordinance, which amended Sections 37-737 and 37-755, Orange County Code, provided that the specific table defining Local Limits and providing specific references concerning Environmental Surcharge Limits would no longer be included within the Orange County Code itself, and that the table and references currently shown therein specifying Local Limits and Environmental Surcharge Limits, would be repealed in its entirety and replaced by a table showing these to be placed in a resolution, such repeal to be effective on the passage² of that resolution.

WHEREAS, in accordance with the above-mentioned amendment of the regulations by ordinance, the Board of County Commissioners of Orange County hereby establishes new uniform requirements for the direct and indirect contributors to the Orange County Wastewater System to protect against Pass Through and Interference;³ and 1) to comply with the federal pretreatment regulations set forth by the United States Environmental Protection Agency general pretreatment regulations, Title 40, Code of Federal Regulations (CFR) Part 403, 2) to comply with the State of Florida pretreatment regulations set forth by the Florida Department of Environmental Protection (FDEP) pretreatment requirements, and with Chapter 62-625, Florida

¹ Both terms "Local limits" and "Local Pollutant Limits" were previously stated in Orange County Code Chapter 37 Article XX. The term "Local Limits," is now proposed to be used for this term to provide consistency where cited in this resolution and in Orange County Code Chapter 37 Article.

² While the repeal shall be considered "effective" with regard to its being final, it is subject to final review and approval by the Florida Department of Environmental Protection prior to being allowed to apply in Orange County.

³ See definitions in Orange County Code Chapter 37 Article XX, section 37-703.

Administrative Code (F.A.C.), 3) with the requirements in applicable National Pollutant Discharge Elimination System (NPDES) and FDEP permits for Orange County Wastewater Facilities, and 4) the terms and conditions in agreements for the reuse of Orange County reclaimed water and residuals.

WHEREAS, the Board of County Commissioners of Orange County now desires to establish and adopt the above stated new, technically defensible, FDEP-approved Local Limits, based on the results of treatment plant monitoring, water quality requirements, field investigation of industrial users, Orange County compliance with applicable Water Reclamation Facility permits and associated effluent disposal or reclaimed water standards or agreements, in accordance with FDEP pretreatment requirements with Chapter 62-625, F.A.C, and as authorized by Section 37-737, Orange County Code.

WHEREAS, the Board of County Commissioners of Orange County now desires to establish and adopt Environmental Surcharge Limits by Resolution for the Orange County Environmental Surcharge Program, in support of the equitable recovery of costs for receiving and treating abnormally high strength wastewater from nonresidential users, for pollutants such as Biochemical Oxygen Demand, Total Suspended Solids, Total Kjeldahl Nitrogen, and Total Phosphorus.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Adoption of Revised Orange County Local Limits and Environmental Surcharge Limits for all Users that Directly or Indirectly Discharge Wastewater to the Orange County Wastewater System. The Board of County Commissioners hereby adopts revised Orange County Local Limits and current Environmental Surcharge Limits attached hereto and incorporated in this Resolution as Exhibit "A".

Section 2. Intent.

(a) As of the effective date of this Resolution, subject to the final approval of the Florida Department of Environmental Protection, no industrial user shall discharge process wastewater, unregulated wastestreams, or dilute wastestreams in excess of the concentration set forth by the revised Orange County Local Limits. Orange County Local Limits shall be included as permit conditions and attached to each Industrial Wastewater Discharge Permit issued by Orange County.

(b) Significant commercial users, as defined in Chapter 37, Article XX of the Orange County Code, shall be subject to surcharge fees on discharges of abnormally high strength compatible wastes, for those pollutants discharged above the Environmental Surcharge Limit as defined in this article, to the Orange County Wastewater System.

Section 3. Implementation of Orange County Local Limits and Environmental Surcharge Limits.

(a) Implementation of the revised Orange County Local Limits for users of County's Wastewater System will commence upon the approval by the Board of County Commissioners of this Resolution, subject to final approval of the Florida Department of Environmental Protection.

(b) For those non-residential users with pollutant limits stated in active Industrial Wastewater Discharge Permits, the stated pollutant limits as established pursuant to federal categorical pretreatment regulations 40 CFR 403 shall prevail for those pollutants with federal limits that are more stringent than the revised Orange County Local Limits.

(c) The stated federal categorical pretreatment standards established for a specific industry category (pursuant to federal categorical pretreatment regulations 40 CFR 403) that are more stringent than the county's revised local limits shall supersede the revised Orange County Local Limits for that specific industry category.

