

MAY 09 1983

A RESOLUTION ADOPTING THE ORANGE COUNTY WATER QUALITY RULES; PROVIDING A SHORT TITLE: PROVIDING FINDINGS, PURPOSE, AND INTENT; PROVIDING DEFINITIONS; CREATING A WASTEWATER PERMIT; PROVIDING APPLICATION PROCEDURES; PROVIDING FOR CONSULTATION; PROVIDING STANDARDS FOR THE ISSUANCE AND DENIAL OF WASTEWATER PERMITS; PROVIDING FOR PERMIT MODIFICATIONS, RENEWALS, SUSPENSIONS, REVOCATIONS, AND TRANSFERS; REQUIRING NOTICE OF OPERATION PROBLEMS; REQUIRING THE SUBMISSION OF REPORTS; PROVIDING SPECIFIC REQUIREMENTS FOR CONSTRUCTION AND OPERATION PROBLEMS; REQUIRING THE SUBMISSION OF REPORTS; PROVIDING SPECIFIC REQUIREMENTS FOR CONSTRUCTION AND OPERATION PERMITS; PROVIDING FOR THE ISSUANCE OF TEMPORARY OPERATION PERMITS; PROVIDING FOR THE ISSUANCE OF PERMITS AND VARIANCES FOR EXISTING WASTEWATER PLANTS; ADOPTING CERTAIN STATE RULES BY SPECIFIC REFERENCE; PROVIDING VARIANCE PROCEDURES AND STANDARDS; PROHIBITING CERTAIN ACTIVITIES; PROVIDING PENALTIES AND REMEDIES FOR VIOLATIONS; PROVIDING RULES FOR THE INTERPRETATION OF THIS RESOLUTION; REPEALING THE ORANGE COUNTY WATER POLLUTION CONTROL RULES ADOPTED IN 1970; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE ORANGE COUNTY POLLUTION CONTROL BOARD:

SECTION 1. SHORT TITLE; FINDINGS, PURPOSE, AND INTENT. The

regulations established herein shall be known and may be cited as the "Orange County Water Quality Rules." In adopting these regulations, the Board of County Commissioners hereby makes and expresses the following findings, purposes, and intent:

(1) The Pollution Control Board is authorized, subject to the County's approval, to establish a regulatory system for the issuance of permits for all wastewater plants discharging effluent into waters of of Orange County pursuant to Ch. 67-1830, Laws of Fla. (1967).

(2) Pursuant to this special act authority, the Pollution Control Board adopted and the County approved Water Pollution Control Rules in 1970.

(3) The purpose of those rules, and the rules adopted hereunder, is to protect, preserve, and enhance the public health, safety, and welfare, and the water resources of Orange County, Florida, and the State of Florida.

(4) Because of technological changes concerning water pollution control and abatement, and changes in state law, the Orange County Pollution Control Board desires to amend its current Water Pollution Control Rules so that its water pollution control and abatement program shall be consistent with state law and other county regulations concerning the construction, permitting, licensing, franchising, and operation of wastewater plants through which any person provides wastewater service to the citizens of Orange County.

(5) Pursuant to its special act authority, the Pollution Control Board hereby intends to amend the Water Pollution Control Rules, to be hereinafter referred to as the Orange County Water Quality Rules.

SECTION 2. DEFINITIONS. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give this ordinance its most reasonable application, consistent with state law and other County regulations. In the event of any conflict between the definitions contained herein and those definitions contained in state rules adopted by reference pursuant to Section 15 hereof, the definitions contained herein shall control. The following words and phrases shall have the following meanings unless the context requires otherwise:

(1) "Contaminants" means any substance which is deleterious to plant, animal, fish, human, or other aquatic life.

(2) "County" means the Board of County Commissioners of Orange County, Florida, a political subdivision of the state.

(3) "Discharge" means any addition of pollution into waters of the County.

(4) "Effluent" means treated wastewater flowing out of treatment facilities.

