

MEMORANDUM

Agenda Item No. 11(A)(15)

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

DATE: October 6, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving agreement between Miami-Dade County and Florida Department of Environmental Protection (FDEP) regarding delegation by FDEP of certain authority related to its onsite sewage program, including certain state environmental permitting; authorizing the County Mayor to execute the delegation agreement and to exercise all rights contained therein

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Anthony Rodriguez.



Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001



MEMORANDUM

(Revised)

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

DATE: October 6, 2026

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(15)

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. 11(A)(15)
10-6-26

RESOLUTION NO. _____

RESOLUTION APPROVING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) REGARDING DELEGATION BY FDEP OF CERTAIN AUTHORITY RELATED TO ITS ONSITE SEWAGE PROGRAM, INCLUDING CERTAIN STATE ENVIRONMENTAL PERMITTING; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE DELEGATION AGREEMENT AND TO EXERCISE ALL RIGHTS CONTAINED THEREIN

WHEREAS, an onsite sewage treatment and disposal system (OSTDS) is commonly referred to as a septic system and is used for wastewater disposal where public wastewater system infrastructure may not be available for connection or service; and

WHEREAS, there are certain state permitting and inspection requirements related to OSTDSs and the state's onsite sewage program that, within Miami-Dade County, are currently handled by the Environmental Health section of the Miami-Dade County Department of Health (DOH), which is a state agency; and

WHEREAS, DOH's work related to OSTDSs includes sanitary and safety reviews, permitting, inspections, and investigation of complaints for the prevention of environmental-related illness and safety concerns; and

WHEREAS, around the state of Florida, these state permitting and inspection responsibilities for OSTDSs are in the process of transitioning from DOH to the Florida Department of Environmental Protection (FDEP); and

WHEREAS, Miami-Dade County currently has various delegation agreements with FDEP through which the County is delegated the authority and responsibility to issue certain state environmental permits and approvals; and

WHEREAS, for OSTDSs and certain related matters, FDEP wishes to delegate to the County the authority and responsibility for certain state permitting and inspections; and

WHEREAS, pursuant to the delegation, the County would also accept the lead role for compliance and enforcement activities for onsite sewage permits delegated for permitting activities; and

WHEREAS, the attached agreement details the authority delegated by FDEP to the County and delineates the responsibilities of each with respect to the implementation of the onsite sewage treatment and disposal systems permitting program under applicable state and local laws and regulations; and

WHEREAS, this Board wishes to enter into this delegation agreement,

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

Section 1. Approves the agreement for delegation of onsite sewage program authority between Miami-Dade County and the State of Florida in substantially the form attached hereto as Exhibit A.

Section 2. Authorizes the County Mayor or County Mayor's designee to execute the attached agreement for and on behalf of Miami-Dade County and to exercise all rights contained therein.

The Prime Sponsor of the foregoing resolution is Chairman Anthony Rodriguez. 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:

Anthony Rodriguez, Chairman	
Kionne L. McGhee, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Sen. René García	Oliver G. Gilbert, III
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Vicki L. Lopez
Natalie Milian Orbis	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2026. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Christopher J. Wahl
Abbie Schwaderer Raurell
James Eddie Kirtley

EXHIBIT A

**SPECIFIC OPERATING AGREEMENT FOR
DELEGATION OF ONSITE SEWAGE PROGRAM AUTHORITY
BETWEEN STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
Miami Dade County**

TABLE OF CONTENTS

PART I, ADMINISTRATION OF AGREEMENT	
Section Title	Page
SECTION 1 – INTRODUCTION	1
SECTION 2 – PARTIES	1
SECTION 3 – GEOGRAPHIC AREA	1
SECTION 4 – MODIFICATION OF AGREEMENT AND CONFLICT BETWEEN AGREEMENTS	2
SECTION 5 – PERIODIC REVIEW OF AGREEMENT	2
SECTION 6 – TERMINATION OF AGREEMENT	2
SECTION 7 – SEVERABILITY	2
PART II, PROGRAM MANAGEMENT	
SECTION 8 – BUDGET	3
SECTION 9 – PROGRAM ORGANIZATION	3-4
9.01 RULES, REGULATIONS AND ORDERS	
9.02 PERSONNEL AND EQUIPMENT	
9.03 COMPUTERS AND INFORMATION SYSTEMS	
SECTION 10 – PROGRAM PLANNING AND MANAGEMENT	4-7
10.01 PLANS	
10.02 TRAINING	
10.03 MEETINGS AND CONFERENCES	
10.04 REPORTING REQUIREMENTS	
10.05 AUDITS AND PERFORMANCE EVALUATIONS	
PART III, PROGRAM RESPONSIBILITIES, SUB-PART A – PERMITTING	
SECTION 11 – DELEGATED PERMITTING ACTIVITIES	7
SECTION 12 – PERMITTING PROCEDURES	7-13
12.01 APPLICABLE REVIEW PROCEDURES	
12.02 CONFLICT RESOLUTION	
12.03 PERMIT FEES	
PART III, SUB-PART B – COMPLIANCE AND ENFORCEMENT	
SECTION 13 – LEAD AND SUPPORT ROLES	13-14
SECTION 14 – COMPLIANCE	14
14.01 COMPLIANCE INSPECTION PROCEDURES	

SECTION 15 – ENFORCEMENT	14-16
15.01 ENFORCEMENT PROCEDURES AND REMEDIES	
15.02 CITIZEN COMPLAINTS	
15.03 EMERGENCY SITUATIONS AND ABNORMAL EVENTS	
15.04 RETENTION SCHEDULE	
PART IV, MISCELLANEOUS PROVISIONS	
SECTION 16 – PUBLIC RECORDS AND INQUIRIES	16
SECTION 17 - EFFECTIVE DATE AND MODIFICATION DATES	16
APPENDICES	
Attachment 1 – County Performance	19-21

ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM SPECIFIC OPERATING AGREEMENT

PART I ADMINISTRATION OF AGREEMENT

SECTION 1 – INTRODUCTION

(a) Pursuant to Section 403.182 of the Florida Statutes (F.S.), the Florida Department of Environmental Protection (Department or DEP) and Miami-Dade County (County) hereby enter into this onsite sewage treatment and disposal systems (OSTDS) Specific Operating Agreement (SOA) to detail the authority delegated by DEP to the County by this SOA and delineate each agency's responsibility for developing and implementing the program defined herein under appropriate state and local statutes, ordinances, and regulations. Notwithstanding anything to the contrary herein, the provisions of this SOA only apply to this delegated program.

