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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: (Second Reading 5-6-08)
March 4, 2008

Agenda Item No. 7(F)

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

Ordinance No. 08-55

From: George M. Burgess
County Manager

Subject: Ordinance Amending Section 8CC of the Code Relating to Civil Penalties; Amending Chapter 24 of the Code Providing for Correction of Scrivener's Errors, Grammatical, Content, and Spelling Errors; Updating Incorrect Code References; Providing Consistent Terminology; Repealing Section 24-42.6 Relating to Prohibition Against Use of Hard Detergents; Repealing Section 24-42.7 Relating to Detergents

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Recommendation
It is recommended that the Board approve the attached ordinance amending Section 8CC of the Code relating to civil penalties; amending Chapter 24 of the Code providing for correction of scrivener's errors, grammatical, content, and spelling errors; updating incorrect code references; providing consistent terminology; repealing Section 24-42.6 relating to prohibition against use of hard detergents; repealing Section 24-42.7 relating to detergents.

Scope
This ordinance involves environmental regulation countywide.

Fiscal Impact/Funding Source
This ordinance will have no fiscal impact on Miami-Dade County.

Background
On December 2, 2004, the Board of County Commissioners enacted Ordinance Number 04-214 as the first step of the reorganization of Chapter 24 of the Code. This ordinance continues the reorganization process by correcting errors in the Code. Throughout the years, errors have appeared in the Code of Miami-Dade County as a result of mistakes made in ordinances as enacted or errors in the codification process. These errors exist in the form of grammatical, spelling, punctuation, and content errors. In addition, the present Code is the product of numerous ordinances enacted over nearly a forty year period. As a result of this process, Chapter 24 contains inconsistent terminology, outdated or incorrect legal references, and obsolete provisions.

The proposed ordinance corrects these errors in Chapter 24 of the Code and portions of Chapter 8CC which relate to Chapter 24 of the Code of Miami-Dade County, Florida.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: May 6, 2008

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

SUBJECT: Agenda Item No. 7(F)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(F)
5-6-08

ORDINANCE NO. **08-55**

ORDINANCE AMENDING SECTION 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO SCHEDULE OF CIVIL PENALTIES; AMENDING CHAPTER 24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS, GRAMMATICAL, CONTENT, AND SPELLING ERRORS; UPDATING INCORRECT CODE REFERENCES; PROVIDING CONSISTENT TERMINOLOGY; REPEALING SECTION 24-42.6 RELATING TO PROHIBITION AGAINST USE OF HARD DETERGENTS; REPEALING SECTION 24-42.7 RELATING TO DETERGENTS; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

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

* * *

Code Section	*Description of Violation*	*Civil Penalty*
24-15	Failure to have plans approved	200.00
* * *	* * *	* * *
24-42.1	Breach of effluent standards by new sewage treatment plants and industrial waste treatment facilities	[[~~200.00~~]] >>100.00<<
24-42.2	Non-compliance with provisions regulating sanitary sewer collection and transmission systems	250.00
24-42.4	Discharging prohibited wastes or substances into sewers	300.00
24-42.5	Bypassing a waste treatment facility	200.00
24-43	Noncompliance with provisions and standards protecting public potable water supply wells	300.00
24-43.1	Noncompliance with provisions regulating waste water disposal and treatment methods other than sanitary sewers	[[~~100.00~~]] >>200.00<<
* * *	* * *	* * *

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

Sec. 24-2. Declaration of legislative intent.

The Board finds and determines that the reasonable control and regulation of activities which are causing or may cause pollution or contamination of air, water, soil and property is required for the protection and preservation of the public health, safety and welfare. It is the intent and purpose of this chapter to provide and maintain for the citizens and visitors of Miami-Dade

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

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

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

The provisions of this chapter are not intended and shall not be construed as superseding or conflicting with any statutory provisions relating to, or rules and regulations promulgated by, the

Florida State Department of Environmental [[~~Regulation~~]] >>Protection<<, but shall be construed as implementing and assisting the enforcement thereof. It is not the intent of this Board to hereby preempt the authority of any municipality in the exercise of its authority to issue coastal construction permits or to restrict it from adopting more stringent standards, the purpose of this chapter being to establish minimum standards for the issuance of coastal construction permits within all of Miami-Dade County.

Sec. 24-3. Rules and regulations.

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

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

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

(2) *Existing facilities.* All facilities, equipment, plants and projects that are in actual use and operation on the effective date of this chapter shall have until and including January 1, 1968, to fully comply with and conform to the requirements of this chapter, provided that all existing facilities shall comply with, and shall not commit violations of, the following provisions of this chapter after January 1, 1964, namely: Section [[~~24-3(42)~~]] >>24-5<< (Nuisance); Section [[~~24-11~~]] >>24-42<< (Toxic waste discharges); Section [[~~24-15~~]] >>24-41<< (Black smoke emissions); Section [[~~24-18~~]] >>24-41.4<< (Open burning); and Section [[~~24-23~~]] >>24-41.9<< (Reduction of animal matter).

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

variances or extensions of time for compliance granted pursuant to the provisions of this chapter.

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

Sec. 24-5. Definitions.

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

* * *

Aboveground storage facility shall mean a tank, pipe, vessel or other container, or any combination of the foregoing, used or designed to be used for the aboveground storage or aboveground transmission of hazardous materials including but not limited to line leak detectors, monitoring wells and secondary containment system>>s<< associated therewith.

(1) Aboveground storage facilities have less than ten (10) percent of their total volume below the surface of the ground.

(2) Facilities with ten (10) percent or more of their volume below the ground surface and which are contained within a vault or structure of sufficient size to allow human access and visual inspection of all components thereof are hereby determined to be aboveground storage facilities.

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

* * *

Adequate transmission capacity shall mean that each pump station[[s]] receiving sewage flow from the sewer service connection, the pump station immediately upstream from the pump station receiving sewage flow from the sewer service connection, and all pump stations through which sewage flow from the sewer service connection is transmitted to the wastewater treatment facility receiving such sewage flow, is operating (A) with fixed-speed pumps at a nominal daily average pump station operating time equal to or less than ten (10) hours per day, taking into account

all existing sewage flow and loadings, including anticipated sewage flow resulting from all previously authorized sewer service connections or (B) with multiple-speed pumps at a nominal average power consumption that is equal to or less than forty-six (46) percent of the rated multiple-speed pump station motor horsepower or the equivalent thereof as approved by the [[~~director of his designee~~]] >>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 of his designee~~]] >>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 of his designee~~]] >>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.

* * *

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

* * *

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

* * *

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

* * *

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

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

Section>>s<< [[~~14, 13,~~]] >>13, 14,<< and 24, Township 52 [[~~south~~]] >>South<<, Range 39 East, less those portions thereof lying southwesterly of the southwesterly right-of-way of Okeechobee

Road, and Sections 16, 17, 18 and 20, Township 52 South, Range 40 East, and Section 19, Township 52 South, Range 40 East, less that portion thereof lying southwesterly of the northeasterly right-of-way of the Miami Canal and northwesterly of the northwesterly right-of-way of the Florida Turnpike[[-]] >> , << and that portion of Section 21, Township 52 South, Range 40 East, lying westerly of the westerly right-of-way of Interstate I-75, and

* * *

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

* * *

Cooling pond shall mean a body of water enclosed by natural or constructed restraints which has been approved by the >>State of<<Florida [[~~DPC~~]]>>Department of Environmental Protection<< for purposes of controlling heat dissipation from thermal discharges.

* * *

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

* * *

Department shall mean the >>Miami-Dade County<<Department of Environmental Resources Management.

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

* * *

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

>>*Director* shall mean the Director of the Miami-Dade County Department of Environmental Resources Management, with duties created pursuant to Section 24-6 of the Code of Miami-Dade County, Florida.<<

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

* * *

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

* * *

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

* * *

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

(1) Residential uses.

* * *

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

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

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

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

(1) Residential uses.

* * *

(5) In determining whether or not the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is excessive, the Director or [[~~his~~]] >>the Director's<< designee shall follow the principles set forth below:

The nearest available point of connection to an available public sanitary sewer shall be determined by the Director or [[~~his~~]] >>the Director's<< designee in accordance with good engineering practices.

(6) Notwithstanding any of the provisions of this definition, additions, modifications, or remodelings of existing improvements on the property shall not require extension of

public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer, if the gross floor area of the new construction and new improvements is less than twenty-five (25) percent of the existing gross floor area.

* * *

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

* * *

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

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

Within ninety (90) days from the effective date of Ord. No. 83-96 and at least annually thereafter, the Director or [[~~his~~]] >>the Director's<< designee shall submit to the Board of County Commissioners a list of wastes, products, substances or combination or breakdown products thereof which the Director or [[~~his~~]] >>the Director's<< designee has determined to be hazardous materials as hereinabove defined. The Board of County Commissioners shall designate, by resolution, which of the wastes, products, substances or combination or breakdown products thereof so listed by the Director or [[~~his~~]] >>the Director's<< designee shall be legally presumed to be hazardous materials as defined hereinabove. Such designation by the Board of County Commissioners shall create a rebuttable presumption that the wastes, products, substances or combination or breakdown products thereof so designated are hazardous materials as hereinabove defined. Such designations shall be deemed nonexclusive. Nondesignation by the Board of County Commissioners shall not create any presumption that the nondesignated wastes, products, substances or combination or breakdown products thereof are not hazardous materials. Nothing herein shall be construed to limit in any way the power of the Director or [[~~his~~]] >>the Director's<< designee in the performance of his duties and responsibilities to determine that a waste, product, substance or combination or breakdown product thereof is a hazardous material as defined hereinabove.

* * *

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

purification of water supply or cause it to be polluted from extraneous sources.)

* * *

Inflow shall mean any water, other than domestic sewage or other wastewater approved by the [[~~director~~]] >>Director<< or [[~~his~~]] >>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.

* * *

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

Liquid waste [[~~means~~]] >>shall mean<< sludge resulting from, but not limited to, a waste treatment works, air pollution control facility, domestic, commercial, mining, institutional, agricultural, or governmental operations; or other waste materials, including materials to be recycled or otherwise beneficially reused; or septic tank, grease trap, sediment trap, portable toilet, or oil and grease separator pump-outs; or solvents, sewage, industrial waste, hazardous waste, semisolid waste, or potentially infectious waste; or any similar materials which would cause a nuisance or would otherwise cause a violation of this chapter if discharged to the ground or waters of Miami-Dade County. However, sewage and industrial wastes which have been permitted by the Department [[~~of Environmental Resources Management~~]] to be discharged and which are discharged through a lateral connection to the sewerage system or on-site treatment facility are not included in this definition. Furthermore, subsurface materials extracted as a result of rockmining which are not discharged to canals or other water bodies are not included in this definition.

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

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

* * *

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~~]] >>Director<< or [[~~his~~]] >>the Director's<< designee.

* * *

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

(1) The presence of endangered, threatened, rare or endemic species included on the Federal List of Endangered and Threatened Species, the Florida Game and Fresh Water Fish Commission List of Endangered and Potentially Endangered Fauna and Flora in Florida, or the Miami-Dade County Comprehensive Development [[~~Masterplan~~]] >>Master Plan<< List of Endangered, Threatened, Rare and Endemic Plants in Miami-Dade County.

(2) Overall plant species diversity of the 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~~]] >>Director<< or [[~~his~~]] >>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~~]] >>Director<< or [[~~his~~]] >>the Director's<< designee, which is then averaged with the same computations performed for the previous eleven (11) months.

* * *

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

(1) The emission into the outdoor air of dust, fume, gas, mist, odor, smoke or vapor, or any combination thereof, of a character and in a quantity as to be detectable by a considerable number of persons or the public so as to interfere with their health, repose or safety, or cause severe annoyance or discomfort, or which tends to lessen normal food and water intake, or produces irritation of the upper respiratory tract, or produces symptoms of nausea, or is offensive [[~~to~~]] >>or<< objectionable to normal persons because of inherent chemical or physical properties, or causes injury or

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

(2) The discharge into any of the waters of this County of any organic or inorganic matter or deleterious substance or chemical compounds, or any effluent containing the foregoing, in such quantities, proportions or accumulations so as to interfere with the health, repose or safety of any considerable number of persons or the public, or to cause severe annoyance or discomfort, or which tends to lessen normal food and water intake, or produces symptoms of nausea, or is offensive or objectionable to normal persons because of inherent chemical or physical properties, or causes injury or damage to real property, personal property, human, plant or animal life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of this County.

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

* * *

On-site [[~~means~~]] >>shall mean<< within the boundaries of a facility location, property or site including those sites spatially separated by public or private rights-of-way.

* * *

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

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

* * *

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

* * *

Positive drainage shall mean the direct disposal of stormwater runoff by overland sheet flow or through a channel ditch, or closed pipe system into an on-site or off-site surface water body such

as, but not limited to, a lake, lagoon >>,<< river, canal, bay or the ocean.

* * *

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

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

* * *

Process weight per hour[[~~. Process weight is~~]] >>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.

* * *

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

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

* * *

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

* * *

Right-of-way [[~~is~~]] >>shall mean<< a strip of ground dedicated by the subdivider, or deeded by the owner, for public use.

* * *

Sanitary nuisance shall mean the commission of any action, by an individual, municipality, organization or corporation, [[~~or the keeping, maintaining, municipality, organization or corporation,~~]] or the keeping, maintaining, propagation, existence or permission of anything, by an individual, municipality, organization or corporation, by which the health or life of an individual or

the health or life of individuals, may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused.

* * *

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

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

* * *

Sewage loading [[~~means~~]] >>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.

* * *

Source operation [[~~means~~]] >>shall mean<< the last operation preceding the emission of >>an<<air contaminant, which operation:

(1) Results in the separation of the air contaminant from the process material or in the conversion of the process materials and air contaminants, as in the case of combustion fuel; and

(2) Is not an air pollution abatement operation.

* * *

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

(1) For the bacteriological fermentation tube test, five (5[[~~0~~]]>>)<< standard portions of either:

(a) Ten [[~~million~~]]>>milliliters<< (10 ml).

(b) One hundred milliliters (100 ml).

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

* * *

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

otherwise affect the quantity or [[~~quantity of~~]] quality of stormwater.

* * *

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

* * *

Travel time [[~~means~~]] >>shall mean<< the period of time in days or equivalent distance in feet for groundwater to travel from one (1) point in an aquifer to another point in the aquifer.

* * *

Unsubmerged land [[~~means~~]] >>shall mean<< any land which meets or exceeds the minimum elevation required by Miami-Dade County flood criteria.

* * *

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

* * *

Wetlands shall mean those areas as defined in [[~~Section 373.019(17)~~]] >>Chapter 373<<, Florida Statutes, as same may be amended from time to time.

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

Yard trash shall mean solid waste comprised of vegetative matter resulting from landscaping maintenance or land clearing operations and shall include, but not be limited to, [[~~m~~]]>>M<<elaleuca, Australian pine, Brazilian pepper and other tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and soils not containing any hazardous materials.

Sec. 24-6. Director[[~~,~~]] >>of the Miami-Dade County Department of<< Environmental Resources Management--Office created; appointment; term; exempt from classified service and merit system; compensation; assistants; operating procedures.

The office and position of Director[[~~,~~]]>>of the Miami-Dade County Department of<< Environmental Resources Management, is hereby created and established. The Director[[~~,~~]] >>of the Miami-Dade County Department of<< Environmental Resources Management, shall be appointed by and serve at the will of the County Manager. Such Director shall be chosen by the Manager on the basis of his qualifications and experience in the field of air and water pollution controls, and [[~~he~~]]>>the Director<< shall be a professional engineer registered to practice in the

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

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

The duties, functions, powers and responsibilities of the Director[[~~,~~]]>>of the Miami-Dade County<< Department of Environmental Resources Management, shall include the following:

(1) The enforcement of the provisions of this chapter and the rules and regulations promulgated hereunder, all rules and regulations of the Florida Department of Environmental Protection pertaining to air and water pollution and the Federal Pretreatment Standards, promulgated under the authority of Section 307 of the Federal Clean Water Act, as incorporated in this chapter.

* * *

(6) Render all possible assistance and technical advice to persons operating equipment, facilities and processes, the use of which may cause air or water pollution, provided that the [[~~Pollution Control Officer~~]] >>the Director or the Director's designee<<shall not design equipment or facilities for any person.

(7) Establish, operate and maintain a continuous program for monitoring air and water pollution by means of [[~~C~~]]>>c<<ountywide air and water quality surveillance networks designed to provide accurate data and information as to whether the requirements of this chapter are being complied with and whether the level of air and water pollution is increasing or decreasing throughout this County.

* * *

(9) Render assistance to the State of Florida Department of Environmental [[~~Regulation~~]] >>Protection<< in connection with the review of plans, specifications and processes filed in accordance with the requirements of this chapter.

* * *

(12) Make periodic reports concerning the status of air and water pollution in this County

and the enforcement of the provisions of this chapter, and recommendations concerning the improvement of pollution requirements. Such reports shall be filed with the County Manager and made available to the County Commission, the State of Florida Department of Environmental [[~~Regulation~~]] >>Protection<<, and other cognizant agencies.

(13) Make continuing studies and periodic reports and recommendations for the improvement of air and water pollution controls in the County, and work in cooperation with the State of Florida Department of Environmental [[~~Regulation~~]] >>Protection<<, the United States Public Health Service and other appropriate agencies and groups interested in the field of air and water pollution.

* * *

(15) (a) Whenever evidence has been obtained or received establishing that a violation of this chapter has been committed, the Director[[~~,Environmental Resources Management,~~]] or >>the<< Director's designee, shall issue a notice to correct the violation or a citation to cease the violation and cause the same to be served upon the violator by personal service or certified mail or by posting a copy in a conspicuous place on the premises of the facility causing the violation. Such notice or citation shall briefly set forth the general nature of the violation and specify a reasonable time within which the violation shall be rectified or stopped, commensurate with the circumstances. Reasonable time herein means the shortest practicable time to rectify or stop the violation. If notice to correct the violation or citation to cease the violation is not obeyed within the time set forth therein, the Director[[~~,Environmental Resources Management~~]], or the Director's designee, shall have the power and authority to issue an order requiring the violator to restrict, cease or suspend operation of the facility causing the violation until the violation is corrected. Any orders issued by the Director[[~~,Environmental Resources Management~~]], or the Director's designee, hereunder may be enforced by suit brought by [[~~him~~]]>>the Director<< in the appropriate court of competent jurisdiction

(b) Whenever a violation of this chapter has been committed, the Director[[~~,Environmental Resources Management, or the Director's designee,~~]] may initiate proceedings against the violator in the appropriate court for such violation, whether or not a notice to correct the violation or citation to cease the violation has been issued [[~~by him~~]] >>by the Director or the Director's designee<<.

(c) The Director or the Director's designee, may, in the Director's or the Director's designee's discretion, terminate an investigation or an action commenced under the provisions of this chapter upon execution of a written consent agreement between the Director, or the Director's designee, and the persons who are the subjects of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this chapter by said persons. The consent

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

(16) In the event a violation of this chapter creates a health hazard or threatens serious damage to the public health, aquatic life or property, or creates a nuisance as herein defined, the Director[[~~,Environmental Resources Management~~]] >>or the Director's designee<<, shall have the power and authority to order immediate cessation of the operations causing such conditions. Any person receiving such an emergency order for cessation of operation shall immediately comply with the requirements thereof. It shall be unlawful for any person to fail or refuse to comply with an emergency order issued and served under the provisions of this section. Any person who is convicted of willfully failing or refusing to comply with such an emergency order shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or both, in the discretion of the appropriate court. Each day during which the willful failure or refusal to comply with such an emergency order continues shall constitute a separate offense.

(17) In addition to and not limited by any other provision or remedy of this chapter, the Director[[~~,Environmental Resources Management~~]], shall have the power and authority to order a moratorium on the issuance of building permits by any County or municipal agency should it be determined:

(a) That violations of this chapter have occurred or may be reasonably anticipated to occur, or that the physical limitations of the public or private water or sewage system have or will be met so as to endanger or threaten the public health, aquatic life or property or creates a nuisance; and

(b) That such a situation can reasonably be anticipated to deteriorate by the issuance of additional building permits that require added or new demands being made on the water or sewage system involved.

(18) Perform such other administrative duties as may be assigned by the County Manager.

(19) To appoint with the approval of the County Manager, deputies who are hereby empowered to perform the duties of the Director[[,~~Environmental Resources Management~~]], as provided by this chapter, subject to the Director>>'s<<[[,~~Environmental Resources Management's~~]] control.

(20) Where necessary the Director[[,~~Environmental Resources Management~~]], and [[~~his~~]] duly authorized deputies >>of the Director<< are hereby empowered to seek all search warrants reasonable and necessary to carry out their powers and duties as established by this chapter, in accordance with the requirements of the Constitutions of the United States and the State of Florida, the Laws of Florida, and in accordance with the procedures established by the Code of Miami-Dade County, Florida.

(21) The powers and duties enumerated in this section shall be in addition to and not a limitation of any other power or duty specifically granted to the Director[[,~~Environmental Resources Management,~~]] by any other provision of this chapter.

(22) Whenever this chapter specifies the need for approval, a determination, permits, review or the promulgation of standards or criteria by an undisclosed entity, said approval, review, permitting, or promulgation shall be the duty and responsibility of the Director[[,~~Environmental Resources Management~~]], unless otherwise specifically provided, subject to the manner and mode of review set in Section 24-11 of the Code. Said approvals, determinations, decisions to permit, and the promulgation of standards and criteria shall be based upon generally accepted concepts and standards of the particular professional discipline concerned.

(23) The Board of County Commissioners hereby authorizes the establishment of Countywide water control, coastal engineering and wetlands management programs, and vests in the Director [[~~of the Department of Environmental Resources Management~~]] the administration of said programs. A plat showing existing and proposed water-control facilities and their general locations is hereby adopted and made a part of this chapter, said plat being identified as amended plat of Miami-Dade County Water Control Plan recorded in August, 1972, in plat book 94, page 4. The amended water control plan may be further revised at any time by resolution of the Board of County Commissioners. Authority for administering said program includes, but is not limited to, the power to:

(a) Establish, adopt, and implement water control, coastal engineering and

wetlands management programs, as may be necessary or appropriate for prevention and control of floods, drainage, water conservation, prevention of saltwater encroachment, protection against pollution, safeguard of water supplies, protection of beaches, shorelines, and wetlands areas and the best use of all the water, shoreline and wetland resources of Miami-Dade County.

* * *

(d) Determine, establish, and regulate water levels in all parts of Miami-Dade County, including, but not limited to, levels of bays, streams, canals, ditches, lakes, borrow ditches, and the underground water table, by dams with or without locks or boat lifts, by gates, levees, or other facilities; providing, however, that said authority and powers are not to encroach upon, be inconsistent with, and are in conjunction with the statutes, rules and regulations of appropriate State and federal agencies as they exist now and in the future.

(e) Administer programs for the preservation of beaches and shorelines, including cooperative federal, State, and local programs and projects; establish standards and permitting procedures for the control of excavation in water areas, dredging and filling and performing work in all saltwater and wetland areas.

(f) Cooperate with appropriate federal, State, municipal and other local agencies. Any action(s) taken by the Department shall be taken only after the affected municipality(ies) has been notified of the proposed action(s).

(g) Make and adopt reasonable rules and regulations, subject to approval of the Board of County Commissioners by ordinance, for the administration of said water control, coastal engineering and wetlands management programs, all such rules and regulations (within declared policies, powers, and authorities granted by the Board of County Commissioners) having the force and effect of law and being enforceable under Section 24-29 of this Code.

(h) Require permits and set permit fees for connecting any private or public drain, ditch, canal, storm sewer, outfall, inlet, intake, outlet or irrigation[[;]] pipe with, into, through, or across any ditch, canal, waterway, culvert or other water-control facility under the jurisdiction of Miami-Dade County.

(i) Require permits and set permit fees for any type of public or private crossing over, under or within any ditch, canal, waterway, culvert or other such facility under the jurisdiction of Miami-Dade County, including, but not limited to, [[~~permits for~~]] bridges, footbridges, culverts, earthfills, pipelines and other obstructions of any kind, such as fences, barricades, dams, and the like.

* * *

(l) Limit and control excavation or filling of wetlands, channels, ditches, canals, or lakes in wetlands by individuals, firms, corporations, [[~~miners~~]]>>miners<<, partnerships, joint ventures, estates, trusts, syndicates,

fiduciaries, and all other associations and combinations whether public or private, including governmental agencies, to the extent necessary for the prevention of pollution or further saltwater encroachment and for the protection of water recharge areas and wetland and tidal habitats in Miami-Dade County.

(24) To require and issue Florida Department of Environmental [[~~Regulation~~]] >>Protection<< and South Florida Water Management District permits as provided by law.

(25) Require that a comprehensive environmental impact statement be submitted for any work or activity requiring a permit or permits issued by the Department [[~~of Environmental Resources Management~~]] or for any work or activity defined as a nuisance in Chapter 24 of the Code of Miami-Dade County, Florida, if, in the opinion of the Director [[~~of the Department of Environmental Resources Management~~]], the work or activity may result in adverse environmental impact. The Director [[~~of the Department of Environmental Resources Management~~]] shall only require a comprehensive environmental impact statement if a comprehensive environmental impact statement, as defined in this chapter, has not already been submitted as part of a federal, State or regional permit application.

(26) Order testing by any person who is or may be responsible for a violation of this chapter, or who installs, modifies, repairs, expands, replaces or operates any facility under the provisions of this chapter. The design and nature of such testing shall be approved by the Department [[~~of Environmental Resources Management~~]] prior to implementation of testing. Said testing shall be accomplished and the results thereof submitted to the Department for review no later than such time as determined by the Department.

(27) When a violation of this chapter has occurred or continues to exist or when there may be an imminent endangerment to the public health or welfare or the environment because of a threatened release or discharge of a hazardous material, the Director or [[~~his~~]] >>the Director's<< designee, [[~~in his or her discretion,~~]] may:

(a) Take action necessary to prevent such violation, and

(b) Restore the air, water, and property, including but not limited to animal, plant, and aquatic life affected by said violation.

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

(28) The Board of County Commissioners hereby authorizes the establishment of a Countywide Tree and Forest Resources Program, and vests in the Director [[~~of the~~

~~Department of Environmental Resources Management~~]] the administration of said program. Authority for administering said program includes, but is not limited to, the power to:

(a) Make and adopt reasonable rules and regulations subject to approval of the Board of County Commissioners by ordinance for the administration of said Tree and Forest Resources Program, all such rules and regulations (within declared policies, powers, and authorities granted by the Miami-Dade County Board of County Commissioners) having the force and effect of law and being enforceable under Section 24-29 with penalties and liabilities set forth under Sections 24-30 and 24-31 of this Code.

(b) Require permits under the provisions of Section 24-49, and set permit fees for the removal of trees, and understory where applicable, in unincorporated areas of Miami-Dade County and municipalities in which this chapter is enforced by the Department [[~~of Environmental Resources Management~~]].

(c) Limit and control the removal of trees and understory in unincorporated areas of Miami-Dade County and municipalities in which Ordinance Number 89-8 is enforced by the Department [[~~of Environmental Resources Management~~]] under the provisions of Section 24-49 in order to preserve as many native trees and their understory and desirable non-native trees as possible.

(d) If the provisions of Section 24-49 or the provisions of a tree ordinance passed by a municipality are not adequately enforced by a municipality, or if the municipal ordinance does not meet the minimum standards of Ordinance Number 89-8, and it is the Department's intent to administer Section 24-49 in said municipality, then the Director [[~~of the Department~~]] shall notify the municipality by certified letter of the Department's intent and, following the municipality's receipt of the letter, the Department shall enforce Ordinance Number 89-8 within the municipality.

* * *

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 [[~~Commission~~]]>>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.

* * *

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

(4) *Technical advisory panel.* The Board may designate from time to time one (1) or more citizens of the community to sit[[~~e~~]] as one (1) or more technical advisory panels. The members of such panels shall be persons technically skilled and qualified to render advice on particular matters of pollution control then before the Board. The members shall serve at the will of the Board and shall furnish advice and information of a technical nature to the Board for so long a period of time as the Board may request it. All such advice and information given by the panel or any member thereof shall be in the form of testimony before the Board at a regularly scheduled meeting and subject to cross examination by any interested party. The members of the panels shall not be deemed County officers or employees within the purview of Sections 2-10.2, 2-11.1, or otherwise.

(5) *Duties and powers of the Environmental Quality Control Board.* The Environmental Quality Control Board shall have the following duties, functions, powers and responsibilities:

(a) To hear appeals by any person aggrieved by any action or decision of the [[~~DERM~~]]>>Director<< as provided in Section 24-11.

(b) To hear and pass upon all applications for variances and extensions of time in

the manner provided by Sections 24-13 and 24-14, except for compliance with Federal Pretreatment Regulations set forth in 40 CFR 403 as incorporated in this chapter.

* * *

(d) To hear and pass upon all applications pursuant to Section [[~~24-16~~]] >>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 practicability and availability of equipment, alternative methods of sewage disposal and the likelihood of creating a present or future nuisance. If the Board approves such application it shall direct the Director[[~~,Environmental Resources Management~~]], to issue [[~~his~~]] >>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.

* * *

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

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

The Environmental Quality Control Board shall have the power, and it shall be its duty, to establish reasonable standards of service for each class of public utilities as defined in Section 32-4(c) of the Code, after notice and public hearing, and thereafter to enforce such standards. In performing this duty, the Board shall exercise its powers to conduct investigations and inspections, to make examinations and tests, to prescribe standards of measurement for testing the quality, pressure, or other conditions pertaining to the supply or quality of the product furnished or adequacy of the service rendered by any such utility, and to fix fees for the examination and testing of meters

and other measuring devices, as provided by law in establishing the general regulatory powers of the Board, and as directed herein. Standards previously adopted by the Water and Sewer Board pursuant to Section 32-51 remain in full force and effect under the jurisdiction of the Environmental Quality Control Board until modified as provided above.

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

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

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

(1) The Environmental Quality Control Board shall have the power and authority to grant or extend from time to time variances and extensions of time for compliance with the requirements of this chapter to new or existing facilities, equipment and processes. Such variances or extensions may be granted to specific facilities, equipment or processes or to a class. The Environmental Quality Control Board may grant such variances or extensions only if it is affirmatively established by competent factual data and information that strict compliance with the requirements of this chapter is impossible or inappropriate because of conditions beyond the control of the person or persons involved, or that strict compliance would result in substantial curtailment or closing down of a plant, project or operation which would be detrimental to the public interest, or that the particular operation is essential for the public health or the national security, or that no technically feasible, economically reasonable means of compliance are available to the person or persons involved, or that the variance or

extension will not be detrimental to the public health, welfare and safety and will not create a nuisance and will not materially increase the level of pollution in this County, or that a more unhealthy condition will occur if a variance or extension is not granted. Variances and extensions of time shall be considered and acted upon in accordance with the provisions of Section[[s]] 24-4, Section 24-12, Section 24-13 and the provisions of Section 24-8(5)(b).

* * *

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

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

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

(1) Any public utility holding a valid certificate pursuant to Sections 32-33 and 32-39 of the Code that desires to apply for a change of rate or to change any rule or regulation as provided by Section 32-64 shall file with the Board or [[~~DERM~~]]>>the Department<< a request for a statement of approved water quality or approved sewage service.

(2) The [[~~DERM~~]]>>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 hereindescribed 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 [[~~DERM~~]]>>the Department<<.

* * *

(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 [[~~DERM~~]]>>the Department<<;

(c) The name, address and phone number of [[~~DERM~~]]>>the Department<<; and

(d) The name, address and phone number of the consumer advocate.

The notice shall be reviewed and approved by [[~~DERM~~]]>>the Department<<and shall be mailed at least twenty (20) days prior to the hearing. In the event that the hearing on the matter is continued, mailed notices of the continuation may be disposed with by the Board.

(6) The Board may issue a conditional certificate pursuant to this section if it determines that certain improvements of said water and/or sewer utility are necessary or desirable to increase the quality of service provided to the consumers, and said conditions and improvements shall be specifically set out within said Board order granting the conditional certificate. In no event, however, shall the Water and Sewer Board grant any rate increase to said utility without requiring that the amounts collected from such rate increase be placed in escrow account under Water and Sewer Board control and not released until the conditions set forth in said conditional approval have been complied with by the utility. However, the Board or [[~~DERM~~]]>>the Department<<may not issue its approval of the water or sewer service provided by a water and/or sewer utility if it does not meet the minimum requirements of Chapter 24.

(7) Notwithstanding the requirements of this Section the Board may grant a qualified statement of approval of water or sewer service which shall be sufficient to permit the utility to apply to the Water and Sewer Board for an emergency rate increase solely for the purpose of permitting immediate repairs and improvements necessary to bring water or sewer service and quality to minimum standards. Said qualified approval will authorize the filing of an application for a change in rates as required by Section 32-64 of the Code, but qualified approvals received pursuant to this section will only support a temporary rate increase for such time as is necessary to finance the approved or authorized improvements required to achieve minimum water and/or sewage service quality, as noted above. In no event, however, shall the rate increase be imposed in excess of the life expectancy of the particular improvement or improvements so constructed. In addition, any rate increase granted pursuant to a statement issued under this section shall be used solely and exclusively by the utility [[~~apply for same~~]] for the purpose of improving its water or sewer service to the minimum standards required under the Miami-Dade County Code. Said repairs and improvements shall be specifically set out within said order granting the qualified statement of approval. Any approved rate increase pursuant to this section shall terminate when sufficient funds to

finance the repairs and improvements have been collected from the rate increase. Statements of qualified approval may be granted by the Board only when the Board finds that:

* * *

Sec. 24-15. Plan approval required.

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

(2) *Waste water facilities.* It shall be unlawful for any person to enter into or let a contract for or to commence the installation, extension, or operation of any sewerage system or waste treatment facility or any industrial waste disposal facility without first obtaining the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<<designee. It shall be unlawful for any person to make any enlargement, alteration or addition to any facility, or commence the construction of any facility, that will reasonably be expected to be a source of water pollution without first obtaining the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee. No building permit involving the generation or discharge of effluents shall be issued by the County or any municipality unless the application for a building permit has been approved by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee.

The provisions of this section shall not apply to facilities discharging only domestic wastes to a public sewer system approved by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee. Notwithstanding the foregoing, the provisions of this section shall apply to facilities discharging only domestic wastes to a public sewer system approved by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee if the facilities provide any form of pretreatment in conjunction with a grease trap.

Provided that after January 25, 1974, the Director[[~~, Environmental Resources Management~~]], shall not approve an application for an interim package sewage treatment plant unless directed to do so by the Environmental Quality Control Board after a public hearing pursuant to notice.

For the purpose of this subsection, an interim package sewage treatment plant shall include all domestic waste water treatment facilities that are not included in the regional treatment system as described in the approved 1973 Water Quality Management Plan.

(3) *Air facilities.* It shall be unlawful for any person to make any major or substantial alteration, enlargement or addition to any existing facility, equipment or operation, or to commence the construction or operation of any new facility, that may be a source of air pollution as herein

defined, without first obtaining the prior written approval of the plans, equipment or processes thereof by the Director [[~~Environmental Resources Management~~]] or the Director's designee. No building permit shall be issued by the County or any municipality unless the application therefore or the plans for construction of the proposed facility have been approved by the Director[[,~~Environmental Resources Management~~]]or the Director's designee. The provisions of this chapter shall not apply to individual family dwellings or multiple-family dwellings of not more than four (4) units in respect to heating equipment or comfort space heating.

(4) *Potable water facilities.* It shall be unlawful for any person to enter into or let a contract for or to commence the installation, extension, alteration or operation of any public water supply facility without first obtaining the prior written approval of the Director [[~~Environmental Resources Management~~]]. No building permit involving a demand on a public water supply shall be issued by the County or any municipality unless the application for a building permit or plans for construction thereof have been approved by the Director [[~~Environmental Resources Management~~]] or the Director's designee.

(5) *Aboveground storage facilities.* It shall be unlawful for any person to install, repair, modify, expand, replace or permit, cause, allow, let or suffer the installation, repair, modification, expansion or replacement of any aboveground storage facility, without first obtaining the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee. No building permit shall be issued by the County or any municipality unless the application therefore or the plans for construction of the proposed aboveground storage facility show the approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee.

(6) *Underground storage facilities.* It shall be unlawful for any person to install, repair, modify, expand, replace or permit, cause, allow, let or suffer the installation, repair, modification, expansion or replacement of any underground storage facility, without first obtaining the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or the Director's designee. No building permit shall be issued by the County or any municipality unless the application or the plans for construction of the proposed underground storage facility have been approved in writing by the Director [[~~of the Department of Environmental Resources Management~~]] or the Director's designee. The Director, or the Director's designee, shall issue such written approval only upon receipt of formal engineering plans, which are signed and sealed by a professional engineer registered in the State of Florida and which plans detail that the underground storage facilities specified in said plans shall be constructed in compliance with the requirements of this Chapter, Chapter 62-761 of the Florida Administrative Code and the referenced standards contained therein. After receipt of written approval from the Director, or the Director's designee, the owner or operator of the underground storage facility shall notify the Department a minimum of two (2) working days prior to the commencement of installation, repair, modification, expansion or replacement of any underground storage facility. The installation, repair, modification, expansion or replacement shall be subject to inspection by the Department to determine compliance with the approved plans and applicable laws and ordinances.

Sec. 24-15.1. Procedure for approval of plans.

(1) APPLICATION FOR APPROVAL. Application for approval of plans required hereunder shall be made on forms prescribed for such purpose and filed with the Director [[,~~Environmental Resources Management~~]]. Such application shall be signed by the person seeking to install, extend or alter the facility involved or a duly authorized representative vested with lawful power to bind the applicant. Upon receipt of such application and supporting data, the Director [[,~~Environmental Resources Management~~]], shall review all data and render a decision on the acceptability of the facility.

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

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

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

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

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

(e) *Additional data*. Such additional data and information as may be reasonably required by the Director[[,~~Environmental Resources Management,~~]] or the Director's designee, including, but not limited to, Baseline Monitoring Reports, Compliance Reports, or any report required for compliance pursuant to the Federal Pretreatment Regulations.

Sec. 24-15.2. Registered engineer required.

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

Sec. 24-15.3. Standards for preparation of plans.

(1) Waste treatment works shall be designed in accordance with the sewerage guide promulgated by the Florida State Board of Health, or similar professional publication, recommended standards for sewage works and water pollution control federation manuals of practice numbered eight (8) and nine (9), as applicable to conditions prevailing within Miami-Dade County, and in accordance with good engineering practices.

(2) Outfalls shall be extended or carried to the channel of a stream or to deep water where outlet is submerged at all times. The extent and length of the outfall shall conform to the requirements of the Director[[~~, Environmental Resources Management~~]]>>or the Director's designee<<. No outfall shall be approved unless satisfactory evidence is presented to establish that solids or other objectionable pollutants will not be deposited on the shore, and that other forms of pollution will not be caused.

(3) Grease traps shall be provided and installed in accordance with the rules and regulations promulgated under the provisions of this chapter. At a minimum, all grease traps discharging to publicly or privately-owned or operated sanitary sewer collection systems shall be provided with a sampling point on the effluent discharge side of the grease trap. Wastes containing sizable quantities of grease such as those produced by restaurants shall not be deemed suitable for disposal into tile drainfields.

(4) Drainage or disposal wells shall not be used for disposal of treated or untreated wastes except as approved by the Director[[~~, Environmental Resources Management~~]] >>or the Director's designee<<.

* * *

(6) Approval of plans for potable water supply facilities shall be dependent, in part, upon:

(a) Owner's program for protective measures to protect and prevent development of health hazards to the water supply.

(b) Protective measures for water quality throughout all parts of the system by frequent surveys, proper operation by [[~~certified personnel of~~]] >>personnel certified by<< the State of Florida.

(c) Adequate system capacity to meet peak demands without development of low pressures or other health hazards.

(d) Records of laboratory examinations showing consistent compliance with the water quality requirements of this chapter.

* * *

Sec. 24-16. Construction of waste water facility or air pollution abatement facility, or potable water facility.

(1) After approval of an application, the person causing the installation or construction of the project or facility shall furnish the Director[[~~, Environmental Resources Management,~~]] >>or the Director's designee<< with monthly reports of a registered engineer certifying that the work to date has been accomplished in strict compliance with the approved plans, drawings

and specifications and that there has been no major or substantial deviation therefrom. If during construction, changes are proposed which would materially alter the quality characteristics of the effluent of a waste water facility, or which would materially alter the emission of air pollutants of an air pollution abatement facility or would materially alter the quality characteristics of the effluent of a potable water facility, then plans and specifications for such changes prepared by a registered engineer shall be submitted to the Director[[~~, Environmental Resources Management,~~]] >>or the Director's designee<< for approval before making such changes. The Director[[~~, Environmental Resources Management,~~]] shall have the right at any reasonable time to enter upon the project for the purpose of making inspections of the work, and may require reports and additional information at any stage of construction.

(2) It shall be unlawful for any person causing the installation or construction of the project or facility to deviate from the conditions of the approval of the [[~~DERM~~]] >>Director or the Director's designee<< without [[~~his~~]] >>the<< prior written approval >>of the Director or the Director's designee<<.

Sec. 24-17. Certificate of occupancy.

No certificate of occupancy shall be issued by the County or any municipality for any facility or project subject to the provisions of this chapter, and no such facility or project shall commence operations, until the Director[[~~, Environmental Resources Management,~~]]>>or the Director's designee<< certifies that the work has been completed in strict compliance with the approved plans and specifications, and that there is good cause to believe that the facility or project will operate in accordance with the provisions of this chapter and an operating permit has been obtained from the Director[[~~, Environmental Resources Management~~]].

Sec. 24-18. Operating permits.

