MEMORANDUM

Agenda Item No. 7(A)

(Second Reading 5-20-14)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 18, 2014

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

SUBJECT: Ordinance amending Section 24-5 of the Code, providing definitions related to the certification of sanitary sewer system collection, transmission and treatment capacity; amending Section 24-42.3 of the Code, amending the criteria for certification of sanitary sewer system collection, transmission and treatment capacity

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: May 20, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

****CONSENT DECREE****

Subject: Ordinance Amending Section 24-5 of the Code of Miami-Dade County, Providing Definitions Related to the Certification of Sanitary Sewer System Transmission and Treatment Capacity; Amending Section 24-42.3 of the Code, Amending the Criteria for Certification of Sanitary Sewer System Transmission and Treatment Capacity

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Recommendation
It is recommended that the Board of County Commissioners (Board) approve the attached ordinance amending Section 24-5 of the Code of Miami-Dade County (Code) to provide definitions related to the certification of sanitary sewer system transmission and treatment capacity, and amending Section 24-42.3 of the Code regarding the criteria for certification of sanitary sewer system transmission and treatment capacity.

Scope
The proposed ordinance involves environmental regulation countywide.

Fiscal Impact/Funding Source
This ordinance will have no fiscal impact on Miami-Dade County beyond that provided in Resolution No. R-393-13 which authorized execution of the Consent Decree whereby Miami-Dade County will conduct improvements to the County's sanitary sewer system over a 15-year period.

Track Record / Monitor
The Assistant Director of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, Lee Hefty, will implement the provisions of this ordinance.

Background
On May 21, 2013, the Board approved Resolution No. R-393-13 which authorized the execution of the Consent Decree between Miami-Dade County, the United States of America and the State of Florida Department of Environmental Protection in order to comply with the Federal Clean Water Act and federal and state laws, regulations and permits, with the goal of eliminating sanitary sewer overflows and prohibited bypasses.

This ordinance addresses Paragraph 18(a) of the Consent Decree, which requires changes to the Criteria for Certification of Sanitary Sewer System Transmission and Treatment Capacity within one hundred-eighty (180) days of the December 6, 2013 effective date of the new Consent Decree. The proposed ordinance complies with the required change by amending the Criteria for Certification of Sanitary Sewer System Transmission and Treatment Capacity to prevent sustained sewage spills, overflows and surcharge conditions resulting from new additional sewage flows.

Coordination meetings with the municipal utilities were conducted prior to the development of the proposed ordinance.

Jack Osterholt, Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: May 20, 2014

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

SUBJECT: Agenda Item No. 7(A)

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 Mayor's report for public hearing**
____	**No committee review**
____	**Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**
____	**Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
5-20-14

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 24-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING DEFINITIONS RELATED TO THE CERTIFICATION OF SANITARY SEWER SYSTEM COLLECTION, TRANSMISSION AND TREATMENT CAPACITY; AMENDING SECTION 24-42.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AMENDING THE CRITERIA FOR CERTIFICATION OF SANITARY SEWER SYSTEM COLLECTION, TRANSMISSION AND TREATMENT CAPACITY; 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 24-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

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.

[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.

* * *

Adequate transmission capacity shall mean that each pump station receiving sewage flow from the sewer service connection, the pump station immediately [[~~upstream~~]] >>downstream<< 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 >>with a Projected NAPOT equal to or less than ten (10) hours per day. For each pump station receiving new additional sewage flow from the sewer service connection, the pump station immediately downstream from the pump station receiving new additional sewage flow from the sewer service connection, and all pump stations through which new additional sewage flow from the sewer service connection is transmitted to the wastewater treatment facility receiving such sewage flow, is operating with a Proposed NAPOT equal to or less than ten (10) hours per day. If the above conditions are not met by a booster-type station, the station will be considered to have adequate transmission capacity if so determined by a peak capacity study that takes into consideration adjacent pump stations and downstream force mains.<<[[~~(A) with 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 or the Director's 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 the Director's designee, or (D) in such a manner that, upon completion of a rainfall-dependent peak flow management study approved by the Director or the Director's designee, the pump station is capable of managing peak flows (during a one (1) in two-year storm event as determined by the South Florida Water Management District) with a back-up pump out of service without causing or contributing to overflows~~