(b) Nothing contained herein is intended to limit the Department's or the County's independent authority established by law.

SECTION 2 – PARTIES

Parties to this SOA are the Department and the County.

Department Point of Contact	Miami-Dade Point of Contact
David Frady	Cristian Guerrero, P.E.
Program Management Director	Chief, Environmental Permitting
David.Frady@FloridaDEP.gov	cristian.guerrero@miamidade.gov
Point of Contact for Program	
Eb Roeder	
Program Administrator	
OSTDS_Feedback@FloridaDEP.gov	

SECTION 3 – GEOGRAPHIC AREA

This Agreement shall apply exclusively within the geographic boundaries of **Miami-Dade County, Florida**. The scope of the delegated responsibilities and authorities described herein shall be limited to lands lying within the legal boundaries of the County as they exist on the effective date of this Agreement.

For purposes of this Agreement, "County" shall include all incorporated and unincorporated areas within the County's territorial limits. The County shall not exercise any delegated authority under this Agreement outside of its geographic boundaries, nor shall it be responsible for implementing the delegated program in any area not expressly included within such boundaries.

SECTION 4 – MODIFICATION OF AGREEMENT AND CONFLICT BETWEEN AGREEMENTS

This SOA and any Appendices or Exhibits may be modified in writing at any time by mutual consent of the Department and the County. Attachments may be revised without formal SOA modification. Approval of modifications to the text of this SOA shall be signed by the Department Secretary (or their designee) and the County representative. Upon execution, the provisions of this SOA shall supersede provisions of other agreements between the Department and the County which conflict with this Agreement and are applicable to the program defined here.

SECTION 5 – PERIODIC REVIEW OF AGREEMENT

This SOA shall be jointly reviewed by the Department and the County at five-year intervals, for the purpose of determining its adequacy and the need for any mutually agreed upon modifications.

SECTION 6 – TERMINATION OF AGREEMENT

This SOA may be terminated for convenience by either the Department or the County upon written notice to the other party of at least ninety (90) days prior to the effective date of termination. Termination of this SOA shall be consistent with the provisions of Section 403.182, F.S.

Notice from the County must be signed by the County representative. Notice from the Department shall be signed by the Department Secretary or designee. Upon termination, the County shall provide the Department with copies of all files applicable to this SOA.

SECTION 7 – SEVERABILITY

If any part of this SOA is found invalid or unenforceable by any court or administrative body, the remaining parts of this SOA will not be affected.

PART II
PROGRAM MANAGEMENT

SECTION 8 – BUDGET

The County shall maintain an adequate level of onsite sewage program funding, staffing and equipment to comply with all statutes, rules and policies pertaining to delegated onsite sewage program activities.

SECTION 9 – PROGRAM ORGANIZATION

9.01 RULES, REGULATIONS AND ORDERS

The provisions of Chapter 120, F. S., shall govern delegated program actions performed by the County under this SOA.

For the delegated programs under this SOA, the County hereby certifies that existing ordinances, rules, regulations, or orders are compatible with, or stricter or more extensive than, and not in conflict with, those imposed by Chapters 381, 373, 386, 403, and 489, F.S., and rules adopted thereunder. Such stricter or more extensive ordinances shall be enforced by DEP, if the department elects to exercise its jurisdiction over the onsite sewage program within the jurisdiction of the County, pursuant to Section 403.182(6), F.S. This determination is not applicable to those ordinances not referenced in this agreement and applies only to OSTDSs under the jurisdiction of the County. The County certifies the existing remedies and adjudicatory procedures in Miami-Dade County are adequate to enforce the County's onsite sewage program ordinances and that the County shall adhere to penalty assessment guidelines which are comparable to those of the DEP. The County shall utilize Department Penalty Guidelines for the purpose of calculating penalties for violations of state rules.

The County agrees to adopt, by reference, the relevant provisions of Chapters 381, 373, 386, 403, and 489, F.S. before the effective date of this SOA, and the County agrees to provide written notice to the Department related to such adoptions. In the event that the County has not adopted by reference such relevant provisions before the effective date of this SOA, the County may not proceed to implement the provisions of this SOA unless and until such time the County has adopted such provisions by reference and provided written notice to the Department.

For the purposes of the Department exerting enforcement authority to enforce stricter or more stringent County rules or ordinances, any subsequent proposed new or amended County OSTDS laws, ordinances, rules, regulations, which may be more extensive, stricter, or more stringent than the provisions of Chapters 381, 389, 403, and 489, F.S., or DEP's OSTDS rules, such County rules or ordinances shall be submitted by the County for consideration by DEP as proposed modifications to this SOA, and shall not be enforceable under state Department authority by either Party unless and until such modifications are approved. Subsequent new or amended County OSTDS laws, ordinances, rules, regulations, or orders which are less stringent than or in conflict with the provisions of Chapters 381 and 403, F.S., or the Department's OSTDS rules shall be considered good cause for termination of this SOA.

