

**SPECIFIC OPERATING AGREEMENT
FOR
DELEGATION OF DOMESTIC WASTEWATER PROGRAM AUTHORITY
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
MIAMI-DADE COUNTY, BY AND THROUGH ITS DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT**

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DOMESTIC WASTEWATER SPECIFIC OPERATING AGREEMENT

PART I ADMINISTRATION OF AGREEMENT

SECTION 1 - INTRODUCTION

- (a) Pursuant to Section 403.182 of the Florida Statutes (Fla.Stat.), the Florida Department of Environmental Regulation, which has since been renamed the Florida Department of Environmental Protection (Department or DEP), entered into a General Agreement with the Miami-Dade County (MDC) on February 8, 1990. The General Agreement specifies the general working relationship between the DEP and MDC, and provides that the details of any authority delegated by DEP to MDC for administering any of DEP's specific programs to be set forth in a Specific Operating Agreement (SOA), subject to periodic review. MDC referred to in this SOA is Miami-Dade County by and through its Department of Environmental Resources Management (DERM), located in Miami-Dade County, Florida.
- (b) Therefore, the DEP and MDC, hereby enter into this Domestic Wastewater Program (DOM) SOA to delineate each agency's responsibility for developing and implementing the program defined herein under appropriate state and local statutes, ordinances, and regulations.
- (c) Nothing contained herein or in the General Agreement is intended to limit the DEP's or MDC's independent authority established by law.

SECTION 2 - PARTIES

Notwithstanding provisions in the General Agreement, parties to this SOA are DEP and MDC. DEP's Division of Water Facilities (DEP Division) will be responsible for transferring information needed by MDC as described in this SOA while keeping the Department's Southeast District Office (DEP District) informed, except as otherwise required for efficiency or specified by this SOA. The permitting, enforcement and compliance responsibilities for facilities covered under this SOA, delegated by DEP to MDC, shall not be subdelegated to any other entity.

SECTION 3 - MODIFICATION OF AGREEMENT AND CONFLICT BETWEEN AGREEMENTS

This SOA and any Appendices or Exhibits may be modified in writing at any time by mutual consent of DEP and MDC. MDC shall maintain a current list of delegated and non-delegated wastewater treatment facilities. This list shall be made available to DEP upon request. Approvals of modifications to this SOA shall be signed by the DEP Secretary and the County Manager. Upon execution, the provisions of this SOA shall supersede provisions of other agreements between DEP and MDC which conflict with this Agreement, applicable to the program defined herein.

SECTION 4 - PERIODIC REVIEW OF AGREEMENT

This SOA shall be jointly reviewed by DEP and MDC at least every three (3) years for the purpose of determining its adequacy and the need for any modification.

SECTION 5 - TERMINATION OF AGREEMENT

This SOA may be terminated without cause by either DEP or MDC upon written notice to the other party of at least ninety (90) days prior to the effective date of termination. This SOA may be terminated for good cause by either DEP or MDC, effective upon written notice to the other party. Such notice from MDC shall be signed by the Miami-Dade County Manager. Notice from DEP shall be signed by the DEP Secretary. Upon termination, MDC shall provide to DEP copies of all files applicable to this SOA.

SECTION 6 - SEVERABILITY

If any part of this SOA is found invalid or unenforceable by any court or administrative body, the remaining parts of this SOA shall not be affected.

PART II PROGRAM MANAGEMENT

SECTION 7 - BUDGET

MDC shall annually provide a summary of its approved budget outlining funding and staffing. DEP shall make its DOM related budget summary available to MDC upon request. MDC shall maintain an adequate level of DOM program funding, staffing, and equipment to comply with all statutes, rules, and policies pertaining to delegated DOM program activities. Minimum DOM program activities include the level of service (e.g., required number of inspections per facility per year) and compliance rate goals described in Part III of this SOA, to the extent delegated.

SECTION 8 - PROGRAM ORGANIZATION

8.01 RULES, REGULATIONS, AND ORDERS

- (a) MDC hereby certifies that MDC's existing ordinances pertaining to DOM program, found in Chapter 24 of the Code of Miami-Dade County, are compatible with ,or stricter or more extensive than, and not in conflict with those imposed by Chapter 403, Fla. Stat., and rules adopted thereunder. DEP has determined that such stricter or more extensive ordinances shall be enforced by DEP if it elects to exercise its jurisdiction over the DOM program within the jurisdiction of MDC pursuant to Section 403.182(6), Fla. Stat. This determination is not applicable to those ordinances not referenced above, and applies only to delegated facilities. MDC certifies the existing remedies and adjudicatory procedures in Chapter 24 of the Code of Miami-Dade County are adequate to enforce MDC's DOM program ordinances and that MDC shall adhere to penalty assessment guidelines which are comparable to those of the DEP. MDC shall utilize DEP Penalty Guidelines for the purpose of

calculating penalties for violations of state rules. DEP remedies remain available to MDC as an alternative to its own procedures.

For the purposes of DEP exerting enforcement authority to enforce stricter or more stringent local program rules or ordinances, any subsequent proposed new or amended MDC DOM Program laws, ordinances, rules, regulations, which may be more extensive, stricter, or more stringent than the provisions of Chapter 403, Fla. Stat., or DEP's DOM Program rules, shall be submitted by MDC for consideration by DEP as proposed modifications to this SOA, and shall not be enforceable under state DEP authority by either party unless and until such modifications are approved. Subsequent new or amended MDC DOM Program laws, ordinances, rules, regulations, or orders which are less stringent than or in conflict with the provisions of Chapter 403, Fla. Stat., or DEP's DOM Program rules, shall be considered good cause for termination of this SOA. MDC shall implement future revisions of applicable DEP rules at the time such rules become effective, in accordance with Section 24-54(3), Code of Miami-Dade County.

(b) If applicable, actions taken by MDC pursuant to this SOA may be subject to the provisions of Chapter 120, Florida Statutes.

(c) Legal interpretation of DEP rules shall be made by DEP. Legal interpretation of MDC ordinances shall be made by MDC. In the event that there is litigation concerning the interpretation of DEP's rules, then DEP shall provide testimony concerning the interpretation of those rules. To the extent that litigation involves interpretation of MDC ordinances, MDC shall provide testimony concerning the interpretation of those ordinances.

8.02 PERSONNEL AND EQUIPMENT

MDC shall procure necessary equipment and maintain a staff capable of performing the duties specified in this SOA, as modified from time to time. MDC staff shall have the same minimum qualifications as respective DEP staff for this region of the state. Attached are organizational charts of the DEP Division and MDC-DERM Domestic Wastewater Program. Upon request, updated versions shall be provided to DEP.

8.03 COMPUTERS

MDC shall install and maintain adequate computer terminal(s) and communications hardware and software necessary to perform all data entry requirements of this SOA, as modified from time to time. Central operation and maintenance of DEP's computerized data management systems shall be provided by DEP. DEP will provide technical assistance, as necessary, to help MDC implement the data entry requirements of this Agreement.

8.04 NOTIFICATION OF FACILITY OWNERS

Within 90 days after execution of this SOA, MDC shall provide a copy of this SOA to each owner and operator of state-regulated DOM facilities in Miami-Dade County.

SECTION 9 - PROGRAM PLANNING AND MANAGEMENT

9.01 PLANS

MDC shall prepare an annual work plan describing staffing, (Full Time Equivalents[FTE]), equipment committed and budgeted for 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 to meet the minimum DOM level of service (e.g., required number of inspections per facility per year), and compliance rate goals described in Part III of this SOA. Updates to the list of non-delegated facilities will be provided to MDC by the District DEP annually in conjunction with the annual work plan to be submitted to DEP. MDC shall submit its annual work plan to the Division, with a copy provided to the District Office, DEP no later than, June 30th of each year.

9.02 TRAINING

(a) The parties to this SOA shall ensure that their respective personnel have the requisite training necessary for each employee to accomplish the work assigned. Specific training requirements for MDC include the following:

- (1) Attendance of appropriate MDC staff at DEP Domestic Wastewater training sessions. The Division DEP shall provide advance notice, (at least three weeks for out-of-town travel) to MDC of such training sessions.
- (2) Program specific training and information from other appropriate sources such as the United States Environmental Protection Agency (USEPA) and professional organizations.
- (3) Participation in training conducted by DEP, including basic inspector training courses for facility inspection, sampling, and enforcement; training and assistance with the collection of spatial information (Latitude and Longitude data for DOM facilities); and training in the operation of DEP's computerized data management systems.

(b) DEP may also provide training to MDC 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, MDC shall be represented at the following specific meetings:

- (1) DEP Annual Domestic Wastewater Workshop;
- (2) Monthly DEP DOM teleconferences;
- (3) DEP Wastewater Compliance Training Workshops;
- (4) DEP Annual Compliance and Enforcement Workshop;
- (5) DEP Data Management Training Workshops; and
- (6) Periodic meetings, at least quarterly, with District DOM staff to coordinate activities. Such meetings shall be separate and distinct from audits and performance evaluations of MDC. The Division shall attend at least one of these meetings each year.

(b) MDC is also encouraged to participate in other meetings pertaining to the DEP DOM Program. The Division shall provide advance notice to MDC of such meetings.

9.04 REPORTING REQUIREMENTS

(a) MDC COMPUTER DATA ENTRY

Permitting, compliance, and enforcement data for facilities delegated under Part III of this SOA shall be entered by MDC into the following DEP computerized data management systems according to the schedule shown provided that the systems are operating and available for use of MDC.

REPORTING SYSTEM	FREQUENCY	RECIPIENT
(1) Permit Application (PA), or its successor	Within 3 working days of permit application receipt or from date of latest application processing accomplishment	Computerized Data Management System
(2) Wastewater Facility Regulation System (WAFR) or its successor	Within 5 working days of receipt of facility permitting information, and by the third Monday of each month following receipt of self-monitoring reports	Computerized Data Management System
(3) Compliance Enforcement Tracking System (COMET) or its successor	Within 5 working days of enforcement activities, and by the third Monday of the month following compliance activities	Computerized Data Management System

(b) MDC REPORTS

MDC shall submit copies of the following reports, based on the extent of delegation in this SOA, according to the schedule shown. (Where possible, reports will be made through DEP's computerized data management systems.)

REPORT	FREQUENCY	RECIPIENT
(1) Annual Budget Summary	Annually	DEP Division and District
(2) Organizational Charts	As updated or at least annually	DEP Division and District
(3) MDC Ordinances, Laws, Rules, Regulations, and Orders	As drafted, and within 15 days after adoption	DEP Division and District
(4) Annual Work Plan, including lists of delegated and non-delegated facilities	By June 30 of each year	DEP Division and District
(5) Summary of collection/transmission permits issued and denied	Monthly (by third Monday of the following month)	DEP Division and District
(6) Summary of DOM compliance inspections and complaint investigations conducted during the month, including dates, locations, violations noted, and corrective actions required and copies of reported collection systems abnormal events (e.g., overflows)	Monthly (by the third Monday of the following month)	DEP Division and District
(7) Status report on all MDC DOM enforcement cases	Monthly (by the third Monday of each month)	DEP Division and District
(8) List of all delegated and non-delegated wastewater treatment facilities	As updated	DEP Division and District

Reports will be directed to the Section Administrator, Domestic Wastewater Section, for the Division DEP; and to the Water Facilities Administrator, for the District DEP.

(c) DEP REPORTS

The Division DEP shall submit copies of the following reports to MDC according to the schedule shown:

REPORT	FREQUENCY	RECIPIENT
Organizational Charts	As updated or at least annually	MDC
DEP Rules, Regulations, Orders, Forms, Policies, and Guidance Memoranda	As drafted, and within 15 days after the effective date	MDC

9.05 AUDITS AND PERFORMANCE EVALUATIONS

(a) DEP shall periodically conduct financial audits and program performance evaluations of MDC's implementation of the delegated DOM_program. MDC shall have adequate time (at least 20 working days) to complete pre-audit surveys and at least twenty (20) working days to comment on draft audit findings.

(b) The purpose of the financial audits is to determine if all fees for DEP permits, moneys for enforcement actions, and other state funds received by MDC for delegated DOM activities have been properly accounted for and distributed. For the purpose of this SOA, appropriate records of all monetary transactions shall be maintained on file for at least the previous three (3) years, or the period of delegation, whichever is less.

(c) The purpose of the performance evaluations is to determine if permit applications, monitoring programs, compliance efforts, and enforcement actions are being managed in accordance with applicable requirements and policies, and that appropriate files are being maintained for all delegated DEP permitting actions taken, monitoring programs, enforcement actions, and other responsibilities assumed by MDC. Permitting files shall be retained permanently. Other files shall be maintained for the previous ten (10) years, or the period of delegation, whichever is less. DEP, including representatives from both the District and the Division, will perform a MDC performance evaluations semi-annually for the first two (2) years, and annually thereafter, or more frequently if warranted. Oversight of reports and data entry shall 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, DEP delegates to MDC the authority to issue and deny, under applicable statutes, regulations, orders, and guidelines, State permits for **delegated** domestic

wastewater facilities, (domestic wastewater facilities shall mean wastewater and residuals treatment, wastewater residuals disposal, and wastewater reuse) as well as all sewage collection and transmission systems including appurtenant pump stations located in MDC's geographical jurisdiction, except as set forth in (b) below.

(b) The following facilities are **non-delegated** wastewater facilities under this SOA:

- (1) **MDC-owned or operated domestic wastewater facilities;**
- (2) **Facilities designed for a capacity in excess of 500,000 gallons per day; and**
- (3) **Facilities subject to National Pollutant Discharge Elimination System (NPDES) permitting [Section 403.0885, Fla.Stat.], Underground Injection Control facilities [Chapter 62-28, F.A.C.], and other facilities subject to permitting under other programs delegated by the United States to DEP.**

(c) After the second complete program performance evaluation, but no sooner than one year after the effective date, this SOA may be modified to expand the scope of delegation to include plants in excess of 500,000 gallons per day design capacity. Relief mechanisms (including variances, exemptions, and mixing zones) and WQBELS determined by the Level II process in accordance with Rule 62-650.500, F.A.C., shall not be delegated with permitting activities.

(d) Set forth and incorporated into this SOA are the names of delegated and non-delegated facilities. Updated lists consistent with the types of delegated facilities described above shall be provided by MDC (delegated facilities) and District (non-delegated facilities) at least annually (DEP fiscal year [July - June]), and as revisions occur.

(e) As described in Part III, Sub-Part B of this SOA, MDC 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) DEP PROCEDURES

When the District DEP receives a permit application, or notice requesting the use of a general permit, for a delegated facility on or after the effective date of this SOA, the District DEP shall return the application and associated with instructions to resubmit the application and fees to MDC, or at the applicant's request, FDEP shall forward the application and associated fees to MDC with the specific understanding that the permit application timeclock will not start until MDC receives the application and fees.. Solely for the purposes of Section 120.60(4) Fla. Stat., a permit renewal application shall be

considered to have been received on the date submitted to either DEP or MDC. Permit applications received before the effective date of this SOA shall be processed by the DEP District.

(b) MDC PROCEDURES

(1) MDC shall ensure that a legible stamped date of receipt is promptly applied to each permit application received for delegated facilities. Upon request by DEP, MDC shall provide one copy of each delegated facility permit application submitted directly to MDC office within three (3) working days of receipt. Completeness comments shall be provided (at DEP's discretion) to MDC within 15 days of receipt. A copy of all applicable correspondence shall be maintained on file at MDC's office.

(2) MDC, after considering any completeness comments provided by DEP, shall review each application for completeness within 30 days of the stamped date of receipt. If the application is determined to be incomplete by MDC, a letter of incompleteness shall be sent by MDC to the applicant and DEP District Office within thirty (30) days of the stamped date of receipt, identifying and requesting the needed additional information.

(3) When the application is determined to be complete, MDC shall process the application, and take final agency action on the complete applications in accordance with the procedures and time frames which would apply to DEP as if DEP 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, Fla. Stat. MDC shall provide the DEP District with a draft copy of any intent to deny notice at least ten (10) working days before MDC mails the notice to the applicant. Permits, notices of intent, and denial letters shall be signed by MDC's authorized designees. A list of authorized designees shall be provided to the DEP within seven (7) days of the effective date of this SOA and within three (3) days of any changes thereafter. MDC shall provide the District with copies of all issued permits (other than general permits), at the District's discretion, and Final orders denying permits, at the District's discretion.

(4) The provisions of Chapter 120, Fla. Stat., shall govern actions taken by MDC under this Agreement. Actions taken by MDC under local ordinances and not under this Agreement shall not be subject to the provisions of Chapter 120, Fla. Stat., by virtue of this Agreement. All timely petitions for formal administrative hearings received by MDC on delegated DOM permitting applications processed by MDC shall be referred to the Division of Administrative Hearings (DOAH) for the assignment of an administrative law judge if the petitions are submitted pursuant to Chapter 120, Fla. Stat., and satisfy the requirements set forth in subsection 120.54(5)(b)4., Fla. Stat., (1998 Supp.), and the Uniform Rules of Procedures, with particular attention to Rules 28-106.204 and 28-106.303, F.A.C. At the time of referral of a petition to DOAH, a copy of the notice of referral, the petition, and the challenged decision shall be mailed to DEP's Office of General Counsel, Attention: Deputy General Counsel for Water Programs, at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. DEP shall have the right, if it so chooses, to intervene in the DOAH proceeding. For all hearings challenging agency action the delegated DOM Program, MDC shall be responsible for preparation for the hearings,

appearance at the hearings, and the preparation and submittal of the proposed recommended orders to the assigned administrative law judge. Prior to all final hearings, MDC attorneys shall consult with DEP attorneys regarding issues related to the case. Final agency action resulting from such DOAH proceedings shall be taken by MDC. Appeals of final orders entered following an administrative hearing shall be the responsibility of MDC. DEP may join the appeal as a party. Orders entered by MDC pursuant to administrative hearings shall be published in the Florida Administrative Law Reporter if they have precedential significance. All final orders entered after an administrative hearing under Sections 120.569 or 120.57, Fla. Stat., shall be published in the Florida Administrative Law Reporter and copies provided to DEP within 30 days of publication.

(5) Upon request by DEP, MDC shall provide the DEP with one copy (excluding supporting documentation) of each delegated facility notice requesting the use of a general permit submitted directly to MDC within three (3) working days of receipt. MDC shall review and process each general permit notice within thirty (30) days of receipt. If a notice does not qualify, MDC shall within the thirty (30)-day period provide the applicant with a denial of general permit use. If formal written denial of general permit use is not provided within the thirty (30)-day period, the applicant may use the general permit. MDC shall not require a regular permit when a general permit may be used, unless required by a local law, ordinance, rule, regulation, or order more stringent than DEP rule.

(6) Facility permitting shall be performed according to procedures established by applicable statutes, rules, and policies. MDC shall have the same requirements for timeliness to issue or deny permits as DEP. The following statutes, rules, procedures, and guidelines shall be utilized by MDC for the purposes of implementing the permitting programs included in this SOA:

(a) CHAPTER 120, F.S.

(b) CHAPTER 403, F.S.

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

(d) DEP DOMESTIC WASTEWATER PROGRAM MANUAL

(e) DEP DIVISION OF WATER FACILITIES POLICY MANUAL

(f) DEP GUIDELINES FOR PREPARATION OF REUSE FEASIBILITY STUDIES FOR APPLICANTS HAVING RESPONSIBILITY FOR WASTEWATER MANAGEMENT

(g) DEP GUIDELINES FOR PREPARATION OF CAPACITY ANALYSIS REPORTS

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

(i) DEP PERMIT APPLICATION (PA) USER MANUAL

(j) DEP WASTEWATER FACILITY REGULATION SYSTEM (WAFR)

(k) PERMIT BUILDER USER'S GUIDE FOR PERMITTING DOMESTIC WASTEWATER FACILITIES

(7) MDC shall enter the appropriate permit activities data into DEP's computerized data management systems (Permit Application [PA] or its successor, Wastewater Facility Regulation Systems [WAFR] or its successor, and Permit Builder or its successor) for all delegated facility permits in accordance with the schedule set forth in Part II of this SOA. Only state permit fee amounts shall be entered into PA. Data entry shall otherwise be complete and accurate.

(8) MDC shall provide DEP a monthly report (by the third Monday of the following month) the names and locations of newly permitted DOM collection and transmission facilities, including a list of each permit number, issue date, project name, location, number of units and type of service (e.g., single family, multi-family, commercial), design flow, receiving plant, and committed, permitted, and actual flows to the receiving plant at the time of permitting. The monthly report shall also include a list of the transmission and treatment sewer capacity certifications issued for the reporting month.

11.02 CONFLICT RESOLUTION

Although MDC has the initial responsibility for decisions on final agency action for delegated DEP permit applications, DEP retains the power to make such a decision whenever an irreconcilable conflict arises between MDC and DEP with respect to permit issuance or denial. If a conflict arises between MDC and DEP, the two agencies shall promptly attempt to reach an agreement to resolve the conflict. If an agreement is not reached, DEP shall declare in writing that an irreconcilable conflict exists, and MDC 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 state fees for DEP permits shall be the amounts established in Chapter 62-4, F.A.C., or as otherwise specifically established in DEP rules as all or same may be amended from time to time. MDC may charge additional or separate local fees for any required MDC permits in addition to state fees. Within ninety (90) days of the execution of this SOA, MDC shall seek to amend its fee schedule and incorporate fees equivalent to the state fees to be charged to applicants seeking to obtain a delegated state permit.

(b) Beginning on the effective date of this SOA, the required state permit fees for delegated facilities, shall be allocated between DEP and MDC. DEP shall retain thirty percent (30%) and MDC shall retain

seventy percent (70%) of the state fees. The DEP's Bureau of Finance and Accounting shall periodically invoice MDC for the DEP's appropriate share.

(c) When an application for a delegated facility is received by MDC without the required state fees, MDC shall follow procedures consistent with Section 62-4.050(5), F.A.C., as may be amended from time to time. All permit application fees and refunds of fees shall be processed in accordance with generally accepted accounting principles.

11.04 NON-DELEGATED PERMIT APPLICATIONS

When MDC receives an application for a non-delegated DOM permit for which DEP is to take final agency action, MDC shall return the application and associated fees to the applicant within three (3) working days of receipt, with instructions to resubmit the application to DEP, or, at the applicant's request, MDC shall forward the application and the associated fees to DEP with the specific understanding that the permit application timeclock shall not start until DEP receives the application and fees.

SUB-PART B - COMPLIANCE AND ENFORCEMENT

SECTION 12 - LEAD AND SUPPORT ROLES

(a) MDC accepts the lead role for compliance and enforcement activities for domestic wastewater facilities (for sewage collection and transmission, and wastewater and residuals treatment, disposal, and reuse) within MDC's geographical jurisdiction, except for the following facilities or operations:

- (1) County owned or operated domestic wastewater and residuals treatment, disposal, and wastewater effluent reuse facilities and sites;**
- (2) Plants designed for a capacity in excess of 500,000 gallons per day;**
- (3) Facilities subject to National Pollutant Discharge Elimination System (NPDES) permitting [section 403.0885, F.S.], Underground Injection Control facilities [Chapter 62-28, F.A.C.], and other facilities permitted under programs federally delegated to the Department. and**

(b) For delegated facilities, DEP accepts a support role for compliance and enforcement activities by providing to MDC legal, technical, and training assistance.

(c) For non-delegated facilities, DEP retains the lead role for compliance and enforcement activities. MDC may, at its discretion or at the request of DEP, serve a support role by providing technical and legal assistance as appropriate. When violations are found by MDC at domestic wastewater residuals sites receiving domestic wastewater residuals from non-delegated facilities, MDC shall promptly notify the District.

(d) Information on actions taken by the lead agency shall be available to the support agency and vice versa upon request. Whenever either party requests information concerning a specific facility and the requested information is available from files, but not from DEP's computerized data management systems, the information shall be provided. If the required information is not available, the agency making the request shall be promptly notified.

(e) Nothing in this SOA shall prohibit either agency from taking enforcement action for violation of their respective laws, rules, regulations and ordinances. MDC, however, shall not initiate action under state authority without prior notice. For violation of similar requirements, DEP and MDC shall consider seeking consolidation of the lawsuits.

SECTION 13 - COMPLIANCE

13.01 COMPLIANCE INSPECTION PROCEDURES

(a) For delegated facilities, MDC shall operate a timely and effective compliance monitoring program. MDC shall use DEP's computerized data management systems, where applicable, to track compliance with permit conditions. For the purpose of this SOA, the term "compliance monitoring" includes all activities undertaken by MDC to seek to obtain full compliance with applicable wastewater permitting program requirements, and shall include the following activities:

- (1) **Compliance Review of Self-Monitoring Reports** - MDC shall conduct reviews and keep complete records of all written material relating to the compliance status of delegated facilities. These records shall include all reports submitted to MDC which are required in the delegated facilities permits or enforcement orders issued by MDC. Monthly Operating Reports, Discharge Monitoring Reports, Compliance Inspection Reports, and any other reports that permittees may be required to submit under the terms and conditions of a permit or enforcement order shall be submitted as set forth in the permit or enforcement order. MDC shall determine if required self-monitoring reports are submitted on time, the submitted reports are complete and accurate, and if the permit conditions are met.
- (2) **Compliance Inspections** - MDC shall conduct site inspections to determine the status of compliance with permit requirements. Inspection procedures shall be in accordance with the DEP Wastewater Compliance Procedures Manual and MDC's inspection protocol.
- (3) **Sampling and Analysis of Effluent** - All sampling and analysis activities, shall comply with applicable requirements of Chapter 62-160, F.A.C., as same may be amended from time to time.
- (4) **Computer Tracking of Compliance Activities Using DEP's Computerized Data Management Systems** - MDC shall enter the appropriate facility Discharge Monitoring Report data, compliance schedules, and compliance activities data into DEP's computerized data management systems [Wastewater Facility Regulation [WAFR] or its successor, and Compliance Enforcement Tracking system [COMET] or its successor) in accordance with the schedule

specified in Part II of this SOA. Data changes, such as facility name changes or address changes, shall be entered on a monthly basis.

(b) For delegated facilities MDC shall perform sample-collection and analysis as necessary to determine compliance with applicable regulations and permit requirements . The following statutes, rules, procedures, and guidelines shall be utilized for the purposes of implementing the compliance monitoring programs included in this SOA:

- (1) CHAPTER 403, F.S.**
- (2) TITLE 62, F.A.C., or its successor**
- (3) DEP WASTEWATER COMPLIANCE PROCEDURES MANUAL and INSPECTORS' TOOL CHEST**
- (4) DEP DIVISION OF WATER FACILITIES POLICY MANUAL**
- (5) DEP MANUAL FOR PREPARING QUALITY ASSURANCE PLANS**
- (6) DEP STANDARD OPERATING PROCEDURES FOR LABORATORY OPERATIONS AND SAMPLE COLLECTION ACTIVITIES**
- (7) BIOLOGICAL FIELD AND LABORATORY METHODS FOR MEASURING THE QUALITY OF SURFACE WATER AND EFFLUENTS (Environmental Monitoring Series, USEPA)**
- (8) METHODS FOR MEASURING THE ACUTE TOXICITY OF EFFLUENTS AND RECEIVING WATERS TO FRESHWATER AND MARINE ORGANISMS (Environmental Monitoring Series, USEPA);**
- (9) SHORT-TERM METHODS FOR ESTIMATING THE CHRONIC TOXICITY OF EFFLUENTS AND RECEIVING WATERS TO MARINE AND ESTUARINE ORGANISMS (Environmental Monitoring Series, USEPA);**
- (10) METHODS FOR CHEMICAL ANALYSIS OF WATER AND WASTES (Environmental Monitoring Series, USEPA);**
- (11) DEP GEOGRAPHIC INFORMATION SYSTEM DATA COLLECTION AND CLEANUP PLAN;**
- (12) DEP WASTEWATER FACILITY REGULATION SYSTEM (WAFR) USERS GUIDE**
- (13) DEP COMET PRODUCTION MANUAL**

(14) DEP PERMIT BUILDER USER'S GUIDE FOR PERMITTING DOMESTIC WASTEWATER FACILITIES

13.02 INSPECTION SCHEDULES

MDC and DEP shall annually develop tentative inspection schedules for all DOM facilities within MDC's geographical jurisdiction, reflecting MDC's inspections of delegated facilities and DEP's inspections of non-delegated facilities. Activities will be coordinated to allow each party to this SOA the opportunity to comment on and participate in the other party's inspection.

13.03 COMPLIANCE INSPECTION LEVEL OF SERVICE

(a) The minimum level of service for compliance inspections by MDC shall be two unannounced inspections per delegated treatment, disposal, and reuse facility per year, which shall include at least one sampling and analysis of effluent per delegated treatment, disposal, and reuse facility per year.

(b) DEP or MDC may determine that additional compliance inspections are necessary to monitor permit compliance. DEP retains the right to perform compliance inspections of any permittee at any time.

SECTION 14 - ENFORCEMENT

14.01 ENFORCEMENT PROCEDURES AND REMEDIES

(a) Reports on the compliance status of domestic wastewater facilities shall be available to DEP by the third Monday of the month following the date of inspection or review of self-monitoring reports. MDC shall review each delegated facility to determine what, if any, enforcement action shall be initiated. If a violation is documented, MDC shall initiate timely and appropriate enforcement activities under state authority, or make a decision in writing not to take any enforcement action under state authority. If DEP determines that MDC has not commenced any appropriate enforcement action under state authority, DEP can elect to assert its jurisdiction under Section 403.182(6), F.S.

(b) Procedures and priorities for the review of delegated facilities and for initiating enforcement action under the authority of state law shall be set forth in a document developed by MDC and shall be consistent with and at least as stringent as the state statutes and DEP rules. Where MDC has demonstrated to DEP that its enforcement policies, procedures and guidelines are compatible with and at least as stringent as those of DEP, MDC's enforcement policies, procedures and guidelines may be used in place of DEP's. However, MDC shall use the following procedures at a minimum when exercising state authority:

(1) Section 2.3 of the **DEP ENFORCEMENT MANUAL** (or its successor) concerning inspections and entry upon land. Routine inspections shall be unannounced and conducted at reasonable times;

(2) Appendices in the **DEP ENFORCEMENT MANUAL** entitled **SETTLEMENT GUIDELINES FOR CIVIL PENALTIES, and GUIDELINES FOR CHARACTERIZING DOMESTIC WASTEWATER VIOLATIONS**. 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; and

(3) Appendices in the **DEP ENFORCEMENT MANUAL** outlining **ENFORCEMENT PRIORITIES** and **TIME SCHEDULES FOR PROCESSING ENFORCEMENT PRIORITY CASES**.

(c) MDC shall enter the appropriate enforcement activities data into DEP'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.

(d) MDC shall deposit all moneys recovered in any MDC enforcement action in its local pollution recovery trust fund established under Chapter 24 of the Code of Miami-Dade County. For joint enforcement actions, DEP and MDC shall apportion any recovered monies between them in an equitable manner.

14.02 CITIZEN COMPLAINTS

(a) MDC shall receive, respond to, and promptly investigate all complaints from the public relating to domestic wastewater facilities and systems within its jurisdiction. Accurate records will be kept of all complaints. Reports shall be made through DEP's computerized data management system, or other means in accordance with the schedule specified in Part II of this SOA. DEP shall refer any complaints that it receives within MDC's jurisdiction to MDC for investigation. However, DEP shall reserve the right to investigate complaints involving sources for which DEP has retained jurisdiction or for which it has a special interest, upon notice to MDC. Complaints shall be investigated, and MDC shall initiate such action as is deemed appropriate to resolve any violations. If a violation is determined to exist, MDC shall notify the responsible person, shall seek to obtain compliance, and inform the complainant of the action taken. For delegated facilities, MDC shall take enforcement action as appropriate. For non-delegated facilities, MDC shall promptly notify DEP so that the Department DEP may pursue enforcement as appropriate.

14.03 EMERGENCY SITUATIONS

(a) DEP and MDC agree to cooperate with each other and with other agencies as appropriate during emergencies as defined in Section 252.34(2), Fla.Stat, relating to DOM program facilities. Response actions shall be conducted in accordance with procedures established in the most current editions of the "Miami-Dade County Peacetime Emergency Plan" and state "Natural Disaster Emergency Contingency Plan". DEP and MDC shall have the authority to take all actions authorized under state law, rules and ordinances to effectuate appropriate responses to

emergencies as defined by state statute or abnormal occurrences as set forth in Chapter 24, Code of Miami-Dade County, to protect the public health, safety and welfare, and to protect natural resources.

14.04 ABNORMAL EVENTS

DEP and MDC agree to coordinate and cooperate with each other and with other agencies as appropriate to handle abnormal events such as DOM system overflow and plant abandonment. The lead agency for regulating facilities experiencing abnormal events shall be MDC for delegated facilities and DEP for non-delegated facilities.

PART IV MISCELLANEOUS PROVISIONS

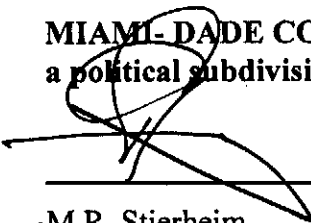
SECTION 15 - INQUIRIES

Inquiries from the Governor's Office, Cabinet, and members of the Legislature shall be forwarded, as applicable, to MDC. For those facilities delegated to MDC under this SOA, MDC shall respond to any inquiries from the Governor's Office, Cabinet, and members of the Legislature within seven (7) days from receipt of any inquiry by MDC, and shall provide copies of the responses to DEP. Copies of responses to such inquiries handled by DEP, such as those pertaining to non-delegated facilities, shall be provided to MDC. Copies of responses to such inquiries handled by MDC, such as those pertaining to non-delegated facilities, shall be provided to DEP.

SECTION 16 - EFFECTIVE DATE AND MODIFICATION DATES


(a) The effective date of this SOA shall be ninety (90) days after the execution of this Agreement. An affirmative finding by the District that MDC has met requirements under Section 8 of this SOA is attached in exhibit 1.

MIAMI-DADE COUNTY, FLORIDA
a political subdivision of State of Florida



For M.R. Stierheim
County Manager
111 NW 1st. Street
Suite 2910
Miami, FL 33128

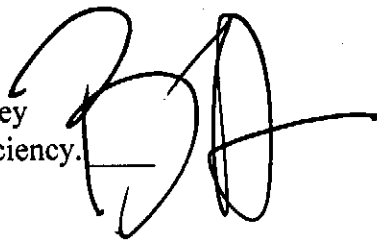
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



David B. Struhs
Secretary
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

DATE: 10/10/00

DATE: 1/17/01

Approved by DEP Attorney
as to form and legal sufficiency. _____


Approved by MDC Attorney
as to form and legal sufficiency. _____

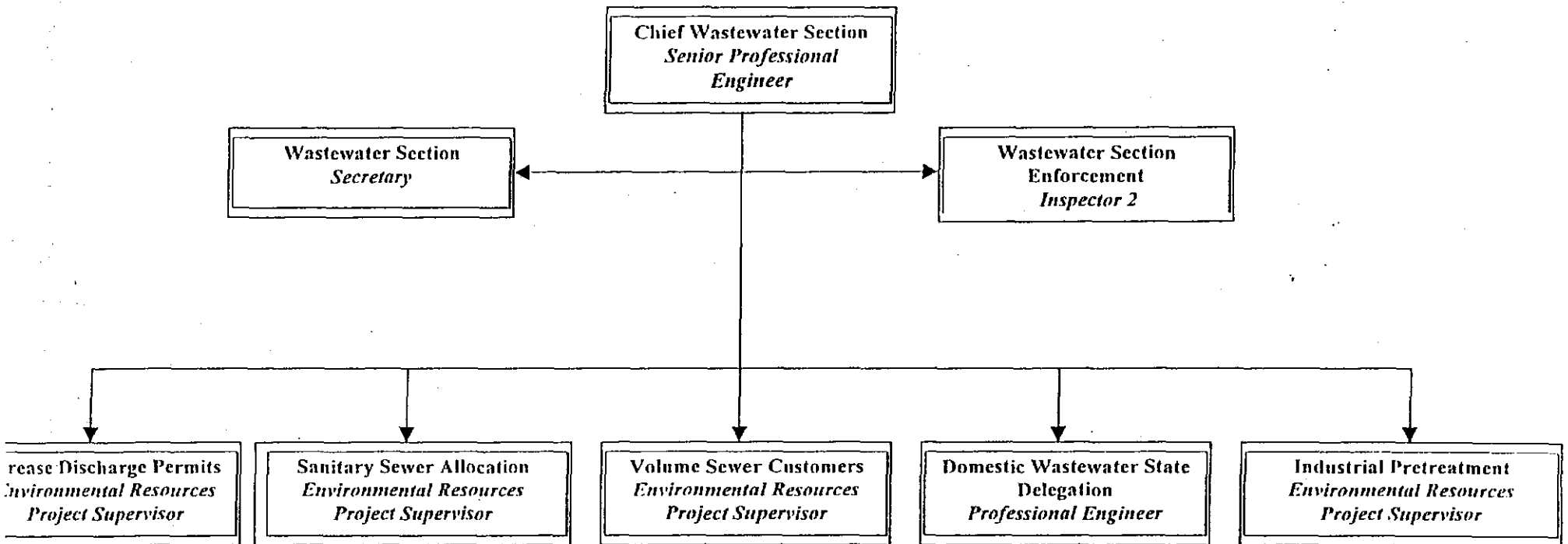
DADE COUNTY WASTEWATER TREATMENT FACILITIES DELEGATED

FACILITY NAME	DWO Permit No.	Design Capacity (MGD)
1. Americana Village	66	0.02
2. August Manor	91	0.016 <i>(closed on 1999)</i>
3. Big Cheese	106	0.005
4. J.R. Brooks	103	0.0075
5. Casa Granada	17	0.02
6. Everglades National Park (Chekika)	83	0.025
7. Cricket Club	82	0.105
8. Everglades Academy. Dade Center (Work Camp.)	104	0.035
9. Hamilton Group Bldg.	77	0.005
10. Kampgrounds of America	61	0.05
11. Krome Serv. Proc. Ctr. (INS)	59	0.12 <i>(closed on 1999)</i>
12. Lakeview Gardens	72	0.03
13. Miami Shores Condominium	19	0.04
14. Miller Lake Apts.	80	0.04
15. Pine Crest Elementary	107	0.02
16. Nation's Choice	21	0.015
17. Redlands MHP	14	0.015
18. Flea Market USA	76	0.04
19. The Shores Villas	75	0.04
20. South Miami High School	105	0.075
21. Spring Tree Apts.	84	0.02
22. Sunrise School	30	0.022
23. Village Prof. Building	12	0.003
24. Redlands Elementary	108	0.05

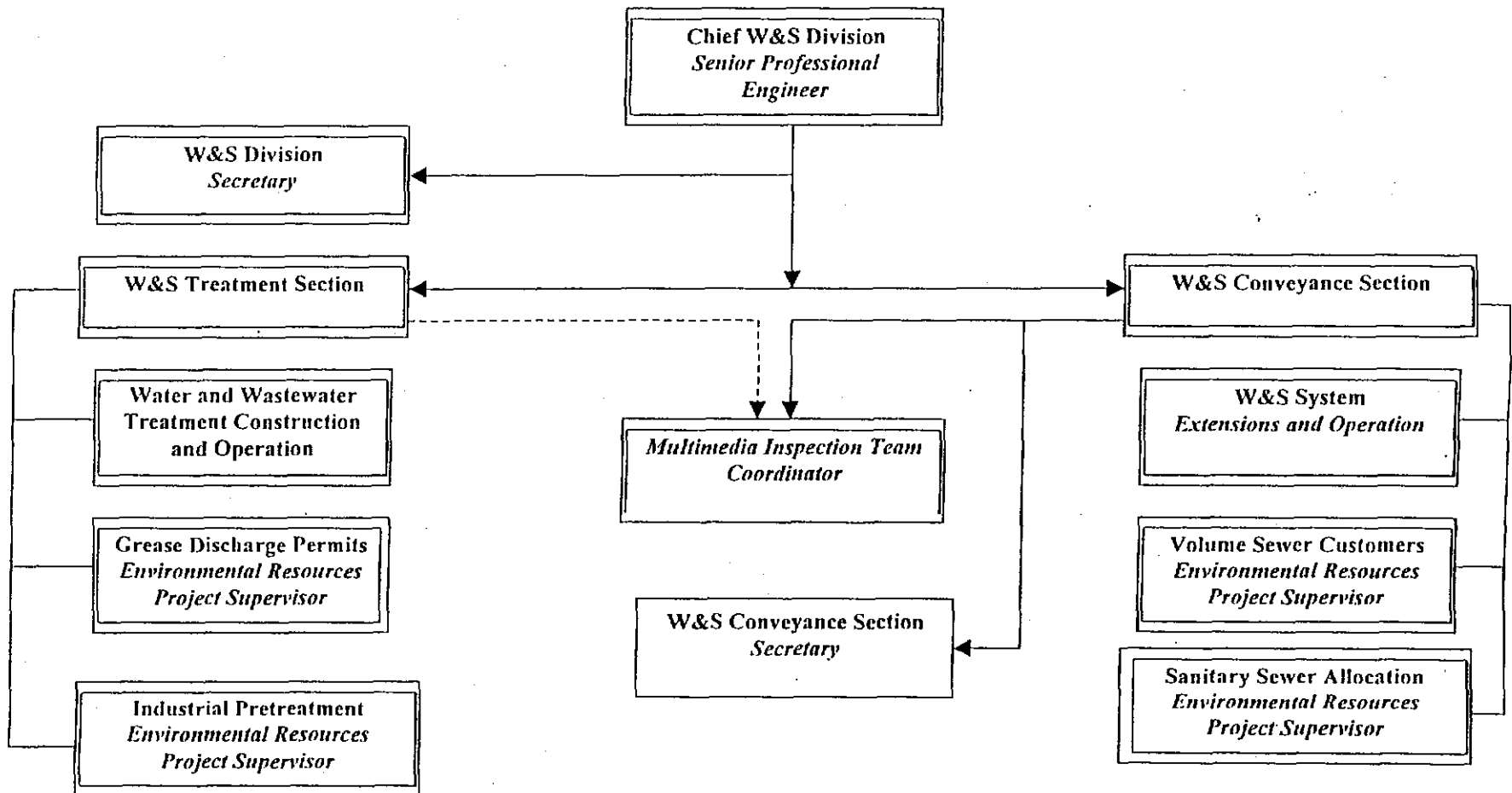
NON-DELEGATED

1. Turkey Point	0010	0.018
2. MD-WASD NDWWTP	0058	112.5
3. MD-WASD CDWWTP	0057	143
4. MD-WASD SDWWTP	0093	85
5. City of Homestead	0031	2.25

MDC-DERM DOMESTIC WASTEWATER PROGRAM ORGANIZATIONAL CHART



M-DC-DERM
WATER AND SEWER DIVISION
ORGANIZATIONAL CHART
Effective April 1, 2000



I. WASTEWATER SECTION ORGANIZATION AND STAFFING.

The domestic wastewater section team is divided into two basic functions:

- The engineering and plan review function and
- The monitoring, inspection and enforcement functions.

The engineers and plan reviewers of the collection and transmission system and sewer transmission capacity certification are located in the First Floor of the building. The rest of the Wastewater Section is located in the Fifth Floor of the building. The Wastewater Section organization chart included in Appendix A, show how the Wastewater teams are structured, the positions and staff that fill these positions. Appendix B shows the direct labor costs charged to each cost center by each staff member during Fiscal Year 1998-99. The Florida Department of Environmental Protection delegated domestic wastewater program activities are included in the following Cost Centers:

6301	Domestic Wastewater Operating Permits
6302	Sewage Treatment Plants
6303	Sewer Extensions

The Water and Sewer Division's responsibilities have significantly increased as result of the County's Settlement Agreement with the DEP and the Consent Decrees with the United States Environmental Protection Agency (EPA). The Wastewater Section increased its staff to accommodate the additional requirements that include two new ordinances:

- Volume Sewer Customer Ordinance (VSCO) for infiltration/inflow (I/I), remediation and prevention (effective November 12, 1997) and
- Grease Discharge Control (effective September 21, 1994).

DERM continues to maintain a computer database with the running time of each pump station. This information is updated monthly and new flows approved through each pump station downstream of the approved connection is calculated as projected running time and added to the average annual daily running time (NAPOT). Adequate transmission capacity is certified for new projects if the NAPOT is less than 10 hours or conditioned to a rehabilitation plan if the NAPOT exceeds the 10 hours. Peak flow studies of individual systems may be used to replace these NAPOT criteria.

A brief summary of the qualifications of the technical personnel in positions responsible for the DEP delegated programs follow:

Section Head: Senior Professional Engineer (exempt) Jose G. Lopez, Registered Professional Engineer in the State of Florida PE #33895, in chemical engineering and civil/sanitary engineering. MS and BS chemical engineering, and MS in civil/environmental engineering. Mr. Lopez has supervised DEP delegated wastewater programs for over 16 years in Broward and Miami-Dade County.

Professional Engineer (exempt): Agustin Socarras, Registered Professional Engineer in the State of Florida, PE #48919. BS in mechanical engineering. Mr. Socarras worked fourteen years with the Miami-Dade Water and Sewer Department in the design of water and sewer systems. Mr. Socarras is responsible of all permitting activities of the domestic wastewater delegated program. His responsibility includes approval of sewer extension construction applications and

certification of completion for the last four years and permitting the operation of treatment plants and sewer utilities. This position supervises one Engineer II, two Engineer 1's and a Data Entry Specialist 1.

Environmental Resources Projects Supervisor (ERPS): Oscar Aguirre, BS civil engineering. Mr. Aguirre has worked as an engineer, an inspector and a plan reviewer with DERM for over eleven years. He also worked in the water storm section NPDES program. During the past two years, Mr. Aguirre worked extensively on the implementation of the Volume Customer Sanitary Sewers Ordinance. This regulates the operation of sizable sanitary sewer systems, but not classified as utilities.

Engineer 1: Richard Neumann, BS electrical engineering. Mr. Neumann had several years of experience with WASD in the design of electrical system, and in the coast guard in shore facilities maintenance. He has over two years experience as inspector 1 with this section before been promoted to this position.

Engineer 1: Mrs. Rena Chen is a Registered Professional Engineer in the State of Florida, PE No. 54780 in environmental engineering. Mrs. Chen has MS Environmental engineering and BS Chemical engineering. Mrs. Chen had six months experience as DERM Plan Reviewer and one year experience as current position. Mrs. Chen has participated in a diversity of work within this Section, including plan reviews for construction permit approval for Industrial Waste Pretreatment (IWP) facilities and sewer main extension (SE) programs. Mrs. Chen has been also responsible for sewage package treatment plants (STP) State and DERM permitting and operating programs. Mrs. Chen was assigned to review grease interceptors design and all other treatment and corrosion related engineering reviews. Mrs. Chen has conducted field inspections for IWP and STP facilities. Mrs. Chen has developed and maintained several databases for IWP permitting, STP State permit tracking, and Genesis inspection program. Mrs. Chen was the section Employee of the Year for 1999.

Engineer 2: Rolando Roque, B. S. Civil Engineering, worked six years with WASD on sewer design before he joined DERM as an engineer I in 1997 and promoted to engineer II few months ago. He assists in the review of sewer service evaluations, pump stations database, infiltration/inflow monitoring and other special projects. Those includes reviewing of engineering reports, development of databases, verification of compliance with capacity certification requirements and verifying compliance with specific permit conditions before giving project certification of compliance with DEP and USEPA requirements. This position reviews SSES plans also monitors and control the infiltration, exfiltration, inflow and overflow reduction program and assists developing and maintaining the data bases of all sewer minisystems I/E/I monitoring and remedying work in the county. This position monitors compliance and prepares I/E/I and overflows enforcement actions. He also review O & M manuals submitted by the utilities.

ERPS: Frank Lezcano, BS mechanical engineering. Mr. Lezcano worked six months as Plan Reviewer I and then he was promoted to engineer 1 position. He was responsible for the review of sewer extension applications for the last six years and in 1999 promoted to his current position as ERPS. Mr. Lezcano monitors the integrity of the sewer capacity certification program and it's relations with the sewer extension program. He is also responsible for the evaluation of large projects requiring DIC reviews and pumping station capacity monitoring. He also conducts field inspections and assists in the preparation of sewer service evaluation reports of utilities.

Inspector II: Roy Patrick, BS in chemistry. Mr. Patrick has four years of experience as a pretreatment inspector with DERM and several years of industrial experience in prior positions. Mr. Patrick is responsible for coordinating all enforcement activities of the wastewater section domestic programs with DERM's Enforcement Section. In addition, he is responsible for follow compliance of permitted facilities and consent agreements. He supervises all field personnel including inspectors 1 and technicians.

Domestic Program Inspectors:

This group inspects all Pumping Stations, about 1200 public and over 800 private pump stations, all interim package treatment plants (22), grease traps (expected to be approximately 5,000) and enforce connection to sewers of facilities on septic tanks. These inspectors are responsible for keeping track of all compliance and enforcement activities related to DEP delegated domestic program, including future maintenance of compliance enforcement tracking system (CETS). They also monitor and enforce the new grease trap program required by USEPA.

Inspector 1: Thomas Mikell, Wastewater Plant Operator. He has an AA in civil engineering. Mr. Mikell has four years of operating experience at WASD's Virginia Key WWTP and over seven years of inspector experience at DERM. He is responsible for enforcing sewer connection requirements. He has also been assigned to respond to odor complaints from Fisher Island residents.

Inspector 1: Hanka Smerek, DEP Class C Wastewater Plant Operator, (#WW0008530 003). Mrs. Smerek has a BS and MS in hydraulic engineering. She also worked with WASD for five years at the South District WWTP as an operator. Prior to that she worked in the Institute of Hydro-engineering in Poland. Ms. Smerek has over four years of experience in that position. She is responsible for the monitoring, inspection and sampling of STP and private pump stations.

Environmental Technician 2: Rafael Rodriguez, military and college training. He is responsible for conducting all special sampling procedures, including 24-hour automatic sampling and monitoring wells. This position is responsible for the maintenance and operation of automatic samplers, instruments and flow meters.

Data Entry Specialist 1: James Daley, computer entry/data processing is trained on the county's computer system and State databases. This position is responsible for data entry and filing as required by the DEP/DERM operating agreement and to ensure compliance with all additional data entry and report requirements resulting from the DEP and USEPA agreements.

The Wastewater Section has also received the support of Ms. Leslie Pope, a Registered Professional Geologist in the State of Florida (P.G. 1363) who works for the Hazardous Waste Section. In addition, staff of the Department's Compliance Section provides 24-hour response to public complaints and sanitary sewer overflows (SSO). Finally, DERM's Enforcement Section processed all enforcement of environmental violations.

WASTEWATER SECTION 1998-1999 FY

Attachment 4

STAFF NAME	POSITION	6301	6302	6303	6304	6307	6308	6309	6311	% of time	Salary	Annual
% of Time by Person		DWO	STP	PSO	SE	IWP-OP	IWP-PR	GDP	ALLOC.		\$/hr	Salary
Jose G. Lopez	Section Chief	18%	3%	6%	5%	3%	1%	9%	11%	56%	\$ 33.20	\$ 69,241.54
Agustin Socarras	P.E.	25%	12%	3%	22%	0%	0%	0%	3%	65%	\$ 32.74	\$ 68,293.09
Rolando Roque	Eng. 2	72%	0%	1%	4%	0%	0%	0%	1%	77%	\$ 17.64	\$ 36,794.36
Rena Chen	Eng. 1	0%	18%	0%	8%	1%	14%	3%	0%	44%	\$ 15.28	\$ 31,876.49
Jeovany Rodriguez	Eng. 1	0%	0%	0%	0%	0%	0%	0%	84%	84%	\$ 15.09	\$ 31,473.43
Frank Lezcano	ERPS	6%	0%	0%	65%	0%	0%	0%	5%	76%	\$ 19.36	\$ 40,372.40
Julian Hope	Eng. 1	0%	0%	0%	3%	0%	3%	0%	0%	6%	\$ 17.64	\$ 36,794.23
Oscar Aguirre	ERPS	0%	0%	77%	1%	0%	0%	2%	0%	80%	\$ 25.79	\$ 53,786.38
Richard Neumann	Eng. 1	3%	17%	56%	0%	0%	0%	3%	0%	80%	\$ 16.78	\$ 35,005.79
James Daley	Data Entry Sp. 1	4%	1%	50%	12%	0%	0%	2%	13%	83%	\$ 9.75	\$ 20,338.84
Fernando Bestard	ERPS	0%	0%	0%	0%	32%	16%	0%	2%	50%	\$ 28.36	\$ 59,152.25
Isabel Puente-Guibert	Insp. 2	0%	0%	0%	0%	74%	4%	0%	0%	78%	\$ 22.45	\$ 46,822.99
Shabbir Qureshi	Insp. 2	0%	0%	0%	0%	21%	0%	0%	0%	21%	\$ 23.55	\$ 49,123.54
Mike Taylor	Insp. 2	0%	0%	0%	0%	81%	2%	0%	0%	83%	\$ 22.45	\$ 46,822.93
Rafael Rodriguez	Env. Tech. 2	0%	1%	0%	0%	66%	0%	0%	0%	67%	\$ 12.25	\$ 25,553.13
Derrick Roby	ERPS	0%	0%	4%	0%	0%	0%	88%	0%	91%	\$ 27.04	\$ 56,404.99
Roy Patrick	Insp. 2	19%	3%	31%	0%	0%	0%	20%	0%	74%	\$ 22.45	\$ 46,822.93
Tom Mikell	Insp. 1	72%	0%	0%	13%	0%	0%	0%	0%	85%	\$ 20.43	\$ 42,607.49
Serena Chang	Insp. 1	5%	34%	41%	0%	0%	0%	13%	0%	92%	\$ 12.74	\$ 26,574.34
Hanka Smerek	Insp. 1	1%	32%	1%	0%	0%	0%	29%	0%	63%	\$ 17.73	\$ 36,985.97
Erlando Javellana	Insp. 2	0%	0%	0%	0%	43%	0%	39%	0%	82%	\$ 22.45	\$ 46,823.03
Wilma Sylvester	Env. Tech. 2	0%	0%	0%	0%	0%	0%	80%	0%	80%	\$ 10.86	\$ 22,656.34
Nerisa Snow	Env. Tech. 2	0%	0%	0%	0%	0%	0%	3%	0%	3%	\$ 9.66	\$ 20,144.35
Luis Ferrer	Env. Tech. 2	0%	0%	0%	0%	0%	0%	82%	0%	82%	\$ 10.86	\$ 22,656.34
Nelson Martinez	Env. Tech. 2	0%	0%	0%	0%	0%	0%	83%	0%	83%	\$ 12.74	\$ 26,574.34
Franca Polimeni	Env. Tech. 2	0%	0%	0%	0%	0%	0%	84%	0%	84%	\$ 10.03	\$ 20,917.88
Orlando Toledo	ERPS	0%	0%	9%	1%	0%	0%	7%	45%	64%	\$ 27.04	\$ 56,405.01
Marc LaFrance	Plan Reviewer 1	0%	0%	0%	0%	0%	0%	0%	33%	33%	\$ 12.25	\$ 25,553.13
Alex Noguerras	Plan Reviewer 1	0%	0%	0%	0%	0%	0%	0%	68%	68%	\$ 15.74	\$ 32,826.01
Victoria Calle	Plan Reviewer 1	12%	0%	14%	0%	0%	0%	6%	49%	81%	\$ 14.47	\$ 30,186.02
Compliance	Inspectors									0%		
Others	Geologists, etc..									0%		
Isabel Santiago	Secretary	#DIV/0!										\$ -

WASTEWATER SECTION **1998-1999 FY**

Attachment 4

STAFF NAME	6301	6302	6303	6304	6307	6308	6309	6311	Total	%Direct
Cost/person/Cost Code	DWO	STP	PSO	SE	IWP-OP	IWP-PR	GDO	ALLOC.	Cost/person	Cost
Jose G. Lopez	\$12,781	\$1,991	\$4,216	\$3,684	\$1,759	\$863	\$6,174	\$7,337	\$ 38,805.0	56%
Agustin Socarras	\$16,965	\$8,245	\$1,849	\$14,747	\$0	\$0	\$0	\$2,267	\$ 44,073.0	65%
Rolando Roque	\$26,550		\$257	\$1,394				\$289	\$ 28,490.0	77%
Rena Chen	\$0	\$5,756		\$2,592	\$204	\$4,514	\$977		\$ 14,043.0	44%
Jeovany Rodriguez	\$0			\$0				\$26,319	\$ 26,319.0	84%
Frank Lezcano	\$2,377		\$15	\$26,248				\$2,036	\$ 30,676.2	76%
Julian Hope				\$1,270		\$988			\$ 2,258.0	6%
Oscar Aguirre	\$52		\$41,235	\$709			\$928	\$26	\$ 42,950.0	80%
Richard Neumann	\$1,041	\$5,926	\$19,593	\$101	\$0	\$0	\$1,190	\$67	\$ 27,918.0	80%
James Daley	\$887	\$276	\$10,097	\$2,525		\$0	\$338	\$2,735	\$ 16,858.0	83%
Fernando Bestard	\$43			\$14	\$18,703	\$9,543	\$57	\$936	\$ 29,296.0	50%
Isabel Puente-Guibert					\$34,652	\$1,723			\$ 36,375.0	78%
Shabbir Qureshi					\$10,480				\$ 10,480.0	21%
Mike Taylor					\$37,916	\$718	\$0		\$ 38,634.0	83%
Rafael Rodriguez	\$0	\$192			\$16,879	\$0			\$ 17,071.0	67%
Derrick Roby		\$0	\$2,108				\$49,435		\$ 51,542.8	91%
Roy Patrick	\$8,923	\$1,459	\$14,738		\$67	\$67	\$9,540		\$ 34,794.0	74%
Tom Mikell	\$30,647			\$5,603			\$0		\$ 36,250.0	85%
Serena Chang	\$1,256	\$8,918	\$10,891	\$0		\$0	\$3,440		\$ 24,504.8	92%
Hanka Smerek	\$425	\$11,783	\$479				\$10,764		\$ 23,451.0	63%
Erlando Javellana					\$20,259		\$18,270		\$ 38,529.0	82%
Wilma Sylvester		\$57	\$0				\$18,151	\$11	\$ 18,219.3	80%
Nerisa Snow							\$551		\$ 551.0	3%
Luis Ferrer							\$18,628		\$ 18,628.0	82%
Nelson Martinez	\$0						\$22,175		\$ 22,175.0	83%
Franca Polimeni							\$17,658		\$ 17,658.0	84%
Orlando Toledo	\$0	\$149	\$5,011	\$691	\$272		\$4,112	\$25,637	\$ 35,872.0	64%
Marc LaFrance	\$0	\$0						\$8,411	\$ 8,411.0	33%
Alex Noguerras								\$22,274	\$ 22,274.2	68%
Victoria Calle	\$3,755		\$4,120				\$1,722	\$14,861	\$ 24,458.0	81%
Compliance	\$170		\$955				\$117		\$ 1,242.0	
Others	\$1,408	\$0							\$ 1,408.1	
Isabel Santiago										
Cost Center Salaries	\$107,280	\$44,752	\$115,565	\$59,578	\$141,191	\$18,416	\$184,227	\$113,206	\$ 784,214.4	

**WASTEWATER SECTION
1998-1999 FY**

Attachment 4

STAFF NAME	6301	6302	6303	6304	6307	6308	6309	6311	% of cost
% of Person Cost	DWO	STP	PSO	SE	IWP-OP	IWP-PR	GDP	ALLOC.	by person
Jose G. Lopez	12%	4%	4%	6%	1%	5%	3%	6%	5%
Agustin Socarras	16%	18%	2%	25%	0%	0%	0%	2%	6%
Rolando Roque	25%	0%	0%	2%	0%	0%	0%	0%	4%
Marcia Levinson	0%	13%	0%	4%	0%	25%	1%	0%	2%
Antonio Molina	0%	0%	0%	0%	0%	0%	0%	23%	3%
Frank Lezcano	2%	0%	0%	44%	0%	0%	0%	2%	4%
Julian Hope	0%	0%	0%	2%	0%	5%	0%	0%	0%
Oscar Aguirre	0%	0%	36%	1%	0%	0%	1%	0%	5%
Julian Hope	1%	13%	17%	0%	0%	0%	1%	0%	4%
James Daley	1%	1%	9%	4%	0%	0%	0%	2%	2%
Fernando Bestard	0%	0%	0%	0%	13%	52%	0%	1%	4%
Isabel Puente-Guibert	0%	0%	0%	0%	25%	9%	0%	0%	5%
Shabbir Qureshi	0%	0%	0%	0%	7%	0%	0%	0%	1%
Mike Taylor	0%	0%	0%	0%	27%	4%	0%	0%	5%
Rafael Rodriguez	0%	0%	0%	0%	12%	0%	0%	0%	2%
Derrick Roby	0%	0%	2%	0%	0%	0%	27%	0%	7%
Roy Patrick	8%	3%	13%	0%	0%	0%	5%	0%	4%
Tom Mikell	29%	0%	0%	9%	0%	0%	0%	0%	5%
Richard Neumann	1%	20%	9%	0%	0%	0%	2%	0%	3%
Hanka Smerek	0%	26%	0%	0%	0%	0%	6%	0%	3%
Erlando Javellana	0%	0%	0%	0%	14%	0%	10%	0%	5%
Wilma Sylvester	0%	0%	0%	0%	0%	0%	10%	0%	2%
Luis Bran	0%	0%	0%	0%	0%	0%	0%	0%	0%
Luis Ferrer	0%	0%	0%	0%	0%	0%	10%	0%	2%
Nelson Martinez	0%	0%	0%	0%	0%	0%	12%	0%	3%
Miguel Leorza	0%	0%	0%	0%	0%	0%	10%	0%	2%
Orlando Toledo	0%	0%	4%	1%	0%	0%	2%	23%	5%
Jeovanny Rodriguez	0%	0%	0%	0%	0%	0%	0%	7%	1%
Alex Nogueras	0%	0%	0%	0%	0%	0%	0%	20%	3%
Victoria Calle	4%	0%	4%	0%	0%	0%	1%	13%	3%
Compliance	0%	0%	1%	0%	0%	0%	0%	0%	0%
Others	1%	0%	0%	0%	0%	0%	0%	0%	0%
Isabel Santiago									

EXHIBIT 1

FINDING WITH REGARD TO EFFECTIVE DATE

EXHIBIT 1
DOM Delegation of Miami-Dade County

FINDING

DOMESTIC WASTEWATER SPECIFIC OPERATING AGREEMENT

Pursuant to Section 403.182 of the Florida Statutes (F.S.), the Florida Department of Environmental Protection (DEP) and Miami-Dade County (MDC) have been negotiating a Specific Operating Agreement (SOA) for the purpose of delegating domestic wastewater (DOM) authority.

As of 1/10/01, the Southeast District finds that:

1. Miami-Dade County ☒ 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. Miami-Dade County ☒ HAS ☐ HAS NOT committed in the SOA to follow the provisions of Chapter 120, F.S., for actions taken by MDC under the Agreement;
3. Miami-Dade County ☒ HAS ☐ HAS NOT procured necessary equipment and hired a staff capable of performing duties associated with a delegated domestic wastewater program; and
4. Miami-Dade County ☒ HAS ☐ HAS NOT installed adequate computer hardware and software at its end to satisfy the requirements associated with a delegated domestic wastewater program.


THEREFORE:

☒ **YES: THE LOCAL PROGRAM HAS MET THE FOUR LOCAL PROGRAM REQUIREMENTS LISTED ABOVE. THIS AFFIRMATIVE FINDING WILL BE AN EXHIBIT OF ANY FUTURE SOA BETWEEN DEP AND MDC FOR DOMESTIC WASTEWATER DELEGATION. [ATTACH VERIFICATION DOCUMENTS AS AVAILABLE.]**

☐ **NO: THE LOCAL PROGRAM HAS NOT MET THE FOUR LOCAL PROGRAM REQUIREMENTS LISTED ABOVE. AN SOA FOR DELEGATION IS NOT RECOMMENDED AT THIS TIME.**

STATE OF FLORIDA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION

1/10/01
 DATE


 Melissa L. Meeker
 Director District Management
 Department of Environmental Protection
 Southeast District

State-It* Fax Note	7671	Date	01-10-01	# of pages	1
Richard Addison		From	OK. & Discard		
o/Dept.		Co.	SED / DEP		
Phone #		Phone #	561 / 681 6661		
Fax #		Fax #	561 / 681 6766		

EXHIBIT 2

Miami-Dade Code; Chapter 24

ENVIRONMENTAL PROTECTION

DADE COUNTY, FLORIDA

This pamphlet is a reprint of Chapter 24, Environmental Protection, of the Code of Metropolitan Dade County, Florida, published by order of the Board of County Commissioners.



MUNICIPAL CODE CORPORATION

Tallahassee, Florida 1993

Updated through May 25, 1995

Chapter 24

ENVIRONMENTAL PROTECTION*

- Art. I. In General, §§ 24-1—24-57.1
Art. II. Work in Canal Rights-of-Way, Tidal Waters, Submerged Bay-
Bottom Lands and Wetlands; Dewatering; Construction of
Drainage Systems, §§ 24-58—24-59.2
Art. III. Tree Preservation and Protection, §§ 24-60—24-60.9
Art. IV. Stormwater Utility, §§ 24-61—24-61.5

*Editor's note—Chapter 24, §§ 24-1—24-7, 24-11, 24-15—24-25, 24-30—24-39, 24-43, 24-47—24-49, 24-53—24-56, is originally derived from Ord. No. 67-95, § 1, adopted Dec. 19, 1967, effective ten (10) days after enactment, which ordinance amended said chapter and sections to read as herein set out. Prior to amendment said chapter and sections were originally derived from Ord. No. 63-14, adopted April 23, 1963, effective ten (10) days after enactment, as amended by:

Ord. No.	Section	Date	Ord. No.	Section	Date
64-39	11	9- 1-64	66-45	1	9-20-66
64-64	1	12-15-65	66-46	1	9-20-66
65-29	1	4-20-65	66-47	1	9-20-66
65-48	1	7- 6-65	66-48	1	9-20-66
65-73	1	11-23-65	67-15	8	3- 7-67

The title of the chapter was changed from "Pollution Control" by § 1 of Ord. No. 83-117, adopted Dec. 20, 1983.

Cross references—Boats, docks and waterways, Ch. 7; dumps and landfill sites, Ch. 11B; development within coastal flood hazard districts, Ch. 11C; solid waste management, Ch. 15; environmentally endangered lands program, Ch. 24A; water and sewer regulations, Ch. 32; zoning, Ch. 33; areas of critical environmental concern, Ch. 33B; Biscayne Bay management, Ch. 33D; Key Biscayne Beach preservation, Ch. 33F.

State law reference—Environmental control, F.S. ch. 403.

ARTICLE I. IN GENERAL

Sec. 24-1. Short title.

This chapter enacted under and pursuant to the provisions of the Home Rule Charter of Government for Dade County, Florida, shall be known and may be cited as the "Metropolitan Dade County Environmental Protection Ordinance." (Ord. No. 67-95, § 1, 12-19-67; Ord. No. 83-117, § 1, 12-20-83)

Sec. 24-2. Declaration of legislative intent.

The Board finds and determines that the reasonable control and regulation of activities which are causing or may cause pollution or contamination of air, water, soil and property is required for the protection and preservation of the public health, safety and welfare. It is the intent and purpose of this chapter to provide and maintain for the citizens and visitors of Dade County standards which will insure the purity of all waters consistent with public health and public enjoyment thereof, the propagation and protection of wildlife, birds, game, fish and other aquatic life, and atmospheric purity and freedom of the air from contaminants of synergistic agents injurious to human, plant or animal life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business. The Board finds it necessary to establish, within the unincorporated and incorporated areas of Dade County, Countywide water control, coastal engineering, and coastal wetlands management programs for the purpose of maintaining adequate water levels, flood control, drainage, water conservation, and prevention of saltwater intrusion; for preserving beaches and shorelines; for managing coastal wetland resources; for acquisition of lands by gift, donation, purchase, condemnation or otherwise, as necessary for such programs; and providing for cooperation with federal, State and local agencies and authorities.

The Board further finds it necessary to maintain within Dade County a freshwater wetlands management program for the purposes of providing adequate water levels, flood control, water conservation, protection of water quality and recharge to the Biscayne aquifer, and prevention of

saltwater intrusion; for the maintenance of the biological integrity of freshwater wetlands in Dade County; for the protection of the interrelated natural functions between Dade County's wetlands and the natural systems in Everglades National Park; for managing freshwater wetland resources in accordance with environmental standards and management criteria as recommended by the Dade County Comprehensive Development Master Plan and Chapter 33B of the Code of Metropolitan Dade County, Florida, as amended from time to time; and providing for cooperation with federal, State, and local agencies and authorities.

The Board finds it necessary to establish for Dade County a Tree and Forest Resources Program for the purpose of protecting, preserving and replacing tree canopy, preserving natural forest communities including associated understory, providing protection for specimen-size trees and environmentally-sensitive tree resources, conserving rare, endangered, threatened and endemic species, protecting historically-significant tree resources, promoting the preservation of subtropical vegetation and unique or unusual species, providing for wildlife habitat, maintaining the natural character of neighborhoods, preserving the natural diversity of species, promoting environmentally-sound aesthetics, and providing for improved environmental quality by recognizing the numerous beneficial effects of trees (including improvements to air quality, maintenance of land areas essential to surface water management and aquifer recharge, reduction of heat and noise pollution, water and energy conservation and provision of shade and physical and psychological benefits to the people of Dade County by enhancing urban development). This program shall be a minimum standard and shall apply to both the incorporated and unincorporated areas, and in the unincorporated areas shall be enforced by the Department of Environmental Resources Management, and in the incorporated areas shall be enforced by the municipalities, unless the County is notified by a municipality, in the form of a letter from an official of the municipality or by resolution, that the municipality desires the County to enforce the County Tree Management Program within the municipality. Any municipality may establish and enforce its own ordinance provided

such ordinance is equivalent to or more stringent than the provisions of Ordinance Number 89-8.

The provisions of this chapter are not intended and shall not be construed as superseding or conflicting with any statutory provisions relating to, or rules and regulations promulgated by, the Florida State Department of Environmental Regulation, but shall be construed as implementing and assisting the enforcement thereof. It is not the intent of this Board to hereby preempt the authority of any municipality in the exercise of its authority to issue coastal construction permits or to restrict it from adopting more stringent standards, the purpose of this chapter being to establish minimum standards for the issuance of coastal construction permits within all of Dade County. (Ord. No. 67-85, § 1, 12-19-67; Ord. No. 80-54, § 1, 6-3-80; Ord. No. 83-70, § 1, 9-6-83; Ord. No. 88-92, § 2, 9-22-88; Ord. No. 88-95, § 2, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 2, 2-21-89)

Sec. 24-3. Definitions.

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

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

(2) *Adequate protection by treatment* shall mean complete or full treatment which is the combination of the controlled processes of coagulation, sedimentation, absorption, filtration, disinfection, or

other processes which produce a water consistently meeting the potable water standards including processes which are appropriate to the quality of the raw water supply; works which are of adequate capacity to meet maximum demands without creating health hazards, and which are located, designed and constructed to eliminate or prevent pollution; and conscientious operation by well trained and competent personnel whose qualifications are commensurate with the responsibilities of the position and acceptable to the DERM.

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

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

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

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

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

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

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

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

(11) *Coastal waters* shall mean all waters in the State which are not classified as fresh waters.

(12) *Halophytic vegetation* shall mean the following species:

Aizoaceae (carpetweed family)—

Sesuvium portulacastrum (sea purslane)

Amaranthaceae (amaranth family)—

Philoxerus vermicularis (marsh samphire)

Amaryllidaceae (amaryllis family)—

Hymenocallis latifolia (spider lily)

Apocynaceae (oleander family)—

Rhabdadenia biflora (mangrove rubber vine)

Asteraceae (aster family)—

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

Baccharis angustifolia (false willow)

Baccharis halimifolia (groundsel tree)

Borrchia arborescens (oxeye daisy)

Borrchia frutescens (oxeye daisy)

Iva frutescens (marsh elder)

Avicenniaceae (black mangrove family)—

Avicennia germinans (black mangrove)

Batidaceae (saltwort family)—

Batis maritima (saltwort)

Chenopodiaceae (goosefoot family)—

Salicornia virginica (perennial glasswort)

Salicornia bigelovii (annual glasswort)

Suaeda linearis (sea blite)

Salsola kali (saltwort)

Combretaceae (white mangrove family)—

Conocarpus erecta (buttonwood)

Laguncularia racemosa (white mangrove)

Cymodoceaceae (manatee grass family)—

Halodule wrightii (Cuban shoal weed)

Syringodium filiforme (manatee grass)

Cyperaceae (sedge family)—

Cyperus odoratus (sedge)

Cyperus ligularis (sedge)

Cyperus planifolius (sedge)

Fimbristylis castanea

Fimbristylis spathacea

Hydrocharitaceae (frog's bit family) —

Thalassia testudinum (turtle grass)

Juncaceae (rush family)

Juncus roemerianus (rush)

Juncaginaceae (arrow grass family)—

Triglochin striata

Plumbaginaceae (leadwort family)—

Limonium carolinianum var. *carolinianum* (sea lavender)

Limonium carolinianum var. *angustatum* (sea lavender)

Poaceae (grass family)—

Distichlis spicata (seashore salt grass)

Monanthochloe littoralis (Key grass)

Paspalum vaginatum (salt joint grass)

Spartina alterniflora (smooth cord grass)

Spartina patens (salt-meadow cord grass)

Spartina spartinae (gulf cord grass)

Sporobolus virginicus (Virginia dropseed)

Primulaceae (primrose family)—*Samolus ebracteatus* (water pimpernel)**Pteridaceae (bracken family)—***Acrostichum aureum* (coastal leather fern)*Acrostichum danaeafolium* (leather fern)**Rhizophoraceae (red mangrove family)—***Rhizophora mangle* (red mangrove)**Ruppiaceae (widgeon grass family)—***Ruppia maritima* (widgeon grass)**Solanaceae (nightshade family)—***Lycium carolinanum* (Christmasberry)**Surianaceae (bay-cedar family)—***Suriana maritima* (bay cedar)

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

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

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

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

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

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

(19) *Cross-connection* shall mean any physical connection or arrangement whereby contamina-

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

(20) *Department* shall mean the Department of Environmental Resources Management.

(21) *DERM* shall mean the Director, Environmental Resources Management, with duties created pursuant to Section 24-4 of the Code.

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

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

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

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

(26) *An existing heat source* shall mean any thermal discharge:

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

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

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

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

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

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

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

(33) *Hazardous materials* means any waste, product, substance, or combination or breakdown product thereof which, because of its biological or chemical characteristics, if introduced into a potable public water supply well, will impair the potability of the water withdrawn by the potable public water supply well or which will be harmful or potentially harmful to human, plant or animal life or property or the conduct of business or which will increase the cost of operation of public water supply treatment facilities or which will increase the reliance by consumers of potable water from such potable public water supply wells on the operation of public water supply treatment facilities to provide potable water which is not harmful or potentially harmful to human, plant or animal life or property or the conduct of business.

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

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

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

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

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

(38) *Local agencies* shall mean any county or municipal government or agency thereof.

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

(40) *Mist* shall mean a suspension of any finely divided liquid in any gas.

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

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

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

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

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

- (b) The discharge into any of the waters of this County of any organic or inorganic matter or deleterious substance or chemical compounds, or any effluent containing the foregoing, in such quantities, proportions or accumulations so as to interfere with the health, repose or safety of any considerable number of persons or the public, or to cause severe annoyance or discomfort, or which tends to lessen normal food and water intake, or produces symptoms of nausea, or is offensive or objectionable to normal persons because of inherent chemical or physical properties, or causes injury or damage to real property, personal property, human, plant or animal life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of this County.
- (c) Any violation of provisions of this chapter which becomes detrimental to health or threatens danger to the safety of persons or property, or gives offense to, is injurious to, or endangers the public health and welfare, or prevents the reasonable and comfortable use and enjoyment of property by any considerable number of the public.
- (d) Adverse environmental impact to a coastal or freshwater wetlands.
- (e) Cumulative adverse environmental impact to a coastal or freshwater wetlands.
- (f) Adverse environmental impact to environmentally-sensitive tree resources.
- (g) Cumulative adverse environmental impact to environmentally-sensitive tree resources.
- (43) *Odor* shall mean that property of a substance which materially offends the sense of smell.
- (44) *Oil-effluent water separator* shall mean any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically sepa-

rated and removed from such water prior to outfall, drainage, or recovery of such water.

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

(46) *Reserved.*

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

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

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

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

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

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

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

(54) *Process weight per hour.* Process weight is the total weight of all materials, except uncombined water, introduced into any unit process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as

part of the process weight, but liquid and gaseous fuels, combustion air, excess air, infiltrated and other air added to the process, will not be so considered. The process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

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

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

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

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

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

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

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

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

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

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

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

(65) *Source operation* means the last operation preceding the emission of air contaminant, which operation:

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

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

(67) *Reserved.*

(68) *The standard sample* is taken to mean that for the bacteriological test it shall consist of:

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

(69) *Storm sewer* shall mean any conduit which is designed to carry stormwater runoff.

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

(71) *Unsubmerged land* means any land which meets or exceeds the minimum elevation required by Metropolitan Dade County flood criteria.

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

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

(74) *Water pollution* shall mean the introduction in any surface or underground water, or tidal salt water, or any organic or inorganic matter or deleterious substances in such quantities, proportions or accumulations which are injurious to human, plant, animal, fish and other aquatic life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business.

