

SPECIFIC OPERATING AGREEMENT
OR
DELEGATION OF DOMESTIC WASTEWATER PROGRAM AUTHORITY
FROM THE
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
TO THE
BROWARD COUNTY DEPARTMENT OF NATURAL RESOURCE PROTECTION

TABLE OF CONTENTS

PART I
ADMINISTRATION OF AGREEMENT

- SECTION 1 - INTRODUCTION
- SECTION 2 - PARTIES
- SECTION 3 - MODIFICATION OF AGREEMENT AND CONFLICT
BETWEEN AGREEMENTS
- SECTION 4 - PERIODIC REVIEW OF AGREEMENT
- SECTION 5 - TERMINATION OF AGREEMENT
- SECTION 6 - SEVERABILITY

PART II
PROGRAM MANAGEMENT

- SECTION 7 - BUDGET
- SECTION 8 - PROGRAM ORGANIZATION
 - 8.01 Rules, Regulations, and Orders
 - 8.02 Personnel and Equipment
 - 8.03 Computers and Information Systems
 - 8.04 Notification of Facility Owners
- SECTION 9 - PROGRAM PLANNING AND MANAGEMENT
 - 9.01 Plans
 - 9.02 Training
 - 9.03 Meetings and Conferences
 - 9.04 Reporting Requirements
 - (A) Local Program Computer Data Entry
 - (B) Local Program Reports
 - (C) Department Reports
 - 9.05 Audits and Performance Evaluations

**PART III
PROGRAM RESPONSIBILITIES**

- SUB-PART A - PERMITTING
- SECTION 10 - DELEGATED PERMITTING ACTIVITIES
- SECTION 11 - PERMITTING PROCEDURES
 - 11.01 Application Review Procedures
 - (A) Department Procedures
 - (B) Local Program Procedures
 - 11.02 Conflict Resolution
 - 11.03 Permit Fees
 - 11.04 Non-Delegated Permit Applications

- SUB-PART B - COMPLIANCE AND ENFORCEMENT
- SECTION 12 - LEAD AND SUPPORT ROLES
- SECTION 13 - ENFORCEMENT
 - 13.01 Enforcement Procedures and Remedies
 - 13.02 Citizen Complaints
 - 13.03 Abnormal Events

**PART IV
MISCELLANEOUS PROVISIONS**

- SECTION 14 - INQUIRIES
- SECTION 15 - EFFECTIVE DATE AND MODIFICATION DATES

APPENDICES, EXHIBITS, ATTACHMENTS

- ORGANIZATIONAL CHARTS AND CONTACT PERSONS (Attachments 1,2,3,4)
- LOCAL PROGRAM BUDGET (Attachment 5)
- FINDING WITH REGARD TO EFFECTIVE DATE (Exhibit 1)
- LISTS OF DELEGATED AND NON-DELEGATED FACILITIES (Exhibit 2)
- LOCAL PROGRAM LAWS/ORDINANCES/RESOLUTIONS (Exhibits 3,4,5,6,7,8)
- LOCAL PROGRAM FORMS (ADDENDUM TO DEP FORMS) (Exhibit 9)

DOMESTIC WASTEWATER SPECIFIC OPERATING AGREEMENT

PART I ADMINISTRATION OF AGREEMENT

SECTION 1 - INTRODUCTION

(a) Pursuant to Section 403.182 of the Florida Statutes (F.S.), on February 7, 1989, the Florida Department of Environmental Protection (Department or DEP) entered into a General Agreement with the Broward County Environmental Quality Control Board, which has since been renamed the Broward County Department of Natural Resource Protection (Local Program). The General Agreement specifies the general working relationship between the Department and the Local Program, and provides that the details of any authority delegated by the Department to the Local Program for administering any of the Department's specific programs be set forth in a Specific Operating Agreement (SOA) subject to periodic review. The Local Program referred to in this SOA is the Broward County Department of Natural Resource Protection located in Broward County, Florida.

(b) Therefore, the Department and the Local Program hereby enter into this SOA to delineate each agency's responsibility for developing and implementing the program defined here under appropriate state and local statutes, ordinances, and regulations.

(c) Nothing here or in the General Agreement is intended to limit the Department's or the Local Program's independent authority established by law.

SECTION 2 - PARTIES

Notwithstanding provisions in the General Agreement, parties to this SOA are the Department and the Local Program. The Department's Division of Water Facilities (Division) will be responsible for transferring information needed by the Local Program as described in this SOA [while copying the Department's Southeast District Office (District)], except as otherwise required for efficiency or specified by this SOA.

SECTION 3 - MODIFICATION OF AGREEMENT AND CONFLICT BETWEEN AGREEMENTS

This SOA and any Appendices or Exhibits may be modified in writing at any time as necessary by mutual consent of the Department and the Local Program. Attachments may be revised without formal SOA modification. Modifications may be made in whole, by part, or by section, and upon approval shall supersede previous versions of this SOA. Any proposed changes shall be identified and delineated in writing by the party proposing the change. Approvals of modifications to the text of this SOA shall be signed by the DEP Secretary and the Local Program Director. The provisions of this SOA shall automatically void conflicting provisions of other agreements between the Department and the Local Program applicable to the program defined here.

SECTION 4 - PERIODIC REVIEW OF AGREEMENT

This SOA shall be jointly reviewed by the Department and the Local Program at least every three years for the purpose of determining its adequacy and the need for any modifications.

SECTION 5 - TERMINATION OF AGREEMENT

This SOA may be terminated with or without cause by either the Department or the Local Program upon written notice to the other party of at least ninety (90) days. Such notice from the Local Program shall be signed by the Local Program Director. Such notice from the Department shall be signed by the DEP Secretary. Upon termination, the Local Program shall provide to the Department the originals of all files applicable to this SOA.

SECTION 6 - SEVERABILITY

If any part of this SOA is found invalid or unenforceable by any Court, the remaining parts of this SOA will not be affected if the Department and the Local Program agree that their respective rights are not materially prejudiced, and if the intentions of the parties can continue to be effective.

PART II PROGRAM MANAGEMENT

SECTION 7 - BUDGET

The Local Program shall annually provide a summary of its approved budget outlining funding and staffing. The Division shall make its budget summary available upon request. The Local Program shall maintain an adequate level of domestic wastewater (DOM) program funding, staffing, and equipment to comply with all statutes, rules, and policies pertaining to delegated DOM program activities.

SECTION 8 - PROGRAM ORGANIZATION

8.01 RULES, REGULATIONS, AND ORDERS

Within 90 days after initial approval of this SOA, the Local Program shall adopt by reference, as amended from time to time, the following provisions of Chapter 120, F.S.: s. 120.52, 120.525, 120.53, 120.565, 120.569, 120.57, 120.573, 120.574, 120.595, 120.60, 120.62, 120.66, 120.665, 120.68, and 120.69. Failure to adopt these provisions will preclude an affirmative finding by the District pursuant to Section 15, and the SOA shall automatically become null and void.

The Department has determined that other Local Program rules, regulations, or orders listed in Exhibits 3 to 8 attached to this SOA are (A) compatible with, (B) more extensive than, or (C) stricter or more stringent than the requirements of Chapter 403, F.S., and the Department's DOM rules, to the extent of delegation. The Department agrees to enforce such more extensive, or stricter or more stringent rules, regulations, or orders, when it asserts its jurisdiction, for all DOM facilities in the Local Program's geographical jurisdiction upon the effective date of this SOA. However, Local Program rules, regulations, or orders not already incorporated in DEP permits shall not apply to DEP permits currently valid as of the effective date of this SOA, and permit conditions in any construction permit which would apply to the operation permit shall be included in such operation permit when issued by either the Local Program or the Department.

The Local Program shall implement subsequent revisions of applicable Department rules at the time the Department rule becomes effective, and shall reflect such Department rule revisions by amending its ordinance, regulation, or local law within 120 days after the Department rule becomes effective.

Subsequent new or amended Local Program DOM rules, regulations, or orders which the Local Program contends are more extensive, or stricter or more stringent than the provisions of Chapter 403, F.S., other applicable statutes, or the Department's DOM rules shall be submitted by the Local Program for consideration by the Department as proposed modifications to this SOA, and shall not be enforceable under state authority by either party unless and until such modifications are approved. Local Program rules, regulations, or orders which are less stringent or conflict with the provisions of Chapter 403, F.S., or the Department's DOM rules shall be considered sufficient reason for revocation of this SOA.

8.02 PERSONNEL AND EQUIPMENT

Within 90 days after the initial approval of this SOA, the Local Program shall procure necessary equipment and hire and maintain a staff capable of performing the duties specified in this SOA, as modified from time to time. Attached are organizational charts of the Division and Local Program. Such charts shall be updated at least annually or more frequently as appropriate.

8.03 COMPUTERS AND INFORMATION SYSTEMS

Within 90 days after the initial approval of this SOA, the Local Program shall install and maintain adequate computer terminal(s) and communications hardware and software at its end necessary to perform all data entry requirements of this SOA, as modified from time to time. The Department shall advise the Local Program of available linking options and shall consult with the Local Program as necessary to ensure successful information systems integration. Central operation and maintenance of the Department's computerized data management systems shall be provided by the Department.

8.04 NOTIFICATION OF FACILITY OWNERS

Within 90 days after the initial approval of this SOA, and within 30 days after approval of modifications to this SOA as appropriate, the Local Program will notify each owner of a delegated facility as to the procedural changes brought about by this SOA, and will make available permit application information needed by potential applicants in the Local Program's geographical jurisdiction. Prior to the effective date of this SOA (or modification date, as applicable), permit applications shall be processed pursuant to the provisions of the operating agreement between the Department and the Local Program, dated March 1, 1984, and the applicable rules of the Department.

SECTION 9 - PROGRAM PLANNING AND MANAGEMENT

9.01 PLANS

The Local Program shall prepare an annual work plan describing staffing (Full Time Equivalents) and equipment committed to the delegated DOM program. The work plan must include updated lists of delegated and non-delegated facilities, and the types and frequencies of activities to be performed. (Updates to the list of non-delegated facilities will be provided to the Local Program by the District as needed.) The Local Program shall submit its annual work plan to the Division, with a copy provided to the District Office, at least 30 days prior to the Local Program's budget being approved.

9.02 TRAINING

(a) All parties to this SOA will ensure that their respective personnel have requisite training needed to allow each employee to accomplish the work assigned. Specific training requirements for the Local Program include the following:

- (1) Attendance of appropriate Local Program staff at DEP domestic wastewater training sessions. The Division will provide advance notice (at least four weeks for out-of-town travel) to the Local Program of such training sessions;
- (2) Program specific training and information from other appropriate sources such as the United States Environmental Protection Agency (EPA) and professional organizations; and
- (3) Participation in on-the-job training conducted by the Department for an appropriate period of time following delegation, including operation of the Department's computerized data management systems.

(b) The Department may also provide training to the Local Program in preparation for modifications to this SOA to expand the scope of delegation.

9.03 MEETINGS AND CONFERENCES

(a) In addition to fulfilling the provisions of the General Agreement, the Local Program will be appropriately represented at the following specific meetings, and the Department will provide advance notice to the Local Program (at least four weeks for out-of-town travel) of the meetings:

- (1) DEP Annual Domestic Wastewater Meeting;
- (2) DEP Annual Enforcement Meeting;
- (3) DEP Data Management Training Sessions;
- (4) Monthly DOM Teleconferences with Tallahassee DOM staff; and
- (5) Quarterly meetings with District DOM staff to coordinate activities.

(b) The Local Program is also encouraged to participate in meetings for revising the GUIDELINES FOR CHARACTERIZING DOMESTIC WASTEWATER VIOLATIONS and other DEP procedures manuals. The Division will provide advance notice to the Local Program of such meetings.

9.04 REPORTING REQUIREMENTS

(a) LOCAL PROGRAM COMPUTER DATA ENTRY

Permitting, compliance, and enforcement data for facilities delegated under Part III of this SOA shall be entered by the Local Program into the following Department computerized data management systems according to the schedule shown:

REPORTING SYSTEM	FREQUENCY	RECIPIENT
Permit Application (PA) or its successor	Within 3 working days of permit application receipt or from date of latest application processing activity	Computerized Data Management System
Compliance Enforcement Tracking System (COMET) or its successor	Within 5 working days of enforcement activities	Computerized Data Management System

(b) LOCAL PROGRAM REPORTS

The Local Program shall submit copies of the following reports, based on the extent of delegation, according to the schedule shown. (Where possible, reports will be made through the Department's computerized data management systems.)

REPORT	FREQUENCY	RECIPIENT
Annual Budget Summary	Annually	Division and District
Organizational Charts	As updated	Division and District
Local Program rules, Regulations, and Orders	As drafted and within 15 days after adoption	Division and District
Annual Work Plan, including lists of delegated and non-delegated facilities	Annually (at least 30 days prior to budget approval)	Division and District
Status report on all Local Program DOM enforcement cases	Monthly (by the third Monday of each month)	Division and District

(c) DEPARTMENT REPORTS

The Division shall submit copies of the following reports to the Local Program according to the schedule shown:

REPORT	FREQUENCY	RECIPIENT
Organizational charts	As updated	Local Program
DEP Rules, Regulations, Orders, Forms, Policies, and Guidance Memoranda	As drafted, and within 15 days after adoption	Local Program

9.05 AUDITS AND PERFORMANCE EVALUATIONS

(a) The Department will periodically conduct financial audits and program performance evaluations of the Local Program's implementation of the delegated program. The Local Program will have adequate time (at least 20 working days) to complete pre-audit surveys and to comment on draft audit findings.

(b) The purpose of the financial audits is to determine if all fees for Department permits, monies for enforcement actions, and other state funds received by the Local Program for delegated activities have been properly accounted for and distributed. For the purposes of this SOA, appropriate records of all monetary transactions must be on file for at least the previous three years, or the period of delegation, whichever is less.

(c) The purpose of the performance evaluations is to determine if permit applications and enforcement actions are being managed in accordance with applicable requirements and policies, and that appropriate files are being maintained for all delegated Department permitting actions taken, enforcement actions, and other responsibilities assumed by the Local Program. Permitting files shall be retained permanently. Other files shall be maintained for the previous ten years, or the period of delegation, whichever is less. The Department will have a goal of performing a Local Program performance evaluation annually. Oversight of reports and data entry will be performed on a continuous basis.

**PART III
PROGRAM RESPONSIBILITIES**

SUB-PART A - PERMITTING

SECTION 10 - DELEGATED PERMITTING ACTIVITIES

- (a) Beginning on the effective date of this SOA, the Department delegates to the Local Program the authority to issue and deny, under applicable statutes, regulations, orders, and guidelines, state permits for sewage collection and transmission facilities (and appurtenant pump stations) in the Local Program's jurisdiction, except for sewage collection and transmission facilities larger than 12 inches in diameter (and appurtenant pump stations) for which the county is the owner or permit applicant.
- (b) After the first program performance evaluation following a period of at least one year after the effective date, this SOA may be modified to expand the scope of delegation to include treatment, disposal, and reuse facilities. However, relief mechanisms (including variances, exemptions, and mixing zones) and Water Quality Based Effluent Limitations shall not be delegated with permitting activities.
- (c) Attached are lists of delegated and non-delegated facilities. Updated lists consistent with the types of delegated facilities described above shall be provided by the Local Program (delegated facilities) and District (non-delegated facilities) at least annually, and as revisions occur.
- (d) As described in Part III, Sub-Part B of this SOA, the Local Program also accepts the lead role for compliance and enforcement activities for all facilities delegated for permitting activities.

SECTION 11 - PERMITTING PROCEDURES

11.01 APPLICATION REVIEW PROCEDURES

(a) DEPARTMENT PROCEDURES

When the District receives a permit application, or notice requesting the use of a general permit, for a delegated facility on or after the effective date (or modification date, as applicable) of this SOA, the District shall retain one copy (at the District's discretion), and shall, within three working days, forward all other copies and any enclosed application fees to the Local Program for processing, and issuance or denial. Complete permit applications with sufficient state fees received before the effective date (or modification date, as applicable) of this SOA shall be processed pursuant to the operating agreement between the Department and the Local Program dated March 1, 1984.

(b) LOCAL PROGRAM PROCEDURES

(1) Individual Permits

- (A) The Local Program shall ensure that a legible stamped date of receipt is promptly applied to each permit application received for delegated facilities on or after the effective date (or modification date, as applicable) of this SOA. The Local Program will provide the District with one copy (at the District's discretion) of each delegated facility permit application submitted directly to the Local Program office within three working days of receipt. Completeness comments will be provided (at the District's discretion) to the Local Program within 15 days of receipt. A copy of all applicable correspondence will be kept on file at the Local Program office.
- (B) The Local Program, considering any completeness comments provided by the District, will review each application for completeness within 30 days of receipt. If the application is determined to be incomplete, a letter of incompleteness will be sent to the applicant (and District at its discretion), within the 30 day period, by the Local Program, identifying and requesting the needed additional information.
- (C) When the application is determined to be complete, the Local Program will process the application as expeditiously as possible, and take final agency action on the complete application in accordance with the procedures and time frames that would apply to the District if the Department were taking final action on the application. Review of the engineering features of plans and specifications and preliminary design reports shall be performed by or under the supervision of a licensed professional engineer registered in the State of Florida in accordance with Chapter 471, F.S. The Local Program will provide the District with a draft copy (at the District's discretion) of its proposed agency action related to each permit application, other than general permits, at least ten working days before the Local Program mails the permit, or its intent to issue (or deny), to the applicant. Permits, notices of intent, and denial letters shall be signed by the Local Program Director. The Local Program will provide the District with copies of all issued permits (other than general permits, at the District's discretion), and Final Orders denying permits.

(2) General Permits

The Local Program will provide the District with one copy (at the District's discretion) of each delegated facility notice requesting the use of a general permit submitted directly to the Local Program within three working days of receipt. The Local Program will review and process each general permit notice within 30 days of receipt. If a notice does not qualify, the Local Program will provide the applicant with a denial of general permit use. The Local Program will provide the District with a copy (at the District's discretion) of all applicable general permit correspondence. The Local Program will not require a regular permit when a general

permit can be used, unless required by a local ordinance more stringent than Department rule.

(3) Other Procedures

(A) The Local Program shall provide administrative review of its permitting decisions pursuant to the appeal procedures of Chapter 120, F.S., as if these decisions were being made by the Department, and the Local Program Director shall take appropriate final agency action. The Local Program will provide legal counsel and technical support as needed to defend its permit issuance decisions. The Department will assist the Local Program to the extent that the Department's permitting policy or rule interpretation is at issue. At the time of referral of a petition to the Division of Administrative Hearings (DOAH), the Local Program shall mail a copy of the notice of referral, the petition, and the challenged permitting decision to the Department's Office of General Counsel at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. The Department shall have the right, if it so chooses, to intervene in the DOAH proceeding. The Local Program shall mail a copy of all recommended orders resulting from such DOAH proceedings to the Department's Office of General Counsel.

(B) Facility permitting shall be done according to procedures established by applicable statutes, rules, and policies. The Local Program shall have the same requirements for timeliness to issue or deny permits as the Department. Failure to process permits in a timely manner is considered unacceptable, and a pattern of such failure shall be considered sufficient reason for revocation of this SOA. The following statutes, rules, procedures, and guidelines are specifically referenced with respect to the permitting programs included in this SOA:

(i) CHAPTER 120, F.S.;

(ii) CHAPTER 403, F.S.;

(iii) TITLE 62, F.A.C., or its successor;

(iv) DEP DOMESTIC WASTEWATER PROGRAM MANUAL;

(v) DEP GUIDELINES FOR PREPARATION OF CAPACITY ANALYSIS REPORTS;

(vi) DEP GUIDELINES FOR PREPARATION OF OPERATION AND MAINTENANCE PERFORMANCE REPORTS;

(vii) DEP PERMIT APPLICATION (PA) USER MANUAL; and.

(viii) DEP Water Facilities Regulation (WAFR) guidance.

(C) The Local Program shall enter the appropriate permit activities data into the Department's computerized data management systems [Permit Application Tracking System (PATS) or its successor, and other data management systems identified by the Department] for all delegated facility permits in accordance with the schedule specified in Part II of this SOA. Only state permit fee amounts shall be entered into PATS (i.e., local permit fee amounts shall be omitted). Data entry shall otherwise be complete and accurate.

11.02 CONFLICT RESOLUTION

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

11.03 PERMIT FEES

(a) The Local Program's state fees for Department permits shall be the amounts established in Chapter 62-4, F.A.C., or its successor. The Local Program may assess additional or separate local fees in addition to state fees. The Local Program's state permit fee schedule shall be adopted on or before the effective date of this SOA, and shall be revised concurrently (or automatically if DEP DOM rules are adopted generally) with revisions to the amounts established in Chapter 62-4, F.A.C., or its successor.

(b) The required state permit fees for delegated facilities (permitting, compliance, and enforcement delegation) shall be split between the Department and the Local Program with the Department receiving 30 percent and the Local Program receiving 70 percent of the fees, beginning on the effective date of this SOA. The Department's Bureau of Finance and Accounting will periodically invoice the Local Program for the Department's 30 percent share. The frequency of invoicing will be determined by the Department's Bureau of Finance and Accounting.

(c) When an application for a delegated facility is received by the Local Program without the required state fees (or with incorrect fees), the Local Program shall follow procedures consistent with Section 62-620.310(5)-(8), F.A.C., or its successor. All permit application fees and refund of fees shall be processed in accordance with generally accepted accounting principles.

11.04 NON-DELEGATED PERMIT APPLICATIONS

When the Local Program receives a permit application, or notice requesting the use of a general permit, for a non-delegated facility as defined by Section 10 and the effective date (or modification date, as applicable) of this SOA, the Local Program shall, within three working days, forward the application and any enclosed state fees to the District for processing.

SUB-PART B - COMPLIANCE AND ENFORCEMENT

SECTION 12 - LEAD AND SUPPORT ROLES

- (a) The Local Program accepts the lead role for compliance and enforcement activities for sewage collection and transmission facilities (and appurtenant pump stations) in the Local Program's geographical jurisdiction, except for sewage collection and transmission facilities larger than 12 inches in diameter (and appurtenant pump stations) for which the county is the owner or permit applicant.
- (b) For delegated facilities, the Department accepts the support role for compliance and enforcement activities by providing legal, technical, and training assistance.
- (c) For non-delegated facilities, the Department retains the lead role for compliance and enforcement activities. The Local Program may, at its discretion, serve a support role by providing technical and legal assistance as appropriate. Incorporation of Local Program compliance activities for non-delegated facilities (e.g., complaint investigations and facility inspections) into the Department's compliance and enforcement program is encouraged. When violations are found at residuals sites receiving residuals from non-delegated facilities, the Local Program shall promptly notify the District so that the Department can pursue enforcement with regard to the non-delegated facilities. The Department shall fully recognize, in the media and elsewhere as occasions arise, the compliance and enforcement activities accomplished by the Local Program.
- (d) Information on actions taken by the lead agency shall be available to the support agency upon request. Whenever either party requests information concerning a specific discharger and the requested information is available from files, but not from the Department's computerized data management systems, the information will be provided. If the required information is not available, the agency making the request shall be promptly notified.
- (e) The Local Program shall ensure that the requirements of applicable rules and permits are specifically identified and addressed in each case. Department compliance and enforcement guidelines, and guidelines which may be the product of agreements between the Department and other agencies, will be provided to the Local Program.
- (f) Nothing in this SOA shall prohibit either agency from taking enforcement action for violation of their respective rules. The Local Program, however, shall not initiate action under state authority without prior coordination unless it is the lead agency. Similarly, the Department shall

not initiate enforcement action on facilities for which the Local Program is designated lead agency without prior coordination. When the Department and the Local Program institute separate lawsuits against the same party for violation of the same requirements, the suits shall be consolidated when possible. The lead agency for consolidated lawsuits shall be as indicated above.

SECTION 13 - ENFORCEMENT

13.01 ENFORCEMENT PROCEDURES AND REMEDIES

(a) The Local Program shall thoroughly review each delegated facility to determine what, if any, enforcement action shall be initiated. If a violation is noted, the Local Program shall initiate enforcement or noncompliance action under state authority, or make a decision in writing (to file) to exercise enforcement discretion not to take any action. Procedures and priorities for the review of delegated facilities and for initiating enforcement action will be specified in procedures developed by the Local Program and are to be consistent with and at least as stringent as the following state statutes, and Department rules, policies, procedures, and guidelines:

- (1) CHAPTER 120, F.S.;
- (2) CHAPTER 403, F.S.;
- (3) TITLE 62, F.A.C., or its successor; and
- (4) DEP ENFORCEMENT MANUAL; and
- (5) DEP DIVISION OF WATER FACILITIES POLICY MANUAL.

(b) The Department has reviewed the Local Program's existing Remedies and Adjudicatory Procedures in Chapter 27 of the Code of Broward County (affixed to this SOA as Exhibit 6{97}), and determined that such procedures are adequate to enforce the rules applicable to this SOA. The Local Program shall always use procedures which are at least as strict as the following Department procedures:

- (1) Section 2.3 of the DEP ENFORCEMENT MANUAL, or its successor, concerning inspections and entry upon land.
- (2) Appendices in the DEP ENFORCEMENT MANUAL, or its successor, entitled SETTLEMENT GUIDELINES FOR CIVIL PENALTIES, and GUIDELINES FOR CHARACTERIZING DOMESTIC WASTEWATER VIOLATIONS, or other provisions in the manual which address these subjects. The penalty matrix may be adjusted upward in a proportional manner to reflect the Local Program's higher penalties. Penalties shall be pursued consistent with the most current versions of these guidelines when they indicate a penalty should be pursued, even when the responsible party corrects the violation after notice.

(3) Appendices in the DEP ENFORCEMENT MANUAL, or its successor, outlining ENFORCEMENT PRIORITIES and TIME SCHEDULES FOR PROCESSING ENFORCEMENT PRIORITY CASES.

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

(d) The Local Program shall enter the appropriate enforcement activities data into the Department's computerized data management system (COMET or its successor) and submit enforcement reports in accordance with the schedule specified in Part II of this SOA. Data entry shall be complete and accurate.

(e) The Local Program has established a local Pollution Recovery Trust Fund in which all monies recovered in any Local Program enforcement action will be deposited. If the Department and the Local Program cooperatively undertake an enforcement action where a local Pollution Recovery Trust Fund is established, any monies recovered may be divided equally between the Department and the Local Program. Monies in the local Pollution Recovery Trust Fund, after being divided with the Department where applicable, shall be used exclusively to restore polluted areas in the Local Program's geographical jurisdiction to the condition which existed before pollution occurred or to otherwise enhance pollution control activities or the environment.

13.02 CITIZEN COMPLAINTS

(a) The Local Program shall receive, respond to, and promptly investigate complaints from citizens relating to domestic wastewater facilities and systems within its jurisdiction and to the extent of delegation. Accurate records will be kept of all complaints. Where possible, reports will be made through the Department's computerized data management systems. The District will refer any complaints that it receives within the Local Program jurisdiction to the Local Program for investigation. However, the District will reserve the right to investigate complaints involving sources for which the Department has retained jurisdiction or for which it has a special interest, upon notice to the Local Program. Citizen complaints will be investigated in a timely fashion, and the Local Program will initiate such action as is deemed appropriate to resolve any problems. If a violation is determined to exist, the Local Program will notify the responsible person, attempt to bring about compliance, and inform the complainant of the action taken. For delegated facilities, the Local Program shall take enforcement action as appropriate. For non-delegated facilities, the Local Program shall promptly notify the District so that the Department can pursue enforcement as appropriate.

(b) The Local Program will take necessary and appropriate enforcement action to bring about compliance under appropriate state or local authority, or in special cases will refer the necessary enforcement action to the Department. Special cases for referral shall include, but not be limited

to. sources for which the Department has retained jurisdiction. or for which the Department has a special interest.

13.03 ABNORMAL EVENTS

The District and the Local Program agree to coordinate and cooperate fully with each other and with other agencies as appropriate to handle abnormal events. The lead agency for regulating facilities experiencing abnormal events shall be the Local Program for delegated facilities and the Department for non-delegated facilities.

**PART IV
MISCELLANEOUS PROVISIONS**

SECTION 14 - INQUIRIES

Inquiries from the Governor's Office, Cabinet, and members of the Legislature will be forwarded, as applicable, to the Local Program Director. The Local Program shall respond to any inquiries from the Governor's Office, Cabinet, and members of the Legislature within seven days, and shall provide copies of the responses to the District and Division.

SECTION 15 - EFFECTIVE DATE AND MODIFICATION DATES

- (a) The effective date of this SOA shall be 90 days after the initial approval date, contingent upon an affirmative finding by the District that the Local Program has met all Local Program requirements under Section 8 of this SOA. The District's affirmative finding, when available, shall be affixed as Exhibit 1 {97}. If an affirmative finding does not occur within 90 days after the initial approval date, this SOA shall automatically become null and void.
- (b) Subsequent approvals of modifications to this SOA shall not change the effective date.

INITIAL APPROVAL OF DOM SOA

LOCAL PROGRAM

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

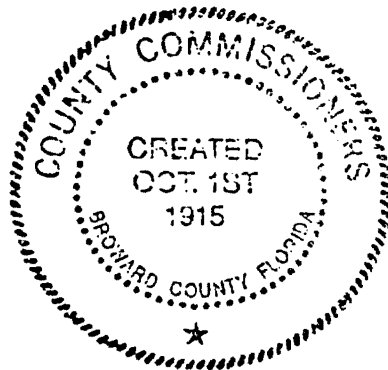
Phillip C. Allen
Acting County Administrator and
Ex-Officio Clerk of
the Board of County
Commissioners of Broward
County, Florida

By Scott I. Cowan
Chair, Scott I. Cowan

21st day of October, 1997

PHILLIP C. ALLEN
ACTING COUNTY ADMINISTRATOR

Approved as to form by
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By Melissa P. Anderson

Assistant County Attorney
MELISSA P. ANDERSON

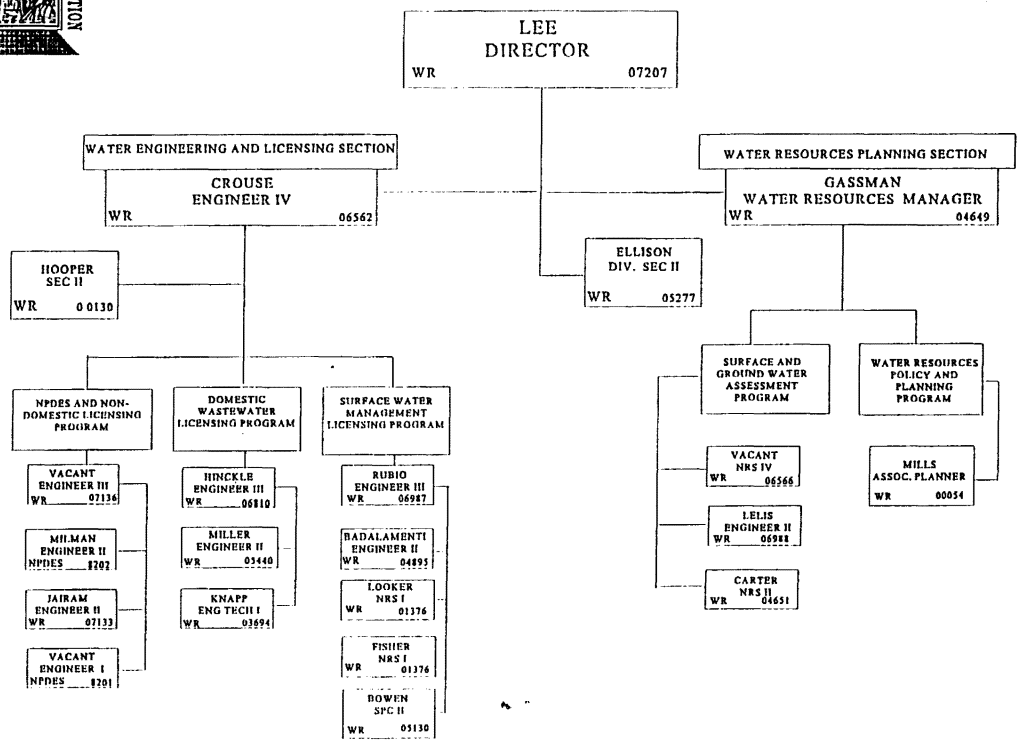
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Virginia B. Wetherall
Virginia B. Wetherall
Secretary
Department of Environmental Protection
3000 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

DATE: 11/5/97



WATER RESOURCES DIVISION



TOTAL POSITIONS: 21

ATTACHMENT
DOM Delegation of Broward Co

DEPARTMENT OF NATURAL RESOURCE PROTECTION
 WATER RESOURCES DIVISION
 218 SW 1ST AVENUE, FT. LAUDERDALE, FL 33301
 PHONE: 519-1270
 FAX: 519-1496
 (06/02/97)

NAME	TELEPHONE #	BEEPER #	RADIO #	INTERCOM
DAVID LEE, Director	519-1271	*896-5280	700	20
	303-5704 (cellular)			
NORMA ELLISON	519-1466		711	21
WATER ENGINEERING & LICENSING SECTION				
JOHN CROUSE	519-1264	*898-9372	730	35
	305-542-9589 (cellular)			
DIANE HOOPER	519-1267		712	22
NPDES & INDUSTRIAL LICENSING				
CAROL MILMAN	519-1268	*879-5919	742	30
ASHOK RAICHOUDHURY	519-1490	879-2773	563	39
DOMESTIC WASTEWATER LICENSING				
GARTH HINCKLE	519-1256	879-7382		28
DOUG KNAPP	519-1286	*497-0517	752	31
MEL MILLER	519-1415	497-0259	751	33
SURFACE WATER MANAGEMENT LICENSING				
ORLANDO RUBIO	519-1232	*875-8819	732	27
	303-5703 (cellular)			
JOHN BADALAMENTI	519-1206	875-7234	731	24
TOM BOWEN	519-1215	879-5886	733	25
ALLAN FISHER	519-1434	879-5898	739	41
DON LOOKER	519-1297	879-5890	737	32
WATER RESOURCES PLANNING SECTION				
NANCY GASSMAN	519-1464	*879-5899		36
	850-8220 (cellular)			
KEVIN CARTER	519-1477	875-4787	744	
BRENDA MILLS	519-1473	*402-9074	747	38
SURFACE & GROUND WATER ASSESSMENT				
KATIE LELIS	519-1294	879-1316	745	37

*Denotes digital unit w/messaging capabilities.

DEPARTMENT OF NATUREAL RESOURCE PROTECTION
EMPLOYEE LOCATION LIST

ANP=ALPHA NUMERIC PAGER

REV. June 18, 15

<u>EMPLOYEE</u>	<u>PHONE</u>	<u>DIVISIONS</u>	<u>CELLULAR</u>	<u>DIGITAL PAGE #</u>	<u>RADIO #</u>
Afflerback, John	519-1204	Air Quality		879-5933	2243
Allen, Anita	519-1205	Enforcement		879-5891	2140
Anderson, Clyde	519-1437	LUPD		898-3823	2630
Badalamenti, John	519-1206	Water Res.		875-7234	2731
Banks, Kenneth W.	519-1207	Biological Res.	(303-6417 boat)	879-5943	2342
<u>BANU, DANIELA, DIV DIR</u>	519-1220	Air Quality	303-7774	879-5936	2200
Barch, Judith M.	519-1214	LUPD			2643
Baratta, Alan	519-1282	Biological Res.		402-9073	2329
Barto, William	519-1212	Environ. Mon.			2421
Bertone, Lorraine	519-1408	Enforcement			2149
<u>BODEN, CONSTANCE, SUP.</u>	519-1405	LUPD		898-6987	2642
Bowen, Thomas	519-1215	Water Res.		879-5886	2733
Brannon, Meredith	519-1216	Enforcement		879-5909	2145
<u>BROWN, KIMBERLY, MGR</u>	519-1218	Air Quality		879-5260	2203
<u>BUCHANAN, PETER, MGR</u>	519-1219	Air Quality		879-5931	2204
Bunge, Rosalia	519-1262	Air Quality		898-2017	2234
Burger, Susan	519-1482	Biological Res.		402-9081	2326
Burgess, Donald	519-1223	Biological Res.		879-5921	2328
Burke, Peter	519-1224	Biological Res.		896-5277	2323
CANADY, ABUBKAR, SUP	519-1225	PPRP		402-9070	2557
CARLSON, GARY (ADMINISTRATIVE MGR.)	519-1226	Admin.		879-5885	2102
Carroll, Pat, (ADM SECY)	519-1227	Admin.			2110
Carter, Kevin	519-1477	Water Res.		875-4787	2744
Cartier, Kathy, (SUP)	519-1228	Biological Res.		896-5270	2322
Castillo, Alonso J.	519-1229	PPRP		896-5287	2532
Childers, Linda	519-1410	Biological Res.		676-6317	2330
Chow, Barbara	519-1419	Biological Res.		879-5893	2320
Ciucevich, Julie	519-1238	Biological Res.			2305
COMPLAINT DESK	519-1499				
Cooper, Robert	519-1234	PPRP		402-9080	2542
Coppola, John	519-1235	Air Quality		879-5939	2214
Corbett-Elder, Cynthia	519-1247	Biological Res.	303-6416	879-5896	2345
Crouse, John M.	519-1264	Water Res.	542-9589	898-9372-ANP	2730
Cumber, Abdul	519-1237	PPRP			2561
Devinny, Bernard M.	519-1239	LUPD		896-5283	2640
Dively, Gordon	519-1299	Biological Res.		898-8925	2324
Dossman, Daniel	519-1242	Air Quality		896-5259	2221
Doyle, James	519-1243	PPRP	303-0064	879-5928	2592
Dreiling Stephen	519-0314	LUPD			2645
Dupuy, Didier R.	519-1245	PPRP		896-5286	2533
Ellison, Norma, (DIV SECY)	519-1466	Water Res.			2711
Fallon, Rosemarie	519-1263	LUPD		898-1851	2620
<u>FERNANDEZ, LORENZO, SUP</u>	519-1249	PPRP	303-4189	879-5923	2505
Fernandez, Maria E.	519-1252	Environ. Mon.			2450
Fields, Jennifer	519-1253	Admin.	849-7998	896-5285	2112
<u>FILE ROOM</u>	519-1254				
Fisher, Allan	519-1434	Water Res.		879-5898	2739
Fisher, Louis	519-1255	Biological Res.		896-5267	2341
Gassman, Nancy	519-1464	Water Res.	850-8220	879-5899-ANP	2740
<u>GERVASI, KAY, SUP</u>	519-1257	PPRP		879-5916	2501
GIS LAB	519-1258				
GOMEZ, ALFRED, SUP	519-1259	Environ. Mon.		402-9071	2552
Gomez, Dan	519-1411	Environ. Mon.			2476
Hahne, William	519-1222	Air Quality		879-5937	2231
Halsey, Jeff	519-1468	PPRP		898-1426	2531
<u>HIGGINS, STEPHEN</u>	519-1265	Biological Res.	303-6418	879-5942	2340
<u>ASST. DIR.</u>					

DOM Delegation of Broward

<u>EMPLOYEE</u>	<u>PHONE</u>	<u>DIVISIONS</u>	<u>CELLULAR</u>	<u>DIGITAL PAGE #</u>	<u>RADIO #</u>
Hill, Mitzie	519-1266	Environ. Mon.			2471
<u>HUNCKLE, GARTH. SUP</u>	519-1256	Water Res.		879-7382	2750
Hodrick, Mia	519-1462	LUPD			2634
Holsing, Nancy	519-1285	Environ. Mon.			2477
Hooper, Diane, (SECY)	519-1267	Water Res.			2712
Humphries, Faye	519-1273	PPRP		879-5927	2512
Humple, Elizabeth	519-1451	Environ. Mon.		879-5910	2431
Humple, Robert	519-1274	Environ. Mon.		879-5906	2404
Ibarra, Olga M.	519-1275	Air Quality		896-5258	2222
Jairam, Sere	519-1490	Water Res.		879-2773	2746
Jensen, Robert	519-1463	Environ. Mon.			2475
Johnson, Astley	519-1276	PPRP		402-9072	2553
Johnson, Bevon	519-1277	Environ. Mon.			2441
Johnson, Linda Jo	519-1278	PPRP		896-5284	2534
Johnson, Rose, (DIV SECY)	519-1279	Air Quality			2201
Keszte, Judi, (SECY)	519-1284	Admin.			2111
Knapp, Douglas	519-1286	Water Res.		497-0517	2752
<u>KONTAX, NICHOLAS. SUP</u>	519-1287	PPRP (EmerResp)	830-7763	879-5929	2516
Koval, Jeanette	519-1487	LUPD			2652
Krebs, Gloria	519-1246	Biological Res.			2306
Kulp, Kenneth	519-1288	PPRP		879-5926	2511
Landy, Rochelle, (SECY)	519-1292	LUPD			2610
Larson, Kenneth	519-1293	Air Quality		879-5940	2209
<u>LEE, DAVID. DIV DIR</u>	519-1271	Water Res.	303-5704	896-5280-ANP	2700
Lelis, Katherine	519-1294	Water Res.		879-1316	2745
Leonard, Joseph	519-1295	Admin.		879-5887	2116
Ligas, Joseph	519-1296	Biological Res.		879-5944	2343
<u>LOIODICE, LINDA. SUP.</u>	519-1465	LUPD		879-5888	2602
Looker, Donald H.	519-1297	Water Res.		879-5890	2737
Lopez, Bernardo	519-1445	PPRP		896-5281	2571
Lyon, Kristy	519-1472	Enforcement			2146
<u>MACK, JARRETT. MGR</u>	519-1208	Air Quality			2202
Malmstrom, Glenn	519-1402	PPRP		896-5282	2599
Mangin, Thomas	519-1403	PPRP		402-9075	2541
Martinez, Jose	519-1404	PPRP		879-5917	2554
Mathieu, Richet	519-1209	LUPD			2644
Maxwell, Bret	519-1467	PPRP	303-0063	879-5902	2517
McFarlane, Sean A.	519-1406	PPRP		879-5918	2536
McSweeney, Sean	519-1471	PPRP		879-5924	2503
Miller, Barbara	519-1491	Admin.			2114
Miller, Melvyn	519-1415	Water Res.		497-0259	2751
Mills, Brenda	519-1473	Water Res.		402-9074-ANP	2747
Milman, Carol	519-1268	Water Res.		879-5919-ANP	2742
Morin, David	519-1417	Biological Res.		879-5913	2325
<u>MYERS, ERIC. DIV DIR</u>	519-1231	Biological Res.	801-1533	413-5818	2301
Naylor, William	519-1418	Air Quality		879-5934	2242
Opris, Octavian	519-1420	Air Quality	802-4981	879-7383	2232
Opris, Silvia	519-1421	PPRP		879-5920	2530
Ortiz, Vikki	519-1283	Admin.			2148
Page, Reginald	519-1422	Environ. Mon.		879-5907	2403
Pierre-Louis, Aniel	519-1425	Environ. Mon.			2472
Poccia, Raymond	519-1427	PPRP	850-8963	879-5892	2519
Pretner, Mitchell	519-1429	PPRP			2569
Raichoudhury, Ashok	519-1430	PPRP			2563
Rand, Russell	519-1431	Environ. Mon.			2440
<u>RECEPTION DESK</u>	519-1400				
<u>REID, ALFRED, SUP</u>	519-1432	PPRP		879-5922	2502
Reinheimer, Lynda, (SECY)	519-1433	PPRP			2537
<u>RILEY, GEORGE. DIV DIR</u>	519-1241	Environ. Mon.	801-1564	879-5904	2400
Rogers, Shirley (SECY)	519-1436	PPRP			2543
<u>RUBIO, ORLANDO. SUP</u>	519-1232	Water Res.		875-8819-ANP	2732
Schneider, Harvey	519-1439	PPRP	804-2105	879-5925	2506
Schwartz, Marilyn, (SECY)	519-1442	PPRP		879-5903	2559
Schwerstein, Steven	519-1443	PPRP		877-8979	2562
Shaffer, Tim	519-1461	LUPD			2638