The County shall implement subsequent revisions of applicable Department rules at the time the Department rule becomes effective. If the County's ordinance, regulation, or local law is less stringent than the revised Department rule, the County shall amend its ordinance, regulation, or local law within

120 days of the effective date of the revised Department rule to ensure compliance. If the County's ordinance, regulation, or local law is more stringent, no amendment is required.

(b) Legal interpretation of Department rules shall be made by the Department. Legal interpretation of County ordinances shall be made by the County. In the event there is litigation concerning the interpretation of DEP's rules, then DEP shall provide legal and technical support concerning the interpretation of those rules. To the extent that litigation involves interpretation of County ordinances, the County shall provide legal and technical support concerning the interpretation of those ordinances.

9.02 PERSONNEL AND EQUIPMENT

The County shall procure necessary equipment and maintain staff capable of performing the duties specified in this SOA, as modified from time to time.

Staff performing environmental health or sanitary evaluations under the OSTDS area must be certified as a Certified Environmental Health Professional (CEHP) or an Environmental Health Technician (EHT) pursuant to section 381.0101, F.S.

The following activities are not considered part of an "environmental health evaluation" or "sanitary evaluation," and may be performed by trained environmental health staff who are not required to be a CEHP or EHT:

- a. Verification of system abandonment.
- b. Annual routine assessments of residential aerobic treatment units (ATU). This does not include performance-based treatment systems.
- c. Annual routine assessment of a permitted service company. This does not include a septic tank manufacturer.
- d. Nuisance complaint investigations limited to determining if sewage is on the ground.
- e. Inspection report data entry for CEHP review and approval.

9.03 COMPUTERS AND INFORMATION SYSTEMS

The County shall install and maintain the computer hardware and software necessary to satisfy the requirements of this SOA, as modified from time to time. Central operation and maintenance of DEP's computerized data management systems shall be provided by DEP. DEP will provide technical assistance, as necessary, to help the County implement the data entry requirements of this Agreement.

SECTION 10 – PROGRAM PLANNING AND MANAGEMENT

10.01 PLANS

The County shall prepare and maintain an annually updated work plan describing staffing (Full-Time Equivalents and their certification) and equipment committed and budgeted for the delegated onsite sewage program. The County must submit its annual work plan to the Department, with a copy provided to the Program no later than December 31st on an annual basis.

10.02 TRAINING

- (a) All parties to this SOA will ensure that their respective personnel have requisite training needed to allow each employee to accomplish the work assigned. Specific training requirements for the County include the following:
 - (1) Certified Environmental Health Professional (CEHP) or Environmental health Technician (EHT) certification for staff performing environmental health or sanitary evaluations. This includes:
 - a. Pre-certification training such as the accelerated certification training (ACT) on Program procedures and soil identification.
 - b. Continuing education program for OSTDS.
 - (2) Attendance of appropriate County staff at DEP onsite sewage training sessions. The Department will provide advance notice (at least four weeks for out-of-town travel) to the County of such training sessions
 - (3) Participation in training conducted by the Department for an appropriate period of time following delegation, including operation of the Department's computerized data management systems.
- (b) The Department may also provide training to the County in preparation for modifications to this SOA.

10.03 MEETINGS AND CONFERENCES

- (a) The County will be appropriately represented at the following specific meetings, and the Department will provide advance notice to the County (at least four weeks for out-of-town travel) of the meetings:
 - (1) Monthly OSTDS Teleconferences with Tallahassee Program staff, and
 - (2) Quarterly meeting with Program staff
 - (3) DEP OSTDS Workshops and programmatic meetings, held from time to time.
- (b) The County is encouraged to participate in other meetings pertaining to the DEP Onsite Sewage Program. The Department shall provide advance notice to the County of such meetings.

10.04 REPORTING REQUIREMENTS

(a) COUNTY COMPUTER DATA ENTRY

All onsite sewage program records for this delegated program, including all permitting, compliance and enforcement data for the OSTDS delegation under this SOA, shall be entered by the County into the Department computerized data management systems. County staff administering OSTDS functions shall be given appropriate user rights and access to the data management systems, and the County shall be primarily responsible for updating data management system user information and any other county specific fee or other information as needed for implementation of the Department computerized data management systems.

(b) COUNTY REPORTS

The County shall submit copies of the following reports, based on the extent of delegation in this SOA, according to the schedule shown. Alternatively, the County may make the following metrics available in an electronic format that is agreed upon by both parties.

REPORT	FREQUENCY	RECIPIENT
County Ordinances, Laws, Rules, Regulations, and Orders	As amended	Department
Summary of OSTDS complaint investigations conducted during the quarter (dates, locations, violations noted, corrective actions, and abnormal events)	Quarterly	Department
Summary of OSTDS inspections completed for construction, operating and service permits, including results.	Quarterly	Department
Summary of permits issued and denied.	Quarterly	Department

Reports will be directed to the Program Administrator of the Onsite Sewage Program.

(c) DEPARTMENT REPORTS

The Department shall submit copies of the following reports to the County according to the schedule shown:

REPORT	FREQUENCY	RECIPIENT
Contact addresses	As updated, annually by June 30	County
DEP Rules, Regulations, Orders, Forms, Policies and Guidance Memoranda	As drafted, and within 15 days after adoption or issuance	County

10.05 AUDITS AND PERFORMANCE EVALUATIONS

- (a) The Department will periodically conduct financial audits and program performance evaluation of the County's implementation of the delegated program. The County will have adequate time (at least 20 working days) to complete pre-audit surveys and to comment on draft audit findings.
- (b) The purpose of the financial audits is to determine if all fees for Department permits, monies for enforcement actions, and other state funds received by the County for delegated activities have been properly accounted for and distributed. For the purposes of this SOA, appropriate records of all monetary transactions shall be on file for at least the previous three years, or the period of delegation, whichever is less.
- (c) The purpose of performance evaluations is to ensure that the County is administering its delegated responsibilities in compliance with Chapters 381 and 403, Florida Statutes, and the associated rules. The evaluations will also verify that required permitting, compliance, and enforcement records are properly maintained in accordance with Florida law.
- (d) The Department will assess whether the County is managing permit applications, monitoring programs, compliance efforts, and enforcement actions in accordance with Florida law and DEP policies. The Department will also ensure that all required documentation is properly maintained for delegated permitting and enforcement actions, as well as other assumed responsibilities.