(A) *Permit Required* No person shall operate, maintain or permit, cause, allow, let or suffer the operation or maintenance of a public water system, public sewerage system, location at which a site rehabilitation action has been completed in accordance with the provisions set forth in Section 24-44(2)(k)(ii) or any of the following facilities, all of which will reasonably be expected to be a source of air pollution, ground pollution or water pollution, without a valid operating permit issued by the Director or the Director's designee or in violation of any condition, limitation or restriction which is part of an operating permit:

(1) Interim package sewage treatment plants;

(2) Interim package water treatment plants;

(3) Private sewage pumping station;

(4) Facilities which generate, dispose of, store, use, discharge, handle or reclaim any liquid waste other than domestic sewage, any hazardous waste or any hazardous material (except factory prepackaged products intended primarily for domestic use or consumption), including, but not limited to, the following:

(a) Industrial and agricultural waste reclaim systems; waste or product holding tanks; or waste or product spill prevention control systems;

(b) Industrial and agricultural waste pretreatment facilities;

(c) Industrial and agricultural waste treatment facilities;

(d) The following industrial and agricultural liquid waste facilities:

(i) Aircraft, vehicle, construction equipment, and boat mechanical [[;]] maintenance or repair facilities including, but not limited to, engine and electric motor maintenance and repair, and facilities which perform maintenance or repair of any component parts of aircraft, vehicles, boats, or construction equipment;

* * *

(20) Locations at which a site rehabilitation action has been completed in accordance with the provisions set forth in Section 24-44 (2)(k)(ii).

The criterion for issuance of an operating permit pursuant to this section is compliance with Chapter 24, Miami-Dade County Code. Additionally, no resource recovery and management facility permit shall be granted without the written recommendation of approval of the Director of the Department of Solid Waste Management issued pursuant to the provisions of Chapter 15, Miami-Dade County Code. >>At the discretion of the<< [[~~The~~]] Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee, [[~~in his discretion, may require~~]] conditions, limitations or restrictions >>may be required<< as part of the operating permit if said conditions, limitations and restrictions are consistent with the requirements of this chapter.

The Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee may deny the issuance of an operating permit if the public water system, public sewerage system or pollution source does not comply with the provisions of this chapter.

The Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee may suspend or revoke an operating permit if the public water system, public sewerage system or pollution source does not comply with the provisions of this chapter.

Such operating permits shall not be required for the aforesaid facilities, systems, and plants existing on the effective date of this section until one hundred twenty (120) days from the effective date of this section.

This section shall not be immediately applicable to air pollution sources with valid air pollution control operating permits on the effective date of this section. However, said air pollution sources shall comply with this section by obtaining the operating permit required by this section no later than one hundred eighty (180) days from the effective date of this section.

Notwithstanding anything in this chapter to the contrary, such operating permits shall not be required for underground storage facilities until ninety (90) days from the effective date of this paragraph.

All applications for permits issued pursuant to this section shall be on a form prescribed by the Director and accompanied by a fee which shall be established by administrative order of the County Manager and approved by the Board of County Commissioners.

(B) *Disposition of Fees* The permit fee payable hereunder shall be deposited in a separate County fund and shall be used exclusively by the Department [[~~of Environmental Resources Management~~]] to pay for the costs of the following environmental services to, and environmental regulation of, the aforesaid facilities, systems and plants:

(1) Monitoring and evaluating purification and disposal systems of said sources.

(2) Responding to and attempting to resolve citizen complaints against said sources.

(3) Investigation, preparation, and prosecution of enforcement actions, pursuant to Chapter 24 of this Code, to protect the groundwater, surface water, drinking water, and air quality.

* * *

Sec. 24-19. Operation of facility; competent supervision.

(1) The owners or operators of each facility or project installed or constructed under the provisions of this chapter shall provide competent and responsible personnel for the operation thereof in order that the requirements of this chapter shall be observed and complied with in respect to the operation of such facility or project. Competent personnel

shall be construed to mean a person or persons who have experience or knowledge concerning the proper operation of the particular facility involved, and a knowledge of the basic scientific principles relating to the proper operation of waste treatment plants and collection systems, or a knowledge of the basic scientific principles relating to the proper operation of facilities causing emissions of air contaminants from incineration, salvage, heat transfer, general combustion, or other operations of a similar nature, as the case may be. The names and qualifications of the supervisory personnel responsible for the proper operation of such facilities shall be furnished to the Director[[~~, Environmental Resources Management,~~]] >>or the Director's designee<< upon request.

(2) All sewage treatment plants shall be operated under the direct supervision of a qualified sewage treatment plant operator who must hold a minimum of a class "C" operator's license issued by the State of Florida and/or any higher level of certification as required by the State>>of Florida<< Department of Environmental [[~~Regulation~~]] >>Protection<<. All operation reports submitted pursuant to this chapter shall be signed by the licensed operator, which signature shall be a verification by said operator of the authenticity of said report.

* * *

Sec. 24-20. Abnormal occurrences.

(1) *Reports required.* In the event of any breakdown or lack of proper functioning of any facility

installed or operating under the provisions of this chapter, which causes or may cause improperly treated or untreated potable water or sewage or hazardous materials or industrial wastes to be discharged from the plant or facility, or which causes or may cause a nuisance or sanitary nuisance or the emission of air contaminants in excess of the quantity permitted by the provisions of this chapter, it shall be the duty of the owner or operator thereof to immediately notify the Director[[~~, Environmental Resources Management,~~]] or >>the Director's<< designee and to take all actions necessary to prevent or minimize air, water or ground pollution. It shall be unlawful to fail to notify the Director or >>the Director's<< designee as required herein and said notification shall not be a defense to any civil liability imposed under the provisions of this chapter.

* * *

(3) *Permissible operations.* Discharges or emissions exceeding any of the limits established in this chapter as a direct result of upset conditions in or breakdown of any pollution control equipment or related operating equipment, or as a direct result of the shutdown of such equipment for scheduled maintenance, shall not be deemed to be in violation of the rules establishing such limits, provided that such occurrence shall have been reported to the Director[[~~, Environmental Resources Management,~~]] or >>the Director's<< designee, as soon as reasonably possible; for scheduled maintenance such report shall be submitted at least twenty-four (24) hours prior to shutdown, and for upset conditions or breakdown such report shall in any case be made within four (4) hours of the occurrence; and provided that the person responsible for such discharge or emission shall, with all practicable speed, initiate and complete appropriate reasonable action to correct the conditions causing such discharge or emission to exceed said limits; to reduce the frequency of occurrence of such conditions; to minimize the amount by which said limits are exceeded; and to reduce the length of time for which said limits are exceeded; and shall, upon request of the Director[[~~, Environmental Resources Management,~~]] or >>the Director's<< designee, submit a full report of such occurrence, including a statement of all known causes and of the scheduling and nature of the actions taken; provided that the provisions of this subsection shall not be construed to permit any nuisance, sanitary nuisance, or any other conditions dangerous to the public health, safety, or welfare, or as imposing any limitation upon the powers of the Director[[~~, Environmental Resources Management,~~]] prescribed in subsection (2) hereof.

(4) *Emergencies*. Classification and procedure [for emergencies] are as follows:

(a) Class A--those emergencies which involve (i) the loss of human life, limb, or property due to natural calamitous occurrences such as, but not limited to, hurricanes, tornadoes, fires, floods, or high winds, and (ii) the breaks of dams or levees. No permit shall be required for temporary measures taken to correct or give relief from class A emergencies. Immediately after the occurrence of a class A emergency, the Department [[~~of Environmental Resources Management~~]] shall be notified of the emergency. Within fourteen (14) calendar days after the correction of the emergency a report to the Department shall be made outlining the details of the emergency and the steps taken for its temporary relief. The report shall be a written description of all of the work performed involving dredge and fill activities and shall set forth any pollution measures which were utilized or are being utilized to prevent pollution of

waters over submerged lands and/or coastal wetlands. A permit shall be required in connection with dredge and fill activities for permanent measures in relief of class A emergencies.

* * *

Sec. 24-21. Operating records.

The owner or operator of any facility installed or operating under the provisions of this chapter shall cause to be maintained and kept such records of the operation data and control tests as may be required by the Director[[~~, Environmental Resources Management,~~]] to indicate the operating efficiency of such facility, and to show whether or not such facility is causing pollution as herein defined, and to furnish all such information and data concerning the operation of the facility as the Director[[~~, Environmental Resources Management,~~]] may require from a time to time.

In addition to the above, any industrial user, as defined in section 24-42.4(1)(c) of this Code, shall comply with the reporting and record keeping requirements set forth in 40 CFR 403.12, Federal Pretreatment Regulations.

* * *

Sec. 24-24. Waiver of performance bonds.

Waiver of performance bonds. The Director of [[~~said~~]]>>the<< Department may waive all requirements concerning posting of a performance bond by any governmental agency whenever the work is to be performed by employees of said agency, provided that, in lieu of the posting of a performance bond, said agency shall furnish [[~~said~~]]>>the<<Department satisfactory written assurances that the work performed by its employees will comply fully with all requirements of the permit, and provided, further, that the Director of [[~~said~~]]>>the<<Department may waive the posting of a performance bond by any private firm or corporation under contract with any governmental agency when said firm or corporation shall have posted a satisfactory and acceptable bond with the said governmental agency, proof of such bond having been furnished by said agency to the Department [[~~of Environmental Resources Management~~]].

* * *

Sec. 24-26. Brownfields Redevelopment Act; sections adopted.

(1) Sections 376.77, 376.78, 376.79, 376.80, 376.81, 376.82 and 376.83(1), Florida Statutes, and any rules and regulations promulgated thereunder by the Florida Department of Environmental Protection, as all of the foregoing laws, rules, and regulations may be amended from time to time, are hereby adopted and made a part of this chapter by reference hereto.

* * *

(3) Private Cause of Action for recovery of reasonable assessment or remediation costs pursuant to a Brownfields Site Rehabilitation Agreement.

(a) A private cause of action is hereby created for any person who undertakes the assessment or remediation of a brownfields site pursuant to a Brownfields Site

Rehabilitation Agreement authorized by Section 376.80, Florida Statutes, and Section 24-26 of the Code of Miami-Dade County, Florida. Said person may recover reasonable assessment or remediation costs or both. Nothing herein shall be construed to require the Director to bring any such action on behalf of a private person or entity other than Miami-Dade County.

(b) The following persons, except for Miami-Dade County and any municipality in Miami-Dade County, shall be liable for all reasonable assessment and remediation costs incurred by any person at a brownfields site in accordance with a Brownfields Site Rehabilitation Agreement authorized by Section 376.80, Florida Statutes, and Section 24-26 of the Code of Miami-Dade County, Florida and subject only to the defenses set forth in Sections 24-26 (4):

(i) The owner or operator of a brownfields site on the effective date of the Brownfields Site Rehabilitation Agreement;

(ii) Any person who, at the time of disposal of any hazardous substances or petroleum product, owned or operated a brownfields site at which such hazardous substance or petroleum product was disposed of;

(iii) Any person who, by contract agreement, or otherwise, arranges for disposal or treatment, or arranges with a transporter for transportation or disposal or treatment, of a hazardous substance[[s]] or petroleum product owned or possessed by such person or by any other party or entity at a brownfields site;

* * *

Sec. 24-27. Nuisance prohibited.

No person shall cause, or allow to be caused, any nuisance or sanitary nuisance as defined in Section 24-5 and/or 24-28 herein. In addition to all other remedies [[~~he~~]] >>the Director<< may have, the Director[[~~, Environmental Resources Management,~~]] is authorized to seek, in the appropriate court, injunctive relief, both of a temporary and permanent nature, against any person causing or allowing to be caused, any such nuisance.

Sec. 24-28. Nuisances injurious to health (sanitary nuisances).

(1) The following conditions existing, permitted, maintained, kept or caused by any individual, municipal organization or corporation, governmental or private, shall constitute a sanitary nuisance:

(a) Untreated or improperly treated or disposed of human waste, garbage, offal, dead animals or dangerous waste materials.

(b) Improperly built or maintained septic tanks, water closets or privies.

(c) Discharging, or allowing the discharge of septic tank pump-out wastes into streams, or surface waters or underground aquifers or into ditches, drainage structures or on the ground surface.

(d) Supplying potable water without providing disinfection by a public water supply system.

(e) Air pollution which is harmful to human beings, animal life, or plant life.

(f) Water pollution which is harmful to human beings, animal life, or plant life.

(g) Ground pollution which is harmful to human beings, animal life, or plant life.

(h) Objectionable odors which are harmful to human beings or animal life.

(2) The Director[[~~, Environmental Resources Management,~~]] >>or the Director's designee<< is authorized to investigate any condition or alleged nuisance in any place within the >>geographical limits of Miami-Dade<<County, and if such condition is determined to constitute a sanitary nuisance, [[~~he~~]] >>the Director or the Director's designee<< shall serve notice upon the proper party or parties to remove, abate, or correct the said nuisance within twenty-four (24) hours or such other reasonable time as [[~~he~~]] >>the Director or the Director's designee<< may determine.

* * *

Sec. 24-29. Enforcement; procedure, remedies.

It shall be unlawful for any person to violate any of the provisions of this chapter, any lawful rules and regulations promulgated under this chapter, any lawful order of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee, or any condition, limitation or restriction which is part of an operating permit. It shall be the duty of all County and municipal officials and employees to enforce the provisions of this chapter. No building permit shall be issued for the installation of any improvements or facilities governed by the provisions of this chapter without the prior approval of the Director[[~~, Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee. In addition to any other remedies provided by this chapter, the Director[[~~, Environmental Resources Management,~~]] shall have the following judicial remedies available to [[~~him~~]]>>the Director<< for violations of this chapter, any lawful rule or regulation promulgated under this chapter, any lawful order of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee, or any condition, limitation or restriction which is part of an operating permit:

(1) The Director[[~~, Environmental Resources Management,~~]] may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, >>within the geographical limits of Miami-Dade County<<[[~~of the County~~]] caused by such violation.

(2) The Director[[~~, Environmental Resources Management,~~]] may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for each violation in an amount of not more than twenty-five thousand dollars ($25,000.00) per offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.

(3) The Director[[~~, Environmental Resources Management,~~]] may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance

with or prohibit the violation of this chapter, any lawful rules or regulation>>s<< promulgated under this chapter, any lawful order of the Director[[~~, Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee, or any condition, limitation or restriction which is part of an operating permit; and to seek injunctive relief to prevent injury to the air, waters, and property, including animal, plant, and aquatic life>>within the geographical limits of Miami-Dade County<<[[~~of the County~~]], and to protect human health, safety, and welfare caused or threatened by any violation.

Sec. 24-30. Penalties generally.

If any person shall fail or refuse to obey or comply with, or violates any of the provisions of this chapter, or any lawful rule or regulation promulgated hereunder, or any lawful order of the Director[[~~, Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee, or any condition, limitation or restriction which is part of an operating permit; issued or rendered under and pursuant to the provisions of this chapter, such person, upon conviction of such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00), or, in the case of a violation of Section 24-42.4 of this Code, by a fine not to exceed two thousand ($2,000) per day, or by imprisonment in accordance with the penalties set forth in Section 125.69 of the Florida Statutes, or by imprisonment not to exceed sixty (60) days in the County Jail, or both in the discretion of the court. Each day of continued violation shall be considered as a separate offense.

Sec. 24-31. Civil liability; joint and several liability; attorneys' fees.

(1) Whoever commits a violation of this chapter or any lawful rule or regulation promulgated under this chapter is liable to Miami-Dade County for any damage caused to the air, ground, waters, or property, including animal, plant, or aquatic life, >>within the geographical limits of Miami-Dade County<<[[~~of the County~~]] and for reasonable costs and expenses of [[~~the~~]] >>Miami-Dade<<County in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, >>within the geographical limits of Miami-Dade County<<[[~~of the County~~]] in accordance with the provisions of this chapter, and furthermore is subject to the judicial imposition of a civil penalty for each offense in an amount of not more than twenty-five thousand dollars ($25,000.00) per offense. Each day during any portion of which such violation occurs constitutes a separate offense. Nothing herein shall give the Director the right to bring an action on behalf of any private person.

* * *

(3) In assessing damages for fish killed, the value of the fish is to be determined in accordance with a table of values for individual categories of fish which has been promulgated by the Florida Department of [[~~EnvironmentalProtection~~]] >>Environmental Protection<<.

* * *

(8) Owners of real property shall be liable for the sums expended by the County pursuant to Section 24-7(27) when the violation of this chapter occurred or continued to exist or

appeared imminent upon the real property aforesaid, regardless of fault and regardless of knowledge of the aforesaid violation. All sums expended by the County pursuant to Section 24-7(27) of this Code shall constitute and are hereby imposed as special assessments against the real property aforesaid, and until fully paid and discharged or barred by law, shall remain liens equal in rank and dignity with the lien of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. All such sums shall become immediately due and owing to the County upon expenditure by the County and shall become delinquent if not fully paid within sixty (60) days after the due date. All such delinquent sums shall bear a penalty of fifteen (15) percent per annum. Unpaid and delinquent sums, together with all penalties imposed thereon, shall remain and constitute special assessment liens against the real property involved for the period of five (5) years from due date thereof. Said special assessment liens may be enforced by the Director by any of the methods provided in Chapter 85, Florida Statutes, or, in the alternative, foreclosure proceedings may be instituted and prosecuted by the [[~~director~~]] >>Director<< pursuant to the provisions of Chapter 173, Florida Statutes, or the collection and enforcement of payment thereof may be accomplished by any other method provided by law. All sums recovered by the County pursuant to this provision shall be deposited by the County into the fund from which said sums were expended.

(9) Upon the rendition of a judgment or decree by any of the courts of this state against any person and in favor of the Director [[~~of the Department of Environmental Resources Management~~]] under any of the provisions of this chapter, the trial court, or, in the event of an appeal in which the Director [[~~of the Department of Environmental Resources Management~~]] prevails, the appellate court, shall adjudge or decree against said person and in favor of the Director [[~~of the Department of Environmental Resources Management~~]] a reasonable sum as fees or compensation for the Director>>'s<< [[~~of the Department of Environmental Resources Management's~~]] attorney prosecuting the suit in which the recovery is had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions, legal or equitable, filed after the effective date of this ordinance by the Director [[~~of the Department of Environmental Resources Management~~]] pursuant to this chapter. Cessation of a nuisance, sanitary nuisance or of any other violation of any of the provisions of this chapter whatsoever, prior to rendition of a judgment or of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director [[~~of the Department of Environmental Resources Management~~]] under any of the provisions of this chapter, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Director[[~~of the Department of Environmental Resources Management~~]], for which attorneys' fees shall be awarded by the trial court as set forth hereinabove.

* * *

Sec. 24-34. Service fee payable to County.

Each water or sewer utility shall collect from its customers and pay to the County a County service fee equal to seven dollars and fifty cents ($7.50) per each one hundred dollars ($100.00) of the receipts of said utility derived from its water and/or sewer utility operations conducted within the County to cover the cost of providing certain environmental services to and certain environmental

regulation of said water or sewer utilities. Receipts from bulk water and sewerage service to other water or sewer utilities shall be excluded from the imposition of the County service fee provided for herein. Said service fee shall be due and payable to the County annually and shall be based upon receipts from water and/or sewerage service for the period from the first of October through the thirtieth of September of the following year. The fee shall be paid to Miami-Dade County no later than the first of December of each year for the period ending September 30 of that year. The first such period shall be October 1, 1980, through September 30, 1981, and the first fee payment shall be paid to the County on or before December 1, 1981. Failure to pay said service fee to the County on or before each December 1 shall obligate the utility to pay to the County a late charge. Said late charge shall be one and one-half (1 1/2) percent of the unpaid balance of the fee for each month or part of each month that the fee remains unpaid.

Each water and sewer utility shall collect from its customers the service fee imposed upon said utility by this section, including but not limited to those utilities whose rates are not regulated by the Miami-Dade County Water and Sewer Board. Said County service fee imposed by this section shall be deemed a pass-through cost as defined by Section 32-64(b)(3) of the Code of Miami-Dade County, but no hearing shall be required of any water and sewer utility before the Miami-Dade County Water and Sewer Board, nor shall the approval of the Miami-Dade County Water and Sewer Board be necessary for the imposition of this fee by the utility upon its customers. Approval of this provision by the County Commission shall constitute approval of the necessary rate increase for the Miami-Dade Water and Sewer [[~~Authority~~]]>>Department<< pursuant to Chapter 32A.

Payment of the fee to the County shall be accompanied by a statement verified by the utility showing its receipts upon which such fee is computed. This statement shall be in such form as the [[~~department~~]] >>Director<< shall prescribe and shall be subject to audit by the County.

The service fee payable hereunder shall be deposited in a separate County fund and shall be used exclusively by the Department [[~~of Environmental Resources Management~~]] to pay for the costs of the following environmental services to and environmental regulation of said water and sewer utilities:

* * *

Sec. 24-36. Pollution Prevention Trust Fund.

(1) The Pollution Prevention Trust Fund is created for use in developing, promoting and conducting environmental workshops, expositions, symposia, conferences and other forms of public information for the purpose of educating industry, government and the public about pollution prevention. The [[~~finance~~]] >>Finance<< Director is hereby authorized and directed to establish the Pollution Prevention Trust Fund and to receive and disburse monies in accordance with the provisions of this section.

(2) The Pollution Prevention Trust Fund shall receive monies from the following sources:

(a) All revenues or fees collected by the Department [[~~of Environmental Resources Management~~]], from exhibitors, attendees, and sponsors participating in a pollution prevention event.

(b) All monies accepted by Miami-Dade County in the form of federal, state, or other

governmental grants, allocations, or appropriations, as well as foundation or private grants and donations, for the conducting of pollution prevention environmental education workshops, expositions, symposia, conferences and other forms of public information.

(c) Such additional allocations as may be made by the Board of County Commissioners from time to time for the purposes set forth herein.

(d) All interest generated from the sources identified in Section 24-36(2)(a), (b) and (c) hereinabove, except where monies received have been otherwise designated or restricted.

(3) The Pollution Prevention Trust Fund shall be maintained in trust by the Finance Director for the Board of County Commissioners solely for the purposes set forth herein, in a separate and segregated fund of the County which shall not be commingled with other County funds until disbursed for an authorized purpose pursuant to Section 24-36(4).

(4) The procurement of goods and services by the Department [[~~of Environmental Resources Management~~]] which are funded from the Pollution Prevention Trust Fund, shall be exempt [[~~form~~]] >>from<< the formal bidding procedures and the provisions of Miami-Dade County Administrative Orders 3-2 and 3-4. Disbursements therefore shall not exceed twenty-five thousand dollars ($25,000.00) per vendor, per event and shall only be made for the following purposes:

(a) Development, promotion and conducting of aforementioned Pollution Prevention educational activities as approved by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his or her~~]] >>the Director's<< designee.

(b) Costs associated with said educational activities including, but not limited to, facility rental, equipment rental, professional and trade labor services, speakers'[[~~s~~]] services, travel expenses, printing and mailing expenses, insurance, administrative costs, and any other goods or services necessary.

Sec. 24-37. Wetlands Trust Fund.

(1) The Wetlands Trust Fund is created for use in acquiring, restoring, enhancing, managing or monitoring (or any combination of the above) wetlands within Miami-Dade County as well as any associated hammock and pineland communities. Monies also may be disbursed for such purposes for wetlands located outside of Miami-Dade County so long as they benefit wetland ecosystems in Miami-Dade County. The Finance Director is hereby authorized and directed to establish the Wetlands Trust Fund and to receive and disburse monies in accordance with the provisions of this section.

(2) The Wetlands Trust Fund shall receive monies from the following sources:

(a) All revenues collected by the Department [[~~of Environmental Resources Management~~]] pursuant to Section 24-48.5(2)(e).

(b) All monies accepted by Miami-Dade County in the form of federal, state, or other governmental grants, allocations, or appropriations, as well as foundation or private

grants and donations, for the acquisition, restoration, enhancement, management or monitoring of wetlands as provided for in Section 24-37(4).

(c) Such additional allocations as may be made by the Board of County Commissioners from time to time for the purposes set forth herein.

(d) All interest generated from the sources identified in Section 24-37(2)(a), (b) and (c) hereinabove, except where monies received have been otherwise designated or restricted.

* * *

Sec. 24-38. Miami-Dade Stormwater Compensation Trust Fund.

(1) The Stormwater Compensation Trust Fund is hereby created for use in land acquisition and constructing, managing, operating or maintaining stormwater management areas within the Bird Drive Everglades Wetland Basin, and Basin B and the North Trail Basin. The Finance Director is hereby authorized and directed to establish the Stormwater Compensation Trust Fund and to receive and disburse monies in accordance with the provisions of this section.

(2) The Stormwater Compensation Trust Fund shall receive monies from the following sources:

(a) All revenues collected by the Department pursuant to Section 24-48.2(I)(B)(1)(h) of the Code of Miami-Dade County, Florida.

(b) All monies accepted by Miami-Dade County in the form of federal, state, or other governmental grants, allocations, or appropriations, as well >>as<< foundation or private grants and donations that are made for the purposes of acquiring land or constructing, managing, operating or maintaining stormwater management areas.

(c) Such additional allocations as may be made by the Board of County Commissioners from time to time for the purposes set forth in this section.

(d) All interest generated from the sources identified in Section 24-38(2)(a), (b) and (c) of the Code of Miami-Dade County, Florida, except where monies received have been otherwise designated or restricted.

* * *

(4) The Director [[~~of the Department of Environmental Resources Management~~]] shall only make disbursement from the Stormwater Compensation Trust Fund for the following purposes:

(a) Acquisition, including by eminent domain, construction, management, operation or maintenance of stormwater management areas within the Bird Drive Everglades Wetland Basin, the North Trail Basin and Basin B as defined in Section 24-5 of the Code of Miami-Dade County, Florida.

(b) All costs associated with each such acquisition including, but not limited to, appraisals, surveys, title search work, real property taxes, documentary stamps and surtax fees, and other transaction costs.

(c) Costs of administering the activities enumerated in Section 24-38(4)(a) and (b) of the

Code of Miami-Dade County, Florida, shall be funded from the Stormwater Compensation Trust Fund.

Sec. 24-39. Tree [[~~trust fund~~]] >>Trust Fund<< and Tree Forest Resources Advisory Committee.

(1) *Creation of the* [[*~~tree trust fund~~*]] >>*Tree Trust Fund*<<. There is hereby created a [[~~tree trust fund~~]] >>Tree Trust Fund<<, the purpose of which is to acquire, protect and maintain natural forest communities in Miami-Dade County and to plant trees on public property.

(2) *Creation of the Tree and Forest Resources Advisory Committee*. The Tree and Forest Resources Advisory Committee is hereby established for the purpose of providing the Board of County Commissioners with recommendations regarding the [[~~tree trust fund~~]] >>Tree Trust Fund<<, and recommendations to the [[~~DERM~~]]>>Director<< regarding the establishment of Departmental policies relating to Ordinance Number 89-8.

(a) *Composition and qualifications of members*. The Committee shall be composed of thirteen (13) members which shall be appointed by the Board of County Commissioners. The [[~~DERM~~]] >>the Director<< or [[~~his~~]] >>the Director's<< designee shall submit recommendations for appointments to the Miami-Dade County Manager. Members of the Committee 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 County Commission on the basis of experience or interest in the fields of conservation, botany, horticulture, landscape architecture, agriculture, land use, land planning, or land development. The [[~~DERM~~]] >>the Director << or [[~~his~~]] >>the Director's<< designee shall serve as executive secretary to the Committee. The process of appointment and other requirements of Ordinance 80-136 (Chapter 2, Article I B, Sections 2-11.36 through 2-11.40 of this Code) shall be followed.

(b) *Terms of office and organization.* In order that the terms of office of all appointed members of the Committee shall not expire at the same time, the initial appointments to the Committee shall be as follows: [[~~S~~]]>>s<<even (7) members shall be appointed for a term of one (1) year, and six (6) members shall be appointed for a term of two (2) years. Thereafter, all members shall be appointed for a term of two (2) years. Appointments to fill any vacancy on the [[~~Board~~]]Committee[[~~]~~]]shall be for the remainder of the unexpired term of office. The members of the Committee shall elect a chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the[[~~Board~~]]Committee[[~~]~~]]. Appointed members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, in accordance with County policy, upon approval of the County Manager. A majority vote of a quorum shall be necessary to take any action. Seven (7) members shall constitute a quorum.

(c) *Meetings and authority.* The Committee shall hold a minimum of one (1) publicly-advertised meeting per year. The Committee shall have the authority to make recommendations to the Board of County Commissioners concerning any matter relating to the tree trust fund. The Committee shall also have the authority to make

recommendations to the [[~~DERM~~]]>>Director<< regarding Departmental policies relating to Ordinance Number 89-8, and shall review and approve the quantitative evaluation form which the Department shall use for evaluating natural forest communities. In addition, upon request, the Committee shall have the authority to make recommendations to the Environmental Quality Control Board concerning variance requests made pursuant to this Ordinance Number 89-8, natural forest community site additions or deletions, and natural forest community boundary line modifications being proposed by the Director or [[~~his~~]] >>the Director's<<designee.

(3) *Disbursement and maintenance of the* [[*t*]]>>*T*<<*ree* [[*t*]]>>*T*<<*rust*[[*f*]]>>*F*<<*und.* Monies obtained for the tree trust fund shall be disbursed for the acquisition, maintenance, management and protection of natural forest communities, or for planting trees on public property. Such monies may be used as a matching fund contribution towards the acquisition of natural forest communities in Miami-Dade County in association with other public land acquisition programs, such as, but not limited to, the State of Florida Conservation and Recreational Lands Trust Fund. Said trust fund shall be kept and maintained in trust by the Board of County Commissioners solely for the purposes set forth in this section in a separate and segregated fund of the County which shall not be commingled with other County funds until disbursed for an authorized purpose pursuant to this section. Disbursement from the tree trust fund shall require approval by resolution of the Board of County Commissioners, provided, however, that any funds received pursuant to the conditions of any tree removal permit shall be used as required by the permit conditions without the necessity of approval, appropriation, or action of any kind by the Board of County Commissioners. Prior to approving disbursements, the Board of County Commissioners shall consider the recommendations of the County Manager and the Tree and Forest Resources Advisory Committee. The County Manager, prior to making any such recommendations, shall consider the recommendations of the Department pertaining to the proposed disbursement(s) for the acquisition of natural forest communities or planting of trees on public property. The Finance Director is hereby authorized to establish the [[*t*]]>>*T*<<*ree* [[*t*]]>>*T*<<*rust*[[*f*]]>>*F*<<*und* and to receive and disburse monies in accordance with the provisions of this section.

* * *

Sec. 24-40. Biscayne Bay Environmental Enhancement Trust Fund.

There is hereby created a Biscayne Bay Environmental Enhancement Trust Fund, the monies of which shall be disbursed only for the environmental enhancement of Biscayne Bay and its foreshore, consistent with the objectives adopted by this Board by Resolution R-1610-79, as may be amended from time to time; the prioritized list of projects adopted by this Board by Resolution R-1609-79, as may be amended from time to time; and with the forthcoming comprehensive Biscayne Bay management plan.

(1) Definitions:

(a) *Excess monies* shall be defined as those monies which [[~~are~~]]>>are<< necessary to enhance the particular area(s) of Biscayne Bay and the foreshore environmentally damaged or degraded, and which remain in the trust fund after all monies from a

particular action, claim, assessment, grant, appropriation, allocation, permit condition or donation have been disbursed.

* * *

(3) Said trust fund shall consist of the following monies and shall be disbursed in accordance with the following requirements:

(a) All monies available to or recovered by the County from enforcement and damage actions and claims against persons who have environmentally damaged or degraded Biscayne Bay and its foreshore:

(i) Such monies shall be first disbursed for the environmental enhancement of the particular area(s) of Biscayne Bay and its foreshore damaged or degraded unless enhancement in the particular area(s) is clearly shown to be not possible. In the event of the latter, such monies shall be disbursed for environmental enhancement of other area(s) of Biscayne Bay and its foreshore.

(ii) Any excess monies derived from such enforcement and damage actions and claims may be disbursed for environmental enhancement of other areas of Biscayne Bay and its foreshore as authorized and approved by resolution of the Board of County Commissioners.

(b) All monies available to and received by [[~~Metropolitan~~]] >>Miami-<<Dade County from environmental mitigation assessments from all private persons and all governmental bodies, units, agencies, authorities and departments, including, but not limited to, [[~~Metropolitan~~]] >>Miami-<< Dade County, for environmental damage or degradation to Biscayne Bay and its foreshore:

(i) Such monies shall be disbursed for environmental enhancement of Biscayne Bay and its foreshore as authorized and approved by resolution of the Board of County Commissioners. However, if mitigation activities are specified as conditions of any permit, then said mitigation funds shall be used as required by the permit conditions, without the necessity of the Board of County Commissioners' approval, appropriation, or action of any kind.

(c) All monies offered to and accepted by [[~~Metropolitan~~]] >>Miami-<< Dade County for the environmental enhancement of Biscayne Bay and its foreshore in the form of federal, State, and other governmental grants, allocations, and appropriations as well as foundation and private grants and donations:

(i) Such monies shall be disbursed for the environmental enhancement of Biscayne Bay and its foreshore strictly in accordance with terms and conditions of the grant, allocation, appropriation, or donation and shall be earmarked accordingly.

(ii) Any [[~~access~~]] >>excess<< monies derived from such grant, allocation, appropriation, or donation shall be disbursed or allocated in accordance with the terms and conditions, if any, of such grant, allocation, appropriation, or

donation. If no such terms or conditions attach to such excess, then such excess, if any, shall be disbursed for the environmental enhancement of Biscayne Bay and its foreshore as authorized and approved by resolution of the Board of County Commissioners.

(4) Unless otherwise specified herein, no disbursements whatsoever shall be made from the Biscayne Bay Environmental Enhancement Trust Fund until and unless authorized and approved by resolution of the Board of County Commissioners. Prior to authorizing and approving said disbursements, the Board of County Commissioners shall receive and consider the recommendations of the County Manager. The County Manager, prior to making any such recommendations, shall receive and consider the recommendations of the Department [[~~of Environmental Resources Management~~]] pertaining to the proposed particular disbursement for environmental enhancement of Biscayne Bay and its foreshore. The Finance Director is hereby authorized to establish the Biscayne Bay Environmental Enhancement Trust Fund and to receive monies therefore in accordance with provisions of this section and shall disburse monies from said trust fund only upon authorization pursuant to resolution of the Board of County Commissioners.

* * *

Sec. 24-41.1. Prohibitions against motor vehicles as sources of air pollution.

(1) *Prohibited Conditions:* It shall be unlawful after the effective date of this section for the owner of a motor vehicle to operate, permit or allow to be operated a motor vehicle which:

(a) Emits air contaminants as dark as or darker in shade than that [[~~designed~~]] >>designated<< as number 1 on the Ringelmann Chart or of such an opacity equal to or greater than twenty (20) per cent for longer than five (5) consecutive seconds; or

* * *

(4) *Inspection:*

(a) Compliance shall be verified through an inspection program established by the Department. Vehicle emission levels shall be tested in accordance with applicable criteria contained in Chapter [[~~17-242~~]] >>62-242<< of the Florida Administrative Code, as amended from time to time.

(b) Whenever evidence has been obtained or received establishing that a violation of this section has been committed, the Director[[~~, Environmental Resources Management,~~]] or Director's designee, shall issue a notice to correct the violation or a citation to cease the violation and cause the same to be served upon the violator by personal service or certified mail. Such notice or citation shall set forth the nature of the violation and specify a reasonable time within which the violation shall be rectified or stopped, commensurate with the circumstances.

(c) Such notice or citation shall specify a reasonable time and place for a reinspection of the motor vehicle to confirm that the violation has been corrected. "Reasonable time" herein means the shortest practicable time to rectify or stop the violation. If a

determination has been made by the Director or [[~~his~~]] >>the Director's<< designee that a violation of the provisions of this section may result in adverse health impact in a public area, the owner/operator of the vehicle in violation shall be required to correct the violation by immediately removing the vehicle from the affected public area.

(d) Further, said vehicle shall not be allowed to resume operation within the affected public area until it demonstrates full compliance with the provisions of this section.

(e) If notice to correct the violation or citation to cease the violation is not obeyed within the time set forth therein, the Director[[~~, Environmental Resources Management,~~]] or the Director's designee, shall have the power and authority to issue an order requiring the violator to restrict, cease or suspend operation of the motor vehicle causing the violation until the violation is corrected. Any order issued by the Director[[~~, Environmental Resources Management,~~]] or the Director's designee hereunder may be enforced by suit brought by [[~~him~~]]>>the Director<< in the appropriate court of competent jurisdiction.

Sec. 24-41.2. Dust and fumes.

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

DUST AND FUMES TABLE

Process Wt./hr.(lbs.)	*Maximum Weight Disch./hr.(lbs.)*	*Process Wt./hr.(lbs.)*	*Maximum Weight Disch./hr.(lbs.)*
50	.24	900	2.62
100	.46	950	2.72
150	.66	1000	2.80
[[~~250~~]]>>200<<	[[~~1.03~~]]>>.852<<	[[~~1200~~]]>>1100<<	[[~~3.12~~]]>>2.97<<
[[~~200~~]]>>250<<	[[~~.852~~]]>>1.03<<	[[~~1100~~]]>>1200<<	[[~~2.97~~]]>>3.12<<
300	1.20	1300	3.26
350	1.35	1400	3.40
400	1.50	1500	3.54
450	1.63	1600	3.66
500	1.77	1700	3.79
550	1.89	1800	3.91
600	2.01	1900	4.03
650	2.12	2000	4.14
700	2.24	2100	4.24
750	2.34	2200	4.34
800	2.43	2300	4.44
850	2.53	2400	4.55
2500	4.64	5500	7.03
2600	4.74	6000	7.37

2700	4.84	6500	7.71
2800	4.92	7000	8.05
2900	5.02	7500	8.39
3000	5.10	8000	8.71
3100	5.18	8500	9.03
3200	5.27	9000	9.36
3300	5.36	9500	9.67
3400	5.44	10000	10.0
3500	5.52	11000	10.63
3600	5.61	12000	11.28
3700	5.69	13000	11.89
3800	5.77	14000	12.50
3900	5.85	15000	13.13
4000	5.93	16000	13.74
4100	6.01	17000	14.36
4200	6.08	18000	14.97
4300	6.15	19000	15.58
4400	6.22	20000	16.19
4500	6.30	30000	22.22
4600	6.37	40000	28.3
4700	6.45	50000	34.3
4800	6.52	60000	40.0
4900	6.60	or	
5000	6.67	more	

(2) To use this table take the process weight rate; then find this figure on the table; opposite is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one (1) hour.

Sec. 24-41.3. Sulfur dioxide.

(1) Ambient air quality standards. No person, firm, corporation, or other entity shall cause, let, permit, suffer or allow any emission of sulfur dioxide which would exceed any of the following standards in any part of Miami-Dade County:

(a) Annual arithmetic mean--25 micrograms per cubic meter (0.007 parts per million);

(b) Twenty-four-hour concentration--110 micrograms per cubic meter (0.040 parts per million), not to be exceeded more than once per year;

(c) Three-hour concentration--350 micrograms per cubic meter (0.130 parts per million), not to be exceeded more than once per year.

(2) Emission standards. No person, firm, corporation or other entity shall cause, let, permit, suffer or allow the emission of sulfur dioxide from any stationary fossil fuel fired combustion source located in Miami-Dade County and exceeding the following standards:

(a) Source with more than two hundred fifty million (250,000,000) Btu per hour heat input:

(i) New sources subsequent to the effective date of this section:

1. 0.8 pound per million Btu heat input when liquid fuel is burned;

2. 1.2 pounds per million Btu heat input when solid fuel is burned.

(ii) Existing sources no later than one (1) year after the effective date of this section:

1. 1.1 pounds per million Btu heat input when liquid fuel is burned;

2. 1.5 pounds per million Btu heat input when solid fuel is burned.

(b) New and existing stationary fossil fuel fired combustion sources with two hundred fifty million >>(250,000,000)<< or less Btu per hour heat input:

(i) 1.1 pounds per million Btu heat input, when liquid fuel is burned;

(ii) 1.5 pounds per million Btu heat input, when solid fuel is burned.

(c) Notwithstanding any other requirement of this section, fossil fuel fired steam generating plants with stack heights less than four hundred (400) feet above ground level shall not cause, let, permit, suffer or allow the emission of sulfur dioxide to exceed 0.55 pound per million Btu heat input. In addition, any such fossil fuel fired steam generating plants with a maximum heat input greater than two hundred fifty million (250,000,000) Btu per hour heat input shall limit the use of fuel oils to start up only, and shall burn one hundred (100) percent natural gas during all other phases of operation.

New sources approved after the effective date of this section shall comply with the provisions herein. Existing sources approved on or before the effective date of this section shall comply with the provisions of this section no later than one (1) year after effective date of this section.

* * *

Sec. 24-41.5. Exceptions to prohibition against open burning.

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

(1) Fires used only for noncommercial cooking of food for human beings or for recreational purposes.

(2) Any fire set or permitted by the Director[[~~, Environmental Resources Management,~~]] in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, including the disposal of dangerous materials when there is no safe alternate method of disposal, or in the instruction of public employees in the methods of fighting fires, which fire is, in the opinion of such official, necessary.

(3) Fires set for the purpose of instruction in the methods of fighting fires, provided prior permission has been granted by a public officer in the performance of official duty and by the

Director[[~~, Environment Resources Management~~]].

(4) An agricultural fire set by or permitted by the Director[[~~, Environmental Resources Management~~]], if such fire is for the purpose of disease and pest prevention, or for frost protection.

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

(6) A fire set or permitted by the Director[[~~,~~]] >>of the Department of<<Environmental Resources Management, Miami-Dade Fire >>Rescue<< Department, and under his control for the purpose of nonrecurrent clearing of debris from land, agricultural and silviculture.

Sec. 24-41.6. Storage and handling of petroleum products.

(1) The provisions of this section shall apply to the owners and operators of all loading facilities, motor vehicle fuel delivery vessels and motor vehicle fuel service stations dispensing, distributing or storing gasoline, gasohol or other petroleum distillates having a Reid vapor pressure of one and five-tenths (1.5) pounds per square inch absolute or greater under actual storage conditions. For the purpose of this section, any petroleum distillate having a Reid vapor pressure of four (4.0) pounds per square inch or greater shall be included in the term "gasoline."

(2) It shall be unlawful for any person to place, store or hold in any stationary tank, reservoir or other container of more than forty thousand (40,000) gallons capacity any gasoline, gasohol or any petroleum distillate unless such stationary tank, reservoir, or other container is a pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one (1) of the following vapor loss control devices, properly installed, in good working order and in operation:

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

* * *

(c) Other equipment of equivalent efficiency, provided that plans for such equipment are submitted to and approved by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee.

