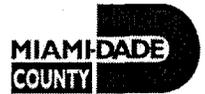
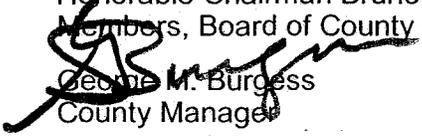


Memorandum



Date: July 11, 2007

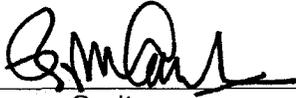
To: Honorable Chairman Bruno A. Barriero and
Members, Board of County Commissioners

From: 
George M. Burgess
County Manager

Subject: Sunset Review of County Boards – Environmental Quality Control Board (EQCB)

GOE
Agenda Item No. 7B

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2007 Sunset Review of County Boards Report for the Miami-Dade County Environmental Quality Control Board. The Board approved the attached report at its meeting of February 8, 2007 and has recommended the continuation of its board.



Roger Carlton
Assistant County Manager

cmo13807

Date: April 18, 2007
To: George M. Burgess, County Manager
From: Claire M. Bradshaw-Sidran, Ph.D.
Chairperson, Environmental Quality Control Board
Subject: Sunset Review of County Boards for 2007 – Environmental Quality Control Board

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2007 Sunset Review of County Boards Report for the Environmental Quality Control Board for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of February 8, 2007.

It is recommended that the BCC approve the continuation of the Environmental Quality Control Board.

BACKGROUND

The Environmental Quality Control Board was created on December 19, 1967.

The purpose of the Board is to hear appeals by any person aggrieved by any action or decision of the DERM as provided in Section 24-11. To hear and pass upon all applications for variances and extensions of time in the manner provided by Sections 24-13 and 24-14m except for compliance with Federal Pretreatment Regulations set forth in 40 CFR 403 as incorporated in this chapter. To hear and pass upon all applications for extension of time for compliance with the provisions of Chapter 24. To hear and pass upon all applications pursuant to Section 24-16 for approval of interim package sewage treatment plants. To provide additional notice to the public, by posting application in such a manner that shall provide notice of the purpose, time and place of such hearing. To hear and pass upon applications by private and/or public water or sewer utilities for a statement of approved water quality or approved sewage service filed pursuant to the requirements of Section 24-15 of the Code. To issue subpoena to compel the presence of a witness or documents at any hearing authorized above. To review decisions of the Dade County Fire Department or other Fire Department having jurisdiction, pursuant to Section 2-103.23 of the Code.

The Board is the only entity permitted by law to grant variances or extensions of time or appeals from the requirements of Chapter 24 subject to the limitations therein.



Claire M. Bradshaw-Sidran, Ph.D.
Board Chairperson

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2007**

I. GENERAL INFORMATION

1. Name of Board reporting: Miami-Dade County Environmental Quality Control Board (EQCB)

2. Indicate number of board members, terms of office, and number of vacancies:

Number of Board Members: Five (5) Board Members
Terms of Office: Each serving a three (3) year term
Number of Vacancies: There are no vacancies at this time

3. Identify number of meetings and members' attendance (Attach records reflecting activity from Jan. 1, 2005 through December 31, 2006):

Number of Meetings: Twenty four (24) Meetings
Number of Meetings with a Quorum: Twenty two (22)
Attendance Records: See Attachment One - Dates of Attendance

4. What is the source of your funding? EQCB application fees and DERM Plan Review Fees.

5. Date of Board Creation: December 19, 1967

6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments). See Attachment Two - Ordinance No. 67-95 and Attachment Three - Ordinance 04-21. It should be noted that the title of the Board was changed from "Pollution Control Board" to "Environmental Quality Control Board" through legislative action between the adoption of the two ordinances mentioned above.

7. Include the Board's Mission Statement or state its purpose: Outlined in attached Section 24-08(5) of the Code of Miami-Dade County, Florida. Attachment Three.

8. Attach the Board's standard operating procedures, if any. Outlined in attached Metropolitan Dade County Environmental Quality Control Board Appeal Procedure. Attachment Four.

9. Attach a copy of the Board's By-Laws, if any. Outlined in attached Section 24-08(5) of the Code of Miami-Dade County, Florida. Attachment Three.

10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership.** See Attachment Five.

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2007**

11. Include a diskette, saved as ASCII or Rich Text Format (RTF), of the County Manager's transmittal memorandum to the Board of County Commissioners with the Board's recommendation.
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II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created? (Please provide detailed information) Yes
2. Is the Board serving current community needs? (Please provide detailed information) Yes, the Board is currently providing a technically-base hearing procedure primarily for appeals of decisions of the Director of DERM and requests for variances and extensions of time with respect to the provisions of Chapter 24, Code of Miami-Dade County, Florida.
3. What are the Board's major accomplishments?
- a. Last 24 months: The Board, as a quasi-judicial body, has had 410 items advertised in the agenda. Of the 410 items, 31 items were withdrawn, 3 transferred to the Board of County Commission and 122 Board Orders were issued following public hearings.
- b. Since established: The Board has been an administrative mechanism which has resolved disputes between public/ private entities and DERM regarding the interpretation of Chapter 24 of the Code of Miami-Dade County, Florida. Additionally, the Board grants variances to various provisions of Chapter 24 of the Code of Miami-Dade County, Florida.
4. Is there any other board, either public or private, which would better serve the function of this board?
No
5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (Attach proposed changes, if answer is "Yes")
No
6. Should the Board's membership requirements be modified?
No

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**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2007**

7. What is the operating cost of the Board, both direct and indirect? (Report on FY 2005 and FY 2006)

See attachment Six: Report Miami-Dade County, Environmental Quality Control Board.

8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.

During this period the Board ruled on 122 cases and none have been overturned by the courts. Currently there is one case being appealed to the Circuit Court, Appellate Division. The case has not yet been scheduled.

ATTACHMENT ONE

REPORT
MIAMI-DADE COUNTY
ENVIRONMENTAL QUALITY CONTROL BOARD

<u>NAME</u>	<u>PRESENT</u>	<u>EXCUSED</u>
Claire M. Bradshaw-Sidran, Ph.D.	24	2
Robert C. Pope, Ph.D.	21	5
William Hopper, Ph.D	24	2
Luis A. Prieto-Portar, Ph.D., P.E.	21	5
David A. Chin, Ph.D., P.E.	22	4

ATTACHMENT ONE: - CONTINUED

DATES OF ATTENDANCE

Dates for 2005

01/13/05 (All Present)
02/10/05 (All Present)
03/10/05 (Absent-Robert S. Pope)
04/14/05 (Absent-Luis A.Prieto-Portar)

05/12/05 (Absent-Robert S. Pope)
06/09/05 (Absent- David A. Chin)
(Absent- Claire Bradshaw-Sidran)
07/14/05 (Absent-Robert S. Pope)
08/05 (No Meeting)
09/08/05(All Present)
10/06/05 (All Present)
11/10/05 (All Present)
12/08/05 (All Present)

Dates for 2006

01/12/06 (Absent-Luis A.Prieto-Portar)
02/09/06 (Absent-Luis A.Prieto-Portar)
03/09/06 (Absent-Robert S. Pope)
04/13/06 (Absent- Claire Bradshaw-Sidran)
(Absent- William E. Hopper)
(Absent-Robert S. Pope)

04/19/06 (Absent-Luis A.Prieto-Portar)
(Absent – David A. Chin)

04/27/06 (Absent – David A. Chin)

05/11/06 (All Present)
06/08/06 (Absent- William E. Hopper)
(Absent-Luis A.Prieto-Portar)

07/13/06 (All Present)
08/06 (No Meeting)
09/14/06 (All Present)
10/12/06 (Absent – David A. Chin)
11/09/06 (All Present)
12/14/06 (Absent – Robert S. Pope)

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Attachment Two

ORDINANCE NO. 67-95

ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA, RELATING TO POLLUTION CONTROL; PROVIDING FOR CHANGES IN VARIOUS SECTIONS OF SAID CHAPTER 24 REQUIRED BY THE ENACTMENT OF CHAPTER 67-436, LAWS OF FLORIDA 1967; DELETING REFERENCES IN SAID CHAPTER 24 TO THE FLORIDA STATE BOARD OF HEALTH, THE FLORIDA AIR POLLUTION CONTROL COMMISSION AND THE FLORIDA STATE BOARD OF CONSERVATION AND SUBSTITUTING THEREFOR REFERENCE TO THE FLORIDA STATE AIR AND WATER POLLUTION COMMISSION; DELETING REFERENCES IN VARIOUS SECTIONS OF SAID CHAPTER 24 TO THE DEPARTMENT OF PUBLIC HEALTH OF DADE COUNTY; REVISING STANDARDS LISTED IN SECTION 24-11(3); PROVIDING FOR CHANGES IN SECTION 24-33 REQUIRED BY THE REPEAL OF CERTAIN SECTIONS OF THE FLORIDA STATE SANITARY CODE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING SEVERABILITY CLAUSE; AND PROVIDING EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. Chapter 24 of the Code of Metropolitan Dade County, Florida, relating to pollution control in Dade County is hereby amended to read as follows:

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Section 24-1. Short Title. This chapter enacted under and pursuant to the provisions of the Home Rule Charter of Government for Dade County, Florida, shall be known and may be cited as the "Metropolitan Dade County Pollution Control Ordinance."

Section 24-2. Declaration of Legislative Intent. The board finds and determines that the reasonable control and regulation of activities which are causing or may cause pollution or contamination of air, water, soil and property is required for the protection and preservation of the public health, safety and welfare. It is the intent and purpose of this chapter to provide and maintain for the citizens and visitors of Dade County standards which will insure the purity of all waters consistent with public health and public enjoyment thereof, the propagation and protection of wild life, birds, game, fish and other aquatic life, and atmospheric purity and freedom of the air from contaminants or synergistic agents injurious to human, plant or animal life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business. The provisions of this chapter are not intended and shall not be construed as superseding or conflicting with any statutory provisions relating to, or rules and regulations promulgated by, the Florida State Air and Water Pollution Commission, but shall be construed as implementing and assisting the enforcement thereof.

Section 24-3. Definitions. In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in Chapter 67-436, Laws of Florida 1967, and in rules and regulations promulgated thereunder shall apply.

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The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

(1) AGRICULTURAL OPERATION shall mean the growing of crops, the raising of fowls, animals or bees, as a gainful occupation, but shall not include such activities engaged in as a hobby or truck farming in residential areas.

(2) AIR CONTAMINANTS shall mean a particulate, gas or odor, including but not limited to, smoke, charred paper, dust, soot, grime, carbon or any particulate matter, or irritating, malodorous or noxious acids, fumes or gases, or any combination thereof, but shall not include uncombined water vapor.

(3) AIR POLLUTION shall be construed to mean the presence in the outdoor atmosphere of one or more air contaminants or combination thereof in such quantities and of such duration which are injurious to human, plant or animal life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business.

(4) COMBUSTION CONTAMINANTS shall mean particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

(5) COMBUSTIBLE REFUSE shall mean any combustible waste material containing carbon in a free or combined state.

(6) CONDENSED FUMES shall mean minute solid particles generated by the condensation of vapors from solid matter volatilization from the molten state, or may be generated by chemical processes, operations or reactions, when these processes create air-borne particles.

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- (7) DRAINAGE WELL shall mean a shaft or well driven through an impermeable stratum to allow water to drain through to a permeable one.
- (8) DUST shall mean minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.
- (9) EMISSION shall mean the act of passing into the atmosphere an air contaminant or gas stream which contains or may contain an air contaminant; or the material so passed to the atmosphere.
- (10) FLUE shall mean any duct or passage for air, gases, or air-borne materials, such as a stack or chimney.
- (11) GAS shall mean a formless fluid which occupies space and which can be changed to a liquid or solid state only by increasing pressure with decreased or controlled temperature, or by decreased temperature with increased or controlled pressure.
- (12) MIST shall mean a suspension of any finely divided liquid in any gas.
- (13) MULTIPLE-CHAMBER INCINERATOR shall mean any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion chambers in a series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

The refractories shall have a Pyrometric Cone Equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

(14) NUISANCE shall mean and include the use of any property, facilities, equipment, processes, products or compounds, or the commission of any acts, that cause or materially contribute to:

- (a) The emission into the outdoor air of dust, fume, gas, mist, odor, smoke or vapor, or any combination thereof, of a character and in a quantity as to be detectable by a considerable number of persons or the public, at any point beyond the property limits of the premises occupied or used by the person responsible for the source thereof, so as to interfere with their health, repose or safety, or cause severe annoyance or discomfort, or tends to lessen normal food and water intake, or produces irritation of the upper respiratory tract, or produces symptoms of nausea, or is offensive or objectionable to normal persons because of inherent chemical or physical properties, or causes injury or damage to real property, personal property or human, animal or plant life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of this county.
- (b) The discharge into any of the waters of this county of any organic or inorganic matter or deleterious substance or chemical compounds, or any effluent containing the foregoing, in such quantities, proportions or accumulations as to be detectable at any point beyond the property limits of the premises occupied or used by the person responsible for the source thereof, so as to interfere with the health, repose or safety of any considerable number of persons or the public, or to cause severe annoyance or discomfort, or which tends to lessen normal food and water intake, or produces symptoms of nausea, or is offensive or objectionable to normal persons because of inherent chemical or physical properties, or causes injury or

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damage to real property, personal property, human, plant or animal life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of this county.

(c) Any violation of the provisions of this chapter which becomes detrimental to health or threatens danger to the safety of persons or property, or gives offense to, is injurious to, or endangers the public health and welfare, or prevents the reasonable and comfortable use and enjoyment of property by any considerable number of the public.

(15) ODOR shall mean that property of a substance which materially offends the sense of smell.

(16) OIL-EFFLUENT WATER SEPARATOR shall mean any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

(17) OPEN OUTDOOR FIRE shall mean any combustion of combustible material of any type outdoors, in the open, not in any approved enclosure or device, where the products of combustion are not directed through a flue.

(18) PPM (VOL.) shall mean parts per million by volume.

(19) PPM (WT.) shall mean parts per million by weight and is equivalent to milligrams per liter.

(20) PARTICULATE MATTER shall mean any material which at standard conditions, is emitted into the atmosphere in a finely divided form as liquid or solid or both, but shall not include uncombined water vapor.

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(21) PERSON shall be construed to include any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of such, jointly or severally.

(22) PROCESS WEIGHT PER HOUR. "Process weight" is the total weight of all materials except uncombined water, introduced into any unit process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels, combustion air, excess air, infiltrated and other air added to the process, will not be so considered. "The process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(23) RINGELMANN CHART shall mean the method of estimating smoke density described in U.S. Bureau of Mines Information Circular 7718.

(24) SMOKE shall mean the solid particles produced by incomplete combustion of organic substances including, but not limited to, particles, fly ash, cinders, tarry matter, soot and carbon.

(25) SOURCE GAS VOLUME shall mean the volume, in standard cubic feet, of all gases leaving a source operation; and the boundary of a source operation is that point or surface at which the separation of the air contaminants from the process materials, or

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the conversion of the process materials into air contaminants, is essentially complete.

(26) SOURCE OPERATION means the last operation preceding the emission of air contaminant, which operation (1) results in the separation of the air contaminant from the process material or in the conversion of the process materials into air contaminants, as in the case of combustion fuel; and (2) is not an air pollution abatement operation.

(27) STANDARD CONDITIONS shall mean a pressure of 14.7 pounds per square inch, absolute, and a temperature of 60 degrees Fahrenheit. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

(28) STANDARD METHODS shall mean the "Standard Methods for the Examination of Water and Waste Water," according to the most recent edition, as published jointly by APHA, AWWA, and WPCF. Technical terms used in this chapter are those defined in the "Glossary--Water and Sewage Control Engineering" published jointly by APHA, ASCE, AWWA and WPCF, latest edition, and "The Condensed Chemical Dictionary," published by Reinhold, latest edition.

(29) VAPOR shall mean any mixed material in a gaseous state which is formed from a substance usually a liquid, by increased temperature.

(30) WASTE DISCHARGE shall mean any outfall, ditch, pipe, soakage pit, drainage well, drainfield, or any other method or device by which treated or untreated sewage, industrial wastes, or other wastes can enter the surface waters, tidal salt waters, or ground waters, so as to cause water pollution as herein defined.

(31) WATER POLLUTION shall mean the introduction in any surface or underground water, or tidal salt water, of any organic or inorganic matter or deleterious substance in such quantities, proportions or accumulations which are injurious to human, plant, animal, fish and other aquatic life, or property, or which unreasonably interferes with the comfortable enjoyment of life or property, or the conduct of business.

Section 24-4. Pollution Control Officer. Office created; appointment; term; exempt from classified service and merit system; compensation; assistants; operating procedures.

The office and position of pollution control officer is hereby created and established. The pollution control officer shall be appointed by and serve at the will of the county manager. Such officer shall be chosen by the manager on the basis of his qualifications and experience in the field of air and water pollution controls, and he shall be a professional engineer registered to practice in the State of Florida under the provisions of Chapter 471, Florida Statutes, or he shall become registered within eighteen (18) months after the date of appointment, or he shall have at least a bachelor's degree from an accredited university in a field which will in the manager's judgment technically qualify him to discharge the duties imposed by this chapter. The office of pollution control officer shall constitute a position exempt from the classified service of Dade County and the state merit system. The salary for such position shall be fixed by the board of county commissioners. The pollution control officer shall serve under the administrative jurisdiction of the county manager and subject to the direct supervision of the county manager. The

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county manager shall appoint such assistants to the pollution control officer as may be necessary in order that his duties may be performed properly. The organization and administrative operating procedures of such county office and its relationship and coordination with other county departments shall be established and placed in effect, from time to time, by administrative order of the county manager, but the manager shall not have any power to modify the duties imposed upon the pollution control officer by this chapter or the procedures prescribed herein for the performance of such duties.

Section 24-5. Same--Duties and Powers. The duties, functions, powers and responsibilities of the pollution control officer shall include the following:

- (1) The enforcement of the provisions of this chapter and the rules and regulations promulgated hereunder, and all rules and regulations of the Florida State Air and Water Pollution Control Commission, pertaining to air and water pollution.
- (2) Investigate complaints, study and observe air and water pollution conditions, institute actions necessary to abate nuisances caused by air and water pollution, and prosecute proceedings for violations of this chapter.
- (3) Make appropriate surveys, tests and inspections to determine whether the provisions of this chapter are being complied with, and whether air and water pollution is being effectively controlled throughout this county.
- (4) Make inspections of property, facilities, equipment and processes operating under the provisions of this chapter to determine whether the provisions of this chapter are being complied with, and

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make recommendations for methods by which air and water pollution may be reduced or eliminated.

(5) Maintain, review and supervise all operating records required to be filed by persons operating facilities and equipment subject to the provisions of this chapter.

(6) Render all possible assistance and technical advice to persons operating equipment, facilities and processes, the use of which may cause air or water pollution, provided that the pollution control officer shall not design equipment or facilities for any person

(7) Establish, operate and maintain a continuous program for monitoring air and water pollution by means of county-wide air and water quality surveillance networks designed to provide accurate data and information as to whether the requirements of this chapter are being complied with and whether the level of air and water pollution is increasing or decreasing throughout this county.

(8) Publish and disseminate information to the public concerning air and water pollution and recommended methods for decreasing and eliminating pollution.

(9) Render assistance to the Florida State Air and Water Pollution Control Commission in connection with the review of plans, specifications and processes filed in accordance with the requirements of this chapter.

(10) Render all possible cooperation and assistance to Federal, State and local agencies in the accomplishment of the effective control of air and water pollution.

(11) Enlist and encourage public support, and the assistance of civic, technical, scientific and educational organizations, and

the cooperation of industrial and business enterprises and organizations.

(12) Make periodic reports concerning the status of air and water pollution in this county and the enforcement of the provisions of this chapter, and recommendations concerning the improvement of pollution control requirements. Such reports shall be filed with the county manager and made available to the county commission, the Florida State Air and Water Pollution Control Commission, and other cognizant agencies.

(13) Whenever evidence has been obtained or received establishing that a violation of this chapter has been committed, the pollution control officer shall issue a notice to correct the violation or a citation to cease the violation, and cause the same to be served upon the violator by personal service or certified mail or by posting a copy in a conspicuous place on the premises of the facility causing the violation. Such notice or citation shall briefly set forth the general nature of the violation and specify a reasonable time within which the violation shall be rectified or stopped, commensurate with the circumstances. If the violation is not corrected within the time so specified or the violation stopped, or reasonable steps taken to rectify the violation, the pollution control officer, shall have the power and authority to issue an order requiring the violator to cease or suspend operation of the facility causing the violation until the violation has been corrected, or the pollution control officer, may institute action to compel compliance with the provisions of such notice or citation, or initiate proceedings to prosecute the violator in the Metropolitan Court for violation of this chapter.

(14) In the event a violation of this chapter creates a health hazard or threatens serious damage to the public health, aquatic life or property, or creates a nuisance as herein defined, the pollution control officer shall have the power and authority to order immediate cessation of the operations causing such conditions. Any person receiving such an emergency order for cessation of operations shall immediately comply with the requirements thereof. It shall be unlawful for any person to fail or refuse to comply with an emergency order issued and served under the provisions of this section. Any person who is convicted of willfully failing or refusing to comply with such an emergency order shall be punished by a fine not exceeding five hundred (\$500.00) dollars or by imprisonment in the county jail for not more than sixty (60) days, or both, in the discretion of the Metropolitan Court. Each day during which the willful failure or refusal to comply with such an emergency order continues shall constitute a separate offense.

(15) Perform such other administrative duties as may be assigned by the county manager.

Section 24-6. Appeals From Actions or Decisions of Pollution Control Officer. Any person aggrieved by any action or decision of the pollution control officer may appeal to the pollution control board by filing within fifteen (15) days after the date of the action or decision complained of, a written notice of appeal which shall set forth concisely the action or decision appealed from and the reasons or grounds for the appeal. The board shall set such appeal for hearing at the earliest possible date, and cause notice thereof to be served upon the appellant and the pollution control officer. The board shall

hear and consider all facts material to the appeal, and render a decision promptly. The board may affirm, reverse or modify the action or decision appealed from, provided that the board shall not take any action which conflicts with or nullifies any of the provisions of this chapter. The decision of the board shall constitute final administrative review and no rehearing or reconsideration shall be considered. Any person aggrieved by any decision of the board on an appeal shall be entitled to apply to the Circuit Court of Dade County for a review thereof by writ of certiorari in accordance with the applicable court rules.

Section 24-7. Pollution Control Board. The Metropolitan Dade County pollution control board is hereby created and established. The board shall consist of nine (9) members appointed by the county commission.

(1) Qualifications of members. Members of the board shall be permanent residents and freeholder electors of Dade County, who possess outstanding reputations for civic pride, interest, integrity, responsibility and business or professional ability. Members of this board, while serving, shall not become candidates for election to any public office, nor hold any other appointive office or position under the Federal, State or any municipal government. Appointments shall be made by the county commission on the basis of experience or interest in the field of air and water pollution. The composition and representative membership of the board shall be as follows:

- (a) One member shall be a representative of the medical profession actively engaged in the practice of medicine, who may be recommended by the Dade County Medical Association.

- (b) One member shall be representative of the engineering profession and shall be a professional engineer experienced in the field of sanitary engineering, who may be recommended by the Miami Chapter of the Florida Engineering Society.
- (c) One member shall be a representative of agricultural interests actively engaged in agricultural operations.
- (d) One member shall be a representative of the tourist industry actively engaged in a business or occupation directly related to and dependent upon tourism.
- (e) One member shall be representative of the conservation interests with a special knowledge of marine biology, fish, game and wild life.
- (f) One member shall be a representative of industries or businesses directly affected and subject to the provisions of this chapter.
- (g) Three members shall be citizens representative of the interests and point of view of the general public.

(2) Terms of office. In order that the terms of office of all members of the board shall not expire at the same time, the initial appointments to the board shall be as follows: Three (3) members shall be appointed for the term of one (1) year, three (3) members shall be appointed for the term of two (2) years, and three (3) members shall be appointed for the term of three (3) years. Thereafter all appointments shall be made for the term of three (3) years. Appointments to fill any vacancy on the board shall be for the remainder of the unexpired term of office. A member may be removed without cause only by two-thirds (2/3) vote of the entire membership of the county commission. Should any member of the board fail to attend three (3) consecutive meetings without due cause, the chairman shall certify the same to the county commission. Upon

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such certification, the member shall be deemed to have been removed and the county commission shall fill the vacancy by appointment.

(3) Organization of the board; quorum; secretary; compensation of members; meetings; personnel. The members of the board shall elect a chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the board. A majority vote of the entire membership of the board shall be necessary to take any action. Five (5) members of the board shall constitute a quorum necessary to hold a meeting and take any action. The head of the engineering division of the public health department shall be an ex officio member of the board and shall be responsible for the custody of all minutes and records of the board, but he shall not be entitled to vote on any matter before the board. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval of the county commission. The chairman may call meetings of the board, and meetings may be called by written notice signed by five (5) members, and the board at any meeting may fix and call a meeting on a future date. Minutes shall be kept of all meetings of the board. All meetings shall be public. The county manager shall provide adequate and competent clerical administrative personnel and such technical or scientific personnel as may be reasonably required by the board for the proper performance of its duties, subject to budget limitations.