DOM Delegation of Broward

<u>EMPLOYEE</u>	<u>PHONE</u>	<u>DIVISIONS</u>	<u>CELLULAR</u>	<u>DIGITAL PAGE #</u>	<u>RADIO #</u>
Shelton, Paul	519-1444	Air Quality	802-4980	879-5938	2215
Shroff, Jay	519-1440	LUPD		896-5261	2651
Simo, Luisa	519-1416	PPRP			2564
<u>SIMON, ALFRED, DIV DIR</u>	519-1446	LUPD		896-5276	2601
Singer, Steve D.	519-1447	PPRP		879-5914	2545
Sivaprasad, K.	519-1448	PPRP			2555
Slavin, Marilyn, (SECY)	519-1449	PPRP			2544
Smith, Andrew	519-1401	Enforcement		497-9742	2147
<u>SOMERVILLE, STEVEN</u>	519-1202	Admin.	850-8964	879-5884	2101
<u>DIRECTOR</u>					
Soodeen, Reann	519-0307	Environ. Mon.		403-3642	2473
<u>STAGNARI, JOHN, ENF. ADM.</u>	519-1211	Enforcement	801-1563	402-9077	2103
Stalcup, Lonna	519-1244	EMD			2478
<u>STEPHENS, GARY, DEP DIR</u>	519-1201	Admin.	257-5901	896-7436	2104
Stout, David	519-1452	Biological Res.		896-5268	2344
Strich, Gary	519-1269	LUPD			2646
Strouse, Blanche	519-1453	Environ. Mon.			2420
Sudzina, Jerry, (SECY)	519-1435	PPRP		506-4985	2514
Sunderland, Linda	519-1454	Enforcement		896-5279	2143
Swisstack, Suzanne	519-1233	LUPD		898-0558	2636
Sykora, James	519-1456	Environ. Mon.			2422
Tanis, Arlene	519-1469	Air Quality		875-3434	2235
Taylor, Norris	519-1457	LUPD		879-5908	2633
Thomas, Bob	519-1459	Air Quality		879-7381	2233
<u>UNSAI, SERMIN, SUP</u>	519-1460	PPRP		879-5889	2590
Vathauer, Kenneth	519-1475	Environ. Mon.			2430
Veerasammy, Cubison	519-1476	Air Quality		879-5932	2244
<u>VERANO, LORRAINE, MGR</u>	519-1478	PPRP	303-0062	879-0249	2507
Wallace, Mark	519-1481	Biological Res.		896-5278	2321
<u>WEIGAND, MARTIN, SUP</u>	519-1251	LUPD		879-5911	2600
Westin, Lynn	519-1441	Admin.			2117
Wicke, Charles	519-1483	PPRP		497-9451	2556
<u>WILBUR, CRAIG, MGR</u>	519-1484	Environ. Mon.	801-1562	879-5905	2402
Wilson, Claude	519-1485	LUP			2632
Winzell, Dorothy, (DIV SECY)	519-1414	LUP			2612
<u>YOUNES, ALI, SUP</u>	519-1486	PPRP	801-1565	879-5900	2551
Zapata, Richard	519-1488	Air Quality		879-5935	2241
Zawodny, Lillian, (DIV SECY)	519-1489	PPRP		402-9078	2558

TEMPS

McIntyre, Peggy	519-1254	LUPD			
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INTERNS

Csuzdi, Lisa	519-1477/1294	Water Res.			
Robinson, Judy	519-1477/1294	Water Res.			
Rod Thorogood	519-1468	PPRP			

Environmental Response Van

804-1521

801-1534

ATTACHMENT 3
DOM Delegation Broward County

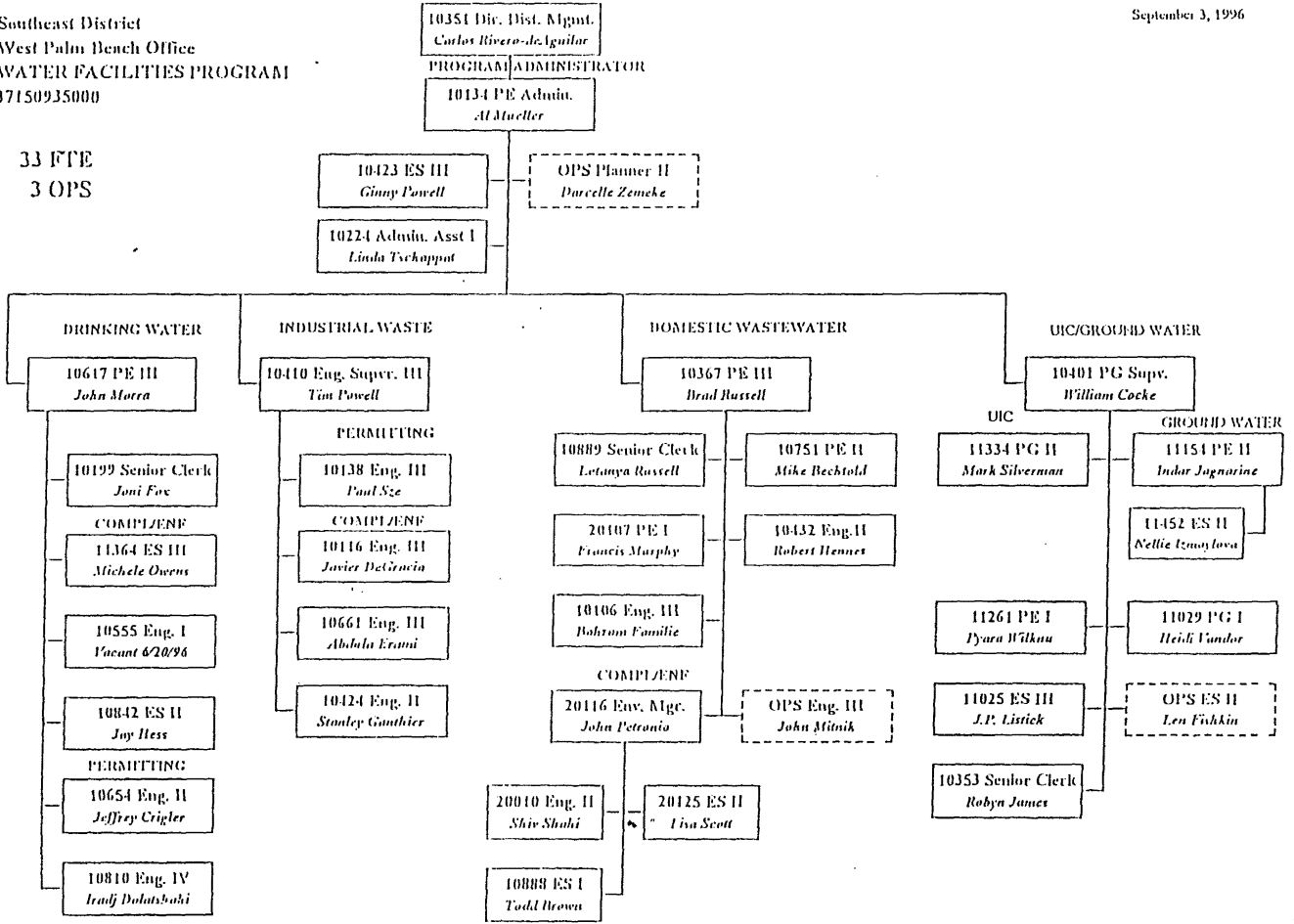
LIST OF DEP CONTACTS

DISTRICT POINT PERSON	Brad Russell	407/681-6600	Suncom 226-6600
GENERAL AGREEMENT	John Outland	850/487-2231	Suncom 277-2231
SOA COORDINATOR	Richard Addison	850/488-4524	Suncom 278-4524
TRAINING	Joe Doker	850/488-4520	Suncom 278-4520
DEP DOM RULES	Elsa Potts	850/488-4524	Suncom 278-4524
COMPUTER SYSTEMS	Linda Lakes	850/488-4520	Suncom 278-4520
LEGAL	Jennifer Fitzwater Bob Gough	850/488-9730	Suncom 278-9730
FINANCE & ACCOUNTING	Gail Odom	850/488-0874	Suncom 278-0874
DEP DOM PERMITS	Brad Russell	407/681-6600	Suncom 226-6600
NPDES PERMITS	Joe Doker	850/488-4520	Suncom 278-4520
TBELs and WQBELs	Daryll Joyner	850/488-0780	Suncom 278-0780
INSPECTION SCHEDULES	Mike Tanski	850/488-4520	Suncom 278-4520
LAB QA SECTION	Silvia Labie	850/278-2796	Suncom 278-2796
COMPLIANCE/ ENFORCEMENT	John Petronio	407/681-6600	Suncom 226-6600

Southeast District
West Palm Beach Office
WATER FACILITIES PROGRAM
37150935000

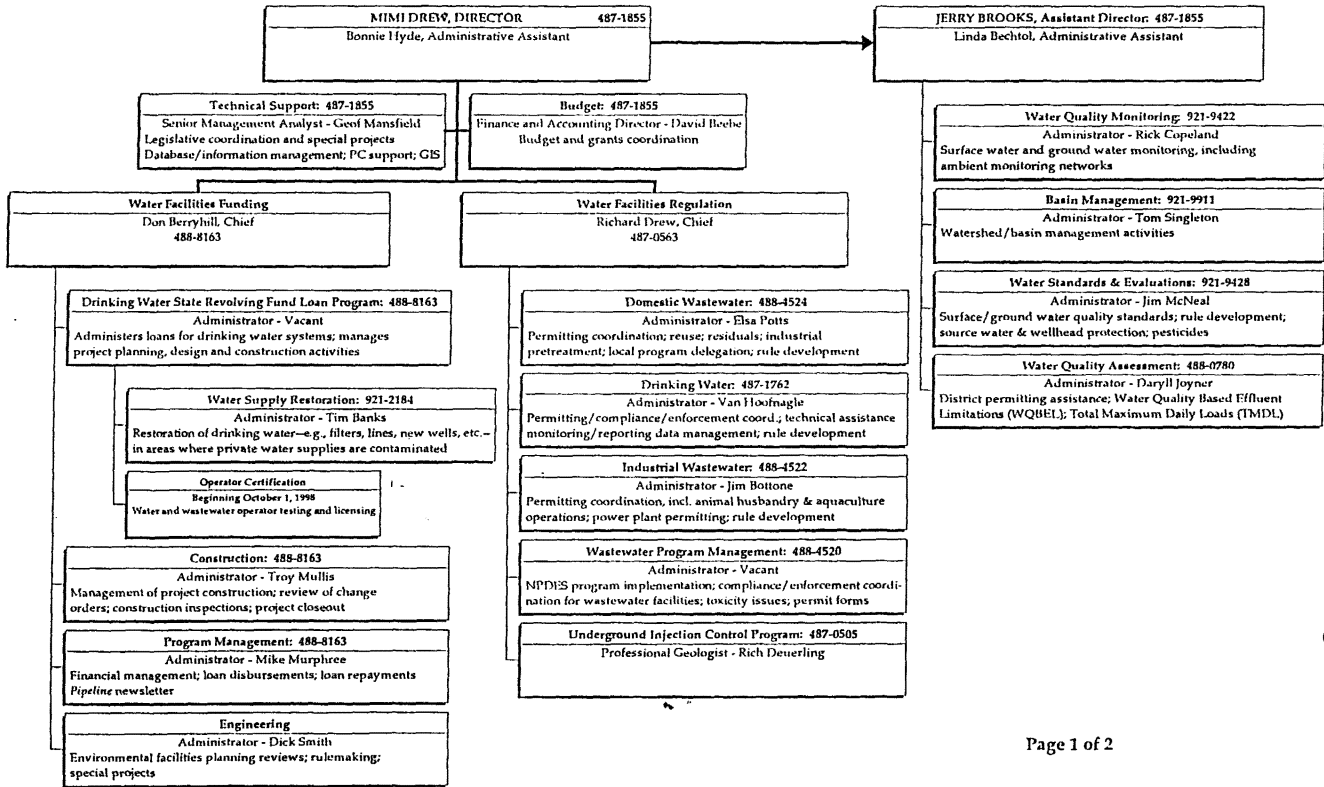
September 3, 1996

33 FTE
3 OPS



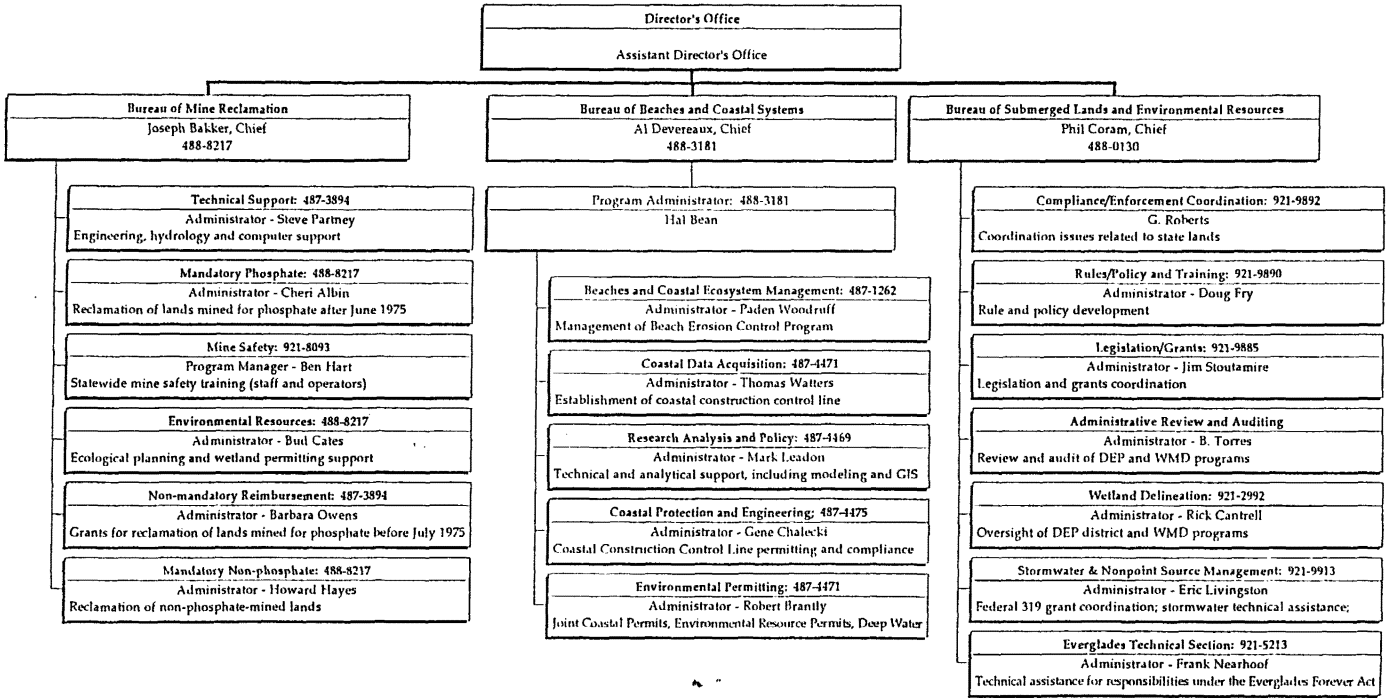
Department of Environmental Protection
DIVISION OF WATER FACILITIES
 Mimi Drew, Director

Interim structure: 8/8/97

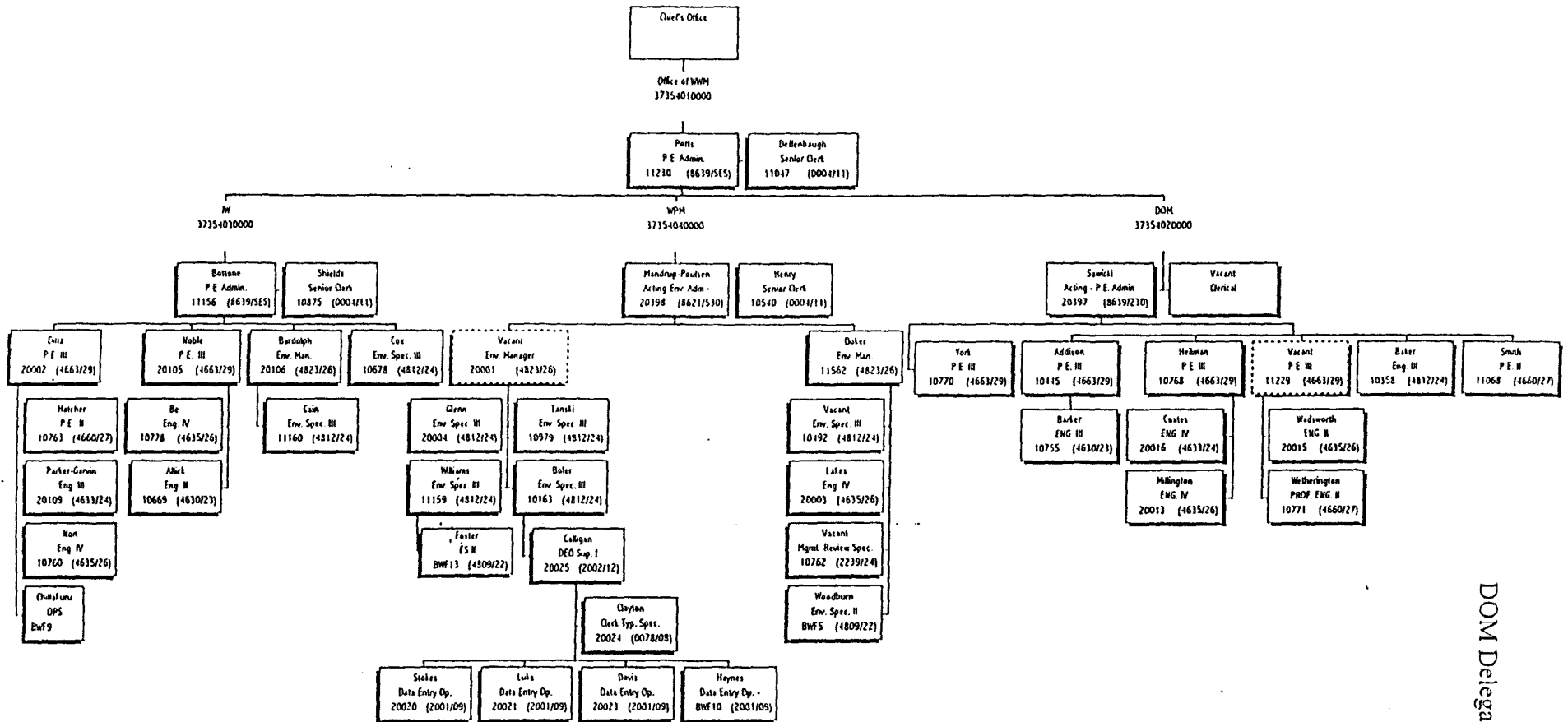


Department of Environmental Protection
DIVISION OF WATER FACILITIES
 Mimi Drew, Director

Interim structure: 8/8/97

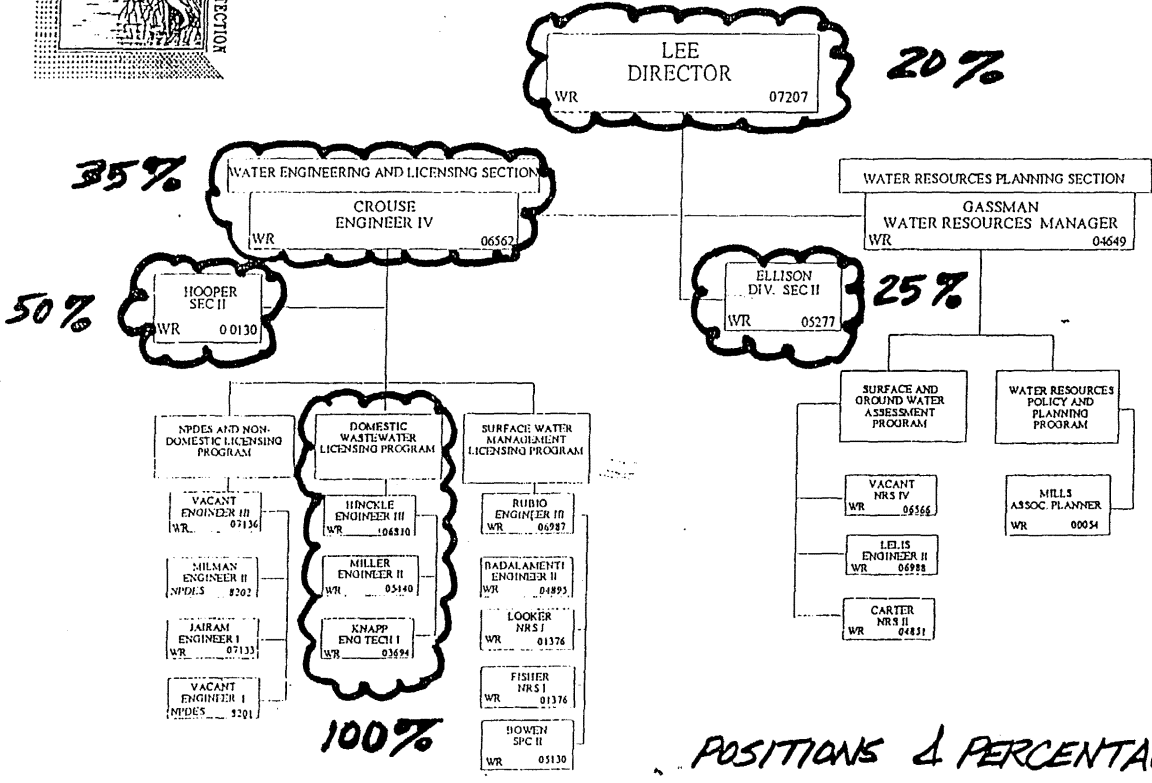


Office of Wastewater Management Organization Chart





WATER RESOURCES DIVISION



TOTAL POSITIONS: 21
MARCH, 1997

POSITIONS & PERCENTAGES
FOR DOMESTIC WASTEWATER
LICENSING PROGRAM

BY: GDH

DNR WATER RESOURCE

FUNDING ORG	LOC ORG	POS NO	JOB CLASS TITLE	EMPLOYEE NAME	PP	HLRY RATE	MAX RATE	DECSN DT	STD HRS	FORECAST
0010317000	0310701	01376	NATURAL RES SPEC I	FISHER	A A	19.6068	20.3513	12/31	80.00	40,939.00
0010317000	0310701	03676	NATURAL RES SPEC I	LOOKER	D A	15.7088	20.3513	12/31	80.00	32,799.97
0010317000	0310701	05277	DIVISION SECRETARY II	ELLISON	N A	12.4221	15.1323	01/03	80.00	25,937.34
0010317000	0310701	07133	ENGINEER I	JAIRAM	S A	14.4564	20.3513	01/23	80.00	30,184.96
0010317000	0310701	08201	ENGINEER I	(NADU?)	A	13.4402	.0000		80.00	28,062.14
0010317000	0310701	07207	DIR WATER RESOURCES	LEE	D E	35.0021	38.6837	05/03	80.00	76,738.61
0010317000	0310701	00054	ASSOC PLANNER	MILLS	B N	17.0249	22.2950	12/17	80.00	35,547.99
0010317000	0310701	04651	NATURAL RES SPEC II	CARTER	K N	17.1545	24.8319	12/31	80.00	35,818.60
0010317000	0310701	04895	ENGINEER II	BADALAMENTI	J N	25.4077	24.8319	05/01	80.00	53,051.28
0010317000	0310701	05130	SPECIAL PROJ COORD II	BOWEN	T N	16.8943	19.1278	05/30	80.00	37,039.07
0010317000	0310701	05440	ENGINEER II	MILLER	M N	19.8689	24.8319	09/28	80.00	43,560.59
0010317000	0310701	06810	ENGINEER III	HINCKLE JR	G N	23.3348	28.8136	12/31	80.00	48,723.06
0010317000	0310701	06987	ENGINEER II	RUBIO	O N	23.5019	28.8136	12/31	80.00	49,071.97
0010317000	0310701	06988	ENGINEER II	LELIS	K N	19.8353	24.8319	08/05	80.00	43,486.92
0010317000	0310701	08202	ENGINEER II	MILMAN (NADU?)	C N	24.7275	24.8319	12/31	80.00	51,601.02
0010317000	0310701	06566	HYDROGEOLOGIST II	(NADU?)	N	18.5266	.0000		80.00	38,683.54
0010317000	0310701	07136	NATURAL RES SPEC III	(NADU?)	N	18.5266	.0000		80.00	38,683.54
0010317000	0310701	00130	SECRETARY II	HOOPER	D W	11.4288	13.8900	05/22	80.00	25,056.50
0010317000	0310701	03694	ENGINEERING TECH I	KNAPP	D W	19.2417	18.6806	12/31	80.00	40,176.67
0010317000	0310701	04649	WATER RESOURCES MANAGER	GASSMAH	N Y	23.2572	34.1433	07/31	80.00	50,989.09
0010317000	0310701	06562	ENGINEER IV	CROUSE	J Y	27.4719	37.5573	05/13	80.00	60,229.40

TOTAL POSITIONS	21	FUNDING ORG	886,412.26
TOTAL POSITIONS	21	LOCATION ORG	886,412.26
TOTAL POSITIONS	21	DIVISION	886,412.26
TOTAL POSITIONS	160	DEPARTMENT	6,680,423.91

Percentage of Division Salaries for
Domestic Wastewater Program:
 $187,900.92 / 886,412.26 \times 100\% = 21.2\%$

Salaries for Domestic Wastewater Program:

Lee, Director	76,738.61	x	20%	=	15,347.72
Crouse, Engineer IV	60,229.40	x	35%	=	21,080.29
Ellison, Div. Sec. II	25,937.34	x	25%	=	6,484.34
Hooper, Secretary II	25,056.50	x	25%	=	12,528.25
Hinckle, Engineer III	48,723.06	x	100%	=	48,723.06
Miller, Engineer II	43,560.59	x	100%	=	43,560.59

RECEIVED

DOM Delegation of Broward County

ATTACHMENT 5
Page 2 of 3

APPROPRIATION JUSTIFICATION FORM - AJ			
FUND	001	SECTION	DIVISION
AGENCY	031	NPDES	Water Resources
ORG	7000		DEPARTMENT
ACTIVITY	5370		Natural Resource Protection
SUB OBJECT	FY98 DOLLAR REQUEST	ACCOUNT NAME AND JUSTIFICATION	
1120	76,740	OTHER EXECUTIVE SALARIES	
1200	705,500	REGULAR SALARIES AND WAGES (Less 3% Attrition)	
1401	0	OVERTIME-STRAIGHT TIME	
1410	0	OVERTIME-PREMIUM	
2100	57,640	FICA (7.65% to \$65,400; 1.45% over \$65,400)	
2200	136,340	RETIREMENT (17.43%)	
2310	59,140	GROUP INSURANCE (\$3,518 x CAP Less 3%)	
2400	10,670	WORKER COMPENSATION	
PERS. SVCS.	\$1,046,030	19 POSITIONS	
4000	2,700	TRAVEL/PER DIEM (Rule Revision and other Conferences TBD)	
4001	3,200	TRAVEL/BUSINESS (Wastewater Workshop & Other Meetings TBD)	
4010	2,200	EDUCATION (Training Courses TBD)	
4030	25,600	MOTOR POOL EXPENSE	
4040	180	Auto Allowance	
4130	1,200	TELEPHONE	
4131	600	TELEPHONE-SPECIAL CIRCUITS	
4160	500	Communications	
4410	49,820	RENTAL OFFICE AND BUILDING	
4510	1,510	SELF INSURANCE	
4700	1,700	EXTERNAL PRINTING	
4701	1,500	INTERNAL PRINTING	
4800	6,500	PROMOTIONAL (FEMA)	
5100	1,000	OFFICE SUPPLIES	
5101	1,450	OFFICE EQUIPMENT	
5230	120	TOOLS/IMPLEMENTS	
5240	300	Wearing Apparel	
5420	1,500	DUES & MEMBERSHIPS	
5430	320	SUBSCRIPTIONS	
5500	1,890	MISCELLANEOUS	
OPER./CAP	\$103,790		
FY98 CORE	\$1,149,820		

- Personnel Costs

REGULAR SALARIES

187,900.9

FICA

57,640 x 21.2% = 12,219.68

RETIREMENT

136,340 x 21.2% = 28,904.0

GROUP INSURANCE

59,140 x 21.2% = 12,537.6

WORKER'S COMPENSA.

10,670 x 21.2% = 2262.0

243,824.9

- Operating expenses for Domestic Waste Water Program:

Program:

103,790 x 21.2% = 21,999.48

TOTAL WASTE WATER

LICENSING PROGRAM

COSTS: # 265,827.0

APPROPRIATION JUSTIFICATION FORM - AJ			
FUND	001	SECTION	DIVISION
AGENCY	031	NPDES	Water Resources
ORG	7100		DEPARTMENT
ACTIVITY	5370		Natural Resource Protection
SUB OBJECT	FY98 DOLLAR REQUEST	ACCOUNT NAME AND JUSTIFICATION	
1200	\$79,690	REGULAR SALARIES AND WAGES	
1401	0	OVERTIME-STRAIGHT TIME	
1410	0	OVERTIME-PREMIUM	
2100	6,100	FICA (7.65% to \$65,400; 1.45% over \$65,400)	
2200	13,890	RETIREMENT (17.43%)	
2310	7,040	GROUP INSURANCE (\$3,518 x CAP)	
2400	1,120	WORKER COMPENSATION	
PERS. SVCS.	\$107,840	2 POSITIONS	
4701	5300	Internal Printing	
5100	250	Office Supplies	
5101	10,570	Office Equipment	
5230	2,000	Tools/Implements	
5500	13,580	Miscellaneous	
OPER./CAP	\$26,700		
FY98 CORE	\$134,540		

BY:

6/17

FINDING

DOMESTIC WASTEWATER SPECIFIC OPERATING AGREEMENT

Pursuant to Section 403.182 of the Florida Statutes (F.S.), on _____ the Florida Department of Environmental Protection (DEP) initially approved a Specific Operating Agreement (SOA) for the purpose of delegating domestic wastewater (DOM) authority to the Broward County Department of Natural Resource Protection (Local Program). Section 15 of the SOA specifies that the SOA effective date shall be 90 days after the initial approval date contingent upon an affirmative finding by the DEP Southeast District that the Local Program has, within the 90 day period, met all Local Program requirements under Section 8 of the SOA.

As of _____, the Southeast District finds that:

1. The Local Program _____ HAS _____ HAS NOT provided by ordinance, regulation, or local law for DOM requirements compatible with, more extensive, or stricter or more stringent than those imposed by Chapter 403, F.S., and rules issued thereunder, to the extent of delegation;
2. The Local Program _____ HAS _____ HAS NOT procured necessary equipment and hired a staff capable of performing the duties specified in the SOA;
3. The Local Program _____ HAS _____ HAS NOT installed adequate computer hardware and software at its end to satisfy the requirements of the SOA; and
4. The Local Program _____ HAS _____ HAS NOT notified each owner of a delegated facility as to the procedural changes brought about by the SOA, and has made available permit application information needed by potential applicants in the Local Program's geographical jurisdiction.

THEREFORE:

_____ YES: THE LOCAL PROGRAM HAS MET ALL LOCAL PROGRAM REQUIREMENTS UNDER SECTION 8 OF THE SOA. THE EFFECTIVE DATE OF THE SOA IS _____. THIS AFFIRMATIVE FINDING IS HEREBY AN EXHIBIT OF THE SOA. [ATTACH VERIFICATION DOCUMENTS AS AVAILABLE.]

_____ NO: THE LOCAL PROGRAM HAS NOT MET ALL LOCAL PROGRAM REQUIREMENTS UNDER SECTION 8 OF THE SOA. PURSUANT TO SECTION 16 OF THE SOA, IT IS HEREBY NULL AND VOID. [ATTACH DETAILS OF MISSING ITEMS.]

Carlos Rivero-de Aguilar
Director of District Management
Southeast District
Florida DEP

DELEGATED

BROWARD COUNTY DEPARTMENT OF NATURAL RESOURCE PROTECTION
DOMESTIC WASTEWATER FACILITIES - DELEGATED

Permitting, compliance, and enforcement of new and existing sewage collection and transmission facilities in Broward County larger than 12 inches in diameter (and appurtenant pump stations) for which the County is NOT the owner or permit applicant.

Permitting, compliance, and enforcement of new and existing sewage collection and transmission facilities in Broward County 12 inches in diameter or smaller (and appurtenant pump stations).

NON-DELEGATED

BROWARD COUNTY DEPARTMENT OF NATURAL RESOURCE PROTECTION
DOMESTIC WASTEWATER FACILITIES - NON-DELEGATED

Permitting, compliance, and enforcement of new and existing domestic wastewater and residuals treatment, disposal, and reuse facilities and sites in Broward County.

Permitting, compliance, and enforcement of new and existing sewage collection and transmission facilities larger than 12 inches in diameter (and appurtenant pump stations) for which Broward County is the owner or permit applicant.

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ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA; AMENDING CHAPTER 27, ARTICLE V, "WATER RESOURCE MANAGEMENT," OF THE BROWARD COUNTY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, water is an important resource of Broward County that must be managed and used in the manner most beneficial to the health, safety, and welfare of the citizens of Broward County; and

WHEREAS, the Broward County Comprehensive Plan provides for and requires the protection of natural resources, protection of surface waters, drainage and stormwater management, and protection of potable water well fields and zones of influence, and

WHEREAS, certain activities conducted within Broward County, if uncontrolled, may result in environmental degradation and in a threat to the health, safety, and welfare of the citizens of Broward County; and

WHEREAS, it is necessary to control these activities to protect the environment and the health, safety, and welfare of the citizens of Broward County; NOW, THEREFORE,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. CHAPTER 27, ARTICLE V, "WATER RESOURCE MANAGEMENT";

Sections 27-193, 27-194, 27-195, 27-198, 27-199, 27-200 and 27-201 are amended as follows:

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ARTICLE V. WATER RESOURCE MANAGEMENT

Sec. 27-193. Prohibitions.

(b) Specific:

(2) Domestic wastewater:

f. Deep injection wells and cones of depression of public water supply wells: Deep injection wells constructed or permitted prior to ~~the~~ enactment of this Ordinance shall not be located in the land area described as Zone 1 or Zone 2 in Section 27-376, Wellhead Protection, or within 500 feet of a public water supply well, whichever is greater.

(4) Surface water management:

a. Use of storm sewers and sanitary sewers: No domestic wastewater, non-domestic wastewater, or other wastewater shall be discharged into ~~nor shall facilities conveying such wastewater be connected to any sewer designated to carry stormwater, unless the discharger is in compliance with a current NPDES permit and existing county license, nor shall~~ no stormwater shall be discharged into ~~nor shall~~ a stormwater facility ~~be connected to a sanitary sewer-designated to carry domestic wastewater.~~

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Section 27-194. Exemptions.

...

(c) *Surface water management.*

...

(2) *Previously permitted or licensed water management works by BCWRMD or SFWMD:* All water management works for which operating permits or operating licenses have been issued by the BCWRMD or the SFWMD prior to the adoption of the regulations for Natural Resources Protection in May 1989 shall remain in effect and be exempt from the licensing provisions of this article with the exception of section 27-198(6) 27:198(2)(d)(i). Renewals for Construction/Operation License.

...

Sec. 27-195. Water quality standards.

...

(c) *Standards for ground waters:* Water quality standards appearing in Table 1, Ground, are applicable to all ground water. Where applicable, compounds are identified by a Chemical Abstract Service Number (CAS#). If differences exist between the following standards and the criteria specified in Rule 62-520.420, F.A.C., Standards for Class G-I and Class-II Ground Water, which are incorporated by reference, the most stringent standard shall apply.

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TABLE 1
BROWARD COUNTY WATER QUALITY STANDARDS
FOR MARINE, FRESH (SURFACE) AND GROUND WATERS

Unless otherwise stated, all criteria express the maximum not to be exceeded at any time. In some cases there are separate or additional limits, such as annual average criteria, which apply independently of the maximum not to be exceeded at any time. N.S. appears for compounds where no standard has been set.

...

CAS #	COMPOUND	MARINE	FRESH	GROUND
...				
78-87-275	1,2-DICHLOROPROPANE	5 μg/L N.S.	N.S.	5 μ g/L
...				
	TOTAL DISSOLVED GASES	110% of saturation value at the existing atmospheric and hydrostatic pressures	110% of saturation value at the existing atmospheric and hydrostatic pressures	N.S.
...				

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Sec. 27-198. Required Licenses and Approvals.

(a) General Unless otherwise specified, any authorization, license, approval, or action provided for in the code shall be pursuant to the administrative functions and duties of DNRP. However, when a DEP and/or SEWMD program is delegated to the DNRP, a license applicant may receive a combined DNRP/DEP/SEWMD license. Sections 120.52, 120.525, 120.53, 120.565, 120.569, 120.57, 120.573, 120.574, 120.595, 120.60, 120.62, 120.66, 120.665, 120.68, 120.69, and 403.087(1) and (2) of the Eia Stat., as amended, are adopted by reference and apply only to those provisions of the combined license that are required by the standards of Title 62, F.A.C., as they pertain to licensing only. Title 62, F.A.C., applies only to the DEP/SEWMD portion of a combined license. DNRP portions of the combined license shall be governed by this chapter.

(d) Surface water management.

(2) Types of Licenses:

c. General licenses: Projects described below shall be eligible of a general license upon review of the plans by DNRP as specified in section 27-199(c)(4):

- 1. Single-family or multi-family residences not otherwise exempt from licensing as provided in Section 27-194(c)(5) with ten (10) or less parking spaces must meet the minimum drainage requirements of Section 27-200(h)(5)b.6.(1). General Criteria.

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This provision applies to new construction, alterations, and additions.

Sec. 27-199. Application requirements and conditions.

(c) Surface water management:

(2) Application:

b. Contents of the license application:

6. A description of the proposed project including:

c) Number of dwelling units or square feet of commercial area.

e) Evidence from local government verifying land use and zoning compatibility.

dg) Proposed minimum road crown elevations and flood elevations.

(5) License conditions:

a. Specific conditions:

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- 19. The applicant may be required to submit proof of financial responsibility in accordance with Section 27-64 of this Article I.
- 20. The operation license shall be valid for a specific period of time not to exceed five (5) years from the date the license is transferred to the operation phase. The operation license shall be renewed in accordance with Section 27-198(d)(2) of the Article.
- 21. The licensee shall keep a log of the operation and maintenance schedule for all components of the surface water management system.

Sec. 27-200. Criteria for issuance or denial of licenses.

- (a) Domestic wastewater;
- (1) Sanitary sewer collection/transmission systems:
- ...
 - c. Design/performance considerations:
 - ...

3. The following table shows the slopes calculated in accordance with the above stipulations.

Pipe Size	SLOPES	
	VGP and DIP	
	VCP/DIP	PVC
	n = 0.013	n = 0.012

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(b) Surface water management.

(3) License application review procedure:

- a. Completeness of application: DNRP shall determine whether an application is complete and shall mail a notice of completeness to the applicant within thirty (30) days of the date the application is received by DNRP. An application shall be deemed complete if it contains all documents and signatures required by Section 27-199(b)(14) and is accompanied by the appropriate license fee. Within 30 days of receipt of an application, the DNRP shall review the application to determine whether all information needed to evaluate the application has been submitted. The application for a license is complete when it contains all documents and signatures required by Section 27-199(b)(14) and is accompanied by the appropriate license fee. The DNRP shall notify the applicant of the date on which the application is declared complete.
- b. Determination of incompleteness: A determination by DNRP that the application is incomplete shall constitute a request for additional information to make the application complete. The date that the required additional information is received by DNRP shall become the new application date. If the additional information is provided within ninety (90) days of the notice of incompleteness or such longer period as DNRP may approve, a new permit fee shall not be required.

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Request for additional information: If the DNRP determines that the application is incomplete, the DNRP shall request the information needed to complete the application within 30 days of its receipt. The applicant shall have 90 days from the receipt of the timely request for additional information to submit the information to the DNRP. The DNRP may request information needed to clarify any additional information submitted by the applicant or to answer new questions raised by or related to the additional information within 30 days of its receipt. Such a request by the DNRP shall include a request for any additional information that was previously requested and not received. The applicant shall have 30 days from the receipt of such a request in which to provide the necessary information. If the application is still incomplete after such information is submitted, the DNRP shall notify the applicant within 30 days. The applicant shall have an additional 30 days to complete the application.

