

APPENDIX 13
Miami-Dade County Code

CODE OF MIAMI-DADE COUNTY, FLORIDA

Chapter 24 ENVIRONMENTAL PROTECTION, BISCAYNE BAY AND ENVIRONS DESIGNATED AQUATIC PARK AND CONSERVATION AREA, THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND, AND THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM*

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ARTICLE I. IN GENERAL

DIVISION 1. GENERAL PROVISIONS

Sec. 24-1. Short title.

This chapter enacted under and pursuant to the provisions of the Home Rule Charter of Government for Miami-Dade County, Florida, shall be known and may be cited as the "Miami-Dade County Environmental Protection Ordinance."

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

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Sec. 24-5. Definitions.

In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in Chapter 403, Florida Statutes, as may be amended from time to time, and in rules and regulations promulgated thereunder, as may be amended from time to time, shall apply. The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

1990 Urban Development Boundary shall mean the line established by the Miami-Dade County Board of County Commissioners on July 8, 1983 by Ordinance 83-58 delineating the approved urban development boundary for Miami-Dade County, as amended by ordinance from time to time.

Abandoned shall mean has not been operated for ninety-one (91) days or more within any six-month period of time.

Aboveground storage facility shall mean a tank, pipe, vessel or other container, or any combination of the foregoing, used or designed to be used for the aboveground storage or aboveground transmission of hazardous materials including but not limited to line leak detectors, monitoring wells and secondary containment system associated therewith.

Aboveground storage facilities shall only include a facility which has more than ninety (90) percent of its volume above the surface of the ground.

Adequate protection by natural means shall mean one (1) or more of the following processes of nature that produces water consistently meeting the requirements of the standards in this chapter: Dilution, storage, sedimentation, sunlight, aeration, and the associated physical and biological processes which tend to accomplish natural purification in surface waters and, in the case of groundwaters, the natural purification of water by infiltration through soil and percolation through underlying material and storage below the ground water table, as may be approved by the DERM.

Adequate protection by treatment shall mean complete or full treatment which is the combination of the controlled processes of coagulation, sedimentation, absorption, filtration, disinfection, or other processes which produce a water consistently meeting the potable water standards including processes which are appropriate to the quality of the raw water supply; works which are of adequate capacity to meet maximum demands without creating health hazards, and which are located, designed and constructed to eliminate or prevent pollution; and conscientious operation by well trained and competent personnel whose qualifications are commensurate with the responsibilities of the position and acceptable to the DERM.

Adequate transmission capacity shall mean that each pump stations receiving sewage flow from the sewer service connection, the pump station immediately upstream from the pump station receiving sewage flow from the sewer service connection, and all pump stations through which sewage flow from the sewer service connection is transmitted to

the wastewater treatment facility receiving such sewage flow, is operating (A) with fixed-speed pumps at a nominal daily average pump station operating time equal to or less than ten (10) hours per day, taking into account all existing sewage flow and loadings, including anticipated sewage flow resulting from all previously authorized sewer service connections or (B) with multiple-speed pumps at a nominal average power consumption that is equal to or less than forty-six (46) percent of the rated multiple-speed pump station motor horsepower or the equivalent thereof as approved by the director of his designee or (C) with variable-speed pumps at a nominal average power consumption that is equal to or less than a percentage of the rated variable-speed pump station motor horsepower as follows: (i) the percentage for all of the variable frequency driven pumps in the pump station shall be forty-nine (49) percent; (ii) the percentage for all of the magnetic-drive type variable speed pumps in the pump station shall be sixty-five (65) percent; and (iii) the percentage for all of the electrolyte rheostat or resistor bank type of variable speed drive pumps in the pump station shall be sixty-one (61) percent; or the equivalent of any of the foregoing, as applicable, as approved by the director or his designee, or (D) in such a manner that, upon completion of a rainfall dependent peak flow management study approved by the director or his designee, the pump station is capable of managing peak flows (during a one (1) in two-year storm event as determined by the South Florida Water Management District) with a back-up pump out-of-service without causing or contributing to overflows in the collection and transmission system.

Adequate treatment capacity shall mean that the wastewater treatment plant which will receive flow from a sewer service connection shall not be in noncompliance as defined in 40 C.F.R. Part 123.45, Appendix A.

Adequate water depth shall mean the vertical extent of the water column above submerged bottom lands which is sufficient at all times to prevent any damage to the submerged bottom lands and to any natural resources in or upon the submerged bottom lands.

Adverse environmental impact shall mean any change in the physical or biological conditions of the natural environment within or adjacent to the area that results in a substantial detrimental effect upon flora, fauna, air, water, minerals or other natural characteristic(s) of the area.

Affected tree shall mean any tree which shall be, or already has been, removed, relocated, or effectively destroyed, thereby requiring a permit pursuant to Ordinance Number 89-8.

Agricultural operation shall mean the growing of crops, the raising of fowl, animals or bees, as a gainful occupation, but shall not include such activities engaged in as a hobby or truck farming in residential areas.

Agricultural site alteration means preparation of a site for commercial or noncommercial horticultural or floricultural uses including, but not limited to, row crops; farms; groves; nurseries; horticultural farming; truck farming; barns, sheds or other structures not habitable by human beings which are used for the storage of farm machinery, fertilizer, seed or other items or equipment ancillary to an on-site agricultural use; and the maintenance and raising of animals for commercial purposes.

Agricultural vehicle or agricultural equipment maintenance facility shall mean a facility which repairs or maintains vehicles or equipment ancillary to and directly supportive of a bona fide agricultural purpose and which vehicle or equipment are owned or operated by the owner or leasee of the agricultural vehicle or agricultural equipment maintenance facility.

Air contaminants shall mean a particulate, gas or odor, including, but not limited to, smoke, charred paper, dust, soot, grime, carbon or any particulate matter, or irritating, malodorous or noxious acids, fumes or gases, or any combination thereof, but shall not include uncombined water vapor.

Air pollution shall be construed to mean the presence in the outdoor atmosphere of one (1) or more air contaminants or the combination thereof in such quantities and of such duration which are injurious to human, plant or animal life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business.

Alter or altering a mangrove tree shall mean removing, poisoning, defoliating, or destroying a mangrove tree, either partially or entirely.

Ambient (natural) temperature shall mean the existing temperature of the receiving water at a location which is unaffected by man-made thermal discharges and a location which is also of a depth and exposure to winds and currents which typify the most environmentally stable portions of the receiving bodies of water.

Annular space shall mean the space between two (2) casings or between the outer casing and the wall of the well hole.

Approved recycling or recovery equipment shall mean any device designed to recapture or reuse ozone-depleting compounds which has the written approval of the Director of the Department of Environmental Resources management or his designee.

Asbestos shall mean a fibrous, rock-forming material, including, but not limited to, such amphibole varieties as tremilite, actinolite, anthophyllite, grunerite, richterite, edenite, amosite, crocicolite, and such serpentine varieties as amianthus and chrysotile, as well as synthetic asbestos fibers, including, but not limited to, fluor-tremilite, fluor-richterite, and fluor-edenite.

Association of primary and secondary wetland plant species shall mean an assemblage of primary and secondary wetland species within a defined area. In order for said assemblage to be classified as an association, it must be composed of at least twenty-five (25) percent primary wetland species.

Average day pumpage wellfield protection area shall mean the area within the cone of influence of a public utility potable water supply well based upon average day pumpage.

Average shall mean the arithmetic average of the results of at least three (3) separate samples collected within a referenced specific time period. At least one (1) of these samples shall be taken at peak flow conditions, where applicable, and a minimum of twenty-five (25) percent of the referenced time period shall serve as an interval between successive samples.

Back-up pump shall mean the highest capacity pump installed in a pump station.

Balanced system shall mean a gasoline or gasohol vapor recovery system that draws such vapor through a nozzle boot to an underground storage tank by means of the pressure differential created as the volume of gasoline or gasohol in the underground storage tank is reduced and the volume of gasoline or gasohol in the motor vehicle fuel tank is increased during motor vehicle refueling.

Basic wellfield protection area shall mean the area within two hundred ten (210) days' travel time from a public utility potable water supply well based upon maximum day pumpage.

Basin B shall mean those lands within the following geographical boundary:

Section 14, 13, and 24, Township 52 south, Range 39 East, less those portions thereof lying southwesterly of the southwesterly right-of-way of Okeechobee Road, and

Sections 16, 17, 18 and 20, Township 52 South, Range 40 East, and

Section 19, Township 52 South, Range 40 East, less that portion thereof lying southwesterly of the northeasterly right-of-way of the Miami Canal and northwesterly of the northwesterly right-of-way of the Florida Turnpike. and

that portion of Section 21, Township 52 South, Range 40 East, lying westerly of the westerly right-of-way of Interstate I-75, and

Section 30, Township 52 South, Range 40 East, less that portion thereof lying northwesterly of the northwesterly right-of-way of the Florida Turnpike, and less those portions included within the right-of-way of the Miami River, and

Section 31, Township 52 South, Range 40 East, and

Sections 6, 7, 8, 17, 18 and 19, Township 53 South, Range 40 East, and

Section 30, Township 53 South, Range 40 East, less the southeast one quarter thereof.

All lying in Miami-Dade County, Florida.

Bird Drive Everglades Wetland Basin shall mean the wetlands described below:

That portion of Section 3, Township 54 South, Range 39 East lying south of U.S.

Highway 41 (Tamiami Trail) and lying west of S.W. 143 Avenue north of S.W. 9th

Terrace and lying west of S.W. 144 Avenue south of S.W. 9th Terrace; those portions of

Sections 4, 5, and 6, Township 54 South, Range 39 East lying south of U.S. Highway 41

(Tamiami Trail); that portion of Section 10, Township 54 South, Range 39 East lying

west of S.W. 144 Avenue; that portion of Section 31, Township 54 South, Range 39 East,

lying north of S.W. 88th Street (North Kendall Drive); and Sections 7, 8, 9, 16, 17, 18,

19, 20, 29, 30, and 32, Township 54 South, Range 39 East.

Blackwater shall mean that portion of domestic sewage not emanating from residential showers, residential baths, residential bathroom washbasins, or residential clothes washing machines.

Boat docking facility shall mean a place where vessels may be secured to a fixed or floating structure or to the shoreline.

Boat slip shall mean a berthing space for a vessel which has been created or authorized pursuant to a permit or permits issued by the Department of Environmental Resources Management.

Boat storage facility shall mean a facility where recreational vessels are stored on uplands by one (1) or more of the following methods:

(1) On boat trailers on a paved or unpaved surface; or

(2) On individual boat racks; or

(3) On multi-story boat racks.