(d) The Environmental Surcharge Limits currently in effect for users of County's Wastewater System and specified through Orange County Chapter 37, Article XX, of the County Code will be superseded as defined in this article upon the approval by the Board of County Commissioners of this Resolution, subject to final approval of the Florida Department of Environmental Protection..

Section 4. Severability and Provisions. If any provisions of this Resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provisions or applications, and to this end the provisions of this Resolution are declared severable.

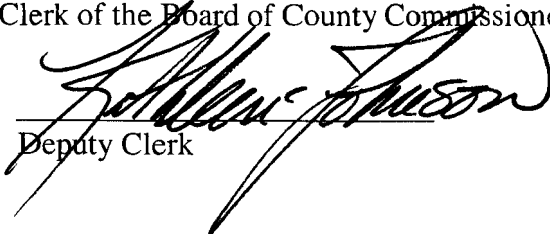
Section 5. Effective Date. This Resolution shall take effect June 9th, 2009, subject to final approval of the Florida Department of Environmental Protection.

ADOPTED THIS ~~13~~ **14** 2009 DAY OF JUNE, 2009.

ORANGE COUNTY, FLORIDA
By: The Board of County Commissioners

By: 
Richard T. Crotty, County Mayor

Attest: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: 
Deputy Clerk

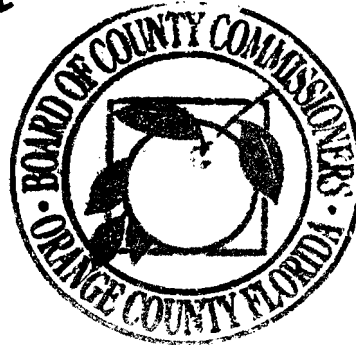


EXHIBIT "A"
ORANGE COUNTY LOCAL LIMITS AND ENVIRONMENTAL SURCHARGE LIMITS
FOR DIRECT AND/OR INDIRECT WASTEWATER DISCHARGES TO THE
ORANGE COUNTY WASTEWATER SYSTEM

Effective June 9th, 2009

Pollutant	Orange County Local Limit⁽¹⁾ (units in mg/L unless otherwise stated)	Orange County Environmental Surcharge Limit⁽²⁾ (units in mg/L unless otherwise stated)
Antimony	0.90	
Arsenic	0.90	
Beryllium	0.25	
Biochemical Oxygen Demand, 5-day ⁽²⁾	5,000 SWRF/15,000 County Wide	300
Boron	1.0 SWRF/BMP**County Wide	
Cadmium	0.40	
Chlorides	500 SWRF/BMP** County Wide	
Chromium, Total	4.0 EWRF/0.20 County Wide	
Cobalt	0.40	
Copper	0.90	
Cyanide	1.0	
Lead	0.50	
Lithium	0.50	
Manganese	2.0	
Mercury	0.005	
Molybdenum	0.25	
Nickel	1.75	
Nitrogen, Total Kjeldahl ⁽²⁾		40
Oil and Grease	100	
pH (in S. U.'s)	6.0 – 9.5	
Phenols, Total	2.0 /BMP**EWRF	
Phosphorous, Total ⁽²⁾	None Proposed	10
Selenium	0.45	
Silver	0.125 EWRF/BMP** County Wide	
Sodium	150 SWRF/BMP** County Wide	
Thallium	0.50	
Total Dissolved Solids	5,000 SWRF	
Total Suspended Solids ⁽²⁾	4,300 SWRF/15,000 County Wide	300
Zinc	1.75 County Wide	

Note - The above-stated limits apply Countywide, unless specified otherwise.

FOOTNOTES:

EWRF - Easterly Water Reclamation Facility Service Area only.

NWRF - Northwest Water Reclamation Facility Service Area only.

SWRF - South Water Reclamation Facility Service Area only.

- (1) Local Limits as calculated and evaluated by Orange County in December 2004, March 2005, October 2007, March 2008, June 2008 and February 2009 submissions and as approved by FDEP on November 19, 2008 and February 25, 2009. Exceedence of the stated Local Limit will result in Enforcement Actions pursuant to the Orange County Enforcement Response Plan and Chapter 37, Article XX of the County Code.
- (2) Indicates the parameter has a Threshold Limit for assessing Environmental High Strength Surcharge fees, pursuant to Chapter 37, Article XX of the County Code and the County Rate Resolution. Specified pollutants detected above the stated Environmental Surcharge Limit will be assessed Environmental High Strength Surcharge Fees, in accordance with the current County Rate Resolution.
- (3) ** Indicates User will minimize discharge of stated pollutant through the implementation of a site-specific Best Management Plan (BMP).