~~in the collection and transmission system.~~]]

* * *

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

>>*Building backup* shall mean a wastewater release or backup, into a building, that is caused by blockages, flow conditions, or other malfunctions in a utility collection and transmission system. A wastewater backup or release that is caused by blockages, flow conditions or other malfunctions of a private lateral is not a building backup.<<

* * *

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

>>*Capacity, Management, Operations, and Maintenance (CMOM)* shall mean a program of accepted industry practices to properly manage, operate and maintain sanitary wastewater collection, transmission and treatment systems, investigate capacity-constrained areas of these systems, and respond to Sanitary Sewer Overflow (SSO) events.<<

* * *

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

>>*Force main* shall mean any pipe that receives and conveys, under pressure, wastewater from the discharge side of a pump. A force main is intended to convey wastewater under pressure.<<

* * *

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.

>>*Gravity sewer line or gravity sewer* shall mean a pipe that receives, contains and conveys wastewater, not normally under

pressure, but is intended to flow unassisted under the influence of gravity.<<

* * *

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

>>*High Annual Monthly Average (HAMA)* shall mean the largest value within the last twelve (12) calendar months of the monthly daily average pump operating time for each pump station. A utility may request one exclusion per twelve (12) month period for one monthly average run time reading exceeding fifteen (15) hours per day if the high hours were caused by a maintenance problem that has been addressed and resolved.<<

* * *

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,* when used in the context of a WCTS, shall mean water, other than wastewater, that enters the WCTS (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes.<<

* * *

Inflow shall mean [[~~any water, other than domestic sewage or other wastewater approved by the Director or the Director's 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.~~]] >>water, other than wastewater, that enters the WCTS (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, storm water surface runoff, street wash waters, or drainage.<<

* * *

[[~~*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 × 24 hrs. × .746 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 the Director's 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.

>>*NAPOT shall mean* yearly nominal daily average pump station operating time as set forth below:

(A) For fixed-speed pump stations: The total of the number of operating hours for all pumps for the reporting period divided by the number of days in the reporting period, which is then divided by the total number of pumps less one pump. This is then averaged with the same computation performed for all months falling within the previous 365 days.

(B) For non-fixed speed pump stations: The total kilowatt-hours (kW-hrs) of consumption for all pumps during the reporting period divided by the number of hours in the reporting period, divided by the sum of horsepower (HP) for all pumps less the horsepower of the largest pump, then divided by the conversion factor 0.746 kW/HP, the result which is then multiplied by the non-fixed pump ratio corresponding to the pump type. This result is then averaged with the same computation performed for all

months falling within the previous 365 days.

Non-fixed pump ratios are as follows:
Multi-speed pump: ten (10) divided by 46 percent
Variable speed pump: ten (10) divided by 49 percent
Magnetic Drive pump: ten (10) divided by 65 percent
Electrolyte rheostat or resistor bank pump: ten (10) divided by 61 percent<<

* * *

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 the Director's 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 the Director's designee, which is then averaged with the same computations performed for the previous eleven (11) months.~~]]

>>*Non-utility* shall mean the entity that owns or operates any water transmission, distribution or treatment facilities and/or sanitary sewer collection, transmission or treatment facilities, which is not a utility. Sharing of water transmission, distribution or treatment facilities and/or sanitary sewer collection, transmission or treatment facilities by no more than three (3) adjacent properties, as approved by the Director or Director's designee, shall not render a non-utility a utility.<<

* * *

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.~~]]

>>*Private lateral* shall mean that portion of a sanitary sewer conveyance pipe that extends from a single-family, multi-family, apartment, or other dwelling unit or commercial or industrial structure, to which wastewater service is or has been provided, up to the property line of such structure.<<

[[~~*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 shall mean 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.