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

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

(77) *Mangrove tree* shall mean any of the following species, regardless of size, including mangrove trees as small as rooted seedlings: *Avicennia germinans* (black mangrove), *Rhizophora mangle* (red mangrove), *Laguncularia racemosa* (white mangrove). Notwithstanding the foregoing, mangrove tree shall not include seedlings smaller than 3-5 leaf stage rooted seedlings.

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

(79) *Reserved.*

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

- (a) An analysis of the probable impact of the proposed work in the wetland environment, including impact on ecological systems such as floral, faunal, marine and freshwater communities. Both direct and indirect potential adverse environmental impacts shall be included in the analysis. The statement

shall include the effect, if any, of the proposed work upon the ability of the wetland to:

1. Receive and store surface waters and to recharge groundwater.
 2. Contribute to quantity and quality of the water supply and protect against saltwater intrusion.
 3. Protect adjacent uplands from hurricane and tidal storm surges.
 4. Provide filtration and uptake of nutrients and pollutants from surface waters.
 5. Contribute sheet flow of surface waters to adjacent areas.
 6. Provide habitat for indigenous floral and faunal species, and rare, threatened and endangered species, as defined in this chapter.
 7. Provide protection for the recharge area of a wellfield.
- (b) An analysis of other adverse environmental impacts which cannot be avoided should the proposal be implemented, such as water or air pollution, undesirable land use patterns, urban congestion, threats to health or other consequences adverse to the County's environmental goals, as set forth in this Code and the Dade County Comprehensive Development Master Plan.
 - (c) A description and analysis of alternatives to the proposed work which avoid or mitigate some or all of the probable adverse environmental impacts of the proposed work or which increase the beneficial environmental effects of the proposed work. An economic cost-benefit analysis may be submitted by the applicant for the proposed work and each such alternative.
 - (d) An analysis of the cumulative and long-term effects of the proposed work. The analysis shall compare the proposed work's short-term use of the environment with long-term environmental parameters including, but not limited to, biological productivity, habitat quality, protection of hydrological resources, and nutrient and pollution attenuation capacity.

- (e) An analysis of all irreversible commitments of natural resources which would occur if the proposed work is implemented. This analysis shall include the extent to which the proposed work would curtail the range of beneficial uses of the environment.
- (f) A summary of the problems and objections raised by any federal, State or local entities and by the public in the review process, the disposition of the issues involved, and the reasons therefor.
- (g) A description and analysis of the socioeconomic benefits that may be derived from implementation of the proposed work as well as the potential negative impacts to the public resulting from denial of or modifications to the proposed work.

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

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

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

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

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

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

(87) *Rare, threatened and endangered species* shall include all species classified as endangered, threatened or rare by Section 581.185 and Chapter 372 of the Florida Statutes, as amended from time to time; by Chapter 39-27 of the Rules of the State of Florida Game and Freshwater Fish Commission, as amended from time to time; by the Florida Committee on Rare and Endangered Plants and Animals, in Volume Five, "Rare and Endangered Biota of Florida," University of Florida Press; or by Appendix B of the Dade County Comprehensive Development Master Plan, as amended from time to time.

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

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

(90) *Transitional Northeast Everglades* shall mean the wetlands within the following geographic boundaries:

Beginning at a point on the north right-of-way line of theoretical N.W. 12th Street as it intersects the east side of the Dade-Broward levee, thence run northerly along the east side of the Dade-Broward levee for approximately 10 miles to its point of intersection with the eastern right-of-way line of the State Road 997 (Krome Ave-

nue); thence, run northeasterly along the eastern right-of-way line of said State Road 997 (Krome Avenue); to its intersection with the west right-of-way line of U.S. Highway 27 (Okeechobee Road); thence run southeasterly along said west right-of-way line of U.S. Highway 27 (Okeechobee Road); to its intersection with the western right-of-way line of the Homestead Extension of Florida's Turnpike; thence run southerly along said western right-of-way line of the Homestead Extension of Florida's Turnpike; for approximately 8 miles to theoretical N.W. 12th Street; thence run westerly along theoretical N.W. 12th Street to the point of beginning.

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

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

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

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

(94) *Agricultural site alteration* means preparation of a site for commercial or noncommercial

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

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

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

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

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

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

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

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

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

(103) *Hazardous waste* shall mean: (a) a waste defined as a hazardous waste in 40 C.F.R. Part 261, (b) used radiator fluid, (c) used lubricating oil, (d) used transmission fluid, (3) used brake fluid, or (f) used power steering fluid.

(104) *Underground storage facilities supervisor* shall mean an employee designated by any person who owns one hundred (100) or more underground

storage facilities in Florida and whose duties include the supervision of construction and inspection of underground storage facilities.

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

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

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

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

(a) Residential uses.

(1) Development requiring gravity sewer line extensions:

(i) If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum

of the existing and proposed gross floor area by a factor of twenty (20) square feet of gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or

- (2) Development requiring the installation of a sanitary sewer lift station for eleven (11) residential units or more:

- (i) If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by subtracting one thousand (1,000) linear feet of public sanitary sewer from that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of seventeen (17) square feet of gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or

- (3) Notwithstanding subsections (a)(1)(i) or (a)(2)(i) above, if the nearest available point of connection to an available public gravity sanitary sewer is located within one hundred (100) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.

(b) Office building uses.

- (1) If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of fifteen (15) square feet gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or
- (2) Notwithstanding subsection (b)(1) above, if the nearest available point of

connection to an available public sanitary sewer is located within three hundred (300) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.

(c) Business district uses.

- (1) If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of fifteen (15) square feet gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or
- (2) Notwithstanding subsection (c)(1) above, if the nearest available point of connection to an available public sanitary sewer is located within five hundred (500) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.

(d) Industrial uses.

- (1) If the distance between the closest point of the property and the nearest available point of connection to an available public sanitary sewer is less than that distance derived by dividing the sum of the existing and proposed gross floor area by a factor of fifteen (15) square feet gross floor area per linear foot of public sanitary sewer, extension of public sanitary sewers to serve the property is required, or
- (2) Notwithstanding subsection (d)(1) above, if the nearest available point of connection to an available public sanitary sewer is located within seven hundred (700) feet of the closest point of the property, extension of public sanitary sewers to serve the property is required.

- (e) In determining whether or not the distance between the closest point of the property

and the nearest available point of connection to an available public sanitary sewer is excessive, the Director or his designee shall follow the principles set forth below:

- (1) The nearest available point of connection to an available public sanitary sewer shall be determined by the Director or his designee in accordance with good engineering practices.
- (2) Notwithstanding any of the provisions of this definition, additions, modifications, or remodelings of existing improvements on the property shall not require extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer, if the gross floor area of the new construction and new improvements is less than twenty-five (25) percent of the existing gross floor area.

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

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

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

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

(113) *Resource recovery and management facility* means any facility the purpose of which is disposal, recycling, incineration, processing, storage, transfer, or treatment of solid or liquid waste; but for the purpose of permitting does not

include sewage treatment, industrial waste treatment, or facilities exclusively within State or federal jurisdiction.

(114) *Excavation* shall mean the action or process of creating any lake, rockmining (excluding ancillary property uses necessary for extracting and processing subsurface materials), reservoir, pond or other surface water.

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

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

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

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

- (a) *Residential uses.*

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

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

(b) Office building uses.

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

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

(c) Business district uses.

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

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

(d) Industrial uses.

If the distance between the property and the nearest available point of connection to an available public water main is less than the distance derived by dividing the sum of the existing and proposed gross floor area by a factor of ten (10) square feet per linear

foot of public water main, extension of public water mains to serve the property is required, or

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

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

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

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

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

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

(121) *Boat slip* shall mean a berthing space for a vessel between two (2) piers or pilings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(138) *Total hazardous organic materials (THOM)* shall mean the sum of all quantifiable con-

centration values of organics presumed to be hazardous materials by the designation of the Board of County Commissioners pursuant to Section 24-3(33) of the Code of Metropolitan Dade County, Florida.

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

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

(141) *Developed land* shall mean land upon which structures or facilities have been constructed.

(142) *Diameter breast height (DBH)* shall mean the diameter of a tree's trunk measured at a point four and one-half (4½) feet above the ground surface.

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

(144) *Tree* shall mean a woody or fibrous perennial plant with a trunk having a minimum DBH of three (3) inches or with an overall height of twelve (12) or more feet. Tree shall not include any mangrove tree as defined in Section 24-3(77).

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

- (a) All trees listed in Section 24-60(4)(f).
- (b) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados, or species of citrus.
- (c) Species of the genus *Ficus*.

- (d) All multitrunk trees in the palm family, except *Acroelorrhaphe wrightii* and *Phoenix reclinata* which have a minimum overall height of fifteen (15) feet.

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

(147) *Effectively destroy* shall mean the cutting, trimming, or damaging of a tree's trunk, branch or root system to the extent that the tree is no longer viable.

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

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

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

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

- (7) Such other factors as may from time to time become applicable.

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

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

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

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

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

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

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

(155) *Canopy* shall mean those trees which constitute the tallest layer within a forest.

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

- (1) The location, plotted by accurate techniques, in relation to all proposed development, of all existing trees which are proposed to be destroyed, relocated or preserved,
- (2) The common and scientific name of each tree,

- (3) The DBH of each tree, or if a multiple trunk tree, the sum DBH for all trunks, and
- (4) An estimate of the height of the canopy.
- (157) *Highway* shall mean any public thoroughfare, including streets, designed for motor vehicles.
- (158) *Preservation area* shall mean portions of a site that are to be protected from any tree or understory removal (except as required by the Department) and maintained without any development.
- (159) *Landscape replacement plan* shall mean a drawing containing proposed tree removal, tree replacement planting, tree relocation and preservation areas.
- (160) *Forest management plan* shall mean a document which specifies the techniques that will be implemented to maintain and preserve an individual natural forest community.
- (161) *Natural grade* shall mean the ground elevation of a property prior to the placement of any fill on the site.
- (162) *Protective barrier* shall mean a temporary fence or other structure built to restrict passage into an area surrounding a tree or stand of trees for the purpose of preventing any disturbance to the roots, trunk or branches of the tree or trees.
- (163) *Canopy coverage* shall mean the areal extent of ground within the drip line of a tree.
- (164) *Root ball* shall mean a group of roots extending from the base of a tree trunk that must be intact when relocating a tree in order to promote survival of the tree.
- (165) *State of Florida Conservation and Recreation Lands Trust Fund* shall mean a fund established under Florida Statutes Chapter 375 (as amended from time to time) for the purposes of purchasing environmentally-sensitive land.
- (166) *Dade County Nursery Report* shall mean a monthly, published bulletin listing availability of trees, prices of trees, and stock of many major nurseries in Dade County which is prepared by the Florida Nurserymen and Grower Association.
- (167) *Owner-builder* shall mean (an) owner(s) in fee who construct(s) no more than one (1) single-

family or duplex residence per year for personal use and occupancy by said owner(s), and not intended for sale.

(168) *Environmentally-sensitive tree resources* shall mean a specimen tree, natural forest community, or any other tree or trees that substantially contribute(s) to the aesthetics of an area, and which are not exempted from permit requirements under Section 24-60.4(f).

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

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

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

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

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

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

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

(176) *1990 Urban Development Boundary* shall mean the line established by the Dade County

Board of County Commissioners on July 8, 1983 by Ordinance 83-58 delineating the approved urban development boundary for Dade County, as amended by ordinance from time to time.

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

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

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

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

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

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

- (a) On boat trailers on a paved or unpaved surface; or
- (b) On individual boat racks; or
- (c) On multi-story boat racks.

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

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

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

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

- (a) On a boat trailer on a paved or unpaved surface; or
- (b) On an individual boat rack; or
- (c) On a multi-story boat rack.

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

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

(189) *Recreational vessel* shall mean any vessel used by its owner or operator for noncommercial purposes.

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

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

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

(193) *Aboveground storage facility* shall mean a tank, pipe, vessel or other container, or any combination of the foregoing, used or designed to be used for the aboveground storage or aboveground transmission of hazardous materials including but not limited to line leak detectors, monitoring wells and secondary containment system associated therewith. Aboveground storage facilities shall only include a facility which has more than ninety (90) percent of its volume above the surface of the ground.

(194) *Ground pollution* shall mean the introduction into or upon any ground of any organic or inorganic matter or deleterious substances in such quantities, proportions or accumulations which are injurious to human, plant, animal, fish and other aquatic life, or property, or which unreasonably

interfere with the comfortable enjoyment of life or property, or the conduct of business. It shall be a rebuttable presumption that the introduction of any hazardous waste as defined in Section 24-3(103) or hazardous materials as defined in Section 24-3(33) into or upon the ground shall be deemed to be ground pollution.

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

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

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

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

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

(200) *Developed property* shall mean any parcel of land which contains an impervious area.

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

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

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

(204) *Equivalent residential unit* (sometimes hereinafter referred to as "ERU") shall mean the statistically estimated average horizontal impervious area of residential developed property per dwelling unit. This estimated average is calculated by dividing the total estimated impervious area of four (4) residential categories, to wit, single family, mobile home, multifamily and condominium, by the estimated total number of residential dwelling units. For the purposes of this ordinance each dwelling unit, to wit, single family residence, mobile home, multifamily, or condominium, is assigned one ERU.

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

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

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

(208) *Residential developed property* shall mean any parcel of land which contains an impervious area and which is classified by the Dade County Property Appraiser as land use types 00 through and including 09 and land use types 50 through and including 69 if said land use contains a single-

family or multi-family residence, as set forth in Florida Administrative Code Rule 12D-8.008(2)(c), as same may be amended from time to time.

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

(210) *Stormwater* shall mean the water which results from rainfall.

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

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

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

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

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

(216) *Ozone-depleting compound* shall mean any of the following substances identified by the United States Environmental Protection Agency as contributing to the depletion or destruction of the stratospheric ozone layer of the earth:

Class I

CFC-11 (chlorofluorocarbon-11)
CFC-12 (chlorofluorocarbon-12)
CFC-113 (chlorofluorocarbon-113)
CFC-114 (chlorofluorocarbon-114)
CFC-115 (chlorofluorocarbon-115)

Halon-1211 (bromochlorodifluoromethane)

Halon-1301 (bromotrifluoromethane)

Halon-2402 (dibromotetrafluoroethane)

CFC-13 (chlorofluorocarbon-13)

CFC-111 (chlorofluorocarbon-111)

CFC-112 (chlorofluorocarbon-112)

CFC-211 (chlorofluorocarbon-211)

CFC-212 (chlorofluorocarbon-212)

CFC-213 (chlorofluorocarbon-213)

CFC-214 (chlorofluorocarbon-214)

CFC-215 (chlorofluorocarbon-215)

CFC-216 (chlorofluorocarbon-216)

CFC-217 (chlorofluorocarbon-217)

Carbon tetrachloride

Methyl chloroform

Class II

HCFC-21 (hydrochlorofluorocarbon-21)

HCFC-22 (hydrochlorofluorocarbon-271)

HCFC-31 (hydrochlorofluorocarbon-31)

HCFC-121 (hydrochlorofluorocarbon-121)

HCFC-122 (hydrochlorofluorocarbon-122)

HCFC-123 (hydrochlorofluorocarbon-123)

HCFC-124 (hydrochlorofluorocarbon-124)

HCFC-131 (hydrochlorofluorocarbon-131)

HCFC-132 (hydrochlorofluorocarbon-132)

HCFC-141 (hydrochlorofluorocarbon-141)

HCFC-221 (hydrochlorofluorocarbon-221)

HCFC-222 (hydrochlorofluorocarbon-222)

HCFC-223 (hydrochlorofluorocarbon-223)

HCFC-224 (hydrochlorofluorocarbon-224)

HCFC-225 (hydrochlorofluorocarbon-225)

HCFC-226 (hydrochlorofluorocarbon-226)

HCFC-231 (hydrochlorofluorocarbon-231)

HCFC-232 (hydrochlorofluorocarbon-232)
 HCFC-233 (hydrochlorofluorocarbon-233)
 HCFC-234 (hydrochlorofluorocarbon-234)
 HCFC-235 (hydrochlorofluorocarbon-235)
 HCFC-241 (hydrochlorofluorocarbon-241)
 HCFC-242 (hydrochlorofluorocarbon-242)
 HCFC-243 (hydrochlorofluorocarbon-243)
 HCFC-244 (hydrochlorofluorocarbon-244)
 HCFC-251 (hydrochlorofluorocarbon-251)
 HCFC-252 (hydrochlorofluorocarbon-252)
 HCFC-253 (hydrochlorofluorocarbon-253)
 HCFC-261 (hydrochlorofluorocarbon-261)
 HCFC-262 (hydrochlorofluorocarbon-262)
 HCFC-271 (hydrochlorofluorocarbon-271)

Blends, mixtures and isomers of the substances listed above, other than 1,1,2-trichloromethane (an isomer of methyl chloroform) shall also be deemed to be ozone-depleting compounds.

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

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

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

(220) *C-9 Wetland Basin* shall mean the wetlands within the following geographic boundaries:

Beginning at the intersection of U.S. Highway 27 (Okeechobee Road) and the south right-of-way of the C-9 Canal; thence run easterly to the west right-of-way of Interstate Highway 75; thence run southerly to the west right-of-way line of the Homestead Extension of Florida's Turnpike; thence run southwesterly and south-

erly to the north right-of-way of U.S. Highway 27 (Okeechobee Road); thence run northwesterly to the point of beginning.

(221) *Bird Drive Everglades Wetland Basin* shall mean the wetlands described below:

That portion of Section 3, Township 54 South, Range 39 East lying south of U.S. Highway 41 (Tamiami Trail) and lying west of S.W. 143 Avenue north of S.W. 9th Terrace and lying west of S.W. 144 Avenue south of S.W. 9th Terrace; those portions of Sections 4, 5, and 6, Township 54 South, Range 39 East lying south of U.S. Highway 41 (Tamiami Trail); that portion of Section 10, Township 54 South, Range 39 East lying west of S.W. 144 Avenue; that portion of Section 31, Township 54 South, Range 39 East, lying north of S.W. 88th Street (North Kendall Drive); and Sections 7, 8, 9, 16, 17, 18, 19, 20, 29, 30, and 32, Township 54 South, Range 39 East.

(222) *East Turnpike Wetland Basin* shall mean the wetlands described below:

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

(223) *North Trail Wetland Basin* shall mean the wetlands described below:

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

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

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

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

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

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

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

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

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

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

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

(234) *Detention of stormwater* shall mean the collection and temporary storage of stormwater in a manner that will provide treatment through

physical, chemical or biological processes, with subsequent gradual release of the stormwater in a manner not to exceed the design limitations of the temporary storage area.

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

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

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

(238) *Dry exfiltration* shall mean an underground stormwater disposal system where the invert of a perforated conveyance pipe is placed at or above the average October groundwater level as set forth in the Metropolitan Dade County Public Works Manual, Part II, Section D4, dated September 1, 1974, as may be amended from time to time.

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

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

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

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

(243) *First inch of runoff* shall mean the volume of stormwater runoff generated during the initial stages of a rainfall event and is calculated as the volume of stormwater runoff generated during the time required to supply and transport to the emergency overflow outfall, one inch of stormwater runoff from the farthest point in the basin, as set forth in "DESIGN OF DRAINAGE STRUCTURE, AN UPDATED POLICY FOR THE DESIGN OF STORM RUNOFF DRAINAGE STRUCTURES, DECEMBER 1980," a document prepared by and on file in the offices of the Metropolitan Dade County Department of Environmental Resources Management.

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

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

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

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

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

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

(250) *Overland sheet flow* shall mean stormwater runoff flowing over an unrestricted ground surface area.

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

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

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

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

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

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

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

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

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

(260) *Closure* shall mean cessation of operation of a County solid waste management system facility and the act of securing such a facility, in

accordance with applicable regulatory requirements, so that it will pose no significant threat to human health or the environment. This includes closing, long term monitoring, maintenance and financial responsibility.

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

(262) *Basin B* shall mean those lands within the following geographical boundary:

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

and

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

and

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

and

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

and

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

and

Section 31, Township 52 South, Range 40 East,

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

and

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

All lying in Dade County, Florida.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 72-76, § 1, 10-31-72; Ord. No. 75-27, § 1, 5-7-75; Ord. No. 80-54, § 2, 6-3-80; Ord. No. 81-23, § 4, 3-3-81; Ord. No. 83-61, § 1, 7-19-83; Ord. No. 83-70, § 2, 9-6-83; Ord. No. 83-32, §§ 2, 4, 9-20-83; Ord. No. 83-108, § 1, 11-15-83; Ord. No. 83-109, § 1, 11-15-83; Ord. No. 83-96, § 1, 10-18-83; Ord. No. 84-12, § 1, 2-7-84; Ord. No. 84-41, § 1, 5-15-84; Ord. No. 84-56, § 1, 6-19-84; Ord. No. 84-59, § 2, 7-3-84; Ord. No. 85-5, § 2, 1-22-85; Ord. No. 85-8, § 1, 2-5-85; Ord. No. 85-54, § 3, 7-16-85; Ord. No. 85-87, § 1, 10-1-85; Ord. No. 85-88, § 1, 10-1-85; Ord. No. 85-97, § 2, 11-5-85; Ord. No. 86-42, § 2, 6-3-86; Ord. No. 86-62, § 2, 9-16-86; Ord. No. 86-95, § 1, 12-2-86; Ord. No. 86-98, § 1, 12-16-86; Ord. No. 88-11, § 1, 3-1-88; Ord. No. 88-64, § 1, 7-5-88; Ord. No. 88-92, § 3, 9-22-88; Ord. No. 88-95, § 3, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 3, 2-21-89; Ord. No. 89-104, § 2, 11-7-89; Ord. No. 90-3, § 1, 1-16-90; Ord. No. 90-136, § 1, 12-4-90; Ord. No. 91-33, § 1, 3-7-91; Ord. No. 91-61, § 1, 5-21-91; Ord. No. 91-66, § 1, 6-20-91; Ord. No. 91-90, § 1, 9-16-91; Ord. No. 92-9, §§ 1, 2, 2-4-92; Ord. No. 92-34, § 1, 5-5-92; Ord. No. 92-44, § 1, 2, 6-2-92; Ord. No. 92-80, § 1, 7-21-92; Ord. No. 93-72, § 1, 7-15-93; Ord. No. 94-70, § 1, 5-3-94; Ord. No. 94-131, § 1, 6-21-94; Ord. No. 94-154, § 1, 7-28-94; Ord. No. 95-27, § 1, 2-7-95; Ord. No. 95-28, § 1, 2-7-95; Ord. No. 95-68, § 1, 4-18-95; Ord. No. 95-174, § 7(Att. A), 9-20-95; Ord. No. 95-213, § 1, 11-21-95)

Sec. 24-4. Director, Environmental Resources Management—Office created; appointment; term; exempt from classified service and merit system; compensation; assistants; operating procedures.

The office and position of Director, Environmental Resources Management, is hereby created and established. The Director, Environmental Resources Management, shall be appointed by and serve at the will of the County Manager. Such Director shall be chosen by the Manager on the basis of his qualifications and experience in the field of air and water pollution controls, and he

shall be a professional engineer registered to practice in the State of Florida under the provisions of Chapter 471, Florida Statutes, or he shall become registered within eighteen (18) months after the date of appointment, or he shall have at least a bachelor's degree from an accredited university in a field which will, in the Manager's judgement, technically qualify him to discharge the duties imposed by this chapter. The Office of Director, Environmental Resources Management, shall constitute a position exempted from the classified service of Dade County and the State merit system. The salary for such position shall be fixed by the Board of County Commissioners. The Director, Environmental Resources Management, shall serve under the administrative jurisdiction of the County Manager and subject to the direct supervision of the County Manager. The County Manager shall appoint such assistants to the Director, Environmental Resources Management, as may be necessary in order that his duties may be performed properly. The organization and administrative operating procedures of such County office and its relationship and coordination with other County departments shall be established and placed in effect, from time to time, by administrative order of the County Manager, but the Manager shall not have any power to modify the duties imposed upon the Director, Environmental Resources Management, by this chapter or the procedures prescribed herein for the performance of such duties.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 2, 5-7-75)

Sec. 24-5. Same—Duties and powers.

The duties, functions, powers and responsibilities of the Director, Environmental Resources Management, shall include the following:

- (1) The enforcement of the provisions of this chapter and the rules and regulations promulgated hereunder, all rules and regulations of the Florida Department of Environmental Protection pertaining to air and water pollution and the Federal Pretreatment Standards, promulgated under the authority of Section 307 of the Federal Clean Water Act, as incorporated in this chapter.

- (2) Investigate complaints, study and observe air and water pollution conditions, institute actions necessary to abate nuisances caused by air and water pollution, and prosecute proceedings for violations of this chapter.
- (3) Make appropriate surveys, tests and inspections to determine whether the provisions of this chapter are being complied with, and whether air and water pollution is being effectively controlled throughout this County.
- (4) Make inspections of property, facilities, equipment and processes operating under the provisions of this chapter to determine whether the provisions of this chapter are being complied with, and make recommendations for methods by which air and water pollution may be reduced or eliminated.
- (5) Maintain, review and supervise all operating records required to be filed by persons operating facilities and equipment subject to the provisions of this chapter.
- (6) Render all possible assistance and technical advice to persons operating equipment, facilities and processes, the use of which may cause air or water pollution, provided that the Pollution Control Officer shall not design equipment or facilities for any person.
- (7) Establish, operate and maintain a continuous program for monitoring air and water pollution by means of Countywide air and water quality surveillance networks designed to provide accurate data and information as to whether the requirements of this chapter are being complied with and whether the level of air and water pollution is increasing or decreasing throughout this County.
- (8) Publish and disseminate information to the public concerning air and water pollution and recommended methods for decreasing and eliminating pollution. Additionally, publish annually a list of industrial users in significant noncompliance in accordance with the requirements of 40 CFR 403.8(f)(2)(vii), Federal Pretreatment Regulations.
- (9) Render assistance to the State of Florida Department of Environmental Regulation in connection with the review of plans, specifications and processes filed in accordance with the requirements of this chapter.
- (10) Render all possible cooperation and assistance to federal, State and local agencies in the accomplishment of the effective control of air and water pollution.
- (11) Enlist and encourage public support, and the assistance of civic, technical, scientific and educational organizations, and the cooperation of industrial and business enterprises and organizations.
- (12) Make periodic reports concerning the status of air and water pollution in this County and the enforcement of the provisions of this chapter, and recommendations concerning the improvement of pollution requirements. Such reports shall be filed with the County Manager and made available to the County Commission, the State of Florida Department of Environmental Regulation, and other cognizant agencies.
- (13) Make continuing studies and periodic reports and recommendations for the improvement of air and water pollution controls in the County, and work in cooperation with the State of Florida Department of Environmental Regulation, the United States Public Health Service and other appropriate agencies and groups interested in the field of air and water pollution.
- (14) Investigate air and water pollution control programs and activities in operation in other areas and to make recommendations for the improvement of the regulation, administration and enforcement of pollution controls in this County. Publicize the importance of adequate pollution controls, to hold public hearings, discussions, forums and institutes, and arrange programs for the presentation of information by experts in the field of air and water pollution, and visit and study pollution control programs conducted in other metropolitan areas, subject to budget limitations.

- (15) (a) Whenever evidence has been obtained or received establishing that a violation of this chapter has been committed, the Director, Environmental Resources Management, or Director's designee, shall issue a notice to correct the violation or a citation to cease the violation and cause the same to be served upon the violator by personal service or certified mail or by posting a copy in a conspicuous place on the premises of the facility causing the violation. Such notice or citation shall briefly set forth the general nature of the violation and specify a reasonable time within which the violation shall be rectified or stopped, commensurate with the circumstances. Reasonable time herein means the shortest practicable time to rectify or stop the violation. If notice to correct the violation or citation to cease the violation is not obeyed within the time set forth therein, the Director, Environmental Resources Management, or the Director's designee, shall have the power and authority to issue an order requiring the violator to restrict, cease or suspend operation of the facility causing the violation until the violation is corrected. Any orders issued by the Director, Environmental Resources Management, or the Director's designee, hereunder may be enforced by suit brought by him in the appropriate court of competent jurisdiction.
- (b) Whenever a violation of this chapter has been committed, the Director, Environmental Resources Management, or the Director's designee, may initiate proceedings against the violator in the appropriate court for such violation, whether or not a notice to correct the violation or citation to cease the violation has been issued by him.
- (c) The Director, Environmental Resources Management, or the Director's designee, may, in the Director's or his designee's discretion, terminate an inves-

tigation or an action commenced under the provisions of this chapter upon execution of a written consent agreement between the Director, or his designee, and the persons who are the subjects of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this chapter by said persons. The consent agreement may, in the discretion of the Director, or his designee, provide the following: environmental mitigation; compensatory damages; punitive damages; civil penalties; costs and expenses of the County in tracing the source of any discharge, in controlling and abating the source of the pollutants and the pollutants themselves, and in restoring the air, waters, and property, including animal, plant and aquatic life, of the County to their former condition; costs of the County for investigation, enforcement, testing, monitoring, and litigation, including attorneys' fees; and remedial or corrective action. An executed written consent agreement shall neither be evidence of a prior violation of this chapter nor shall such agreement be deemed to impose any limitation upon any investigation or action by the Director, or the Director's designee, in the enforcement of this chapter. The consent agreement shall not constitute a waiver of or limitation upon the enforcement of any federal, State or local laws and ordinances. Executed written consent agreements are hereby deemed to be lawful orders of the Director, or the Director's designee. Each violation of any of the terms and conditions of an executed written consent agreement shall constitute a separate offense under this chapter by the person who executed the consent agreement, their respective officers, directors, agents, servants, employees and attorneys; and by those persons in active concert or participation with any of the foregoing

persons and who receive actual notice of the consent agreement. Each day during any portion of which each such violation occurs constitutes a separate offense under this chapter. Decisions and actions of the Director or the Director's designee, pursuant to Section 24-5(15)(c) of this Code and written consent agreements executed thereunder, shall not be subject to review pursuant to Section 24-6 of the Code of Metropolitan Dade County, Florida.

- (16) In the event a violation of this chapter creates a health hazard or threatens serious damage to the public health, aquatic life or property, or creates a nuisance as herein defined, the Director, Environmental Resources Management, shall have the power and authority to order immediate cessation of the operations causing such conditions. Any person receiving such an emergency order for cessation of operation shall immediately comply with the requirements thereof. It shall be unlawful for any person to fail or refuse to comply with an emergency order issued and served under the provisions of this section. Any person who is convicted of wilfully failing or refusing to comply with such an emergency order shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or both, in the discretion of the appropriate court. Each day during which the wilful failure or refusal to comply with such an emergency order continues shall constitute a separate offense.
- (17) In addition to and not limited by any other provision or remedy of this chapter, the Director, Environmental Resources Management, shall have the power and authority to order a moratorium on the issuance of building permits by any County or municipal agency should it be determined:
 - (a) That violations of this chapter have occurred or may be reasonably anticipated to occur, or that the physical limitations of the public or private water or sewage system have or will be met so as to endanger or threaten the public health, aquatic life or property or creates a nuisance; and
 - (b) That such a situation can reasonably be anticipated to deteriorate by the issuance of additional building permits that require added or new demands being made on the water or sewage system involved.
- (18) Perform such other administrative duties as may be assigned by the County Manager.
- (19) To appoint with the approval of the County Manager, deputies who are hereby empowered to perform the duties of the Director, Environmental Resources Management, as provided by this chapter, subject to the Director, Environmental Resources Management's control.
- (20) Where necessary the Director, Environmental Resources Management, and his duly authorized deputies are hereby empowered to seek all search warrants reasonable and necessary to carry out their powers and duties as established by this chapter, in accordance with the requirements of the Constitutions of the United States and the State of Florida, the Laws of Florida, and in accordance with the procedures established by the Code of Metropolitan Dade County, Florida.
- (21) The powers and duties enumerated in this section shall be in addition to and not a limitation of any other power or duty specifically granted to the Director, Environmental Resources Management, by any other provision of this chapter.
- (22) Whenever this chapter specifies the need for approval, a determination, permits, review or the promulgation of standards or criteria by an undisclosed entity, said approval, review, permitting, or promulgation shall be the duty and responsibility of the Director, Environmental Resources Management, unless otherwise specifically provided, subject to the manner and mode of review set in Section 24-6 of the Code. Said

approvals, determinations, decisions to permit, and the promulgation of standards and criteria shall be based upon generally accepted concepts and standards of the particular professional discipline concerned.

- (23) The Board of County Commissioners hereby authorizes the establishment of Countywide water control, coastal engineering and wetlands management programs, and vests in the Director of the Department of Environmental Resources Management the administration of said programs. A plat showing existing and proposed water-control facilities and their general locations is hereby adopted and made a part of this chapter, said plat being identified as amended plat of Dade County Water Control Plan recorded in August, 1972, in plat book 94, page 4. The amended water control plan may be further revised at any time by resolution of the Board of County Commissioners. Authority for administering said program includes, but is not limited to, the power to:
- (a) Establish, adopt, and implement water control, coastal engineering and wetlands management programs, as may be necessary or appropriate for prevention and control of floods, drainage, water conservation, prevention of saltwater encroachment, protection against pollution, safeguard of water supplies, protection of beaches, shorelines, and wetlands areas and the best use of all the water, shoreline and wetland resources of Dade County.
 - (b) Administer the processing of property right exchanges and advise the Board of County Commissioners on the acquisition by gift, donation, dedication, purchase, condemnation or otherwise of such lands as may be necessary for aforesaid purposes of water control, beach and wetlands management, all acquisitions to be in accord with such State and local laws as may be applicable.
 - (c) Defray costs and expenses of said water control, coastal engineering and

wetlands management programs, including, but not limited to, the costs of engineering, construction, operation, maintenance, lands, rights-of-way, alterations, cooperation with other agencies and authorities, all as authorized herein, subject to County budgetary procedures and limitations.

- (d) Determine, establish, and regulate water levels in all parts of Dade County, including, but not limited to, levels of bays, streams, canals, ditches, lakes, borrow ditches, and the underground water table, by dams with or without locks or boat lifts, by gates, levees, or other facilities; providing, however, that said authority and powers are not to encroach upon, be inconsistent with, and are in conjunction with the statutes, rules and regulations of appropriate State and federal agencies as they exist now and in the future.
- (e) Administer programs for the preservation of beaches and shorelines, including cooperative federal, State, and local programs and projects; establish standards and permitting procedures for the control of excavation in water areas, dredging and filling and performing work in all saltwater and wetland areas.
- (f) Cooperate with appropriate federal, State, municipal and other local agencies. Any action(s) taken by the Department shall be taken only after the affected municipality(ies) has been notified of the proposed action(s).
- (g) Make and adopt reasonable rules and regulations, subject to approval of the Board of County Commissioners by ordinance, for the administration of said water control, coastal engineering and wetlands management programs, all such rules and regulations (within declared policies, powers, and authorities granted by the Board of County Commissioners) having the force and effect of law and being enforceable under Section 24-55 of this Code.

- (h) Require permits and set permit fees for connecting any private or public drain, ditch, canal, storm sewer, outfall, inlet, intake, outlet or irrigation, pipe with, into, through, or across any ditch, canal, waterway, culvert or other water-control facility under the jurisdiction of Dade County.
- (i) Require permits and set permit fees for any type of public or private crossing over, under or within any ditch, canal, waterway, culvert or other such facility under the jurisdiction of Dade County, including, but not limited to, permits for bridges, footbridges, culverts, earthfills, pipelines and other obstructions of any kind, such as fences, barricades, dams, and the like.
- (j) Require permits and set permit fees for excavating, filling and performing work in coastal areas and wetland areas of Dade County, including, but not limited to, beach and shoreline alteration, beach nourishment, and construction, installation, alteration or repairs of marinas, docks, piers, seawalls, fixed structures, or floating structures, and construction of roads, fill pads, rockplowing and rockmining within the incorporated or unincorporated areas of Dade County.
- (k) Provide for permits and fees for accomplishing, through contractors, land developers and others, the excavation of ditches, canals, and installation of water-control facilities, within the general limits of said programs of water control, coastal engineering and wetlands management.
- (l) Limit and control excavation or filling of wetlands, channels, ditches, canals, or lakes in wetlands by individuals, firms, corporations, minors, partnerships, joint ventures, estates, trusts, syndicates, fiduciaries, and all other associations and combinations whether public or private, including governmental agencies, to the extent necessary for the prevention of pollution or further saltwater encroachment and for the protection of water recharge areas and wetland and tidal habitats in Dade County.
- (24) To require and issue Florida Department of Environmental Regulation and South Florida Water Management District permits as provided by law.
- (25) Reserved.
- (26) Reserved.
- (27) Reserved.
- (28) Require that a comprehensive environmental impact statement be submitted for any work or activity requiring a permit or permits issued by the Department of Environmental Resources Management or for any work or activity defined as a nuisance in Chapter 24 of the Code of Metropolitan Dade County, Florida, if, in the opinion of the Director of the Department of Environmental Resources Management, the work or activity may result in adverse environmental impact. The Director of the Department of Environmental Resources Management shall only require a comprehensive environmental impact statement if a comprehensive environmental impact statement, as defined in this chapter, has not already been submitted as part of a federal, State or regional permit application.
- (29) Order testing by any person who is or may be responsible for a violation of this chapter, or who installs, modifies, repairs, expands, replaces or operates any facility under the provisions of this chapter. The design and nature of such testing shall be approved by the Department of Environmental Resources Management prior to implementation of testing. Said testing shall be accomplished and the results thereof submitted to the Department for review no later than such time as determined by the Department.
- (30) When a violation of this chapter has occurred or continues to exist or when there may be an imminent endangerment to the public health or welfare or the environ-

ment because of a threatened release or discharge of a hazardous material, the Director or his designee, in his or her discretion, may:

- (a) Take action necessary to prevent such violation, and
- (b) Restore the air, water, and property, including but not limited to animal, plant, and aquatic life affected by said violation.

This provision shall not be construed to provide a defense to or otherwise relieve or limit the liability or responsibility of any person violating the provisions of this chapter. Furthermore, the Director may institute suit in a court of competent jurisdiction to recover the sums expended by the County for the investigation and the aforesaid restoration and prevention from the persons responsible. All sums received by the Director pursuant to this provision shall be deposited by the Director into the fund from which said sums were expended.

- (31) The Board of County Commissioners hereby authorizes the establishment of a Countywide Tree and Forest Resources Program, and vests in the Director of the Department of Environmental Resources Management the administration of said program. Authority for administering said program includes, but is not limited to, the power to:

- (a) Make and adopt reasonable rules and regulations subject to approval of the Board of County Commissioners by ordinance for the administration of said Tree and Forest Resources Program, all such rules and regulations (within declared policies, powers, and authorities granted by the Dade County Board of County Commissioners) having the force and effect of law and being enforceable under Section 24-55 with penalties and liabilities set forth under Sections 24-56 and 24-57 of this Code.
- (b) Require permits under the provisions of Section 24-60, and set permit fees for the removal of trees, and understory

where applicable, in unincorporated areas of Dade County and municipalities in which this chapter is enforced by the Department of Environmental Resources Management.

- (c) Limit and control the removal of trees and understory in unincorporated areas of Dade County and municipalities in which Ordinance Number 89-8 is enforced by the Department of Environmental Resources Management under the provisions of Section 24-60 in order to preserve as many native trees and their understory and desirable non-native trees as possible.
- (d) If the provisions of Section 24-60 or the provisions of a tree ordinance passed by a municipality are not adequately enforced by a municipality, or if the municipal ordinance does not meet the minimum standards of Ordinance Number 89-8, and it is the Department's intent to administer Section 24-60 in said municipality, then the Director of the Department shall notify the municipality by certified letter of the Department's intent and, following the municipality's receipt of the letter, the Department shall enforce Ordinance Number 89-8 within the municipality.
- (e) Require preparation and implementation of management plans for natural forest communities presently owned or managed by Dade County or those which are acquired by Dade County in the future. All said management plans shall be submitted to the Department for approval within two (2) years of the effective date of Ordinance Number 89-8 or within one (1) year after acquisition.
- (f) Review the existing Dade County Natural Forest Community Maps and make recommendations to the Board of County Commissioners concerning the addition to or deletion of specific sites from said maps. Modify the boundaries of existing natural forest communities, as indicated on the aforementioned

maps, when it is determined that the approved boundaries no longer accurately reflect the boundaries of a natural forest community as defined herein.

- (32) Enlist or encourage cooperation by the general public and public utilities owning or operating public water systems to implement voluntary water conservation measures for prevention of contamination of the Northwest Wellfield.
 - (33) Order public utilities owning or operating public water systems to reduce public water system pressure for the purpose of conserving water to prevent contamination of the Northwest Wellfield.
 - (34) Impose mandatory water conservation restrictions in the unincorporated and incorporated areas of Dade County to prevent contamination of the Northwest Wellfield.
- (Ord. No. 67-95, § 1, 12-19-67; Ord. No. 69-30, §§ 4, 5, 4-15-69; Ord. No. 70-44, § 1, 6-2-70; Ord. No. 72-76, § 2, 10-31-72; Ord. No. 75-27, § 2, 5-7-75; Ord. No. 80-54, § 3, 6-3-80; Ord. No. 82-97, § 1, 10-5-82; Ord. No. 83-5, § 1, 2-1-83; Ord. No. 83-70, § 3, 9-6-83; Ord. No. 83-108, § 6, 11-15-83; Ord. No. 83-110, § 1, 11-15-83; Ord. No. 84-34, § 7, 5-1-84; Ord. No. 84-56, § 2, 6-19-84; Ord. No. 85-30, § 1, 5-7-85; Ord. No. 85-87, § 2, 10-1-85; Ord. No. 85-109, § 1, 12-17-85; Ord. No. 86-42, § 3, 6-3-86; Ord. No. 88-92, § 3[A], 9-22-88; Ord. No. 88-95, § 4, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 4, 2-21-89; Ord. No. 91-66, § 2, 6-20-91; Ord. No. 92-92, § 2, 9-15-92; Ord. No. 94-131, § 2, 6-21-94; Ord. No. 95-68, § 2, 4-18-95)

Editor's note—The editor has renumbered as subsection (29) and (30) provisions originally enacted by Ord. Nos. 83-108 and 83-110 as (28) and (29), in order to avoid duplicating existing subsection numbers. The subsection originally added as (27) by § 7 of Ord. No. 84-34 has been redesignated as (31) by the editor to avoid further duplication of subsection numbers.

Sec. 24-6. Appeals from actions or decision of Director, Environmental Resources Management.

Any person aggrieved by any action or decision of the Director, Environmental Resources Management, may appeal to the Environmental Quality Control Board by filing within fifteen (15) days

after the date of the action or decision complained of, a written notice of appeal which shall set forth concisely the action or decision appealed from and the reasons or grounds for the appeal. The Environmental Quality Control Board shall set such appeal for hearing at the earliest possible date, and cause notice thereof to be served upon the appellant and the Director, Environmental Resources Management. The Environmental Quality Control Board shall hear and consider all facts material to the appeal, and render a decision promptly. The Environmental Quality Control Board may affirm, reverse or modify the action or decision appealed from provided that the Environmental Quality Control Board shall not take any action which conflicts with or nullifies any of the provisions of this chapter. The decision of the Environmental Quality Control Board shall constitute final administrative review and no hearing or reconsideration shall be considered. Any person aggrieved by any decision of the Environmental Quality Control Board on an appeal shall be entitled to judicial review in accordance with the Florida Rules of Appellate Procedure. The words "action" and "decision" as used herein shall not include the filing of any action by the Director, Environmental Resources Management, in any court. The Board shall not have jurisdiction to reconsider the subject matter of any appeal after its final administrative determination for a period of six (6) months from the date of the Board's final action, unless the Board determines that there has been a material and substantial change in the circumstances; provided, however, the DERM may reconsider at any time any action or decision taken by him and therefore may modify such an action or decision.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 69-17, § 4, 2-18-69; Ord. No. 69-30, § 2, 4-15-69; Ord. No. 70-44, § 2, 6-2-70; Ord. No. 75-27, § 4, 5-7-75; Ord. No. 82-110, § 2, 12-7-82)

Sec. 24-7. Environmental Quality Control Board.

A Metropolitan Dade County Environmental Quality Control Board is hereby created and established, consisting of five (5) members appointed by the County Commission.

- (1) *Qualifications of members.* Members of the Board shall be residents of Dade County

who possess outstanding reputations for civic pride, interest, integrity, responsibility and business or professional ability. Appointments shall be made by the County Commission on the basis of experience or interest in the field of air and water pollution. The composition and representative membership of the Board shall be as follows:

- (a) Two (2) members shall be scientists possessing Ph.D. degrees in biology.
 - (b) One member shall be a scientist possessing a Ph.D. degree in biochemistry.
 - (c) Two (2) members shall be professional engineers with experience in the field of sanitary engineering, who may be recommended by the Miami Chapter of the Florida Engineering Society.
- (2) *Terms of office.* In order that the terms of office of all members of the Board shall not expire at the same time, the initial appointments to the Board shall be as follows: Two (2) members shall be appointed for the term of one (1) year, two (2) members shall be appointed for the term of two (2) years, and one (1) member shall be appointed for the term of three (3) years. Thereafter all appointments shall be made for the term of three (3) years. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term of office. A member may be removed with or without cause by the affirmative vote of not less than a majority of the entire County Commission. Should any member of the Board fail to attend three (3) consecutive meetings without due cause, the Chairman shall certify the same to the County Commission. Upon such certification, the member shall be deemed to have been removed and the County Commission shall fill the vacancy by appointment.
- (3) *Organization of the Board; quorum; Secretary; compensation of members; meetings; personnel.* The members of the Board shall elect a Chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Board. A

majority vote of the entire membership of the Board shall be necessary to take any action. Three (3) members of the Board shall constitute a quorum necessary to hold a meeting and take any action, except that the affirmative vote of four (4) members of the Board shall be required to grant variances and extensions of time for compliance with the requirements of this chapter for new or existing facilities, equipment, and processes or classes thereof, within the Northwest Wellfield protection area or within the West Wellfield Interim protection area. The Director, Environmental Resources Management, shall be secretary of the Board and shall be responsible for the custody of all minutes and records of the Board, but he shall not be entitled to vote on any matter before the Board. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval of the County Commission. The Chairman may call meetings of the Board, and meetings, and the Board at any meeting may fix and call a meeting on a future date. Minutes shall be kept of all meetings of the Board. All meetings shall be public. The County Manager shall provide adequate and competent clerical administrative personnel as may be reasonably required by the Board for the proper performance of its duties, subject to budget limitations.

- (4) *Technical advisory panel.* The Board may designate from time to time one or more citizens of the community to sit as one or more technical advisory panels. The members of such panels shall be persons technically skilled and qualified to render advice on particular matters of pollution control then before the Board. The members shall serve at the will of the Board and shall furnish advice and information of a technical nature to the Board for so long a period of time as the Board may request it. All such advice and information given by the panel or any member thereof shall be in the form of testimony before the Board at a regularly scheduled meeting and subject to

cross examination by any interested party. The members of the panels shall not be deemed County officers or employees within the purview of Sections 2-10.2, 2-11.1, or otherwise.

(5) *Duties and powers of the Environmental Quality Control Board.* The Environmental Quality Control Board shall have the following duties, functions, powers and responsibilities:

- (a) To hear appeals by any person aggrieved by any action or decision of the DERM as provided in Section 24-6.
- (b) To hear and pass upon all applications for variances and extensions of time in the manner provided by Sections 24-48 and 24-49, except for compliance with Federal Pretreatment Regulations set forth in 40 CFR 403 as incorporated in this chapter.
- (c) To hear and pass upon all applications for extension of time for compliance with the provisions of this chapter. All such applications shall be filed in accordance with the provisions of this chapter and shall be heard and considered by the Environmental Quality Control Board at a public hearing pursuant to notice. In considering such applications, the Board shall take into account such factors as practicability, availability of equipment, and relative benefits to the community. The Board shall not have the power and authority to grant any application for extension of time to comply with the prohibitions against open burning (Section 24-18), or the prohibitions against reduction of animal matter (Section 24-23), or the prohibitions against a nuisance (Section 24-3(42)), or the prohibitions against the discharge of cyanides or other toxic chemicals into the waters in excess of the standards set forth in Section 24-11(3). Applications for extension of time for compliance shall be considered on the basis of public interest and not merely on economic benefit to the applicant; applications shall be

granted only when it is established that the requested extension of time for compliance will not be detrimental to the public health, welfare and safety, and will not create or permit the continuation of a nuisance, or that no technically feasible, economically reasonable means of compliance are readily available to the applicant. The Board shall not have the power and authority to grant extensions of time for compliance with the Federal Pretreatment Regulations set forth in 40 CFR 403 as incorporated in this chapter. Any person aggrieved by any decision of the Environmental Quality Control Board shall be entitled to judicial review in accordance with the Florida Rules of Appellate Procedure.

- (d) To hear and pass upon all applications pursuant to Section 24-30 for approval of interim package sewage treatment plants. In considering such applications the Board shall take into account such factors as the public interest, compliance with the technical requirements of this chapter, factors of practicability and availability of equipment, alternative methods of sewage disposal and the likelihood of creating a present or future nuisance. If the Board approves such application it shall direct the Director, Environmental Resources Management, to issue his approval subject to any reasonable conditions that the Board finds to be in the public interest. Provided, however, that no action on the application shall be taken by the Board until a public hearing has been held upon at least ten (10) days notice of the time and place of such hearing published in a newspaper of general circulation in Dade County.
- (e) To provide additional notice to the public, property that may be affected by the application shall be posted in a manner as shall provide notice of the purpose, time and place of such hearing. Failure to post such property shall

not affect any action taken by the Board. Provided, however, that the Board may, upon application of any city or any governmental water and sewer authority existing on the effective date of this subsection and chartered pursuant to State law, waive the requirement for a public hearing on interim package sewage treatment plant applications where such proposed plant is to be located within a city that requires by law a public hearing before granting approval of such a plant where such applications are considered under standards equal to or stricter than those provided by Chapter 24 of the Code of Metropolitan Dade County, as amended from time to time.

- (f) To hear and pass upon applications by private and/or public water or sewer utilities for a statement of approved water quality or approved sewage service filed pursuant to the requirements of Section 24-28 of the Code.
- (g) To issue subpoena to compel the presence of a witness or documents at any hearing authorized above, such subpoenas to be issued by the Chairman of the Board and enforced pursuant to the provisions of Section 24-10 of this chapter.
- (h) To review decisions of the Dade County Fire Department or other Fire Department having jurisdiction, pursuant to Section 2-103.23 of the Code.
- (i) The powers enumerated in this section shall be an addition to and not a limitation of any other power specifically granted to the Environmental Quality Control Board by any other provision of this chapter.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 69-17, § 1, 2-18-69; Ord. No. 69-30, § 1, 4-15-69; Ord. No. 74-1, § 1, 1-15-74; Ord. No. 74-36, § 1, 6-4-74; Ord. No. 75-27, § 5, 5-7-75; Ord. No. 75-88, § 1, 10-15-75; Ord. No. 82-110, § 3, 12-7-82; Ord. No. 85-101, § 1, 11-26-85; Ord. No. 86-95, § 2, 12-2-86; Ord. No. 89-90, § 2, 7-27-89; Ord. No. 95-68, § 3, 4-18-95)

Sec. 24-7.1. Boat Docking and Boat Storage Facilities Advisory Committee.

A Metropolitan Dade County Boat Docking and Boat Storage Facilities Advisory Committee is hereby created and established for the purpose of providing the Department of Environmental Resources Management with recommendations regarding conditions, limitations or restrictions for recreational and commercial boat docking facilities and boat storage facilities which are required to obtain an operating permit, pursuant to Section 24-35.1(9), (10), and (11).

- (a) *Composition and qualifications of members.* The Committee shall be composed of seven (7) members which shall be appointed by the County Manager. The Director of the Department of Environmental Resources Management or his designee shall submit recommendations for appointments to the County Manager. Members of the Committee shall be residents of Dade County who possess outstanding reputations for civic pride, interest, responsibility, and business or professional ability. Appointments shall be made by the County Manager on the basis of experience or interest in boating, marina operations or management, marine safety, pollution control, conservation, or marine resources preservation and protection.
- (b) *Terms of office and organization.* In order that the terms of office of all appointed members of the Committee shall not expire at the same time, the initial appointments to the Committee shall be as follows: Four (4) members shall be appointed for a term of one (1) year, and three (3) members shall be appointed for a term of two (2) years. Thereafter, all members shall be appointed for a term of two (2) years. Appointments to fill any vacancy on the Committee shall be for the remainder of the unexpired term of office. The members of the Committee shall elect a Chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Committee. Appointed members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the perfor-

mance of their official duties, in accordance with County policy, upon approval of the County Manager. A majority vote of a quorum shall be necessary to take any action. Four (4) members shall constitute a quorum.

- (c) *Meetings and authority.* The Committee shall hold a minimum of one (1) publicly advertised meeting per year. The Committee shall have the authority to make recommendations to the Department of Environmental Resources Management concerning conditions, limitations or restrictions for recreational and commercial boat docking facilities and boat storage facilities which are required to obtain an operating permit, pursuant to Section 24-35.1(9), (10), (11). In addition, upon request, the Committee shall have the authority to make recommendations to the Environmental Quality Control Board concerning variance requests made pursuant to this ordinance.
- (Ord. No. 89-104, § 3, 11-7-89)

Sec. 24-8. Rules and regulations.

The Board of County Commissioners shall adopt, revise, and amend from time to time appropriate rules and regulations reasonably necessary for the implementation and effective enforcement, administration and interpretation of the provisions of this chapter, and to provide for the effective and continuing control and regulation of air and water pollution in this County within the framework of this chapter. No such rules and regulations, including amendments thereto, shall be adopted or become effective until after a public hearing has been held by the County Commission pursuant to notice published at least ten (10) days prior to the hearing. When adopted by the County Commission and filed with the clerk, such rules and regulations shall have force and effect of law.

- (1) *Collection of fees.* The Dade County Department of Environmental Resources Management shall charge and collect fees at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. To preclude duplication of collection responsibility, fees to be collected

for services of the Public Works Department and the Department of Environmental Resources Management for one and the same project may be jointly collected if and as designated within the administrative order.

- (2) *Refund of fees.* If a person, firm or corporation to whom a permit has been issued decides to cancel the work for which a permit fee has been collected by the Department of Environmental Resources Management, the person, firm or corporation shall be entitled to a refund. Refunds for permit fees previously collected shall be made by the Finance Department, but must be requested prior to the beginning of any work and no later than the date on which the permit expires. No refunds shall be made on permit fees of ten dollars (\$10.00) or less. In lieu of a refund, a credit for the amount of the permit fee in excess of the ten dollars (\$10.00) may be given to the person, firm, or corporation which may be applied to the charge for a subsequent permit of equal or greater amount.
- (3) *Waiver of performance bonds.* The Director of said Department may waive all requirements concerning posting of a performance bond by any governmental agency whenever the work is to be performed by employees of said agency, provided that, in lieu of the posting of a performance bond, said agency shall furnish said Department satisfactory written assurances that the work performed by its employees will comply fully with all requirements of the permit, and provided, further, that the Director of said Department may waive the posting of a performance bond by any private firm or corporation under contract with any governmental agency when said firm or corporation shall have posted a satisfactory and acceptable bond with the said governmental agency, proof of such bond having been furnished by said agency to the Department of Environmental Resources Management.

(Ord. No. 69-30, § 6, 4-15-69; Ord. No. 77-74, § 1, 10-4-77; Ord. No. 79-94, § 1, 11-6-79)

Annotation—AO 442.

Sec. 24-9. Reserved.

Editor's note—Ord. No. 91-61, § 2, adopted May 21, 1991, repealed former § 24-9, relative to violations of rules and regulations of various State and federal agencies, which derived from Ord. No. 74-30, § 1, adopted April 16, 1974; Ord. No. 81-127, § 1, adopted Nov. 17, 1981; and Ord. No. 83-5, § 2, adopted Feb. 1, 1983.

Sec. 24-10. Contempt powers.

The Board is empowered and authorized to hold any individual, corporation, or public utility which refuses to obey any legal order, mandate, decree or instruction issued by the Board during any proceeding before the Board, in contempt of the Board. The Board, through two-thirds of those members who are present, may fine any individual, corporation, or public utility which is in contempt of the Board a sum of up to one hundred dollars (\$100.00) for each contemptuous act, payable to the Dade County Finance Director within fifteen (15) days of the Board's ruling. (Ord. No. 75-27, § 6, 5-7-75)

Sec. 24-11. Prohibitions against water pollution.

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

- (a) Breach the values set forth in Section 24-11(2);
- (b) Cause water pollution as herein defined; or
- (c) Cause a nuisance or sanitary nuisance as herein defined.

(2) **EFFLUENT STANDARDS FOR DADE COUNTY.** All sewage treatment plants and industrial waste treatment plants (except those discharging to approved ocean outfalls) shall effect ninety (90) percent treatment or better at the defined sampling point (24-11(5)(a)). However, in no case shall the following effluent standards be exceeded (except where the standard is noted to be a minimum).

<i>Chemical, Physical, or Biological Characteristic</i>	<i>Standard</i>
Dissolved oxygen	Not less than 2.0 mg/l
Suspended solids	40 mg/l
Biochemical oxygen demand	30 mg/l
Floating solids	None visible to the naked eye
pH	6.0—8.5
Settleable solids	Not greater than 0.1 mg/l on Imhoff cone 1 hr. test
Oil and grease	30 mg/l
Odor-producing substances	None attributable to sewage or industrial wastes
Temperature	
Sources permitted after July 1, 1972	
Fresh water	92°F
Salt water	(June-September) 92°F (October-May) 90°F
Turbidity	29 NTU above background
Chlorides	500 mg/l ¹
Chromium	
Hexavalent	.5 mg/l
Total	1.0 mg/l
Copper	.5 mg/l
Cyanides	0.01 mg/l
Color	Not more than 10 units above normal background of the receiving water
Foam	Effluent shall not cause foaming in the stream
Chlorine	Minimum residual level of .5 mg/l after a ½ hour contact time at peak flow, where the nature of the waste requires disinfection
LAS	6.0 mg/l
Mercury	None detectable
Lead	0.05 mg/l
Arsenic	.05 mg/l
Phenol	0.001 mg/l
Iron	.3 mg/l
Zinc	1.0 mg/l
Sulfides	0.2 mg/l
Coliform organisms (MPN 100 ml)	1,000 total 0 Fecal
Other compounds	Other toxic or undesirable compounds than those listed above may occur in individual waste streams. Limits for these components may be specified by the pollution control officer based on the latest scientific knowledge concerning toxicity and adverse effects on the intended water use

<i>Chemical, Physical, or Biological Characteristic</i>	<i>Standard</i>
Synergistic action	Whenever scientific evidence indicates that a combination of pollutants exert a greater effect than the individual pollutants, the pollution control officer may, on the basis of these findings, lower the herein established limits to the level necessary to prevent damage to the waters of the county

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

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

- (a) May cause the receiving waters, after mixing with the waste streams, to be of poorer quality than the water quality standards set forth in Section 24-11(4);

- (b) To cause water pollution as defined in Section 24-3(74); or

- (c) To cause a nuisance or sanitary nuisance as herein defined.

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

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

(4) WATER QUALITY STANDARDS FOR DADE COUNTY:

<i>Chemical, Physical or Biological Characteristic</i>	<i>Fresh Water (water containing less than 500 ppm chlorides)</i>	<i>Tidal Salt Water (water containing more than 500 ppm chlorides)</i>	<i>Groundwater</i>
Dissolved oxygen (mg/l)	5 ppm during at least 10 hours per 24-hour period, never less than 4 ppm, unless acceptable data indicate that the natural background dissolved oxygen is lower than the values established herein.		—
Biochemical oxygen demand (mg/l)	Shall not exceed a value which would cause dissolved oxygen to be depressed below values listed under dissolved oxygen and in no case shall be great enough to produce nuisance conditions.		—
pH	6.0—8.5 ¹	6.0—8.5 ¹	6.0—8.5 ¹
Floating solids, settleable solids, sludge deposits	None attributable to sewage, industrial wastes or other wastes.	None attributable to sewage, industrial wastes, or other wastes.	—
Oil and grease (mg/l)	15 ²	15 ²	15 ²
Odor-producing substances	None attributable to sewage, industrial wastes, or other wastes. Threshold odor number not to exceed 24 at 60°C as a daily average.		—
Temperature			
Sources permitted prior to July 1, 1972	Shall cause no environmental damage.		

<i>Chemical, Physical or Biological Characteristic</i>	<i>Fresh Water (water containing less than 500 ppm chlorides)</i>	<i>Tidal Salt Water (water containing more than 500 ppm chlorides)</i>	<i>Groundwater</i>
Sources permitted after July 1, 1972	3* above ambient.	(June—September) 2* above ambient. (October—May) 4* above ambient.	—
Turbidity	29 NTU above background	29 NTU above background	—
Ammonia (mg/l)	.5 ppm as N	.5 ppm as N	.5 ppm as N
Chlorides (mg/l)	500 ³	500 ³	500 ³
Chromium (mg/l) total	.05	.05	.05
Copper (mg/l)	0.4	0.4	0.4
Cyanides (mg/l)	None detectable	None detectable	None detectable
Detergents (mg/l)	0.5	Insufficient to cause foaming	0.5
Fluoride (mg/l)	1.4 as F	10 as F	1.4 as F
Lead (mg/l)	0.95	0.35	0.05
Phenol (mg/l)	0.001	0.005	0.001
Zinc (mg/l)	1.0	1.0	1.0
Sulfides (mg/l)	0.2	1.0	0.2
Coliform organisms (MPN/100 ml)	1,000 ⁴	1,000 ⁴	50
Mercury	None detectable	None detectable	None detectable
Iron	0.3 mg/l	0.3 mg/l	0.3 mg/l
Arsenic	0.05 mg/l	0.05 mg/l	0.05 mg/l
Specific conductance	500 micromhos per cm (fresh water). Not more than 100% above background, in waters other than fresh.		
Dissolved solids	Not to exceed 500 mg/l for monthly average or 1000 mg/l at any time.		
Radioactive substances	Gross beta activity (in known absence of strontium 90 and alpha emitters), not to exceed 1000 micro-microcuries at any time.		
Other compounds	Other toxic or undesirable compounds than those listed above may occur in individual waste streams. Limits for these components may be specified by the Pollution Control Officer based on the latest scientific knowledge concerning toxicity and adverse effects of the intended water use.		
Synergistic action	Whenever scientific evidence indicates that a combination of pollutants exert a greater effect than the individual pollutants, the Pollution Control Officer may, on the basis of these findings, lower the herein established limits to the level necessary to prevent damage to the waters of the county.		

¹Shall not cause the pH of the receiving waters to vary more than 1.0 unit. When the natural background pH lies outside the limits established, the introduction of a waste shall not displace the pH of the receiving waters more than 0.5 pH units from these standards.

²Shall not be visible, defined as iridescence, or cause taste or odors.

³Waste shall not increase natural background more than 10 percent.

⁴Maximum MPN/100 ml in a surface water used as a drinking water supply shall be 100.

⁵Maximum MPN/100 ml in a tidal water from which shellfish are harvested for human consumption shall be 70.

(5) **COMPLIANCE TESTS.** Sampling points to determine compliance with Section 24-11 shall be selected as follows:

- (a) *Effluents.* For compliance with the effluent standards in Section 24-11(2) and the pretreatment standards in Section 24-11(9) the samples shall be taken at the point past which no further treatment is given by the facility to the waste. An outfall line shall not be considered as further treatment. In facilities which have sand filter beds where the effluent percolates directly into the soil and no approved sampling points are provided, the samples will be taken before the sand filter and a five (5) percent overall reduction of the effluent sewage will be allowed.
- (b) *Sampling stations* may be required to be installed if reasonable access is not available, as determined by the Director, Environmental Resources Management.
- (c) *Surface water and tidal salt water.* The sample for compliance with the water quality standards of Section 24-11(4) should normally be taken at a point at least fifty (50) feet from the point of discharge of the

waste stream; where possible the samples should be taken upstream and downstream from the point of discharge.

- (d) *Groundwater.* For compliance with Section 24-11(4) samples shall be taken from wells nearest to and encircling the point of entry of a waste stream into the ground water table. Test wells may be required to be installed and maintained if existing sampling points are found to be inadequate in the judgment of the Director, Environmental Resources Management.
- (e) *Methods.* Determination of plant efficiency and percent removal of BOD and suspended solids shall be based on the average of three (3) eight-hour composite samples taken on three (3) consecutive days. At least one (1) peak flow period should be included in each eight-hour period. Composite sampling devices will be required. Determination of the effluent values as set forth in Section 24-11(2) will be based on individual, not composite, samples. Field testing, sample collection and preservation, and laboratory testing, including quality control procedures, shall be in accordance with methods approved by the Department of Environmental Resources Management or as published in the sixteenth edition of Standard Methods for the Examination of Water and Wastewater or the following methods:
 - (i) 40 CFR 136, 49 FR 43234, October 26, 1984.
 - (ii) 40 CFR 136, 40 FR 690, January 4, 1985.
 - (iii) EPA SW-846 Test Methods for Evaluating Solid Waste, November, 1986.
 - (iv) EPA-600/4-79-020 Methods for Chemical Analysis of Water and Wastes, March, 1979.
 - (v) EPA Methods 502.1, 502.2, 503.1, 504, 505, 507, 508, 515, 524.2, Environmental Monitoring and Support Laboratory, September, 1986.
 - (vi) EPA-600/4-85/054 Method 531.

(6) RESERVED.

(7) TERTIARY TREATMENT REQUIREMENTS. All new sewage treatment plants and industrial liquid waste treatment facilities, except those discharging to approved ocean outfalls or deep disposal wells, shall provide for nutrient removal and the following:

- (a) Ninety-five (95) percent removal of the influent biochemical oxygen demand (BOD) concentration which will result in an effluent concentration which shall not exceed 15.0 mg/l.
- (b) Ninety-five (95) percent removal of the influent total suspended solids (TSS) concentration which will result in an effluent concentration which shall not exceed 15.0 mg/l.
- (c) Effluent discharged to surface waters shall not exceed 3.0 mg/l of methylene blue active substance (MBAS).
- (d) Effluent discharged to surface waters shall not exceed 1.0 mg/l of phosphorous (P).
- (e) All other applicable standards in Section 24-11(2) shall be met.

(8) BY-PASSING UNLAWFUL. Where a waste treatment facility has been provided, it shall be unlawful to by-pass the facility or any portion thereof and to discharge untreated or inadequately treated wastes to the waters the facility was designed to protect. In the event of an emergency, the user may temporarily utilize a by-pass. It shall be his responsibility to immediately notify the Pollution Control Officer. Such notification shall not relieve him from civil liability under this chapter.

(9) SEWER DISCHARGE LIMITATIONS AND PRETREATMENT STANDARDS.

I. Definitions.

The following definitions shall be applicable only to the provisions of section 24-11(9):

- (a) Pollutant shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or

- discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural wastes discharged into water.
- (b) Categorical industrial user shall mean a facility subject to regulation by a national categorical pretreatment standard.
 - (c) Industrial user shall mean a nondomestic source of pollutants which discharges into a publicly owned treatment works.
 - (d) Interference shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the publicly owned treatment works (POTW), its treatment process or operations; or its sludge process, use, or disposal; and therefore causes a violation of the POTW's discharge permits or prevents sewage sludge use or disposal in compliance with Federal, State or County regulations.
 - (e) New source shall mean any building, structure, facility or installation, the construction of which commenced after the promulgation of Pretreatment Standards under section 307(c) of the Federal Clean Water Act and in accordance with the definition provided in 40 CFR 403.3, Federal Pretreatment Regulations, from which there is or may be a discharge of pollutants.
 - (f) Pass-through shall mean a discharge that alone or in combination with other discharges exits the publicly owned treatment works (POTW) in quantities and concentrations to cause a violation of the POTW's discharge permits.
 - (g) Pretreatment shall mean the reduction in the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. This reduction or alteration can be obtained by a physical, chemical, or biological process; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
 - (h) Federal pretreatment standards shall mean any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with section 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users. This term includes the prohibited discharge limits established pursuant to 40 CFR 403.5, Federal Pretreatment Regulations.
 - (i) Significant industrial user (SIU) shall mean an industrial user which is:
 - (1) Any categorical industrial user, or
 - (2) Any industrial user which discharges twenty-five thousand (25,000) gallons or more of process wastewater per day (excluding sanitary, noncontact cooling, and boiler blowdown wastewater), or contributes a process wastewater which makes up five (5) percent or more of the dry weather average hydraulic or organic capacity of the publicly owned treatment works, or
 - (3) Is designated as such on the basis that it has a reasonable potential to adversely affect the publicly owned treatment works operation or to violate a pretreatment standard or requirement.

II. General Pretreatment Standards.

- (a) It shall be unlawful for any person to throw, drain, run or otherwise discharge into a sewer designed to carry storm water, or to cause, permit, allow or suffer to be thrown, run, drained, allowed to seep, or otherwise discharged into such sewer:
 - (1) Domestic sewage, industrial waste, liquid waste or other waste.
 - (2) Cooling water without the written approval of the Director of the Department of Environmental Resources Management or his designee. The Director of the Department of Environmental Resources Management or his designee shall issue a written approval if it is determined that the cooling water does not breach the values set forth in Section 24-11(7) of this Code.

- (b) It shall be unlawful for any person to throw, drain, run or otherwise discharge into a sanitary sewer, or to cause, permit, allow or suffer to be thrown, run, drained, allowed to seep, or otherwise discharged into such sewer any storm water.
- (c) The provisions of this section shall not be construed as precluding the installation of a combined system which has been approved by the Director of the Department of Environmental Resources Management or his designee, and the appropriate State agency, and any such installation shall be subject to all applicable State and County regulations.
- (d) It shall be unlawful for any person to throw, drain, run or otherwise discharge into a sanitary sewer, or to cause, permit, allow or suffer to be thrown, run, drained, allowed to seep, or otherwise discharged into such sewer any of the following substances:
- (1) Any gasoline, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; any pollutants which may create a fire or explosion hazard in the POTW, including waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods in 40 CFR 261.21.
 - (2) Any waters or wastes containing any pollutant, a toxic or poisonous substance in sufficient quantity or flow rate to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant or deteriorate quality of the sewage sludge to prevent sludge use or disposal.
 - (3) Any pollutant in amounts which alone or in combination with other discharges will cause obstruction to the flow in the POTW.
 - (4) Any substance that will pass through the sewage treatment plant and exceed State or Federal requirements for the receiving water.
 - (5) Any water or waste which contains substances which may solidify and become viscous at temperatures between thirty-three (33) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit (10—65 degrees Centigrade).
 - (6) Any effluents in excess of the following limits:

<i>Chemical, Physical or Biological Characteristic</i>	<i>Standards</i>
Biochemical oxygen demand . . .	145 lbs/day at a concentration not to exceed 200 mg/l unless allowed by the POTW
Total suspended solids	145 lbs/day at a concentration level not to exceed 200 mg/l unless allowed by the POTW
Oil and grease . .	100.0 mg/l or 50 mg/l as a daily average
Total Recoverable Petroleum Hydrocarbons . .	50.0 mg/l
Ammonia	100.0 mg/l
Temperature . . .	150°F and shall not cause the plant influent to exceed 104°F (40°C) or inhibit biological activity
pH	5.5—9.5, or capable of causing damage or hazard to structures, equipment, or personnel of the sewage system
Arsenic	0.1 mg/l
Barium	50.0 mg/l
Cadmium	0.5 mg/l
Sources operational after 8/31/82	0.25 mg/l
Chromium:	
Hexavalent	0.5 mg/l
Total	1.0 mg/l
Copper	0.5 mg/l
Lead	0.3 mg/l
For battery manufacturing:	0.1 mg/l
Mercury	0.01 mg/l
Nickel	1.5 mg/l
Selenium	0.5 mg/l
Silver	0.4 mg/l
Thallium	0.05 mg/l
Zinc	1.0 mg/l
Total metals . . .	2.0 mg/l
Total toxic organics	2.0 mg/l

*Chemical, Physical
or Biological
Characteristic Standards*

Total hazardous organic materials, testing shall be limited to those organics reasonably expected to be present.....	2.0 mg/l
Cyanides, total.....	0.1 mg/l
Phenols.....	2.0 mg/l
Poly chlorinated biphenyls.....	0.008 mg/l

the source, method of treatment, and protection of the water concerned. In no event shall the frequency be less than as set forth below:

<i>Populations Served</i>	<i>Minimum Number of Samples Per Month</i>
25—2,500.....	2
2,501—3,300.....	3
3,301—4,100.....	4
4,101—4,900.....	5
4,901—5,800.....	6
5,801—6,700.....	7
6,701—7,600.....	8
7,601—8,500.....	9
8,501—9,400.....	10
9,401—10,300.....	11
10,301—11,100.....	12
11,101—12,000.....	13
12,001—12,900.....	14
12,901—13,700.....	15
13,701—14,600.....	16
14,601—15,500.....	17
15,501—16,300.....	18
16,301—17,200.....	19
17,201—18,100.....	20
18,101—18,900.....	21
18,901—19,800.....	22
19,801—20,700.....	23
20,701—21,500.....	24

III. Categorical Pretreatment Standards.

It shall be unlawful for any industrial user to discharge any pollutant in violation of the Federal Pretreatment Standards set forth in 40 CFR 403.6.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 70-44, § 33, 6-20-70; Ord. No. 72-76, § 3, 10-31-72; Ord. No. 73-1, § 1, 1-9-73; Ord. No. 75-27, § 7, 5-7-75; Ord. No. 82-109, § 2, 12-7-82; Ord. No. 83-5, § 3, 2-1-83; Ord. No. 88-11, § 2, 3-1-88; Ord. No. 92-9, § 2, 2-4-92; Ord. No. 95-27, § 2, 2-7-95; Ord. No. 95-68, § 4, 4-18-95)

Sec. 24-12. Potable water standards.

(1) **GENERAL PROHIBITIONS.** It shall be unlawful for any person, firm, corporation, private or public utility, to cause, permit or otherwise allow any potable water supply to breach the values set forth in Section 24-12(2).

(2) POTABLE WATER STANDARDS FOR DADE COUNTY.

(A) **Bacteriological quality, sampling.** Compliance with the bacteriological requirements of these standards shall be based on examinations of samples collected at representative points throughout the distribution system. The frequency of sampling and the location of sampling points shall be established by the DERM after investigation of

<i>Populations Served</i>	<i>Minimum Number of Samples Per Month</i>	<i>Populations Served</i>	<i>Minimum Number of Samples Per Month</i>
21,501-22,300	25	1,520,001-1,630,000	360
22,301-23,200	26	1,630,001-1,730,000	370
23,201-24,000	27	1,730,001-1,850,000	380
24,001-24,900	28	1,850,001-1,970,000	390
24,901-25,000	29	1,970,001-2,060,000	400
25,001-28,000	30	2,060,001-2,270,000	410
28,001-33,000	35	2,270,001-2,510,000	420
33,001-37,000	40	2,510,001-2,750,000	430
37,001-41,000	45	2,750,001-3,020,000	440
41,001-46,000	50	3,020,001-3,320,000	450
46,001-50,000	55	3,320,001-3,620,000	460
50,001-54,000	60	3,620,001-3,960,000	470
54,001-59,000	65	3,960,001-4,310,000	480
59,001-64,000	70	4,310,001-4,690,000	490
64,001-70,000	75	4,690,001-.....	500
70,001-76,000	80		
76,001-83,000	85		
83,001-90,000	90		
90,001-96,000	95		
96,001-111,000	100		
111,001-130,000	110		
130,001-160,000	120		
160,001-190,000	130		
190,001-220,000	140		
220,001-250,000	150		
250,001-290,000	160		
290,001-320,000	170		
320,001-360,000	180		
360,001-410,000	190		
410,001-450,000	200		
450,001-500,000	210		
500,001-550,000	220		
550,001-600,000	230		
600,001-660,000	240		
660,001-720,000	250		
720,001-780,000	260		
780,001-840,000	270		
840,001-910,000	280		
910,001-970,000	290		
970,001-1,050,000	300		
1,050,001-1,140,000	310		
1,140,001-1,230,000	320		
1,230,001-1,320,000	330		
1,320,001-1,420,000	340		
1,420,001-1,520,000	350		

(B) Laboratories in which water examinations are made for required reports shall be subject to inspection at any time by the DERM.

(C) Bacterial limits. The presence of organisms of the coliform group as indicated by samples examined shall not exceed the following limits:

1. When ten (10) ml standard portions are examined not more than ten (10) percent in any month shall show the presence of the coliform group. The presence of the coliform group in three (3) or more ten (10) ml portions of a standard sample shall not be allowable if this occurs:

- (a) In two (2) consecutive samples;
- (b) In more than one (1) sample per month when less than twenty (20) are examined per month; or
- (c) In more than five (5) percent of the samples when twenty (20) or more are examined per month.

When organisms of the coliform group occur in three (3) or more of the ten (10) ml portions of a single standard sample, daily samples from the same sampling point shall be collected promptly and examined until the results obtained

from at least two (2) consecutive samples show the water to be of satisfactory quality.

2. When one hundred (100) ml standard portions are examined, not more than sixty (60) percent in any month shall show the presence of the coliform group. The presence of the coliform group in all five (5) of the one hundred (100) ml portions of a standard sample shall not be allowable if this occurs:
 - (a) In two (2) consecutive samples;
 - (b) In more than one (1) sample per month when less than five (5) are examined per month; or
 - (c) In more than twenty (20) percent of the samples when five (5) or more are examined per month.

When organisms of the coliform group occur in all five (5) of the one hundred (100) ml portions of a single standard sample, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two (2) consecutive samples show the water to be of satisfactory quality.

