

Memorandum



Date: June 6, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

Subject: Sunset Review of County Boards for 2017 – Miami-Dade County Environmental Quality Control Board

Agenda Item No. 1(F)17

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2017 Sunset Review of County Boards Report for the Miami-Dade County Environmental Quality Control Board (Board).

The Board approved the attached report at its meeting of December 8, 2016 and has recommended the continuation of its board.

Attachment

A handwritten signature in blue ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

Date: December 8, 2016
To: Carlos A. Gimenez
Mayor
From: Claire M. Bradshaw-Sidran, Ph.D.
Chairperson, Miami-Dade County Environmental Quality Control Board
Subject: Sunset Review of County Boards for 2017
Miami-Dade County Environmental Quality Control Board

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2017 Sunset Review of County Boards Report for the Miami-Dade County Environmental Quality Control Board for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of December 8, 2016.

It is recommended that the BCC approve the continuation of the Miami-Dade County 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 Department of Regulatory and Economic Resources 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 24-12 and 24-13, 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 24-15 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 24-14 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 should continue to function because it 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
2017

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

3. Identify number of meetings and members' attendance (Attach records reflecting activity from **Jan. 8, 2015** through **November 10, 2016**):
Number of Meetings: 23
Number of Meetings with a Quorum: 21
Attendance Records: See Attachment I: Dates of Attendance

4. What is the source of your funding?
Schedule of fees Implementing Order 4-42 Section V: EQCB application fees

5. Date of Board Creation: December 19, 1967 ordinance creating the Pollution Control Board which became the Environmental Quality Control Board on May 7, 1975.

6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments).
See Attachment II: Ordinance 75-27

7. Include the Board's Mission Statement or state its purpose:
To hear appeals by any person aggrieved by any action or decision of the Director of the Division of Environmental Resources Management. To hear and render decisions upon applications for variances or extensions of time pursuant to Section 24-13 of the Code of Miami-Dade County. To hear and render decisions pursuant to Section 24-15 of the Code for approval of interim package treatment plants. See Attachment II: Ordinance 75-27

8. Attach the Board's standard operating procedures, if any.
See Attachment III: Sec 24-8 of the Code which established procedures for the EQCB.

9. Attach a copy of the Board's By-Laws, if any.
See Attachment IV: Rules and Regulations for the Conduct of the EQCB

10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership**.
See Attachment V: Environmental Quality Control Board transcripts

II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created? (Please provide detailed information) Yes. The EQCB provides a quasi-judicial hearing process to those aggrieved by the decisions or actions of the Director of Division of Environmental Resources Management or those requesting variances or extensions of time from the requirements of Chapter 24 of the Code.

2. Is the Board serving current community needs? (Please provide detailed information) Yes, the Environmental Quality Control Board provides technical-based decisions regarding requests that could potentially affect the County's natural resources, environment and public potable drinking water supply.

3. What are the Board's major accomplishments?
 - a. Last 23 months The Environmental Quality Control Board, as a quasi judicial body, has had 298 items advertised in the agenda. Of the 298, 12 were withdrawn, 0 were transferred to the Board of County Commission and 8 were denied.

 - b. Since established the Environmental Quality Control Board has been an administrative mechanism which has resolved disputes between public/private entities and the Division of Environmental Resources Management 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? (If "Yes", attach proposed changes)
No

6. Should the Board's membership requirements be modified?
No

7. What is the operating cost of the Board, both direct and indirect? (Report on FY 2011 and FY 2012)
See Attachment VI: Operating Costs

8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.
During this period the Board has ruled on 90 cases and none have been overturned by the Courts.

