

MEMORANDUM

Agenda Item No. 7(A)
(Second Reading: 7-2-24)
May 7, 2024

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE:

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the
Environmental Quality Control
Board; amending section 24-8 of
the Code; revising qualifications
for Board members

Ordinance No. 24-71

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera and Co-Sponsor Commissioner Juan Carlos Bermudez.


Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: July 2, 2024

To: Honorable Chairman Oliver G. Gilbert III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Expanding the Qualifications of the
Environmental Quality Control Board

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink, reading "Jimmy Morales".

Jimmy Morales
Chief Operating Officer

Memorandum



Date: July 2, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Social Equity Statement for Ordinance Relating to Environmental Quality Control Board membership

The proposed Ordinance amends section 24-8 of the Code of Miami-Dade County (Code) pertaining to the Environmental Quality Control Board ("EQCB"). The proposed amendment expands the qualifications for EQCB membership. The EQCB was established to hear appeals by persons aggrieved by any actions or decisions of the Director of the Department of Regulatory and Economic Resources – Division of Environmental Resources Management, and to hear and decide all applications for variances and extensions of time for compliance with chapter 24 of the Code. The EQCB has recently had difficulty attracting and maintaining members which has resulted in quorum issues.

The proposed amendments will broaden the qualifications for EQCB members to include Ph.D. degrees in the field of agricultural, biological, biomedical, coastal, electrical, environmental, industrial, mechanical, oceanographical, marine or nuclear engineering, Ph.D. degrees in botany, environmental studies, or related environmental field of study, and Ph.D. degrees in geology, marine and coastal geology, or geophysics. Implementation of the proposed Ordinance may provide for the EQCB to schedule additional public hearings that would benefit the community.

A handwritten signature in blue ink that reads "Jimmy Morales".

Jimmy Morales
Chief Operating Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

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. 7(A)
7-2-24

ORDINANCE NO. 24-71

ORDINANCE RELATING TO THE ENVIRONMENTAL
QUALITY CONTROL BOARD; AMENDING SECTION 24-8 OF
THE CODE OF MIAMI-DADE COUNTY, FLORIDA;
REVISING QUALIFICATIONS FOR BOARD MEMBERS;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,
AND AN EFFECTIVE DATE

WHEREAS, this Board established the Pollution Control Board in 1969 and later renamed it the Environmental Quality Control Board (“EQCB”); and

WHEREAS, regulations pertaining to the EQCB are set forth in chapter 24 of the Code of Miami-Dade County, including but not limited to section 24-8, which sets forth, among other things, the EQCB’s duties and powers, and the number and qualifications of its members; and

WHEREAS, chapter 24 empowers the EQCB to hear appeals by any person aggrieved by certain actions or decisions of the Director of the Division of Environmental Resources Management, and to hear and pass upon all applications for variances and extensions of time for compliance with chapter 24 of the Code; and

WHEREAS, the EQCB currently consists of seven members, who must have certain educational and experiential credentials, as follows:

- Two members shall be scientists possessing master’s or Ph.D. degrees in biology or marine biology;
- One member shall be a scientist possessing a master’s or Ph.D. degree in biochemistry or chemistry;

- Two members shall be professional engineers, licensed in the State of Florida, with experience in the field of chemical, civil, or environmental engineering; or alternatively, in lieu of one licensed professional engineer, one member may be either of the following:
 - An engineer possessing a Ph.D. degree with experience in the field of chemical, civil, or environmental engineering; or
 - A professional geologist, licensed in the State of Florida, with experience in the field of groundwater modeling or contaminant fate and transport and possessing a Ph.D. degree in hydrogeology or groundwater hydrology;
- Two members shall be either a scientist possessing a master's or Ph.D. degree in biology, marine biology, biochemistry, or chemistry; or a professional engineer, licensed in the State of Florida, with experience in the field of chemical, civil, or environmental engineering; and

WHEREAS, the EQCB has recently had difficulty attracting and retaining members; and

WHEREAS, the EQCB has also recently had difficulty meeting quorum and having a sufficient number of members present to take action; and

WHEREAS, to ensure that the EQCB continues to function effectively, while protecting the scientific and technical integrity of the EQCB's decision-making process, this Board wishes to expand the qualifications for EQCB membership,

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

Section 1. The foregoing recitals are hereby approved and incorporated herein.

Section 2. Section 24-8 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 24-8. - Environmental Quality Control Board.

A Miami-Dade County Environmental Quality Control Board is hereby created and established, consisting of seven members appointed by the County Commission.

- (1) *Qualifications of members.* Members of the Board shall be residents of Miami-Dade County who possess outstanding reputations for civic pride, interest, integrity, responsibility and business or professional ability. Appointments shall be made by the Board of County Commissioners on the basis of experience or interest in the field of air and water pollution. The composition and representative membership of the Board shall be as follows:
 - (a) Two members shall be scientists possessing a master's or Ph.D. degree in biology or marine biology.
 - (b) One member shall be a scientist possessing a master's or Ph.D. degree in biochemistry or chemistry.
 - (c) >>Three<<[[~~Two~~]] members shall be professional engineers, licensed in the State of Florida, [[~~with experience in the field of chemical, civil, or environmental engineering~~]] or alternatively, in lieu of two licensed professional engineers, >>two members<<[[~~one member~~]] may be either of the following:
 - i. An engineer possessing a Ph.D. degree [[~~with experience~~]] in the field of >>agricultural, biological, biomedical,<< chemical, civil >>, coastal, electrical, environmental, industrial, mechanical, oceanographical, marine, or nuclear << [[~~or environmental~~]] engineering; or

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.

- ii. A professional geologist, licensed in the State of Florida, ~~[[with experience in the field of groundwater modeling or contaminant fate and transport and]]~~>>or a geologist<< possessing a Ph.D. degree in hydrogeology>>,<< ~~[[or]]~~ groundwater hydrology>>, geology, marine and coastal geology, or geophysics<<.
- (d) >>One member<<~~[[Two members]]~~ shall qualify as one of the following: a scientist possessing a master's or Ph.D. degree in biology, marine biology, biochemistry, ~~[[or]]~~ chemistry>>, botany, environmental studies, or any related environmental field of study<< ~~[[; or a professional engineer, licensed in the State of Florida, with experience in the field of chemical, civil, or environmental engineering]]~~.

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Section 3. 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 4. 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 5. 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:

July 2, 2024

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:

CMR

Cristina M. Rabionet

Prime Sponsor: Commissioner Kevin Marino Cabrera

Co-Sponsor: Commissioner Juan Carlos Bermudez