- c. Request for additional information request: DNRP shall notify the applicant of the additional information required to make the application complete. If the additional information is not supplied within ninety (90) days after notice by DNRP, the application will be denied for lack of completeness. In cases where additional information is requested for an application, the date of application shall remain the same but the time of processing the application shall be tolled until additional information is provided. Within thirty (30) days after receipt of additional information, DNRP may request information needed to clarify such additional information or to answer

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new questions raised by or related to such additional information. The subsequent request for additional information shall include a request for information not previously provided in response to any previous requests for additional information. If the application is still incomplete after additional information is provided, DNRP shall so notify the applicant, who shall have an additional thirty (30) days to render the application complete or be denied for lack of completeness. An extension of time may be granted by DNRP upon showing by the applicant that a good faith effort is being made to provide the additional information and that additional time is required. Denial of an application for lack of completeness is without prejudice to the applicant's right to file a new application on the same subject matter.

Incomplete applications: Failure of an applicant to provide the timely requested information within these time frames shall be considered grounds for denial of the application. Denial of an application for lack of completeness is without prejudice to the applicant's right to file a new application on the same subject matter. The DNRP may grant an extension upon showing a good cause by the applicant. Unless an extension of time has been granted by the DNRP, any application which remains incomplete 240 days after the original submittal date shall be denied without prejudice.

- d. License review: Within ninety (90) days from receipt of a complete application, DNRP will review and take one of the following actions:
 1. Issue the appropriate license.

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- 2. Deny the application.
- 3. ~~Notify the applicant of revisions required before license issuance.~~
- 4] Defer action according to the terms of a waiver received from the applicant waiving the ninety (90) day review period.

Section 27-201. Fee authorization.

(d) ~~State fees: State fees with regard to domestic wastewater, specifically Sections 62-4.050(4)(b)(6), 62-4.050(4)(c)(a), 62-4.050(4)(c), and 62-4.050(4)(s), of the F.A.C., are adopted herein by reference.~~

Section 2. SEVERABILITY.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this Ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part herein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstance or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstance.

Section 3. INCLUSION IN CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Broward County Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may

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be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED

FILED WITH DEPARTMENT OF STATE

EFFECTIVE

MP/Ans
File #56-447
07/24/97
W0327 002

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the lien certain environmentally contaminated property owned by the violator. The order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three (3) months from the filing of any such lien which remains unpaid, the county may foreclose or otherwise execute on the lien.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-41. Pollution prevention and recovery fund.

(a) Any civil penalty recovered by the county in an action against any person, pursuant to this chapter, shall be deposited in a fund to be known as the pollution prevention and recovery fund.

(b) There is created a pollution prevention and recovery fund which is to be supervised and utilized by the county to restore polluted areas of the county, as defined by the county, to the condition they were in before pollution occurred, or for any purpose deemed necessary for pollution control. The fund shall consist of all monies collected from enforcement action. The money shall be dispensed to pay all amounts necessary to restore the polluted areas which are the subject of county actions if such restoration is feasible and/or to fund mitigation projects approved by the board. Any monies remaining in the fund after the necessary restoration work and/or mitigation work may be utilized by DNRP, as it requires, to pay for administrative functions associated with natural resource protection, including but not limited to the following:

- (1) The purchase of equipment/supplies used for monitoring or enforcing natural resource protection measures in accordance with the Broward County Procurement Code.
- (2) The payment of the costs of conducting administrative hearings, such as court reporter and witness fees, used to enforce the natural resources protection provisions of this

(4) Expenditures authorized by the director of DNRP for educational activities or small projects resulting in enhancement of the environment in accordance with established county procedures.

(5) Expenditures for pickup of abandoned drums/containers and for cleanup of chemical spills in accordance with the Broward County Administrative Code and shall be recovered from violators when possible.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-42. Judicial review.

Review of any final order concerning an administrative review, variance, notice of violation or citation shall be made by filing a petition for writ of certiorari to the circuit court of the Seventeenth Judicial Circuit in and for Broward County within thirty (30) days of the date of rendition of the decision of the hearing examiner as provided by and in accordance with the Florida Rules of Appellate Procedure. A petitioner and/or alleged violator shall not have the remedy of other extraordinary writs or other judicial remedy or process until all administrative remedies have been exhausted.

(Ord. No. 93-46, § 1, 11-23-93; Ord. No. 94-3, § 4, 1-11-94)

DIVISION 5. LICENSES

Sec. 27-50. Scope.

(a) This division provides the general requirements and procedures for the issuance, denial, renewal, extension, transfer, modification, suspension, and revocation of any license required by this chapter. Additional specific requirements may exist in individual sections of this chapter.

(b) DNRP is authorized to charge fees for licenses, including extensions, renewals, modifications and for any other approval which are required pursuant to this chapter, including late fees.

- Art. VIII. Erosion Prevention, §§ 27-251-27-280
- Art. IX. Open Burning, §§ 27-281-27-300
- Art. X. Storage Tanks, §§ 27-301-27-330
- Art. XI. Aquatic and Wetland Resource Protection, §§ 27-331-27-350
- Art. XII. Hazardous Material, §§ 27-351-27-375
- Art. XIII. Wellfield Protection, §§ 27-376-27-400
- Art. XIV. Management of Storm Water Discharges and Non-Point-Source Water Pollution, §§ 27-401-27-410
- Art. XV. Tree Abuse, §§ 27-421-27-420
- Art. XVI. Broward Clean and Beautiful Trust Fund, §§ 27-430-27-433

ARTICLE I. NATURAL RESOURCE PROTECTION*

DIVISION 1. GENERALLY

Sec. 27-1. Short title.

This chapter shall be known and cited as the "Broward County Natural Resource Protection Code."
(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-2. Mission statement.

The Broward County Board of County Commissioners has determined and declares that the department of natural resource protection (DNRP) is to plan, develop and recommend policies and to be responsible for the identification, monitoring, enforcement and protection of natural resources and environmental quality with respect to air quality, water quality, wastewater reuse, soil, beach erosion, waterways, noise abatement, hazardous, biohazardous and solid waste management, wetlands, inland, coastal, and marine, animal and plant life, and other activities associated with the enhancement and protection of the natural resources of Broward County which are necessary for the protection and preservation of the public health, safety and general welfare. The DNRP is to be proactive in ensuring a future in which the coun-

*Editor's note—Section 2 of Ord. No. 90-49, adopted Dec. 8, 1990, effective Jan. 7, 1991, amended chs. 27-1, 27-2 of the EQCB Code of Regulations, which had been included as arts. I and II of this chapter, including new provisions as art. I.

ty's natural resources are preserved, protected, and enhanced in keeping with federal, state and adopted Broward County Board of County Commissioners policies and guidelines.
(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-3. Declaration of intent.

The intent and purpose of the natural resource protection code (this chapter) is to provide and maintain, for the citizens of Broward County, standards which will help prevent air, water and noise pollution and beach erosion; will ensure that the purity of all waters remain suitable for the public health and for the public enjoyment thereof; will ensure the propagation and protection of wildlife, birds, fish and other aquatic life; will preserve atmospheric purity and free the air and soil from contaminants, solid waste or synergistic agents injurious to human, plant or animal life or property, will prevent the unreasonable interference with the comfortable enjoyment of life or property, or the conduct of business; or will protect the environment. Activities, facilities and items regulated by this chapter threaten the public health, safety and welfare of the citizens of Broward County and endanger the environment and natural resources and because of this are declared to be public nuisances that must comply with this chapter to ensure the protection of the public health, safety and welfare and of the environment and natural resources. While the impact of any one (1) of these activities, facilities or items may or may not be great, the cumulative impact of these activities, facilities or items causes great harm to the environment, natural resources, and public health, safety and welfare.
(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-4. Definitions.

Technical terms used in this chapter and in the rules and regulations adopted pursuant thereto are defined in accordance with *Glossary of Water and Sewage Control Engineering* published jointly by the American Public Health Association, the American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation.

DOM Delegation of Broward
CHAPTER I

used in this article the following words and phrases shall have the following meanings unless some other meaning is plainly indicated. However, there are other words, phrases and terms which apply to a particular section, division or article of this chapter; and these definitions for a specific section, division, or article shall control for that specific section, division, or article.

(1) *Adjudicatory proceeding* means a quasi-judicial proceeding conducted by the hearing examiner that:

- (a) May result in the imposition of a civil penalty for a violation of this chapter.
- (b) Any proceeding which involves an administrative review of a final administrative decision.

(2) *Applicant* means any person that applies for a license issued pursuant to this chapter, for a license issued pursuant to any delegated or contracted program, for approval of building licenses, or for conceptual review. "Applicant" shall also mean, but not be limited to any person's partner, joint venturer, corporate officer or director, employee, parent corporation, or stockholder.

(3) *Approval* means a written authorization by DNRP to proceed with a project, other than a DNRP license, when required by this chapter.

(4) *Board* means the Broward County Board of County Commissioners.

(5) *Building license* means an authorization or approval by a municipality or the county to proceed with construction, alteration, repair, installation or demolition at or on any facility or structure. It is not an authorization to construct a facility that may be a source of pollution.

(6) *CFR* means Code of Federal Regulations.

(7) *Citation* means a notice assessing an administrative penalty for a violation of this chapter.

(8) *Code* means the natural resource protection code, which is

(9) *Commencement of construction* means the actual on-site, continuous and systematic activity of land surface alteration, construction and fabrication of a facility.

(10) *Construction* means performing fabrication, erection, installation or modification of a source or facility, including, but not limited to, installation of foundations or building supports, laying of underground pipe work or electrical conduit; fabrication or installation of storage structures, component parts of a source or facility, associated support equipment, or utility connections; and land development activities, including site preparation.

(11) *Construction license* means the authorization to construct, expand, modify or make alterations to any facility and to temporarily operate and test such new or modified facility.

(12) *County* means Broward County, a political subdivision of the State of Florida.

(13) *DEP* means the Florida Department of Environmental Protection.

(14) *Discharge* means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, releasing or dumping of materials into the air, onto or in the ground, into the groundwater or into the surface water.

(15) *Director* means the director of the DNRP or his or her designee.

(16) *DNRP* means the Broward County Department of Natural Resource Protection.

(17) *EPA* means the United States Environmental Protection Agency.

(18) *F.A.C.* means Florida Administrative Code.

(19) *Facility* means:

- (a) All contiguous land, structures, machinery and other appurtenances, and improvements used for production, manufacturing, treatment, handling, storing or disposing of materials. A facility may consist of several production,

- (b) Any land development activity or site.
- (c) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond lagoon, impoundment, ditch landfill, storage container, motor vehicle, rolling stock, or aircraft. (CERCLA 42 U.S.C.A. 9601)

(20) *Habitual violator* means any person or responsible party who has been found in violation of this chapter or who has entered into a settlement agreement for a violation of this chapter three (3) times within one (1) year or five (5) times within five (5) years of the most recent violation.

(21) *License* means:

- (a) The authorization to engage in or conduct any construction, operation, modification or expansion of any facility or activity which will reasonably be expected to be a source of pollution or an agreement binding upon the licensee in which, in return for the privilege to conduct the licensed activities, the licensee accepts and agrees to operate in compliance with the conditions, standards and requirements of the license conditions, this chapter, and Florida and federal environmental laws and regulations.
- (b) A mandate from DNRP to any person requiring the remediation and/or mitigation of environmental damage or an environmental hazard.

(22) *License condition* means a statement or stipulation issued with a license, compliance with which is mandatory for continued validity of the license and which shall survive the expiration of the license unless otherwise indicated in the license.

(23) *Litter* means, but is not limited to, garbage, rubbish, trash, refuse, can, bottle, box, container, paper, tobacco product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge

(24) *Modification* means a change in design or operation that increases or decreases capacity; affects emission, effluent, noise or discharge quantity or quality; increases or decreases environmental impact; or affects the potential for emission, effluent production, noise produced or discharge.

(25) *Notice of violation (NOV)* means a notice alleging a violation of this chapter.

(26) *Nuisance* means any emission, discharge, release, and/or placement of any substance into the atmosphere, waters or soil, which may cause injury or detriment to the public, to any person or to the environment; which endangers the comfort, repose, health or safety of any person or the public; which endangers the environment or which causes or has a natural tendency to cause injury or damage.

(27) *Operation license* means the authorization to operate or maintain any facility for a specified period of time.

(28) *Person* means any natural person, individual, owner, operator, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, responsible party or any other entity whatsoever, or combination thereof, of whatever kind.

(29) *Pollution* means the presence in the air, soil, waters or other natural resources of the county of any substance, contaminant or combination of one (1) or more substances or contaminants, noise, or any artificially induced alteration of the chemical, physical, biological, or radiological integrity of the air, soil, or water in a quantity or at a level that is or may be potentially harmful or injurious to human health or welfare, animal or plant life, property or the environment or that unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

(30) *Responsible party* is defined as any person, including any owner, operator, landlord and/or tenant, that allows, causes, suffers, assists in, commits, directs, or is responsible for an activity that results in a violation of this chapter.

(32) *Source* means the facility from which an effluent or discharge originates.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-5. Construction of this chapter.

The provisions of this chapter shall be liberally construed in order to effectuate the intent of this chapter in the interest of public health, safety and general welfare. Where a Florida general law or a federal law addresses the same subject matter as a section of this chapter, this chapter shall be construed in (*pari materia*) a manner consistent with the decisions of the applicable federal or Florida law unless the section of this chapter manifests the intention of the board to require a more stringent standard or interpretation. If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said section, sentence, clause or phrase is severable from the remainder of this chapter; and said holding shall in no way affect the validity of the remaining portions of this chapter.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-6. Confidential records.

(a) Any information relating to secret processes, methods of manufacture or production which may be required, ascertained or discovered by inspection or investigation shall not be disclosed in public hearings and shall be kept confidential by any member, officer or employee of the county in accordance with section 403.111, Florida Statutes, as amended, and federal environmental protection laws, as amended.

(b) Nothing herein shall be construed to prevent the use of such records in judicial or administrative proceedings when ordered to be produced by an appropriate subpoena or by order of the court, hearing officer or hearing examiner. No such subpoena or order of the court shall abridge or alter the rights or remedies of persons affected in the protection of trade secrets or secret processes, in the manner provided by law; and such persons affected may take

Sec. 27-7. Appropriations.

The Broward County Commission shall budget and expend in each fiscal year such funds as it may deem necessary to meet the requirements of carrying out an adequate natural resource protection program in the county.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-8. Broward County Natural Resource Protection Advisory Board.

The board of county commissioners shall, by resolution, create a Broward County Natural Resource Protection Advisory Board and provide for its membership, duties and responsibilities.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-9. Right to inspect and access to property.

(a) Any representative of DNRP may, at any reasonable time, enter, inspect, make copies of documents relating to and take samples at, for the purpose of ascertaining the state of compliance with the environmental laws of Florida, regulations and rules of the DEP, or of this chapter, any vehicle, property, premises or place, except a building used exclusively for a private residence:

- (1) On or at which any material, pollution source or activity is or may be located, operated, installed, constructed, stored, transported, disposed, produced, discharged, or conducted which may be a threat to the natural resources; or
- (2) On or at where a violation of this chapter may be occurring; or
- (3) On or at where access may be necessary to conduct a complete investigation of a possible contamination or degradation of the environment.

(b) No person shall refuse immediate entry or access (for copying or any other purpose) to any representative of DNRP who requests entry for the purpose of inspection or investigation and who presents appropriate credentials.

provide site access for activities associated with handling and storage of material regulated by this chapter, environmental assessment and corrective action. Refusal to grant immediate entry or access shall be punishable as a violation of this chapter with a maximum fine of fifteen thousand dollars (\$15,000.00) and/or as a violation of section 125.69, Florida Statutes, which is punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment as provided by section 125.69, Florida Statutes. If requested, DNRP shall provide a report setting forth all facts found which relate to compliance status.

(c) An inspection pursuant to subsections (a) and (b) may be conducted only after:

- (1) The owner, operator, or person in charge agrees, as required by this section, to the inspection; or
- (2) The appropriate inspection warrant as provided in this section is obtained.

(d) An inspection warrant may be obtained as provided by section 403.091(3), Florida Statutes, and as authorized by this section.

(e) The person responsible for the violation or corrective activity shall be responsible for all costs of the investigation or inspection.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-10. Computation of time.

Where an act is required to be completed within seven (7) days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation. Where an act is required to be completed in a period greater than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be included in the computation. In computing any period of time prescribed or allowed by this chapter or a license, the day of the act, event, or default from which the designated period of time begins to run

which is neither a Saturday, Sunday or legal holiday. The day or portion thereof on which a violation occurs shall be included in the calculation of the number of days of violation as a whole day; and intervening Saturdays, Sundays and legal holidays shall also be included in the calculation of the number of days of violation. (Ord. No. 93-46, § 1, 11-23-93)

DIVISION 2. VARIANCE AND ADMINISTRATIVE REVIEW PROCEDURES

Sec. 27-11. Authority.

The hearing examiner shall have the authority to grant a variance from the provisions of this chapter when such variance will not be contrary to the public interest and when a literal enforcement of the provisions of this chapter would result in an unnecessary and undue hardship. In granting a variance, the hearing examiner may prescribe appropriate conditions and safeguards that are deemed necessary to protect the environment, health, safety and welfare. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. (Ord. No. 93-46, § 1, 11-23-93; Ord. No. 94-3, § 1, 1-11-94)

Sec. 27-12. Notification of variance and public hearing.

(a) No variance shall be granted by the hearing examiner unless a public hearing on the variance has been held. The county shall schedule such public hearing within sixty (60) days of the receipt of a properly filed application for a variance.

(b) Notice of a hearing for a variance shall be published in a newspaper of general circulation in the county, reasonably calculated to give notice that a variance has been requested. Such publication must be made no later than ten (10) days prior to the scheduled hearing date. Costs of publication shall be paid by the applicant.

(c) The hearing shall be a quasi-judicial hearing.

suance of a notice of violation be considered when the violation is not identified in the schedule of civil penalties for citations, causes or may cause substantial pollution or degradation of the environment or is a substantial violation of this chapter.

(f) In addition, the hearing examiner shall determine and assess against the violator reasonable costs incurred by the county in the enforcement of this chapter.

(g) Each day during any portion of which a violation of this chapter occurs constitutes a separate violation.

(h) The hearing examiner shall order that the violator conduct appropriate actions as necessary to correct the violation, any environmental damage and to ensure compliance with this chapter. The hearing examiner may establish compliance requirements. Compliance requirements may be stated generally or, upon delegation by the hearing examiner, established by DNRP staff. The violator's compliance activities shall be reviewed by DNRP staff to ensure compliance with the hearing examiner's order and this chapter and shall be conducted in accordance with DNRP requirements and/or pursuant to an appropriate DNRP license. The hearing examiner shall retain jurisdiction until the compliance activities have been completed to ensure compliance with this chapter.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-23. Hearing examiner's final order for notices of violation and citations.

(a) A hearing examiner shall, after a hearing open to the public concerning notices of violation or citations and within a reasonable time therefrom, issue a final order, which shall include the following:

- (1) Title of proceeding;
- (2) Time and place of the hearing;

- (6) Assessed penalty;
 - (7) Requirements to conduct appropriate actions to ensure compliance with this chapter.
- (b) Any failure to comply with the final order rendered by the hearing examiner shall be a violation of this chapter.
(Ord. No. 93-46, § 1, 11-23-93)

Secs. 27-24, 27-25. Reserved.

DIVISION 4. ADJUDICATORY PROCEDURE, LIABILITY AND REMEDIES

Sec. 27-26. General.

(a) Where there is cause to believe that any of the provisions of this chapter are being violated, enforcement proceedings may be initiated against the responsible party(ies). Any enforcement procedure authorized by this chapter or the laws of Florida may be used to enforce the provisions of this chapter.

(b) Whenever two (2) or more persons pollute, damage or degrade the land, air, waters or other natural resources in the county in violation of this chapter, any lawful rule or regulation promulgated under this chapter or any requirement of the director, so that the damage is indivisible, each violator shall be jointly and severally liable for such damage, for any penalty and for the reasonable cost and expenses of the county incurred in tracing the source of discharge, in controlling and abating the source and the pollutants, and in restoring the land, air, waters, property, and other natural resources, including the animal, plant and aquatic life, in the county to their former condition or to the satisfaction of DNRP.

(c) Any person who assists in, commits, directs, or allows a violation shall be strictly, jointly and severally liable for any

DOM Delegation of Broward EXHIBIT

including but not limited to animal, plant, and aquatic life, affected by said violation to the condition existing prior to the violation or as required by DNRP to correct the damage.

(e) Violations of this chapter may also be prosecuted to assess penalties, obtain damages and obtain injunctions as provided by sections 125.69, 403.121, 403.131, 403.141, 403.161 and 403.182, Florida Statutes, as amended.

(f) In addition to enforcement actions carried out by DNRP, the provisions of this chapter may be enforced by any criminal law enforcement agency as violations of a county ordinance punishable as provided in sections 125.69, 403.161, Florida Statutes, and other laws of Florida, as amended.

(g) All administrative and judicial remedies in this section are independent and cumulative except that, in civil proceedings, only one (1) civil penalty may be assessed against each responsible party for each violation.

(h) An action taken pursuant to the authority granted by this chapter shall not preclude any other legal or administrative action lawfully pursued by another agency.

(i) It shall not be a defense to or ground for dismissal of these administrative or judicial remedies for damages and civil penalties that the county has failed to exhaust its administrative remedies, has failed to serve a notice of violation or has failed to hold an administrative hearing prior to the institution of a civil action.

(j) For each day, or portion thereof, that any ongoing violation of this chapter is occurring, a separate violation is committed and any responsible party shall be liable for any damage caused and civil penalties and/or fines up to fifteen thousand dollars (\$15,000.00) for each violation.

(k) The county is without authority to bring a civil action or impose any penalty or fine on behalf of any person, other than a governmental entity.

(l) Owners of real property, their successors, heirs and assigns, shall be liable for the remediation of and/or for the sums ex-

or appeared imminent upon the real property aforesaid, regardless of fault and regardless of knowledge of the aforesaid violation.

(m) If a responsible party fails to take action necessary to correct noncompliance with this chapter, DNRP is hereby granted regulatory authority so that DNRP may initiate and complete any and all corrective activities. Costs incurred by DNRP in the course of corrective activities are the obligation of the responsible party, and therefore shall be reimbursed to DNRP by the responsible party. DNRP is authorized to maintain an action against any and all responsible parties in a court of competent jurisdiction to recover costs of corrective action. A responsible party will be subject to civil penalties up to fifteen thousand dollars (\$15,000.00) per day for failing to perform their obligations under the provisions of this chapter. This subsection shall have retroactive application.

(n) Any statutory defense to the provisions of this chapter shall be established in the specific section of this chapter that controls the subject matter of the violation or the remediation of the environmental damage.

(o) The county attorney's office, with the concurrence of DNRP, may bring an action in a court of competent jurisdiction to enforce the provisions of this chapter without prior board approval. The filing of a judicial action shall be subsequently brought before the board for ratification.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-27. General violations and prohibitions.

(a) *Violations:* It shall be a violation of this chapter for any person:

- (1) To cause pollution, except as otherwise provided in this chapter, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property.
- (2) To fail to obtain any license required by this chapter or by rule or regulation, or to violate or fail to comply with any

- (3) To knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under this chapter or by any license, rule, regulation, or order issued under this chapter.
- (4) To fail to allow access for inspection.
- (5) To fail to comply with the provisions of this chapter.
- (6) To litter as prohibited by section 403.413 Florida Statutes, as amended.

(b) *General Discharges or Releases:* It shall be unlawful for any person to discharge or release any substance in such quantities and of quality less stringent than allowed by this chapter to the air, water or soil or which will cause a nuisance as herein defined.

(c) *Bypassing Unlawful:* Where any pollution control device or system has been provided, it shall be unlawful to bypass the device or system or any part thereof, or to operate in such a manner as to discharge pollutants to the air, water or soil. In the event of an emergency, DNRP may authorize a temporary bypass. Such authorization shall not relieve the owner from liability under this chapter.

(d) *Circumvention:* No person shall build, erect, install or use any article, machine, equipment or other contrivance, the use of which will conceal a discharge which would otherwise constitute a violation of any of the provisions of this chapter.
(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-28. Judicial remedies.

The county may institute a civil action in a court of competent jurisdiction for the following purposes:

- (a) To establish liability and to recover damages for any injury

- (b) To impose and recover a civil penalty for each violation in an amount not to exceed fifteen thousand dollars (\$15,000.00) per violation; or
- (c) To seek injunctive relief to enforce compliance with this chapter or any rule, regulation, license, certification or order; to enjoin any violation of this chapter or any rule or regulation adopted pursuant to this chapter and to seek injunctive relief for the prevention of injury to the air, water, property, and/or other natural resources in the county, including but not limited to animal, plant or aquatic life or the safety and welfare to the general public caused or threatened by any violation. Activities, facilities and items regulated by this chapter and violations of this chapter are public nuisances. A court of appropriate jurisdiction shall issue an injunction upon the county's showing that the respondent is in noncompliance with this chapter.
- (d) Judgment for the amount of an assessment of a civil penalty, as determined by the hearing examiner, may be entered in any court of competent jurisdiction and may be enforced as any other judgment.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-29. Administrative remedies.

(a) Violations of this chapter may be prosecuted in a quasi-judicial administrative proceeding to assess a civil penalty not to exceed fifteen thousand dollars (\$15,000.00) per violation.

(b) Violations may alternatively be enforced by the issuance of citations subject to the schedule of civil penalties for citations. The maximum civil penalty which may be levied pursuant to the issuance of a citation shall not exceed five hundred dollars (\$500.00) per violation.

(c) All rules, regulations or orders of the hearing examiner, or any provision of this chapter, which require compliance with particular standards adopted therein, may specify a reasonable time for such compliance.

(e) The provisions of this section are an additional and supplemental means of enforcing this chapter. This section does not preclude the county from enforcing this chapter or portions of this chapter by any other means.
(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-30. Contents of a notice of violation.

A notice of violation shall contain the following information:

- (1) Name and address of the alleged violator;
- (2) Description of the facility causing the violation;
- (3) Location of the violation;
- (4) Ordinance section alleged to have been violated;
- (5) Time, date and place of the hearing at which time the alleged violator must appear to contest the assessment of a civil penalty; and
- (6) The signature of the director or the director's designee.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-31. Continuance.

The hearing examiner may at his or her discretion grant a continuance of a hearing. A written motion for continuance of a hearing must be received by all parties not later than five (5) days prior to the scheduled hearing date. Continuances will be granted only for good and sufficient cause. Any application not submitted within the specified time will not be considered except in cases of extreme emergency.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-32. Rights of the parties.

A party in an adjudicatory proceeding shall have the right to:

- (1) Appear with and be represented by an attorney-at-law;

(2) Call and examine witnesses;

- (4) Cross-examine adverse witnesses on any relevant matter; and

- (5) Rebut evidence presented.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-33. Prehearing conference.

Whenever a party to a notice of violation so requests, and it is practicable to do so, a prehearing conference may be held between all parties for the purpose of formulating the issues more clearly and narrowing them to correspond with the disputed facts. Any requests for such a prehearing conference shall be made to DNRP at least five (5) days prior to the scheduled hearing.
(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-34. Settlement conference.

At least five (5) working days prior to the date scheduled for an adjudicatory proceeding to assess a civil penalty, a party may request a conference with the director of DNRP or his or her designee. The purpose of such conference shall be to negotiate and settle the amount of said penalty to be assessed and to agree to appropriate mitigation/remediation. Any agreement reached between the party and the director of DNRP or his or her designee must be approved by the board. The failure of a respondent to comply with a settlement approved by the board shall result in the rendition of the settlement into a final order by the hearing examiner.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-35. Default.

A party to an adjudicatory proceeding that fails to appear either by itself or through counsel, at the hearing for which the cause is scheduled, shall be deemed to be in default. Upon considering the matter, as completely as possible at the adjudicatory hearing, the hearing examiner may enter a final order.

Sec. 27-36. Official record of hearing.

The county shall cause to be made an official record of all hearings involving notice of violation and citation adjudicatory proceedings. Each party is responsible for the taking of its own verbatim transcript.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-37. Adjudicatory hearing procedure for citations and notices of violation.

(a) The hearing examiner shall call the hearing to order.

(b) The hearing shall commence by the calling of the first listed cause on the docket and shall continue by disposing of, in orderly fashion, all other matters set forth therein.

(c) Each cause heard before the hearing examiner shall be conducted in the following manner:

(1) The hearing examiner will entertain any motions prior to the taking of testimony.

(2) The hearing examiner shall, after disposing of any motions, ask for evidence to be presented; such evidence shall be presented in accordance with the following rules:

- a. The county shall begin the presentation of evidence.
- b. The petitioner for administrative review or the alleged violator may then proceed with presentation of evidence.
- c. The hearing examiner shall allow relevant rebuttal evidence to that which has already been received.
- d. All parties shall be afforded the opportunity to present arguments or statements concerning any issue before the hearing examiner.

(3) All persons testifying before the hearing examiner at the hearing shall first be sworn.

(4) Upon receiving all evidence, the hearing examiner shall

Sec. 27-38. Citations.

(a) *Natural Resource Enforcement Officers (NREO)*: The director of DNRP may designate certain DNRP employees as NREOs. The training and qualifications for that designation shall be determined by the director. Designation as an NREO allows the NREO to issue citations. Designation as an NREO does not provide the NREO with the power of arrest or subject the NREO to the provisions of sections 943.085 through 943.255, Florida Statutes.

(b) The issuance of a citation shall not be a condition precedent to the issuance of a notice of violation.

(c) Prior to payment, a citation may be rescinded by DNRP and the violation may subsequently be prosecuted as a notice of violation, as required by this chapter.

(d) *Habitual Citation Violators*: Unless otherwise stated in the schedule of civil penalties for citations, habitual violators, that would otherwise be issued a citation, shall instead be issued a notice of violation.

(c) Citation Issuance Procedure:

(1) DNRP may issue a citation in accordance with the schedule of violations and civil penalties set forth in this chapter if, based upon personal investigation, the NREO has reasonable grounds to believe that a violation has occurred. DNRP shall not issue a citation and must issue a notice of violation when the violation is not identified in or does not satisfy the standards of section 27-38(h), "Schedule of Civil Penalties for Citation," of this chapter. The maximum civil penalty that may be levied pursuant to the issuance of a citation shall be as established in the schedule of penalties for citations, which shall be no more than five hundred dollars (\$500.00).

(2) However, before issuing a citation for a particular violation, DNRP must provide the violator with one (1) initial

ified, a citation may be issued to the violator by DNRP. Additional warning notices need not be provided to the violator for the same violation prior to the issuance of additional citations. If the violation is irreversible or irreparable, a warning notice need not be issued prior to the issuance of a citation.

- (3) A citation must provide the following information:
- a. The time and date of issuance.
 - b. The name and address of the person to whom the citation is issued.
 - c. The date and time of the violation.
 - d. A brief description of the violation and the facts constituting reasonable cause, including the location of the violation.
 - e. The name of the NREO.
 - f. The procedure for the person cited to follow in order to pay the civil penalty or to contest the citation.
 - g. The applicable civil penalty if the person cited elects not to contest the citation.
 - h. The section of this chapter that is the subject of the violation.
 - i. Notice that additional citations may be issued for each day that the applicable violation is found to exist.
 - j. Notice that failure to request an administrative hearing within ten (10) days after service of the citation shall constitute a waiver of the violator's right to an administrative hearing before the hearing examiner, and that such waiver shall constitute an admission of violation.
 - k. Notice that the violator may be liable for the reasonable costs of the administrative hearing should the violator be found guilty of the violation.
 - l. Appropriate mitigation of and remedial action for the violation such as obtaining the appropriate license or correction of the environmental damage. Failure of the enforcement officer to indicate that mitigation/remedial action must be conducted shall not relieve the violator from the obligation to conduct appropriate mit-
- m. That, if the violator does not elect to appeal the citation to the hearing examiner, the penalty must be paid within thirty (30) days.
 - n. That, if the violator does not elect to appeal the citation to the hearing examiner, fails to pay the civil penalty within the time allowed, or fails to appear to contest the citation, the violator shall be deemed to have waived its right to contest the citation and that, in such case, judgment shall be rendered *ex parte*, without notice to the violator, by the hearing examiner into a final order for an amount up to five hundred dollars (\$500.00).
 - o. That any person who willfully refuses to sign and accept a citation issued by an NREO shall be in violation of this chapter and shall be guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 or 775.083, Florida Statutes.
- (f) *Effect of the Issuance of a Citation:*
- (1) *Options of persons cited:* A person who has been served with a citation shall elect either to:
- a. Correct the violation, and pay the civil penalty in the manner indicated on the notice; or
 - b. Request an administrative hearing before a hearing examiner to appeal the decision of the NREO to issue the citation.
- (2) If the violator does not elect to appeal the citation to the hearing examiner, fails to pay the civil penalty within the time allowed, or fails to appear to contest the citation, the violator shall be deemed to have waived its right to contest the citation and that, in such case, judgment shall be rendered *ex parte*, without notice to the violator, by the hearing examiner into a final order for an amount up to five hundred dollars (\$500.00). The penalty must be paid within thirty (30) days. Failure to pay the fine shall be a violation of this chapter. Failure to pay the fine shall be a violation of this chapter.

- (3) Any person who willfully refuses to sign and accept a citation shall be in violation of this chapter and shall be guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 or 775.083, Florida Statutes.
- (4) A person issued a citation pursuant to this section for a violation of this chapter is charged with a noncriminal infraction. This shall not preclude the prosecution of criminal violations arising from the same incident.
- (g) *Citation Appeal Procedure:*
 - (1) Appeal by administrative hearing of the citation shall be accomplished by filing a request in writing to the address indicated on the notice, not later than ten (10) days after the service of the notice.
 - (2) Upon receipt of a timely request for an administrative hearing, the matter shall be set for hearing on the next regularly scheduled hearing or as soon thereafter as possible.
 - (3) The county shall serve a notice of hearing to the violator, which notice shall include, but not be limited to, the following:
 - a. Place, date and time of the hearing;
 - b. Right of violator to be represented by an attorney;
 - c. Right of the violator to present witnesses and evidence and conduct cross-examination; and
 - d. A conspicuous statement reflecting the requirements of chapter 286, Florida Statutes, that a person deciding to appeal a decision of a hearing examiner on a citation will need to ensure that a verbatim record of the proceedings is made.

In lieu of providing a notice of hearing as provided above, the county may include a hearing date in the citation that will be scheduled if the violator requests an administrative hearing, provided that the citation includes the informa-

sonable, the hearing examiner shall determine a reasonable time period and enter an order that the alleged violator comply with this chapter. If the hearing examiner finds that the citation was issued before the reasonable time expired, the hearing examiner shall enter an order finding that a violation occurred, but shall not assess the applicable fine against the violator. However, if the hearing examiner finds that the alleged violator has not complied by the time of the hearing, the hearing examiner may choose to disregard the failure of the NREO to provide a reasonable time for the alleged violator to come into compliance and enter an appropriate fine.

- (5) The citation hearing shall be governed by the procedures established by section 27-37.

(h) *Schedule of Civil Penalties for Citations:* The following schedule sets forth violations for which a citation may be issued. A citation may only be issued when the activity, facility or responsible party is otherwise in compliance with this chapter, federal law and regulations, or state law and regulations. When the activity, facility or responsible party is not otherwise in compliance, a notice of violation shall be issued. This schedule contains violations that do not cause substantial pollution or degradation of the environment and/or are not substantial violations of this chapter. Should an NREO discover a violation identified on this schedule that causes substantial pollution or degradation of the environment and/or is a substantial transgression of this chapter, the NREO may issue a notice of violation instead of a citation.

Schedule of Civil Penalties for Citation

<i>Violation</i>	<i>Fine</i>	
	<i>First Violation</i>	<i>Repeat Violation</i>
(1) Application for renewal of DNRP license required because of a continuing license.		

Violation	Fine	
	First Violation	Repeat Violation
(2) Failure to submit a complete contamination assessment plan, contamination assessment report, remedial action plan, or first progress report by date on environmental assessment and remediation license when there has been appropriate and demonstrated progress in achieving the required remediation. (§ 27-105(b)(12))	500.00	escalates to NOV
(3) Operating without a DNRP license. (§ 27-53)	500.00	escalates to NOV
(4) For licensed waste haulers, failure to display DNRP waste haulers license tag on vehicles hauling waste. (§ 27-194(e)(1))	150.00	\$300.00
(5) For persons holding a DNRP license, failure to have DNRP license immediately available upon request. (§ 27-58(b)(5))	50.00	\$100.00
(6) Failure to keep on site or maintain records required by the license, such as logs, monitoring data and manifests. (§ 27-58(b)(12))	250.00	\$500.00
(7) Failure to submit reports required by a license other than those required by an Environmental Assessment and Remediation License (IRA), CAP, RAP, progress reports, etc.) § 27-58(b)(12))	100.00	\$200.00
(8) Failure to prepare a spill contingency plan, when required. (§ 27-356)	150.00	escalates to NOV
(9) Creating a noise disturbance in excess of allowable standards. (§§ 27-233, 27-234, 27-235)	1st 50.00 2nd 100.00	escalates to NOV
(10) Open burning without a DNRP open burn license. (§ 27-284)	500.00	escalates to NOV

Violation	Fine	
	First Violation	Repeat Violation
(12) Failure to comply with the latest edition of the "DNRP Minimum Criteria for Monitoring Wells and Sampling." (§ 27-58(b)(12))	500.00	escalates to NOV

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-39. Service of notices of violation and citations.

Upon receiving evidence that a violation of any of the provisions of this chapter has occurred, the county shall cause to be served upon the alleged violator a citation or a notice of violation to give notice of hearing to assess a civil penalty, as follows:

(a) All notices required for the initiation of adjudicatory proceedings for violations of this chapter shall be provided by any one (1) of the following methods to the alleged violator or, where the violator is not a natural person, to any owner, partner, manager, DNRP licensee or license applicant, franchisee, corporate officer, supervisor, public officer as provided for by section 48.111, Florida Statutes, or agent of the type indicated by chapter 48, Florida Statutes. Notice shall be delivered by:

- (1) Certified mail, return receipt requested;
- (2) Hand delivery by the sheriff or other law enforcement officer, an NREO, a person designated by the director or other person designated by the local governing body;
- (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice;
- (4) Leaving the notice at the violator's place of business; or
- (5) Methods prescribed by the county.

(b) Should the county be unable to obtain service using any one (1) of the methods found in subsection (a) of this section, then notice may be delivered by publication, as follows:

- (1) Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in Broward County. The newspaper shall meet such requirements as are prescribed under chapter 50, Florida Statutes, for legal and official advertisements. Proof of publication shall be made as provided in sections 50.041 and 50.051, Florida Statutes.
- (2) Evidence that an attempt has been made to provide notice by one (1) of the methods found in subsection (a) of this section, together with proof of publication as provided in paragraph (1) above, shall be sufficient to show that the notice requirements of this chapter have been met, without regard to whether or not the alleged violator actually received such notice.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-40. Collection and recovery of civil penalties.

(a) The county administrator shall provide by administrative order the appropriate guidelines and procedures for the administration, collection, record keeping, reporting, and accountability of fines assessed under this chapter.

(b) The county may institute proceedings in a court of competent jurisdiction to compel payment of civil penalties.

(c) When the hearing examiner finds that a violation exists and assesses a fine for a notice of violation or a citation by the entry of a final order, the final order shall constitute a lien and be enforced as a judgment. If a violator does not contest a citation as provided under this chapter, and/or the violator fails to pay the applicable fine, the hearing examiner may enter an order imposing the fine previously set. A certified copy of an order imposing the fine previously set. A certified copy of an order imposing the fine previously set.

the lien certain environmentally contaminated property owned by the violator. The order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three (3) months from the filing of any such lien which remains unpaid, the county may foreclose or otherwise execute on the lien.
(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-41. Pollution prevention and recovery fund.

(a) Any civil penalty recovered by the county in an action against any person, pursuant to this chapter, shall be deposited in a fund to be known as the pollution prevention and recovery fund.

(b) There is created a pollution prevention and recovery fund which is to be supervised and utilized by the county to restore polluted areas of the county, as defined by the county, to the condition they were in before pollution occurred, or for any purpose deemed necessary for pollution control. The fund shall consist of all monies collected from enforcement action. The money shall be dispensed to pay all amounts necessary to restore the polluted areas which are the subject of county actions if such restoration is feasible and/or to fund mitigation projects approved by the board. Any monies remaining in the fund after the necessary restoration work and/or mitigation work may be utilized by DNRP, as it requires, to pay for administrative functions associated with natural resource protection, including but not limited to the following:

- (1) The purchase of equipment/supplies used for monitoring or enforcing natural resource protection measures in accordance with the Broward County Procurement Code.
- (2) The payment of the costs of conducting administrative hearings, such as court reporter and witness fees, used to enforce the natural resources protection provisions of this

- (4) Expenditures authorized by the director of DNRP for educational activities or small projects resulting in enhancement of the environment in accordance with established county procedures.
- (5) Expenditures for pickup of abandoned drums/containers and for cleanup of chemical spills in accordance with the Broward County Administrative Code and shall be recovered from violators when possible.
- (Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-42. Judicial review.

Review of any final order concerning an administrative review, variance, notice of violation or citation shall be made by filing a petition for writ of certiorari to the circuit court of the Seventeenth Judicial Circuit in and for Broward County within thirty (30) days of the date of rendition of the decision of the hearing examiner as provided by and in accordance with the Florida Rules of Appellate Procedure. A petitioner and/or alleged violator shall not have the remedy of other extraordinary writs or other judicial remedy or process until all administrative remedies have been exhausted.

(Ord. No. 93-46, § 1, 11-23-93; Ord. No. 94-3, § 4, 1-11-94)

DIVISION 5. LICENSES

Sec. 27-50. Scope.

(a) This division provides the general requirements and procedures for the issuance, denial, renewal, extension, transfer, modification, suspension, and revocation of any license required by this chapter. Additional specific requirements may exist in individual sections of this chapter.

(b) DNRP is authorized to charge fees for licenses, including extensions, renewals, modifications and for any other approval which are required pursuant to this chapter, including late fees.

Sec. 27-51. Consultation.

Any person may consult with the director or the director's designee concerning the operation, construction, expansion or modification of any facility, the required pollution control devices or system, the efficiency of such devices or system, or the pollution problems related to the facility. A consultation shall not relieve any person from its responsibility for the proper design of the project or facility. Any consultation shall not be construed to relieve any person from meeting the requirements of this chapter.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-52. Combined DNRP/DEP licenses.