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2017**

Members Attendance 2015-2016
Miami-Dade County
Environmental Quality Control Board

2015

| <u>Name</u> | <u>Present</u> | <u>Excused</u> |
|------------------------------------|----------------|----------------|
| Claire M. Bradshaw-Sidran, Ph.D. | 7 | 4 |
| William Hopper, Ph.D. | 9 | 2 |
| Luis A. Prieto-Portar, Ph.D., P.E. | 10 | 1 |
| David A. Chin, Ph.D., P.E. | 11 | 0 |
| Steven Ritter, Ph.D. | 10 | 1 |

2016

| <u>Name</u> | <u>Present</u> | <u>Excused</u> |
|------------------------------------|----------------|----------------|
| Claire M. Bradshaw-Sidran, Ph.D. | 9 | 3 |
| William Hopper, Ph.D. | 11 | 1 |
| Luis A. Prieto-Portar, Ph.D., P.E. | 9 | 3 |
| David A. Chin, Ph.D., P.E. | 9 | 3 |
| Steven Ritter, Ph.D. | 10 | 2 |

Claire M. Bradshaw-Sidran

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

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2017**

Dates of Attendance

Meetings and Members of Attendance for Period
January 1, 2015 through November 8, 2016

| <u>Dates for 2015</u> | | <u>Dates for 2016</u> | |
|-----------------------|---|-----------------------|--|
| January 8, 2015 | Absent: Claire M. Bradshaw-Sidran | January 14, 2016 | Absent: Claire M. Bradshaw-Sidran |
| February 12, 2015 | All Present | February 11, 2016 | All Present |
| March 12, 2015 | Absent: Claire M. Bradshaw-Sidran | March 10, 2016 | Absent: Claire M. Bradshaw-Sidran |
| April 9, 2015 | Absent: Steven Ritter | April 14, 2016 | Absent: Claire M. Bradshaw-Sidran |
| May 14, 2015 | Absent: William Hopper Absent: Claire M. Bradshaw-Sidran | May 12, 2016 | All Present |
| June 11, 2015 | All Present | June 9, 2016 | Absent: William Hopper |
| | | June 22, 2016 | <i>Special Set Hearing</i> Absent: Luis Prieto-Portar Absent: David Chin |
| July 9, 2015 | Absent: Luis Prieto-Portar | July 14, 2016 | Absent: David Chin |
| August 2015 | No Hearing Held in August | August 11, 2016 | <i>Special Set Hearing</i> Absent: David Chin |
| September 10, 2015 | All Present | September 8, 2016 | Absent: Steven Ritter |
| October 8, 2015 | All Present | October 13, 2016 | All Present |
| November 12, 2015 | Absent: William Hopper Absent: Claire M. Bradshaw-Sidran | November 10, 2016 | Absent: Steven Ritter Absent: Claire M. Bradshaw-Sidran Absent: Luis Prieto-Portar |
| December 10, 2015 | All Present | December 8, 2016 | |



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

SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2017

ATTACHMENT II

Ordinance Creating the Board

Amended
Agenda Item No. 2 (a) 75-27
5-7-75

ORDINANCE NO. 75-27

ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA, KNOWN AS "THE METROPOLITAN DADE COUNTY POLLUTION CONTROL ORDINANCE"; MODIFYING THE DECLARATION OF LEGISLATIVE INTENT; PROVIDING ADDITIONAL DEFINITIONS; PROVIDING FOR THE DIRECTOR OF ENVIRONMENTAL RESOURCES MANAGEMENT; PROVIDING POWERS AND DUTIES FOR THE DIRECTOR OF ENVIRONMENTAL RESOURCES MANAGEMENT; PROVIDING APPEALS FROM THE ACTIONS OR DECISIONS OF THE DIRECTOR OF ENVIRONMENTAL RESOURCES MANAGEMENT; CREATING AN ENVIRONMENTAL QUALITY CONTROL BOARD AND PROVIDING FOR DUTIES AND POWERS OF THE BOARD; PROVIDING CONSENT POWER FOR THE BOARD; PROVIDING PROVISIONS AGAINST WATER POLLUTION; PROVIDING POTABLE WATER SUPPLY STANDARDS; PROVIDING SEPTIC TANK REGULATION; PROHIBITING NUISANCES; PROHIBITING AIR POLLUTION; REGULATING SULFUR DIOXIDE; PROVIDING EXCEPTIONS TO PROHIBITION AGAINST OPEN BURNING; REGULATING INCINERATOR BURNING; REGULATING REDUCTION OF ANIMAL MATTER; PROVIDING SAMPLING AND TESTING; PROHIBITING UNSANITARY NUISANCES INJURIOUS TO HEALTH; PROHIBITING THE SPRAYING OF SUBSTANCES CONTAINING ASBESTOS; PROVIDING STATEMENTS OF APPROVED WATER OR SEWER SERVICE; PROVIDING FOR EMERGENCY WATER RATE REQUESTS; PROVIDING PLAN APPROVAL REQUIRED; PROVIDING PROCEDURE FOR APPROVAL OF PLANS; PROVIDING REGISTERED ENGINEER REQUIRED; PROVIDING STANDARDS FOR PREPARATION OF PLANS; PROVIDING INSTRUCTION OF WASTE FACILITIES OR AIR POLLUTION ABATEMENT FACILITIES; PROVIDING FOR ABNORMAL OCCURRENCES; PROVIDING FOR OPERATING RECORDS; PROVIDING