(5) "Effluent disposal facilities" means that component of a wastewater plant necessary to detain, transmit, and dispose of wastewater previously treated at treatment facilities, and

includes disposal systems as defined in §17-6.030, Fla. Admin. Code, or as that section may be amended from time to time.

(6) "Person" means "person" as defined by §403.031(11), Fla. Stats., or as that statute may be amended from time to time, except the County.

(7) "Pollution Control Board" means the Orange County Pollution Control Board established pursuant to the special act.

(8) "Pollution Control Officer" means the Orange County Pollution Control Officer referred to in the special act. For purposes of these rules, the term "department" or "Department of Environmental Regulation", as used in state rules adopted by reference pursuant to Section 17, also means "Pollution Control Officer".

(9) "Sewage" means water-carried wastes from residences, business buildings, institutions, industrial establishments and other customers or structures, and includes both domestic and industrial wastewater as defined in §17-6.030, Fla. Admin. Code, or as that Section may be amended from time to time.

(10) "Source" means any and all points of origin of contaminants operated or to be operated by any person.

(11) "Special act" means Ch. 67-1830, Laws of Fla., or as that act may be amended from time to time.

(12) "Transmission facilities" means those gravity interceptors, pressure lines and pipes, force mains, pumps, meters, and appurtenant equipment used to transmit sewage from collection facilities to the headworks of the treatment facilities.

(13) "Treatment facilities" means that component of a wastewater plant used to lawfully treat sewage prior to effluent disposal. Treatment facilities do not include any portions of the effluent disposal facilities or transmission facilities.

(14) "Wastewater plant" means all or any combination of transmission, treatment, and effluent disposal facilities which may emit or discharge water contaminants in quantities prohibited by the Pollution Board.

(15) "Waters of the County" means rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water,

including surface or underground waters, whether artificial or natural, located within Orange County, Florida.

(16) "Water Pollution" or "pollution" means the introduction in waters of the County of any matter, substances, deleterious or man-induced alteration of the chemical, physical, or biological integrity of water in quantities, proportions, or accumulations which are injurious to human, animal, plant, fish or other aquatic life, or property, or which unreasonably interferes with the comfortable enjoyment of life, property, or business, including outdoor recreation.

SECTION 3. WASTEWATER PERMITS. The Pollution Control Board hereby establishes a wastewater permit. No wastewater plant which may reasonably be expected to discharge sewage or effluent into or be a source of water pollution to waters of the County shall be operated, maintained, constructed, expanded, or modified by any person without an appropriate and currently valid wastewater permit issued by the Pollution Control Officer, unless exempted by county rule or the special act. In no event shall a wastewater permit be valid for more than five (5) years. However, upon expiration, a new wastewater permit may be issued by the Pollution Control Officer in accordance with these rules and the regulations of the County. The Pollution Control Officer may include such provisions, terms, and conditions in the wastewater permit as it may determine reasonable and necessary in furtherance of the purposes of these rules, including conditions more stringent than those conditions imposed or to be imposed by the Florida Department of Environmental Regulation in a state construction, operation, or temporary operation permit, or variance. Any aggrieved person may appeal the issuance or denial of a wastewater permit pursuant to Section 13 of the special act.

SECTION 4. WASTEWATER PERMIT APPLICATIONS.

(1) Any person desiring to obtain a permit from the Pollution Control Officer shall (a) make application on forms prescribed by the Pollution Control Officer and (b) submit such information as the Pollution Control Officer may require. The Pollution Control Officer may require such person to submit any additional information reasonably necessary for proper evaluation.

(2) All applications and supporting documents shall be filed in triplicate with the Orange County Pollution Control Department.

(3) All construction permit applications shall be accompanied by a check for \$500.00, made payable to the County, which is non-returnable. The Pollution Control Board shall establish from time to time other fees for other wastewater permit applications.

(4) To insure protection of public health, safety, and welfare, any construction, modification, or operation of a wastewater plant which may be a source of water pollution shall be in accordance with good professional engineering practices pursuant to Chapter 471, Fla. Stat., or as that statute may be amended from time to time. Therefore, all applications for a wastewater permit shall be certified by a professional engineer registered in the State of Florida.