Bona fide agricultural purposes shall mean good faith commercial or domestic agricultural use of the land. In determining whether the use of the land for agricultural purposes is bona fide, the following factors as set forth in Section 193.461, Florida Statutes (and as amended from time to time), though nonexclusive, shall be taken into consideration:

- (1) The length of time the land has been so utilized;
- (2) Whether the use has been continuous;
- (3) The purchase price paid;
- (4) Size, as it relates to specific agricultural use;
- (5) Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices;
- (6) Whether such land is under lease and, if so, the effective date, length, terms and conditions of the lease; and
- (7) Such other factors as may from time to time become applicable.

Bona fide fruit grove shall mean a grove of fruit trees specifically planted to produce edible fruit for commercial purposes or for personal consumption by the owner.

Botanical garden shall mean any publicly-owned real property used for the cultivation of plants for display or scientific research.

C-9 Wetland Basin shall mean the wetlands within the following geographic boundaries: Beginning at the intersection of U.S. Highway 27 (Okeechobee Road) and the south right-of-way of the C-9 Canal; thence run easterly to the west right-of-way of Interstate Highway 75; thence run southerly to the west right-of-way line of the Homestead Extension of Florida's Turnpike; thence run southwesterly and southerly to the north right-of-way of U.S. Highway 27 (Okeechobee Road); thence run northwesterly to the point of beginning.

Canopy coverage shall mean the areal extent of ground within the drip line of a tree.

Canopy shall mean those trees which constitute the tallest layer within a forest.

Casing shall mean the tubular material utilized to shut off or exclude a stratum or strata other than the source bed and conduct water from only the source bed to the surface.

Clean fill shall mean material consisting of soil, rock, sand, earth, marl, clay, stone and/or concrete rubble.

Closure shall mean cessation of operation of a County solid waste management system facility and the act of securing such a facility, in accordance with applicable regulatory requirements, so that it will pose no significant threat to human health or the environment. This includes closing, long term monitoring, maintenance and financial responsibility.

Coastal band community shall mean a mangrove community which borders Biscayne Bay or one (1) of the tributaries of Biscayne Bay and which receives frequent tidal inundation and whose dominant floral constituent is mature *Rhizophora mangle*. The boundary of a coastal band community shall not be limited or affected by artificial boundaries such as, but not limited to, property lines.

Coastal resources management line shall mean the landward extent of the areas where detrital cycles contribute to the ecological productivity of coastal waters.

Coastal waters shall mean all waters in the State which are not classified as fresh waters.

Coliform group shall include all organisms considered in the coliform group as set forth in Standard Methods for the Examination of Water and Waste Water, sixteenth edition.

Combustible refuse shall mean any combustible waste material containing carbon in a free or combined state.

Combustion contaminants shall mean particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

Commercial boat docking facility shall mean a boat docking facility which has boat slips, moorings, davit spaces, or vessel tieup spaces of which more than fifty (50) percent are designated for or contain commercial vessels.

Commercial vessel shall mean any vessel engaged in any activity wherein a consideration is paid by the user either directly or indirectly to the owner, operator or custodian of the vessel; or any vessel engaged in the taking of saltwater fish or saltwater products for sale either to the consumer, retail dealer or wholesale dealer.

Community water system shall mean a public water system which serves at least fifteen (15) service connections used by year-round residents or which regularly serves at least twenty-five (25) year-round residents.

Comprehensive environmental impact statement ("CEIS") shall mean a detailed report, based upon current data obtainable at the time of permit application submittal, which describes the proposed work and its purposes and which addresses one (1) or more of the following assessment points so as to permit assessment of the probable environmental impacts, benefits and detriments of the proposed work:

(1) An analysis of the probable impact of the proposed work in the wetland environment, including impact on ecological systems such as floral, faunal, marine and freshwater communities. Both direct and indirect potential adverse environmental impacts shall be included in the analysis. The statement shall include the effect, if any, of the proposed work upon the ability of the wetland to:

- (a) Receive and store surface waters and to recharge groundwater.
- (b) Contribute to quantity and quality of the water supply and protect against saltwater intrusion.
- (c) Protect adjacent uplands from hurricane and tidal storm surges.
- (d) Provide filtration and uptake of nutrients and pollutants from surface waters.
- (e) Contribute sheet flow of surface waters to adjacent areas.
- (f) Provide habitat for indigenous floral and faunal species, and rare, threatened and endangered species, as defined in this chapter.
- (g) Provide protection for the recharge area of a wellfield.

(2) An analysis of other adverse environmental impacts which cannot be avoided should the proposal be implemented, such as water or air pollution, undesirable land use patterns, urban congestion, threats to health or other consequences adverse to the County's environmental goals, as set forth in this Code and the Miami-Dade County Comprehensive Development Master Plan.

(3) A description and analysis of alternatives to the proposed work which avoid or mitigate some or all of the probable adverse environmental impacts of the proposed work or which increase the beneficial environmental effects of the proposed work. An economic cost-benefit analysis may be submitted by the applicant for the proposed work and each such alternative.

(4) An analysis of the cumulative and long-term effects of the proposed work. The analysis shall compare the proposed work's short-term use of the environment with long-term environmental parameters including, but not limited to, biological productivity, habitat quality, protection of hydrological resources, and nutrient and pollution attenuation capacity.

(5) An analysis of all irreversible commitments of natural resources which would occur if the proposed work is implemented. This analysis shall include the extent to which the proposed work would curtail the range of beneficial uses of the environment.

(6) A summary of the problems and objections raised by any federal, State or local entities and by the public in the review process, the disposition of the issues involved, and the reasons therefor.

(7) A description and analysis of the socioeconomic benefits that may be derived from implementation of the proposed work as well as the potential negative impacts to the public resulting from denial of or modifications to the proposed work.

Condensed fumes shall mean minute solid particles generated by the condensation of vapors from solid matter volatilization from the molten state, or may be generated by chemical processes, operations or reactions, when these processes create air-borne particles.

Cone of influence means a localized depression or draw-down of the groundwater due to water supply well pumpage.

Construction and demolition debris shall mean solid waste comprised exclusively of materials which are not hazardous materials and which are not water soluble, including steel, concrete, glass, brick, soils not containing any hazardous materials, asphalt roofing and paving material, and lumber from a construction or demolition project.

Contaminant shall mean any substance present in any medium which may cause an adverse effect upon public health, public safety, public welfare or the environment, or causes a nuisance as defined in Section 24-5, Section 24-27 or Section 24-28.

Cooling pond shall mean a body of water enclosed by natural or constructed restraints which has been approved by the Florida DPC for purposes of controlling heat dissipation from thermal discharges.

Cross-connection shall mean any physical connection or arrangement whereby contamination may enter a water supply system; such as two (2) otherwise separate piping systems, one (1) of which contains or is designed to contain potable water and the other waste water or other fluids or material of unknown or questionable safety, where intermixing may occur depending on the pressure or temperature differential between the two (2) systems.

CTLs shall mean Clean-up Target Levels as set forth in Section 24-44.

Cumulative adverse environmental impact shall mean adverse environmental impact, as defined in this chapter, resulting from a proliferation of a particular proposed work or land use within a wetland area.

Daily average pump station operating time shall mean the total of the number of operating hours for all nonvariable speed and non-multiple-speed pumps in the pump station for the month divided by the number of days in the month which is then divided by the total number of the same type of pumps in the pump station less one (1) pump of the same type, or the equivalent thereof as approved by the Director or his designee.

Davit space shall mean an area along a bulkhead or pier where a vessel may be suspended over tidal waters by a mechanical device.

Department shall mean the Department of Environmental Resources Management.

DERM shall mean the Director, Environmental Resources Management, with duties created pursuant to Section 24-6 of the Code.

Detention of stormwater shall mean the collection and temporary storage of stormwater in a manner that will provide treatment through physical, chemical or biological processes, with subsequent gradual release of the stormwater in a manner not to exceed the design limitations of the temporary storage area.

Detention pond shall mean an open basin which intercepts the groundwater table and is used for the temporary storage of stormwater runoff.

Developed land shall mean land upon which structures or facilities have been constructed.

Developed property shall mean any parcel of land which contains an impervious area.

Development shall mean any proposed activity or material change in the use or character of land, including, but not limited to, the placement of any structure, utility, fill, or site improvement on land, and any act which requires a building permit.

Dewater shall mean to discharge off-site or on-site water from an excavation, underground structure, or depressed land.

Diameter breast height (DBH) shall mean the diameter of a tree's trunk measured at a point four and one-half (4 1/2) feet from where the tree emerges from the ground at natural grade. In the case of multiple-trunked trees, the DBH shall mean the sum of each trunk's diameter measured at the point four and one-half (4 1/2) feet from where the tree emerges from the ground at natural grade.

Dissolved hydrocarbon shall mean any substance soluble in fluorocarbon-113 and dispersed, emulsified, or otherwise dissolved throughout a sample.

Domestic sewage shall mean waste water from toilets, showers, sinks, baths, and other facilities designed for human sanitation whether located within residential or nonresidential land uses.

Dominance shall mean the species or group of species having the largest total number of individuals in the canopy and/or understory within a defined area.

Dominant plant community shall mean a minimum of fifty-one (51) percent of the plant cover within an area based on the following formula: Dominance equals one hundred (100) multiplied by the total estimated basal area of wetland plant species divided by the total estimated basal area of all plant species.

Drainage area shall mean a geographically defined land surface having topographical features such that stormwater runoff will be directed towards a drainage structure or natural waterway.

Drainage well shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the artificial recharge of groundwater, or the intentional introduction of water into any underground information.

Dredging shall mean the removal of soil (i.e., rock, clay, peat, sand, marl, sediments or other naturally occurring soil material) from the surface of submerged or unsubmerged coastal or freshwater wetlands, tidal waters or submerged bay-bottom lands. Dredging shall include, but not be limited to, the removal of soils by use of clamshells, suction lines, draglines, dredges or backhoes.

Drip line shall mean an imaginary vertical line extending from the outermost horizontal circumference of a tree's branches to the ground.

Dry exfiltration shall mean an underground stormwater disposal system where the invert of a perforated conveyance pipe is placed at or above the average October groundwater

level as set forth in the Miami-Dade County Public Works Manual, Part II, Section D4, dated September 1, 1974, as may be amended from time to time.

Dry infiltration or dry retention shall mean the process which occurs when stormwater is conveyed to a grassed swale or open basin for disposal into the ground where the bottom of the grassed swale or open basin is at least one (1.0) foot above the average October groundwater level as set forth in the Miami-Dade County Public Works Manual, Part II, Section D4, dated September 1, 1974, as may be amended from time to time.

Dry storage space shall mean a designated place where a recreational vessel is stored on uplands by one (1) of the following methods:

- (1) On a boat trailer on a paved or unpaved surface; or
- (2) On an individual boat rack; or
- (3) On a multi-story boat rack.