3. When the membrane filter technique is used, the arithmetic mean coliform density of all standard samples examined per month shall not exceed one (1) per one hundred (100) ml. Coliform colonies per standard sample shall not exceed 3/50 ml, 4/100 ml, 7/200 ml, or 13/500 ml in:
 - (a) Two (2) consecutive samples;
 - (b) More than one (1) standard sample when less than twenty (20) are examined per month; or
 - (c) More than five (5) percent of the standard samples when twenty (20) or more are examined per month.

When coliform colonies in a single standard sample exceed the above values, daily samples from the same sampling point shall be collected promptly and examined until the results obtained

from at least two (2) consecutive samples show the water to be of satisfactory quality.

- (D) Physical characteristics; sampling. The frequency and manner of sampling shall be determined by the DERM. Under normal circumstances the DERM may require that samples be collected one (1) or more times per week from representative points in the distribution system and examined for turbidity, color, threshold odor, and taste.
- (E) Physical limits. The water shall contain no impurity which would cause offense to the sense of sight, taste, or smell. Under general use, the following limits shall not be exceeded:

Turbidity—5 nephelometric turbidity units

Color—15 units

Threshold odor number—3

- (F) Chemical characteristics; sampling. The frequency and manner of sampling shall be determined by the DERM. Under normal circumstances, analyses for substances listed in subsection (H) need be made only annually. If, however, there is some presumption of unfitness because of the presence of undesirable elements, compounds, or materials, periodic determinations for the suspected toxicant or material shall be made more frequently and an exhaustive sanitary survey shall be made to determine the source of the pollution. Where the concentration of a substance is not expected to increase in processing and distribution, available and acceptable source water analyses performed in accordance with standard methods may be used as evidence of compliance with these standards.
- (G) Chemical limits. The water shall not contain impurities in concentrations which may be hazardous to the health of the consumers. It should not be excessively corrosive to the water supply system. Substances used in its treatment shall not remain in the water in concentrations greater than required by good practice. Substances which

may have deleterious physiological effect, or for which physiological effects are not known, shall not be introduced into the system in a manner which would permit them to reach the consumer. Each public water supply utility shall test the finished water produced by each of its water treatment plants on an annual basis for the materials identified as priority pollutants by the United States Environmental Protection Agency as set forth in Schedule A, attached hereto and made a part hereof [but not reproduced at length herein], and such other materials as may be designated by the DERM. Each of the other community water systems shall test the finished water produced by its water treatment system every third year for the aforesaid materials identified as priority pollutants by the United States Environmental Protection Agency, and such other materials as may be designated by the DERM.

The first of the previously mentioned analyses shall be performed, and the results submitted to the DERM, no later than one hundred fifty (150) days after the effective date of Ordinance No. 84-41. Subsequent analyses shall be performed, and the results submitted to the DERM, no later than July first of the respective year.

Analyses conducted to determine compliance with this section shall be made in accordance with an analytical method acceptable to DERM in accordance with Schedule A, attached hereto and made a part hereof, and at the detection limits achievable using the specific technique. The laboratory performing these tests shall have appropriate experience in these types of drinking water analyses and shall be certified by the State of Florida Department of Health and Rehabilitative Services (DHRS).

After submittal of the test results to the utilities and community water systems for their review and comments at a public workshop, DERM shall make available to the public thirty (30) days thereafter an annual publication of the test results. Said publi-

cation shall contain the test results of all public water supply utilities and other community water systems in Dade County including comments regarding the test results by the utilities and community water systems.

- (H) The following chemical substances shall not be present in a water supply in excess of the listed concentrations:

<i>Substance</i>	<i>Concentration in mg/l</i>
Arsenic (AS)	0.01
Chloride (CI)	250
Copper (CU)	1.0
Cyanide (CN)	0.01
Iron (FE)	0.3
Manganese (MN)	0.05
Methylene blue active substances (MBAs) ...	0.5
Nitrate Nitrogen (NO ₃ -N)	10
Phenols	0.001
Sulphate (SO ₄)	250
Total dissolved solids ...	500
Zinc (ZN)	5

- (I) The presence of the following substances in excess of the concentrations listed shall constitute grounds for rejection of raw water supply:

<i>Substance</i>	<i>Concentration in mg/l</i>
Arsenic (AS)	0.05
Barium (BA)	1.0
Cadmium (CD)	0.01
Chromium (hexavalent) (CR + °)	0.05
Cyanide (CN)	0.2
Lead (PB)	0.05
Selenium (SE)	0.01
Silver (AG)	0.05
Mercury	0.002
Nitrate (ASN)	45

- (J) Analytical methods. Analytical methods to determine compliance with the requirements of these standards shall be those specified in Standard Methods for the Exami-

nation of Water and Waste Water, sixteenth edition.

(K) All public water supply systems shall employ an approved method of disinfection acceptable to the DERM. Such disinfection shall be accomplished continuously in such a manner as to assure the continued feeding of the disinfection agent.

1. Those systems utilizing gas chlorine shall provide duplex systems that will assure the continued application of chlorine to the water even as containers are expended and replaced;
2. Those systems utilizing chlorine shall maintain a minimum three-tenths (0.3) milligrams per liter as free chlorine throughout its distribution system. In no case shall a chlorine residual in excess of two (2.0) milligrams per liter be maintained in the distribution system;
3. Utilization of other methods of disinfection acceptable to the DERM shall have established limits set by the DERM;
4. The minimum amount of chlorine to be stored at the water treatment facility or immediately accessible to the facility shall be a thirty-day supply. In lieu of this requirement the utility may provide to the DERM copies of long term contracts indicating available quantity together with transportation contracts;
5. All public water supply systems shall provide to the DERM breakpoint chlorination curves for:
 - (a) All individual wells which are used as a supply of raw water;
 - (b) Composite breakpoint curves for the raw water supply used for average and maximum day demand.

(L) Every public water supply shall install a suitable measuring device at each source of supply and at the point that water is pumped to the distribution system in order that a record may be maintained of the water produced and treated. The quantities indicated by these measuring devices shall be tabulated daily and recorded.

(M) When the annual average of the maximum daily air temperatures for the location in which the public water system is situated is the following, the corresponding concentration of fluoride shall not be exceeded:

<i>Temperature (in degrees F)</i>	<i>(Degrees C)</i>	<i>Level (mg/l)</i>
50.0-53.7	10.0-12.0	1.8
53.8-58.3	12.1-14.6	1.7
58.4-63.8	14.7-17.6	1.5
63.9-70.6	17.7-21.4	1.4
70.7-79.2	21.5-26.2	1.2
79.3-90.5	26.3-32.5	1.1

(N) Public water supply systems cleaning and disinfection. No person, Board, or municipality charged with the management or control of a public water supply shall put into service any new plant, pumping station, main, standpipe, reservoir, tank, or other pipe or structure through which water is delivered to consumers for potable or household purposes, nor resume the use of any such structure, facilities, or main after it has been cleaned, until such structure, facilities or main has been effectively sterilized or disinfected. Provided, that this may not necessarily apply to mains, reservoirs, tanks, or other structures, the waters from which are subsequently treated or purified.

(O) Adequate pressure shall be maintained in the mains to deliver the water for which they were designed, whether it be for fire, industrial, or domestic use. In no event, however, shall the pressure at the point of delivery to any customer fall below twenty (20) pounds per square inch, nor shall the static pressure exceed one hundred (100) pounds per square inch.

(P) By-passing unlawful. Where a potable water treatment facility has been provided, it shall be unlawful to by-pass the facility or any part thereof. In the event of an emergency, the supplier may temporarily utilize a by-pass. However, it shall be unlawful to fail to immediately notify the DERM of such an emergency. Such notification shall not be a defense to any civil liability under this chapter.

- (Q) When an approved public water main is made available and operative in a public right-of-way or easement abutting the property, any existing individual potable water supply system, device, or equipment shall, within ninety (90) days, be abandoned and the source of potable water for the residence or building shall be from the approved public water supply main.
- (R) Public water supply systems; cross-connections and use of dual supplies.
1. Certain cross-connections prohibited. No officers, Board, corporation, municipality or other persons having the management of a public water supply shall permit any physical connection between the distribution system of such supply and that of any other water supply unless such other supply is regularly examined as to its quality by those in charge of the public supply to which the connection is made and is also found to be safe and potable. This provision shall apply to all water distribution systems either inside or outside of any building or buildings.
 2. Permissible arrangement where dual supplies are used. If a potable water supply is used as an auxiliary supply delivered to an elevated tank, or to a suction tank, which tank is also supplied with water from a source with which cross-connections are not permitted by Section 24-12(2)(R)1, such tank shall be opened to atmospheric pressure and the potable water supply shall be discharged at an elevation above the high water line of the tank.
- (S) Facilities in actual use and operation as of the date of the enactment of this section which exceed the criteria set forth in any of the provisions of Section 24-12 hereof, certified by a competent state or county agency as a present or potential health hazard, shall be designated by the Director, Environmental Resources Management, as priority public water supply areas. Upon such designation the Dade County Water and Sewer Authority and the County Manager shall initiate proceedings for the creation of a special taxing district for public water system for the elimination of the potable water wells therein or take such other commensurate steps as to assure the elimination of the potable water wells therein, on a timely basis.
- (T) All treatment facilities shall be designed to have a treatment capacity equal to maximum day demand.
- (U) Any cross-connections in the treatment facility or distribution system are to be eliminated upon direction of the Director, Environmental Resources Management. In the event such a cross-connection is maintained by a user after an order to disconnect is given by the DERM, he may order the discontinuance of service by the utility to the user until the cross-connection is eliminated.
- (V) No water supply well shall be constructed or used until a written approval from the DERM has been received by the owner and/or driller of the well:
1. The DERM shall be notified by the well driller at least twenty-four (24) hours prior to initiating construction of a permitted well;
 2. In wells where the casing is driven it shall be known as drive pipe, and shall be equipped with couplings allowing for butt joints between lengths of casing. For wells in which the casing is not driven "merchant casing," standard pipes or pipe especially constructed for gravel wall wells will be acceptable;
 3. Where telescoped casing is utilized, an approved watertight seal shall be made where increases or reductions occur in casing size. The initial stage of the telescope casing shall extend a minimum of thirty (30) feet into the groundwater table;
 4. When water is to be obtained from limestone strata, the casing shall extend sufficiently far into unbroken limestone to be seated firmly in it but in no case

- shall it be less than thirty (30) feet into the aquifer;
5. Wells drilled by the rotary method shall have an annular space sealed by the use of a neat cement grout at the bottom of the hole and to the surface by neat cement or other approved material;
 6. Once the construction of the well is completed it shall be protected at all times to prevent entrance of contaminating material until such time as the pump may be placed;
 7. The top of the casing shall be so constructed as to exclude any influent but shall not extend less than one (1) foot above the surface of the ground;
 8. A concrete pad shall be constructed around the well a minimum of twelve (12) inches thick, two (2) feet horizontal from the casing;
 9. Pump houses or pump pits shall be constructed so as to provide for positive drainage. Where such is not possible sump pumps or an alternative acceptable to the DERM shall be provided. Such systems shall be installed as duplex systems;
 10. Where provided, well vents shall be adequately protected;
 11. In those situations where suction lines from a well casing are indicated, the suction pipe shall be so constructed to prohibit inundation. Minimum requirement shall be twelve (12) inches of clearance between the invert and ground surface;
 12. A sampling tap shall be provided on the discharge of the well pump piping or in such a location as to assure a true raw water sample;
 13. The use of dynamite for the construction of wells shall be prohibited;
 14. Dug wells, infiltration galleries and other sources of water supply requiring rearrangement of natural features are hereby prohibited as a source of public water supply;
 15. The use of surface water as a raw water source is prohibited;
 16. All wells shall be located on terrain not subject to ponding or flooding. Furthermore, the slope of the ground surface in the vicinity of the well(s) shall be away from the well. In level areas, well compacted earth shall be placed around the well so as to elevate the platform, pad or apron;
 17. As far as is practical, wells shall be located on the upstream side of possible sources of pollution;
 18. The minimum separation between a well or wells and possible sources of contamination shall be a function of the drawdown and radius of influence of the well or wells. It shall be the responsibility of the design engineer to present data showing the radius of influence and drawdown together with a sanitary survey of the area influenced by the well. Such a survey shall extend one-half mile beyond the radius of influence of the well field. In the cases involving multiple wells the interference among wells shall be determined. It shall be the design engineer's responsibility to show that the top thirty (30) feet of the aquifer is not tapped by the well(s). In no case shall the well be located less than one hundred (100) horizontal feet from any source of contamination. However the DERM shall have the power to require additional spacing when conditions justify;
 19. All wells shall be accessible for such attention as necessary;
 20. All wells shall be equipped with an opening suitable for introduction of a disinfecting agent and measurement of drawdown and static water level;
 21. When using chlorine as a disinfecting agent, a quantity, at least equal to the volume of the casing, of a strength of fifty (50) milligrams per liter shall be injected into the well. The solution shall be permitted to stand a minimum of twenty-four (24) hours and then pumped out for a sufficient length of time to remove the disinfecting agent;
 22. Once the well has been evacuated in accordance with subsection (21), a se-

ries of twenty (20) or more daily samples, twenty (20) series, shall be collected and submitted to the Division of Health laboratory, the well being pumped for a minimum of thirty (30) minutes each day at its proposed capacity just prior to collecting the samples. At the discretion of the DERM the samples may be reduced to duplicate daily samples for a minimum of ten (10) days. Such samples will necessitate pumping for a minimum of thirty (30) minutes as indicated above;

23. Interpretation of the laboratory results in the well survey will be made in accordance with applicable parts of the water supply standards;
24. Once the series of twenty (20) or more consecutive satisfactory samples have been collected a complete analysis shall be performed of the raw water for both physical and chemical characteristics of the complete analysis shall be furnished to the DERM.

(Ord. No. 75-27, § 8, 5-7-75; Ord. No. 84-41, § 2, 5-15-84; Ord. No. 88-11, § 3, 3-1-88)

Sec. 24-12.1. Protection of public potable water supply wells.

(1) *Legislative intent.* The intent and purpose of this section is to safeguard the public health, safety and welfare by providing scientifically established standards for land uses within the cones of influence thereby protecting public potable water supply wells from contamination.

The provisions of this section which impose upon land uses within the West Wellfield Interim protection area regulations which are more restrictive than those regulations applicable to the other public utility potable water supply wellfields in Dade County shall be deemed interim in nature. Said more restrictive regulations shall be reviewed by such technical review task force(s) or committee(s) as provided by the Board of County Commissioners or its designee upon recommendation of the Director. The Director shall submit to the Board of County Commissioners progress reports, as necessary, pertaining to said review, and recommendations necessary to protect the public

health, safety and welfare arising out of said review shall be presented to the Board of County Commissioners. The Dade County Conflict of Interest and Code of Ethics Ordinance (Section 2-11.1 of this Code) shall not be applicable to task forces or committees provided for in this section.

(2) *Short title; applicability; construction.* This section shall be known as the "Potable Water Supply Well Protection Ordinance." The provisions of this section shall be effective in the incorporated and unincorporated areas of Dade County and shall be liberally construed to effect the purposes set forth herein.

(3) *Maps of cones of influence, the Northwest Wellfield protection area, and the West Wellfield Interim protection area.* The Director of the Department of Environmental Resources Management or his designee, shall maintain maps of cones of influence of public utility potable water supply wells, map(s) of the Northwest Wellfield protection area, and map(s) of the West Wellfield Interim protection area. The cone of influence maps dated December 30, 1980, as may be amended from time to time, prepared by the Department of Environmental Resources Management are incorporated herein by reference hereto. Any changes, additions or deletions to said maps shall be approved by the Board of County Commissioners by ordinance. The cone of influence maps of the Northwest Wellfield dated December 30, 1980, as amended effective May 31, 1985, shall hereinafter be referred to as the Northwest Wellfield protection area map(s). The Northwest Wellfield protection area map(s) dated May 31, 1985, and the West Wellfield Interim protection area map(s) dated February 28, 1989, as all of same may be amended from time to time, prepared by the Department of Environmental Resources Management, are incorporated herein by reference hereto. Any changes, additions or deletions to said Northwest Wellfield protection area map(s) or West Wellfield Interim protection area map(s) shall be approved by the Board of County Commissioners by ordinance.

(4) *Septic tanks, sanitary sewers, storm water disposal, liquid waste storage, disposal or treatment and violations of this chapter within wellfield protection area.* Notwithstanding any provi-

sions of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any land use served or to be served by a septic tank, sanitary sewer, storm water disposal method, or liquid waste storage, disposal or treatment method, and which is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the basic wellfield protection area of any public utility potable water supply well, until the County or municipal officer, agent, employee or Board has obtained the prior written approval of the Director of the Department of Environmental Resources Management or his designee. Furthermore, notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any land use served or to be served by septic tank, sanitary sewer, storm water disposal method, or liquid waste storage, disposal or treatment method, and which is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the basic wellfield protection area of any public utility potable water supply well, until the person has obtained the prior written approval of the Director of the Department of Environmental Resources Management or his designee. The Director or his designee shall issue his written approval only if he finds that all septic tanks, septic tank drain fields, storm water disposal methods and liquid waste storage, disposal or treatment

methods will be installed upon the property as far away as is reasonably possible from all potable water supply wells, and:

- (a) *Septic tanks.* That the septic tank sewage loadings will not exceed the number of gallons per day for each unsubmerged acre of land as set forth in Tables A-1, A-2, A-3 and A-4, except that neither the Director nor his designee shall issue his written approval for any land use served or to be served by a septic tank within the Northwest Wellfield protection area unless the septic tank was installed prior to September 30, 1983, or within the West Wellfield Interim protection area unless the septic tank was installed prior to the effective date of this ordinance [Ordinance No. 89-80], or

that the land use served or to be served by a septic tank within the Northwest Wellfield protection area or within that portion of the West Wellfield Interim protection area which is west of the Urban Development Boundary of the Comprehensive Development Master Plan as may be amended from time to time, is residential or is an ancillary rockmining use necessary for extracting and processing subsurface materials and which residential or ancillary rockmining use shall not exceed a maximum sewage loading of seventy (70) gallons per day per acre and which septic tanks shall be located within an area of twenty-one thousand seven hundred eighty (21,780) square feet of unsubmerged land, or

that the property served or to be served by septic tanks is residential, uses a public water supply, has not been the subject of any zoning action (district boundary change, unusual use, use variance, or equivalent municipal zoning action) or any platting action (final plat, waiver of plat, or equivalent municipal platting action) after March 13, 1981, and is in compliance with Section 24-13, or

that the owner of the property served or to be served by septic tanks is applying for the original certificate of use and occupancy

or original municipal occupational license pursuant to a valid building permit obtained prior to June 1, 1983, for property within the basic wellfield protection area of any public utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area obtained prior to September 30, 1983, or, in the case of property within the West Wellfield Interim protection area obtained prior to the effective date of this ordinance [Ordinance No. 89-80], or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield and Southwest Wellfield, obtained prior to February 1, 1985, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield and Hialeah Wellfield, obtained prior to December 12, 1986, which permit has been valid and continuously in full force and effective since its issuance, or

that the owner of the property is applying for a certificate of use and occupancy or municipal occupational license for a land use served or to be served by a septic tank installed prior to March 13, 1981 for property within the basic wellfield protection area of any public utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area installed prior to September 30, 1983, or, in the case of property within the West Wellfield Interim protection area installed prior to the effective date of this ordinance [Ordinance No. 89-80] or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, and Southwest Wellfield, installed prior to February 1, 1985, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami

Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield and Hialeah Wellfield, installed prior to December 12, 1986, which uses a public water supply and which is in compliance with Section 24-13.

- (i) Notwithstanding the provisions of (4)(a), there shall be required within the Northwest Wellfield protection area, within the West Wellfield Interim protection area, and within the maximum day wellfield protection area of all public utility potable water supply wells a minimum separation equivalent to ten (10) days travel time between any potable water supply well (other than a public utility potable water supply well) and any septic tank or septic tank drainfield.
- (b) *Sanitary sewers.* That the sewage loading into sanitary sewers will not exceed the number of gallons per day for each unsubmerged acre of land as set forth in Table B-1, or that the property served or to be served by sanitary sewers is residential, uses a public water supply, has not been the subject of any zoning action (district boundary change, unusual use, use variance, or equivalent municipal zoning action) or any platting action (final plat, waiver of plat, or equivalent municipal platting action) after March 13, 1981, and is in compliance with Section 24-11(9), or

that the owner of the property served or to be served by sanitary sewers is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit obtained prior to June 1, 1983, for property within the basic wellfield protection area of any public utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area, obtained prior to September 30, 1983, for property within the Northwest Wellfield protection area, or, in the case of property within the West Wellfield Interim protection area, obtained prior to the effective date of this ordinance, for property within the West Well-

field Interim protection area, or, in the case of property not within the basic wellfield protection area, but within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield and Southwest Wellfield, obtained prior to February 1, 1985, or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield and Hialeah Wellfield, installed prior to December 12, 1986, which permit has been valid and continuously in full force and effect since its issuance.

- (i) Notwithstanding the provisions of (4)(b), all sanitary sewers installed within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well, after June 13, 1986, shall comply with the following standards:

Residential land use—No gravity sanitary sewer shall have an exfiltration rate greater than fifty (50) gallons per inch pipe diameter per mile per day. Sewer lateral lines located in the public right-of-way shall be a minimum of six (6) inches in diameter.

Nonresidential land use—No gravity sanitary sewer shall have an exfiltration rate greater than twenty (20) gallons per inch pipe diameter per mile per day. Sewer lateral lines located in the public right-of-way shall be a minimum of six (6) inches in diameter.

Sanitary sewer force mains—All sanitary sewer force mains installed within

the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well, shall be constructed of either ductile iron or reinforced concrete pressure sewer pipe. No such ductile iron sanitary sewer force main shall, exfiltrate at a rate greater than the allowable leakage rate specified in American Water Works Association Standard C600-82 at a test pressure of one hundred (100) pounds per square inch. No such reinforced concrete pressure sanitary sewer force main shall exfiltrate at a rate greater than one-half the allowable leakage rate specified for ductile iron pipe in American Water Works Association Standard C600-82 at a test pressure of one hundred (100) pounds per square inch.

- (ii) Notwithstanding the provision of (4)(b), all gravity sanitary sewers with invert elevations above the average surrounding water table elevation and all sanitary sewer force mains shall be tested to ensure compliance with the aforementioned exfiltration rate standards.

A registered professional engineer shall provide written certification of the exfiltration rate for all manhole/gravity sewer pipe systems installed, in equivalent gallons per inch pipe diameter per mile of pipe per day (twenty-four (24) hours), and the exfiltration rate for all sanitary sewer force mains in gallons per hour per one thousand (1,000) feet of sanitary sewer force main installed. Existing gravity sanitary sewers with pipe diameters of eight (8)

inches or more shall be visually inspected by television every five (5) years by the responsible utility or property owner to ensure both structural and pipe joint integrity. Existing manholes shall be visually inspected for both structural and incoming pipe connection integrity every five (5) years.

Certified test and inspection results and repair logs shall be submitted to the Department of Environmental Resources Management within thirty (30) days after completion of the particular test, inspection, or repair.

- (c) *Storm water disposal methods.* That the storm water disposal methods utilized or to be utilized will be limited as set forth in Table C-1.

Furthermore, land uses adjacent to the Snapper Creek extension canal and secondary canals directly connected to the Snapper Creek extension canal shall provide an earth berm, or alternative structure as approved by the Director of the Department of Environmental Resources Management or his designee, which shall be constructed upon the perimeter of all canals to prevent overland storm water runoff from entering the canal. The berm shall be constructed adjacent to the canal top of slope on the landward side. Said berm shall extend one foot above the canal bank elevation. The landward slope of the berm shall have a gradient not steeper than one foot vertical to four (4) feet horizontal. The canalward slope shall not be steeper than the canal slope. The construction of berming and backsloping shall be subject to the approval of the Director of the Department of Environmental Resources Management or his designee.

- (d) *Liquid waste storage, disposal or treatment methods other than septic tanks utilized for the disposal, discharge, storage or treatment of domestic sewage; sanitary sewer lift stations; and public sanitary sewers.* That liquid waste storage, disposal or treatment methods (other than septic tanks utilized

for the disposal, discharge, storage or treatment of domestic sewage; sanitary sewer lift stations; and public sanitary sewers); shall be prohibited within the Northwest Wellfield protection area, the West Wellfield Interim protection area, the average day pumpage wellfield protection areas of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield, and the basic wellfield protection area of any public utility potable water supply well unless, in the case of property within the Northwest Wellfield protection area, said liquid waste storage, disposal or treatment method was installed prior to September 30, 1983, or, unless, in the case of property within the West Wellfield Interim protection area, said liquid waste storage, disposal or treatment method was installed prior to the effective date of this ordinance [Ordinance No. 89-80], or, unless, in the case of property within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield and Southwest Wellfield, said liquid waste storage, disposal or treatment method was installed prior to February 1, 1985, or, or, in the case of property not within the basic wellfield protection area but within the average day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield, said liquid waste, storage, disposal or treatment method was installed prior to December 12, 1986, unless in the case of property within the basic wellfield protection area of any public utility potable water supply well, said liquid waste storage, disposal or treatment method was installed prior to June 13, 1986.

- (e) *Violations of this chapter.* That the septic tank, sanitary sewer, storm water disposal method or liquid waste storage, disposal or treatment method utilized or to be utilized will serve an existing land use within the

Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well and which is required by the Director or his designee to correct violation(s) of this chapter. Notwithstanding the foregoing, the Director or his designee shall not issue his written approval unless the Director or his designee determines that the land use will comply with all the provisions of this chapter and that the following water pollution prevention and abatement measures and practices shall be provided:

- (i) Monitoring and detection of water pollution caused by hazardous materials, and
- (ii) Secondary containment of water pollution caused by hazardous materials, and
- (iii) Inventory control and record keeping of hazardous materials, and
- (iv) Storm water management of water pollution caused by hazardous materials, and
- (v) Protection and security of facilities utilized for the generation, storage, usage, handling, disposal or discharge of hazardous materials.

(5) *Protection of hazardous materials within wellfield protection area.* Notwithstanding any provisions of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any nonresidential land use, other than a bona fide agricultural land use, a

bona fide rockmining use (like excavation), a public sewer facilities use, or a public water supply facilities use, within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, John E. Preston Wellfield, or Hialeah Wellfield or within the basic wellfield protection area of any public utility potable water supply well, without obtaining the prior written approval of the Director of the Department of Environmental Resources Management or his designee. The director or his designee shall issue his written approval only if the Director or his designee determines that the nonresidential land use is in compliance with subsections 24-12.1(5)(a), 24-12.1(5)(b) or 24-12.1(5)(c).

Furthermore, notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any nonresidential land use, other than a bona fide agricultural land use, a public sewer facilities use, or a public water supply facilities use, within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well, and which uses, generates, handles, disposes of, discharges or stores hazardous materials, until the person has obtained the prior written approval of the Director of the Department of Environmental Resources Management or his designee.

Pursuant to the foregoing, the Director or his designee shall issue his written approval only if the Director or his designee determines that all potential sources of pollution will be installed upon the property as far away as is reasonably possible from all potable water supply wells; hazardous materials will not be used, generated, handled, disposed of, discharged or stored on that portion of

the property within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well; and hazardous wastes will not be used, generated, handled, disposed of, discharged or stored on that portion of the property within the average day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield.

Notwithstanding the foregoing, fuels and lubricants required for rockmining operations (lake excavations, concrete batch plants, rock crushing and aggregate plants) within the Northwest Wellfield protection area or within the West Wellfield Interim protection area; electrical transformers serving nonresidential land uses; small quantity generators of hazardous wastes as defined in this chapter, within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield and existing land uses required by the Director or his designee to correct violations of this chapter; shall not be prohibited when the water pollution prevention and abatement measures and practices set forth in subsection (5)(a)(i), (ii), (iii), (iv) and (v) will be provided and the Director or his designee has approved same.

Notwithstanding the foregoing, the use, handling or storage of factory prepackaged products intended primarily for domestic use or consumption determined by the Director or his designee to be hazardous materials shall not be prohibited; provided, however, that the requirements of subsections (5)(a)(vi), (vii), (viii) and (ix) are fulfilled.

- (a) The owner of the property has submitted to the Director or his designee a covenant running with the land executed by the owner

of the property in favor of Metropolitan Dade County which provides that hazardous materials shall not be used, generated, handled, disposed of, discharged or stored on that portion of the property located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well; and that hazardous wastes shall not be used, generated, handled, disposed of, discharged or stored on that portion of the property within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield.

Furthermore, the aforesaid covenant shall provide that fuels and lubricants required for rockmining operations (lake excavations, concrete batch plants, rock crushing and aggregate plants) within the Northwest Wellfield protection area or within the West Wellfield Interim protection area; electrical transformers serving nonresidential land uses; small quantity generators of hazardous wastes as defined in this chapter, within the average day pumpage wellfield protection area but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, and Hialeah Wellfield and existing land uses required by the Director or his designee to correct violations of this chapter; shall not be prohibited when the following water pollution prevention and abatement measures and practices will be provided:

- (i) Monitoring and detection of water pollution caused by hazardous materials, and
- (ii) Secondary containment of water pollution caused by hazardous materials, and

- (iii) Inventory control and recordkeeping of hazardous materials, and
- (iv) Storm water management of water pollution caused by hazardous materials, and
- (v) Protection and security of facilities utilized for the generation, storage, usage, handling, disposal or discharge of hazardous materials.

Said water pollution prevention and abatement measures and practices shall be subject to the approval of the Director or his designee.

Furthermore, the aforesaid covenant shall provide that use, handling or storage of factory pre-packaged products intended primarily for domestic use or consumption determined by the Director or his designee to be hazardous materials shall not be prohibited, provided, however, that:

- (vi) The use, handling or storage of said factory prepackaged products occurs only within a building, and
- (vii) The nonresidential land use is an office building use (or equivalent municipal land use) or a business district use (or equivalent municipal land use) engaged exclusively in retail sales of factory prepackaged products intended primarily for domestic use or consumption, and
- (viii) The nonresidential land use is served or is to be served by public water and public sanitary sewers, and
- (ix) Said building is located more than thirty (30) days' travel time from any public utility potable water supply well.

Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public records of Dade County, Florida, by the Department of Environmental Resources Management at the expense of the owner of the property, or

- (b) If the Director or his designee determines that the owner of the property is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit

obtained prior to June 1, 1983, for property within the basic wellfield protection area of any public utility potable water supply well, or, in the case of property within the Northwest Wellfield protection area, obtained prior to September 30, 1983, or, in the case of the West Wellfield Interim protection boundary, obtained prior to the effective date of this ordinance (Ordinance No. 89-80), or, in the case of property within the average day pumpage wellfield protection area, but not within the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield or Southwest Wellfield, obtained prior to February 1, 1985 or, in the case of property not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield, obtained prior to December 12, 1986 and which permit has been valid and continuously in full force and effect since its issuance, or

- (c) If the Director or his designee determines:

- (i) That the application for a building permit, certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) is for the replacement, modification or limited expansion of an existing facility, provided in no case shall such replacement, modification or limited expansion cause, permit, let, suffer or allow the use, generation, handling, disposal, discharge or storage of hazardous materials on the property to be increased by more than fifty (50) percent over the use, generation, handling, disposal, discharge or storage of hazardous materials which existed on the property on September 30, 1983, for properties within the

Northwest Wellfield protection area, or which existed on the property on the effective date of this ordinance [Ord. No. 89-80] for properties within the West Wellfield Interim protection area, or which existed on March 13, 1981 for properties within the basic wellfield protection area of any public utility potable water supply well, and

- (ii) That the proposed replacement, modification or limited expansion of the existing facility will substantially reduce the existing risk of pollution from the hazardous materials to the closest public utility potable water supply well. In determining whether there will be a substantial reduction of the existing risk of pollution as aforesaid, the Director or his designee shall consider the following factors and shall render written findings as to his assessment of each:

- a. Whether the proposed replacement, modification or limited expansion of the facility will provide adequate and increased monitoring and detection of pollution which may be or which has been caused by the hazardous materials on the property.
- b. Whether the proposed replacement, modification or limited expansion of the facility will provide adequate and increased secondary containment of pollution which may be or which has been caused by the hazardous materials on the property.
- c. Whether the proposed replacement, modification or limited expansion will provide adequate and increased inventory control and record keeping of hazardous materials on the property.
- d. Whether the proposed replacement, modification or limited expansion will provide adequate and increased storm water management of pollution which may be or

which has been caused by the hazardous materials on the property.

- e. Whether the proposed replacement, modification or limited expansion will provide adequate and increased protection and security of the facilities utilized for the generation, storage, usage, handling, disposal, or discharge of hazardous materials on the property.

The Director or his designee shall determine that there will be a substantial reduction of the existing risk of pollution from the hazardous materials to the closest public utility potable water supply well only if the Director or his designee makes affirmative findings as to all of the aforesaid factors, and

- (iii) That the owner of the property has submitted to the Director or his designee a covenant running with the land executed by the owner of the property in favor of Metropolitan Dade County which provides that the hazardous materials to be used, generated, handled, disposed of, discharged or stored on the property after the proposed replacement, modification or limited expansion is approved by the Director or his designee, pursuant to this section, shall not be more hazardous than the hazardous materials used, generated, handled, disposed of, discharged or stored on the property at the time of the aforesaid approval and which furthermore shall require written notice by the owner of the property to the Department of Environmental Resources Management of any change in the kind of hazardous materials on the property after the aforesaid approval. Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public records of Dade County, Florida, by the Department of Environmental Resources Management at the expense of the owner of the property.

(6) *Applicability of travel time ranges within wellfield protection areas.* The Director of the Department of Environmental Resources Management or his designee shall utilize the following procedures when making a determination under Tables A-1, A-2, A-3, A-4 or B-1:

- (a) Property wholly located within one (1) travel time range having restrictions shall be governed by the restrictions under that travel time range.
- (b) Property within two (2) or more travel time ranges having restrictions shall be governed by the total sewage loading for the property. The total sewage loading shall be derived by adding the sewage loading within each travel time range and dividing the resultant amount by the gross acreage for the property.
- (c) Property within both restricted and unrestricted travel time ranges shall be governed in accordance with subsection (6)(b) herein except that portion of the property outside of the restricted travel time ranges shall be excluded from averaging the applicable restrictions as aforesaid. However, all septic tanks, septic tank drainfields, storm water disposal methods and liquid waste storage, disposal and treatment methods shall be installed upon the property as far away as is reasonably possible from all potable water supply wells.

(7) *Excavations.* Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant, or issue any permit, of any kind whatsoever, certificate of completion, platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any excavation within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or the basic wellfield protection area of any public utility potable water supply well, or within one-quarter of a mile of the perimeter of the Dade County 58th Street landfill, United Sanitation landfill, or the resources recovery facility until the County or municipal officer, agent, employee or Board has ob-

tained the prior written approval of the Director of the Department of Environmental Resources Management or his designee.

Furthermore, notwithstanding any provision of this Code, no person shall cause, allow, let, permit or suffer any excavation within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, or within the basic wellfield protection area of any public utility potable water supply well until the person has obtained the prior written approval of the Director of the Department of Environmental Resources Management or his designee.

The Director or his designee shall issue his written approval only if the Director or his designee determines that the excavation will comply with the following:

- (a) The property upon which the excavation has occurred or will occur and that portion of the property which has not been excavated or will not be excavated shall be provided with protection and security measures to prohibit the handling, disposal of, discharge or storage of hazardous materials, solid waste, or liquid waste in the excavation or on the property which has not been excavated or will not be excavated. Said protection and security shall be subject to the approval of the Director or his designee.

Furthermore, the owner of the property upon which the excavation has occurred or will occur and that portion of the property which has not been excavated or will not be excavated shall submit to the Director or his designee a covenant running with the land executed by the owner of the property in favor of Metropolitan Dade County which provides that protection and security measures shall be provided subject to the approval of the Director or his designee. Said covenants shall be executed by the owner of the property upon which the excavation has occurred or will occur and that portion of the property which has not been excavated or will not be excavated in form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public

records of Dade County, Florida, by the Department of Environmental Resources Management at the expense of the owner of the property upon which the excavation has occurred or will occur and the property which has not been excavated or will not be excavated, and

- (b) The excavation will not be located within thirty (30) days' travel time from any public utility potable water supply well or within thirty (30) days' travel time from potable water supply wells as set forth on the West Wellfield Interim protection area map(s) and the excavation will not exceed a depth of forty (40) feet below existing grade within the basic wellfield protection area of any public utility potable water supply well, or
- (c) The excavation will not be located within thirty (30) days' travel time from any public utility potable water supply well and there exists property without excavation which will provide an additional thirty (30) days' travel time between the excavation and any public utility potable water supply well.

Furthermore, the owner of the property upon which the excavation is to occur shall submit to the Director or his designee a covenant running with the land executed by the owner of the property in favor of Metropolitan Dade County which provides that the property without excavation aforesaid will not be subject to excavation at any time. Said covenants shall be executed by the owner of the property without excavation aforesaid and in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public records of Dade County, Florida, by the Department of Environmental Resources Management at the expense of the owner of the property upon which the excavation is to occur, or

- (d) The excavation has a valid excavation permit or equivalent municipal permit for excavation and a valid Class IV permit, if required by Article II of this chapter, which was obtained prior to September 30, 1983, which permits have been valid and continu-

ously in full force and effect since their issuance.

(8) *Pipelines for hazardous materials.* Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board, after July 13, 1984 shall approve, grant or issue any permit of any kind whatsoever for the installation, modification, or expansion of that portion of any pipeline used or to be used for the transmission or storage of any hazardous materials and which portion is within the Northwest Wellfield protection area or the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield or Southwest Wellfield or within the basic wellfield protection area of any public utility potable water supply well or, in the case of that portion of any pipeline not within the basic wellfield protection area but within the maximum day pumpage wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield, after December 12, 1986, or, in the case of that portion of any pipeline within the West Wellfield Interim protection area, after the effective date of this ordinance [Ordinance No. 89-80].

Furthermore, notwithstanding any provision of this Code, no person shall install, construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be installed, constructed, utilized, operated or occupied any pipeline or portion of any pipeline used or to be used for the transmission or storage of any hazardous materials within the Northwest Wellfield protection area or the maximum day pumpage wellfield protection area of the Northwest Wellfield, Alexander Orr Wellfield, Snapper Creek Wellfield or Southwest Wellfield or within the basic wellfield protection area of any public utility potable water supply well, after July 13, 1984, unless said person installed, constructed, utilized, operated or occupied said pipeline used or to be used for the transmission or storage of hazardous materials before July 13, 1984, or, in the case of the West Wellfield Interim protection area, no person shall install, construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be installed, constructed, utilized, operated or occupied any pipeline or portion of any pipeline used or to be used for the transmission or

storage of any hazardous materials within the West Wellfield Interim protection area after the effective date of this ordinance [Ordinance No. 89-80], unless said person installed, constructed, utilized, operated or occupied said pipeline used or to be used for the transmission or storage of hazardous materials prior to the effective date of this ordinance [Ordinance No. 89-80].

Furthermore, notwithstanding any provision of this Code, no person shall install, construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any pipeline or portion of any pipeline used or to be used for the transmission or storage of any hazardous materials within the maximum day pumpage wellfield protection area but not within the basic wellfield protection area of the Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield after the effective date of this subsection [December 12, 1986], unless said person installed, constructed, utilized, operated or occupied said pipeline used or to be used for the transmission or storage of hazardous materials before the effective date of this subsection [December 12, 1986].

(9) *Water conservation restrictions for the protection of the Northwest Wellfield.* The Director of the Department of Environmental Resources Management or his designee shall evaluate the data from a groundwater elevation monitoring program and a groundwater quality monitoring program for the Northwest Wellfield which programs shall be conducted by the Department of Environmental Resources Management or a contractor designated by the County. If the Director of the Department of Environmental Resources Management or his designee, after evaluating the aforesaid monitoring data, determines that a reduction in wellfield pumpage is necessary to prevent contamination of the Northwest Wellfield, the Director of the Department of Environmental Resources Management or his designee shall impose water conservation restrictions in the unincorporated and incorporated areas of Dade County. These water conservation restrictions shall consist of one of, or any combination of, the following:

- (a) Ordering public utilities owning or operating public water systems to reduce water system pressure.

- (b) Mandatory water conservation restrictions similar to the applicable water use restrictions set forth in the rules of the South Florida Water Management District, Chapter 40E-21, Florida Administrative Code, as may be amended from time to time.

The duration of these water conservation restrictions shall be determined by the Director of the Department of Environmental Resources Management or his designee after period evaluation of wellfield pumpage data and pertinent monitoring program data. The water conservation restrictions in effect may be subsequently changed or rescinded by the Director of the Department of Environmental Resources Management or his designee after such periodic evaluation.

(10) *Land uses within the Northwest Wellfield protection area and West Wellfield Interim protection area.* Notwithstanding any provision of this Code, no County officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), platting action (final plat, waiver of plat) or zoning action (district boundary change, unusual use, use variance, new use, similar use) for any land use within the Northwest Wellfield protection area, or within the West Wellfield Interim protection area, without obtaining the prior written approval of the Director of the Department of Environmental Resources Management or his designee. Furthermore, notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any land use within the Northwest Wellfield protection area or within the West Wellfield Interim protection area without obtaining the prior written approval of the Director of the Department of Environmental Resources Management or his designee.

The Director or his designee shall issue his written approval only if:

- (a) The Director or his designee determines that the property is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area and the existing land use(s) for the property or the land use(s) requested for the property is one

or more of the land uses set forth in Table E-1 and the land use(s) is not a land use found exclusively in the following Metropolitan Dade County zoning classifications or that the zoning classification requested is not one or more of the following Metropolitan Dade County zoning classifications:

- (i) BU-3 (excluding those land uses permitted by BU-1, BU-1A or BU-2),
 - (ii) IU-1,
 - (iii) IU-2,
 - (iv) IU-3,
 - (v) IU-C, or
- (b) The Director or his designee determines that the land use is not listed in Table E-1, the land use(s) is not set forth as a permitted use, special exception, unusual use or conditional use in Chapter 33 of this Code, the land use(s) is not a land use(s) found exclusively in the zoning classifications listed in subsection 24-12.1(1)(10)(a)(i), (ii), (iii), (iv), (v), above the land use(s) is comparable to a land use(s) set forth in Table E-1, and the land use(s) will not have an adverse environmental impact on groundwater quality in the North Wellfield protection area and within the West Wellfield protection area. Notwithstanding the foregoing, the Director or his designee shall not determine that the land use is comparable to land use(s) set forth in Table E-1 if the land use is permitted in one or more of the following Metropolitan Dade County zoning classifications and if the land use is not permitted in one or more Metropolitan Dade County zoning classifications which are less restrictive than the following BU-3; IU-1; IU-2; IU-3; and IU-C.

In determining whether a land use is comparable to one or more land use(s) set forth in Table E-1, the Director or his designee shall consider the following factors:

- (i) The materials used, handled and stored, and the products and wastes produced;
- (ii) The activities, processes and methods which are employed and utilized;

- (iii) The machinery and other facilities utilized and maintenance requirements of said machinery and facilities;
- (iv) Uses commonly attendant to or associated with the primary use.

In determining whether a land use does not or will not have an adverse environmental impact on the groundwater quality in the Northwest Wellfield protection area or within the West Wellfield protection area, the Director or his designee shall consider the following factors:

- (v) The land use will not be detrimental to the public health, welfare and safety and will not create a nuisance and will not materially increase the level of water pollution within the Northwest Wellfield protection area or within the West Wellfield Interim protection area;
 - (vi) The use, generation, handling, disposal of, discharge or storage of hazardous materials will not occur within the Northwest Wellfield protection area or within the West Wellfield Interim protection area;
 - (vii) The only liquid waste (excluding stormwater) which will be generated, disposed of, discharged, or stored within the Northwest Wellfield protection area or within the West Wellfield Interim protection area shall be domestic sewage discharged to a public sanitary sewer or septic tank;
 - (viii) Stormwater runoff shall be retained on the property and disposed of through infiltration drainage systems supplemented with seepage drainage systems, or
- (c) The Director of the Department of Environmental Resources Management or his designee, determines that: The property is within the Northwest Wellfield protection area or within the West Wellfield Interim protection area; the owner of the property is applying for the original certificate of use and occupancy or original municipal occupational license pursuant to a valid building permit obtained prior to December 12, 1986, in the case of the Northwest Wellfield pro-

tection area, or August 6, 1989, in the case of the West Wellfield Interim protection area, which permit has been valid and continuously in full force and effect since its issuance; the property is served or will be served by a public water main and public sanitary sewer no later than the date that the original certificate of use and occupancy or original municipal occupational license is issued; and the property is in compliance with subsections 24-12.1(4), (5) and (6) of this Code and was in compliance with subsections 24-12.1(4); (5) and (6) of this Code no later than the date of issuance of the aforesaid valid building permit.

TABLE E-1

Allowable Land Uses Within the Northwest Wellfield Subarea 1 or Within the Northwest Wellfield Protection Area and Within the West Wellfield Interim Protection Area

Land Use

Abstract title
Accounts, bookkeeping
Actuaries
Advertising office only; no printing
Agricultural use
Alcoholic beverage district, sales
Amusement, game room
Animals, birds, and tropical fish, retail only
Antique shops
Apparel sales, rentals
Apartment house
Appliance and fixture sales (no service)
Appraisers (no merchandise)
Archery range
Art gallery
Art goods and bric-a-brac shops
Artist studios
Auction sales (no hazardous materials)
Auditoriums
Bait and tackle shop
Bakeries, retail
Bakeries, wholesale
Banks
Barbecue restaurants, stands, pits (wood for cooking) drive-in theaters

Barbershop
Bars
Baseball field
Bath and massage parlors
Bathing beaches
Bicycle sales (no service)
Billiard parlor/pool hall
Bindery (books, publications, etc.)
Bingo
Boat piers, docks
Book store (new and used)
Bottled gas storage (liquefied petroleum gas and natural gas only)
Bowling alleys
Box lunches—Wholesale and retail with delivery trucks (no truck maintenance)
Broadcasting studios (radio and TV, including transmitting station and tower, incidental electrical generation by LP or natural gas only)
Business machines sales (typewriters, calculators, etc.) (no service)
Camps
Card club/public
Card shops
Carpet sales
Caterers
Churches
Cigar making and sales
Cigarette vending
Clubs (private)
Coin laundries (no dry cleaning machines)
Coin shop
Cold storage warehouses and pre-cooling plants
Colleges (no hazardous materials)
Computer service
Concrete, cement, clay products—Storage and sales (no vehicle maintenance; no on-site fuel storage)
Confectionery (and ice cream stores)
Conservatories
Convent
Convention halls
Costuming shops
Curio stores
Dance halls, schools, academies
Day camp
Day care, nursery
Department store

Dependent children (home for)
 Dive shop
 Docks, piers--Boat
 Dog obedience training, training tracks,
 schools
 Dormitories
 Drapery stores, drapery making
 Dressed poultry and sea food stores
 Drive-through banks and restaurants
 Drug store
 Dry cleaning (no cleaning on premises)
 Dynamite storage
 Electric substations
 Electrolysis office (removal of hair by elec-
 trolytic process)
 Employment agencies
 Entrance gates
 Escort service
 Farms
 Fire station (no hazardous materials)
 Fishing camps
 Fish houses, market, smoking
 Fish, tropical, aquariums (retail sales only)
 Flea market
 Florist shops
 Flower importers
 Food distribution (no on-site vehicle main-
 tenance)
 Food sales
 Foster home
 Fraternities
 Fruit packing, fruit stores, fruit stands
 Furniture sales, rental and storage (no res-
 toration, no manufacturing)
 Furriers (sales and storage)
 Garment manufacturing (no dyeing)
 Gas (natural gas, LP gas including distri-
 bution system and bottling plant)
 Gift stores
 Glass blowing
 Golf course, clubhouse
 Golf driving range
 Grocery store
 Gun shop
 Haberdashery
 Hall for hire
 Handball court
 Health spa
 Homes for dependent children
 Hotels, motels

Houses of worship
 Ice cream stores
 Ice manufacturing, distributing (emergency
 electrical generation by LP or natural
 gas only)
 Import-export office
 Insurance office
 Interior decorators office, showroom
 Jai alai
 Jewelry sales (no manufacturing)
 Judo and karate instructions
 Key shop
 Kindergartens, day care
 Lake excavation
 Laundries (all types, no dry cleaning)
 Leather goods stores (retail)
 Libraries (public)
 Limestone quarrying, rock crushing and ag-
 gregate plants ancillary to section in
 connection with limestone quarrying
 (no on-site fuel storage except that the
 use of fuels and lubricants and LP and
 natural gas storage are permitted)
 Liquefied petroleum (LP) gas
 Liquor package stores
 Livery stable
 Lodges (private)
 Lounges
 Luggage sales
 Lunches (packaging, catering)
 Mail order office
 Massage parlor
 Meat market
 Men's store
 Messenger office
 Milk store (drive-in)
 Miniature golf course
 Mission
 Mobile homes
 Mobile homes, sales (no manufacturing or
 repair; and no motor homes or recre-
 ational vehicles)
 Monastery
 Motel
 Modeling (agencies, schools)
 Motion picture studio (no film developing)
 Motion picture theatre, indoor and outdoor
 Motion pictures and equipment, sales and
 rental (no equipment servicing, no film
 developing)

Moving and storage company (no on-site vehicle maintenance)
 Municipal recreation building
 Museums, public
 Music stores, teaching
 Newsstand
 Night club
 Notions sales
 Office building
 Office, professional
 Open air theaters
 Optical stores
 Package stores
 Palmistry
 Paneling (wall/retail sales)
 Paper salvage
 Park or playground, public or private
 Parking lot, parking garage (no auto pound, no tow yard, no on-site vehicle repair)
 Passenger stations (railroad, bus)
 Pawn shops (swap shops)
 Pet shops, retail sales only (in air conditioned building)
 Pharmaceuticals (retail)
 Photographic studio (no developing, no printing)
 Pillow renovating
 Plant sales (no propagation)
 Plaster products
 Plasterers, storage area
 Police station
 Pool rooms
 Post office
 Pottery (retail sales only/no manufacturing)
 Private clubs
 Produce or fruit market
 Professional and semiprofessional offices (no medical laboratory or clinic)
 Public art galleries, museums
 Racquet ball clubs
 Radio, broadcasting station, studio, transmitting station/tower (emergency electrical power by LP or natural gas only)
 Railroad and bus passenger stations (no freight terminal, no vehicle maintenance)
 Real estate office
 Recording studios
 Recreational facilities

Rentals (household equipment, appliances, tools, hardware, etc.) (no hazardous materials)
 Residential uses
 Restaurants, including outdoor patios and service
 Retirement villages
 Rifle, pistol range
 Rock and sand yards
 Rock yards (crushing)
 Saloons and bars
 Savings and loan associations
 Schools (no hazardous materials)
 Seafood stores
 Secondhand stores (inside only)
 Shoe store (no manufacturing)
 Shooting gallery
 Shooting range, trap and skeet
 Shopping center (no hazardous materials)
 Showrooms, salesrooms (no hazardous materials)
 Skating rink
 Sororities
 Souvenir stores
 Sporting goods store
 Stationery stores
 Storage warehouse (no hazardous materials)
 Swap shops
 Swimming pools
 Synagogues
 Tailor shops
 Tattoo parlor
 Telegraph stations (emergency electrical power by LP or natural gas only)
 Telephone answering service
 Telephone exchange
 Television (broadcasting studio)
 Tennis courts
 Textile sales
 Theaters
 Tile sales (no manufacturing)
 Tourist attractions (no hazardous materials)
 Trading post
 Trailer park
 Travel agency
 Upholstery shop
 Utilities: Public and private water production, treatment and distribution facilities; and sewage except that wastewater treatment plants are not

permitted (emergency electrical power by LP or natural gas only)
 Vegetable stands
 Wall paper, paneling (retail sales)
 Warehouses (storage of food, fodder, apparel, and other nonhazardous materials)
 Watchman's quarters
 Water tanks or towers
 Water treatment plants (emergency electrical power by LP or natural gas only)
 Wearing apparel stores (sales, rentals)
 Wholesale salesrooms and attendant storage rooms (no hazardous materials)

(11) *Prohibition of resources recovery and management facility within wellfield protection areas.* Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant, modify or issue any permit (except for renewal of valid operating permits, issued pursuant to this chapter, no later than March 12, 1987), certificate of use and occupancy (except for changes in ownership), certificate of use and occupancy (except for changes in ownership), platting action (final plan, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any resource recovery and management facility within the Northwest Wellfield protection area or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well after December 12, 1986, unless said resource recovery and management facility was in operation and had obtained all other applicable permits prior to June 25, 1986 and obtained a valid operating permit issued pursuant to this chapter no later than March 12, 1987.

Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant, modify or issue any permit (except for renewal of valid operating permits issued pursuant to this chapter, renewed no later than ninety (90) days after the effective date of this ordinance [Ordinance No. 89-80]), certifi-

cate of use and occupancy (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any resource recovery and management facility (unless the facility's primary purpose is to collect paper, glass, plastics or aluminum for transport out of the West Wellfield Interim protection area or the facility provides composting for on-site organic plant materials at plant nurseries) within the West Wellfield Interim protection area after the effective date of this ordinance [Ordinance No. 89-80], unless said resource recovery and management facility was in operation and had obtained all other applicable permits prior to the effective date of this ordinance [Ordinance No. 89-80] and obtained a valid operating permit issued pursuant to this chapter no later than ninety (90) days after the effective date of this ordinance [Ordinance No. 89-80].

Furthermore, notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any resource recovery and management facility within the Northwest Wellfield protection area or within the maximum day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield, or Hialeah Wellfield, or within the basic wellfield protection area of any public utility potable water supply well after December 12, 1986, unless said resource recovery and management facility was in operation and had obtained all other applicable permits prior to June 25, 1986 and obtained a valid operating permit pursuant to this chapter, no later than March 12, 1987.

Notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any resources recovery and management facility within the West Wellfield Interim protection area after the effective date of this ordinance [Ordinance No. 89-80], unless said resource recovery and management facility was in operation and had obtained all other

applicable permits prior to the effective date of this ordinance [Ordinance No. 89-80] and obtained a valid operating permit pursuant to this chapter, no later than ninety (90) days after the effective date of this ordinance [Ordinance No. 89-80].

(Ord. No. 81-23, § 2, 2-3-81; Ord. No. 81-96, § 1, 9-1-81; Ord. No. 83-21, § 1, 5-3-83; Ord. No. 83-25, § 1, 5-27-83; Ord. No. 83-82, § 2, 9-20-83; Ord. No. 83-96, § 2, 10-18-83; Ord. No. 84-13, § 1, 2-21-84;

Ord. No. 84-59, § 3, 7-3-84; Ord. No. 85-5, § 3, 1-22-85; Ord. No. 85-54, § 4, 7-16-85; Ord. No. 86-42, § 4, 6-3-86; Ord. No. 86-95, § 3, 12-2-86; Ord. No. 89-80, § 3, 7-27-89; Ord. No. 93-54, § 2, 5-20-93)

Editor's note—The tables enacted by Ord. No. 81-23 and subsequently amended are set out following this section.

Annotation—AO 4-42.

Cross reference—Agricultural irrigation wells, § 21-111 et seq.

TABLE A-1

Residential Property Served by Septic Tank and Using Public Water Supply

<i>Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well</i>	<i>Maximum Allowable Sewage Loading for Property Not Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>	<i>Maximum Allowable Sewage Loading for Property Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>
More than 100 days but not exceeding 210 days	850	As allowed by Section 24-13
More than 30 days but not exceeding 100 days	600	850
More than 10 days but not exceeding 30 days	350 with minimum of 24 inches in Class II silica sand under drainfield	600 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
More than 100 feet but not exceeding 10 days	140 with minimum of 24 inches of Class II silica sand under drainfield	350 with minimum of 24 inches of Class II silica sand or indigenous sand under drainfield
100 feet or less	0	0

TABLE A-2

Residential Property Served by Septic Tank and Not Using Public Water Supply

<i>Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well</i>	<i>Maximum Allowable Sewage Loading for Property Not Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>	<i>Maximum Allowable Sewage Loading for Property Having In- digenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>
More than 100 days	750 with minimum of 24 inches of Class II silica sand under drain- field	750 with minimum of 24 inches of Class II silica sand or indige- nous sand under drainfield
More than 30 days but not ex- ceeding 100 days	600 with minimum of 24 inches of Class II silica sand under drain- field	750 with minimum of 24 inches of Class II silica sand or indige- nous sand under drainfield
More than 10 days but not ex- ceeding 30 days	350 with minimum of 24 inches of Class II silica sand under drain- field	600 with minimum of 24 inches of Class II silica sand or indige- nous sand under drainfield
More than 100 feet but not ex- ceeding 10 days	140 with minimum of 24 inches of Class II silica sand under drain- field	350 with minimum of 24 inches of Class II silica sand or indige- nous sand under drainfield
100 feet or less	0	0

TABLE A-3

Nonresidential Property Served by Septic Tank, Using Public Water Supply, and Not Using,
Generating, Handling, Disposing, Discharging or Storing Hazardous Materials

<i>Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well</i>	<i>Maximum Allowable Sewage Loading for Property Not Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>	<i>Maximum Allowable Sewage Loading for Property Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>
More than 100 days but not ex- ceeding 210 days	850	1,500
More than 30 days but not ex- ceeding 100 days	600	850
More than 10 days but not ex- ceeding 30 days	350 with minimum of 24 inches of Class II silica sand under drain- field	600 with minimum of 24 inches Class II silica sand or indigenous sand under drainfield
More than 100 feet but not ex- ceeding 10 days	140 with minimum of 24 inches of Class II silica sand under drain- field	350 with minimum of 24 inches Class II silica sand or indigenous sand under drainfield
100 feet or less	0	0

TABLE A-4

Nonresidential Property Served by Septic Tank, Not Using Public Water Supply, and Not Using, Generating, Handling, Storing, Disposing or Discharging Hazardous Materials

<i>Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well</i>	<i>Maximum Allowable Sewage Loading for Property Not Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>	<i>Maximum Allowable Sewage Loading for Property Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>
More than 100 days	750 with minimum of 24 inches of Class II silica sand under drain- field	750 with minimum of 24 inches of Class II silica sand or indige- nous sand under drainfield
More than 30 days but not ex- ceeding 100 days	600 with minimum of 24 inches of Class II silica sand under drain- field	750 with minimum of 24 inches of Class II silica sand or indige- nous sand under drainfield
More than 10 days but not ex- ceeding 30 days	350 with minimum of 24 inches of Class II silica sand under drain- field	600 with minimum of 24 inches of Class II silica sand or indige- nous sand under drainfield
More than 100 feet but not ex- ceeding 10 days	140 with minimum of 24 inches of Class II silica sand under drain- field	350 with minimum of 24 inches of Class II silica sand or indige- nous sand under drainfield
100 feet or less	0	0

TABLE B-1

Residential Property Served by Sanitary Sewers; Nonresidential Property Served by
Sanitary Sewers and Not Using, Generating, Handling, Disposing,
Discharging or Storing Hazardous Materials

<i>Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well</i>	<i>Maximum Allowable Sewage Loading for Property Not Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>	<i>Maximum Allowable Sewage Loading for Property Having Indigenous Sandy Substrata (Gallons Per Day Per Unsubmerged Acre)</i>
More than 30 days	No additional restrictions	No additional restrictions
More than 10 days but not ex- ceeding 30 days	1,600	No additional restrictions
More than 100 feet but not ex- ceeding 10 days	850	1,600
100 feet or less	0	0

TABLE C-1

Allowable Storm Water Disposal Methods for Residential and Nonresidential Property

<i>Travel Time in Days or Distance in Feet from Property to Nearest Public Utility Potable Water Supply Well</i>	<i>Allowable Methods for Storm Water Disposal</i>
More than 30 days but not exceeding 210 days	Infiltration or seepage or overflow outfalls only
More than 10 days but not exceeding 30 days	Infiltration or seepage only
More than 100 feet but not exceeding 10 days	Infiltration only
100 feet or less	None

Sec. 24-12.2. Regulation of underground storage facilities.

(1) The intent and purpose of this section is to safeguard the public health, safety and welfare by regulating underground storage facilities.

(2) This section shall be known as the "Underground Storage Facilities Ordinance." The provisions of this section shall be effective in the incorporated and unincorporated areas of Dade County and shall be liberally construed to effect the purpose set forth herein.

(3) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any permit or license of any kind whatsoever for any work involving the installation, modification, repair, expansion or replacement (except the repair or replacement of a pump, line leak detector or valve) of an underground storage facility until the County or municipal officer, agent, employee or Board has obtained the prior written approval of the Director of the Department of Environmental Resources Management or his designee. The Director or his designee shall issue his written approval only if:

(a) The Director or his designee determines that the work shall be performed in accordance with the standards and practices, as may be applicable, set forth in:

- The South Florida Building Code,
- Publication 1615, "Installation of Underground Petroleum Storage Sys-

tems," American Petroleum Institute, November 1979, Washington, D.C.,

(iii) NFPA 30, "Flammable And Combustible Liquids Code 1986," National Fire Protection Association, Quincy, Massachusetts, and

(b) The Director or his designee receives and approves the following:

- Plans for the proposed installation, modification, repair, expansion or replacement of the underground storage facility which are prepared by a professional engineer registered in the State of Florida and to which plans are affixed the signature, seal, and registration number of said engineer. The plans required herein shall include the following:
 - For all underground storage facilities regardless of location in Dade County: Plans for a line leak detector for detection of leaks in lines between tanks and dispensers excluding vacuum lines systems. For underground storage facilities with a capacity of one thousand one hundred (1,100) gallons or more, plans for a matrix of no less than four (4) monitoring wells, and for underground storage facilities with a capacity of less than one thousand one hundred (1,100) gallons, plans for no less than one (1) monitoring well, of design and at locations ap-

proved by the Department of Environmental Resources Management, based upon an assessment of the capability of the proposed monitoring wells to detect discharges of hazardous materials from the underground storage facility to the environment outside said underground storage facility. Said monitoring wells shall be designed to provide a minimum depth of three (3) feet of groundwater in the monitoring well at all times.

- (B) For underground storage facilities located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well or within any property served or to be served by any source of potable water supply other than a public water supply: Plans for a continuous automatic leak detection system which shall include a matrix of no less than four (4) monitoring wells for underground storage facilities with a capacity of one thousand one hundred (1,100) gallons or more or, no less than one (1) monitoring well for underground storage facilities with a capacity of less than one thousand one hundred (1,100) gallons, of design and location approved by the Department of Environmental Resources Management, based upon an assessment of the capability of the system to immediately detect any and all discharge of hazardous materials from the underground storage facility to the environment. In lieu of the continuous automatic leak detection system, a groundwater monitoring program may be submitted to the Department of Environmental Resources Management for review and approval. This program shall include, but not be limited to, ob-

taining groundwater samples from designated on-site monitoring wells, no less than once every six (6) months. Said samples shall be tested for the parameters approved by the Director of the Department of Environmental Resources Management, or his designee. Said results shall be submitted to the Department of Environmental Resources Management for review in accordance with the approved program.

- (C) For underground storage facilities located anywhere in Dade County: Plans for a secondary containment system, which shall consist of (1) doubled-walled tank(s), (2) double-walled piping or a modular, rigid, sealed, impervious hydrocarbon-resistant encasing system for the piping, and (3) a continuous automatic leak detection system, all of which shall be approved by the Department of Environmental Resources Management, based upon an assessment of the capability of the proposed secondary containment system to prevent hazardous materials from contacting the environment outside said system for the period of time necessary to detect and recover all hazardous materials capable of being discharged from the underground storage facility and based upon an assessment of the capability of the continuous automatic leak detection system to immediately detect any and all discharges of hazardous materials from the underground storage facility to the secondary containment system. This provision shall not apply to the repair or replacement of piping when only the piping is to be repaired or replaced.

- (ii) A written verified statement by the operator of the underground storage fa-

cility that said operator will retain the service of a professional engineer registered in the State of Florida or an underground storage facilities supervisor who shall supervise and inspect the installation, modification, repair, expansion, or replacement of the underground storage facility; supervise the installation, testing and calibration of any monitoring equipment required by this section; and supervise the pressure testing required by this section.

- (iii) In the event that modifications to the plans approved by the director of the department of environmental resources management, or his designee, are required during construction, as-built plans prepared by the engineer-of-record shall be submitted to the department of environmental resources management within sixty (60) days of the completion of the installation of the underground storage facility.

(4) No person shall be issued the operating permit required by Section 24-35.1 of this Code for any underground storage facility which has been installed, modified, repaired, expanded or replaced (except the repair or replacement of a pump, line leak detector or valve) after the effective date of this section and no person shall use or operate said facility after the effective date of this section unless:

- (a) Said underground storage facility has been pressure tested at least once after each such installation, modification, repair, expansion or replacement and has been determined not to discharge, during such test, any substance in the underground storage facility to the environment outside of said facility. Said testing shall be conducted with no less than three (3) pounds of pressure per square inch for an underground storage facility which is not a pipe or other container used to transmit hazardous materials. Said testing shall be conducted with no less than one hundred fifty (150) percent of the anticipated working pressure for an underground storage facility which is a pipe

or other container used to transmit hazardous materials, and

- (b) The testing required by 4(a) herein shall be performed according to the methods set forth in NFPA 329, "Underground Leakage of Flammable and Combustible Liquids, 1983," National Fire Protection Association, Quincy, Massachusetts, and
 - (c) The testing required by 4(a) herein has been performed by a qualified person, and
 - (d) The results of the testing required by 4(a) have been submitted to, reviewed and approved by the Department of Environmental Resources Management. The Department shall approve said results only if the testing was performed in accordance with the requirements of this section and the testing affirmatively shows that the underground storage facility tested did not, during such test, discharge any substance in the underground storage facility to the environment outside of said facility, and
 - (e) The professional engineer or underground storage facilities supervisor retained by the operator pursuant to (3)(b)(ii) herein certifies that the underground storage facility was installed, modified, repaired, expanded or replaced, and the line leak detector, monitoring wells, continuous automatic leak detection system, or secondary containment system was installed, modified, repaired, expanded, or replaced in accordance with the plans required by (3)(b)(i) herein and said professional engineer has affixed his signature, seal and registration number to said certification and said certification has been submitted to the Department.
- (5) It shall be unlawful to operate, maintain or permit, cause, allow, let or suffer the operation or maintenance of any underground storage facility with a capacity of one thousand one hundred (1,100) gallons or more regardless of location in Dade County without the following:
- (a) An operating permit as required by Section 24-35.1 of this Code, and
 - (b) Maintenance of a daily record and accounting of the inventory of the hazardous

materials stored or transmitted within the underground storage facility, in accordance with the methods and practices set forth in Recommended Practice 1621 "Bulk Liquid Stock Control at Retail Outlets", Fourth Edition, American Petroleum Institute, December 1987, Washington, D.C. Appendix "A" of the aforesaid publication or the equivalent thereof shall be completed by the operator on a daily basis, shall be kept and maintained within Dade County by the operator of the underground storage facility, and shall be made available for inspection and copy by employees of the Department of Environmental Resources Management upon forty-eight (48) hours' notice by the Department of Environmental Resources Management to the operator, and

- (c) A matrix of no less than four (4) monitoring wells approved by the Department of Environmental Resources Management, in accordance with the requirements set forth in (3)(b)(i)(A) herein, and
- (d) Maintenance on site of a record of weekly visual inspections by the operator of the underground storage facility of the groundwater in each monitoring well required by this section. The weekly record shall be made available for inspection and copying upon request by the Director of the Department of Environmental Resources Management, or his designee, and
- (e) For underground storage facilities installed or replaced after the effective date of this subsection, a secondary containment system approved by the Department of Environmental Resources Management, in accordance with the requirements set forth in (3)(b)(i)(C).

(6) It shall be unlawful to operate, maintain or permit, cause, allow, let or suffer the operation or maintenance of any underground storage facility with a capacity of one thousand one hundred (1,100) gallons or more, located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well or within any property

served or to be served by any source of potable water supply other than a public water supply without the following:

- (a) An operational continuous automatic leak detection system, or a groundwater monitoring program, approved by the Department of Environmental Resources Management in accordance with the requirements set forth in (3)(b)(i)(B) herein, and
- (b) A secondary containment system approved by the Department of Environmental Resources Management, in accordance with the requirements set forth in (3)(b)(i)(C) herein, and
- (c) After December 12, 1991, a secondary containment system approved by the Department of Environmental Resources Management, in accordance with the requirements set forth in (3)(b)(i)(C) herein, for any underground storage facility constructed of corrosion resistant materials installed after November 25, 1978 and prior to November 25, 1983, and
- (d) Any underground storage facility located within the Northwest Wellfield protection area (except those underground storage facilities used exclusively for the retail sale of gasoline, gasohol or diesel fuel) shall be removed and may be replaced with the installation of a new aboveground storage facility, unless the fire department having jurisdiction deems aboveground storage to create an unacceptable risk of fire or explosion in which case the operator shall comply with the requirements of (3)(b)(i)(B) and (3)(b)(i)(C) herein, and
- (e) No later than one (1) year from the effective date of this ordinance, any underground storage facility located within the West Wellfield Interim protection area (except those underground storage facilities used exclusively for the retail sale of gasoline, gasohol or diesel fuel) shall be removed and may be replaced with the installation of a new aboveground storage facility, unless the fire department having jurisdiction deems aboveground storage to create an un-

acceptable risk of fire or explosion in which case the operator shall comply with the requirements of (3)(b)(i)(B) and (3)(b)(i)(C) herein.

(7) It shall be unlawful to operate, maintain or permit, cause, allow, let or suffer the operation or maintenance of any underground storage facility, with a capacity of less than one thousand one hundred (1,100) gallons, located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well or within any property served or to be served by any source of potable water supply other than a public water supply without the following:

- (a) An operating permit as required by Section 24-35.1 of this Code, and
- (b) No less than one (1) monitoring well in accordance with the requirements set forth in (3)(b)(i)(A) herein, and
- (c) Maintenance of a daily record and accounting of the inventory of the hazardous materials stored or transmitted within the underground storage facility, in accordance with the methods and practices set forth in Recommended Practice 1621 "Bulk Liquid Stock Control at Retail Outlets", Fourth Edition, American Petroleum Institute, December 1987, Washington, D.C. Appendix "A" of the aforesaid publication or the equivalent thereof shall be completed by the operator on a daily basis, shall be kept and maintained within Dade County by the operator of the underground storage facility, and shall be made available for inspection and copying by employees of the Department of Environmental Resources Management upon forty-eight (48) hours notice by the Department of Environmental Resources Management to the operator, and
- (d) Any underground storage facilities located within the Northwest Wellfield protection area (except those underground storage facilities used exclusively for the retail sale of gasoline, gasohol, or diesel fuel) shall be removed and may be replaced with the installation of a new aboveground storage fa-

cility, unless the fire department having jurisdiction deems aboveground storage to create an unacceptable risk of fire or explosion in which case the operator shall comply with the requirements of (3)(b)(i)(B) and (3)(b)(i)(C) herein, and

- (e) No later than one (1) year from the effective date of this ordinance, any underground storage facility located within the West Wellfield Interim protection area (except those underground storage facilities used exclusively for the retail sale of gasoline, gasohol or diesel fuel) shall be removed and may be replaced with the installation of a new aboveground storage facility, unless the fire department having jurisdiction deems aboveground storage to create an unacceptable risk of fire or explosion in which case the operator shall comply with the requirements of (3)(b)(i)(B) and (3)(b)(i)(C) herein, and
- (f) After December 12, 1989, a secondary containment system approved by the Department of Environmental Resources Management, in accordance with the requirements set forth in (3)(b)(i)(C) herein, for any existing underground storage facility installed prior to November 25, 1968, and
- (g) After December 12, 1991, a secondary containment system approved by the Department of Environmental Resources Management, in accordance with the requirements set forth in (3)(b)(i)(C) herein, for any underground storage facility installed on or after November 25, 1968, and
- (h) Maintenance on site of a record of weekly visual inspections by the operator of the underground storage facility of the groundwater in each monitoring well required by this section. The weekly record shall be made available for inspection and copying upon request by the Director of the Department of Environmental Resources Management, or his designee.

(8) It shall be unlawful to replace or permit, cause, allow, let or suffer the replacement of any underground storage facility with a capacity of one thousand one hundred (1,100) gallons or more,

located within the maximum day pumpage wellfield protection area and outside the average day pumpage wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, John E. Preston Wellfield, Miami Springs Upper Wellfield, Miami Springs Lower Wellfield or Hialeah Wellfield without installing a secondary containment system approved by the Department of Environmental Resources Management, in accordance with the requirements set forth in (3)(b)(i)(C) herein.

(9) It shall be unlawful to operate, maintain or permit, cause, allow, let or suffer the operation or maintenance of any underground storage facility located within the average day pumpage wellfield protection area and outside the basic wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, John E. Preston Wellfield, Miami Springs Upper Wellfield, Miami Springs Lower Wellfield or Hialeah Wellfield without a secondary containment system approved by the Department of Environmental Resources Management, in accordance with the requirements set forth in (3)(b)(i)(C) herein, unless the existing underground storage facility was installed after November 27, 1973 and before December 12, 1986 in which case a secondary containment system approved by the Department of the Environmental Resources Management, in accordance with the requirements set forth in (3)(b)(i)(C) herein, shall be installed within fifteen (15) years and one hundred and eighty (180) days of the date of installation of said underground storage facility.

(10) Upon the determination by the Department of Environmental Resources Management that hazardous materials have been or may have been discharged from an underground storage facility to the environment outside of said facility, or into the secondary containment system, the Department of Environmental Resources Management may require immediate testing of the underground storage facility by the operator or owner thereof, or by the owner of the real property upon which said underground storage facility is located, to determine whether the underground storage facility has discharged or is discharging hazardous materials into the environment outside of said facility, or into the secondary containment system.

(11) Operators of underground storage facilities as well as any persons, individually or otherwise having a legal, beneficial, or equitable interest in the underground storage facilities or in the real property upon which said underground storage facilities are located shall be jointly and severally liable and responsible for immediately accomplishing the following when the underground storage facility has discharged, is discharging or may be discharging any hazardous materials of any quantity whatsoever into the environment outside of said facility:

- (a) Locating and determining the cause of the discharge.
- (b) Stopping and preventing any further discharges.
- (c) Detection, extraction, and recovery of all hazardous materials which have been discharged in accordance with the methods and practices set forth in Publication 1628, "A Guide to the Assessment and Remediation of Underground Petroleum Releases" Second Edition, August 1989, American Petroleum Institute, Washington, D.C.
- (d) Notify the Department of Environmental Resources Management of such discharge within four (4) hours of any such discharge.

(12) All operators of underground storage facilities shall notify, in writing, the Department of Environmental Resources Management of any loss of hazardous materials from the underground storage facility which loss cannot be attributed to either the theft of the hazardous materials or normal changes in the volume of the hazardous materials due to temperature changes. Such written notification shall be accomplished no later than twenty-four (24) hours after any such loss.

(13) It shall be unlawful for the operator or owner of any underground storage facility to place or permit, cause, allow, let or suffer the placement of the underground storage facility temporarily out of service without capping and securing all piping and tank openings against tampering. All vent piping shall be capped.

(14) It shall be unlawful for the operator or owner of any underground storage facility to

abandon or permit, cause, allow, let or suffer the abandonment of the underground storage facility without obtaining the prior written approval of the Director of the Department of Environmental Resources Management, or his designee. The Director or his designee shall issue his written approval only if the following requirements are complied with:

- (a) Installing no less than one (1) monitoring well as approved by the Department of Environmental Resources Management adjacent to the underground storage facility to be abandoned. The Department of Environmental Resources Management shall be notified forty-eight (48) hours in advance to schedule an inspection of the groundwater which may include obtaining a groundwater sample(s) to assess possible groundwater contamination at the site. In the event free floating hydrocarbons are present in the groundwater the underground storage facility may be required to be removed by the Director of the Department of Environmental Resources Management, or his designee, and
- (b) Removing all flammable or combustible liquids from the tank and piping, and
- (c) Removing all flammable vapors from the tank, and
- (d) Disconnecting all piping, and
- (e) Completely filling the tank with a non-shrinking inert solid material, and
- (f) Sealing all tank openings and capping or removing all piping.

(15) It shall be unlawful for the operator or owner of any underground storage facility to remove or permit, cause, allow, let or suffer the removal of the underground storage facility without obtaining the prior written approval of the Director of the Department of Environmental Resources Management, or his designee. The Director or his designee shall issue his written approval only if the following requirements are complied with:

- (a) Removing all flammable or combustible liquids in the tank and piping, and

- (b) Removing or capping all piping, and
- (c) Prior to backfilling the tank excavation, a representative of the Department of Environmental Resources Management shall be notified forty-eight (48) hours in advance to schedule an inspection of the exposed groundwater and to assess possible ground or groundwater contamination at the site. In the event the groundwater in the excavation is not exposed, a monitoring well shall be installed to provide a minimum depth of three (3) feet of groundwater in the monitoring well at all times, in a location approved by the Director of the Department of Environmental Resources Management or his designee.

(Ord. No. 83-108, § 5, 11-15-83; Ord. No. 84-12, § 2, 2-7-84; Ord. No. 86-95, § 4, 12-2-86; Ord. No. 89-80, § 4, 7-27-89; Ord. No. 90-3, § 2, 1-16-90; Ord. No. 91-33, §§ 2-5, 3-7-91; Ord. No. 92-50, § 1, 6-2-92)

Sec. 24-12.3. Regulation of liquid waste transporters.

(1) It shall be unlawful for any person, firm, corporation, or other entity to transport within Dade County any liquid waste without having a currently valid liquid waste transporter operating permit issued by the Director, Environmental Resources Management, pursuant to Section 24-35.1.

