



CFN 2011R0033340
 OR Bk 27554 Pgs 3837 - 3850 (14pgs)
 RECORDED 01/14/2011 11:08:18
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

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

IN RE : **Board Order No. 10-57**
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 :
Director of the Department :
of Environmental Resources Management :

THIS MATTER came before the Board as a request by Petitioner, Director of the Department of Environmental Resources Management, for a class extension of time of two (2) years for compliance with the requirements of Section 24-43.1(7) of the Code of Miami-Dade County, Florida. The request is to allow that existing residential and nonresidential properties continue to be served by operational non- contaminated septic tank systems or other domestic sewage storage or treatment methods that are authorized for the current use on such property and certified in writing as not contaminated and operational by a licensed septic system contractor, while public sanitary sewer mains abut the subject property. The class extension of time would exclude those non-residential properties that are located within any portion of any wellfield protection area.

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 approved and operative gravity sanitary sewer or approved and operative sanitary sewer force main.

The Board finds that on September 10, 2010, the Miami-Dade County Board of County Commissioners passed Resolution No. R-849-10 attached hereto and incorporated herein by reference directing the Mayor to request the Environmental Quality Control Board to grant existing residential and nonresidential properties a two (2)-year extension of time to connect to an approved public gravity sanitary sewer main or approved sanitary sewer force main.

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 Section 24-43.1(7) of the Code of Miami-Dade County, Florida, 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 of two (2) years to comply with the requirements of Section 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 on November 04, 2012. Thereafter, the timeframe for connections subject to Section 24-43.1(7) of the Code shall be in accordance with Board Order No. 10-34 attached hereto and incorporated herein by reference.
2. This class extension of time shall not replace Board Order No. 10-34 attached hereto and incorporated herein by reference.
3. This class extension of time shall not apply to non-residential properties located within any portion of any wellfield protection area.
4. This class extension shall not apply to new construction or additions to an existing structure, or to proposals for septic system repairs, modifications or construction.
5. This class extension of time shall only apply to properties subject to DERM's Notice of Required Connections (NORCs), issued in accordance with Section 24-43.1(7) of the Code, which comply with the following prerequisites:
 - a. The owner of a residential or non-residential zoned property shall demonstrate that the subject property is served by an operational septic tank system, or other domestic sewage storage or treatment method, that is authorized by DERM for the current use. A septic tank system shall be deemed operational if a report submitted by a Florida licensed septic system contractor and/or Professional Engineer demonstrates that:
 - i. Tanks do not have cracks, leaks or corrosion,
 - ii. Inlet and outlet devices are intact,
 - iii. Lids and covers fit properly, and
 - iv. No evidence of spills or overflows are observed.
 - v. The absorption surface or bottom of the drainfield to wet season high water table shall have a separation of not less than six (6) inches. The

wet season water table elevation shall be determined in accordance with Part 64E-6.006(2) of Chapter 64E-6, Florida Administrative Code.

- b. The owner of a non-residential property shall provide proof of a valid Certificate of Use or equivalent municipal license.
- c. The owner of a non-residential property shall provide an analytical report that demonstrates that samples taken from the on-site septic tank were collected and analyzed not later than six (6) months from the date of the DERM NORC and that the contaminants of concern, specifically oil & grease by FL-PRO method, Total Recoverable Petroleum Hydrocarbons, and the eight (8) Resource Conservation and Recovery Act (RCRA) metals, have not been identified in the septic tank system.

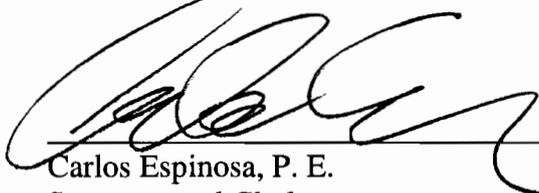
Done and Ordered this 1st day of December, 2010 in Miami-Dade County, Florida.



Claire Bradshaw-Sidran, Ph.D.
Chairperson

FILING AND ACKNOWLEDGEMENT

Filed on this 1st day of December , 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.



Carlos Espinosa, P. E.
Secretary and Clerk

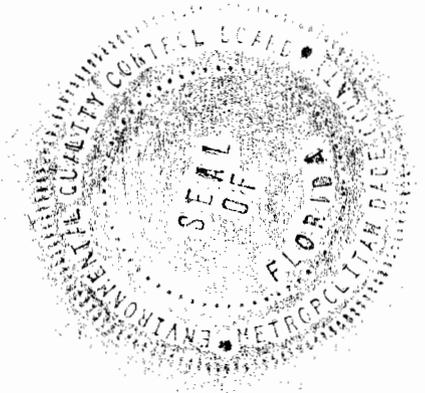
SEAL

Approved as to form and legal sufficiency:

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



By: Peter S. Tell
Assistant County Attorney



**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 11(A)(8)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: September 10, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing the Mayor
to request the Environmental
Quality Control Board grant
existing residential and
nonresidential properties a
two-year extension of time to
connect to an approved public
gravity sanitary sewer

Resolution No. R-849-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsors Vice-Chair Jose "Pepe" Diaz and Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** September 10, 2010
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr. **SUBJECT:** Agenda Item No. 11(A)(8)
County Attorney *[Signature]*

Please note any items checked.

