

MEMORANDUM

Agenda Item No. 11(A)(8)

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

DATE: December 3, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to conduct a feasibility study and provide a report regarding the County's establishment of a mobile pumpout vessel service and, as part of that study, to assess whether the County should adopt proof-of-pumpout regulations or pursue designation of all or part of Biscayne Bay or any other County waters as a no-discharge zone

Resolution No. R-1095-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera and Co-Sponsor Commissioner Micky Steinberg.



Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001



MEMORANDUM

(Revised)

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

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Glen Bonzon-Keenan
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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 ____, majority plus one ____, 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) ____, 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)(8)
12-3-24

RESOLUTION NO. _____ R-1095-24

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONDUCT A FEASIBILITY STUDY AND PROVIDE A REPORT REGARDING THE COUNTY'S ESTABLISHMENT OF A MOBILE PUMPOUT VESSEL SERVICE AND, AS PART OF THAT STUDY, TO ASSESS WHETHER THE COUNTY SHOULD ADOPT PROOF-OF-PUMPOUT REGULATIONS OR PURSUE DESIGNATION OF ALL OR PART OF BISCAYNE BAY OR ANY OTHER COUNTY WATERS AS A NO-DISCHARGE ZONE

WHEREAS, boating is a popular recreational and commercial activity in Miami-Dade County for both transient and local boaters; and

WHEREAS, boaters may anchor out for extended periods of time on their boats, and some boaters live on their boats; and

WHEREAS, many boats thus have toilets and marine sanitation devices on board, and section 327.53, Florida Statutes, in fact requires toilets on certain boats; and

WHEREAS, section 327.53 further prohibits the discharge of raw sewage from any vessel or floating structure in Florida waters; and

WHEREAS, marinas therefore often provide boaters with pumpout facilities where boaters can pump the sewage out of their boats into facilities for proper disposal; and

WHEREAS, section 327.60, Florida Statutes, provides in part that local governments may, subject to approval by the Florida Fish and Wildlife Conservation Commission, adopt proof-of-pumpout regulations, which "require owners or operators of vessels or floating structures subject to the marine sanitation requirements of s. 327.53 to provide proof of proper sewage disposal by

means of an approved sewage pumpout service, approved sewage pumpout facility, or approved waste reception facility when anchored or moored for more than 10 consecutive days” within certain types of mooring fields and no-discharge zones; and

WHEREAS, no-discharge zones, which are approved by the United States Environmental Protection Agency (“EPA”) and the state in which the zone is located, are areas where it is unlawful to discharge sewage from vessels; and

WHEREAS, the State of Florida currently has three no-discharge zones, two in Monroe County and one in Destin Harbor; and

WHEREAS, in 2021, the Florida Legislature adopted chapter 2021-184, Laws of Florida, which, among other things, designated all waters of the state within the Biscayne Bay Aquatic Preserve as a no-discharge zone effective immediately upon the approval by the EPA of a no-discharge zone determination; the State, however, has not yet applied to the EPA for such an approval; and

WHEREAS, although chapter 24 of the Code of Miami-Dade County, Florida, has regulations that may address unlawful discharges into marine waters, establishment of a no-discharge zone may facilitate enforcement of proof-of-pumpout regulations and also provide an avenue for federal enforcement in the event of an unlawful discharge; and

WHEREAS, in 1992, the United States Congress adopted the Clean Vessel Act, which allows the Secretary of the Interior to issue grants for pumpout stations and waste reception facilities to dispose of recreational boater sewage; and

WHEREAS, the Florida Department of Environmental Protection (“DEP”) administers the Clean Vessel Act Grant Program for the State of Florida; and

WHEREAS, according to DEP, researchers have determined that, due to a lack of sewage disposal facilities for recreational boaters, sewage gets discharged into public waters; and

WHEREAS, since 1994, DEP has provided grants to marinas across the state to install pumpout facilities and to purchase pumpout vessels; and

WHEREAS, Monroe County currently provides a free mobile pumpout vessel service to vessels anchored throughout the Florida Keys, which service is managed and funded in part by DEP pursuant to a Clean Vessel Act grant; and

WHEREAS, under Monroe County's program, a roaming pumpout vessel, which is operated by a private vendor, collects waste from vessels while on the water and later pumps the waste out at landside pumpout facilities; and

WHEREAS, Monroe County's service can help protect the marine environment from unlawful discharges while also helping boaters maintain compliance with Monroe County's proof-of-pumpout regulations applicable throughout the waters of the Florida Keys, which were approved by the EPA as a no-discharge zone; and

WHEREAS, according to Monroe County, between 2013 and 2020, the service registered over 3,500 customers and regularly serviced over 700 vessels throughout Monroe County waters, resulting in the collection of over two million gallons of sewage that may have otherwise entered the sensitive marine environment; and

WHEREAS, to protect Miami-Dade County's sensitive marine environment, this Board wishes to direct the County Mayor or County Mayor's designee to conduct a feasibility study regarding the County's establishment of a mobile pumpout vessel service and, as part of that study, to assess whether the County should adopt proof-of-pumpout regulations or pursue designation of all or part of Biscayne Bay or any other County waters as a no-discharge zone,

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

Section 1. Directs the County Mayor or County Mayor's designee to conduct a feasibility study regarding the County's establishment of a mobile pumpout vessel service. The study shall consider, at a minimum, the following factors:

- The fiscal impact of such a service, both to establish it and to continue operating it;
- The possibility of obtaining funding for, or management of, the service from the Florida Department of Environmental Protection ("DEP") pursuant to a Clean Vessel Act grant or other grant or agreement;
- In the event of any partnership with DEP, the respective roles the County and DEP should play in such a partnership;
- The integration of such a service with pumpout facilities currently existing at County-owned or -operated marinas or at other public or private marinas;
- The eligibility criteria for users to receive pumpout services;
- Whether the service should be provided free of charge and, if not, what the cost to users should be;
- Whether the County should adopt proof-of-pumpout regulations under section 327.60, Florida Statutes; and
- Whether the County should pursue designation of all or part of Biscayne Bay or any other County waters as a no-discharge zone, including whether the County should (1) urge the State of Florida to apply to the United States Environmental Protection Agency ("EPA") for approval of a no-discharge zone determination for the Biscayne Bay Aquatic Preserve, and (2) further urge the EPA to grant such an application once it is received.

Section 2. The County Mayor or County Mayor's designee shall present the findings of the study required by section 1 of this resolution to this Board in the form of a written report within 120 days of the effective date of this resolution and shall place the completed report on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Commissioner Kevin Marino Cabrera and the Co-Sponsor is Commissioner Micky Steinberg. It was offered by Commissioner **Kevin Marino Cabrera**, who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

Anthony Rodríguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Oliver G. Gilbert, III	aye	Roberto J. Gonzalez	aye
Keon Hardemon	absent	Danielle Cohen Higgins	aye
Eileen Higgins	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of December, 2024. 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: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

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

Christopher J. Wahl