(2) The Director, Environmental Resources Management, shall approve, deny, or approve with conditions any application for a liquid waste transporter operating permit. Violations of any permit condition shall constitute a violation of the provisions of this chapter. The Director, Environmental Resources Management, may suspend or revoke the issued operating permit for noncompliance or Code violations provided the owner or operator is given written notice and afforded the appeal procedures under this chapter.

(3) The Director, Environmental Resources Management, shall recommend an appropriate annual fee for the issuance and renewal of said operating permit. The Director, Environmental Resources Management, shall collect said fees upon approval of the fee schedule by the County Commission. In addition to the liquid waste trans-

porter operating permit, numbered stickers will be issued and must be visibly posted on each vehicle permitted to transport liquid waste material.

(4) The operating permit required by the Director, Environmental Resources Management, shall be in addition to any other permits, registrations or occupational licenses which may be required by federal, State or local law.

(5) The applicant shall submit to the Department the following information at the time of application:

- (a) Name of applicant. If the applicant is a partnership or corporation, the name and business address of the principal officers and stockholders and other persons having any financial or controlling interest in the partnership or corporation; provided, that if the corporation is a publicly owned corporation having more than twenty-five (25) shareholders, then only the name and business addresses of the local managing officers shall be required.
- (b) Business history. Whether such applicant has operated a liquid waste transport business in this or another state. If such business or operation was under a franchise, permit or license, the applicant shall provide the identification number of such permit or license; and whether such franchise, permit or license has ever been revoked or suspended and the reasons therefor.
- (c) Existence of business entity. If the applicant is a corporation, applicant shall submit proof of incorporation and, if a foreign corporation, applicant shall provide information certifying that applicant is qualified to do business in the State of Florida. If applicant is other than a corporation and is operating under a fictitious name, applicant shall be required to submit information that such fictitious name is registered and held by applicant.
- (d) The type, number and complete description of all vehicles and other equipment to be used by the applicant. Any new or replace-

ment equipment acquired subsequent to application shall be reported to the Director, Environmental Resources Management, within thirty (30) days of said acquisition. Such application shall be on a form as prescribed by the Director, Environmental Resources Management, and shall include the above information and such other information as requested by the Department of Environmental Resources Management.

(6) Notwithstanding anything in this chapter to the contrary, such liquid waste transporter operating permit shall not be required until ninety (90) days from the effective date of this section.

(7) Monthly reporting required. All liquid waste transporters shall submit on a monthly basis to the Director, Environmental Resources Management, on a form prescribed by the Department, the following information:

- (a) A listing of liquid waste transporting equipment used for the month; and
- (b) A listing of customers served, providing names, addresses of pickup point, type of liquid waste hauled, amounts, and the point(s) to which the waste was delivered. Liquid waste transporters who must file a manifest with other governmental agencies may instead provide the Director, Environmental Resources Management, with a copy of said manifest (on a monthly basis) to satisfy the requirements of this paragraph, in which case the Department reporting form shall not be necessary.
- (8) Immediate reporting required. Upon learning or otherwise becoming aware of any accident, spill, or other discharge which may occur anywhere within the boundaries of Dade County, a liquid waste transporter shall immediately report the same to the Department of Environmental Resources Management.
- (9) It shall be unlawful for any liquid waste transporter to dump, dispose, unload, leak or otherwise discharge, or allow, permit, suffer to be discharged, dumped or disposed any liquid waste or solid waste into a sanitary sewer, manhole, storm sewer, catch basin, french drain, disposal well, soakage pit, solid waste transfer or disposal

facility, recycling facility, waste oil facility or similar structure or on the ground surface, or at any other site in Dade County unless said site is a sewage treatment plant or industrial waste treatment plant or a resource recovery and management facility approved by the Department of Environmental Resources Management to receive said liquid or solid wastes and unless the transporter's permit specifies approval for disposal at said site. For the purpose of this section, the only lawful disposal of waste oil, waste solvents and hazardous wastes shall be in a manner consistent with all federal, State and local regulations.

(10) It shall be the responsibility of all liquid waste generators to utilize a liquid waste transporter having a valid and up-to-date Department of Environmental Resources Management liquid waste transporter operating permit.

(11) Exemptions. The on-site transport of liquid waste to a spot or location within the boundaries of a given facility, location, property or site, and the transportation of fully containerized and hermetically sealed receptacles which are approved by DOT will be excepted from the provisions of this section, provided said transport is passing through Dade County and provided Dade County is not the point of origin, final destination or place of disposal.

(Ord. No. 83-109, § 2, 11-15-83; Ord. No. 85-8, § 2, 2-5-85; Ord. No. 86-98, § 2, 12-16-86)

Sec. 24-12.4. Regulations for the operation of metal recycling facilities.

The intent and purpose of this section is to safeguard the public health, safety and welfare by setting minimum requirements and guidelines for the operation of metal recycling facilities.

(1) Effective January 1, 1995, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any metal recycling facility unless the person has obtained the prior written approval of the director of the Department of Environmental Resources Management or his designee. The director or his designee shall issue his written approval only if:

a. All shredder residue or prepared ferrous scrap which is placed on site shall

be maintained on an impervious area, and

- b. All shredder residue is covered by a roof, or functional equivalent, sufficient to prevent stormwater from coming in contact with the shredder residue, or A stormwater management system approved by the director of the department of environmental resources management or his designee shall be in place to contain, treat properly, handle, and dispose of any stormwater coming in contact with the shredder residue, and
- c. No more than three thousand (3,000) tons of shredder residue shall be maintained on the property at any given time, and
- d. A performance bond in a form acceptable to the director of the department of environmental resources management or his designee is provided in an amount as determined by the director which shall not be less than the disposal cost of the largest quantity of shredder residue to be stored at the facility.

(2) Effective January 1, 1996, all prepared ferrous scrap shall be maintained in an area which either:

- a. Is covered by a roof, or functional equivalent, sufficient to prevent stormwater from coming in contact with the shredder residue or prepared ferrous scrap, or
- b. Contains a stormwater management system approved by the director of the department of environmental resources management or his designee to contain, treat properly, handle, and dispose of any stormwater coming in contact with the shredder residue or prepared ferrous scrap.

(Ord. No. 93-72, § 2, 7-15-93; Ord. No. 93-124, § 1, 11-3-93)

Sec. 24-13. Liquid waste disposal and potable water supply systems.

(1) The intent and purpose of this section is to safeguard the public health, safety, and welfare

by regulating liquid waste storage, disposal and treatment methods other than sanitary sewers and any source of potable water supply.

(2) No person shall discharge or cause, allow, permit, let or suffer to be discharged any liquid waste or other substance of any kind whatsoever into a septic tank other than domestic sewage.

(3) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any residential land use served or to be served by a septic tank or any source of potable water supply until the County or municipal officer, agent, employee or Board affirmatively determines that the residential land use will comply with one (1) or more of the requirements as set forth in subsections 24-13(3)(a), (b), (c), (d), (e), and (f) and Section 24-45(1) of this Code, and, additionally, that the property is not within a feasible distance for a public water main or public sanitary sewers.

Furthermore, notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any residential land use served or to be served by a septic tank or any source of potable water supply until the County or municipal officer, agent, employee or Board affirmatively determines that the residential land use will comply with one (1) or more of the requirements set forth in subsections 24-13(3)(a), (b), (c), (d), (e) and (f) and Section 24-45(1) of this Code, and, additionally, that the property is not within a feasible distance for a public water main or public sanitary sewers.

(a) Where public water is used:

- (i) The minimum lot size for a single-family residence shall be fifteen thousand (15,000) square feet of unsubmerged land;
- (ii) The minimum lot size for a duplex residence shall be twenty thousand

(20,000) square feet of unsubmerged land;

- (iii) The maximum sewage loading for all other residential uses shall be one thousand five hundred (1,500) gallons per day per unsubmerged acre; or

(b) Where public water is not used:

- (i) The minimum lot size for a single-family residence shall be twenty thousand three hundred twenty-eight (20,328) square feet of unsubmerged land;
- (ii) The minimum lot size for a duplex residence shall be twenty-nine thousand forty (29,040) square feet of unsubmerged land;
- (iii) The maximum sewage loading for all other residential uses shall be seven hundred fifty (750) gallons per day per unsubmerged acre; or

(c) In the case of a property owner who has requested to use a tract of land for a single-family residence or duplex residence but which tract of land fails to comply with the minimum lot size requirements of subsections (3)(a)(i) or (3)(a)(ii) hereof and a public right-of-way containing an available and operative public water main or easement containing an available and operative public water main abuts said tract of land, the Director of the Department of Environmental Resources Management or his designee has issued his written approval for the use of a septic tank for such single-family residence or duplex residence. The Director or his designee shall issue his written approval only if he finds that said tract of land was created by deed prior to January 1, 1958, or was created by plat approved by the governmental authorities having jurisdiction prior to January 1, 1972, provided that said tract of land, as created by the originally recorded plat or originally recorded plat or originally recorded deed, has continuously remained in the same form as set forth in the originally recorded plat or deed, or

(d) The Director of the Department of Environmental Resources Management or his des-

ignee has issued his written approval for any residential land use served or to be served by a public water main and a septic tank. The Director or his designee shall issue his written approval only if he finds the following:

- (i) That extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer is not within a feasible distance for public sanitary sewers, and
- (ii) That more than fifty (50) percent of an area, consisting of a minimum of one-quarter mile square extending a minimum of one-eighth of a mile radially from the perimeter of the property, contains land uses served by septic tank(s) and a public water supply, and
- (iii) That the property complies with the minimum lot size requirements and the maximum lot size requirements and the maximum daily domestic sewage flow (sewage loading) requirements of Chapter 10D-6 of the State of Florida Rules of the Department of Health and Rehabilitative Services as same may be amended from time to time, or has obtained a variance from the aforementioned requirements of Chapter 10D-6, and
- (iv) The property was part of a recorded subdivision which was created by plat or deed but said subdivision has not continuously remained as a legally recorded subdivision and the size of each proposed lot is the same or larger than the lots set forth in the recorded subdivision, and
- (v) That if the property is located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the basic wellfield protection area of any public utility potable water supply well, the property complies with subsection 24-12.1(4)(a) and (d) of this Code, and
- (vi) That residential land uses other than a single family residence or a duplex res-

idence shall be in compliance with subsections 24-13(3)(a)(iii), or

- (e) The Director of the Department of Environmental Resources Management or his designee has issued his written approval for a platting action (final plat, waiver of plat, or equivalent municipal platting action) for a residential subdivision which was in existence prior to the effective date of this subsection served or to be served by a public water main and septic tanks. The Director or his designee shall issue his written approval only if he finds the following:
 - (i) The extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer is not

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within a feasible distance for public sanitary sewers, and

- (ii) The original subdivision was created by deed prior to January 1, 1958, or was created by plat prior to January 1, 1972, provided that said tract of land, as created by the originally recorded plat or deed, has continuously remained in the same form as set forth in the originally recorded plat or deed, and
- (iii) The individual lots created by the platting action fail to comply with the minimum lot size requirements of subsections (3)(a)(i) or (3)(a)(ii) hereof, and
- (iv) The proposed subdivision of the originally recorded plat or deed will result in a subdivision containing less than or equivalent number of lots as the original subdivision described in subsection 24-13(3)(e)(ii), and
- (v) That residential land uses other than a single-family residence or a duplex residence shall be in compliance with subsection 24-13(3)(a)(iii), or
- (f) The Director of Environmental Resources Management or his designee has issued his written approval for a platting action (final plat, waiver of plat or equivalent municipal platting action) for a residential subdivision which was not in existence prior to the effective date of this subsection which subdivision is served or to be served by a public water main and septic tanks. The Director or his designee shall issue his written approval only if he finds the following:
 - (i) The extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer is not within a feasible distance for public sanitary sewers, and
 - (ii) The number of lots in the subdivision created by the platting action is derived by dividing the gross area of the property by the minimum lot size for a single-family residence or duplex resi-

dence as set forth in subsections 24-13(3)(a)(i) and 24-13(3)(a)(ii) hereof, and

- (iii) At least one-fourth of the lots in the subdivision exceed the minimum lot size requirements set forth in subsections 24-13(3)(a)(i) and 24-13(3)(a)(ii) hereof and the remaining three-fourths of the lots are equal to or exceed ninety-five (95) percent of the lot size requirement set forth in subsections 24-13(3)(a)(i) and 24-13(3)(a)(ii).

In calculating the square footage of lots in (a), (b), (c), (d), (e) and (f) above, abutting easements and rights-of-way shall be considered to the center lines thereof.

(4) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit (except building permits for repair and maintenance of existing facilities), certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any nonresidential land use served or to be served by any source of potable water supply and a septic tank without obtaining the prior written approval of the Director of the Department of Environmental Resources Management or his designee.

Furthermore, notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy, or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any nonresidential land use served or to be served by any source of public water supply and a septic tank without obtaining the prior written approval of the Director of the Department of Environmental Resources Management or his designee.

The Director or his designee shall issue his written approval if the only liquid waste (excluding liquid wastes associated with the processing of agricultural produce in agricultural packing houses, stormwater and water used within a self-contained water recycling car wash facility, provided said facility does not backwash the re-

cycling filters) which shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into a septic tank and additionally, that the property is not within a feasible distance for public water mains and public sanitary sewers, and only:

- (a) After the owner of the property submits to the Director or his designee a covenant running with the land executed by the owner of the property in favor of Metropolitan Dade County which provides that the only liquid waste (excluding liquid wastes associated with the processing of agricultural produce in agricultural packing houses, stormwater and water used within a self-contained water recycling car wash facility, provided said facility does not backwash the recycling filters) which shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into a septic tank. Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded by the Department of Environmental Resources Management at the expense of the owner of the property; and
- (b) If the Director or his designee determines that the proposed nonresidential land use is in accordance with the following:
 - (i) Where public water is used the maximum allowable sewage loading shall be one thousand five hundred (1,500) gallons per day per unsubmerged acre, or
 - (ii) Where public water is not used the maximum allowable sewage loading shall be seven hundred fifty (750) gallons per day per unsubmerged acre.

In calculating the square footage of lots in (b)(i) and (ii) above, abutting easements and rights-of-way shall be considered to the center lines thereof; and

- (c) If the Director or his designee determines that the existing nonresidential land use for the property or the nonresidential land use requested for the property is served or to be served by an on site domestic well

system and a septic tank and is not one (1) or more of the following nonresidential land uses:

- (i) Establishments primarily engaged in the handling of food and drink except factory prepackaged products and agricultural crops,
- (ii) Educational institutions,
- (iii) Intermediate care facilities,
- (iv) Health care facilities.

Notwithstanding the above, the Director or his designee shall approve the issuance of a building permit for the repair or maintenance of existing facilities.

(5) The following table shall be utilized by the director or his designee to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter. If the Director or his designee receives competent factual data and information such as actual on-site measured sewage flows or actual metered water bills, the director or his designee may utilize this data and information to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter in lieu of the table below. This table shall not be utilized for the sizing of septic tanks. Sizing of septic tanks shall be in accordance with Florida Statutes regarding septic tanks.

Type of Land Use, Gallons Per Day (GPD)

Residential Land Uses:

Single-family residence: 350 (GPD/unit)

Townhouse residence: 250 (GPD/unit)

Apartment residence: 200 (GPD/unit)

Mobile home residence: 300 (GPD/unit)

Duplex or twin home residence: 250 (GPD/unit)

Commercial Land Uses:

Barbershop: 10/100 (GPD/sq. ft.)

Beauty salon or hair boutique: 75 (GPD/chair)

Bowling alley: 100 (GPD/lane)

Dentist's office:

- (a) Per dentist: 250 (GPD/dentist)
- (b) Per wet chair: 200 (GPD/chair)

Physician's office: (250 (GPD/physician))

Full service restaurant (350 GPD minimum):
50 (GPD/seat)

Bar or cocktail lounge: 15 (GPD/seat)

Fast food restaurant (350 GPD minimum): 35
(GPD/seat)

Take-out restaurant (350 GPD minimum): 50/
100 (GPD/sq. ft.)

Hotel or motel: 100 (GPD/room)

Office building: 10/100 (GPD/sq. ft.)

Motor vehicle service station: 10/100 (GPD/sq.
ft.)

Shopping center (dry uses): 5/100 (GPD/sq. ft.)

Stadium, racetrack, ballpark: 3 (GPD/seat)

Store without food service: 5/100 (GPD/sq. ft.)

Theater:

- (a) Indoor auditorium: 3 (GPD/seat)
- (b) Outdoor drive-in: 5 (GPD/space)

Camper or trailer park: 150 (GPD/space)

Banquet halls: 25 (GPD/seat)

Car wash:

- (a) Recycling-type: 750 (GPD/bay)
- (b) Hand-type: 3,500 (GPD/bay)

Coin laundries: 225 (GPD/washer)

Country clubs: 25 (GPD/member)

Funeral homes: 10/100 (GPD/sq. ft.)

Gas station/mini-mart: 450 (GPD/unit)

Health spa/gyms: 35/100 (GPD/sq. ft.)

Veterinarian's office:

- (a) Per veterinarian: 250 (GPD/vet)
- (b) With kennels: 30 (GPD/cage)

Kennels: 30 (GPD/cage)

Marinas: 40 (GPD/slip)

Food preparation outlets (bakeries, meat markets, commissaries - 350 GPD minimum):
50 (GPD/sq. ft.)

Pet grooming:

- (a) Store space: 10/100 (GPD/sq. ft.)
- (b) Per tub: 75 (GPD/tub)

Industrial Land Uses:

Factory without showers: 10/100 (GPD/sq. ft.)

Factory with showers: 20/100 (GPD/sq. ft.)

Airport: 5 (GPD/passenger); 10 (GPD/employee)

House of worship: 3 (GPD/seat)

Hospital: 250 (GPD/bed)

Convalescent or nursing home: 150 (GPD/bed)

Park:

- (a) With toilets only: 5 (GPD/person)
- (b) With showers and toilets: 20 (GPD/person)

Other residential institution or facility (including adult congregate living units): 100 (GPD/person)

School:

- (a) Day care/nursery: 5 (GPD/student)
- (b) Regular school: 10 (GPD/student)
- (c) With cafeteria add: 5 (GPD/student)
- (d) With showers add: 5 (GPD/student)
- (e) Teachers and staff: 15 (GPD/person)

Public swimming facility: 10 (GPD/person)

Warehouse/industrial speculation building: 20/
1000 (GPD/sq. ft.)

Storage warehouse or mini-warehouse: 5/1000
(GPD/sq. ft.)

(6) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee, or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any nonresidential land use served or to be served by any liquid

waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main without obtaining the prior written approval of the Director of the Department of Environmental Resources Management or his designee.

Furthermore, notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any nonresidential land use served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main without obtaining the prior written approval of the Director of the Department of Environmental Resources Management or his designee.

The Director or his designee shall issue his written approval only if:

(a) The Director or his designee determines that the existing nonresidential land use for the property or the nonresidential land use for the property is a nonresidential land use served or to be served by a public water main and is not one (1) or more of the nonresidential land uses permitted under the following Metropolitan Dade County zoning classifications:

- (i) BU-1A (excluding those land uses permitted by BU-1),
- (ii) BU-2 (excluding those land uses permitted by BU-1),
- (iii) BU-3 (excluding those land uses permitted by BU-1),
- (iv) IU-1,
- (v) IU-2,
- (vi) IU-3,
- (vii) IU-C, or

(b) The Director or his designee determines that the existing nonresidential land use for the property or the nonresidential land use requested for the property is a nonresidential land use served or to be served by an on site domestic well system and is not

an establishment primarily engaged in the handling of food and drink (except factory prepackaged products), educational institutions, intermediate care facilities and health care facilities and is not one (1) or more of the nonresidential land uses permitted under the following Metropolitan Dade County zoning classifications:

- (i) BU-1A (excluding those land uses permitted by BU-1 except an establishment primarily engaged in the handling of food and drink (except factory prepackaged products), educational institutions, intermediate care facilities and health care facilities),
- (ii) BU-2 (excluding those land uses permitted by BU-1 except an establishment primarily engaged in the handling of food and drink (except factory prepackaged products), educational institutions, intermediate care facilities and health care facilities),
- (iii) BU-3 (excluding those land uses permitted by BU-1 except an establishment primarily engaged in the handling of food and drink (except factory prepackaged products), educational institutions, intermediate care facilities, and health care facilities),
- (iv) IU-1,
- (v) IU-2,
- (vi) IU-3,
- (vii) IU-C,
- (viii) Unusual uses (excluding fruit and vegetable stands (no food or drinks processing) on a seasonal basis; lake excavation; concrete batching plant; concrete block plant; rock crushing and screening plant; filling of rock pits; rock quarries; radio and television towers and transmitting stations; trailers as watchman's quarters), or
- (c) The owner of the property submits to the Director or his designee a covenant running with the land executed by the owner of the property in favor of Metropolitan Dade County which provides that prior to the

approval, granting or issuance of any building permit, certificate of use and occupancy (except for changes in ownership) or municipal occupational license (except for changes in ownership) the property shall be connected to a public water main and a public sanitary sewers. Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenant shall be recorded in the public records of Dade County, Florida, by the Department of Environmental Resources Management at the expense of the owner of the property, or

- (d) An application has been filed for certificate of use and occupancy or municipal occupational license for a land use served or to be served by a public water main and any liquid waste storage, disposal or treatment method approved prior to September 30, 1983, or, an application has been filed for a certificate of use and occupancy or municipal occupational license for a land use served or to be served by an on site domestic well system and any liquid waste storage, disposal or treatment method other than public sanitary sewers approved prior to June 13, 1986, or
- (e) The Director or his designee determines that the property is served or to be served by a public water main and is served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers, is in compliance with subsections 24-13(4)(a) and (b), and that the existing nonresidential land use for the property or the nonresidential land use requested for the property is one (1) or more of the nonresidential land uses permitted under the Metropolitan Dade County zoning classifications set forth in subsections (6)(a)(i), (ii), or (iii) above, and the owner of the property has executed a covenant running with the land in favor of Metropolitan Dade County which provides that the property shall only be used for those nonresidential uses permitted under Metropolitan Dade County zoning classification BU-1 until such time as the property

is connected to public sanitary sewers. Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public records of Dade County, Florida by the Department of Environmental Resources Management at the expense of the owner of the property, or

- (f) The Director or his designee determines that the property is served or is to be served by an on site domestic well system and is served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers, is in compliance with subsections 24-13(4)(a), (b) and (c), and that the existing nonresidential land use for the property or the nonresidential land use requested for the property is one or more of the nonresidential land uses permitted under the Metropolitan Dade County zoning classifications set forth in subsections (6)(b)(i), (ii), or (iii) above, and the owner of the property has executed a covenant running with the land in favor of Metropolitan Dade County which provides that the property shall only be used for those nonresidential uses permitted under Metropolitan Dade County zoning classification BU-1 (excluding establishments primarily engaged in the handling of food and drink, except factory prepackaged products, educational institutions, intermediate care facilities and health care facilities) until such time as the property is connected to a public water main and a public sanitary sewer. Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded in the public records of Dade County, Florida, by the Department of Environmental Resources Management at the expense of the owner of the property, or
- (g) The Director or his designee determines that no portion of the property is located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the maximum day wellfield protection area of the Alexander

Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the basic wellfield protection area of any public utility potable water supply well, that the owner of the property is applying for a land use prohibited by subsection (6)(a) above, and:

- (i) That extension of public sanitary sewers to serve the property from the nearest available point of connection to an available public sanitary sewer is not within a feasible distance for public sanitary sewers, and
- (ii) That more than fifty (50) percent of an area, consisting of a minimum of one-quarter mile square extending a minimum of one-eighth of a mile radially from the perimeter of the property, contains land uses served by septic tank(s) and public water, and
- (iii) That the property complies with subsections 24-13(4)(a) and (b), and
- (iv) That if the nonresidential land use will handle, use, or store hazardous materials on the property then the water pollution prevention and abatement measures and practices set forth in subsections 24-12.1(5)(a)(i), (ii), (iii), (iv), and (v) of this Code shall be provided. Said water pollution prevention and abatement measures and practices shall be subject to the approval of the Director or his designee, and
- (v) That the owner of the property submits to the Director or his designee a covenant running with the land executed by the owner of the property in favor of Metropolitan Dade County which sets forth the nonresidential land uses to be allowed on the property served by septic tank(s). Said covenant shall only include the nonresidential land uses permitted by the existing Metropolitan Dade County or municipal zoning classification for the property or permitted by the Metropolitan

Dade County or municipal zoning classification requested by the owner of the property and which are determined by the Director or his designee to generate, dispose of, discharge, or store only domestic sewage discharged into a septic tank and not to generate, dispose of, discharge, or store any other liquid waste except storm water or water used within a self-contained water recycling car wash facility, provided said facility does not backwash the recycling filters.

Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded by the Department of Environmental Resources Management at the expense of the owner of the property, and

- (vi) That the property is served or is to be served by a public water supply, or
- (h) The Director or his designee determines that no portion of the property is located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the maximum day wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the basic wellfield protection area of any public utility potable water supply well, that the owner of the property is applying for a land use prohibited by subsection (6)(b)(i), (ii), and (iii) above, and:
 - (i) That extension of a public water main and public sanitary sewer(s) to serve the property from the nearest available point of connection to an available public water main and public sanitary sewers is not within a feasible distance for public water mains and public sanitary sewers.

- (ii) That the property complies with subsections 24-13(4)(a), (b) and (c), and 24-13(6)(g)(v), and 24-45(1).
- (iii) That the nonresidential land use will not use, generate, handle, dispose of, discharge or store hazardous materials on the property.
- (iv) That the nonresidential land use(s) will not have an adverse environmental impact on groundwater quality within the property.

In determining whether a land use does not or will not have an adverse environmental impact on the groundwater quality within the property, the Director or his designee shall consider the following factors:

1. The land use will not be detrimental to the public health, welfare and safety and will not create a nuisance and will not materially increase the level of water pollution within the property;
 2. The use, generation, handling, disposal of, discharge or storage of hazardous materials will not occur on the property;
 3. The only liquid waste (excluding stormwater) which will be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged to a public sanitary sewer or septic tank;
 4. Stormwater runoff shall be retained on the property and disposed of through infiltration drainage systems supplemented with seepage drainage systems, or
- (i) The Director or his designee determines that no portion of the property is located within the Northwest Wellfield protection area or within the West Wellfield Interim protection area or within the maximum day wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah

Wellfield or within the basic wellfield protection area or any public utility potable water supply well, that property is located within the boundaries of a sanitary sewer improvement district approved by the Board of County Commissioners or a municipal governing body, that the owner of the property is applying for a land use prohibited by subsection (6)(a) above, and

- (i) That the property is served or will be served by a public water supply, and
- (ii) That the property complies with the requirements of subsection 24-13(4)(b), and
- (iii) That if the nonresidential land use will generate, handle, store or use hazardous waste on the property then the water pollution prevention and abatement measures and practices listed below shall be provided. Said water pollution prevention and abatement measures and practices shall be subject to the approval of the Director or his designee.
 - a. Monitoring of groundwater, and
 - b. Secondary containment of hazardous wastes stored on the property, and
 - c. Disposal of hazardous wastes by a liquid waste transporter with a valid liquid waste transporters operating permit issued by the Director, and
 - d. Inventory control and recordkeeping of hazardous wastes generated or stored on the property, and
 - e. Stormwater management.
- (iv) That if the nonresidential land use will generate, handle, use or store liquid wastes (excluding hazardous wastes and domestic sewage) on the property then the best management practices listed below shall be provided. Said best management practices shall be subject to the approval of the Director or his designee.
 - a. Disposal of liquid wastes, other than domestic sewage, by a liquid

waste transporter with a valid liquid waste transporter operating permit issued by the Director, and

- b. Inventory control and record keeping of liquid wastes, other than domestic sewage, generated and stored on the property.
- (j) The Director or his designee determines that the property is located within the maximum day wellfield protection area of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the basic wellfield protection area of any public utility potable water supply well, that the property is located within the boundaries of a sanitary sewer improvement district approved by the Board of County Commissioners or a municipal governing body, that the owner of the property is applying for a land use prohibited by subsection (6)(a) above, and
 - (i) That the property is served or is to be served by a public water supply, and
 - (ii) That the property complies with subsection 24-13(4)(b), and
 - (iii) That the property complies with the requirements of subsections 24-12.1(5)(a), (b), (c), and
 - (iv) That if the nonresidential land use will handle, generate, store, or dispose of liquid wastes (excluding hazardous wastes), other than domestic sewage discharged to a septic tank, on the property, then the following best management practices shall be provided:
 - a. Monitoring of groundwater, and
 - b. Secondary containment of liquid wastes stored on the property, and
 - c. Disposal of liquid wastes by a liquid waste transporter with a valid liquid waste transporter operating permit issued by the Director, and
 - d. Inventory control and recordkeeping of liquid wastes other than domestic sewage discharged to a septic tank, and

e. Stormwater management.

Said best management practices shall be subject to the approval of the Director or his designee, and

(7) Notwithstanding any provision of this Code, when an approved public gravity sanitary sewer or approved sanitary sewer force main is available and operative in a public right-of-way or easement abutting the property, the use of any liquid waste storage, disposal or treatment methods shall cease within ninety (90) days of the date that the Director or his designee determines that the approved public sanitary sewer is available and operative. Thereafter, all liquid wastes that are generated, handled, disposed of, discharged or stored on the property shall be discharged to an approved and operative gravity sanitary sewer or approved sanitary sewer force main except those liquid wastes, other than domestic sewage, that are permitted by this chapter to be generated, handled, treated or stored on the property. Notwithstanding the foregoing, graywater may, at the option of the property owner, be discharged to a graywater disposal system approved by the director or his designee.

(8) Notwithstanding any provision of this Code, the use of any liquid waste storage, disposal or treatment methods (excluding public sanitary sewers and stormwater disposal methods) for any nonresidential land use within the Northwest Wellfield protection area, within the West Wellfield Interim protection area, the maximum day pumpage wellfield protection areas of the Alexander Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield or within the basic wellfield protection area of any public utility potable water supply well shall cease within six (6) months from the date that the Director or his designee determines that an approved public gravity sanitary sewer has been made available and operative in any portion of the public right-of-way or easement abutting the property, or the use of any liquid waste storage, disposal or treatment methods (excluding public sanitary sewers and stormwater disposal methods) for any nonresidential land use which exceeds the maximum allowable sewage loading permitted by subsection 24-

13(4)(b) of this Code, shall cease within six (6) months from the date that the Director or his designee determines that an approved public gravity sanitary sewer has been made available and operative in any portion of the public right-of-way or easement abutting the property. Thereafter, all liquid wastes that are generated, handled, disposed of, discharged or stored on the property shall be discharged to an approved and operative gravity sanitary sewer except those liquid wastes, other than domestic sewage, that are permitted by this chapter to be generated, handled, treated or stored on the property.

(9) Interim sewage treatment plants which serve any property within one-quarter mile from a public sanitary sewer which ultimately discharges to a regional sewage treatment plant of the Miami-Dade Water and Sewer Authority Department shall cease operation when the aforesaid public sanitary sewer is made operable and available. The sewage flowing to the aforesaid interim sewage treatment plants shall be diverted and transmitted to public sanitary sewers for ultimate discharge to a regional sewage treatment plant of the Miami-Dade Water and Sewer Authority Department. Private interim sewage treatment plants shall cease to operate within six (6) months from the date the said public sanitary sewer is made operable and available. Public interim sewage treatment plants operated by a utility shall cease to operate within two (2) years from the date the said public sanitary sewer is made operable and available. The aforesaid one-quarter mile distance shall be measured from the closest point of any of the properties served by the aforesaid interim sewage treatment plants and the nearest available point of connection within a public right of way or public easement to the aforesaid public sanitary sewer.

(Ord. No. 70-44, § 6, 6-2-70; Ord. No. 71-63, §§ 1, 2, 7-20-71; Ord. No. 71-90, §§ 1, 2, 11-2-71; Ord. No. 71-91, §§ 1—4, 11-16-71; Ord. No. 72-76, § 5, 10-31-72; Ord. No. 75-27, § 9, 5-7-75; Ord. No. 83-82, § 5, 9-20-83; Ord. No. 83-96, § 3, 10-18-83; Ord. No. 84-59, § 4, 7-3-84; Ord. No. 85-5, § 4, 1-22-85; Ord. No. 85-54, § 5, 7-16-85; Ord. No. 85-97, § 3, 11-5-85; Ord. No. 86-42, § 5, 6-3-86; Ord. No. 86-98, § 3, 12-16-86; Ord. No. 88-64, §§ 2, 3, 7-5-88; Ord. No. 89-80, § 5, 7-27-89; Ord. No. 94-154, § 2, 7-28-94; Ord. No. 96-122, § 1, 7-18-96)

Annotation—AO 4-42.

Sec. 24-14. Nuisance prohibited.

No person shall cause, or allow to be caused, any nuisance or sanitary nuisance as defined in Sections 24-3(42), 24-3(58) and/or 24-26 hereof. In addition to all other remedies he may have, the Director, Environmental Resources Management, is authorized to seek, in the appropriate court, injunctive relief, both of a temporary and perma-

[illegible][illegible][illegible]

nent nature, against any person causing or allowing to be caused, any such nuisance.

(Ord. No. 72-76, § 6, 10-31-72; Ord. No. 75-27, § 10, 5-7-75)

Sec. 24-15. Prohibitions against air pollution.

No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere from any single source of emission whatsoever, any air contaminant for more than three (3) minutes in any hour which at the emission point is:

- (a) Equal to or greater than the density that is designated as number 2 on the Ringelmann Chart as published in the U.S. Bureau of Mines Information Circular No. 7718. Other standards may be used to measure smoke density which give results equivalent or comparable to those obtained using said chart, if such standards of measurement are approved by and acceptable to the Director, Environmental Resources Management.

- (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than number 2 on the Ringelmann Chart.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 11, 5-7-75)

Sec. 24-15.1. Prohibitions against motor vehicles as sources of air pollution.

(1) *Prohibited Conditions:* It shall be unlawful after the effective date of this section for the owner of a motor vehicle to operate, permit or allow to be operated a motor vehicle which:

- (a) Emits air contaminants as dark as or darker in shade than that designed as number 1 on the Ringelmann Chart or of such an opacity equal to or greater than twenty (20) per cent for longer than five (5) consecutive seconds; or
- (b) Has had any of its emission control devices, as installed at the time of manufacture, removed, disconnected and/or disabled; or
- (c) Is powered by any fuel that may defeat the design purpose of the motor vehicle's emission control devices, including but not limited to leaded gasoline used in a motor vehicle designed to be powered by unleaded gasoline.

(2) Emission Limiting Standards Applicable to Gasoline-Powered Motor Vehicles:

- (a) *Light duty vehicles (passenger vehicles with net weight of 5,000 pounds or less):*

Manufacturer's Model Year	Hydrocarbons, PPM Exhaust Emission Vehicle at Idle	Carbon Monoxide, % Exhaust Emission Vehicle at Idle
1975-1977	500	5.0
1978-1979	400	4.0
1980	300	3.0
1981+	220	1.2

- (b) *Light duty trucks, vans, and passenger vehicles (gross vehicle weight of 6,000 pounds or less):*

Manufacturer's Model Year	Hydrocarbons, PPM Exhaust Emission Vehicle at Idle	Carbon Monoxide, % Exhaust Emission Vehicle at Idle
1975-1977	500	6.0
1978-1979	450	5.0
1980	300	3.0
1981-1984	250	2.0
1985+	220	1.2

- (c) *Light duty trucks, vans, and passenger vehicles (gross vehicle weight of 6,001 pounds to 10,000 pounds):*

Manufacturer's Model Year	Hydrocarbons, PPM Exhaust Emission Vehicle at Idle	Carbon Monoxide, % Exhaust Emission Vehicle at Idle
1975-1977	750	6.5
1978-1979	600	5.5
1980	400	4.5
1981-1984	300	3.0
1985+	220	1.2

(3) *Motor Vehicles Exempted:* The provisions of this section shall not apply to off-highway farm, forest and construction equipment being moved from one (1) work location to another.

(4) Inspection:

- (a) Compliance shall be verified through an inspection program established by the Department. Vehicle emission levels shall be tested in accordance with applicable criteria contained in Chapter 17-242 of the Florida Administrative Code, as amended from time to time.

- (b) Whenever evidence has been obtained or received establishing that a violation of this section has been committed, the Director, Environmental Resources Management, or Director's designee, shall issue a notice to correct the violation or a citation to cease the violation and cause the same to be served upon the violator by personal service or certified mail. Such notice or citation shall set forth the nature of the violation and specify a reasonable time within which the violation shall be rectified or stopped, commensurate with the circumstances.
- (c) Such notice or citation shall specify a reasonable time and place for a reinspection of the motor vehicle to confirm that the violation has been corrected. "Reasonable time" herein means the shortest practicable time to rectify or stop the violation. If a determination has been made by the Director or his designee that a violation of the provisions of this section may result in adverse health impact in a public area, the

owner/operator of the vehicle in violation shall be required to correct the violation by immediately removing the vehicle from the affected public area.

- (d) Further, said vehicle shall not be allowed to resume operation within the affected public area until it demonstrates full compliance with the provisions of this section.
- (e) If notice to correct the violation or citation to cease the violation is not obeyed within the time set forth therein, the Director, Environmental Resources Management, or the Director's designee, shall have the power and authority to issue an order requiring the violator to restrict, cease or suspend operation of the motor vehicle causing the violation until the violation is corrected. Any order issued by the Director, Environmental Resources Management, or the Director's designee hereunder may be enforced by suit brought by him in the appropriate court of competent jurisdiction.

(Ord. No. 85-88, § 1, 10-1-85; Ord. No. 89-72, § 1, 7-25-89)

Sec. 24-16. Dust and fumes.

(1) No person shall cause, let, permit, suffer or allow the emission in any one (1) hour from any source whatsoever, dust and fumes in total quantities in excess of the amounts shown in the following table:

DUST AND FUMES TABLE

<i>Process Wt./hr.(lbs.)</i>	<i>Maximum Weight Disch./hr.(lbs.)</i>	<i>Process Wt./hr.(lbs.)</i>	<i>Maximum Weight Disch./hr.(lbs.)</i>
50	.24	900	2.62
100	.46	950	2.72
150	.66	1000	2.80
250	1.03	1200	3.12
200	.852	1100	2.97
300	1.20	1300	3.26
350	1.35	1400	3.40
400	1.50	1500	3.54
450	1.63	1600	3.66
500	1.77	1700	3.79
550	1.89	1800	3.91
600	2.01	1900	4.03
650	2.12	2000	4.14
700	2.24	2100	4.24
750	2.34	2200	4.34
800	2.43	2300	4.44
850	2.53	2400	4.55

<i>Process Wt./hr.(lbs.)</i>	<i>Maximum Weight Disch./hr.(lbs.)</i>	<i>Process Wt./hr.(lbs.)</i>	<i>Maximum Weight Disch./hr.(lbs.)</i>
2500	4.64	5500	7.03
2600	4.74	6000	7.37
2700	4.84	6500	7.71
2800	4.92	7000	8.05
2900	5.02	7500	8.39
3000	5.10	8000	8.71
3100	5.18	8500	9.03
3200	5.27	9000	9.36
3300	5.36	9500	9.67
3400	5.44	10000	10.0
3500	5.52	11000	10.63
3600	5.61	12000	11.28
3700	5.69	13000	11.89
3800	5.77	14000	12.50
3900	5.85	15000	13.13
4000	5.93	16000	13.74
4100	6.01	17000	14.36
4200	6.08	18000	14.97
4300	6.15	19000	15.58
4400	6.22	20000	16.19
4500	6.30	30000	22.22
4600	6.37	40000	28.3
4700	6.45	50000	34.3
4800	6.52	60000	40.0
4900	6.60	or	
5000	6.67	more	

(2) To use this table take the process weight rate; then find this figure on the table; opposite is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one (1) hour.

(Ord. No. 67-95, § 1, 12-19-67)

Sec. 24-17. Sulfur dioxide.

(1) **Ambient air quality standards.** No person, firm, corporation, or other entity shall cause, let, permit, suffer or allow any emission of sulfur dioxide which would exceed any of the following standards in any part of Dade County:

- (a) Annual arithmetic mean—25 micrograms per cubic meter (0.007 parts per million);
- (b) Twenty-four-hour concentration—110 micrograms per cubic meter (0.040 parts per

million), not to be exceeded more than once per year;

- (c) Three-hour concentration—350 micrograms per cubic meter (0.130 parts per million), not to be exceeded more than once per year.

(2) **Emission standards.** No person, firm, corporation or other entity shall cause, let, permit, suffer or allow the emission of sulfur dioxide from any stationary fossil fuel fired combustion source

located in Dade County and exceeding the following standards:

- (a) Source with more than two hundred fifty million (250,000,000) Btu per hour heat input:
 - (i) New sources subsequent to the effective date of this section:
 - a. 0.8 pound per million Btu heat input when liquid fuel is burned;
 - b. 1.2 pounds per million Btu heat input when solid fuel is burned.
 - (ii) Existing sources no later than one (1) year after the effective date of this section:
 - a. 1.1 pounds per million Btu heat input when liquid fuel is burned;
 - b. 1.5 pounds per million Btu heat input when solid fuel is burned.
- (b) New and existing stationary fossil fuel fired combustion sources with two hundred fifty million or less Btu per hour heat input:
 - (i) 1.1 pounds per million Btu heat input, when liquid fuel is burned;
 - (ii) 1.5 pounds per million Btu heat input, when solid fuel is burned.
- (c) Notwithstanding any other requirement of this section, fossil fuel fired steam generating plants with stack heights less than four hundred (400) feet above ground level shall not cause, let, permit, suffer or allow the emission of sulfur dioxide to exceed 0.55 pound per million Btu heat input. In addition, any such fossil fuel fired steam generating plants with a maximum heat input greater than two hundred fifty million (250,000,000) Btu per hour heat input shall limit the use of fuel oils to start up only, and shall burn one hundred (100) percent natural gas during all other phases of operation.

New sources approved after the effective date of this section shall comply with the provisions herein. Existing sources ap-

proved on or before the effective date of this section shall comply with the provisions of this section no later than one (1) year after effective date of this section.

(3) Sampling and testing.

- (a) All persons shall, upon request of the Department, provide continuous automatic monitoring, testing and records of contaminants being emitted from a source;
- (b) All persons shall provide facilities for continuously determining the input process weight or input heat when such factors are the basis for limiting standards;
- (c) Any person, firm, corporation or other entity responsible for the emission of air pollutants from any source shall, upon request of the Department, provide in connection with such sources and related source operations, such sampling and testing facilities as may be necessary for the proper determination of the nature and quantity of air pollutants which are, or may be emitted as a result of such operation;
- (d) When the Department, upon investigation, has good reason to believe that the provisions of this section concerning emission of pollutants are being violated, it may require the person, firm, corporation or other entity responsible for the source of pollutants to conduct tests which will identify the nature and quantity of pollutant emissions from the source and to provide the results of said tests to the Department. These tests shall be carried out under the supervision of the Department, and at the expense of the person responsible for the source of pollutants;
- (e) All analyses and tests shall be conducted in a manner specified by the Department. Results of analyses and tests shall be calculated and reported in a manner specified by the Department;
- (f) Analyses and tests for compliance may be performed by the Department at the cost of

the person responsible for the emission of air pollutants.
(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 12, 5-7-75; Ord. No. 76-52, §§ 1, 2, 6-1-76; Ord. No. 86-17, § 1, 3-4-86)

Sec. 24-18. Open burning.

No person shall ignite, cause to be ignited, permit to be ignited or suffer, allow or maintain any open outdoor fire except as provided in Section 24-19.
(Ord. No. 67-95, § 1, 12-19-67)

Sec. 24-19. Exceptions to prohibition against open burning.

The following fires are excepted from the provisions of this chapter:

- (1) Fires used only for noncommercial cooking of food for human beings or for recreational purposes.
- (2) Any fire set or permitted by the Director, Environmental Resources Management, in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, including the disposal of dangerous materials when there is no safe alternate method of disposal, or in the instruction of public employees in the methods of fighting fires, which fire is, in the opinion of such official, necessary.
- (3) Fires set for the purpose of instruction in the methods of fighting fires, provided prior permission has been granted by a public officer in the performance of official duty and by the Director, Environment Resources Management.
- (4) An agricultural fire set by or permitted by the Director, Environmental Resources Management, if such fire is for the purpose of disease and pest prevention, or for frost protection.
- (5) Smokeless flares or safety flares for the combustion of waste gases.
- (6) A fire set or permitted by the Director, Environmental Resources Management,

Metro-Dade Fire Department, and under his control for the purpose of nonrecurrent clearing of debris from land, agricultural and silviculture.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 13, 5-7-75)

Sec. 24-20. Storage and handling of petroleum products.

(A) The provisions of this section shall apply to the owners and operators of all loading facilities, motor vehicle fuel delivery vessels and motor vehicle fuel service stations dispensing, distributing or storing gasoline, gasohol or other petroleum distillates having a Reid vapor pressure of one and five-tenths (1.5) pounds per square inch absolute or greater under actual storage conditions. For the purpose of this section, any petroleum distillate having a Reid vapor pressure of four (4.0) pounds per square inch or greater shall be included in the term "gasoline."

(B) It shall be unlawful for any person to place, store or hold in any stationary tank, reservoir or other container of more than forty thousand (40,000) gallons capacity any gasoline, gasohol or any petroleum distillate unless such stationary tank, reservoir, or other container is a pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

- (1) A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline, gasohol or petroleum distillate has a Reid vapor pressure of eleven (11.0) pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling ports shall be vapor-tight except when gauging or sampling is taking place.
- (2) A vapor recovery system capable of collecting and processing the hydrocarbon va-

ports and gases produced in order to prevent their emission to the atmosphere. All tank gauging and sampling ports shall be maintained in a vapor-tight condition except when gauging or sampling is taking place.

- (3) Other equipment of equivalent efficiency, provided that plans for such equipment are submitted to and approved by the Director of the Department of Environmental Resources Management or his designee.

(C) It shall be unlawful for any person to dispense or to permit, cause, allow, let or suffer the dispensing of gasoline, gasohol or any petroleum distillate into any motor vehicle fuel tank or into any motor vehicle fuel delivery vessel from any loading facility unless such loading facility is equipped with a vapor collection system or its equivalent, properly installed, and operational, as approved by the Director of the Department of Environmental Resources Management or his designee. When dispensing gasoline, gasohol or other petroleum distillates through the hatches of a motor vehicle fuel delivery vessel with a loading arm equipped with such vapor collection system, a pneumatic, hydraulic or other mechanical device shall be installed to create a vapor-tight seal between the loading arm and the hatch. For all other loading of gasoline, gasohol and other petroleum distillates effected through means other than hatches, delivery lines shall be equipped with fittings which create vapor-tight connections and which close automatically when disconnected. The vapor collection system required herein shall be one of the following:

- (1) A vapor-liquid absorption system with a minimum recovery efficiency of ninety (90) percent by weight of all the hydrocarbon vapors and gases entering into such collection system.
- (2) A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases entering into such collection system or displace from the motor vehicle delivery vessel.
- (3) Another system of equivalent efficiency to the vapor collection systems described in (1) and (2) above, provided that plans for

such systems are submitted to and approved by the Director of the Department of Environmental Resources Management or his designee.

(D) It shall be unlawful for any person to construct or operate, or to permit, cause, allow, let or suffer the construction or operation of a motor vehicle fuel service station after December 14, 1990 without said station being completely equipped with balanced or vacuum assist systems or equivalent systems approved by the Director of the Department of Environmental Resources Management or his designee, with a minimum design efficiency of a ninety-five (95) percent recovery rate.

(E) It shall be unlawful for any person to operate, or to permit, cause, allow, let or suffer the operation of a motor vehicle fuel service station utilizing a balanced or vacuum assist system or approved equivalent system for the control of gasoline or gasohol vapors resulting from motor vehicle fueling operations without conspicuously posting operating instructions for the system in the motor vehicle fuel dispensing area. The instructions shall clearly describe the correct method to dispense fuel to motor vehicles with the vapor recovery nozzles utilized at the station.

(F) It shall be unlawful for any person to utilize, or to permit, cause, allow, let or suffer the utilization of any vapor recovery system not operating in accordance with plans approved by the Director of the Department of Environmental Resources Management or his designee.

(G) Notwithstanding the foregoing provisions of this section, the following persons shall not be required to comply with the requirements of this section until December 14, 1993.

- (1) Any person who is operating a motor vehicle fuel service station with all the required operating permits pursuant to Section 24-35.1 of the Code of Metropolitan Dade County, Florida on December 14, 1990.
- (2) Any person who has obtained, on or before December 14, 1990, the written approval of the Director of the Department of Environmental Resources Management or his des-

ignee for the construction of a new motor vehicle fuel service station and has a certificate of occupancy.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 90-136, § 2, 12-4-90; Ord. No. 92-34, § 2, 5-5-92)

Sec. 24-21. Incinerator burning.

No person shall burn any combustible refuse in any incinerator in Dade County except in a multi-chamber incinerator as described in this chapter, or in equipment found by the Director, Environmental Resources Management, in advance of such use to be equally effective for the purpose of air pollution control as an approved multi-chamber incinerator. The maximum discharge of particulate matter shall not exceed two-tenths grains per standard cubic foot of dry gas corrected to fifty (50) percent excess air.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 14, 5-7-75)

Sec. 24-22. Oil-effluent water separator.

A person shall not use any compartment of any single or multiple compartment oil-effluent water separator which compartment receives effluent water which contains two hundred (200) gallons a day or more of any petroleum product or mixture of petroleum products from any equipment processing, refining, treating, storing or handling kerosene or other petroleum product of equal or greater volatility than kerosene, unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

- (1) A solid cover with all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gastight except when gauging or sampling is taking place.
- (2) A floating roof, consisting of a pontoon type or double-deck roof resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and container wall. All gauging and sampling devices shall be gastight except when gauging or sampling is taking place.

(3) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gastight except when gauging or sampling is taking place.

(4) Other equipment of equal efficiency, provided plans for such equipment are submitted to and approved by the pollution control officer. For the purpose of this rule, "kerosene" is defined as any petroleum product which, when distilled by ASTM standard test Method D 86-56, will give a temperature of four hundred one (401) degrees Fahrenheit or less at the ten (10) percent point recovered.

(Ord. No. 67-95, § 1, 12-19-67)

Sec. 24-23. Reduction of animal matter.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

- (1) Incidental at temperatures of not less than one thousand six hundred (1,600) degrees Fahrenheit for a period of not less than three-tenths second; or
- (2) Proceed in a manner determined by the Director, Environmental Resources Management, to be equally, or more, effective for the purpose of air pollution control than (1) above.

A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by the Director, Environmental Resources Management, for indicating temperature, pressure or other operating conditions.

For the purpose of this rule, "reduction" is defined as any heated process, including rendering,

cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

The provisions of this rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 15, 5-7-75)

Sec. 24-24. Sampling and testing.

A person responsible for the emission of air contaminants from any source shall, upon request of the Director, Environmental Resources Management, provide in connection with such sources and related source operations, such sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for the proper determination of the nature, extent, quantity, and degree of air contaminants which are, or may be, emitted as a result of such operation.

- (1) Such facilities may be either permanent or temporary at the discretion of the person responsible for their provision and shall be suitable for the use of methods and equipment specified by the Director, Environmental Resources Management, who shall indicate in writing the required size, number and location of sampling holes; the size and location of the sampling platform; and the utilities for operating the sampling and testing equipment.

The facilities shall comply with all applicable laws and regulations concerning safe construction and safe practice in connection with such facilities.

- (2) When the Director, Environmental Resources Management, has good reason to believe that the provisions of this chapter concerning emission of contaminants are being violated, he may require the person responsible for the source of contaminants to conduct tests which will show the contaminant emissions from the source and to provide the results of said tests to the Director, Environmental Resources Management. These tests shall be carried out under the supervision of the Director, Environ-

mental Resources Management, or his designated representative and at the expense of the person responsible for the source of contaminants.

- (3) All analyses and tests shall be calculated and reported on the basis of dry gas at standard conditions as defined herein.
- (4) Analyses and tests for compliance may be performed by the staff of the Director, Environmental Resources Management, at the cost of the operator.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 16, 5-7-75)

Sec. 24-25. Refrigerants.

(1) It shall be unlawful for any person, after one (1) year from the effective date of the ordinance from which this section derives, to recharge or cause, let, allow, permit, or suffer the recharging of refrigerant into any refrigeration system without properly using approved recycling or recovery equipment and without an operating permit pursuant to Section 24-35.1 of this Code.

(2) It shall be unlawful for any person, after one (1) year from the effective date of the ordinance from which this section derives, to release or cause, let, allow, permit or suffer the releasing of any refrigerant from any refrigeration system into the ambient air of the Earth.

(3) It shall be unlawful for any person, after the effective date of the ordinance from which this section derives to sell, offer for sale or cause, let, allow, permit or suffer the sale or offering for sale of any kind of refrigerant in any container with a capacity of less than twenty (20) pounds.

(4) It shall be unlawful for any person, after one (1) year from the effective date of the ordinance from which this section derives, to sell or distribute or to offer to sell or distribute any kind of refrigerant to any person who has not obtained an operating permit pursuant to Section 24-35.1 of this Code.

(5) It shall be unlawful for any person, after one (1) year from the effective date of the ordinance from which this section derives, to sell or distribute or offer to sell or distribute any refrigerant without having obtained an operating permit pursuant to Section 24-35.1 of this Code.

(6) Recovered refrigerant which cannot be reused or recycled shall be disposed in a manner approved in writing by the Director of the Department of Environmental Resources Management or his designee.

(Ord. No. 91-90, § 2, 9-16-91)

Sec. 24-25.1. Sale and manufacture of products which use an ozone-depleting compound as a propellant or source of energy.

It shall be unlawful for any person after the effective date of the ordinance from which this section derives to sell, offer for sale or to manufacture or to cause, let, allow, permit or suffer the sale, offering for sale, or the manufacture of any Class I and Class II ozone-depleting compound utilized as a propellant or source of energy.

(Ord. No. 91-90, § 3, 9-16-91; Ord. No. 94-70, § 2, 5-3-94)

Sec. 24-25.2. Fire extinguishing systems using halon.

(1) Except as required by the South Florida Fire Prevention Code, as same may be amended from time to time, or as required by State law, rule or regulation, it shall be unlawful after the effective date of the ordinance from which this section derives for any person to release or cause, let, allow, permit, or suffer the releasing of any halon from a fire extinguishing system during the training of personnel or the testing of the fire extinguishing system.

(2) It shall be unlawful for any person, after one (1) year from the effective date of the ordinance from which this section derives, to repair, service or maintain or to cause, let, allow, permit or suffer the repairing, servicing or maintenance of any fire extinguishing system without properly using approved recycling or recovery equipment.

(3) Recovered halon which cannot be reused or recycled shall be disposed of in a manner approved in writing by the Director of the Department of Environmental Resources Management or his designee.

(Ord. No. 91-90, § 4, 9-16-91)

Sec. 24-25.3. Certain products prohibited.

It shall be unlawful after the effective date of this ordinance to sell, offer for sale, distribute or manufacture or cause, let, allow, permit, or suffer the sale, offering for sale, distribution or manufacture of any plate, bowl (excluding lids), cup (excluding lids), or open tray which contains any Class I ozone-depleting compound or which has been manufactured by the use of a Class I ozone-depleting compound as a blowing agent.

(Ord. No. 91-90, § 5, 9-16-91; Ord. No. 94-70, § 3, 5-3-94)

Sec. 24-25.4. Adoption by reference of Federal exceptions.

The exceptions set forth in Section 604(d), (e), (f), and (g) and in Section 605(d) of the Federal Clean Air Act Amendments of 1990 are adopted by reference as if said exceptions were fully set forth in this chapter.

(Ord. No. 91-90, § 6, 9-16-91)

Sec. 24-26. Nuisances injurious to health (sanitary nuisances).

(1) The following conditions existing, permitted, maintained, kept or caused by any individual, municipal organization or corporation, governmental or private, shall constitute a sanitary nuisance:

- (a) Untreated or improperly treated or disposed of human waste, garbage, offal, dead animals or dangerous waste materials.
- (b) Improperly built or maintained septic tanks, water closets or privies.
- (c) Discharging, or allowing the discharge of septic tank pump-out wastes into streams, or surface waters or underground aquifers or into ditches, drainage structures or on the ground surface.

- (d) Supplying potable water without providing disinfection by a public water supply system.
- (e) Air pollution which is harmful to human beings, animal life, or plant life.
- (f) Water pollution which is harmful to human beings, animal life, or plant life.
- (g) Ground pollution which is harmful to human beings, animal life, or plant life.
- (h) Objectionable odors which are harmful to human beings or animal life.

(2) The Director, Environmental Resources Management, is authorized to investigate any condition or alleged nuisance in any place within the County, and if such condition is determined to constitute a sanitary nuisance, he shall serve notice upon the proper party or parties to remove, abate, or correct the said nuisance within twenty-four (24) hours or such other reasonable time as he may determine.

It shall be the duty of said Director, Environmental Resources Management, to institute proceedings in the appropriate court against all persons failing to comply with notices to remove, abate or correct said nuisance conditions.

(3) It shall be unlawful for any person to cause, maintain or allow to be caused or maintained any sanitary nuisance as defined in Section 24-3(58). (Ord. No. 72-76, § 7, 10-31-72; Ord. No. 75-27, § 17, 5-7-75; Ord. No. 91-61, § 4, 5-21-91)

Sec. 24-27. Spraying of substances containing asbestos.

It shall be unlawful within Dade County, for any person, firm or corporation, to cause or to permit the spraying of any substance containing asbestos, as defined in Section 24-3, in or upon any building, structure, column, frame, floor, ceiling or other portion, part or member thereof, during its construction, reconstruction, alteration or repair; provided, however, that such enclosed factories, buildings or structures in which the fabrication or manufacture of products containing asbestos is carried on shall not be subject to this provision.

(Ord. No. 72-76, § 8, 10-31-72; Ord. No. 75-27, § 18, 5-7-75)

Sec. 24-27.1. Prohibited plant species.

(A) The importation, transportation, sale, propagation, and planting of the following plant species are prohibited in Dade County:

- (1) Cajeput (*Melaleuca quinquenervia*),
- (2) Australian pine (*Casuarina* spp.),
- (3) Brazilian pepper (*Schinus terebinthifolius*).

(B) Definitions for Section 24-27.1(A)(1), (2), (3) and (C):

- (1) *Importation* shall mean the conveyance by any means of plants into Dade County.
- (2) *Planting* shall mean the placing on or setting into the ground of live plant material.
- (3) *Propagation* shall mean the physical act of causing plants to multiply by any process of reproduction from plant stock.
- (4) *Sale* shall mean the act of transferring or conveying plants to a purchaser for consideration.
- (5) *Transportation* shall mean the act of carrying or conveying plants from one place to another for the purpose of sale, planting, importation or propagation.

(C) Variances.

(1) A variance by the Director of DERM from the transportation, propagation and planting prohibitions of this section may be requested, subject to the conditions justifying variance approval outlined below in Section 24-27.1(C)(2)(a)–(c). Said variance request shall be made in writing to the Director of DERM and shall include the following information:

- (a) Name and address of the person or persons requesting the variance.
- (b) Location of the property for which the variance is requested.
- (c) A sketch or drawing indicating the location within the subject property where the planting or field propagation of the otherwise prohibited plant species will occur. (Container propagation shall be exempt from said sketch or drawing requirements.)

- (d) The reason or reasons for requesting the variance.
- (2) The Director of DERM may, in his discretion, issue a variance from the provisions of this section only when, in the opinion of the Director of DERM, all of the following conditions justifying variance approval, when applicable, are met:
 - (a) The plant species for which the variance is requested is limited to *Casuarina cunninghamiana* and/or to *Casuarina glauca* grafted to *Casuarina cunninghamiana* or *C. equisetifolia* rootstock. No variance shall be issued for any other noxious species.
 - (b) The subject planting or propagation does not occur within the proximity of any environmentally sensitive areas (e.g., wetlands, hammocks, pinelands).
 - (c) If the variance request involves planting, no alternative plant species could be used to fulfill the same purpose or purposes for planting.
- (3) The Director of DERM shall issue or deny a variance request within thirty (30) days of receipt of a variance request, provided the variance request contains all the required information described in 24-27.1(C)(1)(a) through (d) above. Failure of the Director to act within the prescribed time shall constitute granting of the requested variance. (Ord. No. 82-68, § 2, 7-20-82)

Sec. 24-28. Statements of approved water or sewer service.

(a) Any public utility holding a valid certificate pursuant to Sections 32-33 and 32-39 of the Code that desires to apply for a change of rate or to change any rule or regulation as provided by Section 32-64 shall file with the Board or DERM a request for a statement of approved water quality or approved sewage service.

(b) The DERM shall within ten (10) days from the date of such request set a hearing date for consideration by the Board of such request in all cases not exempted under subsection (c), below.

(c) A municipal public utility is exempted from the hereindescribed public hearing process before the Board if both of the following conditions are met:

- (1) The utility holds a valid County operating permit pursuant to Section 24-35.1, and
- (2) Not more than twenty (20) percent of the utility's gross revenues are generated from customers located outside of the municipality.

If the utility obtains an exemption by having met the above two (2) conditions, said utility must obtain a statement of approval from the DERM.

(d) In determining whether or not a public utility is entitled to a statement of approved water quality or approved sewer service, the Board shall consider the water and effluent quality requirements of Chapter 24 and other evidence including public comments regarding the overall quality of service. If the Board finds that the utility has provided reasonable and satisfactory water quality and sewage service to the public, it shall issue its statement of approved water quality or approved sewage service which shall be valid for one (1) year from the date of issuance. The validity of the statement may be extended by the Board for a period not to exceed six (6) months beyond the original expiration date. Such a statement shall also indicate "excellent," "good" or "fair" quality of service depending on which, in the opinion of the Board, is most appropriate.

(e) The public utility shall send a written notice to each customer informing:

- (1) That the utility plans to file for a rate increase;
- (2) The date, time and place of public hearing as set by DERM;
- (3) The name, address and phone number of DERM; and
- (4) The name, address and phone number of the consumer advocate.

The notice shall be reviewed and approved by DERM and shall be mailed at least twenty (20) days prior to the hearing. In the event that the hearing on the matter is continued, mailed no-

tices of the continuation may be disposed with by the Board.

The Board may issue a conditional certificate pursuant to this section if it determines that certain improvements of said water and/or sewer utility are necessary or desirable to increase the quality of service provided to the consumers, and said conditions and improvements shall be specifically set out within said Board order granting the conditional certificate. In no event, however, shall the Water and Sewer Board grant any rate increase to said utility without requiring that the amounts collected from such rate increase be placed in escrow account under Water and Sewer Board control and not released until the conditions set forth in said conditional approval have been complied with by the utility. However, the Board or DERM may not issue its approval of the water or sewer service provided by a water and/or sewer utility if it does not meet the minimum requirements of Chapter 24.

(Ord. No. 75-27, § 19, 5-7-75; Ord. No. 76-88, § 1, 10-5-76; Ord. No. 77-70, § 1, 9-20-77; Ord. No. 83-102, § 1, 11-1-83)

Cross reference—Change in water and sewer rates, §§ 32-64, 32-65.

Sec. 24-29. Emergency water and/or sewer rate requests.

Notwithstanding the requirements of Section 24-28 the Board may grant a qualified statement of approval of water or sewer service which shall be sufficient to permit the utility to apply to the Water and Sewer Board for an emergency rate increase solely for the purpose of permitting immediate repairs and improvements necessary to bring water or sewer service and quality to minimum standards. Said qualified approval will authorize the filing of an application for a change in rates as required by Section 32-64 of the Code, but qualified approvals received pursuant to this section will only support a temporary rate increase for such time as is necessary to finance the approved or authorized improvements required to achieve minimum water and/or sewage service quality, as noted above. In no event, however, shall the rate increase be imposed in excess of the life expectancy of the particular improvement or improvements so constructed. In addition, any rate

increase granted pursuant to a statement issued under this section shall be used solely and exclusively by the utility apply for same for the purpose of improving its water or sewer service to the minimum standards required under the Dade County Code. Said repairs and improvements shall be specifically set out within said order granting the qualified statement of approval. Any approved rate increase pursuant to this section shall terminate when sufficient funds to finance the repairs and improvements have been collected from the rate increase. Statements of qualified approval may be granted by the Board only when the Board finds that:

- (1) Water service and/or sewage service is below minimum acceptable standards either as to the quality of water and/or sewage treatment or the quality of service for same.
- (2) That an emergency exists as to the quality of water or water service available to the public or quality of sewage treatment or sewer service available to the public.
- (3) That a temporary rate increase may be required to remedy the immediate problem of inadequate quality or service or treatment.
- (4) That no other reasonable adequate means exists for improving the quality of service or the quality of water and/or sewage treatment.

The provisions of Section 24-28 requiring notice of hearing shall also be required for any utility applying under this emergency section.

(Ord. No. 75-27, § 20, 5-7-75; Ord. No. 77-70, § 2, 9-20-77)

Sec. 24-30. Plan approval required.

(1) *Waste water facilities.* It shall be unlawful for any person to enter into or let a contract for or to commence the installation, extension, or operation of any sewerage system or waste treatment facility or any industrial waste disposal facility without first obtaining the prior written approval of the Director of the Department of Environmental Resources Management or his designee. It shall be unlawful for any person to make any enlargement, alteration or addition to any facility, or commence the construction of any facility, that

will reasonably be expected to be a source of water pollution without first obtaining the prior written approval of the Director of the Department of Environmental Resources Management or his designee. No building permit involving the generation or discharge of effluents shall be issued by the County or any municipality unless the application for a building permit has been approved by the Director of the Department of Environmental Resources Management or his designee.

The provisions of this section shall not apply to facilities discharging only domestic wastes to a public sewer system approved by the Director of the Department of Environmental Resources Management or his designee. Notwithstanding the foregoing, the provisions of this section shall apply to facilities discharging only domestic wastes to a public sewer system approved by the Director of the Department of Environmental Resources Management or his designee if the facilities provide any form of pretreatment in conjunction with a grease trap.

Provided that after January 25, 1974, the Director, Environmental Resources Management, shall not approve an application for an interim package sewage treatment plant unless directed to do so by the Environmental Quality Control Board after a public hearing pursuant to notice.

For the purpose of this subsection, an interim package sewage treatment plant shall include all domestic waste water treatment facilities that are not included in the regional treatment system as described in the approved 1973 Water Quality Management Plan.

(2) *Air facilities.* It shall be unlawful for any person to make any major or substantial alteration, enlargement or addition to any existing facility, equipment or operation, or to commence the construction or operation of any new facility, that may be a source of air pollution as herein defined, without first obtaining the prior written approval of the plans, equipment or processes thereof by the Director Environmental Resources Management. No building permit shall be issued by the County or any municipality unless the application therefor or the plans for construction of the proposed facility show the approval of the Director Environmental Resources Management.

The provisions of this chapter shall not apply to individual family dwellings or multiple-family dwellings of not more than four (4) units in respect to heating equipment or comfort space heating.

(3) *Potable water facilities.* It shall be unlawful for any person to enter into or let a contract for or to commence the installation, extension, alteration or operation of any public water supply facility without first obtaining the prior written approval of the Director Environmental Resources Management. No building permit involving a demand on a public water supply shall be issued by the County or any municipality unless the application for a building permit or plans for construction thereof shows approval by the Director Environmental Resources Management.

(4) *Aboveground storage facilities.* It shall be unlawful for any person to install, repair, modify, expand, replace or permit, cause, allow, let or suffer the installation, repair, modification, expansion or replacement of any aboveground storage facility, without first obtaining the prior written approval of the Director of the Department of Environmental Resources Management or his designee. No building permit shall be issued by the County or any municipality unless the application therefor or the plans for construction of the proposed aboveground storage facility show the approval of the Director of the Department of Environmental Resources Management or his designee.

(5) *Intent.* It is the intent and purpose of this section to require that all new facilities, equipment and processes constructed or operated after the effective date of this chapter shall comply with the requirements herein contained, and that any major or substantial enlargement, expansion or addition to existing facilities also shall comply with the requirements herein contained. Any building permit issued by the County or a municipality in violation of the provisions of this chapter shall be void.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 70-44, § 7, 6-2-70; Ord. No. 74-1, § 2, 1-15-74; Ord. No. 75-27, § 21, 5-7-75; Ord. No. 88-11, § 4, 3-1-88; Ord. No. 90-3, § 3, 1-16-90; Ord. No. 94-132, § 1, 6-21-94)

Sec. 24-31. Procedure for approval of plans.

(1) **APPLICATION FOR APPROVAL.** Application for approval of plans required hereunder shall

be made on forms prescribed for such purpose and filed with the Director, Environmental Resources Management. Such application shall be signed by the person seeking to install, extend or alter the facility involved or a duly authorized representative vested with lawful power to bind the applicant. Upon receipt of such application and supporting data, the Director, Environmental Resources Management, shall review all data and render a decision on the acceptability of the facility.

(2) **REQUIRED INFORMATION.** Each such application shall be accompanied by the following data and information:

- (a) *Report of engineer.* A comprehensive engineer's report describing the project, the basis of design including design data, and all other pertinent data necessary to give an accurate understanding of the work to be undertaken and the reason therefor. Such report shall contain a certificate of a registered engineer certifying that in the professional opinion of such registered engineer the facility or project will fully comply with the requirements of this chapter and the rules and regulations promulgated hereunder, and will not cause or tend to cause any pollution as herein defined.
- (b) *Blueprints.* Blueprints or white prints of the drawings of the work to be done in sufficient detail necessary to make it clear to the contractor constructing the facility or project exactly what work is to be accomplished.
- (c) *Specifications.* Complete specifications in sufficient detail necessary to supplement the drawings and specify the work and the methods by which it is to be accomplished.
- (d) *Processes.* A description of all processes proposed to be utilized in connection with the operation of the facility or project sufficient to indicate whether or not such processes will reasonably comply with the requirements of this chapter.

- (e) *Additional data.* Such additional data and information as may be reasonably required by the Director, Environmental Resources Management.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 22, 5-7-75)

Sec. 24-32. Registered engineer required.

The drawings, specifications and other data submitted with the application filed hereunder shall be prepared by a competent professional engineer or engineers registered under the provisions of Chapter 471, Florida Statutes. The plans and other data required to be submitted with the application shall have affixed thereto the names and certificate and registration number of the engineer preparing the same. The Director, Environmental Resources Management, shall not accept or receive any application that does not comply with the requirements of this section.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 23, 5-7-75)

Sec. 24-33. Standards for preparation of plans.

(1) Waste treatment works shall be designed in accordance with the sewerage guide promulgated by the Florida State Board of Health, or similar professional publication, recommended standards for sewage works and water pollution control federation manuals of practice numbered eight (8) and nine (9), as applicable to conditions prevailing within Dade County, and in accordance with good engineering practices.

(2) Outfalls shall be extended or carried to the channel of a stream or to deep water where outlet is submerged at all times. The extent and length of the outfall shall conform to the requirements of the Director, Environmental Resources Management. No outfall shall be approved unless satisfactory evidence is presented to establish that solids or other objectionable pollutants will not be deposited on the shore, and that other forms of pollution will not be caused.

(3) Grease traps shall be provided and installed in accordance with the rules and regulations promulgated under the provisions of this chapter. At a minimum, all grease traps discharging to pub-

licly or privately-owned or operated sanitary sewer collection systems shall be provided with a sampling point on the effluent discharge side of the grease trap. Wastes containing sizable quantities of grease such as those produced by restaurants shall not be deemed suitable for disposal into tile drainfields.

(4) Drainage or disposal wells shall not be used for disposal of treated or untreated wastes except as approved by the Director, Environmental Resources Management.

(5) Air pollution facilities designed to control the emission of air contaminants to the atmosphere in accordance with the provisions of this chapter shall be designed in accordance with good engineering practice taking into consideration the meteorological conditions prevailing within this County. Such facilities shall comply with the requirements of this chapter and rules and regulations promulgated under and pursuant to the provisions of this chapter.

(6) Approval of plans for potable water supply facilities shall be dependent, in part, upon:

- (a) Owner's program for protective measures to protect and prevent development of health hazards to the water supply.
 - (b) Protective measures for water quality throughout all parts of the system by frequent surveys, proper operation by certified personnel of the State of Florida.
 - (c) Adequate system capacity to meet peak demands without development of low pressures or other health hazards.
 - (d) Records of laboratory examinations showing consistent compliance with the water quality requirements of this chapter.
- (Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 24, 5-7-75; Ord. No. 94-132, § 2, 6-21-94)

Sec. 24-34. Construction of waste water facility or air pollution abatement facility, or potable water facility.

(1) After approval of an application, the person causing the installation or construction of the project or facility shall furnish the Director, Environmental Resources Management, with

monthly reports of a registered engineer certifying that the work to date has been accomplished in strict compliance with the approved plans, drawings and specifications and that there has been no major or substantial deviation therefrom. If during construction, changes are proposed which would materially alter the quality characteristics of the effluent of a waste water facility, or which would materially alter the emission of air pollutants of an air pollution abatement facility or would materially alter the quality characteristics of the effluent of a potable water facility, then plans and specifications for such changes prepared by a registered engineer shall be submitted to the Director, Environmental Resources Management, for approval before making such changes. The Director, Environmental Resources Management, shall have the right at any reasonable time to enter upon the project for the purpose of making inspections of the work, and may require reports and additional information at any stage of construction.

(2) It shall be unlawful for any person-causing the installation or construction of the project or facility to deviate from the conditions of the approval of the DERM without his prior written approval.
(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 25, 5-7-75)

Sec. 24-35. Certificate of occupancy.

No certificate of occupancy shall be issued by the County or any municipality for any facility or project subject to the provisions of this chapter, and no such facility or project shall commence operations, until the Director, Environmental Resources Management, certifies that the work has been completed in strict compliance with the approved plans and specifications, and that there is good cause to believe that the facility or project will operate in accordance with the provisions of this chapter and an operating permit has been obtained from the Director, Environmental Resources Management.
(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 26, 5-7-75; Ord. No. 75-92, § 1, 11-4-75)

Sec. 24-35.1. Operating permits.

No person shall operate or permit, cause, allow, let or suffer the operation of a public water system,

public sewerage system or any of the following facilities, all of which will reasonably be expected to be a source of air pollution, ground pollution or water pollution, without a valid operating permit issued by the Director of the Department of Environmental Resources Management or his designee or in violation of any condition, limitation or restriction which is part of an operating permit:

- (1) Interim package sewage treatment plants;
- (2) Interim package water treatment plants;
- (3) Private sewage pumping station;
- (4) Facilities which generate, dispose of, store, use, discharge, handle or reclaim any liquid waste other than domestic sewage, any hazardous waste or any hazardous material (except factory prepackaged products intended primarily for domestic use or consumption), including, but not limited to, the following:
 - (a) Industrial and agricultural waste reclaim systems; waste or product holding tanks; or waste or product spill prevention control systems;
 - (b) Industrial and agricultural waste pretreatment facilities;
 - (c) Industrial and agricultural waste treatment facilities;
 - (d) The following industrial and agricultural liquid waste facilities:
 - (i) Aircraft, vehicle, construction equipment, and boat mechanical, maintenance or repair facilities including, but not limited to, engine and electric motor maintenance and repair, and facilities which perform maintenance or repair of any component parts of aircraft, vehicles, boats, or construction equipment;
 - (ii) Chemical manufacturing, packaging, repackaging, storage, or distribution facilities;
 - (iii) Pest control facilities;
 - (iv) Photographic processing facilities or laboratories;
 - (v) Printing facilities;
 - (vi) Paint manufacturing, distribution, and product testing; paint research laboratory facilities;
 - (vii) Battery manufacturing; battery reclaiming facilities; battery refurbishing facilities;
 - (viii) Hospitals;
 - (ix) Medical, research or chemical laboratories;
 - (x) Animal hospitals; animal clinics, and animal grooming facilities;
 - (xi) Plastics manufacturing facilities;
 - (xii) Anodizing facilities;
 - (xiii) Silk screening and silk printing facilities;
 - (xiv) Junk yards;
 - (xv) Jewelry manufacturing and repair facilities;
 - (xvi) Machine shops;
 - (xvii) Construction contractor's facilities handling hazardous materials;
 - (xviii) Funeral homes;
 - (xix) Agricultural field packing facilities;
 - (xx) Stationary agricultural packing-houses;
 - (xxi) Aerial pesticide applicators (crop-dusters);
 - (xxii) Dry cleaning facilities;
 - (xxiii) Textile dyeing facilities;
 - (xxiv) Vehicle paint and body shops;
 - (xxv) Metal recycling facilities;
- (5) Notwithstanding any provision of this Code, nonresidential land uses which are served or will be served by a liquid waste storage, disposal or treatment method or those nonresidential land uses which use, generate, handle, dispose of, discharge or store hazardous materials, on any portion of the property within the Northwest Wellfield protection area or within the West Wellfield Interim protection area;
- (6) Notwithstanding any provision of this Code, nonresidential land uses which are served or will be served by any liquid waste storage, disposal or treatment method (other than public sanitary sewers) or those nonresidential land uses which use, generate, handle, dispose of, discharge or store hazardous materials, on any portion of the property within the maximum day pumpage wellfield protection area of the Alexander

Orr Wellfield, Snapper Creek Wellfield, Southwest Wellfield, Miami Springs Lower Wellfield, Miami Springs Upper Wellfield, John E. Preston Wellfield or Hialeah Wellfield;

- (7) Resource recovery and management facilities;
- (8) Facilities that will reasonably be expected to be a source of air pollution; provided, however, the operation of heating equipment or comfort space heating within individual facility dwellings or multiple family dwellings of not more than four (4) units is exempt from the requirement of obtaining a permit pursuant to this section;
- (9) All commercial boat docking facilities. Operating permits shall be required for all such facilities no later than May 17, 1990;
- (10) All boat storage facilities contiguous to the tidal waters of Dade County with a total of ten (10) or more dry storage spaces. Operating permits shall be required for all such facilities no later than May 17, 1990;
- (11) All recreational boat docking facilities with a total of ten (10) or more boat slips, moorings, davit spaces, and vessel tieup spaces. Operating permits shall be required for all such facilities no later than May 17, 1990;
- (12) Underground storage facilities;
- (13) Aboveground storage facilities;
- (14) Loading facilities;
- (15) Balanced systems utilized by motor vehicle fuel service stations;
- (16) Vacuum assist systems utilized by motor vehicle fuel service stations;
- (17) Any facility which sells or distributes or which offers to sell or distribute any refrigerant or which recharges or causes, lets, allows, permits, or suffers the recharging of refrigerant into any refrigeration system;
- (18) Any nonresidential facility, including, but not limited to, restaurants, bakeries, hotel and cafeteria kitchens, processing plants or such other nonresidential facilities dis-

charging into a publicly or privately-owned or operated sanitary sewer collection system, if oil and grease can be introduced into a sewer by such nonresidential facility in quantities which have the potential to affect or hinder the operation of sewage collecting, transmission or treatment facilities.