(4) Duties and powers of board. The board shall have the following duties, functions, powers and responsibilities:

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- (a) To adopt, revise, and amend from time to time appropriate rules and regulations reasonably necessary for the implementation and effective enforcement, administration and interpretation of the provisions of this chapter, and to provide for the effective and continuing control and regulation of air and water pollution in this county within the framework of this chapter, and to provide for appropriate fees to be charged by the county for the services rendered by the county under the provisions of this chapter. No such rules and regulations shall be adopted or become effective (including amendments) until after a public hearing has been held by the board pursuant to notice published at least ten (10) days prior to the hearing, and until the rules and regulations adopted by the board have been approved by the county commission and filed with the clerk of the county commission. When approved by the county commission and filed with the clerk, such rules and regulations shall have force and effect of law.
- (b) The board shall hear and pass upon all applications for extension of the time for compliance with the provisions of this chapter. All such applications shall be filed in accordance with the provisions of this chapter and shall be heard and considered by the board at a public hearing pursuant to notice. In considering such applications, the board shall take into account such factors as practicability, availability of equipment, and relative benefits to the community. The board shall not have the power and authority to grant any application for extension of time to comply with the prohibitions against open burning (Section 24-18), or the prohibitions against reduction of animal matter (Section 24-23), or the prohibitions against a nuisance (Section 24-3 (14)), or the prohibitions against the discharge of cyanides or other toxic chemicals into the waters in excess of the standards fixed by Section 24-11 (3). Applications for extension of time for compliance shall be considered on the basis of public interest and not merely on economic benefit to the applicant; applications shall be granted only when it is established that the requested extension of time for compliance will not be detrimental to the public health, welfare and safety, and will not create or permit the continuation of a nuisance, or that no technically feasible, economically reasonable means of compliance are readily available to the applicant. Appeals from decisions of the board may be taken to the county commission in accordance with procedures prescribed by the provisions of this

chapter. Any person aggrieved by any decision of the county commission on appeal shall be entitled to apply to the Circuit Court of Dade County for a review thereof by writ of certiorari in accordance with the applicable court rules.

- (c) To make continuing studies and periodic reports and recommendations for the improvement of air and water pollution controls in the county, and to work in cooperation with the Florida State Air and Water Pollution Control Commission, the United States Public Health Service, and other appropriate agencies and groups interested in the field of air and water pollution.
- (d) To investigate air and water pollution control programs and activities in operation in other areas and to make recommendations for the improvement of the regulation, administration and enforcement of pollution controls in this county. To publicize the importance of adequate pollution controls, to hold public hearings, discussions, forums and institutes, and arrange programs for the presentation of information by experts in the field of air and water pollution, and to visit and study pollution control programs conducted in other metropolitan areas, subject to budget limitations.
- (e) To perform such other duties, functions and responsibilities as may be assigned to the board from time to time by the county commission.

Sections 24-8--24-10. Reserved.

Section 24-11. Prohibitions against water pollution.

(1) General prohibitions. It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this county, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such water any organic or inorganic matter that shall cause or tend to cause a polluted condition of such water or cause water pollution as herein defined.

(2) Waste discharges. It shall be unlawful for any person to discharge sewage, industrial wastes, cooling water, or any other wastes into the surface water, tidal salt water, or ground water in such

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quantities and of such characteristics as may cause or tend to cause the receiving waters, after thorough mixing with the waste streams, to be of poorer quality than the water quality standards established herein, or to cause or tend to cause water pollution as herein defined.

(3) Water quality standards. The water quality standards are hereby established as follows: (See attachments 1 and 2)

(4) By-passes unlawful. Where a waste treatment facility has been provided, it shall be unlawful to by-pass the facility and discharge untreated or inadequately treated wastes to the waters the facility was designed to protect. In the event of an emergency, the user may utilize a temporary by-pass. It shall be his responsibility to immediately notify the pollution control officer. Such notification shall not relieve him from liability under this chapter.

(5) Wastes shall not be discharged into storm sewers. No sewage, industrial waste, or other waste shall be discharged into any sewer designed to carry storm water, nor shall storm water be discharged into a sewer designed to carry sewage. The provisions of this section shall not be construed as precluding the installation of a combined system which has been approved by the pollution control officer and the Florida State Air and Water Pollution Control Commission, and any such installation shall be subject to all applicable state and county regulations.

(6) Compliance tests. Sampling points to determine compliance with the provisions of this chapter shall be selected as follows:

- (a) SURFACE WATER. At those points closest to the outfall where essentially complete mixing can be demonstrated.

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- (b) TIDAL SALT WATER. At those points closest to the outfall where in the professional opinion of the pollution control officer the waste has been thoroughly mixed with the receiving waters.
- (c) GROUND WATER. From the wells nearest to and encircling the point of entry of a waste stream into the ground water table. Test wells may be required to be installed if needed in the judgment of the pollution control officer.
- (d) METHODS. All sampling and analysis shall be conducted in accordance with the procedures prescribed in the "Standard Methods" and good sanitary engineering practices.

Sections 24-12--24-14. Reserved.

Section 24-15. Prohibitions Against Air Pollution. No person

shall cause, let, permit, suffer or allow to be discharged into the atmosphere from any single source of emission whatsoever any air contaminant for more than three (3) minutes in any hour at the emission point which is:

- (a) Equal to or greater than the density that is designated as Number two on the Ringelmann chart as published in the U. S. Bureau of Mines Information Circular No. 7718. Other standards may be used to measure smoke density which give results equivalent or comparable to those obtained using said chart, if such standards of measurement are approved by and acceptable to the pollution control officer.
- (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does air contaminants described in the introductory paragraph.

Section 24-16. Dust and Fumes.

(1) No person shall cause, let, permit, suffer or allow the emission in any one hour from any source whatsoever, dust and fumes in total quantities in excess of the amount shown in the following table:

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DUST AND FUMES TABLE

Process Wt/hr (lbs)	Maximum Weight Disch/hr (lbs)	Process Wt/hr (lbs)	Maximum Weight Disch/hr (lbs)
50	.24	500	1.77
100	.46	550	1.89
150	.66	600	2.01
200	.852	650	2.12
250	1.03	700	2.24
300	1.20	750	2.34
350	1.35	800	2.43
400	1.50	850	2.53
450	1.63	900	2.62
950	2.72	9500	6.15
1000	2.80	4400	6.22
1100	2.97	4500	6.30
1200	3.12	4600	6.37
1300	3.26	4700	6.45
1400	3.40	4800	6.52
1500	3.54	4900	6.60
1600	3.66	5000	6.67
1700	3.79	5500	7.03
1800	3.91	6000	7.37
1900	4.03	6500	7.71
2000	4.14	7000	8.05
2100	4.24	7500	8.39
2200	4.34	8000	8.71
2300	4.44	8500	9.03
2400	4.55	9000	9.36
2500	4.64	9500	9.67
2600	4.74	10000	10.0
2700	4.84	11000	10.63
2800	4.92	12000	11.28
2900	5.02	13000	11.89
3000	5.10	14000	12.50
3100	5.18	15000	13.13
3200	5.27	16000	13.74
3300	5.36	17000	14.36
3400	5.44	18000	14.97
3500	5.52	19000	15.58
3600	5.61	20000	16.19
3700	5.69	30000	22.22
3800	5.77	40000	28.3
3900	5.85	50000	34.3
4000	5.93	60000	40.0
4100	6.01	or	
4200	6.08	more	

To use this table take the process weight rate; then find this figure on the table; opposite is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour.

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Section 24-17. Sulfur dioxide.

(1) No person shall cause, let, permit, suffer or allow any emission of sulfur dioxide which results in ground level concentrations of sulfur dioxide at any given point in excess of 1.0 ppm (volume) in a twenty (20) minute period of any hour and average exposure shall not exceed 0.1 ppm (volume) of sulfur dioxide in any eight (8) hour period. These limitations shall not apply to ground level concentrations occurring on the property from which such emission occurs, provided such property, from the emission point to the point of any such concentration is controlled by the person responsible for such emission.

(2) Except as provided in subsection (1) above, no person shall cause, let, permit, suffer or allow the emission of gas containing sulfur dioxide in excess of 2000 ppm (volume). All sampling of exhaust gases shall be conducted following techniques designated by the pollution control officer. For purposes of this section, all sulfur present in gaseous compounds containing oxygen shall be deemed to be present as sulfur dioxide, and analyses of samples taken to determine the amount of sulfur dioxide in exhaust gases shall be made as specified by the pollution control officer. Tests for determining compliance with this section shall be for at least 15 consecutive minutes or 90 per cent of the time of actual source operation, whichever is less.

(3) Emissions in excess of those in subsection (2) above shall not constitute a violation provided requirements of subsection (1) above are met and all of the following conditions are met:

- (a) Persons intending to operate under the provisions of this subsection shall so notify the pollution control officer in writing prior to such emission.

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- (b) Persons operating under the provisions of the above subsection shall provide at least three recording sulfur dioxide monitoring stations, properly located, as well as a recording meteorological station equipped to record wind speed and direction.
- (c) Reports of data obtained from such instruments shall be furnished to the pollution control officer at the end of each month. Whenever such data indicates a violation, the responsible person shall furnish the pollution control officer evidence that proper action has been taken to prevent further violations.

Section 24-18. Open Burning. No person shall ignite, cause to be ignited, permit to be ignited or suffer, allow or maintain any open outdoor fire except as provided in Section 24-19.

Section 24-19. Exceptions to Prohibition Against Open Burning.

The following fires are excepted from the provisions of this chapter.

- (1) Fires used only for noncommercial cooking of food for human beings or for recreational purposes.
- (2) Any fire set or permitted by the pollution control officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, including the disposal of dangerous materials where there is no safe alternate method of disposal, or in the instruction of public employees in the methods of fighting fires, which fire is, in the opinion of such official, necessary.
- (3) Fires set for the purpose of instruction in the methods of fighting fires, provided prior permission has been granted by a public officer in the performance of official duty and by the pollution control officer.

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(4) An agricultural fire set by or permitted by the pollution control officer if such fire is for the purpose of disease and pest prevention, or for frost protection.

(5) Smokeless flares or safety flares for the combustion of waste gases.

(6) A fire set or permitted by the pollution control officer and under his control for the purpose of non-recurrent clearing of debris from land.

Section 24-20. Storage of Petroleum Products. No person shall place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

(1) A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

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(2) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(3) Other equipment of equal efficiency, provided plans for such equipment are submitted to and approved by the pollution control officer.

Section 24-21. Incinerator Burning. No person shall burn any combustible refuse in any incinerator in Dade County except in a multi-chamber incinerator as described in this chapter, or in equipment found by the pollution control officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multi-chamber incinerator. The maximum discharge of particulate matter shall not exceed 0.2 grains per Standard Cubic Foot of Dry Gas corrected to fifty per cent (50%) excess air.

Section 24-22. Oil-Effluent Water Separator. A person shall not use any compartment of any single or multiple compartment oil-effluent water separator which compartment receives effluent water which contains two hundred (200) gallons a day or more of any petroleum product or mixture of petroleum products from any equipment processing, refining, treating, storing or handling kerosene or other petroleum product of equal or greater volatility than kerosene, unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

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(1) A solid cover with all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(2) A floating roof, consisting of a pontoon type or double-deck roof resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(3) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(4) Other equipment of equal efficiency, provided plans for such equipment are submitted to and approved by the pollution control officer. For the purpose of this rule, "kerosene" is defined as any petroleum product which, when distilled by ASTM standard test Method D 86-56, will give a temperature of 401°F or less at the ten per cent (10%) point recovered.

Section 24-23. Reduction of Animal Matter. A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

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(1) Incinerated at temperatures of not less than 1600 degrees Fahrenheit for a period of not less than 0.3 seconds; or

(2) Processed in a manner determined by the pollution control officer to be equally, or more, effective for the purpose of air pollution control than (1) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified by the pollution control officer, for indicating temperature, pressure or other operating conditions.

For the purpose of this rule, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

The provisions of this rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

Section 24-24. Sampling and Testing. A person responsible for the emission of air contaminants from any source shall, upon request of the pollution control officer, provide in connection with such sources and related source operations, such sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for the proper determination of the nature, extent, quantity, and degree of air contaminants which are, or may be, emitted as a result of such operation.

(1) Such facilities may be either permanent or temporary at the discretion of the person responsible for their provision and shall be suitable for the use of methods and equipment specified by the

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pollution control officer who shall indicate in writing the required size, number and location of sampling holes; the size and location of the sampling platform; and the utilities for operating the sampling and testing equipment.

The facilities shall comply with all applicable laws and regulations concerning safe construction and safe practice in connection with such facilities.

(2) When the pollution control officer has good reason to believe that the provisions of this chapter concerning emission of contaminants are being violated, he may require the person responsible for the source of contaminants to conduct tests which will show the contaminant emissions from the source and to provide the results of said tests to the pollution control officer. These tests shall be carried out under the supervision of the pollution control officer or his designated representative and at the expense of the person responsible for the source of contaminants.

(3) All analyses and tests shall be calculated and reported on the basis of dry gas at standard conditions as defined herein.

(4) Analyses and tests for compliance may be performed by the staff of the pollution control officer at the cost of the operator.

Section 24-25. Gasoline Handling. No person shall load gasoline into any tank truck or trailer from any loading facility unless such loading facility is equipped with a vapor collection and disposal system or its equivalent, properly installed, in good working order and in operation. When loading is effected through the hatches of a tank truck or trailer with a loading arm equipped with a vapor collecting adaptor, a pneumatic, hydraulic or other mechanical means shall be

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provided to force a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid gasoline drainage from the loading device when it is removed from the hatch of any tank truck or trailer, or to accomplish complete drainage before such removal.

When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

The vapor disposal portion of the system shall consist of one of the following:

(1) A vapor-liquid absorber system with a minimum recovery efficiency of ninety per cent (90%) by weight of all the hydrocarbon vapors and gases entering such disposal system.

(2) A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases entering such disposal system.

(3) A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases displaced from the tank trucks and trailers being loaded.

(4) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the pollution control officer.

This rule shall not apply to the loading of gasoline into tank trucks and trailers from any loading facility from which not more than 20,000 gallons of gasoline are loaded in any one day.

For the purpose of this rule, any petroleum distillate having a Reid vapor pressure of four pounds or greater shall be included by the term "gasoline".

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For the purpose of this rule, "loading facility" means any aggregation or combination of gasoline loading equipment which is both (1) possessed by one person, and (2) located so that all the gasoline loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

Sections 24-26 -- 24-29. Reserved.

Section 24-30. Plan approval required.

(1) Water facilities. It shall be unlawful for any person to enter into or let a contract for or to commence the installation, extension, or alteration of any sewage system or waste treatment facility or any industrial waste disposal facility without first obtaining the prior written approval of the pollution control officer. It shall be unlawful for any person to make any major or substantial enlargement, alteration or addition to any facility, or commence the construction of any facility that may be a source of water pollution as herein defined, without first obtaining the prior written approval of the pollution control officer in respect thereto. No building permit involving the generation and discharge of effluents shall be issued by the county or any municipality unless the application for a building permit or plans for construction thereof shows approval by the pollution control officer. The provisions of this section shall not apply to facilities discharging wastes to a public sewer system approved by the pollution control officer, or when the total flow of effluents from any single establishment is less than 1200 gallons per day.

(2) Air facilities. It shall be unlawful for any person to make any major or substantial alteration, enlargement or addition to any existing facility, equipment or operation, or to commence the

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construction of any new facility, that may be a source of air pollution as herein defined, without first obtaining the prior written approval of the plans, equipment or processes therefor by the pollution control officer. No building permit shall be issued by the county or any municipality unless the application therefor or the plans for construction of the proposed facility show the approval of the pollution control officer, or it is established by satisfactory proof that the facility will not cause air pollution in violation of the provisions of this chapter. The provisions of this chapter shall not apply to individual family dwellings or multiple family dwellings of not more than four units in respect to heating equipment or comfort space heating.

(3) Intent. It is the intent and purpose of this section to require that all new facilities, equipment and processes constructed or operated after the effective date of this chapter shall comply with the requirements herein contained, and that any major or substantial enlargement, expansion or addition to existing facilities also shall comply with the requirements herein contained. Any building permit issued by the county or a municipality in violation of the provisions of this chapter shall be void.

Section 24-31. Procedure for approval of plans.

(1) Application for approval. Application for approval of plans required hereunder shall be made on forms prescribed for such purpose and filed with the pollution control officer. Such application shall be signed by the person seeking to install, extend or alter the facility involved or a duly authorized representative vested with lawful power

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to bind the applicant. Upon receipt of such application and supporting data, the pollution control officer shall review all data and render a decision on the acceptability of the facility.

(2) Required information. Each such application shall be accompanied by the following data and information:

(a) REPORT OF ENGINEER. A comprehensive engineer's report describing the project, the basis of design including design data, and all other pertinent data necessary to give an accurate understanding of the work to be undertaken and the reason therefor. Such report shall contain a certificate of a registered engineer certifying that in the professional opinion of such registered engineer the facility or project will fully comply with the requirements of this chapter and the rules and regulations promulgated hereunder, and will not cause or tend to cause any pollution as herein defined.

(b) BLUE PRINTS. Blue prints or white prints of the drawings of the work to be done in sufficient detail necessary to make it clear to the contractor constructing the facility or project exactly what work is to be accomplished.

(c) SPECIFICATIONS. Complete specifications in sufficient detail necessary to supplement the drawings and specify the work and the methods by which it is to be accomplished.

(d) PROCESSES. A description of all processes proposed to be utilized in connection with the operation of the facility or project sufficient to indicate whether or not such processes will reasonably comply with the requirements of this chapter.

(e) ADDITIONAL DATA. Such additional data and information as may be reasonably required by the pollution control officer or by rules and regulations promulgated under this chapter.

Section 24-32. Registered engineer required.

The drawings, specifications and other data submitted with the application filed hereunder shall be prepared by a competent professional engineer or engineers registered under the provisions of Chapter 471, Florida Statutes. The plans and other data required to be submitted with the application shall have affixed thereto the names and certificate and registration number of the engineer preparing the same. The pollution control officer shall not accept or receive any application that does not comply with the requirements of this section.

Sections 24-33. Standards for preparation of plans.

(1) Waste treatment works shall be designed in accordance with the sewerage guide promulgated by the Florida State Board of Health, or similar professional publication, recommended standards for sewage works and water pollution control federation manuals of practice numbered eight and nine, as applicable to conditions prevailing within Dade County, and in accordance with good engineering practices.

(2) Outfalls shall be extended or carried to the channel of a stream or to deep water where outlet is submerged at all times.

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The extent and length of the outfall shall conform to the requirements of the pollution control officer. No outfall shall be approved unless satisfactory evidence is presented to establish that solids or other objectionable pollutants will not be deposited on the shore, and that other forms of pollution will not be caused.

(3) Grease traps shall be provided and installed in accordance with the rules and regulations promulgated under the provisions of this chapter. Wastes containing sizable quantities of grease such as those produced by restaurants shall not be deemed suitable for disposal into tile drainfields.

(4) Drainage well shall not be used for disposal of treated or untreated wastes except as approved by the pollution control officer.

(5) Air contaminants to the atmosphere in accordance with the provisions of this chapter shall be designed in accordance with good engineering practice taking into consideration the conditions prevailing within this county. Such facilities shall comply with the requirements of this chapter and rules and regulations promulgated under and pursuant to the provisions of this chapter.

Section 24-34. Construction of waste facility or air pollution abatement facility.

After approval of an application, the person causing the installation or construction of the project or facility shall furnish the pollution control officer with monthly reports of a registered engineer

certifying that the work to date has been accomplished in strict compliance with the approved plans, drawings and specifications and that there has been no major or substantial deviation therefrom. If during construction, changes are proposed which would materially alter the quality characteristics of the effluent of a waste facility, or which would materially alter the emission of air pollutants of an air pollution abatement facility, then plans and specifications for such changes prepared by a registered engineer shall be submitted to the pollution control officer for approval before making such changes. The pollution control officer shall have the right at any reasonable time to enter upon the project for the purpose of making inspections of the work, and may require reports and additional information at any stage of construction.

Section 24-35. Certificate of Occupancy. No certificate of occupancy shall be issued by the county or any municipality for any facility or project subject to the provisions of this chapter, and no such facility or project shall commence operations, until the pollution control officer certifies that the work has been completed in strict compliance with the approved plans and specifications, and that there is good cause to believe that the facility or project will not cause pollution in violation of the provisions of this chapter, and an operating permit has been obtained from the pollution control officer.

Section 24-36. Operation of Facility; Competent Supervision. The owners or operators of each facility or project installed or constructed under the provisions of this chapter shall provide competent and responsible personnel for the operation thereof in order that the requirements of this chapter shall be observed and

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complied with in respect to the operation of such facility or project. Competent personnel shall be construed to mean a person or persons who has experience or knowledge concerning the proper operation of the particular facility involved, and a knowledge of the basic scientific principles relating to the proper operation of waste treatment plants and collection systems, or a knowledge of the basic scientific principles relating to the proper operation of facilities causing emissions of air contaminants from incineration, salvage, heat transfer, general combustion, or other operations of a similar nature, as the case may be. The names and qualifications of the supervisory personnel responsible for the proper operation of such facilities shall be furnished to the pollution control officer upon request.

Section 24-37. Abnormal Occurrences.

(1) Reports required. In the event of any breakdown or lack of proper functioning of any facility installed or operating under the provisions of this chapter, which causes or may cause improperly treated sewage or industrial wastes to be discharged from the plant or facility, or which causes or may cause the emission of air contaminants in excess of the quantity permitted by the provisions of this chapter, it shall be the duty of the owner or operator thereof to immediately notify the pollution control officer, and to take all actions reasonably necessary to prevent or minimize air or water pollution.

(2) Power to stop operation of facility. If in the judgment of the pollution control officer the abnormal operation of any facility, equipment, process, or plant is causing or will cause air pollution or water pollution to such extent as to be or become dangerous to the public health, safety or welfare, he may require such corrective

measures as may be necessary for the protection of the public on an emergency basis, and he shall have the power and authority to cause all operation of the facility or plant to cease until appropriate corrective measures have been taken. Clean up operations shall be accomplished at the cost of the owner or operator of a facility or plant to restore all affected areas to the same condition existing prior to an abnormal occurrence or breakdown, in the manner prescribed by the pollution control officer.

(3) Permissible operations. Discharges or emissions exceeding any of the limits established in this chapter as a direct result of upset conditions in or breakdown of any pollution control equipment or related operating equipment, or as a direct result of the shutdown of such equipment for scheduled maintenance, shall not be deemed to be in violation of the rules establishing such limits, provided that such occurrence shall have been reported to the pollution control officer as soon as reasonably possible; for scheduled maintenance such report shall be submitted at least 24 hours prior to shutdown, and for upset conditions or breakdown such report shall in any case be made within four hours of the occurrence; and provided that the person responsible for such discharge or emission shall, with all practicable speed, initiate and complete appropriate reasonable action to correct the conditions causing such discharge or emission to exceed said limits; to reduce the frequency of occurrence of such conditions; to minimize the amount by which said limits are exceeded; and to reduce the length of time for which said limits are exceeded; and shall, upon request of the pollution control officer submit a full report of such occurrence, including a statement

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of all known causes and of the scheduling and nature of the actions taken; provided that the provisions of this subsection shall not be construed to permit any nuisance or any other conditions dangerous to the public health, safety or welfare, or as imposing any limitation upon the powers of the pollution control officer prescribed in subsection (2) hereof.

Section 24-38. Operating Records. The owner or operator of any facility installed under the provisions of this chapter shall cause to be maintained and kept such records of the operation data and control tests as may be required by the pollution control officer to indicate the operating efficiency of such facility, and to show whether or not such facility is causing pollution as herein defined, and to furnish all such information and data concerning the operation of the facility as the pollution control officer may require from time to time.

Section 24-39. Circumvention Unlawful. It shall be unlawful for any person to build, erect, construct, install, design, or use any article, device, machine, equipment, process, or other contrivance, the use of which, without resulting in a reduction in the total discharge of contaminants in the water, or the total release or emission of air contaminants to the atmosphere, conceals a discharge or an emission which would otherwise constitute a violation of the provisions of this chapter.

Section 24-40--24-42. Reserved.

Section 24-43. Prohibition Against Use of Hard Detergents. The board of county commissioners finds and determines that the use of biologically non-degradable detergents, known as hard detergents, in this metropolitan area is detrimental to the public health, safety and

welfare and causes unnecessary water pollution. On and after July 1, 1965, it shall be unlawful for any person to use, sell or have in his possession any products or compounds containing biologically non-degradable detergents.

Sections 24-44--24-46. Reserved.

Section 24-47. Application of Chapter and Time for Compliance

(1) New facilities. On and after the effective date of this chapter, any person installing, constructing or placing in operation for the first time any facility, equipment or process, the use of which will or may cause, or reasonably tend to cause, any air or water pollution as defined and controlled by this chapter, or who shall undertake the alteration, reconstruction or extension of existing facilities, equipment or processes in such a substantial manner as to materially increase the level or amount of air or water pollution, shall be subject to and required to comply with all the provisions of this chapter:

(2) Existing facilities. All facilities, equipment, plants and projects that are in actual use and operation on the effective date of this chapter shall have until and including January 1, 1968, to fully comply with and conform to the requirements of this chapter, provided that all existing facilities shall comply with, and shall not commit violations of, the following provisions of this chapter after January 1, 1964, namely: Section 24-3 (14) (Nuisance); Section 24-11 (Toxic waste discharges); Section 24-15 (Black smoke emissions); Section 24-18 (Open burning); and Section 24-23 (Reduction of animal matter).

(3) Intent. It is intended that the provisions of this chapter shall be applicable to all new facilities and to any major or substantial addition, enlargement or extension of existing facilities;

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that existing facilities shall have until January 1, 1964, to comply with the specific sections of this chapter enumerated in subsection (2) hereinabove; and that existing facilities shall have until January 1, 1968, to comply with all other sections or provisions of this chapter (except those specifically designated in subsection (2) hereof), subject only to variances or extensions of time for compliance granted pursuant to the provisions of this chapter.