SECTION 5. CONSULTATION. The applicant, or his engineer, may consult with county employees concerning the operation, construction, expansion, or modification of any wastewater plant concerning the required pollution control devices or system, the efficiency of such devices or system, or the water pollution problem related to the installation. However, any representation by the County employee shall not relieve any person of any requirement of the special act, these rules, or any other county laws, ordinances, rules, regulations, or standards.

SECTION 6. WASTEWATER PERMITS; STANDARDS FOR ISSUANCE OR DENIAL.

(1) A permit may be issued to the applicant upon such conditions as the Pollution Control Officer may direct, only if the applicant affirmatively provides the Pollution Control Officer with reasonable assurance based on plans, tests results and other information, that the construction, expansion, modification, operation, or activity of the wastewater plant will not discharge, emit, or cause water pollution in contravention of the provisions of these rules. After receipt of all required information, the Pollution Control Officer must either issue or deny the permit within ninety (90) days.

(2) When the application is found deficient in any respect,

or required information has not been submitted to the Pollution Control Officer or appropriate County employees, the application shall not be accepted. The Pollution Control Officer shall notify the applicant of the deficiencies or lacking information and allow a reasonable time for corrections or submission of the necessary information.

(3) The Pollution Control Officer shall issue permits to construct, operate, maintain, expand, or modify wastewater plant which may reasonably be expected to be a source of water pollution only when it determines that the wastewater plant is provided or equipped with pollution control facilities that will abate or prevent water pollution to the degree that will comply with these rules except as provided in Section 16 hereof.

(4) If, after review of the application and all the information, the Pollution Control Officer determines that the construction, modification, expansion, or operation of the installation will not be in accord with these rules, the Pollution Control Officer shall deny the permit.

(5) The Pollution Control Officer may issue any permit upon specified conditions reasonably necessary for the prevention of pollution.

(6) All Pollution Control Officer permits shall be renewable five (5) years from the date of issue except that an earlier renewal date may be specified by the Pollution Control Officer.

(7) No wastewater permit for operation shall be issued for a wastewater plant for which a notice of violation has been issued by the Florida Department of Environmental Regulation, until such time as the installation is in full compliance with the law and Florida Department of Environmental Regulation rules, regulations, and standards, and these rules.

(8) No wastewater permit shall be issued to any person by the Pollution Control Officer where such wastewater permit would conflict or be inconsistent with any County-issued rules, regulations, resolutions, ordinances, laws, permits, franchises, licenses, or approvals, or any state or federal orders or permits issued or to be issued to the County.

(9) The issuance of a wastewater permit does not relieve any person from complying with these rules.

(10) The Pollution Control Officer and the Orange County Pollution Control Department shall have the function of accepting, processing, handling, and reviewing all permit applications on the Pollution Control Board's behalf, as provided in the special act.

SECTION 7. WASTEWATER PERMIT CONDITIONS; MODIFICATIONS.

(1) After notice and a public hearing, if requested, the Pollution Control Officer may require, subject to other applicable provisions of these rules, the permittee from time to time and for good cause to conform to new or additional conditions. The Pollution Control Officer shall allow the permittee a reasonable time to conform to the new or additional conditions and on application of the permittee the Pollution Control Officer may grant additional time.

(2) For the purpose of this section, good cause shall include, but not be limited to, the following:

(a) A showing that an improvement in effluent quality or quantity can be accomplished because of technological advances without unreasonable hardship.

(b) A showing that a higher degree of treatment is necessary to effect the intent and purpose of these rules.

(c) A showing of any change in the environment or surrounding conditions that requires a modification of the wastewater plant permitted so that it conforms to applicable water quality standards.

(d) Concerning wastewater permits related to discharge into waters of the County, a showing that new or changed classification of the water requires a modification of the discharge.

(e) Adoption or revision of these rules or such state rules, regulations and standards adopted by specific reference herein, which require the modification of the permit condition for compliance.

