

MEMORANDUM

Agenda Item No. 7(G)

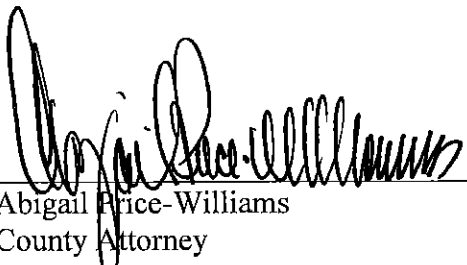
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: (Second Reading 1-22-20)
November 19, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to the
Environmental Quality Control
Board; amending section 24-8 of
the Code; revising qualifications
of appointees to the
Environmental Quality Control
Board; amending section 24-13;
removing reference to the
Sunsetted Tree and Forest
Resources Advisory Committee

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Infrastructure and Capital Improvements Committee.



Abigail Price-Williams
County Attorney

APW/cp

Memorandum



Date: January 22, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive, flowing style.

Subject: Ordinance Amending Section 24-8 and Section 24-13 of the Code of Miami-Dade County, Florida, Relating to the Environmental Quality Control Board

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance amending Section 24-8 of the Code of Miami-Dade County, Florida (Code), relating to qualifications of Environmental Quality Control Board (EQCB) members and amending Section 24-13 of the Code removing references to the sunsetted Tree and Forest Resources Advisory Committee.

Scope

The scope of the ordinance is countywide.

Fiscal Impact/Funding Source

This proposed ordinance will not require additional funding and will be revenue neutral to the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM).

Track Record/Monitor

The Chief of the Office of Code Coordination & Public Hearing within RER-DERM, Christine Velazquez, will be responsible for monitoring the application of this ordinance.

Social Equity

The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described under Ordinance No. 15-83. The proposed ordinance amends qualifications of the members of the EQCB and removes reference to the sunsetted Tree and Forest Resources Advisory Committee.

Background

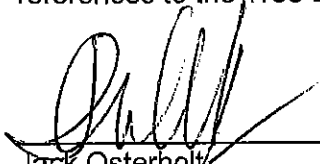
In 1969, the Board of County Commissioners established the Pollution Control Board, later renamed the Environmental Quality Control Board (EQCB), to hear appeals by persons aggrieved by any action or decision of the Director of DERM, and to hear and decide all applications for variances and extensions of time as set forth in Chapter 24 of the Code of Miami-Dade County (Code).

Currently, Section 24-8 of the Code requires the composition and representation of the five members of the EQCB to consist of two scientists possessing Ph.D. degrees in biology, one scientist possessing a Ph.D. degree in biochemistry, and two professional engineers with experience in the field of sanitary engineering.

Recognizing that professionals from other scientific fields could serve on the EQCB and apply their expertise and experience to environmental matters heard before the EQCB, the proposed ordinance broadens the qualifications for applicants that could serve as EQCB members. These

additional qualifications include scientists possessing a Ph.D. degree in marine biology, scientists possessing a Ph.D. degree in chemistry, engineers possessing a Ph.D. degree in the fields of chemical, civil or environmental engineering, and scientists possessing a Ph.D. degree in hydrogeology or groundwater hydrology with experience in groundwater monitoring or contaminant fate and transport. All members of the EQCB shall continue to be appointed by the Board of County Commissioners.

The proposed ordinance also amends Section 24-13 of the Code regarding procedures governing variances and extensions of time that are reviewed by the EQCB. Section 24-13 states that the Tree and Forest Resources Advisory Committee shall make written recommendations on applications for variances from Section 24-49 of the Code and promptly file the recommendations with the EQCB. The Tree and Forest Resources Advisory Committee was sunsetted in 1993 and this provision is no longer relevant or needed. Therefore, the proposed ordinance deletes references to the Tree and Forest Resources Advisory Committee from Section 24-13 of the Code.



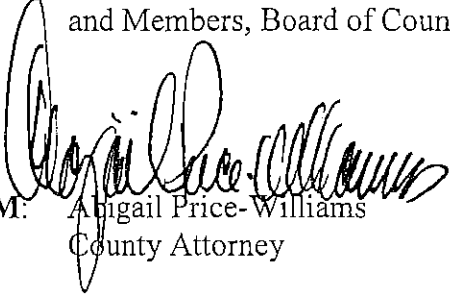
Jack Osterholt
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: January 22, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(G)

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
- Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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(G)
1-22-20

ORDINANCE NO. _____

ORDINANCE RELATING TO THE ENVIRONMENTAL QUALITY CONTROL BOARD; AMENDING SECTION 24-8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING QUALIFICATIONS OF APPOINTEES TO THE ENVIRONMENTAL QUALITY CONTROL BOARD; AMENDING SECTION 24-13; REMOVING REFERENCE TO THE SUNSETTED TREE AND FOREST RESOURCES ADVISORY COMMITTEE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. Section 24-8 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

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

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.

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 or marine biology.
- (b) One member shall be a scientist possessing a Ph.D. degree in biochemistry or chemistry.
- (c) Two ~~[[2]]~~ members shall be professional engineers, licensed in the State of Florida, with experience in the field of ~~[[sanitary engineering, who may be recommended by the Miami Chapter of the Florida Engineering Society.]]~~ chemical, civil, or environmental engineering; or alternatively, in lieu of one licensed professional engineer, one member may be either of the following:
 - i. An engineer possessing a Ph.D. degree with experience in the field of chemical, civil or environmental engineering; or
 - ii. A professional geologist, licensed in the State of Florida, with experience in the field of groundwater modeling or contaminant fate and transport and possessing a Ph.D. degree in hydrogeology or groundwater hydrology.

* * *

Section 2. Section 24-13 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

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.

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:

David Sherman

APW
DS