(4) Replacements. The replacement with identical or similar parts and minor changes that do not affect the character of the waste discharge or emission of air contaminants, or do not materially increase the existing amount of air or water pollution, shall not be considered as constituting the alteration, reconstruction or extension of an existing facility, but shall be considered as constituting an existing facility, for the purpose of this chapter.

(5) Exceptions:

(a) MOVING SOURCES OF POLLUTION. The provisions of this chapter shall not be applicable to moving sources of air and water pollution engaged in interstate commerce, such as air craft, locomotives, buses and trucks, nor shall the provisions of this chapter be applicable to any motor vehicles, nor to cranes, derricks and similar mobile equipment, while operating for the purpose of transporting passengers or freight or in performance of the activities for which they were designed. The provisions of this chapter shall be applicable to operations relating to the manufacture, repair, or destruction of such moving sources of pollution.

(b) ROCKETRY. The board of county commissioners recognizes and finds that rocket engine processing and testing is a

relatively new art and as such there does not presently exist any adequate standards or criteria by which to properly evaluate or determine the existence, if any, of excessive contaminants or pollutants. Rocket engine processing and testing, and the disposition of waste material pertinent thereto, is, therefore, presently excluded from the operation and effect of this chapter; provided, however, such industry shall remain under the regular surveillance of the pollution control officer, who is hereby directed to make, from time to time, surveys and inspections of all plants, facilities and equipment engaged in rocket engine processing and testing. Such industry shall make available such data, and shall establish at its own cost such monitoring procedures, as may from time to time be requested by the pollution control officer or the pollution control board. Upon determining the existence of a need, if any, for the promulgation of regulations governing the emission of contaminants and pollutants by facilities engaged in rocket engine processing and testing, the pollution control board shall, after notice and hearing promulgate such regulations as may be necessary.

(6) Applicability. The provisions of this chapter shall be applicable to all water craft utilizing or operating in any of the waters within the territorial boundaries of this county.

Section 24-48. Variances and extensions of time for compliance.

The Pollution Control Board shall have the power and authority to grant or extend from time to time variances and extensions of time for compliance with the requirements of this chapter to new or existing facilities, equipment and processes. Such variances or extensions may be granted to specific facilities, equipment or processes or to a class.

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The board may grant such variances or extensions only if it is affirmatively established by competent factual data and information that strict compliance with the requirements of this chapter is impossible or inappropriate because of conditions beyond the control of the person or persons involved, or that strict compliance would result in substantial curtailment or closing down of a plant, project or operation which would be detrimental to the public interest, or that the particular operation is essential for the public health or the national security, or that no technically feasible, economically reasonable means of compliance are available to the person or persons involved, or that the variance or extension will not be detrimental to the public health, welfare and safety and will not create a nuisance and will not materially increase the level of pollution in this county, or that a more unhealthy condition will occur if a variance or extension is not granted. Variances and extensions of time shall be considered and acted upon in accordance with the provisions of sections 24-47 through 24-49 and the provisions of section 24-7 (4) (b).

Section 24-49. Procedure governing variances and extensions of time.

Applications for variances or extensions of time for compliance with this chapter shall be filed with the pollution control officer in substantially the form prescribed therefor. The pollution control officer shall make written recommendations concerning such applications and promptly file the record with the pollution control board. The pollution control officer may initiate and file with the board an application for

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variance or extension. Upon receipt of an application and the recommendations of the pollution control officer, the board shall promptly hold a public hearing upon the application, after publication of notice of the hearing. All interested persons shall be entitled to be heard before the board. The board shall promptly hear and pass upon all such applications, and shall set forth the grounds and reasons for granting or denying the application. Appeals from the decision of the board may be taken by any interested person by filing a written notice of appeal with the board within fifteen (15) days after the date of the rendition of the decision. Appeals shall be heard and passed upon by the board of county commissioners at a public hearing held pursuant to notice. The decision of the county commission shall be final in that no rehearing or reconsideration shall be permitted as a matter of right. The county commission shall be governed by the provisions of this chapter in considering and passing upon such appeals, and appeals shall be considered and determined solely upon the basis and ground whether there is sufficient evidence to sustain the decision of the pollution control board. The county commission shall not conduct a hearing de novo upon appeal, nor consider matters not presented to the pollution control board. The county commission may affirm, reverse or modify the decision of the pollution control board, or may refer the matter back to the board for additional information; provided that a decision of the board may be reversed or modified only by two-thirds (2/3) vote of the entire membership of the county commission. Any person aggrieved by any decision of the county commission rendered in connection with an appeal from the pollution control board shall be entitled to apply to the circuit court of Dade County for a review of such decision by writ of certiorari filed and prosecuted in accordance

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Section 24-56. Penalties.

If any person shall knowingly fail or refuse to obey or comply with, or willfully violates, any of the provisions of this chapter, or any lawful rule or regulation promulgated hereunder, or any lawful order of the pollution control officer issued or rendered under and pursuant to the provisions of this chapter, such person, upon conviction of such offense, shall be punished by a fine not to exceed five hundred (\$500.00) dollars, or by imprisonment not to exceed sixty (60) days in the county jail, or both in the discretion of the court. Each day of continued violation shall be considered as a separate offense.

Section 2. It is the intent of the County Commission, and it is hereby ordained that the provisions of this amendatory ordinance are hereby made a part of the Code of Metropolitan Dade County, Florida, and the sections of this ordinance may be renumbered to accomplish such intent.

Section 3. If any section, subsection, sentence, clause, phrase, and/or provision of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not impair or affect the remaining portions thereof.

Section 4. The provisions of this ordinance shall become effective ten (10) days after the date of its enactment.

PASSED AND ADOPTED: December 19, 1967

51.

rules and regulations, and the provisions of this chapter, said rules and regulations shall be controlling. Any person who commits a violation of any such rules and regulations of the Florida State Air and Water Pollution Control Commission shall be deemed guilty of committing a violation of this chapter. Violations of such rules and regulations of the Florida State Air and Water Pollution Control Commission shall constitute violations of this chapter triable in the Metropolitan Court.

Section 24-55. Enforcement.

It shall be unlawful for any person to violate any of the provisions of this chapter or any lawful rules and regulations promulgated under this chapter. It shall be the duty of all county and municipal officials and employees to enforce the provisions of this chapter. No building permit shall be issued for the installation of any improvements or facilities governed by the provisions of this chapter without the prior approval of the pollution control officer. The provisions of this chapter and lawful rules and regulations promulgated hereunder may be enforced by injunction, or other appropriate civil action. In addition to any other remedies provided by this chapter or otherwise, the pollution control officer is authorized to make application for injunction to enjoin and restrain any person from violating or continuing to violate any of the provisions of this chapter or from failing or refusing to comply with the requirements of this chapter or any lawful rules or regulations promulgated hereunder or any lawful order of the pollution control officer, in order to prevent irreparable damage and injury to the public health, safety and welfare.

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Section 24-56. Penalties.

If any person shall knowingly fail or refuse to obey or comply with, or willfully violates, any of the provisions of this chapter, or any lawful rule or regulation promulgated hereunder, or any lawful order of the pollution control officer issued or rendered under and pursuant to the provisions of this chapter, such person, upon conviction of such offense, shall be punished by a fine not to exceed five hundred (\$500.00) dollars, or by imprisonment not to exceed sixty (60) days in the county jail, or both in the discretion of the court. Each day of continued violation shall be considered as a separate offense.

Section 2. It is the intent of the County Commission, and it is hereby ordained that the provisions of this amendatory ordinance are hereby made a part of the Code of Metropolitan Dade County, Florida, and the sections of this ordinance may be renumbered to accomplish such intent.

Section 3. If any section, subsection, sentence, clause, phrase, and/or provision of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not impair or affect the remaining portions thereof.

Section 4. The provisions of this ordinance shall become effective ten (10) days after the date of its enactment.

PASSED AND ADOPTED: December 19, 1967

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BOOK

2 162354

Chemical, Physical, or Biological Characteristic (Water Containing Less than 500 ppm Chlorides) (Water Containing More than 500 ppm Chlorides) Ground Water

Sulfides (ppm) 0.2 1.0 0.2
 Coliform Organisms (MPN/100 ml) 1,000⁴ 1,000⁵ 50
 Other Compounds Other toxic or undesirable compounds than those listed above may occur in individual waste streams. Limits for these components may be specified by the Pollution Control Officer based on the latest scientific knowledge concerning toxicity and adverse effects on the intended water use.

Synergistic Action Should scientific evidence indicate that a combination of pollutants exerts a much greater effect than the individual pollutants, the Pollution Control Officer may, on the basis of these findings, lower the herein established limits to the level necessary to prevent damage to the waters of the County.

- (1) When the natural background pH lies outside the limits established, the introduction of a waste shall not displace the pH of the receiving waters more than 0.5 pH units from these standards.
- (2) Waste shall not increase natural background more than 10 percent.
- (3) Maximum concentration of cyanides in a surface water used as a drinking water supply shall be 0.01 ppm.
- (4) Maximum MPN/100 ml in a surface water used as a drinking water supply shall be 100.
- (5) Maximum MPN/100 ml in a tidal water from which shellfish are harvested for human consumption shall be 70.
- (6) Maximum concentration of fluoride in a surface water used as a drinking water supply shall be 1.4 ppm F.

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Chemical, Physical, or Biological Characteristic (Water Containing Less than 500 ppm Chlorides) (Water Containing More than 500 ppm Chlorides) Ground Water

Dissolved Oxygen (ppm) 5 ppm during at least 10 hours per 24-hour period, never less than 4 ppm, unless acceptable data indicate that the natural background D. O. is lower than the values established herein.

Biochemical Oxygen Demand (ppm) Shall not exceed value which would cause dissolved oxygen to be depressed below values listed under Dissolved Oxygen and in no case shall be great enough to produce nuisance conditions. 6.0--8.51

pH 6.0--8.51

Floating solids, settleable solids, sludge deposits None attributable to sewage, industrial wastes, or other wastes. 15 None attributable to sewage, industrial wastes, or other wastes.

Oil and Grease (ppm) 15 None attributable to sewage, industrial wastes, or other wastes.

Odor Producing substances 15 None attributable to sewage, industrial wastes, or other wastes.

Temperature Turbidity, units Not to exceed 95°F 50--Except after heavy rains. 2.5 @ pH 7.0 2502

Ammonia (ppm) 0.05 Not to exceed 95°F 2.5 @ pH 7.0 (2)

Chlorides (ppm) 1.0 0.5

Chromium (ppm) 1.0 1.0

Hexavalent (ppm) 0.4 0.4

Total (ppm) 0.013 0.01

Copper (ppm) Not more than 10 units above normal background

Cyanides (ppm) 0.5

Color (units) 1.46

Detergents (ppm) 0.05

Fluoride (ppm) 0.001

Lead (ppm) 0.001

Phenol (ppm) 1.0

Zinc (ppm) 1.0

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TO Honorable T. C. Britton
County Attorney

DATE August 29, 1967 REFER TO:

FROM Hoke Welch
Assistant County Manager

SUBJECT Chapter 24 - Dade County Code
Pollution Control Ordinance

Hoke Welch

Attached is a memorandum from Paul Leach, Pollution Control Officer. We would appreciate the preparation of the ordinance recommended in the last paragraph of his memorandum.

HW:gm
Attachment

RECEIVED
AUG 29 1967

COUNTY ATTORNEY

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MEMORANDUM

103.01-14

TO Honorable Porter W. Homer
County Manager

DATE August 29, 1967

SUBJECT Chapter 24 - Dade County Code
Pollution Control Ordinance

FROM *Paul W. Leach*
Paul W. Leach
Pollution Control Officer

With the passage of Senate Bill 520, now Chapter 67-436, Laws of Florida, 1967, which became law on August 4, 1967, various changes are required in our Pollution Control Ordinance to bring it into agreement with this law.

The majority of these changes, require only a change in the recognition of the State Agency which formerly was the Florida State Board of Health, now the Florida Air and Water Pollution Control Commission. Changes of this nature are in Sections 24-2, 24-5 (1) (9) (12), 24-7 (4) c, 24-11 (5), 24-21, 24-30 (1) (2) (4), 24-33 (1) (2) (3) (4) (5), 24-34, 24-35, 24-54 and 24-55.

Further revisions are also necessary whereby references to the Department of Public Health are concerned must be changed. These changes will replace the Department of Public Health with the Pollution Control Officer. Changes of this nature are in Sections 24-4, 24-5 (13) (14), 24-15 (a), 24-31 (1), 24-31 (2) e, 24-32, 24-34, and 24-53.

Other sections of the ordinance also require modification, namely:

24-11 (3) Prohibitions Against Water Pollution. Some of the standards listed in this table were improperly titled or not titled at all in the original draft. Further, the superscripted footnotes were improperly placed in several cases and have never been corrected.

24-32 Registered Engineer Required. A rewrite of this section is mandatory, as it has been found that many installations requiring a permit would not reasonably require the certification of a Registered Engineer. I, therefore, recommend that this section be made permissive rather than mandatory.

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Honorable Porter W. Homer
August 29, 1967
Page No. 2

24-33 Standards for Preparation of Plans. Rewriting of this section is required due to the repeal of the sections of the Florida State Sanitary Code which are referred to in this ordinance.

I have discussed these changes with the County Attorney's Office and would recommend the transmission of this request to them so that they may prepare the necessary amendatory ordinances. These changes will bring us into compliance with the provisions of Chapter 67-436, Laws of Florida, 1967.

PWL/sb

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August 24, 1967

Honorable Claude R. Kirk, Jr.
Governor, State of Florida
State Capitol Building
Tallahassee, Florida

Re: Request for Approval by Florida
Air and Water Pollution Control
Commission of Dade County's Local
Air and Water Pollution Control
Program and for Delegation of
Permit Power.

Dear Governor Kirk:

As you know, Senate Bill 520 relating to air and water pollution control became law on August 4, 1967. The effective date of this law is September 1, 1967.

In summary, this new law repeals Chapter 403 and Section 381.031(1) g(7), Florida Statutes, and revokes the rule making power of all state agencies with respect to pollution control. All state pollution control powers are vested in the new Florida Air and Water Pollution Control Commission. This Commission has the exclusive power to issue permits for the operation, construction or expansion of any installation that may be a source of air or water pollution but this power may be delegated to local pollution control agencies. Local programs which comply with the act

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Honorable Claude R. Kirk, Jr.

August 24, 1967

Page No. 2

are permitted under the new law and it is expressly provided that, "Local pollution control programs in existence on the effective date of this act shall not be ousted of jurisdiction if such local program complies with this act." Section 19(1), S.B. 520.

Dade County has for some years had a local pollution control program which is authorized by Chapter 24, Code of Metropolitan Dade County, a certified copy of which is enclosed and forwarded with this letter. This Dade County program has been very effective and has a present budget of around \$500,000. About \$250,000 in federal funds is committed to Dade County for pollution control.

We feel that the standards of Dade County's pollution control program are equal to or stricter than the standards of the new state law. We also feel, however, that certain changes in our present ordinance are required to bring it into conformity with the new state law. For example, our present ordinance incorporates rules and regulations promulgated by the State Board of Health. In the future, only the new Florida State Air and Water Control Commission will have the power to promulgate rules and regulations concerning pollution control. Accordingly, our ordinance will have to be amended to state that the rules and regulations of this new commission are incorporated into our ordinance.

We have, therefore, prepared an amended Chapter 24, Code of Metropolitan Dade County, which makes the necessary changes to bring our local pollution control program into

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Honorable Claude R. Kirk, Jr.
August 24, 1967
Page No. 3

conformity with state law and we are forwarding with this letter a copy of the proposed amended ordinance. We expect this amended ordinance to be adopted on first reading by the Board of County Commissioners on September 5, 1967 and to be finally passed on September 20, 1967.

We request the Florida State Air and Water Pollution Control Commission to approve our local program as adequate to meet the requirements of the new state law.

We also request the Commission to immediately delegate to our Pollution Control Officer the authority to issue and refuse permits for the operation, construction or expansion of any installation that may be a source of air or water pollution as defined in the new state law and in our ordinance. This power is essential to the continued effectiveness of our local program. Without it, we cannot function.

We know that you are as pressed for time in this matter as we are but we are certain that you will give our request immediate consideration in light of the urgency of our situation.

If you have any suggestions to offer or if you need any additional information to pass on our request, we will respond immediately upon hearing from you.

Thank you for your cooperation.

Respectfully yours,

Thomas C. Britton
County Attorney

By _____
Gerald T. Wetherington
Assistant County Attorney

TCB/GTW/cb
Enclosures

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BOOK

2 PG 2362

STATE OF FLORIDA)
)
COUNTY OF DADE)

I, RICHARD P. BRINKER, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of following denoted ORDINANCE of Dade County, Florida, as appears of record.

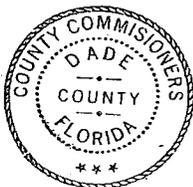
ORDINANCE NO. 67-95, adopted by the said Board of County Commissioners at its meeting held on Dec 19, 1967

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
on MAY 20 1980 A.D. 1980

RICHARD P. BRINKER, Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By /s/ **RAYMOND REED**
Deputy Clerk

SEAL



BOARD OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

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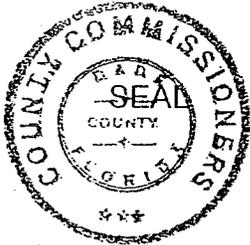
BOOK 2 PG 2363

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

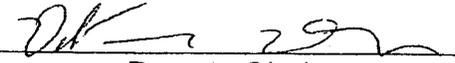
SS:

I, **HARVEY RUVIN**, Clerk of the Circuit and County Courts, in and for Miami-Dade County Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, **Do Hereby Certify** that the above and foregoing is a true and correct copy of Ordinance 67-95, approved by the Board of County Commissioners at its meeting of December 19, 1967, as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 20th day of December, A.D. 2006.



HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County Florida

By: 
Deputy Clerk

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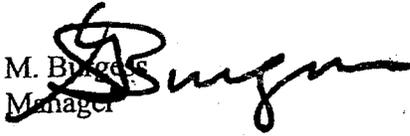
Board of County Commissioners
Miami-Dade County, Florida

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: June 22, 2004

FROM:

George M. Burgess
County Manager



SUBJECT: Ordinance Reorganizing and Consolidating Chapter 24 of the Code of Miami-Dade, County, Florida; Section 7-5 of the Code of the Code of Miami-Dade County, Florida; Section 7-5.1 of the Code of Miami-Dade County, Florida; Chapter 24A of the Code of Miami-Dade County, Florida; and Amending Section 8CC-10 of the Code of Miami-Dade County, Florida Relating to the Schedule of Civil Penalties for Code Enforcement

RECOMMENDATION

It is recommended that the Board approve the attached ordinance reorganizing and consolidating Chapter 24 of the Code of Miami-Dade County, Florida, Section 7-5 of the Code of Miami-Dade County, Florida, Section 7-5.1 of the Code of Miami-Dade County, Florida, Chapter 24A of the Code of Miami-Dade County, Florida, and amending Section 8CC-10 of the Code of Miami-Dade County, Florida relating to the schedule of civil penalties for code enforcement.

BACKGROUND

Chapter 24 of the Code of Miami-Dade County, Florida (Chapter 24), was originally enacted in 1967. Over the past thirty-seven years Chapter 24 has been amended many times.

Environmental regulations that have been previously adopted and codified into chapters of the Code of Miami-Dade County, Florida, other than Chapter 24, are being transferred into Chapter 24 to consolidate environmental regulations into one primary chapter of the Code. The proposed ordinance does not make any substantive changes, additions, or deletions.

The proposed ordinance is the first phase of a multiphase review of Chapter 24. Subsequent phases will systematically review the substantive language of the environmental regulations that will result in further ordinances amending Chapter 24. In addition, correction of scrivener's errors, spelling and punctuation errors, grammatical errors, and other non-substantive changes will proceed throughout this multiphase process.

A public workshop was held in January 2004 concerning this proposed ordinance to receive comments and suggestions from the regulated community, industry, governmental representatives, environmental organizations, and the general public.

FISCAL IMPACT

The proposed ordinance will have no fiscal impact on Miami-Dade County.

T. Mantofor Pedro G. Hernandez
Assistant County Manager

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MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners
DATE: November 30, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(M)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6(M)

11-30-04

ORDINANCE NO. _____

ORDINANCE REORGANIZING AND CONSOLIDATING CHAPTER 24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO ENVIRONMENTAL PROTECTION, CHAPTER 24A OF THE CODE (ENVIRONMENTALLY ENDANGERED LANDS PROGRAM), SECTION 7-5 OF THE CODE (BISCAYNE BAY AND ENVIRONS DESIGNATED AQUATIC PARK AND CONSERVATION AREA), AND SECTION 7-5.1 OF THE CODE (BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND); REPEALING CHAPTER 24, CHAPTER 24A, SECTION 7-5, AND SECTION 7-5.1 OF THE CODE; ENACTING A CONSOLIDATED CHAPTER 24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTION 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE SCHEDULE OF CIVIL PENALTIES FOR CODE ENFORCEMENT; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Chapter 24 of the Code of Miami-Dade County, Florida, relating to environmental protection, incorporated herein by reference hereto, is hereby repealed in its entirety. Ordinances enacted by the Board of County Commissioners of Miami-Dade County, Florida, pursuant to Chapter 24 of the Code of Miami-Dade County, Florida, if any, which are not codified, shall not be affected by this repeal and shall remain in full force and effect. Resolutions, rules, and regulations adopted by the Board of County Commissioners of Miami-Dade County, Florida, if any, pursuant to Chapter 24 of the Code of Miami-Dade County, Florida, shall not be affected by this repeal and shall remain in full force and effect.

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Special, local or general laws applicable only to Miami-Dade County, Florida, and any ordinances enacted by the Board of County Commissioners of Miami-Dade County, Florida, and any resolutions adopted by the Board of County Commissioners of Miami-Dade County, Florida, pursuant to such special, local or general laws applicable only Miami-Dade County, Florida, if any, shall not be affected by this repeal and shall remain in full force and effect.

Section 2. Section 7-5 of the Code of Miami-Dade County, Florida, relating to Biscayne Bay and environs designated aquatic park and conservation area, incorporated herein by reference hereto, is hereby repealed in its entirety. Ordinances enacted by the Board of County Commissioners of Miami-Dade County, Florida, if any, pursuant to Section 7-5 of the Code of Miami-Dade County, Florida, which are not codified, shall not be affected by this repeal and shall remain in full force and effect. Resolutions, rules, and regulations adopted by the Board of County Commissioners of Miami-Dade County, Florida, if any, pursuant to Section 7-5 of the Code of Miami-Dade County, Florida, shall not be affected by this repeal and shall remain in full force and effect. Special, local or general laws applicable only to Miami-Dade County, Florida, and any ordinances enacted by the Board of County Commissioners of Miami-Dade County, Florida, and any resolutions adopted by the Board of County Commissioners of Miami-Dade County, Florida, pursuant to such special, local or general laws applicable only Miami-Dade County, Florida, if any, shall not be affected by this repeal and shall remain in full force and effect.

Section 3. Section 7-5.1 of the Code of Miami-Dade County, Florida, relating to the Biscayne Bay Environmental Enhancement Trust Fund, incorporated herein by reference hereto, is hereby repealed in its entirety. Ordinances enacted by the Board of County Commissioners of Miami-Dade County, Florida, if any, pursuant to Section 7-5.1 of the Code of Miami-Dade County, Florida, which are not codified, shall not be affected by this

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repeal and shall remain in full force and effect. Resolutions, rules, and regulations adopted by the Board of County Commissioners of Miami-Dade County, Florida, if any, pursuant to Section 7-5.1 of the Code of Miami-Dade County, Florida, shall not be affected by this repeal and shall remain in full force and effect. Special, local or general laws applicable only to Miami-Dade County, Florida, and any ordinances enacted by the Board of County Commissioners of Miami-Dade County, Florida, and any resolutions adopted by the Board of County Commissioners of Miami-Dade County, Florida, pursuant to such special, local or general laws applicable only Miami-Dade County, Florida, if any, shall not be affected by this repeal and shall remain in full force and effect.

Section 4. Chapter 24A of the Code of Miami-Dade County, Florida, relating to the Environmentally Endangered Lands Program, incorporated herein by reference hereto, is hereby repealed in its entirety. Ordinances enacted by the Board of County Commissioners of Miami-Dade County, Florida, if any, pursuant to Chapter 24A of the Code of Miami-Dade County, Florida, which are not codified, shall not be affected by this repeal and shall remain in full force and effect. Resolutions, rules, and regulations adopted by the Board of County Commissioners of Miami-Dade County, Florida, pursuant to Chapter 24A of the Code of Miami-Dade County, Florida, if any, shall not be affected by this repeal and shall remain in full force and effect. Special, local or general laws applicable only to Miami-Dade County, Florida, and any ordinances enacted by the Board of County Commissioners of Miami-Dade County, Florida, and any resolutions adopted by the Board of County Commissioners of Miami-Dade County, Florida, pursuant to such special, local or general laws applicable only Miami-Dade County, Florida, if any, shall not be affected by this repeal and shall remain in full force and effect.

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Section 5. Chapter 24 of the Code of Miami-Dade County, Florida, relating to environmental protection, Biscayne Bay and environs designated aquatic park and conservation area, the Biscayne Bay Environmental Enhancement Trust Fund, and the Environmentally Endangered Lands Program, is hereby enacted as follows:

ARTICLE I. IN GENERAL

DIVISION 1. General Provisions

Sec. 24-1. Short title.