When a DEP program is delegated to the DNRP, a license applicant may receive a combined DNRP/DEP license. Sections 120.56, 120.57, 120.58, 120.59, 120.60(1)-(4), (6), (8), 120.61, 120.62, 120.66, and 403.0876(1) and (2), Florida Statutes, as amended, are adopted by reference and apply only to those provisions of the combined license that are required by the standards of title 17, F.A.C., as they pertain to licensing only. Title 17, F.A.C., applies only to the DEP portion of a combined license. DNRP portions of the combined license shall be governed by this chapter.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-53. Prohibitions.

Any activity, facility or installation which will reasonably be expected to be a source of pollution shall not be conducted, operated, maintained, constructed, expanded, or modified without the appropriate and valid licenses issued by DNRP. DNRP may issue a license only after it receives reasonable assurance that the installation will not cause pollution in violation of this chapter. A licensed activity or installation may only be conducted, operated, maintained, constructed, expanded or modified in a manner that is consistent with the terms of the license.

(Ord. No. 93-46, § 1, 11-23-93)

- (4) Expenditures authorized by the director of DNRP for educational activities or small projects resulting in enhancement of the environment in accordance with established county procedures.
- (5) Expenditures for pickup of abandoned drums/containers and for cleanup of chemical spills in accordance with the Broward County Administrative Code and shall be recovered from violators when possible.
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(Ord. No. 93-46, § 1, 11-23-93)

ment of any activity that may cause or be a source of pollution, or that may impact, eliminate, reduce or control pollution of the air, ground, groundwaters, surface waters or other natural resources, the owner and/or operator shall obtain a DNRP license and pay required fees as established by resolution of the board.
(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-55. Standards for issuing or denying licenses.

(a) A license shall be issued to the applicant upon such conditions as DNRP may direct, only if the applicant affirmatively provides DNRP with reasonable assurance based on plans, test results, installation of pollution control equipment, or other information, that the construction, expansion, modification, operation, or activity of the installation will not discharge, emit, or cause pollution or otherwise damage the natural resources in contravention of this chapter or other environmental laws or regulations.

(b) DNRP may take into consideration an applicant's previous and current violations of this chapter and, when known, other environmental laws and regulations at any installation when determining whether the applicant has provided reasonable assurances that this chapter's and DNRP's standards will be met. DNRP may also consider, when known, the applicant's convictions for crimes of moral turpitude (*malum in se* crimes).

(c) If, after review of the application and all the information, DNRP determines that the applicant has not provided reasonable assurances that the construction, modification, expansion, or operation of the installation will be in accord with this chapter and applicable laws and regulations, DNRP shall deny the license.

(d) DNRP licenses may be denied for the following reasons:

- (1) A license may be denied any applicant that violated, is in violation, or has not resolved a violation of the provisions of this chapter or state or federal environmental laws or regulations; but a license may be granted if the applicant is

- (2) A construction license will be denied to any person for a proposed facility whose design violates the provisions of this chapter.
- (3) An operation license may be denied for any facility that has not been constructed under a DNRP construction license or has not been constructed in accordance with a DNRP construction license.
- (4) A license shall be denied if the applicant does not supply a complete application or requested information needed to evaluate the facility's or project's ability to comply with the provisions of this chapter within sixty (60) days of the DNRP request.
- (5) A license shall be denied if the operation of the facility, construction of the project or conduct of the activity would be in violation of federal, state, or local laws and if the violation is known by DNRP.
- (6) A license may be denied if the applicant has failed to comply, pay a penalty or to conduct all actions required by a settlement agreement, final order or judgment resulting from an enforcement action by DNRP against the applicant.
- (7) The person or a responsible party is an habitual violator.
- (8) A license may be denied if any construction would be on a contaminated site.
- (9) A license may be denied if the applicant fails to pay all fees.
- (10) A license shall be denied if not accompanied by the appropriate licensing fee.
- (11) A license may be denied for any reason that a license could be suspended or revoked.
- (e) The license applicant shall be notified in writing of any license denial and the reasons therefor. Service of this notification shall be made in accordance with section 27-39 of this chapter.

(f) An applicant whose license has been denied may obtain administrative review as provided for by this chapter. Failure to appeal shall be deemed a waiver of the right to the hearing. (Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-56. License applications.

A license application shall:

- (1) Be on the form provided by DNRP and be accompanied by documents and drawings if required, that describe the proposed facility in sufficient detail to clearly identify all potential impacts on the environment.
 - (2) Be sworn to and affirmed that all information contained therein is true and correct, signed by the owner, operator and/or authorized agent, and signed and sealed by a professional engineer registered in the State of Florida where required by law.
 - (3) Be accompanied by the filing fee.
 - (4) Provide, in the case of construction license applications, a time schedule and a rationale for the time schedule, to construct the proposed facility.
 - (5) Provide additional information as may be necessary for proper evaluation.
 - (6) Provide other specific information or data as required by other sections of this chapter.
- (Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-57. Action on license application.

Action shall be taken within a reasonable time on any application for a license to construct or operate, and DNRP shall notify the applicant in writing of approval or denial within ninety (90) days of receipt of a complete application. If changes to the application are required or additional information or documents needed, they shall be requested within thirty (30) days of the receipt of the

Sec. 27-58. License requirements.

(a) A license shall reference the license application and its supporting drawings and documents, all of which become part of the license.

(b) A licensee must comply with the following conditions, and all DNRP licenses shall contain the following general conditions as part of the license:

- (1) The terms, conditions, requirements, limitations and restrictions set forth herein are accepted and must be completed by the licensee and enforceable by DNRP pursuant to this chapter. DNRP will review this license periodically and may revoke or suspend the license, and initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives.
- (2) This license is valid only for the specific uses set forth in the license application and any deviation from the approved uses may constitute grounds for revocation, suspension, and/or enforcement action by DNRP.
- (3) In the event the licensee is temporarily unable to comply with any of the conditions of the license or with this chapter, the licensee shall notify the DNRP within eight (8) hours or as stated in the specific section of this chapter. Within three (3) working days of the event, the licensee shall submit a written report to DNRP that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention toward repair, replacement and reconstruction of destroyed facilities and a schedule of events leading toward operation with the license condition.
- (4) The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violation of federal, state or local laws

- (6) By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this licensed facility or activity, that are submitted to the county, may be used by the county as evidence in any enforcement proceeding arising under this chapter, except where such use is prohibited by section 403.111, Florida Statutes.
- (7) The licensee agrees to comply and shall comply with all provisions of the most current version of this chapter.
- (8) Any new owner or operator of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for and is granted a transfer of license. The transferee shall be liable for any violation of this chapter that results from the transferee's activities. The transferee shall comply with the transferor's original license conditions when the transferee has failed to obtain its own license.
- (9) The licensee, by acceptance of this license, specifically agrees to allow access and shall allow access to the licensed source, activity or facility at times to DNRP personnel for the purposes of inspection and testing to determine compliance with this license and this chapter.
- (10) This license does not constitute a waiver or approval of any other license, approval, or regulatory requirement by this or any other governmental agency that may be required.
- (11) If the licensee wishes to renew the license or extend its term, the licensee should make application sixty (60) days prior to its expiration, including payment of all appropriate fees. Expired licenses are not renewable.
- (c) In addition to the general conditions set forth above, each license issued by DNRP shall contain general conditions, specific conditions, and operating requirements to ensure compliance with this chapter. The licensee agrees that general conditions and...

(d) The licensee shall notify DNRP in the event it moves its facility or changes its licensed operation.

(e) General and specific license conditions and operating requirements must be complied with at all times the licensed activity occurs even though the license may have expired, been suspended, or been revoked.

(f) A license shall be issued for a specific period of time not to exceed five (5) years and, in the case of construction licenses, specify a completion schedule for the facility licensed and an appropriate period of time to operate and meet the conditions of the license unless otherwise provided.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-59. Special license conditions.

DNRP is vested with the authority to require special license conditions to ensure the protection of the environment and compliance with this chapter.

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-60. Renewal and extension of licenses.

If a licensee wishes to renew or extend the term of a license, the licensee should make application sixty (60) days prior to the expiration of the license. Expired licenses are not renewable.

- (1) A construction license shall be extended upon receipt of a written request for extension by the licensee and payment of the fee set forth in the current fee schedule adopted by the board provided the license to be extended has not expired, and provided no federal, state, county or municipal ordinances, regulations, rules or laws would be violated. Such extensions shall be for no longer than a reasonable time to complete the construction and the operation necessary to determine compliance or one (1) year from the expiration date of the license being extended, whichever time period is less.

current fee schedule adopted by the board, provided that the license to be renewed has not expired and the facility is in compliance with all provisions of this chapter.

- (3) A renewal shall be subject to review for compliance with new standards of this chapter and DNRP may require the licensee to comply with new license conditions.
(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-61. Change in owner of a licensed facility or project.

The new owner of a licensed facility or project must immediately apply by application after sale or legal transfer. Until the new owner notifies DNRP of the transfer and the name of the transferee, the transferor will remain liable for performance in accord with the license and will be liable for the violations caused by the transferee's activities until the transferee obtains a transfer of license and is operating in conformance with this chapter. The transferee will also be responsible for any violations of this chapter that result from the transferee's activities.
(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-62. Acceptance of license conditions.

(a) Commencement of construction of a facility or commencement of an activity under a DNRP construction license or operation of a facility or activity under a DNRP operating license shall be deemed acceptance of all conditions specified in the DNRP license.

(b) License conditions shall also be deemed to be accepted if they are not objected to in writing and received by DNRP within fourteen (14) calendar days of receipt of the license by the applicant.
(Ord. No. 93-46, § 1, 11-23-93)

(b) Failure to comply with this chapter, license conditions, state pollution control laws or regulations, and/or federal pollution control laws or regulations shall constitute grounds for suspension or revocation.

(c) A license issued pursuant to this chapter shall not become a vested property right. The license may be revoked or suspended if it is found that the license holder or its agent:

- (1) Submitted false or inaccurate information in the application or operational reports.
- (2) Has violated this chapter or license conditions.
- (3) Has failed to submit operational reports or other information required by this chapter and license conditions.
- (4) Has refused lawful inspection or sampling as required by this chapter.
- (5) A license may be suspended or revoked if the applicant has failed to comply, pay a penalty or to conduct all actions required by a settlement agreement, final order or judgment resulting from an enforcement action by the DNRP against the applicant.
- (6) Is an habitual violator.

(d) A suspension or revocation shall become effective when notice is served on the licensee or the licensee's agent as provided by section 27-39 of this chapter. The notice shall specify the provision of this chapter or license condition alleged to be violated and the facts alleged to constitute a violation thereof.
(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-64. Financial responsibility.

DNRP may require an applicant to submit proof of financial responsibility and may require the applicant to post an appropriate bond to guarantee compliance with this chapter. If the applicant cannot establish sufficient financial security, the li-

applicant or licensee to cure any environmental damage caused by the applicant's or licensee's activity, to ensure that the project is constructed in accordance with the plans submitted with the license application, and/or to ensure that all required license activities, conditions, or other requirements necessary for compliance with this chapter are properly performed and completed. Any bond must be approved by Broward County Risk Management Division. The form of the bond must meet the approval of the county attorney's office.
(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-65. DEP delegated programs.

DEP programs delegated to DNRP shall comply with those licensing procedures and conditions established by the applicable specific operating agreement. Licenses issued pursuant to a delegated program shall comply with all state and DNRP license conditions, this chapter, and Florida environmental laws and regulations. These licenses may be denied, revoked or suspended for any reason that a DNRP or Florida license may be denied, revoked, or suspended.
(Ord. No. 93-46, § 1, 11-23-93)

DIVISION-6. APPROVALS

Sec. 27-66. Approval of municipal and county building licenses.

(a) Prior to any person applying or submitting to a county or municipal agency for a license or approval to develop, construct or alter any real property, structure or facility, that person shall obtain DNRP approval of the license application and any plans and specifications to ensure compliance with this chapter.

(b) Prior to any county or municipal agency issuing an approval or a building license to develop, construct or alter any real property, structure or facility, the application for the approval or the building license, or the plans to be used to apply for the building license, shall be approved by DNRP.

ipal or county department within thirty (30) days of the approval by DNRP. In the case where the municipal or county building approval or license expires or is revoked, a new approval must be secured from DNRP and appropriate fees paid prior to any county or municipal agency issuing, reissuing or renewing an approval or license to construct or alter.

(d) The agency responsible for issuance of development licenses, building licenses and certificates of occupancy shall notify DNRP within ten (10) working days after issuance of each on the forms provided.

(e) In the case where the approval is sought or an application for an approval or license to construct a building that is to be connected to an existing sanitary sewer collection, transmission, treatment and disposal system, where additional flow to the system is prohibited, trade-off flow may be used for all or part of the anticipated flow from the proposed building. Trade-off flows shall be from existing buildings that are to be demolished on the same site as the proposed buildings. The existing buildings shall be connected to the sanitary sewage system at the time the trade-off approval is sought and shall have flowed wastewater to the sanitary sewage collection system within the six-month period prior to applying for approval. The design flows specified in section 27-195 of this chapter shall be used to estimate both the existing building's flow and the proposed building's flow.

(f) In the case where a DNRP construction license is required and a conditional approval has been granted by DNRP for an application for a building or development approval or license or for plans that were used to apply for a development or building approval or license, a certificate of occupancy shall not be issued by the county or any municipality for the constructed development, structure or facility and the development, structure or facility shall not be occupied or commence operations until DNRP has issued final approval that the structure or facility has been completed in strict compliance with the approved DNRP license, the requirements of the conditional approval and/or chapter.

ORDINANCE NO. 96-19

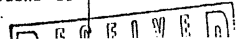
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA; RELATING TO THE BROWARD COUNTY CODE OF ORDINANCES; REPEALING CHAPTER 27, ARTICLE V, SECTIONS 27-191 TO 27-210, "WATER POLLUTION," AND ARTICLE XIV, SECTIONS 27-401 TO 27-410, "MANAGEMENT OF STORMWATER DISCHARGES AND NON-POINT SOURCE WATER POLLUTION;" CREATING A NEW ARTICLE V, SECTIONS 27-191 TO 27-202, "WATER RESOURCE MANAGEMENT," WHICH INCORPORATES THE TWO REPEALED ARTICLES INTO ONE ARTICLE; CLARIFYING THE DECLARATION OF INTENT; CLARIFYING THE DEFINITIONS AND PROVIDING FOR ADDITIONAL DEFINITIONS; PROVIDING FOR THE CLARIFICATION OF PROHIBITIONS AND ADDITIONAL PROHIBITIONS; PROVIDING FOR ADDITIONAL EXEMPTIONS; UPDATING AND EXPANDING THE WATER QUALITY STANDARDS; CLARIFYING THE APPLICATION REQUIREMENTS AND STANDARDS; ESTABLISHING A LICENSE TO CONSTRUCT/OPERATE A REUSE APPLICATION SYSTEM; CLARIFYING CRITERIA FOR ISSUANCE OR DENIAL OF LICENSES ISSUED BY WATER RESOURCES DIVISION; ESTABLISHING GENERAL AND SPECIFIC CONDITIONS FOR ALL LICENSES; PROVIDING FOR CONSISTENCY WITH THE LAWS OF THE STATE OF FLORIDA IN GENERAL, AND SPECIFICALLY FOR DELEGATION OF COLLECTION/TRANSMISSION SYSTEM PROGRAM; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, water is an important resource of Broward County that must be managed and used in the manner most beneficial to the health, safety, and welfare of the citizens of Broward County; and

WHEREAS, the Broward County Comprehensive Plan provides for and requires the protection of natural resources, protection of surface waters, drainage and stormwater management, and protection of potable water well fields and zones of influence; and

WHEREAS, certain activities conducted within Broward County, if uncontrolled, may result in environmental degradation and in a threat to the health, safety, and welfare of the citizens of Broward County; and



WHEREAS, it is necessary to control these activities to protect the environment and the health, safety, and welfare of the citizens of Broward County; and

WHEREAS, the current Article V, "Water Pollution," and Article XIV, "Management of Stormwater Discharges and Non-point Source Water Pollution," must be amended to reflect current state laws, growing concerns regarding the management of water resources such as aquifer recharge, reuse of reclaimed wastewater, and redevelopment of existing sites, and reorganized for clarification to the public; NOW, THEREFORE,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Chapter 27, Article V, "Water Pollution," Sections 27-191 to 27-210, and Article XIV, "Management of Stormwater Discharges and Non-Point Source Water Pollution," Sections 27-401 to 27-410, Broward County Code of Ordinances, are hereby repealed.

Section 2. Chapter 27, Article V, "Water Resource Management," Sections 27-191 to 27-202, are hereby created to read as follows:

ARTICLE V. WATER RESOURCE MANAGEMENT

Sec. 27-191. Declaration of Intent.

The Board of County Commissioners (board), in order to properly protect the waters of Broward County, declares that the presence of pollutants, in excess of concentrations hereinafter provided, is harmful to the waters of the county and the presence of such concentrations is deemed to be prima facie evidence of

DOM Delegation of Broward Co

1 pollution of the waters of Broward County and the same is expressly
2 prohibited. The policy inherent in the standards shall be to
3 protect water quality existing at the time these water quality
4 standards were adopted or to upgrade or enhance water quality
5 within the county. Where a new or increased source of pollution
6 poses a possibility of degrading existing water quality, such
7 project development shall not be issued a license until the
8 applicant demonstrates that such development will not be
9 detrimental to the best interests of the county and consistent with
10 its social and economic development. Appropriate treatment shall
11 be required as part of the initial project design to ensure that
12 the quality of the receiving waters will be protected. The board
13 also finds and declares that, in order to protect the soils and
14 waters of Broward County, it is necessary to provide for the
15 management of water and related land resources; to promote the
16 conservation, development and proper utilization of surface water
17 and ground water; to ensure water storage and ground water recharge
18 for beneficial purposes; to prevent damage from floods, soil
19 erosion and excessive drainage; to prevent the degradation of the
20 county's drinking water supply from waterborne non-point-source and
21 other sources of pollution and saltwater intrusion; to maintain the
22 quality of water of natural habitats for the propagation and
23 protection of terrestrial and aquatic flora and fauna; and to
24 provide conditions necessary for continued recreational
25 development. Furthermore, it is the intent of the board, in
26 adopting these regulations, to implement county-wide water
27 resources planning and policy positions as they relate to regional

1 and local water supply plans and ecosystem restoration projects, to
2 establish a program which minimizes duplication of permitting and
3 allows the board to seek delegation of certain domestic wastewater
4 permitting authorization from the Florida Department of
5 Environmental Protection (DEP) and surface water management
6 permitting authorization from the South Florida Water Management
7 District (SFWMD). The criteria contained herein are minimum
8 criteria with the primary goal to meet county water resource
9 objectives. Performance criteria are used whenever possible.

11 Sec. 27-192. Definitions.

12 In construing the provisions of this Article relating to water
13 pollution, when no definition is provided herein, and when the
14 context will permit, the latest edition of *Glossary, Water and*
15 *Wastewater Control Engineering*, jointly published by the American
16 Public Health Association, the American Society of Civil Engineers,
17 American Water Works Association, and Water Environment Federation
18 (formerly known as the Water Pollution Control Federation); and *The*
19 *Condensed Chemical Dictionary*, published by the latest Reinhold
20 edition, shall apply.

21 Unless otherwise specified, any authorization, license,
22 approval or action provided for in this Article shall be pursuant
23 to the administrative functions and duties of the Department of
24 Natural Resource Protection (DNRP).

25 ADA means an application for development approval as that term
26 is used in section 380.06, Florida Statutes.

27 Ambient (natural) temperature means the existing temperature
28 of the receiving water at a location which is unaffected by human-

1 created thermal discharges and at a location which is also of a
2 depth and exposure to winds and currents which typify the most
3 environmentally stable portions of the receiving bodies of water.

4 Annual average daily flow means the total volume of wastewater
5 flowing into or out of a wastewater facility during any consecutive
6 365 days, divided by 365 and expressed in units of million gallons
7 per day (mgd).

8 Average daily flow means the total volume of wastewater
9 flowing into a wastewater facility during a calendar month, divided
10 by the number of days in the month, and averaged over the preceding
11 twelve months and expressed in units of million gallons per day
12 (mgd).

13 BOD⁵ means biochemical oxygen demand (five day test).

14 CBOD⁵ means carbonaceous biochemical oxygen demand (five-day
15 test).

16 Coastal waters means all waters in the county which are not
17 classified as fresh water.

18 COD means the measure of oxygen equivalent expressed in
19 micrograms per liter ($\mu\text{g/l}$) of the organic matter content of a
20 sample that is susceptible to oxidation by a strong chemical
21 oxidant.

22 Collection system lateral means the furthestmost hydraulically-
23 upgradient sewer(s) to which only individual service connections
24 are made. Such sewers shall no longer be considered laterals when
25 the upgradient underground utility access portal, clean-out, or
26 pumping appurtenance has one or more tributary sewers serving two
27 or more individual establishments.

1 Collection/transmission system means sewers, pipelines,
2 conduits, pumping stations, force mains, and all other facilities
3 used for collection and transmission of wastewater from individual
4 service connections to facilities intended for the purpose of
5 providing treatment prior to release to the environment.

6 Comprehensive drainage plan means a complete plan of the
7 stormwater management system for the entire parcel under review,
8 including any contiguous land holdings of the applicant, pertinent
9 to this review.

10 Conceptual approval or letter of conceptual approval for
11 surface water management system means an approval issued by the
12 county for the concept of a comprehensive drainage plan for a
13 surface water management system. No construction is authorized
14 thereby unless otherwise specifically permitted. For projects
15 which have filed an application for a letter of conceptual approval
16 concurrently with an ADA for a DRI, a letter of conceptual approval
17 also means "conceptual agency review" as defined in section
18 380.06(9)(a)(2), Florida Statutes. A letter of conceptual approval
19 is valid for two (2) years and for any renewal period provided by
20 these regulations or granted by the county. A letter of conceptual
21 approval shall create a rebuttable presumption that application for
22 construction and operation permits consistent with the conceptual
23 approval shall be granted.

24 Control device means an element of a discharge structure which
25 allows the gradual release of water under controlled conditions.
26 This is sometimes referred to as the bleed-down mechanism, or
27 "bleeder."

1 has been established and has agreed to operate
2 and maintain the efficiency of the system.
3 The entity must be provided with sufficient
4 ownership so that it has control over all
5 water management facilities authorized
6 therein. Upon receipt of written evidence of
7 the satisfaction of this condition, the Water
8 Resources Division will issue authorization to
9 commence the construction.

10
11
12 9. No beautification or erection of any structure
13 that will prohibit or limit access of
14 maintenance equipment or vehicles in the
15 right-of-way or easements will be allowed.

16
17 10. Any license which grants any entity the
18 permission to place a structure on property
19 which is owned by Broward County or upon which
20 Broward County has an easement shall be
21 construed to create a revocable license for
22 that structure to remain on the property.
23 Broward County may require removal of such a
24 structure at no cost to the County whenever
25 its continued existence becomes detrimental to
26 the health, safety and welfare of Broward
27 County.

28
29
30 11. The area under license will be maintained in a
31 safe and operating condition at all times.
32
33

1 Equipment will be promptly removed from the
2 right-of-way or easement, and the right-of-way
3 or easement will be restored to at least its
4 original condition within a reasonable time on
5 termination of the authorized use.

6
7 12. The Water Resources Division will be notified,
8 as required in the license or as indicated on
9 the approved plans, to coordinate and schedule
10 inspections.

11
12 13. The operation or construction will be in
13 accordance with the approved details and plans
14 submitted with the application. Any
15 modifications must be submitted to Water
16 Resources Division in writing and receive
17 prior approval.

18
19 14. Monitoring may be required for sites with high
20 pollutant generating potential, such as
21 industrial sites, class I and II solid waste
22 disposal sites, and projects discharging to
23 areas identified in Section 27-200(b)(1)0.
24 Such monitoring will be under the cognizance
25 of Water Resources Division.

26
27 15. Upon completion of the construction of a
28 surface water management system or phase
29 thereof licensed by the Water Resources
30 Division, it is a requirement of the issuance
31
32
33

1 of the license, and hence transfer of
2 operation and maintenance responsibility, that
3 a Florida registered professional engineer
4 certify that the surface water management
5 system was indeed constructed as licensed.
6 Certified record drawings shall accompany the
7 certification. Suggested wording for this is
8 as follows:

9
10 I HEREBY CERTIFY TO THE CONSTRUCTION
11 COMPLETION OF ALL THE COMPONENTS OF THE
12 SURFACE WATER MANAGEMENT FACILITIES FOR THE
13 ABOVE REFERENCED PROJECT AND THAT THEY HAVE
14 BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE
15 WITH THE PLANS AND SPECIFICATIONS APPROVED BY
16 THE BROWARD COUNTY WATER RESOURCES DIVISION,
17 AND HEREBY AFFIX MY SEAL THIS _____ DAY OF
18 _____, 19____.

19
20 _____ (SEAL)

- 21
22
23
24 16. Water management areas shall be legally
25 reserved to the operation entity and for that
26 purpose by dedication on the plat, deed
27 restrictions, easements, etc., so that
28 subsequent owners or others may not remove
29 such areas from their intended use.
30 Management areas, including maintenance
31

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33 -107-

1 easements, shall be connected to a public road
2 or other location from which operation and
3 maintenance access is legally and physically
4 available.

- 5
6 17. The Licensee shall notify the Water Resources
7 Division in writing within twenty-four (24)
8 hours of the start, finish, suspension, and/or
9 abandonment of any construction or alteration
10 of works authorized by this license.

- 11
12 18. A prorated share of surface water management
13 retention/detention areas, sufficient to
14 provide the required flood protection and
15 water quality treatment, must be provided
16 prior to occupancy of any building or
17 residence.

- 18
19 19. The applicant may be required to submit proof
20 of financial responsibility in accordance with
21 Section 27-64 of this Article.

- 22
23 20. The operation license shall be valid for a
24 specific period of time not to exceed five (5)
25 years. The operation license shall be renewed
26 in accordance with Section 27-198(d)(2) of the
27 Article.

- 28
29 b. *Phased projects:* In addition to the general
30 license conditions set out in Article I of this
31 Chapter and specific conditions above, a surface
32

33 -108-

1 water management license issued by Water Resources
2 Division for phased projects shall be subject to
3 the applicable specific conditions which follow:

- 4 1. If a master property owner's association is
5 proposed for a project which will be
6 constructed in phases, and subsequent phases
7 will utilize the surface water management
8 system for the initial phase or phases, the
9 association must be created with the ability
10 to accept future phases into the association.
11
- 12 2. If the development scheme contemplates
13 independent associations for different phases,
14 a master association must be formed to include
15 all of the various associations with the
16 master association having the responsibility
17 to operate and maintain the surface water
18 management system for the entire project.
19
- 20 3. If the subassociations have primary
21 responsibility for operating the portion of
22 the surface water management system within
23 their association, all association documents
24 shall clearly define that the master
25 association has ultimate authority and
26 responsibility to enter and maintain the
27 surface water management system should any
28 subassociation fail to do so.
29
30
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- 1 4. If no master association is proposed, each
2 entity which will operate and maintain a
3 portion of an integrated surface water
4 management system must have cross easements
5 for drainage ingress and egress capabilities,
6 and the ability to enter and maintain the
7 various portions, should any subassociation
8 fail to maintain the portion of surface water
9 management system within their boundaries. A
10 definition of operation and maintenance
11 responsibilities between the entities shall be
12 included in any such document.
13
- 14 5. If the project contains a golf course, the
15 owner/operator must be a member of the
16 association. Association documents must
17 reflect this relationship.
18
19

20 Sec. 27-200. Criteria for Issuance or Denial of Licenses.

21 (a) *Domestic wastewater:*

22 (1) *Sanitary sewer collection/transmission systems:*

23 a. *Scope/Intent/Purpose of License for installation of*
24 *wastewater collection/transmission system:*

- 25 1. It is the policy of the DNRP to encourage an
26 applicant, prior to submittal of a license
27 application, to study and evaluate alternative
28 techniques and to discuss alternatives with
29 DNRP.
30
31
32
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1 a) DNRP encourages inclusion of relevant
2 public health, economic, scientific,
3 energy, engineering, and environmental
4 considerations in such evaluations. The
5 licensee shall take measures to prevent
6 unauthorized entry to the facilities.
7

8 b) DNRP encourages environmentally
9 acceptable alternatives that provide the
10 most economic and energy efficient
11 methods of complying with the
12 requirements of this Article.
13

14 2. These Articles shall be liberally construed to
15 assure that all waters of the County shall be
16 free from components of wastewater discharges
17 which, alone or in combination with other
18 substances, are acutely toxic, are present in
19 concentrations that are carcinogenic,
20 mutagenic, or teratogenic to humans, animals,
21 or aquatic species; or otherwise pose a
22 serious threat to public health, safety, and
23 welfare.
24

25 3. This Article is intended to provide minimum
26 design and operation and maintenance standards
27 for domestic wastewater collection/trans-
28 mission systems. Systems shall be designed in
29 accordance with sound engineering practice.
30
31
32
33

1 Supported by moderating provisions, it is
2 intended that this Article and Chapter 62-604,
3 F.A.C., establish a framework whereby design
4 flexibility and sound engineering practice can
5 be used in developing systems with which to
6 collect and transport domestic wastewater in
7 an environmentally sound manner.
8

9 4. As appropriate, this Article shall be used in
10 conjunction with other Articles in Chapter 27,
11 the State of Florida and DEP rules relating to
12 the design and operation and maintenance of
13 domestic wastewater collection/transmission
14 systems.
15

16 b. Technical requirements:

17 1. The technical standards and criteria contained
18 in the following standard manuals and
19 technical publications listed in 4. below and
20 those referenced throughout this Article are
21 hereby incorporated by reference and may be
22 applied, if applicable, in determining whether
23 licenses and licenses to construct or modify
24 collection/transmission systems shall be
25 issued or denied.
26

27 2. Deviations from the standards and criteria
28 contained in the publications listed in 4.
29 below may be approved provided that:
30
31
32
33

- 1 a) The engineer's report provides reasonable
2 assurance that the proposed design will
3 provide collection/transmission meeting
4 the requirements of this Article; and
5 either
6
7 b) Conforming with these standards cannot be
8 done except at unreasonably higher costs;
9 or
10
11 c) It is not technically feasible to conform
12 to these standards because of site
13 conditions or incompatibility with a
14 proposed facility design employing new
15 and innovative techniques which assure
16 compliance with the remainder of this
17 Article.
18
19 3. DMRP may require deviation from the standards
20 and criteria contained in the publications
21 listed in 4. below upon a finding that
22 conformance to them will not assure compliance
23 with the remainder of this Article or other
24 articles.
25
26 4. Standard manuals and publications:
27
28 a) Water Pollution Control Federation,
29 Manual of Practice Number 9, Design and
30 Construction of Sanitary and Storm
31 Sewers, 1970 (fourth printing).

- 1 b) Great Lakes/Upper Mississippi River Board
2 of State Sanitary Engineers, 1978
3 Edition, Recommended Standards for Sewage
4 Works.
5
6 c) EPA, Sulfide Control in Sanitary Sewerage
7 Systems-Process Design Manual.
8
9 d) EPA, Design Criteria for Mechanical,
10 Electric, and Fluid System and Component
11 Reliability - MCD-05.
12
13 e) California State University, Department
14 of Civil Engineering, Operational
15 Maintenance of Wastewater Collection
16 Systems.
17
18 c. Design/performance considerations:
19
20 1. New collection/transmission systems and
21 modifications of existing systems for which
22 construction licenses are required shall be
23 designed:
24
25 a) In accordance with this Article.
26
27 b) To be located on public rights-of-way,
28 land owned by the licensee, or easements.
29
30 c) To preclude the deliberate introduction
31 of stormwater runoff, air conditioning
32 system condensate water, closed system
33 cooling water, and sources of
uncontaminated wastewater.

- 1 d) Notwithstanding any standards contained
 2 in references listed in paragraph 4.
 3 above, gravity sewer design shall provide
 4 a minimum flow velocity of two (2) feet
 5 per second when the pipe is flowing full
 6 or half full.
- 8 2. The velocity shall be computed using the
 9 following parameters:
- 10 a) Use the Manning equation.
 - 11 b) For VCP or DIP, use an n factor of 0.013.
 - 12 c) For PVC pipe, use an n factor of 0.012.
 - 13 d) For all other materials, the design
 14 engineer shall select the appropriate n
 15 factor, substantiate his or her selection
 16 and submit it to the county staff for
 17 approval. In no case shall an n of less
 18 than 0.012 be selected.
- 20 3. The following table shows the slopes
 21 calculated in accordance with the above
 22 stipulations.
 23
 24
 25
 26
 27
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SLOPES
VCP and DIP

Pipe Size	n = 0.013	n = 0.012
8"	0.33%	0.28%
10"	0.25%	0.21%
12"	0.20%	0.17%
15"	0.15%	0.12%
18"	0.11%	0.10%
21"	0.09%	0.08%
24"	0.08%	0.07%

- 15 4. The upper four hundred (400) feet of pipe
 16 shall be laid at slopes not less than 0.4 %.
 17 This requirement for the upper four hundred
 18 (400) feet may be waived if site-specific
 19 conditions show it to be unnecessary. The
 20 following table shows the slopes calculated in
 21 accordance with the above stipulations.

Pipe Size	Slope
8"	0.40%
10"	0.28%
12"	0.22%
15"	0.15%
18"	0.12%

1 21" 0.10%

2 24" 0.08%

3
4 5. In addition to the above, all designs shall be
5 accomplished in accordance with DEP rules
6 presented in Chapter 62-604, F.A.C., in effect
7 at the time of this modification and DEP
8 design criteria.

9 (2) Reuse distribution/application systems:

10
11 a. General: All systems designed to provide for the
12 beneficial use of reclaimed water, land application
13 or direct discharge to ground water as defined by
14 Chapter 62-610, F.A.C., will, at a minimum, meet
15 all requirements of Chapter 62-610, F.A.C. All
16 wastewater treatment plants that provide effluent
17 as a source for reclaimed water production will
18 implement an industrial pre-treatment program
19 according to EPA requirements (40 C.F.R., Chapter
20 I, subchapter N) and Rule 62-610.330, F.A.C. All
21 reuse systems shall provide an alternative means
22 for disposal for 100% of the design flow unless
23 license conditions indicate otherwise. Operation
24 and maintenance requirements and operating
25 protocols for all reuse systems shall meet or
26 exceed the requirements of Rule 62-610.320, F.A.C.,
27 which are incorporated by reference, and in effect
28 at the time of adoption of this Article.
29
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1 b. Protection of surface water and ground water
2 quality: Reuse and land application projects shall
3 be designed and operated to comply with appropriate
4 water quality standards contained in Section 27-
5 195. Reuse and land application projects shall not
6 cause or contribute to violations of the
7 appropriate water quality standards in Section 27-
8 195. The engineering report shall provide
9 reasonable assurances that the water quality
10 standards in Section 27-195 will be met. If
11 appropriate water quality standards cannot be met
12 prior to the point of discharge, additional
13 treatment or disinfection shall be provided or
14 other operational control measures shall be
15 implemented. Additional requirements for selected
16 reuse alternatives are provided below or may be
17 stipulated on a case-by-case basis.

18
19 c. Ground water monitoring: Ground water monitoring
20 program for all reuse systems shall be consistent
21 with the requirements of Rule 62-610.412, F.A.C.,
22 which is incorporated by reference, and in effect
23 at the time of adoption of this Article and as
24 follows:

- 25
26
27
28
29 1. Ground water monitoring shall test for primary
30 and secondary drinking water standards, Part
31 III, Chapter 62-550, F.A.C., in addition to
32
33

1 the parameters required by Rule 62-601.700,
2 F.A.C. Testing in situ shall be monthly for
3 the first six months of operation, quarterly
4 for the next six quarters, and annually
5 thereafter. After two years of operation, the
6 parameters and frequency for ground water
7 monitoring shall be as required in Rule 62-
8 601.700, F.A.C.

- 9
- 10 2. Where reclaimed water is applied to multiple
11 sites permitted for Slow-rate Land Application
12 with Public Access, Section 27-200(a)(2)d, one
13 or more of the sites (representative of each
14 site's hydrogeological characteristics, soil
15 characteristics, vegetative cover, and
16 application method, etc.) shall be selected by
17 the applicant and approved by DNRP as the
18 model site(s) for ground water monitoring.
- 19
- 20 3. Where holding ponds for system storage are
21 part of the reuse system, additional
22 monitoring wells adjacent to unlined ponds
23 shall be required.
- 24
- 25 4. Where there are direct discharges to ground
26 water, including but not limited to ground
27 water recharge by direct injection and unlined
28 storage ponds, a definitive acute bioassay
29 toxicity (LC₅₀) test shall be conducted to

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-119-

1 determine the presence of toxicant in the
2 reclaimed water or wastewater. The toxicity
3 test may use treated wastewater that is at
4 least dechlorinated; an invertebrate species
5 for the forty-eight (48) hour test and a
6 vertebrate species for the ninety-six (96)
7 hour test, and have a salinity of twenty (20)
8 parts per thousands (ppt) if using a marine
9 species. Test species shall be approved by
10 DNRP. Testing shall be monthly for the first
11 six months of operation, quarterly for the
12 next six quarters, and annually thereafter.

13

14 5. If mortality at 30% effluent is greater than
15 50% for either, the ninety-six (96) or forty-
16 eight (48) hour test, confirmation procedures
17 shall be initiated. Confirmation shall be
18 demonstrated with a retest, using the same
19 species, within two weeks. The test will be
20 repeated a third time if the second test
21 confirms the first. Any uncompensated
22 variables, such as ammonia, may be controlled
23 in the confirmation tests. If potential
24 toxicity is confirmed on any of the tests, an
25 appropriate cause of action, including
26 toxicant identification shall be agreed upon
27 by the applicant and DNRP.

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-120-

1 d. *Slow-rate land application systems with public*
2 *access areas:* Requirements for the use of
3 reclaimed water for public access irrigation
4 systems as defined by Rule 62-610.450, Part III,
5 F.A.C., shall be as follows:
6
7 1. Systems shall meet or exceed all applicable
8 requirements of Chapter 62-610, Part III,
9 F.A.C., which are incorporated by reference,
10 and in effect at the time of adoption of this
11 Article.
12
13 2. Reclaimed water shall not exceed 450,000 µg/l
14 of chloride unless reasonable assurance is
15 provided that there will not be any on-site
16 and/or off-site impacts resulting from using
17 reclaimed water with chloride levels greater
18 than 450,000 µg/l. The licensee shall be
19 responsible to remedy any on-site and/or off-
20 site impacts resulting from using reclaimed
21 water with chloride levels greater than
22 450,000 µg/l. Impacts include, but are not
23 limited to, chloride build-up in soils,
24 excessive chloride levels in stormwater run-
25 off, and damage to landscaping (plants).
26
27 3. Unlined storage ponds may be utilized if
28 designed and operated so that the seepage
29 loss, less evaporation is less than three (3)

1 inches per week. The engineering report shall
2 demonstrate that storage ponds will perform as
3 designed under extreme (high and low) ground
4 water conditions. If ponds are unable to meet
5 these criteria, then unlined ponds shall only
6 be allowed provided that the reclaimed water
7 meets the requirements of Rule 62-610.525,
8 F.A.C., as effective on the date of the
9 approval of this Article. Unlined storage
10 ponds shall not be allowed in Zone 1 or Zone 2
11 as defined by Wellhead Protection, Section 27-
12 376. All other storage or holding ponds shall
13 be lined.
14
15

16 e. *Slow-rate land application systems with restricted*
17 *public access:* Slow-rate land application systems
18 with restricted public access, as defined by Rule
19 62-610.400, Part II, F.A.C., shall be as follows:
20
21 1. Systems shall meet or exceed all applicable
22 requirements of Chapter 62-610, Part II,
23 F.A.C., which are incorporated by reference,
24 and in effect at the time of adoption of this
25 Article.
26
27 2. All system storage ponds shall be lined.
28
29 3. Application rates shall not exceed two (2)
30 inches per acre per week.
31
32
33

1 f. *Rapid-rate land application systems:* Rapid rate
2 reuse land application systems must meet or exceed
3 the requirements of Rule 62-610.525, Part IV,
4 F.A.C., which are incorporated by reference, in
5 effect on the date of adoption of this Article, and
6 as follows:

7
8 1. System storage is not required for rapid-rate
9 land application systems. However, it should
10 be demonstrated that percolation ponds or
11 rapid infiltration basins will function under
12 high ground water conditions and that
13 reclaimed water storage or other discharge
14 provisions are not required.

15
16 2. Where holding ponds for system storage are
17 required for reclaimed water storage, such
18 ponds are subject to Rule 62-610.830, F.A.C.;
19 however, the holding ponds shall not be part
20 of the surface water management system.

21
22 3. All reclaimed water shall meet the treatment
23 requirements prior to discharge to reuse
24 system.

25
26 g. *Other land application systems:* Other land
27 application systems including overland flow as
28 defined by Rule 62-610.610, Part VI, F.A.C., will
29 be considered on a case-by-case basis. Other land
30 application systems must meet or exceed the
31

1 requirements defined by Section 27-196(b) and Rule
2 62-610.610, Part VI, F.A.C., which are incorporated
3 by reference, in effect on the date of adoption of
4 this Article.

5
6 h. *Ground water recharge by direct injection:* The
7 direct injection of reclaimed water into Class F-I,
8 G-1, or G-II shall be considered ground water
9 recharge. Reuse systems shall meet or exceed the
10 applicable requirements of Rules 62-610.560 and 62-
11 600.540(2), F.A.C., which are incorporated by
12 reference and in effect on the date of adoption of
13 this Article. Treatment standards shall meet the
14 requirements of Rule 62-600.420(2), F.A.C.

15
16 i. *Wetlands:* The use of reclaimed water for
17 environmental enhancement will be according to
18 Chapters 62-610 and 62-611, F.A.C., which are
19 incorporated by reference.

