

MEMORANDUM

Agenda Item No. 4(H)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: July 21, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to
environmental protection;
amending sections 24-5, 24-18,
and 24-43 of the Code; revising
a definition; authorizing
administrative approval of
emergency generators for
healthcare facilities and food
stores within a wellfield
protection area, subject to
certain conditions

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



Geri Bonzon-Keenan
County Attorney

GBK/smm

MDC001

Memorandum



Date: July 21, 2026

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Ordinance Relating to Environmental Protection, Allowing Administrative Approval of Fuel for Emergency Generators for Health Care Facilities and Food Stores within Wellfield Protection Areas that Meet Certain Criteria

Executive Summary

This ordinance is part of the efforts of the Department of Regulatory and Economic Resources (RER) and the Department of Environmental Resources Management (DERM) to streamline regulations, reduce permitting timeframes, and provide overall efficiency in the environmental permitting process in Miami-Dade County. The proposed ordinance revises environmental regulations that currently cannot be approved and require a public hearing before the Environmental Quality Control Board (EQCB).

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance amending sections 24-5, 24-18, and 24-43 of the Code of Miami-Dade County, Florida (Code) relating to administrative approvals for emergency generators for certain health care facilities and food stores within wellfield protection areas.

Scope

The scope of this ordinance is countywide.

Delegation of Authority

Approval of this ordinance will allow administrative approval for the placement of emergency generators for specific healthcare facilities and food stores within wellfield protection areas, in lieu of applicants soliciting such approvals through public hearings before the EQCB.

Fiscal Impact/Funding Source

No negative fiscal impact to the County is anticipated as a result of this ordinance. Property owners and applicants are expected to benefit from reduced development costs that are generally associated with administrative versus public hearing processes, as explained below.

Track Record/Monitor

RER will be responsible for monitoring the implementation of this ordinance.

Social Equity

The proposed ordinance is anticipated to yield social and economic benefits to private property owners and the development community by reducing the cost of projects that otherwise would require a variance through a public hearing. A review of EQCB cases from 2020 to 2025 indicated that approximately eight variances were granted related to the placement of emergency generators for healthcare facilities within wellfield protection areas.

Background

Section 24-43(5)(d) of the Code provides that hazardous materials shall not be used, generated, handled, disposed of, discharged, or stored on that portion of the property within the basic wellfield protection area of any utility potable water supply well.

The State of Florida Agency for Health Care Administration requires all hospitals, nursing homes, assisted living facilities, and ambulatory surgery centers to have a Level 1 Emergency Power Supply System to power basic life safety systems, such as ventilators, and safety systems, such as fire alarms and lighting, in the event of a power outage. Emergency Power Supply Systems typically include emergency generators to provide backup power. Most emergency generators store and use fuel that is a hazardous material.

Section 8B-17 of the Code provides that a food store containing more than 40,000 square feet of floor area, which sells food supplies at retail to the public including supermarkets and grocery stores, are required to implement a plan to provide for the retail sale of food supplies to the public within 24 hours following the declaration of a local state of emergency. The emergency plan requires food stores to provide an alternate source of power, typically an emergency generator, to operate the food store. Typically, an emergency generator provides an alternate source of power, and most emergency generators store and use fuel that is a hazardous material.

Currently, a property owner is required to seek a variance via a public hearing before the EQCB if proposing to place an emergency generator that utilizes traditional fuel (e.g., diesel) for a healthcare facility or food store on a property within the basic wellfield protection area. The EQCB has routinely granted variances under its authority pursuant to section 24-12 of the Code, citing that these facilities are essential for public health, particularly in the event of an emergency. This ordinance aims to permit administrative approval of cases that are necessary for public health, while ensuring the protection of our drinking water.

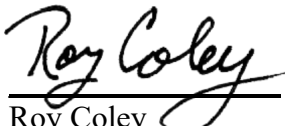
For all EQCB cases related to emergency generators for healthcare facilities and food stores, RER and DERM have consistently recommended granting the requested variances, provided that the applicant complies with specific operating criteria. For example, as protective measures, the EQCB has required that these facilities provide secondary containment of the fuel tanks and install monitoring systems to detect any potential leaks or spills from the system.

Based on the foregoing, RER and DERM have determined that the placement of an emergency generator that stores and utilizes hazardous materials for specific healthcare facilities and food stores could be approved administratively and not lessen existing environmental protections if specific criteria were added to the Code. If the proposed emergency generator met specific requirements, such as requiring an operating permit, that the emergency generator be placed more than 30 days travel time from any utility water supply well, that the property is served by utility water and utility sanitary sewers, that the fuel tank not exceed 1,500 gallons per facility, that the above-ground fuel tank be approved pursuant to section 24-15(5) of the Code and that the tanks include a secondary containment system consisting of double-walled tanks and double-walled piping that the operator of the emergency generator install a groundwater monitoring plan approved by the Director for tanks that are exposed to the environment and will accumulate stormwater to detect any potential leaks from the system, that the property be located within the Urban Development Boundary, and that the property

Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners
Page No. 3

not be located within the County's most restrictive Northwest and West Wellfield Interim Protection Areas. As such, the proposed ordinance would not impact the overall health, welfare, and safety of the County's potable supply within wellfield protection areas.

The proposed ordinance will provide relief to property owners in the overall development process and will allow projects to obtain administrative approvals without lessening existing environmental regulatory standards and protections.