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2017

Ordinance Creating the Board

75-27

Agenda Item No. 2(a)
Page No. 15

Section 4. Section 24-6 of the Code is hereby amended
to read as follows:

Sec. 24-6. Appeals from actions or decisions of
pollution control officer- Director,
Environmental Resources Management.

Any person aggrieved by any action or decision of the pollution control officer- Director, Environmental Resources Management, may appeal to the pollution control hearing board- 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 pollution control hearing board- 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 pollution control officer- Director, Environmental Resources Management. The pollution control hearing board- Environmental Quality Control Board shall hear and consider all facts material to the appeal, and render a decision promptly. The pollution control hearing board- Environmental Quality Control Board may affirm, reverse or modify the action or decision appealed from, provided that the pollution control hearing board- 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 pollution control hearing board- Environmental Quality Control Board shall constitute final administrative review and no rehearing or reconsideration shall be considered. Any person aggrieved by any decision of the pollution control hearing board- Environmental Quality Control 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. The words "action" and "decision" as used herein shall not include the filing of any action by the pollution control officer- 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.

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Ordinance Creating the Board

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Section 5. Section 24-7 of the Code is hereby amended

to read as follows:

Sec. 24-7. Pollution-control-hearing-board. Environmental Quality Control Board.

A Metropolitan Dade County Pollution-Control-Hearing-Board- Environmental Quality Control Board is hereby created and established, consisting of five members appointed by the county commission.

(1) *Qualifications of members.* Members of the board shall be residents of 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 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 members shall be appointed for the term of one year, two members shall be appointed for the term of two years, and one member shall be appointed for the term of three years. Thereafter all appointments shall be made for the term of three 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 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. ~~The pollution-control-officer~~ The Director, Environmental Resources Management, shall be an ~~ex-officio-member~~ 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

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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 three (3) 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 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 or more citizens of the community to sit as one 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 hearing board - Environmental Quality Control Board. The hearing board - 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 pollution control officer - DERM as provided in section 24-6.
- (b) To hear and pass upon all applications for variances and extensions of time in the manner provided by section 24-48 and 24-49.
- (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 hearing board - 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 24-18), 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. Any person aggrieved by any decision

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THIS DOCUMENT IS THE PROPERTY OF THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS. IT IS TO BE KEPT IN THE OFFICE OF THE COUNTY CLERK. IT IS TO BE RETURNED TO THE COUNTY CLERK'S OFFICE UPON REQUEST.

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of the hearing board Environmental Quality Control Board 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.

- (d) To hear and pass upon all applications pursuant to section 24-30 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 pollution control officer-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 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 Metropolitan 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 24-28 of the Code.
- (g) To issue subpoenas 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 24-10 of this Chapter.
- (h) The powers enumerated in this Section shall be in 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.

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Section 6. Section 24-10 of the Code is hereby established
to read as follows:

Section 24-10. 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 (2/3) 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 Dade County Finance Director within fifteen (15) days of the board's ruling.

Section 7. Section 24-11 of the Code is hereby amended
to read as follows:

Sec. 24-11. Prohibitions against water pollution.