This chapter enacted under and pursuant to the provisions of the Home Rule Charter of Government for Miami-Dade County, Florida, shall be known and may be cited as the "Miami-Dade County Environmental Protection Ordinance."

Sec. 24-2. Declaration of legislative intent.

The Board finds and determines that the reasonable control and regulation of activities which are causing or may cause pollution or contamination of air, water, soil and property is required for the protection and preservation of the public health, safety and welfare. It is the intent and purpose of this chapter to provide and maintain for the citizens and visitors of Miami-Dade County standards which will insure the purity of all waters consistent with public health and public enjoyment thereof, the propagation and protection of wildlife, birds, game, fish and other aquatic life, and atmospheric purity and freedom of the air from contaminants of synergistic agents injurious to human, plant or animal life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business. The Board finds it necessary to establish, within the unincorporated and incorporated areas of Miami-Dade County, Countywide water control, coastal engineering, and coastal wetlands management programs for the purpose of maintaining adequate water levels, flood control, drainage, water conservation, and prevention of saltwater intrusion; for preserving beaches and shorelines; for managing coastal wetland resources; for acquisition of lands by gift, donation, purchase, condemnation or otherwise, as necessary for such programs; and providing for cooperation with federal, State and local agencies and authorities.

The Board further finds it necessary to maintain within Miami-Dade County a freshwater wetlands management program for the purposes of providing adequate water levels, flood control, water conservation, protection of water quality and recharge to the Biscayne aquifer, and prevention of saltwater intrusion; for the maintenance of the biological integrity of freshwater wetlands in Miami-Dade County; for the protection of the interrelated natural functions between Miami-Dade County's wetlands and the natural systems in Everglades National Park; for managing freshwater wetland resources in accordance with environmental standards and management criteria as recommended by the Miami-Dade County Comprehensive Development Master Plan and Chapter 33B of the Code of Miami-Dade County, Florida, as amended from time to time; and providing for

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cooperation with federal, State, and local agencies and authorities.

The Board finds it necessary to establish for Miami-Dade County a Tree and Forest Resources Program for the purpose of protecting, preserving and replacing tree canopy, preserving natural forest communities including associated understory, providing protection for specimen-size trees and environmentally-sensitive tree resources, conserving rare, endangered, threatened and endemic species, protecting historically-significant tree resources, promoting the preservation of subtropical vegetation and unique or unusual species, providing for wildlife habitat, maintaining the natural character of neighborhoods, preserving the natural diversity of species, promoting environmentally-sound aesthetics, and providing for improved environmental quality by recognizing the numerous beneficial effects of trees (including improvements to air quality, maintenance of land areas essential to surface water management and aquifer recharge, reduction of heat and noise pollution, water and energy conservation and provision of shade and physical and psychological benefits to the people of Miami-Dade County by enhancing urban development). This program shall be a minimum standard and shall apply to both the incorporated and unincorporated areas, and in the unincorporated areas shall be enforced by the Department of Environmental Resources Management, and in the incorporated areas shall be enforced by the municipalities, unless the County is notified by a municipality, in the form of a letter from an official of the municipality or by resolution, that the municipality desires the County to enforce the County Tree Management Program within the municipality. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of Ordinance Number 89-8.

The provisions of this chapter are not intended and shall not be construed as superseding or conflicting with any statutory provisions relating to, or rules and regulations promulgated by, the Florida State Department of Environmental Regulation, but shall be construed as implementing and assisting the enforcement thereof. It is not the intent of this Board to hereby preempt the authority of any municipality in the exercise of its authority to issue coastal construction permits or to restrict it from adopting more stringent standards, the purpose of this chapter being to establish minimum standards for the issuance of coastal construction permits within all of Miami-Dade County.

Sec. 24-3. Rules and regulations.

The Board of County Commissioners shall adopt, revise, and amend from time to time appropriate rules and regulations reasonably necessary for the implementation and effective enforcement, administration and interpretation of the provisions of this chapter, and to provide for the effective and continuing control and regulation of air and water pollution in this County within the framework of this chapter. No such rules and regulations, including amendments thereto, shall be adopted or become effective until after a public hearing has been held by the County Commission pursuant to notice published at least ten (10) days prior to the hearing. When adopted by the County Commission and filed with the clerk, such rules and regulations shall have force and effect of law.

Sec. 24-4. Application of chapter and time for compliance.

- (1) *New facilities.* On and after the effective date of this chapter, any person

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installing, constructing, or placing in operation for the first time any facility, equipment or process, the use of which will or may cause, or reasonably tend to cause, any air or water pollution as defined and controlled by this chapter, or who shall undertake the alterations, reconstruction or extension of existing facilities, equipment or processes in such a substantial manner as to materially increase the level or amount of air or water pollution, shall be subject to and required to comply with all the provisions of this chapter.

2) *Existing facilities.* All facilities, equipment, plants and projects that are in actual use and operation on the effective date of this chapter shall have until and including January 1, 1968, to fully comply with and conform to the requirements of this chapter, provided that all existing facilities shall comply with, and shall not commit violations of, the following provisions of this chapter after January 1, 1964, namely: Section 24-3(42) (Nuisance); Section 24-11 (Toxic waste discharges); Section 24-15 (Black smoke emissions); Section 24-12 (Open burning); and Section 24-23 (Reduction of animal matter).

3) *Intent.* It is intended that the provisions of this chapter shall be applicable to all new facilities and to any major or substantial addition, enlargement or extension of existing facilities; that existing facilities shall have until January 1, 1965, to comply with the specific sections of this chapter enumerated in subsection (2) hereinabove; and that existing facilities shall have until January 1, 1968, to comply with all other sections or provisions of this chapter (except those specifically designated in subsection (2) hereof), subject only to variances or extensions of time for compliance granted pursuant to the provisions of this chapter.

4) *Replacements.* The replacement with identical or similar parts and minor changes that do not affect the character of the waste discharge or emission of air contaminants, or do not materially increase the existing amount of air or water pollution, shall not be considered as constituting the alteration, reconstruction or extension of an existing facility, but shall be considered as constituting an existing facility, for the purpose of this chapter.

Sec. 24-5. Definitions.

In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in Chapter 403, Florida Statutes, as may be amended from time to time, and in rules and regulations promulgated thereunder, as may be amended from time to time, shall apply. The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

1990 Urban Development Boundary shall mean the line established by the Miami-Dade County Board of County Commissioners on July 8, 1983 by Ordinance 83-58 delineating the approved urban development boundary for Miami-Dade County, as amended by ordinance from time to time.

Abandoned shall mean has not been operated for ninety-one (91) days or more within any six-month period of time.

Aboveground storage facility shall mean a tank, pipe, vessel or other container, or any

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combination of the foregoing, used or designed to be used for the aboveground storage or aboveground transmission of hazardous materials including but not limited to line leak detectors, monitoring wells and secondary containment system associated therewith. Aboveground storage facilities shall only include a facility which has more than ninety (90) percent of its volume above the surface of the ground.

Adequate protection by natural means shall mean one (1) or more of the following processes of nature that produces water consistently meeting the requirements of the standards in this chapter: Dilution, storage, sedimentation, sunlight, aeration, and the associated physical and biological processes which tend to accomplish natural purification in surface waters and, in the case of groundwaters, the natural purification of water by infiltration through soil and percolation through underlying material and storage below the ground water table, as may be approved by the DERM.

Adequate protection by treatment shall mean complete or full treatment which is the combination of the controlled processes of coagulation, sedimentation, absorption, filtration, disinfection, or other processes which produce a water consistently meeting the potable water standards including processes which are appropriate to the quality of the raw water supply; works which are of adequate capacity to meet maximum demands without creating health hazards, and which are located, designed and constructed to eliminate or prevent pollution; and conscientious operation by well trained and competent personnel whose qualifications are commensurate with the responsibilities of the position and acceptable to the DERM.

Adequate transmission capacity shall mean that each pump stations receiving sewage flow from the sewer service connection, the pump station immediately upstream from the pump station receiving sewage flow from the sewer service connection, and all pump stations through which sewage flow from the sewer service connection is transmitted to the wastewater treatment facility receiving such sewage flow, is operating (A) with fixed-speed pumps at a nominal daily average pump station operating time equal to or less than ten (10) hours per day, taking into account all existing sewage flow and loadings, including anticipated sewage flow resulting from all previously authorized sewer service connections or (B) with multiple-speed pumps at a nominal average power consumption that is equal to or less than forty-six (46) percent of the rated multiple-speed pump station motor horsepower or the equivalent thereof as approved by the director of his designee or (C) with variable-speed pumps at a nominal average power consumption that is equal to or less than a percentage of the rated variable-speed pump station motor horsepower as follows: (i) the percentage for all of the variable frequency driven pumps in the pump station shall be forty-nine (49) percent; (ii) the percentage for all of the magnetic-drive type variable speed pumps in the pump station shall be sixty-five (65) percent; and (iii) the percentage for all of the electrolyte rheostat or resistor bank type of variable speed drive pumps in the pump station shall be sixty-one (61) percent; or the equivalent of any of the foregoing, as applicable, as approved by the director or his designee, or (D) in such a manner that, upon completion of a rainfall dependent peak flow management study approved by the director or his designee, the pump station is capable of managing peak flows (during a one (1) in two-year storm event as determined by the South

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Florida Water Management District) with a back-up pump out-of-service without causing or contributing to overflows in the collection and transmission system.

Adequate treatment capacity shall mean that the wastewater treatment plant which will receive flow from a sewer service connection shall not be in noncompliance as defined in 40 C.F.R. Part 123.45, Appendix A.

Adequate water depth shall mean the vertical extent of the water column above submerged bottom lands which is sufficient at all times to prevent any damage to the submerged bottom lands and to any natural resources in or upon the submerged bottom lands.

Adverse environmental impact shall mean any change in the physical or biological conditions of the natural environment within or adjacent to the area that results in a substantial detrimental effect upon flora, fauna, air, water, minerals or other natural characteristic(s) of the area.

Affected tree shall mean any tree which shall be, or already has been, removed, relocated, or effectively destroyed, thereby requiring a permit pursuant to Ordinance Number 89-8.

Agricultural operation shall mean the growing of crops, the raising of fowl, animals or bees, as a gainful occupation, but shall not include such activities engaged in as a hobby or truck farming in residential areas.

Agricultural site alteration means preparation of a site for commercial or noncommercial horticultural or floricultural uses including, but not limited to, row crops; farms; groves; nurseries; horticultural farming; truck farming; barns, sheds or other structures not habitable by human beings which are used for the storage of farm machinery, fertilizer, seed or other items or equipment ancillary to an on-site agricultural use; and the maintenance and raising of animals for commercial purposes.

Agricultural vehicle or agricultural equipment maintenance facility shall mean a facility which repairs or maintains vehicles or equipment ancillary to and directly supportive of a bona fide agricultural purpose and which vehicle or equipment are owned or operated by the owner or leasee of the agricultural vehicle or agricultural equipment maintenance facility.

Air contaminants shall mean a particulate, gas or odor, including, but not limited to, smoke, charred paper, dust, soot, grime, carbon or any particulate matter, or irritating, malodorous or noxious acids, fumes or gases, or any combination thereof, but shall not include uncombined water vapor.

Air pollution shall be construed to mean the presence in the outdoor atmosphere of one (1) or more air contaminants or the combination thereof in such quantities and of such duration which are injurious to human, plant or animal life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business.

Alter or altering a mangrove tree shall mean removing, poisoning, defoliating, or destroying a mangrove tree, either partially or entirely.

Ambient (natural) temperature shall mean the existing temperature of the receiving water at a location which is unaffected by man-made thermal discharges and a location which is also of a depth and exposure to winds and currents which typify the most environmentally stable portions of the receiving bodies of water.

Annular space shall mean the space between two (2) casings or between the outer casing and the wall of the well hole.

Approved recycling or recovery equipment shall mean any device designed to recapture or reuse ozone-depleting compounds which has the written approval of the Director of the Department of Environmental Resources management or his designee.

Asbestos shall mean a fibrous, rock-forming material, including, but not limited to, such amphibole varieties as tremilite, actinolite, anthophyllite, grunerite, richterite, edenite, amosite, crocicolite, and such serpentine varieties as amianthus and chrysotile, as well as synthetic asbestos fibers, including, but not limited to, fluor-tremilite, fluor-richterite, and fluor-edenite.

Association of primary and secondary wetland plant species shall mean an assemblage of primary and secondary wetland species within a defined area. In order for said assemblage to be classified as an association, it must be composed of at least twenty-five (25) percent primary wetland species.

Average day pumpage wellfield protection area shall mean the area within the cone of influence of a public utility potable water supply well based upon average day pumpage.

Average shall mean the arithmetic average of the results of at least three (3) separate samples collected within a referenced specific time period. At least one (1) of these samples shall be taken at peak flow conditions, where applicable, and a minimum of twenty-five (25) percent of the referenced time period shall serve as an interval between successive samples.

Back-up pump shall mean the highest capacity pump installed in a pump station.

Balanced system shall mean a gasoline or gasohol vapor recovery system that draws such vapor through a nozzle boot to an underground storage tank by means of the pressure differential created as the volume of gasoline or gasohol in the underground storage tank is reduced and the volume of gasoline or gasohol in the motor vehicle fuel tank is increased during motor vehicle refueling.

Basic wellfield protection area shall mean the area within two hundred ten (210) days' travel time from a public utility potable water supply well based upon maximum day pumpage.

Basin B shall mean those lands within the following geographical boundary:

Section 14, 13, and 24, Township 52 south, Range 39 East, less those portions thereof lying southwesterly of the southwesterly right-of-way of Okeechobee Road,

and

Sections 16, 17, 18 and 20, Township 52 South, Range 40 East,

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and

Section 19, Township 52 South, Range 40 East, less that portion thereof lying southwesterly of the northeasterly right-of-way of the Miami Canal and northwesterly of the northwesterly right-of-way of the Florida Turnpike.

and

that portion of Section 21, Township 52 South, Range 40 East, lying westerly of the westerly right-of-way of Interstate I-75,

and

Section 30, Township 52 South, Range 40 East, less that portion thereof lying northwesterly of the northwesterly right-of-way of the Florida Turnpike, and less those portions included within the right-of-way of the Miami River,

and

Section 31, Township 52 South, Range 40 East,

and

Sections 6, 7, 8, 17, 18 and 19, Township 53 South, Range 40 East,

and

Section 30, Township 53 South, Range 40 East, less the southeast one quarter thereof.

All lying in Miami-Dade County, Florida.

Bird Drive Everglades Wetland Basin shall mean the wetlands described below:

That portion of Section 3, Township 54 South, Range 39 East lying south of U.S. Highway 41 (Tamiami Trail) and lying west of S.W. 143 Avenue north of S.W. 9th Terrace and lying west of S.W. 144 Avenue south of S.W. 9th Terrace; those portions of Sections 4, 5, and 6, Township 54 South, Range 39 East lying south of U.S. Highway 41 (Tamiami Trail); that portion of Section 10, Township 54 South, Range 39 East lying west of S.W. 144 Avenue; that portion of Section 31, Township 54 South, Range 39 East, lying north of S.W. 88th Street (North Kendall Drive); and Sections 7, 8, 9, 16, 17, 18, 19, 20, 29, 30, and 32, Township 54 South, Range 39 East.

Blackwater shall mean that portion of domestic sewage not emanating from residential showers, residential baths, residential bathroom washbasins, or residential clothes washing machines.

Boat docking facility shall mean a place where vessels may be secured to a fixed or floating structure or to the shoreline.

Boat slip shall mean a berthing space for a vessel which has been created or authorized pursuant to a permit or permits issued by the Department of Environmental Resources Management.

Boat storage facility shall mean a facility where recreational vessels are stored on uplands by one (1) or more of the following methods:

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- (1) On boat trailers on a paved or unpaved surface; or
- (2) On individual boat racks; or
- (3) On multi-story boat racks.

Bona fide agricultural purposes shall mean good faith commercial or domestic agricultural use of the land. In determining whether the use of the land for agricultural purposes is bona fide, the following factors as set forth in Section 193.461, Florida Statutes (and as amended from time to time), though nonexclusive, shall be taken into consideration:

- (1) The length of time the land has been so utilized;
- (2) Whether the use has been continuous;
- (3) The purchase price paid;
- (4) Size, as it relates to specific agricultural use;
- (5) Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices;
- (6) Whether such land is under lease and, if so, the effective date, length, terms and conditions of the lease; and
- (7) Such other factors as may from time to time become applicable.

Bona fide fruit grove shall mean a grove of fruit trees specifically planted to produce edible fruit for commercial purposes or for personal consumption by the owner.

Botanical garden shall mean any publicly-owned real property used for the cultivation of plants for display or scientific research.

C-9 Wetland Basin shall mean the wetlands within the following geographic boundaries:

Beginning at the intersection of U.S. Highway 27 (Okeechobee Road) and the south right-of-way of the C-9 Canal; thence run easterly to the west right-of-way of Interstate Highway 75; thence run southerly to the west right-of-way line of the Homestead Extension of Florida's Turnpike; thence run southwesterly and southerly to the north right-of-way of U.S. Highway 27 (Okeechobee Road); thence run northwesterly to the point of beginning.

Canopy coverage shall mean the areal extent of ground within the drip line of a tree.

Canopy shall mean those trees which constitute the tallest layer within a forest.

Casing shall mean the tubular material utilized to shut off or exclude a stratum or strata other than the source bed and conduct water from only the source bed to the surface.

Clean fill shall mean material consisting of soil, rock, sand, earth, marl, clay, stone and/or concrete rubble.

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Closure shall mean cessation of operation of a County solid waste management system facility and the act of securing such a facility, in accordance with applicable regulatory requirements, so that it will pose no significant threat to human health or the environment. This includes closing, long term monitoring, maintenance and financial responsibility.

Coastal band community shall mean a mangrove community which borders Biscayne Bay or one (1) of the tributaries of Biscayne Bay and which receives frequent tidal inundation and whose dominant floral constituent is mature *Rhizophora mangle*. The boundary of a coastal band community shall not be limited or affected by artificial boundaries such as, but not limited to, property lines.

Coastal resources management line shall mean the landward extent of the areas where detrital cycles contribute to the ecological productivity of coastal waters.

Coastal waters shall mean all waters in the State which are not classified as fresh waters.

coliform group shall include all organisms considered in the coliform group as set forth in Standard Methods for the Examination of Water and Waste Water, sixteenth edition.

Combustible refuse shall mean any combustible waste material containing carbon in a free or combined state.

Combustion contaminants shall mean particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

Commercial boat docking facility shall mean a boat docking facility which has boat slips, moorings, davit spaces, or vessel tieup spaces of which more than fifty (50) percent are designated for or contain commercial vessels.

Commercial vessel shall mean any vessel engaged in any activity wherein a consideration is paid by the user either directly or indirectly to the owner, operator or custodian of the vessel; or any vessel engaged in the taking of saltwater fish or saltwater products for sale either to the consumer, retail dealer or wholesale dealer.

Community water system shall mean a public water system which serves at least fifteen (15) service connections used by year-round residents or which regularly serves at least twenty-five (25) year-round residents.

Comprehensive environmental impact statement ("CEIS") shall mean a detailed report, based upon current data obtainable at the time of permit application submittal, which describes the proposed work and its purposes and which addresses one (1) or more of the following assessment points so as to permit assessment of the probable environmental impacts, benefits and detriments of the proposed work:

- (1) An analysis of the probable impact of the proposed work in the wetland environment, including impact on ecological systems such as floral, faunal, marine and freshwater communities. Both direct and indirect potential adverse environmental impacts shall be included in the analysis. The statement shall

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include the effect, if any, of the proposed work upon the ability of the wetland to:

- (a) Receive and store surface waters and to recharge groundwater.
 - (b) Contribute to quantity and quality of the water supply and protect against saltwater intrusion.
 - (c) Protect adjacent uplands from hurricane and tidal storm surges.
 - (d) Provide filtration and uptake of nutrients and pollutants from surface waters.
 - (e) Contribute sheet flow of surface waters to adjacent areas.
 - (f) Provide habitat for indigenous floral and faunal species, and rare, threatened and endangered species, as defined in this chapter.
 - (g) Provide protection for the recharge area of a wellfield.
- (2) An analysis of other adverse environmental impacts which cannot be avoided should the proposal be implemented, such as water or air pollution, undesirable land use patterns, urban congestion, threats to health or other consequences adverse to the County's environmental goals, as set forth in this Code and the Miami-Dade County Comprehensive Development Master Plan.
 - (3) A description and analysis of alternatives to the proposed work which avoid or mitigate some or all of the probable adverse environmental impacts of the proposed work or which increase the beneficial environmental effects of the proposed work. An economic cost-benefit analysis may be submitted by the applicant for the proposed work and each such alternative.
 - (4) An analysis of the cumulative and long-term effects of the proposed work. The analysis shall compare the proposed work's short-term use of the environment with long-term environmental parameters including, but not limited to, biological productivity, habitat quality, protection of hydrological resources, and nutrient and pollution attenuation capacity.
 - (5) An analysis of all irreversible commitments of natural resources which would occur if the proposed work is implemented. This analysis shall include the extent to which the proposed work would curtail the range of beneficial uses of the environment.
 - (6) A summary of the problems and objections raised by any federal, State or local entities and by the public in the review process, the disposition of the issues involved, and the reasons therefor.
 - (7) A description and analysis of the socioeconomic benefits that may be derived from implementation of the proposed work as well as the potential negative impacts to the public resulting from denial of or modifications to the proposed work.

Condensed fumes shall mean minute solid particles generated by the condensation of vapors from solid matter volatilization from the molten state, or may be generated by

chemical processes, operations or reactions, when these processes create air-borne particles.

Cone of influence means a localized depression or draw-down of the groundwater due to water supply well pumpage.

Construction and demolition debris shall mean solid waste comprised exclusively of materials which are not hazardous materials and which are not water soluble, including steel, concrete, glass, brick, soils not containing any hazardous materials, asphalt roofing and paving material, and lumber from a construction or demolition project.

Contaminant shall mean any substance present in any medium which may cause an adverse effect upon public health, public safety, public welfare or the environment, or causes a nuisance as defined in Section 24-5, Section 24-27 or Section 24-28.

Cooling pond shall mean a body of water enclosed by natural or constructed restraints which has been approved by the Florida DPC for purposes of controlling heat dissipation from thermal discharges.

Cross-connection shall mean any physical connection or arrangement whereby contamination may enter a water supply system; such as two (2) otherwise separate piping systems, one (1) of which contains or is designed to contain potable water and the other waste water or other fluids or material of unknown or questionable safety, where intermixing may occur depending on the pressure or temperature differential between the two (2) systems.

CTLs shall mean Clean-up Target Levels as set forth in Section 24-44.

Cumulative adverse environmental impact shall mean adverse environmental impact, as defined in this chapter, resulting from a proliferation of a particular proposed work or land use within a wetland area.

Daily average pump station operating time shall mean the total of the number of operating hours for all nonvariable speed and non-multiple-speed pumps in the pump station for the month divided by the number of days in the month which is then divided by the total number of the same type of pumps in the pump station less one (1) pump of the same type, or the equivalent thereof as approved by the Director or his designee.

Davit space shall mean an area along a bulkhead or pier where a vessel may be suspended over tidal waters by a mechanical device.

Department shall mean the Department of Environmental Resources Management.

DERM shall mean the Director, Environmental Resources Management, with duties created pursuant to Section 24-6 of the Code.

Detention of stormwater shall mean the collection and temporary storage of stormwater in a manner that will provide treatment through physical, chemical or biological processes, with subsequent gradual release of the stormwater in a manner not to exceed the design limitations of the temporary storage area.

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Detention pond shall mean an open basin which intercepts the groundwater table and is used for the temporary storage of stormwater runoff.

Developed land shall mean land upon which structures or facilities have been constructed.

Developed property shall mean any parcel of land which contains an impervious area.

Development shall mean any proposed activity or material change in the use or character of land, including, but not limited to, the placement of any structure, utility, fill, or site improvement on land, and any act which requires a building permit.

Dewater shall mean to discharge off-site or on-site water from an excavation, underground structure, or depressed land.

Diameter breast height (DBH) shall mean the diameter of a tree's trunk measured at a point four and one-half (4 1/2) feet from where the tree emerges from the ground at natural grade. In the case of multiple-trunked trees, the DBH shall mean the sum of each trunk's diameter measured at the point four and one-half (4 1/2) feet from where the tree emerges from the ground at natural grade.

Dissolved hydrocarbon shall mean any substance soluble in fluorocarbon-113 and dispersed, emulsified, or otherwise dissolved throughout a sample.

Domestic sewage shall mean waste water from toilets, showers, sinks, baths, and other facilities designed for human sanitation whether located within residential or nonresidential land uses.

Dominance shall mean the species or group of species having the largest total number of individuals in the canopy and/or understory within a defined area.

Dominant plant community shall mean a minimum of fifty-one (51) percent of the plant cover within an area based on the following formula: Dominance equals one hundred (100) multiplied by the total estimated basal area of wetland plant species divided by the total estimated basal area of all plant species.

Drainage area shall mean a geographically defined land surface having topographical features such that stormwater runoff will be directed towards a drainage structure or natural waterway.

Drainage well shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the artificial recharge of groundwater, or the intentional introduction of water into any underground information.

Dredging shall mean the removal of soil (i.e., rock, clay, peat, sand, marl, sediments or other naturally occurring soil material) from the surface of submerged or unsubmerged coastal or freshwater wetlands, tidal waters or submerged bay-bottom lands. Dredging shall include, but not be limited to, the removal of soils by use of clamshells, suction lines, draglines, dredges or backhoes.

Drip line shall mean an imaginary vertical line extending from the outermost horizontal circumference of a tree's branches to the ground.