- (e) The Department intends to conduct a performance evaluation of the County at least once every five years or more frequently if necessary. Additionally, the Department will provide continuous oversight of reports and data entry.
- (f) If the Department determines that the County's program is inadequate to meet the local pollution control program requirements specified hereunder, the County shall implement the necessary corrective measures be taken within a reasonable period of time, not to exceed 90 days from the County's discovery or notification by the Department, unless a longer time period is specified at the discretion of the Department.
- (g) If the Department determines that the County has failed to take such necessary corrective action within the time required, the Department shall provide written notice of not less than 30 days, of the date when the Department shall administer the respective local pollution control program within the County, in accordance with the provisions of subsection 403.182(4), F.A.C.
- (h) In accordance with the provisions of subsection 403.182(4), F.A.C., If the Department finds that the control of a particular class of contaminant source, because of its complexity or magnitude, is beyond the reasonable capability of the County, or may be more efficiently and economically performed at the state level, the Department may assume and retain jurisdiction over that class of contaminant source, after providing written notice to the County of such finding.
- (i) Department findings or determinations pursuant to paragraphs 10.05(f) through 10.5(h), shall be subject to the requirements of sections 120.569, F.S., 120.573, F.S. and 120.574, F.S.

PART III

PROGRAM RESPONSIBILITIES

SUB-PART A – PERMITTING

SECTION 11 – DELEGATED PERMITTING ACTIVITIES

- (a) Beginning on the effective date of this SOA, the Department delegates to the County the authority to issue and deny, under applicable statutes, regulations, orders, and guidelines, state permits for onsite sewage treatment and disposal systems located within the County's jurisdiction and service permits for septage disposal services, temporary toilet services, maintenance entities, and septic tank manufacturing facilities. This does not include septage land application or septage management facilities permitted under Chapter 403, F.S., that provide treatment for land application.
- (b) As described in Part III, Sub-Part B of this SOA, the County also accepts the lead role for compliance and enforcement activities for all onsite sewage permits delegated for permitting activities.

SECTION 12 – PERMITTING PROCEDURES

12.01 APPLICABLE REVIEW PROCEDURES

(a) DEPARTMENT PROCEDURES

When DEP receives a permit application for an OSTDS in the County's geographic area on or after the effective date (or modification date, as applicable) of this SOA, DEP shall return the application documents with instructions to resubmit to the County. The permit application timeclock will not start until the County receives the application documents, including fees.

DEP will be responsible for the review and approval of variances submitted to the County under section 381.0065, F.S.

(b) COUNTY PROCEDURES

(1) The County shall continue permitting OSTDSs following Chapter 381, F.S., Chapter 62-6, F.A.C., or any/all successor Florida laws. Applications should be reviewed for completeness in a timely manner and, If the application is determined to be incomplete, a letter requesting additional information will be sent to the applicant within 30 days of receipt by the County, identifying and requesting the needed additional information. DEP will provide programmatic and technical support to the County as needed.

(2) The provisions of Chapter 120, F. S., shall govern actions by the County under this SOA, including permit processing actions in accordance with the licensing time frames specified pursuant to section 120.60, F.S. Actions taken by the County under local ordinances and not under this SOA shall not be subject to the provisions of Chapter 120, F. S., by virtue of this SOA.

Chapter 120, F.S., further governs petitions for formal administrative hearings on delegated OSTDS permitting applications processed by the County. At the time the County refers a petition to the Division of Administrative Hearings (DOAH), the County shall also provide a copy of the notice of referral, the petition, and the challenged decision to DEP's Office of General Counsel, Attention: Deputy General Counsel for Water Programs. DEP shall have the right, if it so chooses, to intervene in the DOAH proceeding. For the delegated program under this SOA, the County shall have primary responsibility for defending all hearings challenging agency action, including preparation for the hearings, appearance at the hearings, and the preparation and submittal of any post-hearing submittals. Prior to all final hearings, the County attorneys shall consult with DEP attorneys regarding issues related to the case. The County shall take final agency action resulting from such DOAH proceedings. The County shall also be responsible for handling appeals of final orders entered following an administrative hearing. DEP may join the appeal as a party. The County shall publish Orders entered pursuant to administrative hearings in the Florida Administrative Law Reporter if they have precedential significance. All final orders entered after an administrative hearing under Sections 120.569 or 120.57 F. S., shall be published in the Florida Administrative Law Reporter and copies provided to DEP within 30 days of publication.

(3) Inspections and evaluations of facilities include activities performed to support permit application reviews and evaluations and other inspections to assess, inspect, or ensure compliance with standards intended to protect public health and the environment through proper wastewater treatment and disposal. These include Environmental health or sanitary evaluations related to OSTDS, as referenced in section 381.0101, Florida Statutes, and those that do not require certifications as specified in section 8.02. These activities may include, but are not limited to:

- a. Site evaluations to determine suitability for OSTDS installation or modification, including assessments of soil characteristics, water table levels, and setbacks from wells, water bodies, and property lines.
- b. System inspections, including:
 - a. Construction inspections for new, repaired, or modified OSTDS.

