

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to (1) develop proposed changes to the Code with respect to operations and maintenance of municipal stormwater systems, (2) develop new standards for design and construction of municipal stormwater systems, (3) expand the County's asset management system to include stormwater infrastructure, and (4) conduct educational campaigns related to Biscayne Bay, and to provide reports with respect to the foregoing; urging municipalities to conduct educational campaigns related to Biscayne Bay; and urging the Florida Department of Environmental Protection to strengthen requirements and increase auditing and enforcement of its National Pollutant Discharge Elimination System (NPDES) permits for municipal stormwater systems

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins, and Co-Sponsors Commissioner Sally A. Heyman, Commissioner Jean Monestime and Senator Javier D. Souto.



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
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County Attorney

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)
9-1-22

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO (1) DEVELOP PROPOSED CHANGES TO THE CODE OF MIAMI-DADE COUNTY WITH RESPECT TO OPERATIONS AND MAINTENANCE OF MUNICIPAL STORMWATER SYSTEMS, (2) DEVELOP NEW STANDARDS FOR DESIGN AND CONSTRUCTION OF MUNICIPAL STORMWATER SYSTEMS, (3) EXPAND THE COUNTY'S ASSET MANAGEMENT SYSTEM TO INCLUDE STORMWATER INFRASTRUCTURE, AND (4) CONDUCT EDUCATIONAL CAMPAIGNS RELATED TO BISCAYNE BAY, AND TO PROVIDE REPORTS WITH RESPECT TO THE FOREGOING; URGING MUNICIPALITIES TO CONDUCT EDUCATIONAL CAMPAIGNS RELATED TO BISCAYNE BAY; AND URGING THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO STRENGTHEN REQUIREMENTS AND INCREASE AUDITING AND ENFORCEMENT OF ITS NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR MUNICIPAL STORMWATER SYSTEMS

WHEREAS, stormwater that carries street level pollutants, such as nutrients from organic material, plastic, trash, chemicals, and sewer and septic runoff, has a detrimental impact on Biscayne Bay; and

WHEREAS, there are various actions that the County may take in order to better address such potential impacts, including, for example, the development and adoption of new environmental regulations and standards with respect to municipal stormwater systems, and expanding the County's asset management system to include stormwater infrastructure; and

WHEREAS, such new standards could be complemented by greater educational campaigns, and in particular, community and neighborhood events and activities that are focused on Biscayne Bay related matters; and

WHEREAS, in addition, it may also be beneficial for the Florida Department of Environmental Protection (FDEP) to impose greater design and maintenance requirements on municipal stormwater systems through FDEP's National Pollutant Discharge Elimination System (NPDES) permits to address nutrients from organic material, plastics, trash, chemicals, and sewer and septic runoff, and to increase auditing and enforcement by FDEP of such permit requirements; and

WHEREAS, at its June 10, 2022 meeting, the Biscayne Bay Watershed Management Advisory Board recommended that this Board (1) direct the County Mayor or County Mayor's designee to take various actions, as specified herein, related to municipal stormwater systems and educational campaigns, (2) urge municipalities to conduct educational campaigns, and (3) urge FDEP to strengthen design and maintenance requirements and increase auditing and enforcement of FDEP's NPDES permits with a goal of reducing nutrients from organic material, plastics, trash, chemicals, and sewer and septic runoff entering or discharging from municipal stormwater systems,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Directs the County Mayor or County Mayor's designee to develop proposed changes to chapter 24 of the Code of Miami-Dade County to create standards and requirements for the operation and maintenance of municipal stormwater systems located within Miami-Dade County. The County Mayor or County Mayor's designee shall present such proposed changes to this Board in the form of a report within 90 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65. Such new standards and requirements, at a minimum, should address the following:

- Requirements designed to effectuate a significant reduction in the amount of pollutants such as nutrients from organic material, plastics, trash, chemicals, and sewer and septic runoff that enter or are discharged from municipal stormwater systems, with a particular focus on plastics or floatables that are larger than five millimeters in size;
- Regular maintenance requirements for stormwater infrastructure;
- Requirements for periodic cleanings of stormwater infrastructure, such as storm drains, catch basins, and baffle boxes, with the goal of maintaining at least 50 percent capacity in such structures, or metrics as recommended by the manufacturer for effective pollution control; and
- Requirements for periodic street sweeping or other roadside litter control to reduce the amount of debris and pollutants that could enter or clog stormwater infrastructure.

