

MEMORANDUM

Agenda Item No. 7(F)

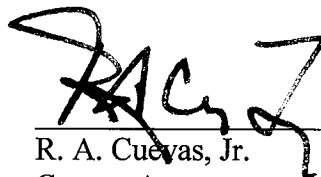
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: (Second Reading 11-15-11)
September 1, 2011

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

SUBJECT: Ordinance amending Sec.
24-25 of the Code; providing for
adoption of changes to United
States Environmental Protection
Agency regulations relating to
pretreatment standards;
amending Sec. 24-42.4 of the
Code relating to sanitary sewer
discharge limitations and
pretreatment standards to correct
a reference to the Code

The accompanying resolution was prepared by the Permitting, Environment & Regulatory Affairs Department placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.



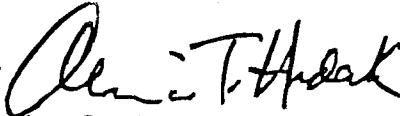
R. A. Cuevas, Jr.
County Attorney

RAC/jls

Date: November 15, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager



Subject: Ordinance Amending Section 24-25 of the Code of Miami-Dade County, Florida, Providing for Adoption of Changes to United States Environmental Protection Agency Regulations Relating to Pretreatment Standards and Amending Section 24-42.4 of the Code Relating to Sanitary Sewer Discharge Limitations and Pretreatment Standards to Correct a Reference to the Code

Recommendation

It is recommended that the Board of County Commissioners approve the attached ordinance amending Section 24-25 of the Code of Miami-Dade County, Florida, (Code) providing for the adoption of changes to federal regulations relating to pretreatment standards, to update the federal pretreatment regulations that Miami-Dade County most recently adopted in 2000, and amending Section 24-42.4 of the Code relating to sanitary sewer discharge limitations and pretreatment standards to correct a reference to the Code.

Scope

The proposed ordinance involves countywide environmental permitting and regulation.

Fiscal Impact/Funding Source

There will be no fiscal impact to Miami-Dade County as a result of this ordinance.

Track Record/Monitor

The Pollution Regulation and Enforcement Division of the Department of Environmental Resources Management (DERM) will comply with the proposed ordinance by implementing applicable changes and verifying compliance.

Background

All Publicly Owned Treatment Works (POTW), which consist of the wastewater collection, transmission and treatment systems throughout Miami-Dade County (MDC), are required by federal law to meet the federal pretreatment standards. MDC is responsible for compliance and enforcement of the federal pretreatment regulations countywide.

Section 24-25(2) of the Code currently adopts all regulations of the United States Environmental Protection Agency (EPA) as set forth in 40 CFR Part 403, but only as those regulations existed on April 21, 2000 when MDC adopted them by Ordinance Number 00-49. MDC originally adopted 40 CFR Part 403 in 1991 by Ordinance Number 91-61, and since then, MDC updated its Code in 2000 to reflect changes made by the federal government to the regulations in 40 CFR Part 403. DERM enforces the regulations contained within Chapter 24.

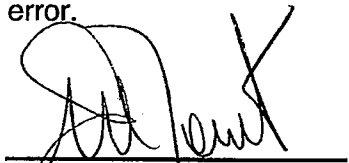
In the April 2008 audit report of DERM's Industrial Waste Pretreatment Program, the EPA required that MDC update the Code to reflect changes to 40 CFR Part 403 that were made since MDC adopted the previous versions of those regulations in 2000. Preparing the required ordinance included reviews by the EPA and County Attorney's office and subsequent revisions, a publicly advertised announcement then a period for public comments on the proposed Code amendments. This proposed ordinance will fulfill the audit requirement.

The code changes proposed under this ordinance are broadly known as the EPA's Pretreatment Streamlining Rule, which is designed to reduce the overall regulatory burden on both industrial users and on regulatory authorities, such as DERM, without adversely affecting environmental protection. For example, the Streamlining Rule:

- Provides to the regulatory authority the flexibility to use best management practices in lieu of numerical local limits (standards) to regulate industrial discharges to the sanitary sewers;
- Allows more flexibility in the frequency of evaluation of slug discharge control plans and mandates that the regulatory authority include this plan in all permits as needed. A slug discharge control plan must be implemented by all significant industrial users having potential for discharging industrial wastewaters, treated or otherwise, that may potentially cause adverse impacts to the sewer collection system or treatment plant;
- Provides greater flexibility to the regulatory authority and the regulated industry in the use of certain sampling techniques; and
- Affords the industrial users longer periods of time (i.e., 45 days instead of 30 days) for self-reporting prior to triggering enforcement from the regulatory authority.