- b. Routine performance inspections for operating permits or required system certifications.
- c. Compliance inspections related to complaints or observed sanitary nuisances.
- c. Permitting and plan review of OSTDS applications, including evaluations of engineering designs or installer-submitted plans.
- d. Investigation of sanitary nuisances related to sewage or wastewater, including potential discharges to the ground surface or waters of the state.
- e. Review and documentation of maintenance agreements, system performance, and advanced treatment systems.
- f. Public health risk assessments related to potential or actual exposure to improperly treated sewage.
- g. Sampling and analysis of wastewater or nearby water sources when needed to evaluate system performance or environmental impact.
- h. Compliance assistance and enforcement activities, including field investigations related to unpermitted systems, improper installations, or violations of Chapter 381, F.S., or Chapter 62-6, F.A.C.
- i. Education and outreach to property owners, system installers, and other stakeholders regarding OSTDS operation and maintenance to prevent sanitary nuisances and protect public health.

(4) OSTDS permitting shall be conducted according to procedures established by applicable statutes, rules, and policies, specified below. The County shall have the same requirements for timeliness to issue or deny permits as the Department. The following statutes, rules, procedures, and guidelines are specifically referenced with respect to the permitting programs included in this SOA:

- a. Chapter 120, F.S.;
- b. Sections 381.0065 - 381.0067, F.S.;
- c. Chapters 381, 373, 389, 403, and 489, F.S.;
- d. Chapter 62-6, F.A.C., or its successor;
- f. EH Program Manual, DOHM 150-4, Section VI, and Chapter K: Onsite Sewage Treatment and Disposal (DOH-OSTDS Program Manual) version 2021, or as subsequently adopted or issued.

(5) Where a potential applicant is considering a permit for the use of an OSTDS not allowed by rule or statute the County shall recommend the applicant contact the applicable DEP district office or delegated County's wastewater permitting section to discuss possible permitting under Chapter 403, F.S. The County shall not grant any permit application submitted for the use of an OSTDS not allowed by statute or rule. Examples of such applications include: exceeding the statutory sewage flow limits for OSTDSs of 10,000 gallons per day of domestic sewage and 5,000 gallons per day of commercial sewage; when the OSTDS may receive toxic, hazardous or industrial waste as defined in chapter 62-6, F.A.C.; or when an OSTDS would serve a commercial laundry facility with more than four washing machines.

(6) The County shall accept variance applications submitted in connection with OSTDS construction permit applications, collect the applicable variance application fee, and conduct an initial review of each application for completeness. The County shall determine whether the requested variance adequately addresses the conditions or site-specific circumstances necessitating the variance. If the variance application is incomplete, the County shall issue a Request for Additional Information (RAI) to the applicant within 30 days.

Upon completion of its initial review, the County shall forward the completed variance application and supporting documentation to the Department's headquarters office via the permitting database for consideration by the OSTDS Variance Review and Advisory Committee described in section 381.0065(4)(j)1., F.S. The County shall not approve, deny, or otherwise take final action on such a variance application.

(6) Where a potential applicant is considering an OSTDS permit for an establishment whose sewage flow is currently regulated under Chapter 403, F.S., the County shall recommend the applicant contact the appropriate DEP district office to discuss the applicant's proposal. This applies whether the applicant wants to replace a facility permitted under Chapter 403, F.S., or wants an OSTDS in addition to a facility permitted under Chapter 403, F.S.

(7) The County shall not permit an OSTDS which provides for surface effluent disposal.

(8) The County shall only permit OSTDSs which have closed tanks and closed treatment units.

(9) This SOA does not grant or prohibit authority to the County to permit package treatment plants or any other treatment works designed to meet the treatment requirements of Chapter 403, F.S.

(10) For situations described in section 381.00655(2)(b), F.S., the County shall act on DEP's behalf in their continued role pursuant to the CWWA, under the direction of DEP.

(11) When either DEP or the County discovers that an existing establishment with a Chapter 381-regulated OSTDS, has an estimated sewage flow which exceeds the statutory limits or restrictions in section 381.0065, F.S., or is receiving, toxic, hazardous, or industrial waste without an approved variance, it will notify the other Party of the matter. The Parties agree to jointly notify the establishment owner of any violations requiring correction and provide an appropriate timeframe for correction. At the end of that timeframe, the County or DEP district office who will ultimately regulate the establishment shall take necessary enforcement action for any remaining violations. Except in the case of marina pumpout facilities, if an establishment's domestic wastewater flow is treated by a Chapter 403, F.S., regulated treatment facility, then the establishment's entire domestic wastewater flows shall be regulated according to Chapter 403, F.S. and no portion shall be granted an OSTDS permit by the County unless the applicant requests and is granted a Chapter 381, F.S., variance.

(12) When reviewing a permit application for an OSTDS for an establishment located in an area zoned or used for an industrial or manufacturing purpose or its equivalent, or for potential industrial wastewater generators, the County shall apply the following procedures:

a. The County will evaluate the OSTDS permit application to determine whether the establishment generates wastewater defined as industrial wastewater per Rule 62-6.002(31), F.A.C., or may generate toxic, hazardous, or industrial waste, using the List of Potential Toxic, Hazardous, and Industrial Waste Generators from the DEP-Program Office as a guide. This list is available at: https://floridadep.gov/sites/default/files/List_toxic_haz_iw_generators_0.pdf

b. If the County determines the establishment will not generate toxic, hazardous, or industrial wastes; and the OSTDS complies with all other Florida laws, the requirements of Chapter 381, F.S., and Chapter 62-6, F.A.C.; the County shall permit the OSTDS.

c. Within five business days of receipt of an OSTDS permit application, if the County determines that the establishment may generate toxic, hazardous, or industrial waste, or otherwise exceeds the permitting thresholds stated in s. 381.0065(3)(b), F.S., then the County shall send a copy of the OSTDS permit application to and request a review by the applicable DEP district office's permitting program.

d. The DEP district office shall respond within 15 business days of receipt of the request to review, unless an alternative timeframe is agreed upon in writing. The County will include the DEP determination with any Chapter 381, F.S., variance request. The DEP district office shall respond in writing, noting one of the following in the response:

1. The establishment will be required to obtain a wastewater facility permit under Chapter 403, F.S., for the entire flow of the establishment. DEP objects to the use of an OSTDS at this establishment.