SECTION 8. WASTEWATER PERMITS; RENEWALS. Prior to sixty

(60) days before the expiration of any Pollution Control Officer permit, the permittee shall apply for a renewal of a permit on

forms and in a manner prescribed by the Pollution Control Officer.

SECTION 9. WASTEWATER PERMITS; SUSPENSION AND REVOCATION.

(1) Wastewater permits shall be effective until suspended, revoked, surrendered, or expired and shall be subject to the provisions of these rules.

(2) Failure to comply with the special act, amendments thereto, these or any other County rules shall be grounds for suspension or revocation.

(3) A wastewater permit issued pursuant to these rules shall not become a vested property right in the permittee. The Pollution Control Officer may revoke any permit issued by it if it finds that the permit holder or his agent:

(a) Submitted false or inaccurate information in his application or operation or reports.

(b) Has violated law, Pollution Control Board orders, Pollution Control Officer orders, Florida Department of Environmental Regulation orders, these rules, or wastewater permit conditions.

(c) Has failed to submit operation reports or other information required by these rules.

(d) Has refused lawful inspection pursuant to the special act, and amendments thereto.

(4) No revocation shall become effective except after notice is served upon the person requested within the time specified and the notice. The notice shall specify the provision of the law, rule alleged to be violated, and/or the permit condition or Pollution Control Officer or Florida Department of Environmental Regulation order alleged to be violated, and the facts alleged to constitute a violation thereof. Any aggrieved person may appeal the suspension or revocation of a wastewater permit pursuant to Section 13 of the special act.

SECTION 10. WASTEWATER PERMITS; TRANSFERS. A wastewater permit is issued in the name of a person. Upon sale or legal transfer of a permitted wastewater plant, the new owner must apply by letter for a transfer of permit within thirty (30) days. Unless the transferor notifies the Orange County Pollution



Control Department of the transfer and to whom transferred, the transferor will remain liable for performances in accord with the wastewater permit until the transferee applies for a transfer of wastewater permit.

SECTION 11. WASTEWATER PLANT OPERATIONS; PROBLEMS. In the event the permittee is temporarily unable to comply with any of the conditions of the wastewater permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee is to immediately notify the Pollution Control Officer or other authorized employee of the Orange County Pollution Control Department. Notification shall include pertinent information as to the cause, and what steps are being taken to correct the problem and prevent its recurrence and the owner's intent toward reconstruction of destroyed facilities where applicable.

SECTION 12. REPORTS. Owners of wastewater plants subject to the provisions of these rules shall provide operational data and control test records required to indicate operating efficiency of said works and transmit these records to the Pollution Control Officer in a written report each month.

SECTION 13. WASTEWATER CONSTRUCTION PERMITS; SPECIFIC REQUIREMENTS.

(1) In addition to the other requirements of these rules, a wastewater construction permit shall be obtained in accordance with the following:

(a) A notice of intent by the owner(s) or his (their) authorized agent.

(b) A completed application form furnished by the Pollution Control Board.

(c) An engineering report covering the wastewater plant description and operations, types and quantities of all waste material generated whether liquid, gaseous or solid, and proposed waste control facilities, the treatment objectives and the design criteria on which the control facilities are based, and other information deemed relevant. Design criteria shall be based on the results of laboratory and pilot-plant scale studies whenever such studies are requested by the Orange County Pollution Control

Department. The design efficiencies of the proposed wastewater plant in the quantities and types of water pollutants in the effluent shall be indicated. Work of this nature shall be subject to the requirements of Ch. 471, Fla. Stat. Where confidential records are involved, the Pollution Control Board is authorized to limit full disclosure after personal discussion with the applicant in accordance with general law.

(d) Owners' written guarantee to meet the designed criteria as accepted by the Pollution Control Officer and to abide by these rules, the special act, and amendments thereto, as to the quantities and types of materials to be discharged from the wastewater plant. The owner may be required to post appropriate bonds to guarantee compliance with such conditions in instances where the owner's financial resources are inadequate or proposed control facilities are experimental in nature.

