

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date: June 16, 2009 Consent [] Regular []
Public Hearing [X]

Submitted By: Water Utilities Department
Submitted For: Water Utilities Department
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: 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:  6/1/09
Department Director Date

Approved By:  6/15/09
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>
NET FISCAL IMPACT	<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: In Excess

III. REVIEW COMMENTS

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

MOSL 6/10/09
OFMB m 6/4/09 6/4 CN 6/3/09

Ann J. Jacobson 6/10/09
Contract Development and Control

B. Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

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

1
2 ORDINANCE NO. 2009-_____
3

4 AN ORDINANCE OF THE BOARD OF COUNTY
5 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
6 AMENDING CHAPTER 27, ARTICLE IV OF THE PALM
7 BEACH COUNTY CODE; AMENDING CERTAIN
8 PROVISIONS FOR CONSISTENCY WITH CHANGES TO THE
9 FLORIDA ADMINISTRATIVE CODE AND DEPARTMENT
10 NAME CHANGES; PROVIDING FOR REPEAL OF LAWS IN
11 CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING
12 FOR INCLUSION IN THE CODE OF LAWS AND
13 ORDINANCES; AND PROVIDING FOR AN EFFECTIVE
14 DATE.

15
16 WHEREAS, Chapter 125, Florida Statutes, authorizes counties to adopt
17 ordinances consistent with general and special law to provide for the health, safety
18 and welfare of its citizens; and

19 WHEREAS, the Board of County Commissioners previously enacted the
20 "Palm Beach County Wastewater Facilities Use Ordinance" which is codified at
21 Chapter 27, Article IV of the Palm Beach County Code; and

22 WHEREAS, the Board of County Commissioners desires to amend certain
23 provisions for consistency with the Florida Administrative Code and a name change
24 to the Florida Department of Health and Rehabilitative Services.

25 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
26 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

27 Section 1. Chapter 27, Article IV, Section 27-70(e)(3), "Baseline monitoring
28 report", is amended as follows:

29 (3) *Baseline monitoring report (BMR).* Significant industrial users subject
30 to categorical pretreatment standards must also comply with the requirements for
31 submittal of a BMR in accordance with Rule 62-625.600(1), F.A.C. In addition,
32 within ninety (90) days of final compliance with applicable pretreatment standards
33 or, in the case of a new source, within ninety (90) days of discharging wastewater
34 into the PBCWUDWWS, any significant industrial user, subject to the categorical
35 pretreatment standards shall submit to the director a report indicating the
36 concentration of pollutants in the discharge along with the average and maximum
37 daily flow for those processes. These reports shall comply with Rule 62-
38 625.600(3), F.A.C.

39
40 Section 2. Chapter 27, Article IV, Section 27-69(1)(h) is amended as
41 follows:

42 h. Any radioactive wastes or isotopes of such half-life or concentration
43 exceeding limits established by the Florida Department of Health--and
44 ~~Rehabilitative Services~~ as set forth in the Florida Administrative Code which may
45 cause damage or create hazardous conditions to human life, animal life, or
46 equipment or operating personnel of the County Water Utilities Department;

47
48 Section 3. Chapter 27, Article IV, Section 27-69(1)(i) is amended as
49 follows:

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.

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.