>>*Projected NAPOT* shall mean the total of the NAPOT plus the calculated additional hours expected as a result of all anticipated sewage flow resulting from all previously authorized additional sewer flows.<<

>>*Proposed NAPOT* shall mean the total of the Projected NAPOT plus the calculated additional hours expected as a result of all anticipated new additional sewage.<<

* * *

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.

>>*Pump station* shall mean facilities comprised of pumps which pump wastewater to a higher hydraulic elevation, including all related electrical, mechanical, and structural systems necessary to the operation of that pump station.<<

* * *

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.

>>*Sanitary Sewer Overflow (SSO)* shall mean any discharge of wastewater to waters of the United States or the State from any WCTS in the County through a point source or sources not permitted in any NPDES permit, as well as any overflow, spill, or release of wastewater to public or private property from a WCTS that may not have reached waters of the United States or the State, including all building backups.<<

* * *

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

Sewage loading shall mean 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 extension* shall mean any sewer project that requires either a general or individual construction permit as set forth in Chapter 62-604 of the Florida Administrative Code, as may be amended from time to time.<<

Sewer service area shall mean that portion of a [[~~publicly or privately~~]] >>utility or non-utility<< 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~~]] >>utility or non-utility<< 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 owned or operated gravity sanitary sewer or pump station wet well.~~]]

* * *

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

>>*Utility* shall mean the entity that owns or operates any water transmission, distribution or treatment facilities and/or sanitary sewer collection, transmission or treatment facilities that provides water and/or sewer service to entities other than itself.<<

* * *

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

>>*WCTS* shall mean Wastewater Collection and Transmission Systems, including all pipes, force mains, gravity sewer lines, pump stations, manholes and appurtenances thereto, designed to collect and convey sewage (domestic, commercial and industrial) to a wastewater treatment plant.<<

* * *

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 structures, facilities or dwellings; excavations; or rockplowing.

>>*WWTP* shall mean Wastewater Treatment Plant, including devices or systems used in the storage, treatment, recycling, and reclamation of municipal wastewater. This definition shall include all facilities owned, managed, operated, and maintained by Miami-Dade County, including but not limited to, the North District WWTP, the Central District WWTP, the South District WWTP, and all components of those plants.<<

* * *

Section 2. Section 24-42.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec.24-42.3. Certification of sanitary sewer system collection, transmission and treatment capacity.

(1) Notwithstanding any provision of this Code, no county or municipal officer, agent, employee or board shall approve, grant or issue[[~~d~~]] any building permit, certificate of >>occupancy, certificate of<< use [[~~and occupancy~~]] (except for changes in ownership) or municipal occupational license (except for changes in ownership) for any land use served or to be served by a [[~~publicly or privately~~]] >>utility or non-utility<< owned or operated [[~~sanitary sewer~~]] >>wastewater<< collection >>and transmission<< system until the county or municipal officer, agent, employee or board has obtained the prior written unconditional approval or prior written conditional approval of the Director or the Director's designee. Notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any land use served or to be served by a [[~~publicly or privately~~]] >>utility or non-utility<< owned or operated [[~~sanitary sewer~~]] >>wastewater<< collection

>>and transmission<< system until the person has obtained the prior written unconditional approval or the prior written conditional approval of the Director or the Director's designee.

