

## MEMORANDUM

Agenda Item No. 11(A)(15)

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

**DATE:** March 16, 2021

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution urging the Florida Legislature to enact Senate Bill 64, House Bill 263, or similar legislation that would:  
(1) require domestic wastewater utilities to eliminate or reduce nonbeneficial surface water discharges of treated wastewater;  
(2) encourage cost-effective potable reuse projects; or  
(3) provide incentives for the use of cost-effective graywater technologies

Resolution No. R-228-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Chairman Jose "Pepe" Diaz.



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Geri Bonzon-Keenan  
County Attorney

GBK/smm



**MEMORANDUM**  
(Revised)

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

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**FROM:**   
Gen Bonzon-Keenan  
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)(15)  
3-16-21

RESOLUTION NO. \_\_\_\_\_ R-228-21

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 64, HOUSE BILL 263, OR SIMILAR LEGISLATION THAT WOULD: (1) REQUIRE DOMESTIC WASTEWATER UTILITIES TO ELIMINATE OR REDUCE NONBENEFICIAL SURFACE WATER DISCHARGES OF TREATED WASTEWATER; (2) ENCOURAGE COST-EFFECTIVE POTABLE REUSE PROJECTS; OR (3) PROVIDE INCENTIVES FOR THE USE OF COST-EFFECTIVE GRAYWATER TECHNOLOGIES

**WHEREAS**, protecting water quality through proper wastewater management is vital to protecting the public health, water quality, recreation, fish and wildlife, and aesthetic appeal of waterways in Miami-Dade County and the State of Florida; and

**WHEREAS**, domestic wastewater is wastewater from dwellings, office buildings, institutions, and the like, and is commonly referred to as sanitary wastewater or sewage; and

**WHEREAS**, domestic wastewater in Florida is treated either by on-site sewage treatment and disposal systems (such as septic systems) or by centralized domestic wastewater treatment facilities; and

**WHEREAS**, domestic wastewater treatment facilities include domestic wastewater sewers, pipelines, conduits, pumping stations, and force mains that transmit wastewater to a wastewater treatment plant or a residuals or septage management facility; and

**WHEREAS**, all wastewater that is not defined as domestic wastewater is considered industrial wastewater, which comes from sources such as manufacturing, commercial establishments, mining, and agricultural production; and

**WHEREAS**, there are over 4,100 individually permitted domestic wastewater facilities (not including septic systems) and industrial wastewater facilities in Florida; and

**WHEREAS**, the Florida Department of Environmental Protection (“FDEP”) is authorized by the U.S. Environmental Protection Agency to issue permits for wastewater utilities to discharge wastewater to surface waters under the National Pollutant Discharge Elimination System (“NPDES”); and

**WHEREAS**, municipal wastewater discharged to surface water can lead to negative environmental impacts; and

**WHEREAS**, for example, water runoff from land into lakes or other bodies of water can put excessive nutrients into those bodies of water, which could cause: a dense growth of plant life and death of animal life from lack of oxygen (eutrophication) in the receiving body of water; and the alteration of physical characteristics of the receiving body of water, such as temperature, flow rates, and amount of suspended solids; and

**WHEREAS**, municipal wastewater discharged to surface water can also cause many human health problems and socioeconomic impacts, including but not limited to, drinking water contamination, impacts on recreational uses, and impacts on fisheries; and

**WHEREAS**, the County’s sewage and wastewater treatment plants discharge effluents by ocean outfall and deep well injection, but the County’s plants do not discharge effluent to fresh surface waters; and

**WHEREAS**, water reuse reclaims water from a variety of sources and then treats and reuses it for beneficial purposes like agriculture and irrigation, potable water supplies, groundwater replenishment, industrial processes, and environmental resources; and

**WHEREAS**, the process of using treated wastewater for drinking water is called potable water reuse; and

**WHEREAS**, graywater is generally any household wastewater other than that which comes in direct contact with human waste, including water from baths, showers, clothes washers, laundry trays, and sinks, but does not include wastewater from kitchen sinks; and

**WHEREAS**, reusing graywater reduces the use of potable water for non-potable needs; and

**WHEREAS**, potable water is often used unnecessarily around the household for purposes for which graywater would be acceptable; and

**WHEREAS**, replacing some or all potable water used for non-potable needs (like toilet flushing) can reduce demand for fresh water; and

**WHEREAS**, reducing demands on fresh water can reduce the need for new (and potentially costly) municipal sources of fresh water, reduce depletion of groundwater and associated environmental impacts, and reduce the volume of household wastewater sent to septic tanks and treatment plants; and

**WHEREAS**, Senate Bill (SB) 64 and House Bill (HB) 263 have been filed for consideration during the Florida Legislature's 2021 session by Senator Ben Albritton (R - Bartow) and Representative Randy Maggard (R - Zephyrhills), respectively; and

**WHEREAS**, SB 64 and HB 263 are companion bills that, among other provisions:

- require certain domestic wastewater utilities to submit to FDEP a plan for reducing or eliminating nonbeneficial surface water discharge;

- require domestic wastewater utilities applying for permits for new or expanded surface water discharges to prepare a plan for eliminating nonbeneficial discharges as part of their permit applications;
- provide that potable reuse is an alternative water supply and that projects relating to such reuse are eligible for alternative water supply funding; and
- require counties, municipalities, and special districts to authorize graywater technologies under certain circumstances and to provide incentives for the implementation of such technologies; and

**WHEREAS**, to protect the public health, water quality, recreation, fish and wildlife, and aesthetic appeal of our waterways, this Board wishes to support SB 64, HB 263, or similar legislation that would: (1) require domestic wastewater utilities to eliminate or reduce nonbeneficial surface water discharges of treated wastewater; (2) encourage cost-effective potable reuse projects; or (3) provide incentives for the use of cost-effective graywater technologies,

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

**Section 1.** Urges the Florida Legislature to enact SB 64, HB 263, or similar legislation that would: (1) require domestic wastewater utilities to eliminate or reduce nonbeneficial surface water discharges of treated wastewater; (2) encourage cost-effective potable reuse projects; or (3) provide incentives for the use of cost-effective graywater technologies.

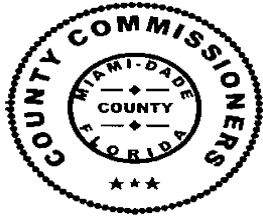
**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, the House Speaker, Senator Ben Albritton, Representative Randy Maggard, and the Chair and Members of the Miami-Dade State Legislative Delegation.

**Section 3.** Directs the County’s state lobbyists to advocate for the legislative action set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa and the Co-Sponsor is Chairman Jose "Pepe" Diaz. It was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 16<sup>th</sup> day of March, 2021. 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

**Melissa Adames**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "AB", is written over a horizontal line.

Angela F. Benjamin  
Christopher J. Wahl