Dust shall mean minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

Dwelling shall mean any building which is wholly or partly used or intended to be used for living, sleeping, cooking and eating.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating. This term shall include, for the purposes of this ordinance, rooming units.

East Turnpike Wetland Basin shall mean the wetlands described below:

Those portions of Sections 18 and 19, Township 52 South, Range 40 East, lying east of the Homestead Extension of Florida's Turnpike; and Sections 6, 7, 8, 17 and 18, Township 53 South, Range 40 East, Miami-Dade County, Florida.

Effectively destroy shall mean the girdling, or damaging of a tree's trunk, branch or root system or cutting, pruning or trimming not done in accordance with the most recent American National Standards (ANSI) A-300 Standard Practices for Tree Care Operations.

Emission shall mean the act of passing into the atmosphere an air contaminant or gas stream which contains or may contain an air contaminant; or the material so passed to the atmosphere.

Engineering control shall mean a process or structure which eliminates or reduces the migration of contaminants or eliminates or reduces the exposure of human and environmental receptors to contaminants.

Environment shall mean the complex of climatic, edaphic and biotic factors that act upon an organism or an ecological community and ultimately determine its form and survival and which will be affected by the proposed work.

Environmental remediation shall mean clean-up of, or mitigation for, air, soil or water contamination from the County solid waste management system and those facilities for which the County is legally responsible for environmental clean-up or mitigation.

Environmentally-sensitive tree resources shall mean a specimen tree, natural forest community, or any other tree or trees that substantially contribute(s) to the aesthetics of an area, and which are not exempted from permit requirements under Section 24-49(4)(f).

Equivalent residential unit (sometimes hereinafter referred to as "ERU") shall mean the statistically estimated average horizontal impervious area of residential developed

property per dwelling unit. This estimated average is calculated by dividing the total estimated impervious area of four (4) residential categories, to wit, single family, mobile home, multifamily and condominium, by the estimated total number of residential dwelling units. For the purposes of this ordinance each dwelling unit, to wit, single family residence, mobile home, multifamily, or condominium, is assigned one (1) ERU. *Excavation* shall mean the action or process of creating any lake, rockmining (excluding ancillary property uses necessary for extracting and processing subsurface materials), reservoir, pond or other surface water.

Exfiltration of stormwater shall mean the process by which stormwater flows out) of a trench or a buried perforated pipe into the surrounding ground.

Existing heat source shall mean any thermal discharge:

- (1) Which is presently taking place, or
- (2) For which a construction or operating permit has been issued prior to the effective date of these rules.

Facility shall mean anything that is built or purchased to make an action or operation easier or to serve a special purpose.

Feasible distance for public water mains shall mean the distance between the closest point of the property and the nearest available point of connection to an available public water main is not excessive as determined by the Director of the Department of Environmental Resources Management or his designee in accordance with the following:

- (1) Residential uses. If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by dividing the sum of the existing and proposed gross floor area by a factor of twelve (12) square feet per linear foot of public water main, extension of public water mains to serve the property is required, or

Notwithstanding the above, if the nearest available point of connection to an available public water main is located within two hundred (200) feet of the closest point of the property, extension of public water mains to serve the property is required.

- (2) Office building uses. If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by dividing the sum of the existing and proposed gross floor area by a factor of ten (10) square feet per linear foot of public water main, extension of public water mains to serve the property is required, or

Notwithstanding the above, if the nearest available point of connection to an available public water main is located within four hundred (400) feet of the closest point of the property, extension of public water mains to serve the property is required.

- (3) Business district uses. If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by dividing the sum of the existing and proposed gross floor area by a factor of ten (10) square feet per linear foot of public water main, extension of public water mains to serve the property is required, or

Notwithstanding the above, if the nearest available point of connection to an available public water main is located within six hundred (600) feet of the closest point of the property, extension of public water mains to serve the property is required.

- (4) Industrial uses. If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by

dividing the sum of the existing and proposed gross floor area by a factor of ten (10) square feet per linear foot of public water main, extension of public water mains to serve the property is required, or

Notwithstanding the above, if the nearest available point of connection to an available public water main is located within seven hundred fifty (750) feet of the closest point of the property, extension of public water mains to serve the property is required.

(5) In determining whether or not the distance between the closest point of the property and the nearest available point of connection to an available public water main is excessive, the Director or his designee shall follow the principles set forth below:

(a) The nearest available point of connection to an available public water main shall be determined by the Director or his designee in accordance with good engineering practices.

(b) Notwithstanding any of the provisions of this definition, additions, modifications, or remodelings of existing improvements on the property shall not require extension of public water mains to serve the property from the nearest available point of connection to an available public water main, if the gross floor area of the new construction and new improvements is less than twenty-five (25) percent of the existing gross floor area.

Feasible distance for public sanitary sewers shall mean that distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is not excessive as determined by the Director of the Department of Environmental Resources Management or his designee in accordance with the following:

(1) Residential uses.

(a) Development requiring gravity sewer line extensions: If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of twenty (20) square feet of gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or

(b) Development requiring the installation of a sanitary sewer lift station for eleven (11) residential units or more: If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by subtracting one thousand (1,000) linear feet of public sanitary sewer from that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of seventeen (17) square feet of gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or

(c) Notwithstanding subsections (1)(a) or (1)(b) above, if the nearest available point of connection to an available public gravity sanitary sewer is located within one hundred (100) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.

(2) Office building uses.

(a) If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of fifteen (15) square feet gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or

(b) Notwithstanding subsection (2)(a) above, if the nearest available point of connection to an available public sanitary sewer is located within three hundred (300) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.

(3) Business district uses.

(a) If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of fifteen (15) square feet gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or

(b) Notwithstanding subsection (3)(a) above, if the nearest available point of connection to an available public sanitary sewer is located within five hundred (500) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.

(4) Industrial uses.

(a) If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of fifteen (15) square feet gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or

(b) Notwithstanding subsection (4)(a) above, if the nearest available point of connection to an available public sanitary sewer is located within seven hundred (700) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.

(5) In determining whether or not the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is excessive, the Director or his designee shall follow the principles set forth below: The nearest available point of connection to an available public sanitary sewer shall be determined by the Director or his designee in accordance with good engineering practices.

(6) Notwithstanding any of the provisions of this definition, additions, modifications, or remodelings of existing improvements on the property shall not require extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer, if the gross floor area of the new construction and new improvements is less than twenty-five (25) percent of the existing gross floor area.

Filling shall mean the alteration of wetlands, tidal waters or bay-bottom lands, by adding material or soil to obtain higher elevations or better compaction of existing elevations.

Firebreak shall mean an area of bare ground no more than ten (10) feet in width in a forest which has been created to prevent the spreading of wild fires.

First inch of retention shall mean the disposal by on-site retention of the volume of stormwater generated by the first inch of runoff from a defined drainage area.

First inch of runoff shall mean the volume of stormwater runoff generated during the initial stages of a rainfall event and is calculated as the volume of stormwater runoff generated during the time required to supply and transport to the emergency overflow outfall, one (1) inch of stormwater runoff from the farthest point in the basin, as set forth

in "DESIGN OF DRAINAGE STRUCTURE, AN UPDATED POLICY FOR THE DESIGN OF STORM RUNOFF DRAINAGE STRUCTURES, DECEMBER 1980," a document prepared by and on file in the offices of the Miami-Dade County Department of Environmental Resources Management.

Fixed structure shall mean anything of a permanent or temporary nature which is built, constructed, placed or installed in, on, over or upon tidal waters. Fixed structures shall not include vessels or floating structures.

Floating hydrocarbon shall mean any substance soluble in fluorocarbon-113 as set forth in EPA Method 413.1. and floating or otherwise forming a visible layer upon any aqueous surface.

Floating structure shall mean a barge-like entity, with or without accommodations, which is not used as a means of transportation on water but which serves purposes or provides services typically associated with a structure upon or improvements to real property. A floating structure includes, but is not limited to, a residence, place of business, office, hotel, motel, restaurant, lounge, retail or wholesale store, clubhouse, helicopter pad, meeting facility, or a storage or parking facility. Incidental movement or the capability of movement upon water shall not preclude an entity from classification as a floating structure. Registration of the entity as a vessel in accordance with Chapter 327, Florida Statutes, shall not preclude an entity from classification as a floating structure.

Flooding shall mean the accumulation of stormwater on the ground surface which occurs as a result of excessive rainfall precipitation which has saturated the soil and filled the canals, lakes, ditches and drainage structures beyond their storage and transmission capacities.

Florida No. 1 grade or equivalent shall mean the classification of the quality of a nursery plant as published in Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services, Division of Plant Industry.

Flue shall mean any duct or passage for air, gases, or airborne materials, such as a stack or chimney.

Forest management plan shall mean a document which specifies the techniques that will be implemented to maintain and preserve an individual natural forest community.

Free chlorine shall mean chlorine existing in water as hypochlorous acid, hypochlorite ions, and molecular chlorine.

Free product shall mean any non-aqueous liquid.

French drain shall mean a structure consisting of a perforated, slotted or open joint pipe buried in a trench and surrounded by ballast rock and used for the underground disposal of stormwater runoff into groundwater or the unsaturated zone.

Fresh waters shall mean all waters of the state which are contained in lakes and ponds, or are in flowing streams above the zone in which tidal actions influence the salinity of the water and where the concentration of chloride ions is normally less than five hundred (500) milligrams per liter.

Fully loaded vessel shall mean:

- (1) all of the vessel's fuel tanks, water tanks and other tanks are full, and
- (2) the vessel has the maximum allowable number of crew, passengers, equipment and provisions pursuant to the manufacturer's specifications and, where applicable, the United States Coast Guard certification, and

(3) the vessel has all safety and rescue equipment required pursuant to state, federal and, if applicable, international law, and

(4) the vessel contains the maximum authorized amount (by weight) of cargo pursuant to state, federal and, if applicable, international law.

Garbage shall mean every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of edibles, and any other matter, of any nature whatsoever, which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.

Gas shall mean a formless fluid which occupies space and which can be changed to a liquid or solid state only by increasing pressure with decreased or controlled temperature, or by decreased temperature with increased or controlled pressure.

Grassed swale shall mean a depression on the ground surface which is covered by vegetation and is located entirely within the unsaturated zone.

Gravity injection means the introduction of water into a well from which the water enters the groundwater without any force other than the force of gravity. Said well shall be in excess of two (2) feet below the average yearly highest groundwater elevation as specified in the Miami-Dade County Public Works Manual as same may be amended from time to time.

Graywater shall mean that portion of domestic sewage emanating from residential showers, residential baths, residential bathroom washbasins, or residential clothes washing machines.