The criterion for issuance of an operating permit pursuant to this section is compliance with Chapter 24, Dade County Code. Additionally, no resource recovery and management facility permit shall be granted without the written recommendation of approval of the Director of the Department of Solid Waste Management issued pursuant to the provisions of Chapter 15, Dade County Code. The Director of the Department of Environmental Resources Management or his designee, in his discretion, may require conditions, limitations or restrictions as part of the operating permit if said conditions, limitations and restrictions are consistent with the requirements of this chapter.

The Director of the Department of Environmental Resources Management or his designee may deny the issuance of an operating permit if the public water system, public sewerage system or pollution source does not comply with the provisions of this chapter.

The Director of the Department of Environmental Resources Management or his designee may suspend or revoke an operating permit if the public water system, public sewerage system or pollution source does not comply with the provisions of this chapter.

Such operating permits shall not be required for the aforesaid facilities, systems, and plants existing on the effective date of this section until one hundred twenty (120) days from the effective date of this section.

This section shall not be immediately applicable to air pollution sources with valid air pollution control operating permits on the effective date of this section. However, said air pollution sources shall comply with this section by obtaining the operating permit required by this section no later than one hundred eighty (180) days from the effective date of this section.

Notwithstanding anything in this chapter to the contrary, such operating permits shall not be required for underground storage facilities until ninety (90) days from the effective date of this paragraph.

All applications for permits issued pursuant to this section shall be on a form prescribed by the Director and accompanied by a fee which shall be established by administrative order of the County Manager and approved by the Board of County Commissioners.

The permit fee payable hereunder shall be deposited in a separate County fund and shall be used exclusively by the Department of Environmental Resources Management to pay for the costs of the following environmental services to, and environmental regulation of, the aforesaid facilities, systems and plants:

- (1) Monitoring and evaluating purification and disposal systems of said sources.
- (2) Responding to and attempting to resolve citizen complaints against said sources.
- (3) Investigation, preparation, and prosecution of enforcement actions, pursuant to Chapter 24 of this Code, to protect the groundwater, surface water, drinking water, and air quality.
- (4) Ambient monitoring of groundwater, surface water, and air quality.
- (5) Special studies of groundwater, drinking water, surface water, and air quality when deemed necessary by the Director to protect the groundwater, surface water, drinking water, and air quality.
- (6) Air quality and water supply protection, planning, and programming.
- (7) Laboratory analyses of groundwater, surface water, drinking water, waste water, ambient air, air emissions, and other effluents affecting air or water quality.
- (8) Restoration of the air, water, property, animal life, aquatic life, and plant life to their condition prior to any violation of this chapter.

- (9) Prevention of any imminent threat of any violation of this chapter.

No part of said fund shall be used for purposes other than the aforesaid.

(Ord. No. 81-111, § 1, 10-6-81; Ord. No. 82-58, § 1, 6-15-82; Ord. No. 83-108, § 2, 11-15-83; Ord. No. 83-110, § 3, 11-15-83; Ord. No. 85-5, § 5, 1-22-85; Ord. No. 86-42, § 6, 6-3-86; Ord. No. 86-95, § 5, 12-2-86; Ord. No. 88-47, § 1, 5-17-88; Ord. No. 88-64, § 4, 7-5-88; Ord. No. 89-80, § 6, 7-27-89; Ord. No. 89-104, § 4, 11-7-89; Ord. No. 90-3, § 4, 1-16-90; Ord. No. 90-136, § 4, 12-4-90; Ord. No. 91-61, § 5, 5-21-91; Ord. No. 91-90, § 7, 9-16-91; Ord. No. 92-155, § 7, 12-15-92; Ord. No. 93-72, § 3, 7-15-93; Ord. No. 94-132, § 3, 6-21-94)

Annotation-AO 4-42.

Sec. 24-36. Operation of facility; competent supervision.

(1) The owners or operators of each facility or project installed or constructed under the provisions of this chapter shall provide competent and responsible personnel for the operation thereof in order that the requirements of this chapter shall be observed and complied with in respect to the operation of such facility or project. Competent personnel shall be construed to mean a person or persons who have experience or knowledge concerning the proper operation of the particular facility involved, and a knowledge of the basic scientific principles relating to the proper operation of waste treatment plants and collection systems, or a knowledge of the basic scientific principles relating to the proper operation of facilities causing emissions of air contaminants from incineration, salvage, heat transfer, general combustion, or other operations of a similar nature, as the case may be. The names and qualifications of the supervisory personnel responsible for the proper operation of such facilities shall be furnished to the Director, Environmental Resources Management, upon request.

(2) All sewage treatment plants shall be operated under the direct supervision of a qualified sewage treatment plant operator who must hold a minimum of a class "C" operator's license issued by the State of Florida and/or any higher level of certification as required by the State Department of Environmental Regulation. All operation re-

ports submitted pursuant to this chapter shall be signed by the licensed operator, which signature shall be a verification by said operator of the authenticity of said report.

(3) All potable water treatment plants shall be operated under the direct supervision of a qualified water treatment plant operator who must hold a minimum of a class "C" operator's license issued by the State of Florida. In addition, all public water supplies which provide adequate protection by treatment for an effluent which exceeds ten (10) MGD shall be operated under the direct supervision of a qualified water treatment plant operator who must hold a minimum of a class "A" operator's license issued by the State of Florida. All operation reports submitted pursuant to this chapter shall be signed by the licensed operator, which signature shall be a verification by said operator of the authenticity of said report. (Ord. No. 67-95, § 1, 12-19-67; Ord. No. 70-44, § 8, 6-2-70; Ord. No. 75-27, § 27, 5-7-75)

Sec. 24-37. Abnormal occurrences.

(1) *Reports required.* In the event of any breakdown or lack of proper functioning of any facility installed or operating under the provisions of this chapter, which causes or may cause improperly treated or untreated potable water or sewage or hazardous materials or industrial wastes to be discharged from the plant or facility, or which causes or may cause a nuisance or sanitary nuisance or the emission of air contaminants in excess of the quantity permitted by the provisions of this chapter, it shall be the duty of the owner or operator thereof to immediately notify the Director, Environmental Resources Management, or his designee and to take all actions necessary to prevent or minimize air, water or ground pollution. It shall be unlawful to fail to notify the Director or his designee as required herein and said notification shall not be a defense to any civil liability imposed under the provisions of this chapter.

(2) *Power to stop operation of facility.* If in the judgment of the Director or his designee, the abnormal operation of any facility, equipment, process, or plant is causing or will cause air, water or ground pollution to such extent as to be or

become dangerous to the public health, safety or welfare, the Director or his designee may require such corrective measures as may be necessary for the protection of the public on an emergency basis, and the Director or his designee shall have the power and authority to cause all operation(s) of the facility, equipment, process or plant to cease until appropriate corrective measures have been taken by issuing an order to the owner or operator thereof directing the cessation of the operation(s) or by ordering the utility providing water service to the facility or plant to cease providing such service. If the cessation of the operation(s) of any sewage treatment plant would cause greater danger to the public than that caused by the continued operation(s) thereof, the Director or his designee, shall not order such cessation, but shall order that steps be taken immediately to rectify the dangerous condition. Any person polluting the ground or waters of the County shall, within the earliest practicable time, restore said ground or waters to the condition existing before said pollution occurred. If such person fails to make said restoration the Director, Environmental Resources Management, may seek an injunction in a court having jurisdiction to compel said person to perform such restoration. In the alternative and at his election, if restoration is not effected, the Director, Environmental Resources Management, may restore the ground or waters and shall be reimbursed by the persons causing the pollution for the actual costs of investigation, restoration and prevention. The Director, Environmental Resources Management, shall institute suit to enforce such reimbursement if it is not made within ten (10) days from demand therefor.

(3) *Permissible operations.* Discharges or emissions exceeding any of the limits established in this chapter as a direct result of upset conditions in or breakdown of any pollution control equipment or related operating equipment, or as a direct result of the shutdown of such equipment for scheduled maintenance, shall not be deemed to be in violation of the rules establishing such limits, provided that such occurrence shall have been reported to the Director, Environmental Resources Management, or his designee, as soon as reasonably possible; for scheduled maintenance

nance such report shall be submitted at least twenty-four (24) hours prior to shutdown, and for upset conditions or breakdown such report shall in any case be made within four (4) hours of the occurrence; and provided that the person responsible for such discharge or emission shall, with all practicable speed, initiate and complete appropriate reasonable action to correct the conditions causing such discharge or emission to exceed said limits; to reduce the frequency of occurrence of such conditions; to minimize the amount by which said limits are exceeded; and to reduce the length of time for which said limits are exceeded; and shall, upon request of the Director, Environmental Resources Management, or his designee, submit a full report of such occurrence, including a statement of all known causes and of the scheduling and nature of the actions taken; provided that the provisions of this subsection shall not be construed to permit any nuisance, sanitary nuisance, or any other conditions dangerous to the public health, safety, or welfare, or as imposing any limitation upon the powers of the Director, Environmental Resources Management, prescribed in subsection (2) hereof.

(4) Emergencies. Classification and procedure [for emergencies] are as follows:

- (a) **Class A**—those emergencies which involve (i) the loss of human life, limb, or property due to natural calamitous occurrences such as, but not limited to, hurricanes, tornadoes, fires, floods, or high winds, and (ii) the breaks of dams or levees. No permit shall be required for temporary measures taken to correct or give relief from class A emergencies. Immediately after the occurrence of a class A emergency, the Department of Environmental Resources Management shall be notified of the emergency. Within fourteen (14) calendar days after the correction of the emergency a report to the Department shall be made outlining the details of the emergency and the steps taken for its temporary relief. The report shall be a written description of all of the work performed involving dredge and fill activities and shall set forth any pollution measures which were utilized or are being utilized to prevent pollution of waters over

submerged lands and/or coastal wetlands. A permit shall be required in connection with dredge and fill activities for permanent measures in relief of class A emergencies.

- (b) **Class B**—other, non-natural disasters such as, but not limited to, bridge collapses, sudden and unpredictable structural collapses and failures, and sudden and unpredictable hazards to navigation, which do not threaten the immediate action for relief. No permit shall be required for temporary measures needed to correct or give relief from class B emergencies. Temporary measures shall be limited to only those minimum works required to protect against loss of life, limb, health or property or which immediately threaten plant and animal life. The Department shall be notified within fourteen (14) calendar days after completion of the temporary measures which have been taken. The report shall be a written description of all works which have been performed as well as pollution control measures utilized. A permit shall be required in connection with dredge and fill activities for permanent measures taken for relief of class B emergencies.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 70-44, § 9, 6-2-70; Ord. No. 75-27, § 28, 5-7-75; Ord. No. 80-54, § 4, 6-3-80; Ord. No. 94-132, § 4, 6-21-94; Ord. No. 95-68, § 5, 4-18-95)

Sec. 24-38. Operating records.

The owner or operator of any facility installed or operating under the provisions of this chapter shall cause to be maintained and kept such records of the operation data and control tests as may be required by the Director, Environmental Resources Management, to indicate the operating efficiency of such facility, and to show whether or not such facility is causing pollution as herein defined, and to furnish all such information and data concerning the operation of the facility as the Director, Environmental Resources Management, may require from a time to time.

In addition to the above, any industrial user, as defined in section 24-11(9)I.(c) of this Code, shall

comply with the reporting and record keeping requirements set forth in 40 CFR 403.12, Federal Pretreatment Regulations.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 29, 5-7-75; Ord. No. 95-68, § 6, 4-18-95)

Sec. 24-39. Circumvention unlawful.

It shall be unlawful for any person to build, erect, construct, install, design, or use any article, device, machine, equipment, process, or other contrivance, the use of which, without resulting in a reduction in the total discharge of contaminants in the water, or the total release or emission of air contaminants to the atmosphere, conceals a discharge or an emission which would otherwise constitute a violation of the provisions of this chapter.

(Ord. No. 67-95, § 1, 12-19-67)

Sec. 24-40. Issuance of stop orders; injunctions.

Whenever any public utility as herein defined engages or is about to engage in the construction, operation or extension of a water system or sewer system in violation of the provisions of this chapter, the Director, Environmental Resources Management, on his own initiative or upon complaint shall forthwith make such preliminary investigation as he may deem appropriate and may, either with or without notice, enter an order requiring such public utility to cease and desist from such construction, operation or extension until further order of the Board. A public hearing on such violation shall be held by the Board within thirty (30) days after the entry of the order to cease and desist. Reasonable written notice of the public hearing shall be given by mail to the public utility involved. Within fifteen (15) days after the hearing the Board shall enter an order either requiring the permanent cessation of construction, operation or extension, or authorizing continuation thereof under such terms and conditions as may be commensurate with the public interest and welfare. Any failure to comply with the stop orders of the Board may be enjoined and restrained by injunctive order of the Circuit Court in appropriate proceedings instituted for such purpose.

(Ord. No. 75-27, § 30, 5-7-75)

Sec. 24-41. Standards of service.

The Environmental Quality Control Board shall have the power, and it shall be its duty, to establish reasonable standards of service for each class of public utilities as defined in Section 32-4(c) of the Code, after notice and public hearing, and thereafter to enforce such standards. In performing this duty, the Board shall exercise its powers to conduct investigations and inspections, to make examinations and tests, to prescribe standards of measurement for testing the quality, pressure, or other conditions pertaining to the supply or quality of the product furnished or adequacy of the service rendered by any such utility, and to fix fees for the examination and testing of meters and other measuring devices, as provided by law in establishing the general regulatory powers of the Board, and as directed herein. Standards previously adopted by the Water and Sewer Board pursuant to Section 32-51 remain in full force and effect under the jurisdiction of the Environmental Quality Control Board until modified as provided above.

(Ord. No. 75-27, § 31, 5-7-75)

Sec. 24-42. Service fee payable to County.

Each water or sewer utility shall collect from its customers and pay to the County a County service fee equal to seven dollars and fifty cents (\$7.50) per each one hundred dollars (\$100.00) of the receipts of said utility derived from its water and/or sewer utility operations conducted within the County to cover the cost of providing certain environmental services to and certain environmental regulation of said water or sewer utilities. Receipts from bulk water and sewerage service to other water or sewer utilities shall be excluded from the imposition of the County service fee provided for herein. Said service fee shall be due and payable to the County annually and shall be based upon receipts from water and/or sewerage service for the period from the first of October through the thirtieth of September of the following year. The fee shall be paid to Metropolitan Dade County no later than the first of December of each year for the period ending September 30 of that year. The first such period shall be October 1, 1980, through September 30, 1981, and the first fee payment shall be paid to the County on or

before December 1, 1981. Failure to pay said service fee to the County on or before each December 1 shall obligate the utility to pay to the County a late charge. Said late charge shall be one and one-half (1½) percent of the unpaid balance of the fee for each month or part of each month that the fee remains unpaid.

Each water and sewer utility shall collect from its customers the service fee imposed upon said utility by this section, including but not limited to those utilities whose rates are not regulated by the Metropolitan Dade County Water and Sewer Board. Said County service fee imposed by this section shall be deemed a pass-through cost as defined by Section 32-64(b)(3) of the Code of Metropolitan Dade County, but no hearing shall be required of any water and sewer utility before the Metropolitan Dade County Water and Sewer Board, nor shall the approval of the Metropolitan Dade County Water and Sewer Board be necessary for the imposition of this fee by the utility upon its customers. Approval of this provision by the County Commission shall constitute approval of the necessary rate increase for the Miami-Dade Water and Sewer Authority pursuant to Chapter 32A.

Payment of the fee to the County shall be accompanied by a statement verified by the utility showing its receipts upon which such fee is computed. This statement shall be in such form as the department shall prescribe and shall be subject to audit by the County.

The service fee payable hereunder shall be deposited in a separate County fund and shall be used exclusively by the Department of Environmental Resources Management to pay for the costs of the following environmental services to and environmental regulation of said water and sewer utilities:

- (1) Monitoring and evaluating water and sewerage systems of said water and sewer utilities.
- (2) Responding to and attempting to resolve citizen complaints against said water and sewer utilities.
- (3) Investigation, preparation, and prosecution of enforcement actions, pursuant to

Chapter 24 of this Code, to protect the groundwater, surface water and drinking water.

- (4) Ambient monitoring of groundwater and surface water.
- (5) Special studies of groundwater, drinking water, and surface water when deemed necessary by the Director to protect the groundwater, surface water and drinking water.
- (6) Water supply protection, planning and programming, including without limitation, municipal solid waste landfill closure, environmental remediation at landfill sites, and land acquisition for purposes of water supply protection.
- (7) Laboratory analyses of groundwater, surface water, drinking water, waste water, and other effluents affecting water quality.

No part of said fund shall be used for purposes other than the aforesaid.

(Ord. No. 80-94, § 1, 9-16-80; Ord. No. 80-133, § 1, 12-2-80; Ord. No. 81-91, § 1, 7-21-81; Ord. No. 85-23, § 1, 4-16-85; Ord. No. 90-100, § 10, 9-19-90; Ord. No. 95-174, § 7(Att. A), 9-20-95)

Annotation—AO 4-42.

Sec. 24-43. Prohibition against use of hard detergents.

The Board of County Commissioners finds and determines that the use of biologically nondegradable detergents, known as hard detergents, in this metropolitan area is detrimental to the public health, safety and welfare and causes unnecessary water pollution. On and after July 1, 1965, it shall be unlawful for any person to use, sell or have in his possession any products or compounds containing biologically nondegradable detergents. (Ord. No. 67-95, § 1, 12-19-67)

Sec. 24-44. Detergents.

(1) For the purposes of Section 24-44 the following definitions shall apply, unless it is obvious from the context that a different meaning is intended.

- (a) The term "synthetic detergent" or "detergent" means any cleaning compound which

- is available for household use, laundry use, or industrial use, which is composed of organic and inorganic compounds, including soaps, water softeners, surface active agents, dispersing agents, foaming agents, buffering agents, builders, fillers, dyes, enzymes, and fabric softeners, whether in the forms of crystals, powders, flakes, bars, liquids, sprays, or any other form.
- (b) The term "polyphosphate builder" or "phosphorus" means a water softening and soil suspending agent made from condensed phosphates, including pyrophosphates, triphosphates, tripolyphosphates, metaphosphates and glassy phosphates, used as a detergent ingredient, but shall not include "polyphosphate builders" or "phosphorus" which is essential for medical, scientific or special engineering use.
- (c) The term "recommended use level" means the amount of synthetic detergent or detergent which the manufacturer thereof recommends for use per wash load, at which level said synthetic detergent or detergent will effectively perform its intended function.
- (d) The term "machine dishwasher" means equipment manufactured for the purpose of cleaning dishes, glassware and other utensils involved in food preparation, consumption or use, using a combination of water agitation and high temperatures.
- (e) The terms "dairy equipment," "beverage equipment" and "food processing equipment" means that equipment used in the production of milk and dairy products, foods and beverages, including the processing, preparation or packaging thereof for consumption.
- (f) The term "industrial cleaning equipment" means machinery and other tools used in cleaning processes during the course of industrial manufacturing, production and assembly.
- (2) (a) Should any one (1) or more of detergent ingredients be harmful to any machine dishwasher, machine clotheswasher, or items laundered in either machine, the container, wrapper or other packaging shall clearly and legibly state, in a con-

"spicuous place thereon, in black letters, each letter being no less than one-half inch in height, the following:

"Warning: This product may cause harm to your _____"

The dashes represent the words "machine dishwasher"; "machine clotheswasher"; "dishes and utensils"; and "laundry"; whichever is applicable, and the manufacturer shall insert the appropriate words depending upon which will be harmed by the ingredients. Should more than one (1) of the items be subject to harm the warning shall list each item.

- (b) The Director, Environmental Resources Management, of Dade County shall have the authority to promulgate such rules and regulations, not inconsistent with the purpose of the section, as are necessary to the proper administration of this section, which rules and regulations, when approved by the Board of County Commissioners, shall have the force and effect of law in the County.
- (c) The Environmental Quality Control Board, in considering requests for variances and extensions of time for compliance with Section 24-44 of the Code, pursuant to Section 24-48 of the Code, may in addition to the criterion of Section 24-48 of the Code, consider certified laboratory reports to aid their determination of environmental product safety.
- (d) The Environmental Quality Control Board may grant such temporary variances, for no longer than one (1) year, as are necessary to protect "trade secrets" of new products where the Board finds that failure to disclose all the ingredients of such products:
 - (1) Will not be detrimental to the environment of Dade County; and
 - (2) Will not be detrimental to the best interests of the consumers of Dade County; and

- (3) Is necessary to insure the introduction of new products into the Dade County market.

(3) It shall be unlawful for any person to use, sell, offer or expose for sale, give or furnish any synthetic detergent or detergent containing any more than the amount of phosphorus by weight, expressed as elemental phosphorus, permitted by the law of the State of Florida or by any rules and regulations of the State of Florida, as said law, rules and regulations may be amended from time to time.

(4) The concentration of phosphorus by weight, expressed as elemental phosphorus in any synthetic detergent or detergent shall be determined by the current applicable method prescribed by the American Society for Testing and Materials (A.S.T.M.).
(Ord. No. 71-31, § 1, 3-30-71; Ord. No. 71-61, § 1, 7-13-71; Ord. No. 72-33, § 1, 6-20-72; Ord. No. 75-27, § 32, 5-7-75; Ord. No. 85-2, § 1, 1-8-85)

Sec. 24-45. Regulation of on-site domestic well systems and other water supply wells.

(1) *Regulation of on-site domestic well systems generally.*

- (a) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit certificate of use and occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any land use served or to be served by an on-site domestic well system without obtaining the prior written approval of the Director of the Department of Environmental Resources Management or his designee.

Furthermore, notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let,

permit or suffer to be constructed, utilized, operated or occupied any land use served or to be served by a domestic well system without obtaining the prior written approval of the Director of the Department of Environmental Resources Management or his designee.

Pursuant to the foregoing, the Director of the Department of Environmental Resources Management or his designee shall issue his written approval only if the Director or his designee determines that:

- (i) That the existing land use for the property or the land use requested for the property is in compliance with Section 24-13 of this chapter, and
 - (ii) That the installation of a public water main to serve the property from the nearest available point of connection to an available public water main is not within a feasible distance for public water mains, and
 - (iii) That the groundwater at the site does not require treatment in order to meet the primary drinking water quality standards specified in Chapter 17.22, Florida Administrative Code, as same may be amended from time to time, and
 - (iv) That the groundwater at the site does not contain more than two hundred fifty (250) milligrams per liter (mg/l) of chlorides at a depth of thirty (30) feet from ground elevation.
- (b) No construction may be begun on any project within Dade County involving the construction of a well capable of withdrawing water without obtaining approval from the Director, Environmental Resources Management. No well that withdraws water in excess of five thousand (5,000) gallons per day from groundwater, surface water or any other water or waters of Dade County may be maintained or operated without a permit. All permit applications shall be filed with the Director, Environmental Resources Management, on forms provided by him and shall include

but shall not be limited to the following information:

1. The name and address of the applicant (if the applicant is a corporation include the address of the principal business office);
2. The date the application is filed;
3. The source of water supply (if the water is from a lake, spring, river, stream or other source of surface water the name generally given to the source by the people in the vicinity. If the water is from a groundwater source this fact shall be stated on the application);
4. The quantity of water applied for;
5. The use to be made of the water and any limitation thereon (the description shall include the nature of the proposed use, the method of withdrawal or division of the water and facts, figures and other information on which the amount of water requested was based);
6. The place where the water is to be used;
7. The location of the well and for surface waters, the point of diversion;
8. The total related land area owned by the applicant;
9. The necessity for the well;
10. Any known persons who may be directly affected by the granting of the application;
11. The signature of the applicant or his agent (if the signer is signing in a representative capacity he shall attach proof of his authority—in the case of a corporation, governmental body or public utility the applicant shall attach a certified copy of the authority under which the application is made);
12. Other information as may be requested by the Department.

(2) *Conditions for a well permit.*

- (a) In order to obtain a well permit an applicant must show that the intended use:
 1. Is a reasonable, beneficial use, and
 2. Will not interfere with any legal use of water existing at the time of the application, including both exempted do-

- mestic uses and uses exercised under the authority of a valid permit, and
3. Is consistent with the public interest.
- (b) In determining whether a use is consistent with the public interest, the Director, Environmental Resources Management, may consider the following factors:
1. The maximum economic development of the water resources consistent with present and future uses;
 2. The control of such waters for such purposes as environmental protection, drainage, flood control and water storage;
 3. The quantity of water available for application to a reasonable-beneficial use;
 4. Preservation of wasteful, uneconomic, impractical or unreasonable uses of water resources;
 5. The preservation and enhancement of water quality of the County and the provisions of the water quality standards and classifications established pursuant to Chapter 24 of the Code of Metropolitan Dade County;
 6. The County's water resources policy as expressed in Chapter 24 of the Code;
 7. The availability and proximity of public water supply; and
 8. The satisfaction of the requirements of Section 24-12 of the Code.
- (c) The Director may reserve water from use by permit applicants in such locations and quantities and for such seasons of the year as may reasonably be necessary to protect the public health, safety or fish and wildlife. Such reservations shall be subject to periodic review and revision in light of changed conditions except that all legal uses of water existing at the time of the reservation shall not be subject to this regulation so long as such uses are not contrary to the public interest. Any applicant aggrieved by an action of the Director, Environmental Resources Management, may appeal to the Environmental Quality Control Board under the procedures and standards set forth in Section 24-6 of the Code.
- (3) *Permits for existing uses.* All uses of water in existence before the effective date of this section, unless otherwise exempted from regulation by law, may be continued after the adoption of this permit system. A permit for any existing use shall be issued upon proper application. Failure to apply for a permit for any existing use for one (1) year after the effective date of this ordinance shall constitute an abandonment of the right granted by this section.
- Notwithstanding the above, when an approved public water main has been made available and operative in any portion of the public right-of-way or easement abutting the property, the use of any on site domestic well system shall cease and connection shall be made to a public water main within six (6) months from the date that the Director or his designee determines that the approved public water main is made available and operative, and
- (i) The existing sewage loading on the property exceeds the maximum allowable sewage-loading permitted by subsections 24-13(3) or 24-13(4)(b) of this Code, or
 - (ii) The groundwater quality for the property exceeds the potable water standards in subsection 24-12(2) of this chapter.
- (4) *Competing applications.*
- (a) If two (2) or more applications, otherwise in compliance with the provisions of this chapter, are pending for a quantity of water that is inadequate for both (or all) or which for any other reason are in conflict, the Director, Environmental Resources Management, shall have the right to modify or approve the application or applications to best serve the public interest. In considering the relative benefit to be derived by the public from such proposed uses of water the Director may within the same type of use and source consider the following:
 1. Public users should be preferred over private users;
 2. Economically more productive uses should be preferred over less productive uses;
 3. The purposes expressly declared to be in the public interest in Chapter 24 of

the Code should be given primary consideration.

- (b) In the event two (2) or more competing applications which have equally qualified under subsection above cannot be reconciled by modification by the Director, the Director shall give preference to:

1. Renewal application, or
2. If none or all are renewal applications, to the first properly filed application.

(5) *Modification, renewal and transfer of permits.* A permittee may apply to the Director for approval of any modification of a permit use. The Director may approve any modification of use which involves a decrease in the quantity of water required. Modification of any other term or terms of a permit may be granted at the discretion of the Director provided that such modification does not effect substantially the public interest.

(6) *Revocation of permits.*

- (a) Pursuant to a hearing, the Environmental Quality Control Board may upon application by the Director:

1. Revoke any permit for complete non-use of water supply allowed by the permit for a period of one (1) year or more;
2. Permanently revoke in whole or in part any permit for any material false statement in the application to continue, to initiate, or to modify a use, or for any material false statement in any report or statement of fact required by the user pursuant to the provisions of this section;
3. Permanently or temporarily revoke in whole or in part any permit for the willful violation of conditions of the permit;
4. Revoke in whole or in part for a period not to exceed one (1) year any permit for the violation of any provision of Chapter 24 or regulation adopted thereunder;
5. Revoke, in whole or in part, any permit where adequate public water becomes available.

- (b) The Director may cancel any permit with the written consent of the permittee.

(7) *Emergency drought conditions.* Nothing in this section shall be construed to prohibit the exercise of emergency powers to control the use, withdrawal or diversion of water during periods of emergency water shortage.

(8) *Violation of section.* It shall be unlawful for any person without a permit to construct, operate or maintain a well as required by this section.

(9) *Effect of denial.* When an application for a permit has been denied by the Director and that denial, pursuant to a timely appeal, has not been overruled by the Environmental Quality Control Board a new application for a permit shall not be resubmitted within one (1) year of such final denial unless the applicant can demonstrate a substantial change in conditions or unless the permit applied for is substantially modified and is in compliance with the Director's reason for denial.

(10) *Definitions.*

- (a) "Domestic use" means any use of water for individual personal needs or for household purposes such as drinking, bathing, eating, cooking or sanitation.
- (b) "Emergency" means that situation where the public health, safety or welfare or the health of animals, fish or aquatic life or of a public water supply or recreational, commercial, industrial, agricultural or other reasonable use of water is immediately in danger or threatened by an insufficient supply, restricted source, deleterious quality or other conditions of the water within the County.
- (c) "Director" or "DERM" means the Director of the Department of Environmental Resources Management with powers as provided by Section 24-4 of the Code.
- (d) "Groundwater" means water beneath the surface of the ground whether or not flowing through known and definite channels.
- (e) "Person" means any and all persons including but not limited to any individual, firm, association, organization, partnership,

business trust, corporation, company, United States of America, the State of Florida and all the municipalities and public agencies thereof located within Dade County.

- (f) "Reasonable-beneficial use" means the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.
- (g) "Surface water" means water upon the surface of the earth whether contained in bounds created naturally or artificially or diffused. Water from a natural spring or well shall be classified as surface water when it exits from the spring or well onto the earth's surface.
- (h) "Water or waters of the County" means any and all waters on or beneath the surface of the ground including natural or artificial water courses, lakes, ponds or diffused surface water and water percolating, standing or flowing beneath the surface of the ground as well as all coastal waters in the geographic boundaries of Dade County, Florida.
- (i) "Water shortage" means that situation within all or part of Dade County, Florida wherein insufficient water is available to meet the requirements of the permit system or where the conditions are such as to require temporary reduction in the total use within the area to protect water resources from serious harm.
- (j) "Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of groundwater or removal of water from beneath the ground. The term well does not include sandpoint wells or any wells for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or the inserting of media to dispose of oil brinds or

to repressure an oil or natural gas-bearing formation or for storing petroleum, natural gas or other products.

(Ord. No. 75-30, § 1, 5-7-75; Ord. No. 86-42, § 7, 6-3-86; Ord. No. 86-98, § 4, 12-16-86)

Sec. 24-46. Reserved.

Sec. 24-47. Application of chapter and time for compliance.

(1) *New facilities.* On and after the effective date of this chapter,* any person installing, constructing, or placing in operation for the first time any facility, equipment or process, the use of which will or may cause, or reasonably tend to cause, any air or water pollution as defined and controlled by this chapter, or who shall undertake the alterations, reconstruction or extension of existing facilities, equipment or processes in such a substantial manner as to materially increase the level or amount of air or water pollution, shall be subject to and required to comply with all the provisions of this chapter.

(2) *Existing facilities.* All facilities, equipment, plants and projects that are in actual use and operation on the effective date of this chapter shall have until and including January 1, 1968, to fully comply with and conform to the requirements of this chapter, provided that all existing facilities shall comply with, and shall not commit violations of, the following provisions of this chapter after January 1, 1964, namely: Section 24-3(42) (Nuisance); Section 24-11 (Toxic waste discharges); Section 24-15 (Black smoke emissions); Section 24-18 (Open burning); and Section 24-23 (Reduction of animal matter).

(3) *Intent.* It is intended that the provisions of this chapter shall be applicable to all new facilities and to any major or substantial addition, enlargement or extension of existing facilities; that existing facilities shall have until January 1, 1965, to comply with the specific sections of this chapter enumerated in subsection (2) hereinabove; and that existing facilities shall have until January 1, 1968, to comply with all other sections or

*Editor's note—The effective date of Ord. No. 63-14, from which Chapter 24 is originally derived, was ten (10) days after enactment, which enactment date was April 23, 1963.

provisions of this chapter (except those specifically designated in subsection (2) hereof), subject only to variances or extensions of time for compliance granted pursuant to the provisions of this chapter.

(4) *Replacements.* The replacement with identical or similar parts and minor changes that do not affect the character of the waste discharge or emission of air contaminants, or do not materially increase the existing amount of air or water pollution, shall not be considered as constituting the alteration, reconstruction or extension of an existing facility, but shall be considered as constituting an existing facility, for the purpose of this chapter.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 69-17, § 4, 2-18-69; Ord. No. 70-44, §§ 10, 11, 6-2-70; Ord. No. 85-58, § 1, 10-1-85)

Sec. 24-48. Variances and extensions of time for compliance.

(1) The Environmental Quality Control Board shall have the power and authority to grant or extend from time to time variances and extensions of time for compliance with the requirements of this chapter to new or existing facilities, equipment and processes. Such variances or extensions may be granted to specific facilities, equipment or processes or to a class. The Environmental Quality Control Board may grant such variances or extensions only if it is affirmatively established by competent factual data and information that strict compliance with the requirements of this chapter is impossible or inappropriate because of conditions beyond the control of the person or persons involved, or that strict compliance would result in substantial curtailment or closing down of a plant, project or operation which would be detrimental to the public interest, or that the particular operation is essential for the public health or the national security, or that no technically feasible, economically reasonable means of compliance are available to the person or persons involved, or that the variance or extension will not be detrimental to the public health, welfare and safety and will not create a nuisance and will not materially increase the level of pollution in this County, or that a more unhealthy condition will occur if a variance or extension is

not granted. Variances and extensions of time shall be considered and acted upon in accordance with the provisions of Sections 24-47 through 24-49 and the provisions of Section 24-7(4)(b).

(2) The above provisions for obtaining a variance shall not apply to applications for variances from the regulations of Section 24-60, which are provided for as follows. Any person desiring to do tree or understory removal work which is not in accordance with the regulations of Section 24-60 may apply to the Environmental Quality Control Board for a variance from such regulations in accordance with the provisions of Section 24-49. The Environmental Quality Control Board shall have the power and authority to grant such variances on a case-by-case basis only where it is affirmatively established by competent factual data and information that a literal application or enforcement of the regulations would result in unnecessary hardship (other than economical) and the relief granted would not be contrary to the public interest but will do substantial justice.

(3) The board shall not have the power and authority to grant variances and extensions of time to comply with the Federal Pretreatment Regulations set forth in 40 CFR 403 as incorporated in this chapter.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 69-17, § 4, 2-18-69; Ord. No. 69-30, § 2, 4-15-69; Ord. No. 75-27, § 33, 5-7-75; Ord. No. 89-8, § 5, 2-21-89; Ord. No. 95-68, § 7, 4-18-95)

Sec. 24-49. Procedure governing variances and extensions of time.

Applications for variances or extensions of time for compliance with this chapter shall be filed with the Director, Environmental Resources Management, in substantially the form prescribed therefor. The Director, Environmental Resources Management, shall make written recommendations concerning such applications and promptly file the records with the Environmental Quality Control Board. Upon request by any applicant for a variance from the regulations of Section 24-60, the Tree and Forest Resources Advisory Committee shall also make written recommendations concerning such applications and promptly file the recommendations with the Environmental

Quality Control Board. The Director, Environmental Resources Management, may initiate and file with the Board an application for variance or extension. Upon receipt of an application and the recommendations of the Director, Environmental Resources Management, and upon receipt of the recommendations of the Tree and Forest Resources Advisory Committee, where applicable, the Board shall promptly hold a public hearing upon the ap-

plication, after publication of notice of the hearing. All interested persons shall be entitled to be heard before the Board. The Board shall promptly hear and pass upon all such applications, and shall set forth the grounds and reasons for granting or denying the application. Any person aggrieved by any decision of the Environmental Quality Control Board shall be entitled to judicial review in accordance with the Florida Rules of Appellate Procedure. The Board shall prescribe rules of procedure governing applications for variances or extensions of time, which shall conform to and be commensurate with the applicable and controlling provisions of this chapter. For purposes of this section, the County Manager may constitute a person aggrieved whenever the Environmental Quality Control Board renders a decision adverse to the recommendation of the Director, Environmental Resources Management.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 69-17, § 3, 2-18-69; Ord. No. 69-30, § 3, 4-15-69; Ord. No. 75-27, § 34, 5-7-75; Ord. No. 82-110, § 4, 12-7-82; Ord. No. 89-8, § 6, 2-21-89)

Secs. 24-50—24-52. Reserved.

Sec. 24-53. Information concerning processes shall be confidential.

Information obtained or coming into the possession of any governmental personnel by virtue of the provisions of this chapter relating to processes, compounds or other scientific data used by any person in connection with the use or operation of facilities, equipment or processes governed by the provisions of this chapter, or received by any governmental personnel in the performance of their official duties under this chapter, shall be confidential and shall not be divulged or made available to any unauthorized person. Such information shall not be public, and the Director, Environmental Resources Management, shall prescribe and maintain such procedures and safeguards necessary to comply with the provisions of this section. Any personnel violating the provisions of this section shall be subject to dismissal from the County service.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 75-27, § 35, 5-7-75)

Sec. 24-54. Violations of rules and regulations of the State of Florida Department of Environmental Regulation, Department of Health and Rehabilitative Services, and U.S. Environmental Protection Agency.

(1) All of the following rules and regulations are hereby adopted and are incorporated herein by reference hereto as same may be amended from time to time:

- (a) Chapter 17-602 of the Florida Administrative Code
- (b) Chapter 17-532 of the Florida Administrative Code
- (c) Chapter 17-550 of the Florida Administrative Code
- (d) Chapter 17-761 of the Florida Administrative Code
- (e) Chapter 10D-4 of the Florida Administrative Code
- (f) Chapter 17-762 of the Florida Administrative Code

(2) The regulations of the U.S. Environmental Protection Agency set forth at 40 C.F.R. 403 are hereby adopted and are incorporated herein by reference hereto.

(3) All rules and regulations promulgated by the State of Florida Department of Environmental Regulation pursuant to provisions of Chapters 373, 403 and 253, Florida Statutes, as they may be amended from time to time, are hereby adopted and are made a part of this chapter by reference.

(4) Any person who commits a violation of any rules and regulations adopted pursuant to this section shall be deemed guilty of committing a violation of this chapter. Violations of such rules and regulations shall constitute violations of this chapter triable in the court of appropriate jurisdiction.

Nothing herein shall be construed to prohibit Metropolitan Dade County from enacting ordinances stricter than the rules and regulations incorporated herein or to invalidate or supersede

ordinances heretofore enacted by Metropolitan Dade County which are stricter than the rules and regulations incorporated herein.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 72-76, § 9, 10-31-72; Ord. No. 75-27, § 36, 5-7-75; Ord. No. 82-109, § 1, 12-7-82; Ord. No. 91-61, § 6, 5-21-91; Ord. No. 92-50, § 2, 6-2-92)

Sec. 24-55. Enforcement; procedure, remedies.

It shall be unlawful for any person to violate any of the provisions of this chapter, any lawful rules and regulations promulgated under this chapter, any lawful order of the Director of the Department of Environmental Resources Management or his designee, or any condition, limitation or restriction which is part of an operating permit. It shall be the duty of all County and municipal officials and employees to enforce the provisions of this chapter. No building permit shall be issued for the installation of any improvements or facilities governed by the provisions of this chapter without the prior approval of the Director, Environmental Resources Management or his designee. In addition to any other remedies provided by this chapter, the Director, Environmental Resources Management, shall have the following judicial remedies available to him for violations of this chapter, any lawful rule or regulation promulgated under this chapter, any lawful order of the Director of the Department of Environmental Resources Management or his designee, or any condition, limitation or restriction which is part of an operating permit:

- (a) The Director, Environmental Resources Management, may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, of the County caused by such violation.
- (b) The Director, Environmental Resources Management, may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for each violation in an amount of not more than twenty-five thousand dollars (\$25,000.00) per offense. However, the court may re-

ceive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.

- (c) The Director, Environmental Resources Management, may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with or prohibit the violation of this chapter, any lawful rules or regulation promulgated under this chapter, any lawful order of the Director, Environmental Resources Management or his designee, or any condition, limitation or restriction which is part of an operating permit; and to seek injunctive relief to prevent injury to the air, waters, and property, including animal, plant, and aquatic life of the County, and to protect human health, safety, and welfare caused or threatened by any violation.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 72-76, § 10, 10-31-72; Ord. No. 74-34, § 1, 5-21-74; Ord. No. 75-27, § 37, 5-7-75; Ord. No. 83-108, § 3, 11-15-83; Ord. No. 86-95, § 6, 12-2-86)

Sec. 24-56. Penalties generally.

If any person shall fail or refuse to obey or comply with, or violates any of the provisions of this chapter, or any lawful rule or regulation promulgated hereunder, or any lawful order of the Director, Environmental Resources Management or his designee, or any condition, limitation or restriction which is part of an operating permit; issued or rendered under and pursuant to the provisions of this chapter, such person, upon conviction of such offense, shall be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both in the discretion of the court. Each day of continued violation shall be considered as a separate offense.

(Ord. No. 67-95, § 1, 12-19-67; Ord. No. 70-44, § 12, 6-2-70; Ord. No. 75-27, § 38, 5-7-75; Ord. No. 83-108, § 4, 11-15-83)

Sec. 24-57. Civil liability; joint and several liability; attorneys' fees.

- (a) Whoever commits a violation of this chapter or any lawful rule or regulation promulgated

under this chapter is liable to Metropolitan Dade County for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the County and for reasonable costs and expenses of the County in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the County to their former condition, and furthermore is subject to the judicial imposition of a civil penalty for each offense in an amount of not more than twenty-five thousand dollars (\$25,000.00) per offense. Each day during any portion of which such violation occurs constitutes a separate offense. Nothing herein shall give the Director, Environmental Resources Management, the right to bring an action on behalf of any private person.

(b) Whenever two (2) or more persons pollute the air or waters of the County in violation of this chapter or any lawful rule or regulation promulgated under this chapter or any order of the Director, Environmental Resources Management, so that the damage is indivisible, each violator shall be jointly and severally liable for such damage 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 air, waters and property, including the animal, plant and aquatic life of the County to their former condition. However, if said damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for that damage attributable to his violation.

(c) In assessing damages for fish killed, the value of the fish is to be determined in accordance with a table of values for individual categories of fish which has been promulgated by the Florida Department of Environmental Regulation.

(d) All the judicial remedies in this chapter are independent and cumulative.

(e) The following sums recoverable by the County shall be deposited in a separate County fund:

- (1) The compensatory and punitive damages recoverable by the County pursuant to Section 24-55(a) of the Code of Metropolitan Dade County.

- (2) The civil penalties recoverable by the County pursuant to Section 24-55(b) of the Code of Metropolitan Dade County.
- (3) The compensatory damages, punitive damages, costs, expenses and civil penalties recoverable by the County pursuant to Section 24-57(a) of the Code of Metropolitan Dade County.
- (4) The sums recoverable by the County pursuant to Section 24-57(b) of the Code of Metropolitan Dade County.
- (5) The sums recoverable by the County as reimbursement pursuant to Section 24-37(2) of the Code of Metropolitan Dade County.
- (6) Notwithstanding subsections (e)(1) through (5) hereinabove, any sums recoverable by the County pursuant to any of the foregoing provisions of Chapter 24 of the Code of Metropolitan Dade County which qualify for deposit in the Biscayne Bay Environmental Enhancement Trust Fund shall be deposited in said Biscayne Bay Environmental Enhancement Trust Fund.
- (7) Notwithstanding subsections (e)(1) through (6) hereinabove, any sums recoverable by the County pursuant to any of the foregoing provisions of Chapter 24 of the Code of Metropolitan Dade County which qualify for deposit in the Tree Trust Fund shall be deposited in said Tree Trust Fund.

This fund may only be used to pay for the following:

- (1) Tracing, controlling and abating of air pollution, water pollution, nuisances and sanitary nuisances in the County.
- (2) Enforcement of this chapter.
- (3) Restoration of the air, waters, property, animal life, aquatic life, and plant life of the County to their former condition.
- (4) Reimbursement of sums given to the County by the State of Florida or the United States of America, or both, as reimbursement for expenditures by the County to trace, control and abate air pollution, water pollution, nuisances and sanitary nuisances

in the County and to restore the air, waters, property, animal life, aquatic life and plant life of the County to their former condition. Said reimbursement to the State of Florida or the United States of America, or both, from this fund shall not in any case exceed the amount of monies actually recovered and collected by the County from the persons liable for the particular air pollution, water pollution, nuisances and sanitary nuisances and furthermore shall not include any monies recovered by the County from said persons liable as compensatory damages, punitive damages or civil penalties. Said reimbursement of sums by the County to the State of Florida or the United States of America, or both, shall be upon such terms and conditions deemed appropriate and approved by the Board of County Commissioners.

(f) Each mangrove tree unlawfully trimmed, cut or altered shall constitute a separate violation of this chapter.

(g) Whenever a violation of this chapter occurs or exists, or has occurred or existed, any person, individually or otherwise, who has a legal, beneficial, or equitable interest in the facility or instrumentality causing or contributing to the violation, or who has a legal, beneficial, or equitable interest in the real property upon which such violation occurs or exists, or has occurred or existed, shall be jointly and severally liable for said violation regardless of fault and regardless of knowledge of the violation. This provision shall be construed to impose joint and severable liability, regardless of fault and regardless of knowledge of the violation, upon all persons, individually or otherwise, who, although said persons may no longer have any such legal, beneficial or equitable interest in said facility or instrumentality or real property, did have such an interest at any time during which such violation existed or occurred or continued to exist or to occur. This provision shall be liberally construed and shall be retroactively applied to protect the public health, safety, and welfare and to accomplish the purposes of this chapter.

(h) Any person violating any provision of this chapter shall immediately restore the air, water, and property, including but not limited to animal, plant, and aquatic life, affected by said violation to the condition existing prior to the violation.

(i) Owners of real property shall be liable for the sums expended by the County pursuant to Section 24-5(30) when the violation of this chapter occurred or continued to exist or appeared imminent upon the real property aforesaid, regardless of fault and regardless of knowledge of the aforesaid violation. All sums expended by the County pursuant to Section 24-5(30) of this Code shall constitute and are hereby imposed as special assessments against the real property aforesaid, and until fully paid and discharged or barred by law, shall remain liens equal in rank and dignity with the lien of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. All such sums shall become immediately due and owing to the County upon expenditure by the County and shall become delinquent if not fully paid within sixty (60) days after the due date. All such delinquent sums shall bear a penalty of fifteen (15) percent per annum. Unpaid and delinquent sums, together with all penalties imposed thereon, shall remain and constitute special assessment liens against the real property involved for the period of five (5) years from due date thereof. Said special assessment liens may be enforced by the Director by any of the methods provided in Chapter 85, Florida Statutes, or, in the alternative, foreclosure proceedings may be instituted and prosecuted by the director pursuant to the provisions of Chapter 173, Florida Statutes; or the collection and enforcement of payment thereof may be accomplished by any other method provided by law. All sums recovered by the County pursuant to this provision shall be deposited by the County into the fund from which said sums were expended.

(j) Upon the rendition of a judgment or decree by any of the courts of this state against any person and in favor of the Director of the Department of Environmental Resources Management under any of the provisions of this chapter, the trial court, or, in the event of an appeal in which the Director of the Department of Environmental Resources

Management prevails, the appellate court, shall adjudge or decree against said person and in favor of the Director of the Department of Environmental Resources Management a reasonable sum as fees or compensation for the Director of the Department of Environmental Resources Management's attorney prosecuting the suit in which the recovery is had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions, legal or equitable, filed after the effective date of this ordinance by the Director of the Department of Environmental Resources Management pursuant to this chapter. Cessation of a nuisance, sanitary nuisance or of any other violation of any of the provisions of this chapter whatsoever, prior to rendition of a judgment or of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director of the Department of Environmental Resources Management under any of the provisions of this chapter, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Director of the Department of Environmental Resources Management, for which attorneys' fees shall be awarded by the trial court as set forth hereinabove.

(k) Each tree that is not exempt under this chapter and is unlawfully effectively destroyed or removed shall constitute a separate violation of this chapter for which liability shall attach in accordance with the provisions of Section 24-57 and Section 24-60(4), (5), and (6). Trees destroyed or effectively destroyed by an Act of God shall not constitute a violation of this chapter.

(l) In assessing damages for tree(s) or understory unlawfully removed, the value of the tree(s) or understory shall be based upon the cost of the tree(s) or understory and all costs associated with planting. At a minimum, the value of the tree(s) or understory, including the cost of planting, shall be two (2) times the current wholesale price of the tree(s) or understory based upon the largest available size or actual size of the tree(s) or understory removed, whichever is smaller, as set forth in recognized nursery publications.

(m) Whenever a mangrove tree is unlawfully trimmed, cut or altered, any person who authorized, permitted, suffered, or allowed said violation or whose agent, employee, servant, or independent contractor caused or contributed to the violation or who has a legal, beneficial or equitable interest in the real property upon which such violation occurs or exists, shall be jointly and severally liable for said violation regardless of fault and regardless of knowledge of the violation. This provision shall be construed to impose joint and several liability, regardless of fault and regardless of knowledge of the violation, upon all persons, individually or otherwise, who, although said persons may no longer have a legal, beneficial or equitable interest in said real property or may no longer have a relationship with such agent, employee, servant or independent contractor, did have such an interest or relationship at any time during which such violation existed or occurred or continued to exist or occur. This provision shall be liberally construed and shall be retroactively applied to protect the mangrove tree resources of Dade County and to accomplish the purposes of this chapter.

(Ord. No. 74-34, § 2, 5-21-74; Ord. No. 75-27, § 39, 5-7-75; Ord. No. 82-39, § 1, 5-4-82; Ord. No. 83-61, § 2, 7-19-83; Ord. No. 83-108, § 7, 11-15-83; Ord. No. 83-110, § 2, 11-15-83; Ord. No. 84-13, § 1, 2-7-84; Ord. No. 86-95, § 7, 12-2-86; Ord. No. 88-61, § 1, 7-5-88; Ord. No. 88-92, § 4, 9-22-88; Ord. No. 88-95, § 5, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 7, 2-21-89; Ord. No. 94-131, § 3, 6-21-94)

Editor's note—Ord. No. 89-8, § 7, adopted Feb. 21, 1989, amended § 24-57(e)(7) and § 24-57(g) to read as herein set out, and added § 24-57(j) and (k) which have been redesignated at the discretion of the editor as § 24-57(k) and (l) pursuant to the previous addition of § 24-57(j) by Ord. No. 88-61, § 1, adopted July 5, 1988.

Cross reference—Biscayne Bay Environmental Enhancement Trust Fund, § 7-5.1.

Sec. 24-57.1. Pollution Prevention Trust Fund.

(1) The Pollution Prevention Trust Fund is created for use in developing, promoting and conducting environmental workshops, expositions, symposia, conferences and other forms of public information for the purpose of educating industry, government and the public about pollution pre-

vention. The finance Director is hereby authorized and directed to establish the Pollution Prevention Trust Fund and to receive and disburse monies in accordance with the provisions of this section.

(2) The Pollution Prevention Trust Fund shall receive monies from the following sources:

- (a) All revenues or fees collected by the Department of Environmental Resources Management, from exhibitors, attendees, and sponsors participating in a pollution prevention event.
- (b) All monies accepted by Metropolitan Dade County in the form of federal, state, or other governmental grants, allocations, or appropriations, as well as foundation or private grants and donations, for the conducting of pollution prevention environmental education workshops, expositions, symposia, conferences and other forms of public information.
- (c) Such additional allocations as may be made by the Board of County Commissioners from time to time for the purposes set forth herein.
- (d) All interest generated from the sources identified in Section 24-57.1(2)(a), (b) and (c) hereinabove, except where monies received have been otherwise designated or restricted.

(3) The Pollution Prevention Trust Fund shall be maintained in trust by the Finance Director for the Board of County Commissioners solely for the purposes set forth herein, in a separate and segregated fund of the County which shall not be commingled with other County funds until disbursed for an authorized purpose pursuant to Section 24-57.1(4).

(4) The procurement of goods and services by the Department of Environmental Resources Management which are funded from the Pollution Prevention Trust Fund, shall be exempt from the formal bidding procedures and the provisions of Dade County Administrative Orders 3-2 and 3-4. Disbursements therefor shall not exceed twenty-five

thousand dollars (\$25,000.00) per vendor, per event and shall only be made for the following purposes:

- (a) Development, promotion and conducting of aforementioned Pollution Prevention educational activities as approved by the Director of the Department of Environmental Resources Management or his or her designee.
 - (b) Costs associated with said educational activities including, but not limited to, facility rental, equipment rental, professional and trade labor services, speakers's services, travel expenses, printing and mailing expenses, insurance, administrative costs, and any other goods or services necessary.
- (Ord. No. 95-28, § 2, 2-7-95)

ARTICLE II. WORK IN CANAL RIGHTS-OF-WAY, TIDAL WATERS, SUBMERGED BAY-BOTTOM LANDS, AND WETLANDS; DEWATERING; CONSTRUCTION OF DRAINAGE SYSTEMS*

Sec. 24-58. Permit required; exceptions; work standards; compliance with work standards, suspension of permit.

(1) It shall be unlawful for any person to perform work or authorize, allow, suffer or permit work to be performed in County canal rights-of-way, reservations or easements anywhere in Dade County, or to trim, cut, or alter a mangrove tree anywhere in Dade County, or to authorize, allow, suffer or permit the trimming, cutting or alter-

*Editor's note—Ord. No. 80-54, § 5, adopted June 3, 1980, amended the Code by adding provisions designated §§ 24-58—24-58.13. For purposes of facilitating indexing and reference, the editor has designated said provisions Art. II of Ch. 24.

Section 10 of Ord. No. 80-54 provides that said ordinance shall be applicable to the incorporated and the unincorporated areas of Dade County. Further, § 14 of said ordinance provides as follows:

"Section 14. This ordinance is prospective in its application and shall not apply to projects for which a complete application has been submitted to the U.S. Army Corps of Engineers, or the State of Florida Department of Environmental Regulation or the Dade County Department of Environmental Resources Management or to a municipality prior to the effective date of this ordinance."

ation of a mangrove tree anywhere in Dade County, or to fill, dredge or authorize, allow, suffer or permit filling or dredging or perform or authorize, allow, suffer or permit any type of work in, on, over, or upon tidal waters, submerged bay bottom lands, or wetlands anywhere in Dade County, or to perform or authorize, allow, suffer or permit any work which results in harmful obstruction or alteration of the natural flow of surface waters or substantial reduction in recharge of water to the Biscayne Aquifer, or authorize cause, permit, allow, let or suffer the dewatering of groundwater into any groundwater, surface water or drainage structure anywhere in Dade County, or the construction of a drainage system for any non-residential project anywhere in Dade County, without first having obtained a permit from the Dade County Department of Environmental Resources Management. All said work shall conform to minimum standards established by the Dade County Public Works Manual, the Department of Environmental Resources Management, and the "Permit Information Manual IV" of the South Florida Water Management District, dated March 19, 1994, as same may be amended from time to time. This section shall not apply to work in treatment facilities or their ancillary facilities such as, but not limited to, cooling canals or polishing ponds or to the following projects:

- (a) The placement of natural limerock boulder riprap waterward of an existing seawall, bulkhead or unconsolidated shoreline provided that the riprap is placed on a two (2) horizontal to one (1) vertical slope and the riprap does not extend more than ten (10) feet waterward of the mean high water line; provided, however, the Department of Environmental Resources Management conducts an inspection prior to the placement of the riprap and determines that said placement will not result in an adverse environmental impact to benthic communities.
- (b) Repair and/or replacement of the decking or handrails, on an existing dock or pier, limited to their original dimensions.
- (c) Repair and/or replacement of the tieback systems on an existing seawall or bulkhead, provided that the contractor submits an engineering plan which the Department determines meets acceptable standards for professional engineering design.
- (d) Repair and/or replacement of the cap of an existing seawall or bulkhead, provided that the contractor submits an engineering plan which the Department determines meets accepted standards for professional engineering design.
- (e) Sealing of cracks in a seawall or bulkhead cap or face.
- (f) Repair or sealing of the pilasters of an existing seawall or bulkhead.
- (g) Backfilling landward of existing seawalls or bulkheads.
- (h) Placement of riprap, gunite-filled tube, or other approved material beneath an undercut seawall or bulkhead provided that material does not extend more than two (2) feet waterward of the seawall or bulkhead.
- (i) Placement of sand-cement riprap bags at the toes of a seawall or bulkhead provided the bags do not extend more than two (2) feet or the width of two (2) standard sand-cement bags waterward of the seawall or bulkhead.
- (j) The removal of old or unused or rotting mooring piles or the removal of dilapidated docks or piers.
- (k) Trimming or cutting or any other alteration of a mangrove tree(s) for the exclusive purpose of conducting a land survey, provided that the area of mangroves affected by the survey line is less than three (3) feet wide and said survey is conducted by a licensed land surveyor.
- (l) Roadway maintenance activities which are performed or authorized by the Dade County Public Works Department to correct safety deficiencies or are undertaken to maintain the continuity of existing use for an established road or road right-of-way.
- (m) Maintenance of private roads approved by Dade County Department of Environmental Resources Management or maintenance of roads and fill pads approved by Dade

County Department of Environmental Resources Management located upon a public or private utility right-of-way.

- (n) Reserved.
- (o) Installation, repair, or replacement of marine hardware necessary to secure vessels including, but not limited to, cleats, mooring whips, chocks and mooring bits on docks and piers.
- (p) Construction, installation, repair, or replacement of permanent uncovered benches and/or tables on docks and piers.
- (q) Construction, installation, repair, or replacement of fenders, except fender piles, on docks and piers necessary for the protection of vessels.
- (r) Construction, installation, repair, or replacement of storage boxes, not exceeding thirty-six (36) inches in height, on docks and piers.
- (s) Construction, installation, repair, replacement of ladders on docks and piers to provide access to and from vessels and/or the water.
- (t) The placement of concrete jackets or other forms of protection on existing dock, pier or mooring piles.
- (u) Reserved.
- (v) The replacement of mooring piles at the same exact location as they presently exist and provided that the following criteria are adhered to:
 1. The mooring piles to be replaced do not protrude into the water more than twenty-five (25) percent of the width of the waterway.
 2. The work will be done by a contractor holding an applicable certificate of competency.
 3. The contractor shall contact the DERM or his designee within twenty-four (24) hours of performing the mooring piling replacement work with information on the location and the number of mooring pilings replaced.
- (w) Reserved.

- (x) The installation of a drainage system for a commercially or industrially zoned project which does not use, generate, handle, dispose of, discharge or store hazardous materials. This exemption, however, shall not apply to an airport facility, a resource recovery and management facility or a sewage treatment facility.

(2) The exemptions set forth in Sections 24-59(1)(l) and (m) shall neither apply to any work involving expansion in the width or length of roads nor shall said exemptions apply to work involving the filling of roads to higher elevations when said roads occur at elevations which are less than the elevations set forth by Dade County flood criteria.

(3) All work to be done under County permits must conform with the applicable portions of this section and the Dade County Public Works Manual, with special reference to Section D-5, "Coastal Construction," and Sections D-4 and D-6 "Water Control."

(4) If the Director of the Department of Environmental Resources Management determines that the permittee and/or contractor is not performing the construction in accordance with the conditions of the permit or the approved plans upon which the permit was issued or the standards established by the Dade County Public Works Manual, he may order suspension of the permit or the stopping of work until such time as the permittee and/or contractor has complied with the permit, plans or standards. In such case, the permittee and/or contractor shall take all necessary precautions to leave the work area in a safe and secure condition. In the event of any future widening, repairs, installation, construction, or reconstruction, by or for Dade County, of any road, bridge, canal, culvert, traffic signal, streetlight, water distribution system, sewage collection system, storm drainage system, or any other County facility within the public right-of-way in which the permittee and/or contractor has constructed any utility which has not been conveyed to a franchised public utility, said permittee or contractor shall move or remove such utility as may be required for the public convenience as and whenever specified by the Director of the Public Works Department and at the permittee and/or contractor's own expense.

(5) It shall be unlawful for any person to violate or fail to comply with any of the conditions or special conditions of a class I, class II, class III, class IV, class V, or class VI permit issued by the director or his designee.

(Ord. No. 80-54, § 5, 6-3-80; Ord. No. 82-27, § 1, 4-6-82; Ord. No. 83-61, § 3, 7-19-83; Ord. No. 83-70, § 4, 9-6-83; Ord. No. 85-87, § 3, 10-1-85; Ord. No. 86-62, § 3, 9-16-86; Ord. No. 92-80, § 2, 7-21-92; Ord. No. 94-131, § 4, 6-21-94; Ord. No. 95-27, § 3, 2-7-95)

Sec. 24-58.1. Permit classifications; interpretation as to permit requirement, fee; determination of wetlands.

(1) There are six (6) permit classifications: class I, class II, class III, class IV, class V and class VI.

(a) *Class I:* Class I permits are required to trim, cut or alter a mangrove tree anywhere in Dade County or for any type of work as defined herein to take place in, on, over or upon any tidal waters, bay bottom lands anywhere in Dade County or in wetlands supporting halophytic vegetation anywhere in Dade County, including but not limited to dredging or filling provided, however, that class I permits shall not apply to the construction, installation or alterations of outfalls or overflow systems as described under the definition of class II permits (Section 24-58.1(1)(b)).

(b) *Class II:* Class II permits are required for the construction, installation and/or alteration of any outfall or overflow system in, on, under or upon any water body of Dade County, including, but not limited to, canals, rivers, lakes, lagoons and/or all tidal water bodies.

(c) *Class III:* Class III permits are required for work in, on, upon or contiguous to nontidal lakes, canals, rivers and other water areas and waterfronts under the direct control of Dade County by virtue of ownership, dedication by plat, right-of-way easement, reservation, or right-of-way and access agreement or instrument, including canal right-of-way as herein defined; provided, however,

that class III permits shall not apply to Sections 33-13(e) and 33-16(a) of the Code of Metropolitan Dade County, Florida, nor shall they apply to the construction, installation, and/or alteration of outfalls or overflow systems as described under the definition of class II permits (Section 24-58.1(1)(b)).

(d) *Class IV:* Class IV permits are required for any work in, on, or upon wetlands not supporting halophytic vegetation anywhere in Dade County.

(e) *Class V:* Class V permits are required for any dewatering of groundwater, surface water or water which has entered into an underground facility, excavation or trench.

(f) *Class VI:* Class VI permits are required for drainage systems to be installed in non-residential projects.

(2) If any person is in doubt as to whether or not the proposed work requires a permit as hereunder provided, said person may request a written determination from the Director of Dade County Environmental Resources Management. Within thirty (30) days after receipt of such request, the Director of Dade County Environmental Resources Management shall issue a letter of interpretation with respect to whether or not a permit is required for the proposed work. The Director of the Department of Environmental Resources Management may require any or all of the information which is required in a short form permit application as a condition precedent to the issuance of such a letter. Such letter shall have no precedential value to any person other than the person who requested said written determination, or his grantees, heirs, successors or assigns. A fee, to be set by administrative order approved by the Board of County Commissioners, shall be collected from any person requesting a letter of interpretation by the Director of the Department of Environmental Resources Management. The fee shall be applied towards the permit application fee if the Director determines that a permit is required.

(3) Determinations as to the landward extent of wetlands shall be based on the unified statewide methodology adopted pursuant to Section 373.421(1), Florida Statutes, as amended from time

to time. A determination that any portion of a tract of land is not a wetland does not preclude the requirement for a permit on any other portion of the tract that is determined to be a wetland. The unified statewide methodology adopted pursuant to Section 373.421(1), Florida Statutes, as amended from time to time, is hereby adopted by reference, as same may be amended from time to time.

(Ord. No. 80-54, § 5, 6-3-80; Ord. No. 83-61, § 4, 7-19-83; Ord. No. 83-70, § 5, 9-6-83; Ord. No. 85-87, § 4, 10-1-85; Ord. No. 94-131, § 5, 6-21-94; Ord. No. 95-27, § 4, 2-7-95)

Sec. 24-58.2. Permit application forms; procedures.

There are two (2) types of application forms; short form and standard form. The general criteria for determining the type of application form required are based on the magnitude of the project, and its potential environmental impact. Unless waived by the municipality, the applicant's plans shall require municipal approval.

(1) Short Form Permit Application:

(A) *When permissible:* A short form permit application may be accepted by the Department of Environmental Resources Management for the following types of work:

- (1) Repair or replacement of seawalls or bulkheads at the mean high water line or at their existing location.
- (2) Construction or the placement of a single-family residence fixed or floating dock provided that the proposed dock, together with associated tie-up facilities, does not protrude into the water more than twenty-five (25) percent of the width of the waterway, and it complies with Section D-5.03(2)(a) of the Dade County Public Works Manual. Single-family docks which are required by the Department to exceed Section D-5.03(2)(a) in order to avoid seagrass beds or other valuable marine habitats may also be accepted as short form applications.
- (3) Repair, replacement or restoration of docks, piers, and dock or pier pilings

limited to their original dimensions and together with associated tie-up facilities, do not protrude into the water more than twenty-five (25) percent of the width of the waterway.

- (4) Installation of mooring piles and the installation or replacement of mooring buoys, when it is determined that the proposed installation will not present a hazard to navigation and mooring pile replacements which do not qualify as an exemption under Section 24-58(1)(v).
- (5) All work requiring a class II permit.
- (6) All work requiring a class III permit.
- (7) Maintenance dredging projects where the dredged material is to be deposited on a self-contained upland site.
- (8) The placement of riprap in front of an existing seawall, bulkhead or shoreline, provided there is no adverse environmental impact associated with the project.
- (9) Construction of new seawalls or bulkheads at the mean high water line.
- (10) Davit installation on a dock seawall or bulkhead.
- (11) Repair or replacement of wave baffles at their original location and dimensions.
- (12) Construction or the placement of fixed or floating docks in order to create fifty (50) or less boat slips at a new or existing boat docking facility other than a single-family residence, provided that the following criteria are adhered to:
 - (a) The additional fixed or floating docks do not protrude into the water more than twenty-five (25) percent of the width of the waterway.
 - (b) The additional fixed or floating docks comply with Section D-5.03(2)(a) of the Dade County Public Works Manual.
 - (c) No dredging or filling is associated or required for the project.

A boat docking facility expansion may only be accepted as a short form application if the facility has not been physically expanded during the past two (2) years.

- (13) Installation of a subaqueous cable or pipeline crossing requiring the dredging and backfilling of ten thousand (10,000) cubic yards or less of material.
- (14) Installation of aids to navigation.
- (15) Class II temporary dewatering projects.
- (16) Repair of bridge fender systems.
- (17) Repair or replacement of a bridge to its original dimensions or less.
- (18) Construction of artificial reefs.
- (19) Trimming or cutting or any other alteration of a mangrove tree(s) which is not a part of a coastal band community.
- (20) Trimming or cutting or any other alteration of a mangrove tree(s) for the exclusive purpose of conducting a land survey, provided the area of mangrove trees affected by the survey line is greater than three (3) feet wide and said survey is conducted by a licensed land surveyor.
- (21) Clearing, farming, filling, dredging, plowing or any other work within wetlands requiring a class IV permit and not lying within the Bird Drive Everglades Wetland Basin or the North Trail Wetland Basin where the usage is consistent with existing zoning regulations and where the cumulative area upon which work will be performed does not exceed:
 - (a) One (1) acre of wetlands in areas designated as "Environmental Protection" on the current Dade County Comprehensive Development Master Plan Map, or
 - (b) Ten (10) acres of wetlands in areas designated as "Open Land" or "Agriculture" on the current Dade County Comprehensive Development Master Plan Map, or
- (c) Fifteen (15) acres of wetlands for lands inside the "Urban Development Boundary Line" as it appears on the current Dade County Comprehensive Development Master Plan.
- (22) Rockmining in the Transitional Northeast Everglades, the East Turnpike Wetland Basin and the C-9 Wetland Basin, when said rockmining has been previously approved as an unusual use by Metropolitan Dade County. However, a short form application for said rockmining shall be permitted only when the design and development criteria for the proposed rockmining project do not conflict with the prior unusual use approval by Metropolitan Dade County.
- (23) Elevated boardwalks landward of the mean high water line.
- (24) Boat elevator installation on a new or existing dock, seawall or bulkhead.
- (25) The clearing, farming, placement of clean fill, dredging, plowing or any other agricultural site alteration within the North Trail Wetland Basin or the Bird Road Drive Everglades Wetland Basin.
- (26) Clearing, placement of clean fill or dredging in wetlands associated with a modification of the Central and South Florida Flood Control Project, intended to restore historical patterns of hydrologic flow to Everglades National Park, Florida Bay or Biscayne Bay and performed by the State of Florida or the United States Government. Modifications intended to provide additional drainage of wetland areas shall be subject to the provisions of Section 24-58.2(II)(A).
- (27) All work requiring a class V permit.
- (28) All work requiring a class VI permit.
- (B) *Application procedure (class I, class II, class III, class IV, class V, and class VI permits):*
 - (1) The applicant or his agent shall submit to the Department of Environmental Resources Management an applica-

tion in such form as prescribed by the Department. A class I permit application shall be verified by the upland property owner who possesses riparian rights to the area of the proposed work or the lessee of said upland property. A class IV permit application shall be verified by the owner of the property or the lessee of the property upon which the work is proposed. If the application for a class I or class IV permit is verified by the lessee, a statement from the owner of the property indicating that he has no objection to the work proposed shall be submitted with the application. A public hearing by the Board of County Commissioners shall be held for a short form application if a written request therefor is filed with the Department of Environmental Resources Management prior to the Department's issuance of the permit. If no such written request is filed, the Department of Environmental Resources Management shall approve and issue, deny or approve and issue subject to conditions, limitations or restrictions, the work proposed under the permit application based upon the applicable evaluation factors set forth in Section 24-58.3 of this Code. If a timely request is filed, the Board of County Commissioners shall approve, approve with conditions, limitations or restrictions, or deny a permit for the proposed work after conducting said public hearing in accordance with the procedures set forth in Section 24-58.2(II)(B)(1), (2) and (3). A short form permit application shall include but not be limited to the following:

- (a) Two (2) or more complete sets of construction plans and calculations for the proposed work prepared by an engineer registered in the State of Florida. Said plans and calculations shall be subject to review and approval by the Department of Environmental Resources Management. Said plans and calculations

may be prepared by an architect registered in the State of Florida for work described in Section 24-58.2(I)(A)(4), (7), (8), (10), (11), (14), (19), (21) and (27). Said plans and calculations may be prepared by a land surveyor registered in the State of Florida for the work described in Section 24-58.2(I)(A)(21) and (27). Projects in which a class I permit is sought shall not be required to meet the Dade County structural requirements outlined in Section D-5 of the Dade County Public Works Manual if the project is located in a municipality and a structural review and approval has been granted by the municipality. Rockplowing or other agricultural site alterations as described in Section 24-58.2(I)(A)(22) and (23) are exempt from submitting plans prepared by an architect or engineer only if said rockplowing or agricultural site alteration does not involve the construction of any roads built at elevations higher than natural surface elevations, fill pads, culverts, or structures of any type; excavation of any borrow pits, ditches or canals; or the construction of any other drainage facilities or drainage structures. Short form applications for rockplowing or other agricultural site alteration which meet the requirements of this provision may substitute sketches or plans of the proposed work. Said sketches or plans shall be in sufficient detail to identify the type of the proposed work, location of the proposed work and whether or not the proposed work complies with all applicable development criteria and management practices. Work limited exclusively to the trimming or cutting of a mangrove tree(s) is exempt from this requirement.

- (b) A check in the amount of the required application fee payable to Metropolitan Dade County.
 - (c) Evidence of ownership or a lease of the upland and submerged land, or evidence of ownership or a lease of the wetland upon which work is proposed. Said evidence of ownership may include, in the discretion of the Department of Environmental Resources Management, an affidavit of ownership executed by the owner of the property.
 - (d) If the proposed work is within an incorporated area, a substantiating letter shall be submitted, as part of the permit application, from the zoning department of the incorporated area. If the proposed work is within an unincorporated area, a substantiating letter from Metropolitan Dade County Department of Planning, Development and Regulation shall be submitted as part of the permit application. Said substantiating letter shall state that the proposed usage of the property upon which the proposed work would occur does not violate any zoning law applicable to the area of the proposed work.
 - (e) If the work is limited exclusively to the trimming or cutting of a mangrove tree(s), a sketch shall be prepared by a licensed landscape architect which delineates the property lines of the upland owner, the location and size of all existing mangrove tree(s) on the site and the nature, degree, and methodology of the proposed trimming or cutting. If the proposed work involves trimming or cutting of less than five (5) mangrove tree(s) or involves the trimming of mangrove tree(s) for a property line survey, the sketch may be prepared by the applicant or his agent.
 - (f) For all proposed work involving the placement of clean fill within the Bird Drive Everglades Wetland Basin or the North Trail Wetland Basin, a maintenance plan shall be submitted which shall include:
 - (1) A description of how the stormwater management system shall be maintained in a functional condition,
 - (2) Treatment and control techniques as well as a management schedule to ensure that all of the stormwater management areas will be maintained free from exotic plant species, and
 - (3) A description of how the stormwater management system shall be kept free of solid waste.
 - (g) For all proposed work which involves the placement of more than four (4) inches of fill above the seasonal high water table in the area(s) of the subject property designated as the stormwater management area(s), a report prepared by an engineer registered in the State of Florida shall be submitted. Said report shall demonstrate the consistency of the site plan with the goals and requirements of either the North Trail Basin Fill Encroachment and Water Management Criteria (for properties located within the North Trail Wetland Basin), or with the Bird Drive Everglades Basin Fill Encroachment and Water Management Criteria (for properties located within the Bird Drive Everglades Wetland Basin).
- (2) In addition, the following supplemental information may, at the discretion of the Department of Environmental Resources Management, be required to be submitted with a short form permit application:
 - (a) Certification by an engineer registered in the State of Florida, who

is qualified by education and experience in the area of construction, that:

- (1) To the best of the engineer's knowledge and belief, the proposed work does not violate any laws, rules, or regulations of the State of Florida or any provisions of the Code of Metropolitan Dade County which may be applicable; that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design process for the proposed work, and in the opinion of the engineer, based upon his knowledge and belief, the following will not occur:

- a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits.)
- c. Material injury to adjacent property.
- d. Harmful effect upon the water quality within the receiving water body of the emergency overflow from a stormwater retention system. (Applicable to class II permits only.)
- e. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only.)

- (2) The engineer has been retained by the applicant to provide inspections throughout the construction period and shall prepare a set of reproducible record prints of draw-

ings showing changes made during the construction process based upon the marked-up prints, drawings and other data furnished by the contractor to the engineer.

- (b) A covenant running with the land in favor of Metropolitan Dade County executed by the landowner(s). Said covenant shall be subject to the approval of the Board of County Commissioners and shall not be revoked or modified without the consent of the Board of County Commissioners. Said covenant shall restrict development or alteration of the property to a designated portion of the property and may include conditions for the environmental protection and environmental management of designated portions of the property.
- (c) A comprehensive environmental impact statement, if required pursuant to Section 24-5(28).
- (d) If, in the opinion of the Director of the Department of Environmental Resources Management, inadequate information has been provided to evaluate the proposed work, or adverse environmental impact may occur as a result of the proposed work, the Director, before making a recommendation as to the application, shall require the applicant to conduct a coastal engineering study or water quality study or biological study or groundwater study. Said studies shall be a part of the permit application.
- (e) For all proposed work within the North Trail Wetland Basin or the Bird Drive Everglades Wetland Basin, a covenant running with the land in favor of Metropolitan Dade County, in a form approved by the Board of County Commissioners, shall be executed. Said covenant

may only be revoked or modified by action of the Board of County Commissioners and shall provide for the protection and maintenance of the stormwater management area of the subject property.