2.. The establishment will be required to obtain a wastewater facility permit under Chapter 403, F.S., for the toxic, hazardous, or industrial wastewater-related flow, and DEP does not object to the use of an OSTDS for only the domestic or commercial wastewater flow.

3. The establishment will not be required to obtain a wastewater facility permit under Chapter 403, F.S., at this time, but DEP objects to the use of an OSTDS for the toxic, hazardous, or industrial wastewater-related flow (see the project description below regarding the management of any toxic, hazardous, or industrial wastewater), and does not object to the use of an OSTDS for only the domestic or commercial wastewater flow.

4. The establishment will not be required to get a wastewater facility permit under Chapter 403, F.S., at this time and DEP has no objection to use of an OSTDS-permit for the type and quantity of wastewater generated by the establishment if a variance under section 381.0065, F.S., is granted. This is based on the information presented to DEP (see the project description below regarding the management of any toxic, hazardous, or industrial wastewater). If there is a change in circumstances that affects the waste discharged, a new review is necessary.

e. If the DEP district office notifies the County that there exists a likelihood that the OSTDS will receive these types of wastes (toxic, hazardous, or industrial waste as defined in 62-6.002(31), F.A.C.), the County shall deny the permit for not meeting section 381.0065(4)(i) F.S., and notify the applicant that a DEP-regulated industrial wastewater treatment facility will be required.

f. Commercial laundry facilities with no more than four washing machines shall be regulated under Chapter 381, F.S., provided that an OSTDS is proposed and feasible. All other commercial laundry facilities shall be regulated under Chapter 403, F.S., as industrial wastewater facilities, regardless of flow.

g. In the exclusive case of warehouse and dry goods storage facilities without floor drains and having centralized restroom facilities not readily accessible or convenient for disposal of non-domestic wastewater, if an available publicly owned or investor-owned sewerage system does not exist, the County will assume regulatory responsibility for OSTDS permits under this SOA in accordance with statutory flows because these facilities can reasonably be assumed not to generate industrial, toxic, or hazardous waste. This concept applies even if there is other plumbing in the facility besides centralized restrooms, such as mop sinks.

(13) Marina Pumpout Facilities

a. For purposes of this Agreement, permitting of marina pumpout facilities applies only to on-shore facilities and does not include facilities on vessels. Discharges or spills from vessels to waters of the state are subject also to enforcement by the Florida Fish and Wildlife Conservation Commission.

b. The County shall process the application for a permanent holding tank for a marina pumpout facility when:

1. The marina domestic wastewater is disposed of using an OSTDS or to a permitted Chapter 403, F.S., wastewater treatment facility, and the facility objects to the introduction of marina pumpout wastes to the facility; and,

2. The establishment's estimated domestic wastewater flow, including the flow to any on-site holding tanks from marina pumpout facilities, does not exceed the limits of Chapter 381, F.S. For flow estimation purposes, it will be assumed that the average boat holding tank has a capacity of 15 gallons. The Parties agree to use the criteria developed by the U.S. Department of the Interior, Fish and Wildlife Service, "Clean Vessel Act: Pumpout Station and Dump Station Technical Guidelines", as guidance to review these facilities. This guidance is available at:

<https://fawiki.fws.gov/pages/worddav/preview.action?fileName=cvapog.pdf&pageId=5931152>

c. The DEP district office shall regulate wastewater activities for marinas where the flow from the marina pumpout facilities is combined with the domestic wastewater and is treated by a Chapter 403, F.S., regulated wastewater treatment facility.

(14) Septage and Biosolids

a. All biosolids treatment facilities and biosolids land application sites shall not be delegated to the County by this SOA.

b. Septage land application and septage management facilities providing treatment for land application shall not be delegated to the County by this SOA.

c. The County will regulate septage disposal services within the County on behalf of DEP.

(15) The County shall enter the appropriate permit activities data into the Department computerized data management systems Environmental Health Database (EHD) or its successor, and OCULUS or its successor for all OSTDS permits. Data entry shall be entered into the database within 5 business days of taking action.

12.02 CONFLICT RESOLUTION

Although the County has the initial responsibility for decisions on final agency action for permit applications for delegated OSTDSs, the Department retains the power to make such a decision whenever an irreconcilable conflict arises between the County and the Department with respect to permit issuance or denial. If a conflict arises between the County and the Department, the two agencies shall promptly attempt to reach an agreement to resolve the conflict. If an agreement is not reached, the Department shall declare in writing that an irreconcilable conflict exists, and the County shall take no further action on the subject permit. The Department shall have ultimate authority in deciding the final agency action on the state permit.

12.03 PERMIT FEES

- (a) The state fees for Department services and permits shall be the amounts established in Chapter 62-6, F.A.C., or its successor, or as otherwise specifically established in DEP rules as all or some may be amended from time to time. The County may assess additional or separate local fees for any required County services and permits in addition to state fees. Before the effective date of this SOA, the County shall, to the extent necessary, seek to amend its fee schedule and incorporate fees equivalent to the state fees to be charged to applicants seeking to obtain a delegated state permit.
- (b) The DEP and the County agree that the County should receive financial compensation to help cover the reasonable cost of acting on applications for state OSTDS permits. Therefore, DEP shall allow the County to keep 80% of the state fees authorized under Chapter 62-6, F.A.C., for delegated permits.
- (c) When an application for a service or permit is received by the County without the required fees (or with incorrect fees), the County shall follow procedures consistent with its established administrative and financial policies for incomplete or deficient applications. The County shall notify the applicant of the deficiency and provide instructions for submitting the correct fees. No application shall be processed until the required fees are received. All permit application fees and refunds shall be processed in accordance with generally accepted accounting principles.