Ground cover shall mean plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

Ground pollution shall mean the introduction into or upon any ground of any organic or inorganic matter or deleterious substances in such quantities, proportions or accumulations which are injurious to human, plant, animal, fish and other aquatic life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business. It shall be a rebuttable presumption that the introduction of any hazardous waste as defined in Section 24-5 or hazardous materials as defined in Section 24-5 into or upon the ground, which exceeds any of the clean-up target levels (CTLs) set forth in Section 24-44, shall constitute and shall be deemed to be ground pollution.

Halophytic vegetation shall mean the following species:

Aizoaceae (carpetweed family)-- *Sesuvium portulacastrum* (sea purslane)

Amaranthaceae (amaranth family)-- *Phloxeris vermicularis* (marsh samphire)

Amaryllidaceae (amaryllis family)-- *Hymenocallis latifolia* (spider lily)

Apocynaceae (oleander family)-- *Rhabdadenia biflora* (mangrove rubber vine)

Asteraceae (aster family)-- *Aster tenuifolius* var. *aphyllus* (salt-marsh aster)

Baccharis angustifolia (false willow)

Baccharis halimifolia (groundsel tree)

Borrchia arborescens (oxeye daisy)

Borrchia frutescens (oxeye daisy)

Iva frutescens (marsh elder)

Avicenniaceae (black mangrove family)-- *Avicennia germinans* (black mangrove)

Batidaceae (saltwort family)-- *Batis maritima* (saltwort)

Chenopodiaceae (goosefoot family)-- *Salicornia virginica* (perennial glasswort)
Salicornia bigelovii (annual glasswort)
Suaeda linearis (sea blite)
Salsola kali (saltwort)

Combretaceae (white mangrove family)-- *Conocarpus erecta* (buttonwood)
Laguncularia racemosa (white mangrove)

Cymodoceaceae (manatee grass family)-- *Halodule wrightii* (Cuban shoal weed)
Syringodium filiforme (manatee grass)

Cyperaceae (sedge family)-- *Cyperus odoratus* (sedge)
Cyperus ligularis (sedge)
Cyperus planifolius (sedge)
Fimbristylis castanea
Fimbristylis spathacea

Hydrocharitaceae (frog's bit family)-- *Thalassia testudinum* (turtle grass)

Juncaceae (rush family)
Juncus roemerianus (rush)

Juncaginaceae (arrow grass family)-- *Triglochin striata*

Plumbaginaceae (leadwort family)-- *Limonium carolinianum* var. *carolinianum* (sea lavender)
Limonium carolinianum var. *angustatum* (sea lavender)

Poaceae (grass family)-- *Distichlis spicata* (seashore salt grass)
Monanthochloe littoralis (Key grass)
Paspalum vaginatum (salt joint grass)
Spartina alterniflora (smooth cord grass)
Spartina patens (salt-meadow cord grass)
Spartina spartinae (gulf cord grass)
Sporobolus virginicus (Virginia dropseed)

Primulaceae (primrose family)-- *Samolus ebracteatus* (water pimpernel)

Pteridaceae (bracken family)-- *Acrostichum aureum* (coastal leather fern)
Acrostichum danaeafolium (leather fern)

Rhizophoraceae (red mangrove family)-- *Rhizophora mangle* (red mangrove)

Ruppiaceae (widgeon grass family)-- *Ruppia maritima* (widgeon grass)

Solanaceae (nightshade family)-- *Lycium carolinianum* (Christmasberry)

Surianaccac (bay-ccdar family)-- *Suriana maritima* (bay cedar)

Harmful obstruction or undesirable alteration of the natural flow of surface water shall mean any substantial diversion, obstruction, creation of backwater conditions, interruption, adverse change in velocity, volume, or depth of the natural flow of surface water. Natural flow need not be uniform or uninterrupted and may be seasonal or periodic.

Hazard index shall mean the sum of more than one (1) hazard quotient for multiple contaminants or for multiple exposure pathways.

Hazard quotient shall mean the ratio of a single contaminant exposure level over a specified time period to a reference dose for that contaminant derived from a similar exposure period.

Hazardous materials means any waste, product, substance, or combination or breakdown product thereof which, because of its biological or chemical characteristics, if introduced

into a potable public water supply well, will impair the potability of the water withdrawn by the potable public water supply well or which will be harmful or potentially harmful to human, plant or animal life or property or the conduct of business or which will increase the cost of operation of public water supply treatment facilities or which will increase the reliance by consumers of potable water from such potable public water supply wells on the operation of public water supply treatment facilities to provide potable water which is not harmful or potentially harmful to human, plant or animal life or property or the conduct of business.

Within ninety (90) days from the effective date of Ord. No. 83-96 and at least annually thereafter, the Director or his designee shall submit to the Board of County Commissioners a list of wastes, products, substances or combination or breakdown products thereof which the Director or his designee has determined to be hazardous materials as hereinabove defined. The Board of County Commissioners shall designate, by resolution, which of the wastes, products, substances or combination or breakdown products thereof so listed by the Director or his designee shall be legally presumed to be hazardous materials as defined hereinabove. Such designation by the Board of County Commissioners shall create a rebuttable presumption that the wastes, products, substances or combination or breakdown products thereof so designated are hazardous materials as hereinabove defined. Such designations shall be deemed nonexclusive. Nondesignation by the Board of County Commissioners shall not create any presumption that the nondesignated wastes, products, substances or combination or breakdown products thereof are not hazardous materials. Nothing herein shall be construed to limit in any way the power of the Director or his designee in the performance of his duties and responsibilities to determine that a waste, product, substance or combination or breakdown product thereof is a hazardous material as defined hereinabove.

Hazardous waste shall mean:

- (1) a waste defined as a hazardous waste in 40 C.F.R. Part 261, or
- (2) used radiator fluid,
- (3) used lubricating oil,
- (4) used transmission fluid,
- (5) used brake fluid, or
- (6) used power steering fluid

Health care facilities shall mean hospitals, skilled nursing facilities, clinics, intermediate care facilities, ambulatory surgical centers, health maintenance organizations, doctor's offices, dentist's offices or free standing hemodialysis centers.

Health hazards shall mean any conditions, devices, or practices in a water supply system or its operation which create a possible danger to the health and well-being of the water consumer. (An example of a health hazard is structural defect in the water supply system, whether of location, design or construction, which may regularly or occasionally prevent satisfactory purification of water supply or cause it to be polluted from extraneous sources.)

Heated-water discharges shall mean the effluents from commercial or industrial activities or processes in which water is used for the purpose of transporting waste heat.

Highway shall mean any public thoroughfare, including streets, designed for motor vehicles.

Impervious area shall mean a division of the horizontal ground surface which is incapable of being penetrated by rainwater. This shall include, but not be limited to, all structures, roof extensions, slabs, patios, porches, driveways, sidewalks, parking areas, swimming pools, athletic courts, and decks.

Individual water supply shall mean a well or wells or other source of water, and pump and piping if any, located on the premises served for supplying twenty-five (25) persons or less.

Industrial liquid waste facility shall mean any facility engaged in the manufacture, production, fabrication, packaging, repackaging, repair, processing or sale of goods or services, and which produces or generates or may reasonably be expected to produce or generate liquid waste.

Industrial waste shall mean discharges, effluents, spills, or leaks of any hazardous wastes, hazardous materials, process wastewater, or wastes other than domestic sewage, from an industrial liquid waste facility.

Infiltration means the distribution of water on the surface of land to permit the water to soak through the vegetation and soil into the groundwater.

Infiltration of stormwater shall mean the process by which stormwater flows vertically downward through the ground into the Biscayne Aquifer.

Inflow shall mean any water, other than domestic sewage or other wastewater approved by the director or his designee to be discharged into a sanitary sewer system, introduced into any publicly or privately-owned or operated gravity sanitary sewer or pump station wet well which is not sewer system infiltration.

Institutional control shall mean a restriction on the use of, or access to, a site to eliminate or minimize exposure to contaminants. Examples include, but are not limited to, deed restrictions, restrictive covenants, or conservation easements.

Interim sewage treatment plant shall mean any sewage treatment plant, public or private, including but not limited to interim package sewage treatment plants, that discharges its effluent directly into the Biscayne Aquifer or inland surface waters of Miami-Dade County.

Intermediate care facilities shall mean day care centers, day nurseries, convalescent homes, adult congregate living facilities, rooming houses, boarding homes, homes for the elderly, homes for dependent children or retirement villages or any other facility providing shelter and supervision for dependent individuals who because of their mental or physical condition require health related care and services above the level of room and board.

Key manhole shall mean the sanitary sewer manhole into which the entire sewage flow from a sewer subsystem is discharged.

Landclearing shall mean the removal of vegetation or soils from submerged or unsubmerged wetlands. Landclearing shall not mean the removal of the following undesirable exotic vegetation: Melaleuca, Australian pine, or Brazilian pepper trees.

Landscape replacement plan shall mean a drawing containing proposed tree removal, tree replacement planting, tree relocation and preservation areas.

Liquid waste generator means any person or entity whose act or process produces liquid waste, or who by the nature of its operations uses materials in a process which would subsequently require disposal as a liquid waste as defined in this chapter.

Liquid waste means sludge resulting from, but not limited to, a waste treatment works, air pollution control facility, domestic, commercial, mining, institutional, agricultural, or governmental operations; or other waste materials, including materials to be recycled or otherwise beneficially reused; or septic tank, grease trap, sediment trap, portable toilet, or oil and grease separator pump-outs; or solvents, sewage, industrial waste, hazardous waste, semisolid waste, or potentially infectious waste; or any similar materials which would cause a nuisance or would otherwise cause a violation of this chapter if discharged to the ground or waters of Miami-Dade County. However, sewage and industrial wastes which have been permitted by the Department of Environmental Resources Management to be discharged and which are discharged through a lateral connection to the sewerage system or on-site treatment facility are not included in this definition. Furthermore, subsurface materials extracted as a result of rockmining which are not discharged to canals or other water bodies are not included in this definition.

Liquid waste transporter means any person or entity which carries, conveys, bears or transports any liquid waste in any moving vehicle including but not limited to a car, truck, tank car, railroad car or other vehicle.

Loading facility shall mean a gasoline, gasohol or petroleum distillates storage and distribution facility with an average daily throughput (calculated over a thirty-day period) equal to or greater than twenty thousand (20,000) gallons of gasoline, gasohol or petroleum distillates.

Local agencies shall mean any county or municipal government or agency thereof.

Mangrove tree shall mean any of the following species, regardless of size, including mangrove trees as small as rooted seedlings: *Avicennia germinans* (black mangrove), *Rhizophora mangle* (red mangrove), *Laguncularia racemosa* (white mangrove).

Notwithstanding the foregoing, mangrove tree shall not include seedlings smaller than 3--5 leaf stage rooted seedlings.