20
21 j. *Industrial reuse applications:* Reclaimed water can
22 be used for industrial applications that do not
23 meet Chapter 62-610, Part III, F.A.C., standards if
24 not discharged to ground water. Reuse systems must
25 meet or exceed the requirements of Rule 62-610.650,
26 Part VII, F.A.C., which are incorporated by
27 reference and in effect on the date of adoption of
28 this Article.
29
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33

1 k. *Demonstration projects:* Demonstration projects
2 utilizing reclaimed water may be granted under
3 Section 27-1 for the purpose of gathering data on
4 the feasibility of alternative reuse methods or
5 deviations from the requirements stated in this
6 Article. It is the intent of this section to
7 provide a means for exploring the environmental and
8 economic viability of reuse alternative methods
9 that may not otherwise be licensed and to utilize
10 the data produced by demonstration projects to
11 provide criteria by which to regulate reuse
12 distribution and application systems. In addition
13 to the variance criteria in Article I, the
14 following conditions shall apply:

- 15 1. Demonstration projects are not intended to be
16 part of a wastewater treatment plant's primary
17 disposal system.
- 18 2. Demonstration goals shall be achieved through
19 abatement mechanisms other than dilution.
- 20 3. Demonstration projects designed to create
21 fresh water barriers to impede landward or
22 upward migration of saltwater shall provide
23 reasonable assurance in the engineering report
24 that direct injection into the aquifer will
25 not detrimentally impact or pose a threat to
26 public water supply wells and shall conduct

1 full scale testing as per Rule 62-600.540(3),
2 F.A.C., which are incorporated by reference.

3 (b) *Surface water management:*

4 (1) *General criteria:* No surface water management license
5 shall be issued in the absence of reasonable assurances
6 by the applicant that the surface water management
7 system:

- 8 a. Provides adequate flood protection and drainage,
9 without causing over-drainage.
- 10 b. Will not cause adverse water quality and quantity
11 impacts on receiving waters and adjacent lands
12 regulated pursuant to Chapter 373, Florida
13 Statutes.
- 14 c. Will not cause discharges which result in any
15 violation, in surface waters of the State of
16 Florida, of the standards and criteria of Chapter
17 62-302, F.A.C., and other sections of this Article.
- 18 d. Will not cause adverse on-site or off-site impacts
19 on surface water and ground water levels and flows,
20 including impacts to sources of water supply and
21 wetland hydrology.
- 22 e. Can be effectively operated and maintained.
- 23 f. Will not adversely affect public health and safety.
- 24 g. Is consistent with the requirements of other public
25 agencies.

- 1 h. Is consistent with the state water policy, Chapter
2 62-40, F.A.C.
3
4 i. Will serve a proposed land use which:
5
6 1. For letters of conceptual approval, is
7 compatible with the land use element of the
8 affected local government's comprehensive
9 plan, or with the existing zoning of the area,
10 except when a conceptual approval application
11 has been filed concurrently with a DRI
12 application for ADA and a local government
13 comprehensive plan amendment, pursuant to
14 Section 380.06(9)(a)(1), Florida Statutes.
15
16 2. For construction/operation licenses, is
17 compatible with:
18 a) The affected local government's
19 comprehensive plan.
20
21 b) The existing land use and zoning of the
22 site.
23
24 c) For any DRI, the final approved (all
25 appeals resolved or all appeal times
26 expired) local government DO.
27
28 3. For a DRI with a signed preliminary
29 development agreement with the DCA, pursuant
30 to Section 380.06(8), Florida Statutes, which
31 allows a specified portion of the proposed
32
33

-127-

- 1 development to proceed prior to the issuance
2 of a local government DO:
3
4 a) Is compatible with the existing
5 government's comprehensive plan and the
6 existing land use and zoning for the
7 site.
8
9 b) Provides a surface water management
10 system for that portion of the site
11 approved for development which is able to
12 operate separately from the surface water
13 management system for the balance of the
14 project site and still meet applicable
15 DMRP criteria.
16
17 j. Meets any applicable basin criteria in Chapter 40E-
18 41, F.A.C.
19
20 k. Will not otherwise be harmful to the water
21 resources of the County or the state.
22
23 l. Will not interfere with the legal rights of others
24 as defined in subsection 62-40.401(8), F.A.C.
25
26 m. Is not against public policy.
27
28 n. Will meet the general and specific criteria in this
29 Chapter.
30
31 o. All new drainage projects will be evaluated based
32 on the ability of the system to prevent degradation
33 of receiving waters and the ability to conform to
state water quality standards (see Chapter 62-3,

-128-

1 F.A.C.), and Broward County water quality standards
2 in this Article.

3 1. There are areas within the County where water
4 quality considerations are extremely important
5 because of the sensitivity of the area. These
6 areas include:

- 7 a) Outstanding Florida waters as defined in
8 Chapter 62-3, F.A.C.
- 9 b) Zones of influence of wellfields.
- 10 c) Local Areas of Particular Concern (LAPC).
- 11 d) Designated urban wilderness areas.
- 12 e) Wetland mitigation and/or conservation
13 areas.
- 14 f) Area in Western C-9 Basin identified as
15 the East Coast Buffer and canals that
16 back-pump water. Where these areas are
17 to receive stormwater discharges, the
18 license application shall include the
19 methods to be used to mitigate adverse
20 impacts of such activities. New
21 developments which plan to utilize these
22 areas for discharge of stormwater will be
23 given more detailed evaluation by DMRP.

24 p. Before an application will be approved for the
25 issuance of a construction and/or operation
26 license, the proposed land use must be compatible
27

1 with the local government's comprehensive plan and
2 must have received the appropriate zoning
3 approvals.

4 q. For projects which are or presumptively may be a
5 DRI pursuant to Section 380.0651, Florida Statutes,
6 a final approval (all appeals resolved or all
7 appeal times expired) DO must have been issued by
8 the affected local government. Exceptions to this
9 requirement may be allowed in the following
10 situations:

- 11 1. When the applicant has a signed preliminary
12 development agreement with the DCA which
13 allows a specified portion of the proposed
14 development to proceed prior to the issuance
15 of a DO, pursuant to Section 380.06(8),
16 Florida Statutes; or
- 17 2. When the applicant has received a binding
18 letter of interpretation determination from
19 the DCA which finds that the project is not
20 required to comply with the DRI review
21 requirements of Section 380.06, Florida
22 Statutes; or
- 23 3. When the applicant has applied for conceptual
24 agency review concurrently with the filing of
25 a DRI ADA, and a local government

comprehensive plan amendment pursuant to
Section 160.06(9)(a)1, Florida Statutes.

r. Will not cause adverse environmental impacts. The process for determining environmental impacts will consist of a review of the anticipated impacts of the proposed works on (1) the water resources, including wetlands, of the County and the state and (2) natural upland systems. The staff will identify the significant environmental features of the project which are directly related to the water resources of the county, evaluate the impact of the project on these water resource related environmental features and make specific recommendations as to the issuance or denial of the license based upon the evaluation. The staff will separately identify the environmental features of the project which are indirectly or not related to the water resources of the county, and evaluate the impacts of the project on the non-water-resource related environmental features. The evaluation of environmental impacts shall generally be conducted accordingly:

1. Information utilized in the review will include application information such as aerial photographs, topographic maps and development plans, as well as relevant information from

such other sources as site inspections, file data from previous applications on this site and adjacent sites, related studies, relevant information from other agencies, and meetings with the applicant, etc.

2. At the request of an applicant or potential applicant, the staff will conduct a site inspection, at a mutually convenient time.
3. If necessary, staff will independently inspect the site to determine environmental features. Adverse impacts will not be reported or concluded without a site inspection.
4. Preapplication meetings are encouraged, as are submissions of optional explanatory information, which may be useful to the staff in its review.
5. Impacts will be evaluated according to the categorization of environmental features which follows:
 - a) Environmental features directly related to the water resources, such as:
 - 1) Wetlands.
 - 2) Water bodies.
 - b) Environmental features which may be indirectly related to the water resources, such as:

1) Intermittent ponds.

2) Areas consisting of productive mixed upland and/or wetland systems with appropriate buffer areas.

- c) Environmental features which are not related to the water resources, such as unique upland habitats, usually consisting of tropical hardwood tree hammocks, sand pine scrub, slash pine flatwoods, high hammocks and beach dunes.
- d) Preferred habitat for rare or endangered species of plants or animals will be identified.

6. The actual impact resulting from changes to the natural site will be predicted by considering the existing natural system as altered by the proposed project. It is recognized that the variety of actions associated with a project may result in both positive and negative environmental impacts. The staff, therefore, will balance both the positive and negative impacts of the project to achieve a reasonable degree of protection for significant environmental features consistent with the overall protection of the water resources. A surface water management

license will not be denied based solely on unrelated environmental impacts, unless those environmental impacts prevent the water management works, or project to be served by the works, from being developed under applicable federal, state, district or municipal regulations.

- (2) *Phased project criteria:* In addition to the criteria listed in subsection (1) of this Section, no surface water management license shall be issued for a phased project in the absence of reasonable assurances by the applicant that the surface water management system will:
 - a. Ensure continuity between phases.
 - b. Satisfactorily complete individual phases should the project be incomplete as planned.
 - c. Preserve adjacent property owner's rights. This includes adjacent property owners created by the sale of incomplete phases.

(3) *License application review procedure:*

- a. *Completeness of application:* DHRP shall determine whether an application is complete and shall mail a notice of completeness to the applicant within thirty (30) days of the date the application is received by DHRP. An application shall be deemed complete if it contains all documents and

signatures required by Section 27-199(b)(14) and is accompanied by the appropriate license fee.

b. *Determination of incompleteness:* A determination by DNRP that the application is incomplete shall constitute a request for additional information to make the application complete. The date that the required additional information is received by DNRP shall become the new application date. If the additional information is provided within ninety (90) days of the notice of incompleteness or such longer period as DNRP may approve, a new permit fee shall not be required.

c. *Request for additional information request:* DNRP shall notify the applicant of the additional information required to make the application complete. If the additional information is not supplied within ninety (90) days after notice by DNRP, the application will be denied for lack of completeness. In cases where additional information is requested for an application, the date of application shall remain the same but the time of processing the application shall be tolled until additional information is provided. Within thirty (30) days after receipt of additional information, DNRP may request information needed to clarify such additional information or to answer

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new questions raised by or related to such additional information. The subsequent request for additional information shall include a request for information not previously provided in response to any previous requests for additional information. If the application is still incomplete after additional information is provided, DNRP shall so notify the applicant, who shall have an additional thirty (30) days to render the application complete or be denied for lack of completeness. An extension of time may be granted by DNRP upon a showing by the applicant that a good faith effort is being made to provide the additional information and that additional time is required. Denial of an application for lack of completeness is without prejudice to the applicant's right to file a new application on the same subject matter.

d. *License review:* Within ninety (90) days from receipt of a complete application, DNRP will review and take one of the following actions:

1. Issue the appropriate license.
2. Deny the application.
3. Notify the applicant of revisions required before license issuance.

1 4. Defer action according to the terms of a
2 waiver received from the applicant waiving the
3 ninety (90) day review period.

4 (4) License duration:

5 a. Construction phase of the license: Licenses will
6 become invalid two (2) years from date of issuance
7 if work has not begun on a licensed project unless
8 other provisions have been made with DMRP. DMRP
9 must be notified in writing before construction
10 commences or re-commences after a period of
11 construction suspension longer than sixty (60)
12 days. DMRP must be notified in writing if
13 construction is suspended for a period longer than
14 sixty (60) days. Licenses will become invalid upon
15 suspension of work in excess of one hundred eighty
16 (180) days on any licensed work unless an extension
17 has been granted by DMRP. If the licensee wishes
18 to begin, continue, or resume work after license
19 expiration, a new license must be obtained which
20 will be reviewed in accordance with all current
21 conditions and regulations, and which will require
22 new plan approval. A new license fee will be
23 charged for the incomplete portion only. The
24 construction phase of the license will expire upon
25 completion of the licensed work and acceptance of
26 the installation.
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1 b. Operation phase of the license: Water management
2 works shall require a license for as long as
3 operation continues. Licenses shall be issued for
4 a specific period of time not to exceed five (5)
5 years. License renewals shall be as provided in
6 Article I of this Chapter. However, where
7 subsequent studies or technical developments show
8 that an existing water management works presents a
9 hazard to the health, safety or welfare of the
10 public or the environment, license conditions may
11 be modified or revoked by DMRP.
12
13

14 (5) Design criteria:

15 a. Water quantity:

16 1. General: These regulations refer in common
17 engineering language to flood and drought
18 frequency impacts interchangeably with
19 rainfall frequency. The applicant is
20 cautioned, however, that water resource
21 impacts are of interest in the licensing
22 process, and that additional calculations may
23 be required to identify other combinations of
24 site conditions and rainfall frequencies which
25 might result in impacts of the specified
26 frequency. Examples include designs affected
27 by spring tides, fluctuating tides, and
28 fluctuating receiving water stages.
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1 2. *Discharge rate:* Off-site discharge rate is
2 limited to rates not causing adverse impacts
3 to existing off-site properties. In
4 determining these amounts, the factors which
5 follow will be taken into consideration:

- 6
7 a) Historic discharge rates.
8
9 b) Rates determined in previous DHRP and/or
10 SFWRMD permit actions.
11
12 c) An acreage ratio, based on project size,
13 of the amounts specified in DHRP and/or
14 SFWRMD criteria. Plate WM 1.1 shows the
15 drainage divides for the canal basins and
16 plate WM 1.2 lists the allowable
17 discharge rate. Unless otherwise
18 specified, a storm event of 3-day
19 duration and 25-year return frequency
20 shall be used in computing off-site
21 discharge rate. Allowable discharge
22 rates will be designated by DHRP on a
23 case-by-case basis upon request.
24

25 3. *Criteria:*

- 26 a) *Design storms/rainfall:* The design
27 storms adopted herein are to be applied
28 in all areas. In isolated areas where
29 natural ground elevations are higher than
30 the elevation indicated on the 100-year
31

1 flood elevation map plate WM 13.1 for
2 that project area, a pre-development and
3 post-development 100-year, 3-day flood
4 stage calculation shall be done. In such
5 areas, flood stages shall not exceed the
6 pre-development flood stage. The design
7 rainfall or storm frequency as used in
8 this Section should not be confused with
9 flood frequency or with rainfall
10 intensity as used in the design of third
11 order drainage (storm sewer systems). It
12 is the intention of the County that the
13 rainfall or storm frequency be utilized
14 to determine economical sizes of local
15 drainage facilities to prevent undue
16 amounts and duration of flooding.
17 Therefore, these standards are to be
18 applied in all minimum flood criteria
19 elevations. The frequencies listed are
20 for the design of local drainage
21 facilities, and are not applicable to
22 culverts or crossings in the main
23 secondary canal systems. The sizing of
24 these structures will be by the agency
25 responsible for the system. Designs
26 shall include flood routing calculations
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1 based upon the 3-day duration, 10-year
2 return frequency storm event, plate WM
3 1.3, for establishing minimum road
4 elevations, when applicable, the 3-day
5 duration, 25-year frequency storm event,
6 plate WM 1.4, and the 3-day duration 100-
7 year return frequency storm event, plate
8 WM 1.5.

9
10 b) *Antecedent conditions:* Ground water and
11 surface water stages antecedent to a
12 design event shall be the higher of the
13 average wet season water levels or the
14 applicable control elevations. Plate WM
15 2.1 may be used for determining the
16 average wet season water levels for use
17 in calculating a design event.

18
19 c) *Flood protection:* The lowest habitable
20 building finished floor elevation shall
21 be above the 100-year flood elevations,
22 as determined from the most appropriate
23 information, including federal flood
24 insurance rate maps, the 100-year flood
25 elevation map, plate WM 13.1, or 100-year
26 flood elevations established by
27 previously approved basin studies for
28 local water control districts with self-
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1 contained water management systems.
2 However, nonresidential buildings may be
3 constructed at lower elevations if they
4 are shown to meet the Federal Emergency
5 Management Agency's standards for flood
6 proofing. Both tidal flooding and the
7 100-year, 3-day storm event shall be
8 considered in determining elevations.
9 Where a conceptual comprehensive drainage
10 plan has been approved, each phase shall
11 provide detailed plans and calculations
12 indicating compliance with the approved
13 conceptual comprehensive drainage plan
14 (i.e., minimum floor elevations, building
15 size, average finished grade, and the
16 required retention/detention volume).

17
18 1) In no instance shall the calculated
19 development 10-year, 3-day flood
20 stage elevations exceed the
21 elevations shown in plate WM 12.1.

22
23 2) When existing development is below
24 the applicable established 10-year,
25 25-year, or 100-year flood eleva-
26 tions, no new development shall
27 cause the applicable 10-year, 25-
28 year and 100-year flood elevations
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1 to exceed the then existing pre-
2 development flood elevations.
3 3) The minimum allowable road crown
4 elevations of county roads and roads
5 in areas without a minimum road
6 elevation criteria, constructed
7 within rights-of-way no wider than
8 sixty (60) feet, are depicted on
9 plate WM 12.1 unless otherwise
10 determined by DNRP. In each basin,
11 the minimum roadway crown elevation
12 should be at least two (2) feet
13 higher than the project control
14 elevation, where needed to protect
15 the road subgrade.
16 4) Functionally classified county
17 roads, unincorporated area county
18 roads, and roads in areas without a
19 minimum road elevation criterion,
20 constructed within rights-of-way
21 wider than sixty (60) feet, shall be
22 designed so the ultimate curb edge
23 of pavement is no lower than the
24 applicable elevation in plate WM
25 12.1 unless otherwise determined by
26 DNRP.
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1 5) Private roads and parking lots may
2 be designed to flood during storms
3 of greater intensity than a 5-year
4 storm.
5
6 d) Floodplain encroachment: No net
7 encroachment into the floodplain, between
8 the average wet season water table and
9 that encompassed by the 100-year event
10 (see plate WM 13.1), which will adversely
11 affect the existing rights of others,
12 will be allowed.
13
14 e) Minimum drainage:
15
16 1) Residential projects shall have
17 systems with the calculated ability
18 to discharge by surface flow or
19 subsurface percolation at least
20 three-eighths (3/8) inch per day
21 during or subsequent to the storm of
22 the allowable discharge frequency
23 and duration (see paragraph 3.a) of
24 this subsection (5), so that
25 lowering of the water surface
26 elevations within the water
27 management system to the maximum
28 depth compatible with the
29 environmental protection or other
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1 constraints as described in 3(q)
2 will occur in twelve (12) days or
3 less.

4 2) Commercial and industrial projects
5 to be subdivided for sale, where the
6 initial licensee will not build the
7 entire system, are required to have
8 installed by the licensee as a
9 minimum:

10 (aa) The required water quality
11 system for one (1) inch of
12 runoff detention or one-half
13 (½) inch of dry runoff
14 retention in the master system
15 for the total developed site.

16 The individual sites must
17 provide the remainder (2.5
18 inches x % impervious - one (1)
19 inch which may be in
20 exfiltration trench. The
21 master system must be in a
22 legally defined common area.

23 The master system cannot
24 utilize exfiltration trench.

25 (bb) A stormwater collection and
26 conveyance system to inter-

1 connect the retention/detention
2 systems with the outfall, with
3 access points to the system
4 available to each individual
5 lot or tract. The system shall
6 be sized to limit discharge
7 under design conditions to the
8 allowable discharge. Projects
9 licensed in such manner may
10 require deed restrictions which
11 identify to lot or tract
12 purchasers the amount of
13 additional on-site stormwater
14 management system necessary to
15 provide flood protection for
16 specific design events and any
17 additional retention/detention
18 required for water quality
19 purposes, and the assumed
20 percentage impervious, or
21 impervious area used in design
22 calculations.

23 (cc) Commercial projects to remain
24 as single-owner projects may be
25 licensed, with the approval of
26 local government, to lesser
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degrees of flood protection than required by DNRP standards. In no case, however, will the lesser standards be applicable to water quality, off-site discharge or building floor protection. Projects licensed in such manner will contain special conditions, as notice to the licensee and local government, that a substandard design has been licensed.

(dd) Residential construction with ten (10) or less parking spaces in Broward County may be approved subject to the following conditions:

The lowest habitable floor elevation shall be at or above the 100-year flood elevations as determined by the 100-year flood criteria map (Plate WM 13.1), the Federal Flood Insurance Rate maps, or eighteen (18) inches above the

-147-

adjacent road crown, whichever is highest.

There shall be no runoff allowed to adjacent rights-of-way or property.

The percentage of swale adjacent to the public right-of-way fronting a lot/parcel that may be paved with any type of impervious material shall not exceed thirty percent (30%) of the lot/parcel frontage unless positive drainage exists or the property owner provides and maintains additional sub-surface drainage facilities in accordance with Section 79-62.

f) Over drainage and water conservation: surface water management systems shall be designed to attempt to:

- 1) Maintain the water table in existing wellfield cones of depression.
- 2) Preserve site environmental values (see subsections 27-200(b)(1)(c) and r.5.c)).

-148-

- 1 3) Maintain water tables no more than
2 six (6) feet below natural ground.
3
4 4) Not waste fresh water.
5
6 5) Not lower water tables which would
7 adversely affect the existing rights
8 of others.
9 6) Preserve site ground water recharge
10 characteristics.
11 g) *Historic basin storage:* Provision must
12 be made to replace or otherwise mitigate
13 the loss of historic basin storage
14 provided by the project site.
15 h) *Off-site lands:* On-site diversion
16 swales, dikes, etc., may be necessary to
17 allow the passage of drainage from off-
18 site upland areas to downstream areas.
19 Diking of project development areas may
20 be necessary to contain water at or above
21 stages identified in the project
22 discharge computations.
23 i) *Water supply sources:* An evaluation of
24 the impact of the proposed surface water
25 management system on sources of water
26 supply must be submitted with the surface
27 water management application. Cumulative
28 impacts which may result from the
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1 construction and operation of the
2 proposed surface water management system
3 must be evaluated in conjunction with the
4 cumulative withdrawals of existing legal
5 uses of water.
6

7 b. *Water quality:*

8 1. *Standards:* Projects shall be designed and
9 operated so that off-site discharges will meet
10 State of Florida water quality standards, as
11 set forth in Chapter 62-102, F.A.C., and water
12 quality standards as set forth in this
13 Chapter.
14

15 2. *Retention/detention criteria:*

16 a) Retention and/or detention in an overall
17 system, including swales, lakes, canals,
18 greenways, etc., shall be provided for.
19 One (1) of the three (3) following
20 criteria or equivalent combinations
21 thereof shall be met. (Note: Plate WM
22 10.1 may be utilized where the conditions
23 therein can be met.)
24

- 25 1) Wet detention volume shall be
26 provided for the first inch of
27 runoff from the developed
28 project, or the total runoff of
29 two and one-half (2½) inches
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1 times the percentage of
2 imperviousness, whichever is
3 greater.

4 2) Dry detention volume shall be
5 provided equal to seventy-five (75)
6 percent of the above amounts
7 computed for wet detention.

8 3) Dry retention volume shall be
9 provided equal to fifty (50) percent
10 of the above amounts computed for
11 wet detention. Retention volume
12 included in flood protection
13 calculations requires a
14 demonstration of guarantees of long-
15 term operation and maintenance of
16 system bleed-down ability. This
17 must normally consist of proof of
18 excellent soil percolation rates
19 (example: coastal ridge sands) or an
20 operations entity which specifically
21 reserves funds for operation,
22 maintenance, and replacement.

23 b) Commercial or industrial zoned projects
24 shall provide at least one-half (1/2) inch
25 of dry detention or retention pre-

1 treatment as part of the required
2 retention/detention.

3 c) Systems with inlets in grassed areas will
4 be credited with up to two-tenths (0.2)
5 inch of the required wet detention amount
6 for the contributing areas. Full credit
7 will be based on a ratio of 10:1
8 impervious area (paved or building area)
9 to pervious area (the grassed area) with
10 proportionately less credit granted for
11 greater ratios.

12 d) Projects having greater than forty (40)
13 percent impervious area and which
14 discharge directly to sensitive receiving
15 water shall provide at least one-half
16 (0.5) inch of dry detention or retention
17 pretreatment as part of the required
18 retention/detention. Such receiving
19 waters are defined as:

- 20 1) Water bodies designated as Class I
21 or II waters by DEP.
22 2) Outstanding Florida waters as
23 defined in Chapter 62-302.700,
24 F.A.C.
25 3) Water bodies within a permitted
26 public supply wellfield cone-of-
27

1 depression which are not separated
2 from the aquifer by strata at least
3 ten (10) feet thick, having an
4 average saturated hydraulic
5 conductivity of less than one-tenth
6 (0.1) foot per day; where the cone
7 of depression is defined by Broward
8 County Wellfield Protection
9 Ordinance contour for Zone 3.

- 10
11 e) Water surface and roofed areas can be
12 deducted from site areas only for water
13 quality pervious/impervious calculations.
14 The water surface area meeting
15 dimensional criteria may also be
16 subtracted from the total site area when
17 making final water quality treatment
18 volume calculations.
19
20 f) Water quality requirements may be reduced
21 for widening of urban public highway
22 projects. Detailed documentation,
23 including cost analysis, of all treatment
24 and alignment alternatives considered
25 will be required. This paragraph shall
26 not be interpreted to conflict with
27 Section 373.4596, Florida Statutes.
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3. *High-density projects:* Projects which have more than forty (40) percent impervious area may be required to use retention rather than detention, depending on such variables as:
- a) Sensitivity of receiving water.
 - b) Soils.
 - c) Arrangement of on-site facilities.
4. *Projects located within zones of influence of wellfields:* Retention/detention area locations shall not reduce hydraulic recharge distances to public water supply wells in excess of two (2) percent, nor shall wet retention/detention areas be closer to public water supply wells than three hundred (300) feet.
5. *Solid waste facilities:*
- a) Surface water management systems for class I, II and III solid waste facilities, as defined by Chapter 62-701, F.A.C., shall be so designed, constructed, and operated as to maintain the integrity of the landfill at all times (during construction, operation, closure and post closure) in accordance with Article VI of this code. Applicant must provide assurances that:

- 1) All flows will be conveyed at non-erosive velocities.
- 2) The project is designed to minimize erosion.
- b) Design features in support of this requirement may include but not be limited to:
- 1) Slopes adequate to promote runoff but not affect slope stability.
 - 2) Intermediate benches or swales which reduce runoff velocities and limit erosion.
 - 3) Vegetation of closed portion of landfill.
- c) Class I, II, and III landfill projects shall provide adequate assurance that leachate will not enter the surface water management system. This assurance may be provided through affirmative demonstration that the requirements of Chapter 62-701, F.A.C., for design and emplacement of liners, leachate collection systems, and treatment and disposal of leachate will be met.
- d) Borrow pits shall not be included in the surface management system unless the

- applicant can affirmatively demonstrate that leachate will not enter the borrow pit, and that the provisions of Chapters 62-302 and 62-4, F.A.C., will be met.
- e) Dewatering operations at active, unlined landfills will not be permitted.
- f) For class I, II and III landfills there may be required one (1) or more of the following additional Best Management Practices (BMPs):
- 1) Detention in excess of the quantities stated in Section 27-200(b)(5)b.2.
 - 2) Dry detention areas.
 - 3) Dry conveyance swales with adequate dimensions to permit maintenance.
 - 4) Filter mechanisms for additional water quality enhancement prior to discharge.
 - 5) Skimmers in front of discharge structures to restrict discharge of floatable materials.
 - 6) Screw gates on water control structures capable of restricting discharge of poor quality surface water.

- 1 7) Vegetation of appropriate portions
2 of the water management system,
3 including but not limited to
4 conveyance swales.
5
6 g) To provide information for assessing the
7 need for BMPs at a specific site, a
8 hydrogeologic investigation will be
9 required that should, at a minimum,
10 provide information on:
11
12 1) The hydrogeologic properties of the
13 formation underlying the landfill,
14 including aquifer and
15 characteristics, ground water
16 elevations and direction and rate of
17 ground water flow.
18
19 2) Location of existing wells within
20 one-half (1/2) mile of the site
21 perimeter.
22
23 3) Locations and specifications of
24 existing or proposed monitor wells.
25
26 4) Location and chemical composition of
27 any known leachate plumes.
28
29 h) Applicants should consult with county
30 staff to determine the specific
31 requirements which will apply for a
32 particular project.
33

1 6. Use of natural areas and existing water
2 bodies: Natural areas and existing water
3 bodies may be used for retention/detention
4 purposes on some occasions, when not in
5 conflict with other Articles of this code or
6 public use considerations. Candidate areas
7 for such purposes might include:
8

- 9 a) Previously degraded areas.
10 b) Human-created areas (borrow pits, etc.).
11 c) Extensive areas which have the ability to
12 absorb impacts easily.
13 d) Areas incorporated into a system with
14 mitigation features.
15 e) Wetlands.

16 7. Underground exfiltration systems:

- 17 a) Systems shall be designed for the
18 retention volumes specified in
19 subparagraph b. of this paragraph (2) for
20 retention systems, exfiltrated over one
21 (1) hour for retention purposes, prior to
22 overflow, and based on test data for the
23 site.

24 (Note: Such systems will not be
25 acceptable on projects to be operated by
26 entities other than single owners or
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- 1 entities with full-time maintenance
2 staff).
- 3 b) A safety factor of two (2) or more shall
4 be applied to the design to allow for
5 geological uncertainties.
- 6 c) Systems located within the contour for a
7 wellfield protection zone 3 as defined in
8 this Article shall incorporate pollution
9 control devices at all inlets. (See
10 plates WM 4.2 through WM 4.5.)
- 11 d) No system shall be allowed within the
12 contour for a wellfield protection zone 1
13 as defined in Chapter 27.
- 14 e) Only dry exfiltration systems shall be
15 permitted in wellfield protection zones 2
16 and 3 as defined in Section 27-376,
17 Wellhead Protection.
- 18 f) A dry system is one with the trench
19 bottom at least one (1) foot above the
20 average wet season water table.
- 21 B. Detention of sheet flow: Provision shall be
22 made to minimize sheet flow runoff into water
23 bodies by:
- 24 a) A pervious nutrient berm along top of
25 bank (see plates WM 6.1 and WM 6.21); or
26 b) A maximum slope of 20:1 to top of bank.

1 c. Environmental design criteria:

- 2 1. Preservation of wetlands: Wetlands and
3 appropriate buffer areas shall be preserved.
4 Wetlands (in on-site uplands and/or impacted
5 wetlands) of equivalent or higher productivity
6 may be created to replace natural wetlands,
7 subject to the provisions of Article XI.
- 8 2. Habitat diversity systems: Natural systems
9 composed of distinct upland/wetland systems
10 shall be preserved where it is evident that
11 the two are interdependent.
- 12 3. Centralized preservation areas: Small
13 isolated wetlands may be disturbed and "traded
14 off" in certain instances for larger
15 combination upland/wetland systems, as
16 provided for in Appendix 7 (Isolated
17 Wetlands), Volume IV, Permit Information
18 Manual of the SFWMD and Article XI of this
19 code.
- 20 4. Lake-wetland separation: Lakes which
21 potentially may adversely affect wetland areas
22 shall be separated from the wetland
23 preservation, creation, or restoration areas
24 by a minimum distance as determined by the
25 following criteria:

1 a) A separation distance (shortest distance
2 between the wetland jurisdictional line
3 and the edge of water in the proposed
4 water body at the proposed control
5 elevation) producing a gradient less than
6 or equal to 0.005 using the difference in
7 the elevation of the jurisdictional
8 boundary of the wetland and the basin
9 control elevation to calculate the
10 driving head. Staff will consider
11 elevations differing from the
12 jurisdictional boundary of the wetland to
13 calculate the driving head. The
14 applicant will be required to submit
15 monitoring data or other relevant
16 hydrologic data from the site to
17 substantiate the reason for using a
18 different starting elevation. Existing
19 conditions alone will not be considered
20 sufficient reason to use a different
21 elevation if there is evidence that
22 activities on or adjacent to the project
23 site may be responsible for lowering
24 water tables which may currently be
25 having an adverse impact on the subject
26 wetlands. In these cases, preservation

1 of the wetlands cannot be assured by
2 simply maintaining the existing
3 conditions.
4 b) If the gradient resulting from any
5 separation distance and the driving head
6 as defined above is between 0.005 and
7 0.015, then calculations will be required
8 which demonstrate that the drawdown in
9 the adjacent wetland(s) will be of a
10 magnitude which will not result in
11 adverse impacts on the wetland. A
12 drawdown of more than twelve (12)
13 vertical inches in a ninety (90) day
14 period with no recharge shall be presumed
15 to be an adverse impact.
16 c) If the gradient is equal to or greater
17 than 0.015, then construction of an
18 impermeable barrier or other equivalent
19 action must be taken to mitigate for the
20 impact of the proposed excavation between
21 the wetland and the excavation.
22 d) The County will review modeling results
23 which demonstrate that a gradient equal
24 to or greater than 0.015 will not have an
25 adverse impact on the adjacent wetland.
26 A detailed soil profile constructed from
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1 a minimum of three (3) separate sampling
2 locations with permeability testing
3 results on selected samples will be
4 performed. Two-dimensional modeling may
5 be necessary to represent the site
6 geometry.

7
8 d. Construction criteria:

9
10 1. Discharge structures:

- 11 a) All design discharges shall be made
12 through structural discharge facilities.
13 Earth berms shall be used only to
14 disperse or collect sheet flows from or
15 to ditches, swales, etc., served by
16 discharge structures.
17
18 b) Fixed elevation discharge structures
19 shall normally be used when there is not
20 a downstream control structure designed
21 to preclude the need for individual
22 development control structures. Whenever
23 possible, without violating the criteria
24 for on-site surface water quantity
25 (including over-drainage) and quality, as
26 stated elsewhere in this Article, a
27 development shall be designed to the
28 parameters of the downstream control
29 structure of the appropriate secondary
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1 canal system in order to preclude the
2 necessity of a control structure between
3 the development and the secondary canal
4 system.

- 5
6 c) Variable elevation discharge structures
7 are preferable to fixed elevation
8 structures. When variable elevation
9 discharge structures are used, they shall
10 have secure locking devices. The
11 governmental agency or local water
12 control district that has received permit
13 delegation from the SFVMD shall keep the
14 keys for any such devices.
15
16 d) Variable elevation discharge structures,
17 to be operated by other than permitting
18 agencies, will be approved on a case-by-
19 case basis, and operating agreements
20 regarding such structures may be
21 required.
22
23 e) Discharge structures must be non-operable
24 unless approved otherwise.
25
26 f) Discharge structures should include
27 gratings for safety and maintenance
28 purposes (see plate WM 9.2 for an example
29 of a grating detail). The use of trash
30 collection screens is desirable.
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- g) Discharge structures shall include a "baffle system" to encourage discharge from the center of the water column rather than the top or bottom. Discharge structures from areas with greater than fifty (50) percent impervious area or from systems with inlets in paved areas shall include a baffle, skimmer or other mechanism suitable for preventing oil and grease from discharging to and/or from retention/detention areas (see plates WM 4.1 through WM 4.5).
 - h) Direct discharges, such as through culverts, storm drains, weir structures, etc., will normally be allowed to flow into receiving waters which by virtue of their large capacity, configuration, etc., are easily able to absorb concentrated discharges. Such receiving waters might include existing storm sewer systems and human-created ditches, canals and lakes.
 - i) Indirect discharges, such as overflow and spreader swales, are required where the receiving water or its adjacent supporting ecosystem may be expected to

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- be degraded by a direct discharge. The discharge structure would therefore discharge into the overflow, spreader swale, etc., which in turn would release the water to the actual receiving water. Such receiving waters might include natural streams, lakes and marshes and land naturally receiving overland sheet flow.
- j) Pumped systems will only be allowed for single-owner or governmental agency operation entities unless perpetual operation ability can be assured.
 - k) All discharges to Class V Injection Wells as defined in Chapter 62-28, F.A.C., shall be required to incorporate sediment traps and a "baffle system" as described in Section 27-200(b)(5). Prior to discharge, the retention/detention requirements for water quality shall be complied with.
2. *Control devices/bleed-down mechanisms for detention systems:*
- a) Gravity control devices shall normally be sized based on a design discharge of one-half (1/2) inch of the detention volume in

1 twenty-four (24) hours. The devices
2 should incorporate dimensions no smaller
3 than six (6) square inches of cross-
4 sectional area, two (2) inches minimum
5 dimension, and twenty (20) degrees for
6 "V" notches. Systems which are limited
7 by a discharge structure with an orifice
8 no larger than the minimum dimensions
9 described here shall be presumed to meet
10 discharge quantity criteria except for
11 projects which may otherwise be required
12 to have zero discharge.

- 13
- 14
- 15 b) Gravity control devices shall be of a "V"
16 or circular shaped configuration,
17 whenever possible, to increase detention
18 time during minor events.
- 19
- 20 c) Pumped control devices shall normally be
21 sized based on a design discharge of
22 twenty (20) percent of the detention
23 volume in one (1) day.
- 24
- 25 3. Dry retention/detention areas (not applicable
26 to wetlands):
- 27
- 28 a) Mosquito control ditches or other
29 appropriate features for such purpose
30 shall be incorporated into the design of
31 dry retention/detention areas.

- 1 b) The design of dry retention/detention
2 areas shall incorporate considerations
3 for regular maintenance and vegetation
4 harvesting procedures.
- 5
- 6 4. Wet retention/detention areas:
- 7
- 8 a) Dimensional criteria (as measured at or
9 from the control elevation):
- 10
- 11 1) Area: One-half (½) acre minimum.
- 12
- 13 2) Width: One hundred (100) feet
14 minimum for linear areas in excess
15 of two hundred (200) feet length.
16 Irregular shaped areas may have
17 narrower reaches but should average
18 at least one hundred (100) feet.
- 19 (Note: Area and width requirements
20 may be waived for projects to be
21 operated by single-owner entities or
22 entities with full-time maintenance
23 staffs with an obvious interest in
24 maintaining the areas for water
25 quality purposes, e.g., golf
26 courses.)
- 27
- 28 3) Depth: Shallow, littoral areas are
29 desirable for water quality
30 enhancement purposes. Such areas
31 are defined for purposes of this

1 criteria as the portion of wet
2 retention-detention bodies shallower
3 than six (6) feet as measured from
4 below the control elevation. A
5 minimum of twenty (20) percent of
6 the area shallower than six (6) feet
7 is required up to two and five-
8 tenths (2.5) percent of the total of
9 the retention-detention area
10 (including side slopes), and twenty-
11 five (25) to fifty (50) percent of
12 the area deeper than twelve (12)
13 feet is desirable.

- 14
15
16 4) *Side slopes:* For purposes of public
17 safety, water quality enhancement
18 and maintenance, all wet retention/
19 detention areas should have side
20 slopes no steeper than 4:1
21 (horizontal to vertical) between the
22 control elevation out to a depth of
23 two (2) feet below the average dry
24 season water table elevation (see
25 plate WM 6.2). Side slopes should
26 be top soiled, nurtured or planted
27 from two (2) feet below to one (1)

1 foot above control elevation to
2 promote vegetative growth. Littoral
3 zone vegetation growth survival
4 shall be a consideration of
5 operation license issuance. If
6 existing lakes are used for wet
7 retention/detention areas, they must
8 meet the side slope criteria.
9 Steeper side slopes may be
10 considered for commercial sites when
11 physical conditions limit the space
12 available if a security fence and
13 locking gate are provided.

- 14
15
16 5) *Bulkheads:* Bulkheads may be allowed
17 for no more than forty (40) percent
18 of the shoreline length, but
19 compensating littoral zone must be
20 provided based on appropriate
21 maximum allowable side slope.

22
23 b) *Support facility design criteria:*

- 24
25 1) *Perimeter maintenance and operation*
26 *easements of twenty (20) feet*
27 *(minimum preferable) width at slopes*
28 *no steeper than 4:1 (horizontal :*
29 *vertical) should be provided beyond*
30 *the control elevation waterline.*

1 Slopes of 10:1 will be required
2 where heavy equipment operation can
3 be expected, or as determined by the
4 local agency responsible for the
5 maintenance (see plate WM 6.1).
6

- 7 2) Control elevations should be no
8 higher than two (2) feet below the
9 minimum road center line elevation
10 in the area served by the control
11 device in order to protect the road
12 subgrade.
13

14 5. Exfiltration systems:

- 15 a) Pipe diameter: Twelve (12) inches
16 minimum.
17
18 b) Trench width: Three (3) feet minimum, or
19 ten (10) feet maximum for single pipe
20 system.
21
22 c) Rock in trench must be enclosed in filter
23 material, at least on the top and sides.
24
25 d) Maintenance sumps in inlets, unless
26 otherwise approved by DHRP.
27
28 e) Catch basins with pollution retardant
29 devices should not have sumps or
30 weepholes.
31
32 f) See plate WM 14.1 for typical section.
33

6. Excavations:

- 1 a) Entrapped saltwater, resulting from
2 inland migration of saltwater during
3 hurricane tide conditions or penetration
4 of the fresh water/saltwater interface,
5 will not adversely impact existing legal
6 water users.
7

- 8 b) The penetration of a water-bearing
9 formation exhibiting poorer water
10 quality, in terms of chloride
11 concentrations, will not adversely impact
12 existing legal water users or result in
13 adverse environmental impacts.
14

- 15 c) In the area west of the salinity barrier
16 line depicted on plate WM 11.1,
17 provisions shall be incorporated to
18 prevent the lowering of the ground water
19 table and to prevent saltwater intrusion.
20
21 No un-controlled connections to saltwater
22 will be allowed west of the salinity
23 barrier line.
24

- 25 d) Excavations within the vicinity of tidal
26 canals or the saltwater intrusion line
27 shall require the installation of one (1)
28 or more monitoring wells to establish the
29 chloride level at a depth ten (10) feet
30 below the proposed depth of excavation.
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The maximum value at this depth shall be one hundred (100) parts per million. If an excavation may be expected to lower the ground water level, monitoring will be required to the base of the aquifer. If the excavation is within an area of the aquifer with semi-confined layers, monitoring may also be required at the base of each semi-confined layer.

e) DNRP shall specify measures to be taken around excavations closer than one (1) foot above the annual high water level to prevent oils, grease, suspended solids, hazardous or toxic material or other pollutants from entering such excavations.

f) Excavations for the purpose of the creation of permanent water bodies in a wellfield protection zone shall not reduce hydraulic recharge distances to public water supply wells in excess of two (2) percent, nor shall such excavations be closer to public water supply wells than three hundred (300) feet.

g) For excavations where depth is critical, DNRP may require at least two (2) monitoring wells. The following criteria are used to determine the location and number of pairs of observation wells required for the proposed excavation site:

<u>Size of Proposed Excavated Area</u>	<u>Number of Pairs</u>
Up to 5 acres	2
Each additional fraction of 5 acres	1

1) Actual location of observation wells will be determined on a site-specific basis and shall be approved prior to installation. One (1) of each pair shall be cased to the proposed depth of the excavation and cement grouted from the bottom of the casing to grade. The shallow well will be drilled and cased to a depth of one (1) foot below the existing ground water table and need not be grouted in place. Elevations of the top of the casing shall be recorded for each of the observation wells. This technique is used to determine the presence of a head

1 differential between the two (2)
2 depths. Permission to excavate to
3 the proposed depth will be
4 determined by the resulting
5 measurements.
6

7 h) Any excavations proposed in close
8 proximity to an existing or proposed
9 potable water wellfield or water
10 management structures will be required to
11 provide the following additional
12 safeguards:

- 13 1) Berms.
- 14 2) Dry retention areas.
- 15 3) Pollution abatement structures.
- 16 4) Water level control devices.
- 17 5) Other measures deemed necessary by
18 DNRP.