PART III

PROGRAM RESPONSIBILITIES (cont.)

SUB-PART B – COMPLIANCE AND ENFORCEMENT

SECTION 13 – LEAD AND SUPPORT ROLES

- (a) The County accepts the lead role for compliance and enforcement activities for onsite sewage treatment and disposal systems located in the County's geographical jurisdiction. This does not include septage land application and septage management facilities permitted under Chapter 403, F.S.
- (b) For delegated OSTDS programs, the Department will provide a support role for compliance and enforcement activities by providing legal, technical, and training assistance.

- (c) Information on actions taken by the County shall be available to the Department upon request. Information concerning specific OSTDS permits and actions shall be shared between the Parties upon request and as available. If the requested information is not available, the agency making the request shall be promptly notified.
- (d) Nothing in this SOA shall prohibit either agency from taking enforcement action for violation of their respective laws, rules, regulations and ordinances.
- (e) The County shall use the Department's designated permitting database to issue all permits, ensuring consistency and availability of records statewide.

SECTION 14 – COMPLIANCE

14.01 COMPLIANCE INSPECTION PROCEDURES

- (a) The County shall operate a timely and effective compliance monitoring program. The County shall use the Department's computerized data management systems where applicable, to track compliance. For the purpose of this SOA, the term "compliance monitoring" includes all activities (such as construction inspections, operating permit issuance, and operating inspections) undertaken by the County to seek to obtain full compliance with applicable OSTDS program requirements.
- (b) The following statutes, rules, procedures, and guidelines shall be utilized for the purpose implementing the compliance monitoring programs included in this SOA:
 - (1) Chapters 373, 381, 386, 403, and 489, F.S.;
 - (2) Chapter 62-6, F.A.C., or its successor;
 - (3) DEP Enforcement Manual - <https://floridadep.gov/ogc/ogc/content/enforcement-manual>;
- (c) Where the County has demonstrated to the Department that its compliance policies, procedures, and guidelines are compatible with and at least as strict as the Department's, the County's policies, procedures, and guidelines may be used in place of the Department's.
- (d) The County shall enter the appropriate compliance activities data into the Department's computerized data management system and submit reports in accordance with the schedule specified in Part II of this SOA. Data entry shall be entered accurately within 5 business days of taking action.

SECTION 15 – ENFORCEMENT

15.01 ENFORCEMENT PROCEDURES AND REMEDIES

- (a) The County shall review each non-compliant OSTDS to determine what, if any, enforcement action shall be initiated. If a violation is documented, the County shall initiate timely and appropriate enforcement or noncompliance action under state authority, or shall decide (and document the decision, or other resolution of the noncompliance, in writing in the file) to exercise enforcement discretion not to take any action. If DEP determines that the County has not commenced any

appropriate enforcement action under state authority, DEP can elect to assert its jurisdiction under Section 403.182(6), F.S.

(b) Procedures and priorities for the review of OSTDS compliance and for initiating enforcement action under the authority of state law shall be set forth in a document developed by the County and shall be consistent with and at least as stringent as the state statutes and Department rules.

Where the County has demonstrated to the Department that its enforcement policies, procedures, and guidelines are compatible with and at least as stringent as those of the Department, the County's enforcement policies, procedures, and guidelines may be used in place of the Department's. However, at a minimum, the County shall use the DEP Enforcement Manual, as applicable, when exercising state authority.

(c) The County shall provide an appropriate administrative judicial process for the enforcement of delegated Department activities. Pursuant to Section 403.182, F.S., all remedies of the Department under Chapters 381, 403, and 489, F.S., as applicable are available as an alternative to local enforcement provisions.

(d) County shall enter the appropriate enforcement activities data into the Department's computerized data management system and submit enforcement reports in accordance with the schedule specified in Part II of this SOA. Data entry shall be entered into the database within 5 business days of taking action.

(e) The County shall deposit all monies recovered in any County enforcement action in its County environmental enforcement trust fund or local Pollution Recovery Trust Fund established pursuant to the County's ordinances. For joint enforcement actions, DEP and the County shall determine the apportionment of any recovered monies between them in an equitable manner.

15.02 CITIZEN COMPLAINTS

The County shall receive, respond to, and promptly investigate OSTDS-related complaints from the public within its jurisdiction. Accurate records will be kept of all complaints and any follow-up investigations or resolutions. Where possible, reports will be made through the Department's computerized data management systems. The DEP/District will refer any OSTDS-related complaints that it receives within the County jurisdiction to the County for investigation. Complaints shall be investigated and the County will initiate such action as is deemed appropriate to resolve any violations. If a violation is determined to exist, the County shall notify the person responsible, seek to obtain compliance, and inform the complainant of the action taken. The County shall take enforcement action as appropriate.

15.03 EMERGENCY SITUATIONS AND ABNORMAL EVENTS

The Department and County agree to coordinate and cooperate with each other and with other agencies as appropriate during emergencies as defined in Section 252.34(2), F.S., relating to OSTDS pollution. DEP and the County shall have the authority to take all actions authorized under state law, rules and ordinances to effectuate appropriate responses to emergencies as defined by state

statute, or any other abnormal events, in order to protect the public health, safety and welfare, and to protect natural resources.

15.04 RETENTION SCHEDULE

Records on nuisance complaints and inspections shall be retained for four years after completion of inspection or complaint closed, whichever is later. Complaint records for septic tank contractors must be retained for 5 years from the last renewal. Records regarding enforcement actions for certified environmental health professionals must be retained for 5 anniversary years from the final agency action.