Maximum contaminant level shall mean the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

Maximum day pumpage wellfield protection area shall mean the area within the cone of influence of a public utility potable water supply well based upon maximum day pumpage.

Metal recycling facility shall mean a facility using equipment to crush, shred, cut or otherwise process ferrous scrap metal into prepared ferrous scrap for resale or reuse. For the purpose of this definition, facilities limited to dealing in non-ferrous metals are not included.

Miami-Dade County Nursery Report shall mean a monthly, published bulletin listing availability of trees, prices of trees, and stock of many major nurseries in Miami-Dade County which is prepared by the Florida Nurserymen and Grower Association.

Minimum flow shall mean the rate of sewage flow, expressed in gallons per day per inch diameter per mile, measured at a pump station wet well or a key manhole of a sewer subsystem from 1:00 a.m. to 5:00 a.m. or at such other time when the rate of sewage flow transmitted through the pump station or key manhole is at the lowest rate during any one (1) twenty-four-hour period exclusive of known or estimated sewage flows from commercial and industrial sources of wastewater.

Mist shall mean a suspension of any finely divided liquid in any gas.

Mobile home shall mean the same term as defined by Section 320.01(2), Florida Statutes, as same may be amended from time to time.

Monitoring well or *test well* shall mean a well-constructed with a surface seal and a sand filter pack in accordance with accepted technical design practices to provide for the collection of representative groundwater samples for laboratory analyses. Such wells may also be used to detect the presence of free product or collect water-level elevation data to aid in determining the direction of groundwater flow.

Mooring shall mean a temporary or permanent piling or floating device anchored in tidal waters for the purpose of securing a vessel.

Motor vehicle fuel delivery vessel shall mean a tank truck or trailer equipped with a storage tank used for the transportation of gasoline or gasohol from sources of supply to stationary storage tanks at motor vehicle fuel service stations.

Motor vehicle fuel service station shall mean any location which has underground storage facilities or aboveground storage facilities or both and which location has a total storage capacity of gasoline or gasohol of ten thousand (10,000) gallons or more, or which dispenses ten thousand (10,000) gallons or more per month of gasoline or gasohol to motor vehicle fuel tanks from such location.

Motor vehicle shall mean any car, truck, bus or other self-propelled wheeled conveyance that does not run on rails.

Multiple and variable-speed daily average pump station operating time shall mean the equivalent of the daily average pump station operating time, computed as follows: The average daily kilowatt-hours of consumption of all pumps of the same type in a pump station divided by the average daily kilowatt criteria in kilowatt hours multiplied by ten (10). The average daily kilowatt criteria in kilowatt hours ("A") is computed as follows: $A = M \times 24 \text{ hrs.} \times .746 \text{ KW/HP}$ multiplied by P/100 where M is the Maximum Station HP. The applicable pump control factor ("P") is expressed as a percentage in parts (B) and (C) of the definition of adequate transmission capacity in this chapter. M is computed as follows: The rated horsepower of each pump at high speed multiplied by the number of pumps of the same type in the pump station less one (1) pump of the same type having the greatest rated horsepower, or the equivalent thereof as approved by the director or his designee.

Multiple-chamber incinerator shall mean any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three (3) or more refractory-lined combustion chambers in a series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

The refractories shall have a pyrometric cone equivalent of at least seventeen (17), tested according to the method described in the American Society for Testing [and] Materials, Method C-24.

Native plant species shall mean a plant species with a geographic distribution indigenous to all or part of Miami-Dade County. Plants which are described as being native to Miami-Dade County in botanical manuals such as, but not limited to, "A Flora of Tropical Florida" by Long and Lakela and "The Biology of Trees Native to Tropical Florida" by P.B. Tomlinson, are native plant species within the meaning of this

definition. Plant species which have been introduced into Miami-Dade County by man are not native plant species.

Natural attenuation shall mean a method of site rehabilitation action which allows natural processes to contain the spread of contaminants and to reduce the concentration of contaminants in groundwater and soil. Natural attenuation processes include, but are not limited to, diffusion and dispersion in conjunction with the following: sorption, biodegradation, chemical reactions, or volatilization.

Natural forest community shall mean all stands of trees (including their associated understory) which were designated as Natural Forest Communities on the Miami-Dade County Natural Forest Community Maps and approved by the Board of County Commissioners, pursuant to Resolution No. R-1764-84. These maps may be revised from time to time by resolution in order to reflect current conditions and to insure that, at a minimum, the canopy and understory of designated natural forest communities are dominated by native plant species, as defined herein. The Department shall evaluate the following additional factors when reviewing existing and proposed natural forest community sites:

- (1) The presence of endangered, threatened, rare or endemic species included on the Federal List of Endangered and Threatened Species, the Florida Game and Fresh Water Fish Commission List of Endangered and Potentially Endangered Fauna and Flora in Florida, or the Miami-Dade County Comprehensive Development Masterplan List of Endangered, Threatened, Rare and Endemic Plants in Miami-Dade County.
- (2) Overall plant species diversity of the site.
- (3) Size of the trees.
- (4) Size of the site.
- (5) Wildlife habitat value of the site.
- (6) Geological features of the site.
- (7) Percentage of the site covered by exotic (non-native) species.

Within one hundred twenty (120) days of the effective date of Ordinance Number 89-8, the Department shall develop a quantitative evaluation form incorporating the above factors to be used in evaluating natural forest community sites, and shall include a minimum quantitative threshold standard for inclusion on the revised natural forest community maps. Said evaluation form may be revised from time to time as appropriate, and shall be reviewed and approved by the Tree and Forest Resources Committee prior to its utilization.

Upon completion of the review of the existing natural forest community maps, the Director shall recommend to the Board of County Commissioners that only those sites which meet the minimum quantitative threshold standard established in the above-described evaluation form be maintained on the list and that all other sites be deleted. This shall not preclude the further addition of sites to the maps. The Director shall also recommend to the Board of County Commissioners that all applicable boundary changes be made to all remaining sites.

Natural grade shall mean the ground elevation of a property prior to the placement of any fill on the site.

Naturally occurring background concentrations shall mean concentrations of contaminants which are naturally occurring in the groundwater, surface water, soil or sediment in the vicinity of a site.

Nominal average power consumption shall mean the total power consumption for the month of all of the pumps of the same type in the pump station divided by the number of days in the month and which is then divided by the total number of the same type of pumps in the pump station less one (1) of the same type of pumps, or the equivalent thereof as approved by the director or his designee, which is then averaged with the same computations performed for the previous eleven (11) months.

Nominal daily average pump station operating time shall mean the total of the number of operating hours for all nonvariable speed and non-multiple-speed pumps in the pump station for the month divided by the number of days in the month and which is then divided by the total number of nonvariable speed and non-multiple speed pumps in the pump station less one (1) of the same type of pumps, or the equivalent thereof as approved by the director or his designee, which is then averaged with the same computations performed for the previous eleven (11) months.

Nonresidential development property shall mean any parcel of land which contains an impervious area and which is classified by the Miami-Dade County Property Appraiser as land use types 10 through and including 49 and 70 through and including 99 as set forth in the Florida Administrative Code Rule 12D-8.008(2)(c), as same may be amended from time to time.

Non-structural controls of stormwater shall mean any activity designed to reduce pollutant loading of stormwater including, but not limited to, pollution prevention management policies and public education programs.

Nonviable shall mean not capable of existing and continuing to provide the biological or aesthetic qualities associated with a healthy, functioning tree resource.

North Trail Basin shall mean a basin located in western Miami-Dade County comprising the following lands:

Sections 33, 34, 35 and 36, Township 53 South, Range 39 East and, Government Lots 1, 2, 3 and 4, Townships 53-54 South and, those portions of Sections 1, 2, 3 and 4, Township 54 South, Range 39 East, which lie north of the north right-of-way line of the Tamiami Canal.

North Trail Wetland Basin shall mean the wetlands described below:

That portion of Section 3, Township 54 South, Range 39 East, lying north of U.S. Highway 41 (Tamiami Trail); that portion of Section 4, Township 54 South, Range 39 East, lying north of U.S. Highway 41 (Tamiami Trail); Government Lot 2, located between Townships 53 and 54 South, Range 39 East; Government Lot 3, located between Townships 53 and 54 South, Range 39 East and Government Lot 4, located between Townships 53 and 54 South, Range 39 East, Miami-Dade County, Florida.

Nuisance shall mean and include the use of any property, facilities, equipment, processes, products or compounds, or the commission of any acts or any work that causes or materially contributes to:

(1) The emission into the outdoor air of dust, fume, gas, mist, odor, smoke or vapor, or any combination thereof, of a character and in a quantity as to be detectable by a considerable number of persons or the public so as to interfere with their health, repose or safety, or cause severe annoyance or discomfort, or which tends to lessen normal food and water intake, or produces irritation of the upper respiratory tract, or produces symptoms of nausea, or is offensive to objectionable to normal persons because of inherent chemical or physical properties, or causes injury or damage to real property,

personal property of human, animal or plant life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of this County.

(2) The discharge into any of the waters of this County of any organic or inorganic matter or deleterious substance or chemical compounds, or any effluent containing the foregoing, in such quantities, proportions or accumulations so as to interfere with the health, repose or safety of any considerable number of persons or the public, or to cause severe annoyance or discomfort, or which tends to lessen normal food and water intake, or produces symptoms of nausea, or is offensive or objectionable to normal persons because of inherent chemical or physical properties, or causes injury or damage to real property, personal property, human, plant or animal life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of this County.

(3) Any violation of provisions of this chapter which becomes detrimental to health or threatens danger to the safety of persons or property, or gives offense to, is injurious to, or endangers the public health and welfare, or prevents the reasonable and comfortable use and enjoyment of property by any considerable number of the public.

(4) Adverse environmental impact to a coastal or freshwater wetlands.

(5) Cumulative adverse environmental impact to a coastal or freshwater wetlands.

(6) Adverse environmental impact to environmentally-sensitive tree resources.

(7) Cumulative adverse environmental impact to environmentally-sensitive tree resources.

Odor shall mean that property of a substance which materially offends the sense of smell.

Oil-effluent water separator shall mean any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

On-site domestic well system shall mean any water supply system using a well and piping to provide potable water for human consumption.

On-site means within the boundaries of a facility location, property or site including those sites spatially separated by public or private rights-of-way.

On-site retention shall mean the containment and disposal of stormwater runoff by means other than positive drainage within the limits of the project site.

Open outdoor fire shall mean any combustion of combustible material of any type outdoors, in the open, not in any approved enclosure or device, where the products of combustion are not directed through a flue.

Overflow outfall shall mean a drainage structure designed to discharge to an on-site or off-site location any excess stormwater runoff after an initial runoff volume has been retained on-site.