19 i) Geologic testing may be required, as well
20 as monitoring well construction, in order
21 to establish the nature of the strata
22 that will be penetrated by a proposed
23 excavation. Applications for excavations
24 into highly pervious limestone that may
25 cause undesirable hydraulic connections
26 between sections of the aquifer or
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1 between the aquifer and surface water may
2 be denied.

3 7. *Impervious areas:* Runoff shall be discharged
4 from impervious surfaces through retention
5 areas, detention devices, filtering and
6 cleansing devices, and/or subjected to BMPs
7 prior to discharge from the project site. For
8 projects which include substantial paved
9 areas, such as shopping centers, large highway
10 intersections with frequent stopped traffic,
11 and high-density developments, provisions
12 shall be made for the removal of oil, grease
13 and sediment from stormwater discharges.

14 8. *Stagnant water conditions:* Configurations
15 which create stagnant water conditions such as
16 hydraulically dead-end canals are to be
17 avoided, regardless of the type of
18 development.

19 9. *Tidal water connections:* New canals
20 connecting to saltwater will be required to
21 have dams constructed to effectively prevent
22 saltwater encroachment upstream of the
23 structure. The design and installation of
24 such structures are subject to the approval of
25 DNRP. For typical installation, see plate WM
26 9.1. In addition to salinity dams, it is
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1 necessary to provide facilities such as sheet
2 piling to cut off underground flow, and to
3 allow for a buffer zone between any such dams
4 or termination of a new canal and the
5 beginning point of any other excavation such
6 as a canal or lake. Other control structures
7 for conservation or to prevent over-drainage
8 will adhere to the same requirements.
9

10 10. Canal crossings: A surface water management
11 license must be obtained for all crossings of
12 waterways controlled and operated by the
13 county. Canal crossings shall conform to the
14 general requirements indicated below.
15

16 a) Utility crossings: Gravity lines are
17 required to run two (2) feet under the
18 canal design bottom elevation, whereas
19 pressure lines may cross either over or
20 under the canal. Overhead crossings
21 require at least the same clearance as
22 bridges, except in the case of exposed
23 telephone or power lines, which require
24 greater clearance, where applicable
25 clearance or protection will be required
26 for canal maintenance equipment.
27

28 b) Culverts: Canal crossings of less than a
29 twenty (20) foot span will be considered
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1 as culverts. The head loss will be set
2 at one-fourth (1/4) foot per crossing at
3 design flow, and the pipe will be sized
4 accordingly; however, the use of smaller
5 head loss in those cases where
6 accumulated head losses for a given reach
7 of canal is approaching the limit, as
8 determined by the canal design for flood
9 control, may be required. Pipe capacity
10 will be based on design flow with both
11 ends of the culvert submerged. In the
12 design of culverts, total head loss
13 should include entrance and exit losses
14 as well as loss due to friction in the
15 culvert. In special cases other losses
16 will be considered. The minimum
17 allowable pipe size will be twelve (12)
18 inches. Some slope of the culvert pipe
19 in the downstream direction should be
20 provided to assist in the cleaning of the
21 pipe whenever velocities are high. In
22 tidal areas, the pipe will be set with
23 invert at low tide level or lower.
24 Standard details for installations,
25 including end walls, are shown on plates
26 WM 8.1 through 8.6. Culverts longer than
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1 three hundred (300) feet will be designed
2 as storm sewers and conform to the
3 requirements of grading and drainage
4 regulations and standards.

- 5
6 c) *Bridges:* Drainage structures of greater
7 than a twenty (20) foot span will be
8 considered as bridges with the hydraulic
9 and navigation criteria set by DNRNP.
10 Approval of the bridge design will be by
11 the Broward County Engineering Division.

12
13 11. *Installation of guardrails:* Installation of
14 guardrails, or other approved protective
15 devices, is required throughout all areas
16 where it is impossible to meet roadway
17 separation criteria. Separation and guardrail
18 standards are contained in Broward County
19 Engineering Division's "Minimum Standards
20 Applicable to Public Right-of-Way."

21
22 12. *Water quality monitoring:*

- 23
24 a) In general, there are two (2) reasons for
25 requiring water quality monitoring by
26 licensees, as follows:

- 27 1) Such data can be used to determine
28 if the pollution abatement practices
29 incorporated into the design for the
30

1 drainage system are functioning
2 properly.

- 3 2) In some cases there may be a real
4 and immediate concern regarding
5 degradation of quality in the
6 receiving waters, regardless of the
7 pollutant removal efficiency of the
8 drainage system.

- 9
10 b) The reason for the monitoring requirement
11 will normally be stated in each license.
12 Also included in the license will be the
13 monitoring and reporting schedules and
14 the parameters of interest. Each
15 monitoring program will be designed
16 specifically for the land use or
17 individual project in question and may
18 include surface water and/or ground water
19 sampling. Parameters of interest will
20 normally include but not be limited to
21 those listed in the water quality
22 standards contained in this Chapter.

- 23
24 c) As a general rule, monitoring required of
25 licensees will be confined to points
26 within their boundaries. If additional
27 sampling is needed in order to assess
28 off-site impacts of the projects, the
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1 responsible party (the licensee or
2 county) will be named in the license.
3 The determination of the responsible
4 party will be based on the accessibility
5 of the monitoring site to the licensee.
6

- 7 d) Licenses issued for projects not
8 requiring monitoring at this time will
9 normally include a statement to the
10 effect that water quality monitoring may
11 be required in the future. This should
12 not be construed as an indication that
13 DNRP is contemplating the implementation
14 of a program of intensive water quality
15 monitoring by all licensees. If water
16 quality problems develop in specific
17 areas, however, licensees are in this
18 manner put on notice that they may have
19 to determine the quality of the water
20 which they are discharging.
21

22 13. *Installation of pipes:* Installation of pipes
23 shall conform to South Florida Building Code
24 or Department of Transportation specifications
25 and standards, as applicable.
26

27 (6) *Western Canal-9 Basin criteria:*

- 28 a. *Policy and purpose:* The Western Canal-9 Basin has
29 in the past been subject to periods of extensive
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1 flooding during storm events and to severe over
2 drainage during dry seasons. Development pressure
3 is increasing. It is likely that any new
4 development will create flooding problems in the
5 eastern basin, as well as aggravate the over
6 drainage and flooding already existent in the
7 western basin. In addition to the criteria for
8 surface water management systems already in effect
9 throughout the county, additional restrictions are
10 necessary in the Western Canal-9 Basin because of
11 the unique water management regime in that area as
12 described above. This subsection will preserve the
13 existing flood protection in the Eastern Canal-9
14 Basin, prevent over drainage of the Western Basin,
15 while giving a degree of flood protection to the
16 western developments.
17

- 18 b. *Application of subsection:* All projects located
19 within the Western Canal-9 Basin requiring surface
20 water management licenses pursuant to this Section
21 shall be subject to the additional regulations
22 provided in this subsection. The most restrictive
23 criteria will be applicable unless the applicant
24 can demonstrate to DNRP's satisfaction through
25 accepted methodology that the purpose and intent of
26 this subsection will be fulfilled using alternate
27 criteria.
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1 c. Conditions for issuance of licenses for the Western

2 Canal-9 Basin:

- 3
- 4 1. For design purposes the 100-year, 25-year and
- 5 10-year flood frequency elevations are
- 6 established as 7.3 feet, 6.8 feet and 6.5 feet
- 7 mean sea level, respectively.
- 8
- 9 2. For systems designed to be pumped from fully
- 10 diked areas, discharge shall be limited to
- 11 three-fourths (¾) of an inch per twenty-four
- 12 (24) hours, or the criteria in Section 27-
- 13 199(c)(5), whichever is more restrictive. In
- 14 addition, no pumping shall be permitted when
- 15 Canal-9 stages at pump tailwater exceed the
- 16 25-year peak elevation of six and eight-tenths
- 17 (6.8) feet mean sea level.
- 18
- 19 3. All direct connections to Canal-9 shall be
- 20 designed to prevent lowering of the ground
- 21 water table below elevation two and five-
- 22 tenths (2.5) feet mean sea level. All
- 23 indirect connections to Canal-9 shall be
- 24 designed to prevent lowering of the ground
- 25 water table by installing the discharge
- 26 facilities at a discharge elevation no lower
- 27 than six (6) inches below average existing
- 28 ground elevation for the project. Nothing in
- 29 this subsection shall be construed to preclude
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1 the construction and operation of discharge

2 facilities designed to temporarily lower the

3 ground water table below these elevations

4 immediately prior to the arrival of a major

5 storm event.

6

7 d. Fill encroachment criteria:

- 8
- 9 1. The volume encroachment by development between
- 10 average existing ground surface and elevation
- 11 seven (7) feet mean sea level shall not exceed
- 12 two (2) feet times the total area of the
- 13 property.
- 14
- 15 2. For diked areas with on-site retention of
- 16 runoff, the area diked shall not exceed the
- 17 encroachment volume specified in paragraph a.
- 18 divided by the difference between average
- 19 existing ground elevation within the dike and
- 20 elevations five and three-fourths (5¾) feet
- 21 mean sea level. This will require all such
- 22 projects on land of average elevation less
- 23 than three and three-fourths (3¾) feet mean
- 24 sea level to preserve some area outside of the
- 25 dikes with no fill. The preserved area shall
- 26 be located so as to preserve natural basin
- 27 flow patterns for lands outside the dikes.
- 28
- 29 Editor's note -- The plates referred to in
- 30 this Section are not provided in this Chapter
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1 but are on file with the DHRP Regulations
2 adopted by Ord. No. 90-49.

3 (7) *Criteria for issuance or denial of conceptual approval:*

4 Letters of conceptual approval will be reviewed according
5 to the criteria of Section 27-200(b). In addition, the
6 applicant must demonstrate that the proposed project will
7 serve a proposed land use which is compatible with the
8 land use element of the affected local government's
9 comprehensive plan as determined by the local government,
10 or with the existing zoning of the area, except when a
11 conceptual approval application has been filed
12 concurrently with a DRI application for ADA and a local
13 government comprehensive plan amendment, pursuant to
14 Section 380.06(9)(a)1., Florida Statutes.

15 (8) *Notice of intent to issue or deny:* At the conclusion of
16 DHRP's review for a letter of conceptual approval
17 concurrent with DRI review, the DHRP shall give notice of
18 its proposed action, as provided for by Section
19 120.60(3), Florida Statutes, and shall forward a copy of
20 the notice to the SFRPC with a report setting out DHRP's
21 conclusions on potential development impacts and stating
22 whether DHRP intends to grant conceptual approval, with
23 or without conditions, or to deny conceptual approval.
24 If DHRP intends to deny conceptual approval, the report
25 shall state the reasons therefor. DHRP may require the
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1 developer to publish notice of proposed agency action in
2 accordance with Section 403.815, Florida Statutes.

3 (9) *Effective date of issuance:* For an application for
4 conceptual approval filed concurrently with an ADA for a
5 DRI and a local government comprehensive plan amendment,
6 the effective date of the letter of conceptual approval
7 shall be the effective date of the local government's
8 comprehensive plan amendment, the effective date of the
9 local government's DO, or the date on which DHRP issues
10 the conceptual approval, whichever occurs later.

11 (10) *Duration:* Unless revoked or otherwise modified, the
12 duration of a date of conceptual approval for a surface
13 water management works is two (2) years from the date of
14 issuance unless within that period an application for a
15 construction and/or operation license is filed for any
16 portion of the project. If any application for a
17 construction and/or operation license is filed, then the
18 letter of conceptual approval remains valid until final
19 action is taken on the application. If the application
20 is granted, then the letter of conceptual approval is
21 valid for the remainder of the project, except that the
22 letter of conceptual approval will automatically expire
23 if a period of two (2) years elapses in which no actual
24 construction leading to completion of the project has
25 occurred nor has an application for a construction
26 license been filed for a subsequent phase of
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1 construction. A letter of conceptual approval may be
2 revoked if DHRP makes a showing that one (1) or more
3 situations described in Section 380.06(9)(e), Florida
4 Statutes, has occurred.

5
6 **Sec. 27-201. Fee Authorization.**

7 Any proposed or existing project for which county approval is
8 required as a prerequisite for a building permit shall be assessed
9 a plan review fee. This fee shall be in addition to any other
10 review or application fee, except that projects requiring a license
11 pursuant to this Article shall not be assessed this fee. All plan
12 review, license, and other fees shall be determined by a fee
13 resolution.

14
15 (a) *Domestic wastewater:*

16 (1) *General license fee:* The license fee is not refundable
17 and may not be applied to any license application other
18 than the one for which it was originally paid.

19 (2) *License transfer:* Where an application is filed for a
20 license to operate any facility by reason of change of
21 location or transfer from one person to another, or both,
22 and where a license has previously been granted for the
23 facility in accordance with Section 27-198 and no
24 unlicensed modifications have been made to the facility
25 the applicant shall be assessed a fee.

26 (3) *Sanitary sewer connections estimated wastewater flows:*
27 The unit flows as indicated below shall be used in
28 determining hydraulic loadings of sewers and wastewater
29
30
31
32
33

1 treatment plants anticipated from proposed projects. For
2 purposes of this code an equivalent residential
3 connection (ERC) shall be 300 gallons per day. For
4 special purpose structures not included in these
5 categories, DHRP shall apply good engineering judgement
6 in estimating flow.
7

8 **DESIGN FLOW**

9 Type of Structure	10 Specific Condition	11 Per unit in Gallons per day
12 Airports, bus terminals, train stations, port & dock facilities:	(a) per passenger (b) add per employee per 8 hour shift	5 20
14 Assembly Halls	(a) per seat	2
15 Barber and beauty shops	(a) per dry service chair (b) per wet service chair	100 200
17 Bar and cocktail lounges (No food service)	(a) per seat	20
19 Bowling alleys	(a) per lane (no food operation)	100
21 Camps	(a) day, no food service (b) luxury resort, per person (c) labor, per person	25 100 100
23 Camper or RV trailer park	(a) per space	150
24 Car wash	(a) automatic type (b) automatic type (recycled water) (c) Hand wash	3500 350 1750
27 Churches	(a) per sanctuary seat	3
29 Dance halls	(a) per person	2
30 Dentist offices:	(a) per dentist (b) plus per wet service chair	250 200
31 Doctor offices:	(a) per physician	250

1		(b) plus per square foot of office space	0.20
2			
3	Drive-in theater	(a) per car space	5
4	Fire station	(a) per bed	100
5	Health spa	(a) per square foot (Does not include food service)	0.35
6			
7	Hospitals and nursing homes	(a) per bed space (Does not include public food service areas and offices)	210
8			
9	Institutions	(a) per person (including resident staff)	100
10			
11	Kennels	(a) per animal space	30
12		(b) per veterinarian	250
13	Laundries	(a) per coin operated machine	400
14		(b) per commercial non-coin operated machine	650
15			
16	Marinas	(a) per boat slip (Does not include office, repair & leisure facilities)	40
17			
18	Office Building	(a) per square foot of floor space	0.20
19			
20	Parks, public with comfort stations	(a) per visitor	10
21			
22	Pet grooming parlors	(a) per wash basin (Does not include retail sales)	200
23			
24	Recreation/pool buildings	(a) per person (300 gallon minimum)	2
25			
26	Residences	(a) Single family, detached each	300
27		(b) Multiple family per dwelling unit	250
28		(c) Motel/hotel units, per bedroom	150
29		(d) Bedroom additions to single family residence	150
30		(e) Mobil homes, each	300
31			
32	Restaurants	(a) open 24 hours, per seat	
33			

1		including bar	50
2		(b) open less than 24 hours, per seat including bar	30
3		(c) open less than 24 hours, with drive-thru window, per seat including bar	35
4		(d) drive-ins, per space	50
5		(e) carry out food service only per 100 square feet	50
6			
7	Schools:		
8	Elementary/Middle	(a) per pupil per day	10
9		(b) add for shower/pupil	5
10		(c) add for cafeteria/pupil	5
11	High School	(a) per pupil per day	15
12		(b) add for shower/pupil	5
13		(c) add for cafeteria/pupil	5
14	Boarding School	(a) per pupil	100
15	Service stations and auto repair shops	(a) per water closet	250
16		(b) plus per service bay	100
17	Shopping centers and retail shops	(a) per square foot of floor space (Does not include food service or laundry)	0.10
18			
19	Theaters and auditoriums	(a) per seat	5
20	Warehouse, mini-storage, with resident manager	(a) per square foot of floor space	0.01
21		(b) plus residence	250
22			
23	Warehouses	(a) per square foot of floor space	0.10
24			
25			
26			
27			
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* Trade-off flows: In the case where trade-off flows are to be approved, the fee shall be determined on the basis of the anticipated flow from the new building.

(4) Sanitary sewers: Any proposed sanitary sewer collection system, gravity or force main systems, or changes to

1 existing systems shall be assessed a construction license
2 fee.

3 a. Gravity sewers and force mains shall be assessed a
4 fee per running foot plus a fee per underground
5 utility access portal.

6 b. Pump stations and lift stations shall be assessed a
7 fee per facility plus a fee for any motor
8 horsepower as set forth as follows:

9 Any article, machine, equipment or other
10 contrivance provided as part of the pollution
11 control equipment as heretofore defined, where an
12 electric motor is used as the power supply, shall
13 be assessed a permit fee based on the total rated
14 motor horsepower of all electric motors included in
15 any article, machine, equipment or other
16 contrivance.

17 c. Record reviews shall be assessed a fee per review.

18 d. Application to extend a construction license must
19 be accompanied by the proper fee.

20 (5) *Wastewater treatment plants:*

21 a. *Proposed wastewater treatment plants:* Any proposed
22 sanitary wastewater treatment plant or publicly
23 owned treatment works (POTW) or expansions to any
24 such existing treatment plant shall be assessed a
25 county construction license fee.

26 b. *Proposed modifications:*

1 1. Any proposed modification or revisions that do
2 not change the design capacity of an existing
3 or proposed sanitary wastewater treatment
4 plant shall be assessed a modification license
5 fee.

6 2. Modifications of existing wastewater treatment
7 plants to advanced wastewater treatment or to
8 spray irrigation for disposal of effluent
9 shall be assessed a construction license fee.

10 c. *Renewals:* Any renewal of an construction/operat-
11 ing license or construction license shall be
12 assessed a fee.

13 d. *Operating licenses:* All applications for operating
14 licenses for wastewater treatment plants shall be
15 assessed an operating license fee.

16 (6) *Plat and site plan application review fees:* Review of
17 plat and site plan applications shall be assessed a
18 review fee.

19 (7) *Reuse application systems:* All proposed reuse applica-
20 tion systems, changes to existing systems, and operating
21 systems shall be assessed a construction/operation
22 license fee.

23 a. Distribution systems and force mains shall be
24 assessed a fee per running foot plus a fee per
25 underground utility access portal.

1 b. Pump stations shall be assessed a fee per facility
2 plus a fee for any motor horsepower as set forth as
3 follows:

4 Any article, machine, equipment or other
5 contrivance provided as part of the pollution
6 control equipment as heretofore defined, where an
7 electric motor is used as the power supply, shall
8 be assessed a permit fee based on the total rated
9 motor horsepower of all electric motors included in
10 any article, machine, equipment or other
11 contrivance.

12 c. *Record review fee:* Record drawing reviews shall be
13 assessed a fee per review.

14 d. *Extensions and renewals:* Applications for
15 extensions or renewals of construction/operation
16 licenses must include the proper fee.

17 (b) *Non-domestic wastewater:* - 1.25

18 (1) *Direct discharger license fee:*

19 a. Before any application for county license required
20 under this article is accepted for review, a
21 license fee shall be delivered to the county.

22 b. The license fee is not refundable and may not be
23 applied to any license application other than the
24 one for which it was originally paid.

25 c. Existing non-domestic wastewater systems or
26 facilities that discharge to ground or surface

1 water shall be assessed an operation license fee.

2 This fee shall be based on the per gallon designed
3 wastewater flow. This fee shall also apply to both
4 license renewals and extensions.

5 (c) *Surface water management:*

6 (1) *Surface water management license and letter of conceptual*
7 *approval fees:* Each application for a surface water
8 management license or letter of conceptual approval shall
9 be accompanied by a non-refundable license fee.
10 Modification of a surface water management license or
11 letter of conceptual approval shall be assessed a fee
12 corresponding with the appropriate project size.

13 (2) *License renewal fees:* The application renewal shall be
14 accompanied by a fee.

15 (3) *General license fee:* General licenses issued under this
16 chapter shall be assessed a one-time fee.

17 (4) *Plan review fees:* Any proposed or existing project for
18 which county surface water management licensing section
19 approval is required as a prerequisite for a building
20 permit shall be assessed a plan review fee. This fee
21 shall be in addition to any other review of application
22 fee, except that projects requiring a surface water
23 management license shall not be assessed this fee.

24 (5) *Transfer of license:* A fee shall be assessed for the
25 transfer of an existing surface water management license.

1 (6) *License extension fee:* A fee shall be assessed for the
2 extension of the construction phase of a surface water
3 management license.

4 (7) *Partial/phase certification fee:* A fee shall be assessed
5 for a request to receive partial certification of an
6 uncompleted surface water management system provided that
7 the prorated share of the surface water management system
8 sufficient to provide the flood protection and water
9 quality treatment has been constructed for that phase and
10 is functioning for that phase.

11
12
13
14 Sec. 27-202 - 27-210 Conservation. (Reserved)

15 Section 3. SEVERABILITY.

16 If any section, part of a section, paragraph, sentence,
17 clause, phrase or word of this Ordinance is for any reason held or
18 declared to be unconstitutional, inoperative, or void, such holding
19 of invalidity shall not affect the remaining portions of this
20 Ordinance and it shall be construed to have been the legislative
21 intent to pass this Ordinance without such unconstitutional,
22 invalid or inoperative part herein, and the remainder of this
23 Ordinance after the exclusion of such part or parts shall be deemed
24 to be held valid as if such part or parts had not been included
25 therein, or if this Ordinance or any of the provisions thereof
26 shall be held inapplicable to any person, group of persons,
27 property, kind of property, circumstance or set of circumstances,
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1 such holdings shall not affect the applicability thereof to any
2 other person, property or circumstance.

3 Section 4. INCLUSION IN CODE.

4 It is the intention of the Board of County Commissioners that
5 the provisions of this Ordinance shall become and be made a part of
6 the Broward County Code; and that the sections of this Ordinance
7 may be renumbered or relettered and the word "ordinance" may be
8 changed to "section," "article," or such other appropriate word or
9 phrase in order to accomplish such intentions.
10
11
12

13 Section 5. EFFECTIVE DATE.

14 This Ordinance shall become effective as provided by law.

15 ENACTED

16 FILED WITH DEPARTMENT OF STATE

17 EFFECTIVE **June 17, 1996**

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26 KB/vs
27 File #95-426
28 05/17/96
WRM27.001
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33

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS
BROWARD COUNTY, FLORIDA
Department of Natural Resource Protection
Water Resources Division
218 SW 1st Avenue
Fort Lauderdale, Fl. 33301-1814

(954) 519-1270 • FAX (954) 519-1496
World Wide Web URL co.broward.fl.us/dnrp



DRAFT

**APPLICATION TO CONSTRUCT
A WASTEWATER COLLECTION / TRANSMISSION SYSTEM**

Project Recap Sheet Application information is to be typed or printed in ink. All items must be completed in full.

Project Name _____ File No. _____

Street Address of Project _____ WWTP _____

City _____ Zip Code _____

Wastewater Treatment Plant Station in project Yes No Maintenance by Public Utility Private Entity - See Page 3

County _____ Township _____ Range _____ Folio Number _____

Site Description _____ BCR Book / Page _____ / _____

Engineer of Record / Firm _____ Telephone No. (____) _____ - _____

Company _____ Telephone No. (____) _____ - _____

Corporate Address _____ Suite _____

City _____ State _____ Zip Code _____

Applicant Name _____ Title _____ Officer Agent-need letter

Flow Calculation: Single Family Home Multi Family Mobile Home Other - describe

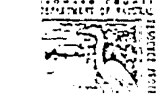
describe Other _____

Flow Calculation _____

Completely describe planned lots / blocks / parcel / phasing / building number(s), etc., served by this system. Add

assets as required. _____

Attach an 8 1/2" X 11" sketch(s) which clearly delineates all boundaries to be serviced and the specific site location. Define anything of an environmental nature (I.E., wetlands, wellfields, contamination, etc.) on or adjacent to the construction site. This information must be kept current with the Water Resource Division. Attach additional sheets as required.



Directions for Project Submission

DRAFT

Three (3) copies of this application and the fee (see Page 4) payable to the Broward County Board of County Commissioners.

Three (3) copies of either:

- 1) Florida DEP Form #62-604.300(7)(c) Notice of Intent to Use General Permit and a check for \$250.00 made payable to the Florida DEP.
- 2) Florida DEP Form #62-604.300(7)(a) Application to Construct Domestic Wastewater Collection/Transmission Systems and a check for \$500.00 made payable to the Florida DEP.

One (1) set of engineering drawings, specifications, and design data, as prepared by a Florida Registered Professional Engineer.

Minimum design information requirements:

- 1) A sewage pump station requires design calculations which consider superimposed pump curves, floatation calcs, and pipe sizes. Private entity maintenance will require an addendum (See Page 3 of 4)
- 2) Any new project generating .01 MGD or larger flows into existing sanitary systems will require a study proving adequate system capacities through to the WWPT.
- 3) Existing sewage pump stations which have been in service for more than five years, or are approaching built-out condition, will require an operational assessment prior to new construction licensing.
- 4) All affected sewage pump stations shall be posted with a notice indicating the name and phone number of an emergency contact and other contact information as applicable for over flow clean up of the facility. This notice shall be displayed with the minimum of 1" high block letters on the outside of the electrical panel, fence enclosure, or other conspicuous location. This is to include the following statement. "TO REPORT POLLUTION, CALL BROWARD COUNTY DNRP AT 519-1499"



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Signatures of Project Principals

The undersigned agree to comply with Chapter 27 of the Broward County Code of Ordinances and all amendments on the attached Florida DEP Forms.

Construction of a sanitary sewer system without a valid Broward County License for Installation of Wastewater Collection/Transmission System is a violation of County Rules and Regulations, and may be subject to enforcement on resulting in civil penalties and/or fines.

Applicant Name/Title _____

Signature _____ Date _____

Maintenance Authority(s)

1) Public Utility Representative/Title _____

Signature _____ Date _____

2) Private Entity Representative/Title _____

Signature _____ Date _____

An ADDENDUM is required to this application, as prepared by the Engineer. The private maintenance boundaries must be defined, along with the connection point. The private entity must present a maintenance plan and emergency procedures and appropriate contacts for approval.

Waste Water Treatment Plant Authority _____

_____ Date _____

PROFESSIONAL ENGINEER REGISTERED IN FLORIDA:

I hereby certify that the engineering features of this wastewater collection/transmission system have been designed by me in accordance with Chapter 27 of the Broward County Code of Ordinances and Chapter 62-604 of Florida Administrative Code.

Name (Please Type) _____

Company Name _____

Corporate Address _____ Suite _____

_____ State _____ Zip Code _____

Signed _____
(Affix Seal over signature)

Date _____

Florida Registration Number _____



IV. Wastewater Collection System Construction License Fee Calculation
 (Per Broward County Code, Chapter 41.5, effective 6/11/96)

DRAFT

1. Calculate the total length of all sanitary sewer piping (8" and larger), plus any size force main and reuse main piping (Do not include any lengths of the lateral piping, 6" and smaller). If various sizes and/or materials have been used, list these assorted sizes, materials, and lengths on an attachment page 4A.

Total lineal feet of gravity sewer _____
 Total lineal feet of force main _____
 Total lineal feet of reuse main _____
 Total lineal feet of pipe _____ X \$0.16 = \$ _____
 Rounded off to the nearest dollar = \$ _____ (1)

2. Determine number of sanitary manholes plus the number of sanitary conflict manholes.
 Total manholes _____ X \$30.00 = \$ _____ (2)

3. List the number of new wet wells (Do not include any wet wells being refurbished).
 Total wetwells _____ X \$100.00 = \$ _____ (3)

4. Determine the total horsepower per wet well by adding up all individual pump horsepowers in the wetwell. Multiple lift stations must compute horsepower fees for each station and attach a computation sheet. See chart below for applicable fee.

Operating condition _____ GPM @ _____ Ft. TDH

Total Wetwell Pump Horsepower _____ Total HP Fee(s) = \$ _____ (4)

Total BCDNRP Fee* (Total 1, 2, 3, & 4) = \$ _____

*Submit a check payable to the BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS
 IF THE TOTAL OF ALL FEES IS LESS THAN \$120.00, THEN THE MINIMUM FEE = \$ 120.00

HORSEPOWER	FEE
> 0 BUT ≤ 5	= \$ 80.00
> 5 BUT < 15	= \$ 150.00
≥ 15 BUT < 45	= \$ 240.00
≥ 45 BUT < 65	= \$ 305.00
≥ 65 BUT < 125	= \$ 400.00
≥ 125 BUT < 200	= \$ 455.00
≥ 200 PLUS	= \$ 605.00



1 Control elevation means the lowest elevation at which water
2 can be released through a control device.

3 Cooling pond means a body of water enclosed by a natural or
4 constructed restraint which has been approved for purposes of
5 controlling heat dissipation from thermal discharges.

6 Design criteria means the best engineering practices available
7 to ensure the health, safety, and welfare of the public.

8 Detention means the delay of stormwater runoff prior to
9 discharge into receiving waters.

10 Deep injection well means the transmission of materials
11 through a well that discharges to the Boulder Zone. The Boulder
12 Zone lies approximately three thousand (3,000) feet below the land
13 surface of Broward County and contains water of greater than ten
14 thousand (10,000) parts per million (ppm) total dissolved solids
15 (TDS).

16 Detention volume means the volume of open surface storage
17 behind the discharge structure between the overflow elevation and
18 control elevation.

19 Direct discharge means the discharge of a pollutant or
20 combination of pollutants to surface or ground waters.

21 Discharge structure is a structural device made of concrete,
22 metal, or other similarly durable material, through which water is
23 discharged from a surface water management to the receiving water.

24 Disposal well means a shaft or well driven, drilled or dug
25 into an aquifer for the purpose of disposal of stormwater runoff or
26 non-contact cooling water. Drainage well, absorbing well, and
27 Class V well shall be considered as having the same meaning.
28
29
30
31
32
33

1 Domestic wastewater means the human body wastes from sanitary
2 fixtures, domestic laundry wastes, or water-borne solid wastes
3 collected or received from domestic food preparation or service.
4 "Domestic wastewater" is considered to have the same meaning as
5 "sanitary sewage" or "sanitary wastewater."

6 Development of Regional Impact (DRI) refers to a development
7 of regional impact as that term is used in chapter 380, Florida
8 Statutes.

9 Dry retention/detention area is a water storage area with
10 bottom elevation at least one (1) foot above the control elevation
11 of the area. Includes sumps, mosquito swales and other minor
12 features that may be at a lower elevation.

13 Effluent means wastewater or other liquid, partially or
14 completely treated, or in its untreated state, flowing out of a
15 reservoir, basin, treatment plant, industrial treatment plant, or
16 any other point source.

17 Elevation means the height in feet above or below mean sea
18 level according to the National Geodetic Vertical Datum (NGVD).

19 Equivalent residential connection (ERC) means three hundred
20 (300) gallons per day of wastewater.

21 Exfiltration trench means an underground device, such as a
22 French drain, constructed of perforated pipe, filter cloth, and
23 gravel material or similar materials for the purpose of conveying
24 surface water runoff into the ground.

25 Fresh waters means all waters of the county which are
26 contained in lakes and ponds or watercourses (including canals)
27 above the zone in which tidal actions influence the salinity of the
28
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33

1 water and where the conductance of the surface does not exceed five
2 thousand (5,000) micromhos per centimeter.

3 *Functionally equivalent replacement* means a feature or device
4 constructed of different materials, dimensions, and/or
5 specifications that replicates the process provided by an existing
6 feature or device.

7
8 *Ground water* means water below the surface of the earth,
9 whether it be either fresh or saltwater.

10 *Heated water discharges* mean the effluent from non-domestic
11 activities such as commercial or industrial processes in which
12 water is used for the purpose of transporting waste heat.

13
14 *Historic discharge* is the peak rate at which runoff leaves a
15 parcel of land by gravity in an undisturbed/natural site condition
16 or the legally allowable discharge at the time of license
17 application.

18
19 *Illicit stormwater discharge* means any discharge to a storm
20 sewer that is not composed entirely of stormwater except discharges
21 pursuant to a NPDES permit and discharges resulting from fire
22 fighting activities.

23
24 *Immediate adverse impact* means the negative impact of any
25 water management works with regard to promotion of erosion,
26 saltwater intrusion, degradation of ground or surface water
27 quality, or flooding that is predicted to occur within a one-year
28 period.

29
30 *Impervious areas* are land surfaces which do not allow, or
31 minimally allow, the penetration of water; included as examples
32
33

1 are building roofs, normal concrete and asphalt pavements, and some
2 fine grained soils such as clays.

3 *Individual service connection* means the sewer which connects
4 the point(s) at which wastewater leaves an establishment which is
5 its source and the point at which it enters a collection system.

6
7 *Major redevelopment* means construction activities which
8 involve the demolition or removal of the principal structure on a
9 site of more than fifty (50) percent of the impervious surface of
10 a developed area on a site. Major redevelopment also means minor
11 redevelopment with the cumulative expansion of developed area
12 greater than or equal to twenty-five (25) percent of the existing
13 developed area of a site or greater than or equal to two (2) acres
14 over a period of ten (10) years.

15
16 *Marine or saltwater* means those waters with a specific
17 conductance at the surface equal to or exceeding five thousand
18 (5,000) micromhos per centimeter.

19
20 *MF* means membrane filter.

21 *MPN* means most probable number.

22
23 *Mode of operation* means the activity that is to be undertaken
24 by the responsible entity as indicated on the water management
25 works license.

26
27 *Minor redevelopment* means construction activities which
28 involve the demolition or removal of fifty (50) percent or less of
29 the impervious surface of a developed area on a site.

30
31 *NPDES* means the National Pollutant Discharge Elimination
32 System.
33

1 *Non-domestic wastewater* means all non-sanitary liquid
2 wastewaters, including but not limited to those from industrial
3 processes, commercial processes, commercial laundries, and the
4 cleaning of air conditioning cooling towers or heat exchange
5 systems. "Non-domestic wastewater" is considered to have the same
6 meaning as "industrial" or "commercial" wastewater.

8 *Oil-water separator* means any tank, box, sump, or other
9 container in which any petroleum or product thereof, floating on or
10 entrained or contained in water entering such tank, box, sump, or
11 other container, is physically separated and removed from such
12 water prior to outfall, drainage or recovery of such water.

14 *Outfall* means the point, location or structure where
15 wastewater or drainage discharges from a sewer, drain or conduit
16 into the receiving waters.

18 *Overflow elevation* is the design elevation of a discharge
19 structure at which, or below which, water is contained behind the
20 structure, except for that which leaks out, or bleeds out, through
21 a control device down to the control elevation.

23 *Pathogens* means any organism capable of causing infection or
24 disease, excluding total coliform (including, but not limited to,
25 bacterial, viruses, protozoans.)

26 *Percolation* means the generally vertical movement of water
27 through soil or other unconsolidated medium to the water table and
28 to lower aquifers where occurring.

29 *Percolation pond* means an artificial impoundment similar to a
30 holding pond for which the design and operation provides for fluid
31

1 losses through percolation/seepage in addition to evaporative
2 losses.

3 *Point source* means discharges from a single geographic
4 position.

5 *Pollutant* means a substance, contaminant, or combination of
6 one or more substances or contaminants, noise, or any artificially
7 induced alteration of the chemical, physical, biological, or
8 radiological integrity of the air, soil, or water that creates
9 pollution.
10

11 *Property* means land and generally whatever is erected or
12 growing upon or under or is affixed to land under the control of a
13 person, corporation, or business.

14 *Publicly owned treatment works (POTW)* means a facility
15 operated by a public body or agency for the treatment of wastewater
16 generated by various users in a specific geographic or political
17 area.
18

19 *Responsible entity* means any person, corporation or business
20 interest legally responsible for land and structures and for
21 operation and maintenance of any activity shown and/or stated on
22 the water management works license.
23

24 *Retention* is the prevention of stormwater runoff from direct
25 discharge into receiving waters; included as examples are systems
26 which discharge through percolation, exfiltration, filtered bleed-
27 down and evaporation processes.
28

29 *Sewer* means a pipe or conduit that carries wastewater or
30 stormwater.
31

1 Site means a plot of ground suitable or set apart for some
2 specific use, not necessarily a place or tract of land fixed by
3 definite boundaries.

4 SFRPC means the South Florida Regional Planning Council.

5 SFWMD means the South Florida Water Management District.

6 Standard methods mean "Standard Methods for the Examination of
7 Water and Wastewater," according to the most recent edition, as
8 published jointly by American Public Health Association, the
9 American Water Works Association, and the Water Environment
10 Federation.

11 Surface waters mean all water on the surface of the earth,
12 whether it be fresh or marine, as distinguished from ground water.

13 Toxic means substances that alone or in combination with other
14 substances are present in such concentrations that it is mutagenic,
15 carcinogenic, or teratogenic to human beings or to locally
16 occurring wildlife or aquatic species; or injure, are chronically
17 toxic to, or produce adverse physiological or behavior response in
18 humans, animals, or plants.

19 Underground utility access portal means an access point to
20 each underground utilities such as, but not limited to, sanitary
21 sewers, potable water supply lines, storm drains, and reclaimed
22 wastewater lines. Commonly known as manhole.

23 Water management areas are areas to be utilized for the
24 conveyance or storage of stormwater for resource preservation.

25 Water management works are any works of humankind, designed or
26 contrived to alter, regulate, control, or in any way affect or
27 modify the natural flow or level of water, whether surface or
28

1 subterranean in occurrence or origin, including canals, dams,
2 levees, spillways, locks, culverts, bridges, reservoirs, sluice
3 ways, streams, pumping stations, structures, embankments, roadways,
4 causeways, lakes, dikes, holding basins, flood ways, navigation and
5 conservation works, and other works and facilities, within the
6 territorial limits of Broward County, Florida. The definition of
7 water management works shall be construed to include the control
8 use and maintenance of such works as herein defined.

9 Wet retention/detention area is a water storage area with
10 bottom elevation equal to or lower than one (1) foot above the
11 control elevation of the area.

12 Sec. 27-193. Prohibitions.

13 (a) General: It shall be unlawful for any person to
14 discharge any substance in such quantities as may cause the
15 receiving waters to be of quality less stringent than the water
16 quality standards set forth in section 27-195, or less stringent
17 than allowed by the effluent standards as established in Sections
18 27-196, or to cause pollution of water or a nuisance as defined in
19 Section 27-4. This does not apply to discharges composed
20 exclusively of stormwater runoff to retention and/or detention
21 systems designed to treat stormwater on site that is in compliance
22 with all applicable permits and licenses.

23 (b) Specific: The following acts and the causing thereof are
24 prohibited.

25 (1) Disposition of substances: It shall be unlawful for any
26 person to permit, suffer, or allow the introduction of

1 any of the following substances into the waters of the
2 county:

- 3 a. *Settleable substances:* Substances attributable to
4 discharges that will settle to form putrescent or
5 otherwise objectionable sludge deposits, settle in
6 such quantities as to obstruct a drainage
7 conveyance, navigation, and/or storage systems, or
8 reduce the capacity of systems to the extent that
9 the system is out of compliance with the intended
10 design.
- 11 b. *Floating substances:* Floating debris, oil, scum,
12 and other floating materials attributable to
13 discharges in amounts sufficient to be a nuisance.
- 14 c. *Deleterious substances:* Materials attributable to
15 discharges producing color, odor, or other
16 conditions in such degree as to create a nuisance.
- 17 d. *Domestic, non-domestic, or other human-induced non-*
18 *thermal wastewaters:* discharges which alone, or in
19 combination with other substances, or in
20 combination with other discharges (whether thermal
21 or non-thermal):
- 22 1. Are acutely or chronically toxic, or
 - 23 2. Contain concentrations of substances which are
24 carcinogenic, mutagenic, or teratogenic to
25 human beings, or to native terrestrial and/or
26 aquatic wildlife species, or

1 3. Pose a danger to the public health, safety, or
2 welfare.

- 3 e. *Thermal components:* Thermal discharges which
4 alone, or in combination with other discharges or
5 components of discharge (whether thermal or non-
6 thermal), produce conditions so as to create a
7 nuisance.
- 8 f. *Hazardous materials:* Hazardous materials as
9 defined in Article XII, that violate the water
10 quality standards presented in this Article or pose
11 a threat to the environment or to public health,
12 safety, or welfare.

13 (2) *Domestic wastewater:*

- 14 a. *Bypassing unlawful:* Where a waste treatment
15 facility has been provided, it shall be unlawful to
16 bypass the facility or any part thereof, or to
17 operate the facility in such a manner as to
18 discharge untreated or inadequately treated waste.
19 In the event of an emergency, DNRP may authorize a
20 temporary bypass. Such authorization shall not
21 relieve the owner from liability under this
22 Article.
- 23 b. *Construction deviation from plans:* The failure to
24 construct wastewater facilities substantially in
25 accordance with DNRP approved plans and
26 specifications unless project alterations receive
27 written approval of DNRP.

