

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	December 6, 2016	Consent [X]	Regular []
Department:	Water Utilities Department	Public Hearings []	

I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida revising the Water Utilities Department's (WUD) Uniform Policies and Procedures Manual (UPAP).

Summary: The UPAP contains fees, standards, legal documents, policies and procedures that govern the provision of potable water, wastewater, and reclaimed water services within the WUD service area. WUD updates the UPAP from time to time to ensure compliance with recently enacted laws and ordinances, and to ensure that it continues to enable effective and efficient delivery of utility services. The proposed changes include: amendments to allow WUD to place a customer on "cash only" payments for 12 months in the event of any returned check or canceled payment (Chapter 2); modification of the process for reserving utility concurrency to allow submittal of a Utility Request Form and issuance of a Utility Concurrency Letter prior to site plan approval in lieu of the current procedure which requires developers to enter into a Development Agreement or Utility Concurrency Reservation Agreement and submit a Mandatory Agreement Payment/Utility Concurrency Fee in order to reserve capacity (Chapter 3); modification of the master Industrial Wastewater Discharge Permit template to include changes recommended by the Florida Department of Environmental Protection (Chapter 5); application of an administrative fee for returned or stopped payment to all payment (Chapter 6); and modification of Cross-Connection/Backflow Prevention rules to comply regulatory changes that were made to Section 62-555.360, F.A.C. (Chapter 7). A more detailed summary of the proposed changes is attached. The proposed changes were reviewed and approved by the WUD Advisory Board on August 26, 2016. (Finance and Administration) Countywide (MJ)

Background and Justification: Since 1981, WUD has utilized the UPAP Manual as the guiding document for providing services to the public. The UPAP is a codification of the WUD rates, fees, policies and procedures, governing the provision of potable water, reclaimed water, and wastewater services. Over the years, various revisions have been made to the UPAP in an effort to update the manual to comply with changes in state law and regulations and to improve the overall level of service provided by WUD. None of these changes rises to the level of a significant change in Board of County Commissioners policy.

Attachments:

1. Resolution with Attachment "A" (Black-lined version)
2. Revision version of UPAP recommended for change
3. Summary of Proposed Changes

Recommended By: Jim Stebbins 11-7-16
Department Director Date

Approved By: [Signature] 11-14-16
Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
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>
Operating Expenses	<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 ___ Dept ___ Unit ___ Rsrc ___

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: Delma M. West

III. REVIEW COMMENTS

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

Susan Pomb 11/14/16
OFMB ET 11/8 JMA 11/9

Ann-J. Jarbo 11/10/16
Contract Development and Control

B. Legal Sufficiency:

[Signature] 11/14/16
Assistant County Attorney

C. Other Department Review:

Department Director

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

RESOLUTION NO. R2016 _____

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA REVISING THE WATER
UTILITIES DEPARTMENT'S UNIFORM POLICIES AND
PROCEDURES MANUAL.**

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, has adopted the "Water Utilities Uniform Policies and Procedures Ordinance", which provides that the Board of County Commissioners may establish, by resolution, a Uniform Policies and Procedures (UPAP) Manual to establish fees, standards, standard legal documents, policies and procedures for the Water Utilities Department (Department); and

WHEREAS, the Department has recently completed a review of UPAP; and

WHEREAS, the UPAP is a codification of the Department's rates, fees, policies and procedures; and

WHEREAS, the Department is proposing various revisions to the UPAP to ensure compliance with recently enacted laws and ordinances, and to ensure that it continues to enable effective and efficient delivery of utility services. The proposed changes include: amendments to allow WUD to place a customer on "cash only" payments for 12 months in the event of a returned check or canceled payment (Chapter 2); modification of the process for reserving utility concurrency to allow submittal of a Utility Request Form and issuance of a Utility Concurrency Letter prior to site plan approval in lieu of the current procedure which requires developers to enter into a Development Agreement or Utility Concurrency Reservation Agreement, and submit a Mandatory Agreement Payment/Utility Concurrency Fee in order to reserve capacity (Chapter 3); modification of the master Industrial Wastewater Discharge Permit with Section 27-61 to 27-80, of the Palm Beach County Code (Chapter 5); application of an administrative fee for returned or stopped payment to dishonored payment (Chapter 6); and modification of a Cross Connection/Backflow Prevention to comply with the Florida Administrative Code (FAC) Section 62-555-360 (Chapter 7); and

WHEREAS, the Board of County Commissioners of Palm Beach County desires to adopt this Resolution revising the UPAP and deems adoption of the same to be in public interest.