Roy Coley
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: July 21, 2026

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(H)

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**
- _____ **Requires more than a majority vote (i.e., 2/3’s present ____, 2/3 membership ____, 3/5’s ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) ____) 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. 4(H)
7-21-26

ORDINANCE NO. _____

ORDINANCE RELATING TO ENVIRONMENTAL PROTECTION; AMENDING SECTIONS 24-5, 24-18, AND 24-43 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING A DEFINITION; AUTHORIZING ADMINISTRATIVE APPROVAL OF EMERGENCY GENERATORS FOR HEALTHCARE FACILITIES AND FOOD STORES WITHIN A WELLFIELD PROTECTION AREA, SUBJECT TO CERTAIN CONDITIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

Section 1. The memorandum referenced in the above recital is incorporated in this ordinance and is approved.

Section 2. Section 24-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 24-5. Definitions.

* * *

(161) *Health care facilities* shall mean hospitals, skilled nursing facilities, clinics, intermediate care facilities, ambulatory surgical centers, ~~[[health maintenance organizations,]]~~ doctor's offices>>, free standing emergency facilities, << or free standing hemodialysis centers.

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

Section 3. Section 24-18 of the Code of Miami-Dade County, Florida,

is hereby amended to read as follows:

Sec. 24-18. Operating permits.

- (A) *Permit Required.* No person shall operate, maintain, permit, cause, allow, let, or suffer the operation or maintenance of a public water system, public sewerage system, a location where 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 in violation of any condition, limitation, or restriction that is part of an operating permit:

* * *

- (4) Facilities that 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:

* * *

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

* * *

>>(xxvi) Facilities with emergency generators within a wellfield protection area allowed pursuant to section 24-43(5)(b)<<

* * *

Section 4. Section 24-43 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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

* * *

- (5) *Prohibition of hazardous materials within wellfield protection areas.* No County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy, municipal occupational license, 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 (lake excavation), a utility sewer facilities use, or a utility water supply facilities use within a wellfield protection area of any utility potable water supply well, without obtaining the prior written approval of the Director or the Director's designee.

* * *

The Director or the Director's designee shall issue written approval only if:

- (a) All potential sources of pollution will be installed upon the property as far away as is reasonably possible from all potable water supply wells; and
- (b) 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 other utility potable water supply well; except that de minimis quantities of hazardous materials (not including hazardous waste) and lubricating oils and hydraulic fluids necessary to the operation of stationary equipment integral to the operation of a building, shall be allowed >>provided that:<< ~~[[outside the thirty (30) day travel time of any utility water supply~~

~~well, provided that the use, handling, or storage of said de minimis quantities occur inside a building and provided that said lubricating oils and hydraulic fluids are contained within the closed sealed reservoirs of the stationary equipment; and,]]~~

>>(1) said property building is outside the thirty (30) day travel time of any utility water supply well;

(2) the use, handling, or storage of said de minimis quantities occur inside a building; and

(3) said lubricating oils and hydraulic fluids are contained within the closed sealed reservoirs of the stationary equipment.<<

Fuels, lubricants and other materials required for rockmining operations (lake excavations, concrete batch plants, rock crushing and aggregate plants) within the Northwest Wellfield protection area or with the West Wellfield Interim protection area, electrical transformers and, existing land uses required by the Director or 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)(c)(i), (ii), (iii), (iv) and (v) will be provided and the Director or the Director's designee has approved same. However, the water pollution prevention and abatement measures shall not be required for electrical transformers serving residential land uses.

The use, handling or storage of factory prepackaged products intended primarily for domestic use or consumption which contain hazardous materials shall not be prohibited provided, however, that the requirements of Sections 24-43(5)(b)(i), (ii), (iii), and (iv) are fulfilled:

Prepackaged products necessary to and used solely for the upkeep and maintenance of the property, including any buildings or landscape features, personal hygiene products, and office supplies containing hazardous materials shall not be prohibited provided however, that the requirements of Sections 24-43(5)(b)(i) and (iii) are fulfilled.

- (i) The storage of factory prepackaged products shall only occur within a building,

- (ii) 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,
- (iii) The nonresidential land use is served or is to be served by utility water and utility sanitary sewers,
- (iv) Said building is located more than thirty (30) days travel time from any utility potable water supply well; and,

>>Fuels required for emergency generators for health care facilities, or food stores that are required to maintain an alternate source of power pursuant to section 8B-17, on a property within the basic wellfield protection area of a utility potable water supply well shall not be prohibited provided that:

- (1) said property is served or to be served by utility water and utility sanitary sewers; and
- (2) said property is located more than thirty (30) days travel time from any utility potable water supply well; and
- (3) said property is not located within the Northwest Wellfield protection area and West Wellfield Interim protection area; and
- (4) said property is located within the Urban Development Boundary; and
- (5) said fuels shall be contained within an above-ground storage facility approved pursuant to section 24-15(5); and
- (6) the above-ground storage facility shall include a secondary containment system consisting of double-walled tanks and double-walled piping; and
- (7) in the case of food stores, said fuels shall not exceed 1,500 gallons per facility, and in the case of health care facilities, the volume of fuel shall not exceed the volume required to comply with the emergency power supply system requirements of applicable federal, state, and local regulations; and

- (8) a groundwater monitoring plan approved by the Director shall be required for any storage tank in which the secondary containment is exposed to the environment and will accumulate stormwater; and
- (9) an operating permit is obtained pursuant to section 24-18.<<

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 this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 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:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Cristina M. Rabionet

The block contains two handwritten signatures. The top signature is a cursive signature, likely of the County Attorney, and the bottom signature consists of the initials 'CMR' in a bold, stylized font.