(1) General PROHIBITIONS AGAINST DISCHARGE. 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 which shall (a) breach the values set forth in section 24-11(2) or (b) which may cause water pollution or a nuisance as herein defined, as herein defined; or (c) cause a nuisance or sanitary nuisance as herein defined.

(2) EFFLUENT STANDARDS FOR DADE COUNTY. All sewage treatment plants and industrial waste treatment plants (except those discharging to approved ocean outfalls) shall effect ninety per cent (90%) treatment or better at the defined sampling point (24-11(5)(a)). However, in no case shall the following effluent standards be exceeded (except where the standard is noted to be a minimum).

| Chemical, physical, or biological characteristic | |
|--|---|
| Dissolved oxygen | Not less than 2.0 mg/l |
| Suspended solids | 40 mg/l |
| Biochemical oxygen demand | 50 mg/l |
| Floating solids | None visible to the naked eye |
| pH | 6.0-8.5 |
| Settleable solids | Not greater than 0.1 ml/l on Imhoff cone 1 hr. test |
| Oil and grease | 30 mg/l |
| Odor producing substances | None attributable to sewage or industrial wastes |

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ATTACHMENT III
TO SUNSET REVIEW QUESTIONNAIRE

SECTION 24-8 OF THE CODE OF MIAMI-DADE COUNTY

Section 24-8 of the Code of Miami-Dade County

ENVIRONMENTAL PROTECTION, ETC.

§ 24-8

of the letter, the Department shall enforce Ordinance Number 89-8 within the municipality.

- (a) Requires 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.

(Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 08-55, § 2, 2-8-08)

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 Miami-Dade County who possess outstanding reputations for civic pride, interest, integrity, responsibility and business or professional ability. Appointments shall be made by the Board of County Commissioners 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

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, 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 24-15 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 practicality 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 Direc-

tor to issue the Director's 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 subpoenas to compel the presence of a witness or documents at any hearing authorized above, such subpoenas to be issued by the Chair-

man 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 2-103.23 of the Code.
- (i) The powers enumerated in this section shall be in 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.

(Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 08-55, § 2, 5-8-08)

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.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

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, on the Director's 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.

(Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 08-55, § 2, 5-8-08)

Sec. 24-11. Appeals from actions or decision of the Director of the Miami-Dade County Department of Environmental Resources Management.

Any person aggrieved by any action or decision of the Director, 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. 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, 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, any action taken or decision made by the Director at any time may be reconsidered by the Director and the Director may therefore modify any such action or decision. (Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 08-55, § 2, 5-8-08)

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 require-

ments 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 Section 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 understorey removal work which is not in accordance 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 49 CFR 403 as incorporated in this chapter.

(Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 08-55, § 2, 5-8-08)

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 in substantially the form prescribed therefor. The Director 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 may initiate and file with the Board an application for variance or extension. Upon receipt of an application and the recommendations of the Director 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.

(Ord. No. 64-214, §§ 1, 5, 12-2-64; Ord. No. 98-55, § 2, 5-6-05)

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 the Department a request for a statement of approved water quality or approved sewage service.

(2) The Department shall within ten (10) days from the date of such request set a hearing date for consideration by the Board of such request in all cases not exempted under subsection (3), below.

(3) A municipal public utility is exempted from the herein described public hearing process before the Board if both of the following conditions are met:

- (a) The utility holds a valid County operating permit pursuant to Section 24-18, and
- (b) Not more than twenty (20) percent of the utility's gross revenues are generated from customers located outside of the municipality.

If the utility obtains an exemption by having met the above two (2) conditions, said utility must obtain a statement of approval from the Department.

(4) In determining whether or not a public utility is entitled to a statement of approved water quality or approved sewer service, the Board shall consider the water and effluent quality requirements of Chapter 24 and other evidence including public comments regarding the overall quality of service. If the Board finds that the utility has provided reasonable and satisfactory water quality and sewage service to the public, it shall issue its statement of approved water quality or approved sewage service which shall be valid for one (1) year from the date of issuance. The validity of the statement may be extended by the Board for a period not to exceed six (6) months beyond the original expiration date. Such a statement shall also indicate "excellent," "good" or "fair" quality of service depending on which, in the opinion of the Board, is most appropriate.