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Dry exfiltration shall mean an underground stormwater disposal system where the invert of a perforated conveyance pipe is placed at or above the average October groundwater level as set forth in the Miami-Dade County Public Works Manual, Part II, Section D4, dated September 1, 1974, as may be amended from time to time.

Dry infiltration or dry retention shall mean the process which occurs when stormwater is conveyed to a grassed swale or open basin for disposal into the ground where the bottom of the grassed swale or open basin is at least one (1.0) foot above the average October groundwater level as set forth in the Miami-Dade County Public Works Manual, Part II, Section D4, dated September 1, 1974, as may be amended from time to time.

Dry storage space shall mean a designated place where a recreational vessel is stored on uplands by one (1) of the following methods:

- (1) On a boat trailer on a paved or unpaved surface; or
- (2) On an individual boat rack; or
- (3) On a multi-story boat rack.

Dust shall mean minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

Dwelling shall mean any building which is wholly or partly used or intended to be used for living, sleeping, cooking and eating.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating. This term shall include, for the purposes of this ordinance, rooming units.

East Turnpike Wetland Basin shall mean the wetlands described below:

Those portions of Sections 18 and 19, Township 52 South, Range 40 East, lying east of the Homestead Extension of Florida's Turnpike; and Sections 6, 7, 8, 17 and 18, Township 53 South, Range 40 East, Miami-Dade County, Florida.

Effectively destroy shall mean the girdling, or damaging of a tree's trunk, branch or root system or cutting, pruning or trimming not done in accordance with the most recent American National Standards (ANSI) A-300 Standard Practices for Tree Care Operations.

Emission shall mean the act of passing into the atmosphere an air contaminant or gas stream which contains or may contain an air contaminant; or the material so passed to the atmosphere.

Engineering control shall mean a process or structure which eliminates or reduces the migration of contaminants or eliminates or reduces the exposure of human and environmental receptors to contaminants.

Environment shall mean the complex of climatic, edaphic and biotic factors that act upon an organism or an ecological community and ultimately determine its form and

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survival and which will be affected by the proposed work.

Environmental remediation shall mean clean-up of, or mitigation for, air, soil or water contamination from the County solid waste management system and those facilities for which the County is legally responsible for environmental clean-up or mitigation.

Environmentally-sensitive tree resources shall mean a specimen tree, natural forest community, or any other tree or trees that substantially contribute(s) to the aesthetics of an area, and which are not exempted from permit requirements under Section 24-49(4)(f).

Equivalent residential unit (sometimes hereinafter referred to as "ERU") shall mean the statistically estimated average horizontal impervious area of residential developed property per dwelling unit. This estimated average is calculated by dividing the total estimated impervious area of four (4) residential categories, to wit, single family, mobile home, multifamily and condominium, by the estimated total number of residential dwelling units. For the purposes of this ordinance each dwelling unit, to wit, single family residence, mobile home, multifamily, or condominium, is assigned one (1) ERU.

Excavation shall mean the action or process of creating any lake, rockmining (excluding ancillary property uses necessary for extracting and processing subsurface materials), reservoir, pond or other surface water.

Exfiltration of stormwater shall mean the process by which stormwater flows out of a trench or a buried perforated pipe into the surrounding ground.

Existing heat source shall mean any thermal discharge:

- (1) Which is presently taking place, or
- (2) For which a construction or operating permit has been issued prior to the effective date of these rules.

Facility shall mean anything that is built or purchased to make an action or operation easier or to serve a special purpose.

Feasible distance for public water mains shall mean the distance between the closest point of the property and the nearest available point of connection to an available public water main is not excessive as determined by the Director of the Department of Environmental Resources Management or his designee in accordance with the following:

- (1) Residential uses.

If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by dividing the sum of the existing and proposed gross floor area by a factor of twelve (12) square feet per linear foot of public water main, extension of public water mains to serve the property is required, or

Notwithstanding the above, if the nearest available point of connection to an

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available public water main is located within two hundred (200) feet of the closest point of the property, extension of public water mains to serve the property is required.

(2) Office building uses.

If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by dividing the sum of the existing and proposed gross floor area by a factor of ten (10) square feet per linear foot of public water main, extension of public water mains to serve the property is required, or

Notwithstanding the above, if the nearest available point of connection to an available public water main is located within four hundred (400) feet of the closest point of the property, extension of public water mains to serve the property is required.

(3) Business district uses.

If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by dividing the sum of the existing and proposed gross floor area by a factor of ten (10) square feet per linear foot of public water main, extension of public water mains to serve the property is required, or

Notwithstanding the above, if the nearest available point of connection to an available public water main is located within six hundred (600) feet of the closest point of the property, extension of public water mains to serve the property is required.

(4) Industrial uses.

If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by dividing the sum of the existing and proposed gross floor area by a factor of ten (10) square feet per linear foot of public water main, extension of public water mains to serve the property is required, or

Notwithstanding the above, if the nearest available point of connection to an available public water main is located within seven hundred fifty (750) feet of the closest point of the property, extension of public water mains to serve the property is required.

(5) In determining whether or not the distance between the closest point of the property and the nearest available point of connection to an available public water main is excessive, the Director or his designee shall follow the principles set forth below:

(a) The nearest available point of connection to an available public water main shall be determined by the Director or his designee in accordance with good engineering practices.

(b) Notwithstanding any of the provisions of this definition, additions,

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modifications, or remodelings of existing improvements on the property shall not require extension of public water mains to serve the property from the nearest available point of connection to an available public water main, if the gross floor area of the new construction and new improvements is less than twenty-five (25) percent of the existing gross floor area.

Feasible distance for public sanitary sewers shall mean that distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is not excessive as determined by the Director of the Department of Environmental Resources Management or his designee in accordance with the following:

(1) Residential uses.

(a) Development requiring gravity sewer line extensions:

If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of twenty (20) square feet of gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or

(b) Development requiring the installation of a sanitary sewer lift station for eleven (11) residential units or more:

If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by subtracting one thousand (1,000) linear feet of public sanitary sewer from that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of seventeen (17) square feet of gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or

(c) Notwithstanding subsections (1)(a) or (1)(b) above, if the nearest available point of connection to an available public gravity sanitary sewer is located within one hundred (100) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.

(2) Office building uses.

(a) If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of fifteen (15) square feet gross floor area per linear foot of public sanitary sewer, extension of public

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sanitary sewers to serve the property is required, or

- (b) Notwithstanding subsection (2)(a) above, if the nearest available point of connection to an available public sanitary sewer is located within three hundred (300) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.
- (3) Business district uses.
- (a) If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of fifteen (15) square feet gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or
 - (b) Notwithstanding subsection (3)(a) above, if the nearest available point of connection to an available public sanitary sewer is located within five hundred (500) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.
- (4) Industrial uses.
- (a) If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of fifteen (15) square feet gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or
 - (b) Notwithstanding subsection (4)(a) above, if the nearest available point of connection to an available public sanitary sewer is located within seven hundred (700) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.
- (5) In determining whether or not the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is excessive, the Director or his designee shall follow the principles set forth below:
- The nearest available point of connection to an available public sanitary sewer shall be determined by the Director or his designee in accordance with good engineering practices.
- (6) Notwithstanding any of the provisions of this definition, additions, modifications, or remodelings of existing improvements on the property shall not require extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer, if the gross floor area of the new construction and new improvements is less than twenty-five (25) percent of the existing gross floor area.

Filling shall mean the alteration of wetlands, tidal waters or bay-bottom lands, by

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adding material or soil to obtain higher elevations or better compaction of existing elevations.

Firebreak shall mean an area of bare ground no more than ten (10) feet in width in a forest which has been created to prevent the spreading of wild fires.

First inch of retention shall mean the disposal by on-site retention of the volume of stormwater generated by the first inch of runoff from a defined drainage area.

First inch of runoff shall mean the volume of stormwater runoff generated during the initial stages of a rainfall event and is calculated as the volume of stormwater runoff generated during the time required to supply and transport to the emergency overflow outfall, one (1) inch of stormwater runoff from the farthest point in the basin, as set forth in "DESIGN OF DRAINAGE STRUCTURE, AN UPDATED POLICY FOR THE DESIGN OF STORM RUNOFF DRAINAGE STRUCTURES, DECEMBER 1980," a document prepared by and on file in the offices of the Miami-Dade County Department of Environmental Resources Management.

Fixed structure shall mean anything of a permanent or temporary nature which is built, constructed, placed or installed in, on, over or upon tidal waters. Fixed structures shall not include vessels or floating structures.

Floating hydrocarbon shall mean any substance soluble in fluorocarbon-113 as set forth in EPA Method 413.1. and floating or otherwise forming a visible layer upon any aqueous surface.

Floating structure shall mean a barge-like entity, with or without accommodations, which is not used as a means of transportation on water but which serves purposes or provides services typically associated with a structure upon or improvements to real property. A floating structure includes, but is not limited to, a residence, place of business, office, hotel, motel, restaurant, lounge, retail or wholesale store, clubhouse, helicopter pad, meeting facility, or a storage or parking facility. Incidental movement or the capability of movement upon water shall not preclude an entity from classification as a floating structure. Registration of the entity as a vessel in accordance with Chapter 327, Florida Statutes, shall not preclude an entity from classification as a floating structure.

Flooding shall mean the accumulation of stormwater on the ground surface which occurs as a result of excessive rainfall precipitation which has saturated the soil and filled the canals, lakes, ditches and drainage structures beyond their storage and transmission capacities.

Florida No. 1 grade or equivalent shall mean the classification of the quality of a nursery plant as published in Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services, Division of Plant Industry.

Flue shall mean any duct or passage for air, gases, or airborne materials, such as a stack or chimney.

Forest management plan shall mean a document which specifies the techniques that will be implemented to maintain and preserve an individual natural forest community.

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Free chlorine shall mean chlorine existing in water as hypochlorous acid, hypochlorite ions, and molecular chlorine.

Free product shall mean any non-aqueous liquid.

French drain shall mean a structure consisting of a perforated, slotted or open joint pipe buried in a trench and surrounded by ballast rock and used for the underground disposal of stormwater runoff into groundwater or the unsaturated zone.

Fresh waters shall mean all waters of the state which are contained in lakes and ponds, or are in flowing streams above the zone in which tidal actions influence the salinity of the water and where the concentration of chloride ions is normally less than five hundred (500) milligrams per liter.

Fully loaded vessel shall mean:

- (1) all of the vessel's fuel tanks, water tanks and other tanks are full, and
- (2) the vessel has the maximum allowable number of crew, passengers, equipment and provisions pursuant to the manufacturer's specifications and, where applicable, the United States Coast Guard certification, and
- (3) the vessel has all safety and rescue equipment required pursuant to state, federal and, if applicable, international law, and
- (4) the vessel contains the maximum authorized amount (by weight) of cargo pursuant to state, federal and, if applicable, international law.

Garbage shall mean every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of edibles, and any other matter, of any nature whatsoever, which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.

Gas shall mean a formless fluid which occupies space and which can be changed to a liquid or solid state only by increasing pressure with decreased or controlled temperature, or by decreased temperature with increased or controlled pressure.

Grassed swale shall mean a depression on the ground surface which is covered by vegetation and is located entirely within the unsaturated zone.

Gravity injection means the introduction of water into a well from which the water enters the groundwater without any force other than the force of gravity. Said well shall be in excess of two (2) feet below the average yearly highest groundwater elevation as specified in the Miami-Dade County Public Works Manual as same may be amended from time to time.

Graywater shall mean that portion of domestic sewage emanating from residential showers, residential baths, residential bathroom washbasins, or residential clothes washing machines.

Ground cover shall mean plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

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Ground pollution shall mean the introduction into or upon any ground of any organic or inorganic matter or deleterious substances in such quantities, proportions or accumulations which are injurious to human, plant, animal, fish and other aquatic life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business. It shall be a rebuttable presumption that the introduction of any hazardous waste as defined in Section 24-5 or hazardous materials as defined in Section 24-5 into or upon the ground, which exceeds any of the clean-up target levels (CTLs) set forth in Section 24-44, shall constitute and shall be deemed to be ground pollution.

Halophytic vegetation shall mean the following species:

Aizoaceae (carpetweed family)--

Sesuvium portulacastrum (sea purslane)

Amaranthaceae (amaranth family)--

Philoxerus vermicularis (marsh samphire)

Amaryllidaceae (amaryllis family)--

Hymenocallis latifolia (spider lily)

Apocynaceae (oleander family)--

Rhabdadenia biflora (mangrove rubber vine)

Asteraceae (aster family)--

Aster tenuifolius var. *aphyllus* (salt-marsh aster)

Baccharis angustifolia (false willow)

Baccharis halimifolia (groundsel tree)

Borrchia arborescens (oxeye daisy)

Borrchia frutescens (oxeye daisy)

Iva frutescens (marsh elder)

Avicenniaceae (black mangrove family)--

Avicennia germinans (black mangrove)

Batidaceae (saltwort family)--

Batis maritima (saltwort)

Chenopodiaceae (goosefoot family)--

Salicornia virginica (perennial glasswort)

Salicornia bigelovii (annual glasswort)

Suaeda linearis (sea blite)

Salsola kali (saltwort)

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Combretaceae (white mangrove family)--

Conocarpus erecta (buttonwood)

Laguncularia racemosa (white mangrove)

Cymodoceaceae (manatee grass family)--

Halodule wrightii (Cuban shoal weed)

Syringodium filiforme (manatee grass)

Cyperaceae (sedge family)--

Cyperus odoratus (sedge)

Cyperus ligularis (sedge)

Cyperus planifolius (sedge)

Fimbristylis castanea

Fimbristylis spathacea

Hydrocharitaceae (frog's bit family) --

Thalassia testudinum (turtle grass)

Juncaceae (rush family)

Juncus roemerianus (rush)

Juncaginaceae (arrow grass family)--

Triglochin striata

Plumbaginaceae (leadwort family)--

Limonium carolinianum var. *carolinianum* (sea lavender)

Limonium carolinianum var. *angustatum* (sea lavender)

Poaceae (grass family)--

Distichlis spicata (seashore salt grass)

Monanthochloe littoralis (Key grass)

Paspalum vaginatum (salt joint grass)

Spartina alterniflora (smooth cord grass)

Spartina patens (salt-meadow cord grass)

Spartina spartinae (gulf cord grass)

Sporobolus virginicus (Virginia dropseed)

Primulaceae (primrose family)--

Samolus ebracteatus (water pimpernel)

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Pteridaceae (bracken family)--

Acrostichum aureum (coastal leather fern)

Acrostichum danaeafolium (leather fern)

Rhizophoraceae (red mangrove family)--

Rhizophora mangle (red mangrove)

Ruppiaceae (widgeon grass family)--

Ruppia maritima (widgeon grass)

Solanaceae (nightshade family)--

Lycium carolinanum (Christmasberry)

Surianaceae (bay-cedar family)--

Suriana maritima (bay cedar)

Harmful obstruction or undesirable alteration of the natural flow of surface water shall mean any substantial diversion, obstruction, creation of backwater conditions, interruption, adverse change in velocity, volume, or depth of the natural flow of surface water. Natural flow need not be uniform or uninterrupted and may be seasonal or periodic.

Hazard index shall mean the sum of more than one (1) hazard quotient for multiple contaminants or for multiple exposure pathways.

Hazard quotient shall mean the ratio of a single contaminant exposure level over a specified time period to a reference dose for that contaminant derived from a similar exposure period.

Hazardous materials means any waste, product, substance, or combination or breakdown product thereof which, because of its biological or chemical characteristics, if introduced into a potable public water supply well, will impair the potability of the water withdrawn by the potable public water supply well or which will be harmful or potentially harmful to human, plant or animal life or property or the conduct of business or which will increase the cost of operation of public water supply treatment facilities or which will increase the reliance by consumers of potable water from such potable public water supply wells on the operation of public water supply treatment facilities to provide potable water which is not harmful or potentially harmful to human, plant or animal life or property or the conduct of business.

Within ninety (90) days from the effective date of Ord. No. 83-96 and at least annually thereafter, the Director or his designee shall submit to the Board of County Commissioners a list of wastes, products, substances or combination or breakdown products thereof which the Director or his designee has determined to be hazardous materials as hereinabove defined. The Board of County Commissioners shall designate, by resolution, which of the wastes, products, substances or combination or breakdown products thereof so listed by the Director or his designee shall be legally

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presumed to be hazardous materials as defined hereinabove. Such designation by the Board of County Commissioners shall create a rebuttable presumption that the wastes, products, substances or combination or breakdown products thereof so designated are hazardous materials as hereinabove defined. Such designations shall be deemed nonexclusive. Nondesignation by the Board of County Commissioners shall not create any presumption that the nondesignated wastes, products, substances or combination or breakdown products thereof are not hazardous materials. Nothing herein shall be construed to limit in any way the power of the Director or his designee in the performance of his duties and responsibilities to determine that a waste, product, substance or combination or breakdown product thereof is a hazardous material as defined hereinabove.

Hazardous waste shall mean:

- (1) a waste defined as a hazardous waste in 40 C.F.R. Part 261, or
- (2) used radiator fluid,
- (3) used lubricating oil,
- (4) used transmission fluid,
- (5) used brake fluid, or
- (6) used power steering fluid

Health care facilities shall mean hospitals, skilled nursing facilities, clinics, intermediate care facilities, ambulatory surgical centers, health maintenance organizations, doctor's offices, dentist's offices or free standing hemodialysis centers.

Health hazards shall mean any conditions, devices, or practices in a water supply system or its operation which create a possible danger to the health and well-being of the water consumer. (An example of a health hazard is structural defect in the water supply system, whether of location, design or construction, which may regularly or occasionally prevent satisfactory purification of water supply or cause it to be polluted from extraneous sources.)

Heated-water discharges shall mean the effluents from commercial or industrial activities or processes in which water is used for the purpose of transporting waste heat.

Highway shall mean any public thoroughfare, including streets, designed for motor vehicles.

Impervious area shall mean a division of the horizontal ground surface which is incapable of being penetrated by rainwater. This shall include, but not be limited to, all structures, roof extensions, slabs, patios, porches, driveways, sidewalks, parking areas, swimming pools, athletic courts, and decks.

Individual water supply shall mean a well or wells or other source of water, and pump and piping if any, located on the premises served for supplying twenty-five (25) persons or less.

Industrial liquid waste facility shall mean any facility engaged in the manufacture,

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production, fabrication, packaging, repackaging, repair, processing or sale of goods or services, and which produces or generates or may reasonably be expected to produce or generate liquid waste.

Industrial waste shall mean discharges, effluents, spills, or leaks of any hazardous wastes, hazardous materials, process wastewater, or wastes other than domestic sewage, from an industrial liquid waste facility.

Infiltration means the distribution of water on the surface of land to permit the water to soak through the vegetation and soil into the groundwater.

Infiltration of stormwater shall mean the process by which stormwater flows vertically downward through the ground into the Biscayne Aquifer.

Inflow shall mean any water, other than domestic sewage or other wastewater approved by the director or his designee to be discharged into a sanitary sewer system, introduced into any publicly or privately-owned or operated gravity sanitary sewer or pump station wet well which is not sewer system infiltration.

Institutional control shall mean a restriction on the use of, or access to, a site to eliminate or minimize exposure to contaminants. Examples include, but are not limited to, deed restrictions, restrictive covenants, or conservation easements.

Interim sewage treatment plant shall mean any sewage treatment plant, public or private, including but not limited to interim package sewage treatment plants, that discharges its effluent directly into the Biscayne Aquifer or inland surface waters of Miami-Dade County.

Intermediate care facilities shall mean day care centers, day nurseries, convalescent homes, adult congregate living facilities, rooming houses, boarding homes, homes for the elderly, homes for dependent children or retirement villages or any other facility providing shelter and supervision for dependent individuals who because of their mental or physical condition require health related care and services above the level of room and board.

Key manhole shall mean the sanitary sewer manhole into which the entire sewage flow from a sewer subsystem is discharged.

Landclearing shall mean the removal of vegetation or soils from submerged or unsubmerged wetlands. Landclearing shall not mean the removal of the following undesirable exotic vegetation: Melaleuca, Australian pine, or Brazilian pepper trees.

Landscape replacement plan shall mean a drawing containing proposed tree removal, tree replacement planting, tree relocation and preservation areas.

Liquid waste generator means any person or entity whose act or process produces liquid waste, or who by the nature of its operations uses materials in a process which would subsequently require disposal as a liquid waste as defined in this chapter.

Liquid waste means sludge resulting from, but not limited to, a waste treatment works, air pollution control facility, domestic, commercial, mining, institutional, agricultural, or governmental operations; or other waste materials, including materials to be recycled or otherwise beneficially reused; or septic tank, grease trap, sediment

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trap, portable toilet, or oil and grease separator pump-outs; or solvents, sewage, industrial waste, hazardous waste, semisolid waste, or potentially infectious waste; or any similar materials which would cause a nuisance or would otherwise cause a violation of this chapter if discharged to the ground or waters of Miami-Dade County. However, sewage and industrial wastes which have been permitted by the Department of Environmental Resources Management to be discharged and which are discharged through a lateral connection to the sewerage system or on-site treatment facility are not included in this definition. Furthermore, subsurface materials extracted as a result of rockmining which are not discharged to canals or other water bodies are not included in this definition.

Liquid waste transporter means any person or entity which carries, conveys, bears or transports any liquid waste in any moving vehicle including but not limited to a car, truck, tank car, railroad car or other vehicle.

Loading facility shall mean a gasoline, gasohol or petroleum distillates storage and distribution facility with an average daily throughput (calculated over a thirty-day period) equal to or greater than twenty thousand (20,000) gallons of gasoline, gasohol or petroleum distillates.

Local agencies shall mean any county or municipal government or agency thereof.

Mangrove tree shall mean any of the following species, regardless of size, including mangrove trees as small as rooted seedlings: *Avicennia germinans* (black mangrove), *Rhizophora mangle* (red mangrove), *Laguncularia racemosa* (white mangrove). Notwithstanding the foregoing, mangrove tree shall not include seedlings smaller than 3--5 leaf stage rooted seedlings.

Maximum contaminant level shall mean the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

Maximum day pumpage wellfield protection area shall mean the area within the cone of influence of a public utility potable water supply well based upon maximum day pumpage.

Metal recycling facility shall mean a facility using equipment to crush, shred, cut or otherwise process ferrous scrap metal into prepared ferrous scrap for resale or reuse. For the purpose of this definition, facilities limited to dealing in non-ferrous metals are not included.

Miami-Dade County Nursery Report shall mean a monthly, published bulletin listing availability of trees, prices of trees, and stock of many major nurseries in Miami-Dade County which is prepared by the Florida Nurserymen and Grower Association.

Minimum flow shall mean the rate of sewage flow, expressed in gallons per day per inch diameter per mile, measured at a pump station wet well or a key manhole of a sewer subsystem from 1:00 a.m. to 5:00 a.m. or at such other time when the rate of sewage flow transmitted through the pump station or key manhole is at the lowest rate during any one (1) twenty-four-hour period exclusive of known or estimated sewage flows from commercial and industrial sources of wastewater.

Mist shall mean a suspension of any finely divided liquid in any gas.

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Mobile home shall mean the same term as defined by Section 320.01(2), Florida Statutes, as same may be amended from time to time.

Monitoring well or test well shall mean a well constructed with a surface seal and a sand filter pack in accordance with accepted technical design practices to provide for the collection of representative groundwater samples for laboratory analyses. Such wells may also be used to detect the presence of free product or collect water-level elevation data to aid in determining the direction of groundwater flow.

Mooring shall mean a temporary or permanent piling or floating device anchored in tidal waters for the purpose of securing a vessel.

Motor vehicle fuel delivery vessel shall mean a tank truck or trailer equipped with a storage tank used for the transportation of gasoline or gasohol from sources of supply to stationary storage tanks at motor vehicle fuel service stations.

Motor vehicle fuel service station shall mean any location which has underground storage facilities or aboveground storage facilities or both and which location has a total storage capacity of gasoline or gasohol of ten thousand (10,000) gallons or more, or which dispenses ten thousand (10,000) gallons or more per month of gasoline or gasohol to motor vehicle fuel tanks from such location.

Motor vehicle shall mean any car, truck, bus or other self-propelled wheeled conveyance that does not run on rails.

Multiple and variable-speed daily average pump station operating time shall mean the equivalent of the daily average pump station operating time, computed as follows: The average daily kilowatt-hours of consumption of all pumps of the same type in a pump station divided by the average daily kilowatt criteria in kilowatt hours multiplied by ten (10). The average daily kilowatt criteria in kilowatt hours ("A") is computed as follows: $A = M \times 24 \text{ hrs.} \times .746 \text{ KW/HP}$ multiplied by P/100 where M is the Maximum Station HP. The applicable pump control factor ("P") is expressed as a percentage in parts (B) and (C) of the definition of adequate transmission capacity in this chapter. M is computed as follows: The rated horsepower of each pump at high speed multiplied by the number of pumps of the same type in the pump station less one (1) pump of the same type having the greatest rated horsepower, or the equivalent thereof as approved by the director or his designee.

Multiple-chamber incinerator shall mean any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three (3) or more refractory-lined combustion chambers in a series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

The refractories shall have a pyrometric cone equivalent of at least seventeen (17), tested according to the method described in the American Society for Testing [and] Materials, Method C-24.

Native plant species shall mean a plant species with a geographic distribution indigenous to all or part of Miami-Dade County. Plants which are described as being

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native to Miami-Dade County in botanical manuals such as, but not limited to, "A Flora of Tropical Florida" by Long and Lakela and "The Biology of Trees Native to Tropical Florida" by P.B. Tomlinson, are native plant species within the meaning of this definition. Plant species which have been introduced into Miami-Dade County by man are not native plant species.