(2) When the Pollution Control Officer issues a wastewater permit to construct, the recipient of said permit shall be allowed a period time, specified in the permit to construct, and for operating and testing to determine compliance with these rules and the special act. The Pollution Control Officer may require such tests and evaluations of the treatment or effluent disposal facilities to be accomplished by the applicant at the applicant's expense.

(3) Any wastewater construction permit issued or to be issued by the Pollution Control Officer shall not become effective until said permit has been submitted to and approved by the County. Nothing herein is intended to conflict with the right of an aggrieved person to appeal the decision of the Pollution Control Officer to the Pollution Control Board pursuant to Section 13 of the special act.

SECTION 14. WASTEWATER OPERATION PERMITS; SPECIFIC REQUIREMENTS.

(1) In addition to the other requirements of these rules, a wastewater operation permit shall be obtained by application in accordance with Section 4 hereof, and shall include:

(a) The daily value both in the influent and effluent with the associated flow rate for the following parameters:

Total Suspended Solids (TSS), Biochemical Oxygen Demand (BOD<sub>5</sub>), Total Nitrogen as N, Total Phosphorus as P, pH, Dissolved Oxygen (DO), Chlorine residual (effluent only) and other parameters deemed appropriate to protect the public health, safety, and welfare of the citizens of Orange County, Florida.

(b) The daily temperature of the discharge.

(c) Any additional information reasonably necessary to evaluate the effect of such discharges upon the receiving waters of the County.

(2) If the Pollution Control Officer finds that the proposed discharge will reduce the quality of the receiving waters below the classification established for them or if the proposed discharge will violate any of these rules or standards adopted hereunder, it shall deny the permit.

(3) A permit issued pursuant to this section shall:

(a) Specify the manner, nature, volume and frequency of the discharge permitted.

(b) Require proper operation and maintenance of any pollution abatement facility by qualified personnel in accordance with standards established by the Pollution Control Board and the County; and

(c) Contain such additional conditions, requirements and restrictions as the Pollution Control Officer deems necessary to preserve and protect the quality of receiving waters of the County.

(4) A wastewater operation permit may be renewed upon application to the Pollution Control Officer in accordance with applicable procedures provided in these rules. No renewal permit shall be issued if the Pollution Control Officer finds that the proposed discharge will reduce the quality of the receiving waters of the County below the classification established for them by the State of Florida.

SECTION 15. TEMPORARY WASTEWATER OPERATION PERMITS;  
CONDITIONS.

(1) A person who does not qualify for a wastewater operation permit or has been denied such permit may apply to the Pollution Control Officer for a wastewater temporary operation permit.

Application therefor shall be made in accordance with Sections 4, 5 and 6 hereof.

(2) No wastewater temporary operation permit shall be granted until the applicant submits a valid water pollution temporary operation permit issued by the Florida Department of Environmental Regulation in accordance with Section 17-4.25, Fla. Admin. Code, and Section 403.088, Fla. Stat., or as they may be amended from time to time.

SECTION 16. EXISTING WASTEWATER PLANTS. All those persons who own completed wastewater plants located in Orange County, Florida, and for which plants the Florida Department of Environmental Regulation has issued currently valid operation permits, temporary operation permits, or variances on the effective date of these rules may apply for and obtain a wastewater operation permit, temporary wastewater operation permit, or variance, as appropriate, pursuant to the provisions of these rules. Upon submission to the Pollution Control Officer by the applicant for said valid permit or variance, the Pollution Control Officer shall issue or grant the appropriate permit or variance to expire no later than the date of expiration of the Florida Department of Environmental Regulation permit or variance.