(5) The public utility shall send a written notice to each customer informing:

- (a) That the utility plans to file for a rate increase;
- (b) The date, time and place of public hearing as set by the Department;
- (c) The name, address and phone number of the Department; and

Environmental Quality Control Board Procedures

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, 909 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.

- 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 IX 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

STATE OF FLORIDA)
) ss.
COUNTY OF DADE)

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 23rd day of Sept. 1981.


Notary Public

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

**RULES AND REGULATIONS FOR THE CONDUCT OF THE
ENVIRONMENTAL QUALITY CONTROL BOARD**

1. **HEARING:** The hearings of the Environmental Quality Control Board (EQCB) shall be held at such place and at such time as may be designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources. Hearings will generally commence at 1:30 p.m. and the last item to be considered will be called no later than 4:00 p.m. It is provided, however, that upon a majority vote of the members present, that said 4:00 p.m. deadline may be extended in order to complete all or part of the agenda. It is further provided, however, no hearing shall extend beyond the time permitted by the facility where the hearing is being held.
2. **INSPECTIONS:** Board members are welcome to visit the sites on an individual basis.
3. **AGENDA:** The agenda and department recommendation for the hearing shall be prepared by the Division of Environmental Resources Management and distributed to members prior to the hearing date. The memorandum shall contain professional staff recommendations and other pertinent information.
4. **PRESIDING OFFICER:** The chairperson shall preserve strict order and decorum at all meetings of the Board. The Chairperson shall state every question coming before the Board and announce the decision of the Board on all matters coming before it. The Chairperson may vote on all questions coming before the Board for a decision. The Chairperson may make a motion or second a motion, but in so doing shall relinquish the chair. In the event that neither the Chairperson nor Vice-Chairperson is present or able to act, the members present shall designate a temporary Chairperson.
5. **CALL TO ORDER:** The Chairperson shall take the chair at the hour appointed for the meeting, and shall immediately call the Board to order. In the absence of the Chairperson, the Vice-Chairperson shall assume all the duties of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, the Secretary of the Board shall determine whether quorum is present and, in that event, shall call for the election of a temporary chairperson. Upon the arrival of the Chairperson or Vice-Chairperson, the temporary chairperson shall relinquish the chair upon the conclusion of the business immediately before the Board.
6. **QUORUM:** Three (3) members of the Board shall constitute a quorum. No resolution or motion shall be adopted by the Board without the affirmative vote of three (3) of the members present and voting, except in those cases where a greater vote may be required by the Code of Miami-Dade County, Florida. The names of the members present and their action at such meeting shall be recorded by the Secretary. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Board, the Chairperson or the Vice-Chairperson or, in their absence, the Secretary, may adjourn the meeting to a date as determined by the Director.
7. **DECORUM:** Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Board, shall be barred from further audience before the Board by the presiding officer, unless permission to continue or again address the Board be granted by the majority vote of the Board members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to the speaker or his or her remarks shall be permitted. No signs or placards shall be allowed in the meeting room. Persons exiting the meeting room shall do so quietly. All electronic devices shall be placed on vibrate or turned off during the hearing.
8. **RULES OF DEBATE:** When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to defer, or to amend, until the question is decided.

These motions shall have preference in the order in which they are made.

Every member desiring to speak for any purpose shall address the Chairperson, and, upon recognition, shall confine discussion and comments to the question under debate, avoiding all personalities and indecorous language.

A member once recognized shall not be interrupted when speaking unless it is to call the member to order. If called to order, the member shall cease speaking until the question or order is determined by the Chairperson and, if in order, the member shall be permitted to proceed.

Any member may appeal to the Board from the decision of the Chairperson upon a question of order when, without debate, the Chairperson shall submit to the Board the question, "Shall the decision of the chair be sustained?" and the Board shall decide by a majority vote.

When a vote is taken by roll call the members shall either vote yes or no. Any member, upon voting, may give a brief statement to explain his or her vote.