Overflow shall mean the discharge of sewage from any publicly or privately-owned or operated sanitary sewer collection system or wastewater treatment facility to the surface of the ground or to a surface water.

Overland sheet flow shall mean stormwater runoff flowing over an unrestricted ground surface area.

Owner-builder shall mean (an) owner(s) in fee who construct(s) no more than one (1) single-family or duplex residence per year for personal use and occupancy by said owner(s), and not intended for sale.

Ozone-depleting compound shall mean any of the substances identified in Section 602(a) and Section 602(b) of Title VI of the Clean Air Act Amendments of 1990 by the United States Environmental Protection Agency as contributing to the depletion or destruction of the stratospheric ozone layer of the Earth:

Particular matter shall mean any material which at standard conditions, is emitted into the atmosphere in a finely divided form as liquid or solid or both, but shall not include uncombined water vapor.

Party or parties responsible for site rehabilitation actions shall mean the discharger or, if the discharger is unknown or the contamination was the result of a previously unreported discharge, the property owner or operator who is subject to the provisions of Section 24-44(2).

Permeability shall mean the ability of an aquifer, soil, rock or other geological formation to transmit water.

Person shall be construed to include any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever, or any combination of such, jointly or severally.

Point of discharge (POD) for a heated-water discharge shall mean either that point at which the effluent physically leaves its carrying conduit (open or closed) and discharges into the waters of the State, or a specific point designated by the Florida Department of Environmental Regulation for that particular thermal discharge.

Pollution prevention shall mean the use of materials processes, or practices that reduce or eliminate the creation of, or toxicity of, pollutants or wastes at the source.

Pollution shall mean the presence of any foreign substance (organic, inorganic, radiological, biological or thermal) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

Positive drainage shall mean the direct disposal of stormwater runoff by overland sheet flow or through a channel ditch, or closed pipe system into an on-site or off-site surface water body such as, but not limited to, a lake, lagoon, river, canal, bay or the ocean.

Potable water shall mean water that is satisfactory for drinking, culinary and domestic purposes meeting the quality standards defined in this chapter.

ppm (vol.) shall mean parts per million by volume.

ppm (wt.) shall mean parts per million by weight and is equivalent to milligrams per liter.

Prepared ferrous scrap shall mean any scrap iron or steel which has been mechanically or otherwise processed into a raw material meeting any of the specifications contained in the Scrap Specifications Circular 1993, published by the Institute of Scrap Recycling Industries, Inc., Washington, D.C. Guidelines for Ferrous Scrap.

Prescribed burning shall mean the process of periodic deliberate burning of a pineland in a controlled manner taking into consideration weather and understory moisture conditions, for the purposes of maintaining the pineland in a natural condition and for the promotion of pine regeneration.

Preservation area shall mean portions of a site that are to be protected from any tree or understory removal (except as required by the Department) and maintained without any development.

Primary pump station shall mean any pump station in a publicly or privately owned or operated sanitary sewer collection system which directly receives sewage flow from gravity sanitary sewers.

Primary pump station shall mean any pump station in a publicly or privately owned or operated sanitary sewer collection system which directly receives sewage flow from gravity sanitary sewers.

Privately owned or operated sanitary sewer collection system shall mean any sanitary sewer collection and transmission facilities, including that located both on private property and within a public right-of-way or easement, which is owned or operated by any person other than Miami-Dade County, the state, the United States of America, or any municipality in Miami-Dade County.

Process weight per hour. Process weight is the total weight of all materials, except uncombined water, introduced into any unit process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels, combustion air, excess air, infiltrated and other air added to the process, will not be so considered. The process weight per hour will be derived by dividing the total process weight by the number of hours in one (1) complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

Protective barrier shall mean a temporary fence or other structure built to restrict passage into an area surrounding a tree or stand of trees for the purpose of preventing any disturbance to the roots, trunk or branches of the tree or trees.

Public water system shall mean plumbing for the provision to the public of water for human consumption, such plumbing has at least fifteen (15) service connections or regularly serves an averages of at least twenty-five (25) individuals daily at least three (3) months out of the year or serves at least five (5) individuals and is not a single-family residence or a duplex residence. Such term includes:

- (1) Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and
- (2) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Public water main shall mean any water main in a public water system owned and operated by a public utility.

Publicly owned or operated sanitary sewer collection system shall mean any sanitary sewer collection and transmission facilities, including that portion of the sewage lateral connection located within a public right-of-way or easement, which is owned or operated by Miami-Dade County, the state, the United States of America, or any municipality in Miami-Dade County.

Publicly owned treatment works (POTW) shall mean any device or system that is used in the treatment (including recycling and reclamation) of sewage and that is owned by a state, county, or municipality. Sewers, pipes, or other conveyances are included only if they convey sewage to a POTW.

Rare, threatened and endangered species shall include all species classified as endangered, threatened or rare by Sections 581.185--581.187 and Chapter 372 of the Florida Statutes, as amended from time to time; or by Appendix A or B of the Comprehensive Development Master Plan for Miami-Dade County, Florida, as amended from time to time.

Rated multiple-speed pump station motor horsepower shall mean the sum of the rated horsepower for the same type of pumps in the pump station less the rated horsepower of the one (1) pump of the same type having the greatest rated horsepower, or the equivalent thereof as approved by the Director or his designee.

Rated variable-speed pump station motor horsepower shall mean the sum of the rated horsepowers for the same type of pumps in the pump station less the rated horsepower of the one (1) pump of the same type having the greatest rated horsepower, or the equivalent thereof as approved by the Director or his designee.

Recreational boat docking facility shall mean a boat docking facility which has boat slips, moorings, vessel tieup spaces, or davit spaces of which fifty (50) percent or more are designated for or contain recreational vessels.

Recreational vessel shall mean any vessel used by its owner or operator for noncommercial purposes.

Refrigerant shall mean any substance containing any ozone-depleting compound which is utilized in any refrigeration system.

Refrigeration system shall mean any refrigerator, freezer, chiller, cold storage warehouse, refrigeration unit, or any kind of air conditioner (mobile, portable, stationary, motor vehicle).

Relocated tree shall mean a tree which has been transplanted pursuant to Ordinance Number 89-8 and which continues to be viable at least one (1) year after transplanting.

Replacement tree shall mean a shade tree, small tree, or palm tree required to be planted pursuant to the provisions of Ordinance Number 89-8.

Residential developed property shall mean any parcel of land which contains an impervious area and which is classified by the Miami-Dade County Property Appraiser as land use types 00 through and including 09 and land use types 50 through and including 69 if said land use contains a single-family or multi-family residence, as set forth in Florida Administrative Code Rule 12D-8.008(2)(c), as same may be amended from time to time.

Resource recovery and management facility means any facility the purpose of which is disposal, recycling, incineration, processing, storage, transfer, or treatment of solid or liquid waste; but for the purpose of permitting does not include sewage treatment, industrial waste treatment, or facilities exclusively within State or federal jurisdiction.

Retention pond shall mean an open basin which intercepts the groundwater table and is used for the storage and ultimate disposal of stormwater runoff by evaporation and seepage.

Right-of-way is a strip of ground dedicated by the subdivider, or deeded by the owner, for public use.

Ringelmann Chart shall mean the method of estimating smoke density described in U.S. Bureau of Mines Information Circular 7718.

Risk Reduction shall mean the lowering or elimination of the level of risk posed to human health or the environment through interim remedial actions, remedial action, or institutional, and, if applicable, engineering controls.

Road shall mean any cleared, plowed, bulldozed, filled, graded, excavated or paved area, elevated boardwalk or roadway used or capable of being used for the passage of vehicles or persons. Roads shall not mean tracks used or capable of being used solely by off-road vehicles such as airboats, swamp buggies and all-terrain vehicles.

Rockmining shall mean the dredging or excavation of an area for the purpose of extracting subsurface materials. Rockmining shall also include ancillary property uses necessary for extracting and processing subsurface materials.

Rockplowing shall mean the alteration of wetlands by breaking up the limestone surface of a wetland in preparation for agriculture. Rockplowing may include the regrading of surface materials into planting beds at elevations sufficiently high to protect crops from flooding.

Rooming unit shall mean any room or group of rooms, forming a single habitable unit, used or intended to be used for living and sleeping but not for cooking or eating purposes.

Root ball shall mean a group of roots extending from the base of a tree trunk that must be intact when relocating a tree in order to promote survival of the tree.

Sanitary nuisance shall mean the commission of any action, by an individual, municipality, organization or corporation, or the keeping, maintaining, municipality, organization or corporation, or the keeping, maintaining, propagation, existence or permission of anything, by an individual, municipality, organization or corporation, by which the health or life of an individual or the health or life of individuals, may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused.

Sanitary sewer shall mean a conduit which is a part of a gravity or pressurized force main system which receives and transports waste water for treatment and disposal.

Secondary containment system shall mean an impervious layer of materials which is installed so that any volume of hazardous materials which may be discharged from an underground storage facility will be prevented from contacting the environment outside said impervious layer for the period of time necessary to detect and recover all the discharged hazardous materials. Materials or devices used to provide a secondary containment system may include concrete, impervious liners, slurry walls, double-walled tanks, double-walled piping or other devices or materials approved by the Director of the Department of Environmental Resources Management or his designee.

Seepage means the introduction of water into a subsurface excavation from which the water enters the groundwater. Said excavation shall not exceed a depth of two (2) feet below the average yearly highest groundwater elevation described in the Miami-Dade County Public Works Manual as same may be amended from time to time.

Seepage trench or *slab covered trench* shall mean a trench cut into a rock strata supporting a reinforced concrete slab and providing the necessary wall and bottom areas required for exfiltration of stormwater.

Septic tank shall mean any settling tank in which the settled sludge is in immediate contact with sewage flowing through the tank thereby allowing the organic solids to be partially decomposed by putrefaction, i.e., anaerobic bacterial action.

Sewage lateral connection shall mean the pipe(s) which transmits wastewater from a building, residence or facility to a publicly or privately-owned or operated gravity sanitary sewer collection system.

Sewage loading means the estimated average amount of waste water generated by the actual and projected use of a property as a function of the unsubmerged area of said property. Abutting easements and rights-of-way shall be included to the center lines thereof in calculating the unsubmerged area of the property.

Sewer service area shall mean that portion of a publicly or privately owned or operated sanitary sewer collection system which contributes sewage flow to a particular primary pump station.

Sewer subsystem shall mean a portion of a publicly or privately owned or operated sanitary sewer collection system which discharges sewage to a particular key manhole.

Sewer system infiltration shall mean the introduction of groundwater into any publicly or privately owned or operated gravity sanitary sewer or pump station wet well.