- 1 c. *Discharges to collection/transmission systems:* The
2 acceptance by the operating authority of a
3 collection/transmission system, or by the licensee
4 of a wastewater treatment plant of connections of
5 wastewater discharges which have not received
6 necessary pre-treatment or which contain materials
7 or pollutants (other than normal domestic
8 wastewater constituents):
9
10 1. Which may cause fire or explosion hazards, or
11 2. Which may cause excessive corrosion or other
12 deterioration of wastewater facilities due to
13 chemical action or pH levels, or
14 3. Which are solid or viscous and obstruct flow
15 or otherwise interfere with wastewater
16 facility operations or treatment, or
17 4. Which result in treatment plant discharge
18 temperatures above 40 degrees Centigrade.
19
20 d. *Improper maintenance:* The failure to maintain the
21 equipment in a condition which will enable the
22 intended function.
23
24 e. *Individual sanitary sewage treatment and disposal*
25 *systems:* It shall be unlawful for any single
26 family residence or establishment to permit,
27 suffer, or allow the use of any septic tank/drain
28 field system or any other individual sanitary
29 sewage disposal system or release pollutants to
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- 1 such systems that poses a threat to the
2 environment.
3 f. *Deep injection wells and cones of depression of*
4 *public water supply wells:* Deep injection wells
5 constructed or permitted prior to enactment of this
6 Ordinance shall not be located in the land area
7 described as Zone 1 or Zone 2 in Section 27-376,
8 Wellhead Protection, or within 500 feet of a public
9 water supply well, whichever is greater. Public
10 water supply wells planned, constructed, or
11 permitted after adoption of this Article shall not
12 be located within 500 feet of a deep injection
13 well and where the land area described as Zone 1 or
14 Zone 2, Section 27-376, Wellhead Protection, would
15 include a deep injection well.
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19 (3) *Non-domestic wastewater:*

- 20 a. *New discharges prohibited:* After March 12, 1984,
21 no new non-domestic (except stormwater runoff)
22 discharge to surface waters or to ground waters is
23 permitted, suffered, or allowed except as provided
24 for under a county license valid on the
25 aforementioned date and renewed per Section 27-60
26 since March 12, 1984, or as may be allowed for non-
27 domestic stormwater discharges. Non-domestic
28 wastewater discharges existing on March 12, 1984,
29 and in use since that time shall not be increased
30 in quantity or decreased in quality, unless
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1 approved by DNRP upon demonstration that the
2 activity does not pose a significant threat to the
3 public health or environment.
4 b. *Individual sanitary sewage treatment and disposal*
5 *systems:* Any non-domestic facility that discharges
6 its domestic wastewater to a disposal well,
7 percolation pond, or drainfield shall discontinue
8 the discharge and connect to the sanitary sewer
9 system within one hundred eighty (180) days after
10 the sanitary sewer system becomes available to the
11 facility. A sanitary sewer is available if it is
12 in a public easement that abuts or is within one
13 hundred (100) feet of the property occupied by the
14 non-domestic facility, if the sewage system's
15 hydraulic capacity will not be exceeded by
16 accepting the flow, and if the sanitary sewer is
17 within the same service area as the non-domestic
18 facility. If the non-domestic facility is located
19 outside of a service area but within 100 feet of a
20 sanitary sewer, force main, or lift station of an
21 adjoining service area of a utility, then the non-
22 domestic facility must seek approval to connect to
23 the sanitary sewer in the adjoining service area.
24 If industrial pre-treatment is required by the
25 owner of the sewer system or treatment facility, it
26 shall be provided by the owner of the non-domestic
27 facility.
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1 (4) *Surface water management:*

- 2 a. *Use of storm sewers and sanitary sewers:* No
3 domestic wastewater, non-domestic wastewater, or
4 other wastewater shall be discharged into any sewer
5 designated to carry stormwater, unless the
6 discharger has a NPDES permit and existing county
7 license, nor shall stormwater be discharged into a
8 sewer designated to carry domestic wastewater.
9
10 b. *Construction without a license:* Where a surface
11 water management license is required, no water
12 management works within Broward County shall be
13 excavated, created, constructed, altered, or
14 abandoned unless a surface water management license
15 has been obtained.
16

17 Sec. 27-194. *Exemptions.*

18 The following activities are exempt from licensing under this
19 Article with the following conditions:

- 20 (a) *Domestic wastewater:*
21 (1) Sanitary septic tank/drainfield systems permitted by the
22 State of Florida.
23 (2) Domestic sewage treatment plants of a design capacity
24 permitted by the Broward County Public Health Unit.
25 (3) Functionally equivalent replacement of pumps, valves, or
26 other lift station equipment or appurtenances, lengths of
27 sewer up to 800 feet, lengths of force main up to 1000
28 feet, and up to two underground utility access portals
29 for any waste water treatment facility operating under
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1 county license where all license conditions are being met
2 or any sanitary sewer collection/transmission system or
3 appurtenance thereof constructed under a county license.

4 (4) Deep injection wells and ocean outfalls for the disposal
5 of wastewater treatment plant effluent, provided that the
6 facilities are permitted by the State of Florida and do
7 not create the situation described in Section 27-193.
8 Furthermore, such deep injection wells and ocean outfalls
9 are exempt from the water quality standards presented in
10 this chapter.

11 (5) Existing deep injection wells and public water supply
12 wells permitted by the state before adoption of this
13 Article in conflict with Section 27-193(b)(2)f.

14 (6) On-site disposal systems where connection to a sanitary
15 sewer is not available, provided that the systems are
16 permitted by 10D-6.046(7), F.A.C.

17 (7) Distribution of reclaimed water to individual end-users
18 provided by a reuse application system that has received
19 a License to Construct/Operate a Reuse Application
20 System. Individual permits for the use of reclaimed
21 water shall not be issued to individual property owners.

22 (8) Existing rapid-rate land application waste water disposal
23 systems permitted by the state prior to adoption of this
24 Article, unless significant modifications are made to the
25 system that change the level of treatment given to the
26 waste water, the size or function of storage ponds, land
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1 application area, or significantly change the amount of
2 wastewater applied.

3 (b) *Non-domestic wastewater:*

4 Facilities shall be exempt from the requirement of
5 obtaining an operation and or construction license under the
6 following circumstances:
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8 (1) *Cooling water:* Where there is no contact between the
9 water and the product being cooled, the cooling water may
10 be discharged to disposal wells, drain fields, or
11 percolation ponds, provided that the discharged water
12 meets effluent standards set forth in Section 27-196 and
13 that facility has the applicable permit(s) by the State
14 of Florida. Drainage and condensate facilities shall
15 construct a permanent mechanism to direct wastewater from
16 cleaning the system, facility and drainpipes to the
17 sanitary sewer.
18

19 (2) *Car wash facilities:* Car wash facilities that discharge
20 its wastewater to a sanitary sewer or utilize recycling
21 systems.
22

23 (3) *Reject water:* For water supply treatment facilities
24 using membrane filtration/reverse osmosis treatment, and
25 using the Biscayne Aquifer, Class G-II, as defined in
26 Rule 62-520.410, F.A.C., as the sole source of water,
27 reject water disposed to Class G-IV, as defined in Rule
28 62-520.410, F.A.C., ground water at a minimum of 500
29 (five hundred) feet from a public water supply well and
30 in compliance with state permitting requirements,
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1 providing reasonable assurance that reject water will not
2 pose a threat to the environment or future water
3 supplies.

4 (c) Surface water management:

5 (1) Water management works constructed prior to permitting
6 and licensing: All water management works constructed
7 prior to the requirement of operating permits or licenses
8 by the Broward County Water Resources Management Division
9 (BCWRMD) or the SFWMD shall be exempt from the licensing
10 provisions of this Article. If it is determined
11 that the existing works have caused, is
12 causing, or is predicted to cause an
13 immediate adverse impact on the public, in
14 which case the work or activity shall then be
15 required to modify the portion of the
16 operation or work which is causing or will cause
17 the adverse impact. Applications for minor redevelopment
18 of land that was originally developed prior to the
19 requirement of operating permits or licenses by BCWRMD or
20 SFWMD shall be exempt from obtaining a license for the
21 water management works of the minor redevelopment.
22 Applications for major redevelopment of land that was
23 originally developed prior to the requirement of
24 operating licenses or permits by BCWRMD or SFWMD are
25 required to comply with the licensing provisions of this
26 Article.
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1 (2) Previously permitted or licensed water management works
2 by BCWRMD or SFWMD: All water management works for which
3 operating permits or operating licenses have been issued
4 by the BCWRMD or the SFWMD prior to the adoption of the
5 regulations for Natural Resources Protection in May 1989
6 shall remain in effect and be exempt from the licensing
7 provisions of this Article with the exception of Section
8 27-198(6), Renewals for Construction/Operation License.
9 If such water management works (or lack of water
10 management works) are determined to have caused, are
11 causing, or will cause an immediate adverse impact on the
12 public, the property owner or licensee shall be required
13 to modify the portion of the water management works which
14 is causing or will cause the adverse impact. Such
15 surface water management works must continue to comply
16 with all conditions and/or requirements imposed by the
17 BCWRMD or SFWMD at the time of licensing/permitting.
18 Responsibility for monitoring and enforcing the water
19 management works permits issued by the BCWRMD has been
20 transferred to the DNRP Water Resources Division.
21 Failure to comply with the conditions and/or requirements
22 of a water management works operating permit issued by
23 the BCWRMD, or the SFWMD, shall constitute a violation of
24 this Chapter. Water management works for minor
25 redevelopment of land that had originally been developed
26 in accordance with operating permits or licenses by
27 BCWRMD or SFWMD shall be accomplished utilizing the
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1 licensing provisions of BCMRMD and/or SFVMD in effect at
2 the time of original permitting or licensing. Water
3 management works for major redevelopment of land that had
4 originally been developed in accordance with operating
5 permits or licenses by BCMRMD or SFVMD shall be
6 accomplished utilizing the licensing provisions of this
7 Article. Water management works for major or minor
8 redevelopment of land that were not issued operating
9 permits or licenses from BCMRMD or SFVMD for the original
10 development, are operating with an expired operating
11 permit or license, or are not in compliance with the
12 conditions of the permit or license shall be accomplished
13 utilizing the licensing provisions of this Article.

16 (3) *Water management works licensed since the adoption of the*
17 *regulations for Natural Resources Protection in May 1989:*
18 All water management works for which operating permits or
19 operating licenses were issued by DNRP since the adoption
20 of the regulations for Natural Resources Protection in
21 May 1989 and until the effective date of this Article
22 shall remain in effect and be exempt from the licensing
23 provisions of this Article. Such surface water
24 management works must continue to comply with all
25 conditions and/or requirements imposed at the time of
26 permitting, including renewal. Failure to comply with
27 the conditions and/or requirements of a water management
28 works operating license issued by DNRP shall constitute
29 a violation of this Chapter. Water management works for
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1 minor redevelopment of land that had originally been
2 developed in accordance with operating licenses issued by
3 DNRP during this period shall be accomplished utilizing
4 the licensing provisions of DNRP in effect at the time of
5 original licensing. Water management works for major
6 redevelopment of land that had originally been developed
7 in accordance with operating licenses by DNRP shall be
8 accomplished utilizing the licensing provisions of this
9 Article. Water management works for major or minor
10 redevelopment of land that were not issued operating
11 licenses from DNRP for the original development, are
12 operating with an expired license, or are not in
13 compliance with the conditions of the license shall be
14 accomplished utilizing the licensing provisions of this
15 Article.

19 (4) *Elimination of duplication:* Those areas that are subject
20 to the jurisdiction of an independent water management
21 district, notwithstanding Sec. 27-202 which has been
22 created and is operating in accordance with State of
23 Florida law, and reviews and issues surface water
24 management permits, such as, but not limited to, the
25 Central Broward Drainage District, the Coral Bay
26 Community Development District, the Coral Springs
27 Improvement District, the Indian Trace Community
28 Development District, North Lauderdale Water Control
29 District, the North Springs Improvement District, the Old
30 Plantation Water Control District, the Plantation Acres
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1 Improvement District, the Pine Tree Water Control
2 District, the South Broward Drainage District, the Sunny
3 Isles Reclamation & Water Control Special District, the
4 Sunshine Water Control District, the Tindall Hammock
5 Irrigation & Soil Conservation District, the Turtle Run
6 Community Development District, and the West Lauderdale
7 Water Control District.

8
9 (5) Exemption for certain activities: Persons constructing,
10 altering, operating or maintaining surface water
11 management systems for land uses and activities on sites
12 listed below are exempt from licensing provisions
13 contained in this Section. This exemption applies only
14 to the extent the surface water management activity is
15 conducted in full conformance with the provisions of this
16 Article:

- 17
18 a. Construction or modification or relocation of
19 facilities on sites of two (2) acres or less which
20 results in unchanged or lessened impacts to water
21 quality, quantity, and discharge provided there is
22 no net increase in impervious area and no impact to
23 wetlands.
24
25 b. Road grading which involves no change in surface
26 elevation.
27
28 c. Pavement resurfacing.
29
30 d. Manual removal of vegetation for establishing a
31 fence or survey lines that does not violate any
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1 other Article of this chapter for fence or survey
2 lines.

- 3 e. Installation of culverts, twenty-four (24) inches
4 or smaller in diameter, across unpaved roads which
5 maintain existing ditch flow, provided no wetlands
6 are impacted.
7
8 f. Single-family dwellings or duplexes on lots less
9 than two (2) acres in size and with less than 0.5
10 acres of isolated wetland impacts provided that the
11 construction complies with the requirements of
12 Article XI of this chapter. This criterion is
13 applicable only to property subdivided prior to the
14 effective date of this Article.
15
16 g. Ponds or excavations less than 0.5 acre in size and
17 less than fifteen (15) feet in depth provided no
18 wetlands are impacted and provided the slope
19 requirements of Section 27-200(b)(5)d.4.a)4) of
20 this Article are complied with.
21
22 h. Drainage structure and pipe replacement up to eight
23 hundred (800) feet with like structure or pipe at
24 the same location and elevations.
25
26 I. Minor agricultural support facilities such as
27 tractor sheds or pole barns with neither water
28 resource nor wetland impacts.

29
30 Sec. 27-195. Water Quality Standards.

31 (a) Standards for marine waters: Water quality standards
32 appearing in Table 1, Marine, are applicable to all marine surface
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waters (salt). Where applicable, compounds are identified by a Chemical Abstract Service Number (CAS#). If differences exist between the following standards and the criteria specified in the Rule 62-302.530, F.A.C., Class III Surface Water Quality Classifications; Predominately Marine Waters, which are incorporated by reference, the most stringent standard shall apply.

(b) *Standards for fresh waters:* Water quality standards appearing in Table 1, Fresh, are applicable to all fresh surface waters. Where applicable, compounds are identified by a Chemical Abstract Service Number (CAS#). If differences exist between the following standards and the criteria specified in the Rule 62-302.530, F.A.C., Class III Surface Water Quality Classifications; Predominately Fresh Waters, which are incorporated by reference, the most stringent standard shall apply.

(c) *Standards for ground waters:* Water quality standards appearing in Table 1, Ground, are applicable to all ground water. Where applicable, compounds are identified by a Chemical Abstract Service Number (CAS#). If differences exist between the following standards and the criteria specified in Rule 62-520.420, F.A.C., Standards for Class G-I and Class-II Ground Water, which are incorporated by reference, the most stringent standard shall apply.

TABLE 1

BROWARD COUNTY WATER QUALITY STANDARDS

FOR MARINE, FRESH (SURFACE) AND GROUND WATERS

Unless otherwise stated, all criteria express the maximum not to be exceeded at any time. In some cases there are separate or additional limits, such as annual average criteria, which apply independently of the maximum not to be exceeded at any time. N.S. appears for compounds where no standard has been set.

CAS #	COMPOUND	MARINE	FRESH	GROUND
90-9	ACENAPHTHENE	2,700 µg/L	2,700 µg/L	N.S.
2-60-8	ALACHLOR	N.S.	N.S.	2 µg/L
90-2	ALDRIN	1.3 µg/L	3.0 µg/L	1.0 µg/L total
	ALKALINITY	N.S.	Shall not be depressed below 20,000 µg/L	N.S.
90-5	ALUMINUM	1,500 µg/L	N.S.	200 µg/L
41-7	AMMONIA (UN-IONIZED)	N.S.	20 µg/L	N.S.
12-7	ANTHRACENE	110,000 µg/L	110,000 µg/L	N.S.
36-0	ANTIMONY	4,300 µg/L	4,300 µg/L	6 µg/L

CAS #	COMPOUND	MARINE	FRESH	GROUND
10-36-2	ARSENIC (TOTAL)	50 µg/L	50 µg/L	50 µg/L
10-36-2	ARSENIC (TRIVALENT)	36 µg/L	N.S.	N.S.
12-24-9	ATRAZINE	N.S.	N.S.	3 µg/L
10-39-3	BARIUM	N.S.	N.S.	2,000 µg/L
43-2	BENZENE	71 µg/L annual average	71 µg/L annual average	1 µg/L
32-8	BENZO(A)PYRENE	N.S.	N.S.	0.20 µg/L
0-41-7	BERYLLIUM	0.13 µg/L	0.13 µg/L	4 µg/L
-85-7	BETA- HEXACHLOROCYCLOHEXANE	0.046 µg/L annual average	0.046 µg/L annual average	N.S.
	BOD ⁵	7,000 µg/L	5,000 µg/L	5,000 µg/L
	BROMATES	100,000 µg/L	N.S.	N.S.
1-95-6	BROMINE (FREE MOLECULAR)	100 µg/L	N.S.	N.S.
5-2	BROMOFORM	Less than or equal to 360 µg/L annual average	Less than or equal to 360 µg/L annual average	N.S.
-43-9	CADMIUM	5 µg/L	1 µg/L	5 µg/L
-66-2	CARBOFURAN	N.S.	N.S.	40 µg/L
1-5	CARBON TETRACHLORIDE	4.42 µg/L annual average	4.42 µg/L annual average	3 µg/L
	CBOD ⁵	7,000 µg/L	10,000 µg/L	N.S.

- 31 -

CAS #	COMPOUND	MARINE	FRESH	GROUND
-9	CHLORDANE	0.004 µg/L	0.0043 µg/L	2 µg/L
	CHLORIDE	10% above normal background. Normal and daily seasonal fluctuations shall be maintained	N.S.	250,000 µg/L
	CHLORINATED HYDROCARBONS (NOT OTHERWISE IDENTIFIED BY NAME)	10 µg/L	10 µg/L	10 µg/L
0-5	CHLORINE (TOTAL RESIDUAL)	10 µg/L	10 µg/L	1,000 µg/L
-1	CHLORODIBROMOMETHANE	Less than or equal to 34 µg/L annual average	Less than or equal to 34 µg/L annual average	N.S.
	CHLOROETHYLENE (VINYL CHLORIDE)	N.S.	N.S.	1 µg/L

- 32 -

CAS #	COMPOUND	MARINE	FRESH	GROUND
7-3	CHLOROFORM	Less than or equal to 470.8 μg/L annual average	Less than or equal to 470.8 μg/L annual average	N.S.
7-3	CHLOROMETHANE (METHYL CHLORIDE)	Less than or equal to 470.8 μg/L annual average	Less than or equal to 470.8 μg/L annual average	N.S.
7-8	2-CHLOROPHENOL	400 μg/L	400 μg/L	N.S.
5-83-1	CHROMIUM (HEXAVALENT)	50 μg/L	11 μg/L	N.S.
5-83-1	CHROMIUM (TRIVALENT)	673,000 μg/L	N.S.	N.S.
065-83-1	CHROMIUM (TOTAL)	N.S.	50 μg/L	100 μg/L
	COD	N.S.	N.S.	10,000 μg/L

- 23 -

CAS #	COMPOUND	MARINE	FRESH	GROUND
	COLIFORM (FECAL)	A. 200 colonies per 100 ml for monthly average B. 400 colonies per 100 ml for 10% of samples C. 800 colonies per 100 ml in any sample	A. 200 colonies per 100 ml for monthly average B. 400 colonies per 100 ml for 10% of samples C. 800 colonies per 100 ml in any sample	A. 200 colonies per 100 ml for monthly average B. 400 colonies per 100 ml for 10% of samples C. 800 colonies per 100 ml in any sample

- 34 -

IAS #	COMPOUND	MARINE	FRESH	GROUND
	COLIFORM (TOTAL)	A. 1,000 colonies per 100 ml for monthly average B. 1,000 colonies per 100 ml for 20% of samples C. 2,400 colonies per 100 ml in any sample	A. 1,000 colonies per 100 ml for monthly average B. 1,000 colonies per 100 ml for 20% of samples C. 2,400 colonies per 100 ml in any sample	1,000 colonies per 100 ml
	COLOR	No unnatural discoloration shall be apparent except for that resulting from scientific investigation or environmental monitoring	No unnatural discoloration shall be apparent except for that resulting from scientific investigation or environmental monitoring	No unnatural discoloration
3-50-8	COPPER	3 µg/L	3 µg/L	1,000 µg/L
	CYANIDE	1 µg/L	5 µg/L	200 µg/L

- 25 -

IAS #	COMPOUND	MARINE	FRESH	GROUND
5-7	2,4-D (2,4-DICHLOROPHENOXYACETIC ACID)	N.S.	N.S.	70 µg/L
9-0	DALAPON (2,2-DICHLOROPROPIONIC ACID)	N.S.	N.S.	200 µg/L
9-3	DDT	0.001 µg/L	0.001 µg/L	0.1 µg/L
48-3	DEMETON	0.1 µg/L	0.1 µg/L	0.1 µg/L
	DETERGENT (AS MBAS)	500 µg/L	500 µg/L	N.S.
2-8	DIBROMOCHLOROPROPANE (DBCP)	N.S.	N.S.	0.2 µg/L
93-4	1,2-DIBROMOETHANE (EDB)	N.S.	N.S.	0.02 µg/L
0-1	1,2-DICHLOROBENZENE (o-DICHLOROBENZENE)	N.S.	N.S.	600 µg/L
46-7	1,4-DICHLOROBENZENE (p-DICHLOROBENZENE)	N.S.	N.S.	75 µg/L
9-2	DICHLOROMETHANE (METHYLENE CHLORIDE)	1,580 µg/L	N.S.	N.S.

- 36 -

#	COMPOUND	MARINE	FRESH	GROUND
	DICHLOROBROMOMETHANE	Less than or equal to 22 µg/L annual average	Less than or equal to 22 µg/L annual average	N.S.
2	1,2-DICHLOROETHANE (ETHYLENE DICHLORIDE)	N.S.	N.S.	3 µg/L
	1,1-DICHLOROETHYLENE (VINYLIDENE CHLORIDE)	3.2 µg/L	3.2 µg/L	7 µg/L
2	CIS-1,2-DICHLOROETHYLENE	N.S.	N.S.	70 µg/L
5	TRANS-1,2- DICHLOROETHYLENE	N.S.	N.S.	100 µg/L
	DICHLOROMETHANE (METHYLENE CHLORIDE)	1,580 µg/L	1,580 µg/L	5 µg/L
	2,4-DICHLOROPHENOL	790 µg/L	790 µg/L	N.S.
	2,4-DICHLOROPHENOXYACETIC ACID (2,4-D)	N.S.	N.S.	70 µg/L
	2,2-DICHLOROPROPIONIC ACID (DALAPON)	N.S.	N.S.	200 µg/L
25	1,2-DICHLOROPROPANE	5 µg/L	N.S.	5 µg/L

-37-

S #	COMPOUND	MARINE	FRESH	GROUND
-1	DI-(2-ETHYLHEXYL) ADIPATE	N.S.	N.S.	400 µg/L
-7	DI-(2-ETHYLHEXYL) PHTHALATE	N.S.	N.S.	6 µg/L
1	DIELDRIN	0.0019 µg/L	0.0019 µg/L	N.S.
5	2,4 - DINITROPHENOL	14,260 µg/L	14,260 µg/L	N.S.
-2	2,4 - DINITROTOLUENE	9.1 µg/L	9.1 µg/L	N.S.
7	DINOSEB	N.S.	N.S.	7 µg/L
7	DIQUAT	N.S.	N.S.	20 µg/L
-4	EDB (1,2-DIBROMETHANE)	N.S.	N.S.	0.02 µg/L
-7	ENDOSULFAN	0.0087 µg/L	0.003 µg/L	0.1 µg/L
-3	ENDOTHALL	N.S.	N.S.	100 µg/L
8	ENDRIN	0.0023 µg/L	0.0023 µg/L	2 µg/L
-4	ETHYLBENZENE	N.S.	N.S.	30 µg/L
-2	ETHYLENE DICHLORIDE (1,2- DICHLOROETHANE, EDC)	N.S.	N.S.	3 µg/L
-0	FLUORANTHENE	370 µg/L	370 µg/L	N.S.
7	FLUORENE	14,000 µg/L	14,000 µg/L	N.S.
	FLUORIDE	5,000 µg/L	10,000 µg/L	2,000 µg/L

-36-

S #	COMPOUND	MARINE	FRESH	GROUND
9	GAMMA- HEXACHLOROCYCLOHEXANE (LINDANE)	0.004 µg/L	0.01 µg/L	0.2 µg/L
13-6	GLYPHOSATE (ROUNDUP)	N.S.	N.S.	700 µg/L
	GROSS ALPHA	N.S.	N.S.	15 pCi/l
0	GUTHION (AZINPHOS-METHYL)	0.01 µg/L	0.01 µg/L	0.1 µg/L
8	HEPTACHLOR	0.0036 µg/L	0.001 µg/L	0.4 µg/L
17-3	HEPTACHLOR EPOXIDE	N.S.	N.S.	0.2 µg/L
3	HEXACHLOROBUTADIENE	49.7 µg/L	49.7 µg/L	N.S.
4	HEXA- CHLOROCYCLOPENTADIENE	N.S.	N.S.	50 µg/L
19-6	IRON	300 µg/L	1,000 µg/L	300 µg/L
12-1	LEAD	5.6 µg/L	30 µg/L	15 µg/L
9	LINDANE (GAMMA- HEXACHLOROCYCLOHEXANE)	0.004 µg/L	0.01 µg/L	0.2 µg/L
1-5	MALATHION	0.1 µg/L	0.1 µg/L	0.1 µg/L

- 39 -

S #	COMPOUND	MARINE	FRESH	GROUND
6-5	MANGANESE	N.S.	N.S.	50 µg/L
7-6	MERCURY	0.025 µg/L	0.012 µg/L	2 µg/L
	METHOXYCHLOR	0.03 µg/L	0.03 µg/L	40 µg/L
	METHYLENE CHLORIDE (Dichloromethane)	N.S.	N.S.	5 µg/L
5-5	MIREX	0.001 µg/L	0.001 µg/L	0.1 µg/L
7	MONOCHLOROBENZENE	N.S.	N.S.	100 µg/L
1-0	NICKEL	8.3 µg/L	100 µg/L	100 µg/L
	NITROGEN: TOTAL NITROGEN AS N (Nitrate, Nitrite, NH ₃ , and Organic)	1,500 µg/L	1,500 µg/L	N.S.
	NITRATE (as N)	N.S.	N.S.	10,000 µg/L
	NITRITE (as N)	N.S.	N.S.	1,000 µg/L
	TOTAL NITRATE + NITRITE (as N)	N.S.	N.S.	10,000 µg/L
	ODORS	N.S.	N.S.	None detectable due to sewage or industrial waste

- 40 -

#	COMPOUND	MARINE	FRESH	GROUND
	OIL AND GREASE	Dissolved or emulsified oil or grease shall not exceed 1.0 ppm; no undissolved or visible oil as iridescence shall be present	Dissolved or emulsified oil or grease shall not exceed 1.0 ppm; no undissolved or visible oil as iridescence shall be present	Dissolved or emulsified oil or grease shall not exceed 10.0 ppm; no undissolved or visible oil as iridescence shall be present
2-0	OXAMYL	N.S.	N.S.	200 µg/L
7	OXYGEN, DISSOLVED	Daily average not less than 5,000 µg/l. Single reading never less than 4,000 µg/l	Daily average not less than 5,000 µg/l. Single reading never less than 4,000 µg/l	N.S.
	PARATHION	0.04 µg/L	0.04 µg/L	42 µg/L
	PATHOGENS (excluding coliforms)	1 per gallon	1 per gallon	1 per 1 gallon
5	PENTACHLOROPHENOL	1 µg/L	8.2 µg/L annual average	1 µg/L
4	PERC (PERCHLOROETHYLENE, TETRACHLOROETHYLENE, PCB)	N.S.	N.S.	3 µg/L

- 41 -

AS #	COMPOUND	MARINE	FRESH	GROUND
02-1	PICLORAM	N.S.	N.S.	500 µg/L
	pH	Not less than 6.5 nor more than 8.5 Units	Not less than 6.5 nor more than 8.5 Units	Not less than 6.5 nor more than 8.5 units
5-2	PHENOL	300 µg/L	300 µg/L	N.S.
	PHENOLIC COMPOUNDS	N.S.	N.S.	0.1 µg/L
	PHOSPHATES (TOTAL as P)	N.S.	N.S.	10 µg/L
14-0	PHOSPHORUS (TOTAL)	50 µg/L	20 µg/L	N.S.
	PHTHALATE ESTERS	N.S.	3.0 µg/L	N.S.
02-1	PICLORAM	N.S.	N.S.	500 µg/L
36-3	POLYCHLORINATED BIPHENYLS (PCB'S)	0.03 µg/L	0.04 µg/L	0.5 µg/L

- 42 -

CAS #	COMPOUND	MARINE	FRESH	GROUND
	POLYAROMATIC HYDROCARBONS (PAH'S). Total of: Acenaphthylene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(ghi)perylene, Benzo(k)fluoranthene, Chrysene, Dibenzo-(a,h)anthracene, Indeno(1,2,3-cd)pyrene, and Phenanthrene	0.031 µg/L annual average	0.031 µg/L annual average	500 µg/L

- 43 -

CAS #	COMPOUND	MARINE	FRESH	GROUND
-00-0	PYRENE	11,000 µg/L	11,000 µg/L	N.S.
	RADIOACTIVITY: GROSS BETA RADIUM 226 STRONTIUM 90 (in Picocuries/L)	1,000 pCi/L 3 pCi/L 10 pCi/L	1,000 pCi/L 3 pCi/L 10 pCi/L	1,000 pCi/L 3 pCi/L 10 pCi/L
2-49-2	SELENIUM	25 µg/L	5 µg/L	50 µg/L
2-22-4	SILVER	0.05 µg/L	0.07 µg/L	100 µg/L
2-1	SILVEX (2,3,5-TP)	N.S.	N.S.	50 µg/L
	SOLIDS (Floating, Suspended or Settling)	None attributable to wastes	None attributable to wastes	None attributable to wastes

- 44 -

#	COMPOUND	MARINE	FRESH	GROUND
	SIMAZINE	N.S.	N.S.	4 µg/L
5	SODIUM	N.S.	N.S.	160,000 µg/L
5	STYRENE (Vinyl Benzene)	N.S.	N.S.	100 µg/L
	SULFATE	N.S.	N.S.	250,000 µg/L
	TCE (Trichloroethylene)	N.S.	N.S.	3 µg/L
	TEMPERATURE	Not to be above 90°F	Not to be above 90°F	Not to be above 90°F
	1,1,2,2-TETRACHLOROETHANE	10.8 µg/L	10.8 µg/L	N.S.
4	TETRACHLOROETHYLENE	8.85 µg/L	8.85 µg/L	3 µg/L
8-0	THALLIUM	6.3 µg/L	48.0 µg/L	2 µg/L
8-3	TOLUENE	N.S.	N.S.	40 µg/L
	TOTAL DISSOLVED GASES	10% of saturation value at the existing atmospheric and hydrostatic pressures	10% of saturation value at the existing atmospheric and hydrostatic pressures	N.S.
	TOTAL DISSOLVED SOLIDS	N.S.	N.S.	500,000 µg/L
35-2	TOXAPHENE	0.0002 µg/L	0.0002 µg/L	3 µg/L

- 45 -

CAS #	COMPOUND	MARINE	FRESH	GROUND
	TRANSPARENCY	Not to be reduced by more than 10% as compared to the natural background value	Not to be reduced by more than 10% as compared to the natural background value	N.S.
20-82-1	1,2,4-TRICHLOROBENZENE	N.S.	N.S.	70 µg/L
71-55-6	1,1,1- TRICHLOROETHANE	173 µg/L	173 µg/L	200 µg/L
79-01-6	TRICHLOROETHYLENE (TCE)	80.7 µg/L	80.7 µg/L	3 µg/L
79-00-5	1,1,2-TRICHLOROETHANE	N.S.	N.S.	5 µg/L
85-06-2	2,4,6- TRICHLOROPHENOL	6.5 µg/L annual average	6.5 µg/L annual average	N.S.
	TRihalOMETHANES, TOTAL (Total Trihalomethanes equals the sum of the concentrations of Bromodichloromethane, Chlorodibromomethane, Tribromomethane (Bromoform) and Trichloromethane (Chloroform)).	N.S.	N.S.	100 µg/L

- 46 -

CAS #	COMPOUND	MARINE	FRESH	GROUND
	TURBIDITY	10 NTU'S	10 NTU'S	10 NTU'S
75-01-4	VINYL CHLORIDE (Chloroethylene)	N.S.	N.S.	1 µg/L
1330-20-7	XYLENES, Total	N.S.	N.S.	20 µg/L
7440-66-6	ZINC	86 µg/L	86 µg/L	5,000 µg/L

-47-

1 (d) Other compounds: If toxic or undesirable compounds other
2 than those listed in subsection (a), (b), or (c) of this Section,
3 or listed compounds contained in Rules 62-302.530 and 62-520.420,
4 F.A.C., are present, DNRP, based on the latest scientific knowledge
5 concerning toxicity and adverse effects on the intended water use,
6 may specify limits.
7

8 (e) Synergistic action: Whenever evidence indicates that a
9 combination of pollutants exerts a greater effect than the
10 individual pollutants, the DNRP may, on the basis of these
11 findings, lower the limits established in subsections (a), (b), or
12 (c) of this Section.
13

14 (f) Sampling locations:
15 (1) Sampling for water quality analysis in marine water shall
16 be at those points where no further treatment is given to
17 the waste stream or stormwater, yet prior to discharge to
18 the receiving body of water, such as at a discharge
19 structure or outfall.
20

21 (2) Sampling for water quality analysis in fresh water shall
22 be at those points where no further treatment is given to
23 the waste stream or stormwater, yet prior to discharge to
24 the receiving surface water, such as at a discharge
25 structure or outfall.
26

27 (3) In sampling for contamination from a point source to
28 ground water, the samples shall be taken from wells at
29 such depths and locations to provide data to facilitate
30 determining the magnitude, extent and consequences of
31
32
33

1 such contamination as approved by DMRP. In the case
2 where there is a discharge to ground water (either
3 accidentally or intentionally), the discharger (if
4 known), or the owner of the property (if the discharger
5 is unknown), shall be required to install the wells and
6 provide sampling and analysis by a State of Florida
7 certified laboratory in accordance with the latest
8 version of the DMRP Minimum Criteria for Monitoring Wells
9 and Sampling and provide results to the county. In
10 addition, the wells shall be made available to the county
11 for its own sampling activities. Test wells shall be
12 required by DMRP to be installed by the discharger or
13 owner of the property that discharges into the ground
14 water and maintained at the discretion of DMRP if
15 existing sampling points are found to be inadequate in
16 the judgment of DMRP. If a discharge of hazardous
17 materials occurs, either accidentally or intentionally,
18 the owner or discharger should follow Article XII of
19 Chapter 27.

24 Sec. 27-196. Effluent Standards.

25 (a) *Standards for effluent discharged to surface waters:* No
26 waste discharge to surface waters shall exceed the effluent
27 limitation requirements contained in 40 C.F.R. Subchapter N or the
28 conditions of any NPDES permit or State of Florida permit,
29 whichever are more stringent. Discharges not regulated under 40
30

1 C.F.R. Subchapter N or the conditions of any NPDES or DEP permit shall:

- 2
3 (1) Comply with the water quality standards in Section 27-
4 195, Broward County Natural Resource Protection Code; or
5 (2) Comply with state regulations for thermal requirements;
6 or
7 (3) Comply with turbidity standards contained in license
8 conditions for activities licensed under Article XI of
9 Chapter 27.

11 (b) *Standards for effluent and other waters discharged to*
12 *ground waters:* No waste discharged to or waters injected into
13 ground waters, other than those specified in Section 27-198(b)(3),
14 shall exceed the effluent limitation requirements in any DEP
15 permit. In addition, discharges not regulated under a DEP permit
16 shall comply with the ground water standards in Section 27-195.
17 Discharges for reuse systems licensed under Sections 27-200(a)(2)f.
18 or h., Rapid-rate Land Application Systems or Direct Injection,
19 shall comply with the applicable water quality and treatment
20 standards in Chapter 62-610, F.A.C. Reuse system discharges shall
21 not exceed 10,000 µg/l total nitrogen.
22

24 (c) *Other compounds:* If other toxic or undesirable compounds
25 than those listed in subsections (a), (b), and (c) of this Section
26 occur, DMRP, based on the latest scientific knowledge concerning
27 toxicity and adverse effects on the intended water use, may specify
28 their limits.
29

30 (d) *Synergistic action:* Whenever the scientific evidence
31 indicates that a combination of pollutants exerts a greater effect
32
33

1 than the individual pollutants, DMRP may, on the basis of these
2 findings, lower the limits established by subsections (a), (b), and
3 (c) of this Section to the level necessary to prevent damage to the
4 waters of the county.

5
6 (e) *Sampling locations:*

7 (1) For compliance with the effluent standards established in
8 subsections (a), (b) or (c) of this Section, the sample
9 shall be taken at a point prior to discharge to the
10 receiving surface or ground water. Percolation ponds,
11 drain fields, disposal wells and outfalls shall not be
12 considered as part of the treatment. An outfall may,
13 however, be utilized for chlorine contact provided a
14 minimum of fifteen (15) minutes of contact time at peak
15 flow rates is attained. For all applications, chlorine
16 residual shall be measured fifteen (15) minutes after
17 contact. For ground water, sampling points shall be the
18 monitoring wells.

19
20 (2) At any wastewater treatment plant, sampling stations
21 shall be installed by the owner, at the owner's expense,
22 if reasonable access is not available as determined by
23 DMRP.

24
25 (f) *Sampling procedure:* Determination of compliance with the
26 effluent standards as set forth in sections (a), (b), and (c) of
27 this Section shall be based on individual, not weighted average,
28 samples for determination in civil proceedings. However, no person
29 shall be criminally prosecuted for a violation of those effluent
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1 standards except upon two (2) violations, with one being on an
2 individual sample and one being on a weighted average sample,
3 provided said weighted average sample is at least a six-hour
4 weighted average sample embodying at least one peak flow period and
5 provided further that said individual and weighted average samples
6 are taken within a time period of sixty (60) days.

7
8 Sec. 27-197. *Unlicensed Discharge.*

9 Except for spills of hazardous materials, which are regulated
10 in Article XII of Chapter 27, if at any time the licensee
11 determines or has evidence to suspect that there is or has been an
12 unlicensed discharge to the ground, ground waters, or surface
13 water, the licensee shall take immediate action to stop the
14 discharge and contain and recover the discharged materials. An
15 oral notification and written report as specified in Section 27-
16 58(b)(3) are required.

17
18
19 Sec. 27-198. *Required Licenses and Approvals.*

20 (a) *General:* Unless otherwise specified, any authorization,
21 license, approval, or action provided for in the code shall be
22 pursuant to the administrative functions and duties of DMRP.

23
24 (1) *License required:* Prior to the commencement of
25 constructing, altering, replacing, or operating any
26 facility that may cause or be a source of pollution or
27 that may eliminate, reduce, or control pollution of
28 the ground, ground waters, or surface waters, the owner
29 shall obtain a county license unless exempted under
30 Section 27-194.
31
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1 (b) Domestic wastewater:

2 (1) Sanitary sewer collection/transmission systems:

3 a. License required: Prior to any person
4 constructing, extending or altering a gravity
5 sanitary sewer, sanitary force main, or pump
6 station, that person shall obtain a county license.

7 b. Types of licenses:

8 1. License to Construct a Wastewater
9 Collection/Transmission System: This license
10 shall be obtained prior to constructing,
11 extending, or altering any sanitary sewer
12 collection/transmission system.

13 2. License to Construct a Wastewater
14 Collection/Transmission System - Specific
15 Circumstances: This license shall be obtained
16 prior to constructing, extending, or altering
17 any sanitary sewer collection/transmission
18 system and to temporarily operate and test
19 such new or modified installations

20 (2) Wastewater treatment plants:

21 a. License required: Prior to any person
22 constructing, altering, or operating any wastewater
23 treatment plant, that person shall obtain a county
24 license.

25 b. Type of licenses:

1 1. License to Construct/Operate a Wastewater
2 Treatment Plant: This license is required
3 prior to any person constructing, altering, or
4 operating any wastewater treatment plant.

5 2. Modification of facilities: Prior to any
6 person constructing any proposed modification
7 or revision to an existing wastewater
8 treatment plant, that person shall obtain a
9 county license.

10 (3) Reuse application systems:

11 a. License required: All new domestic wastewater
12 treatment systems that discharge reclaimed
13 wastewater through land application systems or
14 directly discharge to ground waters for beneficial
15 uses and as defined by Chapter 62-610, F.A.C.,
16 shall be licensed by DHRP.

17 b. Type of license:

18 License to Construct/Operate a Reuse Application
19 System: This license shall be obtained prior to
20 constructing, extending, altering, or operating any
21 reuse application system including reuse
22 transmission lines and distribution systems.
23 Management of individual users of reclaimed
24 wastewater will be by the wastewater management
25 entity through binding agreements with individual
26 users of reclaimed water.

1 (c) *Non-domestic wastewater:*

2 *Direct discharge to county waters:*

3 (1) *License required:* Any person operating a facility that
4 discharges non-domestic wastewater to ground, ground
5 water, or surface water shall obtain a county license.
6 Direct, non-domestic discharges are restricted as
7 described in Section 27-193(b)(3)a.

8
9 (2) *Type of license: License to Operate Direct Discharge*
10 *from Non-Domestic Activity:* This license shall be
11 obtained prior to any non-domestic discharges to ground,
12 ground water, or surface water.

13 (d) *Surface water management:*

14 (1) *License required:* Any person constructing water
15 management works other than those exempted in section 27-
16 194(c) shall obtain a county license.

17 (2) *Types of Licenses:*

18
19 a. *Construction/operation license:* The surface water
20 management construction phase of the license is the
21 portion of a license issued by DNRP to a qualified
22 applicant authorizing the construction, alteration,
23 or abandonment of a water management works in
24 accordance with the application and license
25 conditions. The surface water management operation
26 phase of the license is the portion of the license
27 issued by DNRP to an entity that has the legal
28 ability to perform or authorize the operation and
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1 maintenance of a water management works system in
2 accordance with the application and license
3 conditions.