9. ORDER OF BUSINESS:

- a. Opening of the meeting by the Chairperson
- b. Swearing in of all parties that will give testimony by court reporter
- c. Call for continuances and withdrawals at the beginning of the meeting or when the particular item is being heard
- d. Presentations of applications
 - (1) Department introduces application
 - (2) Director's Recommendations presented upon request
 - (3) Applicant's presentation
 - (4) Supporters presentation
 - (5) Objectors' presentation
 - (6) Applicant's rebuttal
 - (7) Chairperson calls for a motion on the matter pending when chairperson feels there has been sufficient discussion
 - (8) Board votes and announces decision
- e. Adjournment

10. PRESENTATION: Each person addressing the Board shall give his or her name and address in an audible tone so that the same may be part of the record; all remarks shall be brief and to the point and non-repetitious. All remarks shall be addressed to the Board as a group and not to any individual member. No person, other than a Board Member or Staff Member and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without permission of the presiding Chairperson. No question shall be asked unless the same is addressed through the presiding Chairperson.

11. VOTING: The vote upon every motion or resolution shall be either by voice vote, by a show of hands, or at the discretion of the Chairperson or the request of any members, by roll call. Failure to receive sufficient affirmative votes on any motion shall constitute a rejection of that motion. All decisions rendered by the Miami-Dade County Environmental Quality Control Board shall be filed with the Miami-Dade County Clerk of the Courts office and shall be maintained in an appropriate record book. All Board Orders shall become effective after action is taken by the Board, when prepared and transmitted by the Secretary or the Secretary's designee, who shall attest that the same was duly adopted.

12. DECISIONS: At the conclusion of each individual hearing, the Board shall make its decision immediately after that hearing is concluded except in the event of a tie or a loss of quorum, or unless the Board by majority vote defers the matter.

13. FAILURE TO APPEAR: If applicant fails to appear, unless the Board votes to continue, the application shall be considered on the basis of the application and information filed and obtained from recommendations and the records.

If the applicant is not present, the opposition will be heard and action taken on the matter unless the Board votes to continue the item to the next available hearing.

If objection has been registered to the application but the objectors are not present, the applicant will be heard and action will be taken on the matter unless the Board defers.

14. CONTINUANCES: If a continuance has been requested, the same may be granted by the Board only upon the following conditions:

- a. Upon agreement of the parties concerned; or
- b. Only for good cause meeting with the approval of the majority of the Board Members present; and
- c. If a continuance is granted, the applicant shall pay the required continuance fee before the next appointed hearing date.

When a motion for continuance does not carry by majority vote, or ends in tie vote, the motion shall be considered to have failed, and the matter shall still be heard before the Board for further action and disposition.

15. EMERGENCY ITEMS: Under extreme circumstances emergency items may be requested. The Board shall ensure that the item was advertised no later than 24 hours prior to the hearing date. The Board shall verify the emergency item was properly advertized. The Board shall make a motion and vote by voice, show of hands or roll call to accept the emergency item. Failure to receive a majority of affirmative votes on the motion shall constitute a rejection of that motion and the emergency item will not be heard.

1 MIAMI-DADE COUNTY, FLORIDA
2 DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES MANAGEMENT
3 ENVIRONMENTAL RESOURCES MANAGEMENT
4 OVERTOWN TRANSIT VILLAGE BUILDING
5 701 NORTHWEST 1ST COURT
6 MIAMI, FLORIDA
7 DERM Training Room, 2nd Floor
8 Thursday, December 8, 2016
9 1:30 p.m.

10
11
12 MEMBERS OF THE BOARD

13 Claire M. Bradshaw-Sidran, Chairwoman
14 David A. Chin, Ph.D., P.E., DEE
15 William E. Hopper, Ph.D.
16 Steven Ritter, Ph.D.

17
18 COUNTY ATTORNEY'S OFFICE

19 David Sherman,
20 Assistant County Attorney

21
22 STAFF

23 Jose Gonzalez
24 Christine Velazquez
25 Mirna Leal

1 motion, recommend approval of a two-year extension
2 of time for compliance with ten conditions set
3 forth in the Pre-hearing Memorandum.