Shredder residue shall mean the predominantly non-metallic solid material including, without limitation, plastic, broken glass, rubber, foam rubber, soil and fabric, resulting from the shredding of ferrous metals such as, but not limited to, scrap automobiles and appliances.

Shrub shall mean a self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base.

Site plan shall mean a drawing having a scale sufficient to provide the following information: Location of all proposed or existing buildings, septic tanks, utility easements, fences, walls, parking areas, driveways, access roads, setbacks, and any other site development.

Site rehabilitation action or *SRA* shall mean source removal, if applicable, site assessment and, if required, one or more of the following: risk assessment, monitoring or remediation. These site rehabilitation actions serve to characterize the nature and extent of contamination and to reduce the levels of contaminants through applicable treatment methods to comply with the clean-up target levels (CTLs) set forth in this chapter.

Small quantity generator of hazardous waste shall mean any person who brings into existence a quantity of fifty-five (55) gallons or less of hazardous waste during any one (1) period of three hundred sixty-five (365) consecutive days. However, within the average day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, Hialeah Wellfield and John E. Preston Wellfield, a small quantity generator of hazardous waste shall mean any person who brings into existence a quantity of fifty-five (55) gallons or less of hazardous waste during any one (1) period of one hundred twenty (120) consecutive days.

Smoke shall mean the solid particles produced by incomplete combustion or organic substances, including, but not limited to, particles, fly ash, cinders, tarry matter, soot and carbon.

Solid waste shall mean garbage, rubbish, refuse, trash, yard trash, construction and demolition debris, or other discarded material, including solids or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. However, subsurface materials which do not contain hazardous materials and which are extracted as a result of rockmining are not included in this definition.

Source bed shall mean the stratum or strata from which water is drawn in the well.

Source gas volume shall mean the volume, in standard cubic feet, of all gases leaving a source operation; and the boundary of a source operation is that point or surface at which the separation of the air contaminants from the process materials, or the conversion of the process materials into air contaminants, is essentially complete.

Source operation means the last operation preceding the emission of air contaminant, which operation:

- (1) Results in the separation of the air contaminant from the process material or in the conversion of the process materials and air contaminants, as in the case of combustion fuel; and
- (2) Is not an air pollution abatement operation.

Specimen tree shall mean a tree with any individual trunk which has a DBH of eighteen (18) inches or greater, provided, however, that the following trees are not specimen trees:

- (1) All trees listed in Section 24-49(4)(f).
- (2) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados, or species of citrus.
- (3) Non-native species of the genus *Ficus*.
- (4) All multitrunk trees in the palm family, except *Acoelorrhaphe wrightii* and *Phoenix reclinata* which have a minimum overall height of fifteen (15) feet.

SRA (see Site rehabilitation action)

Standard conditions shall mean a pressure of fourteen and seven-tenths (14.7) pounds per square inch, absolute, and a temperature of sixty (60) degrees Fahrenheit. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

Standard sample is taken to mean that for the bacteriological test it shall consist of:

- (1) For the bacteriological fermentation tube test, five (50 standard portions of either:
 - (a) Ten million (10 ml).
 - (b) One hundred milliliters (100 ml).
- (2) For the membrane filter technique, not less than fifty milliliters (50 ml).

State of Florida Conservation and Recreation Lands Trust Fund shall mean a fund established under Florida Statutes Chapter 375 (as amended from time to time) for the purposes of purchasing environmentally-sensitive land.

State-approved plant nursery shall mean a business actively engaged in propagating, growing, maintaining and selling tree species that has been licensed to conduct such business by the State of Florida or Miami-Dade County.

Storm sewer shall mean any conduit which is designed to carry stormwater runoff.

Stormwater infrastructure shall mean the structural, nonstructural or natural features of a parcel of land or watershed which collect, convey, store, absorb, inhibit, treat, use, reuse, or otherwise affect the quantity or quality of stormwater.

Stormwater management area shall mean that portion of a tract of land which shall be left at natural grade (unfilled), filled to an elevation no less than four (4) inches above the seasonal high water table, or excavated below natural grade for the purposes of: managing water which results from rainfall, storing water in the Biscayne Aquifer and recharging the Biscayne Aquifer.

Stormwater management program shall mean the same term as defined by Section 403.031(14), Florida Statutes, as same may be amended from time to time.

Stormwater management system shall mean the same term as defined by Section 403.031(15), Florida Statutes, as same may be amended from time to time.

Stormwater runoff shall mean the excess rainfall precipitation which runs over the ground surface when the rate of rainfall precipitation exceeds the rate of infiltration of stormwater into the ground.

Stormwater shall mean the water which results from rainfall.

Stormwater utility shall mean the same term as defined by Section 403.031(16), Florida Statutes, as same may be amended from time to time.

Structural controls of stormwater shall mean physical devices used to control stormwater including, but not limited to, levees, dikes, pump stations, spillways, locks, embankments, roadways, lakes, retention ponds, and detention ponds.

Substantial reduction in recharge of water to the Biscayne aquifer shall mean a reduction in natural infiltration rates or reduction of volume of surface water from a defined area; or transportation of surface waters off-site to the extent that a site's natural hydrological regimen is changed.

Surcharged gravity sanitary sewer shall mean a condition during which a gravity sanitary sewer contains sewerage flows above the crown of the pipe.

Temporarily out of service shall mean not in operation for ninety (90) days or less within any six-month period of time.

Test well (see Monitoring well)

Top pruning shall mean the removal of any distal branches or limbs of a mangrove tree which will result in the reduction in the overall height of the mangrove tree.

Total hazardous organic materials (THOM) shall mean the sum of all quantifiable concentration values of organics presumed to be hazardous materials by the designation of the Board of County Commissioners pursuant to Section 24-5 of the Code of Miami-Dade County, Florida.

Total metals shall mean the sum of the concentration of copper, nickel, total chromium, and zinc.

Total toxic organics (TTO) shall mean the sum of all quantifiable concentration values of those organics set forth in 40 CFR 413 and 40 CFR 433 of the Code of Federal Regulations, and Xylene.

Transitional Northeast Everglades shall mean the wetlands within the following geographic boundaries:

Beginning at a point on the north right-of-way line of theoretical N.W. 12th Street as it intersects the east side of the Miami-Dade-Broward levee, thence run northerly along the east side of the Miami-Dade-Broward levee for approximately 10 miles to its point of intersection with the eastern right-of-way line of the State Road 997 (Krome Avenue); thence, run northeasterly along the eastern right-of-way line of said State Road 997 (Krome Avenue); to its intersection with the west right-of-way line of U.S. Highway 27 (Okeechobee Road); thence run southeasterly along said west right-of-way line of U.S. Highway 27 (Okeechobee Road); to its intersection with the western right-of-way line of the Homestead Extension of Florida's Turnpike; thence run southerly along said western right-of-way line of the Homestead Extension of Florida's Turnpike; for approximately 8 miles to theoretical N.W. 12th Street; thence run westerly along theoretical N.W. 12th Street to the point of beginning.

Beginning at a point on the south right-of-way line of U.S. Highway 41 as it intersects the west right-of-way line of State Road 997; thence run southerly along the west right-of-way line of State Road 997 for approximately 4 miles to the southeast corner of Section 25, Township 54 South, Range 38 East; thence run westerly for approximately 1 mile along the south section line of said Section 25 to its intersection with the east right-of-way line of Levee 31N; thence run northerly for approximately 4 miles along the east right-of-way line of Levee 31N to its intersection with the south right-of-way line of U.S. Highway 41; thence run easterly for approximately 1 mile to the point of beginning.

Transmissivity shall mean the rate at which groundwater is transmitted through a unit width of aquifer under a unit hydraulic gradient.

Trash shall mean solid waste comprised of yard trash or construction and demolition debris, and shall include but not be limited to paper, cardboard, cloth, glass, plastics, street sweepings, and vehicle tires.

Travel time means the period of time in days or equivalent distance in feet for groundwater to travel from one (1) point in an aquifer to another point in the aquifer.

Tree island shall mean a vegetative community located within freshwater wetlands whose dominant vegetative components consist of native hardwood trees and shrubs.

Tree removal shall mean directly or indirectly cutting down, destroying, removing or relocating, or effectively destroying (through damaging, trimming, authorizing or allowing the cutting down, destroying, removing, moving or damaging of) any tree.

Tree shall mean a woody or fibrous perennial plant with a trunk having a minimum DBH of three (3) inches or with an overall height of twelve (12) or more feet. Tree shall not include any mangrove tree as defined in Section 24-5.

Tree survey shall mean a drawing overlaid directly upon the site plan sufficient to provide the following information:

- (1) The location, plotted by accurate techniques, in relation to all proposed development, of all existing trees which are proposed to be destroyed, relocated or preserved,
- (2) The common and scientific name of each tree,
- (3) The DBH of each tree, or if a multiple trunk tree, the sum DBH for all trunks, and
- (4) An estimate of the height of the canopy.

Tree well shall mean a soil retaining structure designed to maintain the existing natural ground elevation beneath a tree to preserve the tree when the surrounding area is filled to raise the ground elevation. Tree wells shall have a minimum radius of three (3) feet from the trunk of the tree and a maximum radius of ten (10) feet from the trunk of the tree.

Underground storage facilities supervisor shall mean an employee designated by any person who owns one hundred (100) or more underground storage facilities in Florida and whose duties include the supervision of construction and inspection of underground storage facilities.

Underground storage facility shall mean a tank, pipe, vessel or other container, or any combination of the foregoing, used or designed to be used for the underground storage or underground transmission of hazardous materials, including but not limited to line leak detectors, monitoring wells, continuous automatic leak detection systems and secondary containment system associated therewith, excluding sanitary sewers, septic tanks, septic tank drainfields, the primary pipeline transmitting jet fuel from Port Everglades to

Homestead Air Force Base, and any other primary pipeline transmitting hazardous materials from one (1) county to another county.

Understory shall mean the complex of woody, fibrous, herbaceous, and graminoid plant species that are typically associated with a natural forest community.

Unsubmerged land means any land which meets or exceeds the minimum elevation required by Miami-Dade County flood criteria.

Vacuum assist system shall mean a gasoline or gasohol vapor recovery system that uses a vacuum generating device to create a vacuum in the vapor return line from the nozzle boot to the underground storage tank during motor vehicle refueling.

Vapor shall mean any mixed material in a gaseous state which is deformed from a substance usually a liquid, by increased temperature.

Vessel shall mean a watercraft, boat, ship, yacht, barge, canoe, or kayak, used or capable of being used as a means of transportation on water. Vessel shall not mean a floating structure as defined in Section 24-5. Notwithstanding that the floating structure has previously been used as a means of transportation on water or is capable of being used as a means of transportation on water, vessel shall not mean a floating structure as defined in Section 24-5.