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

1. The foregoing recitals are true and correct and incorporated as if fully set forth herein.
2. The revisions to the UPAP as set forth in Attachment "A", attached hereto and incorporated herein, are hereby adopted for inclusion in the UPAP.
3. Each and every other term and condition of the UPAP shall remain in full force and effect, and the UPAP is reaffirmed as revised herein.
4. The provisions of this Resolution shall become effective upon adoption.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and on being put to a vote, the vote as follows:

Commissioner
Commissioner Paulette Burdick
Commissioner
Commissioner Steven L. Abrams
Commissioner
Commissioner Melissa McKinlay
Commissioner

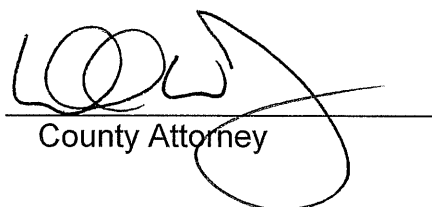
The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2016

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

Sharon R. Bock, Clerk and Comptroller

By: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

**UNIFORM POLICIES AND PROCEDURES MANUAL (UPAP)
SUMMARY OF PROPOSED CHANGES
December 2016**

Chapter 1 – Overview and Definitions

- Modifies Water Connection Permit.

Chapter 2 – Customer Service

- Under 2.2.1, Account Deposit (7) Page 9, clarifies service will not be restored if the security deposit is returned for non-sufficient funds.
- Under 2.2.1 Account Deposit Transfer (8) Page 9, clarifies the customer is required to pay the past due balance.
- Under 2.2.7, Page 11, provides for the returned check fee of \$35.00 for all types of transactions.
- Under 2.2.8, Page 12 Dishonored Payments, clarifies if the initial security deposit payment is dishonored, the Customer will be required to make subsequent payments in cash, money order, bank draft, certified funds or credit card for a period of not less than twelve (12) months.

Chapter 3 – Concurrency and Facilities Extension

- Changes were made to Section 3.1.1 and other portions of Chapter 3 to reflect the modification of the Concurrency Reservation Process.
- Under 3.1.2, Development Agreements, Page 1, modifies the Methods to obtain Concurrency.
- Under 3.1.4 School District Exempt, Page 2, modifies School Districts to include all Public schools and Florida colleges' to be exempt from Standard Development Agreements.
- Under Exhibit "C" (Utility Concurrency Request Form) Page 18, modifies Classifications regarding Residential Connections to increase the allowable size from 1,500 square feet to 1,800 square feet to be consistent with the language in Chapter 1.
- For all Agreements, under Paragraph 5, deletes the 30 days before expiration for the Mandatory Agreement Payment (MAP). The Reclaimed Water Agreements are not included because there is not a MAP Payment in these Agreements. (Refer to blackline version)
- Under Exhibit "Q" (Attachment to Bill of Sale) Page 88, modifies the Attachment to the Bill of Sale to separate line items for generator or pumping unit.
- Under Exhibit "S" (Instructions and Minimum Agreements for Preparing Easement Documents) Page 93 - modifies the Utility Easement Instructions Form in compliance with FL Administrative Code and Florida Statutes to bear certification from surveyors.
- Under Exhibit "V" (Indemnity Agreement for Encroachment) Page 98, modifies the Indemnity Agreement to reference Exhibit "A" if to be included in the Agreement.

**UNIFORM POLICIES AND PROCEDURES MANUAL (UPAP)
SUMMARY OF PROPOSED CHANGES
December 2016**

Chapter 3 – Concurrency and Facilities Extension (continued)

- Under Exhibits “EE” and “FF” Reclaimed Water Service Agreements modifies the language for “Reclaimed Water into On-Site Retention Lake instead of Pond”.

Chapter 5 – Pretreatment Program

- Revise Regulatory Compliance to Environmental Health & Safety.
- Revise Wastewater Facilities Use Ordinance to Sewers and Sewage Disposal Ordinance to reflect the proper name of the Ordinance.
- Under Exhibit “B,” NAICS codes to be provided for all processes not just facility.
- Under Exhibit “B,” a schematic flow diagram to be provided for each activity which generates wastewater.
- Under Exhibit “B,” if process wastewater is mixed with non-process wastewater a description is to be provided.
- Under Exhibit “C,” revised from Chapter 4 to Chapter 5 of UPAP.
- Under Exhibit “D,” added language that permittee must submit renewal permit application at least 90 days prior to the expiration date of the current permit.
- Under Exhibit “D” Part 1, added effluent limitation tables for the parameter, daily limit, monitoring frequency and sample type.
- Under Exhibit “D” Part 3, update automatic resampling is not needed if WUD samples between the time the permittee performs the initial sample and receives results of the sample.
- Under Exhibit “D” Part 5.A.1.m, revise definition of significant non-compliance to be in accordance with definition contained in 62-625 Florida Administrative Code (F.A.C.).
- Under Exhibit “D” Part 5.A.5, include reasons the permit by be modified by WUD including if discharge poses a threat to WUD or system, violations of the wastewater discharge permit, failure to disclose all relevant facts in the application, revision to Pretreatment Standards, and request from the permittee.
- Under Exhibit “D” Part 5.A.6, list reasons for permit suspension or termination in bullet form.
- Under Exhibit “D” Part 5.A.7, added language for permit provisions being reconsidered by the Director and permits can be suspended immediately if discharge is a threat to personnel, environment or operation of the treatment plant.
- Under Exhibit “D” Part 5.A.12, added dilution language such that permittee can’t increase potable water or process water to dilute their effluent in compliance with their permitted limits (per Florida Department Environmental Protection (FDEP)).