(3) It shall be unlawful for any person to dispense or to permit, cause, allow, let or suffer the dispensing of gasoline, gasohol or any petroleum distillate into any motor vehicle fuel tank or into any motor vehicle fuel delivery vessel from any loading facility unless such loading facility is equipped with a vapor collection system or its equivalent, properly installed, and

operational, as approved by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee. When dispensing gasoline, gasohol or other petroleum distillates through the hatches of a motor vehicle fuel delivery vessel with a loading arm equipped with such vapor collection system, a pneumatic, hydraulic or other mechanical device shall be installed to create a vapor-tight seal between the loading arm and the hatch. For all other loading of gasoline, gasohol and other petroleum distillates effected through means other than hatches, delivery lines shall be equipped with fittings which create vapor-tight connections and which close automatically when disconnected. The vapor collection system required herein shall be one (1) of the following:

(a) A vapor-liquid absorption system with a minimum recovery efficiency of ninety (90) percent by weight of all the hydrocarbon vapors and gases entering into such collection system.

(b) A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases entering into such collection system or displace>>d<< from the motor vehicle delivery vessel.

(c) Another system of equivalent efficiency to the vapor collection systems described in (1) and (2) above, provided that plans for such systems are submitted to and approved by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee.

(4) It shall be unlawful for any person to construct or operate, or to permit, cause, allow, let or suffer the construction or operation of a motor vehicle fuel service station after December 14, 1990 without said station being completely equipped with balanced or vacuum assist systems or equivalent systems approved by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee. with a minimum design efficiency of a ninety-five (95) percent recovery rate.

* * *

(6) It shall be unlawful for any person to utilize, or to permit, cause, allow, let or suffer the utilization of any vapor recovery system not operating in accordance with plans approved by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee.

(7) Notwithstanding the foregoing provisions of this section, the following persons shall not be required to comply with the requirements of this section until December 14, 1993.

(a) Any person who is operating a motor vehicle fuel service station with all the required operating permits pursuant to Section 24-18 of the Code of Miami-Dade County, Florida on December 14, 1990.

(b) Any person who has obtained, on or before December 14, 1990, the written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee for the construction of a new motor vehicle fuel service station and has a certificate of occupancy.

Sec. 24-41.7. Incinerator burning.

No person shall burn any combustible refuse in any incinerator in Miami-Dade County except in a multi-chamber incinerator as described in this chapter, or in equipment found by the Director [[~~,Environmental Resources Management~~]], in advance of such use to be equally effective for the purpose of air pollution control as an approved multi-chamber incinerator. The maximum discharge of particulate matter shall not exceed two-tenths grains per standard cubic foot of dry gas corrected to fifty (50) percent excess air.

Sec. 24-41.8. Oil-effluent water separator.

A person shall not use any compartment of any single or multiple compartment oil-effluent water separator which compartment receives effluent water which contains two hundred (200) gallons a day or more of any petroleum product or mixture of petroleum products from any equipment processing, refining, treating, storing or handling kerosene or other petroleum product of equal or greater volatility than kerosene, unless such compartment is equipped with one (1) of the following vapor loss control devices, properly installed, in good working order and in operation:

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

* * *

(3) Other equipment of equal efficiency, provided plans for such equipment are submitted to and approved by the [[~~pollution control officer~~]] >> Director or the Director's designee<<. For the purpose of this [[~~rule~~]]>>section<<, "kerosene" is defined as any petroleum product which, when distilled by ASTM standard test Method D 86-56, will give a temperature of four hundred one (401) degrees Fahrenheit or less at the ten (10) percent point recovered.

* * *

Sec. 24-41.9. Reduction of animal matter.

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

(1) Incidental at temperatures of not less than one thousand six hundred (1,600) degrees Fahrenheit for a period of not less than three-tenths second; or

(2) Proceed in a manner determined by the Director, [[~~Environmental Resources Management,~~]] to be equally, or more, effective for the purpose of air pollution control than (1) above.

A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this [[~~rule~~]]>>section<< shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by the Director, [[~~Environmental Resources Management,~~]] for indicating temperature, pressure or other operating conditions.

For the purpose of this [[~~rule~~]]>>section<<, "reduction" is defined as any heated process,

including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

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

Sec. 24-41.10. Sampling and testing.

A person responsible for the emission of air contaminants from any source shall, upon request of the Director[[, ~~Environmental Resources Management~~]], provide in connection with such sources and related source operations, such sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for the proper determination of the nature, extent, quantity, and degree of air contaminants which are, or may be, emitted as a result of such operation.

(1) Such facilities may be either permanent or temporary at the discretion of the person responsible for their provision and shall be suitable for the use of methods and equipment specified by the Director[[, ~~Environmental Resources Management~~]], who shall indicate in writing the required size, number and location of sampling holes; the size and location of the sampling platform; and the utilities for operating the sampling and testing equipment.

(2) When the Director[[, ~~Environmental Resources Management~~]], has good reason to believe that the provisions of this chapter concerning emission of contaminants are being violated, [[~~he~~]]>>the Director<< [[~~, Environmental Resources Management~~]] may require the person responsible for the source of contaminants to conduct tests which will show the contaminant emissions from the source and to provide the results of said tests to the Director[[, ~~Environmental Resources Management~~]]. These tests shall be carried out under the supervision of the Director[[, ~~Environmental Resources Management~~]], or [[~~his designated representative~~]] >>the Director's designee<< and at the expense of the person responsible for the source of contaminants.

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

(4) Analyses and tests for compliance may be performed by the staff of the Director, [[~~Environmental Resources Management,~~]] at the cost of the operator.

Sec. 24-41.11. Refrigerants.

(1) It shall be unlawful for any person, after [[~~one (1) year from the effective date of the ordinance from which this section derives~~]]>>September 26, 1991<<, to recharge or cause, let, allow, permit, or suffer the recharging of refrigerant into any refrigeration system without properly using approved recycling or recovery equipment and without an operating permit pursuant to Section 24-18 of this Code.

(2) It shall be unlawful for any person, after [[~~one (1) year from the effective date of the ordinance~~]] >>September 26, 1991<< [[~~form which this section derives~~]], to release or cause, let, allow, permit or suffer the releasing of any refrigerant from any refrigeration system into

the ambient air of the Earth.

(3) It shall be unlawful for any person, after [[~~the effective date of the ordinance from which this section derives~~]] >>September 26, 1991,<< to sell, offer for sale or cause, let, allow, permitor suffer the sale or offering for sale of any kind of refrigerant in any container with a capacity of less than twenty (20) pounds.

(4) It shall be unlawful for any person, after [[~~one (1) year from the effective date of the ordinance from which this section derives~~]] >>September 26, 1991<<, to sell or distribute or to offer to sell or distribute any kind of refrigerant to any person who has not obtained an operating permit pursuant to Section 24-18 of this Code.

(5) It shall be unlawful for any person, after [[~~one (1) year from the effective date of the ordinance from which this section derives~~]] >>September 26, 1991<<, to sell or distribute or offer to sell or distribute any refrigerant without having obtained an operating permit pursuant to Section 24-18 of this Code.

(6) Recovered refrigerant which cannot be reused or recycled shall be disposed in a manner approved in writing by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee.

Sec. 24-41.12. Sale and manufacture of products which use an ozone-depleting compound as a propellant or source of energy.

It shall be unlawful for any person after [[~~the effective date of the ordinance from which this section derives~~]] >>September 26, 1991<< to sell, offer for sale or to manufacture or to cause, let, allow, permit or suffer the sale, offering for sale, or the manufacture of any Class I [[~~and~~]]>>or<< Class II ozone-depleting compound utilized as a propellant or source of energy.

Sec. 24-41.13. Fire extinguishing systems using halon.

(1) Except as required by the South Florida Fire Prevention Code, as same may be amended from time to time, or as required by State law, rule or regulation, it shall be unlawful after [[~~the effective date of the ordinance form which this section derives~~]] >>September 26, 1991<< for any person to release or cause, let, allow, permit, or suffer the releasing of any halon from a fire extinguishing system during the training [[~~or~~]] >>of<< personnel or the testing of the fire extinguishing system.

(2) It shall be unlawful for any person, after [[~~one (1) year from the effective date of the ordinance from which this section derives~~]] >>September 26, 1991<<, to repair, service or maintain or to cause, let, allow, permit or suffer the repairing, servicing or maintenance of any fire extinguishing system without properly using approved recycling or recovery equipment.

(3) Recovered halon which cannot be reused or recycled shall be disposed of in a manner approved in writing by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee.

Sec. 24-41.14. Certain products prohibited.

It shall be unlawful after [[~~the effective date of this ordinance~~]] >>September 26, 1991<< to sell, offer for sale, distribute or manufacture or cause, let, allow, permit, or suffer the sale, offering for sale, distribution or manufacture of any plate, bowl (excluding lids), cup (excluding lids), or open tray which contains any Class I ozone-depleting compound or which has been manufactured by the use of a Class I ozone-depleting compound as a blowing agent.

Sec. 24-41.15. Adoption by reference of Federal exceptions.

The exceptions set forth in Section 604(d), (e), (f), and (g) and in Section 605(d) of the Federal Clean Air Act Amendments of 1990 are adopted by reference as if said [[~~exceptional~~]] >>exceptions<< were fully set forth in this chapter.

* * *

Sec. 24-42. Prohibitions against water pollution.

(1) 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 24-42(2);

(b) Cause water pollution as herein defined; or

(c) Cause a nuisance or sanitary nuisance as herein defined.

(2) EFFLUENT STANDARDS FOR MIAMI-DADE COUNTY. All sewage treatment plants and industrial waste treatment plants (except those discharging to approved ocean outfalls) shall effect ninety (90) percent treatment or better at the defined sampling point (24-44.2(1)). 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	***Standard***
Dissolved oxygen	Not less than 2.0 mg/l
Suspended solids	40 mg/l
Biochemical oxygen demand	30 mg/l
Chlorides	[[~~500 mg/l~~]] >>500mg/l[1]<<
Floating solids	None visible to the naked eye

* * *

Other compounds	Other toxic or undesirable compounds than those listed above may occur in individual waste streams. Limits for these components may be specified by the [[~~pollution control officer~~]] >>Director<< based on the latest scientific knowledge concerning toxicity and adverse effects on the intended water use.
Synergistic Action	Whenever scientific evidence indicates that a combination of pollutants exert a greater effect than the individual pollutants, the [[~~pollution control officer~~]] >>Director<<may, on the basis of these findings, lower the herein established limits to the level necessary to prevent damage to the waters of the [[e]]>>C<<ounty.

1 In waters other than fresh water, waste shall not increase natural background more than ten (10) percent.

(3) DISCHARGES AFFECTING WATER QUALITY AND [[~~PROGIBITION~~]] >>PROHIBITION<< OF POSITIVE DRAINAGE.

It shall be unlawful for any person to dewater or to discharge sewage, industrial wastes, cooling water and solid wastes, or any other wastes into the waters of this County, including but not limited to surface water, tidal salt water estuaries, or ground water in such quantities, and of such characteristics as:

(a) May cause the receiving waters, after mixing with the waste streams, to be of poorer quality than the water quality standards set forth in Section 24-42(4);

(b) To cause water pollution as defined in Section 24-5; or

(c) To cause a nuisance or sanitary nuisance as herein defined.

It shall be unlawful for any County or municipal officer, agent, employee or board to approve, grant, or issue any permit, or permit, allow, let or suffer the approval or issuance of any permit, which authorizes positive drainage without the prior written approval of the [[~~d~~]]>>D<<irector or [[~~his~~]]>>the Director's<< designee. The [[~~d~~]]>>D<<irector or [[~~his~~]]>>the Director's<< designee shall issue a written approval only if the [[~~d~~]]>>D<<irector or [[~~his~~]]>>the Director's<< designee determine, after reviewing data submitted by the applicant, that one (1) or more of the following conditions exist, at the subject site:

(d) Inadequate size, shape or topographic characteristics of the site to provide full on-site disposal of stormwater.

(e) Extremely poor soil seepage capacity which prevents full on-site disposal of stormwater.

(f) An existing groundwater contamination plume under or in the vicinity of the subject site which will be adversely impacted by full on-site stormwater disposal.

(4) WATER QUALITY STANDARDS FOR MIAMI-DADE COUNTY:

Chemical, Physical or Biological Characteristic	*Fresh Water (water containing less than 500 ppm chlorides)*	*Tidal Salt Water (water containing more than 500 ppm chlorides)*	*Groundwater*
Dissolved oxygen (mg/l)	5 ppm during at least 10 hours per 24-hour period, never less than 4 ppm, unless acceptable data indicate that the natural background dissolved oxygen is lower than the values established herein.		—
Biochemical oxygen demand (mg/l)	Shall not exceed a value which would cause dissolved oxygen to be depressed below values listed under dissolved oxygen and in no case shall be great enough to produce nuisance conditions.		—
pH	6.0--8.5[1]	6.0--8.5[1]	6.0--8.5[1]
Floating solids, settleable solids, sludge deposits	None attributable to sewage, industrial wastes or other wastes.	None attributable to sewage, industrial wastes, or other wastes.	—
Oil and grease (mg/l)	15[2]	15[2]	15[2]
Odor-producing substances	None attributable to sewage, industrial wastes, or other wastes. Threshold odor number not to exceed 24 at 60°C as a daily average.		—
Temperature			
Sources permitted prior to July 1, 1972	Shall cause no environmental damage.		
Sources permitted after July 1, 1972	3° above ambient.	(June--September) 2° above ambient. (October--May) 4° above ambient.	—
Turbidity	29 NTU above background		
Ammonia (mg/l)	.5 ppm as N	.5 ppm as N	.5 ppm as N
Chlorides (mg/l)	500[3]	3	500[3]
Chromium (mg/l) total	.05	.05	.05
Copper (mg/l)	0.4	0.4	0.4
Cyanides (mg/l)	None detectable	None detectable	None detectable
Detergents (mg/l)	0.5	Insufficient to cause foaming	0.5
Fluoride (mg/l)	1.4 as F	10 as F	1.4 as F
Lead (mg/l)	0.95	0.35	0.05
Phenol (mg/l)	0.001	0.005	0.001
Zinc (mg/l)	1.0	1.0	1.0
Sulfides (mg/l)	0.2	1.0	0.2
Coliform organisms (MPN/100 ml)	1,000[4]	1,000[5]	50
Mercury	None detectable	None detectable	None detectable

Iron>>(mg/l)<<	0.3 [[~~mg/l~~]]	0.3 [[~~mg/l~~]]	0.3 [[~~mg/l~~]]
Arsenic>>(mg/l)<<	0.05 [[~~mg/l~~]]	0.05 [[~~mg/l~~]]	0.05 [[~~mg/l~~]]
Specific conductance	500 micromhos per cm (fresh water). Not more than 100% above background, in waters other than fresh.		
Dissolved solids	Not to exceed 500 mg/l for monthly average or 1000 mg/l at any time.		
Radioactive substances	Gross beta activity (in known absence of strontium 90 and alpha emitters), not to exceed 1000 micro-microcuries at any time.		
Other compounds	Other toxic or undesirable compounds than those listed above may occur in individual waste streams. Limits for these components may be specified by the [[~~Pollution Control Officer~~]] >>Director<< based on the latest scientific knowledge concerning toxicity and adverse effects of the intended water use.		
Synergistic action	Whenever scientific evidence indicates that a combination of pollutants exert a greater effect than the individual pollutants, the [[~~Pollution Control Officer~~]] >>Director<< may, on the basis of these findings, lower the herein established limits to the level necessary to prevent damage to the waters of the county.		

[1] Shall not cause the pH of the receiving waters to vary more than 1.0 unit. When the natural background pH lies outside the limits established, the introduction of a waste shall not displace the pH of the receiving waters more than 0.5 pH units from these standards.

[2] Shall not be visible, defined as iridescence, or cause taste or odors.

[3] Waste shall not increase natural background more than 10 percent.

[4] Maximum MPN/100 ml in a surface water used as a drinking water supply shall be 100.

[5] Maximum MPN/100 ml in a tidal water from which shellfish are harvested for human consumption shall be 70.

Sec. 24-42.1. Tertiary treatment requirements.

All new sewage treatment plants and industrial liquid waste treatment facilities, except those discharging to approved ocean outfalls or deep disposal wells, shall provide for nutrient removal and the following:

(1) Ninety-five (95) percent removal of the influent biochemical oxygen demand (BOD) concentration which will result in an effluent concentration which shall not exceed 15.0 mg/l.

(2) Ninety-five (95) percent removal of the influent total suspended solids (TSS) concentration which will result in an effluent concentration which shall not exceed 15.0 mg/l.

(3) Effluent discharged to surface waters shall not exceed 3.0 mg/l of >>m<<ethylene blue active substance (MBAS).

(4) Effluent discharged to surface waters shall not exceed 1.0 mg/l of phosphorous (P).

(5) All other applicable standards in Section 24-42(2) shall be met.

Sec. 24-42.2. Sanitary sewer system collection and transmission systems.

(1) *Existing gravity sanitary sewer requirements.*

(a) Each publicly or privately owned or operated sanitary sewer collection system shall be evaluated in order to identify and reduce infiltration and inflow into the sanitary sewer collection system. The person responsible for the sewer system's operation shall implement a sewer system evaluation survey (SSES) and, if required, a rehabilitation program, incorporating the provisions and requirements set forth in the U.S. EPA's Sewer System Infrastructure Analysis and Rehabilitation Handbook (October 1991, EPA/625/6-91/030), designed to identify and reduce sewer system infiltration and inflow to a level which meets the standards set forth in Section 24-42.2(1)(d). Such evaluation activities shall be conducted in a manner so that the total length of the gravity sewer lines and associated manholes in the sanitary sewer collection system is evaluated during the first five-year period of the program, and every ten-year period thereafter. Alternatively, the person responsible for the sewer system's operation shall, within forty-five (45) days after the effective date of this section, submit to the [[~~d~~]]>>D<<irector or [[~~his~~]]>>the Director's<< designee for [[~~his~~]]>>the Director's or the Director's designee's<< review and approval a report which provides a detailed description of a sewer system evaluation survey and rehabilitation program which incorporates the provisions and requirements set forth in the U.S. EPA's Sewer System Infrastructure Analysis and Rehabilitation Handbook (October, 1991 EPA/626/6-91/030) and which, when implemented, provide>>s<< effective and substantial compliance with the requirements of this section of the Code. Said report shall include, in addition to any of the above requirements, decision making criteria, procedures and protocols for prioritization of the evaluation of gravity sewer lines and associated manholes, and for the selection of rehabilitation methods to be used. Upon its approval, the program shall be implemented in a manner so that the sewer system evaluation survey is conducted on the total length of the gravity sewer lines and associated manholes during the first five-year period of the program and every ten-year period thereafter. For purpose of compliance with either alternative, infiltration and inflow evaluations and rehabilitation[[s]] work performed between July 1, 1992 and the effective date of this section can be credited towards the first five-year requirements provided the person responsible for the sewer system's operation submits to the [[~~d~~]]>>D<<irector or [[~~his~~]]>>the Director's<< designee, for [[~~his~~]] >>the Director's or the Director's designee's<< review and approval, a report detailing the work performed and the results obtained as required under Section 24-42.2(1)(f)(iv).

(b) Those portions of a sewage lateral connection which are the responsibility of the private property owner as identified by policy or ordinance of the publicly-owned or operated sanitary sewer collection system, or when no such identification exists, the portions of lateral located upon privately owned real property, are the responsibility

of the private real property owner who shall insure the proper operation, maintenance and repair of said portions of the sewage lateral connection. Where an evaluation pursuant to Section 24-42.2(1)(a) above indicates that a privately owned portion of a sewage lateral connection is a source of infiltration or inflow, or both, to a publicly or privately owned or operated sanitary sewer, the owner or operator of the sanitary sewer collection system shall report to the [[~~d~~]]>>D<<irector or [[~~his~~]]>>the Director's<< designee the source of the infiltration or inflow within thirty (30) days from the date of discovery of said discharges. The [[~~d~~]]>>D<<irector >>or the Director's designee<< shall commence enforcement actions, if required, to cause the cessation of the infiltration or inflow.

(c) Notwithstanding any other provision in this section, all publicly owned or operated sanitary sewer collection systems shall participate in a County-wide, regional rainfall dependent peak flow management study. Said peak flow management study shall, at a minimum, perform the following functions: (a) characterize infiltration and inflow of water into the sanitary sewer collection system; (b) predict peak flows to each pump station in the sanitary sewer collection system; and (c) assess each pump station's ability to manage peak flows with the back-up pump out-of-service. Upon implementation of a peak flow management study the person responsible for the operation of the publicly owned or operated sanitary sewer collection system shall submit to the Director or [[~~his~~]]>>the Director's<< designee the results of said study along with a plan of corrective actions and schedule of implementation for each and every pump station within the sanitary sewer collection system which was identified as not capable of managing peak flows with the back-up pump out-of-service.

(d) The sewer system infiltration and inflow rehabilitation programs shall be sufficient to insure that sewer system infiltration and inflow into the rehabilitated sanitary sewer collection system shall be less than five thousand (5,000) gallons per inch pipe diameter per day per mile of pipe and laterals, or complies with best management practices as required by the U.S. EPA's Sewer System Infrastructure Analysis and Rehabilitation Handbook (October 1991, EPA/625/6-91/030).

(e) In the event that implementation of the initial sewer system infiltration and inflow rehabilitation programs fail to achieve the performance standards established in this section, the person responsible for the system's operation may, in lieu of performing additional rehabilitation, submit a cost-benefit analysis which analyzes the feasibility of performing additional rehabilitation to achieve said performance standards. If the Director or [[~~his~~]]>>the Director's<< designee determines that there is no technically feasible, economically reasonable means of compliance, then no further rehabilitation shall be required.

(f) All persons operating a publicly or privately owned or operated sanitary sewer system shall provide the following reports to the Director or [[~~his~~]]>>the Director's<< designee.

(i) The daily average pump station operating time and the multiple and variable speed daily average pump station power consumption, as applicable, for each pump station in the sanitary sewer system shall be reported to the Director or

[[~~his~~]]>>the Director's<< designee on a monthly basis no later than the seventh day after the end of the preceding monthly reporting period. The report shall be in such form as prescribed by the Director or [[~~his~~]]>>the Director's<< designee. The report shall include an explanation for any single event, Act of God, or other documentable reason which leads to excessive pump station operating time or power consumption. These can be cause for exclusion of such data from the nominal average pump operating time calculations.

(ii) The existence of stormwater discharges into any publicly or privately owned or operated sanitary sewer collection system shall be reported to the Director or [[~~his~~]]>>the Director's<< designee within thirty (30) days from the date of discovery of said discharges by the person responsible for the operation of said system. The status of corrective actions to eliminate stormwater discharges into any sanitary sewer collection system shall be reported by the Director or [[~~his~~]]>>the Director's<< designee semiannually, January 1 and July 1 of each year, to the person responsible for the operation of said system.

(iii) An annual report to the Director or [[~~his~~]]>>the Director's<< designee which sets forth a map and a list of all sewer service areas and sewer subsystems including the total length (in feet) of gravity sewer lines according to pipe diameter and type of material and number of manholes in each service area. This information shall be submitted only if [[~~the~~]] >>there<< have been changes in the service areas.

(iv) An annual report documenting all completed sewer system evaluations and rehabilitation work, as well as a schedule for any proposed rehabilitation work shall be submitted to the Director or [[~~his~~]]>>the Director's<< designee no later than thirty (30) days after the end of each calendar year. Notwithstanding the foregoing, any and all rehabilitation work proposed to correct deficiencies identified during the sewer system evaluation survey shall be completed within four (4) years after completion of the evaluation work, or unless a revised schedule is approved by the Director or [[~~his~~]]>>the Director's<< designee.

(2) *Monitoring requirements.*

(a) All publicly or privately owned or operated sanitary sewer collection systems shall provide a properly functioning meter for each pump in each and every pump station which measures either elapsed pump operating time or power consumption [[~~meter~~]] for each pump station or the equivalent thereof as approved by the Director or [[~~his~~]]>>the Director's<< designee.

(b) All publicly owned or operated sanitary sewer collection systems shall have the capacity or capability to monitor their pump stations in a manner so as to prevent overflows.

(i) All pump stations shall, at a minimum, install alarm or monitoring equipment which reports the following information:

a. High water level alarms in wet wells;

b. Pump station power failures.

(ii) All system operators shall monitor their systems in a manner that allows sufficient response time to correct the detected problem prior to overflows occurring or to minimize the extent of an overflow.

(3) *Pump station inspection and repairs.*

(a) All publicly or privately owned or operated sanitary sewer system pump stations shall be inspected annually for the purpose of identifying any equipment malfunction and physical deficiencies that could lead to equipment malfunctions. All persons operating any and all publicly or privately owned or operated sanitary sewer pump stations shall complete the correction of all equipment malfunctions and physical deficiencies that could lead to equipment malfunctions identified during the pump station inspections no later than six (6) months after the date during which the inspection was completed. If an equipment malfunction or physical deficiency causes or contributes to an overflow condition, correction or repair of the malfunction or deficiency shall be completed no later than sixty (60) days from the date that the overflow condition is identified.

(b) In the event that the person responsible for the operation of any publicly or privately owned or operated sanitary sewer pump station determines that a pump station which has caused or contributed to an overflow condition, should be upgraded, rather than repaired as set forth in (1) above, said person shall, within thirty (30) days of the date the overflow condition is identified, submit to the Director or [[~~his~~]]>>the Director's<< designee for approval a plan for the upgrade along with a proposed schedule of implementation.

(4) *Collection and transmission system model.* All publicly owned or operated sanitary sewer collection systems shall participate in a County-wide, regional computerized collection and transmission system model or models to: i) assist in the development and implementation of operation and maintenance procedures to optimize transmission capacity within the collection system; and ii) evaluate the impact of infiltration and inflow rehabilitation programs, proposed system modifications, upgrades and expansions to the transmission capacity and performance of the collection system. The design and development of the model required herein shall be approved by the Director or [[~~his~~]]>>the Director's<< designee prior to implementation.

(5) *Maintenance.*

(a) All publicly or privately owned or operated sanitary sewer collection systems shall maintain their respective systems in a manner so as to prevent or minimize the possibility of overflows.

(b) All publicly or privately owned and operated sanitary sewer collection systems shall have a written maintenance plan including, but not limited to, inspection procedures preventative maintenance schedules, corrective maintenance procedures and reporting procedures.

(6) *Spare parts.* All publicly owned or operated sanitary sewer collection systems shall, maintain an inventory of spare parts or suppliers and vendors necessary to prevent sustained sewage spills, overflows and surcharge conditions resulting from equipment malfunction [[~~of~~]]>>or<< deterioration. Certain critical parts may be secured from vendors or other systems on an as-needed basis provided, however, that the overall system integrity is maintained.

(7) *Exemptions.* Notwithstanding the foregoing, any publicly owned and operated sanitary sewer collection system which operates a federal or state permitted wastewater treatment facility and which discharges wastewater to the County's regional system on an emergency basis only, will not be required to comply with the provisions set forth in Section 24-42.2(1) through (6).

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

(1) Notwithstanding any provision of this Code, no [[~~C~~]]>>c<<ounty or [[~~M~~]]>>m<<unicipal[[~~O~~]]>>o<<fficer, [[~~A~~]]>>a<<gent, [[~~E~~]]>>e<<mployee or [[~~B~~]]>>b<<oard shall approve, grant or issue[[~~d~~]] any [[~~B~~]]>>b<<uilding [[~~P~~]]>>p<<ermit, [[~~C~~]]>>c<<ertificate of [[~~U~~]]>>u<<se and [[~~O~~]]>>o<<ccupancy (except for changes in ownership) or [[~~M~~]]>>m<<unicipal **[[~~O~~]]>>o<<**ccupational [[~~L~~]]>>l<<icense (except for changes in ownership) for any land use served or to be served by a publicly or privately owned or operated sanitary sewer collection system until the [[~~C~~]]>>c<<ounty or [[~~M~~]]>>m<<unicipal [[~~O~~]]>>o<<fficer, [[~~A~~]]>>a<<gent, [[~~E~~]]>>e<<mployee or [[~~B~~]]>>b<<oard has obtained the prior written unconditional approval or prior written conditional approval of the Director or[[~~his~~]]>>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 owned or operated sanitary sewer collection system until the person has obtained the prior written unconditional approval or the prior written conditional approval of the Director or [[~~his~~]] >>the Director's<<designee.

(a) The Director or [[~~his~~]]>>the Director's<< designee shall issue [[~~his~~]] >>the Director's or the Director's designee's<< unconditional written approval only if the Director or [[~~his~~]]>>the Director's<< designee finds that 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.

(b) If the Director or [[~~his~~]]>>the Director's<< designee determines that there is not adequate treatment capacity or adequate transmission capacity, or both, the Director or [[~~his~~]]>>the Director's<< designee shall issue [[~~his~~]] >>the Director's or the Director's designee's<<conditional written approval only if the Director or [[~~his~~]]>>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) The person(s) responsible [[~~from~~]] >>for<< the operation of the publicly or privately owned or operated sanitary sewer collection system(s) has obtained the written approval of the Director or [[~~his~~]]>>the Director's<< designee, and all other local, state and federal environmental approvals for plan(s) of corrective action designed to provide adequate transmission capacity; and

(iii) The person seeking the written conditional approval submits an executed estoppel document, in such form as prescribed by the Director or [[~~his~~]]>>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 [[~~his~~]]>>the Director's<< designee shall not apply for a [[~~C~~]]>>c<<ertificate of [[~~U~~]]>>u<<se and [[~~O~~]]>>o<<ccupancy or [[~~M~~]]>>m<<unicipal [[~~O~~]]>>o<<ccupational [[~~L~~]]>>l<<icense, nor shall the facilities being constructed under said building permit be connected to the publicly or privately owned or operated sanitary sewer collection system, until all of the conditions set forth in (i) and (ii) above have been complied with, that the construction pursuant to (i) above has been completed and certified and that the plan(s) of corrective action pursuant to (ii) above has been implemented, completed and certified>>.<<

(c) Notwithstanding any of the foregoing provisions in (b) above, the Director or his 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.

(2) Any and all conditional or unconditional written approvals issued by the Director or [[~~his~~]]>>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 [[~~his~~]]>>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 [[~~his~~]]>>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.

(3) Notwithstanding any of the foregoing, no [[~~C~~]]>>c<<ounty or [[~~M~~]]>>m<<unicipal [[~~O~~]]>>o<<fficer, [[~~A~~]]>>a<<gent, [[~~E~~]]>>e<<mployee or [[~~B~~]]>>b<<oard 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 [[~~his~~]] >>the owner's or operator's<< written approval of said service.

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

(1) *Definitions.*

The following definitions shall be applicable only to the provisions of Section 24-42.4:

(a) *Pollutant* shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural wastes discharged into water.

(b) *Categorical industrial user* shall mean a facility subject to regulation by a national categorical pretreatment standard.

(c) *Industrial user* shall mean a nondomestic source of pollutants which discharges into a publicly owned treatment works.

(d) *Interference* shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the publicly owned treatment works (POTW), its treatment process or operations; or its sludge process, use, or disposal; and therefore causes a violation of the POTW's discharge permits or prevents sewage sludge use or disposal in compliance with [[~~F~~]]>>f<<ederal, State or County regulations.

(e) *New source* shall mean any building, structure, facility or installation, the construction of which commenced after the promulgation of Pretreatment Standards under [[~~s~~]]>>S<<ection 307(c) of the Federal Clean Water Act and in accordance with the definition provided in 40 CFR 403.3, Federal Pretreatment Regulations, from which there is or may be a discharge of pollutants.

* * *

(h) *Federal pretreatment standards* shall mean any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with [[~~section~~]] >>Sections<< 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users. This term includes the prohibited discharge limits established pursuant to 40 CFR 403.5, Federal Pretreatment Regulations.

* * *

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

(a) It shall be unlawful for any person to throw, drain, run or otherwise discharge into a sewer designed to carry storm water, or to cause, permit, allow or suffer to be thrown, run, drained, allowed to seep, or otherwise discharged into such sewer:

(i) Domestic sewage, industrial waste, liquid waste or other waste.

(ii) Cooling water without the written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>> the Director's designee<<. The Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's designee<< shall issue a written approval if it is determined that the cooling water does not breach the values set forth in Section 24-42.1 of this Code.

(b) It shall be unlawful for any person to throw, drain, run or otherwise discharge into a sanitary sewer, or to cause, permit, allow or suffer to be thrown, run, drained, allowed to seep, or otherwise discharged into such sewer any storm water.

(c) The provisions of this section shall not be construed as precluding the installation of a combined system which has been approved by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's designee<<, and the appropriate State agency, and any such installation shall be subject to all applicable State and County regulations.

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

(i) Any gasoline, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; any pollutants which may create a fire or explosion hazard in the POTW, including waste streams with a closed [[~~cap~~]] >>cup<< flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods in 40 CFR 261.21.

* * *

(viii) If compliance with the local limits set forth in Section 24-42.4 (2)(d)(vi), is not sufficient to prevent violations of Section 24-42.4 (2)(d)(i) through Section 24-42.4 (2)(d)(v) above, the Director or the Director's designee shall determine the local limits, as calculated pursuant to the Guide to Protect POTW Workers from Toxic & Radioactive Gases and Vapors (EPA # 812-B-92-001, June 1992), the Guidance Manual on the Development and Implementation of Local Discharge Limitations under the Pretreatment Program (EPA # 833-B-87-202 December 1987), and the Guidance Manual for Developing Best Management Practices (BMP)(EPA # 833-B-93-004, October 1993), which shall be included in the facilities operating permit.

It shall be unlawful for any person to discharge any pollutant, including slug discharges, to sanitary sewers which pollutant may inhibit or disrupt [[~~the publicly owned treatment works (POTW),~~]] the POTW's treatment process or operations; or which may inhibit or disrupt the POTW's sludge process, sludge use, or sludge disposal; or which causes a violation of the POTW's state or local

discharge permits or prevents sewage sludge use or sewage sludge disposal in compliance with state or county regulations without first notifying the Director or the Director's designee in writing prior to the discharge. If prior notification is not possible because of circumstances beyond the control of the person responsible for such discharge then said discharge shall be reported to the Director or the Director's designee at the earliest practicable time after discovery of the discharge.

* * *

Sec. 24-42.5. Bypassing unlawful

Where a waste treatment facility has been provided, it shall be unlawful to by-pass the facility or any portion thereof and to discharge untreated or inadequately treated wastes to the waters the facility was designed to protect. In the event of an emergency, the user may temporarily utilize a by-pass. It shall be [[~~his~~]]>>the user's<< responsibility to immediately notify the [[~~Pollution Control Officer~~]] >>Director or the Director's designee<<. Such notification shall not relieve [[~~him~~]] >>the user<< from civil liability under this chapter.

* * *

DIVISION 2. WELLFIELD PROTECTION, DOMESTIC WELL SYSTEMS AND POTABLE WATER STANDARDS

Sec. 24-43. Protection of public potable water supply wells.

The provisions of this section which impose upon land uses within the West Wellfield Interim protection area regulations which are more restrictive than those regulations applicable to the other public utility potable water supply wellfields in Miami-Dade County shall be deemed interim in nature. Said more restrictive regulations shall be reviewed by such technical review task force(s) or committee(s) as provided by the Board of County Commissioners or its designee upon recommendation of the Director. The Director shall submit to the Board of County Commissioners progress reports, as necessary, pertaining to said review, and recommendations necessary to protect the public health, safety and welfare arising out of said review shall be presented to the Board of County Commissioners. The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (Section 2-11.1 of this Code) shall not be applicable to task forces or committees provided for in this section.

(1) *Legislative intent*. The intent and purpose of this section is to safeguard the public health, safety and welfare by providing scientifically established standards for land uses within the cones of influence thereby protecting public potable water supply wells from contamination.

(2) *Short title; applicability; construction.* This section shall be known as the "Potable Water Supply Well Protection Ordinance." The provisions of this section shall be effective in the incorporated and unincorporated areas of Miami-Dade County and shall be liberally construed to effect the purposes set forth herein.

(3) *Maps of cones of influence, the Northwest Wellfield protection area, the West Wellfield Interim protection area, and the South Miami Heights Wellfield Complex protection area.* The Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee, shall maintain maps of cones of influence of public utility potable water supply wells, map(s) of the Northwest Wellfield protection area, and map(s) of the

West Wellfield Interim protection area and the map(s) of the South Miami Heights Wellfield Complex wellfield protection area dated November, 2005. The cone of influence maps dated December 30, 1980, as may be amended from time to time, prepared by the Department [[~~of Environmental Resources Management~~]] are incorporated herein by reference hereto. Any changes, additions or deletions to said maps shall be approved by the Board of County Commissioners by ordinance. The cone of influence maps of the Northwest Wellfield dated December 30, 1980, as amended effective May 31, 1985, shall hereinafter be referred to as the Northwest Wellfield protection area map(s). The Northwest Wellfield protection area map(s) dated May 31, 1985, and the West Wellfield Interim protection area map(s) dated February 28, 1989 and the map(s) of the South Miami Heights Wellfield Complex wellfield protection area dated November, 2005, as all of same may be amended from time to time, prepared by the Department [[~~of Environmental Resources Management~~]], are incorporated herein by reference hereto. Any changes, additions or deletions to said Northwest Wellfield protection area map(s) or West Wellfield Interim protection area map(s) or South Miami Heights Wellfield Complex wellfield protection area map(s) shall be approved by the Board of County Commissioners by ordinance. The Director, or the Director's designee, shall maintain the DERM Technical Report: "Development of a Groundwater Model to Determine Wellfield Protection Zones for the Miami-Dade County, Florida, South Miami Heights Wellfield Complex". The wellfield protection zones of the South Miami Heights Wellfield Complex have been established using the procedures and input parameters set forth in the aforesaid Technical Report dated, November, 2005. The aforesaid Technical Report dated, November, 2005, a copy of which is attached hereto, is hereby incorporated by reference, as same may be amended from time to time. Any changes, additions or deletions to the aforesaid Technical Report dated November, 2005 shall be approved by the Board of County Commissioners by ordinance.

(4) *Septic tanks, sanitary sewers, storm water disposal, liquid waste storage, disposal or treatment and violations of this chapter within wellfield protection area.* Notwithstanding any provisions of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any land use served or to be served by a septic tank, sanitary sewer, storm water disposal method, or liquid waste storage, disposal or treatment method, and which is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the basic wellfield protection area of any public utility potable water supply well, until the County or municipal officer, agent, employee or Board has obtained the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee. Furthermore, not withstanding 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 septic

tank, sanitary sewer, storm water disposal method, or liquid waste storage, disposal or treatment method, and which is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the basic wellfield protection area of any public utility potable water supply well, until the person has obtained the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee. The Director or [[~~his~~]]>>the Director's<< designee shall issue [[~~his~~]]>>the Director's or the Director's designee's<< written approval only if [[~~he~~]] >>the Director or the Director's designee<< finds that all septic tanks, septic tank drain fields, storm water disposal methods and liquid waste storage, disposal or treatment methods will be installed upon the property as far away as is reasonably possible from all potable water supply wells, and:

(a) *Septic tanks.* That the septic tank sewage loadings will not exceed the number of gallons per day for each unsubmerged acre of land as set forth in Tables A-1, A-2, A-3 and A-4, except that neither the Director nor [[~~his~~]]>>the Director's<< designee shall issue [[~~his~~]] >>the Director's or the Director's designee's<< written approval for any land use served or to be served by a septic tank within the Northwest Wellfield protection area unless the septic tank was installed prior to September 30, 1983, or within the West Wellfield Interim protection area unless the septic tank was installed prior to the effective date of this ordinance [Ordinance No. 89-80], or that the land use served or to be served by a septic tank within the Northwest Wellfield protection area or within that portion of the West Wellfield Interim protection area which is west of the Urban Development Boundary of the Comprehensive Development Master Plan as may be amended from time to time, is residential or is an ancillary rockmining use necessary for extracting and processing subsurface materials and which residential or ancillary rockmining use shall not exceed a maximum sewage loading of seventy (70) gallons per day per acre and which septic tanks shall be located within an area of twenty-one thousand seven hundred eighty (21,780) square feet of unsubmerged land, or that the property served or to be served by septic tanks is residential, uses a public water supply, has not been the subject of any zoning action (district boundary change, unusual use, use variance, or equivalent municipal zoning action) or any platting action (final plat, waiver of plat, or equivalent municipal platting action) after March 13, 1981, and is in compliance with Section 24-43.1, or that the owner of the property served or to be served by septic tanks is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit obtained prior to June 1, 1983, for property within the basic wellfield protection area of any public utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area obtained prior to September 30, 1983, or, in the case of property within the West Wellfield Interim protection area obtained prior to the effective date of this ordinance [Ordinance No. 89-80] or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex obtained prior to the effective date of

this ordinance, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield and Southwest Wellfield, obtained prior to February 1, 1985, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield and Hialeah Wellfield, obtained prior to December 12, 1986, which permit has been valid and continuously in full force and effective since its issuance, or that the owner of the property is applying for a certificate of use and occupancy or municipal occupational license for a land use served or to be served by a septic tank installed prior to March 13, 1981 for property within the basic wellfield protection area of any public utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area installed prior to September 30, 1983, or, in the case of property within the West Wellfield Interim protection area installed prior to the effective date of this ordinance [Ordinance No. 89-80] or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex obtained prior to the effective date of this ordinance or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, and Southwest Wellfield, installed prior to February 1, 1985, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield and Hialeah Wellfield, installed prior to December 12, 1986, which uses a public water supply and which is in compliance with Section 24-43.1.

(i) Notwithstanding the provisions of Section 24-43(4)(a), there shall be required within the Northwest Wellfield protection area, within the West Wellfield Interim protection area, within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, and within the maximum day wellfield protection area of all public utility potable water supply wells a minimum separation equivalent to ten (10) days travel time between any potable water supply well (other than a public utility potable water supply well) and any septic tank or septic tank drainfield.