This ordinance specifically adopts only those changes to 40 CFR Part 403 that the EPA requires MDC to adopt. MDC is not required to adopt the amendments to three sections in 40 CFR Part 403: Sections 403.6(c)(5), 403.8(f)(2)(v) and 403.12(e). The amendments to these sections would impose increased testing and reporting requirements on the regulated community and, as a result, increase the time required by County staff to review monthly reports. The amendments to these three sections are therefore excluded from adoption in this ordinance.

In addition, this ordinance amends Section 24-42.4 of the Code to correct a Code reference. Section 24-42.4(2)(d)(vii) currently references "Section 24-42.4(2)(vi)," which does not exist. The proper reference should be "Section 24-42.4(2)(d)(vi)" and this ordinance corrects that error.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 15, 2011

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

SUBJECT: Agenda Item No. 7(F)

Please note any items checked.

“3-Day Rule” for committees applicable if raised

6 weeks required between first reading and public hearing

4 weeks notification to municipal officials required prior to public hearing

Decreases revenues or increases expenditures without balancing budget

Budget required

Statement of fiscal impact required

Ordinance creating a new board requires detailed County Manager’s report for public hearing

No committee review

Applicable legislation requires more than a majority vote (i.e., 2/3’s ____, 3/5’s ____, unanimous ____) to approve

Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 7(F)

Veto _____

11-15-11

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 24-25 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR ADOPTION OF CHANGES TO UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGULATIONS RELATING TO PRETREATMENT STANDARDS; AMENDING SECTION 24-42.4 OF THE CODE RELATING TO SANITARY SEWER DISCHARGE LIMITATIONS AND PRETREATMENT STANDARDS TO CORRECT A REFERENCE TO THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section _____ of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 24-25. Violations of rules and regulations of the State of Florida Department of Environmental Protection, Florida Department of Health, and the United States Environmental Protection Agency.

* * *

(2) ~~[[The regulations of the United States Environmental Protection Agency as set forth in 40 C.F.R. 403 on the effective date of this ordinance are hereby adopted and are incorporated herein by reference hereto.]]~~ >>The regulations of the United States Environmental Protection Agency as set forth in 40 C.F.R. Part 403, as of January 1, 2011, are hereby adopted and incorporated herein by reference hereto, with the exception of 40 C.F.R. § 403.6(c)(5), 40 C.F.R. § 403.8(f)(2)(v), and 40 C.F.R. § 403.12(e). The regulations of the United States Environmental Protection Agency set forth in 40 C.F.R. § 403.6(c)(5), 40 C.F.R. § 403.8(f)(2)(v), and 40 C.F.R. § 403.12(e) as published in 40 C.F.R. Part 403 as of July 1, 2005 are hereby adopted and incorporated herein by reference hereto. <<

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 2. Section 24-42.4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-42.4. Sanitary sewer discharge limitations and pretreatment standards.

* * *

(2) *General Pretreatment Standards and Local Limits.*

* * *

(d) It shall be unlawful for any person to throw, drain, run or otherwise discharge into a sanitary sewer, or to cause, permit, allow or suffer to be thrown, run, drained, allowed to seep, or otherwise discharged into such sewer any of the following substances:

* * *

(vii) In lieu of the local limits set forth in Section ~~[[24-42.4(2)(vi) of this ordinance]]~~ >>24-42.4(2)(d)(vi) of the Code<<, the Director or the Director's designee may utilize equivalent standards as calculated pursuant to the Guide to Protect POTW Workers from Toxic & Radioactive Gases and Vapors (EPA # 812-B-92-001, June 1992), the Guidance Manual on the Development and Implementation of Local Discharge Limitations under the Pretreatment Program (EPA # 833-B-87-202, December 1987), and the Guidance Manual for Developing Best Management Practices (BMP)(EPA# 833-B-93-004, October 1993).

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

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Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: ASR

Prepared by: ASR

Abbie Schwaderer-Raurell