(a) >>For projects with an existing sanitary sewer service connection or connecting to an existing sanitary sewer system with a gravity sewage lateral<< [[~~T~~]]>>t<<he Director or the Director's designee shall issue [[~~the Director or the Director's designee's~~]] >>an<< unconditional written approval only if the Director or the Director's designee finds that >>at the time that the new additional sewage flows are authorized<< there will be [[~~adequate transmission capacity and~~]] adequate treatment capacity [[~~at the time that the land use is to be connected to an operable and available publicly or privately owned or operated sanitary sewer collection system or at the time that the existing land use will discharge additional sewage flow.~~]] >>; and:

(i) There is adequate transmission capacity or,

(ii) There is not adequate transmission capacity and:

1. The new additional sewage flow is less than 10,000 gallons per day; and,

2. All sewage pump stations through which the new additional sewage will flow, with a Projected NAPOT greater than ten (10) hours per day, will have a Proposed NAPOT equal to or less than twelve (12) hours per day and which Proposed NAPOT is no more than 0.5 hours per day greater than the Projected NAPOT; and

3. The utility or non-utility has obtained the written approval of the Director or the Director's designee for the plan of corrective action

designed to provide adequate transmission capacity.<<

>>(b) For projects requiring a sanitary sewer extension in the public right-of-way the Director or the Director's designee shall issue an unconditional written approval only if the Director or the Director's designee determines that at the time that new additional sewage flows are authorized there will be adequate treatment capacity and adequate transmission capacity and:

(i) The new additional sewage flow is equal to or less than 1,000 gallons per day; or

(ii) The High Annual Monthly Average (HAMA) for all sewage pump stations, through which the new additional sewage will flow, is less than or equal to fifteen (15) hours per day; or

(iii) The HAMA for any pump stations through which the new sewage will flow, is greater than fifteen (15) hours per day but a peak capacity study, that takes into consideration rain dependent peak flows, demonstrates that the new additional sewage flows can be accommodated without requiring any upgrades to the sanitary sewer system and no sanitary sewer overflows have occurred in the station's basin within the previous twelve (12) months.<<

[[~~(b)~~]]>>(c) For projects not meeting the requirements of (1)(a) or (1)(b) above, and<< [[~~If~~]] the Director or the Director's designee determines that there is [[~~not~~]] adequate treatment capacity [[~~or adequate transmission capacity, or both~~]], the Director or the Director's designee shall issue [[~~the Director or the Director's designee's~~]] >>a<< conditional written approval only if the Director or the Director's designee determines that [[~~the following requirements are met~~]]:

[[~~(i) The person(s) responsible for the operation of the publicly or privately owned treatment~~

~~works has obtained all local, state and federal environmental approvals for the construction of additional wastewater treatment capacity;~~]]

[[~~(ii)~~]]>>(i)<< The [[~~person(s) responsible for the operation of the publicly or privately owned~~]] >>utility or non-utility<< [[~~or operated sanitary sewer collection system(s)~~]] has obtained the written approval of the Director or the Director's designee, and all other local, state and federal environmental approvals for plan(s) of corrective action designed to >>(1) reduce HAMA to fifteen (15) hours or less for all pump stations, (2) prevent the reoccurrence of Sanitary Sewer Overflows (SSO's) and (3),<< provide adequate transmission capacity; and

>>(ii)<<[[~~iii~~]] The person seeking the written conditional approval submits an executed estoppel document, in such form as prescribed by the Director or the Director's designee and recorded in the public records of Miami-Dade County, Florida, at the expense of the person seeking the written conditional approval. Said estoppel document shall contain, at a minimum, the following requirements:

1. The person obtaining a building permit pursuant to a conditional written approval issued by the Director or the Director's designee shall not apply for a certificate of use and occupancy or municipal occupational license, nor shall the facilities being constructed under said building permit be connected to the [[~~publicly or privately~~]] >> utility or non-utility<< owned or operated [[~~sanitary sewer collection system~~]] >>WCTS<<, until all of the conditions set forth in >>(c)<<(i) [[~~and (ii)~~]]above have been complied with, that the construction pursuant

to >>(c)<<(i) above has been completed and certified and that the plan[[~~(s)~~]] of corrective action pursuant to >>(c)(i)<< [[~~(ii)~~]] above has been [[~~implemented,~~]] completed >>by the utility or non-utility<< and certified >>by the Director or Director's designee<<.