(b) *Sanitary sewers*. That the sewage loading into sanitary sewers will not exceed the number of gallons per day for each unsubmerged acre of land as set forth in Table B-1, or that the property served or to be served by sanitary sewers is residential, uses a public water supply, has not been the subject of any zoning action (district boundary change, unusual use, use variance, or equivalent municipal zoning action) or any platting action (final plat, waiver of plat, or equivalent municipal platting action) after March 13, 1981, and is in compliance with Section 24-42.4, or that the owner of the property served or to be served by sanitary sewers is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit obtained prior to June 1, 1983, for property within the basic wellfield protection area of any public utility [[~~protable~~]] >>potable<< water supply

well, or, in the case of property within the Northwest Wellfield protection area, obtained prior to September 30, 1983, for property within the Northwest Wellfield protection area, or, in the case of property within the West Wellfield Interim protection area, obtained prior to the effective date of this ordinance, [[~~for property within the West Wellfield Interim protection area,~~]] or for property within the outer wellfield protection zone of the South Miami Heights Wellfield Complex obtained prior to the effective date of this ordinance or, in the case of property not within the basic wellfield protection area, but within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield and Southwest Wellfield, obtained prior to February 1, 1985, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield and Hialeah Wellfield, installed prior to December 12, 1986, which permit has been valid and continuously in full force and effect since its issuance.

(i) Notwithstanding the provisions of Section 24-43(4)(b), all sanitary sewers installed within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex , or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well, after June 13, 1986, shall comply with the following standards:

Residential land use--No gravity sanitary sewer shall have an exfiltration rate greater than fifty (50) gallons per inch pipe diameter per mile per day. Sewer lateral lines located in the public right-of-way shall be a minimum of six (6) inches in diameter.

* * *

(ii) Notwithstanding the provision of Section 24-43(4)(b), all gravity sanitary sewers with invert elevations above the average surrounding water table elevation and all sanitary sewer force mains shall be tested to ensure compliance with the aforementioned exfiltration rate standards. A registered professional engineer shall provide written certification of the exfiltration rate for all manhole/gravity sewer pipe systems installed, in equivalent gallons per inch pipe diameter per mile of pipe per day (twenty-four (24) hours), and the exfiltration rate for all sanitary sewer force mains in gallons per hour per one thousand (1,000) feet of sanitary sewer force main installed. Existing gravity sanitary sewers with pipe diameters of eight (8) inches or more shall be visually inspected by television every five (5) years by the responsible utility or property owner to ensure both structural and pipe joint integrity. Existing manholes shall be visually inspected for both structural and

incoming pipe connection integrity every five (5) years. Certified test and inspection results and repair logs shall be submitted to the Department [[~~of Environmental Resources Management~~]] within thirty (30) days after completion of the particular test, inspection, or repair.

(c) *Storm water disposal methods.* That the storm water disposal methods utilized or to be utilized will be limited as set forth in Table C-1.

Furthermore, land uses adjacent to the Snapper Creek extension canal and secondary canals directly connected to the Snapper Creek extension canal shall provide an earth berm, or alternative structure as approved by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee, which shall be constructed upon the perimeter of all canals to prevent overland storm water runoff from entering the canal. The berm shall be constructed adjacent to the canal top of slope on the landward side. Said berm shall extend one (1) foot above the canal bank elevation. The landward slope of the berm shall have a gradient not steeper than one (1) foot vertical to four (4) feet horizontal. The canalward slope shall not be steeper than the canal slope. The construction of berming and backsloping shall be subject to the approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee.

(d) *Liquid waste storage, disposal or treatment methods other than septic tanks utilized for the disposal, discharge, storage or treatment of domestic sewage; sanitary sewer lift stations; and public sanitary sewers.* That liquid waste storage, disposal or treatment methods (other than septic tanks utilized for the disposal, discharge, storage or treatment of domestic sewage; sanitary sewer lift stations; and public sanitary sewers); shall be prohibited within the Northwest Wellfield protection area, the West Wellfield Interim protection area, the outer wellfield protection zone of the South Miami Heights Wellfield Complex>> , << the average day pumpage wellfield protection areas of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield, and the basic wellfield protection area of any public utility potable water supply well unless, in the case of property within the Northwest Wellfield protection area, said liquid waste storage, disposal or treatment method was installed prior to September 30, 1983, or, unless, in the case of property within the West Wellfield Interim protection area, said liquid waste storage, disposal or treatment method was installed prior to the effective date of this ordinance [Ordinance No. 89-80], or within the outer wellfield protection zone of the South Miami Heights wellfield complex installed prior to the effective date of this ordinance, or, unless, in the case of property within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield and Southwest Wellfield, said liquid waste storage, disposal or treatment method was installed prior to February 1, 1985, or, [[~~or,~~]] in the case of property not within the basic wellfield protection area but within the average day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield, said liquid waste, storage, disposal or treatment method was

installed prior to December 12, 1986, unless in the case of property within the basic wellfield protection area of any public utility potable water supply well, said liquid waste storage, disposal or treatment method was installed prior to June 13, 1986.

(e) *Violations of this chapter.* That the septic tank, sanitary sewer, storm water disposal method or liquid waste storage, disposal or treatment method utilized or to be utilized will serve an existing land use within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well and which is required by the Director or [[~~his~~]]>>the Director's<< designee to correct violation(s) of this chapter. Notwithstanding the foregoing, the Director or [[~~his~~]]>>the Director's<< designee shall not issue [[~~his~~]] >>the Director's or the Director's designee's<< written approval unless the Director or [[~~his~~]]>>the Director's<< designee determines that the land use will comply with all the provisions of this chapter and that the following water pollution prevention and abatement measures and practices shall be provided:

(i) Monitoring and detection of water pollution caused by hazardous materials, and

(ii) Secondary containment of water pollution caused by hazardous materials, and

(iii) Inventory control and record keeping of hazardous materials, and

(iv) Storm water management of water pollution caused by hazardous materials, and

(v) Protection and security of facilities utilized for the generation, storage, usage, handling, disposal or discharge of hazardous materials.

(5) [[~~*Protection*~~]] >>*Prohibition*<< *of hazardous materials within wellfield protection area*>>*s*<<. Notwithstanding any provisions of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any nonresidential land use, other than a bona fide agricultural land use, a bona fide rockmining use ([[~~like~~]] >>lake<< excavation), a public sewer facilities use, or a public water supply facilities use, within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, John E. Preston Wellfield, or Hialeah Wellfield or within the basic wellfield protection area of any public utility potable water supply well, without obtaining the prior written approval of the Director

[[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee. The [[~~director~~]]>>Director<< or [[~~his~~]]>>the Director's<< designee shall issue [[~~his~~]] >>the Director's or the Director's designee's<< written approval only if the Director or [[~~his~~]]>>the Director's<< designee determines that the nonresidential land use is in compliance with Sections 24-43(5)(a), 24-43(5)(b) or 24-43(5)(c).

Furthermore, 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 nonresidential land use, other than a bona fide agricultural land use, a public sewer facilities use, or a public water supply facilities use, within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well, and which uses, generates, handles, disposes of, discharges or stores hazardous materials, until the person has obtained the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee.

Pursuant to the foregoing, the Director or [[~~his~~]]>>the Director's<< designee shall issue his written approval only if the Director or [[~~his~~]]>>the Director's<< designee determines that all potential sources of pollution will be installed upon the property as far away as is reasonably possible from all potable water supply wells; hazardous materials will not be used, generated, handled, disposed of, discharged or stored on that portion of the property within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well; and hazardous wastes will not be used, generated, handled, disposed of, discharged or stored on that portion of the property or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, or within the average day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield[[~~,or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex~~]].

Notwithstanding the foregoing, fuels and lubricants required for rockmining operations (lake excavations, concrete batch plants, rock crushing and aggregate plants) within the Northwest Wellfield protection area or within the West Wellfield Interim protection area; electrical transformers serving nonresidential land uses; small quantity generators of hazardous wastes as defined in this chapter within the outer wellfield protection zone of the South Miami Heights Wellfield Complex [[~~or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex~~]] or, within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield and the South Miami Heights Wellfield Complex and existing land uses required by the Director or [[~~his~~]]>>the Director's<< designee to correct violations of this chapter; shall not be

prohibited when the water pollution prevention and abatement measures and practices set forth in Sections 24-43(5)(a)(i), (ii), (iii), (iv) and (v) will be provided and the Director or [[~~his~~]]>>the Director's<< designee has approved same.

Notwithstanding the foregoing, the use, handling or storage of factory prepackaged products intended primarily for domestic use or consumption determined by the Director or [[~~his~~]]>>the Director's<< designee to be hazardous materials shall not be prohibited; provided, however, that the requirements of Sections 24-43(5)(a)(vi), (vii), (viii) and (ix) are fulfilled.

(a) The owner of the property has submitted to the Director or [[~~his~~]]>>the Director's<< designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which provides that hazardous materials shall not be used, generated, handled, disposed of, discharged or stored on that portion of the property located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well; and that hazardous wastes shall not be used, generated, handled, disposed of, discharged or stored on that portion of the property within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex.

Furthermore, the aforesaid covenant shall provide that fuels and lubricants required for rockmining operations (lake excavations, concrete batch plants, rock crushing and aggregate plants) within the Northwest Wellfield protection area or within the West Wellfield Interim protection area; electrical transformers serving nonresidential land uses; small quantity generators of hazardous wastes as defined in this chapter, within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield and existing land uses required by the Director or [[~~his~~]]>>the Director's<< designee to correct violations of this chapter; shall not be prohibited when the following water pollution prevention and abatement measures and practices will be provided:

(i) Monitoring and detection of water pollution caused by hazardous materials, and

(ii) Secondary containment of water pollution caused by hazardous materials, and

(iii) Inventory control and recordkeeping of hazardous materials, and

(iv) Storm water management of water pollution caused by hazardous materials, and

(v) Protection and security of facilities utilized for the generation, storage, usage,

handling, disposal or discharge of hazardous materials.

Said water pollution prevention and abatement measures and practices shall be subject to the approval of the Director or [[~~his~~]]>>the Director's<< designee.

Furthermore, the aforesaid covenant shall provide that use, handling or storage of factory pre-packaged products intended primarily for domestic use or consumption determined by the Director or [[~~his~~]]>>the Director's<< designee to be hazardous materials shall not be prohibited, provided, however, that:

(vi) The use, handling or storage of said factory prepackaged products occurs only within a building, and

(vii) The nonresidential land use is an office building use (or equivalent municipal land use) or a business district use (or equivalent municipal land use) engaged exclusively in retail sales of factory prepackaged products intended primarily for domestic use or consumption, and

(viii) The nonresidential land use is served or is to be served by public water and public sanitary sewers, and

(ix) Said building is located more than thirty (30) days' travel time from any public utility potable water supply well.

Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public records of Miami-Dade County, Florida, by the Department [[~~of Environmental Resources Management~~]] at the expense of the owner of the property, or

(b) If the Director or [[~~his~~]]>>the Director's<< designee determines that the owner of the property is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit obtained prior to June 1, 1983, for property within the basic wellfield protection area of any public utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area, obtained prior to September 30, 1983, or, in the case of the West Wellfield Interim protection boundary, obtained prior to the effective date of this ordinance [Ordinance No. 89-80], or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex obtained prior to the effective date of this ordinance, or, in the case of property within the average day pumpage wellfield protection area, but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield or Southwest Wellfield, obtained prior to February 1, 1985 or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield, obtained prior to December 12, 1986 and which permit has been valid and continuously in full force and effect since its issuance, or

(c) If the Director or [[~~his~~]]>>the Director's<< designee determines:

(i) That the application for a building permit, certificate of use and occupancy

(except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) is for the replacement, modification or limited expansion of an existing facility, provided in no case shall such replacement, modification or limited expansion cause, permit, let, suffer or allow the use, generation, handling, disposal, discharge or storage of hazardous materials on the property to be increased by more than fifty (50) percent over the use, generation, handling, disposal, discharge or storage of hazardous materials which existed on the property on September 30, 1983, for properties within the Northwest Wellfield protection area, or which existed on the property on the effective date of this ordinance [Ord. No. 89-80] for properties within the West Wellfield Interim protection area, or which existed on March 13, 1981 for properties within the basic wellfield protection area of any public utility potable water supply well, and

(ii) That the proposed replacement, modification or limited expansion of the existing facility will substantially reduce the existing risk of pollution from the hazardous materials to the closest public utility potable water supply well. In determining whether there will be a substantial reduction of the existing risk of pollution as aforesaid, the Director or [[~~his~~]]>>the Director's<< designee shall consider the following factors and shall render written findings as to [[~~his~~]] >>the Director's or the Director's designee's<< assessment of each:

1. Whether the proposed replacement, modification or limited expansion of the facility will provide adequate and increased monitoring and detection of pollution which may be or which has been caused by the hazardous materials on the property.

2. Whether the proposed replacement, modification or limited expansion of the facility will provide adequate and increased secondary containment of pollution which may be or which has been caused by the hazardous materials on the property.

3. Whether the proposed replacement, modification or limited expansion will provide adequate and increased inventory control and record keeping of hazardous materials on the property.

4. Whether the proposed replacement, modification or limited expansion will provide adequate and increased storm water management of pollution which may be or which has been caused by the hazardous materials on the property.

5. Whether the proposed replacement, modification or limited expansion will provide adequate and increased protection and security of the facilities utilized for the generation, storage, usage, handling,

disposal, or discharge of hazardous materials on the property.

The Director or [[~~his~~]]>>the Director's<< designee shall determine that there will be a substantial reduction of the existing risk of pollution from the hazardous materials to the closest public utility potable water supply well only if the Director or [[~~his~~]]>>the Director's<< designee makes affirmative findings as to all of the aforesaid factors, and

(iii) That the owner of the property has submitted to the Director or [[~~his~~]]>>the Director's<< designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which provides that the hazardous materials to be used, generated, handled, disposed of, discharged or stored on the property after the proposed replacement, modification or limited expansion is approved by the Director or [[~~his~~]]>>the Director's<< designee, pursuant to this section, shall not be more hazardous than the hazardous materials used, generated, handled, disposed of, discharged or stored on the property at the time of the aforesaid approval and which furthermore shall require written notice by the owner of the property to the Department [[~~of Environmental Resources Management~~]] of any change in the kind of hazardous materials on the property after the aforesaid approval. Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public records of Miami-Dade County, Florida, by the Department [[~~of Environmental Resources Management~~]] at the expense of the owner of the property.

(6) *Applicability of travel time ranges within wellfield protection areas.* The Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee shall utilize the following procedures when making a determination under Tables A-1, A-2, A-3, A-4 or B-1:

(a) Property wholly located within one (1) travel time range having restrictions shall be governed by the restrictions under that travel time range.

(b) Property within two (2) or more travel time ranges having restrictions shall be governed by the total sewage loading for the property. The total sewage loading shall be derived by adding the sewage loading within each travel time range and dividing the resultant amount by the gross acreage for the property.

(c) Property within both restricted and unrestricted travel time ranges shall be governed in accordance with Section 24-43(6)(b) herein except that portion of the property outside of the restricted travel time ranges shall be excluded from averaging the applicable restrictions as aforesaid. However, all septic tanks, septic tank drainfields, storm water disposal methods and liquid waste storage, disposal and treatment methods shall be installed upon the property as far away as is reasonably possible from all potable water supply wells.

(7) *Excavations.* Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant, or issue any permit, of any kind whatsoever,

certificate of completion, platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any excavation within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or the basic wellfield protection area of any public utility potable water supply well, or within one-quarter (1/4) of a mile of the perimeter of the Miami-Dade County 58th Street landfill, United Sanitation landfill, or the resources recovery facility until the County or municipal officer, agent, employee or Board has obtained the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee.

Furthermore, notwithstanding any provision of this Code, no person shall cause, allow, let, permit or suffer any excavation within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the basic wellfield protection area of any public utility potable water supply well until the person has obtained the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee.

The Director or [[~~his~~]]>>the Director's<< designee shall issue his written approval only if the Director or [[~~his~~]]>>the Director's<< designee determines that the excavation will comply with the following:

(a) The property upon which the excavation has occurred or will occur and that portion of the property which has not been excavated or will not be excavated shall be provided with protection and security measures to prohibit the handling, disposal of, discharge or storage of hazardous materials, solid waste, or liquid waste in the excavation or on the property which has not been excavated or will not be excavated. Said protection and security shall be subject to the approval of the Director or [[~~his~~]]>>the Director's<< designee.

Furthermore, the owner of the property upon which the excavation has occurred or will occur and that portion of the property which has not been excavated or will not be excavated shall submit to the Director or [[~~his~~]]>>the Director's<< designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which provides that protection and security measures shall be provided subject to the approval of the Director or [[~~his~~]]>>the Director's<< designee. Said covenants shall be executed by the owner of the property upon which the excavation has occurred or will occur and that portion of the property which has not been excavated or will not be excavated in form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public records of Miami-Dade County, Florida, by the Department [[~~of Environmental Resources Management~~]] at the expense of the owner of the property upon which the excavation has occurred or will occur and the property which has not been excavated or will not be excavated, and

(b) The excavation will not be located within thirty (30) days' travel time from any public utility potable water supply well or within thirty (30) days' travel time from potable water supply wells as set forth on the West Wellfield Interim protection area map(s)

and the excavation will not exceed a depth of forty (40) feet below existing grade within the basic wellfield protection area of any public utility potable water supply well, or

(c) The excavation will not be located within thirty (30) days' travel time from any public utility potable water supply well and there exists property without excavation which will provide an additional thirty (30) days' travel time between the excavation and any public utility potable water supply well.

Furthermore, the owner of the property upon which the excavation is to occur shall submit to the Director or [[~~his~~]]>>the Director's<< designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which provides that the property without excavation aforesaid will not be subject to excavation at any time. Said covenants shall be executed by the owner of the property without excavation aforesaid and in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public records of Miami-Dade County, Florida, by the Department [[~~of Environmental Resources Management~~]] at the expense of the owner of the property upon which the excavation is to occur, or

(d) The excavation has a valid excavation permit or equivalent municipal permit for excavation and a valid Class IV permit, if required by Article IV of this chapter, which was obtained prior to September 30, 1983, which permits have [[~~ben~~]]>>been<< valid and continuously in full force and effect since their issuance.

(8) *Pipelines for hazardous materials.* Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board, after July 13, 1984 shall approve, grant or issue any permit of any kind whatsoever for the installation, modification, or expansion of that portion of any pipeline used or to be used for the transmission or storage of any hazardous materials and which portion is within the Northwest Wellfield protection area or the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield or Southwest Wellfield or within the basic wellfield protection area of any public utility potable water supply well or, in the case of that portion of any pipeline not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield, after December 12, 1986, or, in the case of that portion of any pipeline within the West Wellfield Interim protection area, after the effective date of this ordinance [Ordinance No. 89-80] or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex after the effective date of this ordinance.

Furthermore, notwithstanding any provision of this Code, no person shall install, construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be installed, constructed, utilized, operated or occupied any pipeline or portion of any pipeline used or to be used for the transmission or storage of any hazardous materials within the Northwest Wellfield Protection Area or the maximum day pumpage wellfield protection area of the [[~~Northwest Wellfield,~~]] Alexander Orr Wellfield, Snapper Creek Wellfield or Southwest Wellfield or within the basic wellfield protection area of any public utility potable water supply well, after July 13, 1984, unless said person installed, constructed, utilized, operated or occupied said

pipeline used or to be used for the transmission or storage of hazardous materials before July 13, 1984, or, in the case of the West Wellfield Interim protection area, no person shall install, construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be installed, constructed, utilized, operated or occupied any pipeline or portion of any pipeline used or to be used for the transmission or storage of any hazardous materials within the West Wellfield Interim protection area after the effective date of this ordinance [Ordinance No. 89-80] or, in the case of that portion of any pipeline within the outer wellfield protection zone of the South Miami Heights Wellfield Complex after the effective date of this ordinance, unless said person installed, constructed, utilized, operated or occupied said pipeline used or to be used for the transmission or storage of hazardous materials prior to the effective date of this ordinance [Ordinance No. 89-80].

Furthermore, notwithstanding any provision of this Code, no person shall install, construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any pipeline or portion of any pipeline used or to be used for the transmission or storage of any hazardous materials within the maximum day pumpage wellfield protection area but not within the basic wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield after the effective date of this subsection [December 12, 1986], unless said person installed, constructed, utilized, operated or occupied said pipeline used or to be used for the transmission or storage of hazardous materials before the effective date of this subsection [December 12, 1986].

(9) *Water conservation restrictions for the protection of the Northwest Wellfield.* The Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee shall evaluate the data from a groundwater elevation monitoring program and a groundwater quality monitoring program for the Northwest Wellfield which programs shall be conducted by the Department [[~~of Environmental Resources Management~~]] or a contractor designated by the County. If the Director [[~~of the Department of Environmental Resources Management~~]] or[[~~his~~]]>>the Director's<< designee, after evaluating the aforesaid monitoring data, determines that a reduction in wellfield pumpage is necessary to prevent contamination of the Northwest Wellfield, the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee shall impose water conservation restrictions in the unincorporated and incorporated areas of Miami-Dade County. These water conservation restrictions shall consist of one (1) of, or any combination of, the following:

(a) Ordering public utilities owning or operating public water systems to reduce water system pressure.

(b) Mandatory water conservation restrictions similar to the applicable water use restrictions set forth in the rules of the South Florida Water Management District, Chapter 40E-21, Florida Administrative Code, as may be amended from time to time.

The duration of these water conservation restrictions shall be determined by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee after [[~~period~~]] >>periodic<< evaluation of wellfield pumpage data and pertinent monitoring program data. The water conservation restrictions in effect may be subsequently

changed or rescinded by the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee after such periodic evaluation.

(10) *Land uses within the Northwest Wellfield protection area and West Wellfield Interim protection area.* Notwithstanding any provision of this Code, no County officer, agent, employee or [[~~B~~]]>>b<<oard shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), platting action (final plat, waiver of plat) or zoning action (district boundary change, unusual use, use variance, new use, similar use) for any land use within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, without obtaining the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee. Furthermore, 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 within the Northwest Wellfield protection area or within the West Wellfield Interim protection area without obtaining the prior written approval of the Director of the [[~~Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee.

The Director or [[~~his~~]]>>the Director's<< designee shall issue his written approval only if:

(a) The Director or [[~~his~~]]>>the Director's<< designee determines that the property is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area and the existing land use(s) for the property or the land use(s) requested for the property is one (1) or more of the land uses set forth in Table E-1 and the land use(s) is not a land use found exclusively in the following Miami-Dade County zoning classifications or that the zoning classification requested is not one (1) or more of the following Miami-Dade County zoning classifications:

(i) BU-3 (excluding those land uses permitted by BU-1, BU-1A or BU-2),

(ii) IU-1,

(iii) IU-2,

(iv) IU-3,

(v) IU-C, or

(b) The Director or [[~~his~~]]>>the Director's<< designee determines that the land use is not listed in Table E-1, the land use(s) is not set forth as a permitted use, special exception, unusual use or conditional use in Chapter 33 of this Code, the land use(s) is not a land use(s) found exclusively in the zoning classifications listed in Sections 24-43(10)(a)(i), (ii), (iii), (iv), (v), above the land use(s) is comparable to a land use(s) set forth in Table E-1, and the land use(s) will not have an adverse environmental impact on groundwater quality in the North Wellfield protection area and within the West Wellfield protection area. Notwithstanding the foregoing, the Director or [[~~his~~]]>>the Director's<< designee shall not determine that the land use is comparable to land use(s) set forth in Table E-1 if the land use is permitted in one (1) or more of the following Miami-Dade County zoning classifications and if the land

use is not permitted in one (1) or more Miami-Dade County zoning classifications which are less restrictive than the following BU-3; IU-1; IU-2; IU-3; and IU-C.

>>(i)<<In determining whether a land use is comparable to one (1) or more land use(s) set forth in Table E-1, the Director or [[~~his~~]]>>the Director's<< designee shall consider the following factors:

[[~~(i)~~]]>>1.<< The materials used, handled and stored, and the products and wastes produced;

[[~~(ii)~~]]>>2.<< The activities, processes and methods which are employed and utilized;

[[~~(iii)~~]]>>3.<< The machinery and other facilities utilized and maintenance requirements of said machinery and facilities;

[[~~(iv)~~]]>>4.<< Uses commonly attendant to or associated with the primary use.

>>(ii)<<In determining whether a land use does not or will not have an adverse environmental impact on the groundwater quality in the Northwest Wellfield protection area or within the West Wellfield protection area, the Director or [[~~his~~]]>>the Director's<< designee shall consider the following factors:

[[~~(v)~~]]>>1.<< The land use 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 water pollution within the Northwest Wellfield protection area or within the West Wellfield Interim protection area;

[[~~(vi)~~]]>>2.<< The use, generation, handling, disposal of, discharge or storage of hazardous materials will not occur within the Northwest Wellfield protection area or within the West Wellfield Interim protection area;

[[~~(vii)~~]]>>3.<< The only liquid waste (excluding stormwater) which will be generated, disposed of, discharged, or stored within the Northwest Wellfield protection area or within the West Wellfield Interim protection area shall be domestic sewage discharged to a public sanitary sewer or septic tank;

[[~~(viii)~~]]>>4.<< Stormwater runoff shall be retained on the property and disposed [[~~or~~]]>>of<< through infiltration drainage systems supplemented with seepage drainage systems, or

(c) The Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee determines that: The property is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area; the owner of the property is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit obtained prior to December 12, 1986, in the case of the Northwest Wellfield

protection area, or August 6, 1989, in the case of the West Wellfield Interim protection area, which permit has been valid and continuously in full force and effect since its issuance; the property is served or will be served by a public water main and public sanitary sewer no later than the date that the original certificate of use and occupancy or original municipal occupational license is issued; and the property is in compliance with Sections 24-43(4), (5) and (6) of this Code and was in compliance with Sections 24-43(4), (5) and (6) of this Code no later than the date of issuance of the aforesaid valid building permit.

TABLE E-1

Allowable Land Uses Within the Northwest Wellfield [[~~*Subarea 1*~~]] >>*Protection Area*<< [[~~*or Within the Northwest Wellfield Protection Area*~~]] *and Within the West Wellfield Interim Protection Area*

Land Use

Abstract title

Accounts, bookkeeping

Actuaries

Advertising office only; no printing

Agricultural use

Alcoholic beverage district, sales

Amusement, game room

Animals, birds, and tropical fish, retail only

Antique shops

Apparel sales, rentals

Apartment house

Appliance and fixture sales (no service)

Appraisers (no merchandise)

Archery range

Art gallery

Art goods and bric-a-brac shops

Artist studios

Auction sales (no hazardous materials)

Auditoriums

Bait and tackle shop

Bakeries, retail

Bakeries, wholesale

Banks

Barbecue restaurants, stands, pits (wood for cooking) drive-in theaters

Barbershop

Bars

Baseball field

Bath and massage parlors

Bathing beaches

Bicycle sales (no service)

Billiard parlor/pool hall

Bindery (books, publications, etc.)

Bingo

Boat piers, docks

Book store (new and used)

Bottled gas storage (liquefied petroleum gas and natural gas only)

Bowling alleys

Box lunches--Wholesale and retail with delivery trucks (no truck maintenance)

Broadcasting studios (radio and TV, including transmitting station and tower, incidental electrical generation by LP or natural gas only)

Business machines sales (typewriters, calculators, etc.) (no service)

Camps

Card club/public

Card shops

* * *

Water treatment plants (emergency electrical power by LP or natural gas only)

Wearing apparel stores (sales, rentals)

Wholesale salesrooms and attendant storage rooms (no hazardous materials)

(11) *Prohibition of resources recovery and management facility within wellfield protection areas.* Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant, modify or issue any permit (except for renewal of valid operating permits, issued pursuant to this chapter, no later than March 12, 1987), certificate of use and occupancy (except for changes in ownership), [[~~certificate of use and occupancy (except for changes in ownership),~~]] platting action (final plan, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any resource recovery and management facility within the Northwest Wellfield protection area or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well after December 12, 1986, unless said resource recovery and management facility was in operation and had obtained all other applicable permits prior to June 25, 1986 and obtained a valid operating permit issued pursuant to this chapter no later than March 12, 1987 or, in the case of a resource recovery and management facility within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, was in operation and had obtained all other applicable permits prior to the effective date of this ordinance.

Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant, modify or issue any permit (except for renewal of valid operating permits issued pursuant to this chapter, renewed no later than ninety (90) days after the effective date of this ordinance [Ordinance No. 89-80]), certificate of use and occupancy (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any resource recovery and management facility (unless the facility's primary purpose is to collect paper, glass, plastics or aluminum for transport out of the West Wellfield Interim protection area or the facility provides composting for on-site organic plant materials at plant nurseries) within the West Wellfield Interim protection area after the effective date of this ordinance [Ordinance No. 89-80], unless said resource recovery and management facility was in operation and had obtained all other applicable permits prior to the effective date of this ordinance [Ordinance No. 89-80] and obtained a valid operating permit issued pursuant to this chapter no later than ninety (90) days after the effective date of this ordinance [Ordinance No. 89-80].

Furthermore, 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 resource recovery and management facility within

the Northwest Wellfield protection area or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well after December 12, 1986, unless said resource recovery and management facility was in operation and had obtained all other applicable permits prior to June 25, 1986 and obtained a valid operating permit pursuant to this chapter, no later than March 12, 1987 or, in the case of a resource recovery and management facility within the outer wellfield protection zone of the South Miami Heights Wellfield Complex, was in operation and had obtained all other applicable permits prior to the effective date of this ordinance.

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 resources recovery and management facility within the West Wellfield Interim protection area after the effective date of this ordinance [Ordinance No. 89-80], unless said resource recovery and management facility was in operation and had obtained all other applicable permits prior to the effective date of this ordinance [Ordinance No. 89-80] and obtained a valid operating permit pursuant to this chapter, no later than ninety (90) days after the effective date of this ordinance [Ordinance No. 89-80].

* * *

TABLE B-1 Residential Property Served by Sanitary Sewers; Nonresidential Property Served by Sanitary Sewers and Not Using, Generating, Handling, Disposing, Discharging or Storing Hazardous Materials

Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well	*Maximum Allowable Sewage Loading for Property Not Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)*	*Maximum Allowable Sewage Loading for Property Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)*
More than 30 days	No additional restrictions	No additional restrictions
More than 10 days but not exceeding [[~~10~~]] >>30<<days	1600	No additional restrictions
More than 100 feet but not exceeding 10 days	850	1600
100 feet or less	0	0

* * *

Sec. 24-43.1. Liquid waste disposal and potable water supply systems.

(1) The intent and purpose of this section is to safeguard the public health, safety, and welfare by regulating liquid waste storage, disposal and treatment methods other than sanitary sewers and any source of potable water supply.

(2) No person shall discharge or cause, allow, permit, let or suffer to be discharged any liquid waste or other substance of any kind whatsoever into a septic tank other than domestic sewage.

(3) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any residential land use served or to be served by a septic tank or any source of potable water supply until the County or municipal officer, agent, employee or Board affirmatively determines that the residential land use will comply with one (1) or more of the requirements as set forth in Sections 24-43.1(3)(a), (b), (c), (d), (e), and (f) and Section 24-43.2(1) of this Code, and, additionally, that the property is not within a feasible distance for a public water main or public sanitary sewers.

Furthermore, 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 residential land use served or to be served by a septic tank or any source of potable water supply until the County or municipal officer, agent, employee or Board affirmatively determines that the residential land use will comply with one (1) or more of the requirements set forth in Sections 24-43.1(3)(a), (b), (c), (d), (e) and (f) and Section 24-43.2(1) of this Code, and, additionally, that the property is not within a feasible distance for a public water main or public sanitary sewers.

(a) Where public water is used:

(i) The minimum lot size for a single-family residence shall be fifteen thousand (15,000) square feet of unsubmerged land;

(ii) The minimum lot size for a duplex residence shall be twenty thousand (20,000) square feet of unsubmerged land;

(iii) The maximum sewage loading for all other residential uses shall be one thousand five hundred (1,500) gallons per day per unsubmerged acre; or

(b) Where public water is not used:

(i) The minimum lot size for a single-family residence shall be twenty thousand three hundred twenty-eight (20,328) square feet of unsubmerged land;

(ii) The minimum lot size for a duplex residence shall be twenty-nine thousand forty (29,040) square feet of unsubmerged land;

(iii) The maximum sewage loading for all other residential uses shall be seven

hundred fifty (750) gallons per day per unsubmerged acre; or

(c) In the case of a property owner who has requested to use a tract of land for a single-family residence or duplex residence but which tract of land fails to comply with the minimum lot size requirements of Section 24-43.1(3)(a)(i) or Section 24-43.1(3)(a)(ii) hereof and a public right-of-way containing an available and operative public water main or easement containing an available and operative public water main abuts said tract of land, the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee has issued his written approval for the use of a septic tank for such single-family residence or duplex residence. The Director or [[~~his~~]]>>the Director's<< designee shall issue his written approval only if he finds that said tract of land was created by deed prior to January 1, 1958, or was created by plat approved by the governmental authorities having jurisdiction prior to January 1, 1972, provided that said tract of land, as created by the originally recorded plat or [[~~originally recorded plat~~]] originally recorded deed, has continuously remained in the same form as set forth in the originally recorded plat or deed, or

(d) The Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee has issued his written approval for any residential land use served or to be served by a public water main and a septic tank. The Director or [[~~his~~]]>>the Director's<< designee shall issue his written approval only if he finds the following:

(i) That extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer is not within a feasible distance for public sanitary sewers, and

(ii) That more than fifty (50) percent of an area, consisting of a minimum of one-quarter (1/4) mile square extending a minimum of one-eighth (1/8) of a mile radially from the perimeter of the property, contains land uses served by septic tank(s) and a public water supply, and

(iii) That the property complies with the minimum lot size requirements and the maximum lot size requirements and the maximum daily domestic sewage flow (sewage loading) requirements of Chapter 10D-6 of the State of Florida Rules of the Department of Health and Rehabilitative Services as same may be amended from time to time, or has obtained a variance from the aforementioned requirements of Chapter 10D-6, and

(iv) The property was part of a recorded subdivision which was created by plat or deed but said subdivision has not continuously remained as a legally recorded subdivision and the size of each proposed lot is the same or larger than the lots set forth in the recorded subdivision, and

(v) That if the property is located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well, the property complies with Section 24-43(4)(a) and Section 24-43(4)(d) of this

Code, and

(vi) That residential land uses other than a single family residence or a duplex residence shall be in compliance with Sections 24-43.1(3)(a)(iii), or

(e) The Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee has issued [[~~his~~]] >>the Director's or the Director's designee's<< written approval for a platting action (final plat, waiver of plat, or equivalent municipal platting action) for a residential subdivision which was in existence prior to the effective date of this subsection served or to be served by a public water main and septic tanks. The Director or [[~~his~~]]>>the Director's<< designee shall issue his written approval only if>>the Director or the Director's designee<<[[~~he~~]] finds the following:

(i) The extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer is not within a feasible distance for public sanitary sewers, and

(ii) The original subdivision was created by deed prior to January 1, 1958, or was created by plat prior to January 1, 1972, provided that said tract of land, as created by the originally recorded plat or deed, has continuously remained in the same form as set forth in the originally recorded plat or deed, and

(iii) The individual lots created by the platting action fail to comply with the minimum lot size requirements of Sections 24-43.1(3)(a)(i) or Section 24-43.1(3)(a)(ii) hereof, and

(iv) The proposed subdivision of the originally recorded plat or deed will result in a subdivision containing less than or equivalent number of lots as the original subdivision described in subsection Section 24-43.1(3)(e)(ii), and

(v) That residential land uses other than a single-family residence or a duplex residence shall be in compliance with Section 24-43.1(3)(a)(iii), or

(f) The Director [[~~of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee has issued [[~~his~~]] >>the Director's or the Director's designee's<< written approval for a platting action (final plat, waiver of plat or equivalent municipal platting action) for a residential subdivision which was not in existence prior to the effective date of this subsection which subdivision is served or to be served by a public water main and septic tanks. The Director or [[~~his~~]]>>the Director's<< designee shall issue [[~~his~~]] >>the Director's or the Director's designee's<< written approval only if >>the Director or the Director's designee<< [[~~he~~]] finds the following:

(i) The extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer is not within a feasible distance for public sanitary sewers, and

(ii) The number of lots in the subdivision created by the platting action is derived by dividing the gross area of the property by the minimum lot size for a

single-family residence or duplex residence as set forth in Sections 24-43.1(3)(a)(i) and 24-43.1(3)(a)(ii) hereof, and

(iii) At least one-fourth (1/4) of the lots in the subdivision exceed the minimum lot size requirements set forth in Section 24-43.1(3)(a)(i) and Section 24-43.1(3)(a)(ii) hereof and the remaining three-fourths >>(3/4)<< of the lots are equal to or exceed ninety-five (95) percent of the lot size requirement set forth in Sections 24-43.1(3)(a)(i) and Section 24-43.1(3)(a)(ii).

In calculating the square footage of lots in Sections 24-43.1(a), (b), (c), (d), (e) and (f) above, abutting easements and rights-of-way shall be considered to the center lines thereof.

(4) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit (except building permits for repair and maintenance of existing facilities), certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any nonresidential land use served or to be served by any source of potable water supply and a septic tank without obtaining the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or[[~~his~~]]>>the Director's<< designee.

Furthermore, 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 nonresidential land use served or to be served by any source of public water supply and a septic tank without obtaining the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee.

The Director or [[~~his~~]]>>the Director's<< designee shall issue [[~~his~~]] >>the Director's or the Director's designee's<< written approval if the only liquid waste (excluding liquid wastes associated with the processing of agricultural produce in agricultural packing houses and liquid wastes associated with agricultural vehicle or, agricultural equipment maintenance facilities, stormwater and water used within a self-contained water recycling car wash facility, provided said facility does not backwash the recycling filters) which shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into a septic tank and additionally, that the property is not within a feasible distance for public water mains and public sanitary sewers, and only:

(a) After the owner of the property (excluding property upon which an agricultural vehicle or agricultural equipment maintenance facility operates) submits to the Director or [[~~his~~]]>>the Director's<< designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which provides that the only liquid waste (excluding liquid wastes associated with the processing of agricultural produce in agricultural packing houses and liquid wastes associated with agricultural vehicle or agricultural equipment maintenance facilities, stormwater and water used within a self-contained water recycling car wash facility,

provided said facility does not backwash the recycling filters) which shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into a septic tank. Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded by the Department [[~~of Environmental Resources Management~~]] at the expense of the owner of the property; and

(b) If the Director or [[~~his~~]]>>the Director's<< designee determines that the proposed nonresidential land use is in accordance with the following:

(i) Where public water is used the maximum allowable sewage loading shall be one thousand five hundred (1,500) gallons per day per unsubmerged acre, or

(ii) Where public water is not used the maximum allowable sewage loading shall be seven hundred fifty (750) gallons per day per unsubmerged acre.

In calculating the square footage of lots in Sections 24-43.1(b)(i) and (ii) above, abutting easements and rights-of-way shall be considered to the center lines thereof; and

(c) If the Director or [[~~his~~]]>>the Director's<< designee determines that the existing nonresidential land use for the property or the nonresidential land use requested for the property is served or to be served by an on site domestic well system and a septic tank and is not one (1) or more of the following nonresidential land uses:

(i) Establishments primarily engaged in the handling of food and drink except factory prepackaged products and agricultural crops,

(ii) Educational institutions,

(iii) Intermediate care facilities,

(iv) Health care facilities.

Notwithstanding the above, the Director or [[~~his~~]]>>the Director's<< designee shall approve the issuance of a building permit for the repair or maintenance of existing facilities.

(5) The following table shall be utilized by the [[~~d~~]]>>D<<irector or [[~~his~~]]>>the Director's<< designee to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter. If the Director or [[~~his~~]]>>the Director's<< designee receives competent factual data and information such as actual on-site measured sewage flows or actual metered water bills, the [[~~d~~]]>>D<<irector or [[~~his~~]]>>the Director's<< designee may utilize this data and information to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter in lieu of the table below. This table shall not be utilized for the sizing of septic tanks. Sizing of septic tanks shall be in accordance with Florida Statutes regarding septic tanks.

Type of Land Use, Gallons Per Day (GPD)

Residential Land Uses:

Single-family residence: 350 (GPD/unit)

Townhouse residence: 250 (GPD/unit)

Apartment residence: 200 (GPD/unit)

Mobile home residence: 300 (GPD/unit)

Duplex or twin home residence: 250 (GPD/unit)

Commercial Land Uses:

Barbershop: 10/100 (GPD/sq. ft.)

Beauty salon or hair boutique: 75 (GPD/chair)

Bowling alley: 100 (GPD/lane)

Dentist's office:

(a) Per dentist: 250 (GPD/dentist)

(b) Per wet chair: 200 (GPD/chair)

Physician's office: [[ɬ]] 250 (GPD/physician)

Full service restaurant (350 GPD minimum): 50 (GPD/seat)

Bar or cocktail lounge: 15 (GPD/seat)

Fast food restaurant (350 GPD minimum): 35 (GPD/seat)

Take-out restaurant (350 GPD minimum); 50/100 (GPD/sq. ft.)

Hotel or motel: 100 (GPD/room)

Office building: 10/100 (GPD/sq. ft.)

Motor vehicle service station: 10/100 (GPD/sq. ft.)

Shopping center (dry uses): 5/100 (GPD/sq. ft.)

Stadium, racetrack, ballpark: 3 (GPD/seat)

Store without food service: 5/100 (GPD/sq. ft.)

Theater:

(a) Indoor auditorium: 3 (GPD/seat)

(b) Outdoor drive-in: 5 (GPD/space)

Camper or trailer park: 150 (GPD/space)

Banquet halls: 25 (GPD/seat)

Car wash:

(a) Recycling-type: 750 (GPD/bay)

(b) Hand-type: 3,500 (GPD/bay)

Coin laundries: 225 (GPD/washer)

Country clubs: 25 (GPD/member)

Funeral homes: 10/100 (GPD/sq. ft.)

Gas station/mini-mart: 450 (GPD/unit)

Health spa/gyms: 35/100 (GPD/sq. ft.)