Natural attenuation shall mean a method of site rehabilitation action which allows natural processes to contain the spread of contaminants and to reduce the concentration of contaminants in groundwater and soil. Natural attenuation processes include, but are not limited to, diffusion and dispersion in conjunction with the following: sorption, biodegradation, chemical reactions, or volatilization.

Natural forest community shall mean all stands of trees (including their associated understory) which were designated as Natural Forest Communities on the Miami-Dade County Natural Forest Community Maps and approved by the Board of County Commissioners, pursuant to Resolution No. R-1764-84. These maps may be revised from time to time by resolution in order to reflect current conditions and to insure that, at a minimum, the canopy and understory of designated natural forest communities are dominated by native plant species, as defined herein. The Department shall evaluate the following additional factors when reviewing existing and proposed natural forest community sites:

- (1) The presence of endangered, threatened, rare or endemic species included on the Federal List of Endangered and Threatened Species, the Florida Game and Fresh Water Fish Commission List of Endangered and Potentially Endangered Fauna and Flora in Florida, or the Miami-Dade County Comprehensive Development Masterplan List of Endangered, Threatened, Rare and Endemic Plants in Miami-Dade County.
- (2) Overall plant species diversity of the site.
- (3) Size of the trees.
- (4) Size of the site.
- (5) Wildlife habitat value of the site.
- (6) Geological features of the site.
- (7) Percentage of the site covered by exotic (non-native) species.

Within one hundred twenty (120) days of the effective date of Ordinance Number 89-8, the Department shall develop a quantitative evaluation form incorporating the above factors to be used in evaluating natural forest community sites, and shall include a minimum quantitative threshold standard for inclusion on the revised natural forest community maps. Said evaluation form may be revised from time to time as appropriate, and shall be reviewed and approved by the Tree and Forest Resources Committee prior to its utilization.

Upon completion of the review of the existing natural forest community maps, the Director shall recommend to the Board of County Commissioners that only those sites which meet the minimum quantitative threshold standard established in the

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above-described evaluation form be maintained on the list and that all other sites be deleted. This shall not preclude the further addition of sites to the maps. The Director shall also recommend to the Board of County Commissioners that all applicable boundary changes be made to all remaining sites.

Natural grade shall mean the ground elevation of a property prior to the placement of any fill on the site.

Naturally occurring background concentrations shall mean concentrations of contaminants which are naturally occurring in the groundwater, surface water, soil or sediment in the vicinity of a site.

Nominal average power consumption shall mean the total power consumption for the month of all of the pumps of the same type in the pump station divided by the number of days in the month and which is then divided by the total number of the same type of pumps in the pump station less one (1) of the same type of pumps, or the equivalent thereof as approved by the director or his designee, which is then averaged with the same computations performed for the previous eleven (11) months.

Nominal daily average pump station operating time shall mean the total of the number of operating hours for all nonvariable speed and non-multiple-speed pumps in the pump station for the month divided by the number of days in the month and which is then divided by the total number of nonvariable speed and non-multiple speed pumps in the pump station less one (1) of the same type of pumps, or the equivalent thereof as approved by the director or his designee, which is then averaged with the same computations performed for the previous eleven (11) months.

Nonresidential development property shall mean any parcel of land which contains an impervious area and which is classified by the Miami-Dade County Property Appraiser as land use types 10 through and including 49 and 70 through and including 99 as set forth in the Florida Administrative Code Rule 12D-8.008(2)(c), as same may be amended from time to time.

Non-structural controls of stormwater shall mean any activity designed to reduce pollutant loading of stormwater including, but not limited to, pollution prevention management policies and public education programs.

Nonviable shall mean not capable of existing and continuing to provide the biological or aesthetic qualities associated with a healthy, functioning tree resource.

North Trail Basin shall mean a basin located in western Miami-Dade County comprising the following lands:

Sections 33, 34, 35 and 36, Township 53 South, Range 39 East and, Government Lots 1, 2, 3 and 4, Townships 53-54 South and, those portions of Sections 1, 2, 3 and 4, Township 54 South, Range 39 East, which lie north of the north right-of-way line of the Tamiami Canal.

North Trail Wetland Basin shall mean the wetlands described below:

That portion of Section 3, Township 54 South, Range 39 East, lying north of U.S. Highway 41 (Tamiami Trail); that portion of Section 4, Township 54 South, Range

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39 East, lying north of U.S. Highway 41 (Tamiami Trail); Government Lot 2, located between Townships 53 and 54 South, Range 39 East; Government Lot 3, located between Townships 53 and 54 South, Range 39 East and Government Lot 4, located between Townships 53 and 54 South, Range 39 East, Miami-Dade County, Florida.

Nuisance shall mean and include the use of any property, facilities, equipment, processes, products or compounds, or the commission of any acts or any work that causes or materially contributes to:

- (1) The emission into the outdoor air of dust, fume, gas, mist, odor, smoke or vapor, or any combination thereof, of a character and in a quantity as to be detectable by a considerable number of persons or the public so as to interfere with their health, repose or safety, or cause severe annoyance or discomfort, or which tends to lessen normal food and water intake, or produces irritation of the upper respiratory tract, or produces symptoms of nausea, or is offensive to objectionable to normal persons because of inherent chemical or physical properties, or causes injury or damage to real property, personal property of human, animal or plant life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of this County.
- (2) The discharge into any of the waters of this County of any organic or inorganic matter or deleterious substance or chemical compounds, or any effluent containing the foregoing, in such quantities, proportions or accumulations so as to interfere with the health, repose or safety of any considerable number of persons or the public, or to cause severe annoyance or discomfort, or which tends to lessen normal food and water intake, or produces symptoms of nausea, or is offensive or objectionable to normal persons because of inherent chemical or physical properties, or causes injury or damage to real property, personal property, human, plant or animal life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of this County.
- (3) Any violation of provisions of this chapter which becomes detrimental to health or threatens danger to the safety of persons or property, or gives offense to, is injurious to, or endangers the public health and welfare, or prevents the reasonable and comfortable use and enjoyment of property by any considerable number of the public.
- (4) Adverse environmental impact to a coastal or freshwater wetlands.
- (5) Cumulative adverse environmental impact to a coastal or freshwater wetlands.
- (6) Adverse environmental impact to environmentally-sensitive tree resources.
- (7) Cumulative adverse environmental impact to environmentally-sensitive tree resources.

Odor shall mean that property of a substance which materially offends the sense of smell.

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Oil-effluent water separator shall mean any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

On-site domestic well system shall mean any water supply system using a well and piping to provide potable water for human consumption.

On-site means within the boundaries of a facility location, property or site including those sites spatially separated by public or private rights-of-way.

On-site retention shall mean the containment and disposal of stormwater runoff by means other than positive drainage within the limits of the project site.

Open outdoor fire shall mean any combustion of combustible material of any type outdoors, in the open, not in any approved enclosure or device, where the products of combustion are not directed through a flue.

Overflow outfall shall mean a drainage structure designed to discharge to an on-site or off-site location any excess stormwater runoff after an initial runoff volume has been retained on-site.

Overflow shall mean the discharge of sewage from any publicly or privately-owned or operated sanitary sewer collection system or wastewater treatment facility to the surface of the ground or to a surface water.

Overland sheet flow shall mean stormwater runoff flowing over an unrestricted ground surface area.

Owner-builder shall mean (an) owner(s) in fee who construct(s) no more than one (1) single-family or duplex residence per year for personal use and occupancy by said owner(s), and not intended for sale.

Ozone-depleting compound shall mean any of the substances identified in Section 602(a) and Section 602(b) of Title VI of the Clean Air Act Amendments of 1990 by the United States Environmental Protection Agency as contributing to the depletion or destruction of the stratospheric ozone layer of the Earth:

Particular matter shall mean any material which at standard conditions, is emitted into the atmosphere in a finely divided form as liquid or solid or both, but shall not include uncombined water vapor.

Party or parties responsible for site rehabilitation actions shall mean the discharger or, if the discharger is unknown or the contamination was the result of a previously unreported discharge, the property owner or operator who is subject to the provisions of Section 24-44(2).

Permeability shall mean the ability of an aquifer, soil, rock or other geological formation to transmit water.

Person shall be construed to include any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever, or any

combination of such, jointly or severally.

Point of discharge (POD) for a heated-water discharge shall mean either that point at which the effluent physically leaves its carrying conduit (open or closed) and discharges into the waters of the State, or a specific point designated by the Florida Department of Environmental Regulation for that particular thermal discharge.

Pollution prevention shall mean the use of materials processes, or practices that reduce or eliminate the creation of, or toxicity of, pollutants or wastes at the source.

Pollution shall mean the presence of any foreign substance (organic, inorganic, radiological, biological or thermal) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

Positive drainage shall mean the direct disposal of stormwater runoff by overland sheet flow or through a channel ditch, or closed pipe system into an on-site or off-site surface water body such as, but not limited to, a lake, lagoon river, canal, bay or the ocean.

Potable water shall mean water that is satisfactory for drinking, culinary and domestic purposes meeting the quality standards defined in this chapter.

ppm (vol.) shall mean parts per million by volume.

ppm (wt.) shall mean parts per million by weight and is equivalent to milligrams per liter.

Prepared ferrous scrap shall mean any scrap iron or steel which has been mechanically or otherwise processed into a raw material meeting any of the specifications contained in the Scrap Specifications Circular 1993, published by the Institute of Scrap Recycling Industries, Inc., Washington, D.C. Guidelines for Ferrous Scrap.

Prescribed burning shall mean the process of periodic deliberate burning of a pineland in a controlled manner taking into consideration weather and understory moisture conditions, for the purposes of maintaining the pineland in a natural condition and for the promotion of pine regeneration.

Preservation area shall mean portions of a site that are to be protected from any tree or understory removal (except as required by the Department) and maintained without any development.

Primary pump station shall mean any pump station in a publicly or privately owned or operated sanitary sewer collection system which directly receives sewage flow from gravity sanitary sewers.

Primary pump station shall mean any pump station in a publicly or privately owned or operated sanitary sewer collection system which directly receives sewage flow from gravity sanitary sewers.

Privately owned or operated sanitary sewer collection system shall mean any sanitary sewer collection and transmission facilities, including that located both on private property and within a public right-of-way or easement, which is owned or operated by

any person other than Miami-Dade County, the state, the United States of America, or any municipality in Miami-Dade County.

Process weight per hour. Process weight is the total weight of all materials, except uncombined water, introduced into any unit process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels, combustion air, excess air, infiltrated and other air added to the process, will not be so considered. The process weight per hour will be derived by dividing the total process weight by the number of hours in one (1) complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

Protective barrier shall mean a temporary fence or other structure built to restrict passage into an area surrounding a tree or stand of trees for the purpose of preventing any disturbance to the roots, trunk or branches of the tree or trees.

Public water system shall mean plumbing for the provision to the public of water for human consumption, such plumbing has at least fifteen (15) service connections or regularly serves an averages of at least twenty-five (25) individuals daily at least three (3) months out of the year or serves at least five (5) individuals and is not a single-family residence or a duplex residence. Such term includes:

- (1) Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and
- (2) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Public water main shall mean any water main in a public water system owned and operated by a public utility.

Publicly owned or operated sanitary sewer collection system shall mean any sanitary sewer collection and transmission facilities, including that portion of the sewage lateral connection located within a public right-of-way or easement, which is owned or operated by Miami-Dade County, the state, the United States of America, or any municipality in Miami-Dade County.

Publicly owned treatment works (POTW) shall mean any device or system that is used in the treatment (including recycling and reclamation) of sewage and that is owned by a state, county, or municipality. Sewers, pipes, or other conveyances are included only if they convey sewage to a POTW.

Rare, threatened and endangered species shall include all species classified as endangered, threatened or rare by Sections 581.185--581.187 and Chapter 372 of the Florida Statutes, as amended from time to time; or by Appendix A or B of the Comprehensive Development Master Plan for Miami-Dade County, Florida, as amended from time to time.

Rated multiple-speed pump station motor horsepower shall mean the sum of the rated horsepower for the same type of pumps in the pump station less the rated horsepower of the one (1) pump of the same type having the greatest rated horsepower, or the

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equivalent thereof as approved by the Director or his designee.

Rated variable-speed pump station motor horsepower shall mean the sum of the rated horsepower for the same type of pumps in the pump station less the rated horsepower of the one (1) pump of the same type having the greatest rated horsepower, or the equivalent thereof as approved by the Director or his designee.

Recreational boat docking facility shall mean a boat docking facility which has boat slips, moorings, vessel tieup spaces, or davit spaces of which fifty (50) percent or more are designated for or contain recreational vessels.

Recreational vessel shall mean any vessel used by its owner or operator for noncommercial purposes.

Refrigerant shall mean any substance containing any ozone-depleting compound which is utilized in any refrigeration system.

Refrigeration system shall mean any refrigerator, freezer, chiller, cold storage warehouse, refrigeration unit, or any kind of air conditioner (mobile, portable, stationary, motor vehicle).

Relocated tree shall mean a tree which has been transplanted pursuant to Ordinance Number 89-8 and which continues to be viable at least one (1) year after transplanting.

Replacement tree shall mean a shade tree, small tree, or palm tree required to be planted pursuant to the provisions of Ordinance Number 89-8.

Residential developed property shall mean any parcel of land which contains an impervious area and which is classified by the Miami-Dade County Property Appraiser as land use types 00 through and including 09 and land use types 50 through and including 69 if said land use contains a single-family or multi-family residence, as set forth in Florida Administrative Code Rule 12D-8.008(2)(c), as same may be amended from time to time.

Resource recovery and management facility means any facility the purpose of which is disposal, recycling, incineration, processing, storage, transfer, or treatment of solid or liquid waste; but for the purpose of permitting does not include sewage treatment, industrial waste treatment, or facilities exclusively within State or federal jurisdiction.

Retention pond shall mean an open basin which intercepts the groundwater table and is used for the storage and ultimate disposal of stormwater runoff by evaporation and seepage.

Right-of-way is a strip of ground dedicated by the subdivider, or deeded by the owner, for public use.

Ringelmann Chart shall mean the method of estimating smoke density described in U.S. Bureau of Mines Information Circular 7718.

Risk Reduction shall mean the lowering or elimination of the level of risk posed to human health or the environment through interim remedial actions, remedial action, or institutional, and, if applicable, engineering controls.

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Road shall mean any cleared, plowed, bulldozed, filled, graded, excavated or paved area, elevated boardwalk or roadway used or capable of being used for the passage of vehicles or persons. Roads shall not mean tracks used or capable of being used solely by off-road vehicles such as airboats, swamp buggies and all-terrain vehicles.

Rockmining shall mean the dredging or excavation of an area for the purpose of extracting subsurface materials. Rockmining shall also include ancillary property uses necessary for extracting and processing subsurface materials.

Rockplowing shall mean the alteration of wetlands by breaking up the limestone surface of a wetland in preparation for agriculture. Rockplowing may include the regrading of surface materials into planting beds at elevations sufficiently high to protect crops from flooding.

Rooming unit shall mean any room or group of rooms, forming a single habitable unit, used or intended to be used for living and sleeping but not for cooking or eating purposes.

Root ball shall mean a group of roots extending from the base of a tree trunk that must be intact when relocating a tree in order to promote survival of the tree.

Sanitary nuisance shall mean the commission of any action, by an individual, municipality, organization or corporation, or the keeping, maintaining, municipality, organization or corporation, or the keeping, maintaining, propagation, existence or permission of anything, by an individual, municipality, organization or corporation, by which the health or life of an individual or the health or life of individuals, may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused.

Sanitary sewer shall mean a conduit which is a part of a gravity or pressurized force main system which receives and transports waste water for treatment and disposal.

Secondary containment system shall mean an impervious layer of materials which is installed so that any volume of hazardous materials which may be discharged from an underground storage facility will be prevented from contacting the environment outside said impervious layer for the period of time necessary to detect and recover all the discharged hazardous materials. Materials or devices used to provide a secondary containment system may include concrete, impervious liners, slurry walls, double-walled tanks, double-walled piping or other devices or materials approved by the Director of the Department of Environmental Resources Management or his designee.

Seepage means the introduction of water into a subsurface excavation from which the water enters the groundwater. Said excavation shall not exceed a depth of two (2) feet below the average yearly highest groundwater elevation described in the Miami-Dade County Public Works Manual as same may be amended from time to time.

Seepage trench or slab covered trench shall mean a trench cut into a rock strata supporting a reinforced concrete slab and providing the necessary wall and bottom areas required for exfiltration of stormwater.

Septic tank shall mean any settling tank in which the settled sludge is in immediate

contact with sewage flowing through the tank thereby allowing the organic solids to be partially decomposed by putrefaction, i.e., anaerobic bacterial action.

Sewage lateral connection shall mean the pipe(s) which transmits wastewater from a building, residence or facility to a publicly or privately-owned or operated gravity sanitary sewer collection system.

Sewage loading means the estimated average amount of waste water generated by the actual and projected use of a property as a function of the unsubmerged area of said property. Abutting easements and rights-of-way shall be included to the center lines thereof in calculating the unsubmerged area of the property.

Sewer service area shall mean that portion of a publicly or privately owned or operated sanitary sewer collection system which contributes sewage flow to a particular primary pump station.

Sewer subsystem shall mean a portion of a publicly or privately owned or operated sanitary sewer collection system which discharges sewage to a particular key manhole.

Sewer system infiltration shall mean the introduction of groundwater into any publicly or privately owned or operated gravity sanitary sewer or pump station wet well.

Shredder residue shall mean the predominantly non-metallic solid material including, without limitation, plastic, broken glass, rubber, foam rubber, soil and fabric, resulting from the shredding of ferrous metals such as, but not limited to, scrap automobiles and appliances.

Shrub shall mean a self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base.

Site plan shall mean a drawing having a scale sufficient to provide the following information: Location of all proposed or existing buildings, septic tanks, utility easements, fences, walls, parking areas, driveways, access roads, setbacks, and any other site development.

Site rehabilitation action or SRA shall mean source removal, if applicable, site assessment and, if required, one or more of the following: risk assessment, monitoring or remediation. These site rehabilitation actions serve to characterize the nature and extent of contamination and to reduce the levels of contaminants through applicable treatment methods to comply with the clean-up target levels (CTLs) set forth in this chapter.

Small quantity generator of hazardous waste shall mean any person who brings into existence a quantity of fifty-five (55) gallons or less of hazardous waste during any one (1) period of three hundred sixty-five (365) consecutive days. However, within the average day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, Hialeah Wellfield and John E. Preston Wellfield, a small quantity generator of hazardous waste shall mean any person who brings into existence a quantity of fifty-five (55) gallons or less of hazardous waste during any one (1) period of one hundred twenty (120) consecutive days.

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Smoke shall mean the solid particles produced by incomplete combustion or organic substances, including, but not limited to, particles, fly ash, cinders, tarry matter, soot and carbon.

Solid waste shall mean garbage, rubbish, refuse, trash, yard trash, construction and demolition debris, or other discarded material, including solids or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. However, subsurface materials which do not contain hazardous materials and which are extracted as a result of rockmining are not included in this definition.

Source bed shall mean the stratum or strata from which water is drawn in the well.

Source gas volume shall mean the volume, in standard cubic feet, of all gases leaving a source operation; and the boundary of a source operation is that point or surface at which the separation of the air contaminants from the process materials, or the conversion of the process materials into air contaminants, is essentially complete.

Source operation means the last operation preceding the emission of air contaminant, which operation:

- (1) Results in the separation of the air contaminant from the process material or in the conversion of the process materials and air contaminants, as in the case of combustion fuel; and
- (2) Is not an air pollution abatement operation.

Specimen tree shall mean a tree with any individual trunk which has a DBH of eighteen (18) inches or greater, provided, however, that the following trees are not specimen trees:

- (1) All trees listed in Section 24-49(4)(f).
- (2) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados, or species of citrus.
- (3) Non-native species of the genus Ficus.
- (4) All multitrunk trees in the palm family, except *Acoelorrhaphe wrightii* and *Phoenix reclinata* which have a minimum overall height of fifteen (15) feet.

SRA (see Site rehabilitation action)

Standard conditions shall mean a pressure of fourteen and seven-tenths (14.7) pounds per square inch, absolute, and a temperature of sixty (60) degrees Fahrenheit. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

Standard sample is taken to mean that for the bacteriological test it shall consist of:

- (1) For the bacteriological fermentation tube test, five (50 standard portions of either:

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- (a) Ten million (10 ml).
- (b) One hundred milliliters (100 ml).

(2) For the membrane filter technique, not less than fifty milliliters (50 ml).

State of Florida Conservation and Recreation Lands Trust Fund shall mean a fund established under Florida Statutes Chapter 375 (as amended from time to time) for the purposes of purchasing environmentally-sensitive land.

State-approved plant nursery shall mean a business actively engaged in propagating, growing, maintaining and selling tree species that has been licensed to conduct such business by the State of Florida or Miami-Dade County.

Storm sewer shall mean any conduit which is designed to carry stormwater runoff.

Stormwater infrastructure shall mean the structural, nonstructural or natural features of a parcel of land or watershed which collect, convey, store, absorb, inhibit, treat, use, reuse, or otherwise affect the quantity or quality of stormwater.

Stormwater management area shall mean that portion of a tract of land which shall be left at natural grade (unfilled), filled to an elevation no less than four (4) inches above the seasonal high water table, or excavated below natural grade for the purposes of: managing water which results from rainfall, storing water in the Biscayne Aquifer and recharging the Biscayne Aquifer.

Stormwater management program shall mean the same term as defined by Section 403.031(14), Florida Statutes, as same may be amended from time to time.

Stormwater management system shall mean the same term as defined by Section 403.031(15), Florida Statutes, as same may be amended from time to time.

Stormwater runoff shall mean the excess rainfall precipitation which runs over the ground surface when the rate of rainfall precipitation exceeds the rate of infiltration of stormwater into the ground.

Stormwater shall mean the water which results from rainfall.

Stormwater utility shall mean the same term as defined by Section 403.031(16), Florida Statutes, as same may be amended from time to time.

Structural controls of stormwater shall mean physical devices used to control stormwater including, but not limited to, levees, dikes, pump stations, spillways, locks, embankments, roadways, lakes, retention ponds, and detention ponds.

Substantial reduction in recharge of water to the Biscayne aquifer shall mean a reduction in natural infiltration rates or reduction of volume of surface water from a defined area; or transportation of surface waters off-site to the extent that a site's natural hydrological regimen is changed.

Surcharged gravity sanitary sewer shall mean a condition during which a gravity sanitary sewer contains sewerage flows above the crown of the pipe.

Temporarily out of service shall mean not in operation for ninety (90) days or less within any six-month period of time.

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Test well (see Monitoring well)

Top pruning shall mean the removal of any distal branches or limbs of a mangrove tree which will result in the reduction in the overall height of the mangrove tree.

Total hazardous organic materials (THOM) shall mean the sum of all quantifiable concentration values of organics presumed to be hazardous materials by the designation of the Board of County Commissioners pursuant to Section 24-5 of the Code of Miami-Dade County, Florida.

Total metals shall mean the sum of the concentration of copper, nickel, total chromium, and zinc.

Total toxic organics (TTO) shall mean the sum of all quantifiable concentration values of those organics set forth in 40 CFR 413 and 40 CFR 433 of the Code of Federal Regulations, and Xylene.

Transitional Northeast Everglades shall mean the wetlands within the following geographic boundaries:

Beginning at a point on the north right-of-way line of theoretical N.W. 12th Street as it intersects the east side of the Miami-Dade-Broward levee, thence run northerly along the east side of the Miami-Dade-Broward levee for approximately 10 miles to its point of intersection with the eastern right-of-way line of the State Road 997 (Krome Avenue); thence, run northeasterly along the eastern right-of-way line of said State Road 997 (Krome Avenue); to its intersection with the west right-of-way line of U.S. Highway 27 (Okeechobee Road); thence run southeasterly along said west right-of-way line of U.S. Highway 27 (Okeechobee Road); to its intersection with the western right-of-way line of the Homestead Extension of Florida's Turnpike; thence run southerly along said western right-of-way line of the Homestead Extension of Florida's Turnpike; for approximately 8 miles to theoretical N.W. 12th Street; thence run westerly along theoretical N.W. 12th Street to the point of beginning.

Beginning at a point on the south right-of-way line of U.S. Highway 41 as it intersects the west right-of-way line of State Road 997; thence run southerly along the west right-of-way line of State Road 997 for approximately 4 miles to the southeast corner of Section 25, Township 54 South, Range 38 East; thence run westerly for approximately 1 mile along the south section line of said Section 25 to its intersection with the east right-of-way line of Levee 31N; thence run northerly for approximately 4 miles along the east right-of-way line of Levee 31N to its intersection with the south right-of-way line of U.S. Highway 41; thence run easterly for approximately 1 mile to the point of beginning.

Transmissivity shall mean the rate at which groundwater is transmitted through a unit width of aquifer under a unit hydraulic gradient.

Trash shall mean solid waste comprised of yard trash or construction and demolition debris, and shall include but not be limited to paper, cardboard, cloth, glass, plastics, street sweepings, and vehicle tires.

Travel time means the period of time in days or equivalent distance in feet for groundwater to travel from one (1) point in an aquifer to another point in the aquifer.

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Tree island shall mean a vegetative community located within freshwater wetlands whose dominant vegetative components consist of native hardwood trees and shrubs.

Tree removal shall mean directly or indirectly cutting down, destroying, removing or relocating, or effectively destroying (through damaging, trimming, authorizing or allowing the cutting down, destroying, removing, moving or damaging of) any tree.

