



**Interoffice Memorandum**

December 14, 2022

**TO:** Mayor Jerry L. Demings  
-AND-  
County Commissioners

**FROM:** Ed Torres, M.S., P.E., LEED AP, Director  
Utilities Department

A handwritten signature in blue ink, appearing to be "Ed Torres", written over the "FROM:" line.

**SUBJECT: BCC AGENDA ITEM – Public Hearing  
January 10, 2023 BCC Meeting  
Revision of Sewer Use Ordinance Chapter 37, Article XX  
Contact Person: Michael Hudkins, P.E., Manager  
Water Reclamation Division  
407-254-9685**

Orange County Code Chapter 37 – Water and Wastewater, Article XX, Public and Private Sewer System Use Requirements (aka Sewer Use Ordinance, or SUO) provides the necessary regulations for the use of public and private sewers and drains in the interest of the public health, safety and welfare of the citizens and residents of the county. This program is mandated federally (approved by EPA in 1983) and by the state.

The Comptroller's Office performed a follow-up audit (original audit January 2015) covering the period of January 2020 to December 2020 of the OC Utilities Department Environmental Surcharge Program. The audit questioned the ability of the Utility Director to remove customers from the Surcharge Program after determination that the wastewater stream characteristics produced by the customer do not require inclusion in the program based on the intent of the program. Staff has worked with the County Attorney's Office on these revisions to the SUO to clarify this issue and to more clearly state the intent of the Surcharge Program.

Orange County Attorney's Office staff has reviewed the ordinance and finds these acceptable as to form and content.

**Action Requested: Adopt an Ordinance Amending Chapter 37, Article XX, of Orange County Code Known as the "Sewer Use Ordinance" Regulating the Pretreatment of Wastewater; Amending Division 3, Section 37-755, Surcharge Program, to Clarify the Objectives of the Surcharge Program and the Director's Discretion to Remove a Significant Commercial or Industrial User from the Surcharge Program; and Providing an Effective Date.**

**All Districts.**

ORDINANCE NO. 2023-\_\_

AN ORDINANCE AMENDING CHAPTER 37, ARTICLE XX OF ORANGE COUNTY CODE KNOWN AS THE “SEWER USE ORDINANCE” REGULATING THE PRETREATMENT OF WASTEWATER; AMENDING DIVISION 3, SECTION 37-755, SURCHARGE PROGRAM, TO CLARIFY THE OBJECTIVES OF THE SURCHARGE PROGRAM AND THE DIRECTOR’S DISCRETION TO REMOVE A SIGNIFICANT COMMERCIAL OR INDUSTRIAL USER FROM THE SURCHARGE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

*Section 1. Amendments; In General.* Article XX, Chapter 37, Division 3 of the Orange County Code is hereby amended as set forth in Section 2 below, with additions being shown as underlined and deletions being shown as ~~strike-throughs~~.

*Section 2. Amendment to Division 3, Section 37-755.* Section 37-755 (“Surcharge program.”) is amended to read as follows:

**Sec. 37-755. Surcharge program.**

The primary objective of the surcharge program is the protection of the sanitary sewer system and treatment facilities and the environment. ~~The secondary objective is the equitable~~ recovery of costs for receiving and treating abnormally high strength wastes, such as CBOD, TSS, TN, total phosphorus, and total oil and grease, from nonresidential users. Program requirements are outlined under separate cover of the Wastewater Discharge and Industrial Pretreatment Standards Technical Manual.

\* \* \*

(4) A user has the right to appeal a surcharge in writing to the director within thirty (30) days of the date of the monthly bill. The decision of the director shall be final. Additionally, the director or designee has the discretion to remove a significant commercial

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user or significant industrial user from the surcharge program upon a finding that the user's discharge poses no excessive loading or other potential contamination to the sanitary sewer system and does not create any environmental concerns. The director or designee may also remove a user from the program upon a finding that equitable recovery costs for receiving and treating abnormally high strength wastes has been achieved or that the waste is primarily residential in nature and poses no additional demand on the sanitary sewer system and treatment facilities.

*Section 3. Effective Date.* This ordinance shall become effective as provided by general law.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

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