4
5 b. *Conceptual approval:* A letter of conceptual
6 approval for a surface water management system is
7 issued for projects that are to be developed in
8 phases, or for projects that are undergoing
9 concurrent review as a DRI. A letter of conceptual
10 approval shall qualify as conceptual agency review
11 pursuant to Rule 380.06(9)(a)2., Florida Statutes.
12 A letter of conceptual approval does not authorize
13 construction but creates a rebuttable presumption
14 that a construction and operation license will be
15 issued if the license application is consistent
16 with the conceptual approval.

17
18 c. *General licenses:* Projects described below shall
19 be eligible for a general license upon review of
20 the plans by DNRP as specified in Section 27-
21 199(c)(4):

- 22
23 1. Single-family or multi-family residences not
24 otherwise exempt from licensing as provided in
25 Section 27-194(c)(5) with ten (10) or less
26 parking spaces must meet the minimum drainage
27 requirements of Section 27-200(b)(5)b.6. This
28 provision applies to new construction,
29 alterations, and additions.
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1 2. Nonresidential projects, not exceeding one
2 (1) acre and not discharging to sensitive
3 waters must meet the retention/detention
4 requirements of Section 27-200(b)(5)a.3.e)
5 and the finished floor elevations of Section
6 27-200(b)(5)a.3.c).
7

8 d. Modifications to construction/operation licenses:

9 1. Applications to modify construction/operation
10 or general licenses may be made by the
11 following methods:
12

13 a. By submission of application materials as
14 specified in Section 27-199(c)(2)b and
15 reviewed using the same criteria as new
16 applications pursuant to other
17 subsections of this Section for those
18 portions of the project proposed for or
19 affected by the modification; or
20

21 b. By letter provided the requested
22 modification does not:

23 1) Substantially alter the license
24 authorization, or any license
25 conditions.
26

27 2) Increase the authorized off-site
28 discharge.
29

30 3) Adversely impact the environmental
31 features of the project.
32
33

1 4) Decrease the required
2 retention/detention.
3

4 5) Increase the required flood
5 elevations for roads or buildings.
6

7 6) Decrease pollution removal
8 efficiency. Letter modifications
9 are acknowledged and approved by
10 DMRP correspondence to the licensee.
11

12 e. Modifications to conceptual approval:

13 1. General: Applications for a phase of a
14 conceptual approval or for
15 construction/operation licenses for subsequent
16 phases of a project submitted pursuant to
17 issuance of an initial conceptual approval
18 will be reviewed and evaluated based on the
19 degree of information detail and criteria in
20 effect at the time of application and issuance
21 of the initial conceptual approval. If the
22 subsequent application requires information
23 details which were not submitted with the
24 initial application, then that information
25 will be reviewed and evaluated pursuant to the
26 criteria in effect at the time of the
27 subsequent application.
28
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1 2. Modifications which will be reviewed:
2 Applications to modify letters of conceptual
3 approval may be made upon review:

4 a) For an alteration of the design of the
5 surface water management system, in
6 accordance with the same criteria as new
7 applications, Sections 27-199(c)(1) and
8 (2).

9 b) For a construction and/or operation
10 license of a project phase, if the
11 project phase complies with the
12 conceptual approval and otherwise
13 satisfies the provisions of Section 27-
14 199(c)(2).

15 f. Renewals for construction/operation licenses:

16 Licensed projects shall be renewed sixty (60) days
17 prior to expiration. Each renewal shall be
18 accompanied by the applicable fee, a log of the
19 operation and maintenance schedules for all
20 components of the surface water management system,
21 and a certification letter signed and sealed by a
22 Florida Registered Professional Engineer certifying
23 that the components of the surface water management
24 facilities are functioning as originally licensed.
25 The suggested wording is as follows:
26
27
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1 I HEREBY CERTIFY THAT ALL COMPONENTS OF THE
2 SURFACE WATER MANAGEMENT SYSTEM FOR THE ABOVE
3 REFERENCED PROJECT ARE FUNCTIONING IN SUBSTANTIAL
4 CONFORMANCE WITH THE PLANS AND SPECIFICATIONS
5 LICENSED BY THE WATER RESOURCES DIVISION OR WATER
6 RESOURCE MANAGEMENT DIVISION. I HEREBY AFFIX MY
7 SEAL THIS DAY OF _____, 19____.

8
9
10
11 _____
12 Engineer's Signature & Seal Date

13
14 _____
15 Name (Please print)

16 FL Registration No.:

17
18 If there are deficiencies in the functioning of the
19 surface water management system, the licensee may
20 be required by DWRP to make remedial repairs to the
21 works. Water quality monitoring may also be
22 required on a case-by-case basis.

23 g. Expiration and renewal of conceptual approval:
24 Letters of conceptual approval and construction
25 licenses expire conditionally, but the licensee may
26 be granted a one-year extension by DWRP based upon
27 a request which sets forth reasonable justification
28 and is submitted to DWRP one hundred eighty (180)
29 days prior to the expiration date.
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1 Sec. 27-199. Application Requirements and Conditions.
2 All design plans, specifications, and reports must be signed
3 and sealed prior to submittal by a professional engineer registered
4 in the State of Florida.
5
6 (a) Domestic wastewater: All wastewater discharges shall
7 meet the standards embodied in Section 27-196(a) or (b), as
8 applicable, or as required in Chapter 62-600, F.A.C., except as
9 provided in this Section.
10
11 (1) Sanitary sewer collection/transmission systems:
12 a. Application procedures:
13 1. Application for sanitary sewage
14 collection/transmission system licenses shall
15 be on the forms supplied by DNRP in triplicate
16 and be accompanied by one (1) set of
17 engineering drawings, specifications, and
18 design data as prepared, signed, and sealed by
19 a designated engineer that describe the
20 systems and show that they have been designed
21 according to sound engineering practices and
22 this article.
23
24 2. Application must include 8 1/2" x 11" site plan
25 showing lot and block numbers delineating all
26 boundaries of the project.
27
28 3. Each application must be accompanied by proper
29 filing fee and fee calculation worksheet. A
30 separate fee is required for each non-
31
32

1 contiguous collection/transmission system
2 project.
3
4 4. The fee shall be paid by check, payable to the
5 Broward County Board of County Commissioners
6 and is non-refundable.
7
8 a) When an application is received without
9 the required fee, the DNRP shall
10 acknowledge receipt of the application
11 and shall immediately notify the
12 applicant by mail that the required fee
13 was not received and advise the applicant
14 of the correct fee. The DNRP shall take
15 no further action until the correct fee
16 is received. If a fee was received by
17 the DNRP which is less than the amount
18 required, the DNRP shall return the fee
19 along with written notification.
20
21 b) Upon receipt of the proper application
22 fee, the license processing time
23 requirements of this Section shall apply.
24
25 c) If the applicant does not submit the
26 required fee within ten days of receipt
27 of written notification, the DNRP shall
28 either return the unprocessed application
29 or arrange with the applicant for the
30 pickup of the application.
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1 d) If the applicant submits an application
2 fee in excess of the required fee, the
3 license processing time requirements
4 shall begin upon receipt, and the DHRP
5 shall refund to the applicant the amount
6 received in excess of the required fee.
7

8 5. Any substantial modifications to a complete
9 application shall require an additional
10 processing fee and shall restart the time
11 requirements. The term "substantial
12 modification" shall mean a modification which
13 is reasonably expected to lead to
14 substantially different environmental impacts
15 which require a detailed review.
16

17 6. Modifications to existing licenses proposed by
18 the licensee which require substantial changes
19 in the existing license or require substantial
20 evaluation by the DHRP of potential impacts of
21 the proposed modifications shall require the
22 same fee as a new application for the same
23 time duration except for modification under
24 Chapter 62-45, F.A.C.
25

26 7. Extensions of licenses will be granted for
27 periods up to five (5) years from the original
28 issue date. Requests for extensions must be
29 received at the DHRP office prior to
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1 expiration accompanied by the appropriate fee.
2 Requests received after the expiration date of
3 the existing license will be denied and a new
4 application along with the appropriate fees
5 will be required.
6

- 7 8. Time requirements for construction licenses:
8
9 a) Within thirty (30) days after receipt of
10 an application for a license and the
11 correct processing fee, DHRP shall review
12 the application and shall request
13 submittal of additional information which
14 DHRP is authorized by law to request.
15
16 b) If the applicant believes any DHRP
17 request for additional information is not
18 authorized by law or rule, the applicant
19 may request a hearing.
20
21 c) Within thirty (30) days after receipt of
22 such additional information, DHRP shall
23 review it and may request only that
24 information needed to clarify such
25 additional information or to answer new
26 questions raised by or directly related
27 to such additional information.
28
29 d) If the applicant believes the request of
30 DHRP for such additional information is
31 not authorized by law or rule, DHRP, at
32
33

1 the applicant's request, shall begin to
2 process the license application. Such a
3 request by the applicant shall be in
4 writing and shall be clearly labeled as a
5 request for DNRP to process the
6 application. The applicant's request
7 shall state the reasons why the applicant
8 believes DNRP's request for additional
9 information is not authorized by law or
10 rule. The applicant shall clearly state
11 that the applicant requests DNRP to
12 process the application without that
13 information. The applicant's request
14 shall be submitted to the DNRP office
15 which made the request.

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18
19 e) Licenses shall be approved or denied
20 within ninety (90) days after receipt of
21 the original application, the last item
22 of timely requested additional material,
23 or the applicant's written request to
24 begin processing the license application,
25 whichever occurs last.
26

27 b. *Operation & maintenance:*

- 28 1. A collection/transmission system shall not be
29 placed into operation without prior approval
30 of DNRP.
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2. All collection/transmission systems shall be operated and maintained so as to provide uninterrupted service as required by this article.
 3. All necessary equipment and facilities for the collection/transmission of domestic wastewater shall be maintained so as to function as intended. Substantial deviation from the approved design plans and specifications in operation & maintenance of the facilities shall not be implemented without consulting and receiving the approval of the deviations from DNRP. In the event odor, noise, or lighting adversely affects neighboring developed areas at levels prohibited by this article, corrective action (which may include modifications of the collection/transmission system) shall be taken by the licensee. Other corrective action may be required to ensure compliance with the articles.
 4. Copies of record drawings and the approved operation and performance manual shall be kept available at a site acceptable to DNRP for use by operation and maintenance personnel and for inspection by DNRP personnel.
 5. *Operation and maintenance manual:*

- 1 a) An operation and maintenance manual for
2 domestic wastewater collection/trans-
3 mission systems shall be submitted as
4 part of the application process. DNRP
5 may accept written certification by the
6 licensee that an appropriate manual is
7 available in lieu of actual submittal.
8 The manual shall provide for the reliable
9 and efficient operation and maintenance.
10
11 b) A copy of this manual shall be provided
12 to the person(s) responsible for
13 operation and maintenance of the system
14 by the party who received the
15 construction or general license. The
16 manual shall be available for reference
17 at an approved site. The licensee shall
18 maintain at least one copy of the
19 approved manual.
20
21

22 c. *Certification of completion:*

- 23
24 1. Approval is required prior to placing new
25 systems or modifications of existing
26 wastewater collection/transmission systems
27 into operation.
28
29 2. The licensee or his/her engineer of record
30 shall file with DNRP upon completion of work a
31 copy of the plans and specifications for the
32
33

1 system record drawing, the appropriate review
2 fee, and a completed Domestic Wastewater
3 Collection/Transmission Systems Certification
4 of Completion form.
5

- 6 3. The record drawings furnished shall be signed
7 and sealed by a professional engineer
8 registered in the State of Florida and shall
9 include information that identifies, at a
10 minimum, substantial deviations referenced in
11 the certification of completion of
12 construction that have occurred since the
13 construction license was issued.
14
15 4. Written certifications on the above referenced
16 form showing the responsible operation and
17 maintenance authority (if other than the
18 licensee), stating that record drawings and
19 appropriate operation and maintenance manual
20 are available at a specified location.
21
22 5. Written certifications on the above referenced
23 form:
24
25 a) The licensee or the responsible operation
26 and maintenance authority (if other than
27 the licensee) agreeing to properly
28 operate and maintain the facilities.
29
30 b) The responsible authority (if any) who
31 operates and maintains the wastewater
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33

1 facility to which the completed system is
2 directly connected stating that the
3 connection(s) have been satisfactorily
4 completed.

- 5
6 6. Record drawings should be submitted prior to
7 paving over trenches. However, if paving of
8 roads, pouring of sidewalks, or planting and
9 landscaping are done prior to record drawing
10 approval, it shall not relieve the licensee
11 from responsibility for making corrections to
12 the sewer as required by DNRP.
13
14 7. In staff's review of record drawing, a
15 deviation from design slopes of -10% shall be
16 considered. In addition, a tolerance of \pm
17 $1/8"$ shall be considered in underground
18 utility access portal invert elevations.
19 Where the allowed underground utility access
20 portal deviation from design creates slopes no
21 flatter than the -10% normally allowed, that
22 flatter slope shall be considered. No further
23 deviations from design slopes, regardless how
24 slight, shall be considered.
25
26 8. DNRP shall have the authority to authorize
27 approval of construction plans and acceptance
28 of record drawings which do not conform with
29 the above criteria if the conditions justify
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1 that the deviation and resulting wastewater
2 collection system will function
3 satisfactorily. It shall be the
4 responsibility of the designing engineer to
5 provide adequate justification to DNRP for the
6 requested deviation from the approved
7 criteria.
8

9
10 d. License Conditions for License to Construct a
11 Wastewater Collection/Transmission System:

- 12 1. A License to Construct a Wastewater
13 Collection/Transmission System (general
14 construction license) is a license issued by
15 rule pursuant to Section 403.814(1), Florida
16 Statutes, which authorizes persons to
17 undertake certain activities which cause
18 minimal adverse environmental impact when
19 performed in accordance with specific
20 requirements and practices set forth in the
21 general license.
22
23 2. A proposed project which may be reasonably
24 expected to violate water quality standards or
25 drinking water standards or which will not
26 meet the public interest requirements set
27 forth in Chapter 403, Florida Statutes, shall
28 not be entitled to receive a construction
29 license.
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1 3. A construction license is granted to any
2 person for the construction of a wastewater
3 collection system that has been designed in
4 accordance with the standards and criteria set
5 forth in this article, provided that:

6 a) Applicant submits the approved DNRP
7 application form and required drawings
8 and specifications;

9 b) The wastewater treatment facility is not
10 under a moratorium of any kind; and

11 c) The wastewater treatment facility to
12 which the system will be connected has
13 the capacity to receive the wastewater
14 generated by the proposed collection
15 system, and will continue to operate in
16 compliance with Chapter 62-600, F.A.C.

17 4. Persons wishing to receive a construction
18 license shall, at least thirty (30) days
19 before beginning any work, apply to DNRP in
20 writing. They shall describe the proposed
21 project, and include any supporting
22 documentation as necessary depicting the
23 proposed project and site plan, its location,
24 and other pertinent information as required to
25 demonstrate that they comply with the
26 requirements for the requested construction
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1 license. Persons wishing to receive the
2 construction license are hereby placed on
3 notice that projects undertaken without proof
4 of notice to DNRP shall be considered as being
5 undertaken without a license and shall be
6 subject to enforcement pursuant to this code.
7 All applications submitted to the DNRP will be
8 accompanied by the appropriate filing fee and
9 fee calculation worksheet. Unless otherwise
10 required, persons qualifying for the
11 construction license are not required to but
12 may publish in a newspaper of general
13 circulation in the area affected by the
14 proposed project a notice of intent to obtain
15 a construction license. The notice if
16 published shall follow substantially the
17 format in Rule 62-103.150, F.A.C., and shall
18 be published within fourteen (14) days of the
19 date when DNRP receives notification pursuant
20 to Rule 62-4.530(1), F.A.C. No person who has
21 published notice shall begin work until after
22 the twenty-one (21) days for requesting a
23 hearing has passed or a hearing is held and a
24 decision is rendered.

25 5. Any person complying with the requirements of
26 a general license may use the license thirty
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1 (30) days after giving notice to the DHRP
2 without any agency action. When no agency
3 action is taken, unless the DHRP or the
4 applicant publishes notice of the application,
5 the provisions of Chapter 120, Florida
6 Statutes, granting to affected parties the
7 right to an administrative hearing do not
8 apply.

9
10 6. Suspension or revocation of the use of a
11 construction license shall be in accordance
12 with Section 27-63 of this Article.

13
14 e. *License conditions for License to Construct a*
15 *Wastewater Collection/Transmission System-Specific*
16 *Circumstances:*

17 1. A license to Construct a Wastewater
18 Collection/Transmission System - Specific
19 Circumstances (specific construction license)
20 is the legal authorization granted by the DHRP
21 to construct, expand, modify, or make
22 alterations to any installation and to
23 temporarily operate and test such new or
24 modified installations.

25
26
27 2. For collection/transmission systems involving
28 innovative design or for collection systems
29 having features not complying with the
30 design/performance criteria in this Rule for a
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1 construction license, a specific construction
2 license will be required. Licensees shall
3 comply with applicable design/performance
4 criteria contained in this Rule as part of the
5 licensing standards.

6
7 3. Approval is required prior to placing new
8 systems or modifications of existing systems
9 into operation. The licensee or his or her
10 engineer of record shall file with the DHRP
11 upon completion of work a copy of the plans
12 and specifications for the certified system in
13 accordance with the requirements of this
14 Section.

15
16 4. Any person desiring to obtain a specific
17 construction license from the DHRP shall apply
18 on the forms prescribed by the DHRP and shall
19 submit such additional information as the DHRP
20 may require.

21
22 5. To ensure protection of public health, safety,
23 and welfare, any construction, modification,
24 or operation of an installation which may be a
25 source of pollution, or of a public drinking
26 water supply, shall be in accordance with
27 sound professional engineering practices
28 pursuant to Chapter 471, Florida Statutes.

29
30 (2) *Wastewater treatment plants:*
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1 a. *Application Procedures:* Application for a
2 wastewater treatment plant license shall be on the
3 forms supplied and be accompanied by:

- 4 1. *For construction phase of the license:*
5 Drawings and other documents that describe the
6 configuration of the facility shall show that
7 it has been designed to provide treatment that
8 will result in effluent that consistently
9 meets the effluent standards in Section 27-196
10 and designed generally in accordance with the
11 sewage guide promulgated by the Florida
12 Division of Health, Recommended Standards for
13 Sewage Works, and Water Pollution Control
14 Federation Manuals of Practice Number 8 or
15 similar professional publications, as
16 applicable to conditions prevailing within
17 Broward County, in accordance with sound
18 engineering practices and Chapter 62-6, F.A.C.
19 2. *For operation phase of the license:* A
20 description of the facility and its operation.

21 b. *License conditions:*

- 22 1. The licensee shall take measures to prevent
23 unauthorized entry to the facilities.
24 2. It shall be required that operating facilities
25 meet the effluent standards in Section 27-196;
26 and if disposing by percolation ponds or drain
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1 fields, effluent must meet the standards in
2 Section 27-196(b), except:

- 3 a) those that discharge their effluent to
4 the ocean through outfalls permitted
5 and/or approved by State of Florida
6 and/or federal agencies.
7 b) those wastewater treatment plants that
8 discharge their effluent by deep well
9 injection, as approved by the State of
10 Florida.
11 3. It shall be required that facilities be
12 constructed and operated as licensed.
13 Operators shall be certified as required by
14 the state.
15 4. It shall be required that the owner shall
16 report nonconforming operation as described in
17 this regulation.
18 5. *Suspension of service:* Prior to taking a
19 wastewater treatment plant out of service for
20 any period longer than fourteen (14) days, the
21 owner shall notify the County in writing and
22 provide the following:
23 a) A program to de-water, clean and
24 disinfect the facility.
25 b) A program to dispose of residual
26 wastewater and sludge.
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- 1 c) A program to prevent accumulation of
2 stormwater in any remaining facilities.
3
4 d) A program to prevent unauthorized entry
5 to the facility if any part of the
6 facility is to remain.

7 (3) Reuse distribution/application systems:

8 a. Application procedures: Application for a license
9 to Construct/Operate a Reuse Application System
10 shall be on the forms supplied by the DNRP and be
11 accompanied by:

- 12
13 1. A copy of the application and engineering
14 report as required by Rule 62-610.330, F.A.C.,
15 which is incorporated by reference and in
16 effect at the time of adoption of this
17 Article, and any additional information
18 requested by the DNRP.
19
20 2. Interaction between stormwater management
21 system and reuse system using storage ponds,
22 holding ponds, or discharging to wetlands and
23 waters of the state.
24
25 3. Each application must be accompanied by the
26 proper fee, paid by check, made out to the
27 Broward County Board of County Commissioners
28 and is nonrefundable.

29 b. License conditions:
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1 1. Upon issuance of the license, an applicant
2 may begin construction of application and
3 distribution system.

4
5 2. The licensee shall obtain written approval, in
6 the form of a letter, from DNRP prior to
7 placing a reuse system into operation. To
8 obtain approval, the following items shall be
9 submitted:

10 a) Completion of certification of
11 substantial completion of construction
12 prepared by the project design engineer.
13 The engineer shall certify that the
14 system has been constructed substantially
15 in accordance with the reuse
16 construction/operation license or that
17 deviations will not prevent the system
18 from functioning in compliance with the
19 requirements of these provisions.

20 b) For all slow-rate land applications,
21 agreements to accept reclaimed water
22 and/or local ordinance requiring
23 acceptance. For all other application
24 systems, binding agreements for projects
25 involving discharge of reclaimed water or
26 effluent onto property not owned or under
27 the direct control of the licensee.
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- 1 c) All reports, schedules, and documentation
2 required by Rule 62-610.320, F.A.C.,
3 shall be submitted to DNRP utilizing a
4 similar format and time requirements.
5
6 3. The operation phase of the license shall be
7 valid for a period no longer than three (3)
8 years.
9
10 4. A new license or modification of the existing
11 license shall be required for:
12 a) expansion of the distribution system
13 outside of the area designated in an
14 existing license;
15 b) addition of new major users (greater than
16 0.1 mgd) not identified in the existing
17 license and/or if the licensee requests
18 that the licensed capacity of the reuse
19 system be increased.
20
21 5. Reporting requirements shall be according to
22 Rules 62-610.870 (1) and (3) (a), (c), and (d)
23 only, F.A.C. Reports shall be delivered or
24 mailed to the DNRP on or before January 1 of
25 each year.
26
27 (b) *Non-domestic wastewater: License to Operate Direct*
28 *Discharge from Non-Domestic Activity:*
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- 1 (1) Renewal of direct discharge license: An application
2 shall meet the requirements of Section 27-60 and shall
3 include:
4 a. Drawings, sketches, or other documents that
5 describe the facility.
6 b. A statement of the number of hours the facility
7 operates per day and the average daily volume of
8 effluent discharged.
9 c. A description of any wastewater treatment used.
10 d. Effluent test results showing concentrations of
11 pollutants, unless submitted monthly as per current
12 permit conditions.
13 e. A sketch showing the design and location of the
14 effluent disposal method.
15
16 (2) License Conditions:
17 a. Effluent test results, as required by the license,
18 shall be reported to the County.
19 b. Monitoring wells may be required if applicable.
20
21 (c) *Surface water management:* The applicant may be required
22 to post a bond for those portions of the work which impact publicly
23 owned property or surface water management works, or those portions
24 of the work which, if partially constructed or improperly
25 constructed, would create an adverse surface water management
26 impact.
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1 (1) Applicant:

2 a. Construction phase of the license: The applicant
3 shall be the property owner. Persons making
4 application for the property owner shall show
5 evidence of authority to sign for the property
6 owner.

7
8 b. Operation phase of the license: An operation
9 license shall only be issued to a responsible
10 entity acceptable to DHRP which has been
11 established and has agreed to maintain and operate
12 the system. The following entities are acceptable
13 as responsible entities:

- 14
15 1. Local governmental units, including counties
16 or municipalities, or municipal service taxing
17 units.
18
19 2. Chapter 298, Florida Statutes, active water
20 control districts or drainage districts; or
21 Chapter 190, Florida Statutes, community
22 development districts; independent districts
23 created by special act of the legislature; or
24 Chapter 170, Florida Statutes, special
25 assessment districts.
26
27 3. Nonprofit corporations, including homeowners
28 associations, property owners associations,
29 condominium owners associations, or master
30 associations.
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1 a) Association requirements:

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- 1) If a homeowners or property owners
association or master association is
proposed, the licensee must submit
the articles of incorporation for
the association, and declaration of
protective covenants or deed
restrictions, as well as a reference
map if referred to in documents.
After these are approved, the
licensee must furnish the
certificate of incorporation and the
recording information (official book
and page number) for the
declaration. A recorded copy of the
declaration and associated exhibits
shall be submitted no later than at
the time of the construction
completion/construction
certification submittal.
- 2) If a condominium association is
proposed, the licensee must supply
the articles of incorporation for
the condominium association, and
declaration of condominium. After
the documents are approved, it will

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be necessary for the licensee to forward a copy of the letter from the Department of Business Regulation, Bureau of Condominiums, stating that the documents are proper for filing. A recorded copy of the condominium documents shall be submitted no later than at the time of the construction completion/construction certification submittal.

- 3) The association, be it either a nonprofit association or a condominium association, must comply with the applicable provisions of Florida laws, specifically Chapters 617 and 718, Florida Statutes.
- 4) The association must have the following general powers which are reflected in the articles of incorporation:
 - (aa) Own and convey property.
 - (bb) Operate and maintain common property, specifically the surface water management system, as permitted by the

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SFWMD, South Broward Drainage District and/or licensed by the County including all lakes, retention areas, culverts and related appurtenances.

- (cc) Establish rules and regulations.
- (dd) Assess members and enforce said assessments.
- (ee) Sue and be sued.
- (ff) Contract for services (if the association contemplates employing a maintenance company) to provide the services for operation and maintenance.
- (gg) The association must have as members all the homeowners, lot owners, property owners or unit owners.
- (hh) The association shall exist in perpetuity; however, if the association is dissolved, the articles of incorporation must provide that the property consisting of the surface water management systems shall be

1 conveyed to an appropriate
2 agency of local government; if
3 it is not accepted, then the
4 surface water management system
5 must be dedicated to a similar
6 nonprofit corporation.

7
8 (ii) All other powers necessary for
9 the purpose for which the
10 association is organized.

11
12 5) The declaration of protective
13 covenants, deed restrictions or
14 declaration of condominium must set
15 forth the following:

16 (aa) That it is the responsibility
17 of the association to operate
18 and maintain the surface water
19 management system in accordance
20 with the license conditions.

21
22 (bb) The surface water management
23 system is owned by the associ-
24 ation or described therein as
25 common property.

26
27 (cc) That there be a method of
28 assessing and collecting the
29 assessment for operation and
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1 maintenance of the surface
2 water management system.

3 (dd) That any amendment which would
4 affect the surface water
5 management system, including
6 the environmental conservation
7 areas and water management
8 portions of the common areas,
9 must have the prior approval of
10 DHRP.

11
12 (ee) That the declaration of
13 covenants be in effect for at
14 least twenty-five (25) years
15 with automatic renewal periods
16 thereafter.

17
18 (ff) If wetlands mitigation
19 monitoring will be required and
20 the operational entity will be
21 responsible to carry out this
22 obligation, the declaration of
23 covenants shall state that it
24 will be the association's
25 responsibility to complete the
26 task successfully, including
27 meeting all conditions in the
28 wetlands license associated
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1 with mitigation maintenance and
2 monitoring.

3 (gg) The surface water management
4 license and its conditions
5 shall be attached to the
6 declaration of covenants as an
7 exhibit. The registered agent
8 for the association shall
9 maintain copies of all further
10 licensing actions for the
11 benefit of the association.
12

13
14 4. The property owner or developer, as licensee,
15 is normally not acceptable as a responsible
16 entity especially when the property is to be
17 sold to various third parties. However, the
18 property owner or developer may be acceptable
19 under one of the following circumstances:
20

21 a) The property is wholly owned by said
22 licensee and is intended to be so
23 retained. This would apply to a farm,
24 corporate office or single industrial
25 facility for example.
26

27 b) The ownership of the property is retained
28 by the licensee and is either leased to
29 third parties, such as in some shopping
30 centers, or rented to third parties, such
31
32

1 as in some mobile home parks, for
2 example.

3 5. To satisfy the requirement, the licensee must
4 provide written documentation. If the entity
5 is a governmental unit, the licensee must
6 supply written proof in the appropriate form
7 by either letter or resolution, that the
8 governmental entity will accept the operation
9 and maintenance of all of the surface water
10 management system including lakes, easements,
11 etc., prior to license approval. If the
12 project is within a local water control
13 district, a letter of approval and/or
14 acceptance of discharges is to be submitted.
15 Early coordination with the local district is
16 encouraged. For class I and II solid waste
17 sites, the entity will be responsible for
18 perpetual maintenance of the surface water
19 management system after closure of the
20 facility.
21

22 6. Draft association documents must be submitted
23 with the original application so they may be
24 reviewed and approved prior to construction.
25 It is advised that the documents be submitted
26 prior to recording to allow comment by DNRP.
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1 Modification of these requirements can only be
2 based upon:

- 3 a) Intervening local government requirements
4 of a more stringent nature such as the
5 requirement of a maintenance agreement
6 and posting of bond by the developer; or
7
8 b) The uniqueness of the project requiring
9 an alternative entity. Such alternative
10 entity must be evaluated upon an
11 individual basis with any and all
12 necessary agreements or easements in
13 effect before approval will be given.
14

15 (2) Application:

16 a. General:

17 1. Submittals:

- 18 a) The surface water management application
19 shall be submitted in duplicate.
20
21 b) The applicable license fee must be
22 submitted with the application.
23
24 c) Three (3) copies (unless additional
25 copies are requested by DNRP) of all
26 plans shall be submitted with the
27 application.
28
29 d) Two (2) copies of all other information
30 shall be submitted.
31
32

1 e) The required application documents and
2 contents thereof can be modified for
3 processing and record keeping purposes.
4

5 b. Contents of the license application: Application
6 for a surface water management license shall be on
7 an approved form provided by DNRP and shall contain
8 the following information:

- 9 1. Name and address of the property owner.
10
11 2. Name and address of the developer.
12
13 3. Name and address of the person who will be
14 responsible for the construction of the
15 proposed works.
16
17 4. Name and address of the person who prepared
18 the plans and specifications.
19
20 5. Name and address of the proposed responsible
21 entity.
22
23 6. A description of the proposed project
24 including:
25 a) Location.
26
27 b) Total acreage.
28
29 c) Number of dwelling units or square feet
30 of commercial area.
31
32 c) Evidence from local government verifying
land use and zoning compatibility.
d) Proposed minimum road crown elevations
and flood elevations.

- 1 7. A description of the surface water management
2 system to be constructed or altered.
3 including:
4 a) Acreage of impervious cover.
5 b) Acreage of water management area.
6
7 8. The date on which construction or alteration
8 is expected to commence.
9
10 9. Drawings, calculations and engineering details
11 sufficient to define the nature, scope, intent
12 and functioning of the work proposed.
13
14 10. Site information, including:
15 a) Detailed location sketch.
16 b) Topographic map (with contours) of the
17 site and adjacent hydrologically related
18 areas (minimum of one hundred (100) feet
19 from project boundaries), which shall
20 include location and description of bench
21 marks (minimum of one (1) per major water
22 control structure).
23 c) Overall map of the area showing where
24 runoff presently goes and size, location,
25 topography and land use of off-site areas
26 which drain through, onto, and from the
27 project.
28 d) Identification of existing seasonal water
29 table elevations. Submit supporting
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- 1 information such as soil borings taken
2 during a normal wet season, detailed soil
3 profile descriptions, documenting normal
4 wet season water table indications, water
5 monitoring conducted throughout a normal
6 wet season, or supporting data from
7 U. S. Geologic Survey (U.S.G.S.) or
8 Florida Geologic Survey (FGS) wells. If
9 the project is in the known floodway of a
10 natural stream, it should be identified
11 and approximate flooding depths
12 determined. The 100-year floodplain
13 elevations and limits should be
14 identified if applicable.
15
16 e) Description of vegetative cover. Wetland
17 areas including the Wetlands Benefit
18 Index value, if known, and preservation
19 or mitigation proposal should be
20 identified.
21
22 f) Paving, grading and drainage plans, with
23 special attention to perimeter site
24 grading.
25
26 g) Percolation tests must be submitted if
27 percolation or exfiltration systems are
28 proposed. Percolation tests shall be
29 representative of design conditions.
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- h) Complete description of measures to be implemented during the construction period to mitigate adverse quantity and quality impacts off-site.
 - i) Indication of whether surface or ground water withdrawals are proposed for irrigation or other on-site water use.
 - j) Identification of potable water and wastewater facilities. If information concerning these facilities is not available, the applicant for a surface water management license may be requested to furnish information on how such services are to be provided. If wastewater disposal is accomplished on-site, additional information will normally be requested regarding separation of waste and storm systems.
11. Master drainage plan showing:
- a) Location of all water bodies and wetlands with details of size, side slopes, elevations and depths.
 - b) Location and details of all major water control structures. Control elevations of the control structures must be

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- included along with any seasonal water level regulation schedules.
- c) Drainage basin boundaries showing direction of flow, taking into account off-site runoff being routed through or around the project.
 - d) Locations of roads, rights-of-way and buildings along with their proposed elevations. Sufficient site grades to justify the proposed stage-storage curves.
 - e) Right-of-way and easement locations for the drainage system, including all areas to be reserved for water management purposes, with a draft copy of the document of the legal method to be utilized.
 - f) Location and size of internal minor water management facilities.
 - g) Existing off-site water management facilities such as wells, lakes, wetlands etc., which might be affected by the proposed construction or development. The names and addresses of the owners of such facilities should also be submitted.
12. Drainage calculations, including:

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- a) Design storms used, including depth, duration and distribution.
- b) Off-site inflows.
- c) Stage-storage computations for the project and stage-discharge computations for the outfall structure(s).
- d) Acreage and percentages of property proposed as:
 - 1) Impervious surfaces (excluding water bodies).
 - 2) Pervious surfaces (green areas).
 - 3) Lakes, canals, retention areas, etc.
 - 4) Total acreage of project.
- e) Runoff routing calculations showing discharges, elevations and volumes retained and/or detained during applicable storm events. Included should be the necessary mathematical computations to demonstrate that the proposed development will not remove net storage from the basin for events up to the 100-year frequency.
- f) Calculations required for determination of minimum building floor and road elevations.

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- g) Calculations which demonstrate compensation for floodplain encroachment, if applicable.
13. Legal and institutional information, including:
- a) The entity responsible for operation and maintenance of the water management system.
 - b) If the operation and maintenance entity is to be a public body such as a city or drainage district, a binding document of acceptance from the public body must be submitted prior to issuance of the surface water management license. If the entity is a homeowners association, then documents verifying the existence of such an organization and its ability to accept operation and maintenance responsibility must be submitted prior to commencement of construction (assuming the license is issued). If the project is within a local water control district, a letter of approval and/or acceptance of discharges by that district must be submitted. If the project contains a golf course, the owner/operator must be a member of the

1 association. Association documents must
2 reflect this.

3 c) Potable water and wastewater facilities
4 must be identified. Letters of
5 commitment from off-site suppliers must
6 be included.

7
8 d) The status of all other government agency
9 approvals required, indicating if site
10 plan and/or subdivision approval has been
11 granted, final plats have been recorded,
12 building or construction permits/
13 licenses have been issued, special
14 exemption or rezoning approvals have been
15 granted, or if DEP, U.S. Army Corps of
16 Engineers, or other permits/licenses have
17 been issued.

18
19 e) Evidence from the appropriate local
20 government of compatible density and
21 classification under the local
22 government's comprehensive plan and/or
23 zoning code (i.e., zoning resolution,
24 local government development order (DO),
25 letter from local government, etc.). If
26 not specified in the resolution, letter,
27 etc., include the number of proposed
28 dwelling units and/or the square footage
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1 of commercial, industrial or other uses
2 and the allowable number of dwelling
3 units and/or square footage under the
4 approved zoning classification.

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6 f) If the project is a development of
7 regional impact, include a copy of the
8 final approved DO. If a preliminary
9 development agreement has been signed
10 with the Florida Department of Community
11 Affairs (DCA) to allow a portion of the
12 DRI to proceed prior to the issuance of a
13 DO, provide a copy. If the DRI
14 application is being filed concurrently
15 with a request for conceptual agency
16 review and/or local government's
17 comprehensive plan amendment, indicate
18 the status under the DRI process and, if
19 appropriate, include a copy of
20 comprehensive plan amendment application.

21
22 g) A copy of a boundary survey signed and
23 sealed by a Florida registered
24 professional land surveyor, and a copy of
25 the recorded deed or affidavit of
26 ownership. If the applicant is a
27 contractual buyer, ownership
28 documentation from the seller must be
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1 provided. The license will be issued in
2 the current owner's name and the buyer
3 must request a license transfer when a
4 recorded copy of the deed is available.

5
6 h) Documentation of legal and physical
7 availability of receiving water system to
8 receive project discharge if such is not
9 evident.

10
11 i) Copies of preliminary plats, deed
12 restrictions and conservation easements.

13
14 j) The status of any acquisition efforts by
15 federal, State of Florida, or local
16 agencies and with which acquisition
17 program the project is currently listed.

18 14. Such other information as is reasonably
19 necessary for DNRP to determine that the water
20 management works meets the conditions of this
21 Chapter and applicable state statutes.

22
23 c. *Phased projects:*

24 1. *General:* An application for conceptual
25 approval of the total comprehensive drainage
26 plan or a copy of an SFVMD approved conceptual
27 comprehensive drainage plan must be submitted
28 first when construction is to be phased. An
29 application for construction approval of the
30 first phase may also be included as a part of
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1 the initial application. As the licensee
2 desires to construct additional phases, these
3 approvals would be included as modifications
4 to the original license.

5
6 2. *Individual project phase review:* Applications
7 for individual project phases, where no
8 conceptual approval has been obtained, may be
9 considered only when the phases are totally
10 independent of, or make sufficient provisions
11 for, adjacent lands.

12
13 (3) *Application for conceptual approval:*

14 a. *Application requirements:* An application for a
15 letter of conceptual approval will be treated the
16 same as an application for a surface water
17 management license for construction or operation of
18 a surface water management works. Application
19 requirements are as proscribed in Section 27-199
20 except that the information required in Sections
21 27-199(c)(2)b.10.b) and h) and 11.e) and f) of this
22 Article are not necessary.

23
24 b. *Phased projects:* In addition to the requirements
25 of this subsection, applications for a letter of
26 conceptual approval for phased projects pursuant to
27 the procedure for obtaining conceptual agency
28 review as defined in Section 380.06(9)(a)2.,
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1 Florida Statutes, shall include the application for
2 an ADA filed with the SFRPC.

3 c. *Completeness:* In the case of an application for a
4 letter of conceptual approval which is filed
5 concurrent with an ADA for a DRI, the application
6 shall not be deemed complete until SFRPC has
7 determined that the ADA is sufficient.

8
9 (4) *Requirements to obtain a general license:* No project is
10 generally licensed unless the applicant, a minimum of ten
11 (10) days prior to beginning work, provides the County
12 with three sets of drainage and pavement plans and
13 details and a brief written description of the project
14 which shall include why the applicant believes that the
15 project should be generally licensed. This notification
16 should include information that demonstrates that the
17 project will not adversely affect:

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19 a. Flood protection and drainage.
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21 b. Water quality and quantity impacts on receiving
22 waters and adjacent lands regulated pursuant to
23 Chapter 373, Florida Statutes.
24
25 c. Surface waters of the State of Florida, or cause
26 any violation of the standards and criteria of
27 Chapter 62-302, F.A.C.
28
29 d. Surface water and ground water levels and flows.
30
31 e. Health and safety of the general public.
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1 f. Wetlands and/or create a violation of Article XI of
2 this Chapter.

3 g. It should also include information showing that the
4 project meets any applicable basin criteria in
5 Chapter 40E-41, F.A.C., and will not be otherwise
6 harmful to the water resources of the County or
7 state and will not interfere with legal rights of
8 others.
9

10 (5) *License conditions:*

11 a. *Specific conditions:* In addition to the general
12 license conditions set out in Article I of this
13 Chapter, every surface water management license
14 issued by the Water Resources Division shall be
15 subject to the applicable specific conditions which
16 follow:
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19 1. The licensee shall allow authorized personnel
20 of the County, municipality or local water
21 control district to conduct such inspections
22 at reasonable hours, as are necessary to
23 determine compliance with the requirements of
24 the license and the approved plans and
25 specifications.
26
27 2. The responsible entity shall agree to maintain
28 the operating efficiency of the water
29 management works. Except in cases where the
30 responsible entity is a governmental agency.
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1 the agreement shall further require that if
2 the water management works is not adequately
3 maintained, the County may undertake the
4 required work and bill all associated costs to
5 the responsible entity. If the payment for
6 such obligations is not satisfied within
7 thirty (30) days, said obligation shall become
8 a lien against the property associated with
9 the water management works. Where ownership
10 of the water management works is separate from
11 property ownership, the Water Resources
12 Division shall require these agreements to be
13 recorded.

- 14 3. The licensee shall execute the work authorized
15 in a manner so as to minimize any adverse
16 impact of the works on fish, wildlife, natural
17 environmental values, and water quality. The
18 licensee shall institute necessary measures
19 during the construction period, including fill
20 compaction of any fill material placed around
21 newly installed structures, to reduce erosion,
22 turbidity, nutrient loading and sedimentation
23 in the receiving waters. Any erosion,
24 shoaling or deleterious discharges due to
25 licensee's actions will be corrected promptly
26 at no expense to the County.

- 1 4. The licensee shall comply with all applicable
2 local subdivision regulations and other local
3 requirements. In addition, the licensee shall
4 obtain all necessary federal, state, or local
5 special district authorizations prior to the
6 start of any construction or alteration of
7 works authorized by this license.
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9 5. Off-site discharges during construction and
10 development shall be made only through the
11 facilities authorized by this license. Water
12 discharged from the project shall be through
13 structures having a mechanism suitable for
14 regulating upstream water stages. Stages may
15 be subject to operating schedules satisfactory
16 to the appropriate regulatory agency.
17
18 6. Hold the Water Resources Division harmless
19 from any and all damages, claims or
20 liabilities which may arise by reason of the
21 construction, operation, maintenance or use of
22 any facility authorized by the license.
23
24 7. The license does not convey property rights
25 nor any rights or privileges other than those
26 specified therein.
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28 8. No construction authorized by the license
29 shall commence until a responsible entity,
30 acceptable to the Water Resources Division,
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