(II) Standard Form Permit Application:

(A) A standard form permit application shall be required for any work requiring a class I or class IV permit not specifically described under Section 24-58.2(I). A standard form permit application shall also be required for all short form permit applications for which a public hearing has been requested pursuant to Section 24-58.2(I)(B)(1). A class I permit application shall be verified by the upland property owner who possesses riparian rights to the area of the proposed work or the lessee of said upland property. A class IV permit application shall be verified by the owner of the property or the lessee of the property upon which the work is proposed. If the application for a class I or IV permit is verified by the lessee, a statement from the owner of the property indicating that he has no objection to the work proposed shall be submitted with the application. All permit applications shall be submitted to the Department of Environmental Resources Management in such form as prescribed by the Department. A standard form permit application shall include, but not be limited to, the following:

- (1) Evidence of ownership or a lease of the upland land, or evidence of ownership or a lease of the wetland upon which work is proposed. Said evidence of ownership may include, in the discretion of the Department of Environmental Resources Management, an affidavit of ownership executed by the owner of the property.
- (2) Three (3) copies of a plan or sketch of the proposed structure or work. For class I permits this shall include the locations of the mean high water line, mean low water line, the property lines of the upland owner, and soundings

made in the surrounding water areas, corrected to mean low water datum. For work which involves the trimming or cutting of a mangrove tree(s), the sketch or plan shall delineate the location and size of all existing mangrove tree(s) on the site and the nature, degree and methodology of the proposed trimming or cutting.

- (3) A written statement signed by the permit applicant or the applicant's authorized agent stating that, if approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer registered in the State of Florida in accordance with the minimum requirements of this chapter and the Dade County Public Works Manual. Said plans and calculations shall be subject to the review and approval of the Department of Environmental Resources Management. Projects in which a class I permit is sought shall not be required to meet the Dade County structural requirements outlined in Section D-5 of the Dade County Public Works Manual if the project is located in a municipality and a structural review and approval has been granted by the municipality. Said written statement shall state that the applicant will secure the services of a registered engineer to conduct inspections throughout the construction period, and that said engineer shall prepare all required drawings of record. This statement shall also provide that for work which involves cutting or trimming of a mangrove tree(s), a detailed plan of the proposed cutting or trimming shall be prepared by a licensed landscape architect and submitted to the Department for review and approval, and that the applicant will secure the services of a licensed landscape architect to supervise the trimming or cutting.

- (4) Certification by an engineer registered in the State of Florida, who is qualified by education and experience in the area of construction, that:
 - (a) To the best of the engineer's knowledge and belief, the proposed work does not violate any laws, rules or regulations of the State of Florida or any provisions of the Code of Metropolitan Dade County which may be applicable; that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design process for the proposed work; and in the opinion of the engineer, based upon his knowledge and belief, the following will not occur:
 - (1) Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.
 - (2) Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits.)
 - (3) Material injury to adjacent property.
 - (4) Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only.)
 - (b) The engineer has been retained by the applicant to provide inspections throughout the construction period and shall prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor to the engineer. Work limited exclusively to the cutting or trimming of a mangrove tree(s) is exempt from the requirements of Section 24-58.2(II)(A)(4)(a) and (b).
- (5) Names and addresses from the latest County tax rolls of owners of all riparian or wetland property within three hundred (300) feet of the proposed work.
- (6) A check in the amount of the required application fee payable to Metropolitan Dade County.
- (7) If the proposed work is within an incorporated area, a substantiating letter shall be submitted, as part of the permit application, from the zoning department of the incorporated area. If the proposed work is within an unincorporated area, a substantiating letter from Metropolitan Dade County Department of Planning, Development and Regulation shall be submitted as part of the permit application. Said substantiating letter shall state that the proposed usage of the property upon which the proposed work would occur does not violate any zoning law applicable to the area of the proposed work. Applicants for class I permits shall have the option of submitting the above described substantiating letter from the applicable zoning authority after obtaining approval from the Board of County Commissioners but prior to permit issuance. Applications for class I or class IV permits by the Florida Departments of Transportation and Natural Resources shall not be required to submit the above described substantiating letter from the local zoning authority.
- (8) For all proposed work involving the placement of clean fill within the Bird Drive Everglades Wetland Basin or the North Trail Wetland Basin, a maintenance plan shall be submitted which shall include:
 - (a) A description of how the stormwater management system shall be maintained in a functional condition,
 - (b) Treatment and control techniques as well as a management schedule to ensure that all of the stormwater management areas will be maintained free from exotic plant species, and

- (c) A description of how the stormwater management system shall be kept free of solid waste.
- (9) For all proposed work which involves the placement of more than four (4) inches of fill above the seasonal high water table in the area(s) of the subject property designated as the stormwater management area(s), a report prepared by an engineer registered in the State of Florida shall be submitted. Said report shall demonstrate the consistency of the site plan with the goals and requirements of either the North Trail Basin Fill Encroachment and Water Management Criteria (for properties located within the North Trail Wetland Basin), or with the Bird Drive Everglades Basin Fill Encroachment and Water Management Criteria (for properties located within the Bird Drive Everglades Wetland Basin).
- (10) In addition, the following supplemental information may, at the discretion of the Department of Environmental Resources Management, be required to be submitted with a standard form permit application:
 - (a) If, in the opinion of the Director of the Department of Environmental Resources Management, inadequate information has been provided to evaluate the proposed work, or adverse environmental impact may occur as a result of the proposed work, the Director, before making a recommendation as to the application, shall require the applicant to conduct a coastal engineering study or water quality study or biological study. Said studies shall be a part of the permit application.
 - (b) If requested by the Director of the Department of Environmental Resources Management, a coastal resources management line shall be determined for the property upon which work requiring a class I permit is proposed. Said line shall be determined according to scientifically recognized ecological techniques and said line shall be subject to approval by the Department of Environmental Resources Management. Said line shall identify those areas where detrital cycles contribute to the ecological productivity of coastal waters.
 - (c) A covenant running with the land in favor of Metropolitan Dade County executed by the landowner(s). Said covenant shall be subject to the approval of the Board of County Commissioners and shall not be revoked or modified without the consent of the Board of County Commissioners. Said covenant shall restrict development or alteration of the property to a designated portion of the property and may include conditions for the environmental protection and environmental management of designated portions of the property.
 - (d) A comprehensive environmental impact statement, if required pursuant to Section 24-5(28).
- (11) The applicant, in his or her discretion, may provide evidence of public interest or public economic values relating to the proposed work.
- (12) For all proposed work within the North Trail Wetland Basin or the Bird Drive Everglades Wetland Basin, a covenant running with the land in favor of Metropolitan Dade County, in a form approved by the Board of County Commissioners, shall be executed. Said covenant may only be revoked or modified by action of the Board of County Commissioners and shall provide for the protection and maintenance of the stormwater management area of the property.
- (B) Obtaining approval from the Board of County Commissioners:
 - (1) The Director of the Department of Environmental Resources Management

shall review the permit application for the proposed work and shall make a recommendation to the Board of County Commissioners of approval, denial, or approval subject to conditions, limitations or restrictions for the proposed work. The Director's recommendation shall be based upon the applicable evaluation factors set forth in Section 24-58.3 of this Code. The Board of County Commissioners or Community Zoning appeals Board pursuant to Section 33-13 shall hold a public hearing concerning the proposed work. A notice of the time and place of said public hearing shall be published in a newspaper of general circulation in Dade County a minimum of seven (7) days prior to the public hearing. Said notice shall include a brief description of the proposed work and the location of the proposed work. A courtesy notice containing substantially the same information set forth in said published notice shall be mailed to those parties whose names appear on the application as the owners of all riparian or wetland property within three hundred (300) feet of the proposed work. Failure to mail or receive said courtesy notice shall not affect any action or proceeding taken thereunder. The Board of County Commissioners or Community Zoning Appeals Board pursuant to Section 33-13 shall, after holding the public hearing, approve, deny, or approve subject to conditions, limitations or restrictions, the work proposed under the permit application based upon the applicable evaluation factors set forth in Section 24-58.3 of this Code.

- (2) If the Board of County Commissioners or Community Zoning Appeals Board pursuant to Section 33-13 approves a permit application, the Department of Environmental Resources Management shall issue the permit subject to the conditions, limitations or restrictions required by the Community Zoning Appeals Boards or Board of County

Commissioners. The Department of Environmental Resources Management, in its discretion, may require additional conditions, limitations and restrictions as part of the permit only if said additional conditions, limitations or restrictions are consistent with the action of the Board of County Commissioners or Community Zoning Appeals Board with respect to the permit-

- (3) At the request of a permit applicant, a conclusive list of permit conditions, limitations, and restrictions, which may not be amended or modified by the Department of Environmental Resources Management except as provided in Section 24-58.2(II)(B)(3)(b), below, shall be prepared prior to the public hearing and shall be submitted to the Board of County Commissioners or Community Zoning Appeals Board pursuant to Section 33-13 as part of the Director's recommendation of approval, provided that the permit application includes the following:
 - (a) All requirements set forth in Section 24-58.5(b)(1) and (2).
 - (b) A verified statement by the permit applicant that the proposed work shall commence within three (3) months of approval of said permit by the Board of County Commissioners or Community Zoning Appeals Board pursuant to Section 33-13 and that if the work does not commence within three (3) months of the date of approval of said permit by the Board of County Commissioners or Community Zoning Appeals Board, then the Department of Environmental Resources Management may, in its discretion, require additional conditions, restrictions, and limitations as to the permit other than those described in the aforesaid list. All such additional conditions, restrictions, and limitations shall be consistent with the action of the

Board of County Commissioners
or Community Zoning Appeals
Board with respect to the permit.

(Ord. No. 80-54, § 5, 6-3-80; Ord. No. 82-27, § 1, 4-6-82; Ord. No. 83-61, § 5, 7-19-83; Ord. No. 83-70, § 6, 9-6-83; Ord. No. 85-57, § 5, 10-1-85; Ord. No. 86-62, § 4, 9-16-86; Ord. No. 92-80, § 3, 7-21-92; Ord. No. 94-131, § 6, 6-21-94; Ord. No. 95-27, § 5, 2-7-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-127, § 2, 9-4-96)

Sec. 24-58.3. Factors for evaluation of permit applications; incomplete permit applications.

(A) Dade County Environmental Resources Management Department shall base its recommendation for approval, denial or approval subject to conditions, limitations, or restrictions, and the Board of County Commissioners shall make its decision for approval, denial, or approval subject to conditions, limitations or restrictions, for any of the permits provided for under this article, upon the following evaluation factors, when applicable:

- (1) The potential adverse environmental impact and cumulative adverse environmental impact of the proposed work, including but not limited to the effect upon hydrology, water quality, water supply, wellfields, aquifer recharge, aesthetics, public health, historic values, air quality, marine and wildlife habitats, archeological values, wetland soils suitable for habitat, floral and faunal values, rare, threatened and endangered species, natural flood damage protection, wetland values, land use classification, recreation, and any other environmental values, affecting the public interest.
- (2) Conformance with standard construction procedures and practices and design and performance standards, including but not limited to, all applicable portions of the Dade County Public Works Manual, Chapter 33B of the Code of Metropolitan Dade County, Florida, and Dade County Ordinance No. 81-19 [codified as Sections 33D-1 through 33D-4], as all of same may be amended from time to time. Projects in which a class I permit is sought shall not be required to meet the Dade County struc-

tural requirements outlined in Section D-5 of the Dade County Public Works Manual if the project is located in a municipality and a structural review and approval has been granted by the municipality.

- (3) The information provided by the comprehensive environmental impact statement, if required.
- (4) Conformance with all applicable federal, state and local laws and regulations. Conformance with the Rules of the South Florida Water Management District set forth in Chapter 40E-40. Florida Administrative Code (F.A.C.), as same may be amended from time to time, pertaining to general surface water management permits within Dade County, and with the provisions contained in the "Basis of Review for Surface Water Management Permit Applications Within the South Florida Water Management District," dated March 10, 1994 as same may be amended from time to time.
- (5) Conformance with the Dade County Comprehensive Development Master Plan, Chapter 33B of the Code of Metropolitan Dade County, Florida, Dade County Ordinance No. 81-19 [codified as Sections 33D-1 through 33D-4], and the Dade County Manatee Protection Plan (a copy of which shall be made permanently available at the department for reference by the public), as all of same may be amended from time to time.
- (6) Consistency with criteria for lake excavations in Dade County established by the Board of County Commissioners.
- (7) The recommendation to the Board of County Commissioners as to approval or denial from the municipality within which the proposed work is located.
- (8) The relationship of the proposed work to a coastal resources management line established pursuant to the provisions of Section 24-58.2(II)(A)(10)(b).
 - (a) Preservation and protection of all existing wetland communities seaward of said management line.

(b) Protection of all existing wetland biological and hydrological functions landward of said management line.

(9) Maximum protection of a wetland's hydrological and biological functions through adherence to the following fill limitations:

(a) Placement of the minimum fill necessary on a site to provide for the land usage alternative which results in the least adverse environmental impact and the least cumulative adverse environmental impact.

(b) Placement of temporary fill pads and fill roads for the purpose of conducting rockmining.

(B) In addition to the applicable evaluation factors found in Section 24-58.3(A)(1) through (9) above, dredging or filling work proposed in class I permit applications shall comply with at least one (1) of the following criteria:

- (1) Minimum dredging and spoiling for public navigation or public necessity.
- (2) An alteration of physical conditions as may be necessary to enhance the quality or utility of adjacent waters.
- (3) Minimum dredging and filling for the creation and maintenance of marinas, piers, docks and attendant navigational channels.
- (4) Minimum dredging and filling as is necessary for the elimination of conditions hazardous to the public health or for the elimination of stagnant waters.
- (5) Minimum dredging and filling as is necessary to enhance the biological, chemical or physical characteristics of adjacent waters.
- (6) A physical modification necessary to protect public or private property.

(C) In addition to the applicable evaluation factors found in Section 24-58.3(A)(1) through (9) above, the construction of all fixed docks and piers in the tidal waters of Dade County and the placement of all floating docks and piers in the tidal waters of Dade County shall comply with the following criteria: Docks and piers shall have a

minimum water depth of minus four (-4) feet N.O.A.A. mean low water datum at their waterward edge and within any boat slips created by the construction or placement of the docks or piers. This requirement shall not apply to piers which are proposed and designed for uses such as fishing, viewing the bay and swimming and which do not have mooring piles present or proposed adjacent to the pier.

(D) In addition to the applicable evaluation factors found in Section 24-58.3(A)(1) through (9) above, any filling in the wetlands of Dade County shall comply with the following criteria: All fill shall consist only of clean fill.

(E) In addition to the applicable evaluation factors set forth in Section 24-58.3(A)(1) through (9) above and the fill quality requirements set forth in Section 24-58.3(D) above, the following requirements shall apply to any work within the North Trail Wetland Basin or within the Bird Drive Everglades Wetland Basin:

- (1) The work shall be consistent with the North Trail Wetland Basin Plan (if it is located within the North Trail Wetland Basin), or shall be consistent with the Bird Drive Everglades Wetland Basin Plan (if it is located within the Bird Drive Everglades Wetland Basin). These plans are included in Sections 24-58.19 and 24-58.20 respectively.
- (2) All tree islands shall be preserved.
- (3) For all proposed work which involves filling (a) stormwater management area(s) shall be constructed as specified in the North Trail Basin Fill Encroachment and Water Management Criteria for properties located within the North Trail Wetland Basin, or as specified in the Bird Drive Everglades Basin Fill Encroachment and Water Management Criteria, for properties located within the Bird Drive Everglades Wetland Basin.
- (4) Stormwater management areas which are less than five (5) acres in size and are located within the Urban Development boundary as it appears on the Comprehensive Development Master Plan's Land Use

Map (as same is amended from time to time) shall not be left at natural grade (unfilled).

- (5) The side slopes of the stormwater management area(s) shall be no steeper than six (6) horizontal to one (1) vertical (6:1) and shall be planted with native wetland and transitional shrub and tree species as approved by the DERM.

(F) In addition to the applicable evaluation factors set forth in Section 24-58.3(A)(1) through (9) above and the fill quality requirement set forth in Section 24-58.3(D) above, for projects located within Basin B, the total volume of fill material placed on a property between existing land elevation and elevation 7.58 NGVD shall not exceed the following formula: Area of site in square feet \times 1.8. As an alternate to the foregoing formula other engineering approaches consistent with the requirements of full on-site retention without exceeding established stages for the 100-year, three-day storm shall be approved by the Director of the Department of Environmental Resources Management or his designee.

(G) In addition to the applicable evaluation factors contained within Section 24-58.3(A)(1) through (9) above, the following requirements shall apply to all work requiring a Class II Permit:

- (1) Wet retention shall not be utilized without prior pretreatment by means of dry detention or retention of the first inch of runoff from the proposed project's drainage area.
- (2) An on-site retention system of applicable design storm shall be utilized as the first priority for the disposal of stormwater runoff at any location in Dade County with the exception of projects located in the North Trail Basin, Bird Drive Basin, East Turnpike Basin, Western C-9 Basin or any other area subject to Metropolitan Dade County's cut and fill criteria.

The on-site retention systems required by this section shall include the following:

- (a) Surface infiltration through grassed swales, or

- (b) Underground disposal through exfiltration, or
- (c) Disposal by drainage wells, or
- (d) Disposal through dry retention ponds, or
- (e) Any combination of any of the foregoing as approved by the director or his designee.

- (3) On-site retention combined with an overflow outfall may be used as an alternative to on-site retention in those cases where complete on-site retention is not feasible as determined by the director or his designee, when there is inadequate exfiltration capability of the soil or in cases where a higher degree of flood protection is desired by the applicant.

- (a) All inlet structures located within grassed areas or landscaped strips may receive a 0.2 inch retention credit.

- (4) Existing positive drainage systems which for any reason require modification or relocation shall be constructed in accordance with the standards set forth in Section 24-58.3(G)(1) and (2) above, except for those portions of the existing project which will remain unaltered under the new plan.

(H) In addition to the applicable evaluation factors contained within Section 24-58.3(A)(1) through (9) above, the following requirements shall apply to all work requiring a class VI permit:

- (1) Drainage systems for all non-residential projects shall be designed and built to comply with the following standards:

- (a) All requirements set forth in Section 24-58.3(G).

- (b) All inlet structures located within grassed areas or landscaping strips may receive a 0.2 inch retention credit. Furthermore, at least one (1) inch of pretreatment by means of dry detention or retention shall be provided as part of the required retention or detention prior to authorization of an overflow outfall.

- (c) Existing positive drainage systems which for any reason require modification or relocation shall be installed in a manner to comply with the standards set forth in Section 24-58.3(H)(1)(a) and (b) above, except for those portions of the existing project which will remain unaltered under the new plan.

(I) An incomplete permit application shall become deactivated when the Dade County Department of Environmental Resources Management has notified the applicant by certified mail of the incomplete status of the application, and only if the applicant has failed to request continued activation of the permit application within ninety (90) days of receipt of the Department of Environmental Resources Management's notification. The applicant's request for continued activation shall be made by certified mail to the Department of Environmental Resources Management.

- (1) Upon receipt by the Dade County Department of Environmental Resources Management of a certified mail request for continued activation, the permit application shall remain activated for one hundred twenty (120) days after the original deactivation date. If the application is not completed within said one-hundred-twenty-day period, the Department of Environmental Resources Management shall again notify the permit applicant of incomplete application status, pursuant to the provisions of Section 24-58.3(C). In no event shall an incomplete permit application be deemed activated more than three hundred thirty (330) days from the original deactivation date.
- (2) A new application shall be required for obtaining a permit for all work previously proposed under a permit application which has been deactivated.
- (3) The Department of Environmental Resources Management shall not process any permit application which has been deactivated.

(Ord. No. 80-54, § 5, 6-3-80; Ord. No. 83-70, § 7, 9-6-83; Ord. No. 85-87, § 6, 10-1-85; Ord. No. 86-62, § 5, 9-16-86; Ord. No. 92-80, § 4, 7-21-92; Ord. No. 94-131, § 7, 6-21-94; Ord. No. 95-27, § 6, 2-7-95; Ord. No. 95-213, § 2, 11-21-95; Ord. No. 96-148, § 1, 10-8-96)

Sec. 24-58.4. Mitigation plans for projects otherwise acceptable but having adverse environmental impact.

For any project that is otherwise acceptable under the evaluation factors contained herein and permissible under all applicable laws, but that nevertheless results in adverse environmental impact, the applicant shall be required to mitigate this impact. The purpose of mitigation is solely to compensate for unavoidable adverse environmental impacts. Mitigation should not be used to make an otherwise nonpermissible project permissible. Mitigation plans must maximize the preservation of existing natural resources. In determining mitigation procedures the term mitigation includes the following methods, in the order of priority in which they should be utilized:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

The Department of Environmental Resources Management shall adopt rules by ordinance to implement the foregoing evaluation factors. (Ord. No. 80-54, § 5, 6-3-80; Ord. No. 82-27, § 1, 4-6-82; Ord. No. 83-70, § 8, 9-6-83)

Sec. 24-58.5. Permit issuance; waiver of bonding requirements.

(a) Issuance of a Department of Environmental Resources Management permit does not relieve the applicant from obtaining all required federal, State and local permits.

(b) Following approval by the Board of County Commissioners or after submitting a short form

application, a construction permit may be issued to the permit applicant and a contractor holding an applicable certificate of competency, provided:

- (1) Construction plans, calculations and specifications are submitted which have been prepared by an engineer or architect or land surveyor where applicable registered in the State of Florida and which comply with the requirements of the County public works manual and other imposed particular conditions, including, but not limited to, requirements for riprap, and monitoring programs. Projects in which a class I permit is sought shall not be required to meet the Dade County structural requirements outlined in Section D-5 of the Dade County Public Works Manual if the project is located in a municipality and a structural review and approval has been granted by the municipality.

- (2) The permit fee has been paid.
- (3) A performance bond and a mitigation bond, if applicable, is posted in an amount determined by the Director of the Department of Environmental Resources Management. The maximum amount of said performance bond shall be one hundred (100) percent of the estimated cost of the work or one thousand dollars (\$1,000.00) whichever is less. The performance bond being to guarantee compliance with terms of the permit and to protect the interest of the public and of landowners in the vicinity of the work. The DERM may waive the performance bond if he determines that the proposed project is not expected to affect the interests of the public or landowners in the vicinity of the work and noncompliance with the terms of the permit will only affect the permit applicant. The DERM may also waive performance bonds for work performed by utility companies, for work performed by governmental agencies pursuant to Section 24-58.8 of this chapter and for work approved under a short form permit application pursuant to Section 24-58.2(A)(1)(22) and (23).

A separate mitigation bond may be required by the DERM to be posted in order to insure that environmental enhancement features associated with the project and required by the permit are completed in a satisfactory manner. These include, but are not limited to, the placement of riprap, the replanting of mangroves or seagrass, the installation of sewage pumpout stations, the construction of public piers or shoreline walkways and the construction of artificial reefs. The maximum amount of said mitigation bond shall be one hundred (100) percent of the cost of the environmental enhancement features of the project. The required performance and mitigation bonds may be required to remain in force for up to six (6) months after the approved completion date of the work covered by the bond.

- (4) Evidence of ownership, a lease, a consent of use or an easement for the submerged lands upon which the proposed work in tidal waters will occur under a class I permit.

- (5) For all work to be performed in the North Trail Wetland Basin or the Bird Drive Everglades Wetland Basin within the Urban Development Boundary Line (as shown on the Land Use Plan Map of the Comprehensive Development Master Plan, as adopted December 6, 1988), a contribution as mitigation to compensate for all unavoidable adverse environmental impacts associated with the proposed work has been made to the Department. The amount of said contribution shall be set by administrative order approved by the Board of County Commissioners and shall provide for the acquisition, restoration, enhancement, management or monitoring of wetlands in Dade County.

(c) The Department of Environmental Resources Management may require inspections by a registered engineer employed by the permittee as part of the permit procedure. The engineer may be required to furnish a report to Dade County's Department of Environmental Resources Management a minimum of every three (3) months on the progress of the work and will produce appropriate drawings of record or other type of documentation as required by the Director.

(d) If the engineer who provided certification pursuant to Section 24-58.2(I)(B)(2) or pursuant to Section 24-58.2(II)(A)(4) is discharged by the property owner or his agent, or if said engineer ceases to work on the proposed or approved work, the property owner shall be required to obtain a new engineer who shall meet all the requirements of an engineer required by this article.

(e) If the engineer who provided certification pursuant to Section 24-58.2(I)(B)(2) or pursuant to Section 24-58.2(II)(A)(4) is discharged by the property owner or his agent, or if said engineer ceases to work on work allowed under a permit, all work allowed by the permit shall immediately cease and shall not be resumed until a new engineer is obtained pursuant to the requirements of this article.

(Ord. No. 80-54, § 5, 6-3-80; Ord. No. 82-27, § 1, 4-6-82; Ord. No. 83-70, § 9, 9-6-83; Ord. No. 85-87, § 7, 10-1-85; Ord. No. 86-62, § 6, 9-16-86; Ord. No. 92-80, § 5, 7-21-92; Ord. No. 94-131, § 8, 6-21-94)

Sec. 24-58.6. Owner-builder permits in lieu of owner-contractor permits.

At the discretion of the DERM, owner-builder permits may be issued for the following types of work, and thereby waive the requirement that the permit be issued jointly to the owner and a certified contractor:

- (a) *Repair of seawalls*: Repair of seawalls or bulkheads at the mean high water line or at their existing location (excluding pile-driving operations and/or panel installations).
- (b) *Placement of riprap*: The placement of riprap in front of an existing or new seawall, bulkhead or shoreline, provided there is no adverse environmental impact associated with the project.
- (c) Where the upland property is zoned as single-family residential:
 - 1. Repair, replacement or restoration of docks which are limited to or less than their original dimensions and which together with associated tie-up facilities, do not protrude into the water more than twenty-five (25) percent of the width of the waterway (excluding pile-driving operations and any associated dredging and filling).
 - 2. Installation of buoys, when it is determined that the proposed installation will not present a hazard to navigation.

(Ord. No. 80-54, § 5, 6-3-80; Ord. No. 82-27, § 1, 4-6-82; Ord. No. 83-70, § 10, 9-6-83; Ord. No. 85-57, § 8, 10-1-85)

Sec. 24-58.7. Permit fees—Schedule.

The Dade County Department of Environmental Resources Management shall charge and collect application and permit fees at the rate established by separate administrative order which shall not become effective until approved by the Board of County Commissioners.

(Ord. No. 80-54, § 5, 6-3-80)

Sec. 24-58.8. Same—Waiver.

The Department of Environmental Resources Management may waive the permit fee for all work

covered under this article and performed by a federal, State, municipal or other local governmental agency, whether this work is performed by employees of said agency or by a private firm or corporation under contract with the agency. However, such federal, State, municipal or other local governmental agency or private firm or corporation under contract therewith shall not be relieved of the responsibility of obtaining a permit for work covered under the provisions of this article. The Director of said Department also may waive all requirements concerning posting of a performance bond by any governmental agency whenever the work is to be performed by employees of said agency, provided that, in lieu of the posting of a performance bond, said agency shall furnish said Department satisfactory written assurances that the work performed by its employees will comply fully with all requirements of the permit; and provided, further, that the Director of said Department may waive the posting of a performance bond by any private firm or corporation under contract with any governmental agency when said firm or corporation shall have posted a satisfactory and acceptable bond with the said governmental agency, proof of such bond having been furnished by said agency to the Department of Environmental Resources Management.

(Ord. No. 80-54, § 5, 6-3-80)

Sec. 24-58.9. Time of completion of work; extension of completion time and new permits for incomplete work.

(A) All work authorized by a permit issued pursuant to this article shall be completed within the time periods set forth in the permit in accordance with the following schedule, unless another period of time is permitted as set forth in the resolution granting approval of the permit by the Board of County Commissioners:

Class I and Class IV short form permits	2 years
Class I and Class IV short form permits for which a public hearing has been requested pursuant to Section 24-58.2(IXB)(1)	2 years

Class I and Class IV standard form permits	3 years
Class I short form permits for trimming, cutting or any other alteration of mangrove tree(s) .	3 years
Class I short form permits for trimming, cutting or any other alteration of mangrove tree(s), for which a public hearing has been requested pursuant to Section 24-58.2(I)(B)(1)	3 years
Class I standard form permits for trimming, cutting or any other alteration of mangrove tree(s).....	3 years
Class IV short form permits for rockmining	5 years
Class IV short form permits for rockmining for which a public hearing has been requested pursuant to Section 24-58.2(I)(B)(1)	5 years
Class IV standard form permits for rockmining	5 years
Class II permits	1 year
Class II permits for which a public hearing has been requested pursuant to Section 24-58.2(I)(B)(1)	1 year
Class III permits.....	1 year
Class III permits for which a public hearing has been requested pursuant to Section 24-58.2(I)(B)(1)	1 year
Class V permits.....	120 days
Class VI permits.....	1 year

(B) Extensions of time for completion of work being performed pursuant to a permit issued pursuant to this article may be granted by the Director of Environmental Resources Management or his designee provided that:

- (1) The application for the extension of time is in a form prescribed by the Director of the

Department of Environmental Resources Management and is accompanied by the fee for such application.

- (2) The application for the extension of time is filed in the form prescribed by the Director or his designee within the Director of the Department of Environmental Resources Management or his designee at least thirty (30) calendar days prior to the time of expiration of the time period set forth in the permit or in a prior extension of time.
- (3) The Director of the Department of Environmental Resources Management or his designee has determined that the applicant for the extension of time has affirmatively established by competent factual data and information in the application that:
 - (a) There have been no substantial changes in the environment at the location of the work authorized by the permit occurring subsequent to the date of issuance of the permit or prior extension of time.
 - (b) Neither an adverse environmental impact nor cumulative adverse environmental impact will occur if the extension of time is granted.
 - (c) The work authorized by the permit as well as authorized under any prior extension of time has been performed, to date, substantially in accordance with the permit and any restrictions, limitations or conditions which are part of the permit.
 - (d) The applicant for the extension of time has agreed to any additional conditions, limitations or restrictions to the issued permit required by the Director or his designee which are consistent with the approval of the Board of County Commissioners or, in the case of short form permits, consistent with the original approval of the issued short form permit by the Director or his designee. In the case of rockmining, such conditions, limitations, or restrictions shall not reduce the deep mining area and volume previously permitted.

- (4) The requested time period for the extension of time when combined with all time periods previously approved for performance of authorized work pursuant to the original permit and prior extensions of time shall not exceed a total of twenty-five (25) years duration for rockmining and ten (10) years duration for all other work, unless another period of time is permitted as set forth in the resolution granting approval of the permit by the Board of County Commissioners.

(C) Applications for extensions of time which are not timely filed pursuant to (B)(2) hereinabove shall be returned to the applicant. The applicant shall be required to file an application for a new permit pursuant to the provisions of this article to obtain the authorization to complete the previously authorized incomplete work. The fee for the new permit shall be based upon the nature and amount of the incomplete work.

(Ord. No. 80-54, § 5, 6-3-80; Ord. No. 90-130, § 1, 11-27-90; Ord. No. 95-27, § 7, 2-7-95)

Sec. 24-58.10. Maintenance of permitted work; abatement of hazardous conditions.

Any privately owned work or structure authorized by a permit issued pursuant to the requirements of this article shall be privately maintained by the applicant, his successors and assigns. Whenever, in the opinion of the Director of the Department of Environmental Resources Management, said work or structures are not maintained in such a manner as to prevent deteriorate to the extent that they become a hazard to the public or to navigation, [or] an obstruction of flow, prevent access for drainage maintenance purposes, or may damage adjacent property, then the Director shall notify the owner in writing to remedy the same by alteration, adjustment or removal at the owner's expense; provided, however, that within fifteen (15) days after receipt of written notice from the Director, the owner may appeal the matter by requesting in writing a hearing before the Environmental Quality Control Board. If no appeal is taken to the Environmental Quality Control Board and the owner has not performed remedial work within thirty (30) days from the date of such notice, or

if an appeal is taken and the Board, after hearing and notice thereof, shall determine that remedial work is necessary and the owner does not perform the remedial work within the time established by the Board for the performance, the Director of the Department of Environmental Resources Management shall have the same or any other remedial work that in his opinion will alleviate or eliminate the situation, including, but not limited to, total demolition of the structure, performed at the County's expense; and the County shall have a lien prior in dignity to all other lines, excepting city and County taxes and liens of equal dignity therewith, on the real property of the owner to the extent of the cost to the County, including administrative cost for the remedial work. Notice of such lien, executed in the name of the County Commission, shall be recorded in the proper books kept by the Clerk of the Circuit Court of the County and shall remain in full force and effect for a period of twenty (20) years from the date thereof, unless sooner paid and satisfied; and the Director of the Department of Environmental Resources Management shall, in writing, advise the County Attorney at least one (1) year prior to the expiration of the twenty-year period of any such liens that have not been satisfied, in order that the same may be foreclosed if necessary.

(Ord. No. 80-54, § 5, 6-3-80)

Sec. 24-58.11. Inspection of permit work; notice of failure to comply with approved plans and specifications.

(1) Any duly authorized representative of Dade County's Department of Environmental Resources Management may enter and inspect any property, premises or place, except a building, on or at which work is located or is being conducted, at any reasonable time for the purpose of ascertaining the state of compliance with this article, or rules and regulations of the Department of Environmental Resources Management. No person shall refuse immediate entry or access to any authorized representative of Dade County's Department of Environmental Resources Management who requests such entry or access for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or

interfere with any such inspection. If requested, the owner of the premises shall receive a report setting forth all facts found which relate to compliance status.

(2) During work for which a permit has been issued, Dade County[^s Department of] Environmental Resources Management shall make periodic inspections to insure conformity with the approved plans and specifications referred to in Section 24-58.5 of this chapter.

(3) If during the work, Dade County[^s Department of] Environmental Resources Management finds that the work is not being done in accordance with the said approved plans and specifications, it shall give the permittee and/or contractor and the engineer of record written notice, stating with which particulars of the approved plans and specifications the work is not in compliance. Failure to act in accordance with the requirements of the Department of Environmental Resources Management after receipt of written notice may result in the initiation of revocation proceedings in accordance with Section 24-58.13 of this article.

(Ord. No. 80-54, § 5, 6-3-80)

Sec. 24-58.12. Filing of statement of completion of permitted work; exemptions; release of bonds; forfeiture of bonds.

(1) Within thirty (30) days after completion of the work, the permittee or contractor shall file record drawings certified by the engineer of record with the Department of Environmental Resources Management. Work exempt from submitting plans prepared by an engineer and an architect under this article shall also be exempt from the requirements of this provision. Work which has been determined by the Department, during its final inspection of the project, to be in compliance with the approved plans for the project with no significant deviation, as determined by the DERM or his designee, may be exempted by the DERM or his designee from the filing of record drawings as required above. The Florida Departments of Transportation and Environmental Protection are ex-

empt from the requirement to submit record drawings for projects authorized by class I, class II, class III, class IV, class V, or class VI permits.

(2) At the discretion of the DERM or his designee the performance and mitigation bonds may be released upon completion of the final inspection by the Department and the submittal of the record drawings, if required, or for a period up to six (6) months after the approved completion date of the work covered by the bond.

(3) If the director or his designee determines that work authorized by a class I, class II, class III, class IV, class V or class VI permit has not been performed in accordance with the approved plans upon which the permit was issued or has not complied with all of the conditions or special conditions of the permit, the director or his designee shall notify the permittee of such noncompliance and specify a period of time in which the permittee shall correct or otherwise bring the project into compliance with the permit. In the event that the permittee fails or is unable to comply with the requirements of the notice, the director or his designee may, in addition to available enforcement remedies, call the performance and/or mitigation bonds for the project. Funds from the forfeiture of said bonds shall be placed into the Biscayne Bay Environmental Enhancement Trust Fund for use in the general restoration and enhancement of Biscayne Bay.

(Ord. No. 80-54, § 5, 6-3-80; Ord. No. 83-70, § 11, 9-6-83; Ord. No. 85-87, § 9, 10-1-85; Ord. No. 95-27, § 8, 2-7-95)

Sec. 24-58.13. Suspension, revocation, modification, change of permit; notice.

(1) If the Director of Dade County[^s Department of] Environmental Resources Management determines that the permittee and/or contractor is not performing the work in accordance with the provisions of the permit or the approved plans upon which the permit was issued, he may order suspension of the permit or the stopping of work until such time as the permittee and/or contractor has complied with permit or plans. In such cases,

the permittee and/or contractor shall take all necessary precautions to leave the work area in a safe and secure condition.

(2) Modification(s) to a permit issued for work hereunder must be approved by the Department. If, in the opinion of the Director, the proposed modification(s) will result in a substantial change to the project, said modification(s) shall be subject to a public hearing before the Board of County Commissioners.

(3) A violation of the conditions, restrictions or limitations imposed by the Board of County Commissioners and/or the Department and made part of the permit, and/or failure of the permittee and/or contractor to perform said work in accordance with the approved plans and specifications thereof, and/or any material false statement in the application may result in the revocation in whole or in part of a permit issued for work hereunder. (Ord. No. 80-54, § 5, 6-3-80)

Sec. 24-58.14. Judicial review of decisions concerning permits.

Any person aggrieved by any decision of the Board of County Commissioners with regard to the granting, denial, granting with limitations, restrictions or conditions, or the revocation or modification of any permit in this article may seek judicial review in accordance with the Florida Rules of Appellate Procedure. (Ord. No. 82-110, § 5, 12-7-82)

Sec. 24-58.15. Comprehensive environmental impact statement.

(A) Procedure.

(1) The Director of the Department of Environmental Resources Management shall determine which of the comprehensive environmental impact statement assessment points described in Section 24-3(78)(a) through (g) shall be addressed by a particular comprehensive environmental impact statement. The Director's decision shall be based upon a preapplication conference held between a permit applicant and the Department of Environmental Resources Management and based upon any other relevant information

submitted by the applicant or available to the Department of Environmental Resources Management.

(2) The criteria to be used at a preapplication conference for determining the scope of a comprehensive environmental impact statement shall include the following:

(a) The relevance of the proposed work to each of the items described in Section 24-58.3(A)(1). Relevance shall be based upon both direct and indirect factors such as but not limited to location of the proposed work, proximity of the work to environmentally sensitive areas, past experience with similar work, and scope and magnitude of the proposed work.

(b) The extent to which each of the comprehensive environmental impact statement assessment points may provide useful information and data relating to each of the items for which the proposed work is determined to be relevant.

(B) The format for a comprehensive environmental impact statement shall follow guidelines established by the Director of the Department of Environmental Resources Management.

(C) A comprehensive environmental impact statement shall not be required for any of the following work:

(1) Construction of one (1) single-family residence consistent with existing zoning regulations.

(2) Access driveway to a single-family residence within a lot zoned for one (1) single-family residence.

(3) Agriculture on five (5) acres of land or less, ancillary to an existing single-family residence, or ancillary to a single-family residence under construction, as allowed under Dade County zoning regulations.

(4) Rockplowing or other agricultural development in the East Everglades area of critical environmental concern when said agriculture is allowable under Chapter 33B of the

Code of Metropolitan Dade County, Florida, and is consistent with the best management practices under Chapter 33B of the Code of Metropolitan Dade County, Florida.

- (5) Rockmining within the transitional Northeast Everglades when said rockmining is consistent with Metropolitan Dade County lake criteria.
- (6) Elevated boardwalks.
- (7) Class I short form permit applications.

(D) The Director of the Department of Environmental Resources Management may, in his discretion, exempt an applicant from the requirement of preparing a new comprehensive environmental impact statement for a permit application for proposed work which work has been previously the subject of a deactivated application by the same applicant.

(Ord. No. 83-70, § 12, 9-6-83)

Sec. 24-58.16. Prohibition of top pruning of mangrove trees.

It shall be unlawful for any person to top prune or authorize, allow, suffer or permit the top pruning of mangrove trees in a coastal band community. No class I permit shall be approved or issued for the top pruning of coastal band mangrove trees except for that top pruning which is necessary for the protection of overhead power lines.

(Ord. No. 86-62, § 7, 9-16-86; Ord. No. 94-131, § 9, 6-21-94)

Sec. 24-58.17. Transfer of permits.

(A) The Director of the Dade County Department of Environmental Resources Management or his designee is hereby authorized and empowered to transfer standard form class I, class II, class III, class IV, class V or class VI permits issued pursuant to this article from the person (transferor) who has obtained the issued permit to another person (transferee) upon the request of the proposed transferor and shall transfer same provided that all the requirements of (C) below are fulfilled.

(B) The Director of the Dade County Department of Environmental Resources Management

or his designee is hereby authorized and empowered to transfer class I, class II, class III, class IV, class V or class VI permit approvals by the Board of County Commissioners from the person (transferor) who obtained the permit approval from the Board of County Commissioners to another person (transferee) upon the request of the proposed transferor and shall transfer same provided that all the requirements of (C) below are fulfilled.

(C) Requirements for transfer:

- (1) The subject project shall be in compliance with all of the restrictions, limitations, and conditions of the issued permit or permit approval and any related covenants running with the land.
- (2) The application for transfer of the permit shall be filed with the Director or his designee at least ninety (90) days prior to the expiration date of the issued permit.
- (3) The proposed transferee shall agree in writing, in a form prescribed by the Director or his designee, to comply with all the existing conditions, limitations, and restrictions of the issued permit or permit approval.
- (4) The proposed transferee shall post a performance and mitigation bond, if applicable, in an amount and in a form determined by the Director or his designee.
- (5) All applicable fees for such transfer shall be paid.
- (6) All additional information requested by the Director or his designee with respect to the subject property shall be provided to DERM by the proposed transferee for the transfer within the time periods determined by the Director or his designee.
- (7) The proposed transferee shall agree to any additional conditions, limitations or restrictions to the issued permit required by the Director or his designee which are consistent with the approval of the Board of County Commissioners. In the case of rockmining, such conditions, limitations, or restrictions shall not reduce the deep mining area and volume previously permitted.

- (8) The proposed transferee has not been convicted of a violation of any provision of Chapter 24 of the Code of Metropolitan Dade County, Florida within the previous seven (7) years.
- (9) The proposed transferee has not been adjudicated in violation of any provision of Chapter 24 of the Code of Metropolitan Dade County, Florida, by the Environmental Quality Control Board or a court of competent jurisdiction within the previous five (5) years.
- (10) The proposed transferee shall comply with the applicable provisions of Sections 24-58.2(II)(A)(2), (3), (4) and (7) of the Code of Metropolitan Dade County, Florida.

(D) The Director of the Dade County Department of Environmental Resources Management or his designee is hereby authorized and empowered to transfer class I, class II, class III, class IV, class V or class VI short form permits issued by the Director of the Dade County Department of Environmental Resources Management or his designee pursuant to this article from the person (transferor) who has obtained the issued permit to another person (transferee) upon the request of the proposed transferor and shall transfer same provided that all the requirements of (C)(1), (3), (4), (5), (6), (8), and (9) above are fulfilled and provided that:

- (1) The application for transfer of the short form permit shall be filed with the Director or his designee at least ninety (90) days prior to the expiration date of the issued short form permit, and
- (2) The proposed transferee shall agree to any additional conditions, limitations or restrictions to the issued short form permit required by the Director or his designee which are consistent with the original approval of the issued short form permit by the Director or his designee. In the case of rockmining, such conditions, limitations, or restrictions shall not reduce the deep mining area and volume previously permitted.

(E) No later than sixty (60) days after the date of transfer of a class I, class II, class III, class IV,

class V, or class VI permit or permit approval the transferee shall comply with the provisions of Section 24-58.2(I)(B)(1)(c) or Section 24-58.2(II)(A)(1) of the Code of Metropolitan Dade County, Florida.

(F) A mortgagee or lien-holder who obtains ownership and possession of real property through foreclosure or settlement of an action for foreclosure shall be eligible to be a transferee, subject to the satisfaction of all the requirements in (C) or (D) above.

(G) All transfers of class I, class II, class III, class IV, class V, and class VI issued permits and permit approvals by the Board of County Commissioners which have been processed by the Department of Environmental Resources Management prior to the effective date of Ordinance No. 90-130 are hereby approved, confirmed, and made effective retroactive to the dates of such transfers. (Ord. No. 90-130, § 2, 11-27-90: Ord. No. 95-27, § 9, 2-7-95)

Sec. 24-58.18. Permit issuance.

Approvals of class I, class II, class III, class IV, class V and class VI permits by the Board of County Commissioners shall only be valid for a period of thirty (30) months, in the case of rockmining, or for a period of eighteen (18) months, for all other work, from the date of the approval unless another time period is stated in the resolution granting approval. If the applicant has not obtained a permit issued by DERM within thirty (30) months, in the case of rockmining, or within eighteen (18) months, for all other work, from the date of the approval by the Board of County Commissioners or within the time period stated in the resolution granting approval, then a new application for a permit shall be filed. Upon the timely application of any person, other than the person seeking the permit, filed in a court of competent jurisdiction which seeks judicial review in accordance with Section 24-58.14 of the Code of Metropolitan Dade County, Florida, of a decision granting or granting with limitations, restrictions or conditions of any permit in this article, the time periods herein-

above shall be tolled until disposition of the judicial review. All approvals of class I, class II, class III and class IV permits by the Board of County Commissioners prior to December 7, 1990 for which the applicant has not obtained a permit issued by

DERM within twelve (12) months from the effective date of this ordinance shall be null and void and no permit shall be issued by DERM.

(Ord. No. 90-130, § 3, 11-27-90; Ord. No. 92-116, § 1, 10-13-92; Ord. No. 95-27, § 10, 2-7-95)

Sec. 24-58.19. North Trail Wetland Basin Plan.

All work performed in the North Trail Wetland Basin shall be consistent with the North Trail Wetland Basin Plan, which is hereby included by reference in its entirety. The Clerk of the Board of County Commissioners is directed to keep a copy of the North Trail Wetland Basin Plan on file as an attachment to this ordinance. All work in the North Trail Wetland Basin shall be consistent with the goals of the North Trail Wetland Basin Plan and shall conform with the North Trail Basin Guidelines, Standards and Criteria which have been set forth to ensure proper water management and maintenance of, or mitigation for the loss of, biological resources in the North Trail Wetland Basin.

(Ord. No. 92-80, § 6, 7-21-92)

Sec. 24-58.20. Bird Drive Everglades Wetland Basin Plan.

All work performed in the Bird Drive Everglades Wetland Basin shall be consistent with the Bird Drive Everglades Wetland Basin Plan, which is hereby included by reference in its entirety. The Clerk of the Board of County Commissioners is directed to keep a copy of the Bird Drive Everglades Wetland Basin Plan on file as an attachment to this ordinance. All work in the Bird Drive Everglades Wetland Basin shall be consistent with the goals and objectives of the Bird Drive Everglades Wetland Basin Plan and shall conform with the Bird Drive Everglades Basin Guidelines, Standards and Criteria which have been set forth to ensure proper water management and maintenance of, or mitigation for the loss of, biological resources in the Bird Drive Everglades Wetland Basin.

(Ord. No. 92-80, § 7, 7-21-92)

Sec. 24-58.21. Wetlands Trust Fund.

(1) The Wetlands Trust Fund is created for use in acquiring, restoring, enhancing, managing or

monitoring (or any combination of the above) wetlands within Dade County. The Finance Director is hereby authorized and directed to establish the Wetlands Trust Fund and to receive and disburse monies in accordance with the provisions of this section.

(2) The Wetlands Trust Fund shall receive monies from the following sources:

- (a) All revenues collected by the Department of Environmental Resources Management pursuant to Section 24-58.5(b)(5).
- (b) All monies accepted by Metropolitan Dade County in the form of federal, state, or other governmental grants, allocations, or appropriations, as well as foundation or private grants and donations, for the acquisition, restoration, enhancement, management or monitoring of wetlands as provided for in Section 24-58.21(4).
- (c) Such additional allocations as may be made by the Board of County Commissioners from time to time for the purposes set forth herein.
- (d) All interest generated from the sources identified in Section 24-58.21(2)(a), (b) and (c) hereinabove, except where monies received have been otherwise designated or restricted.

(3) The Wetlands Trust Fund shall be maintained in trust by the Finance Director for the Board of County Commissioners solely for the purposes set forth herein, in a separate and segregated fund of the County which shall not be commingled with other County funds until disbursed for an authorized purpose pursuant to Section 24-58.21(4).

(4) Disbursements from the Wetlands Trust Fund shall only be made for the following purposes:

- (a) Acquisition, including by eminent domain, restoration, enhancement, management or monitoring of wetland properties located within Dade County.
- (b) All costs associated with each such acquisition including, but not limited to, appraisal

als, surveys, title search work, real property taxes, documentary stamps and surtax fees, and other transaction costs.

- (c) Costs of administering the activities enumerated in Section 24-58.21(4)(a) and (b), hereinabove, will be funded from the proceeds of the Wetlands Trust Fund until such time as the fund is closed.

(Ord. No. 92-80, § 8, 7-21-92; Ord. No. 94-131, § 10, 6-21-94)

Sec. 24-59. Prohibition of floating structures.

It shall be unlawful for any person to construct, place, maintain, permit, let, allow, suffer or cause the construction, placement, maintenance or existence of any floating structure in, on, or upon any of the tidal waters of Dade County. This prohibition shall not apply to any floating structure placed, maintained or in existence in, on, or upon any of the tidal waters of Dade County on the effective date of Ordinance No. 84-56. This prohibition furthermore shall not apply to residential houseboats, floating boat docks, floating fishing docks, or other floating structures upon which only water dependent uses occur or exist. All floating structures which are not prohibited by this section, except residential houseboats, shall be required to obtain a class I permit.

(Ord. No. 84-56, § 3, 6-19-84)

Sec. 24-59.1. Prohibition of non-water-dependent fixed structures.

It shall be unlawful for any person to construct, place, install, maintain, permit, allow, suffer or cause the construction, placement, installation, maintenance or existence of any fixed structure in, on, over or upon any of the tidal waters of Dade County which does not have a water-dependent use. Fixed structures which do not have a water-dependent use include, but are not limited to, residences, offices, hotels, motels, restaurants, lounges, retail or wholesale stores, club houses, helicopter pads, meeting facilities, commercial signs, transmitting or receiving antennas and towers, or a storage or parked facility. This prohibition shall not apply to fixed structures that were

fully permitted on the effective date of this section or to their repair providing permits are obtained. (Ord. No. 85-87, § 10, 10-1-85)

Sec. 24-59.2. Procedure governing variances for prohibited floating structures and prohibited fixed structures.

All applications for variances of floating structures and fixed structures prohibited by Sections 24-59 and 24-59.1 of this Code shall be heard and ruled upon by the Board of County Commissioners. Any person requesting said variance shall submit a standard form class I coastal construction application and application fee to the DERM, who shall review said application and make a recommendation to the Board of County Commissioners for approval, denial or approval subject to conditions, limitations or restrictions for the proposed variance. The Board of County Commissioners shall hold a public hearing concerning the proposed variance. A notice of the time and place of said public hearing shall be published in a newspaper of general circulation in Dade County a minimum of seven (7) days prior to the public hearing. Said notice shall include a brief description of the proposed work and the location of the proposed work. A courtesy notice containing substantially the same information set forth in said published notice shall be mailed to those parties whose names appear on the application as the owners of all riparian or wetland property within three hundred (300) feet of the proposed work. Failure to mail or receive said courtesy notice shall not affect any action or proceeding taken thereunder. The DERM, when making his/her recommendation to the Board of County Commissioners, and the Board of County Commissioners, when considering the variance request, may consider any or all of the following factors: Visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters, historical significance, the need for covered vessel repair facilities, environmental impact or cumulative environmental impact, navigation or public safety, aesthetics, the Biscayne Bay Management Plan (Section 33D-1 through 33D-4), the Biscayne Bay Aquatic Preserve Act (Section 258.165 F.S.), the Rules of the Biscayne Bay Aquatic Preserve (Chapter 16Q-18

F.A.C.) as well as the evaluation factors contained within Section 24-58.3. The Board of County Commissioners shall, after holding the public hearing, approve, deny or approve subject to conditions, limitations or restrictions, the variance proposed under the application.

If the Board of County Commissioners approves a variance, the procedures concerning issuance of a permit contained within Section 24-58.5 shall be followed.

(Ord. No. 85-87, § 11, 10-1-85)

ARTICLE III. TREE PRESERVATION AND PROTECTION*

Sec. 24-60. Permits for tree removal and relocation, improperly issued permits, violation of permit conditions, exemptions from tree removal permits; mortgagee exemption from liability.

(1) It shall be unlawful for any person, unless otherwise permitted by the terms of Ordinance Number 89-8, to do tree removal work or to effectively destroy any tree, or to effectively destroy any understory in a natural forest community, without first obtaining a permit from the Department.

(2) No municipal or County official shall issue a tree removal permit that does not comply with the provisions of Ordinance Number 89-8. Any such permit shall be void.

(3) It shall be unlawful for any person to violate or not comply with any of the conditions of a Dade County tree removal permit.

(4) The following activities are exempt from tree removal permits:

- (a) Removal of trees within the yard area of an existing single-family residence, provided the trees are not within a natural forest community, and are not specimen trees. This

*Cross references—Diseased palm trees, Ch. 11D; landscaping, Ch. 18A; theft of plants and fruits, § 21-118; prohibited plant species, § 24-27.1.

exemption does not apply to trees which are growing on County rights-of-way adjoining existing single-family residences;

- (b) Removal of trees for the construction of a new single-family residence, provided that:

1. The lot is one (1) acre or less in size (43,560 square feet), if an AU zoned lot, or one-half acre or less in size (21,780) square feet, for any other zoned lot; and
2. The lot is being developed as the principal residence of the owner-builder; and
3. The lot is not within an area designated as a natural forest community; and
4. The trees are not specimen trees.

- (c) Removal of any dead tree.

- (d) Removal of trees within State-approved plant nurseries and botanical gardens, provided said trees were planted and are growing for the display, breeding, propagation, sale or intended sale to the general public in the ordinary course of business.

- (e) Removal of trees for the establishment, maintenance and operation of a bona fide grove or bona fide tree nursery, except when the proposed tree removal is to occur in a natural forest community designated under Resolution No. 1764-84 or under subsequent revisions of the natural forest community maps or when the proposed tree removal will affect specimen trees as defined herein. Any person desiring to remove trees pursuant to this provision shall obtain written approval from the Department prior to the commencement of any such activities under this exemption.

- (f) Removal of any of the following tree species:

1. *Melaleuca quinquenervia* (cajeput or paperbark tree).
2. *Casuarina* spp. (Australian pine, beefwood).
3. *Schinus terebinthifolius* (Brazilian pepper), provided it is not within a natural forest community, in which case a per-

mit shall be required, but all application and permit fees shall be waived by the Department.

4. *Bischofia javanica* (bishopwood).
 5. *Ricinus communis* (castorbean).
 6. *Psidium guajava* (guava).
 7. *Albezzia lebbek* (woman's tongue).
 8. *Acacia auriculaeformis* (earleaf acacia).
 9. *Schefflera actinophylla* (Queensland Umbrella Tree).
 10. *Araucaria heterophylla* (Norfolk Island Pine).
 11. *Metopium toxiferum* (poison wood), provided it is not within a natural forest community, in which case a permit shall be required, but all application and permit fees shall be waived by the Department.
- (g) Removal of any tree which has been destroyed or effectively destroyed by an Act of God, or by acts outside of the control of any person, individually or otherwise, who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located, which acts could not have been prevented by the exercise of reasonable care by any such person, individually or otherwise, who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located. Where a tree has been destroyed or effectively destroyed by acts outside of the control of a person who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located, which acts could not have been prevented by the exercise of reasonable care by such person, this provision shall be construed to impose joint and several liability upon the person(s) destroying or effectively destroying such tree, and to exempt from liability for such destruction or effective destruction the person who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located.
- (h) Removing, trimming, cutting or altering of any mangrove tree or removal of any tree

located upon land which is wetlands as defined in Section 24-3. Trees located upon land which is wetlands as defined in Section 24-3 and mangrove trees located anywhere in Dade County shall be subject to the permitting requirements of Article II of this chapter.

- (i) Removal of tree within a bona fide fruit grove for the express purpose of converting said bona fide fruit grove to another bona fide agricultural purpose, provided however, that the owner of the real property upon which the bona fide fruit grove is planted has entered into a covenant agreement with Dade County in the form approved by the Board of County Commissioners, which covenant stipulates that said property shall only be used for bona fide agricultural purposes for a period of five (5) years from the date of execution. The form for said covenant agreement shall be approved by the Board of County Commissioners by resolution concurrently with the approval of this ordinance so that all covenant agreements submitted pursuant to this provision can be executed and accepted by the director of DERM and then recorded in the Official Records of Dade County without the necessity of additional public hearings. In the event that the provisions of said covenant are not complied with, the Director of DERM may commence an action in law or equity to ensure adherence with the replanting requirements contained in Section 24-60.4 of the Dade County Code.

(5) Any mortgagee with respect to property upon which any violation of this tree ordinance has occurred shall not be liable for such violation unless, prior to said violation, said mortgagee has foreclosed upon said property or participated in the management or control of said property, or unless said mortgagee has effected or caused the tree ordinance violations occurring on said property.

(6) Notwithstanding the provisions of Section 24-57(g) herein, if actions or omissions constituting a violation of Ordinance Number 89-8 occurred at a time when the completed actions or

omissions were not prohibited by law, such completed actions or omissions shall not constitute a violation of Ordinance Number 89-8.

(Ord. No. 88-92, § 5, 9-22-88; Ord. No. 88-95, § 6, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 8, 2-21-89; Ord. No. 90-39, § 1, 4-19-90; Ord. No. 94-131, § 11, 6-21-94)

Sec. 24-60.1. Permits generally.

Tree removal permits are required for the removal or relocation of any tree not specifically exempted under Section 24-60(4). The Department shall provide permit application forms which shall be used by permit applicants. An owner, agent of the owner, or lessee of a property may apply for a tree removal permit. If the permit application is a lessee or agent of the owner, a statement from the owner of the property indicating that the owner has no objection to the proposed tree removal shall be submitted with the application. The permit applicant shall submit to the Department a completed application form. Permit application forms shall be accompanied by two (2) sets of site plans which are subject to review and approval by the Department. The site plan shall include the locations of all existing tree resources and all proposed structures or utilities which may require removal or relocation of trees. The Department may require that said plans be prepared by either a landscape architect, architect or an engineer registered in the State of Florida. If the submitted site plan does not provide sufficient information to determine which trees will be affected by the proposed development, the Department may require that a tree survey of the site be prepared and submitted to the Department for review.

(Ord. No. 88-95, § 7, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 9, 2-21-89)

Sec. 24-60.2. Review and evaluation of permit applications, natural forest communities standards, specimen tree standards.

A review of each completed tree removal permit application shall be conducted by the Department. This review and all actions taken by the Department under the provisions of Ordinance Number 89-8 shall be conducted under a standard of reasonableness using best available practices

from biology, botany, forestry, landscape architecture and other relevant fields. Upon receipt of a completed permit application, the Department shall determine whether the site contains any portion of a natural forest community, specimen trees or any other trees subject to the provisions of Ordinance Number 89-8 as follows:

- (A) If a site contains any portion of a natural forest community, then the provisions of Section 24-60.2(I) shall apply. If any person is in doubt as to whether a particular property has been designated as a natural forest community, said person may request a written determination from the Department. Said written determination shall state whether or not a particular property has been so designated by the Dade County Commission in the forest community maps under Resolution 1764-84 and shall be prepared by the Department within twenty (20) days of receipt of said request.

Any property owner of a designated natural forest community site may request that the Department verify the designated boundaries of a specific natural forest community site or may request that a specific site be deleted from the approved natural forest community maps. Requests for verification of the designated boundaries of a specific natural forest community site or the deletion of a specific site from the approved maps shall be made in writing to the Department. Upon receipt of such requests, Departmental staff shall inspect the site and make a determination whether the approved boundaries accurately reflect the current boundaries of a natural forest community as defined herein, or whether a site should be deleted from the approved maps. If it is determined that the approved boundaries of a specific natural forest community site are not longer accurate, the Director or his designee shall modify the approved boundary of the natural forest community. One (1) copy of the modified boundary shall

be furnished to the person who originated the request within thirty (30) days of receipt of the original request and another copy shall be made permanently available at the Department for reference by the public. If it is determined that a specific natural forest community site in its entirety no longer meets the definition of a natural forest community as defined herein, the Director shall recommend to the Board of County Commissioners that the site be deleted from the approved natural forest community maps.

- (B) If a site contains any specimen trees, then the provisions of Section 24-60.2(II) shall apply.
- (C) If there are trees present on a site other than any portion of a natural forest community or specimen trees, then the replacement provisions of Section 24-60.4 shall apply.
- (D) In the event that a site contains any combination of natural forest community, specimen trees or other trees, then Sections 24-60.2(I), 24-60.2(II), and 24-60.4 shall be applied in proportion to the presence of each type of tree or community.

The standards to be applied in reviewing tree removal permit applications involving natural forest communities or specimen trees are as follows:

(I) Natural Forest Communities Standards.

- (A) Upon receipt of an application for tree or understory removal work in a natural forest community, Departmental staff shall verify that the site currently meets the definition of a natural forest community as defined herein. If Departmental staff determine that a site no longer meets the definition of a natural forest community, then the Director shall recommend to the Board of County Commissioners that the site be deleted from the natural forest community maps. Upon approval by resolution of the Board of County Commissioners, the site will no longer be subject to the provisions of Section 24-60.2(I), but may nevertheless

be subject to the provisions of Sections 24-60.2(II) and 24-60.4. In the event that Departmental staff determine that the site currently meets the definition of a natural forest community as defined herein, but the boundary line shown on the approved maps no longer accurately reflects the boundary of a natural forest community as defined herein, the boundary of the natural forest community as shown on the approved maps shall be modified by the Director or his designee. One (1) copy of the modified boundary shall be furnished to the property owner and another copy shall be made permanently available at the Department for reference by the public. If the boundaries of a natural forest community are modified, only that area encompassed within the modified boundary of the natural forest community shall be subject to the provisions of this section.

1. Except as provided in Section 24-60.2(I)(A)3. below, a permit shall not be issued to clear more than ten (10) percent of the canopy and understory of any hardwood hammock natural forest community or more than twenty (20) percent of the canopy and understory of any pineland natural forest community, provided said sites are five (5) acres or greater. If a site has a total area of less than five (5) acres and the natural forest community covers all or a portion of the site, a permit may be issued to clear up to one-half acre within a hammock natural forest community and up to one (1) acre within a pineland natural forest community, only if the clearing of ten (10) percent or twenty (20) percent, respectively, does not allow some use of the property.
2. The remaining portions of all natural forest community sites, outside of the areas where tree and understory removal have been permitted by the Department, shall be deemed preserve areas and shall be left in a natural state. Additional clearing of trees or

understory shall be prohibited in these preserve areas, except as authorized by other provisions of this article [Ordinance Number 89-8]. Firebreaks for pineland natural forest community preserves shall be permitted, and the total area encompassed by the firebreaks (up to a maximum of ten (10) percent of the natural forest community site) shall not be included in the total area which is permitted to be cleared, pursuant to Section 24-60.2(I)(A)1. and 3. Required dedicated public rights-of-way and required public utility easements in pineland and hammock natural forest communities shall be excluded (up to a maximum of ten (10) percent of the natural forest community site) from the total areas permitted to be cleared, pursuant to Section 24-60.2(I)(A)1. and 3. The criteria for determining which portion of a natural forest community shall be preserved are as follows:

- (a) Whether the preservation area affords maximum protection to rare, threatened and endangered species.
 - (b) Whether the preservation area affords maximum protection to areas of high wildlife utilization such as, but not limited to, nesting or breeding areas.
 - (c) Whether the preservation area is located to minimize the number of trees and understory vegetation that is to be removed and disturbed for development.
 - (d) Whether the preservation area is located to protect the geological and archaeological value of the site.
 - (e) Whether the preservation area is located contiguous with another natural forest community.
3. Permits for tree and understory removals within natural forest communities that are issued in accordance with Section 24-60.2(I)(A)1. and 2. above shall not require any tree or under-

story replacement. As an alternative to Section 24-60.4(I)(A)1. above, a permit may be issued to clear up to an additional ten (10) percent of a pineland natural forest community, provided that tree and understory replacement are a requirement of the permit. Said tree and understory replacement shall provide for the replacement of one hundred (100) percent canopy coverage equal to the square footage of the additional area to be cleared regardless of the actual tree canopy contained therein to account for the replacement of the trees and understory, pursuant to the provisions of Section 24-60.4(B)1.

4. Any permit issued for the removal of trees and understory within a natural forest community shall include a specific requirement which allows a minimum of fifteen (15) days for the salvaging of native plant materials within the area which is permitted to be cleared. However, any person desirous of salvaging plant materials must first have authorization from the permittee or owner of the property, which authorization shall not be unreasonably withheld. The Department shall maintain a list of persons interested in salvaging native plant materials and shall notify them immediately upon issuance of such a permit.

(B) Alternatives to the provisions of Section 24-60.2(I)(A). In order to provide for unique design considerations for the replacement requirements in Section 24-60.2(I)(A)3. above, and to address natural forest community sites which are within the 1990 Urban Development Boundary, the following shall apply:

1. Alternative tree and understory replacement plans may be submitted for projects which require mitigation, pursuant to Section 24-60.2(I)(A)3. above, that are outside of the 1990 Urban Development Boundary. Said alternative plan shall be prepared by a landscape architect or other individual knowl-

edgeable in the field of natural area restoration, and shall indicate the deviations from the standard requirement and justification for approval.

2. Alternative tree and understory replacement and preservation plans may be submitted for projects which affect natural forest communities which are located within the 1990 Urban Development Boundary and which cannot meet the express terms of Section 24-60.2(I)(A). In such cases, the applicant shall have the burden of demonstrating that a proposed project meets the intent of Ordinance Number 89-8 and that the provisions of Section 24-60.2(I)(A) cannot be met.

(a) At a minimum, an alternative tree and understory replacement and preservation plan shall include:

- (1) A statement sealed by a landscape architect registered in the State of Florida that indicates that he has prepared the submitted plan and that the intent of Ordinance Number 89-8 can effectively be met through the submission of an alternative plan; provided, however, if the project only encompasses a single family residence with ancillary facilities, then said statement and plan may be made by an individual knowledgeable in the field of natural area restoration;
- (2) The proposed location of all vegetation preservation and replantings (consisting exclusively of native species), all property lines, and all proposed or existing structures, driveways and utility easements; and
- (3) A tabulation that identifies any deviations from the requirements of Section 24-60.2(I)(A) and explicitly provides for equivalent com-

pensation by alternative replanting (consisting exclusively of native species) or trust fund contributions.

(b) Approval of the plan shall be determined by the Department. The Department shall consider the following factors in evaluating the alternative preservation plan:

- (1) Whether the proposed plan preserves a portion of the natural forest community.
- (2) Whether the proposed plan provides for on-site or off-site replanting, including understory replanting.
- (3) Whether the proposed plan provides for an equitable contribution to the Dade County Tree Preservation Trust Fund when the minimum preservation standards of Section 24-60.2(I)(A) are not met.

(C) Modified preservation and replacement plan based upon justifiable, detrimental reliance allowed. In order to address these cases in which a person has purchased natural forest community property in justifiable, detrimental reliance upon written representations of Department staff made prior to the enactment of Chapter 24-60 of the Code of Metropolitan Dade County regarding replacement and preservation requirements for said property, the following shall apply:

Any owner of a natural forest community property who has purchased natural forest community property in justifiable, detrimental reliance upon written representations of Department staff made prior to the enacting of Chapter 24-60 [Article III] of the Code of Metropolitan Dade County may submit to the Department an application for approval of a modified replacement and preservation plan which shall incorporate the replacement and preservation requirements reflected in the agreement relied upon. In such cases, the applicant shall have the threshold burden of demonstrating to

the Department and the Board of County Commissioners the detrimental, justifiable reliance which provides the basis for his application.

- (1) The Department shall make its recommendation to the Board of County Commissioners, and the Board of County Commissioners shall make its decision, for denial or approval with conditions of the modified replacement and preservation plan. In evaluating the proposed modified preservation and replacement plan, and in making the threshold determination of whether the applicant has purchased natural forest community property in justifiable, detrimental reliance upon written representations of Department staff made prior to the enactment of Chapter 24-60 [Article III] of the Code of Metropolitan [Dade] County, the Department shall make its recommendation, and the Board of County Commissioners shall make its decision, based upon the following factors:

- (a) At a minimum, the application for modified replacement and preservation plan shall reflect that the elements provided for in Section 24-60.2(I)(B)(a)(1), (2) and (3) above are included in the proposed plan, provided, however, that, if the Board of County Commissioners determines that the applicant purchased natural forest community property in justifiable, detrimental reliance upon written representations of Department staff made prior to enactment of Chapter 24-60 of the Code of Metropolitan Dade County, and if the written representations relied upon did not address tree replacement or tree compensation requirements, then the tree replacement or tree compensation requirements applicable at the time of such justifiable, detrimental reliance may

be made a part of the modified replacement and preservation plan.

- (b) In addition to the elements provided for in Section 24-60.2(I)(B)2.(a)(1), (2) and (3), the application for modified replacement and preservation plan shall include information regarding the following factors:

- (1) The nature of the written representations relied upon: Whether the representations by the Department could be construed to be a final determination regarding preservation and replacement requirements for the subject property; and
- (2) The existence of a permit or written consent agreement with the Department: Whether a tree removal permit or consent agreement with the Department was entered into by the owner of the subject property or his immediate predecessor in title prior to purchase of the subject property; and
- (3) The circumstances of the property purchase: Whether (a) the purchase of the subject property occurred before or after enactment of Chapter 24-60 of the Code of Metropolitan Dade County, and (b) the purchase of the subject property occurred close in time to the date of the written representations relied upon, and (c) the owner has legal representation or other professional assistance in negotiating and concluding said purchase; and
- (4) Subsequent dealings with the Department: Whether the applicant had dealings with the Department occurring subsequent to the date of the

written representations relied upon and prior to the date of purchase of the subject property.

The Board of County Commissioners shall hold a public hearing concerning the application. A notice of the time and place of said public hearing shall be published in a newspaper of general circulation in Dade County a minimum of seven (7) days prior to the public hearing. Said notice shall include a brief description of the proposed replacement and preservation plan and the location of the subject natural forest community property.

- (c) Appeal from denial of modified preservation and replacement plan. Any person aggrieved by any decision of the Board of County Commissioners pursuant to this subsection 24-60.2(I)(C) may seek judicial review in accordance with the Florida Rules of Appellate Procedure.

(II) Specimen Trees Standards.

- (A) Specimen trees application. Specimen trees shall be preserved whenever reasonably possible. Upon receipt of an application to remove a specimen tree, the Department shall consider the following factors in evaluating said application:

1. Size and configuration of the property.
2. Size and configuration of any proposed development.
3. Location of the tree relative to any proposed development.
4. Whether or not the tree can be preserved under the proposed plan or any alternative plan.
5. Health, condition and aesthetic qualities of the tree.
6. Whether the tree poses a threat to persons or property.

- (B) Alternate plans. If, upon review of the factors enumerated in Section 24-60.2(II)(A), the Department determines that a spec-

imen tree cannot reasonably be preserved under the proposed plan, then the applicant shall provide an alternate plan when feasible, which shall include preservation of the specimen tree and design alterations consistent with the scope and intent of the initially-proposed plan. Alterations consistent with the scope and intent of the initially-proposed plan may include, but shall not be limited to:

1. An adjustment of building orientation on a site.
2. An adjustment of lot lines within a site proposal for more than one lot when said adjustment will not cause an unreasonable loss of usable space. An applicant shall have the burden of proof in the determination of what constitutes an unreasonable loss of usable space.

- (C) Specimen tree relocation. If preservation of the specimen tree and any alternate design consistent with the scope and intent of the initial plan are mutually exclusive, then the Department may issue a permit to relocate the specimen tree. If the tree removal permit requires relocation, then the applicant shall be required to relocate the tree in accordance with the standards set forth in Section 24-60.6.
- (D) Removal of specimen trees. If relocation of the specimen tree is not feasible, due to the size, health, location, species or any other factor, then a permit may be issued for removal, and tree replacement shall be required.
- (E) Replacement requirements for specimen trees. As a condition of the issuance of a tree removal permit for the removal of a specimen tree, tree replacement requirements shall be twice those specified in Section 24-60.4(II)(C). In the event that replacement is not feasible on-site, then alternative off-site replacement shall be required, or, as a last alternative, there shall be a contribution to the Dade County Tree Trust Fund for the full value of the replacement trees. Notwithstanding the above, there

shall also be an equitable contribution to the Dade County Tree Trust Fund for the irreplaceable loss of the aesthetic and environmental contributions of the specimen tree(s), according to the contribution schedule established by the Board of County Commissioners, pursuant to Section 24-60.9.

(F) Exemptions from specimen tree replacement requirements. An applicant may be exempt from the replacement requirements of Section 24-60.2(II)(E), but subject to the tree replacement requirements in Section 24-60.4(II)(C), under the following circumstances:

1. Upon submittal of a statement from a landscape architect registered in the State of Florida which indicates that a specimen tree, due to disease, condition, growth habit or any other reasonable botanical factor, does not provide the aesthetic or environmental contribution associated with a specimen tree. Said statement shall include the specific reason(s) for the claimed exemption from the provisions of Section 24-60.4(II).
2. When preservation of the specimen tree would cause a foreseeable risk to property.
3. When a site contains more than one (1) specimen tree, and fifty (50) percent or more of the existing specimen trees and at least fifty (50) percent of the existing specimen tree canopy area is preserved.

(Ord. No. 88-95, § 8, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 10, 2-21-89; Ord. No. 91-124, § 1, 10-15-91)

Sec. 24-60.3. Preliminary review of projects involving tree removal or relocation.

The Department shall review and comment on the following actions: Any application for zoning relief which requires a public hearing before the Dade County Zoning Appeals Board or the Board of County Commissioners; applications for plat approval; administrative site plan review; applications for approval of development plans by the

developmental impact committee and the South Florida Regional Planning Council; proposed plans for new roadways or improvements to highway design projects; proposed plans for new public park and recreational areas and other public facilities. This review procedure shall determine if a tree removal permit is required under Section 24-60, and whether the following standards, when applicable, are adhered to:

- (A) Any proposed action that does not involve specimen trees or development in a natural forest community shall be subject to the replacement standards in Section 24-60.4.
- (B) Development within natural forest communities or involving specimen trees:

1. If it is determined that the proposed development site is within a natural forest community or involves removal of a specimen tree, the standards set forth in Section 24-60.2 shall apply. Proposed site actions that are not in accordance with said standards shall receive a recommendation of denial from the Department.
2. Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action requiring a public hearing before the Dade County Zoning Appeals Board or the Board of County Commissioners for any land use involving division of property into parcels less than five (5) acres within natural forest communities without obtaining the prior written recommendation of the DERM or his designee. The DERM or his designee shall issue his written recommendation of approval only if the DERM or his designee determines that a preservation area equivalent in size to the minimum preservation area required for the site under Section 24-60.2(I) has been designated prior to the proposed action.

(Ord. No. 88-95, § 9, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 11, 2-21-89)

Sec. 24-60.4. Replacement requirements for tree removal.

(I) *Tree replacement requirements.* As a condition of the issuance of a tree removal permit, the permittee shall be required to replace trees that are authorized to be removed under the provisions of Ordinance Number 89-8. The number of trees and number of species of trees required for replacement shall be determined according to the procedures contained herein. When the replacement canopy area exceeds ten thousand (10,000) square feet, replacement shall be described in a landscape replacement plan which shall meet the minimum requirements of Section 24-60.4(III), and no tree removal permit shall be issued until said plan has been approved by the Department, except as provided in Section 24-60.4(IV).

(A) The following are exempt from this section:

1. All tree removal activities included in Section 24-60(4).
2. All tree removal permits affecting natural forest community sites which meet the specific preservation requirements of Section 24-60.2(I)(A)1. and 2.
3. Trees which have been successfully relocated, pursuant to Section 24-60.6.

(B) Natural forest community replacement requirements.

1. Pursuant to Section 24-60.2(I)(A)3., tree and understory replacement for pineland natural forest communities shall include the following:
 - a. All species proposed for replanting shall be native to Dade County's pinelands.
 - b. For each additional one-half acre which is permitted to be cleared, fifty (50) replacement pine trees (*Pinus elliotti* var. *densa*) shall be provided. Said pine trees shall meet the standards in either Section 24-60.4(IV)(A)1. or 2.; if the pine trees meet the standards of Section 24-60.4(IV)(A)1., then six hundred twenty-six (626) pineland understory and ground cover plants which meet the standards

of Section 24-60.4(IV)(A)2 shall be provided; if the pine trees meet the standards of Section 24-60.4(IV)(A)2., then six hundred seventy-six (676) pineland understory and ground cover plants which meet the standards of Section 24-60.4(IV)(A)2. shall be provided. The number of replacement plants for areas which are less than one-half acre shall be determined on a pro-rated basis.

- c. The diversity of understory and ground cover species provided shall be maximized to the greatest extent possible based on availability of materials.
 - d. An eighty (80) percent survival rate after one (1) year shall be guaranteed for all pineland natural forest community replacement plantings.
2. As an alternative to Section 24-60.4(I)(B)1. above, a monetary contribution, equal to the cost of the replacement plants, labor costs for installation, and survival rate guarantee costs, may be made to the Dade County Tree Trust Fund. Said funds shall be utilized by the County to reestablish pineland on County-owned property or to purchase pinelands for preservation purposes.
 3. All other applications for the removal of trees or understory within natural forest communities which meet the requirements of Section 24-60.2(I)(A)1. and 2. or Section 24-60.2(I)(B) shall not require any tree or understory replacement.

(C) Specimen tree replacement requirements. As required in Section 24-60.2(II)(E), the replacement requirements for the removal of a specimen tree shall be twice those specified in this section, except as noted in Section 24-60.2(II)(F).