Veterinarian's office:

(a) Per veterinarian: 250 (GPD/vet)

(b) With kennels: 30 (GPD/cage)

Kennels: 30 (GPD/cage)

Marinas: 40 (GPD/slip)

Food preparation outlets (bakeries, meat markets, commissaries >>) << [[—]] >> (<<350 GPD minimum): 50 (GPD/sq. ft.)

Pet grooming:

(a) Store space: 10/100 (GPD/sq. ft.)

(b) Per tub: 75 (GPD/tub)

Industrial Land Uses:

Factory without showers: 10/100 (GPD/sq. ft.)

Factory with showers: 20/100 (GPD/sq. ft.)

Airport: 5 (GPD/passenger); 10 (GPD/employee)

House of worship: 3 (GPD/seat)

Hospital: 250 (GPD/bed)

Convalescent or nursing home: 150 (GPD/bed)

Park:

(a) With toilets only: 5 (GPD/person)

(b) With showers and toilets: 20 (GPD/person)

Other residential institution or facility (including adult congregate living units): 100(GPD/person)

School:

(a) Day care/nursery: 5 (GPD/student)

(b) Regular school: 10 (GPD/student)

(c) With cafeteria add: 5 (GPD/student)

(d) With showers add: 5 (GPD/student)

(e) Teachers and staff: 15 (GPD/person)

Public swimming facility: 10 (GPD/person)

Warehouse/industrial speculation building: 20/1000 (GPD/sq. ft.)

Storage warehouse or mini-warehouse: 5/1000 (GPD/sq. ft.)

(6) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee, or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main without obtaining the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee.

Furthermore, 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 nonresidential land use served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main without obtaining the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee.

The Director or [[~~his~~]]>>the Director's<< designee shall issue his written approval only if:

(a) The Director or [[~~his~~]]>>the Director's<< designee determines that the existing nonresidential land use for the property or the nonresidential land use for the property is a nonresidential land use served or to be served by a public water main and is not one (1) or more of the nonresidential land uses permitted under the following Miami-Dade County zoning classifications:

(i) BU-1A (excluding those land uses permitted by BU-1),

(ii) BU-2 (excluding those land uses permitted by BU-1),

(iii) BU-3 (excluding those land uses permitted by BU-1),

(iv) IU-1,

(v) IU-2,

(vi) IU-3,

(vii) IU-C, or

(b) The Director or [[~~his~~]]>>the Director's<< designee determines that the existing

nonresidential land use for the property or the nonresidential land use requested for the property is a nonresidential land use served or to be served by an on site domestic well system and is not an establishment primarily engaged in the handling of food and drink (except factory prepackaged products), educational institutions, intermediate care facilities and health care facilities and is not one (1) or more of the nonresidential land uses permitted under the following Miami-Dade County zoning classifications:

(i) BU-1A (excluding those land uses permitted by BU-1 except an establishment primarily engaged in the handling of food and drink (except factory prepackaged products), educational institutions, intermediate care facilities and health care facilities),

(ii) BU-2 (excluding those land uses permitted by BU-1 except an establishment primarily engaged in the handling of food and drink (except factory prepackaged products), educational institutions, intermediate care facilities and health care facilities),

(iii) BU-3 (excluding those land uses permitted by BU-1 except an establishment primarily engaged in the handling of food and drink (except factory prepackaged products), educational institutions, intermediate care facilities, and health care facilities),

(iv) IU-1,

(v) IU-2,

(vi) IU-3,

(vii) IU-C,

(viii) Unusual uses (excluding fruit and vegetable stands (no food or drinks processing) on a seasonal basis; lake excavation; concrete batching plant; concrete block plant; rock crushing and screening plant; filling of rock pits; rock quarries; radio and television towers and transmitting stations; trailers as watchman's quarters), or

(c) The owner of the property submits to the Director or [[~~his~~]]>>the Director's<< designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which provides that prior to the approval, granting or issuance of any building permit, certificate of use and occupancy (except for changes in ownership) or municipal occupational license (except for changes in ownership) the property shall be connected to a public water main and >>a<< public sanitary sewer[[~~s~~]]. Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenant shall be recorded in the public records of Miami-Dade County, Florida, by the Department [[~~of Environmental Resources Management~~]] at the expense of the owner of the property, or

(d) An application has been filed for certificate of use and occupancy or municipal

occupational license for a land use served or to be served by a public water main and any liquid waste storage, disposal or treatment method approved prior to September 30, 1983, or, an application has been filed for a certificate of use and occupancy or municipal occupational license for a land use served or to be served by an on site domestic well system and any liquid waste storage, disposal or treatment method other than public sanitary sewers approved prior to June 13, 1986, or

(e) The Director or [[~~his~~]]>>the Director's<< designee determines that the property is served or to be served by a public water main and is served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers, is in compliance with Sections 24-43.1(4)(a) and (b), and that the existing nonresidential land use for the property or the nonresidential land use requested for the property is one (1) or more of the nonresidential land uses permitted under the Miami-Dade County zoning classifications set forth in Sections 24-43.1(6)(a)(i), (ii), or (iii) above, and the owner of the property has executed a covenant running with the land in favor of Miami-Dade County which provides that the property shall only be used for those nonresidential uses permitted under Miami-Dade County zoning classification BU-1 until such time as the property is connected to public sanitary sewers. Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public records of Miami-Dade County, Florida by the Department [[~~of Environmental Resources Management~~]] at the expense of the owner of the property, or

(f) The Director or [[~~his~~]]>>the Director's<< designee determines that the property is served or is to be served by an on site domestic well system and is served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers, is in compliance with Sections 24-43.1(4)(a), (b) and (c), and that the existing nonresidential land use for the property or the nonresidential land use requested for the property is one (1) or more of the nonresidential land uses permitted under the Miami-Dade County zoning classifications set forth in Sections 24-43.1(6)(b)(i), (ii), or (iii) above, and the owner of the property has executed a covenant running with the land in favor of Miami-Dade County which provides that the property shall only be used for those nonresidential uses permitted under Miami-Dade County zoning classification BU-1 (excluding establishments primarily engaged in the handling of food and drink, except factory prepackaged products, educational institutions, intermediate care facilities and health care facilities) until such time as the property is connected to a public water main and a public sanitary sewer. Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public records of Miami-Dade County, Florida, by the Department [[~~of Environmental Resources Management~~]] at the expense of the owner of the property, or

(g) The Director or [[~~his~~]]>>the Director's<< designee determines that no portion of the property is located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the maximum day wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield,

Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the basic wellfield protection area of any public utility potable water supply well, that the owner of the property is applying for a land use prohibited by Section 24-43.1(6)(a) above, and:

(i) That extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer is not within a feasible distance for public sanitary sewers, and

(ii) That more than fifty (50) percent of an area, consisting of a minimum of one-quarter (1/4) mile square extending a minimum of one-eighth (1/8) of a mile radially from the perimeter of the property, contains land uses served by septic tank(s) and public water, and

(iii) That the property complies with Sections 24-43.1(4)(a) and (b), and

(iv) That if the nonresidential land use will handle, use, or store hazardous materials on the property then the water pollution prevention and abatement measures and practices set forth in Sections 24-43(5)(a)(i), (ii), (iii), (iv), and (v) of this Code shall be provided. Said water pollution prevention and abatement measures and practices shall be subject to the approval of the Director or [[~~his~~]]>>the Director's<< designee, and

(v) That the owner of the property submits to the Director or [[~~his~~]]>>the Director's<< designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which sets forth the nonresidential land uses to be allowed on the property served by septic tank(s). Said covenant shall only include the nonresidential land uses permitted by the existing Miami-Dade County or municipal zoning classification for the property or permitted by the Miami-Dade County or municipal zoning classification requested by the owner of the property and which are determined by the Director or [[~~his~~]]>>the Director's<< designee to generate, dispose of, discharge, or store only domestic sewage discharged into a septic tank and not to generate, dispose of, discharge, or store any other liquid waste except storm water or water used within a self-contained water recycling car wash facility, provided said facility does not backwash the recycling filters.

Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded by the Department [[~~of Environmental Resources Management~~]] at the expense of
the owner of the property, and

(vi) That the property is served or is to be served by a public water supply, or

(h) The Director or [[~~his~~]]>>the Director's<< designee determines that no portion of the property is located within the Northwest Wellfield protection area or within the West

Wellfield Interim protection area or within the maximum day wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the basic wellfield protection area of any public utility potable water supply well, that the owner of the property is applying for a land use prohibited by Section 24-43.1(6)(b)(i), (ii), and (iii) above, and:

(i) That extension of a public water main and public sanitary sewer(s) to serve the property from the nearest available point of connection to an available public water main and public sanitary sewers is not within a feasible distance for public water mains and public sanitary sewers.

(ii) That the property complies with Sections 24-43.1(4)(a), (b) and (c), and 24-43.1(6)(g)(v), and 24-43.2(1).

(iii) That the nonresidential land use will not use, generate, handle, dispose of, discharge or store hazardous materials on the property.

(iv) That the nonresidential land use(s) will not have an adverse environmental impact on groundwater quality within the property.

In determining whether a land use does not or will not have an adverse environmental impact on the groundwater quality within the property, the Director or [[~~his~~]]>>the Director's<< designee shall consider the following factors:

1. The land use 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 water pollution within the property;

2. The use, generation, handling, disposal of, discharge or storage of hazardous materials will not occur on the property;

3. The only liquid waste (excluding stormwater) which will be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged to a public sanitary sewer or septic tank;

4. Stormwater runoff shall be retained on the property and disposed [[~~or~~]] >>of<< through infiltration drainage systems supplemented with seepage drainage systems, or

(i) The Director or [[~~his~~]]>>the Director's<< designee determines that no portion of the property is located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the maximum day wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the basic wellfield protection area

[[~~or~~]] >>of<< any public utility potable water supply well, that >>the<< property is located within the boundaries of a sanitary sewer improvement district approved by the Board of County Commissioners or a municipal governing body, that the owner of the property is applying for a land use prohibited by subsection Section 24-43.1(6)(a) above, and

(i) That the property is served or will be served by a public water supply, and

(ii) That the property complies with the requirements of Section 24-43.1(4)(b), and

(iii) That if the nonresidential land use will generate, handle, store or use hazardous waste on the property then the water pollution prevention and abatement measures and practices listed below shall be provided. Said water pollution prevention and abatement measures and practices shall be subject to the approval of the Director or [[~~his~~]]>>the Director's<< designee.

1. Monitoring of groundwater, and

2. Secondary containment of hazardous wastes stored on the property, and

3. Disposal of hazardous wastes by a liquid waste transporter with a valid liquid waste transporters operating permit issued by the Director, and

4. Inventory control and recordkeeping of hazardous wastes generated or stored on the property, and

5. Stormwater management.

(iv) That if the nonresidential land use will generate, handle, use or store liquid wastes (excluding hazardous wastes and domestic sewage) on the property then the best management practices listed below shall be provided. Said best management practices shall be subject to the approval of the Director or [[~~his~~]]>>the Director's<< designee.

1. Disposal of liquid wastes, other than domestic sewage, by a liquid waste transporter with a valid liquid waste transporter operating permit issued by the Director, and

2. Inventory control and record keeping of liquid wastes, other than domestic sewage, generated and stored on the property.

(j) The Director or [[~~his~~]]>>the Director's<< designee determines that the property is located within the maximum day wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the outer wellfield protection zone of the South Miami Heights Wellfield Complex or within the basic wellfield protection area of any public utility potable water supply well, that the property is located within the boundaries of a

sanitary sewer improvement district approved by the Board of County Commissioners or a municipal governing body, that the owner of the property is applying for a land use prohibited by Section 24-43.1(6)(a) above, and

(i) That the property is served or is to be served by a public water supply, and

(ii) That the property complies with Section 24-43.1(4)(b), and

(iii) That the property complies with the requirements of Sections 24-43(5)(a), (b), >>and<< (c), and

(iv) That if the nonresidential land use will handle, generate, store, or dispose of liquid wastes (excluding hazardous wastes), other than domestic sewage discharged to a septic tank, on the property, then the following best management practices shall be provided:

1. Monitoring of groundwater, and

2. Secondary containment of liquid wastes stored on the property, and

3. Disposal of liquid wastes by a liquid waste transporter with a valid liquid waste transporter operating permit issued by the Director, and

4. Inventory control and recordkeeping of liquid wastes other than domestic sewage discharged to a septic tank, and

5. Stormwater management.

Said best management practices shall be subject to the approval of the Director or [[~~his~~]]>>the Director's<< designee, and

(7) Notwithstanding any provision of this Code, when an approved public gravity sanitary sewer or approved sanitary sewer force main is available and operative in a public right-of-way or easement abutting the property, the use of any liquid waste storage, disposal or treatment methods shall cease within ninety (90) days of the date that the Director or [[~~his~~]]>>the Director's<< designee determines that the approved public sanitary sewer is available and operative. Thereafter, all liquid wastes that are generated, handled, disposed of, discharged or stored on the property shall be discharged to an approved and operative gravity sanitary sewer or approved sanitary sewer force main except those liquid wastes, other than domestic sewage, that are permitted by this chapter to be generated, handled, treated or stored on the property. Notwithstanding the foregoing, graywater may, at the option of the property owner, be discharged to a graywater disposal system approved by the [[~~d~~]]>>D<<irector or [[~~his~~]]>>the Director's<< designee.

(8) Notwithstanding any provision of this Code, the use of any liquid waste storage, disposal or treatment methods (excluding public sanitary sewers and stormwater disposal methods) for any nonresidential land use within the Northwest Wellfield protection area, within the West Wellfield Interim protection area, the maximum day pumpage wellfield protection areas of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the outer wellfield protection zone of the South Miami Heights wellfield

complex or within the basic wellfield protection area of any public utility potable water supply well shall cease within six (6) months from the date that the Director or [[~~his~~]]>>the Director's<< designee determines that an approved public gravity sanitary sewer has been made available and operative in any portion of the public right-of-way or easement abutting the property, or the use of any liquid waste storage, disposal or treatment methods (excluding public sanitary sewers and stormwater disposal methods) for any nonresidential land use which exceeds the maximum allowable sewage loading permitted by Section 24-43.1(4)(b)of this Code, shall cease within six (6) months from the date that the Director or [[~~his~~]]>>the Director's<< designee determines that an approved public gravity sanitary sewer has been made available and operative in any portion of the public right-of-way or easement abutting the property. Thereafter, all liquid wastes that are generated, handled, disposed of, discharged or stored on the property shall be discharged to an approved and operative gravity sanitary sewer except those liquid wastes, other than domestic sewage, that are permitted by this chapter to be generated, handled, treated or stored on the property.

(9) Interim sewage treatment plants which serve any property within one-quarter (1/4) mile from a public sanitary sewer which ultimately discharges to a regional sewage treatment plant of the Miami-Dade Water and Sewer [[~~Authority~~]] Department shall cease operation when the aforesaid public sanitary sewer is made operable and available. The sewage flowing to the aforesaid interim sewage treatment plants shall be diverted and transmitted to public sanitary sewers for ultimate discharge to a regional sewage treatment plant of the Miami-Dade Water and Sewer [[~~Authority~~]] Department. Private interim sewage treatment plants shall cease to operate within six (6) months from the date the said public sanitary sewer is made operable and available. Public interim sewage treatment plants operated by a utility shall cease to operate within two (2) years from the date the said public sanitary sewer is made operable and available. The aforesaid one-quarter (1/4) mile distance shall be measured from the closest point of any of the properties served by the aforesaid interim sewage treatment plants and the nearest available point of connection within a public right of way or public easement to the aforesaid public sanitary sewer.

Sec. 24-43.2. Regulation of on-site domestic well systems and other water supply wells.

(1) *Regulation of on-site domestic well systems generally.*

(a) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit>>,<< certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any land use served or to be served by an on-site domestic well system without obtaining the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee.

Furthermore, 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 domestic well

system without obtaining the prior written approval of the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee.

Pursuant to the foregoing, the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]]>>the Director's<< designee shall issue [[~~his~~]] written approval only if the Director or [[~~his~~]]>>the Director's<< designee determines that:

(i) That the existing land use for the property or the land use requested for the property is in compliance with Section 24-43.1 of this chapter, and

(ii) That the installation of a public water main to serve the property from the nearest available point of connection to an available public water main is not within a feasible distance for public water mains, and

(iii) That the groundwater at the site does not require treatment in order to meet the primary drinking water quality standards specified in Chapter [[~~17.22~~]] >>62-55<<, Florida Administrative Code, as same may be amended from time to time, and

(iv) That the groundwater at the site does not contain more than two hundred fifty (250) milligrams per liter (mg/l) of chlorides at a depth of thirty (30) feet from ground elevation.

(b) No construction may be begun on any project within Miami-Dade County involving the construction of a well capable of withdrawing water without obtaining approval from the Director[[~~, Environmental Resources Management~~]]. No well that withdraws water in excess of five thousand (5,000) gallons per day from groundwater, surface water or any other water or waters of Miami-Dade County may be maintained or operated without a permit. All permit applications shall be filed with the Director, [[~~Environmental Resources Management,~~]] on forms provided by [[~~him~~]]>>the Director<< and shall include but shall not be limited to the following information:

(i) The name and address of the applicant (if the applicant is a corporation include the address of the principal business office);

(ii) The date the application is filed;

(iii) The source of water supply (if the water is from a lake, spring, river, stream or other source of surface water the name generally given to the source by the people in the vicinity. If the water is from a groundwater source this fact shall be stated on the application);

(iv) The quantity of water applied for;

* * *

(xi) The signature of the applicant or his agent (if the signer is signing in a representative capacity he shall attach proof of his authority--in the case of a

corporation, governmental body or public utility the applicant shall attach a certified copy of the authority under which the application is made);

(xii) Other information as may be requested by the Department.

(2) *Conditions for a well permit.*

(a) In order to obtain a well permit an applicant must show that the intended use:

(i) Is a reasonable, beneficial use, and

(ii) Will not interfere with any legal use of water existing at the time of the application, including both exempted domestic uses and uses exercised under the authority of a valid permit, and

(iii) Is consistent with the public interest.

(b) In determining whether a use is consistent with the public interest, the Director[[~~, Environmental Resources Management,~~]] may consider the following factors:

(i) The maximum economic development of the water resources consistent with present and future uses;

(ii) The control of such waters for such purposes as environmental protection, drainage, flood control and water storage;

(iii) The quantity of water available for application to a reasonable-beneficial use;

(iv) Preservation of wasteful, uneconomic, impractical or unreasonable uses of water resources;

(v) The preservation and enhancement of water quality of the County and the provisions of the water quality standards and classifications established pursuant to Chapter 24 of the Code of Miami-Dade County;

(vi) The County's water resources policy as expressed in Chapter 24 of the Code;

(vii) The availability and proximity of public water supply; and

(viii) The satisfaction of the requirements of Section 24-43.3 of the Code.

(c) The Director may reserve water from use by permit applicants in such locations and quantities and for such seasons of the year as may reasonably be necessary to protect the public health, safety or fish and wildlife. Such reservations shall be subject to periodic review and revision in light of changed conditions except that all legal uses of water existing at the time of the reservation shall not be subject to this regulation so long as such uses are not contrary to the public interest. Any applicant aggrieved by an action of the Director[[~~, Environmental Resources Management,~~]] >>or the Director's designee<<may appeal to the Environmental Quality Control Board under the procedures and standards set forth in Section 24-11 of the Code.

(3) *Permits for existing uses.* All uses of water in existence before the effective date of this section, unless otherwise exempted from regulation by law, may be continued after the adoption of this permit system. A permit for any existing use shall be issued upon proper

application. Failure to apply for a permit for any existing use for one (1) year after the effective date of this ordinance shall constitute an abandonment of the right granted by this section.

Notwithstanding the above, when an approved public water main has been made available and operative in any portion of the public right-of-way or easement abutting the property, the use of any on site domestic well system shall cease and connection shall be made to a public water main within [[~~six (6) months~~]]>>ninety (90) days<< from the date that the Director or [[~~his~~]] >>the Director's<< designee determines that the approved public water main is made available and operative, and

(a) The existing sewage loading on the property exceeds the maximum allowable sewage loading permitted by Sections 24-43.1(3) or 24-43.1(4)(b) of this Code, or

(b) The groundwater quality for the property exceeds the potable water standards in Section 24-43.3(2) of this chapter.

(4) *Competing applications.*

(a) If two (2) or more applications, otherwise in compliance with the provisions of this chapter, are pending for a quantity of water that is inadequate for both (or all) or which for any other reason are in conflict, the Director[[~~, Environmental Resources Management,~~]] shall have the right to modify or approve the application or applications to best serve the public interest. In considering the relative benefit to be derived by the public from such proposed uses of water the Director may within the same type of use and source consider the following:

(i) Public users should be preferred over private users;

(ii) Economically more productive uses should be preferred over less productive uses;

(iii) The purposes expressly declared to be in the public interest in Chapter 24 of the Code should be given primary consideration.

* * *

(10) *Definitions.*

(a) *Domestic use* [[~~means~~]]>>shall mean<< any use of water for individual personal needs or for household purposes such as drinking, bathing, eating, cooking or sanitation.

(b) *Emergency* [[~~means~~]]>>shall mean<<that situation where the public health, safety or welfare or the health of animals, fish or aquatic life or of a public water supply or recreational, commercial, industrial, agricultural or other reasonable use of water is immediately in danger or threatened by an insufficient supply, restricted source, deleterious quality or other conditions of the water within the County.

(c) *Director* [[~~*or DERM* means~~]]>>shall mean<<the Director of the Department of Environmental Resources Management with powers as provided by Section 24-7 of the Code.

(d) *Groundwater* [[~~means~~]]>>shall mean<<water beneath the surface of the ground whether or not flowing through known and definite channels.

(e) *Person* [[~~means~~]]>>shall mean<<any and all persons including but not limited to any individual, firm, association, organization, partnership, business trust, corporation, company, United States of America, the State of Florida and all the municipalities and public agencies thereof located within Miami-Dade County.

(f) *Reasonable-beneficial use* [[~~means~~]]>>shall mean<<the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.

(g) *Surface water* [[~~means~~]]>>shall mean<<water upon the surface of the earth whether contained in bounds created naturally or artificially or diffused. Water from a natural spring or well shall be classified as surface water when it exits from the spring or well onto the earth's surface.

(h) *Water or waters of the County* [[~~means~~]]>>shall mean<<any and all waters on or beneath the surface of the ground including natural or artificial water courses, lakes, ponds or diffused surface water and water percolating, standing or flowing beneath the surface of the ground as well as all coastal waters in the geographic boundaries of Miami-Dade County, Florida.

(i) *Water shortage* [[~~means~~]]>>shall mean<<that situation within all or part of Miami-Dade County, Florida wherein insufficient water is available to meet the requirements of the permit system or where the conditions are such as to require temporary reduction in the total use within the area to protect water resources from serious harm.

(j) *Well* [[~~means~~]]>>shall mean<<any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of groundwater or removal of water from beneath the ground. The term well does not include sandpoint wells or any wells for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or the inserting of media to dispose of oil brines or to repressure an oil or natural gas-bearing formation or for storing petroleum, natural gas or other products.

Sec. 24-43.3. Potable water standards.

(1) GENERAL PROHIBITIONS. It shall be unlawful for any person, firm, corporation, private or public utility, to cause, permit or otherwise allow any potable water supply to breach the values set forth in Section 24-43.3(2).

(2) POTABLE WATER STANDARDS FOR MIAMI-DADE COUNTY.

(a) Bacteriological quality; sampling. Compliance with the bacteriological requirements of these standards shall be based on examinations of samples collected at representative points throughout the distribution system. The frequency of sampling and the location of sampling points shall be established by the [[~~DERM~~]]>>Director

or the Director's designee<< after investigation of the source, method of treatment, and protection of the water concerned. In no event shall the frequency be less than as set forth below:

TABLE INSET:

* * *

(b) Laboratories in which water examinations are made for required reports shall be subject to inspection at any time by the [[~~DERM~~]]>>Director or the Director's designee<<.

* * *

(d) Physical characteristics; sampling. The frequency and manner of sampling shall be determined by the [[~~DERM~~]]>>Director or the Director's designee<<. Under normal circumstances the [[~~DERM~~]]>>Director or the Director's designee<<may require that samples be collected one (1) or more times per week from representative points in the distribution system and examined for turbidity, color, threshold odor, and taste.

(e) Physical limits. The water shall contain no impurity which would cause offense to the sense of sight, taste, or smell. Under general use, the following limits shall not be exceeded:

Turbidity--5 nephelometric turbidity units

Color--15 units

Threshold odor number--3

(f) Chemical characteristics; sampling. The frequency and manner of sampling shall be determined by the [[~~DERM~~]]>>Director or the Director's designee<<. Under normal circumstances, analyses for substances listed in Section 24-43.3(2)(h) need be made only annually. If, however, there is some presumption of unfitness because of the presence of undesirable elements, compounds, or materials, periodic determinations for the suspected toxicant or material shall be made more frequently and an exhaustive sanitary survey shall be made to determine the source of the pollution. Where the concentration of a substance is not expected to increase in processing and distribution, available and acceptable source water analyses performed in accordance with standard methods may be used as evidence of compliance with these standards.

(g) Chemical limits. The water shall not contain impurities in concentrations which may be hazardous to the health of the consumers. It should not be excessively corrosive to the water supply system. Substances used in its treatment shall not remain in the water in concentrations greater than required by good practice. Substances which may have deleterious physiological effect, or for which physiological effects are not known, shall not be introduced into the system in a manner which would permit them to reach the consumer. Each public water supply utility shall test the finished water produced by each of its water treatment plants on an annual basis for the materials identified as priority pollutants by the United States Environmental Protection Agency as set forth in Schedule A, attached hereto and made a part hereof [but not

reproduced at length herein], and such other materials as may be designated by the [[~~DERM~~]]>>Director or the Director's designee<<. Each of the other community water systems shall test the finished water produced by its water treatment system every third year for the aforesaid materials identified as priority pollutants by the United States Environmental Protection Agency, and such other materials as may be designated by the [[~~DERM~~]]>>Director or the Director's designee<<. The first of the previously mentioned analyses shall be performed, and the results submitted to the [[~~DERM~~]]>>Director or the Director's designee<<, no later than one hundred fifty (150) days after the effective date of Ordinance No. 84-41. Subsequent analyses shall be performed, and the results submitted to the [[~~DERM~~]]>>Director or the Director's designee<<, no later than July first of the respective year.

Analyses conducted to determine compliance with this section shall be made in accordance with an analytical method acceptable to [[~~DERM~~]]>>the Director or the Director's designee<<in accordance with Schedule A, attached hereto and made a part hereof, and at the detection limits achievable using the specific technique. The laboratory performing these tests shall have appropriate experience in these types of drinking water analyses and shall be certified by the State of Florida [[~~Department of Health and Rehabilitative Services (DHRS)~~]].

After submittal of the test results to the utilities and community water systems for their review and comments at a public workshop, [[~~DERM~~]]>>the Director or the Director's designee<<shall make available to the public thirty (30) days thereafter an annual publication of the test results. Said publication shall contain the test results of all public water supply utilities and other community water systems in Miami-Dade County including comments regarding the test results by the utilities and community water systems.

(h) The following chemical substances shall not be present in a water supply in excess of the listed concentrations:

Substance	*Concentration in mg/l*
Arsenic (A[[~~S~~]]>>s<<).....	0.01
Chloride (C[[~~I~~]]>>l<<).....	250
Copper (C[[~~U~~]]>>u<<).....	1.0
Cyanide (C[[~~N~~]]>>n<<).....	0.01
Iron (F[[~~E~~]]>>e<<).....	0.3
Manganese (M[[~~N~~]]>>n<<).....	0.05
Methylene [[~~b~~]]>>B<<lue [[~~a~~]]>>A<<ctive [[~~s~~]]>>S<<ubstances (MBA[[~~s~~]]>>S<<).....	0.5
Nitrate Nitrogen (NO_3--N).....	10
Phenols.....	0.001

///

Sulphate (SO_4).....	250
Total dissolved solids.....	500
Zinc (Z[[~~N~~]]>>n<<).....	5

(i) The presence of the following substances in excess of the concentrations listed shall constitute grounds for rejection of raw water supply:

Substance	*Concentration in mg/l*
Arsenic (A[[~~S~~]]>>s<<).....	0.05
Barium (B[[~~A~~]]>>a<<).....	1.0
Cadmium (C[[~~D~~]]>>d<<).....	0.01
Chromium (hexavalent) (CR [[~~+~~ °]]>>(VI)<<).....	0.05
Cyanide (C[[~~N~~]]>>n<<).....	0.2
Lead (P[[~~B~~]]>>b<<).....	0.05
Selenium (S[[~~E~~]]>>e<<).....	0.01
Silver (A[[~~G~~]]>>g<<).....	0.05
Mercury>>(Hg)<<.....	0.002
Nitrate ([[~~ASN~~]]>>as N<<).....	45

* * *

(k) All public water supply systems shall employ an approved method of disinfection acceptable to the [[~~DERM~~]]>>Director or the Director's designee<<. Such disinfection shall be accomplished continuously in such a manner as to assure the continued feeding of the disinfection agent.

(i) Those systems utilizing gas chlorine shall provide duplex systems that will assure the continued application of chlorine to the water even as containers are expended and replaced;

(ii) Those systems utilizing chlorine shall maintain a minimum three-tenths (0.3) milligrams per liter as free chlorine throughout its distribution system. In no case shall a chlorine residual in excess of two (2.0) milligrams per liter be maintained in the distribution system;

(iii) Utilization of other methods of disinfection acceptable to the [[~~DERM~~]]>>Director or the Director's designee<<shall have established limits set by the[[~~DERM~~]]>>Director<<;

(iv) The minimum amount of chlorine to be stored at the water treatment facility or immediately accessible to the facility shall be a thirty-day supply. In lieu of this requirement the utility may provide to the [[~~DERM~~]]>>Director or the

Director's designee<<copies of long term contracts indicating available quantity together with transportation contracts;

(v) All public water supply systems shall provide to the [[~~DERM~~]]>>Director or the Director's designee<<breakpoint chlorination curves for:

1. All individual wells which are used as a supply of raw water;

2. Composite breakpoint curves for the raw water supply used for average and maximum day demand.

* * *

(p) By-passing unlawful. Where a potable water treatment facility has been provided, it shall be unlawful to by-pass the facility or any part thereof. In the event of an emergency, the supplier may temporarily utilize a by-pass. However, it shall be unlawful to fail to immediately notify the [[~~DERM~~]]>>Director or the Director's designee<<of such an emergency. Such notification shall not be a defense to any civil liability under this chapter.

* * *

(s) Facilities in actual use and operation as of the date of the enactment of this section which exceed the criteria set forth in any of the provisions of Section 24-43.3 hereof, certified by a competent state or county agency as a present or potential health hazard, shall be designated by the Director, [[~~Environmental Resources Management,~~]] as priority public water supply areas. Upon such designation the Miami-Dade County Water and Sewer [[~~Authority~~]] >>Department<< and the County Manager shall initiate proceedings for the creation of a special taxing district for public water system for the elimination of the potable water wells therein or take such other commensurate steps as to assure the elimination of the potable water wells therein, on a timely basis.

(t) All treatment facilities shall be designed to have a treatment capacity equal to maximum day demand.

(u) Any cross-connections in the treatment facility or distribution system are to be eliminated upon direction of the Director, Environmental Resources Management. In the event such a cross-connection is maintained by a user after an order to disconnect is given by the [[~~DERM~~]]>>Director or the Director's designee<<, [[he]]>>the Director or the Director's designee<< may order the discontinuance of service by the utility to the user until the cross-connection is eliminated.

(v) No water supply well shall be constructed or used until a written approval from the [[~~DERM~~]]>>Director or the Director's designee<<has been received by the owner and/or driller of the well:

(i) The [[~~DERM~~]]>>Director or the Director's designee<<shall be notified by the well driller at least twenty-four (24) hours prior to initiating construction of a permitted well;

* * *

(ix) Pump houses or pump pits shall be constructed so as to provide for positive drainage. Where such is not possible sump pumps or an alternative acceptable to the [[~~DERM~~]]>>Director or the Director's designee<<shall be provided. Such systems shall be installed as duplex systems;

* * *

(xviii) The minimum separation between a well or wells and possible sources of contamination shall be a function of the drawdown and radius of influence of the well or wells. It shall be the responsibility of the design engineer to present data showing the radius of influence and drawdown together with a sanitary survey of the area influenced by the well. Such a survey shall extend one-half (1/2) mile beyond the radius of influence of the well field. In the cases involving multiple wells the interference among wells shall be determined. It shall be the design engineer's responsibility to show that the top thirty (30) feet of the aquifer is not tapped by the well(s). In no case shall the well be located less than one hundred (100) horizontal feet from any source of contamination. However the [[~~DERM~~]]>>Director or the Director's designee<<shall have the power to require additional spacing when conditions justify;

* * *

(xxii) Once the well has been evacuated in accordance with subsection (21), a series of twenty (20) or more daily samples, twenty (20) series, shall be collected and submitted to the Division of Health laboratory, the well being pumped for a minimum of thirty (30) minutes each day at its proposed capacity just prior to collecting the samples. At the discretion of the [[~~DERM~~]]>>Director or the Director's designee<<the samples may be reduced to duplicate daily samples for a minimum of ten (10) days. Such samples will necessitate pumping for a minimum of thirty (30) minutes as indicated above;

(xxiii) Interpretation of the laboratory results in the well survey will be made in accordance with applicable parts of the water supply standards;

(xxiv) Once the series of twenty (20) or more consecutive satisfactory samples have been collected a complete analysis shall be performed of the raw water for both physical and chemical characteristics of the complete analysis shall be furnished to the [[~~DERM~~]]>>Director or the Director's designee<<.

DIVISION 3. CONTAMINATED SITE CLEANUPS

Sec. 24-44. Clean-up Target Levels (CTLs) and Procedures for Site Rehabilitation Actions (SRAs).

(1) STATE PROGRAM CONTAMINANT CLEAN-UP TARGET LEVELS (CTLs) AND PROCEDURES.

(a) For contaminants subject to Chapter 62-770, F.A.C., the CTLs and SRA procedures set forth in Chapter 62-777 and 62-770, Florida Administrative Code (F.A.C.) shall apply.

(b) For sites which have entered into a Brownfields Site Rehabilitation Agreement with the Department [[~~of Environmental Resources Management~~]] or the Florida Department of Environmental Protection pursuant to Chapter 62-785, F.A.C., the CTLs and SRA procedures set forth in Chapter 62-777 and 62-785, F.A.C. shall apply.

(c) For contaminants subject to Chapter 62-782, F.A.C., the CTLs and SRA procedures set forth in Chapter 62-777 and 62-782, F.A.C. shall apply.

(d) For lands owned by the state university system, the risk-based clean-up criteria as described in 376.3071, 376.3078, and 376.81, Florida Statutes, shall apply.

(2) CLEAN-UP TARGET LEVELS (CTLs) AND PROCEDURES FOR SITES OR CONTAMINANTS OTHER THAN THOSE IDENTIFIED IN SECTION 24-44 (1)

(a) Intent. To protect human health, public safety and environmental resources using risk-based corrective action strategies and to establish the point at which a site rehabilitation action is determined to be accomplished.

(b) The acceptable level of protection for the establishment of human health based CTLs shall be a lifetime excess cancer risk level of one in one million (1.0E-06) and a hazard quotient of one (1) or less. In addition, the CTLs shall be established to protect aquatic life and to prevent nuisance conditions as applicable.

(c) Applicability. The CTLs set forth in this section are not effluent standards and are not for the purpose of disposal or reuse.

The CTLs and SRA procedures set forth in this section shall not apply to those contaminants that are subject to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986, the Resource Conservation and Recovery Act, the federal Hazardous and Solid Waste Amendments of 1984, or the Toxic Substance Control Act of 1976.

In addition, the soil CTLs set forth in Section 24-44(2)(f)(v)2. shall not apply to contaminants in soil that are present as a result of the application of registered pesticides that were applied in accordance with state and federal law and the EPA approved applicable registered labels. In making a determination of the applicability of CTLs pursuant to this provision, the party or parties responsible for SRAs shall provide records substantiating such pesticide applications to [[~~DERM~~]]>>the Department<< upon request. Notwithstanding the foregoing provisions of Section 24-44(2)(b), if groundwater contains contaminants above the groundwater CTLs set forth in Section 24-44(2)(f)(v)1. as a result of the pesticide application, then the CTLs and SRA procedures set forth in Section 24-44(2) shall apply.

* * *

(f) The Clean-up Target Levels are as follows:

(i) The groundwater and surface water CTLs are set forth in Section 24-44(2)(f)(v)1. The groundwater CTLs are equivalent to the numerical standards set forth in Section 24-43.3(2)(h) of this chapter. For contaminants not listed in Section 24-43.3(2)(h), the groundwater CTLs are equivalent to the numerical standards set forth in Chapter 62-550, F.A.C., Table 1, Table 2, Table 3, Table 4, Table 5 and Table 6, as same may be amended from time to time.

For contaminants not listed in Section 24-43.3(2)(h) or Chapter 62-550, F.A.C., Table 1, Table 2, Table 3, Table 4, Table 5 and Table 6, as same may be amended from time to time, groundwater CTLs are based upon the protection of human health and the prevention of nuisance conditions as set forth in Section 24-44(2)(b). The groundwater CTLs have been established using the procedures, equations and input parameters set forth in the DERM Technical Report: "Development of Clean-up Target Levels (CTLs) for Chapter 24 of the Code of Miami-Dade County, Florida" (dated September, 2005).

The surface water CTLs are equivalent to the water quality standards set forth in Section 24-42(4) of this chapter.

For contaminants not listed in Section 24-42(4), the surface water CTLs are based upon the protection of human health and aquatic life and the prevention of nuisance conditions as set forth in Section 24-44(2)(b). The surface water CTLs have been established using the procedures, equations and input parameters set forth in the DERM Technical Report: "Development of Clean-up Target Levels (CTLs) for Chapter 24 of the Code of Miami-Dade County, Florida" (dated September, 2005) and, as applicable, the numerical standards set forth in Chapter 62-302, F.A.C, as same may be amended from time to time.

Notwithstanding the foregoing provisions of Section 24-44(2)(f)(i), no groundwater or surface water CTLs shall be more stringent than the practical quantitation limits or naturally occurring background concentrations determined in a natural background concentration study which has been approved by the Director or the Director's designee.

(ii) The soil CTLs are set forth in Section 24-44(2)(f)(v)2.. The soil CTLs are based upon the protection of human health as set forth in Section 24-44(2)(b) and groundwater and surface water CTLs set forth in Section 24-44(2)(f)(v)1.. The soil CTLs have been established using the procedures, equations and input parameters set forth in the DERM Technical Report: "Development of Clean-up Target Levels (CTLs) for Chapter 24 of the Code of Miami-Dade County, Florida" (dated September, 2005). However, the applicable leachability-based soil CTLs may be exceeded if it is demonstrated to the satisfaction of the Director, or the Director's designee, that:

1. Leachate concentrations do not exceed the applicable groundwater or surface water CTLs set forth in Section 24-44(2)(f)(v)1., using a laboratory leaching procedure which simulates soil leachability and which has been approved by the Director[[s]] or the Director's designee; or

2. For soil that is and has been exposed to the elements (i.e., open ground, not covered by impermeable or semi-permeable cover) and subject to infiltration throughout the entire unsaturated zone for a minimum of two years, it has been subsequently demonstrated to the satisfaction of the Director, or the Director's designee, by a minimum of one year of groundwater monitoring data, that contaminants will not leach into the groundwater at concentrations that exceed the applicable groundwater or surface water CTLs set forth in Section 24-44(2)(f)(v)1. This demonstration shall consider site-specific characteristics such as the thickness of the unsaturated zone, depth and mass of soil contaminants, soil lithology, actual precipitation, concentration gradients, and the chemical and physical characteristics of the contaminants.

* * *

(v) Clean-up Target Levels (CTLs).

1. *Groundwater and Surface Water CTLs.*

Table 1 Groundwater and Surface Water Clean-up Target Levels

Contaminants	CAS #	Groundwater Criteria	Freshwater Surface Water Criteria	Marine Surface Water Criteria	Non-Cancer Target Organs/Systems or Effects#
Acenaphthene	83-32-9	20	3	3	-Liver
Acenaphthylene	208-96-8	210	*	*	-Liver
Acephate	30560-19-1	4	190	190	Cancer - Neurological
Acetone	67-64-1	6300	1700	1700	-Kidney -Liver - Neurological
Acetonitrile	75-05-8	42	20000	20000	-Mortality

* * *

Chloral hydrate	302-17-0	70**	NA	NA	-Gastrointestinal - Neurological
Chloramben	133-90-4	110	NA	NA	-Liver

Chlordane (total)	(i)	2	0.00059	0.00059	-Cancer -Liver
Chloride	16887-00-6	250000	500000	[[~~NA~~]]>>e<<	-None Specified
Chlorine	7782-50-5	4000	10	10	-Respiratory
Chlorine cyanide [or Cyanogen chloride]	506-77-4	350	1.4	1.4	-Neurological - Thyroid
Chlorite (sodium salt) [or Sodium chlorite]	7758-19-2	1000	29	29	-Developmental - Neurological

* * *

Norflurazon	27314-13-2	280	NA	NA	-Kidney -Liver - Thyroid
Octahydro-1,3,5,7-tetranitro-tetrazocine [or HMX]	2691-41-0	350	1300	1300	-Blood -Liver
Octamethylpyrophosphoramide	152-16-9	14	NA	NA	-Neurological
Oil and Grease	NOCAS	[[~~5~~]]>>5000<<	[[~~5~~]]>>5000<<	[[~~5~~]]>>5000<<	-None Specified
Oryzalin	19044-88-3	35**	NA	NA	-Adrenals -Blood - Kidney -Liver
Oxadiazon	19666-30-9	35	44	44	-Liver
Oxamyl	23135-22-0	200	8.5	8.5	-Body Weight
Paraquat	1910-42-5	3.2**	47	47	-Respiratory
Parathion	56-38-2	4.2**	0.04	0.04	-Neurological

* * *

White phosphorus	7723-14-0	0.1	NA	0.1	-Maternal Death - Reproductive
Xylenes, total	1330-20-7	20	370	370	-Neurological
Zinc	7440-66-6	5000	$e^{(0.8473[\ln H]+0.884)}$	86	-Blood
Zinc chloride	7646-85-7	2100	1.5	1.5	-Blood
Zinc phosphide	1314-84-7	2.1	NA	NA	-Body Weight
Zineb	12122-67-7	350	14	14	-Thyroid

>>CTLs are expressed in units of ug/l (ppb). <<

= These default Target Organ(s)/Systems or Effects are those reported to occur at the doses used to derive the referenced dose. Non-default Target Organ(s)/Systems or Effects may be justified through a detailed toxicological analysis of the chemicals present at a specific site.