SECTION 17. ADOPTION OF STATE RULES BY REFERENCE. The Pollution Control Board hereby adopts by specific reference all state rules of the Florida Department of Environmental Regulation relating to water quality standards and criteria, effluent limitations, underground injection control, wastewater treatment and disposal requirements, and design, construction, performance, operation, maintenance, monitoring, and reporting requirements for wastewater facilities as they now exist or as they may be amended in the future. These rules include the following:

- (a) Ch. 17-3, Fla. Admin. Code, except §17-3.041, Fla. Admin. Code.
- (b) Section 17-4.243, Fla. Admin. Code.
- (c) Section 17-4.244, Fla. Admin. Code.
- (d) Section 17-4.245, Fla. Admin. Code.
- (e) Section 17-4.246, Fla. Admin. Code.

(f) Ch. 17-6, Fla. Admin. Code, except Part I, Subpart D Compliance.

(g) Section 17-16.10, Fla. Admin. Code.

(h) Section 17-16.12, Fla. Admin. Code.

(i) Section 17-16.13, Fla. Admin. Code.

(j) Section 17-16.15, Fla. Admin. Code.

(k) Section 17-16.16, Fla. Admin. Code.

(l) Ch. 17-19, Fla. Admin. Code.

(m) Ch. 17-28, Fla. Admin. Code.

SECTION 18. VARIANCE PROCEDURES.

(1) Applications for variances from the requirements of these rules shall be made to the Pollution Control Officer, subject to County approval. The Pollution Control Officer may approve an application for and require of the applicant for a variance such information as is necessary to carry out the purposes of these rules.

(2) Variances and renewals thereof may be granted upon the submission of evidence by the applicant of a variance granted by the Florida Department of Environmental Regulation which allows a deviation from the applicable requirement or requirements and upon a showing of the applicant of any one of the following reasons:

(a) There is no practicable means known or available for the adequate control of the pollution involved.

(b) Compliance with the particular requirement or requirements from which a variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time. A variance granted for this reason shall prescribe a timetable for the taking of the measures required.

(c) To relieve or prevent hardship of a kind other than those provided for in Paragraphs (a) and (b).

(3) Variances and renewals thereof granted under authority of this Subsection shall each be limited to a period to run concurrent with such period as is provided in the Florida Department of Environmental Regulation variance or renewal thereof.

(4) Any aggrieved person may appeal the issuance or denial of a variance pursuant to Section 13 of the special act.

SECTION 19. PROHIBITIONS. The Pollution Control Board hereby adopts by specific reference all prohibitions contained in Section 14 of the special act, or amendments thereto, and hereby declares such activities to be prohibited by these rules.

SECTION 20. VIOLATIONS; PENALTIES AND REMEDIES. Violations of the provisions of these rules or failure to comply with any of the requirements set forth herein, including violation of conditions and safeguards established in connection with the grant of a variance hereunder shall be prosecuted as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Pollution Control Officer or the County from taking such other lawful action as is necessary to prevent or remedy any violation, including seeking injunctive relief in a court of competent jurisdiction.

SECTION 21. INTERPRETATION.

(1) In the interpretation and application of these rules, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the Pollution Control Board and the County; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(2) The Orange County Water Quality Rules are cumulative and supplemental to existing Pollution Board and County laws, ordinances, rules and regulations. Where this resolution and the rules contained herein conflict or overlap with any other county law, ordinance, rule or regulation, whichever imposes the more stringent restriction shall prevail.

SECTION 22. REPEALER. The Orange County Water Pollution Rules adopted by the Pollution Control Board in March, 1970, and approved by the County in May, 1970, are hereby repealed.

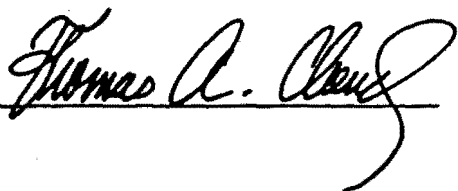
SECTION 23. SEVERABILITY. If any provision of this resolution or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or

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

SECTION 24. EFFECTIVE DATE. This resolution and the rules contained herein shall take effect upon the effective date of the County's Ordinance approving these rules.

RESOLVED this 30th day of March, 1983.

  
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Chairman, Orange County  
Pollution Control Board

Attest:   
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