- _____ **“3-Day Rule” for committees applicable if raised**
- _____ **6 weeks required between first reading and public hearing**
- _____ **4 weeks notification to municipal officials required prior to public hearing**
- _____ **Decreases revenues or increases expenditures without balancing budget**
- _____ **Budget required**
- _____ **Statement of fiscal impact required**
- _____ **Ordinance creating a new board requires detailed County Manager’s report for public hearing**
- _____ **No committee review**
- _____ **Applicable legislation requires more than a majority vote (i.e., 2/3’s _____, 3/5’s _____, unanimous _____) to approve**
- _____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(8)
9-10-10

RESOLUTION NO. R-849-10

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO REQUEST THE ENVIRONMENTAL QUALITY CONTROL BOARD GRANT EXISTING RESIDENTIAL AND NONRESIDENTIAL PROPERTIES A TWO-YEAR EXTENSION OF TIME TO CONNECT TO AN APPROVED PUBLIC GRAVITY SANITARY SEWER OR APPROVED SANITARY SEWER FORCE MAIN

WHEREAS, the Code of Miami-Dade County requires that within ninety (90) days of the Director of the Department of Environmental Resources Management's or the Director's designee's determination that an approved public gravity sanitary sewer or approved sanitary sewer force main is available and operative in a public right-of-way or easement abutting a property, the property must connect to such public sanitary sewer; and

WHEREAS, the Environmental Quality Control Board (EQCB) has the authority to grant variances and extensions of time from certain Code requirements in Chapter 24 of the Code including granting additional time for a property to connect to a public sanitary sewer system when it is of benefit to the community; and

WHEREAS, the County Mayor or the County Mayor's designee, to wit, the Director of the Department of Environmental Resources Management, has the authority to request from the EQCB extensions of time on behalf of a class of property owners which the Director has exercised in the past; and

WHEREAS, this Board finds that given the current economic conditions of the residential and commercial markets, current construction and permitting practices, the ninety

(90) day limitation is unrealistic, economically unreasonable, and ultimately inconsistent with public welfare warranting a reasonable extension; and

WHEREAS, this Board desires that the County Mayor or the County Mayor's designee, to wit, the Director of the Department of Environmental Resources Management, request the EQCB grant a two-year extension of time for all residential and nonresidential properties that have an existing, approved domestic sewage storage, disposal or treatment method to connect to a public sanitary sewer system,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or the County Mayor's designee, to wit, the Director of the Department of Environmental Resources Management, is directed to request the Environmental Quality Control Board to grant all existing residential and nonresidential properties a two-year extension of time to connect to a public sanitary sewer system upon the condition that the existing property has an uncontaminated and operational septic tank or other domestic sewage storage or treatment method that is authorized for the current use of such property and certified in writing as uncontaminated and operational by a licensed septic system inspector. The request shall exclude properties located within any portion of any Wellfield Protection Area. The County Mayor or the County Mayor's designee, to wit, the Director of the Department of Environmental Resources Management, is further directed to report to this Board following the EQCB's consideration of the request for possible further action by this Board to implement the intent of this Resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa and the Co-Sponsors are Vice-Chairman Jose "Pepe" Diaz and Commissioner Audrey M. Edmonson. It was offered by Commissioner **Dorrin D. Rolle**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	aye	
	Jose "Pepe" Diaz, Vice-Chairman	aye	
Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of September, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Henry N. Gillman



CFN 2010R0381561
 OR Bk 27310 Pgs 1782 - 17867 (5pgs)
 RECORDED 06/08/2010 08:16:33
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

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

IN RE : **Board Order No. 10-34**
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 :
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.

Connection	Situation	Existing Timeframe to Connect	New Timeframe to Connect
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.

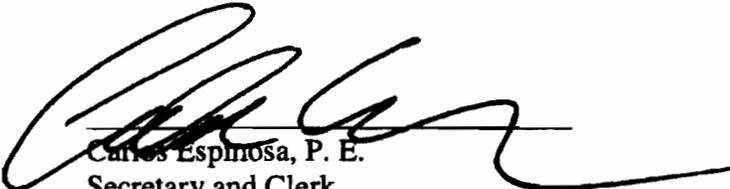
Done and Ordered this 22 day of April, 2010 in Miami-Dade County, Florida.



Claire Bradshaw-Sidran, Ph.D.
Chairperson

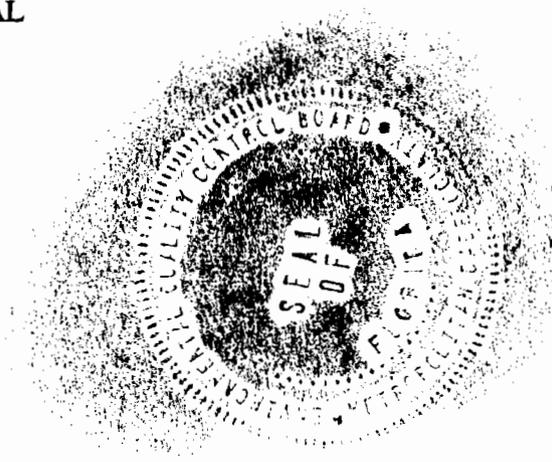
FILING AND ACKNOWLEDGEMENT

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.



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



Peter S. Tell
Assistant County Attorney