

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

Agenda Item #

6E-1

AGENDA ITEM SUMMARY

Meeting Date: June 2, 2009 Consent [ ] Regular [X]  
Public Hearing [ ]

Submitted By: Water Utilities Department  
Submitted For: Water Utilities Department

I. EXECUTIVE BRIEF

Staff recommends motion to approve on preliminary reading and to advertise for Public Hearing on June 16, 2009 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 27, Article IV of the Palm Beach County Code (Wastewater Facilities Use Ordinance); amending certain provisions for consistency with changes to the Florida Administrative Code and Department name changes; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date.

**Summary:** The Florida Department of Environmental Protection conducted a Pretreatment Program Audit of the Water Utilities Department's pretreatment program. Part of the audit was the review of the Wastewater Facilities Use Ordinance(Ordinance) , codified at Chapter 27, Article IV of the Palm Beach County Code, for legal sufficiency. This Ordinance gives the Water Utilities Department the authority to administer the pretreatment program. The program's objectives are to prevent the introduction of pollutants to the wastewater collection system that if inadequately treated, can endanger the wastewater treatment process, plant operators, transmission workers, and the public with harmful pollutants. In addition, the program improves the opportunity for the utilities to improve the quality of reclaimed water, domestic wastewater sludge and promote the preservation and enhancement of the regional ecosystem. The changes to the Ordinance include updating references to certain renumbered or deleted provisions of the Florida Administrative Code, and a name change of the Florida Department of Health and Rehabilitative Services to the Florida Department of Health. Countywide (MJ)

**Background and policy issues:** The corrections to the Ordinance will enable the County to comply with all applicable state and federal laws, including the State of Florida Department of Environmental Protection's pretreatment requirements (Rule 62-625, F.A.C.), the Clean Water Act, General Pretreatment Regulations (40 CFR, Part 403), and other federal, state and county laws, rules and regulations as they pertain to the pretreatment of wastewater.

**Attachments:**

- 1. Ordinance amending the Palm Beach County Code

Recommended By: [Signature] 5/13/09  
Department Director Date

Approved By: [Signature] 5/29/09  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>NET FISCAL IMPACT</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

**Budget Account No.: Fund Agency Org. Object**

Is Item Included in Current Budget? Yes\_\_\_ No\_\_\_

Reporting Category, N/A

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

No Fiscal Impact.

**C. Department Fiscal Review:** By Egan

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

Jim Owl 5/21/09  
OFMB  
25/18/09  
10/5/18 PM  
5/24/09

Irwin S. Jacobowitz / E.J. 6/22/09  
Contract Development and Control

**B. Legal Sufficiency:** This item complies with current County policies.

Assistant County Attorney  
5/26/09

**C. Other Department Review:**  
  
\_\_\_\_\_  
Department Director

This summary is not to be used as a basis for payment.



1 i. Any liquids, solids or gases which by reason of their nature or quantity  
2 are, or may be, sufficient either alone or in combination with other substances, to  
3 cause fire or explosion or be injurious in any other way to the PBCWUDWWS or  
4 the operation of the PBCWUDWWS. These pollutants shall include, but not be  
5 limited to, wastestreams with a closed cup flashpoint of less than one hundred  
6 forty (140) degrees Fahrenheit (sixty (60) degrees Celsius), using the test methods  
7 specified in American Standard Testing Material standards D-93-79, D-3278-78.  
8 This prohibition does not apply to any aqueous solution containing less than  
9 twenty-four (24) percent alcohol by volume which would otherwise be a hazardous  
10 waste under 40 CFR 261.21 by virtue of having a closed cup flashpoint of less  
11 than one hundred forty (140) degrees Fahrenheit (60 degrees Celsius). Said  
12 prohibited materials shall include but not be limited to, gasoline, kerosene,  
13 naphtha, benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides,  
14 chlorate, perchlorates, bromates, carbonates, hydrides, and sulfides, fuel oil, or  
15 any flammable gas, liquid or solid, or any other substance which Palm Beach  
16 County, the State of Florida, or any federal agency has determined is a fire hazard  
17 or a hazard to the wastewater collection and treatment system. Any and all trucked  
18 or hauled pollutants are prohibited except at discharge points designated by the  
19 director ~~and in accordance with the provisions set forth in the State of Florida~~  
20 ~~Department of Health and Rehabilitative Services Chapter 10D-6, Florida~~  
21 ~~Administrative Code;~~  
22

23 **Section 4.** Chapter 27, Article IV, Section 27-69(1)(p) is amended as  
24 follows:

25 p. Any medical wastes as defined in section 27-65 of this article, ~~or~~  
26 ~~addressed in the State of Florida Department of Health and Rehabilitative~~  
27 ~~Services, Chapter 10D-104, Florida Administrative Code (F.A.C.), section 10D~~  
28 ~~104.001 Bio-Hazardous Wastes;~~  
29

30 **Section 5. Repeal of Laws and Ordinances in Conflict**

31 All local laws and ordinances in conflict with any provision of this Ordinance  
32 are hereby repealed to the extent of any such conflict.

33 **Section 6. Severability**

34 If any provision, article, paragraph, sentence, clause, phrase, or work of this  
35 Ordinance is for any reason held by the Court to be unconstitutional, inoperative or  
36 void, such holding shall not affect the remainder of this Ordinance.

37 **Section 7. Inclusion in the Code of Laws and Ordinances**

38 The provisions of this Ordinance shall become and be made a part of the  
39 Code of Laws and Ordinances of Palm Beach County, Florida. The articles and  
40 sections of this Ordinance may be renumbered or relettered to accomplish such, and  
41 the word "Ordinance" may be changed to "Section", "Article", or other appropriate  
42 word.

43 **Section 8. Effective date**

44 The provisions of this Ordinance shall become effective upon filing with the  
45 Department of State.  
46

1           APPROVED and ADOPTED by the Board of County Commissioners of  
2 Palm Beach County, Florida, on this the \_\_\_\_\_ day of  
3 \_\_\_\_\_, 2009.

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SHARON R. BOCK  
CLERK AND COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY  
ITS BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
John F. Koons, Chairman

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2009.