

**BEFORE THE MIAMI-DADE COUNTY  
ENVIRONMENTAL QUALITY CONTROL BOARD**

**IN RE** : **Board Order No. 10-34**  
:  
**Director of the Department of** :  
**Environmental Resources Management** :  
:

THIS MATTER came before the Board as a request for a class extension of time to comply with the requirements of Sections 24-43.3(2)(q) and 24-43.1(7) of the Code of Miami-Dade County, Florida. The request is to allow residential and non-residential properties an extension of time greater than 90 days to abandon the use of an approved existing individual potable water supply system, device or equipment when an approved public water main is made available and operative in a public right-of-way or easement abutting the property. In addition, the request is to allow residential and non-residential properties an extension of time greater than 90 days to continue the use of an approved domestic sewage storage, disposal or treatment method after a determination that an approved public sanitary sewer is available and operative. The Board's action shall automatically expire within three (3) years from the date of the EQCB hearing. Timeframes for compliance shall be applied in accordance with the matrix below. The class extension of time is intended for existing buildings and facilities and not intended for new construction or connections required in accordance with feasible distance as defined in Section 24-5 of the Code. The class extension of time shall apply to all properties located within unincorporated and incorporated Miami-Dade County, Florida.

<b>Connection</b>	<b>Situation</b>	<b>Existing Timeframe to Connect</b>	<b>New Timeframe to Connect</b>
Sewer	Gravity Sewer Line (plumbing) connection to Existing Service Lateral at property line.	90 days	120 days
	Gravity Sewer Line connection to Sewer Main in ROW (lateral not existing).	90 days	365 days
	Pump Station to Force Main.	90 days	365 days
Water	Service Line (plumbing) connection to Existing Meter Box.	90 days	120 days
	Service Line to Water Main in ROW (no meter box or service line).	90 days	365 days

Section 24-43.3(2)(q) of the Code requires that when an approved public water main is made available and operative in a public right-of-way or easement abutting the property , any existing individual potable water supply system, device, or equipment shall, within ninety (90) days, be abandoned and the source of potable water for the residence or building shall be from the approved public water supply main.

Section 24-43.1(7) of the Code requires that when an approved public gravity sewer or approved sanitary sewer force main is available and operative in a public right-of-way or easement abutting the property, the use of any liquid waste storage, disposal or treatment method shall cease within 90 days that the Director of the Department of Environmental Resources Management (DERM) or his designee determines that the approved public sanitary sewer is available and operative. Thereafter all liquid wastes that are generated, handled, disposal of or stored on the property shall be discharged to an available and operative gravity sanitary sewer or available and operative sanitary sewer force main.

The Board finds that timeframes imposed by the aforementioned Code sections are not sufficient time for property owners to obtain approval from the respective utility companies for connections to public water and public sanitary sewer mains. The Board also finds that additional time is required if construction plans are needed for design and approval of a service lateral and/or sanitary sewer pump station for connection to the sanitary sewers.

The Board finds that the proposed extended timeframes will not apply to new construction of residential and non-residential land uses. Furthermore, the extensions of time will not supersede feasible distance requirements for public water mains or feasible distance requirements for public sanitary sewers as defined in Section 24-5 of the Code.

Finally, the Board finds that, based upon the evidence and testimony presented and the foregoing findings, granting the class extension of time to comply with the requirements of Sections 24-43.3(2)(q) and 24-43.1(7) of the Code of Miami-Dade County, Florida to allow additional time for existing residential and/or non-residential properties to connect to an available and operative public water main and/or an available and operative public sanitary sewer main even if, and when, public water mains and public sanitary sewers abut the property, will not be detrimental to the public health, welfare and safety, will not create a nuisance and will not materially increase the level of pollution in Miami-Dade County.

### **ACCORDINGLY, IT IS**

**ORDERED AND ADJUDGED** that, based upon the evidence and testimony presented and the foregoing findings, Petitioner's request for a class extension of time to comply with the requirements of Sections 24-43.3(2)(q) and 24-43.1(7) of the Code of Miami-Dade County, Florida, be and the same is hereby granted, subject to the following conditions:

1. This class extension of time shall automatically expire three (3) years from the March 11, 2010 hearing which is on March 11, 2013.