* = There are no surface water standards for these individual polycyclic aromatic hydrocarbons.

Per Chapter 62-302, F.A.C., the surface water criterion for Polycyclic Aromatic Hydrocarbons (PAHs) shall apply to the total concentration of Acenaphthylene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(fluoranthene, Benzo(g,i,h) perylene, Benzo(k)fluoranthene, Chrysene,

Dibenzo(a,h,)anthracene, Indenol(1,2,3-cd)pyrene, and Phenanthrene.

** = Groundwater CTLs for Class C carcinogens with no cancer slope factor were developed using the referenced dose divided by a factor of 10, as described in the DERM Technical Report: Development of Cleanup Target Levels (CTLs) for Chapter 24[[~~, Miami-Dade County Code~~]]>>of the Code of Miami-Dade County<< (September 2005).

(a) = Freshwater surface water criterion for Ammonia based on un-ionized ammonia only. All other water criteria for ammonia are based on total ammonia.

(b) = The common name BHC is a misnomer for Hexachlorocyclohexane.

(c) = Criteria for Dioxins, as total 2,3,7,8-TCDD equivalents shall be compared to the total dioxin equivalents for chlorinated dioxin and dibenzofuran congeners using the approach set forth in the DERM Technical Report: Development of Cleanup Target Levels (CTLs) for Chapter 24 of the Code of Miami-Dade County (September 2005).

(d) = Surface water values protective of human health for Vinyl chloride calculated assuming continuous lifetime exposure from birth as described in the DERM Technical Report: Development of Cleanup Target Levels (CTLs) for Chapter 24 of the Code of Miami-Dade County (September 2005).

(e) = Not to exceed 10% above ambient, as set forth in Sec. 24-42(4).

(f) = Hardness-dependent as set forth in Chapter 62-302, F.A.C.

(g) = Criteria for these metals are measured as total recoverable metal. However, they may be applied as dissolved metals when, as part of a permit application, a dissolved metals translator has been established according to the procedures set forth in the document, "Guidance for Establishing a Metals Translator", Florida Department of Environmental Protection, December 17, 2001.

(h) = In the absence of concentration data specific for the III and VI valence states of chromium, total chromium concentrations in surface water shall be compared to the criteria for Chromium (hexavalent).

(i) = 12789-03-6 or 57-74-9

NA = Not available.

None Specified = Target organ(s) not available.

Note: Freshwater and marine surface waters, and groundwater at the point of discharge into surface water shall pass acute and chronic toxicity bioassay tests: The user shall consult the standard definitions for acute and chronic toxicity set forth in F.A.C. 62-302.200(1) and F.A.C. 62-302.200(4), respectively.

Table 2 Soil Clean-up Target Levels

		Direct Exposure		Leachability Based on			
Contaminants	**CAS #**	**Residential**	**Commercial/ Industrial**	**Groundwater**	**Fresh Surface Water**	**Marine Surface Water**	**Target Organs/Systems or Effects#**
Acenaphthene	83-32-9	2400	20000	2.1	0.3	0.3	-Liver
Acenaphthylene	208-96-8	1800	20000	27	NA	NA	-Liver
Acephate	30560-19-1	120	720	0.02	0.8	0.8	-Cancer - Neurological
Acetaldehyde	75-07-0	15	20	NA	NA	NA	-Nasal

* * *

Vernam	1929-77-7	51	510	0.1	0.2	0.2	-Body Weight
Vinyl acetate	108-05-4	320	1700	0.4	3	3	-Kidney -Nasal
Vinyl chloride (i)	75-01-4	0.2	0.8	0.007	0.02	0.02	-Cancer -Liver
Xylenes, total	1330-20-7	130	700	0.2	3.9	3.9	-Neurological
Zinc (b,c)	7440-66-6	26000	630000	***	(k)	***	-Blood
Zinc phosphide	1314-84-7	26	660	***	NA	NA	-Body Weight
Zineb	12122-67-7	4100	82000	19	0.7	0.7	-Thyroid

>>CTLs are << [[~~Values~~]] expressed >>in units of mg/kg (ppm)<< on a dry weight basis and rounded to two significant figures if >1 and to one significant figure if <1.

= These default Target Organ(s)/Systems or Effects are those reported to occur at the doses used to derive the referenced dose. Non-default Target Organ(s)/Systems or Effects may be justified through a detailed toxicological analysis of the chemicals present at a specific site.

* Contaminant is not a health concern for this exposure scenario.

** Direct exposure value based on acute toxicity considerations. This criterion is applicable in scenarios where children might be exposed to soils (e.g. residences, schools, playgrounds).

*** Leachability values may be derived using the SPLP Test to calculate site-specific SCTLs or may be determined using TCLP in the event oily wastes are present.

= Site concentrations for carcinogenic polycyclic aromatic hydrocarbons shall be converted to Benzo(a)pyrene equivalents before comparison with the appropriate direct exposure SCTL for Benzo(a)pyrene using the approach described in the DERM Technical Report: Development of Cleanup Target Levels (CTLs) for Chapter 24 [[~~, Miami-Dade County Code~~]]>>of the Code of Miami-Dade County<< (September 2005).

(a) = See discussion on the development of SCTLs for Ammonia in the DERM Technical Report: Development of Cleanup Target Levels (CTLs) for Chapter 24 of the Code of Miami-Dade County (September 2005).

(b) = Leachability values derived from USEPA Soil Screening Guidance (1996). These values were derived assuming soil pH 6.8. These leachability values are dependent upon both the metal concentration in soil and soil characteristics. Thus, if site-specific soil characteristics are different than the defaults, these leachability values may not apply. If this is the case, site-specific leachability values may be derived using methods such as TCLP or SPLP.

(c) = Phytotoxicity must be considered.

(d) = Residential direct exposure value from USEPA Revised Interim Soil Guidance for CERCLA Sites and RCRA Corrective Action Facilities. OSWER Directive 9355.4-12 (1994). The industrial direct exposure value was derived using methodologies set forth in USEPA "Recommendations of the Technical Review Workgroup for Lead for an Interim Approach to Assessing Risks Associated with Adult Exposures to Lead in Soil', December 1996; and in 'Blood Lead Concentrations of U.S. Adult Females: Summary Statistics from Phases 1 and 2 of the NHANES III', March 2002.

(e) = The SCTL for Dioxins, as total 2,3,7,8-TCDD equivalents should be compared to the total dioxin equivalents for chlorinated dioxin and dibenzofuran congeners using the

approach described in the DERM Technical Report: Development of Cleanup Target Levels (CTLs) for Chapter 24 of the Code of Miami-Dade County (September 2005).

(f) = The common name BHC is a misnomer for hexachlorocyclohexane.

(g) = Unless concentrations for both chromium III and VI are known, total chromium concentrations may be compared with direct exposures SCTLs for chromium VI.

(h) = Residential chronic SCTL for cadmium shall be used as a not-to-exceed value because the residential chronic SCTL for cadmium is indistinguishable from the SCTL based on acute toxicity.

(i) = Residential chronic SCTL for vinyl chloride calculated by adding prorated and non-prorated risks, as discussed in the DERM Technical Report: Development of Cleanup Target Levels (CTLs) for Chapter 24 of the Code of Miami-Dade County (September 2005).

(j) = 12789-03-6 or 57-74-9

(k) = Hardness-dependent fresh surface water CTLs shall be calculated using the site-specific hardness prior to calculating the leachability based upon fresh surface water CTLs or comparing the SPLP leachate concentrations.

None Specified = Target organ(s) not determined.

NA = Not available.

3. For contaminants not listed in Section 24-44(2)(f)(v), CTLs shall be established as set forth in Section 24-44(2)(f)(i) and Section 24-44(2)(f)(ii). The CTLs calculated pursuant to Section 24-44(2)(f)(v)3. shall be provided in a technical report approved by the Director or the Director's designee.

(g) All technical plans, reports, proposals, or studies shall be submitted by the party or parties responsible for SRAs in accordance with the written orders of the Director, or the Director's designee, or as set forth herein. The Director, or the Director's designee, shall review each technical plan, report, proposal, or study and approve, approve with modifications or disapprove the aforesaid in writing within sixty (60) calendar days from receipt of the submittal.

To facilitate a phased risk-based assessment process that is iterative and that tailors site rehabilitation actions to site-specific conditions, the party or parties responsible for SRAs may submit to [[~~DERM~~]]>>the Department<< for approval a proposal to establish applicable exposure factors and a risk management approach based upon land use at the site pursuant to the requirements set forth in Section 24-44(2)(k)(ii) and Section 24-44(2)(l)(ii).

(h) Site rehabilitation actions shall neither be, nor reasonably be expected to be, a source of pollution, as herein defined, or cause, or reasonably be expected to cause, a

nuisance as defined in Section 24-5, Section 24-27 or Section 24-28.

(i) Emergency response actions may be performed without prior approval from the Director, or the Director's designee, provided that these actions do not cause any adverse effects upon human health, public safety or the environment. The party or parties responsible for SRAs and performing the emergency response actions shall notify the Director, or the Director's designee, within 24 hours of the commencement of any such emergency response actions.

(j) Point of compliance, notification, source removal, and assessment procedures shall be as follows:

(i) The sampling points to determine compliance with Section 24-44(2) shall be as set forth in Section 24-44.1 herein. However, contamination may exist beyond the property boundary while clean-up, including natural attenuation in conjunction with appropriate monitoring, is proceeding.

(ii) When contamination exists beyond the property boundary of the site from which SRAs have been initiated the party or parties responsible for SRAs shall commence notification in accordance with the following:

1. Laboratory analytical results, which comply with appropriate quality assurance protocols pursuant to Chapter 62-160, F.A.C., that document the off-site contamination, shall be submitted to [[~~DERM~~]]>>the Department<< no later than ten (10) calendar days from the date that the laboratory analyses are completed. A site sketch shall be submitted along with the laboratory analytical data which indicates the locations where the samples were obtained that resulted in the confirmation of the contamination.

2. The property owners, residents, and tenants of any property onto or into which the contamination extends shall be notified within sixty (60) calendar days of the approval of the site assessment report. Notification shall include, but not be limited to, the following type of information: the type of contaminant and site remedy selected, a description of the location of the subject site, the name and address of the party or parties responsible for SRAs, and the name of a [[~~DERM~~]]>>Department<<contact. Persons receiving notice shall have thirty (30) calendar days upon receipt of the notice to comment on the assessment and the site remedy selected. Nothing herein shall preclude any persons from initiating a civil action as a result of said contamination.

(iii) Prior to site closure as set forth in Section 24-44(2)(k), source removal of free product and soil saturated with contaminants or free product is required, unless demonstrated through a feasibility study approved by the Director, or the Director's designee, that the source removal is neither cost effective nor technically feasible. Source removal of free product from a new discharge shall be initiated as soon as possible but, in any event, no later than seven (7)

calendar days after the discovery of free product. Source removal of free product from a previous discharge shall be initiated in accordance with the written orders of the Director, or the Director's designee, or the timeframes set forth in a source removal plan approved by the Director or the Director's designee.

Source removal of contaminated soils and saturated soils by excavation may be implemented at any time upon prior written notification by the party or parties responsible for SRAs to the Director or the Director's designee. Such notification shall be submitted to [[~~DERM~~]]>>the Department<<at least three (3) calendar days prior to performing the source removal by excavation. Excavated soils shall be disposed of in accordance with 40 CFR 261, 40 CFR 761, Chapter 62-701, F.A.C., Chapter 62-713, F.A.C., and any other applicable federal, state and local regulations. A source removal report shall be submitted to the [[~~d~~]]>>D<<epartment within sixty (60) calendar days of completion of the source removal. The source removal report shall describe all activities performed during the source removal including all analytical results as well as all disposal manifests.

When excavated soil is temporarily stored or stockpiled on site, the soil shall be secured in a manner which prevents human exposure to contaminated soil and prevents soil exposure to conditions which may facilitate the spread of contamination. Any excavation shall be secured to prevent accidental or intentional entry by the public and shall comply with applicable federal, state and local regulations. Contaminated soils may be stored on site for ninety (90) calendar days, unless otherwise ordered by the Director or the Director's designee. Prior to the expiration of the ninety (90) calendar day period, the soils shall be disposed of in accordance with this section.

(iv) The site assessment report shall include, but not be limited to: an investigation of the source(s) of contamination; an identification of the types of contaminants present; a determination of the extent and degree of contamination in all media which are impacted; a determination of the physical and environmental conditions and characteristics of the site and the underlying aquifer(s), if applicable; an identification of potential human and environmental receptors; and an evaluation of the current exposure and potential risk of exposure to those identified receptors. Groundwater sampling shall be performed less than two hundred seventy (270) calendar days before the submittal of the site assessment report.

The summary and conclusions of the approved site assessment report shall propose one of the following: no further action, no further action with conditions, monitoring only, risk assessment, or a remedial action plan.

(k) Site closure, in the form of a no further action or a no further action with conditions, shall be approved by the Director, or the Director's designee, when the CTLs or alternative CTLs established pursuant to Section 24-44(2)(f)(iii) and the requirements set forth in this section have been achieved.

(i) A no further action proposal shall be approved by the Director, or the Director's designee, if such proposal demonstrates that human health, public safety and the environment are protected and the following criteria are met:

1. Concentrations of contaminants detected in soil shall not exceed the lower of the direct exposure residential soil CTLs or the applicable leachability-based soil CTLs set forth in Section 24-44(2)(f)(v)(ii).The applicable leachability-based soil CTLs shall be the groundwater leachability-based CTLs. If surface waters are, or are reasonably expected to be, affected by contaminated groundwater, as demonstrated using monitoring well data, groundwater flow rate and direction, or fate and transport modeling, then the applicable leachability-based soil CTLs shall be the lower of the groundwater or the applicable freshwater or marine surface water leachability-based CTLs.

   Notwithstanding the foregoing provisions of Section 24-44(2)(k)(i)1, alternative residential direct exposure and leachability-based CTLs may be proposed in accordance with the procedures set forth in Section 24-44(2)(f)(iii)3. and Section 24-44(2)(f)(iii)4.

2. Concentrations of contaminants detected in groundwater shall not exceed the groundwater CTLs set forth in Section 24-44(2)(f)(v)1.

   If surface waters are, or are reasonably expected to be, affected by contaminated groundwater, as demonstrated using monitoring well data, groundwater flow rate and direction, or fate and transport modeling, then the groundwater CTLs shall be the lower of the groundwater CTLs or the applicable freshwater or marine surface water CTLs set forth in Section 24-44(2)(f)(v)1.

3. Concentrations of contaminants detected in surface water shall not exceed the applicable freshwater or marine surface water CTLs set forth in Section 24-44(2)(f)(v)1.

   Nothing herein shall supersede the rules governing Outstanding Florida Waters, aquatic preserves, areas of critical state concern and any other rules adopted pursuant to Section 403.061(34), Florida Statutes.

4. It is demonstrated that contaminants in sediments are not detected in concentrations, quantities, properties, levels or accumulations which are, or are reasonably expected to be, injurious to human, plant, animal, fish and other aquatic life, or property. This demonstration may be based, as applicable, on the Threshold Effects Levels published in the FDEP's guideline "Approach to the Assessment of Sediment Quality in Florida Coastal Waters" (dated November 1994), site specific bioassays, a site-specific risk assessment developed in accordance with Section 24-44(2)(1)(ii), or a combination thereof.

5. If more than one contaminant is present or contamination is present in more than one (1) medium, the human health-based CTLs shall be adjusted to achieve the following: for non-carcinogenic compounds affecting the same organ(s), the hazard index (sum of the hazard quotients) shall be one (1)or less; and for carcinogens, the cumulative lifetime excess cancer risk level (sum of the lifetime excess cancer risk levels for each carcinogenic contaminant) shall be 1.0E-06 or less.

(ii) A no further action with conditions proposal shall be approved by the Director, or the Director's designee, provided the following: the property owner of the location elects to implement institutional and, if applicable, engineering controls; it is demonstrated, using site-specific data, modeling results, risk assessment studies, risk reduction techniques or a combination thereof, that human health, public safety and the environment are afforded protection equivalent to that provided in Section 24-44(2)(f)(i) and Section 24-44(2)(f)(ii); and the following criteria are met:

1. For contaminants detected in soil, a proposal for alternative soil CTLs shall be submitted to the [[~~d~~]]>>D<<epartment and shall achieve one of the following or a combination of the following:

a. Concentrations of contaminants detected in soil shall not exceed the lower of the industrial direct exposure soil CTLs set forth in Section 24-44(2)(f)(v)2. or the applicable leachability-based soil CTLs, set forth in Section 24-44(2)(f).

The applicable leachability-based soil CTLs shall be the groundwater leachability-based CTLs or alternative groundwater leachability-based CTLs derived in accordance with Section 24-44(2)(k)(ii)1c and Section 24-44(2)(k)(ii)2. If surface waters are, or are reasonably expected to be, affected by contaminated groundwater, as demonstrated using monitoring well data, groundwater flow rate and direction, or fate and transport modeling, then the applicable leachability-based soil CTLs shall be the lower of the groundwater or the applicable freshwater or marine surface water leachability-based CTLs.

If a marine surface water is, or is reasonably expected to be, affected by contaminated groundwater, and no other property or fresh surface water bodies are located between the source property boundary and the marine surface water body and the groundwater on-site is not utilized, then the applicable leachability-based soil CTLs shall be the marine surface water leachability-based soil CTLs.

Notwithstanding the foregoing provisions of Section 24-

44(2)(k)(ii)1a, alternative industrial direct exposure and leachability-based CTLs may be proposed in accordance with the procedures set forth in Section 24-44(2)(f)(iii)3 and Section 24-44(2)(f)(iii)4.In addition, the applicable leachability-based soil CTLs may be exceeded if it is demonstrated using groundwater monitoring data supported, if required, by site-specific modeling, that contaminants will not leach into groundwater at concentrations which exceed the applicable groundwater CTLs. The groundwater monitoring data shall be compiled for a minimum period of one (1) year and shall include four (4) quarterly sampling events.

* * *

2. For contamination detected in groundwater, a proposal for alternative groundwater CTLs shall be submitted to the [[~~d~~]]>>D<<epartment and shall provide the following:

   a. A complete evaluation of the current and projected use of the affected groundwater and documentation that the following conditions have been met:

      (1) Source removal is completed as set forth in Section 24-44(2)(j)(iii).

      (2) Groundwater contamination is not migrating away from a localized source.

      (3) Groundwater concentrations at the property boundary, as determined by groundwater monitoring data supported, if required, by site-specific modeling, do not, and are not reasonably expected to, exceed the groundwater CTLs set forth in Section 24-44(2)(f)(v)1. The groundwater monitoring data shall be compiled for a minimum period of one (1) year and shall include four (4) quarterly sampling events.

   If surface waters are, or are reasonably expected to be, affected by contaminated groundwater, as demonstrated using monitoring well data, groundwater flow rate and direction, or fate and transport modeling, then the groundwater CTLs shall be the lower of the groundwater CTLs or the applicable freshwater or marine surface water CTLs set forth in Section 24-44(2)(f)(v)1.

   If a marine surface water is, or is reasonably expected to be, affected by contaminated groundwater, and no other property or fresh surface water bodies are located between the source property boundary and the marine surface water body and the

groundwater on-site is not utilized, then the groundwater CTLs shall be the marine surface water CTLs.

b. If there is a receptor which may potentially be exposed to on site groundwater and such exposure has not been eliminated by the implementation of institutional and, if applicable, engineering controls, then concentrations of contaminants detected in groundwater shall not exceed the alternative groundwater CTLs derived in accordance with Section 24-44(2)(f)(iii) and Section 24-44 (2)(1)(ii).

* * *

6. The property owner of the location at which site rehabilitation actions are being conducted elects to implement an institutional and, if applicable, engineering control to eliminate or control exposure of human and environmental receptors to contaminants. When an engineering control is used in conjunction with institutional controls, an engineering control plan shall be submitted to the [[~~d~~]]>>D<<epartment. The engineering control plan shall provide details of the design and construction of the engineering control and shall demonstrate that the engineering control is effective, reliable and capable of being monitored and maintained.

The no further action with conditions proposal shall include a copy of the proposed institutional control, in a form prescribed by the Director, or the Director's designee, and approved by the Board of County Commissioners, with site-specific closure conditions. Upon written approval by the Director, or the Director's designee, of the institutional control and, if applicable, the engineering control plan, the institutional control shall be recorded in the public records of Miami-Dade County. A copy of the recorded instrument shall be submitted to the [[~~d~~]]>>D<<epartment and the engineering control, if applicable, shall be implemented prior to approval of the no further action with conditions proposal.

Upon demonstration to the satisfaction of the Director, or the Director's designee, by the party or parties responsible for SRAs that institutional and, if applicable, engineering controls are no longer required because the conditions set forth in Section 24-44(2)(k)(i) have been achieved, the Director, or the Director's designee, shall release the institutional control.

7. An operating permit in accordance with Section 24-18 shall be required for all sites for which site rehabilitation actions have been completed in accordance with the provisions set forth in Section 24-44(2)(k)(ii). The Director, or the Director's designee, shall approve, deny, or approve with conditions, restrictions or limitations any

application for an operating permit.

(l) For sites which do not qualify for site closure in accordance with Section 24-44(2)(k), one (1) of the following, or a combination of the following, shall be submitted for approval by the Director, or the Director's designee, to achieve site closure pursuant to Section 24-44(2)(k): a monitoring only plan, a risk assessment report, or a remedial action plan.

(i) The monitoring only plan:

1. The monitoring only plan for natural attenuation shall include, but shall not be limited to, an evaluation of the contaminant plume history, site conditions and aquifer chemical characteristics to demonstrate that the applicable CTLs will be attained in accordance with the approval by the Director, or the Director's designee, and that monitoring only is the most cost-effective remedial approach. The monitoring period shall be a minimum of one (1) year, unless two (2) consecutive quarterly samplings have indicated that applicable CTLs have been met. The monitoring only plan shall also demonstrate that human health, public safety, and the environment will be protected. Upon completion of the approved monitoring, a proposal for a no further action, a no further action with conditions, an extension of the monitoring only plan, risk assessment, or a remedial action plan, in accordance with the requirements herein, shall be submitted to the [[~~d~~]]>>D<<epartment.

2. The monitoring only plan to verify that compliance with the approved remedial action as set forth in Section 24-44(2)(l)(iii) has been achieved shall be for a minimum of a one (1) year period and shall include four (4) quarterly sampling events. However, if contamination was only present in the unsaturated zone during the site assessment and remediation tasks, only one groundwater sampling event approved by the Director, or the Director's designee, shall be required. Upon completion of the approved monitoring, a proposal for a no further action, a no further action with conditions, an extension of the monitoring only plan, risk assessment, or a remedial action plan modification, in accordance with the requirements herein, shall be submitted to the [[~~d~~]]>>D<<epartment for approval.

(ii) The risk assessment shall include, but shall not be limited to, a human and environmental exposure assessment, toxicity assessment, cumulative risk characterization, and supporting documentation for the development of alternative CTLs. Alternative health-based CTLs shall be calculated using the risk equations set forth in the DERM Technical Report: "Development of Clean-up Target Levels (CTLs) for Chapter 24 of the Code of Miami-Dade County, Florida" (dated September, 2005), and site-specific exposure scenarios and input parameters. Upon approval of the risk assessment, a proposal for a no further action, no further action with conditions, monitoring

only plan for natural attenuation or remedial action, in accordance with the requirements herein, shall be submitted to the [[d]]>>D<<epartment.

(iii) The remedial action plan shall include, but not be limited to, all supporting documentation for the remedial technique proposed to achieve CTLs or alternative CTLs, or to qualify for natural attenuation in all contaminated media. Groundwater sampling shall be performed less than two hundred seventy (270) calendar days before the submittal of the remedial action plan to the [[d]]>>D<<epartment. Detailed technical documentation shall be provided for all elements of the proposed remedial process. Pilot testing may be required to support the design. A monitoring schedule shall be included to evaluate the performance of the clean-up. Within one hundred twenty (120) calendar days after the approval of the remedial action plan, the approved remedial action plan shall be implemented and record drawings of the operating remedial system shall be submitted. Upon achieving the CTLs or alternative CTLs, or qualifying for natural attenuation in all contaminated media, a monitoring only plan, prepared in accordance with the requirements set forth in Section 24-44(2)(l)(i), shall be submitted to the [[d]]>>D<<epartment.

If implementation of the approved remedial action plan does not achieve the CTLs or alternative CTLs, or does not qualify for natural attenuation in all contaminated media a proposal for a monitoring only plan for natural attenuation, a risk assessment, or a remedial action plan modification, in accordance with the requirements herein, shall be submitted to the [[d]]>>D<<epartment.

(m) All sampling and analyses shall be performed in accordance with Chapter 62-160, F.A.C., Quality Assurance. Reports submitted to the [[d]]>>D<<epartment which contain analytical data shall include, at a minimum, the following: original laboratory reports which include all information required in Chapter 62-160.670, F.A.C.; copies of the completed chain of custody records; copies of the completed water sampling log forms; and results from screening tests or on-site analyses.

Sec. 24-44.1. SRA Compliance Tests.

Sampling points to determine compliance with Section 24-44(2) shall be as follows:

(1) *Soil.* Soil samples shall be collected from locations nearest to the point of entry of a contaminant or contaminants to the ground. Additional sampling points may be required if existing sampling points are determined to be inadequate to establish the extent and degree of contamination in the judgment of the Director or the Director's designee. Sampling point locations and the number of samples required shall be established in accordance with the requirements set forth in Section 24-44(2)(j)(iv).

(2) *Groundwater.* Groundwater samples shall be collected from groundwater monitoring wells nearest to the point of entry of a contaminant[[s]] or contaminants into the groundwater. Additional test wells may be required to be installed and maintained if

existing sampling points are determined to be inadequate to establish the extent and degree of contamination in the judgment of the Director or the Director's designee. Sampling point locations and the number of samples required shall be established in accordance with the requirements set forth in Section 24-44(2)(j)(iv).

* * *

Sec. 24-44.2. Compliance tests, sampling points and methods.

COMPLIANCE TESTS. Sampling points to determine compliance with Section 24-42, Section 24-42.1, Section 24-42.4, Section 24-42.5, Section 24-44.1 and Section 24-44.2, except for Section 24-44 shall be selected as follows:

(1) *Effluents*. For compliance with the effluent standards in Section 24-42(2) and the pretreatment standards in Section 24-42.4, the samples shall be taken at the point past which no further treatment is given by the facility to the waste or in the case of effluents subject to Federal Pretreatment Regulations, at a sampling point as determined by the Director or the Director's designee in accordance with the Federal Pretreatment Regulations. An outfall line shall not be considered as further treatment. In facilities which have sand filter beds where the effluent percolates directly into the soil and no approved sampling points are provided, the samples will be taken before the sand filter and a five (5) percent overall reduction of the effluent sewage will be allowed.

(2) *Sampling stations* may be required to be installed if reasonable access is not available, as determined by the Director [[~~, Environmental Resources Management~~]]>>or the Director's designee<<.

(3) *Surface water and tidal salt water.* The sample for compliance with the water quality standards of Section 24-42(4) should normally be taken at a point at least fifty (50) feet from the point of discharge of the waste stream; where possible the samples should be taken upstream and downstream from the point of discharge.

(4) *Groundwater*. For compliance with Section 24-42(4) samples shall be taken from wells nearest to and encircling the point of entry of a waste stream into the ground water table. Test wells may be required to be installed and maintained if existing sampling points are found to be inadequate in the judgment of the Director[[~~, Environmental Resources Management~~]] >>or the Director's designee<<.

(5) *Methods*. Determination of plant efficiency and percent removal of BOD and suspended solids shall be based on the average of three (3) eight-hour composite samples taken on three (3) consecutive days. At least one (1) peak flow period should be included in each eight-hour period. Composite sampling devices will be required. Determination of the effluent values as set forth in Section 24-42(2) will be based on individual, not composite, samples. Field testing, sample collection and preservation, and laboratory testing, including quality control procedures, shall be in accordance with methods approved by the Department [[~~of Environmental Resources Management~~]] or as published in the sixteenth edition of Standard Methods for the Examination of Water and Wastewater or the following methods:

(a) 40 CFR 136, 49 FR 43234, October 26, 1984.

(b) 40 CFR 136, 40 FR 690, January 4, 1985.

(c) EPA SW-846 Test Methods for Evaluating Solid Waste, November, 1986.

(d) EPA-600/4-79-020 Methods for Chemical Analysis of Water and Wastes, March, 1979.

(e) EPA Methods 502.1, 502.2, 503.1, 504, 505, 507, 508, 515, 524.2, Environmental Monitoring and Support Laboratory, September, 1986.

(f) EPA-600/4-85/054 Method 531.

DIVISION 4. REGULATION OF UNDERGROUND STORAGE FACILITIES, LIQUID WASTE TRANSPORTERS, AND METAL RECYCLING FACILITIES

Sec. 24-45. Regulation of underground storage facilities.

(1) *Legislative intent.* The intent and purpose of this section is to safeguard the public health, safety and welfare by regulating underground storage facilities.

(2) *Short title; applicability; construction.* This section shall be known as the "Underground Storage Facilities Ordinance." The provisions of this section shall be effective in the incorporated and unincorporated areas of Miami-Dade County and shall be liberally construed to effect the purpose set forth herein.

* * *

(5) *Discharges From Underground Storage Facilities*

(a) In the event that a discharge of hazardous materials from an underground storage facility to the environment or into a secondary containment system has occurred or may have occurred, the Department [[~~of Environmental Resources Management~~]] shall require the operator or owner of the underground storage facility, or the owner of the real property upon which said underground storage facility is located, to immediately investigate and may require testing of the underground storage facility and the groundwater and soil in the area of the underground storage facility. The required investigation shall determine whether the underground storage facility has discharged or is discharging hazardous materials into the secondary containment system of the facility or into the environment outside of said facility.

(b) Operators of underground storage facilities as well as any persons, individually or otherwise, having a legal, beneficial, or equitable interest in the underground storage facilities or in the real property upon which said underground storage facilities are located shall be jointly and severally liable and responsible for immediately accomplishing the following when the underground storage facility has discharged, is discharging or may be discharging any hazardous materials of any quantity whatsoever into the environment outside of said facility:

(i) Locating and determining the cause of the discharge.

(ii) Stopping and preventing any further discharges.

(iii) Implementing and completing the site rehabilitation actions for contaminants in accordance with Section 24-44 herein.

(iv) Notify the Department [[~~of Environmental Resources Management~~]] of such discharge within twenty-four (24) hours of any such discharge.

(6) *Removal or Abandonment of Underground Storage Facilities*

(a) Unmaintained underground storage facilities shall be removed from the ground and disposed of in accordance with state and local laws, rules, and regulations, or abandoned in place as set forth below within ninety (90) days of discovery by the owner or operator, discovery by Department representatives of the unmaintained underground storage facility, or notification of the owner or operator by the Director or the Director's designee, whichever occurs first. Prior to implementation of such removal or abandonment in place the owner or operator shall submit written notification of the proposed removal or abandonment in place to the Department on Department-approved forms. Subsequent to the written notification, the owner or operator shall notify the Department a minimum of two (2) working days prior to commencing such removal or abandonment activities.

(b) The owner or operator shall provide access to Department representatives to the underground storage facility, excavation, excavated soils, and exposed groundwater for the purpose of inspection. If the groundwater table in the excavation is not visible at the time of inspection, or if there is any evidence of ground pollution or water pollution, the Department [[~~of Environmental Resources Management~~]] may require from the owner or operator of the underground storage facility the installation of one or more groundwater monitoring wells or soil borings or both in the area of the excavation.

(c) It shall be unlawful for any person to abandon in place or permit, cause, allow, let or suffer such abandonment in place of any underground storage facility without the prior written approval of the Director or the Director's designee The Director or the Director's designee shall issue his written approval only if the abandonment in place is necessary to protect human health, the environment or the structural integrity of adjacent buildings. A Tank Closure Assessment Report (TCAR) prepared in accordance with Florida Department of Environmental Protection reference standard entitled "Storage Tank System Closure Assessment Requirements", Revised April 1998, as same may be amended from time to time, shall be prepared and submitted to the Department [[~~of Environmental Resources Management~~]] within sixty (60) days of abandonment in place of any underground storage facility.

* * *

Sec. 24-46. Regulation of liquid waste transporters.

(1) It shall be unlawful for any person to permit, cause, allow, let or suffer the transportation within Miami-Dade County of any liquid waste without having a valid liquid waste transporter operating permit issued by the Director or the Director's designee pursuant to

Section 24-18.

(2) The Director or the Director's designee shall approve, deny, or approve with conditions, limitations or restrictions any application for a liquid waste transporter operating permit. Violations of any permit condition, limitation or restriction shall constitute a violation of the provisions of this chapter. The Director or the Director's designee may suspend or revoke a liquid waste transporter operating permit for failure to comply with any of the provisions of this chapter. The criterion for issuance of the operating permit pursuant to this section is compliance with Chapter 24 of the Code of Miami-Dade County. In addition to the liquid waste transporter operating permit, the Director, or the Director's designee, shall issue numbered stickers which shall be visibly posted on each vehicle permitted to transport liquid waste.

(3) All applications for permits issued pursuant to this section shall be on a form prescribed by the Director or the Director's designee and accompanied by a fee which shall be established by administrative order of the County Manager and approved by the Board of County Commissioners.

The permit fee payable hereunder shall be deposited in a separate county fund and shall be used exclusively by the Department [[~~of Environmental Resources Management~~]] to pay for the costs of environmental services to and environmental regulation of liquid waste transportation in Miami-Dade County, Florida.

(4) All operating permit>>s<< required by this chapter shall be in addition to any other permits, registrations or occupational licenses which may be required by federal, State or local law. The Director, or the Director's designee, in his or her discretion, may require conditions, limitations or restrictions as part of the operating permit if said conditions, limitations and restrictions are consistent with the requirements of this chapter.

(5) Monthly reporting required. All liquid waste transporters shall submit on a monthly basis to the Director or the Director's designee, on a form prescribed by the Department all information required by any conditions, limitations or restrictions which are part of the liquid waste transporter's operating permit.

(6) Immediate reporting required. Any liquid waste transporter who causes, permits, lets, allows, or suffers any liquid waste accident, liquid waste spill, or other liquid waste discharge anywhere within the boundaries of Miami-Dade County, shall immediately report the same to the Department [[~~of Environmental Resources Management~~]].

* * *

Sec. 24-47. Regulations for the operation of metal recycling facilities.

The intent and purpose of this section is to safeguard the public health, safety and welfare by setting minimum requirements and guidelines for the operation of metal recycling facilities.

(1) Effective January 1, 1995, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any metal recycling facility unless the person has obtained the prior written approval of the

[[~~director~~]]>>Director<<[[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<<designee. The [[~~director~~]]>>Director<<or [[~~his~~]] >>the Director's<< designee shall issue [[~~his~~]] the Director's or the Director's designee's written approval only if:

(a) All shredder residue or prepared ferrous scrap which is placed on site shall be maintained on an impervious area, and

(b) All shredder residue is covered by a roof, or functional equivalent, sufficient to prevent stormwater from coming in contact with the shredder residue, or a stormwater management system approved by the [[~~director of the department of environmental resources management or his designee~~]] >>Director or the Director's designee<< shall be in place to contain, [[~~treat properly~~]]>>properly treat<<, handle, and dispose of any stormwater coming in contact with the shredder residue, and

(c) No more than three thousand (3,000) tons of shredder residue shall be maintained on the property at any given time, and

(d) A performance bond in a form acceptable to the [[~~director of the department of environmental resources management or his designee~~]] >>Director or the Director's designee<<is provided in an amount as determined by the [[~~director~~]] >>Director or the Director's designee<< which shall not be less than the disposal cost of the largest quantity of shredder residue to be stored at the facility.

(2) Effective January 1, 1996, all prepared ferrous scrap shall be maintained in an area which either:

(a) Is covered by a roof, or functional equivalent, sufficient to prevent stormwater from coming in contact with the shredder residue or prepared ferrous scrap, or

(b) Contains a stormwater management system approved by the [[~~director of the department of environmental resources management or his designee~~]] >>Director or the Director's designee<< to contain, [[~~treat properly~~]] >>properly treat<<, handle, and dispose of any stormwater coming in contact with the shredder residue or prepared ferrous scrap.

* * *

Sec. 24-48. Permit required; exceptions; work standards; compliance with work standards, suspension of permit.

(1) It shall be unlawful for any person to perform work or authorize, allow, suffer or permit work to be performed in County canal rights-of-way, reservations or easements anywhere in Miami-Dade County, or to trim, cut or alter a mangrove tree anywhere in Miami-Dade County, or to authorize, allow, suffer or permit the trimming, cutting or alteration of a mangrove tree anywhere in Miami-Dade County, or to fill, dredge or authorize, allow, suffer or permit filling or dredging or perform or authorize, allow, suffer or permit any type of work in, on, over, or upon tidal waters, submerged bay bottom lands, or wetlands anywhere in Miami-Dade County, or to

perform or authorize, allow, suffer or permit any work which results in harmful obstruction or alteration of the natural flow of surface waters or substantial reduction in recharge of water to the Biscayne Aquifer, or authorize cause, permit, allow, let or suffer the dewatering of groundwater into any groundwater, surface water or drainage structure anywhere in Miami-Dade County, or the construction of a drainage system for any non-residential project anywhere in Miami-Dade County, without first having obtained a permit from the [[~~Miami-Dade County~~]] Department [[~~of Environmental Resources Management~~]]. All said work shall conform to minimum standards set forth in the Code of Miami-[[~~dade~~]]>>Dade<< County, Florida, and the "Permit Information Manual IV" of the South Florida Water Management District, dated March 19, 1994, as same may be amended from time to time. This section shall not apply to work in treatment facilities or their ancillary facilities such as, but not limited to, cooling canals or polishing ponds or to the following projects:

(a) The placement of natural limerock boulder riprap waterward of an existing seawall, bulkhead or unconsolidated shoreline provided that the riprap is placed on a two (2) horizontal to one (1) vertical slope and the riprap does not extend more than ten (10) feet waterward of the mean high water line; provided, however, the Department [[~~of Environmental Resources Management~~]] conducts an inspection prior to the placement of the riprap and determines that said placement will not result in an adverse environmental impact to benthic communities.

(b) Repair and/or replacement of the decking or handrails, on an existing dock or pier, limited to their original dimensions.

(c) Repair and/or replacement of the tieback systems on an existing seawall or bulkhead, provided that the contractor submits an engineering plan which the Department determines meets acceptable standards for professional engineering design.

* * *

(l) Roadway maintenance activities which are performed or authorized by the Miami-Dade County Public Works Department to correct safety deficiencies or are undertaken to maintain the continuity of existing use for an established road or road right-of-way.

(m) Maintenance of private roads approved by [[~~Miami-Dade County~~]] >>the<< Department [[~~of Environmental Resources Management~~]] or maintenance of roads and fill pads approved by Miami-Dade County >>the<< Department [[~~of Environmental Resources Management~~]] located upon a public or private utility right-of-way.

(n) Installation, repair, or replacement of marine hardware necessary to secure vessels including, but not limited to, cleats, mooring whips, chocks and mooring bits on docks and piers.

* * *

(s) The placement of concrete jackets or other forms of protection on existing dock, pier or mooring piles.

(t) The replacement of mooring piles at the same exact location as they presently exist and provided that the following criteria are adhered to:

(i) The mooring piles to be replaced do not protrude into the water more than twenty-five (25) percent of the width of the waterway.

(ii) The work will be done by a contractor holding an applicable certificate of competency.

(iii) The contractor shall contact the [[~~DERM or his~~]] >>Director or the Director's<< designee within twenty-four (24) hours of performing the mooring piling replacement work with information on the location and the number of mooring pilings replaced.

* * *

(3) All work to be performed under any County permits shall conform with the applicable portions of this Article.

(4) If the Director [[~~of the Department of Environmental Resources Management~~]], or the Director's designee, determines that the permittee and/or contractor is not performing the construction in accordance with the conditions of the permit or the approved plans upon which the permit was issued, the Director, or the Director's designee, may order suspension of the permit or the stopping of work until such time as the permittee and/or the contractor has complied with the permit, plans or standards. In such case, the permittee or the contractor or both shall take all necessary precautions to leave the work area in a safe and secure condition. In the event of any future widening, repairs, installation, construction, or reconstruction, by or for Miami-Dade County, of any road, bridge, canal, culvert, traffic signal, streetlight, water distribution system, sewage collection system, storm drainage system, or any other County facility within the public right-of-way in which the permittee or the contractor or both have constructed any utility which has not been conveyed to a franchised public utility, said permittee or contractor or both shall move or remove such utility as may be required for the public convenience as and whenever specified by the Director of the Public Works Department and at the expense of the permittee or the contractor or both.

(5) It shall be unlawful for any person to violate or fail to comply with any of the conditions or special conditions of a class I, class II, class III, class IV, class V, or class VI permit issued by the Director, or the Director's designee.

Sec. 24-48.1. Permit classifications; interpretation as to permit requirement, fee; determination of wetlands.

(1) There are six (6) permit classifications: class I, class II, class III, class IV, class V and class VI.

(a) Class I: Class I permits are required to trim, cut or alter a mangrove tree anywhere in Miami-Dade County or for any type of work as defined herein to take place in, on, over or upon any tidal waters, bay bottom lands anywhere in Miami-Dade County or

in wetlands supporting halophytic vegetation anywhere in Miami-Dade County, including but not limited to dredging or filling provided, however, that class I permits shall not apply to the construction, installation or alterations of outfalls or overflow systems as described under the definition of class II permits (Section 24-48.1(1)(b)).