PART IV

MISCELLANEOUS PROVISIONS

SECTION 16 – PUBLIC RECORDS AND INQUIRIES

OSTDS permitting and compliance files must be retained for 10 anniversary years after system abandonment, and electronic files are acceptable. Operating permit information, including applications, inspection reports, sampling results, system location information and other related documents must be retained for 4 anniversary years after expiration of permit.

The Department and the County shall respond to public records requests in accordance with chapter 119, Florida Statutes. The Party receiving an OSP program-related records request shall respond to the request, unless the receiving Party has no responsive records. A Party may refer the requestor of public records to the other Party if the agency receiving the request does not have any records responsive to such request.

All copies of OSP records held by one Party shall be made available to the other Party upon request, subject to applicable public records exemptions and records retention requirements.

Inquiries from the Governor's Office, Cabinet, and members to the Legislature shall be forwarded, as applicable, to the County. For OSTDS-related issues within the County's geographical area, the County shall respond to any inquiries from the Governor's Office, Cabinet, and members of the Legislature within seven (7) days from receipt of any inquiry by the County and shall provide copies of the responses to the Program. Copies of responses to such inquiries handled by the Department shall be provided to the County.

SECTION 17 – EFFECTIVE DATE AND MODIFICATION DATES

The effective date of this SOA is ninety (90) days after the execution of this Agreement.

IN WITNESS WHEREOF, the Parties, through their duly authorized officials, have executed this Agreement.

Department of Environmental Protection

Miami-Dade County

[SIGNATURE BLOCKS HERE]

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

ATTACHMENT 1 – County Performance

Table 1. OSTDS Services to be reported.

<u>Service</u>	<u>Statute or Rule Requirement</u>	<u>County Performance Target, if different</u>	<u>Authority</u>	<u>Report / Metric</u>
Repair Timeline	30 calendar days to request information, 90 calendar days to issue the permit ¹	2 business days if sanitary nuisance	Rule 62-6.015(5), F.A.C. (2-day goal); Chapter 120, F.S. (30 calendar days to request information, 90 calendar days to issue the permit)	OSTDS Performance Indicator Report / Days to Issue
Existing System Evaluations²	30 calendar days to request information, 90 calendar days to issue the permit	15 calendar days to get a permit out upon application	Chapter 120, F.S.	OSTDS Performance Indicator Report / Days to Issue
New System Construction	30 calendar days to request information, 90 calendar days to issue the permit	10 calendar days to get a permit out upon complete application; 15 calendar days during high volume times	Chapter 120, F.S.	OSTDS Performance Indicator Report / Days to Issue
PBTS permit³	5 business days to request information, 15 business days to issue the permit or deny ⁴		section 381.0065(4)(j)2, F.S.	OSTDS Performance Indicator Report / Days to Issue
Operating Permit Inspections	1x per year		Chapter 381, F.S.	OSTDS Operating Permit Inspections Quota Report / Percent Inspected
Service Permit Inspections	1x per year		Chapter 381, F.S.	OSTDS Service Permit Inspections Quota Report / Percent Inspected
Issue Operating Permits	30 calendar days to request information, 90		Chapter 120, F.S.	OSTDS Facility Permits Issued Report / Percent Issued

¹ 30 and 90-day clocks are tolled once a request for additional information is issued and start anew on receipt of the updated application materials.

² Includes existing repair, existing modification, existing new, and non-residential evaluations/permits. Excludes evaluations for single family homes without a bedroom addition.

³ These systems must be engineered and take more time to review and issue.

<u>Service</u>	<u>Statute or Rule Requirement</u>	<u>County Performance Target, if different</u>	<u>Authority</u>	<u>Report / Metric</u>
	calendar days to issue the permit			
Issue Service Permits	30 calendar days to request information, 90 calendar days to issue the permit		Chapter 120, F.S.	OSTDS Facility Permits Issued Report / Percent Issued
Abandonment Permits	30 calendar days to request information, 90 calendar days to issue the permit	15 calendar days to request information, 45 calendar days to issue the permit	Chapter 120, F.S.	OSTDS Performance Indicator Report / Days to Issue

Table 2. OSTDS Services performed but not reported.

<u>Service</u>	<u>Statute, Rule, or Policy Requirement</u>	<u>County Performance Target, if different</u>	<u>Authority</u>
Existing System Evaluations for Single Family with No Bedroom Added⁴	7 days		Section 381.0065(4)(z), F.S.
Permit Amendment (New)	30 calendar days to request information, 90 calendar days to issue the permit	10 calendar days to get a permit out upon a completed application	Chapter 120, F.S. (30 & 90 calendar days)
Permit Amendment (Repair)	30 calendar days to request information, 90 calendar days to issue the permit	2 business days to validate upon a completed application	Chapter 120, F.S. (30 & 90 calendar days)
Permit Amendment (Operating)	30 calendar days to request information, 90 calendar days to issue the permit		Chapter 120, F.S.
System Construction Inspections and Reinspections	Not established	Within "reasonable" time, usually a couple of days, but can vary greatly by service demand level over time. The goal is a clearly communicated policy for scheduling.	Rule 6-6.003(2), F.A.C.

⁴ Includes existing repair, existing modification, existing new, and non-residential evaluations/permits

<u>Service</u>	<u>Statute, Rule, or Policy Requirement</u>	<u>County Performance Target, if different</u>	<u>Authority</u>
Contractor Enforcement Coordination	14 calendar days initially, with <30 calendar day follow-up required		DOHM150-4, Section VI, Chapter Y, E.3.b. (timeline)
Variance Applications	30 calendar days to request information		Chapter 120, F.S.