[[~~(c) Notwithstanding any of the foregoing provisions in (b) above, the Director or the Director's designee shall not issue a written conditional approval if:~~

~~(i) A previously implemented approved plan for corrective action designed to provide adequate transmission capacity pursuant to (b)(ii) above failed to achieve adequate transmission capacity.~~]]

>>(d) No written conditional or unconditional approval shall be issued if:

(i) A previously implemented approved plan for corrective action fails to achieve the approved corrective action(s) within twelve (12) months of the plan being completed and certified; or

(ii) A previously implemented approved plan for corrective action has been certified and the current monthly average run time exceeds ten (10) hours within twelve (12) months of the plan being certified; or

(iii) The utility or non-utility has not obtained the written approval of the Director or Director's designee for the plan(s) of corrective action; or

(iv) Sanitary Sewer Overflows (SSOs) have occurred in the receiving pump station's basin or in a force main that is required to

receive the flow from the pump station pursuant to the following criteria:

1. An SSO of 1,000 gallons or more, or any SSO that reaches surface water, has occurred due to lack of system capacity in the collection piping or pump station, until capacity of the system is changed to prevent a future overflow.

2. Two (2) or more SSOs of 1,000 gallons or more each, or two (2) or more SSOs that reach surface water, have occurred within the last twelve (12) months caused by blockages in the collection piping or pump station, until a remedial plan directed at preventing the reoccurrence of these overflows has been implemented.

   New additional sewage flows may be allowed downstream of the sewer subsystem that has experienced two (2) or more SSOs of 1,000 gallons or more each, or two (2) or more SSOs that reach surface water, within the last twelve (12) months, caused by blockages, if the downstream sewer system has experienced less than five (5) SSOs of any size within the previous twelve (12) months.

3. Two (2) or more SSO of 1,000 gallons or more, or two (2) or more SSOs that reach surface water, have occurred within the last twelve (12) months caused by failure of the force main required to receive the flow from the pump station, until a remedial plan directed at preventing

the reoccurrence of these overflows has been implemented. SSOs caused by contractor damage or vandalism shall not be considered for this item; or

(v) The new additional sewage flow may reasonably be expected to cause a violation of effluent limitations in the NPDES permit for a WWTP that will receive the new additional sewage flows; or

(vi) The WWTP that will receive the proposed additional sewage flow is in non-compliance as defined in 40 CFR Part 123.45, App A.

(e) If the Director or the Director's designee determines that there is not adequate treatment capacity, the Director or the Director's designee shall issue a conditional written approval only if the Director or the Director's designee determines that the following are met:

(i) The utility or non-utility has obtained all local, state and federal environmental approvals for the construction of additional wastewater treatment capacity; and

(ii) The person seeking the written conditional approval submits an executed estoppel document, in such form as prescribed by the Director or the Director's designee and recorded in the public records under the folio(s) and legal description of the property or properties of Miami-Dade County, Florida, at the expense of the person seeking the written conditional approval. Said estoppel document shall contain, at a minimum, the following requirements:

1. The person obtaining a building permit pursuant to a conditional written approval issued by the Director or the Director's designee

shall not apply for a certificate of use and occupancy or municipal occupational license, nor shall the facilities being constructed under said building permit be connected to the utility or non-utility owned or operated WCTS, until all of the conditions set forth in (e)(i) above have been complied with and that the construction pursuant to (e)(i) above has been completed by the utility or non-utility and certified by the Director or Director's designee.