(b) Class II: Class II permits are required for the construction, installation and/or alteration of any outfall or overflow system in, on, under or upon any water body of Miami-Dade County, including, but not limited to, canals, rivers, lakes, lagoons and/or all tidal water bodies.

* * *

(2) If any person is in doubt as to whether or not the proposed work requires a permit as hereunder provided, said person may request a written determination from the Director [[~~of Miami-Dade County Environmental Resources Management~~]]. Within thirty (30) days after receipt of such request, the Director [[~~of Miami-Dade County Environmental Resources Management~~]] shall issue a letter of interpretation with respect to whether or not a permit is required for the proposed work. The Director [[~~of the Department of Environmental Resources Management~~]] may require any or all of the information which is required in a short form permit application as a condition precedent to the issuance of such a letter. Such letter shall have no precedential value to any person other than the person who requested said written determination, or his grantees, heirs, successors or assigns. A fee, to be set by administrative order approved by the Board of County Commissioners, shall be collected from any person requesting a letter of interpretation by the Director [[~~of the Department of Environmental Resources Management~~]]. The fee shall be applied towards the permit application fee if the Director determines that a permit is required.

* * *

Sec. 24-48.2. Permit application forms; procedures.

There are two (2) types of application forms; short form and standard form. The general criteria for determining the type of application form required are based on the magnitude of the project, and its potential environmental impact. Unless waived by the municipality, the applicant's plans shall require municipal approval.

(I) *Short Form Permit Application*:

(A) *When permissible*: A short form permit application may be accepted by the Department of Environmental Resources Management for the following types of work:

(1) Repair or replacement of seawalls or bulkheads at the mean high water line or at their existing location.

* * *

(B) *Application procedure (class I, class II, class III, class IV, class V, and class VI permits)*:

(1) The applicant or his agent shall submit to the Department [[~~of Environmental Resources Management~~]] an application in such form as prescribed by the Department. A class I permit application shall be verified by the upland property owner who possesses riparian rights to the area of the proposed work or the lessee of said upland property. For removal and disposal of contaminated sediments from the Miami River and its tidal tributaries conducted by the U. S. Army Corps of Engineers and the local project sponsor in conjunction with maintenance dredging of the Miami River federal navigation channel, the written consent of the upland property owner who possesses riparian rights to the area of the proposed work or the written consent of the lessee who possesses riparian rights to the area of the proposed work shall be the equivalent of the aforesaid verification of the application. In such case, the local project sponsor shall be deemed and shall be the applicant for the purposes of this Article. Written consent shall be in a form prescribed by the Director [[~~of the Department of Environmental Resources Management~~]] or the Director's designee. Verification by the upland property owner who possesses riparian rights to the area of the proposed work or by the lessee of said upland property shall not be required for a class I permit application submitted by a federal, state, county, municipal, or other governmental entity for dredging projects to improve drainage in tidal waters of canals and rivers, provided, that the proposed work shall be performed only on submerged lands owned by the governmental entity submitting the class I permit application. A class IV permit application shall be verified by the owner of the property or the lessee of the property upon which the work is proposed. If the application for a class I or class IV permit is verified by the lessee, a statement from the owner of the property indicating that he has no objection to the work proposed shall be submitted with the application. A public hearing by the Board of County Commissioners shall be held for a short form application if a written request therefore is filed with the Department of Environmental Resources Management prior to the Department's issuance of the permit. The written request for public hearing before the Board of County Commissioners shall include in the written request the specific Department [[~~of Environmental Resources Management~~]] pending permit application number. If no such written request is filed, the Department [[~~of Environmental Resources Management~~]] shall approve and issue, deny or approve and issue subject to conditions, limitations or restrictions, the work proposed under the permit application based upon the applicable evaluation factors set forth in Section 24-48.3 of this Code. If a timely request is filed, the Board of County Commissioners shall approve, approve with conditions, limitations or restrictions, or deny a permit for the

proposed work after conducting said public hearing in accordance with the procedures set forth in Section 24-48.2(II)(B)(1), (2) and (3). A short form permit application shall include but not be limited to the following:

(a) Two (2) or more complete sets of construction plans and calculations for the proposed work prepared by an engineer registered in the State of Florida. Said plans and calculations shall be subject to review and approval by the Department [[~~of Environmental Resources Management~~]]. Said plans and calculations may be prepared by an architect registered in the State of Florida for work described in Section 24-48.2(I)(A)(4), (7), (8), (10), (11), (14), (19), (21) and (27). Said plans and calculations may be prepared by a land surveyor registered in the State of Florida for the work described in Section 24-48.2(I)(A)(21) and (27). Rockplowing or other agricultural site alterations as described in Section 24-48.2(I)(A)(22) and (23) are exempt from submitting plans prepared by an architect or engineer only if said rockplowing or agricultural site alteration does not involve the construction of any roads built at elevations higher than natural surface elevations, fill pads, culverts, or structures of any type; excavation of any borrow pits, ditches or canals; or the construction of any other drainage facilities or drainage structures. Short form applications for rockplowing or other agricultural site alteration which meet the requirements of this provision may substitute sketches or plans of the proposed work. Said sketches or plans shall be in sufficient detail to identify the type of the proposed work, location of the proposed work and whether or not the proposed work complies with all applicable development criteria and management practices. Work limited exclusively to the trimming or cutting of a mangrove tree(s) is exempt from this requirement.

(b) A check in the amount of the required application fee payable to Miami-Dade County.

(c) Evidence of ownership or a lease of the upland and submerged land, or evidence of ownership or a lease of the wetland upon which work is proposed. Said evidence of ownership may include, in the discretion of the Department [[~~of Environmental Resources Management~~]], an affidavit of ownership executed by the owner of the property. For removal and disposal of contaminated sediments from the Miami River and its tidal tributaries conducted by the U. S. Army Corps of Engineers and the local project sponsor in conjunction with maintenance dredging of the Miami River federal navigation channel, the written consent of the owner or lessee of the submerged lands and the written consent of the owner or lessee of the upland who possesses riparian rights to the area of the proposed work shall

be deemed to satisfy the requirements of this paragraph. The written consent shall be in a form prescribed by the Director [[~~of the Department of Environmental Resources Management~~]] or the Director's designee.

* * *

(2) In addition, the following supplemental information may, at the discretion of the Department [[~~of Environmental Resources Management~~]], be required to be submitted with a short form permit application:

(a) Certification by an engineer registered in the State of Florida, who is qualified by education and experience in the area of construction, that:

(i) To the best of the engineer's knowledge and belief, the proposed work does not violate any laws, rules, or regulations of the State of Florida or any provisions of the Code of Miami-Dade County which may be applicable; that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design process for the proposed work; and in the opinion of the engineer, based upon his knowledge and belief, the following will not occur:

1. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.

* * *

(d) If, in the opinion of the Director [[~~of the Department of Environmental Resources Management~~]], inadequate information has been provided to evaluate the proposed work, or adverse environmental impact may occur as a result of the proposed work, the Director, before making a recommendation as to the application, shall require the applicant to conduct a coastal engineering study or water quality study or biological study or groundwater study. Said studies shall be a part of the permit application.

(e) For all proposed work within the North Trail Basin or the Bird Drive Everglades Wetland Basin, a covenant running with the land in favor of Miami-Dade County, in a form approved by the Board of County Commissioners, shall be executed. Said covenant may only be revoked or modified by action of the Board of County Commissioners

and shall provide for the protection and maintenance of the stormwater management area of the subject property.

(II) *Standard Form Permit Application*:

(A) A standard form permit application shall be required for any work requiring a class I or class IV permit not specifically described under Section 24-48.2(I). A standard form permit application shall also be required for all short form permit applications for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1). A class I permit application shall be verified by the upland property owner who possesses riparian rights to the area of the proposed work or the lessee of said upland property. For removal and disposal of contaminated sediments from the Miami River and its tidal tributaries conducted by the U. S. Army Corps of Engineers and the local project sponsor in conjunction with maintenance dredging of the Miami River federal navigation channel, the written consent of the upland property owner who possesses riparian rights to the area of the proposed work or the written consent of the lessee who possesses riparian rights to the area of the proposed work shall be the equivalent of the aforesaid verification of the application. In such case, the local project sponsor shall be deemed and shall be the applicant for the purposes of this Article. Written consent shall be in a form prescribed by the Director [[~~of the Department of Environmental Resources Management~~]] or the Director's designee. Verification by the upland property owner who possesses riparian rights to the area of the proposed work or by the lessee of said upland property shall not be required for a class I permit application submitted by a federal, state, county, municipal, or other governmental entity for dredging projects to improve drainage in tidal waters of canals and rivers, provided, that the proposed work shall be performed only on submerged lands owned by the governmental entity submitting the class I permit application. A class IV permit application shall be verified by the owner of the property or the lessee of the property upon which the work is proposed. If the application for a class I or IV permit is verified by the lessee, a statement from the owner of the property indicating that he has no objection to the work proposed shall be submitted with the application. All permit applications shall be submitted to the Department [[~~of Environmental Resources Management~~]] in such form as prescribed by the Department. A standard form permit application shall include, but not be limited to, the following:

(1) Evidence of ownership or a lease of the upland and submerged land, or evidence of ownership or a lease of the wetland upon which work is proposed. Said evidence of ownership may include, in the discretion of the Department [[~~of Environmental Resources Management~~]], an affidavit of ownership executed by the owner of the property. For removal and disposal of contaminated sediments from the Miami River and its tidal tributaries conducted by the U. S. Army Corps of Engineers and the local project sponsor in conjunction with maintenance dredging of the Miami River federal navigation channel, the written consent of the owner or lessee of the submerged lands and the written consent of the owner or lessee of the upland

who possesses riparian rights to the area of the proposed work shall be deemed to satisfy the requirements of this paragraph. The written consent shall be in a form prescribed by the Director [[~~of the Department of Environmental Resources Management~~]] or the Director's designee.

* * *

(10) In addition, the following supplemental information may, at the discretion of the Department [[~~of Environmental Resources Management~~]], be required to be submitted with a standard form permit application:

(a) If, in the opinion of the Director [[~~of the Department of Environmental Resources Management~~]], inadequate information has been provided to evaluate the proposed work, or adverse environmental impact may occur as a result of the proposed work, the Director, before making a recommendation as to the application, shall require the applicant to conduct a coastal engineering study or water quality study or biological study. Said studies shall be a part of the permit application.

(b) If requested by the Director [[~~of the Department of Environmental Resources Management~~]], a coastal resources management line shall be determined for the property upon which work requiring a class I permit is proposed. Said line shall be determined according to scientifically recognized ecological techniques and said line shall be subject to approval by the Department [[~~of Environmental Resources Management~~]]. Said line shall identify those areas where detrital cycles contribute to the ecological productivity of coastal waters.

* * *

(B) *Obtaining approval from the Board of County Commissioners*:

(1) The Director [[~~of the Department of Environmental Resources Management~~]] shall review the permit application for the proposed work and shall make a recommendation to the Board of County Commissioners of approval, denial, or approval subject to conditions, limitations or restrictions for the proposed work. The Director's recommendation shall be based upon the applicable evaluation factors set forth in Section 24-48.3 of this Code. The Board of County Commissioners or Community Zoning Appeals Board pursuant to Section 33-13 shall hold a public hearing concerning the proposed work. A notice of the time and place of said public hearing shall be published in a newspaper of general circulation in Miami-Dade County a minimum of seven (7) days prior to the public hearing. Said notice shall include a brief description of the proposed work and the location of the proposed work. A

courtesy notice containing substantially the same information set forth in said published notice shall be mailed to those parties whose names appear on the application as the owners of all riparian or wetland property within three hundred (300) feet of the proposed work. Failure to mail or receive said courtesy notice shall not affect any action or proceeding taken thereunder. The Board of County Commissioners or Community Zoning Appeals Board pursuant to Section 33-13 shall, after holding the public hearing, approve, deny, or approve subject to conditions, limitations or restrictions, the work proposed under the permit application based upon the applicable evaluation factors set forth in Section 24-48.3 of this Code.

* * *

Sec. 24-48.3. Factors for evaluation of permit applications; incomplete permit applications.

(1) >>The<<[[~~Miami-Dade County Environmental Resources Management~~]] Department shall base its recommendation for approval, denial or approval subject to conditions, limitations, or restrictions, and the Board of County Commissioners shall make its decision for approval, denial, or approval subject to conditions, limitations or restrictions, for any of the permits provided for under this article, upon the following evaluation factors, when applicable:

(a) The potential adverse environmental impact and cumulative adverse environmental impact of the proposed work, including but not limited to the effect upon hydrology, water quality, water supply, wellfields, aquifer recharge, aesthetics, navigation, public health, historic values, air quality, marine and wildlife habitats, archeological values, wetland soils suitable for habitat, floral and faunal values, rare, threatened and endangered species, natural flood damage protection, wetland values, land use classification, recreation, and any other environmental values, affecting the public interest.

(b) Conformance with standard construction procedures and practices and design and performance standards, including but not limited to, all applicable portions of the Miami-Dade County Public Works Manual, Chapter 33B of the Code of Miami-Dade County, Florida, and Miami-Dade County Ordinance No. 81-19 [codified as Sections 33D-1 through 33D-4], as all of same may be amended from time to time.

(c) The information provided by the comprehensive environmental impact statement, if required.

(d) Conformance with all applicable federal, state and local laws and regulations. Conformance with the Rules of the South Florida Water Management District set forth in Chapter 40E-40[[~~.~~]]>>,<< Florida Administrative Code (F.A.C.), as same may be amended from time to time, pertaining to general surface water management permits within Miami-Dade County, and with the provisions contained in the "Basis of Review for Surface Water Management Permit Applications Within the South Florida Water Management District," dated March 10, 1994 as same may be amended from time to time.

(e) Conformance with the Miami-Dade County Comprehensive Development Master Plan, Chapter 33B of the Code of Miami-Dade County, Florida, Miami-Dade County Ordinance No. 81-19 [codified as Sections 33D-1 through 33D-4], and the Miami-Dade County Manatee Protection Plan (a copy of which shall be made permanently available at the [[~~department~~]] >>Department<< for reference by the public), as all of same may be amended from time to time.

* * *

(j) For Class I permit applications proposing to exceed the boundaries described in Section D-5(03)(2)(a) of the Miami-Dade County Public Works Manual, the following additional factors shall be considered:

(i) Whether the proposed exceedance is the minimum necessary, as determined by the Director [[~~of DERM~~]] or the Director's designee, to avoid seagrass or other valuable environmental resources,

(ii) whether the proposed exceedance is the minimum necessary, as determined by the Director [[~~of DERM~~]] or the Director's designee, to achieve adequate water depth for mooring of a vessel,

(iii) whether the applicant has provided to [[~~DERM~~]] >>the Department<< notarized letter(s) of consent from adjoining riparian property owners in a form prescribed by the Director or the Director's designee, and

(iv) whether [[~~DERM~~]] >>the Department<<has received any letter of objection from adjoining riparian property owners.

* * *

(5) In addition to the applicable evaluation factors set forth in Section 24-48.3(1)(a) through (i) above and the fill quality requirements set forth in Section 24-48.3(4) above, the following requirements shall apply to any work within the North Trail Basin or within the Bird Drive Everglades Wetland Basin:

(a) Except as provided in (e) below, the work shall be consistent with the North Trail Basin Plan (if it is located within the North Trail Basin), or shall be consistent with the Bird Drive Everglades Wetland Basin Plan (if it is located within the Bird Drive Everglades Basin). These plans are included in Sections 24-48.19 and 24-48.20 respectively.

(b) All tree islands shall be preserved.

(c) All proposed work which involves filling (a) stormwater management area(s) shall be constructed as specified in the North Trail Basin Fill Encroachment and Water Management Criteria for properties located within the North Trail Basin, or as specified in the Bird Drive Everglades Basin Fill Encroachment and Water Management Criteria, for properties located within the Bird Drive Everglades Wetland Basin.

(d) Stormwater management areas which are less than five (5) acres in size and are

located within the Urban Development [[~~boundary~~]]>>Boundary<< as it appears on the Comprehensive Development Master Plan's Land Use Map (as same is amended from time to time) shall not be left at natural grade (unfilled).

(e) The side slopes of the stormwater management area(s) shall be no steeper than four (4) horizontal to one (1) vertical (4:1).

(6) In addition to the applicable evaluation factors set forth in Section 24-48.3(1)(a) through (i) above and the fill quality requirement set forth in Section 24-48.3(4) above, for projects located within Basin B, the total volume of fill material placed on a property between existing land elevation and elevation 7.58 NGVD shall not exceed the following formula: Area of site in square feet × 1.8. As an alternative to the foregoing formula other engineering approaches consistent with the requirements of full on-site retention without exceeding established stages for the 100-year, three-day storm shall be approved by the Director of the Department of Environmental Resources Management or [[his]]>>the Director's<< designee.

(a) The side slope of stormwater management area(s) shall be no steeper than four (4) horizontal to one (1) vertical (4:1).

(7) In addition to the applicable evaluation factors contained within Section 24-48.3(1)(a) through (i) above, the following requirements shall apply to all work requiring a Class II Permit:

>>(a)<< Wet retention shall not be utilized without prior pretreatment by means of dry detention or retention of the first inch of runoff from the proposed project's drainage area.

(b) An on-site retention system of applicable design [[~~storm~~]] shall be utilized as the first priority for the disposal of stormwater runoff at any location in Miami-Dade County with the exception of projects located in the North Trail Basin, Bird Drive Basin, East Turnpike Basin, Western C-9 Basin or any other area subject to Miami-Dade County's cut and fill criteria.

The on-site retention systems required by this section shall include the following:

(i) Surface infiltration through grassed swales, or

(ii) Underground disposal through exfiltration, or

(iii) Disposal by drainage wells, or

(iv) Disposal through dry retention ponds, or

(v) Any combination of any of the foregoing as approved by the [[~~director~~]]>>Director<< or [[~~his~~]]>>the Director's<< designee.

(c) On-site retention combined with an overflow outfall may be used as an alternative to on-site retention in those cases where complete on-site retention is not feasible as determined by the [[~~director~~]]>>Director<< or [[~~his~~]]>>the Director's<< designee, when there is inadequate exfiltration capability of the soil or in cases where a higher degree of flood protection is desired by the applicant.

All inlet structures located within grassed areas or landscaped strips may receive a 0.2 inch retention credit.

(d) Existing positive drainage systems which for any reason require modification or relocation shall be constructed in accordance with the standards set forth in Section 24-48.3(7)(a) and (b) above, except for those portions of the existing project which will remain unaltered under the new plan.

* * *

(9) An incomplete permit application shall become deactivated when the [[~~Miami-Dade County~~]] Department [[~~of Environmental Resources Management~~]] has notified the applicant by certified mail of the incomplete status of the application, and only if the applicant has failed to request continued activation of the permit application within ninety (90) days of receipt of the Department>>'s<< [[~~of Environmental Resources Management's~~]] notification. The applicant's request for continued activation shall be made by certified mail to the Department [[~~of Environmental Resources Management~~]].

(a) Upon receipt by the [[~~Miami-Dade County~~]] Department [[~~of Environmental Resources Management~~]] of a certified mail request for continued activation, the permit application shall remain activated for one hundred twenty (120) days after the original deactivation date. If the application is not completed within said one-hundred-twenty-day period, the Department [[~~of Environmental Resources Management~~]] shall again notify the permit applicant of incomplete application status, pursuant to the provisions of Section 24-48.3(3). In no event shall an incomplete permit application be deemed activated more than three hundred thirty (330) days from the original deactivation date.

(b) A new application shall be required for obtaining a permit for all work previously proposed under a permit application which has been deactivated.

(c) The Department [[~~of Environmental Resources Management~~]] shall not process any permit application which has been deactivated.

Sec. 24-48.4. Mitigation plans for projects otherwise acceptable but having adverse environmental impact.

For any project that is otherwise acceptable under the evaluation factors contained herein and permittable under all applicable laws, but that nevertheless results in adverse environmental impact, the applicant shall be required to mitigate this impact. The purpose of mitigation is solely to compensate for unavoidable adverse environmental impacts. Mitigation should not be used to make an otherwise nonpermittable project permittable. Mitigation plans must maximize the preservation of existing natural resources. In determining mitigation procedures the term mitigation includes the following methods, in the order of priority in which they should be utilized:

(1) Avoiding the impact altogether by not taking a certain action or parts of an action;

(2) Minimizing impacts by limiting the degree or magnitude of the action or its implementation;

(3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(5) Compensating for the impact by replacing or providing substitute resources or environments.

>>After-the Fact permits that require mitigation shall provide twice as much mitigation as would have been required if a class I, II, or III permit was obtained prior to the commencement of construction.<<

The Department of Environmental Resources Management shall adopt rules by ordinance to implement the foregoing evaluation factors.

Sec. 24-48.5. Permit issuance; waiver of bonding requirements.

(1) Issuance of a Department [[~~of Environmental Resources Management~~]] permit does not relieve the applicant from obtaining all required federal, State and local permits.

(2) Following approval by the Board of County Commissioners or after submitting a short form application, a construction permit may be issued to the permit applicant and a contractor holding an applicable certificate of competency, provided:

(a) Construction plans, calculations and specifications are submitted which have been prepared by an engineer or architect or land surveyor where applicable registered in the State of Florida and which comply with the requirements of this Chapter and other particular conditions, including, but not limited to, requirements for riprap, and monitoring programs.

(b) The permit fee has been paid.

(c) A performance bond and a mitigation bond, if applicable, is posted in an amount determined by the Director [[~~of the Department of Environmental Resources Management~~]]. The maximum amount of said performance bond shall be one hundred (100) percent of the estimated cost of the work or one >>hundred<< thousand dollars [[~~($1,000.00)~~]] >>($100,000.00)<< whichever is less. The performance bond being to guarantee compliance with terms of the permit and to protect the interest of the public and of landowners in the vicinity of the work. The [[~~DERM~~]] >>Director or Director's designee<< may waive the performance bond if [[~~he~~]] >>Director or Director's designee<< determines that the proposed project is not expected to affect the interests of the public or landowners in the vicinity of the work and noncompliance with the terms of the permit will only affect the permit applicant. The [[~~DERM~~]] >>Director or Director's designee<< may also waive performance bonds for work performed by utility companies, for work performed by governmental agencies pursuant to Section 24-48.8 of this chapter and for work approved under a short form permit application pursuant to Section 24-48.2(I)(A)(22) and (23).

* * *

(3) The Department [[~~of Environmental Resources Management~~]] may require inspections by a registered engineer employed by the permittee as part of the permit procedure. The engineer

may be required to furnish a report to [[~~Miami-Dade County's~~]] >>the<< Department [[~~of Environmental Resources Management~~]] a minimum of every three (3) months on the progress of the work and will produce appropriate drawings of record or other type of documentation as required by the Director.

* * *

Sec. 24-48.6. Owner-builder permits in lieu of owner-contractor permits.

At the discretion of the [[~~DERM~~]] >>Director or the Director's designee<<, owner-builder permits may be issued for the following types of work, and thereby waive the requirement that the permit be issued jointly to the owner and a certified contractor:

(1) Repair of seawalls: Repair of seawalls or bulkheads at the mean high water line or at their existing location (excluding pile-driving operations and/or panel installations).

(2) Placement of riprap: The placement of riprap in front of an existing or new seawall, bulkhead or shoreline, provided there is no adverse environmental impact associated with the project.

(3) Where the upland property is zoned as single-family residential:

(a) Repair, replacement or restoration of docks which are limited to or less than their original dimensions and which together with associated tie-up facilities, do not protrude into the water more than twenty-five (25) percent of the width of the waterway (excluding pile-driving operations and any associated dredging and filling).

(b) Installation of buoys, when it is determined that the proposed installation will not present a hazard to navigation.

Sec. 24-48.7. Permit fees--Schedule.

The [[~~Miami-Dade County~~]] Department [[~~of Environmental Resources Management~~]] shall charge and collect application and permit fees at the rate established by separate administrative order which shall not become effective until approved by the Board of County Commissioners.

Sec. 24-48.8. Same--Waiver.

The Department [[~~of Environmental Resources Management~~]] may waive the permit fee for all work covered under this article and performed by a federal, State, municipal or other local governmental agency, whether this work is performed by employees of said agency or by a private firm or corporation under contract with the agency. However, such federal, State, municipal or other local governmental agency or private firm or corporation under contract therewith shall not be relieved of the responsibility of obtaining a permit for work covered under the provisions of this article. The Director of said Department also may waive all requirements concerning posting of a performance bond by any governmental agency whenever the work is to be performed by employees of said agency, provided that, in lieu of the posting of a performance bond, said agency shall furnish said Department satisfactory written assurances that the work performed by its employees will comply fully with all requirements of the permit; and provided, further, that the Director of said Department may waive the posting of a performance bond by any private firm or corporation under contract with any governmental agency when said firm or corporation shall have posted a satisfactory and acceptable bond with the said governmental agency, proof of such bond having been furnished

by said agency to the Department [[~~of Environmental Resources Management~~]].

Sec. 24-48.9. Time of completion of work; extension of completion time and new permits for incomplete work.

(1) All work authorized by a permit issued pursuant to this article shall be completed within the time periods set forth in the permit in accordance with the following schedule, unless another period of time is permitted as set forth in the resolution granting approval of the permit by the Board of County Commissioners:

Class I and Class IV short form permits . . . 2 years

Class I and Class IV short form permits for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1) . . . 2 years

Class I and Class IV standard form permits . . . 3 years

Class I short form permits for trimming, cutting or any other alteration of mangrove tree(s) . . . 3 years

Class I short form permits for trimming, cutting or any other alteration of mangrove tree(s), for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1) . . . 3 years

Class I standard form permits for trimming, cutting or any other alteration of mangrove tree(s) . . . 3 years

Class IV short form permits for rockmining . . . [[~~5~~]]>>10<< years

Class IV short form permits for rockmining for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1) . . . [[~~5~~]]>>10<< years

Class IV standard form permits for rockmining . . . [[~~5~~]]>>10<< years

Class II permits . . . 1 year

Class II permits for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1) . . . 1 year

Class III permits . . . 1 year

Class III permits for which a public hearing has been requested pursuant to Section 24-48.2(I)(B)(1) . . . 1 year

Class V permits . . . 120 days

Class VI permits . . . 1 year

(2) Extensions of time for completion of work being performed pursuant to a permit issued pursuant to this article may be granted by the Director [[~~of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee provided that:

(a) The application for the extension of time is in a form prescribed by the Director of the Department of Environmental Resources Management and is accompanied by the

fee for such application.

(b) The application for the extension of time is filed in the form prescribed by the Director or [[~~his~~]] >>the Director's<< designee within the Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee at least thirty (30) calendar days prior to the time of expiration of the time period set forth in the permit or in a prior extension of time.

(c) The Director [[~~of the Department of Environmental Resources Management~~]] or [[~~his~~]] >>the Director's<< designee has determined that the applicant for the extension of time has affirmatively established by competent factual data and information in the application that:

(i) There have been no substantial changes in the environment at the location of the work authorized by the permit occurring subsequent to the date of issuance of the permit or prior extension of time.

(ii) Neither an adverse environmental impact nor cumulative adverse environmental impact will occur if the extension of time is granted.

(iii) The work authorized by the permit as well as authorized under any prior extension of time has been performed, to date, substantially in accordance with the permit and any restrictions, limitations or conditions which are part of the permit.

(iv) The applicant for the extension of time has agreed to any additional conditions, limitations or restrictions to the issued permit required by the Director or [[~~his~~]] >>the Director's<< designee which are consistent with the approval of the Board of County Commissioners or, in the case of short form permits, consistent with the original approval of the issued short form permit by the Director or [[~~his~~]] >>the Director's<< designee. In the case of rockmining, such conditions, limitations, or restrictions shall not reduce the deep mining area and volume previously permitted.

* * *

Sec. 24-48.10. Maintenance of permitted work; abatement of hazardous conditions.

Any privately owned work or structure authorized by a permit issued pursuant to the requirements of this article shall be privately maintained by the applicant, his successors and assigns. Whenever, in the opinion of the Director [[~~of the Department of Environmental Resources Management~~]], said work or structures are not maintained in such a manner as to prevent [[~~deteriorate~~]] >>deterioration<< to the extent that they become a hazard to the public or to navigation, [or] an obstruction of flow, >>or<< prevent access for drainage maintenance purposes, or may damage adjacent property, then the Director shall notify the owner in writing to remedy the same by alteration, adjustment or removal at the owner's expense; provided, however, that within fifteen (15) days after receipt of written notice from the Director, the owner may appeal the matter by requesting in writing a hearing before the Environmental Quality Control Board. If no appeal is taken to the Environmental Quality Control Board and the owner has not performed remedial work within

thirty (30) days from the date of such notice, or if an appeal is taken and the Board, after hearing and notice thereof, shall determine that remedial work is necessary and the owner does not perform the remedial work within the time established by the Board for the performance, the Director [[~~of the Department of Environmental Resources Management~~]] shall have the same or any other remedial work that in [[~~his~~]]>>the Director's<< opinion will alleviate or eliminate the situation, including, but not limited to, total demolition of the structure, performed at the County's expense; and the County shall have a lien prior in dignity to all other [[~~liens~~]] >>liens<<, excepting city and County taxes and liens of equal dignity therewith, on the real property of the owner to the extent of the cost to the County, including administrative cost for the remedial work. Notice of such lien, executed in the name of the County Commission, shall be recorded in the proper books kept by the Clerk of the Circuit Court of the County and shall remain in full force and effect for a period of twenty (20) years from the date thereof, unless sooner paid and satisfied; and the Director [[~~of the Department of Environmental Resources Management~~]] shall, in writing, advise the County Attorney at least one (1) year prior to the expiration of the twenty-year period of any such liens that have not been satisfied, in order that the same may be foreclosed if necessary.

Sec. 24-48.11. Inspection of permit work; notice of failure to comply with approved plans and specifications.

(1) Any duly authorized representative of >>the<< [[~~Miami-Dade County's~~]] Department [[~~of Environmental Resources Management~~]] may enter and inspect any property, premises or place, except a building, on or at which work is located or is being conducted, at any reasonable time for the purpose of ascertaining the state of compliance with this article, or rules and regulations of the Department [[~~of Environmental Resources Management~~]]. No person shall refuse immediate entry or access to any authorized representative of >>the<< [[~~Miami-Dade County's~~]] Department [[~~of Environmental Resources Management~~]] who requests such entry or access for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection. If requested, the owner of the premises shall receive a report setting forth all facts found which relate to compliance status.

(2) During work for which a permit has been issued, >>the<<[[~~Miami-Dade County's~~]] Department [[~~of Environmental Resources Management~~]] shall make periodic inspections to insure conformity with the approved plans and specifications referred to in Section 24-48.5 of this chapter.

(3) If during the work, >>the<< [[~~Miami-Dade County's~~]] Department [[~~of Environmental Resources Management~~]] finds that the work is not being done in accordance with the said approved plans and specifications, it shall give the permittee and/or contractor and the engineer of record written notice, stating with which particulars of the approved plans and specifications the work is not in compliance. Failure to act in accordance with the requirements of the Department [[~~of Environmental Resources Management~~]] after receipt of written notice may result in the initiation of revocation proceedings in accordance with Section 24-48.13 of this article.

Sec. 24-48.12. Filing of statement of completion of permitted work; exemptions; release of

bonds; forfeiture of bonds.

(1) Within thirty (30) days after completion of the work, the permittee or contractor shall file record drawings certified by the engineer of record with the Department [[~~of Environmental Resources Management~~]]. Work exempt from submitting plans prepared by an engineer and an architect under this article shall also be exempt from the requirements of this provision. Work which has been determined by the Department, during its final inspection of the project, to be in compliance with the approved plans for the project with no significant deviation, as determined by the [[~~DERM or his~~]] >>Director or the Director's<< designee, may be exempted by the [[~~DERM or his~~]] >>Director or the Director's<< designee from the filing of record drawings as required above. The Florida Departments of Transportation and Environmental Protection are exempt from the requirement to submit record drawings for projects authorized by class I, class II, class III, class IV, class V, or class VI permits.

(2) At the discretion of the [[~~DERM or his~~]] >>Director or the Director's<< designee the performance and mitigation bonds may be released upon completion of the final inspection by the Department and the submittal of the record drawings, if required, or for a period up to six (6) months after the approved completion date of the work covered by the bond.

(3) If the [[~~director~~]] >>Director<< or [[~~his~~]] >>the Director's<< designee determines that work authorized by a class I, class II, class III, class IV, class V or class VI permit has not been performed in accordance with the approved plans upon which the permit was issued or has not complied with all of the conditions or special conditions of the permit, the [[~~director~~]] >>Director<< or [[~~his~~]] >>the Director's<< designee shall notify the permittee of such noncompliance and specify a period of time in which the permittee shall correct or otherwise bring the project into compliance with the permit. In the event that the permittee fails or is unable to comply with the requirements of the notice, the [[~~director~~]] >>Director<< or [[~~his~~]] >>the Director's<< designee may, in addition to available enforcement remedies, call the performance and/or mitigation bonds for the project. Funds from the forfeiture of said bonds shall be placed into the Biscayne Bay Environmental Enhancement Trust Fund for use in the general restoration and enhancement of Biscayne Bay.

Sec. 24-48.13. Suspension, revocation, modification, change of permit; notice.

(1) If the Director [[~~of Miami-Dade County's Department of Environmental Resources Management~~]] >>or the Director's designee<< determines that the permittee [[~~and/~~]] or contractor is not performing the work in accordance with the provisions of the permit or the approved plans upon which the permit was issued, [[~~he~~]] >>the Director or the Director's designee<< may order suspension of the permit or the stopping of work until such time as the permittee and/or contractor has complied with>>the<< permit or plans. In such cases, the permittee and/or contractor shall take all necessary precautions to leave the work area in a safe and secure condition.

(2) Modification(s) to a permit issued for work hereunder must be approved by the Department. If, in the opinion of the Director, the proposed modification(s) will result in a substantial change to the project, said modification(s) shall be subject to a public hearing before the Board of County Commissioners.

(3) A violation of the conditions, restrictions or limitations imposed by the Board of County Commissioners [[~~and/~~]] or the Department and made part of the permit, and/or failure of the permittee [[~~and/~~]] or contractor to perform said work in accordance with the approved plans and specifications thereof, [[~~and/~~]] or any material false statement in the application may result in the revocation in whole or in part of a permit issued for work hereunder.

* * *

Sec. 24-48.15. Comprehensive environmental impact statement.

(1) Procedure.

(a) The Director [[~~of the Department of Environmental Resources Management~~]] shall determine which of the comprehensive environmental impact statement assessment points described in Section 24-5 shall be addressed by a particular comprehensive environmental impact statement. The Director's decision shall be based upon a preapplication conference held between a permit applicant and the Department [[~~of Environmental Resources Management~~]] and based upon any other relevant information submitted by the applicant or available to the Department [[~~of Environmental Resources Management~~]].

(b) The criteria to be used at a preapplication conference for determining the scope of a comprehensive environmental impact statement shall include the following:

(i) The relevance of the proposed work to each of the items described in Section 24-48.3(1)(a). Relevance shall be based upon both direct and indirect factors such as but not limited to location of the proposed work, proximity of the work to environmentally sensitive areas, past experience with similar work, and scope and magnitude of the proposed work.

(ii) The extent to which each of the comprehensive environmental impact statement assessment points may provide useful information and data relating to each of the items for which the proposed work is determined to be relevant.

(2) The format for a comprehensive environmental impact statement shall follow guidelines established by the Director [[~~of the Department of Environmental Resources Management~~]].

(3) A comprehensive environmental impact statement shall not be required for any of the following work:

(a) Construction of one (1) single-family residence consistent with existing zoning regulations.

(b) Access driveway to a single-family residence within a lot zoned for one (1) single-family residence.

(c) Agriculture on five (5) acres of land or less, ancillary to an existing single-family residence, or ancillary to a single-family residence under construction, as allowed under Miami-Dade County zoning regulations.

(d) Rockplowing or other agricultural development in the East Everglades area of critical

environmental concern when said agriculture is allowable under Chapter 33B of the Code of Miami-Dade County, Florida, and is consistent with the best management practices under Chapter 33B of the Code of Miami-Dade County, Florida.

(e) Rockmining within the transitional Northeast Everglades when said rockmining is consistent with Miami-Dade County lake criteria.

(f) Elevated boardwalks.

(g) Class I short form permit applications.

(4) The Director [[~~of the Department of Environmental Resources Management~~]] may, in his discretion, exempt an applicant from the requirement of preparing a new comprehensive environmental impact statement for a permit application for proposed work which work has been previously the subject of a deactivated application by the same applicant.

* * *

Sec. 24-48.17. Registration, examination, and certification requirements for professional mangrove trimmers.

Pursuant to the authority granted by Section [[~~403.9326(1)(b)~~]] >>403.9324<<, Florida Statutes, it shall be unlawful for any person to perform mangrove trimming or to authorize, allow, suffer, permit, or supervise mangrove trimming anywhere in Miami-Dade County without first having registered with the Department and having paid the registration fee authorized by Section 403.9329, Florida Statutes, in an amount established by administrative order of the County Manager and approved by the Board of County Commissioners. Prior to undertaking to perform any trimming activities authorized under the exemption provided by Section 403.9326(1)[[~~(b)~~]]>>(a)<<, Florida Statutes, a registered professional mangrove trimmer shall:

(1) Provide written notice to the Department a minimum of ten (10) days prior to the commencement of trimming activities on each property. The notice shall include the location, the property owner's name, principal address and phone number, and the date of the proposed commencement of work; and

(2) Personally supervise the trimming activity; and thereafter notify the Department within twenty-four (24) hours if any mangroves are "altered" (as defined in Section 403.9325(1), F.S.) as a result of the work. The professional mangrove trimmer's registration shall be valid for a period of one (1) year and may be renewed by the Department prior to its expiration upon prior payment of the registration renewal fee in an amount established by administrative order of the County Manager and approved by the Board of County Commissioners.

Upon the effective date of the ordinance from which this section derives, all applicants for certification as professional mangrove trimmers shall be required to have passed an examination designed to test the applicant's knowledge and ability in this field. The Department shall offer a written, oral or practical examination, or a combination of the aforesaid. The fee for examination and certification shall be in an amount established by [[~~an~~]] administrative order of the [[~~county~~]] >>County<< Manager and approved by the Board of County Commissioners. A person who has paid the required fee and obtained certification shall be exempt from the registration requirements and

fees described in Section 24-48.17 of the Code of Miami-Dade County, Florida, for the time period the certification is valid.

Sec. 24-48.18. Transfer of permits.

(1) The Director [[~~of the Miami-Dade County Department of Environmental Resources Management~~]], or the Director's designee, is hereby authorized and empowered to transfer, in whole or in part, short form and standard form class I, class II, class III, class IV, class V or class VI permits issued pursuant to this [[~~article~~]]>>Article<< from the person (transferor) who has obtained the issued permit to another person (transferee) and shall transfer same, provided;

(a) the completed application for transfer is filed in writing with the Director[[~~, Department of Environmental Resources Management~~]], or the Director's designee, on or before one hundred and twenty (120) days after the date of transfer of fee simple ownership of the property which is the subject of the permit, and

(b) the application for transfer is determined by the Director, or the Director's designee to be completed on or before one hundred and twenty (120) days after the date of transfer of fee simple ownership of the property which is the subject of the permit approval, and

(c) that all of the requirements of (3) below are fulfilled

(2) The Director [[~~of the Miami-Dade County Department of Environmental Resources Management~~]], or the Director's designee, is hereby authorized and empowered to transfer, in whole or in part, short form and class I, class II, class III, class IV, class V or class VI permit approvals by the Board of County Commissioners from the person (transferor) who obtained the permit approval from the Board of County Commissioners to another person (transferee) and shall transfer same, provided:

(a) the completed application for transfer is filed in writing with the Director[[~~, Department of Environmental Resources Management~~]], or the Director's designee, on or before one hundred and twenty (120) days after the date of transfer of fee simple ownership of the property which is the subject of the permit approval, and

(b) the application for transfer is determined by the Director, or the Director's designee to be completed on or before one hundred and twenty (120) days after the date of transfer of fee simple ownership of the property which is the subject of the permit approval, and

(c) all of the requirements of (3) below are fulfilled.

(3) Requirements for transfer:

(a) The subject project shall be in compliance with all of the restrictions, limitations, and conditions of the issued Class I, Class II, Class III, Class IV, Class V or Class VI permit or permit approval and any related covenants running with the land at the time of submittal of the application for transfer, and continuously throughout the time period during which the application for transfer is being processed by the Department [[~~of Environmental Resources Management~~]].

(b) The completed application for transfer shall be filed jointly in writing by the proposed transferor and transferee in a form prescribed by the Director, or the Director's designee, not later than ninety (90) days prior to the expiration date of the issued permit and, for permit approvals granted by the Board of County Commissioners for which a permit has not yet been issued, not later than ninety (90) days prior to expiration of the permit approval.

(c) If the person to whom the permit has been issued or permit approval granted transfers fee simple ownership of the property which is the subject of the permit or permit approval prior to submittal to the Department [[~~of Environmental Resources Management~~]] of the application for transfer, the proposed transferee shall be the current fee simple property owner and evidence of such fee simple property ownership shall be provided to the Department [[~~of Environmental Resources Management~~]] as part of the application for transfer.

(d) The proposed transferee shall agree in writing, in a form prescribed by the Director or the Director's designee, to comply with all the existing conditions, limitations, and restrictions of the issued permit or granted permit approval as part of the application for transfer.

(e) The proposed transferee shall post a performance and mitigation bond, if applicable, in the same amount and form as is currently required in the existing permit for the subject project as part of the application for transfer.

(f) All applicable fees for such transfer shall be paid as part of the application for transfer.

(g) All additional information requested by the Director or the Director's designee with respect to the subject property shall be provided to the Department [[~~of Environmental Resources Management~~]] as part of the application for transfer within the time period required by the Director or the Director's designee.

(h) The proposed transferee shall agree to any additional conditions, limitations or restrictions to the issued permit required by the Director or the Director's designee, which are consistent with the issued short form or issued standard form permit and, for permit approvals granted by the Board of County Commissioners, any additional conditions, limitations or restrictions which are consistent with the original granting of the approval by the Board of County Commissioners, as part of the application for transfer. In the case of rockmining, such conditions, limitations, or restrictions shall not reduce the deep mining area and volume previously permitted.