4 BOARD MEMBER DR. CHIN: Second the motion.

5 BOARD MEMBER DR. HOPPER: Motion and second.

6 Any discussion on the motion? Dr. Chin?

7 BOARD MEMBER DR. CHIN: Yes.

8 BOARD MEMBER DR. HOPPER: Dr. Sidran?

9 CHAIRWOMAN DR. BRADSHAW-SIDRAN: Yes.

10 BOARD MEMBER DR. HOPPER: Dr. Ritter?

11 BOARD MEMBER DR. RITTER: Yes.

12 BOARD MEMBER DR. HOPPER: And I vote yes.

13 MR. KRISCHER: Thank you very much.

14 BOARD MEMBER DR. HOPPER: Do we have anything
15 else?

16 MS. LEAL: Yes.

17 MS. VELASQUEZ: Madam Chair, in front of you,
18 you should have a copy of something that is called
19 the Sunset Review. This is a requirement for all
20 the Boards in Miami-Dade County. And we need to
21 present to the Board of County Commissioners a
22 report on the performance of the Board. They
23 request attendance, the dates that the Board met,
24 operating cost for the Board, et cetera.

25 So, as Chair of the Board, you're required to

1 sign this report and then this gets forwarded on
2 to the Board of County Commissioners.

3 So, you would have to make a motion to
4 approve the report, and then if the Board approves
5 it, you can sign it, and then we schedule it for a
6 hearing before the Board of County Commissioners.

7 BOARD MEMBER DR. HOPPER: Looks good to me.
8 Do we need a motion?

9 MS. LEAL: Yes.

10 BOARD MEMBER DR. HOPPER: Is there a motion
11 to approve?

12 BOARD MEMBER DR. CHIN: I'll make a motion
13 that we approve this document, Sunset Review.

14 BOARD MEMBER DR. HOPPER: Is there a second?

15 CHAIRWOMAN DR. BRADSHAW-SIDRAN: Second.

16 BOARD MEMBER DR. HOPPER: Any discussion?
17 All in favor say aye.

18 (All Board Members present responded aye.)

19 BOARD MEMBER DR. HOPPER: Approved.

20 MS. VELASQUEZ: One more item, an item for
21 discussion. Right now there are no cases that are
22 scheduled for March. So, we are proposing to
23 schedule the case that had a special set hearing
24 for Mr. John Dubois in March. We were hoping that
25 you would be available earlier in the day, because

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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
December 8, 2016, and were duly sworn.

signed this 5th day of January, 2017.



Janice Aguirre

Florida Professional Reporter
Notary Public, State of Florida
My Commissioner #FF 074251
EXPIRES: December 8, 2017

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CERTIFICATE OF REPORTER

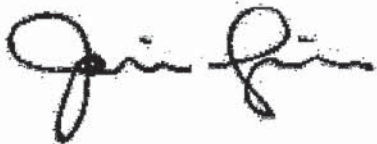
STATE OF FLORIDA)

COUNTY OF DADE)

I, Janice Aguirre, Florida Professional Reporter, do hereby certify that I was authorized to and did stenographically report the EQCB meeting; that a review of the transcript was requested, and that the foregoing transcript, pages 3 through 90, is a true and correct 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' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED this 5th day of January, 2017 at Miami-Dade County, Florida.



Janice Aguirre

Florida Professional Reporter
Notary Public, State of Florida
My Commissioner #FF 074251
EXPIRES: December 8, 2017

ATTACHMENT
TO SUNSET REVIEW QUESTIONNAIRE

Operating Costs of the
Environmental Quality Control Board

Fiscal Year 2014-2015

| | |
|--------------------|----------------|
| Staff | 262,211 |
| Newspaper | 2,000 |
| Computer Equipment | 0 |
| Court Rep Services | 20,250 |
| Indirect | 92,757 |
| Total | 377,218 |

Fiscal Year 2015-2016

| | |
|--------------------|----------------|
| Staff | 296661 |
| Newspaper | 2,675 |
| Computer Equipment | 0 |
| Court Rep Services | 36,614 |
| Indirect | 101,088 |
| Total | 437,038 |