(II) *Procedures for determining tree replacement requirements.* The Department shall determine the total number of replacement trees re-

quired for the issuance of a tree removal permit according to the following procedural steps:

- (A) *Step 1: Determining existing tree canopy coverage on-site.* The area of existing tree canopy coverage of a site shall be determined by the Department, using one (1) or any combination of the following methods: Review of aerial photography; on-site inspection; and review of a tree survey. The Department may require the applicant to submit a tree survey for the purpose of this determination.
- (B) *Step 2: Determining impact area of proposed project.* The area of existing canopy coverage which will be affected (impact area) by the applicant's proposed development shall be determined by the Department. This determination shall be based on a site plan and completed tree removal permit application form submitted to the Department by the applicant.
- (C) *Step 3: Determining number of replacement trees required to be planted.* The total number of trees required for replacement shall be based on the area of impact and the category of replacement tree selected by the applicant. Each replacement tree shall compensate for a portion of the tree canopy lost in the impact area. The following table shall be used as a standard for determining the required number of replacement trees:

<i>Category of Replacement Tree:</i>	<i>Portion of Impact Area that each replacement tree compensates for in square feet:</i>
Shade Tree 1	500
Shade Tree 2	300
Palm Tree 1	300
Palm Tree 2	100
Small Tree	200

Any combination of shade trees, palm trees, or small trees shall be acceptable replacement, provided the total number of trees from all replacement categories compensate for the lost canopy. In the event that a

replacement tree actually has more canopy coverage at the time of planting than the amount of credit allowed under the tree replacement formula above, then the applicant shall receive full credit for the canopy coverage provided by the replacement tree at the time of planting. The applicant shall submit a list of proposed replacement trees on a form provided by the Department, except when the total number of replacement trees exceeds twenty (20), and then the applicant shall be required to submit a landscape replacement plan consistent with the provisions of Section 24-60.4(III). Proposed replacement lists or plans are subject to Departmental approval. The Department shall approve proposed replacement trees that are consistent with the standards of Section 24-60.4(III).

- (D) *Step 4: Location of replacement trees.* Specific placement of replacement trees on-site shall be determined by the applicant. If the site cannot accommodate the required replacement trees because of insufficient planting area as determined by the Department, then the applicant shall be required to plant replacement trees at an off-site location subject to Departmental approval, or, as a last alternative, shall provide an equitable contribution to the Dade County Tree Trust Fund to compensate for those replacement trees which cannot be accommodated on site. The amount of the contribution shall be determined according to the provisions of Section 24-60.9. If any applicant is in doubt as to whether a particular site can sufficiently accommodate the required number and species of replacement trees as initially determined by the Department, then the applicant shall submit a statement prepared by a landscape architect registered in the State of Florida, indicating whether, in his professional opinion, the site can accommodate the required number of trees and species. Upon receipt of said statement, the Department shall reevaluate its initial determination and provide the applicant with a revised determination of requirements. In the event that the land-

scape architect is in agreement with the Department's determination of available planting space, however, due to design considerations, the applicant would elect to propose an alternative landscape enhancement plan or an equitable contribution to the Dade County Tree Trust Fund, then the provisions of Section 24-60.4(IV) or 24-60.2(II)E, respectively, shall apply.

- (E) *Step 5: Minimum species diversity standards.* When more than ten (10) trees are required to be planted in accordance with the provisions of this section, a diversity of species shall be required. The number of species to be planted shall be based on the overall number of trees required. The applicant shall be required to meet the following minimum diversity standards:

<i>Required Number of Trees</i>	<i>Minimum Number Species of</i>
11-20	2
21-50	4
51 or more	6

Permittees shall not be required to plant in excess of six (6) species. The number of trees of each species planted shall be proportional to the number of species required. A minimum of fifty (50) percent of all replacement trees planted shall be native to Dade County. However, when native trees are removed, all replacement trees shall be native species. As an alternative to the minimum species diversity required herein, an applicant may propose an alternative species diversity in an alternative landscape enhancement plan described in Section 24-60.4(IV).

- (F) *Step 6: Minimum standards for replacement trees.*

1. All replacement trees shall have a minimum quality of a Florida No. 1 grade or better.
2. The Department shall maintain a list of species for each category of replacement tree. This list may be amended from time to time, as necessary. Re-

placement tree heights shall be determined by overall height measured from where the tree meets the ground to the top-most branch.

- (a) All category 1 replacement shade trees shall be a minimum of twelve (12) feet in height at the time of planting and at maturity should have a canopy coverage of five hundred (500) square feet under normal growing conditions.
- (b) All category 2 replacement shade trees shall be a minimum of eight (8) feet in height at the time of planting and at maturity should have a canopy coverage of five hundred (500) square feet under normal growing conditions.
- (c) All category 1 replacement palm trees shall have a minimum height of ten (10) feet at the time of planting and at maturity should have a canopy coverage of three hundred (300) square feet under normal growing conditions.
- (d) All category 2 replacement palm trees shall have a minimum height of three (3) feet at the time of planting and at maturity should have a canopy coverage of one hundred (100) square feet under normal growing conditions.
- (e) All replacement small trees shall have a minimum height of six (6) feet at the time of planting and at maturity should have a canopy coverage of two hundred (200) square feet under normal growing conditions.

(III) *Requirements for a landscape replacement plan.* Except as provided in Section 24-60.4(IV), a landscape replacement plan shall be submitted to the Department by the permit applicant when a minimum of ten thousand (10,000) square feet of replacement canopy is required under the provisions of Section 24-60.4(II). All landscape replacement plans shall meet the following minimum standards:

- (A) The number of trees, number of species of trees, and size of trees proposed for planting shall be consistent with Section 24-60.4(II).

(B) The applicant shall submit a site plan that includes the proposed replacement locations of all replacement plantings and tree relocations, all property lines, and all proposed and existing structures, driveways and utility easements.

(C) The canopy spread of any tree that is proposed for preservation shall be shown on the plan. Where a portion of the canopy of a tree or trees shall be removed without removal of the trees, a notation shall be made on the plan.

(IV) *Alternatives to the provisions of Sections 24-60.4(II) and 24-60.4(III).* Instead of replacing all affected trees pursuant to the provisions of Sections 24-60.4(II) and 24-60.4(III), an applicant may propose to relocate existing trees or propose a unique project design which provides reasonable assurance that the project complies with the intent to maintain tree canopy.

(A) Generally, as an exception to the requirements of Section 24-60.4(II), and in order to provide for development of exceptional or unique landscape designs which cannot meet the express terms of Section 24-60.4(II), an applicant may submit an alternative landscape enhancement plan. As an alternative to the requirements in Section 24-60.4(II)(C), tree replacement credit may be granted for planting shrubs or ground covers, based upon the following table, provided, however, that a minimum of fifty (50) percent of the required canopy replacement is achieved by using shade trees and palm trees as required by Section 24-60.4(II)(C).

Category of Tree Alternative Shrub or Ground Cover:	Portion of Impact Area that Each Tree Alternative Shrub, or Ground Cover Compensates for in Square Feet:
Shrub 1 (including small palms)	60
Shrub 2/Ground Cover	30

1. All category 1 tree alternative shrubs shall be a minimum of two (2) feet in height at the time of planting and at maturity should have a canopy cov-

erage of sixty (60) square feet under normal growing conditions.

2. All category 2 tree alternative shrubs or ground covers shall have a root system sufficient to sustain growth and at maturity should have a canopy coverage of ten (10) to twenty (20) square feet under normal growing conditions.

(B) The applicant shall have the burden of demonstrating that a design meets the intent of Ordinance Number 89-8. At a minimum, an alternative landscaping enhancement plan shall include, without limitation:

1. A statement, prepared by a landscape architect registered in the State of Florida, which indicates that the intent of Ordinance Number 89-8 can be effectively met through the submission of the alternative design; and
2. A site plan, prepared by a landscape architect registered in the State of Florida, that includes the proposed location, scientific name or description of all vegetation to be preserved or planted, all property lines, and all proposed or existing structures, driveways and utility easements; and
3. A tabulation that identifies any deviations from the requirements of Section 24-60.4(II) and explicitly provides tree replacement alternatives.

(C) The Department shall approve an alternative landscape enhancement plan when:

1. The design preserves and incorporates existing vegetation; and
2. The design exceeds the minimum requirements or equivalent of Section 24-60.4(II).

(D) Preservation credit for relocated trees. Permittees who successfully relocate trees shall receive full credit for the relocated trees and the tree replacement requirements herein shall not apply to such relocated trees. All relocated trees shall meet the standards set forth in Section 24-60.6 for tree relocation.

(Ord. No. 88-95, § 10, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 12, 2-21-89)

Sec. 24-60.5. Tree protection requirements during construction.

(I) During site development, protection requirements for trees designated for preservation under an approved tree removal permit shall include, but not be limited to, the following:

- (A) Protective barriers shall be placed around each tree, cluster of trees, or the edge of the preservation area no less than six (6) feet (in radius) from the trunk of any protected tree cluster or preservation area unless a lesser distance is specified by the Department. Protective barriers shall be a minimum of four (4) feet above ground level and shall be constructed of wood, plastic or metal, and shall remain in place until development is completed and the Department has authorized their removal. Protective barriers shall be in place prior to the start of any construction.
- (B) Understory plants within protective barriers shall be protected.
- (C) No excess oil, fill, equipment, building materials or building debris shall be placed within the areas surrounded by protective barriers, nor shall there be disposal of any waste material such as paints, oils, solvents, asphalt, concrete, mortar or any other material harmful to trees or understory plants within the areas surrounded by protective barriers.
- (D) Trees shall be braced in such a fashion as to not scar, penetrate, perforate or otherwise inflict damage to the tree.
- (E) Natural grade shall be maintained within protective barriers. In the event that the natural grade of the site is changed as a result of site development such that the safety of the tree may be endangered, tree wells or retaining walls are required.
- (F) Underground utility lines shall be placed outside the areas surrounded by protective barriers. If said placement is not possible, disturbance shall be minimized by using techniques such as tunnelling or overhead utility lines.

(G) Fences and walls shall be constructed to avoid disturbance to any protected tree. Post holes and trenches located close to trees shall be dug by hand and adjusted as necessary, using techniques such as discontinuous footings, to avoid damage to major roots.

(II) Exceptions to the provisions of Section 24-60.5(I). Exceptions to the requirements of Section 24-60.5(I) shall be approved only when the permittee receives specific written authorization from the DERM or his designee. The DERM or his designee shall not issue his written approval unless the DERM or his designee determines that the affected tree(s) can be adequately protected without meeting the requirements of Section 24-60.5(I), or due to exceptional circumstances it is not practical or reasonable to meet the requirements of Section 24-60.5(I).

(III) If the requirements of Section 24-60.5(I)(A) through (G) are not adhered to by the permittee and the trees are effectively destroyed, then all such trees shall be replaced according to the standards of Section 24-60.4(II), in addition to being subject to the penalty provisions of Sections 24-55, 24-56 and 24-57 of the Code of Metropolitan Dade County.

(Ord. No. 88-95, § 11, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 13, 2-21-89)

Sec. 24-60.6. Tree relocation standards.

The relocation of any tree that is subject to the provisions of Ordinance Number 89-8 shall be consistent with the following minimum standards:

(A) Trees other than palms:

1. Tree roots shall be severed in such a manner as to provide a root ball which is sufficient to ensure survival of the tree when relocated. A sufficiently-sized planting hole shall be provided at the relocation site to ensure successful regrowth.
2. After root severing, adequate time shall be allowed prior to replanting to ensure survival of the tree(s). After root severing and prior to relocation, tree(s) shall be watered a minimum of twice

weekly. After relocation, tree(s) shall be watered a minimum of twice weekly until the tree(s) are established.

3. During removal and transportation of the tree, the root ball and vegetative portions of the tree shall be protected from damage from wind or injury.
4. Any tree that dies or becomes nonviable within one (1) year of relocation shall be replaced according to the standards set forth in Section 24-60.4(II).

(B) Palms:

1. A ball of earth at least one (1) foot from the base of the tree shall be moved with the tree.
2. Fronds shall be securely tied around the bud prior to relocation and shall remain securely tied around the bud during the entire relocation process and for a minimum of one (1) week after relocation.
3. The bud shall be protected from damage or injury during relocation.
4. Any palm that dies or becomes nonviable within one (1) year of relocation shall be replaced according to the standards set forth in Section 24-60.4(II).

(Ord. No. 88-95, § 12, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 14, 2-21-89)

Sec. 24-60.7. Permit issuance, confirmation of natural forest community maps, existing permits, approvals and consent agreements.

(I) The Department shall deny an application, or approve an application and issue a permit (subject to conditions, limitations or restrictions), for the activity proposed under the permit application, provided:

- (A) The required application fee and permit fee is submitted to Metropolitan Dade County.
- (B) A performance bond, if required, has been posted. As a condition of issuing a tree removal permit, the Department may require the posting of a performance bond to guarantee compliance with all other conditions,

limitations, and restrictions of the tree removal permit (the permitted activity), including, without limitation, planting of all required replacement trees. The bond shall be equivalent to one hundred (100) percent of the estimated cost of the permitted activity and may be in the form of a letter of credit, surety, cash, or certificate of deposit. All performance bonds shall remain in force for a minimum of either one (1) year after the actual completion date of the permitted activity (to ensure that any replanted trees which perish are replaced), or until viability of all replanted trees has been achieved, whichever occurs last. However, at the discretion of the DERM or his designee, performance bonds may be partially released in phases based upon partial completion of planting or other permit requirements.

(C) All required plans or covenants are submitted and are in compliance with the standards herein.

(II) All permits shall clearly specify all conditions, limitations and restrictions required by the Department. The permit applicant shall acknowledge that he fully understands and agrees to comply with all said conditions, limitations or restrictions by signing the permit prior to its issuance.

(III) All tree removal permit applications which remain incomplete for a period of one hundred twenty (120) days shall be denied. A new tree removal permit application shall be required for all work previously proposed under a permit application which has been denied.

(IV) The natural forest community maps approved by the Board of County Commissioners on December 12, 1984, by Resolution No. 1764-84, all tree removal permits issued pursuant to Chapter 26B, Department approvals, and all consent agreements executed in order to resolve alleged violations of Chapter 26B of the Code of Metropolitan Dade County, Florida, are hereby confirmed and shall remain in full force and effect, and all conditions, restrictions and limitations contained therein shall continue to apply,

and compliance therewith shall be enforceable pursuant to the provisions of this chapter.

(Ord. No. 88-95, § 13, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 15, 2-21-89)

Sec. 24-60.8. Tree trust fund and Tree Forest Resources Advisory Committee.

(I) *Creation of the tree trust fund.* There is hereby created a tree trust fund, the purpose of which is to acquire, protect and maintain natural forest communities in Dade County and to plant trees on public property.

(II) *Creation of the Tree and Forest Resources Advisory Committee.* The Tree and Forest Resources Advisory Committee is hereby established for the purpose of providing the Board of County Commissioners with recommendations regarding the tree trust fund, and recommendations to the DERM regarding the establishment of Departmental policies relating to Ordinance Number 89-8.

(A) *Composition and qualifications of members.* The Committee shall be composed of thirteen (13) members which shall be appointed by the Board of County Commissioners. The DERM or his designee shall submit recommendations for appointments to the Dade County Manager. Members of the Committee shall be residents of Dade County who possess outstanding reputations for civic pride, interest, integrity, responsibility, and business or professional ability. Appointments shall be made by the County Commission on the basis of experience or interest in the fields of conservation, botany, horticulture, landscape architecture, agriculture, land use, land planning, or land development. The DERM or his designee shall serve as executive secretary to the Committee. The process of appointment and other requirements of Ordinance 80-136 (Chapter 2, Article I B, Sections 2-11.36 through 2-11.40 of this Code) shall be followed.

(B) *Terms of office and organization.* In order that the terms of office of all appointed members of the Committee shall not expire at the same time, the initial appointments

to the Committee shall be as follows: Seven (7) members shall be appointed for a term of one (1) year, and six (6) members shall be appointed for a term of two (2) years. Thereafter, all members shall be appointed for a term of two (2) years. Appointments to fill any vacancy on the Board [Committee] shall be for the remainder of the unexpired term of office. The members of the Committee shall elect a chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Board [Committee]. Appointed members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, in accordance with County policy, upon approval of the County Manager. A majority vote of a quorum shall be necessary to take any action. Seven (7) members shall constitute a quorum.

(C) *Meetings and authority.* The Committee shall hold a minimum of one (1) publicly-advertised meeting per year. The Committee shall have the authority to make recommendations to the Board of County Commissioners concerning any matter relating to the tree trust fund. The Committee shall also have the authority to make recommendations to the DERM regarding Departmental policies relating to Ordinance Number 89-8, and shall review and approve the quantitative evaluation form which the Department shall use for evaluating natural forest communities. In addition, upon request, the Committee shall have the authority to make recommendations to the Environmental Quality Control Board concerning variance requests made pursuant to this Ordinance Number 89-8, natural forest community site additions or deletions, and natural forest community boundary line modifications being proposed by the Director or his designee.

(III) *Disbursement and maintenance of the tree trust fund.* Monies obtained for the tree trust fund shall be disbursed for the acquisition, maintenance, management and protection of natural forest communities, or for planting trees on public

property. Such monies may be used as a matching fund contribution towards the acquisition of natural forest communities in Dade County in association with other public land acquisition programs, such as, but not limited to, the State of Florida Conservation and Recreational Lands Trust Fund. Said trust fund shall be kept and maintained in trust by the Board of County Commissioners solely for the purposes set forth in this section in a separate and segregated fund of the County which shall not be commingled with other County funds until disbursed for an authorized purpose pursuant to this section. Disbursement from the tree trust fund shall require approval by resolution of the Board of County Commissioners, provided, however, that any funds received pursuant to the conditions of any tree removal permit shall be used as required by the permit conditions without the necessity of approval, appropriation, or action of any kind by the Board of County Commissioners. Prior to approving disbursements, the Board of County Commissioners shall consider the recommendations of the County Manager and the Tree and Forest Resources Advisory Committee. The County Manager, prior to making any such recommendations, shall consider the recommendations of the Department pertaining to the proposed disbursement(s) for the acquisition of natural forest communities or planting of trees on public property. The Finance Director is hereby authorized to establish the tree trust fund and to receive and disburse monies in accordance with the provisions of this section.

(IV) *Source of monies for the tree trust fund.* Said tree trust fund shall consist of the following monies:

- (A) All monies collected by the Department for environmental damages to tree or forest resources and environmental mitigation for the loss of tree or forest resources which are obtained through civil lawsuits, consent agreements or after-the-fact tree removal permits, except penalties and administrative costs.
- (B) All monies offered to and accepted by Metropolitan Dade County for the tree trust fund in the form of federal, State, or other governmental grants, allocations or appropriations, as well as foundation or private

grants and donations, shall be disbursed strictly in accordance with terms and conditions of the grant, allocation, appropriation or donation and shall be earmarked accordingly.

- (C) Contributions in lieu of, or in conjunction with, the replacement planting provisions of Section 24-60.4(II). The Department shall collect funds designated for the tree trust fund when the replacement planting requirements of Section 24-60.4(II) cannot be met, and in accordance with Section 24-60.2(II)(E).

(V) *Interest.* Unless otherwise restricted by the terms and conditions of a particular grant, gift, appropriation or allocation, all interest earned by the investment of all monies in the tree trust fund shall be disbursed by resolution of the Board of County Commissioners for any project authorized consistent with Section 24-60.8. Trust fund monies shall be invested only in accordance with the laws pertaining to the investment of County funds.

(VI) Decisions to grant or deny tree removal permits shall be made without consideration of the existence of this fund or offers of donations of monies thereto.
(Ord. No. 88-95; § 14, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 16, 2-21-89)

Sec. 24-60.9. Permit fees; schedule.

The Dade County Department of Environmental Resources Management shall charge and collect application and permit fees and trust fund contributions at the rates established by separate administrative order which shall not become effective until approved by the Board of County Commissioners. Applications from government agencies for tree removals in areas dedicated to public use may, in the discretion of the DERM, be exempted from application fees and permit fees.
(Ord. No. 88-95, § 15, 10-4-88; Ord. No. 89-6, § 1, 1-17-89; Ord. No. 89-8, § 17, 2-21-89)

ARTICLE IV. STORMWATER UTILITY*

Sec. 24-61. Short title.

This article shall be known as the Metropolitan Dade County Stormwater Utility Ordinance. (Ord. No. 91-66, § 3, 6-20-91)

Sec. 24-61.1. Legislative intent; construction.

(A) The purpose of this article is to implement the provisions of Section 403.0893(1), Florida Statutes, by creating a Countywide stormwater utility and adopting stormwater utility fees sufficient to plan, construct, operate and maintain stormwater management systems set forth in the local program required pursuant to Section 403.0891(3), Florida Statutes.

(B) This article shall be liberally construed to protect the public health, safety, and welfare and to effectuate the purposes set forth herein. (Ord. No. 91-66, § 3, 6-20-91)

Sec. 24-61.2. Applicability.

(A) The provisions of this article shall be effective in both the unincorporated and incorporated areas of Dade County.

(B) Notwithstanding the provisions of (A) above, the provisions of this article shall not apply within any municipality which files with both the Clerk of the Board of County Commissioners and the Director of the Metropolitan Dade County Department of Environmental Resources Management certified copies of a resolution of the governing body of such municipality which notifies the Board of County Commissioners and the Director of the Metropolitan Dade County Department of Environmental Resources Management that the municipality exercises thereby its option to exempt that the municipality exercises thereby its option to exempt the municipality from the provisions of this article, provided, however, (1) such certified copies are filed as set forth above no later than ninety (90) days from the date of enactment of this article and (2) the municipality commits in said resolution to implement within said municipality the provisions of Section 403.0893(1), (2), or

(3), Florida Statutes, as amended from time to time, no later than two (2) years from the effective date of this article. Failure to file such certified copies or to implement Section 403.0893(1), (2) or (3), Florida Statutes, as amended from time to time, within the aforesaid respective time periods shall render the municipality's exemption from the provisions of this article null and void. Notwithstanding the foregoing, any municipality, at any time after the effective date of this article, may request, by resolution, that the Board of County Commissioners render the municipality's exemption from the provisions of this article null and void or grant the municipality an exemption from the provisions of this article subject to conditions determined by the Board of County Commissioners. Upon receipt of such a resolution of a municipality the Board of County Commissioners may, by resolution, render the municipality's exemption from the provisions of this article null and void or grant the municipality an exemption from the provisions of this article subject to conditions determined by the Board of County Commissioners.

(Ord. No. 91-66, § 3, 6-20-91; Ord. No. 95-195, § 1, 10-17-95)

Sec. 24-61.3. Creation of Metropolitan Dade County Stormwater Utility; governing body; organization.

(A) There is hereby created and established by the authority of Section 403.0893(1), Florida Statutes, and the Home Rule Charter of Dade County, Florida, a Countywide stormwater utility implementing the provisions of Section 403.0893(1), Florida Statutes, which shall be named and known as the "Metropolitan Dade County Stormwater Utility" (hereinafter also referred to as the "Utility"). The Utility shall be a public body corporate and politic which, through its governing body, the Board of County Commissioners of Dade County, Florida, may exercise all those powers specifically granted herein, those powers granted by law and those powers necessary in the exercise of those powers herein enumerated.

(B) The governing body of the Utility shall be the Board of County Commissioners of Dade County, Florida.

*Cross reference—Water and sewer regulations, Ch. 32.

(C) The Utility, acting through its governing body, shall be responsible for the operation, maintenance, and governance of a Countywide stormwater utility to plan, construct, operate and maintain stormwater management systems set forth in the local program required pursuant to Section 403.0891(3), Florida Statutes. The governing body may create by ordinance one or more districts and subdistricts within the service area of the Utility.

(D) The County Manager shall be the Director of the Utility.

(E) The organization and operating procedures of the Utility shall be prescribed by administrative orders and regulations of the County Manager. The County Manager shall appoint such employees as may be necessary to operate the Utility. The salaries and compensation of all personnel of the Utility shall be determined by the Board of County Commissioners upon the recommendation of the County Manager.

(Ord. No. 91-66, § 3, 6-20-91; Ord. No. 92-92, § 1, 9-15-92)

Sec. 24-61.4. Fees.

(A) The Metropolitan Dade County Stormwater Utility is hereby authorized and directed to establish, assess, and collect stormwater utility fees upon all residential developed property and all nonresidential developed property in Dade County, Florida, sufficient to plan, construct, operate, and maintain stormwater management systems set forth in the local program required pursuant to Section 403.0891(3), Florida Statutes. Such fees shall be in an amount set forth in administrative orders of the County Manager after approval by the Board of County Commissioners.

(B) Each residential developed property shall be assessed a stormwater utility fee calculated by multiplying the rate for one ERU by the number of the dwelling units on the parcel.

(C) Each nonresidential developed property shall be assessed a stormwater utility fee calculated by multiplying the rate for one (1) ERU by a factor derived by dividing the actual impervious area of the particular nonresidential developed property by the statistically estimated average horizontal

impervious area of residential developed property per dwelling unit, to wit, the square footage base equivalent established for one (1) ERU. Notwithstanding the foregoing, each nonresidential developed property classified by the Dade County Property Appraiser as land use type 71 shall be assessed a stormwater utility fee which is fifty (50) percent of the fee for nonresidential developed property calculated as described in the preceding sentence.

(D) The fees payable hereunder shall be deposited in a separate County fund and shall be used exclusively by the Metropolitan Dade County Stormwater Utility to pay for the costs of planning, constructing, operating and maintaining stormwater management systems set forth in the local program required pursuant to Section 403.0891(3), Florida Statutes. No part of said fund shall be used for purposes other than the aforesaid.

(Ord. No. 91-66, § 3, 6-20-91; Ord. No. 92-86, § 1, 7-21-92)

Sec. 24-61.5. Billing; liens.

(A) Fees shall be billed to the owner, tenant, or occupant of each developed property in accordance with the administrative orders of the County Manager. If the fees are not fully paid by said owner, tenant or occupant on or before the past due date set forth on the bill, a ten (10) percent late charge may be added to the bill and imposed by the Utility in accordance with regulations prescribed by the County Manager. Any unpaid balance for such fees and late charges shall be subject to an interest charge at the rate of eight (8) percent per annum. Imposition of said interest charge shall commence sixty (60) days after the past due date of the fees set forth on the bill.

(B) Fees and late charges, together with any interest charges, shall be debts due and owing the Utility and all of same shall be recoverable by the County or its assignee, on behalf of the Utility, in any court of competent jurisdiction.

(C) The Utility shall establish procedures to notify owners, tenants, occupants, and managers of developed property of delinquent fee accounts.

Subscribers to this service shall pay in advance a fee in an amount set forth in the administrative orders of the County Manager.

(D) All fees, late charge sand interest accruing thereupon, due and owing to the Utility which remain unpaid sixty (60) days after the past due date of the fees shall become a lien against and upon the developed property for which the fees are due and owing to the same extent and character as a lien for a special assessment. Until fully paid and discharged, said fees, late charges, and interest accrued thereupon shall be, remain, and constitute a special assessment lien equal in rank and dignity with the liens of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to or against the developed property involved for the period of five (5) years from the date said fees, late charges, and interest accrued thereupon, become a lien as set forth in this article. Said lien may be enforced and satisfied by the County, on behalf of the Utility, pursuant to Chapter 173, Florida Statutes, as amended from time to time, or by any other method permitted by law. The lien provided for herein shall not be deemed to be in lieu of any other legal remedies for recovery of said fee, late charges, and accrued interest available in the County and to the Utility.

(E) For fees which become more than sixty (60) days past due and unpaid, the County or the Utility shall cause to be filed in the Office of the Clerk of the Circuit Court of Dade County, Florida, a notice of lien or statement showing a legal description of the property against which the lien is claimed, its location by street and number, the name of the owner, and an accurate statement of the fees and late charges then unpaid. A copy of such notice of lien shall be mailed within a reasonable time to the owner of the property involved as shown by the records of the Tax Collector of Metropolitan Dade County. No such lien shall be enforceable by the County or the Utility unless said notice shall be filed within six (6) months from the date the fees and late charges become a lien as established in this article.

(F) Liens may be discharged and satisfied by payment to the County, on behalf of the Utility, of the aggregate amounts specified in the notice of

lien, together with interest accrued thereon, and all filing and recording fees. When any such lien has been fully paid or discharged, the County shall cause evidence of the satisfaction and discharge of such lien to be filed with the Office of the Clerk of the Circuit Court of Dade County, Florida. Any person, firm, corporation, or other legal entity, other than the present owner of the property involved, who fully pays any such lien shall be entitled to receive an assignment of lien and shall be subrogated to the rights of the County and the Utility with respect to the enforcement of such lien.

(G) Notwithstanding other provisions to the contrary herein, the County, on behalf of the Utility, shall have the discretion not to file notices of lien for fees, late charges, and interest accrued thereupon in an amount less than fifty dollars (\$50.00). If the County or the Utility elects not to file a notice of lien, said fees, late charges, and accrued interest shall remain as debts due and owing in accordance with (B) above.

(H) The Utility is authorized and directed to execute and deliver upon request written certificates certifying the amount fees, late charges and interest accrued thereupon, which are due and owing to the Utility and the County, for any developed property which is subject to payment of said fees, or the Utility may certify that no fees, late charges or accrued interest are due and owing. Said certificates shall be binding upon the County and the Utility.
(Ord. No. 91-66, § 3, 6-20-91; Ord. No. 91-120, § 1, 10-1-91)

**This pamphlet index is set up to conform to the index in
the Code of Ordinances for future amendatory purposes.**

DADE COUNTY CODE

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EXHIBIT 3

**LIST OF MIAMI-DADE COUNTY STRICTER RULES
DADE COUNTY ENVIRONMENTAL PROTECTION CODE CHAPTER 24
POSSIBLY MORE STRICT OR STRINGENT THAN STATE REQUIREMENTS**

DOMESTIC WASTEWATER DEP/DERM DELEGATION

The forthcoming DEP review and preparation of the Domestic Wastewater SOA with Dade County requires identification of local ordinances, rules, or orders that are more strict or stringent than State requirements for the domestic waste program. In general, some Dade County existing rules may be more stringent than Department of Environmental Protection (DEP) requirements, particularly those related to the protection of the Biscayne Aquifer and wellfield protection areas.

Dade County is under the enforcement of a consent decree with USEPA and a settlement agreement with DEP. Several changes in the sewer extension and sewer connection procedures have been implemented to meet the requirements of these agreements. Furthermore, the Board of County Commissioners for approved Ordinance 96-166 that includes DEP and USEPA requirements for volume sewer customers and private sewer systems. Additional updates and revisions of Chapter 24 MDCC, after agreement is reached between DEP and DERM, will be prepared by DERM and submitted to the Board of County Commissioners for approval.

Specifically the following Sections of the Code may be more strict or stringent than the Florida Department of Environmental Protection (DEP) delegated Domestic Wastewater programs. The additional requirements of Chapter 24 are explained in bolded letters as follows:

Sec 24-3 Definitions:

(108) Feasible distance for public sanitary sewers

- This criteria of feasible distance as determined by the Director if the distance is not excessive to require mandatory connection to sewers.

(123) Interim sewage treatment plant

- This definition makes all sewage treatment plant interim facilities to be deactivated when sewers become available.

Sec. 24-6 Appeals from actions or decisions of Director, Environmental Resources Management. (Different appealing process) Appeals of Director's decisions are conducted through the Environmental Quality Control Board (EQCB).

Sec. 24-11 Prohibitions against water pollution.

(2) Effluent standards for Dade County.

- 90% treatment or better required
- Some specific standards may be more stringent than the applicable 62-600 or 62-610 F.A.C. reuse, such as fecal of 0 MPN 100 ml.

(4) Water quality standards for Dade County.

- Some specific standards for ground water may be stringent than State regulations.

(5) Compliance tests**(a) Methods.**

- Grab sampling is used to enforce effluent standards.

(7) Tertiary treatment requirements.

- 95% removal of TSS and BOD and effluent not to exceed 15 mg/l for either parameter.

Sec. 24-12.1 Protection of public potable water supply wells

(4) Septic tanks, sanitary sewers, storm water disposal, liquid waste storage, disposal and treatment and violations of this chapter within wellfield protection areas.

(b) Sanitary sewers.**(i) Exfiltration rate requirements****(ii) Registered Professional Engineer certification of exfiltration rates.****Sec. 24-13 Liquid waste disposal and potable water supply systems**

(7) Facilities on septic tanks required connection to abutting sewers.

(9) Interim sewage treatment plant required connection to sewers within a quarter mile.

Sec. 24-13.1 Sanitary sewer system collection and transmission systems.

(A) Existing gravity sanitary sewer requirements.

(B) Monitoring requirements

(C) Pump station inspection and repairs

(D) Collection and transmission system model

(E) Maintenance

(F) Spare parts

(G) Exemptions

These requirements were codified as part of the consent decree with EPA and they are more specific than DEP regulations.

Sec. 24-13.2 Certification of sanitary sewer system collection, transmission and treatment capacity.

The requirements in this section include a limit for the normal average pump operating time (NAPOT) of 10 hours/day as defined in Section 24-3 (39.2)(41.2)(41.3) MDCC. These Sections were included to comply with the consent agreement with EPA.

Sec 24-30 Plan approval required

(1) Waste water facilities.

- Environmental Quality Control Board (EQCB) approval is required prior to accepting an application to construct or modify an interim sewage treatment plant.

Sec. 24-33 Standards for preparation for plans. (To be revised)

Sec. 24-36. Operation of facility; competent supervision.

- (2) All sewage treatment plants shall be operated under the direct supervision of a minimum of a Class C operator.

Sec. 24-41 Standards of service.

Establishing and enforcing standards for utilities by the EQCB.

Sec. 24-48 Variances and extensions of time of compliance.

(Variance of State Rules are not delegated)

Sec. 24-54 Violations of rules and regulations of the State of Florida Department of Environmental Regulations, Department of Health and Rehabilitative Services, and U.S. Environmental Protection Agency. (Needs to be updated)

Sec. 24-55 Enforcement; procedure, remedies.

- Civil penalties for each violation in an amount of not more than \$25,000.00 per offense.

Sec. 24-57 Civil liability; joint and several liability; attorney's fees. (Separate County Fund)

Chapter 8CC Code Enforcement of Metropolitan Dade County, Florida

Civil penalties for minor violations using tickets that may accumulate penalties up to \$5,000.00, and that are placed as a lien to the properties.

EXHIBIT 4

FORMS

METROPOLITAN DADE COUNTY, FLORIDA



ENVIRONMENTAL RESOURCES MANAGEMENT
33 S.W. 2nd AVENUE
MIAMI, FLORIDA 33130-1540
(305) 372-6789

WARNING

Be advised all property owners
as named in the warranty deed
must be present at hearing unless
represented by an attorney.

NOTICE

UPON COMPLETION OF THE ATTACHED APPLICATION FOR HEARING, IT
WILL BE REQUIRED THAT YOU SCHEDULE AN APPOINTMENT WITH MR.
ENRIQUE CUELLAR AT 372-6503 FOR REVIEW AND SUBMITTAL OF YOUR
COMPLETE APPLICATION PACKAGE.

PLEASE CALL WITHIN THE TIME FRAME FOR FILING AS DESCRIBED IN
THE GENERAL INFORMATION SHEET INCLUDED IN THE APPLICATION
PACKAGE.

DADE COUNTY ENVIRONMENTAL RESOURCES MANAGEMENT
Metro Dade Center, Suite 1310
111 N.W. First Street

LIST FOR DRINKING WATER ANALYSIS
NON-COMMUNITY WATER SYSTEMS

Unless otherwise indicated analytical methods must conform with Chapter 17-550 Florida Administrative Code (DER rules).
Detection limits must be adequate to determine compliance with the following drinking standards.

PHYSICAL LIMITS

1. Turbidity (NTU)	5	3. Threshold Odor Number	3
2. Color (Units)	15	4. pH (at point of collection)	6.5

CHEMICAL CHARACTERISTICS (Concentrations in mg/l)

1. Foaming agents	0.5	12. Manganese (Mn)	0.05
2. Arsenic (As)	0.05	13. Nitrate (as N)	10
3. Barium (Ba)	1	14. Phenols*	0.001
4. Cadmium (Cd)	0.01	15. Sulfate	250
4. Chromium (Cr)	0.05	16. Selenium (Se)	0.01
6. Chloride	250	17. Silver (Ag)	0.05
7. Copper (Cu)	1	18. Total Dissolved Solids	500
8. Cyanide (CN)*	0.2	19. Zinc (Zn)	5
9. Flouride (F)	1.4	20. Mercury (Hg)	0.002
10. Iron (Fe)	0.3	21. Sodium (Na)	160
11. Lead (Pb)	0.05		

PESTICIDES (Concentrations in mg/l)

1. Endrin	0.0002	4. Toxaphene	0.005
2. Lindane	0.004	5. 2,4-D	0.1
3. Methoxychlor	0.1	6. 2,4,5-TP Silvex	0.01

VOLATILE ORGANICS (Concentrations in mg/l)

1. Trichloroethene	0.003	6. 1,2 dichloroethane	0.003
2. Tetrachloroethene	0.003	7. Benzene	0.001
3. Carbon Tetrachloride	0.003	8. Ethylene dibromide	0.00002
4. Vinyl chloride	0.001	9. p-dichlorobenzene	0.075
5. 1,1,1-trichloroethane	0.2	10. 1,1 dichloroethene	0.007

* denotes parameter with limit specified in Sections 24-12(2)(H)&(I) and analytical method specified in current edition of Standard Methods for the Examination of Water and Waste Water, APHA

Non-Community Water Supply Analysis

The non-residential on-site water supply well water analysis (see attached list) is to be performed by a commercial laboratory with appropriate certification from the State of Florida Department of Health and Rehabilitative Service. The water supply section has a complete list of certified labs in Florida. For your convenience the commercial labs in Dade and Broward Counties with current certification relating to the necessary analysis are listed below. Analysis from other laboratories with appropriate state certification covering the parameters in the attached list are acceptable.

- | | |
|--|------------------------------|
| 1. A.C. Laboratories
6546 Pembroke Road
Miramar, Florida 33023 | 305-989-0928
Mia.620-4440 |
| 2. Broward Testing
1034 N.E. 44th Ct.
Ft. Lauderdale, Florida 33307 | 305-776-7238 |
| 3. Clark Engineers-Scientists
7520 S.W. 57th St.
Miami, Florida 33143 | 305-665-5736 |
| 4. Enviropact, Inc.
4790 N.W. 157th St.
Miami, Florida 33014 | 305-620-1700 |
| 5. Spectrum Labs, Inc.
4560 N. Dixie Hwy
Ft. Lauderdale, Florida 33334 | 305-491-4691 |

All applications must include copies of any evidence, information, reports or documentation, and must include a listing of any witnesses to be used, in support of the application. Such information submitted subsequent to submission of the application would be grounds for continuation of the petition.

Under extreme circumstances, an emergency hearing may be requested. In such instances the Board will first determine, based on the petitioner's presentation, if the request represents an emergency deserving the Board's immediate attention, in which case it will be heard, otherwise it will be deferred to the next available hearing. For further details concerning this procedure, consult with staff prior to filing. The schedule of hearing dates may be obtained by calling the Clerk of the Board at 375-3376. In accordance with a Board Resolution which limits the number of items that will be heard at any given hearing to ten, it is to the applicant's advantage to file early, thereby avoiding possible postponement to a future agenda. A non-refundable filing fee is required, checks should be made payable to Metropolitan Dade County. Applicants should note that a Petitioner's request for continuance is subject to an additional non-refundable processing fee.

The Clerk of the Board will mail a Notice of Hearing (Agenda) to the applicant and a prehearing memorandum which highlights staff's position on the particular issue approximately 10 days prior to the hearing. For sewage treatment plant applications, the properties that may be affected by the application will be posted in a manner that provides notice of purpose, time and place of such hearing. The applicant may withdraw his application by doing so in writing at any time prior to the hearing. Requests for withdrawal should be directed to the Clerk of the Environmental Quality Control Board.

It is required that the applicant be the owner(s) of the property which is the subject of the application. All owner(s) or their attorney must be present at the hearing. Other persons may speak on behalf of the applicant as experts, but may not legally represent the petitioner. The letter of intent shall be signed according to the following instructions:

1. Individual ownership - If the property is owned by one or more individuals, the individual(s) must sign.
2. Corporation - The Corporate name shall be followed by the President's or Vice-President's signature and title. An Assistant Vice-President or other corporate office may not sign.

3. General Partnership - All partners shall sign and indicate title of each.
4. Limited Partnership - The name of the general partnership shall be followed by the signature and title of a general partner. If the general partner is a corporation, follow above instructions for a corporation.
5. Trustee - Signature shall be followed by title.

ENVIRONMENTAL QUALITY CONTROL BOARD HEARING
CHECK LIST

The following items must be submitted for all cases except requests for interim Package Sewage Treatment Plant.

1. Application form completely filled out and properly executed (original and 8 copies). One copy of Property Deed is required to verify ownership.
2. Applicant's Affidavit (1 copy). PLEASE NOTE, ALL OWNERS OR THEIR ATTORNEY MUST BE PRESENT AT THE HEARING.
3. Letter of Intent (original and 8 copies); this shall include all facts and circumstances resulting in the particular situation requiring review by the Board and any hardships involved. In addition, the letter should state which of the provisions of Section 24-48 of the Code the request meets (see addendum 2 attached).
4. Survey of property (9 copies).
5. Section Map (1 copy) and Aerial Photo (1 copy) these may be obtained from the Dade County Reproductive Services, 111 N.W. 1st Street, 16th Floor.
6. Filing fee of \$ _____. Checks should be made payable to Metropolitan Dade County.
7. Applications for non-residential projects requesting the use of well water shall include a water analysis based on parameters defined in Addendum 1 enclosed.
8. Site plan for all non-residential projects (9 copies).
9. Water and Sewer Availability Form completely executed by the appropriate utility (1 copy). Furnish copy of survey and scope of proposed development to the utility and allow approximately five working days for completion.
10. The name, address, phone number and professional credentials of any expert witness who may testify at the hearing shall be submitted to Clerk of the Board at least 10 days before the scheduled hearing.
11. Any factual information on properties other than the property which is the subject of the petition that may be presented as evidence at the hearing shall be

submitted to the Clerk of the Board at the same time that the petition is filed.

12. Cost estimates for water and/or sewer construction may be submitted at the petitioners discretion but are not required.
13. Please submit only the number of copies of each document as required above.

APPLICATION FOR PUBLIC HEARING
ENVIRONMENTAL QUALITY CONTROL BOARD

TO BE FILLED OUT BY APPLICANT: (Please Type)

1. Name of Applicant (Property Owner):

Mailing Address: _____

City _____ State _____ Zip _____

Phone number (during work hours) _____

2. Legal Description of the Property Covered by this application:

If subdivided, provide lot #, block #, complete name of subdivision, plat book and page number.

If fractional or metes and bounds description, provide complete description including section, township and range.

If this application is intended to cover more than one site, provide the legal description of each site:

Is the property described above proposed to be subdivided into small parcels? Yes _____ No _____

Does (Do) the subject parcel(s) meet the requirements of Chapter 28 of the Metropolitan Dade County Code? (Applicant must have this section completed by DADE COUNTY PUBLIC WORKS DEPARTMENT, SUBDIVISION CONTROL SECTION, 111 N.W. 1ST STREET, 14th Floor.

Yes _____ Comments _____

No _____ Comments _____

Signature _____ Date _____

(This space not for applicant's signature)

3. Address or street location of subject property:

4. Date subject property acquired:

Date _____ Month _____ Year _____

5. Does applicant own contiguous property to the subject property? If so, give complete legal description of entire contiguous property.

6. Present Zoning Classification: _____

7. Proposed use of property: _____

8. Is or was a zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) required to allow development of subject property as indicated in item 7 above? Yes _____ No _____. If yes, has Zoning Hearing been held? Yes _____ No _____. Give Public Hearing No. _____. If yes, was application approved? Yes _____ No _____. Furnish copy of ZAB Resolution.

9. Is this application being filed as a result of a "Notice of Violation from the Dade County Building and Zoning Department or Department of Environmental Resources Management?" Yes _____ No _____. If yes, furnish copy.

10. Describe any existing structures on the property. If none, so state: _____

11. If this application concerns a residential lot not meeting the lot size standards of Section 24-13 of the Code and vacant property exists adjacent to the subject site, has an attempt to purchase same been made? Yes _____ No _____

If yes, give results:

12. Please check below the reason for the submittal of this request for a variance.

A - Denial of Zoning Action _____. Furnish Zoning Hearing No. _____.

B - Denial of Platting Action _____. Furnish Dade County Plat Process Number _____.

C - Denial of Building Permit Application _____. Furnish DERM Plan Review Process Number _____.

D - Denial of Certificate of Occupancy _____.

E - Other _____. Explain -

APPLICANT'S AFFIDAVIT

INDIVIDUAL AFFIDAVIT

I, we _____, being first duly sworn, depose and say that I/we am the owner(s) of the property which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I/we understand this application must be complete and accurate before a hearing can be advertised. Furthermore, I/we intend to have _____ represent us at the subject public hearing.

Signature

Sworn to and subscribed to before me
this _____ day of _____ 19____.

Commission Expires: _____

Notary Public

CORPORATION AFFIDAVIT

We, _____, being first duly sworn depose and say that we are the President/Vice-President and Secretary/Assistant Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; that all answers to the questions in said application and sketches, data and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the owner of the property which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before a hearing can be advertised.

The Corporation will be represented by _____
at the subject public hearing.

President's Signature (Corp. Seal)

ATTEST: _____

Secretary's Signature

Sworn to and subscribed to before me
this _____ day of _____, 19____.

Commission Expires: _____

Notary Public

APPLICANT'S AFFIDAVIT

PARTNERSHIP AFFIDAVIT

We, the undersigned, being first duly sworn depose and say that we are partners of the herein after named partnership, and as such, have been authorized to file this application for a public hearing; that all answers to the questions in said application and all sketches, data, and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said partnership is the owner of the property which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before a hearing can be advertised. Furthermore, we intend to have _____ represent us at the

Name of the applicant or his attorney

subject public hearing.

		_____ (Name of Partnership)		
By: _____	_____ %	By: _____		
_____ %				
By: _____	_____ %	By: _____		
_____ %				

Sworn to and subscribed to before me
this _____ day of _____, 19____.

Commission Expires: _____

Notary Public

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the applicant and will represent the same at the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached and made part of this application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before a hearing can be advertised.

Sworn to and subscribe to
before me this _____
day of _____, 19____. _____
Signature

Commission Expires: _____

Notary Public

ENVIRONMENTAL QUALITY CONTROL BOARD
WATER & SEWER AVAILABILITY FORM

To: Department of Environmental Resources Management
111 N.W. 1st Street
Miami, Florida 33128-1983

Name of Owner _____
Mailing Address _____
Property Address _____

Property Legal Description _____

(if additional space is required, attach legal on separate sheet)

This is to certify that the closest available water main connection point to serve this property is located at _____ at a distance approximately _____ feet from the closest property line of the above described property.

Name of Utility Company By: _____
Signature of Representative

Name & Title of Utility Representative Date
(Please Print Above)

This is to certify that the closest available sewer connection point to serve this property is a force main/gravity sewer* (underline which is appropriate) located at _____ at a distance of approximately _____ feet from the closest property line of the above described property.

Name of Utility Company By: _____
Signature of Representative

Name & Title of Utility Representative Date
(Please Print Above)

*There may be underground obstructions or difference in ground elevations that may prohibit extension. An engineering analysis may be necessary for final determination of availability.

cilities; that existing facilities shall have until January 1, 1964, to comply with the specific sections of this chapter enumerated in subsection (2) hereinabove; and that existing facilities shall have until January 1, 1968, to comply with all other sections or provisions of this chapter (except those specifically designated in subsection (2) hereof), subject only to variances or extensions of time for compliance granted pursuant to the provisions of this chapter.

(4) *Replacements.* The replacement with identical or similar parts and minor changes that do not affect the character of the waste discharge or emission of air contaminants, or do not materially increase the existing amount of air or water pollution, shall not be considered as constituting the alteration, reconstruction or extension of an existing facility, but shall be considered as constituting an existing facility, for the purpose of this chapter. (Ord. No. 67-95, § 1, 12-19-67; Ord. No. 69-17, § 4, 2-18-69; Ord. No. 70-44, §§ 10, 11, 6-2-70; Ord. No. 85-58, § 1, 10-1-85)

Sec. 24-48. Variances and extensions of time for compliance.

The environmental quality control board shall have the power and authority to grant or extend from time to time variances and extensions of time for compliance with the requirements of this chapter to new or existing facilities,

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POLLUTION CONTROL

§ 24-49

equipment and processes. Such variances or extensions may be granted to specific facilities, equipment or processes or to a class. The environmental quality control board may grant such variances or extensions only if it is affirmatively established by competent factual data and information that strict compliance with the requirements of this chapter is impossible or inappropriate because of conditions beyond the control of the person or persons involved, or that strict compliance would result in substantial curtailment or closing down of a plant, project or operation which would be detrimental to the public interest, or that the particular operation is essential for the public health or the national security, or that no technically feasible, economically reasonable means of compliance are available to the person or persons involved, or that the variance or extension will not be detrimental to the public health, welfare and safety and will not create a nuisance and will not materially increase the level of pollution in this county, or that a more unhealthy condition will occur if a variance or extension is not granted. Variances and extensions of time shall be considered and acted upon in accordance with the provisions of sections 24-47 through 24-49 and the provisions of section 24-7(4)(b). (Ord. No. 67-95, § 1, 12-19-67; Ord. No. 69-17, § 4, 2-18-69; Ord. No. 69-30, § 2, 4-15-69; Ord. No. 75-27, § 33, 5-7-75)

Sec. 24-49. Procedure governing variances and extensions of time.

Applications for variances or extensions of time for compliance with this chapter shall be filed with the director, environmental resources management, in substantially the form prescribed therefor. The director, environmental resources management, shall make written recommendations concerning such applications and promptly file the records with the environmental quality control board. The director, environmental resources management, may initiate and file with the board an application for variance or extension. Upon receipt of an application and the recommendations of the director, environmental resources management, the board shall promptly hold a public hearing upon the application, after publication of

Supp. No. 146

662.43

INTERIM PACKAGED WASTEWATER TREATMENT FACILITY
EQCB HEARING PROCEDURE

Items required prior to acceptance of a request to appear before the Dade County Environmental Quality Hearing Board to obtain approval for installation of an interim packaged wastewater treatment facility:

1. A listing of equipment and other pertinent details including but not limited to the information included in the attached "Equipment Specifications". Ten (10) copies are required.
2. A site plan of the project showing the proposed location of all buildings, roads, waterways, lakes, potable or non-potable water supply wells, the S.T.P., location of the percolation test, a prominent north arrow, and the legal description of the property. The site plan shall be a blueprint with minimum dimension of 24 inches by 36 inches, and shall be drawn to a suitable scale. Ten (10) copies are required.
3. Aerial photos showing the entire site as well as adjoining properties. Each aerial photo shall be marked with a prominent north arrow, the subject property must be adequately identified, and adjacent streets shall be numbered. Ten (10) copies are required.
4. A notarized agreement between the fee simple title owner and the Director of Environmental Resources Management (or his authorized agent). (See attached "Agreement for Lien"). Subsequent to approval of the petition by the Board, and prior to final approval of plans and applications, this agreement shall be recorded with the Court of Record for Dade County. The cost of such recording to be borne by the owner. (One (1) copy is required).
5. Comments regarding the acceptability of the proposed facility from the:
 - a. Miami-Dade Water and Sewer Authority. (Required in all cases).
 - b. Municipality Approval. (Required only if within city limits).
 - c. Dade County Water and Sewer Board Approval. (Required only if within a sewer service area or if joint ownership or use is involved).

- d. Zoning Department Approval - County or Municipality. (Required in all cases is approval of the site plan and verification of zoning classification).
6. Satisfactory percolation test results signed and sealed, (impress seal) by a professional engineer registered by the State of Florida. Said test shall be performed at the proposed location for effluent disposal, and this location shall be identified on the site plan. (One (1) copy is required).
 7. An 8-1/2 X 11" site plan (identical to Item number 3). (One (1) copy is required).
 8. Filing fee of \$_____. Checks should be made payable to Metropolitan Dade County.

AGREEMENT FOR LIEN

This Agreement made this ____ day of _____, 19____, Dade County, Florida.

WITNESSETH:

Pursuant to Ordinance 74-1 of Dade County, Florida, _____ (Applicant) has made an application for approval of an interim packaged sewage treatment plant to serve a _____

located at _____,

Dade County, Florida. In consideration of the granting of said approval said applicant has covenanted and agreed as follows:

1. Applicant is the owner of, or owns an interest herein specified in the following described real property:

See Legal Description Attached Hereto As Exhibit "A".

2. The applicant covenants and agrees that the existence of said interim sewage treatment plant should be only temporary in nature until adequate provision for sewer service becomes available to serve the subject property.

3. The applicant further covenants and agrees that within ninety (90) days after approved wastewater and sewage services are available, any individual sewage disposal system or systems, device or equipment shall be abandoned and all necessary steps will be taken by the

applicant, his successors or assigns, to connect to the sewage system at the sole cost and expense of said applicant, his successors or assigns. The costs of deactivation and modification of the individual system, construction of the interconnecting transmission line, and the required connection fee is approximately _____, based on current costs. The applicant acknowledged that this amount will change with time and assumes the responsibility to pay the fair market value for the required work to be estimated at such time that sewerage services are available. In the event the applicant does not disconnect and discontinue the use of such individual sewage disposal system or systems, device or equipment, and connect up to the approved sewer system within ninety (90) days after written notice that said approved sewer system is available, then the County shall have the absolute and unconditional right, without any further notice to or permission from the applicant, to enter upon such lot and do and perform such work and furnish such materials as may be necessary to disconnect and discontinue the use of any individual sewage disposal system or systems, device or equipment and to connect up the subject property to the approved sewer system; and the costs thereof shall be and constitute a lien on the property aforementioned and the improvements located thereon, which may be enforced or foreclosed in the same manner as are mortgages or other statutory liens on real property; and in any such proceeding, the party enforcing such lien shall be entitled to collect, in addition to the direct costs hereinabove

mentioned, all costs of collection, including reasonable attorney's fees. Such liens will attach and become effective at the time when the above work is completed.

4. The applicant further covenants and agrees that all prospective buyers of lots or space or any interest in said property will be advised, in writing, of the contents of this Agreement. Any contract for the sale of such a lot or lots, or any interest in said realty, and any deed conveying such an interest will acknowledge and agree that, by the mere acceptance of the deed conveying title to the property, if within ninety (90) days after written notice that approved sewer services are available at and to such property, the Owner thereof does not disconnect and discontinue the use of any individual sewage disposal system or systems, device or equipment and connect up to the approved sewer system, then the Applicant or the County shall have the absolute and unconditional right, without any further notice to or permission from the Owner of such lot, to enter upon such lot and do and perform such work and furnish such materials that may be necessary to disconnect and discontinue the use of any such individual sewage disposal system or systems, device or equipment and connect up said property to the approved sewer systems; and the costs thereof shall be and constitute a lien on such a lot and improvements located thereon, which may be endorsed or foreclosed in the same manner as are mortgages or other statutory liens or real property; and in any such proceeding, the party enforcing such lien shall be entitled to collect, in addition to the direct costs hereinabove

mentioned all costs of collection, including reasonable attorney's fees. Such liens will attach and become effective at the time when the above work is completed.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals on the day and year herein first above written. Signed, Sealed and Delivered in the presence of:

_____	_____ (Seal)
_____	_____ (Seal)

STATE OF FLORIDA :
 :
COUNTY OF DADE :

BEFORE ME personally appeared _____
me well known to be the persons described in and executing the foregoing instrument, and acknowledges to and before me that they executed said agreement, under oath, and for the purposes therein expressed.

WITNESS my hand and official seal this ____ day of _____, 19__.

NOTARY PUBLIC
State of _____

My Commission Expires:

.2119

EQUIPMENT SPECIFICATIONS

1. Name of Project: _____
2. Tentative Engineer of Record: _____
Address: _____
Telephone Number: _____
3. Anticipated Activated Sludge Modification: _____
4. Manufacturer of S.T.P. _____
Model Number: _____
Capacity: _____ G.P.D.
_____ LBS. BOD
5. Manufacturer of Tertiary Filters: _____
Model Number: _____
6. Description of Method of Effluent Disposal: _____

7. Show the sewage flow calculations used to determine the required capacity of the facility. (Note: Attach additional sheet if necessary).

METROPOLITAN DADE COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT
REQUIREMENTS FOR WASTEWATER TREATMENT FACILITIES

All new wastewater treatment facilities, or additions to existing facilities, to be operated in Dade County shall be permitted and designed in accordance with the following requirements:

I. Prerequisite

Prior to the submittal of the plans and applications, approval for the use of a treatment plant must be obtained from the Dade County Environmental Quality Control Board (DCEQCB) following a public hearing. All applications to appear before the Board must be submitted to the Board Secretary a minimum of forty-two (42) days prior to the monthly Board meeting. For details on how to petition the Board for a hearing, please see "Procedure Before the Metropolitan Dade County Environmental Quality Control Board Relating to the Public Hearing Requirements for Wastewater Treatment Facilities". The Board has established a minimum acceptable design capacity of 15,000 G.P.D. with the provision that if the actual average daily flow is calculated to be equal or lower, a plant utilizing the extended aeration activated sludge process is required.

II. Application and Plan Submittal

The following items shall be submitted to the Wastewater Section of the Department of Environmental Resources Management for review prior to issuance of a construction permit. In addition to issuing local permits, the Department has delegated authority to administer the State of Florida permitting program for sewage treatment plants with design capacities less than 500,000 gallons per day.

- A. A site plan for the project showing the location of proposed building, roads, waterways, lakes, potable and non-potable water wells, the proposed treatment/disposal system, the location of related percolation tests, a prominent North arrow and the legal description of the property. A detail drawing(s) of the lift station, surge tank, treatment train, tertiary filters, chlorine contact tank, compliance sampling point, drainfield, absorption bed or soakage trench, all associated piping, equipment specifications and groundwater monitoring plan shall also be

submitted. Site and detail drawings shall be drawn to a suitable scale and properly sealed by a Professional Engineer currently registered by the State of Florida. Four (4) copies of the site/detail drawing(s) submittal and one (1) copy of a 8 1/2" X 11" USGS site location map is required.

- B. Four (4) properly executed copies of State of Florida DER Form 17-600.910(1), Application to Construct A Domestic Wastewater Facility, and a check for the State application fee in the amount of _____ dollars () made payable to the State of Florida, Department of Environmental Regulation.
- C. Two (2) properly executed copies of the Dade County DERM Application to Construct A Domestic Wastewater Facility, and a check for the County plan review fee in the amount reflected on the attached DERM Fee Schedule made payable to Dade County Department of Environmental Resources Management. A current fee schedule may be found in Attachment "B-1".
- D. Satisfactory percolation test results signed and sealed (impressed seal) by a Professional Engineer currently registered by the State of Florida. Subject test shall be performed at the proposed location for effluent disposal and this location shall be identified on the site plan. One (1) copy of the percolation test is required.

III. General Requirements

- A. New wastewater treatment plants and modifications of existing plants shall be designed in accordance with sound engineering practice. Permitting and design criteria shall satisfy the requirements set forth in Chapter 17-600, 17-601, 17-602, 17-610, and 17-640, Florida Administrative Code and Chapter 24, Metropolitan Dade County Code. Attachments "C-1 thru C-5" contain applicable Chapter 24 effluent standards.
- B. The detail drawings submitted for DERM approval shall include all volumes, capacities, dimensions, pipes, valves, baffles, drains, etc., which are essential to plant operation clearly labeled. The

specification book shall not be cited on the detail drawing(s) in lieu of the above. No significant deviation from the approved drawings will be accepted without the prior approval of the Director of Environmental Resources Management.

IV. Specific Requirements

Any deviation from the following specific requirements must be fully justified in writing by the engineer-of-record and approved by DERM prior to issuance of a construction permit. Changes which are not in compliance with specific State and Dade County code requirements will not be accepted.

A. Design Capacity:

Plant design capacity shall be based on estimated daily sewage flow as determined from Table II, Chapter 10D-6, Florida Administrative Code or at a rate of one hundred (100) gallons per day per capita minimum. Future flow allowances shall be included in this determination as required.

B. Comminutor, Bar Screens, Grinder Pumps:

A comminutor for normal use and a parallel bar rack for emergency use is required. The comminutor and bar rack shall be located prior to the equalization tank and preferably prior to the lift station pumps. The comminutor shall be of sufficient capacity to operate a peak flow or at the lift station pumping rate if located on the discharge side of the pumps. Grinder (cutter) pumps in the lift station may be used in lieu of a comminutor.

C. Lift Stations:

Lift stations to be permitted as part of the wastewater treatment facility require the following:

1. High water level alarm system to include a warning light and bell. Elevations of water level sensors and type of sensors.
2. Emergency pump out provisions. Emergency power provision is required on a stand alone basis or as integral part of the sewage treatment plant electrical system.

3. Gate or plug valve on the discharge side of all pumps and on suction side of flooded suction pumps. Location of a check valve on the discharge side of pump(s) may be required. Valves shall not be located in the wetwell or on the vertical portion of discharge piping.
4. The effective capacity of the wetwell shall provide no more than ten minutes detention time for design average flow.
5. A minimum of two pumps is required with provision to alternate. Pumps are to be sized so that with the largest pump out of service, the remaining pump(s) can provide the peak flow. Pumps shall have a minimum of 4" suction and discharge openings and shall be capable of passing a 3" sphere.
6. Wet well floors should be sloped to 1 to 1 to the pump intake.
7. A minimum velocity of 2.0 ft./sec. is required of all force main installations.

D. Equalization (anti-surge) Tank

All facilities designed to treat flows of less than 0.200 MGD shall have an equalization tank for the purpose of insuring a nearly steady flow of raw sewage to the aeration tank. The minimum acceptable volume of an equalization tank shall be equal to the sum of the total volume of waste generated by one backwash cycle plus 10% of the average daily capacity of the facility. More capacity may be required where deemed necessary, however, furnishing a larger tank than required may result in a lower peak flow design factor for certain equipment. The equalization tank shall have a high level overflow to the aeration tank. Equalization tank operation shall be coordinated with the lift station and splitter box (if applicable) to insure a constant influent flow rate. Aeration of the equalization tank is required.

E. Splitter Box:

The splitter box, when required, shall be designed to provide a preset constant flow

to the aeration tank and divert any excess flow to the equalization tank.

F. Aeration, Reaeration and Contact Tank:

The effective capacities of aeration, reaeration and contact tanks shall be determined using accepted design standards for the specific treatment process to be utilized. One such accepted standards is "Recommended Standards for Sewage Works", also known as "The Ten States Standards".

G. Air Supply:

1. Diffused air systems require a minimum of two compressors sized such that all normal air requirements can be met with the largest compressor out of service.
 - a. The normal air requirement if the extended aeration activated sludge process is utilized shall be 2000 cu.ft./lb. BOD₅ peak aeration tank loading.
 - b. The normal air requirement for all other activated sludge processes shall be 1500 cu.ft./lb. BOD₅ peak aeration tank loading.
 - c. The single compressor capacity provided shall be sufficient to meet the air requirements of all additional facility air demands such as air lifts, digesters, etc. A minimum of two compressors is required to provide redundancy if one unit is out of service.
 - d. Air diffusers shall be installed in a manner which permits easy adjustment and removal for inspection and maintenance without dewatering the respective process tank and the proper valving shall be included in the design. The type of diffuser shall be noted on the detail drawing(s).
 - e. Compressed air pipelines shall be painted green in accordance with accepted standards.

2. The use of mechanical aerators shall include detailed design calculations to substantiate that adequate oxygen transfer and adequate mixing will be provided.

H. Clarifier (Settling Tank):

$$SLR \leq 1,000 \frac{\text{gal}}{\text{d ft}^2}$$

$$WDR \leq 20,000 \frac{\text{gal}}{\text{d ft}^2}$$

A cross section of the settling tank is required, showing the exact location of the influent from the aeration tank, the method of sludge pick-up, a scum baffle, and an adjustable "saw tooth" type final weir. Any necessary sludge scrapers, sloped bottoms, or scum skimmers must be shown. The tank shall be designed to prevent short circuiting. The method of wasting sludge shall be known. Also, provision must be made and clearly shown on the plans, to allow the operator to vary the rate of return activated sludge. Surface settling rates shall be in accordance with accepted standards established for the facility design peak hourly flow and treatment process utilized. The design weir loading shall be established in the same manner. *A minimum of two (2) tanks are required.*

I. Aerobic Digester:

Aerobic digestion of the waste activated sludge is required. The digester design shall include a baffled stilling well and provision of supernatant return to the aeration tank. The capacity of the digester should be based on a minimum of 2.0 cubic feet per capita (2.0 cubic feet per 100 gpd). Volatile solids loading should not exceed 100 pounds per 1,000 cubic feet of volume per day.

J. Tertiary Filters:

To provide the minimum acceptable treatment, tertiary filters must be provided.

1. A minimum of two filters is required. They shall be of sufficient capacity so that any one may be shut down and the remaining filter(s) will accept a peak flow without exceeding 5.0 GPM/SF (Gallons per minute per square feet) for pressure and 4.0 GPM/SF for gravity filters.

If the filters are dosed, a minimum of two pumps is required, each with sufficient capacity to pump at a peak flow rate. The filter pumps shall alternately dose the filters with each filter cycle, i.e., the duty pump in one filter cycle will be the standby pump in the next cycle. In the event of failure of any of the filter-pump combinations, provision shall be made to automatically switch over to the standby filter-pump combination. Provision shall be made to assure that either filter pump can dose either filter.

2. Provision shall be made for an automatic backwash cycle to be actuated by each of the following methods:

- a. Time Clock
- b. Pressure Switch
- c. Push button manual override for (a) and (b) above.

3. All water used in the backwash cycle shall be final effluent and shall in no case be secondary effluent. Backwash waste water shall be discharged to the equalization tank or a separate backwash holding tank.

In a design which requires pumps for backwashing other than the pumps used for filtering, a minimum of two such backwash pumps shall be furnished. Each backwash pump shall be sufficient capacity and properly valved to assure that either backwash pump can backwash either filter.

NOTE: The only allowable method of emergency bypass of tertiary equipment will be a high level overflow to the chlorine contact tank accompanied by a high level alarm light located in the filters.

4. The engineer shall include in the detail drawings all necessary piping and valving and add any cross sections of the filters necessary for clarity. The filter suction, filter discharge,

backwash discharge pipes must be labeled. Where two or more identical filter units are used, the overall plan review must show each unit along with the piping and valving required for each unit to function independently.

K. Chlorine Contact Tank:

The chlorine contact tank shall provide a minimum of thirty minutes detention time at peak flow (based on maximum pump rate, if applicable) with a total chlorine residual in the final effluent of 0.5 ppm. The tank must be of sufficient volume to supply the water required for one backwash cycle. Gas chlorinators are required. Adequate baffles must be included to facilitate mixing and to prevent short circuiting. An outlet tee or scum baffle is required prior to discharge from the tank. Reasonable access to the final weir from sampling of the final effluent shall be provided.

L. Effluent Disposal:

On-site disposal of treated effluent is required and discharges to surface water will not be allowed unless the surface water body is an approved percolation or holding pond. All disposal systems are required to meet the minimum standards set forth in the "Reuse of Reclaimed Water and Land application", Chapter 17-610, Florida Department of Environmental Regulation.

~~S.~~ The required percolation test shall be conducted at the site of the proposed effluent disposal system.

M. Groundwater Monitoring:

A groundwater monitoring plan shall be submitted by the engineer of record to include a minimum of one background and one receiving water quality monitoring well. Monitoring plans will be reviewed by the Department on a case by case basis. Monitoring plans for facilities having a permitted design capacity greater than 100,000 gpd required Florida Department of Environmental Regulation approval. See Section "Q" for Dade County approved monitoring well requirements.

N. Sludge Disposal:

Sludge generated by the proposed facility shall be trucked to an approved sludge disposal site by a DERM licensed waste hauler unless otherwise approved by the Department.

O. Additional Plant Requirements:

1. All potable water spigots shall have backflow preventors. Adequate hose bibs shall be furnished for washing down and maintenance of equipment. All potable water lines shall be painted blue.

2. Provisions for draining all tanks is required.
3. Sufficient hand rails and stairways must be furnished for safety.
4. An emergency generator connection shall be furnished with a main line disconnect for use in case of normal power failure. An on-site generator or a contract for guaranteed availability of a portable generator shall also be provided.
5. An insulated covering or housing shall be provided to cover all motors and compressors for the two-fold purpose of reducing noise and the risk of injury to personnel.

P. Site Requirements

The following items shall be clearly identified in detail on the detail drawings:

1. An attractive fence or decorative screen shall be provided to surround the facility in addition to a three foot wide landscape strip that would act as a buffer zone between the facility and the surrounding neighborhood. The fence shall be of adequate height to insure security, complete with a locking gate and a sign on said gate including the name(s) and telephone number(s) of the operator and/or authorized personnel.
2. Adequate lighting shall be provided in and around the facility for safety reasons.
3. A weatherproof location shall be provided on-site for storage of the treatment plant operators log and this location shall be clearly identified on the detail drawings.

Unsafe locations such as active electrical switchgear boxes are not acceptable.

Q. Monitoring Well Design And Installation

All monitoring wells shall be installed by Certified Water Well Contractor. The preferred method of testing and monitoring well installation is the Hollow Stem Auger Method, other methods may be approved by the Department. Prior to any testing or monitoring well installation all equipment shall be decontaminated by steam cleaning and rinsed with clean clear water, or other acceptable methods approved by the Department.

The depth and intervals to be screened shall be determined based upon the analysis of the data from a minimum of three (3) test borings drilled on the site. The sampling methods used shall conform to the American Society for Testing and Materials (A.S.T.M.). The test borings shall be continuously sampled using a split-barrel sampler (A.S.T.M. D-1587). The test holes may be converted to monitoring wells. However, if these borings are not used, the test borings shall be abandoned and backfilled with cement grout from the depth drilled to ground surface by the tremie pipe method of grouting. Abandonment and backfilling shall be completed using neat cement grout or a cement-bentonite mixture with a maximum of four (4) percent bentonite. The water-cement ratio shall be five point two (5.2) gallons per sack or seven point eight (7.8) gallons per sack respectively. If additional monitoring wells are requested the above methods of testing and installation shall be used. Bentonite drilling fluid may be used during the drilling of the monitoring well, other drilling fluids shall be approved by the Department.

The monitoring well(s) shall be a minimum of two (2) inch diameter with threaded and coupled joints. The monitoring well casing shall be constructed of stainless steel, PVC (scheduled 40 or 80) or black iron or equivalent.

The monitoring well screen shall be a minimum of two (2) inch diameter, five (5) feet in length, slot size 0.010 inches. A tail pipe two (2) feet in length, connected at the bottom of the well screen to accumulate sediment, shall be a minimum of two (2) inch diameter casing with threaded and coupled joints. The bottom of the tail pipe shall be sealed.

Solvents or PVC glue shall not be used in the construction of the monitoring well(s). However, PVC threaded/slip couplings may be secured to the PVC well casing with stainless steel screws. Care should be exercised to ensure that the stainless steel screws do not penetrate a PVC well casing.

The monitoring well casings, well screen tail pipe, couplings and caps shall be decontaminated by steam cleaning and rinsed with clean clear water prior to assembly and installation.

The monitoring well casing shall be installed sufficiently plumb and straight in the drilled borehole. The monitoring well shall be centered in the drilled hole through the use of centralizers or other methods approved by the Department.

The annular space between the drilled hole and the monitoring well screen shall be a minimum of two (2) inches. The annular space between the drilled hole and the monitoring well screen shall be gravel packed with clean-washed gravel to a depth of approximately two (2) feet above the top of the well screen. Fine clean-washed sand may be used as a

seal above the gravel pack material. Bentonite pellets shall not be used as a seal above the gravel pack material.

The annular space between the drilled hole and the monitoring well casing shall be backfilled with neat cement grout from the top of the fine sand to ground surface. The method of grouting the annulus shall be the tremie pipe method.

Monitoring well casings installed in unpaved areas shall extend two (2) feet above ground surface. The top of the monitoring well shall be protected with a threaded or slip PVC removable cap with maximum of a one-eighth ($1/8$) inch vent hole drilled in the top. A typical monitoring well detail for paved surface installations is attached for reference. (See Attachment "A").

A locking protective steel casing the concrete pad shall be installed around the monitoring well. The protective steel casing shall be a minimum of four (4) inch diameter, five (5) feet in length and extend above the top of the monitoring well cap two (2) inches. The minimum dimensions of the concrete pad poured around the protective steel casing, at ground surface, shall be two (2) feet by two (2) feet by four (4) inches.

Each monitoring well shall be clearly marked with an identification number or "B" for background. The appropriate number or letter shall be painted on the concrete pad with the proper exterior grade paint in a visible location.

DER Form	17-600.910(1)
Form for	As to Construct a Domestic Wastewater Facility
Effective Date	July 1, 1991
DER Approval No.	(Print on the DER)

Part V - Certifications

A. Applicant

I certify that the statements made in this application for a construction permit are true, correct and complete to the best of my knowledge and belief. I agree to retain the design engineer, or another professional engineer registered in Florida, to conduct on-site observation of construction, to prepare a certification of completion of construction, and to review record drawings for adequacy as referenced in Rule 17-600.730(4), F.A.C. Further, I agree to provide an appropriate operation and maintenance manual for the facilities pursuant to Rule 17-600.720, F.A.C., and to retain a professional engineer registered in Florida to examine (or to prepare if desired) the manual.

Date: _____

Signature of the Applicant

Phone: (____) _____

Name and Title (please type)

Professional Engineer Registered in Florida (where required by Chapter 471, F.S.)

This is to certify that the engineering features of this construction project have been (designed) (examined) by me and found to conform to engineering principles applicable to such projects. In my professional judgment this facility, when properly constructed, operated and maintained, will comply with all applicable statutes of the State of Florida and rules of the Department. I will provide the applicant with instructions for proper operation and maintenance of the facility.

Signature of Engineer

Name (Please type)

Florida Registration No.

Company Name

(Affix Seal)

Company Address

Date: _____ Telephone No. (____) _____

Professional Engineer Registered in Florida (where required by Chapter 471, F.S.) and if different from project design engineer in B

I certify that this firm or individual has been retained by the applicant to prepare a certification of completion of construction and to review record drawings for adequacy as referenced in Rules 17-600.717 and 17-600.730(4), F.A.C.

Signature of Engineer

Name (Please type)

Florida Registration No.

Company Name

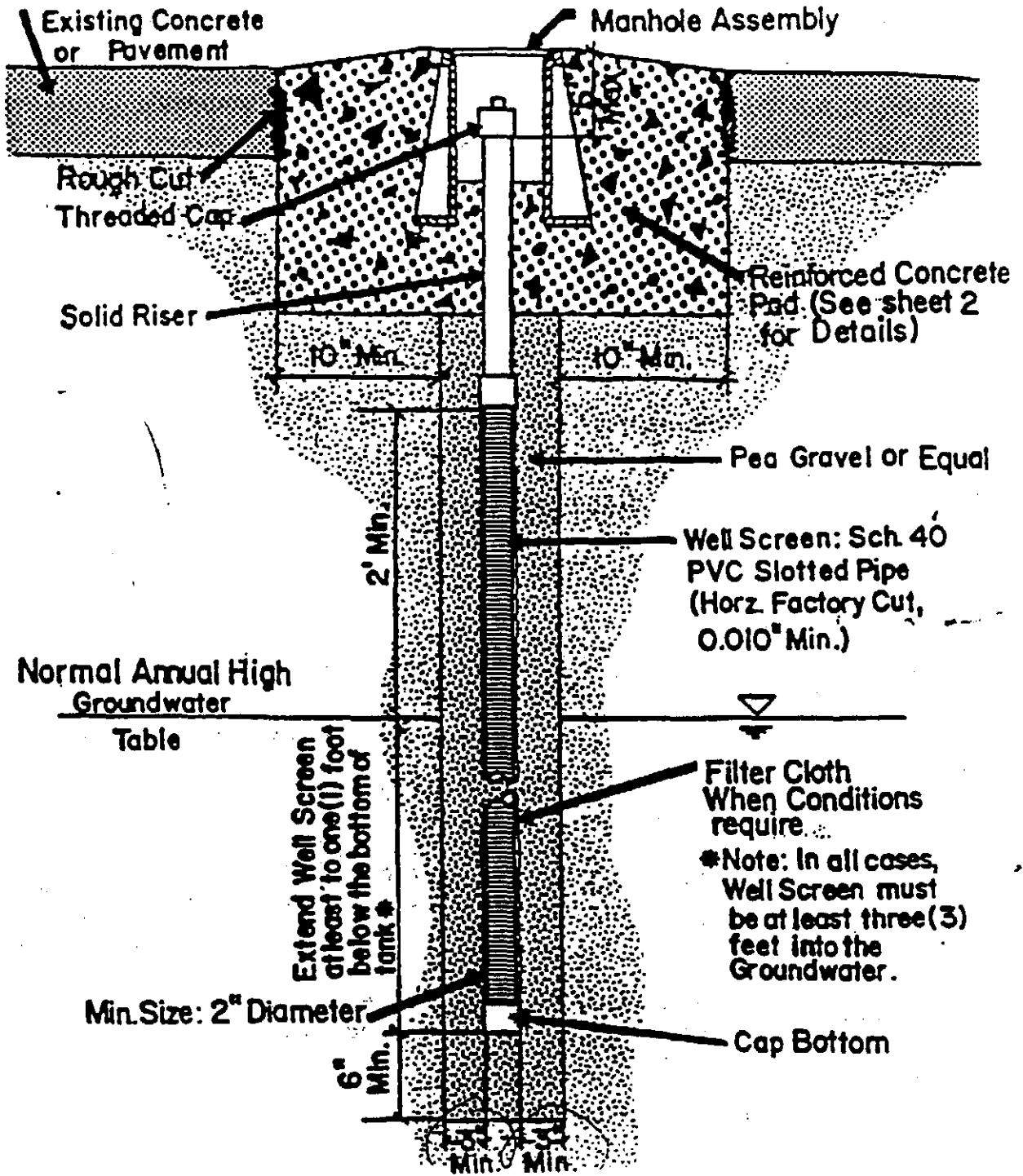
(Affix Seal)

Company Address

Date: _____ Telephone No. (____) _____

ATTACHMENTS

MONITORING WELL DETAIL



This is a sample drawing of a typical monitoring well and is not to be submitted for approval as a design drawing.