Section 2. Directs the County Mayor or County Mayor’s designee to develop new proposed standards for the design and construction of new or replacement municipal stormwater system infrastructure with a focus on controls for pollutants such as nutrients from organic material, plastic, trash, chemicals, and sewer and septic runoff. The process of developing such new standards for design and construction should: (a) include consideration of multiple forms of stormwater technologies and infrastructures, including, but not limited to, inlet grates or baskets, baffle boxes, separator systems, boom nets, low-impact design techniques and “green” infrastructure, skimmer vessels, and other beginning, middle, or “end of pipe” pollution controls; (b) allow and encourage input from the municipalities as to best practices and municipalities’ experiences with various stormwater system designs; and (c) include workshops and periodic ongoing collaboration meetings with municipalities. The County Mayor or County Mayor’s

designee shall present such proposed changes to this Board in the form of a report within 90 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

Section 3. Directs the County Mayor or County Mayor's designee to expand the County's existing asset management system, which currently includes a database of water and sanitary sewer infrastructure and maintenance records for such infrastructure, to also include stormwater infrastructure for all stormwater systems operating throughout Miami-Dade County, in order to better facilitate informed decisionmaking with respect to such infrastructure. This Board further directs the County Mayor or County Mayor's designee to explore other technology and systems, with the goal of integrating maintenance and monitoring data with the asset management system, to the extent possible. The County Mayor or County Mayor's designee shall prepare a report summarizing the efforts undertaken to comply with this directive, and shall provide the report to this Board within 90 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

Section 4. Directs the County Mayor or County Mayor's designee to conduct greater educational campaigns related to Biscayne Bay, which should include: (a) encouraging individuals and businesses in Miami-Dade County to properly maintain septic tanks and teaching how to recognize a failing septic tank; and (b) neighborhood-focused outreach and citizen involvement events, such as community clean-ups, storm drain stenciling, and community adopt-a-street efforts. The County Mayor or County Mayor's designee shall prepare a report summarizing the efforts undertaken to comply with this directive, and shall provide the report to this Board within 90 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

Section 5. Urges municipalities in Miami-Dade County to conduct greater educational campaigns related to Biscayne Bay, which should include: (a) encouraging individuals and businesses in Miami-Dade County to properly maintain septic tanks and teaching how to recognize a failing septic tank; and (b) neighborhood-focused outreach and citizen involvement events, such as community clean-ups, storm drain stenciling, and community adopt-a-street efforts.

Section 6. Urges the Florida Department of Environmental Protection (FDEP) to strengthen the design and maintenance requirements in the upcoming FDEP National Pollutant Discharge Elimination System (NPDES) permits for municipal stormwater systems to address nutrients from organic material, plastics, trash, chemicals, and sewer and septic runoff and increase FDEP auditing and enforcement of such permit requirements.

Section 7. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Members of the Miami-Dade State Legislative Delegation, the Secretary of the Florida Department of Environmental Protection, and the Mayors and City Councils or City Commissions of all municipalities within Miami-Dade County.

Section 8. Directs the County’s state lobbyists to advocate for the action described in section 6 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2022 State Legislative Package to include this item and to include this item in the 2023 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins, and the Co-Sponsors are Commissioner Sally A. Heyman, Commissioner Jean Monestime and Senator Javier D. Souto. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman
Oliver G. Gilbert, III, Vice-Chairman
Sen. René García
Sally A. Heyman
Eileen Higgins
Kionne L. McGhee
Raquel A. Regalado
Sen. Javier D. Souto
Keon Hardemon
Danielle Cohen Higgins
Joe A. Martinez
Jean Monestime
Rebeca Sosa

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CJW

Christopher J. Wahl