Tree shall mean a woody or fibrous perennial plant with a trunk having a minimum DBH of three (3) inches or with an overall height of twelve (12) or more feet. Tree shall not include any mangrove tree as defined in Section 24-5.

Tree survey shall mean a drawing overlaid directly upon the site plan sufficient to provide the following information:

- (1) The location, plotted by accurate techniques, in relation to all proposed development, of all existing trees which are proposed to be destroyed, relocated or preserved,
- (2) The common and scientific name of each tree,
- (3) The DBH of each tree, or if a multiple trunk tree, the sum DBH for all trunks, and
- (4) An estimate of the height of the canopy.

Tree well shall mean a soil retaining structure designed to maintain the existing natural ground elevation beneath a tree to preserve the tree when the surrounding area is filled to raise the ground elevation. Tree wells shall have a minimum radius of three (3) feet from the trunk of the tree and a maximum radius of ten (10) feet from the trunk of the tree.

Underground storage facilities supervisor shall mean an employee designated by any person who owns one hundred (100) or more underground storage facilities in Florida and whose duties include the supervision of construction and inspection of underground storage facilities.

Underground storage facility shall mean a tank, pipe, vessel or other container, or any combination of the foregoing, used or designed to be used for the underground storage or underground transmission of hazardous materials, including but not limited to line leak detectors, monitoring wells, continuous automatic leak detection systems and secondary containment system associated therewith, excluding sanitary sewers, septic tanks, septic tank drainfields, the primary pipeline transmitting jet fuel from Port Everglades to Homestead Air Force Base, and any other primary pipeline transmitting hazardous materials from one (1) county to another county.

Understory shall mean the complex of woody, fibrous, herbaceous, and graminoid plant species that are typically associated with a natural forest community.

Unsubmerged land means any land which meets or exceeds the minimum elevation required by Miami-Dade County flood criteria.

Vacuum assist system shall mean a gasoline or gasohol vapor recovery system that uses a vacuum generating device to create a vacuum in the vapor return line from the

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nozzle boot to the underground storage tank during motor vehicle refueling.

Vapor shall mean any mixed material in a gaseous state which is deformed from a substance usually a liquid, by increased temperature.

Vessel shall mean a watercraft, boat, ship, yacht, barge, canoe, or kayak, used or capable of being used as a means of transportation on water. Vessel shall not mean a floating structure as defined in Section 24-5. Notwithstanding that the floating structure has previously been used as a means of transportation on water or is capable of being used as a means of transportation on water, vessel shall not mean a floating structure as defined in Section 24-5.

Vessel tieup space shall mean an area abutting a bulkhead or shoreline where a vessel may be secured.

Waste discharge shall mean any outfall, ditch, pipe, soakage, pit, drainage well, drainfield, or any other method or device by which treated or untreated sewage, industrial waste, or other wastes can enter the surface waters, tidal salt water, or groundwaters, so as to cause water pollution as herein defined.

Water dependent use shall mean a use which cannot exist or occur without association with marine, freshwater or estuarine water masses.

Water pollution shall mean the introduction in, on or upon any surface water or ground water, or tidal water, of any organic or inorganic matter or deleterious substances in such quantities, proportions, accumulations or levels which exceed any of the clean-up target levels (CTLs) set forth in Section 24-44, or which are injurious to human, plant, animal, fish and other aquatic life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business.

Water system shall mean a system which supplies water for drinking, culinary, fire, industrial, commercial, or domestic purposes.

Watershed shall mean the same term as defined by Section 403.031(17), Florida Statutes, as same may be amended from time to time.

Wet retention shall mean the disposal of stormwater runoff to a storage basin having a bottom elevation lower than one (1) foot below the average October groundwater level as set forth in the Miami-Dade County Public Works Manual, Part II, Section D4, dated September 1, 1974, as may be amended from time to time.

Wetlands shall mean those areas as defined in Section 373.019(17), Florida Statutes, as same may be amended from time to time.

Work shall mean any project, activity, or any artificial or man-made alteration of the environment, including, but not limited to, the construction or maintenance of roads; landclearing; trimming or cutting of a mangrove tree(s); dredging; filling; construction or placement of structures, floating structures, fixed structure, facilities or dwellings; excavations; or rockplowing.

Yard trash shall mean solid waste comprised of vegetative matter resulting from landscaping maintenance or land clearing operations and shall include, but not be

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limited to, melaleuca, Australian pine, Brazilian pepper and other tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and soils not containing any hazardous materials.

Sec. 24-6. Director, Environmental Resources Management--Office created; appointment; term; exempt from classified service and merit system; compensation; assistants; operating procedures.

The office and position of Director, Environmental Resources Management, is hereby created and established. The Director, Environmental Resources Management, shall be appointed by and serve at the will of the County Manager. Such Director shall be chosen by the Manager on the basis of his qualifications and experience in the field of air and water pollution controls, and he shall be a professional engineer registered to practice in the State of Florida under the provisions of Chapter 471, Florida Statutes, or he shall become registered within eighteen (18) months after the date of appointment, or he shall have at least a bachelor's degree from an accredited university in a field which will, in the Manager's judgement, technically qualify him to discharge the duties imposed by this chapter. The Office of Director, Environmental Resources Management, shall constitute a position exempted from the classified service of Miami-Dade County and the State merit system. The salary for such position shall be fixed by the Board of County Commissioners. The Director, Environmental Resources Management, shall serve under the administrative jurisdiction of the County Manager and subject to the direct supervision of the County Manager. The County Manager shall appoint such assistants to the Director, Environmental Resources Management, as may be necessary in order that his duties may be performed properly. The organization and administrative operating procedures of such County office and its relationship and coordination with other County departments shall be established and placed in effect, from time to time, by administrative order of the County Manager, but the Manager shall not have any power to modify the duties imposed upon the Director, Environmental Resources Management, by this chapter or the procedures prescribed herein for the performance of such duties.

Sec. 24-7. Same--Duties and powers.

The duties, functions, powers and responsibilities of the Director, Environmental Resources Management, shall include the following:

- (1) The enforcement of the provisions of this chapter and the rules and regulations promulgated hereunder, all rules and regulations of the Florida Department of Environmental Protection pertaining to air and water pollution and the Federal Pretreatment Standards, promulgated under the authority of Section 307 of the Federal Clean Water Act, as incorporated in this chapter.
- (2) Investigate complaints, study and observe air and water pollution conditions, institute actions necessary to abate nuisances caused by air and water pollution, and prosecute proceedings for violations of this chapter.
- (3) Make appropriate surveys, tests and inspections to determine whether the provisions of this chapter are being complied with, and whether air and water pollution is being effectively controlled throughout this County.

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- (4) Make inspections of property, facilities, equipment and processes operating under the provisions of this chapter to determine whether the provisions of this chapter are being complied with, and make recommendations for methods by which air and water pollution may be reduced or eliminated.
- (5) Maintain and review all operating records required to be filed by persons operating facilities and equipment subject to the provisions of this chapter and as required by 40 CFR 403.8 and 40 CFR 403.12, Federal Pretreatment Regulations.
- (6) Render all possible assistance and technical advice to persons operating equipment, facilities and processes, the use of which may cause air or water pollution, provided that the Pollution Control Officer shall not design equipment or facilities for any person.
- (7) Establish, operate and maintain a continuous program for monitoring air and water pollution by means of Countywide air and water quality surveillance networks designed to provide accurate data and information as to whether the requirements of this chapter are being complied with and whether the level of air and water pollution is increasing or decreasing throughout this County.
- (8) Publish and disseminate information to the public concerning air and water pollution and recommended methods for decreasing and eliminating pollution. Additionally, publish annually a list of industrial users in significant noncompliance in accordance with the requirements of 40 CFR 403.8(f)(2)(vii), Federal Pretreatment Regulations.
- (9) Render assistance to the State of Florida Department of Environmental Regulation in connection with the review of plans, specifications and processes filed in accordance with the requirements of this chapter.
- (10) Render all possible cooperation and assistance to federal, State and local agencies in the accomplishment of the effective control of air and water pollution.
- (11) Enlist and encourage public support, and the assistance of civic, technical, scientific and educational organizations, and the cooperation of industrial and business enterprises and organizations.
- (12) Make periodic reports concerning the status of air and water pollution in this County and the enforcement of the provisions of this chapter, and recommendations concerning the improvement of pollution requirements. Such reports shall be filed with the County Manager and made available to the County Commission, the State of Florida Department of Environmental Regulation, and other cognizant agencies.
- (13) Make continuing studies and periodic reports and recommendations for the improvement of air and water pollution controls in the County, and work in cooperation with the State of Florida Department of Environmental Regulation, the United States Public Health Service and other appropriate agencies and groups interested in the field of air and water pollution.

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- (14) Investigate air and water pollution control programs and activities in operation in other areas and to make recommendations for the improvement of the regulation, administration and enforcement of pollution controls in this County. Publicize the importance of adequate pollution controls, to hold public hearings, discussions, forums and institutes, and arrange programs for the presentation of information by experts in the field of air and water pollution, and visit and study pollution control programs conducted in other metropolitan areas, subject to budget limitations.
- (15) (a) Whenever evidence has been obtained or received establishing that a violation of this chapter has been committed, the Director, Environmental Resources Management, or Director's designee, shall issue a notice to correct the violation or a citation to cease the violation and cause the same to be served upon the violator by personal service or certified mail or by posting a copy in a conspicuous place on the premises of the facility causing the violation. Such notice or citation shall briefly set forth the general nature of the violation and specify a reasonable time within which the violation shall be rectified or stopped, commensurate with the circumstances. Reasonable time herein means the shortest practicable time to rectify or stop the violation. If notice to correct the violation or citation to cease the violation is not obeyed within the time set forth therein, the Director, Environmental Resources Management, or the Director's designee, shall have the power and authority to issue an order requiring the violator to restrict, cease or suspend operation of the facility causing the violation until the violation is corrected. Any orders issued by the Director, Environmental Resources Management, or the Director's designee, hereunder may be enforced by suit brought by him in the appropriate court of competent jurisdiction.
- (b) Whenever a violation of this chapter has been committed, the Director, Environmental Resources Management, or the Director's designee, may initiate proceedings against the violator in the appropriate court for such violation, whether or not a notice to correct the violation or citation to cease the violation has been issued by him.
- (c) The Director or the Director's designee, may, in the Director's or the Director's designee's discretion, terminate an investigation or an action commenced under the provisions of this chapter upon execution of a written consent agreement between the Director, or the Director's designee, and the persons who are the subjects of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this chapter by said persons. The consent agreement may, in the discretion of the Director, or his designee, provide the following: environmental mitigation; compensatory damages; punitive damages; civil penalties; costs and expenses of the County in tracing the source of any discharge, in controlling and abating the source of the pollutants and

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the pollutants themselves, and in restoring the air, waters, ground and property, including animal, plant and aquatic life, of the County in accordance with the provisions of this chapter; costs of the County for investigation, enforcement, testing, monitoring, and litigation, including attorneys' fees; and remedial or corrective action. An executed written consent agreement shall neither be evidence of a prior violation of this chapter nor shall such agreement be deemed to impose any limitation upon any investigation or action by the Director, or the Director's designee, in the enforcement of this chapter. The consent agreement shall not constitute a waiver of or limitation upon the enforcement of any federal, State or local laws and ordinances. Executed written consent agreements are hereby deemed to be lawful orders of the Director, or the Director's designee. Each violation of any of the terms and conditions of an executed written consent agreement shall constitute a separate offense under this chapter by the person who executed the consent agreement, their respective officers, directors, agents, servants, employees and attorneys; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the consent agreement. Each day during any portion of which each such violation occurs constitutes a separate offense under this chapter. Decisions and actions of the Director or the Director's designee, pursuant to Section 24-7(15)(c) of this Code and written consent agreements executed thereunder, shall not be subject to review pursuant to Section 24-11 of the Code of Miami-Dade County, Florida.

- (16) In the event a violation of this chapter creates a health hazard or threatens serious damage to the public health, aquatic life or property, or creates a nuisance as herein defined, the Director, Environmental Resources Management, shall have the power and authority to order immediate cessation of the operations causing such conditions. Any person receiving such an emergency order for cessation of operation shall immediately comply with the requirements thereof. It shall be unlawful for any person to fail or refuse to comply with an emergency order issued and served under the provisions of this section. Any person who is convicted of wilfully failing or refusing to comply with such an emergency order shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or both, in the discretion of the appropriate court. Each day during which the wilful failure or refusal to comply with such an emergency order continues shall constitute a separate offense.
- (17) In addition to and not limited by any other provision or remedy of this chapter, the Director, Environmental Resources Management, shall have the power and authority to order a moratorium on the issuance of building permits by any County or municipal agency should it be determined:
- (a) That violations of this chapter have occurred or may be reasonably

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anticipated to occur, or that the physical limitations of the public or private water or sewage system have or will be met so as to endanger or threaten the public health, aquatic life or property or creates a nuisance; and

- (b) That such a situation can reasonably be anticipated to deteriorate by the issuance of additional building permits that require added or new demands being made on the water or sewage system involved.
- (18) Perform such other administrative duties as may be assigned by the County Manager.
- (19) To appoint with the approval of the County Manager, deputies who are hereby empowered to perform the duties of the Director, Environmental Resources Management, as provided by this chapter, subject to the Director, Environmental Resources Management's control.
- (20) Where necessary the Director, Environmental Resources Management, and his duly authorized deputies are hereby empowered to seek all search warrants reasonable and necessary to carry out their powers and duties as established by this chapter, in accordance with the requirements of the Constitutions of the United States and the State of Florida, the Laws of Florida, and in accordance with the procedures established by the Code of Miami-Dade County, Florida.
- (21) The powers and duties enumerated in this section shall be in addition to and not a limitation of any other power or duty specifically granted to the Director, Environmental Resources Management, by any other provision of this chapter.
- (22) Whenever this chapter specifies the need for approval, a determination, permits, review or the promulgation of standards or criteria by an undisclosed entity, said approval, review, permitting, or promulgation shall be the duty and responsibility of the Director, Environmental Resources Management, unless otherwise specifically provided, subject to the manner and mode of review set in Section 24-11 of the Code. Said approvals, determinations, decisions to permit, and the promulgation of standards and criteria shall be based upon generally accepted concepts and standards of the particular professional discipline concerned.
- (23) The Board of County Commissioners hereby authorizes the establishment of Countywide water control, coastal engineering and wetlands management programs, and vests in the Director of the Department of Environmental Resources Management the administration of said programs. A plat showing existing and proposed water-control facilities and their general locations is hereby adopted and made a part of this chapter, said plat being identified as amended plat of Miami-Dade County Water Control Plan recorded in August, 1972, in plat book 94, page 4. The amended water control plan may be further revised at any time by resolution of the Board of County Commissioners. Authority for administering said program includes, but is not limited to, the

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power to:

- (a) Establish, adopt, and implement water control, coastal engineering and wetlands management programs, as may be necessary or appropriate for prevention and control of floods, drainage, water conservation, prevention of saltwater encroachment, protection against pollution, safeguard of water supplies, protection of beaches, shorelines, and wetlands areas and the best use of all the water, shoreline and wetland resources of Miami-Dade County.
- (b) Administer the processing of property right exchanges and advise the Board of County Commissioners on the acquisition by gift, donation, dedication, purchase, condemnation or otherwise of such lands as may be necessary for aforesaid purposes of water control, beach and wetlands management, all acquisitions to be in accord with such State and local laws as may be applicable.
- (c) Defray costs and expenses of said water control, coastal engineering and wetlands management programs, including, but not limited to, the costs of engineering, construction, operation, maintenance, lands, rights-of-way, alterations, cooperation with other agencies and authorities, all as authorized herein, subject to County budgetary procedures and limitations.
- (d) Determine, establish, and regulate water levels in all parts of Miami-Dade County, including, but not limited to, levels of bays, streams, canals, ditches, lakes, borrow ditches, and the underground water table, by dams with or without locks or boat lifts, by gates, levees, or other facilities; providing, however, that said authority and powers are not to encroach upon, be inconsistent with, and are in conjunction with the statutes, rules and regulations of appropriate State and federal agencies as they exist now and in the future.
- (e) Administer programs for the preservation of beaches and shorelines, including cooperative federal, State, and local programs and projects; establish standards and permitting procedures for the control of excavation in water areas, dredging and filling and performing work in all saltwater and wetland areas.
- (f) Cooperate with appropriate federal, State, municipal and other local agencies. Any action(s) taken by the Department shall be taken only after the affected municipality(ies) has been notified of the proposed action(s).
- (g) Make and adopt reasonable rules and regulations, subject to approval of the Board of County Commissioners by ordinance, for the administration of said water control, coastal engineering and wetlands management programs, all such rules and regulations (within declared policies, powers, and authorities granted by the Board of County Commissioners) having the force and effect of law and being

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enforceable under Section 24-29 of this Code.

- (h) Require permits and set permit fees for connecting any private or public drain, ditch, canal, storm sewer, outfall, inlet, intake, outlet or irrigation, pipe with, into, through, or across any ditch, canal, waterway, culvert or other water-control facility under the jurisdiction of Miami-Dade County.
 - (i) Require permits and set permit fees for any type of public or private crossing over, under or within any ditch, canal, waterway, culvert or other such facility under the jurisdiction of Miami-Dade County, including, but not limited to, permits for bridges, footbridges, culverts, earthfills, pipelines and other obstructions of any kind, such as fences, barricades, dams, and the like.
 - (j) Require permits and set permit fees for excavating, filling and performing work in coastal areas and wetland areas of Miami-Dade County, including, but not limited to, beach and shoreline alteration, beach nourishment, and construction, installation, alteration or repairs of marinas, docks, piers, seawalls, fixed structures, or floating structures, and construction of roads, fill pads, rockpiling and rockmining within the incorporated or unincorporated areas of Miami-Dade County.
 - (k) Provide for permits and fees for accomplishing, through contractors, land developers and others, the excavation of ditches, canals, and installation of water-control facilities, within the general limits of said programs of water control, coastal engineering and wetlands management.
 - (l) Limit and control excavation or filling of wetlands, channels, ditches, canals, or lakes in wetlands by individuals, firms, corporations, minors, partnerships, joint ventures, estates, trusts, syndicates, fiduciaries, and all other associations and combinations whether public or private, including governmental agencies, to the extent necessary for the prevention of pollution or further saltwater encroachment and for the protection of water recharge areas and wetland and tidal habitats in Miami-Dade County.
- (24) To require and issue Florida Department of Environmental Regulation and South Florida Water Management District permits as provided by law.
- (25) Require that a comprehensive environmental impact statement be submitted for any work or activity requiring a permit or permits issued by the Department of Environmental Resources Management or for any work or activity defined as a nuisance in Chapter 24 of the Code of Miami-Dade County, Florida, if, in the opinion of the Director of the Department of Environmental Resources Management, the work or activity may result in adverse environmental impact. The Director of the Department of Environmental Resources Management shall only require a comprehensive

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environmental impact statement if a comprehensive environmental impact statement, as defined in this chapter, has not already been submitted as part of a federal, State or regional permit application.

- (26) Order testing by any person who is or may be responsible for a violation of this chapter, or who installs, modifies, repairs, expands, replaces or operates any facility under the provisions of this chapter. The design and nature of such testing shall be approved by the Department of Environmental Resources Management prior to implementation of testing. Said testing shall be accomplished and the results thereof submitted to the Department for review no later than such time as determined by the Department.
- (27) When a violation of this chapter has occurred or continues to exist or when there may be an imminent endangerment to the public health or welfare or the environment because of a threatened release or discharge of a hazardous material, the Director or his designee, in his or her discretion, may:
- (a) Take action necessary to prevent such violation, and
 - (b) Restore the air, water, and property, including but not limited to animal, plant, and aquatic life affected by said violation.

This provision shall not be construed to provide a defense to or otherwise relieve or limit the liability or responsibility of any person violating the provisions of this chapter. Furthermore, the Director may institute suit in a court of competent jurisdiction to recover the sums expended by the County for the investigation and the aforesaid restoration and prevention from the persons responsible. All sums received by the Director pursuant to this provision shall be deposited by the Director into the fund from which said sums were expended.

- (28) The Board of County Commissioners hereby authorizes the establishment of a Countywide Tree and Forest Resources Program, and vests in the Director of the Department of Environmental Resources Management the administration of said program. Authority for administering said program includes, but is not limited to, the power to:
- (a) Make and adopt reasonable rules and regulations subject to approval of the Board of County Commissioners by ordinance for the administration of said Tree and Forest Resources Program, all such rules and regulations (within declared policies, powers, and authorities granted by the Miami-Dade County Board of County Commissioners) having the force and effect of law and being enforceable under Section 24-29 with penalties and liabilities set forth under Sections 24-30 and 24-31 of this Code.
 - (b) Require permits under the provisions of Section 24-49, and set permit fees for the removal of trees, and understory where applicable, in unincorporated areas of Miami-Dade County and municipalities in which this chapter is enforced by the Department of Environmental Resources Management.

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- (c) Limit and control the removal of trees and understory in unincorporated areas of Miami-Dade County and municipalities in which Ordinance Number 89-8 is enforced by the Department of Environmental Resources Management under the provisions of Section 24-49 in order to preserve as many native trees and their understory and desirable non-native trees as possible.
 - (d) If the provisions of Section 24-49 or the provisions of a tree ordinance passed by a municipality are not adequately enforced by a municipality, or if the municipal ordinance does not meet the minimum standards of Ordinance Number 89-8, and it is the Department's intent to administer Section 24-49 in said municipality, then the Director of the Department shall notify the municipality by certified letter of the Department's intent and, following the municipality's receipt of the letter, the Department shall enforce Ordinance Number 89-8 within the municipality.
 - (e) Require preparation and implementation of management plans for natural forest communities presently owned or managed by Miami-Dade County or those which are acquired by Miami-Dade County in the future. All said management plans shall be submitted to the Department for approval within two (2) years of the effective date of Ordinance Number 89-8 or within one (1) year after acquisition.
 - (f) Review the existing Miami-Dade County Natural Forest Community Maps and make recommendations to the Board of County Commissioners concerning the addition to or deletion of specific sites from said maps. Modify the boundaries of existing natural forest communities, as indicated on the aforementioned maps, when it is determined that the approved boundaries no longer accurately reflect the boundaries of a natural forest community as defined herein.
- (29) Enlist or encourage cooperation by the general public and public utilities owning or operating public water systems to implement voluntary water conservation measures for prevention of contamination of the Northwest Wellfield.
 - (30) Order public utilities owning or operating public water systems to reduce public water system pressure for the purpose of conserving water to prevent contamination of the Northwest Wellfield.
 - (31) Impose mandatory water conservation restrictions in the unincorporated and incorporated areas of Miami-Dade County to prevent contamination of the Northwest Wellfield.

Sec. 24-8. Environmental Quality Control Board.

A Miami-Dade County Environmental Quality Control Board is hereby created and established, consisting of five (5) members appointed by the County Commission.

- (1) *Qualifications of members.* Members of the Board shall be residents of

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Miami-Dade County who possess outstanding reputations for civic pride, interest, integrity, responsibility and business or professional ability. Appointments shall be made by the County Commission on the basis of experience or interest in the field of air and water pollution. The composition and representative membership of the Board shall be as follows:

- (a) Two (2) members shall be scientists possessing Ph.D. degrees in biology.
- (b) One member shall be a scientist possessing a Ph.D. degree in biochemistry.
- (c) Two (2) members shall be professional engineers with experience in the field of sanitary engineering, who may be recommended by the Miami Chapter of the Florida Engineering Society.

(2) *Terms of office.* In order that the terms of office of all members of the Board shall not expire at the same time, the initial appointments to the Board shall be as follows: Two (2) members shall be appointed for the term of one (1) year, two (2) members shall be appointed for the term of two (2) years, and one (1) member shall be appointed for the term of three (3) years. Thereafter all appointments shall be made for the term of three (3) years. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term of office. A member may be removed with or without cause by the affirmative vote of not less than a majority of the entire County Commission. Should any member of the Board fail to attend three (3) consecutive meetings without due cause, the Chairman shall certify the same to the County Commission. Upon such certification, the member shall be deemed to have been removed and the County Commission shall fill the vacancy by appointment.

(3) *Organization of the Board; quorum; Secretary; compensation of members; meetings; personnel.* The members of the Board shall elect a Chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Board. A majority vote of the entire membership of the Board shall be necessary to take any action. Three (3) members of the Board shall constitute a quorum necessary to hold a meeting and take any action, except that the affirmative vote of four (4) members of the Board shall be required to grant variances and extensions of time for compliance with the requirements of this chapter for new or existing facilities, equipment, and processes or classes thereof, within the Northwest Wellfield protection area or within the West Wellfield Interim protection area. The Director, Environmental Resources Management, shall be secretary of the Board and shall be responsible for the custody of all minutes and records of the Board, but he shall not be entitled to vote on any matter before the Board. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval of the County Commission. The Chairman may call meetings of the Board, and meetings, and the Board at any meeting may fix and call a meeting on a future date. Minutes shall be kept of all meetings of the Board. All meetings shall be

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public. The County Manager shall provide adequate and competent clerical administrative personnel as may be reasonably required by the Board for the proper performance of its duties, subject to budget limitations.