2. This class extension of time shall only apply to existing residential and non-residential land uses that have an available and operative public water main and/or an available and operative public sanitary sewer line abutting the property.
3. The use of any on-site domestic well shall cease and connection shall to made to a public water main to an existing meter box within 120 days from the date that the Director or his designee determines that the approved water main is made available and operative.
4. The use of any on-site domestic well shall cease and connection shall to made to a public water main within the public right-of-way within 365 days from the date that the Director or his designee determines that the approved water main is made available and operative.
5. The use of any on-site domestic well shall cease and connection shall to made to a public water main to an existing meter box or within the public right-of-way within 90 days if a property's existing on-site drinking water supply well fails. Failure shall be defined as groundwater contamination or the need to replace the well.
6. The use of an approved domestic sewage storage, disposal or treatment method shall cease and connection shall be made to an existing sanitary service lateral at the property line within 120 days from the date that the Director or his designee determines that the approved public sanitary sewer main is made available and operative.
7. The use of an approved domestic sewage storage, disposal or treatment method shall cease and connection shall be made to an existing sanitary sewer main within the public right of way within 365 days from the date that the Director or his designee determines that the approved public sanitary sewer main is made available and operative.
8. The use of an approved domestic sewage storage, disposal or treatment method shall cease and connection shall be made to an existing sanitary sewer force main, including a sanitary sewer pump station, within the public right of way within 365 days from the date that the Director or his designee determines that the approved public sanitary sewer main is made available and operative.
9. The use of an approved domestic sewage storage, disposal or treatment method shall cease and connection shall be made to an existing sanitary sewer force main, including a sanitary sewer pump station, within the public right of way within 180 days if the existing domestic sewage system fails. Failure shall be defined as groundwater contamination or the need to replace the septic tank or septic tank's drainfield.
10. The use of an approved domestic sewage storage, disposal or treatment method shall cease and connection shall be made to an existing sanitary sewer lateral or an existing sanitary sewer gravity main within the public right of way within 90 days if the system fails. Failure shall be defined as groundwater contamination or the need to replace the septic tank or septic tank's drainfield.

11. Liquid waste storage, disposal or treatment methods allowed by this class extension of time shall not cause a nuisance or sanitary nuisance as defined in Chapter 24, or any other violation of any local, state or federal environmental law, rule or regulation.
12. The DERM approval of construction plans and related building permit applications that are covered by this class extension of time shall be in writing. Said written approval may only be issued by the director of DERM or his designee after determining that said plans and related applications comply with all the conditions of this class extension of time approval.
13. This class extension of time does not prohibit or preclude existing residential and/or non-residential properties from connecting to an approved public water and/or an approved public sanitary sewer earlier than the time frames allowed by this class extension of time.

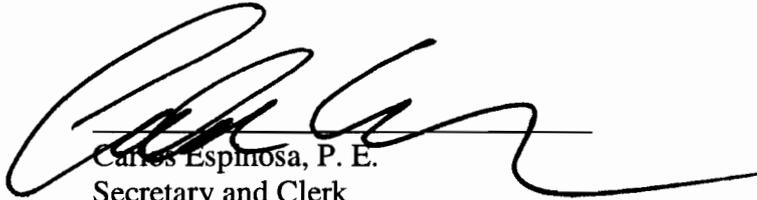
Done and Ordered this 22 day of April, 2010 in Miami-Dade County, Florida.



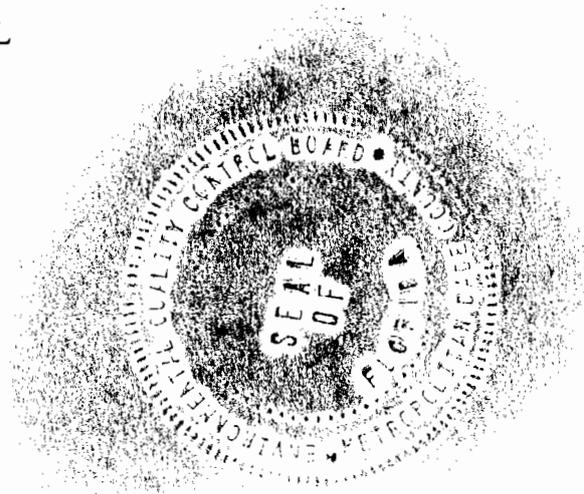
Claire Bradshaw-Sidran, Ph.D.  
Chairperson

**FILING AND ACKNOWLEDGEMENT**

Filed on this 22 day of April, 2010 with the Secretary of the Board as Clerk of the Environmental Quality Control Board, receipt of which is hereby acknowledged and the seal of the Board affixed below.

  
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Carlos Espinosa, P. E.  
Secretary and Clerk

SEAL



Approved as to form and legal sufficiency:

R. A. CUEVAS, JR.  
Miami-Dade County Attorney  
Attorney for the Board

  
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Peter S. Tell  
Assistant County Attorney