No county or municipal officer, agent, employee or board shall approve, grant or issue any certificate of use and occupancy or municipal occupational license associated with a building permit obtained pursuant to a conditional written approval issued by the Director or the Director's designee until the plan of corrective action has been completed by the utility or non-utility and certified by the Director or Director's designee.<<

(2) [[~~Any and all conditional or unconditional written approvals issued by the Director or the Director's designee pursuant to the provisions of (1) above shall remain valid and in full force and effect for a period not to exceed one (1) year from the date of issuance of such written approval. Notwithstanding the foregoing, if the person(s) seeking such written approval applies for a building permit within said one-year period and obtains such building permit and commences construction of the project, as defined by Section 304.3(b) of the South Florida Building Code, within one hundred eighty (180) days of issuance of the building permit, the conditional or unconditional written approval issued by the Director or the Director's designee shall remain valid and in full force and effect. However, if any of the requirements set forth herein are not met, the written conditional or unconditional written approval issued by the Director or the Director's designee and any building permit issued pursuant to such approval, shall be rendered null and void and be of no further force and effect.~~]]

>>Projects that require a sanitary sewer extension in the public right-of-way shall be subject to the following:

(i) The person(s) obtaining a building permit pursuant to an unconditional or conditional written approval issued by the Director or the Director's designee shall not apply for a certificate of occupancy, certificate of use or equivalent municipal occupational license until the sewer extension is completed and has been certified by the Director or the Director's designee.

No county or municipal officer, agent, employee or board shall approve, grant or issue any certificate of occupancy, certificate of use or equivalent municipal occupational license associated with a building permit obtained pursuant to an unconditional or conditional written approval issued by the Director or the Director's designee until the sewer extension is completed and has been certified by the Director or the Director's designee.

(3) No new additional sewage flows shall be authorized for any sanitary sewer basin, sewage pump station, or system pursuant to Section 24-42.3 unless and until:

(i) the official responsible for issuing certificates of occupancy, certificates of use or equivalent municipal occupational licenses provides a monthly report that identifies projects that have been issued a certificate of occupancy, certificate of use or an equivalent municipal occupational license that have also received a conditional or unconditional written approval, and

(ii) all actions or reports required by Section 24-42.2 for the basin, pump station, or system have been completed according to the schedules required therein.

(4) Any and all conditional or unconditional written approvals issued by the Director or the Director's designee shall expire and be null and void and be of no further force and effect unless an application for a construction permit is submitted and a valid process number for the project is obtained from the building department, or permit issuing department, within ninety (90) days from the date of issuance of such written approval. If an application for a building permit is submitted and a process number is

obtained from the building department or permit issuing department, the conditional or unconditional written approval shall expire in accordance with the following:

(a) When the application for the construction permit expires; or

(b) Within one hundred and fifty (150) days of the construction permit expiration unless said permit is renewed or replaced; or

(c) In all other events, after one hundred and eighty (180) days or upon the issuance of the certificate of occupancy or certificate of use or other use authorization.

(5) Where certification of transmission or treatment capacity cannot be issued, the utility or non-utility shall submit a corrective action plan to the Department within thirty (30) days of the date of a determination that certification cannot be issued. Where a previously implemented approved plan for corrective action fails to achieve the approved corrective action(s) within twelve (12) months of the plan being certified, the utility or non-utility shall submit a new corrective action plan to the Department within thirty (30) days of the previously implemented approved plan for corrective action failing to achieve the approved corrective action(s) and no written conditional or unconditional approvals shall be issued until the adequate transmission capacity and adequate treatment capacity is demonstrated.

(6) New additional sewage flows may be authorized without the required certifications of adequate treatment and transmission capacity in those cases where a pollution, contamination, or sanitary nuisance condition exists as a result of the discharge of untreated wastewater from an on-site septic tank provided that:

(a) The County has verified and documented the existence of the pollution, contamination, or sanitary nuisance, and

(b) The County has documented the nature of the nuisance condition, and the address and the precise point of the discharge to the collection system.<<

[[~~(3)~~]]>>(7)<< Notwithstanding any of the foregoing, no county or municipal officer, agent, employee or board shall approve, grant or issue any building permit for any land use served or to be served by a public water main or public sanitary sewer unless and until the owner or operator of said public water main or public sanitary sewer has issued the owner's or operator's written approval of said service.

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.

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: _____

Prepared by: _____

Tom Robertson