- (4) *Technical advisory panel.* The Board may designate from time to time one (1) or more citizens of the community to sit as one (1) or more technical advisory panels. The members of such panels shall be persons technically skilled and qualified to render advice on particular matters of pollution control then before the Board. The members shall serve at the will of the Board and shall furnish advice and information of a technical nature to the Board for so long a period of time as the Board may request it. All such advice and information given by the panel or any member thereof shall be in the form of testimony before the Board at a regularly scheduled meeting and subject to cross examination by any interested party. The members of the panels shall not be deemed County officers or employees within the purview of Sections 2-10.2, 2-11.1, or otherwise.
- (5) *Duties and powers of the Environmental Quality Control Board.* The Environmental Quality Control Board shall have the following duties, functions, powers and responsibilities:
 - (a) To hear appeals by any person aggrieved by any action or decision of the DERM as provided in Section 24-11.
 - (b) To hear and pass upon all applications for variances and extensions of time in the manner provided by Sections 24-13 and 24-14, except for compliance with Federal Pretreatment Regulations set forth in 40 CFR 403 as incorporated in this chapter.
 - (c) To hear and pass upon all applications for extension of time for compliance with the provisions of this chapter. All such applications shall be filed in accordance with the provisions of this chapter and shall be heard and considered by the Environmental Quality Control Board at a public hearing pursuant to notice. In considering such applications, the Board shall take into account such factors as practicability, availability of equipment, and relative benefits to the community. The Board shall not have the power and authority to grant any application for extension of time to comply with the prohibitions against open burning (Section 24-41.4), or the prohibitions against reduction of animal matter (Section 24-41.8), or the prohibitions against a nuisance (Section 24-27), or the prohibitions against the discharge of cyanides or other toxic chemicals into the waters in excess of the standards set forth in Section 24-42(3). Applications for extension of time for compliance shall be considered on the basis of public interest and not merely on economic benefit to the applicant; applications shall be granted only when it is established that the requested extension of time for compliance will not be detrimental to the public health, welfare and safety, and will not create or permit the continuation of a nuisance, or that no technically feasible,

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economically reasonable means of compliance are readily available to the applicant. The Board shall not have the power and authority to grant extensions of time for compliance with the Federal Pretreatment Regulations set forth in 40 CFR 403 as incorporated in this chapter. Any person aggrieved by any decision of the Environmental Quality Control Board shall be entitled to judicial review in accordance with the Florida Rules of Appellate Procedure.

- (d) To hear and pass upon all applications pursuant to Section 24-16 for approval of interim package sewage treatment plants. In considering such applications the Board shall take into account such factors as the public interest, compliance with the technical requirements of this chapter, factors of practicability and availability of equipment, alternative methods of sewage disposal and the likelihood of creating a present or future nuisance. If the Board approves such application it shall direct the Director, Environmental Resources Management, to issue his approval subject to any reasonable conditions that the Board finds to be in the public interest. Provided, however, that no action on the application shall be taken by the Board until a public hearing has been held upon at least ten (10) days notice of the time and place of such hearing published in a newspaper of general circulation in Miami-Dade County.
- (e) To provide additional notice to the public, property that may be affected by the application shall be posted in a manner as shall provide notice of the purpose, time and place of such hearing. Failure to post such property shall not affect any action taken by the Board. Provided, however, that the Board may, upon application of any city or any governmental water and sewer authority existing on the effective date of this subsection and chartered pursuant to State law, waive the requirement for a public hearing on interim package sewage treatment plant applications where such proposed plant is to be located within a city that requires by law a public hearing before granting approval of such a plant where such applications are considered under standards equal to or stricter than those provided by Chapter 24 of the Code of Miami-Dade County, as amended from time to time.
- (f) To hear and pass upon applications by private and/or public water or sewer utilities for a statement of approved water quality or approved sewage service filed pursuant to the requirements of Section 24-15 of the Code.
- (g) To issue subpoena to compel the presence of a witness or documents at any hearing authorized above, such subpoenas to be issued by the Chairman of the Board and enforced pursuant to the provisions of Section 24-9 of this chapter.
- (h) To review decisions of the Miami-Dade County Fire Department or other Fire Department having jurisdiction, pursuant to Section 2-

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103.23 of the Code.

- (i) The powers enumerated in this section shall be an addition to and not a limitation of any other power specifically granted to the Environmental Quality Control Board by any other provision of this chapter.

Sec. 24-9. Contempt powers.

The Board is empowered and authorized to hold any individual, corporation, or public utility which refuses to obey any legal order, mandate, decree or instruction issued by the Board during any proceeding before the Board, in contempt of the Board. The Board, through two-thirds of those members who are present, may fine any individual, corporation, or public utility which is in contempt of the Board a sum of up to one hundred dollars (\$100.00) for each contemptuous act, payable to the Miami-Dade County Finance Director within fifteen (15) days of the Board's ruling.

Sec. 24-10. Issuance of stop orders; injunctions; standards of service.

Whenever any public utility as herein defined engages or is about to engage in the construction, operation or extension of a water system or sewer system in violation of the provisions of this chapter, the Director, Environmental Resources Management, on his own initiative or upon complaint shall forthwith make such preliminary investigation as he may deem appropriate and may, either with or without notice, enter an order requiring such public utility to cease and desist from such construction, operation or extension until further order of the Board. A public hearing on such violation shall be held by the Board within thirty (30) days after the entry of the order to cease and desist. Reasonable written notice of the public hearing shall be given by mail to the public utility involved. Within fifteen (15) days after the hearing the Board shall enter an order either requiring the permanent cessation of construction, operation or extension, or authorizing continuation thereof under such terms and conditions as may be commensurate with the public interest and welfare. Any failure to comply with the stop orders of the Board may be enjoined and restrained by injunctive order of the Circuit Court in appropriate proceedings instituted for such purpose.

The Environmental Quality Control Board shall have the power, and it shall be its duty, to establish reasonable standards of service for each class of public utilities as defined in Section 32-4(c) of the Code, after notice and public hearing, and thereafter to enforce such standards. In performing this duty, the Board shall exercise its powers to conduct investigations and inspections, to make examinations and tests, to prescribe standards of measurement for testing the quality, pressure, or other conditions pertaining to the supply or quality of the product furnished or adequacy of the service rendered by any such utility, and to fix fees for the examination and testing of meters and other measuring devices, as provided by law in establishing the general regulatory powers of the Board, and as directed herein. Standards previously adopted by the Water and Sewer Board pursuant to Section 32-51 remain in full force and effect under the jurisdiction of the Environmental Quality Control Board until modified as provided above.

Sec. 24-11. Appeals from actions or decision of Director, Environmental Resources Management.

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Any person aggrieved by any action or decision of the Director, Environmental Resources Management, may appeal to the Environmental Quality Control Board by filing within fifteen (15) days after the date of the action or decision complained of, a written notice of appeal which shall set forth concisely the action or decision appealed from and the reasons or grounds for the appeal. The Environmental Quality Control Board shall set such appeal for hearing at the earliest possible date, and cause notice thereof to be served upon the appellant and the Director, Environmental Resources Management. The Environmental Quality Control Board shall hear and consider all facts material to the appeal, and render a decision promptly. The Environmental Quality Control Board may affirm, reverse or modify the action or decision appealed from provided that the Environmental Quality Control Board shall not take any action which conflicts with or nullifies any of the provisions of this chapter. The decision of the Environmental Quality Control Board shall constitute final administrative review and no hearing or reconsideration shall be considered. Any person aggrieved by any decision of the Environmental Quality Control Board on an appeal shall be entitled to judicial review in accordance with the Florida Rules of Appellate Procedure. The words "action" and "decision" as used herein shall not include the filing of any action by the Director, Environmental Resources Management, in any court. The Board shall not have jurisdiction to reconsider the subject matter of any appeal after its final administrative determination for a period of six (6) months from the date of the Board's final action, unless the Board determines that there has been a material and substantial change in the circumstances; provided, however, the DERM may reconsider at any time any action or decision taken by him and therefore may modify such an action or decision.

Sec. 24-12. Variances and extensions of time for compliance.

- (1) The Environmental Quality Control Board shall have the power and authority to grant or extend from time to time variances and extensions of time for compliance with the requirements of this chapter to new or existing facilities, equipment and processes. Such variances or extensions may be granted to specific facilities, equipment or processes or to a class. The Environmental Quality Control Board may grant such variances or extensions only if it is affirmatively established by competent factual data and information that strict compliance with the requirements of this chapter is impossible or inappropriate because of conditions beyond the control of the person or persons involved, or that strict compliance would result in substantial curtailment or closing down of a plant, project or operation which would be detrimental to the public interest, or that the particular operation is essential for the public health or the national security, or that no technically feasible, economically reasonable means of compliance are available to the person or persons involved, or that the variance or extension will not be detrimental to the public health, welfare and safety and will not create a nuisance and will not materially increase the level of pollution in this County, or that a more unhealthy condition will occur if a variance or extension is not granted. Variances and extensions of time shall be considered and acted upon in accordance with the provisions of Sections 24-4, Section 24-12, Section 24-13 and the provisions of Section 24-8(5)(b).
- (2) The above provisions for obtaining a variance shall not apply to applications for variances from the regulations of Section 24-49, which are provided for as follows. Any person desiring to do tree or understory removal work which is not in accordance

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with the regulations of Section 24-49 may apply to the Environmental Quality Control Board for a variance from such regulations in accordance with the provisions of Section 24-13. The Environmental Quality Control Board shall have the power and authority to grant such variances on a case-by-case basis only where it is affirmatively established by competent factual data and information that a literal application or enforcement of the regulations would result in unnecessary hardship (other than economical) and the relief granted would not be contrary to the public interest but will do substantial justice.

- (3) The board shall not have the power and authority to grant variances and extensions of time to comply with the Federal Pretreatment Regulations set forth in 40 CFR 403 as incorporated in this chapter.

Sec. 24-13. Procedure governing variances and extensions of time.

Applications for variances or extensions of time for compliance with this chapter shall be filed with the Director, Environmental Resources Management, in substantially the form prescribed therefor. The Director, Environmental Resources Management, shall make written recommendations concerning such applications and promptly file the records with the Environmental Quality Control Board. Upon request by any applicant for a variance from the regulations of Section 24-49, the Tree and Forest Resources Advisory Committee shall also make written recommendations concerning such applications and promptly file the recommendations with the Environmental Quality Control Board. The Director, Environmental Resources Management, may initiate and file with the Board an application for variance or extension. Upon receipt of an application and the recommendations of the Director, Environmental Resources Management, and upon receipt of the recommendations of the Tree and Forest Resources Advisory Committee, where applicable, the Board shall promptly hold a public hearing upon the application, after publication of notice of the hearing. All interested persons shall be entitled to be heard before the Board. The Board shall promptly hear and pass upon all such applications, and shall set forth the grounds and reasons for granting or denying the application. Any person aggrieved by any decision of the Environmental Quality Control Board shall be entitled to judicial review in accordance with the Florida Rules of Appellate Procedure. The Board shall prescribe rules of procedure governing applications for variances or extensions of time, which shall conform to and be commensurate with the applicable and controlling provisions of this chapter. For purposes of this section, the County Manager may constitute a person aggrieved whenever the Environmental Quality Control Board renders a decision adverse to the recommendation of the Director, Environmental Resources Management.

Sec. 24-14. Statements of approved water or sewer service; Emergency water and/or sewer rate requests.

- (1) Any public utility holding a valid certificate pursuant to Sections 32-33 and 32-39 of the Code that desires to apply for a change of rate or to change any rule or regulation as provided by Section 32-64 shall file with the Board or DERM a request for a statement of approved water quality or approved sewage service.
- (2) The DERM shall within ten (10) days from the date of such request set a hearing date

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PROCEDURE BEFORE THE
METROPOLITAN DADE COUNTY
ENVIRONMENTAL QUALITY CONTROL BOARD
APPEAL PROCEDURE

RULE 1. GENERAL

This regulation shall apply to all matters before the Metropolitan Dade County Environmental Quality Control Board.

RULE 2. FILING PETITION

Request for hearing shall be initiated by the filing of a petition with ten (10) copies with the Clerk of the Environmental Quality Control Board at Room 402, 909 S.E. First Avenue, Miami, Florida 33131, and the payment of a Seventy five (\$75.00) dollar filing fee for residential and Three hundred (\$300.00) dollar fee for commercial operations, made payable to "Metropolitan Dade County". Completed requests for hearings must be received by the Clerk at 909 S.E. First Avenue, Room 402, Miami, Florida 33131, a minimum of thirty (30) days prior to the hearing date. However, in accordance with a Board resolution which limits the total number of items to be heard, it would be to your advantage to submit early thereby avoiding possible postponement until a future agenda.

RULE 3. CONTENTS OF PETITIONS

Every petition shall state:

- a. The name, address and telephone number of the petitioner, or other person authorized by petitioner to receive service of papers.
- b. Whether the petitioner is an individual, co-partnership, corporation or other entity, the names and addresses of the officers, if a corporation, and the names and addresses of the persons in control, if other entity.
- c. The type of business or activity involved in the application and the street address at which it is conducted.
- d. A brief description of the article, machine equipment or other contrivance, if any, in the application.
- e. Include eight (8) copies of an aerial photo and one copy of section map showing the property related to the appeal.

NOTE: Copies of the above can be obtained at Dade County Reproductive Services, 900 S.E. 1st Avenue, Miami, FL 33131

f. The section or rule under which the petition is filed, that is, whether petitioner desires a hearing:

- (1) to determine whether a suspended permit shall be reinstated;
- (2) for a variance under Section 24-48 of the Metropolitan Dade County Pollution Control Ordinance;
- (3) to revoke or modify a variance under Section 24-48 of the Metropolitan Dade County Pollution Control Ordinance; or
- (4) to review the denial or conditional granting of an authority to construct or permit to operate under Section 24-31 of the Metropolitan Dade County Pollution Control Ordinance.

g. Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.

h. Petitions for revocation of permits shall allege in addition the rule under which permit was granted, the rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

i. All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

RULE 4. PETITIONS FOR VARIANCE AND FOR EXTENSIONS OF TIME TO COMPLY

In addition to the matters required by Rule 3, petitions for variance shall state briefly:

- a. The section, rule or order complained of.
- b. The facts showing why compliance with the section, rule or order is unreasonable.
- c. For what period of time the variance or extension is sought and why.
- d. The damage or harm resulting or which would result to petitioner from a compliance to such requirements.
- e. The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

- 1 of 1
- f. The advantages and disadvantages to the person and properties affected by requiring the compliance or resulting from granting a variance or extension of time.
 - g. Whether or not operations under such variance or extension of time, if granted, would constitute a nuisance.
 - h. Whether or not any case involving the identical property, equipment or process is pending in any court, civil or criminal.
 - i. Whether or not the subject property, equipment or process is covered by a permit to operate issued by the Director, of Environmental Resources Management Department.

RULE 5. APPEAL FROM DENIAL

A petition to review a denial or conditional approval of authority to construct or permit to operate, in addition to the matters required by Rule 3, shall set forth a summary of the application or a copy thereof and a copy of order appealed from, and a basis for the appeal.

RULE 6. ANSWERS

Any person may file an answer within ten (10) days after service. All answers shall be served the same as petitions under Rule 2, (no fee).

RULE 7. DISMISSAL OF PETITION

The petitioner may dismiss his petition, in writing, at any time before submission of the case to the Environmental Quality Control Board, without a hearing or meeting of the Environmental Quality Control Board. The Clerk of the Environmental Quality Control Board shall notify all interested persons of such dismissal.

RULE 8. NOTICE OF HEARING

The Clerk of the Environmental Quality Control Board shall mail or deliver a notice of hearing to the petitioner, Director, Department of Environmental Resources Management, the holder of the permit or variance involved, if any, and to any person entitled to notice under Rules 3 and 4. Said notice of hearing shall be published in a local newspaper at least ten (10) days prior to the hearing.

RULE 9. EVIDENCE

Rules of Evidence contained in Chapter 120, Part II of Florida Statutes shall be followed (by reference).

RULE 10. OFFICIAL NOTICE

The Environmental Quality Control Board may take judicial notice of any matter which may be judicially noticed by the courts of this state.

RULE 11. LACK OF PERMIT

The Environmental Quality Control Board shall not receive or accept a petition for variance or extension of time for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted or denied by the Director, Department of Environmental Resources Management; except that an appeal from a denial of a permit to operate and a petition for a variance or extension of time may be filed with the Environmental Quality Control Board in a single petition.

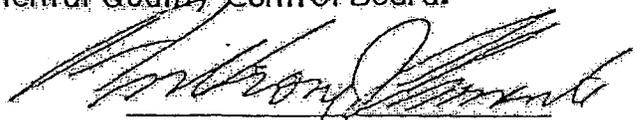
A variance or extension of time granted by the Environmental Quality Control Board after a denial of a permit to operate by the Director, Department of Environmental Resources Management may include a permit to operate for the duration of the variance or extension of time.

Where procedures are not specifically covered herein, the Florida Rules of Civil Procedure and the Florida Appellate Rules shall apply.

RULE 12. LEGAL REPRESENTATION

The petitioner or his attorney must be present at the hearing. Engineers, architects and other persons may speak on petitioner's behalf as experts, but may not legally represent the petitioner.

I, ANTHONY J. CLEMENTE, Acting Director of the Department of Environmental Resources Management of Dade County, Florida and Acting Secretary of the Environmental Quality Control Board, certify that the above is a true and correct copy of the original on file with the Environmental Quality Control Board.


Anthony J. Clemente

COUNTY OF DADE

) ss,
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Before me, personally appeared ANTHONY J. CLEMENTE, Acting Director of the Department of Environmental Resources Management of Dade County, Florida and Acting Secretary of the Environmental Quality Control Board, to me well known, described in and executed the foregoing certification and acknowledged to and before me that he executed said certification under oath and for the purposes therein expressed.

Witness my hand and official seal this 23 day of Sept. 1981.

Russell M. Childers
Notary Public

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEPT. 15 1982
BONDED THRU GENERAL INS. UNDERWRITERS

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MIAMI-DADE COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT
33 Southwest 2nd Avenue, PH 2
Miami, Florida 33130

ENVIRONMENTAL QUALITY CONTROL BOARD MEETING

Thursday, February 8, 2007, 1:30 P.M.

STEPHEN P. CLARK CENTER

111 Northwest 1st Street

Conference Room 2, 18th Floor

Miami, FL 33130

Members of the Board

Present:

- Claire M. Bradshaw-Sidran, Ph.D., Chairwoman
- William E. Hopper, Ph.D.
- Robert S. Pope, Ph.D.
- Luis A. Prieto-Portar, Ph.D., P.E.
- David A. Chin, Ph.D., P.E., DEE

COUNTY ATTORNEY'S OFFICE

Peter Tell, Assistant County Attorney

STAFF

- CARLOS ESPINOSA, P.E., Secretary
- ENRIQUE A. CUELLAR,
Chief of Code Coordination & Public Hearings
- LEE HEFTY, Head of Coastal Resources Section
- MIRNA LEAL, Project Supervisor

1 BOARD MEMBER PRIETO-PORTAR: Yes.

2 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Hopper?

3 BOARD MEMBER HOPPER: Yes.

4 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Chin?

5 BOARD MEMBER CHIN: Yes.

6 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Pope?

7 BOARD MEMBER POPE: Yes.

8 CHAIRWOMAN BRADSHAW-SIDRAN: Okay, item No

9 -- and I vote yes. Item No. 3 is continued to the

10 next regular meeting.

11 And No. 8, do I hear a motion for

12 continuance?

13 BOARD MEMBER HOPPER: I move that Item No. 8,

14 Alexis and Amado Llizo be continued to the regular

15 meeting in March.

16 BOARD MEMBER PRIETO-PORTAR: Second the

17 motion.

18 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Prieto?

19 BOARD MEMBER PRIETO-PORTAR: Yes.

20 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Hopper?

21 BOARD MEMBER HOPPER: Yes.

22 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Chin?

23 BOARD MEMBER CHIN: Yes.

24 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Pope?

25 BOARD MEMBER POPE: Yes.

1 CHAIRWOMAN BRADSHAW-SIDRAN: And I vote yes.
2 Item No. 8 is continued.

3 MR. ESPINOSA: We have one order of, I guess,
4 business here which is Sunset Review. And we need
5 a motion on that so that I could go ahead and
6 submit this to the proper County authorities which
7 ultimate do Boards of County Commissioner.

8 BOARD MEMBER HOPPER: So moved.

9 BOARD MEMBER PRIETO-PORTAR: Second.

10 CHAIRWOMAN BRADSHAW-SIDRAN: All approve?
11 Is there any discussion? Hearing none.

12 Dr. Prieto?

13 BOARD MEMBER PRIETO-PORTAR: Yes.

14 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Pope?

15 BOARD MEMBER POPE: Yes.

16 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Hopper?

17 BOARD MEMBER HOPPER: Yes.

18 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Chin?

19 BOARD MEMBER CHIN: Yes.

20 CHAIRWOMAN BRADSHAW-SIDRAN: And I vote yes.

21 MR. TELL: And the second motion, to
22 authorize the Executive Director of DERM to
23 represent you for the Commission regarding this.

24 BOARD MEMBER HOPPER: So moved.

25 BOARD MEMBER PRIETO-PORTAR: Second.

1 CHAIRWOMAN BRADSHAW-SIDRAN: Do I hear a
2 second?

3 BOARD MEMBER PRIETO-PORTAR: Yes, I seconded.

4 CHAIRWOMAN BRADSHAW-SIDRAN: Okay.

5 Dr. Chin?

6 BOARD MEMBER CHIN: Yes.

7 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Pope?

8 BOARD MEMBER POPE: Yes.

9 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Hopper?

10 BOARD MEMBER HOPPER: Yes.

11 CHAIRWOMAN BRADSHAW-SIDRAN: Dr. Prieto?

12 BOARD MEMBER PRIETO-PORTAR: Yes.

13 CHAIRWOMAN BRADSHAW-SIDRAN: And I vote yes.

14 MR. CUELLAR : As a matter of information, we

15 are scheduled, for sure now, we are told to move

16 by -- we are going to start on, I believe, the

17 23rd of this month. So next month we should be in

18 our now facilities.

19 I went to see it the other day and it looks
20 really nice. The room is a very large room, very
21 comfortable. All you need to do if you come down

22 in Metrorail, you can get off at the next station

23 and the building is right there. There will be

24 parking if you decide to drive. However, my

25 suggestion would be that the easiest way to get

1 there would be the Metrorail.

2 MR. TELL: Does the Metromover go there?

3 MR. ESPINOSA: No. Metromover will be about
4 three blocks away, more or less, when it makes a
5 loop, the first station where it makes a loop
6 going east, that is about three blocks away.

7 BOARD MEMBER HOPPER: Which stop is it on
8 Metrorail?

9 MR. ESPINOSA: Overtown Station. Overtown
10 Arena, I guess. It's across from the old Arena.

11 MR. TELL: You go right from the station into
12 the building?

13 MR. ESPINOSA: Sort of like the WASA
14 building. The building is next to the station.

15 BOARD MEMBER HOPPER: Do they extend
16 Metrorail up Biscayne?

17 MR. ESPINOSA: I don't know, you may have to
18 wait a few years, I think.

19 CHAIRWOMAN BRADSHAW-SIDRAN: Do I hear a
20 motion for adjournment?

21 BOARD MEMBER HOPPER: So moved.

22 BOARD MEMBER PRIETO-PORTAR: Second.

23 Does everyone vote yes.

24 (Thereupon, all Board Members responded aye.)

25 (The meeting concluded at 2:35 P.M.)

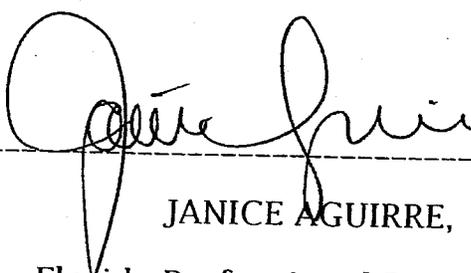
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CERTIFICATE OF OATH

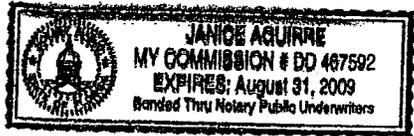
STATE OF FLORIDA
COUNTY OF DADE

I, JANICE AGUIRRE, Florida Professional Reporter,
Notary Public, State of Florida, certify that all witnesses
personally appeared before me on the 8th day of February,
2007, and were duly sworn.

Signed this 15th day of February, 2007.



JANICE AGUIRRE,
Florida Professional Reporter
Notary Public, State of Florida



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CERTIFICATE OF REPORTER

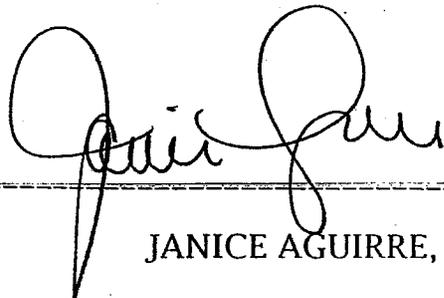
STATE OF FLORIDA

COUNTY OF DADE

I, Janice Aguirre, Florida Professional Reporter,
do hereby certify that I was authorized to and did
stenographically report the Environmental Quality Control
Board Meeting; that a review of the transcript was
requested; and that the foregoing transcript, pages 1
through 49, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative,
employee, or attorney, or counsel of any of the parties, nor
am I a relative or employee of any of the parties' attorney
or counsel connected with the action, nor am I financially
interested in the action.

DATED this 15th day of February, 2007 at
Miami-Dade County, Florida.



JANICE AGUIRRE,
Florida Professional Reporter

Attachment Six

REPORT
MIAMI-DADE COUNTY
ENVIRONMENTAL QUALITY CONTROL BOARD

<u>Fiscal Year</u>	<u>2005</u>	<u>Fiscal Year</u>	<u>2006</u>
Staff	478,506	Staff	490,887
Newspaper	8,683	Newspaper	7,318
Computer Equipment	16,502	Computer Equipment	1,122
Court Reporting Services	18,891	Court Reporting Services	31,003
<u>Indirect</u>	<u>179,092</u>	<u>Indirect</u>	<u>179,979</u>
Total	701,674	Total	710,309