**UNIFORM POLICIES AND PROCEDURES MANUAL (UPAP)
SUMMARY OF PROPOSED CHANGES
December 2016**

Chapter 5 – Pretreatment Program (continued)

- Under Exhibit “D” Part 5.B.1, added permittee shall maintain facilities and systems of treatment and control.
- Under Exhibit “D” Part 5.B.4, added that upset does not include improperly designed facilities, lack of preventative maintenance, or improper operation and applies when the primary source of power for the treatment facility is reduced, lost or fails.
- Under Exhibit “D” Part 5.B.4, permittee is to immediately notify WUD upon the knowledge of the need for a bypass
- Under Exhibit “D” Part 5.D.3, added that all SIUs are required to notify WUD of any changes at its facility which affects the potential for a slug discharge (per FDEP).
- Under Exhibit “D” Part 5.D.7, added penalties for violations can include imprisonment not exceeding 60 days or both such fine and imprisonment in accordance with the Ordinance No. Section 27-16 to 27-80, Palm Beach County Code, as amended.
- Remove Water and Wastewater before Laboratory.
- Insert new Chain of Custody in Exhibit “G.”
- Modify Exhibit “H” to include questions on need for a slug discharge plan, secondary containment/storage of chemicals and hazardous wastes, review records, SOPs and training of employees in spills.

Chapter 6 – Fees

- Under 6.3.2 Connection Fees, Page 3, removes Reclaimed Water Connection Fees for Residential and Non-Residential Connection Fees.
- Under 6.3.4 Fire Sprinkler System Connection Fees, Page 5, fire lines to be revised to properly reflect the requirements for multi-family and non-residential fire lines as defined by National Fire Protection Association.
- Under 6.4 Account Deposits, Page 5, provides for Residential Master Meter; renames a 3” meter to High Capacity Meter; and increases the Deposit on Hydrant Meters as follows: \$450 for 5/8” Meter, \$1,000 for a 2” Meter and a High Capacity Meter.
- Under 6.5.1 and 6.5.3, Page 5 and 6, Pretreatment Fees, clarifies monthly industrial wastewater surcharge applied to IUs and OGIUs.
- Under 6.5.3, Page 6 revises Industrial Waste Surcharge to Industrial Wastewater Surcharge as named in Chapter 5 of the UPAP.
- Under 6.6 Monthly Customer Fees, Page 6, provides authority for WUD to update the presentation of rates in Chapter 6 in accordance with Ordinance No. 07 - 003.
- Under 6.6.3, removes the Royal Palm Beach Rate Table. (Refer to black line version)

**UNIFORM POLICIES AND PROCEDURES MANUAL (UPAP)
SUMMARY OF PROPOSED CHANGES
December 2016**

Chapter 6 – Fees (continued)

- Under 6.8 Miscellaneous Fees, Page 13, clarifies for all dishonored payments and adds \$70.00 for damages and/or repairs to Hydrant Meters for Hydrant Meter Repair Service Order.

Chapter 7 – Cross-Connection/Backflow Prevention

Chapter 7 summary of changes to be made per Florida Administrative Code (FAC) 62-555.360

- Under 7.2 add “DOH approval is needed for any cross- connection between a public water system and a wastewater system or reclaimed water system.”
- Under 7.2 add cc is prohibited unless protected by an appropriate backflow preventer.
- Under 7.3.1 add “residential” means any service connection that is two inches or less in diameter and that supplies water to a building, or premises, containing only dwelling units; and “non-residential” means any other service connection.” from footnote 2 Table 62-555.360-1
- 7 Under.3.1 add “Auxiliary water system” means a pressurized system of piping and appurtenances using water other than the potable water being supplied by the Department. Auxiliary water system” specifically excludes any water recirculation or treatment system for a swimming pool, hot tub, or spa.” from footnote 4 Table 62-555.360-2
- Under 7.3.1(c) strike “new”
- Under 7.3.1(g) add “an exception for a residential or non-residential dedicated fire service connection to a wet-pipe sprinkler, or wet standpipe, fire protection system if both of the following conditions are met:
 1. The fire protection system was installed and last altered before May 5, 2014.
 2. The fire protection system contains no chemical additives and is not connected to an auxiliary water system.
- Under 7.3.3 (A) add “the backflow preventer is to be owned and maintained by the customer.
- Under 7.3.4 Reword to the effect upon discovery of a prohibited or inappropriately protected cc the Department shall eliminate cc, ensure an appropriate assembly is installed or discontinue water service.