Vessel tieup space shall mean an area abutting a bulkhead or shoreline where a vessel may be secured.

Waste discharge shall mean any outfall, ditch, pipe, soakage, pit, drainage well, drainfield, or any other method or device by which treated or untreated sewage, industrial waste, or other wastes can enter the surface waters, tidal salt water, or groundwaters, so as to cause water pollution as herein defined.

Water dependent use shall mean a use which cannot exist or occur without association with marine, freshwater or estuarine water masses.

Water pollution shall mean the introduction in, on or upon any surface water or ground water, or tidal water, of any organic or inorganic matter or deleterious substances in such quantities, proportions, accumulations or levels which exceed any of the clean-up target levels (CTLs) set forth in Section 24-44, or which are injurious to human, plant, animal, fish and other aquatic life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business.

Water system shall mean a system which supplies water for drinking, culinary, fire, industrial, commercial, or domestic purposes.

Watershed shall mean the same term as defined by Section 403.031(17), Florida Statutes, as same may be amended from time to time.

Wet retention shall mean the disposal of stormwater runoff to a storage basin having a bottom elevation lower than one (1) foot below the average October groundwater level as set forth in the Miami-Dade County Public Works Manual, Part II, Section D4, dated September 1, 1974, as may be amended from time to time.

Wetlands shall mean those areas as defined in Section 373.019(17), Florida Statutes, as same may be amended from time to time.

Work shall mean any project, activity, or any artificial or man-made alteration of the environment, including, but not limited to, the construction or maintenance of roads; landclearing; trimming or cutting of a mangrove tree(s); dredging; filling; construction or placement of structures, floating structures, fixed structure, facilities or dwellings; excavations; or rockplowing.

Yard trash shall mean solid waste comprised of vegetative matter resulting from landscaping maintenance or land clearing operations and shall include, but not be limited to, melaleuca, Australian pine, Brazilian pepper and other tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and soils not containing any hazardous materials.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

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ARTICLE III. WATER AND SOIL QUALITY

DIVISION 1. WATER QUALITY, WASTEWATER AND SANITARY SEWER
PRETREATMENT STANDARDS

Sec. 24-42. Prohibitions against water pollution.

(1) PROHIBITIONS AGAINST DISCHARGE. It shall be unlawful for any person to throw, drain, run or otherwise discharge into any of the waters of this County, or to cause, permit or suffer to be thrown, run, drained, allowed to seep, or otherwise discharged into such water any organic or inorganic matter which shall:

- (a) Breach the values set forth in Section 24-42(2);
- (b) Cause water pollution as herein defined; or
- (c) Cause a nuisance or sanitary nuisance as herein defined.

(2) EFFLUENT STANDARDS FOR MIAMI-DADE COUNTY. All sewage treatment plants and industrial waste treatment plants (except those discharging to approved ocean outfalls) shall effect ninety (90) percent treatment or better at the defined sampling point (24-44.2(1)). However, in no case shall the following effluent standards be exceeded (except where the standard is noted to be a minimum).

TABLE INSET:

<i>Chemical, Physical, or Biological Characteristic</i>	<i>Standard</i>
Dissolved oxygen	Not less than 2.0 mg/l
Suspended solids	40 mg/l
Biochemical oxygen demand	30 mg/l
Floating solids	None visible to the naked eye
pH	6.0--8.5

<i>Chemical, Physical, or Biological Characteristic</i>	<i>Standard</i>
Settleable solids	Not greater than 0.1 mg/l on Imhoff cone 1 hr. test
Oil and grease	30 mg/l
Odor-producing substances	None attributable to sewage or industrial wastes
Temperature	
Sources permitted after July 1, 1972	
Fresh water	92°F
Salt water	(June--September) 92°F
	(October-May) 90°F
Turbidity	29 NTU above background
Chlorides	500 mg/l
Chromium	
Hexavalent	.5 mg/l
Total	1.0 mg/l
Copper	.5 mg/l
Cyanides	0.01 mg/l
Color	Not more than 10 units above normal background of the receiving water
Foam	Effluent shall not cause foaming in the stream

<i>Chemical, Physical, or Biological Characteristic</i>	<i>Standard</i>
Chlorine	Minimum residual level of .5 mg/l after a 1/2 hour contact time at peak flow, where the nature of the waste requires disinfection
LAS	6.0 mg/l
Mercury	None detectable
Lead	0.05 mg/l
Arsenic	.05 mg/l
Phenol	0.001 mg/l
Iron	.3 mg/l
Zinc	1.0 mg/l
Sulfides	0.2 mg/l
Coliform organisms	
(MPN 100 ml)	1,000 total 0 Fecal
Other compounds	Other toxic or undesirable compounds than those listed above may occur in individual waste streams. Limits for these components may be specified by the pollution control officer based on the latest scientific knowledge concerning toxicity and adverse effects on the intended water use.
Synergistic action	Whenever scientific evidence indicates that a combination of pollutants exert a greater effect than the individual pollutants, the pollution control officer may, on the basis of these findings, lower the herein established limits to the level necessary to prevent damage to the waters of the county.

1 In waters other than fresh water, waste shall not increase natural background more than ten (10) percent.

(3) DISCHARGES AFFECTING WATER QUALITY AND PROHIBITION OF POSITIVE DRAINAGE. It shall be unlawful for any person to dewater or to discharge sewage, industrial wastes, cooling water and solid wastes, or any other wastes into the waters of this County, including but not limited to surface water, tidal salt water estuaries, or ground water in such quantities, and of such characteristics as:

- (a) May cause the receiving waters, after mixing with the waste streams, to be of poorer quality than the water quality standards set forth in Section 24-42(4);
- (b) To cause water pollution as defined in Section 24-5; or
- (c) To cause a nuisance or sanitary nuisance as herein defined.

It shall be unlawful for any County or municipal officer, agent, employee or board to approve, grant, or issue any permit, or permit, allow, let or suffer the approval or issuance of any permit, which authorizes positive drainage without the prior written approval of the director or his designee. The director or his designee shall issue a written approval only if the director or his designee determine, after reviewing data submitted by the applicant, that one (1) or more of the following conditions exist at the subject site:

- (d) Inadequate size, shape or topographic characteristics of the site to provide full on-site disposal of stormwater.
- (e) Extremely poor soil seepage capacity which prevents full on-site disposal of stormwater.
- (f) An existing groundwater contamination plume under or in the vicinity of the subject site which will be adversely impacted by full on-site stormwater disposal.

(4) WATER QUALITY STANDARDS FOR MIAMI-DADE COUNTY:

TABLE INSET:

<i>Chemical, Physical or Biological Characteristic</i>	<i>Fresh Water (water containing less than 500 ppm chlorides)</i>	<i>Tidal Salt Water (water containing more than 500 ppm chlorides)</i>	<i>Groundwater</i>
Dissolved oxygen (mg/l)	5 ppm during at least 10 hours per 24-hour period, never less than 4 ppm, unless acceptable data indicate that the natural background dissolved oxygen is lower than the values established herein.		--
Biochemical oxygen demand (mg/l)	Shall not exceed a value which would cause dissolved oxygen to be depressed below values listed under dissolved oxygen and in no case shall be great enough to produce nuisance conditions.		--
pH	6.0--8.5 1	6.0--8.5 1	6.0--8.5 1
Floating solids, settleable solids, sludge deposits	None attributable to sewage, industrial wastes or other wastes.	None attributable to sewage, industrial wastes, or other wastes.	--
Oil and grease (mg/l)	15 2	15 2	15 2

<i>Chemical, Physical or Biological Characteristic</i>	<i>Fresh Water (water containing less than 500 ppm chlorides)</i>	<i>Tidal Salt Water (water containing more than 500 ppm chlorides)</i>	<i>Groundwater</i>
Odor-producing substances	None attributable to sewage, industrial wastes, or other wastes. Threshold odor number not to exceed 24 at 60°C as a daily average.		--
Temperature			
Sources permitted prior to July 1, 1972	Shall cause no environmental damage.		
Sources permitted after July 1, 1972	3° above ambient.	(June--September) 2° above ambient. (October--May) 4° above ambient.	--
Turbidity	29 NTU above background		
Ammonia (mg/l)	.5 ppm as N	.5 ppm as N	.5 ppm as N
Chlorides (mg/l)	500 3	3	500 3
Chromium (mg/l) total	.05	.05	.05
Copper (mg/l)	0.4	0.4	0.4
Cyanides (mg/l)	None detectable	None detectable	None detectable
Detergents (mg/l)	0.5	Insufficient to cause foaming	0.5
Fluoride (mg/l)	1.4 as F	10 as F	1.4 as F
Lead (mg/l)	0.95	0.35	0.05
Phenol (mg/l)	0.001	0.005	0.001
Zinc (mg/l)	1.0	1.0	1.0

<i>Chemical, Physical or Biological Characteristic</i>	<i>Fresh Water (water containing less than 500 ppm chlorides)</i>	<i>Tidal Salt Water (water containing more than 500 ppm chlorides)</i>	<i>Groundwater</i>
Sulfides (mg/l)	0.2	1.0	0.2
Coliform organisms (MPN/100 ml)	1,000 4	1,000 5	50
Mercury	None detectable	None detectable	None detectable
Iron	0.3 mg/l	0.3 mg/l	0.3 mg/l
Arsenic	0.05 mg/l	0.05 mg/l	0.05 mg/l
Specific conductance	500 micromhos per cm (fresh water). Not more than 100% above background, in waters other than fresh.		
Dissolved solids	Not to exceed 500 mg/l for monthly average or 1000 mg/l at any time.		
Radioactive substances	Gross beta activity (in known absence of strontium 90 and alpha emitters), not to exceed 1000 micro-microcuries at any time.		
Other compounds	Other toxic or undesirable compounds than those listed above may occur in individual waste streams. Limits for these components may be specified by the Pollution Control Officer based on the latest scientific knowledge concerning toxicity and adverse effect of the intended water use.		
Synergistic action	Whenever scientific evidence indicates that a combination of pollutants exert a greater effect than the individual pollutants, the Pollution Control Officer may, on the basis of these findings, lower the herein established limits to the level necessary to prevent damage to the waters of the county.		

- 1 Shall not cause the pH of the receiving waters to vary more than 1.0 unit. When the natural background pH lies outside the limits established, the introduction of a waste shall not displace the pH of the receiving waters more than 0.5 pH units from these standards.
- 2 Shall not be visible, defined as iridescence, or cause taste or odors.
- 3 Waste shall not increase natural background more than 10 percent.
- 4 Maximum MPN/100 ml in a surface water used as a drinking water supply shall be 100.

5 Maximum MPN/100 ml in a tidal water from which shellfish are harvested for human consumption shall be 70.
(Ord. No. 04-214, §§ 1, 5, 12-2-04)