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 Environmental Protection Commission hereby makes and expresses the following findings, purposes, and intent:

1. The Environmental Protection Commission 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 Orange County pursuant to Ch. 67-1830, Laws of Fla. (1967), as amended from time to time.

2. Pursuant to this special act authority, the Pollution Control Board, predecessor to the Environmental Protection Commission, adopted and the County approved the Orange County Water Pollution Control Rules in 1970 and the Orange County Water Quality Rules in 1983.

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 quality of Orange County.
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 Environmental Protection Commission desires to amend its current Water Quality 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 Environmental Protection Commission hereby intends to amend the Water Quality 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 Fla. Admin. Code Rule 17-6.030, or as that section may be amended from time to time.

(6) "Environmental Protection Commission" means the Orange County Environmental Protection Commission established pursuant to the special act, as amended.

(7) "Environmental Protection Officer" means the Orange County Environmental Protection 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 hereof, also means "Environmental Protection Officer".

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

(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 Fla. Admin. Code Rule 17-6.030, 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 Environmental Protection Commission.

(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 Environmental Protection Commission 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 Environmental Protection 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 Environmental Protection Officer in accordance with these rules and other applicable regulations of the County. The Environmental Pro-
tection Officer may include such provisions, terms, and conditions in the wastewater permit as he 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 Environmental Protection Officer shall (a) make application on forms prescribed by the Environmental Protection Officer and (b) submit such information as the Environmental Protection Officer may require. The Environmental Protection 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 Environmental Protection Department.

(3) All construction permit applications shall be accompanied by a check for Five Hundred Dollars ($500.00), made payable to the County, which is non-returnable. The Environmental Protection Commission shall establish from time to time other fees for 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 Ch. 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 any County employee shall not relieve any person of any requirement of the special act, these rules, or any other county laws, ordinances, rules, regulations, requirements, 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 Environmental Protection Officer may direct, only if the applicant affirmatively provides the Environmental Protection Officer with reasonable assurances based on plans, test 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 Environmental Protection 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 Environmental Protection Officer or appropriate County employees, the application shall not be accepted. The Environmental Protection 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 Environmental Protection Officer shall issue permits to construct, operate, maintain, expand, or modify wastewater plants which may reasonably be expected to be a source of water pollution only when he 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 Environmental Protection Officer determines that the construction, modification, expansion, or operation of the installation will not be in accord with these rules, the Environmental Protection Officer shall deny the permit.

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

(6) All Environmental Protection Officer permits shall be renewable five (5) years from the date of issue except that an earlier renewal date may be specified by the Environmental Protection 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 Environmental Protection 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 or other applicable County requirements.

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

SECTION 7. WASTEWATER PERMIT CONDITIONS; MODIFICATIONS.

(1) After notice and a public hearing, if requested, the Environmental Protection 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 Environmental Protection Officer shall allow the permittee a reasonable time to conform to the new or additional conditions and on application of the permittee the Environmental Protection 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 wastewater permit, the permittee shall apply for a renewal of the permit on forms and in a manner prescribed by the Environmental Protection Officer.

SECTION 9. WASTEWATER PERMITS; SUSPENSION AND REVO-

CATION.

(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 Environmental Protection Officer may revoke any permit issued by him if he 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, Environmental Protection Commission orders, Environmental Protection 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 permittee within the time specified. The notice shall specify the provision of the law, rule(s) alleged to be violated, and/or the permit condition or Environmental Protection 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
SECTION 10. WASTEWATER PERMITS; TRANSFERS. A waste-
water 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 Environmental Protection Department of the
transfer and to whom transferred, the transferor will re-
main 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 Environmental Protection Officer or other
authorized employee of the Orange County Environmental
Protection Department. Notification shall include per-
tinent information as to the cause, and what steps are
being taken to correct the problem and prevent its re-
currence 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 Environmental Protection Officer in a
written report each month.

SECTION 13. WASTEWATER CONSTRUCTION PERMITS; SPE-
CIFIC 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 Environmental Protection Commission.

(c) An engineering report covering the waste-
water plant description and operations, types and quan-
tities 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 when-
ever such studies are requested by the Orange County En-
vironmental Protection Department. The design efficien-
cies 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 Environmental Protection Commis-
sion is authorized to limit full disclosure after personal
discussion with the applicant in accordance with and sub-
ject to general law.

(d) The owner's written guarantee to meet the
design criteria as accepted by the Environmental Protec-
tion 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 guaran-
tee 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 Environmental Protection Officer issues
a wastewater permit to construct, the recipient of said
permit shall be allowed a period of time specified in the
permit for operating and testing of the facilities
to determine the facilities' compliance with these
rules and the special act. The Environmental Pro-
tection Officer may require such tests and evaluations of
the treatment and 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 Environmental Protection 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 Environmental Protection Officer to the Environmental Protection Commission 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 (BOD₅), 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 Environmental Protection 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, he shall deny the permit.

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

(a) Specify the manner, nature, volume and fre-
quency 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 Environmental Protection Commission and the County; and

(c) Contain such additional conditions, requirements and restrictions as the Environmental Protection 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 Environmental Protection Officer in accordance with applicable procedures provided in these rules. No renewal permit shall be issued if the Environmental Protection 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 Environmental Protection 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 Fla. Admin. Code Rule 17-4.25 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 Environmental Protection Officer by the applicant for said valid permit or variance, the Environmental Protection 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 Environmental Protection Commission hereby adopts by reference all 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 on the effective date of this Resolution. These rules include the following:

(2) Fla. Admin. Code Rule 17-4.242
(3) Fla. Admin. Code Rule 17-4.243
(4) Fla. Admin. Code Rule 17-4.244
(5) Fla. Admin. Code Rule 17-4.245
(6) Fla. Admin. Code Rule 17-4.246
(7) Fla. Admin. Code Chapter 17-6, including Fla. Admin. Code Rule 17-6.180, but excluding the remainder of Part I, Subpart D Compliance
(8) Fla. Admin. Code Rule 17-16.10
(11) Fla. Admin. Code Rule 17-16.15
(13) Fla. Admin. Code Chapter 17-19
The Environmental Protection Commission shall conduct an annual review of any state rule amendments to the above-referenced rules and recommend to the County if any such rule amendments should be incorporated in the Orange County Water Quality Rules.

SECTION 18. VARIANCE PROCEDURES.

(1) Applications for variances from the requirements of these rules shall be made to the Environmental Protection Officer, subject to County approval. The Environmental Protection 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 Environmental Protection Commission 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 Section 18 of the Special Act, as amended. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Environmental Protection 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 Environmental Protection Commission 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 Environmental Protection Commission 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 Control Rules adopted by the Pollution Control Board in March, 1970, and approved by the County in May, 1970, and the Orange County Water Quality Rules adopted by the Pollution Control Board on March 30, 1983, and approved by Orange County Ordinance No. 83-19 on May 9, 1983, are hereby repealed.

SECTION 23. RATIFICATION. All permits, orders, approvals, variances, denials, and other acts of the Environmental Protection Commission, the Environmental Protection Officer, and the County issued or performed pursuant to the Water Pollution Control Rules, the Water Quality Rules of 1983, or the special act prior to the effective date of these rules are hereby ratified and confirmed.

SECTION 24. 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 25. 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 29th day of August, 1984.

William J. Rosen
Chairman, Orange County Environmental Protection Commission

Attest: Elean L. Langford