(i) The proposed transferee has not been convicted of a violation of any provision of Chapter 24 of the Code of Miami-Dade County, Florida within the seven (7) year time period prior to the filing of the application for transfer.

(j) The proposed transferee has not been adjudicated in violation of any provision of Chapter 24 of the Code of Miami-Dade County, Florida, within the five (5) year time period prior to the filing of the application for transfer.

(k) The proposed transferee shall provide evidence of compliance with all of the

following provisions of the Code of Miami-Dade County, Florida as part of the application for transfer:

(i) Section 24-48.2(I)(B)(1)

(ii) Section 24-48.2(I)(B)(2)

(iii) Section 24-48.2(II)(A)(2)

(iv) Section 24-48.2(II)(A)(3)

(v) Section 24-48.2(II)(A)(4)

(vi) Section 24-48.2(II)(A)(7)

(vii) Section 24-48.2(II)(A)(8)

(viii) Section 24-48.2(II)(A)(9)

(ix) Section 24-48.5(a)

(x) Section 24-48.5(b)

(xi) Section 24-48.5(c)

(xii) Section 24-48.5(d)

(xiii) Section 24-48.5(e)

(4) The Department [[~~of Environmental Resources Management~~]] is hereby prohibited from processing any application for transfer of a permit or permit approval which is:

(a) incomplete, or

(b) not timely filed, or

(c) not timely completed in accordance with the provisions of Sections 24-48.18 (1), (2) and (3).

(5) The Department [[~~of Environmental Resources Management~~]] is hereby prohibited from approving any application for transfer of a permit or permit approval which does not fulfill each and every requirement set forth in this Section.

(6) No later than sixty (60) days after the approval by the Director, or the Director's designee, of the date of transfer of a class I, class II, class III, class IV, class V, or class VI permit or permit approval, the transferee shall provide to the Department [[~~of Environmental Resources Management~~]] the same evidence of fee simple ownership of the property by the transferee required pursuant to the provisions of Section 24-48.2(I)(B)(1)(c) or Section 24-48.2(II)(A)(1) of the Code of Miami-Dade County, Florida if such evidence of fee simple ownership of the property by the transferee has not already been provided to the Department [[~~of Environmental Resources Management~~]].

(7) A mortgagee or lien-holder who obtains fee simple ownership and possession of real property through foreclosure or settlement of an action for foreclosure shall be eligible to be a transferee after acquisition of the fee simple ownership of the property, subject to the

fulfillment of all the requirements in (3) above, provided a complete application for transfer is filed in writing with the Department [[~~of Environmental Resources Management~~]] not later than one hundred and twenty (120) days after the mortgagee or lien-holder obtains the fee simple ownership of the property and not later than ninety (90) days prior to the expiration date of the issued permit or granted permit approval. The signature of the prior property owner shall not be required on the application for transfer.

(8) All transfers of class I, class II, class III, class IV, class V, and class VI issued permits and granted permit approvals by the Board of County Commissioners which have been processed by the Department [[~~of Environmental Resources Management~~]] prior to the effective date of Ordinance No. 90-130 are hereby approved, confirmed, and made effective retroactive to the dates of such transfers.

(9) It shall be unlawful for any person to perform work, or authorize, allow, suffer or permit work to be performed requiring a Class I, Class II, Class III, Class IV, Class V, or Class VI permit after a fee simple transfer of a property unless the Department [[~~of Environmental Resources Management~~]] has approved an application for transfer of the issued permit authorizing the current fee simple property owner to perform the work.

(10) The Environmental Quality Control Board shall not have any jurisdiction pursuant to Section 24-11, Section 24-8 or Section 24-12 of the Code of Miami-Dade County with respect to any of the provisions of this Section contained herein.

Sec. 24-48.19. Permit issuance.

Approvals of class I, class II, class III, class IV, class V and class VI permits by the Board of County Commissioners shall only be valid for a period of thirty (30) months, in the case of rockmining, or for a period of eighteen (18) months, for all other work, from the date of the approval unless another time period is stated in the resolution granting approval. If the applicant has not obtained a permit issued by [[~~DERM~~]]>>the Department<< within thirty (30) months, in the case of rockmining, or within eighteen (18) months, for all other work, from the date of the approval by the Board of County Commissioners or within the time period stated in the resolution granting approval, then a new application for a permit shall be filed. Upon the timely application of any person, other than the person seeking the permit, filed in a court of competent jurisdiction which seeks judicial review in accordance with Section 24-48.14 of the Code of Miami-Dade County, Florida, of a decision granting or granting with limitations, restrictions or conditions of any permit in this article, the time periods hereinabove shall be tolled until disposition of the judicial review. All approvals of class I, class II, class III and class IV permits by the Board of County Commissioners prior to December 7, 1990 for which the applicant has not obtained a permit issued by [[~~DERM~~]]>>the Department<<within twelve (12) months from the effective date of this ordinance shall be null and void and no permit shall be issued by [[~~DERM~~]]>>the Department<<.

Sec. 24-48.20. North Trail Basin Plan.

Except as provided in Section 24-48.3(5)(e), all work performed in the North Trail Basin shall be consistent with the North Trail Basin Plan, which is hereby [[~~included~~]]>>adopted<< by reference in its entirety. The Clerk of the Board of County Commissioners is directed to keep a copy of the North Trail Basin Plan on file as an attachment to this ordinance. All work in the North Trail Basin shall be consistent with the goals, guidelines, standards, and project design criteria set forth in

the North Trail Basin Plan to ensure the maintenance of, or mitigation for the loss of, biological resources. All work in the North Trail Basin shall conform to the North Trail Basin cut and fill criteria which have been set forth in [[~~DERM~~]] >>Department<< Technical Document 89-4 to ensure proper water management.

* * *

Sec. 24-48.22. Biscayne Bay and environs designated aquatic park and conservation area.

(1) In recognition that is in the interest of the public welfare to protect and preserve unique, natural, aesthetic and recreational values, Biscayne Bay and its environs is hereby declared to be an "aquatic park and conservation area" for the use and benefit of the citizens of >>Miami-<<Dade County.

(2) The County Manager is hereby empowered to develop a plan for the protection and preservation of said "aquatic park and conservation area" including the initiation and coordination of appropriate research and analysis, the development of both short and long-range plans, and the promulgation of rules and regulations which, after ratification by the Board of County Commissioners and the appropriate agencies of the State of Florida and of the federal government, shall have the force and effect of law.

* * *

Sec. 24-48.24. Prohibition of non-water-dependent fixed structures.

It shall be unlawful for any person to construct, place, install, maintain, permit, allow, suffer or cause the construction, placement, installation, maintenance or existence of any fixed structure in, on, over or upon any of the tidal waters of Miami-Dade County which does not have a water-dependent use. Fixed structures which do not have a water-dependent use include, but are not limited to, residences, offices, hotels, motels, restaurants, lounges, retail or wholesale stores, club houses, helicopter pads, meeting facilities, commercial signs, transmitting or receiving antennas and towers, or [[a]] storage or [[~~parked~~]] >>parking<< [[~~facility~~]] >>facilities<<. This prohibition shall not apply to fixed structures that were fully permitted on the effective date of this section or to their repair providing permits are obtained.

Sec. 24-48.25. Procedure governing variances for prohibited floating structures and prohibited fixed structures.

All applications for variances of floating structures and fixed structures prohibited by Sections 24-48.23 and 24-48.24 of this Code shall be heard and ruled upon by the Board of County Commissioners. Any person requesting said variance shall submit a standard form class I coastal construction application and application fee to the [[~~DERM~~]] >>Department<<, [[~~who~~]]>>which<< shall review said application and make a recommendation to the Board of County Commissioners for approval, denial or approval subject to conditions, limitations or restrictions for the proposed variance. The Board of County Commissioners shall hold a public hearing concerning the proposed variance. A notice of the time and place of said public hearing shall be published in a newspaper of general circulation in Miami-Dade County a minimum of seven (7) days prior to the public hearing. Said notice shall include a brief description of the proposed work and the location of the proposed work. A courtesy notice containing substantially the same information set forth in said published

notice shall be mailed to those parties whose names appear on the application as the owners of all riparian or wetland property within three hundred (300) feet of the proposed work. Failure to mail or receive said courtesy notice shall not affect any action or proceeding taken thereunder. The [[~~DERM~~]] >>Director<<, when making [[~~his/her~~]]>>the Director's<< recommendation to the Board of County Commissioners, and the Board of County Commissioners, when considering the variance request, may consider any or all of the following factors: Visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters, historical significance, the need for covered vessel repair facilities, environmental impact or cumulative environmental impact, navigation>>,<<[[~~or~~]] public safety, aesthetics, the >>provisions of Section 258.397 F.S., which established the<< Biscayne Bay Management Plan (Section 33D-1 through 33D-4), the Biscayne Bay Aquatic Preserve Act (Section [[~~258.165~~]]>>258.397<< F.S.), the Rules of the Biscayne Bay Aquatic Preserve ([[~~Chapter 16Q-18 F.A.C.~~]]>>Chapter 18-18 F.A.C.<<) as well as the evaluation factors contained within Section 24-48.3. The Board of County Commissioners shall, after holding the public hearing, approve, deny or approve subject to conditions, limitations or restrictions, the variance proposed under the application.

If the Board of County Commissioners approves a variance, the procedures concerning issuance of a permit contained within Section 24-48.5 shall be followed.

DIVISION 2. TREE PRESERVATION AND PROTECTION

Sec. 24-49. Permits for tree removal and relocation, improperly issued permits, violation of permit conditions, exemptions from tree removal permits; mortgagee exemption from liability.

(1) It shall be unlawful for any person, unless otherwise permitted by the terms of this article, to do tree removal work or to effectively destroy any tree, or to effectively destroy any understory in a natural forest community, without first obtaining a permit from the Department.

(2) No municipal or County official shall issue a tree removal permit that does not comply with the provisions of this article. Any such permit shall be void.

(3) It shall be unlawful for any person to violate or not comply with any of the conditions of a Miami-Dade County tree removal permit.

(4) The following activities are exempt from tree removal permits:

(a) Removal of trees within the yard area of an existing single-family residence, provided the trees are not within a natural forest community, and are not specimen trees. This exemption does not apply to trees which are growing on County rights-of-way adjoining existing single-family residences;

(b) Removal of trees for the construction of a new single-family residence, provided that:

(i) The lot is one (1) acre or less in size (43,560 square feet), if an AU zoned lot, or one-half (1/2) acre or less in size (21,780[[ )]]square feet>>)<<, for any other zoned lot; and

(ii) The lot is being developed as the principal residence of the owner-builder;

and

(iii) The lot is not within an area designated as a natural forest community; and

(iv) The trees are not specimen trees.

(c) Removal of any dead tree.

(d) Removal of trees within State-approved plant nurseries and botanical gardens, provided said trees were planted and are growing for the display, breeding, propagation, sale or intended sale to the general public in the ordinary course of business.

(e) Removal of trees for the establishment, maintenance and operation of a bona fide grove or bona fide tree nursery, except when the proposed tree removal is to occur in a natural forest community designated under Resolution No. 1764-84 or under subsequent revisions of the natural forest community maps or when the proposed tree removal will affect specimen trees as defined herein. Any person desiring to remove trees pursuant to this provision shall obtain written approval from the Department prior to the commencement of any such activities under this exemption.

(f) Removal of any of the following tree species (provided the activity is not within a natural forest community, in which case a permit shall be required, but all application and permit fees shall be waived by the [[~~department~~]] >>Department<<):

* * *

(i) Removal of >>a<< tree >>or trees<< within a bona fide fruit grove for the express purpose of converting said bona fide fruit grove to another bona fide agricultural purpose, provided however, that the owner of the real property upon which the bona fide fruit grove is planted has entered into a covenant agreement with Miami-Dade County in the form approved by the Board of County Commissioners, which covenant [[~~stipulates~~]] >>requires<< that said property shall only be used for bona fide agricultural purposes for a period of five (5) years from the date of execution. The form for said covenant agreement shall be approved by the Board of County Commissioners by resolution concurrently with the approval of this ordinance so that all covenant agreements submitted pursuant to this provision can be executed and accepted by the [[~~director~~]] >>Director<< [[~~of DERM~~]] and then recorded in the Official Records of Miami-Dade County without the necessity of additional public hearings. In the event that the provisions of said covenant are not complied with, the Director [[~~of DERM~~]] may commence an action in law or equity to ensure adherence with the replanting requirements contained in Section 24-49.4 of the >>Code of<< Miami-Dade County [[~~Code~~]].

(5) Any mortgagee with respect to property upon which any violation of this tree ordinance has occurred shall not be liable for such violation unless, prior to said violation, said mortgagee has foreclosed upon said property or participated in the management or control of said property, or unless said mortgagee has effected or caused the tree ordinance violations occurring on said property.

(6) Notwithstanding the provisions of Section 24-31(7) herein, if actions or omissions constituting a violation of this article occurred at a time when the completed actions or omissions were not prohibited by law, such completed actions or omissions shall not constitute a violation of this article.

Sec. 24-49.1. Permits [[~~Generally~~]] >>generally<<.

Tree removal permits are required for the removal or relocation of any tree not specifically exempted under Section 24-49(4). The Department shall provide permit application forms which shall be used by permit applicants. An owner, agent of the owner, or lessee of a property may apply for a tree removal permit. If the permit application is a lessee or agent of the owner, a statement from the owner of the property indicating that the owner has no objection to the proposed tree removal shall be submitted with the application. The permit applicant shall submit to the Department a completed application form. Permit application forms shall be accompanied by two (2) sets of site plans which are subject to review and approval by the Department. The site plan shall include the locations of all existing tree resources and all proposed structures or utilities which may require removal or relocation of trees. The Department may require that said plans be prepared by either a landscape architect, architect or an engineer registered in the State of Florida. If the submitted site plan does not provide sufficient information to determine which trees will be affected by the proposed development, the Department may require that a tree survey of the site be prepared and submitted to the Department for review.

Sec. 24-49.2. Review and evaluation of permit applications, natural forest [[~~communities~~]]>>community<< standards, specimen tree standards.

A review of each completed tree removal permit application shall be conducted by the Department. This review and all actions taken by the Department under the provisions of this article shall be conducted using best available practices from biology, botany, forestry, landscape architecture and other relevant fields, and shall be conducted in a manner that is consistent with all applicable goals, objectives and policies in the Comprehensive Development Master Plan for Miami-Dade County, Florida. Upon receipt of a completed permit application, the Department shall determine whether the site contains any portion of a natural forest community, specimen trees or any other trees subject to the provisions of this article as follows:

(1) If a site contains any portion of a natural forest community, then the provisions of Section 24-49.2(I) shall apply. If any person is in doubt as to whether a particular property has been designated as a natural forest community, said person may request a written determination from the Department. Said written determination shall state whether or not a particular property has been so designated by the [[~~Miami-Dade County Commission~~]] >>Board of County Commissioners<< in the forest community maps under Resolution 1764-84 and shall be prepared by the Department within twenty (20) days of receipt of said request.

Any property owner of a designated natural forest community site may request that the Department verify the designated boundaries of a specific natural forest community site or may request that a specific site be deleted from the approved natural forest community maps. Requests for verification of the designated boundaries of a specific natural forest community

site or the deletion of a specific site from the approved maps shall be made in writing to the Department. Upon receipt of such requests, Departmental staff shall inspect the site and make a determination whether the approved boundaries accurately reflect the current boundaries of a natural forest community as defined herein, or whether a site should be deleted from the approved maps. If it is determined that the approved boundaries of a specific natural forest community site are [[~~not~~]] >>no<< longer accurate, the Director or [[~~his~~]] >>the Director's<< designee shall modify the approved boundary of the natural forest community. One (1) copy of the modified boundary shall be furnished to the person who originated the request within thirty (30) days of receipt of the original request and another copy shall be made permanently available at the Department for reference by the public. If it is determined that a specific natural forest community site in its entirety no longer meets the definition of a natural forest community as defined herein, the Director shall recommend to the Board of County Commissioners that the site be deleted from the approved natural forest community maps.

(2) If a site contains any specimen trees, then the provisions of Section 24-49.2(II) shall apply.

(3) If there are trees present on a site other than any portion of a natural forest community or specimen trees, then the replacement provisions of Section 24-49.4 shall apply.

(4) In the event that a site contains any combination of natural forest community, specimen trees or other trees, [[~~then shall be applied in proportion to the presence of each type of tree or Sections 24-49.2(I), 24-49.2(II), and 24-49.4 community~~]] >>then Sections 24-49.2(I), 24-49.2(II), and 24-49.4 shall be applied in proportion to the presence of each type of tree or community<<.

The standards to be applied in reviewing tree removal permit applications involving natural forest communities or specimen trees are as follows:

(I) *Natural Forest* [[~~*Communities*~~]] >>*Community*<< *Standards.*

(1) Upon receipt of an application for tree or understory removal work in a natural forest community, Departmental staff shall verify that the site currently meets the definition of a natural forest community as defined herein. If Departmental staff determine that a site no longer meets the definition of a natural forest community, then the Director shall recommend to the Board of County Commissioners that the site be deleted from the natural forest community maps. Upon approval by resolution of the Board of County Commissioners, the site will no longer be subject to the provisions of Section 24-49.2(I), but may nevertheless be subject to the provisions of Sections 24-49.2(II) and 24-49.4. In the event that Departmental staff determine that the site currently meets the definition of a natural forest community as defined herein, but the boundary line shown on the approved maps no longer accurately reflects the boundary of a natural forest community as defined herein, the boundary of the natural forest community as shown on the approved maps shall be modified by the Director or [[~~his~~]] >>the Director's<< designee. One (1) copy of the modified boundary shall be furnished to the property owner and another copy shall be made permanently

available at the Department for reference by the public. If the boundaries of a natural forest community are modified, only that area encompassed within the modified boundary of the natural forest community shall be subject to the provisions of this section.

(a) Except as provided in Section 24-49.2(I)(1)(c) below, a permit shall not be issued to clear more than ten (10) percent of the canopy and understory of any hardwood hammock natural forest community or more than twenty (20) percent of the canopy and understory of any pineland natural forest community, provided said sites are five (5) acres or greater. If a site has a total area of less than five (5) acres and the natural forest community covers all or a portion of the site, a permit may be issued to clear up to one-half (1/2) acre within a hammock natural forest community and up to one (1) acre within a pineland natural forest community, only if the clearing of ten (10) percent or twenty (20) percent, respectively, does not allow some use of the property.

* * *

Sec. 24-49.3. Preliminary review of projects involving tree removal or relocation.

The Department shall review and comment on the following actions: Any application for zoning relief which requires a public hearing before the Miami-Dade County Community Zoning Appeals Board or the Board of County Commissioners; applications for plat approval; administrative site plan review; applications for approval of development plans by the developmental impact committee and the South Florida Regional Planning Council; proposed plans for new roadways or improvements to highway design projects; proposed plans for new public park and recreational areas and other public facilities. This review procedure shall determine if a tree removal permit is required under Section 24-49, and whether the following standards, when applicable, are adhered to:

(1) Any proposed action that does not involve specimen trees or development in a natural forest community shall be subject to the replacement standards in Section 24-49.4.

(2) Development within natural forest communities or involving specimen trees:

(a) If it is determined that the proposed development site is within a natural forest community or involves removal of a specimen tree, the standards set forth in Section 24-49.2 shall apply. Proposed site actions that are not in accordance with said standards shall receive a recommendation of denial from the Department.

(b) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action requiring a public hearing before the Miami-Dade County Community Zoning Appeals Board or the Board of County Commissioners for any land use involving division of property into parcels less than five (5) acres within natural forest communities without obtaining the prior written recommendation of the [[~~DERM~~]] >>Director<< or [[~~his~~]]

>>the Director's<< designee. The [[~~DERM~~]] >>Director<< or [[~~his~~]] >>the Director's<< designee shall issue his written recommendation of approval only if the [[~~DERM~~]] >>Director<< or [[~~his~~]] >>the Director's<< designee determines that a preservation area equivalent in size to the minimum preservation area required for the site under Section 24-49.2(I) has been designated prior to the proposed action.

Sec. 24-49.4. Replacement requirements for tree removal.

(1) *Tree replacement requirements.* As a condition of the issuance of a tree removal permit, the permittee shall be required to replace trees that are authorized to be removed under the provisions of this article. The number of trees and number of species of trees required for replacement shall be determined according to the procedures contained herein. When the replacement canopy area exceeds ten thousand (10,000) square feet, replacement shall be described in a landscape replacement plan which shall meet the minimum requirements of Section 24-49.4(3), and no tree removal permit shall be issued until said plan has been approved by the Department, except as provided in Section 24-49.4(4).

(a) The following are exempt from this section:

* * *

(2) *Procedures for determining tree replacement requirements.* The Department shall determine the total number of replacement trees required for the issuance of a tree removal permit according to the following procedural steps:

(a) *Step 1*: *Determining existing tree canopy coverage on-site*. The area of existing tree canopy coverage of a site shall be determined by the Department, using one (1) or any combination of the following methods: Review of aerial photography; on-site inspection; and review of a tree survey. The Department may require the applicant to submit a tree survey for the purpose of this determination.

* * *

(d) *Step 4*: *Location of replacement trees*. Specific placement of replacement trees on-site shall be determined by the applicant. If the site cannot accommodate the required replacement trees because of insufficient planting area as determined by the Department, then the applicant shall be required to plant replacement trees at an off-site location subject to Departmental approval, or, as a last alternative, shall provide an equitable contribution to the Miami-Dade County Tree Trust Fund to compensate for those replacement trees which cannot be accommodated on site. The amount of the contribution shall be determined according to the provisions of [[~~Section 24-49.9~~]] >>Section 24-49.8<<. If any applicant is in doubt as to whether a particular site can sufficiently accommodate the required number and species of replacement trees as initially determined by the Department, then the applicant shall submit a statement prepared by a landscape architect registered in the State of Florida, indicating whether, in his professional opinion, the site can accommodate the required number of trees and species. Upon receipt of said statement, the Department shall reevaluate its initial determination and provide the applicant with a revised

determination of requirements. In the event that the landscape architect is in agreement with the Department's determination of available planting space, however, due to design considerations, the applicant would elect to propose an alternative landscape enhancement plan or an equitable contribution to the Miami-Dade County Tree Trust Fund, then the provisions of Section 24-49.4(4) or 24-49.2(II)(5), respectively, shall apply.

* * *

Sec. 24-49.5. Tree protection requirements during construction.

(1) During site development, protection requirements for trees designated for preservation under an approved tree removal permit shall include, but not be limited to, the following:

(a) Protective barriers shall be placed around each tree, cluster of trees, or the edge of the preservation area no less than six (6) feet (in radius) from the trunk of any protected tree>> , << cluster>>of trees ,<< or preservation area unless a lesser distance is specified by the Department. Protective barriers shall be a minimum of four (4) feet above ground level and shall be constructed of wood, plastic or metal, and shall remain in place until development is completed and the Department has authorized their removal. Protective barriers shall be in place prior to the start of any construction.

(b) Understory plants within protective barriers shall be protected.

(c) No excess oil, fill, equipment, building materials or building debris shall be placed within the areas surrounded by protective barriers, nor shall there be disposal of any waste material such as paints, oils, solvents, asphalt, concrete, mortar or any other material harmful to trees or understory plants within the areas surrounded by protective barriers.

(d) Trees shall >>not<< be braced in such a fashion as to [[~~not~~]] scar, penetrate, perforate or otherwise inflict damage to the tree.

(e) Natural grade shall be maintained within protective barriers. In the event that the natural grade of the site is changed as a result of site development such that the safety of the tree may be endangered, tree wells or retaining walls are required.

(f) Underground utility lines shall be placed outside the areas surrounded by protective barriers. If said placement is not possible, disturbance shall be minimized by using techniques such as [[~~tunnelling~~]] >>tunneling<< or overhead utility lines.

(g) Fences and walls shall be constructed to avoid disturbance to any protected tree. Post holes and trenches located close to trees shall be dug by hand and adjusted as necessary, using techniques such as discontinuous footings, to avoid damage to major roots.

(2) Exceptions to the provisions of Section 24-49.5(1). Exceptions to the requirements of Section 24-49.5(1) shall be approved only when the permittee receives specific written authorization from the [[~~DERM~~]] >>Director<< or [[~~his~~]] >>the Director's<< designee. The

[[~~DERM~~]] >>Director<< or [[~~his~~]] >>the Director's<< designee shall not issue [[~~his~~]] written approval unless the [[~~DERM~~]] >>Director<< or [[~~his~~]] >>the Director's<< designee determines that the affected tree(s) can be adequately protected without meeting the requirements of Section 24-49.5(1), or due to exceptional circumstances it is not practical or reasonable to meet the requirements of Section 24-49.5(1).

* * *

Sec. 24-49.7. Permit issuance, confirmation of natural forest community maps, existing permits, approvals and consent agreements.

(1) The Department shall deny an application, or approve an application and issue a permit (subject to conditions, limitations or restrictions), for the activity proposed under the permit application, provided:

(a) The required application fee and permit fee is submitted to Miami-Dade County.

(b) A performance bond, if required, has been posted. As a condition of issuing a tree removal permit, the Department may require the posting of a performance bond to guarantee compliance with all other conditions, limitations, and restrictions of the tree removal permit (the permitted activity), including, without limitation, planting of all required replacement trees. The bond shall be equivalent to one hundred (100) percent of the estimated cost of the permitted activity and may be in the form of a letter of credit, surety, cash, or certificate of deposit. All performance bonds shall remain in force for a minimum of either one (1) year after the actual completion date of the permitted activity (to ensure that any replanted trees which perish are replaced), or until viability of all replanted trees has been achieved, whichever occurs last. However, at the discretion of the [[~~DERM~~]] >>Director<< or [[~~his~~]] >>the Director's<< designee, performance bonds may be partially released in phases based upon partial completion of planting or other permit requirements.

(c) All required plans or covenants are submitted and are in compliance with the standards herein.

(2) All permits shall clearly specify all conditions, limitations and restrictions required by the Department. The permit applicant shall acknowledge that [[~~he~~]] >>the permit applicant<< fully understands and agrees to comply with all >>of<< said conditions, limitations or restrictions by signing the permit prior to its issuance.

* * *

Sec. 24-49.8. Permit fees; schedule.

The [[~~Miami-Dade County~~]] Department [[~~of Environmental Resources Management~~]] shall charge and collect application and permit fees and trust fund contributions at the rates established by separate administrative order which shall not become effective until approved by the Board of County Commissioners. Applications from government agencies for tree removals in areas dedicated to public use may, in the discretion of the [[~~DERM~~]] >>Director<<, be exempted from application fees and permit fees.

Sec. 24-49.9. Prohibited plant species.

(1) With exception of Ficus benjamina, the list of exotic pest plant species that may not be sold, propagated or planted anywhere in Miami-Dade County pursuant to Policy 8I of the Conservation Element of the Comprehensive Development Master Plan for Miami-Dade County, Florida, as may be amended from time to time, is hereby incorporated by reference. If present on a development site, they shall be removed prior to development, and their sale, propagation, planting, importation or transportation shall be prohibited.

* * *

(3) Variances.

(a) A variance by the Director [[~~of DERM~~]] from the transportation, propagation and planting prohibitions of this section may be requested, subject to the conditions justifying variance approval outlined below in Section 24-49.9(3)(b)(i) and (ii). Said variance request shall be made in writing to the Director [[~~of DERM~~]] and shall include the following information:

(i) Name and address of the person or persons requesting the variance.

(ii) Location of the property for which the variance is requested.

(iii) A sketch or drawing indicating the location within the subject property where the planting or field propagation of the otherwise prohibited plant species will occur. (Container propagation shall be exempt from said sketch or drawing requirements.)

(iv) The reason or reasons for requesting the variance.

(b) The Director [[~~of DERM~~]] may, in [[~~his~~]] >>the Director's<< discretion, issue a variance from the provisions of this section based upon the following factors:

(i) Proximity of the subject planting or propagation to any environmentally sensitive areas (e.g., wetlands, hammocks, pinelands, dunes).

(ii) Lack of appropriate alternative plant species to fulfill the same purpose or purposes for planting.

(c) The Director [[~~of DERM~~]] shall issue or deny a variance request within thirty (30) days of receipt of [[~~its receipt~~]]>>the variance request<<, provided the required information described in Section 24-49.9(3)(a)(i) through (iv) above has been submitted.

* * *

Sec. 24-50.1. Legislative intent.

The historic loss, fragmentation, and degradation of native wetland and upland forest communities in Miami-Dade County are well documented, and remaining native wetland and upland forest communities are collectively endangered. On May 8, 1990, the electorate of Miami-Dade County authorized the county to exceed the constitutional millage limitation by levying an ad

valorem tax of three-quarters of one mil, for a period not to exceed two (2) years, for acquisition, preservation, enhancement, restoration, conservation and maintenance of environmentally-endangered lands for the benefit of present and future generations; and limiting all uses of, and all investment earnings on, such levies to such purposes. It is the intent of the Board of County Commissioners of [[~~Metropolitan~~]] Miami-Dade County to establish the Environmentally Endangered Lands Program to implement this mandate and to support its purposes to the fullest.

* * *

Sec. 24-50.3. Environmentally Endangered Lands Program established.

The [[~~Metropolitan~~]] Miami-Dade County Environmentally Endangered Lands Program (hereinafter referred to as the EEL Program) is hereby established to acquire, preserve, enhance, restore, conserve, and maintain threatened natural forest and wetland communities located in Miami-Dade County, for the benefit of present and future generations. The County Manager shall administer this program in accordance with the procedures and criteria provided for herein below.

Sec. 24-50.4. Purpose.

The purpose of the EEL Program shall be:

(1) To acquire environmentally-endangered lands which contain natural forest or wetland communities, native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, or outstanding geologic or other natural features;

(2) To acquire environmentally-endangered lands which function as an integral and sustaining component of an existing natural system;

(3) To protect environmentally-endangered lands which are publicly owned by acquiring inholdings or adjacent properties which, if not acquired, would threaten the environmental integrity of the existing resource, or which, if acquired, would enhance the environmental integrity of the resource;

(4) To implement the objectives and policies of the Comprehensive Development Master Plan for [[~~Metropolitan~~]] Miami-Dade County which have been promulgated to preserve and protect environmental protection areas designated in the Plan and other natural forest resources, wetlands, and endangered species habitat;

* * *

Sec. 24-50.5. Environmentally Endangered Lands Trust Funds.

(1) *Creation of the Environmentally Endangered Lands Acquisition Trust Fund.*

(a) There is hereby created the Environmentally Endangered Lands Acquisition Trust Fund (hereinafter referred to as the EEL Acquisition Trust Fund) for use in acquiring environmentally-endangered lands in Miami-Dade County. The Finance Director is hereby authorized to establish the EEL Acquisition Trust Fund and to receive and

disburse monies in accordance with the provisions of this section.

(b) The EEL Acquisition Trust Fund shall receive monies from the following sources:

(i) All revenues collected by the >>Miami-Dade<<County Tax Collector pursuant to the extraordinary millage of three-quarters of one mil of ad valorem tax levied in 1990 and 1991, as approved by referendum on May 8, 1990, except for those revenues dedicated to the Environmentally Endangered Lands Management Trust Fund provided for herein by Section 24-50.5(b)(ii).

(ii) All monies accepted by [[~~Metropolitan~~]] Miami-Dade County in the form of federal, State, or other governmental grants, allocations, or appropriations, as well as foundation or private grants and donations for acquisition of environmentally-endangered lands as provided for by this section.

* * *

(2) *Creation of the Environmentally Endangered Lands Management Trust Fund.*

(a) There is hereby created the Environmentally Endangered Lands Management Trust Fund (hereinafter referred to as the EEL Management Trust Fund) for the preservation, enhancement, restoration, conservation and maintenance of environmentally-endangered lands which either have been purchased with monies from the EEL Acquisition Trust Fund (established pursuant to Section 24-50.5(1), or have otherwise been approved for management pursuant to Section 24-50.7(2). The Finance Director is hereby authorized to establish the EEL Management Trust Fund and to receive and disburse monies in accordance with the provisions of this section.

(b) The EEL Management Trust Fund shall receive monies from the following sources:

(i) A principal in the amount of ten million dollars ($10,000,000.00) from those revenues collected by the >>Miami-Dade<<County Tax Collector pursuant to the extraordinary millage of three-quarters of one mil of ad valorem tax levied in 1990 and 1991, as approved by referendum on May 8, 1990. The principal may be increased as a result of a specific grant, donation, allocation or appropriation therefore.

(ii) All monies accepted by [[~~Metropolitan~~]] Miami-Dade County in the form of federal, State, or other governmental grants, allocations, or appropriations, as well as foundation or private grants and donations, for management of lands acquired with the EEL Acquisition Trust Fund or otherwise approved for management pursuant to Section 24-50.7(2). Unless otherwise stated at the time of acceptance, all grant and donation monies received and the interest therefrom shall not be part of the principal and shall be available for disbursement in accordance with Section 24-50.5(2)(d).

* * *

Sec. 24-50.6. Land Acquisition Selection Committee.

(1) *Land Acquisition Selection Committee established; qualifications of members.*

(a) There is hereby established an Advisory Board in accordance with Sections 2-11.36 through 2-11.40 of this Code to be known as the [[~~Metropolitan~~]] Miami-Dade County Land Acquisition Selection Committee (hereinafter referred to as the LASC).

* * *

Sec. 24-50.10. Nomination of acquisition proposals.

(1) Public applications nominating properties for acquisition may be submitted on an annual basis by any person or organization, including any federal, State, municipal, or regional government agency. Miami-Dade County applications nominating properties for acquisition may be submitted on a semi-annual basis by any agency of [[~~Metropolitan~~]] Miami-Dade County.

* * *

(6) If the applicant has an ownership interest in any real property covered by an application for proposed acquisition, such interest shall be disclosed in the same manner as required of zoning applicants by Section 33-304(a) of the Code of Miami-Dade County. If the applicant is acting as agent or attorney for a principal, the principal's interest shall be disclosed in the same manner as required of zoning applicants in Section 33-304(a) of the Code of [[~~Metropolitan~~]] Miami-Dade County. Section 24-50.10(6) shall not apply to governmental applicants.

* * *

Sec. 24-51.2. Applicability.

(1) The provisions of this article shall be effective in both the unincorporated and incorporated areas of Miami-Dade County.

(2) Notwithstanding the provisions of Section 24-51.2(1) above, the provisions of this article shall not apply within any municipality which files with both the Clerk of the Board of County Commissioners and the Director [[~~of the Miami-Dade County Department of Environmental Resources Management~~]] certified copies of a resolution of the governing body of such municipality which notifies the Board of County Commissioners and the Director [[~~of the Miami-Dade County Department of Environmental Resources Management that the municipality exercises thereby its option to exempt~~]] that the municipality exercises thereby its option to exempt the municipality from the provisions of this article, provided, however, (1) such certified copies are filed as set forth above no later than ninety (90) days from the date of enactment of this article and (2) the municipality commits in said resolution to implement within said municipality the provisions of Section 403.0893(1), (2), or (3), Florida Statutes, as amended from time to time, no later than two (2) years from the effective date of this article. Failure to file such certified copies or to implement Section 403.0893(1), (2) or (3), Florida Statutes, as amended from time to time, within the aforesaid respective time periods shall render the municipality's exemption from the provisions of this article null

and void. Notwithstanding the foregoing, any municipality, at any time after the effective date of this article, may request, by resolution, that the Board of County Commissioners render the municipality's exemption from the provisions of this article null and void or grant the municipality an exemption from the provisions of this article subject to conditions determined by the Board of County Commissioners. Upon receipt of such a resolution of a municipality the Board of County Commissioners may, by resolution, render the municipality's exemption from the provisions of this article null and void or grant the municipality an exemption from the provisions of this article subject to conditions determined by the Board of County Commissioners.

* * *

Sec. 24-51.4. Fees.

(1) The Miami-Dade County Stormwater Utility is hereby authorized and directed to establish, assess, and collect stormwater utility fees upon all residential developed property and all nonresidential developed property in Miami-Dade County, Florida, sufficient to plan, construct, operate, and maintain stormwater management systems set forth in the local program required pursuant to Section 403.0891(3), Florida Statutes. Such fees shall be in an amount set forth in administrative orders of the County Manager after approval by the Board of County Commissioners.

(2) Each residential developed property shall be assessed a stormwater utility fee calculated by multiplying the rate for one (1) ERU by the number of the dwelling units on the parcel.

(3) Each nonresidential developed property shall be assessed a stormwater utility fee calculated by multiplying the rate for one (1) ERU by a factor derived by dividing the actual impervious area of the particular nonresidential developed property by the statistically estimated average horizontal impervious area of residential developed property per dwelling unit, to wit, the square footage base equivalent established for one (1) ERU. Notwithstanding the foregoing, each nonresidential developed property classified by the Miami-Dade County Property Appraiser as land use type 71 shall be assessed a stormwater utility fee which is fifty (50) percent of the fee for nonresidential developed property calculated as described in the preceding sentence.

(4) The fees payable hereunder shall be deposited in a separate County fund and shall be used exclusively by the Miami-Dade County Stormwater Utility to pay for the costs of planning, constructing, operating and maintaining stormwater management systems set forth in the local program [[~~reuqired~~]] >>required<< pursuant to Section 403.0891(3), Florida Statutes. No part of said fund shall be used for purposes other than the aforesaid.

Sec. 24-51.5. Billing; liens.

(1) Fees shall be billed to the owner, tenant, or occupant of each developed property in accordance with the administrative orders of the County Manager. If the fees are not fully paid by said owner, tenant or occupant on or before the past due date set forth on the bill, a ten (10) percent late charge may be added to the bill and imposed by the Utility in accordance with regulations prescribed by the County Manager. Any unpaid balance for such fees and

late charges shall be subject to an interest charge at the rate of eight (8) percent per annum. Imposition of said interest charge shall commence sixty (60) days after the past due date of the fees set forth on the bill.

(2) Fees and late charges, together with any interest charges, shall be debts due and owing the Utility and all of same shall be recoverable by the County or its assignee, on behalf of the Utility, in any court of competent jurisdiction.

(3) The Utility shall establish procedures to notify owners, tenants, occupants, and managers of developed property of delinquent fee accounts. Subscribers to this service shall pay in advance a fee in an amount set forth in the administrative orders of the County Manager.

(4) All fees, late [[~~charge, sand~~]] >>charges and<< interest accruing thereupon, due and [[~~owning~~]] >>owing<< to the Utility which remain unpaid sixty (60) days after the past due date of the fees shall become a lien against and upon the developed property for which the fees are due and owing to the same extent and character as a lien for a special assessment. Until fully paid and discharged, said fees, late charges, and interest accrued thereupon shall be, remain, and constitute a special assessment lien equal in rank and dignity with the liens of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to or against the developed property involved for the period of five (5) years from the date said fees, late charges, and interest accrued thereupon, become a lien as set forth in this article. Said lien may be enforced and satisfied by the County, on behalf of the Utility, pursuant to Chapter 173, Florida Statutes, as amended from time to time, or by any other method permitted by law. The lien provided for herein shall not be deemed to be in lieu of any other legal remedies for recovery of said fee, late charges, and accrued interest available in the County and to the Utility.

* * *

(7) Notwithstanding other provisions to the contrary herein, the County, on behalf of the Utility, shall have the discretion not to file notices of lien for fees, late charges, and interest accrued thereupon in an amount less than fifty dollars ($50.00). If the County or the Utility elects not to file a notice of lien, said fees, late charges, and accrued interest shall remain as debts due and owing in accordance with [[~~(B)~~]] >>(2)<< above.

(8) The Utility is authorized and directed to execute and deliver upon request written certificates certifying the amount>>of<< fees, late charges and interest accrued thereupon, which are due and owing to the Utility and the County, for any developed property which is subject to payment of said fees, or the Utility may certify that no fees, late charges or accrued interest are due and owing. Said certificates shall be binding upon the County and the Utility.

Section 3. Section 24-42.6 of the Code of Miami-Dade County, Florida, relating to prohibition against use of hard detergents, incorporated herein by reference hereto, is hereby repealed in its entirety. Ordinances enacted by the Board of County Commissioners of Miami-Dade County, Florida, if any, pursuant to Section 24-42.6 of the Code of Miami-Dade County, Florida,

which are not codified, shall not be affected by this repeal and shall remain in full force and effect. Resolutions, rules, and regulations adopted by the Board of County Commissioners of Miami-Dade County, Florida, if any, pursuant to Section 24-42.6 of the Code of Miami-Dade County, Florida, shall not be affected by this repeal and shall remain in full force and effect. Special, local or general laws applicable only to Miami-Dade County, Florida, and any ordinances enacted by the Board of County Commissioners of Miami-Dade County, Florida, and any resolutions adopted by the Board of County Commissioners of Miami-Dade County, Florida, pursuant to such special, local or general laws applicable only to Miami-Dade County, Florida, if any, shall not be affected by this repeal and shall remain in full force and effect.

Section 4. Section 24-42.7 of the Code of Miami-Dade County, Florida, relating to detergents, incorporated herein by reference hereto, is hereby repealed in its entirety. Ordinances enacted by the Board of County Commissioners of Miami-Dade County, Florida, if any, pursuant to Section 24-42.7 of the Code of Miami-Dade County, Florida, which are not codified, shall not be affected by this repeal and shall remain in full force and effect. Resolutions, rules, and regulations adopted by the Board of County Commissioners of Miami-Dade County, Florida, if any, pursuant to Section 24-42.7 of the Code of Miami-Dade County, Florida, shall not be affected by this repeal and shall remain in full force and effect. Special, local or general laws applicable only to Miami-Dade County, Florida, and any ordinances enacted by the Board of County Commissioners of Miami-Dade County, Florida, and any resolutions adopted by the Board of County Commissioners of Miami-Dade County, Florida, pursuant to such special, local or general laws applicable only to Miami-Dade County, Florida, if any, shall not be affected by this repeal and shall remain in full force and effect.

Section 5. 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 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of Section 1 and Section 2 of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of Section 3, and Section 4 of this ordinance shall not be made a part of the Code of Miami-Dade County, Florida.

Section 7. 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: **May 6, 2008**

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Peter S. Tell