Typical Monitoring Well

Date: Drawn by:

Revisions

ATTACHMENT "B-1"

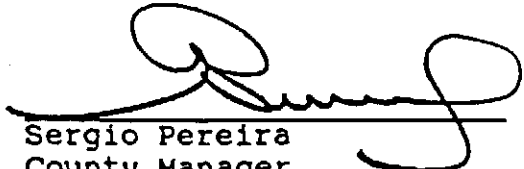
A.O. 4-42
ORDERED:
EFFECTIVE:

ADMINISTRATIVE ORDER METROPOLITAN DADE COUNTY

FEE SCHEDULE FOR THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

- AUTHORITY:** Section 4.02 of the Metropolitan Dade County Charter, Sections 24-8(1), 24-12.1, 24-13, 24-35.1, and 24-42 of the Code of Metropolitan Dade County.
- SUPERSEDES:** This Administrative Order combines and supersedes previous Administrative Order 4-59, effective May 6, 1980 and Administrative Order 4-42, effective October 1, 1986.
- POLICY:** This Administrative Order establishes a schedule of fees to cover the cost of processing permits and providing other services. No permit shall be issued and no service rendered until the appropriate fee is paid.
- PROCEDURE:** The Director, Metropolitan Dade County Environmental Resources Management shall be responsible for the collection of fees, accounting for revenue and the delivery of services delineated in this Administrative Order.
- FEE SCHEDULE:** The fee schedule adopted by this Administrative Order is attached to and made a part hereof.

This administrative order is hereby submitted to the Board of County Commissioners of Dade County, Florida.


Sergio Pereira
County Manager

ATTACHMENT "B2"

DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

PLAN REVIEW FEES

<i>state construction</i>		
<i>fees</i>		
<u>Type I</u>	<u>Type II</u>	<u>Type III</u>
<i>5000</i>	<i>3750</i>	<i>1200</i>

Sewage Treatment Facilities

- A. New interim sewage treatment facilities review of construction drawings

\$875.00

- B. Modification to sewage treatment facility

Project cost

\$0 - \$5,000

\$5,001 - \$10,000

\$10,001 - \$130,000

\$185.00

\$350.00

\$350.00 + \$4 per 1000

of cost in excess of

\$10,000

Over \$130,000

\$850.00

- C. Sewer Utility Extension review of construction drawings.

1. Land Based:
Gravity or Force Mains -
Less than 500 feet
500 feet or more

\$90.00

\$90.00 + \$0.10/foot in
excess of 500 feet

Lift stations

\$160.00

2. Marinas:

Less than 50 slips

\$65.00

50 slips or more

\$125.00

3. Renewal of approval
(one year or more after
separate original approval)

\$50.00

*Fees may vary slightly if, prior to issuance, it is found that the estimated costs of the project has changed from the estimate made when the permit application was submitted.

ATTACHMENT "C-1"

§ 24-10

POLLUTION CONTROL

§ 24-11

public utility which is in contempt of the board a sum of up to one hundred dollars (\$100.00) for each contemptuous act, payable to the Dade County finance director within fifteen (15) days of the board's ruling. (Ord. No. 75-27, § 6, 5-7-75)

Sec. 24-11. Prohibitions against water pollution.

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

- (a) Breach the values set forth in section 24-11(2);
- (b) Cause water pollution as herein defined; or
- (c) Cause a nuisance or sanitary nuisance as herein defined.

(2) EFFLUENT STANDARDS FOR DADE COUNTY. All sewage treatment plants and industrial waste treatment plants (except those discharging to approved ocean outfalls) shall effect ninety per cent (90%) treatment or better at the defined sampling point (24-11(5)(a)). However, in no case shall the following effluent standards be exceeded (except where the standard is noted to be a minimum).

Chemical, physical, or biological characteristic

Dissolved oxygen	Not less than 2.0 mg/l
Suspended solids	mg/l
Biochemical oxygen demand	mg/l
Floating solids	None visible to the naked eye
pH	6.0—8.5
Settleable solids	Not greater than 0.1 ml/l on Imhoff cone 1 hr. test
Oil and grease	30 mg/l
Odor producing substances	None attributable to sewage or industrial wastes

ATTACHMENT "C-2"

§ 24-11

DADE COUNTY CODE

§ 24-11

*Chemical, physical, or
biological characteristic*

Temperature

Sources permitted af-
ter July 1, 1972

Fresh water

92°F

Salt water

(June-September) 92°F
(October-May) 90°F

Turbidity

50 JCU

Chlorides

500 mg/l¹

Chromium

Hexavalent

.5 mg/l

Total

1.0 mg/l

Copper

.5 mg/l

Cyanides

0.01 mg/l

Color

Not more than 10 units above
normal background of the
receiving water.

Foam

Effluent shall not cause
foaming in the stream

Chlorine

Minimum residual level of
.5 mg/l after a 1/2 hour
contact time at peak flow,
where the nature of the
waste requires disinfection.

LAS

6.0 mg/l

Mercury

None detectable

Lead

0.05 mg/l

Arsenic

.05 mg/l

Phenol

0.001 mg/l

Iron

.3 mg/l

Zinc

1.0 mg/l

Sulfides

0.2 mg/l

Coliform organisms

(MPN 100 ml)

1,000 total

0 Fecal

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

Supp. No. 119

ATTACHMENT "C-3"

§ 24-11

POLLUTION CONTROL

§ 24-11

*Chemical, physical, or
biological characteristic*

Other compounds

Other toxic or undesirable compounds than those listed above may occur in individual waste streams. Limits for these components may be specified by the pollution control officer based on the latest scientific knowledge concerning toxicity and adverse effects on the intended water use.

Synergistic action

Whenever scientific evidence indicates that a combination of pollutants exert a greater effect than the individual pollutants, the pollution control officer may, on the basis of these findings, lower the herein established limits to the level necessary to prevent damage to the waters of the county.

(3) DISCHARGES AFFECTING WATER QUALITY.

It shall be unlawful for any person to discharge sewage, industrial wastes, cooling water and solid wastes, or any other wastes into the waters of this county, including but not limited to surface water, tidal salt water estuaries, or ground water in such quantities, and of such characteristics as:

- (a) May cause the receiving waters, after mixing with the waste streams, to be of poorer quality than the water quality standards set forth in 24-11(4);
- (b) To cause water pollution as defined in 24-3(74); or
- (c) To cause a nuisance or sanitary nuisance as herein defined.

ATTACHMENT "C-4"

§ 24-11

POLLUTION CONTROL

§ 24-11

of plant efficiency and per cent removal of BOD and suspended solids shall be based on the average of three (3) eight-hour composite samples taken on three (3) consecutive days. At least one peak flow period should be included in each eight-hour period. Composite sampling devices will be required. Determination of the effluent values as set forth in section 24-11(2) will be based on individual, not composite, samples.

(6) Reserved.

(7) TERTIARY TREATMENT REQUIREMENTS. All new sewage treatment plants and industrial waste treatment facilities, except those discharging to approved ocean outfalls or deep disposal wells, shall provide for nutrient removal and at least ninety-five per cent (95%) removal of BOD and suspended solids.

In no case, however, shall the following effluent standards be breached:

- (a) BOD—15 mg/l maximum
- (b) Suspended solids—15 mg/l maximum
- (c) LAS—3.0 mg/l maximum
- (d) Phosphorus—1.0 mg/l maximum as (P)
- (e) All other applicable standards in section 24-11(2) shall be met.

(8) BY-PASSING UNLAWFUL. Where a waste treatment facility has been provided, it shall be unlawful to by-pass the facility or any portion thereof and to discharge untreated or inadequately treated wastes to the waters the facility was designed to protect. In the event of an emergency, the user may temporarily utilize a by-pass. It shall be his responsibility to immediately notify the pollution control officer. Such notification shall not relieve him from civil liability under this chapter.

(9) WASTES SHALL NOT BE DISCHARGED INTO SEWERS.

- (a) No sewage, industrial waste, or other waste shall be discharged into any sewer designed to carry storm

ATTACHMENT "C-5"

§ 24-11

DADE COUNTY CODE

§ 24-11

water, nor shall storm water be discharged into a sewer designed to carry sewage;

- (b) No cooling water shall be discharged into any sewer designed to carry storm water without written approval of the DERM;
- (c) The provision of this section shall not be construed as precluding the installation of a combined system which has been approved by the director, environmental resources management, and the appropriate state agency, and any such installation shall be subject to all applicable state and county regulations; and
- (d) No person shall discharge or cause to be discharged into any sanitary sewer any of the following substances:
 - 1. Any liquid having a temperature higher than one hundred fifty (150) degrees Fahrenheit or any temperature that would cause the plant influent to exceed forty (40) degrees Centigrade (104 degrees Fahrenheit) or inhibit biological activity.
 - 2. Any water or waste containing more than one hundred (100) p.p.m. or exceed a daily average of twenty-five (25) p.p.m. of any grease or oil or any oily substance.
 - 3. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - 4. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant or deteriorate quality of the sewage sludge so as to prevent adequate sludge use or disposal according to Dade County's sludge disposal plan.
 - 5. Any garbage that has not been properly shredded, which shall mean the wastes from the preparation, cooking and dispensing of food that have been



APPLICATION TO CONSTRUCT A DOMESTIC WASTEWATER FACILITY

The following information shall be furnished by the Engineer of Record:

Name of Facility: _____

Address: _____

Phone Number: _____

Furnish a complete list, description, and anticipated sewage flow of each structure to be served by this facility: _____

(Attach more pages, if necessary)

Furnish calculations clearly showing how the sewage flow was calculated:

(Attach more pages, if necessary)

Total Anticipated Flow: _____ GPD.

Design Capacity of Facility: _____ GPD.

Type of Activated Sludge Modification: _____

Comminutor Capacity: _____ GPD.

Anti-Surge Tank Capacity: _____ GAL.

Aeration Tank Capacity: _____ GAL.

(If Contact Stabilization, show capacity of Reaeration Tank here: _____ GAL).

Anticipated Influent B.O.D.: _____ PPM.

Anticipated Solids Concentration under Aeration _____ PPM.

(If Contact Stabilization, show Concentration of Reaeration Tank here: _____ PPM).

Anticipated F:M Ratio:

LB. B.O.D./Day = _____
100 LB. M.L.S.S. _____

Anticipated Sludge Return Rate: _____ % ADF

Clarifier Volume: _____ GAL.

1. Surface Area: _____ Square Feet
2. Weir Length: _____ Feet

Digester Capacity: _____ Cubic Feet

Anticipated Population to be served: _____

Digester Capacity per Capita: _____ cubic feet per Capita.

Air Furnished: _____ cubic feet per Lb. B.O.D.

Tertiary Filters

(Check one) Gravity: _____ Pressure: _____

If pressure or dosed gravity:

1. Number of filter units: _____
2. Filter pump capacity: _____ GPM

(If more than one pump is used for a normal filter cycle, give the combined capacities):

- A. Length of filter cycle: _____ MIN. Total volume used in one filter cycle: _____ GAL.
- B. Area of each filter unit: _____ Square Feet.
- C. Volume of Chlorine Contact Tank: _____ GAL.
Detention time based on volume and filter rate: _____ MIN.

If gravity fed:

1. Number of filter units: _____
2. Area of each unit: _____ Square Feet
 - A. Average daily flow: _____ GPM.
 - B. Filter rate: _____ GPMSF.
3. Volume of chlorine contact tank: _____ GAL. Detention time in chlorine contact tank: _____ MIN.

Backwash:

1. Backwash Pump Capacity _____ GPM.
2. Length of B.W. Cycle _____ MIN.
3. Total volume required for one B.W. cycle: _____ GAL.
4. Capacity of Anti-surge or B.W. waste-water holding tank: _____ GAL.

Phosphate Removal: _____ % removal anticipated.

Disposal:

1. Soakge Pit: _____ Drainfield: _____ Other: _____
2. Percolation Rate: _____ minutes per inch.
(Attach percolation test results and soil profile).
 - A. Dimensions of Soakage Pit (if applicable) _____
 - B. Length of Draintile (if applicable) _____ Feet.

Will a backflow preventor be installed on every fresh water supply available to this facility?_____.

Date:_____

Signature & Impress Seal of
Engineer

The following information shall be furnished by the owner of the treatment facility:

Name of Owner:_____

Address:_____

Phone Number:_____

Will there be any sources of flow into this facility which will not be owned by the above mentioned owner? _____. If "yes", list them and furnish agreements for such use.

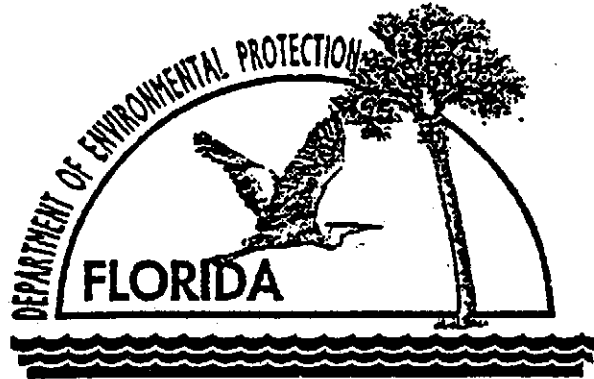
If the engineer specified less than 3.0 cubic feet per capita digester capacity, specify the site of sludge disposal:_____.

Signature

Witnessed

Subscribed and sworn to before me at

This ____ day of _____ 19__.



WASTEWATER PERMIT APPLICATION FORM 1 GENERAL INFORMATION

This form must be completed by all persons applying for a permit to operate a domestic or industrial wastewater facility. See Form 1 to determine which other application forms you will need.

SECTION B - FORM 1 LINE-BY-LINE INSTRUCTIONS

This form must be completed by all applicants.

Completing This Form:

Please type or print in the underlined areas only. Some items have a limited number of spaces or characters so that your response may be entered into a computer program. Please do not exceed this maximum number with your response. Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response.

Item I

Space is provided at the upper right hand corner of Form 1 for insertion of your Facility Identification Number. If you have an existing facility, enter your identification number. If you don't know your identification number, please contact the appropriate DEP office which will provide you with your number. If your facility is new (not yet constructed), leave this item blank.

Item II

Answer each question to determine which supplementary forms you need to fill out. Be sure to check the glossary in Section C of these instructions for the legal definitions of any words you are not certain of their meaning.

If you answer "no" to every question, then you may not need a permit. However, you should call the appropriate district office to determine if you have made a correct determination. If you answer "yes" to any question, then you must complete and file the supplementary form by the deadline listed in Section A along with this form.

Item III

Enter the facility's official or legal name. Do not use a colloquial name.

Item IV

Give the name, title, and work telephone number of a person who is thoroughly familiar with the operation of the facility, with the facts reported in this application, and who can be contacted by reviewing offices if necessary.

Item V

Give the complete mailing address of the office where correspondence should be sent. This often is not the address used to designate the location of the facility or activity.

Item VI

Give the address or location of the facility identified in Item III of this form. If the facility lacks a street name or route number, give the most accurate alternative geographic information (for example, section number or quarter section number from county records or at intersection of Rts 426 and 22).

Item VII

List four, in descending order of significance, 4-digit standard industrial classification (SIC) codes which best describe your facility in terms of the principal products or services you produce or provide. Also, specify each classification in words. These classifications may differ from the SIC codes describing the operation generating the discharge from the facility.

SIC code numbers are descriptions which may be found in the "Standard Industrial Classification Manual" prepared by the Executive Office of the President, Office of Management and Budget, which is available from the Government Printing Office, Washington, D.C. Your local library may have a copy of this publication which you may use. Use the current edition of the manual. If you have any questions concerning the appropriate SIC code for your facility, please contact the appropriate DEP district office.

Item VIII-A

Give the name, as it is legally referred to, of the person, firm, public organization, or any other entity which operates the facility described in this application. This may or may not be the same name as the facility. The operator of the facility is the legal entity which controls the facility's operation rather than the plant or site manager. Do not use a colloquial name.

Item VIII-B

Indicate whether the entity which operates the facility also owns it by marking the appropriate box.

Item VIII-C

Enter the appropriate letter to indicate the legal status of the operator of the facility. Indicate "public" for a facility solely owned by a local government, such as a city, town, county, etc.

Items VIII-D through H

Enter the telephone number and address of the operator identified in Item VIII-A.

Item IX

Indicate whether the facility is located on Indian Lands.

Item X

Give the number of each presently effective wastewater permit issued to the facility listed in this application. List relevant federal, state, and local permits. **DO NOT LIST ALL YOUR PERMITS. LIST ONLY CURRENT ENVIRONMENTAL PERMITS RELATING TO THIS PROJECT.**

Item XI

Provide a topographic map or maps of the area extending at least to one mile beyond the property boundaries of the facility which clearly show the following:

The legal boundaries of the facility;

The location and serial number of each of your existing and proposed intake and discharge structures;

All hazardous waste management facilities;

Each well where you inject fluids underground; and

All springs and surface water bodies in the area, plus all drinking water wells within 1/4 mile of the facility which are identified in the public record or otherwise known to you.

If an intake or discharge structure, hazardous waste disposal site, or injection well associated with the facility is located more than one mile from the plant, include it on the map, if possible. If not, attach additional sheets describing the location of the structure, disposal site, or well, and identify the U.S. Geological Survey (or other) map corresponding to the location.

On each map, include the map scale, a meridian arrow showing north, and latitude and longitude at the nearest whole second. On all maps of rivers, show the direction of the current, and in tidal waters, show the directions of the ebb and flow tides. Use a 7-1/2 minute series map published by the U.S. Geological Survey. If a 7-1/2 minute series map has not been published for your facility site, then you may use a 15 minute series map from the U.S. Geological Survey. If neither a 7-1/2 nor 15 minute series map has been published for your facility site, use a plat map or other appropriate map, including all the requested information; in this case, briefly describe land uses in the map area (for example, residential, commercial).

You may trace your map from a geological survey chart, or other map meeting the above specifications. If you do, your map should bear a note showing the number or title of the map or chart from which it was traced. Include the names of nearby towns, water bodies, and other prominent points.

You may obtain a topographic map from:

Eastern Mapping Center
National Cartographic Information Center
U.S. Geological Survey
536 National Center
Reston, VA 22092

Item XII

Briefly describe the nature of your business (for example, products produced or services provided).

Item XIII

Section 403.161, F.S., provides severe penalties for submitting false information on this application form or any reports or records required by a permit, if issued. There are both civil and criminal penalties, in addition to the revocation of the permit.

Rule 62-620.305, F.A.C., requires that the application and any reports required by the permit, if issued, to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.

SECTION C - GLOSSARY

NOTE: This Glossary includes terms used in the instructions and in Forms 1, 2A through 2EG. If you have any questions concerning the meaning of any of these terms, please contact your DEP district office.

Aliquot means a sample of specified volume used to make up a total composite sample.

Animal Feeding Operation means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

A. Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and

B. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

Animal Unit means a unit of measurement for any animal feeding operation calculated by adding the following number: The number of slaughter and feeder cattle multiplied by 1.0; plus the number of mature dairy cattle multiplied by 1.4; plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4; plus the number of sheep multiplied by 0.1; plus the number of horses multiplied by 2.0.

Application means the approved DEP standard forms for applying for a permit, including any approved additions, revisions, or modifications to the forms. Approved forms are numbered, Form 62-620.910, and have an effective date of October 1, 1994, or later.

Aquifer means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs include treatment requirements, operation procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Biological Monitoring Test means any test which include the use of aquatic algal, invertebrate, or vertebrate species to measure acute or chronic toxicity, and any biological or chemical measure of bioaccumulation.

Bypass means the intentional diversion of wastes from any portion of a treatment facility.

Concentrated Animal Feeding Operation means an animal feeding operation which meets the criteria set forth in Chapter 62-670, F.A.C.

Concentrated Aquatic Animal Production Facility means a hatchery, fish farm, or other facility which contains, grows or hold aquatic animals as set forth in Chapter 62-660, F.A.C.

Contact Cooling Water means water used to reduce temperature which comes into contact with a raw material, intermediate product, waste product other than heat, or finished product.

CWA means the Clean Water Act as amended, 33 U.S.C. 1251 et seq.

Dike means any embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

Discharge (of a Pollutant) means any addition of any pollutant or combination of pollutants to waters of the State from any point source; or any addition of any pollutant or combination of pollutants to the marine waters of the State from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes discharges into waters of the State from surface runoff which is collected or channelled by man; discharges through pipes, sewers, or other conveyances owned by the State, a municipality, or other person which do not lead to POTWs; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharge.

Effluent Limitation means any restriction imposed by the DEP on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the State.

Effluent Limitation Guideline means a regulation published under Section 304(b) of the Clean Water Act to adopt or revise effluent limitations.

EPA means the United States Environmental Protection Agency.

Existing Source or Existing Discharger means any source which is not a new source or a new discharger.

Facility or wastewater facility means any facility which can reasonably be expected to be a source of pollution and includes any or all of the following: a collection and transmission system, a wastewater treatment works, a reuse or disposal system, and a residuals management facility.

Ground Water means water below the land surface in a zone of saturation.

Indirect Discharger means an industrial discharger introducing pollutants to a publicly owned treatment works.

Injection Well means a well into which fluids are injected.

MGD means millions of gallons per day.

Municipality means a city, village, town, borough, county, district, association, or other public body created by or under State law and have jurisdiction over disposal of sewage, industrial wastes, or other wastes.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, termination, monitoring and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the CWA. The term includes a State program which has been authorized by EPA under 40 CFR Part 123.

New Discharger means any building, structure, facility, or installation: (A) from which there is or may be a new or additional discharge of pollutants at a site at which on October 18, 1972, it had never discharged pollutants; (B) which has never received a finally effective NPDES permit for discharges at that site; and (C) which is not a "new source." This definition includes an indirect discharger which commences discharging into water

of the State. It also includes any existing mobile point source, such as an offshore oil drilling rig, seafood processing vessel, or aggregate plant that begins discharging at a location for which it does not have an existing permit.

New Source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced: (A) after promulgation of standards of performance under Section 306 of the CWA which are applicable to such source; or (B) after proposal of standards of performance in accordance with Section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

Non-Contact Cooling Water means water used to reduce temperature which does not come into direct contact with any raw material, intermediate produce, waste product (other than heat), or finished product.

Off-Site means any site which is not "on-site."

On-Site means on the same or geographically contiguous property which may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way which the person controls and to which the public does not have access, is also considered on-site property.

Operator means the person responsible for the overall operation of a facility.

Outfall means a point source.

Owner means the person who owns a facility or part of a facility.

Permit means an authorization, license, or equivalent control document issued by the State to implement the requirements of 40 CFR 122, 123, and 124 and Chapter 403, F.S.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended), heat, wrecked or discarded equipment, rocks, sand, cellar dirt and industrial, municipal, and agriculture waste discharged into water. It does NOT mean: (A) sewage from vessels; or (B) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

Privately Owned Treatment Works means any device or system which is used to treat domestic wastewater from any facility which is not a POTW.

Process Wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct,

or waste product.

Publicly Owned Treatment Works (POTW) means any device or system used in the treatment (including recycling and reclamation) of domestic sewage or industrial wastes of a liquid nature which is owned by a State or municipality. This definition includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

Residuals means the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater. Not included are solids removed from pump stations and lift stations, and screenings and grit removed from the headworks of domestic wastewater treatment facilities. Also not included are other solids removed prior to treatment of the residuals to meet the stabilization standards of Chapter 62-640, F.A.C., or ash generated during the incineration of residuals.

Sewage From Vessels means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under Section 312 of the CWA.

Sewage Sludge means residuals.

Silvicultural Point Source means any discernable, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into water of the State.

Storm Water Runoff means water discharged as a result of rain, snow, or other precipitation.

Surface Impoundment or Impoundment means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

Toxic Pollutant means any pollutant listed as toxic under Section 307(a)(1) of the CWA.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Waters of the State means the waters defined in Section 403.031, F.S., and including waters of the United States to the seaward boundaries of the State.



WASTEWATER PERMIT APPLICATION FORM 1 GENERAL INFORMATION

I IDENTIFICATION NUMBER:

Facility ID _____

II CHARACTERISTICS:

INSTRUCTIONS: Complete the questions below to determine whether you need to submit any permit application forms to the Department of Environmental Protection. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the blank in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if you activity is excluded from permit requirements. See Section B of the instructions. See also, Section C of the instructions for definitions of the terms used here.

SPECIFIC QUESTIONS	YES	NO	FORM ATTACHED
A. Is this facility a domestic wastewater facility which results in a discharge to surface or ground waters?			
B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters?			
C. Does or will this facility (other than those describe in A. or B.) discharge process wastewater, or non-process wastewater regulated by effluent guidelines or new source performance standards, to surface waters?			
D. Does or will this facility (other than those described in A. or B.) discharge process wastewater to ground waters?			
E. Does or will this facility discharge non-process wastewater, not regulated by effluent guidelines or new source performance standards, to surface waters?			
F. Does or will this facility discharge non-process wastewater to ground waters?			
G. Does or will this facility discharge stormwater to surface waters?			
H. Is this facility a non-discharging/closed loop recycle system?			

III NAME OF FACILITY: (40 characters and spaces)

Facility ID _____

IV FACILITY CONTACT: (A. 30 characters and spaces)

A. Name and Title (Last, first, & title)	B. Phone (area code & no.)

V FACILITY MAILING ADDRESS: (A. 30 characters and spaces; B. 25 characters and spaces)

A. Street or P.O. Box:		
B. City or Town:	State:	Zip Code:

VI FACILITY LOCATION: (A. 30 characters and spaces; B. 24 characters and spaces; C. 3 spaces (if known); D. 25 characters and spaces; E. 2 spaces; F. 9 spaces)

A. Street, Route or Other Specific Identifier:		
B. Country Name:	C. Country Code (if known):	
D. City or Town:	E. State:	F. Zip Code:

VII SIC CODES: (4-digit, in order of priority)

1. Code #:	(Specify)	2. Code #:	(Specify)
3. Code #:	(Specify)	4. Code #:	(Specify)

VIII OPERATOR INFORMATION: (A. 40 characters and spaces; B. 1 character; C. 1 character (if other, specify); D. 12 characters; E. 30 characters and spaces; F. 25 characters and spaces; G. 2 characters; H. 9 characters)

A. Name:		B. Is the name in VIII A. the owner? Yes: No:	
C. Status (Operator):	(code)	(specify)	D. Phone No.:
<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local <input type="checkbox"/> Other (specify)			
E. Street or P. O. Box:			
F. City or Town:		G. State:	H. Zip Code:

IX INDIAN LAND: Is the facility located on Indian lands? Yes: ___ No: ___

Facility ID _____

X EXISTING ENVIRONMENTAL PERMITS:

A. NPDES Permit No.	B. UIC Permit No.	C. Other (specify) .	D. Other (specify)

XI MAP: Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII NATURE OF BUSINESS (provide a brief description)

XIII CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. Name (type or print)

B. Signature

Official Title (type or print)

C. Date Signed



WASTEWATER APPLICATION FORM 2A

**PERMIT TO DISCHARGE WASTEWATER
FROM NEW OR EXISTING
DOMESTIC WASTEWATER FACILITIES**

WASTEWATER PERMIT APPLICATION FORM 2A

APPLICATION FOR A DOMESTIC WASTEWATER FACILITY PERMIT

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INSTRUCTIONS FOR FORM 2A

APPLICATION FOR A DOMESTIC WASTEWATER FACILITY PERMIT

GENERAL INSTRUCTIONS

1. Application for a domestic wastewater treatment facility permit, reuse or disposal system permit, limited wet weather discharge permit, residuals/septage management facility permit, or any combination thereof shall be made using this form and DEP Form 62-620.910(1). The appropriate number of copies of this form and DEP Form 62-620.910(1), with supporting documentation, and a check for the appropriate application fee made payable to the Department of Environmental Protection shall be submitted with this application as required by Rule 62-620.310, F.A.C.
2. Unless otherwise specified in the detailed instructions, each applicable item must be completed in full in order to avoid delay in processing. To indicate that each item has been considered, enter "NA" for not applicable, where a particular item does not fit the circumstances or characteristics of your facility.
3. All information must be typed or printed in ink.
4. Dates must be entered in MM/DD/YY format.
5. Some items in this form require narrative explanation. For this purpose, attach a separate sheet entitled "Additional Information." Where a separate sheet is used, identify the name of the applicant, the activity, and the section and item number of the form to which it refers. All other documents required by this application must be similarly identified.

SECTION 1. APPLICANT AND FACILITY DESCRIPTION

1. *Application Type*

Indicate whether this application is for construction of new facilities, for substantial modification of existing facilities, or for renewal of an existing facility permit. As defined in Rule 62-620.200, F.A.C., substantial modification means a modification to the facility which is reasonably expected to lead to a substantially different environmental impact or which involves a substantially different type of wastewater or residuals treatment, reuse, or disposal system. A substantial modification includes changes in the characteristics of the effluent, reclaimed water, or residuals, changes to the location of the discharge, or changes in the permitted capacity of the treatment, reuse, or disposal system.

Application for minor modification of existing facilities shall be made on DEP Form 62-620.910(1). A minor modification means a modification to the facility which is not expected to lead to a substantially different environmental impact or which will not involve a substantially different type of wastewater or residuals treatment, reuse, or disposal system. A minor modification does not substantially change the characteristics of the effluent, reclaimed water, or residuals nor does it change the permitted capacity of the treatment, reuse, or disposal system. It includes construction to replace a unit operation or process structure. It also includes construction to unit operation or mechanical equipment which is not associated with routine facility maintenance.

2. **Facility Type** - Indicate whether this application is for a wastewater treatment facility, a reuse or disposal system, a limited wet weather discharge as defined in Rule 62-610.260, F.A.C., a residuals/septage management facility or some combination of the above. (i.e., If the application is for permit renewal of both treatment and disposal facilities, mark an "X" by the word "Treatment" and mark an "X" by the words "Reuse or Disposal". If the application is for construction of treatment facilities only, mark an "X" by the word "Treatment" only.)
3. **Treatment Facility Information** - Enter the requested information for the treatment facility which produces the effluent, reclaimed water, or residuals. Provide the name of the facility as it is officially or legally referred to in order to distinguish it from similar entities, if any, in the same geographical area. Do not use colloquial names as a substitute for the official name. Enter the facility's DEP identification number if the application is for an existing facility (i.e., either for permit renewal or modification). If the application is for a new facility, enter "NA" for the facility's DEP identification number. Enter the address where the facility is located as well as the mailing address of the facility. Enter the ownership status of the permittee.
4. **Applicant or Authorized Representative** - Enter the legal name of the applicant or authorized representative. The applicant or authorized representative is the person, agency, firm, or other entity which owns or is responsible for the wastewater facilities. Enter the name of the applicant as it is officially or legally referred to. Do not use colloquial names as a substitute for the official name. Next, enter the complete mailing address and telephone number of the applicant or authorized representative. This often will not be the same address as is used to designate the location of the wastewater facilities.
5. **Applicant's Authorized Agent** - Give the name, title, address, and telephone number of the person who is thoroughly familiar with the facts reported on the forms and who can be contacted by the DEP, EPA, or other agencies involved in permit application processing and review. The person named, although not necessarily the same as the signing official, is also subject to the provisions of the law quoted below the signature line on the first page of Section 9, Certifications.
6. **Project Name and Description** - For a new facility or a modification to an existing facility, provide the name and a general description of the project. The description should include the reason the project is needed and its relationship to existing facilities.
7. **Collection System Length** - Enter the length of the collection system associated with the wastewater treatment facility.
8. **Industrial Wastewater Contributions** - Enter the total estimated average daily wastewater flow from all industrial sources. All significant industrial users, as defined in Section 5, discharging to the facility must be listed in Section 5. Also indicate whether the facility has an approved pretreatment program, and if so, the name, address, and telephone number of the pretreatment program coordinator.

9. **Municipalities or Areas Served** - Enter the names of the municipalities or areas served by this facility and, for each, enter the best estimate of the actual population served at the time of this application. If there is another sewer authority discharging into this facility, give the name of that authority and the actual population it serves. Do not include the names of the municipalities or areas served by that sewer authority.
10. **Reclaimed Water Reuse and Effluent Disposal** - Enter the number of disposal points for each discharge to surface waters, the number of different types of reuse or land application systems used by the treatment facility, and the number of different underground injection well facilities used by the treatment facility. Reuse or land application systems are considered different types if they are permitted under different parts of Chapter 62-610, F.A.C. (i.e., slow rate restricted public access, rapid-rate, public access reuse system, etc.) Underground injection well systems are considered different facilities if they have different physical locations or distinct DEP identification numbers.

For each method of reuse or disposal listed, provide the total design capacity and the basis of the design flow (e.g., annual average daily flow, maximum monthly average daily flow, three-month average daily flow). Intermittent discharges, such as from overflow or bypass points, and seasonal or periodic discharge points from lagoons, holding ponds, etc., should not be included in the flows provided in this item. Intermittent discharge information should be provided in Item 11. A separate Section 3.A., 3.B., or 3.C. must be completed for each reuse or disposal system identified.

11. **Number of Seasonal or Periodic Discharges** - Enter the number of seasonal or periodic discharge points for the facility. Seasonal or periodic discharges may result for a variety of reasons including wet weather conditions for reuse or land application systems and the need to conduct mechanical integrity tests for underground injection well systems. A separate Section 3.A. must be completed for each seasonal or periodic discharge point identified.
12. **Flows to Another Wastewater Facility** - Indicate whether any flows from the facility go into a collection/transmission system or reclaimed water distribution system controlled by another responsible organization. If no, go directly to Item 13. If yes, indicate the type of system and provide the name and mailing address of the responsible organization receiving the flow. If the flow is to more than one other system, provide the appropriate data of Items 6c, 6d, 6e, and 6f for each system on additional sheets. If the exact flows to these other systems are not known, provide best estimates.
13. **Residuals Use or Disposal** - Enter the average amount of residuals generated by the facility. This amount should be zero for Residuals Management Facilities that are not also wastewater treatment facilities. Indicate whether the facility receives residuals from other facilities for further treatment and disposal. If yes, complete Section 7 of this form. For each method of residuals use or disposal listed, enter the number of sites or number of receiving facilities and the average amount of residuals used or disposed of per year. The total amount of residuals used or disposed of should equal the total amount of residuals generated and received. If the method of use is land application, an Agricultural Use Plan or Dedicated Site Plan should be attached for each site. If the residuals are landfilled, incinerated, or transported to another treatment facility, the name, DEP identification number, and address of the receiving facility should be listed. Identify the treatment processes used by the receiving facility using the treatment codes listed in Table 1.

14. **Permits and Applications**

- a. If applicable, provide the expiration date of the current National Pollutant Discharge Elimination System permit.
- b. If applicable, provide the expiration date of the current DEP permit for this facility.

- c. Provide the requested information for all existing environmental permits from Federal, State, and local agencies related to the facility or the proposed project. Also, provide the information for all environmental permits that have been applied for, are pending, or have been denied during the last 5 years.
- d. For all currently effective orders and notices issued by Federal, State, and local agencies, provide the name of the issuing agency and the effective date of the order or notice.

SECTION 2. TREATMENT FACILITY DESCRIPTION

This section includes specific information about the treatment facilities. Complete a separate Section 2 for each current or proposed method of reuse or disposal identified in Section 1, Items 10 and 11 for which different levels of treatment are provided. The 4-digit serial numbers which are established in Sections 3. A.1., B.1., and C.1. and which correspond to the treatment facility description should be entered in the space provided at the top of each page of this section.

1. **Description** - Provide a brief narrative description of the treatment process. Example: Treatment consists of primary sedimentation using clarifiers, followed by biological treatment using activated sludge, followed by secondary clarification and chlorination. Residuals are treated by aerobic digestion and vacuum filtration. Residuals are disposed of by incineration.
2. **Treatment Codes** - Describe the wastewater treatment processes using the lettered codes which are listed in Table 1. As much as possible list the codes in the sequence in which the wastewater treatment processes are applied at this facility. Separate all codes with commas except where slashes are used to designate parallel operations.
3. **Design Capacity of the Treatment Facility** - Enter the current design capacity, the proposed incremental design capacity, and the proposed total design capacity in million gallons per day.
4. **Basis of Design Flow** - Enter the basis for the current design capacity, the proposed incremental design capacity, and the proposed total design capacity (e.g., annual average daily flow, maximum monthly average daily flow, three-month average daily flow) for the treatment facilities.
5. **Design Treatment Levels** - At a minimum, enter the range of pH and the 5-day CBOD and the TSS effluent concentrations and percent removals for which the plant is designed. Also provide the basis for the effluent concentrations (i.e., annual average, monthly average, and weekly average as defined in Chapter 62-620, F.A.C.). Design data for additional parameters may be required based on additional treatment requirements established in accordance with Department rules for reclaimed water or effluent disposal.
6. **Disinfection Level Provided** - Indicate the level of disinfection provided as specified in Rule 62-600.440, F.A.C. For the high-level alternative, see Rules 62-600.440(5)(g) and (h), F.A.C. Also, if the facility disinfects by chlorination and the discharge is to surface waters, indicate whether dechlorination is provided.
7. **Residuals Treatment** - Indicate which class criteria the residuals meet after treatment. For example, if the residuals will be distributed and marketed, Class AA should be checked and the residuals should meet the criteria in Rule 62-640.850, F.A.C. If this is an existing facility, provide the listed parameter concentrations and the date of the sample for the latest laboratory analysis. If the residuals will meet different class criteria, provide the information for each class on separate pages.

8. **Reliability Class** - Indicate the class of reliability provided by the treatment facility. Reliability shall be provided in accordance with Rule 62-600.400, F.A.C., as described in the EPA's 1974 publication entitled Design Criteria for Mechanical, Electric, and Fluid System and Component Reliability, MCD-05. If other equivalent reliability is provided, the equivalent reliability features should be described in the preliminary design report or on a separate sheet entitled "Additional Information".

SECTION 3. REUSE OR EFFLUENT DISPOSAL SYSTEM DESCRIPTION

This section includes specific information required for the reuse or effluent disposal system. Complete a separate and appropriate Section 3.A., 3.B., or 3.C. for each current or proposed method of reuse or effluent disposal identified in Section 1, Items 10 and 11. Separate descriptions of each reuse or effluent disposal system are required even if the discharge or reuse system originates at the same treatment facility.

SECTION 3.A. DISCHARGES TO SURFACE WATERS (including wetlands)

1. **Discharge Serial Number and Name** - Assign a 4-digit number beginning with D001 for each point of discharge identified in Section 1, Items 10 and 11. Discharge serial numbers must be consecutive for each additional discharge described; hence, the second serial number would be D002, the third D003, etc. Enter this number at the top of each page of Section 3. A.

Give the name of the discharge point which distinguishes this discharge point from all other discharge points from the facility (e.g., Ursus Creek Discharge; Varga STP Outfall Number 2). Do not use colloquial terms.

If application for a permit was made previously for this discharge, supply the serial number which was previously assigned. If no, enter "NA".

2. **Discharge Location** - Provide the name of the county, the name of city or town (if applicable), and the name of the street where the point of discharge is located. If the discharge is not located on a named street, provide a description of the point of discharge. State the precise location where the effluent from the discharge reaches the waterway. If the discharge is to a dry waterway, give the point where the discharge enters the waterway.
3. **Discharge Operating Dates** - If the discharge has never occurred, but is planned for some future date, give the date the discharge will start. If the discharge is scheduled to be discontinued within the next 5 years, give the best estimated date the discharge will end and the reason for discontinuing the discharge. If the discharge is already in operation and is not scheduled to be discontinued within the next 5 years, enter "NA".
4. **Design Capacity of the Outfall** - For the outfall identified in Item 1 of this section, provide the current design capacity, the proposed incremental design capacity, and the proposed total design capacity in million gallons per day (mgd) to three decimal places.
5. **Basis of Design Flow** - Enter the basis for the current design capacity, the proposed incremental design capacity, and the proposed total design capacity (e.g., annual average daily flow, maximum monthly average daily flow, three-month average daily flow) for the outfall.

6. *Basis for Effluent Limitations* - Indicate how and when the effluent limitations were established for this discharge. Technology Based Effluent Limitation (TBEL) means a minimum wastewater treatment requirement, established by the Department, based on treatment technology. The minimum treatment requirements may be set at levels more stringent than that which is necessary to meet water quality standards of the receiving waterbody. TBELs for domestic wastewater treatment facilities are established in Chapter 62-600, Parts II and III. Water Quality Based Effluent Limitation (WQBEL) means an effluent limitation, which may be more stringent than a TBEL, that has been determined necessary by the Department to ensure that water quality standards in a receiving body of water will not be violated. WQBELs are established in accordance with the provisions of Chapter 62-650, F.A.C.
7. *Discharge Point Description* - Discharges into ditches or other water courses should be included in the category of a stream.
8. *Receiving Waterbody Name* - Provide the name of the waterbody as designated on a USGS map of the area. If the discharge is to an unnamed tributary, state and provide the name of the first body of water fed by that tributary which is named on the map (e.g., unnamed ditch to Vaughan Creek; unnamed ditch to Serpent River, where Serpent River is the first waterbody that is named on the map and is reached by the discharge).
10. *Classification of Receiving Waterbody* - Indicate the class of the receiving waterbody as defined in Chapter 62-302, F.A.C., and whether the receiving waterbody is an Outstanding Florida Water (OFW) or an Outstanding National Resource Water (ONRW). If yes, name the OFW or ONRW and locate on a USGS map.
11. *Outfall Information* - If the discharge is through an outfall that extends beyond the shoreline or is below the mean low water line, complete this item. If no, enter "NA". The discharge depth below water surface and the receiving water bottom depth below water surface should be provided for mean flow conditions.
13. *Additional Information Required for Seasonal or Periodic Discharges* - For each seasonal or periodic discharge identified in Section 1, Item 11, provide the frequency of the discharge. If the discharge is intermittent, from a holding pond, lagoon, etc., give the actual or approximate number. Also, provide the average duration and average volume of the discharge per incidence, and identify the months during the year when the discharge normally occurs. If the seasonal discharge is a limited wet weather discharge permitted in accordance with Rule 62-610.860, F.A.C., complete Item 14 of this section.
14. *Additional Information Required for Limited Wet Weather Discharges Permitted in Accordance with Rule 62-610.860, F.A.C.* - Information requirements in support of a limited wet weather discharge are contained in Rule 62-610.860, F.A.C. If all conditions specified in Rule 62-610.860, F.A.C., are met, a Water Quality Based Effluent Limitation (WQBEL) will not be needed for this discharge. For limited wet weather discharges permitted in accordance with Rule 62-610.860, F.A.C., a simulation of operation of the reuse, storage, and limited wet weather discharge system for an average rainfall year shall be included in the preliminary design report in addition to the information required by Rule 62-610.860(2), F.A.C. Also, a description of the gauging method and the facilities that will be used to measure stream flow in the receiving waterbody upstream of the point of discharge should be included in the report. The gaging station should be located on a USGS map.
15. *Additional Information Required for Wetland Discharges* - If the discharge is to a wetland, complete this item. Chapter 62-611, F.A.C., contains regulations for discharge of domestic wastewater to wetlands.

16. Operational Data

- a. *Description of Influent and Effluent* - As required by Rule 62-601.300(1), F.A.C., influent data must be provided only for CBOD₅ and TSS; effluent data must be provided only for those parameters which have effluent limitations identified in the permit. For parameters which have effluent limitations identified in the permit and are not listed in the Table, enter the parameter names in the blank spaces provided. For each of the required parameters, enter in the appropriate box the value or code letter answer required. Values must be representative of the influent and effluent during the twelve preceding months of operation or represent best engineering estimates for proposed treatment or disposal systems. For facilities that have not been in operation for one year, data reported should represent the existing period of record with a note to that effect. Report in the units specified. Values do not need to be supplied in boxes that have been shaded.

In the column entitled "Effluent Frequency of Analysis", specify the frequency of analysis for each parameter as the number of analyses per number of days (e.g., 3/7 is equivalent to three analyses performed every 7 days). If continuous, enter "CONT". In the column entitled "Effluent Number of Analyses", specify the number of analyses performed during the previous 12 months of operation at the average frequency specified in the column entitled "Effluent Frequency of Analysis" up to 365. In the column entitled "Sample Type", specify "G" for grab samples, "C" for composite samples, and "NA" if "CONT" was entered in the column entitled "Effluent Frequency of Analysis". The symbol "H" is to be replaced by the average number of hours over which the composite sample was collected (i.e., "C24" means twenty-four hour composite).

Sampling schedules, locations, and methodology shall be as specified in Rule 62-601.500, F.A.C. Sampling and testing methods shall be in accordance with Rule 62-601.400, F.A.C.

- b. *Additional Wastewater Characteristics* - Indicate with "X" in the appropriate box those chemical constituents known to be present in the effluent based on any previous analyses, whether or not required by the Department, that have been performed on the effluent. Those constituents for which no previous analyses have been performed need not be indicated.

SECTION 3. B. REUSE AND LAND APPLICATION SYSTEMS

1. *Reuse or Land Application System Serial Number and Name* - Assign a 4-digit number beginning with R001 for each type of reuse or land application system identified in Section 1, Item 10. Reuse or land application system serial numbers must be consecutive for each additional reuse or land application system described; hence, the second reuse or land application system serial number would be R002, the third R003, etc. Enter this number at the top of each page of Section 3. B.

Give the name of the reuse or land application system which distinguishes this system from all other reuse or land application systems from the facility (e.g., Fairview Reuse System; Greenwood Reclaimed Water System Number 2). Do not use colloquial terms.

If application for a permit for this reuse or land application system was made previously, supply the previous reuse or land application system serial number assigned. If no, enter "NA".

2. *Reuse or Land Application System Location* - Provide the name of the county, the name of city or town (if applicable), and the name of the street where the reuse or land application system is located. If the reuse or land application system is not located on a named street, provide a description of the location of the reuse or land application system. Provide the latitude and longitude for the centroid of the reuse or land application site.
3. *Reuse or Land Application System Operating Dates* - If the reuse or land application system has never been placed into operation, but placing the system into operation is planned for some future date, give the date the reuse or land application system will be placed into operation. If the reuse or land application system is scheduled to be taken out of operation within the next 5 years, give the best estimated date the system will cease operation and the reason for taking the system out of operation. If the reuse or land application system is already in operation and is not scheduled to be taken out of operation within the next 5 years, enter "NA".
4. *Design Capacity of the Reuse or Land Application System* - For the reuse or land application system identified in Item 1 of this section, provide the current design capacity, the proposed incremental design capacity, and the proposed total design capacity in million gallons per day (mgd) to three decimal places.
5. *Basis of Design Flow* - Enter the basis for the current design capacity, the proposed incremental design capacity, and the proposed total design capacity (e.g., annual average daily flow, maximum monthly average daily flow, three-month average daily flow) for the reuse or land application system.
8. *Application Areas and Rates* - For each reuse or land application site used by the treatment facility, provide the area irrigated, the average application rate, and the site capacity. List major users (greater than or equal to 0.1 mgd), such as golf courses, separately. Locate all areas or sites receiving reclaimed water along with the overall reuse service area on the USGS map provided under Section 8., Item 1.c.

SECTION 3. C. GROUND WATER DISPOSAL BY UNDERGROUND INJECTION

If the proposed project includes ground water disposal by underground injection, application for construction or operation of the injection well shall be made on DEP Form 62-1.209(9). Application for treatment facilities for the injection well shall be made on this form.

1. *Underground Injection Well Facility Serial Number and Name* - Assign a 4-digit serial number beginning with U001 for each underground injection well facility identified in Section 1, Item 10. Underground injection well facility serial numbers must be consecutive for each additional underground injection well facility described; hence, the second underground injection well facility serial number would be U002, the third U003, etc. Enter this number at the top of each page of Section 3. C.

Give the name of the underground injection well facility which distinguishes this injection well facility from all other underground injection well facilities (e.g., Mission Road Underground Injection Well Facility; Midway Injection Well System Number 2). Do not use colloquial terms.

If application for a permit for this underground injection well facility was made previously, supply the previous underground injection well facility serial number assigned. If no, enter "NA".

2. **Underground Injection Well Facility Location** - Provide the name of the county, the name of city or town (if applicable), and the name of the street where the underground injection well facilities are located. If the underground injection well facilities are not located on a named street, provide a description of the location of the facilities. State the precise location of the underground injection well facilities.
3. **Underground Injection Well Facility DEP Identification Number or Permit Application Number** - Enter the DEP identification number for each underground injection well facility identified in Section 1, Item 10. If a DEP identification number has not been assigned, enter the permit application number for the underground injection well facilities.
4. **Discharge Operating Dates** - If the discharge has never occurred, but is planned for some future date, give the date the discharge will start. If the discharge is scheduled to be discontinued within the next 5 years, give the best estimated date the discharge will end and the reason for discontinuing the discharge. If the discharge is to an existing underground injection well facility which is already in operation and is not scheduled to be taken out of operation within the next 5 years, enter "NA".
5. **Design Capacity of the Underground Injection Well Facility** - For the underground injection well facilities identified in Item 1 of this section, provide the current design capacity, the proposed incremental design capacity, and the proposed total design capacity in million gallons per day (mgd) to three decimal places.
6. **Basis of Design Flow** - Enter the basis for the current design capacity, the proposed incremental design capacity, and the proposed total design capacity (e.g., annual average daily flow, maximum monthly average daily flow, three-month average daily flow) for the injection well facilities.

SECTION 4. SCHEDULED IMPROVEMENTS AND SCHEDULES OF IMPLEMENTATION

Provide the information requested for any scheduled improvements to the wastewater facilities, whether uncompleted or proposed and whether developed by the applicant (i.e., self-imposed capital improvements program) or imposed by local, Federal, or State agencies or by court action. If the wastewater facilities have more than one implementation schedule, either because of different levels of authority imposing different schedules (Item 1b) or staged construction of separate operational units (Item 1c), submit a separate Section 4 for each one.

1. Improvements Required

- a. **Discharge Serial Numbers, Reclaimed Water Reuse and Land Application System Serial Numbers, and Underground Injection Well Facility Serial Numbers Affected** - List the discharge serial numbers, reuse or land application system serial numbers, and underground injection well facility serial numbers assigned in Section 3 that are covered by this implementation schedule.
- b. **Authority Imposing Requirement** - Check the appropriate item indicating the authority imposing the implementation schedule.
- c. **Improvement Description** - Specify the 3-character General Action Description code listed in Table 2 that best describes the facility improvements. If more than one schedule applies to the facility because of a staged construction schedule, indicate the stage of construction with the appropriate general action code. Submit a separate Section 4 for each stage of construction planned. Also, list all of the 3-character specific action codes listed in Table 2 which describe in more detail the pollution abatement practices.

2. **Implementation Schedule and Actual Completion Dates** - Indicate, as accurately as possible, scheduled and actual completion dates. For improvements imposed by local, Federal, or State agencies or by court action, provide the dates imposed by the compliance schedule and any actual dates of completion, as applicable. For self-imposed capital improvement programs, provide, at a minimum, the planned and actual completion dates for completion of final plans and specifications, begin construction, begin reuse or disposal, and operational level attained. A description of the implementation dates follows.

- a. **Preliminary Plans Complete** - The date the preliminary engineering report is to be completed.
- b. **Final Plans and Specifications Complete** - The date the detailed plans and specifications are to be completed.
- c. **Financing Complete** - The date all financing arrangements are to be completed.
- d. **Site Acquired** - The date the land to be used for the treatment works is to be acquired.
- e. **Begin Construction** - The date construction is scheduled to begin.
- f. **End Construction** - The date construction is scheduled to be completed.
- g. **Begin Reuse or Disposal** - The date the treatment facility or reuse or disposal system is scheduled to be placed into operation.
- h. **Operational Level Attained** - The date the effluent or reclaimed water level is scheduled to comply with the final reclaimed water or effluent limitations.

SECTION 5. INDUSTRIAL WASTEWATER CONTRIBUTIONS

Domestic wastewater treatment facilities that meet any of the criteria in a. through c. below must develop a pretreatment program in accordance with Chapter 62-625, F.A.C.:

- a. Any facility owned or operated by a public utility, as defined in Rule 62-625.200, F.A.C., (or combination of facilities operated by the same utility) with a total design flow greater than 5 million gallons per day and receiving pollutants from industrial users which pass through or interfere with the operation of the facility or are otherwise subject to pretreatment standards;
- b. Any facility owned or operated by a public utility with a design flow of 5 million gallons per day or less, if the Department finds that the nature or volume of the industrial influent causes or contributes to treatment process upsets, violations of wastewater effluent limitations, contamination of domestic wastewater residuals, or other circumstances requiring a pretreatment program in order to prevent interference with the facility or pass through; and
- c. Any facility providing reclaimed water to public access areas in accordance with Chapter 62-610, F.A.C., unless the facility provides an affirmative demonstration that there are no significant industrial users discharging into the facility.

If a facility identified as needing a pretreatment program does not have an approved pretreatment program, the Department shall include a compliance schedule in their permit for the development of a program meeting the requirements of Chapter 62-625, F.A.C.

Each domestic wastewater treatment facility is required to complete a separate Section 5 for each significant industrial user as defined in Rule 62-625.200, F.A.C., discharging wastewater into the domestic wastewater facility. It is the responsibility of the applicant to obtain the required information on any significant industrial user of the facility. Actual data should be provided if available. If actual data is not available, Section 5 should be marked "interim" and a best estimate should be provided with a statement indicating the amount of time required to provide the actual information. Filing the permit application should not be delayed beyond the filing deadline for completion of Section 5. However, any missing information is to be submitted when it becomes available. If certain of the requested information does not apply, it should be marked "NA".

1. **Significant Industrial User** - Give the name and the address that designates the location of the facility.
2. **Primary Standard Industrial Classification Code** - Using 4-digit standard industrial classification (SIC) codes, indicate the type of industrial facility described in Section 5 that is discharging into the domestic wastewater facilities covered by this application.

Standard industrial classification (SIC) code numbers and descriptions may be found in the 1972 edition of the "Standard Industrial Classification Manual" prepared by the Executive Office of the President, Office of Management and Budget, which is available from the Government Printing Office, Washington, D.C. Do not use previous editions of the manual. Copies are also available for examination at the Department's District Offices.

3. **Principal Product or Raw Material** - Specify either the principal product or business, or the principal raw material, and the maximum quantity per day produced or consumed. Quantities are to be reported in the units of measurement given in Table 3 for the particular SIC categories that are listed. Enter the letter-number code from the "Code" column in Table 3 for the units selected under "Units". Other SIC categories should use the units of measurement normally used by that industry.
4. **Flow** - Indicate the volume of wastewater discharged into the domestic wastewater facilities and whether this discharge is intermittent or continuous.
5. **Pretreatment Provided** - Indicate whether pretreatment is provided prior to entering the domestic wastewater facilities.
6. **Characteristics of Wastewater** - Indicate the characteristics of the wastewater from the contributing industry in terms of parameters that will adequately identify the wastewater such as BOD, COD, Cr, Zn, pH units, degrees Fahrenheit, etc. The characteristics should be indicative of the wastewater stream after any pretreatment is provided by the industrial facility but prior to entering the domestic wastewater facilities.

SECTION 6. ADDITIONAL INFORMATION REQUIRED PERMIT RENEWALS

Complete this section if the permit application is to renew an existing domestic wastewater facility permit. Attach separate sheets entitled "Additional Information" as indicated.

SECTION 7. ADDITIONAL INFORMATION REQUIRED FOR RESIDUALS/SEPTAGE MANAGEMENT FACILITIES

If the facility accepts residuals from one or more wastewater treatment facilities for further treatment or disposal, this section should be completed. This section should also be completed for septage management facilities treating more than 10,000 gallons per day monthly average daily flow of septage. Residuals/septage use or disposal information should be provided in Section 1, Item 13. Residual/septage treatment information should be provided in Section 2, Item 7. All other applicable sections of this form should also be completed.

A separate Item 3 of this section must be completed for each wastewater treatment facility which transports residuals to this residuals/septage management facility.

SECTION 8. DOCUMENTATION SUBMITTED

Indicate whether the following documentation is attached to this application.

1. **General Application Requirements** - A process flow diagram, site plan, and location map are required with this application. All maps and drawings should be on paper or other material suitable for reproduction. If possible, all sheets should be approximately letter size with margins suitable for filing and binding. As few sheets as necessary should be used to clearly support the application. All sheets should include a title which includes the applicant's name, facility location, date of drawing, and designation of the number of sheets of each diagram type as "Page ___ of ___".
 - a. **Process Flow Diagram** - The process flow diagram, a line drawing of the wastewater flow through the treatment facility, should identify each treatment unit (including the residuals treatment processes) and show the current average design flows to each unit. The title is to be headed by the statement "Process Flow Diagram."
 - b. **Site Plan** - The site plan should show the current status (i.e., operational, not operational, abandoned, etc.) and the location of all operation and unit processes. The title is to be headed by the statement "Site Plan."
 - c. **Location Map** - The location map should be an 8 1/2" x 11" copy of a USGS map extending one mile beyond the facilities boundaries showing the treatment facility location, the reuse or disposal system location, the land application system site(s), and the receiving waterbody location, as applicable. The location of each discharge structure and reuse or land application site, including any and all outfall devices, dispersive devices, and nonstructural points of reuse or disposal should be shown. For discharges to surface waters, the structure must be identified using the 4-digit serial number specified in Section 3.A.1. The location of each reuse and land application system must be identified using the 4-digit serial number specified in Section 3.B.1. The location of each underground injection well facility must be identified using the 4-digit serial number specified in Section 3.C.1. On all maps of rivers, the direction of the current is to be indicated by an arrow. In tidal waters, the directions of the ebb and flow tides are to be shown. The map should show those wells, springs, sinkholes, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area. The title is to be headed by the statement "Location Map". Be sure to include the name and date of the USGS map provided.

- d. *Agricultural Use Plan or Dedicated Site Plan* - If the method of residuals use or disposal is by land application, attach as applicable, an up-to-date Agricultural Use Plan or Dedicated Site Plan with the application as required by Chapter 62-640, F.A.C.
- e. *Capacity Analysis Report* - Applications for modifications to existing facilities and applications for permit renewal shall include a capacity analysis report if required by Rule 62-600.405, F.A.C.
- f. *Results of Whole Effluent Biological Toxicity Testing* - For facilities discharging to surface waters, applications for modifications to existing facilities and applications for permit renewal shall include the results of whole effluent biological toxicity testing as required by Rules 62-620.450 and 62-620.455, F.A.C.
- g. *Reuse Feasibility Study* - In accordance with Section 403.064, Florida Statutes, if the wastewater treatment facility is located in an area that has been designated as a water resource caution area by the Water Management District, a reuse feasibility study must be submitted with this application.
- h. *Binding Agreements and Documentation of Controls on Individual Users of Reclaimed Water* - In accordance with Rules 62-620.450 and 62-620.455, F.A.C., for projects involving the discharge of reclaimed water or effluent onto property not owned or under the direct control of the permittee, the application shall include a binding agreement, generally for the term of the useful life of any treatment, reuse, or disposal facilities, to ensure adequate operation and maintenance of facilities. For reuse projects permitted under Part III of Chapter 62-610, F.A.C., the permittee shall submit documentation of controls on individual users of reclaimed water through detailed agreements or by local ordinances as set forth in Rule 62-610.491, F.A.C.

2. *Additional Application Requirements for New Facilities and Modifications to Existing Facilities*

- a. *Preliminary Design Report* - For all projects involving construction of new facilities or modifications to existing facilities, a preliminary design report must be submitted in support of this application pursuant to Rule 62-620.450, F.A.C. The preliminary design report must address each applicable section of Rule 62-600.715, F.A.C., and, for reuse and land application systems, Rule 62-610.310, F.A.C., and for residuals management facilities, Rule 62-640.880, F.A.C. The preliminary design report shall be signed and sealed by the engineer of record.
- b. *Documentation of Compliance with Antidegradation Requirements* - If the proposed project includes a new discharge to surface waters or an expansion of an existing discharge to surface waters, attach documentation supporting that the proposed new or expanded discharge meets the antidegradation requirements contained in Rule 62-4.242, F.A.C.
- c. *Public Service Commission (PSC) Certification Number and Copy of Certificate or Order Number and Copy of Order* - In accordance with Rule 62-620.450, F.A.C., new domestic wastewater treatment plants serving an area located in a county regulated by the PSC must obtain, before permit issuance, either a certificate of authorization or an order of exemption. Attach a copy of the certification number and a copy of the certificate or the order number and a copy of the order.
- d. *Letter from the Management and Storage of Surface Waters (MSSW) Permitting Agency* - To comply with the requirements of Rule 62-610.465, F.A.C., if the project is to be permitted under Part III of Chapter 62-610, F.A.C., if golf course lakes are used for storage, and if these lakes also serve as part of the stormwater management system, provide a concurrence letter from the Management and Storage of Surface Waters (MSSW) permitting agency stating that the lakes have sufficient capacity for both stormwater management and storage of reclaimed water.

- e. *Request for Approval of Monitoring Plans for Discharge of Domestic Wastewater to Wetlands* - If the discharge is to a wetlands, attach to this application a completed DEP Form 62-1.205(11) in accordance with Rule 62-611.600, F.A.C.
- f. *Concurrent Application for Ground Water Disposal by Underground Injection* - If the discharge is ground water disposal by underground injection, concurrent application using DEP Form 62-1.209(9) is required.
- g. *Application for Monitoring Plan Approval* - If the facility is required to monitor groundwater in accordance with Chapter 62-522.600, F.A.C., a complete DEP Form 62-522.900(1), Application for Monitoring Plan Approval, shall be submitted with this application.

3. *Additional Application Requirements for Permit Renewals*

- a. *Operation and Maintenance Performance Report* - An operation and maintenance performance report shall be submitted with the application pursuant to Rule 62-600.735, F.A.C.
- b. *Reclaimed Water or Effluent Analysis Report* - In accordance with Rule 62-601.300, F.A.C., wastewater treatment facilities with a permitted capacity of 100,000 gpd or greater that discharge to ground waters via reuse or land application systems shall complete and submit DEP Form 62-601.900(4), Reclaimed Water or Effluent Analysis Report, with any application to renew a permit.
- c. *Technical Evaluation of Need to Revise Local Pretreatment Limits* - For all domestic wastewater facilities with an approved pretreatment program, the applicant shall submit a copy of the latest program approval letter with the application and a written technical evaluation of the need to revise local limits in accordance with Chapter 62-625, F.A.C.
- d. *Results of Mechanical Integrity Tests* - For underground injection facilities, attach the results of mechanical integrity tests as referenced in Rule 62-28.130, F.A.C.

SECTION 9. CERTIFICATIONS

As indicated, complete the appropriate certifications for new facilities, modifications to existing facilities, and permit renewals.

This application and all attachments shall be signed in accordance with Rule 62-620.305, F.A.C. Also, this application and all attachments shall be signed and sealed by a professional engineer registered in Florida in accordance with Rule 62-620.310, F.A.C.

TABLE 1

TREATMENT CODES.

The treatment operations shown in this table are, in general, arranged in the order in which they normally occur during wastewater and residuals treatment, reuse, or disposal. Enter the codes which most clearly define your plant operations as requested on the application form in the sequence in which they occur. Where parallel or alternate operations are involved, list the codes one after the other, but enclose all of them in slashes.

In most instances, each major operation is designated by a single letter. To allow more specific definition of complex operations, one or two letters have been added to the basic codes showing variations in processes or techniques. For example, the basic code for filtering operations is "F". To show that it is a sand filter, an "S" is added to make the code "FS". It is further defined to show an intermittent sand filter as "FSI".

J	- Equalization.	ASR	- Completely mixed step aeration and sludge return.
JS	- Surge Tank.	ASG	- Stage aeration including intermediate settling.
S	- Screens.	ASC	- Contact stabilization (provides aeration period less than 2 hours in contact tank).
SC	- Comminutor (grinding of influent wastewater stream).	ASE	- Extended aeration.
M	- Metering.	ASO	- Pure oxygen used (80 percent+).
G	- Grit chamber.	AP	- Treatment by plain aeration.
GA	- Aerated grit chamber.	APC	- Contact aeration (fixed media, i.e., contact plates or frames).
O	- Grease removal and skimming tanks not incidental to settling tanks.	APP	- Plain aeration (no sludge return).
OA	- Aerated tank (diffused air).	APO	- Oxidation ditch.
E	- Pretreatment.	F	- Filters.
EA	- By aeration.	FC	- Contact beds including dosing siphons.
EG	- By chlorine gas.	FS	- Sand filters.
EH	- By hypochlorite.	FSI	- Intermittent sand filters.
EZ	- By ozonation.	FSR	- Rapid sand filters or other sand straining including subsurface.
ET	- By temperature control.	FO	- Roughing filters.
EO	- By other.	FT	- Trickling filters.
C	- Primary settling tanks and holding tanks.	FTH	- High rate trickling filters.
R	- Intermediate settling tanks (include only if used as part of other than additional treatment processes).	FTL	- Low rate trickling filters.
AS	- Activated sludge treatment.	K	- Intermediate treatment (include only if used as part of other than additional treatment processes).
ASN	- Conventional (approximately 4 to 8 hours of aeration with approximately 25 percent sludge return).	KG	- Coagulation.
ASA	- High rate aeration (less than 4 hours aeration).	KF	- Flocculation.
AST	- Tapered aeration (variable aeration along length of tank).	N	- Final settling tanks.
ASS	- Step aeration.	P	- Disinfection.
ASP	- Plug flow.	PG	- By chlorine gas.

TABLE 1 - TREATMENT CODES (continued)

PH	- By hypochlorite.	Z	- Residuals conditioning.
PO	- By ozone.	ZY	- Elutriation.
I	- Application of reclaimed water to land.	W	- Additional treatment.
IR	- Irrigation of restricted access areas (Part II).	WH	- Heavy metals removal.
IP	- Irrigation of public access areas (Part III).	WP	- Phosphorus removal.
IE	- Irrigation of edible food crops (Part III).	WS	- Suspended solids removal.
ID	- Rapid-rate land application systems (Part IV).	WA	- Carbon absorption.
IA	- Absorption fields (Part V).	WB	- Breakpoint chlorination.
IO	- Overland flow systems (Part VI).	WC	- Chemical coagulation and sedimentation.
L	- Lagoons or ponds.	WD	- Distillation.
LE	- Evaporation (no discharge).	WE	- Electrical processes.
LS	- Seepage (no discharge).	WEC	- Electrochemical.
LP	- Settling.	WED	- Electrodialysis.
LH	- Holding or detention.	WG	- Evaporation.
LT	- Emergency storage only.	WF	- Filtration.
LO	- Stabilization.	WK	- Foaming.
LA	- Aeration provided.	WI	- Ion exchange.
D	- Residuals stabilization.	WJ	- Dissolved air floatation.
DN	- Anaerobic.	WL	- Lagoons-polishing only.
DA	- Mechanical aeration provided (aerobic digestion).	WM	- Microscreening.
DD	- Diffused aeration provided (aerobic digestion).	WN	- Nitrogen removal.
DL	- Lime stabilization.	WNS	- Ammonia stripping.
DC	- Composting.	WNA	- Biological nitrification 1 stage.
DR	- Air Drying.	WNB	- Biological nitrification 2 stage.
DH	- Heat Drying.	WND	- Denitrification by anaerobic digestion and suspended growth chamber.
DT	- Heat Treatment.	WNC	- Denitrification by anaerobic digestion and packed columns.
DM	- Thermophilic Aerobic Digestion.	WX	- Chemical oxidation.
DB	- Beta Ray Irradiation.	WU	- Neutralization.
DG	- Gamma Ray Irradiation.	WR	- Reverse osmosis.
DP	- Pasteurization.	WV	- Solvent extraction.
Q	- Blending.	X	- Residuals disposal.
B	- Residuals drying beds.	XA	- Applied to agricultural lands.
H	- Residuals storage tanks (not second stage digestion units).	XD	- Distribution and Marketing.
T	- Residuals thickener.	XF	- Burned for fuel.
TA	- Air flotation.	XI	- Incinerated.
V	- Mechanical residuals dewatering.	XN	- Used for landfill.
VC	- Centrifuge.	XR	- Land reclamation.
VV	- Rotary vacuum filter.	XO	- Wet air oxidation.
VP	- Press.		
VH	- Heat treatment.		

TABLE 2

GENERAL ACTION DESCRIPTION CODES

	Key word
General action description:	
New facility.....	NEW
Modification (no increase in capacity or treatment).....	MOD
Increase in capacity.....	INC
Increase in treatment level.....	INT
Both increase in treatment level and capacity.....	ICT
Specific action description:	
Primary.....	PRI
Secondary.....	SEC
Advanced.....	TER
Polishing lagoon.....	PLA
Phosphorus removal.....	PHO
Nitrogen removal.....	NIT
Organic removal.....	ROR
Disinfection.....	DIS
Residuals processing.....	SLP
Residuals disposal.....	SLD
Outfall.....	OUT
Sanitary intercepting sewer.....	SIN
Sanitary collector sewer.....	CSE
Pumping station.....	IFU
Force Main.....	FUM
Infiltration correction.....	INI

TABLE 3

UNITS OF MEASUREMENT BY SIC CODE (Industry)

SIC Codes(s)	Code	Units of Measurement	Industry
201; 2077	A-1	Pound live weight killed (meatpacking in slaughter house or packing house; poultry processing)	Meat products.
	A-2	Pound product (slaughtering and rendering; processing)	
	A-3	Pound raw material (rendering in offsite plant)	
202; 5143	B-1	1,000 pound milk equivalent	Dairy products.
2033; 2034; 2037; 2038	C-1	Ton raw material	Canned and preserved fruits and vegetables.
204	D-1	1,000 bu processed	Grain mill products.
2061	E-1	Ton sugar cane processed	Raw cane sugar.
2062	E-2	Ton raw sugar processed	Cane sugar refining.
2063	E-3	Ton beets sliced	Beet sugar.
2077 (See SIC 201.)			
2084	F-1	Ton grapes pressed	Wines, brandy, and brandy spirits.
	F-2	1,000 gallons wine (table wine, for process season only)	
2085	F-3	1,000 bu grain processed	Distilled liquor, except brandy.
2086	F-4	1,000 standard cases	Bottled and canned soft drinks.
2091;2092	G-1	Ton raw material	Seafoods.
22	H-1	1,000 lb raw material	Textile mill products.
	H-2	or 1,000 lb product	
2421	I-1	1,000 fbm	Sawmills and planing mills.

2435;2436	I-2	1,000 ft ³ on three-eighths inch basis	Veneer and plywood.
2491	I-3	1,000 ft ³ treated	Wood preserving.
2492	I-4	1,000 ft ³ on a three-fourths inch basis	Particle board.
26	J-1	Ton product	Paper and allied products.
2812;2816;2819	K-1	Ton product	Inorganic chemicals.
2821;2823; 2824;2891;3079	L-1	1,000 pound product	Plastic materials and synthetic industry.
2822	M-1	1,000 pound rubber produced	Synthetic rubber (vulcanizable elastomers).
283	N-1	1,000 pound raw material	Drugs and pharmaceuticals.
2841	O-1	1,000 pound product	Soap and detergents.
	O-2	or 1,000 gallon product	
2865;2869	P-1	1,000 pound product	Organic chemicals.
2873;2874;2875	Q-1	1,000 ton product	Fertilizer industry.
2879	R-1	1,000 pound product	Agricultural chemicals and pesticides.
2891 (See SIC 2821)			
2911	S-1	1,000 bbl crude or partially refined feedstock (stream day)	Petroleum refining.
3011;3021; 3031;3041;3069	T-1	1,000 pound raw material	Rubber products.
3111	U-1	1,000 pound green salted hides or pickled skins	Leather tanning and finishing.
3211;3231	V-1	1,000 ton product	Flat glass and glass products made from purchased glass.
	V-2	or 1,000 ft ² mirrored surface (for mirrored glass only)	
3241	V-3	1,000 bbl product	Hydraulic cement.
327	V-4	1,000 ton product	Concrete, gypsum, and plaster products.
3292	V-5	1,000 ton asbestos used	Asbestos products.

331	W-1	Ton dry coal	Coke making.
	W-2	Ton hot metal	Blast furnaces.
	W-3	Ton liquid steel	Steelworks.
	W-4	Ton hot formed steel	Hot forming.
	W-5	Ton processed steel	Rolling and finishing mills.
332	W-6	Ton metal cast	Iron and steel foundries.
333	X-1	1,000 pound metal product	Primary smelting and refining of nonferrous metals.
334	X-2	1,000 pound metal product	Secondary smelting and refining of nonferrous metals.
335	X-3	1,000 pound metal processed	Rolling, drawing, and extruding of nonferrous metals.
336	X-4	1,000 pound metal cast	Nonferrous foundries.
3465;3711;3714	Y-1	Unit production	Automobile manufacturing
	Y-2	or square feet	
4911;4931	Z-1	1,000 MWd generated	Electric power services.
4961	Z-2	1 million pound steam produced	Steam supply.



WASTEWATER APPLICATION FORM 2A

FOR A DOMESTIC WASTEWATER FACILITY PERMIT

Instructions for selected items are included in the "INSTRUCTIONS FOR FORM 2A". Refer to these instructions before filling out each item.

SECTION 1. APPLICANT AND FACILITY DESCRIPTION

1. Application Type

- ☐ New
☐ Substantial Modification
☐ Permit Renewal

2. Facility Type

- ☐ Wastewater Treatment
☐ Reuse or Disposal
☐ Limited Wet Weather Discharge
☐ Residuals/Septage Management

3. Treatment Facility Information

a. Name

b. Facility Identification Number

c. Location

Number and Street
City/State/Zip Code
Telephone

() _____

Latitude

Longitude

Dates Coordinates Determined

Method Used to Obtain Coordinates

____ ° ____ ' ____ " N
____ ° ____ ' ____ " W
____ / ____ / ____

d. Ownership Type

- ☐ Municipal
☐ County
☐ State
☐ Private

e. Contact

Name
Telephone

()

f. Facility Mailing Address

Number and Street
City/State/Zip Code

g. Year Facility Began Operation

h. Year of Facility's Last Substantial Modification

4. Applicant or Authorized Representative

Legal Name
Number and Street
City/State/Zip Code
Telephone

()

5. Applicant's Authorized Agent

Name and Title
Number and Street
City/State/Zip Code
Telephone

()

6. Project Name and Description

7. Collection System Length

_____ miles

8. Industrial Wastewater Contributions

a. Average Daily Flow

_____ mgd

b. Does this facility have an approved pretreatment program?

___ Yes ___ No

Coordinator Name
Number and Street
City/State/Zip Code
Telephone

()

9. Municipalities or Areas Served

Name of Municipality or Area	Population Served
Total Population Served	

10. Reclaimed Water Reuse and Effluent Disposal

Method of Reuse or Disposal	Number of Reuse or Disposal Points	Total Design Capacity (mgd)	Basis of Design Flow
Surface Waters - Excluding Ocean Outfalls and Wetlands (Rule 62-600.510, F.A.C.)			
Ocean Outfalls (Rule 62-600.520, F.A.C.)			
Wetlands (Rule 62-600.620, F.A.C.)			
Reuse of Reclaimed Water and Land Application (Rule 62-600.530, F.A.C.)			
Ground Water Disposal by Underground Injection (Rule 62-600.540, F.A.C.)			
Other (Describe.)			
Total Item 7			

11. Number of Seasonal or Periodic Discharges

12. Flows to Another Wastewater Facility

- a. Does part of the facility's flow go into a collection/transmission system or reclaimed water distribution system under another responsible organization?

___ Yes ___ No

b. If yes, which one?

☐ Collection/Transmission System
☐ Reclaimed Water Distribution System

c. Responsible Organization Receiving the Flow

Name
Number and Street
City/State/Zip Code

d. Name of Facility Which Receives the Flow

e. Facility Identification Number of Facility Which
Receives the Flow

f. Average Daily Flow Discharged to the
Receiving Facility

_____ mgd

13. Residuals Use or Disposal

a. Amount of Residuals Generated by the Facility

_____ dry tons/year

b. Does this facility receive residuals from another
facility for further treatment and disposal?

☐ Yes ☐ No

c. Method of Residuals Use or Disposal

Method	Number of Sites or Number of Receiving Facilities	Dry Tons Used or Disposed Per Year
Land Application (Chapter 62-640, F.A.C.)		
Distribution and Marketing (Chapter 62-640, F.A.C.)		
Landfill Disposal (Chapter 62-701, F.A.C.)		
Incineration (Chapter 62-200 Series, F.A.C.)		
Transport to Another Treatment Facility		
Other (Describe.)		
Total		

- d. If residuals are transported to another facility for landfill disposal, incineration, or treatment, provide the facility name, Facility identification number and address.

Name

Facility Identification Number

Number and Street

City/State/Zip Code

County

Telephone

Treatment Codes for Receiving Facility

14. Permits and Applications

- a. Expiration Date of Current NPDES Permit

- b. Expiration Date of Current DEP Permit

- c. Existing, Pending, or Denied Permits and Permit Applications

Issuing Agency	Permit Type	Permit Number	Date Filed	Date Issued	Date Denied	Date of Expiration
			/ /	/ /	/ /	/ /
			/ /	/ /	/ /	/ /
			/ /	/ /	/ /	/ /
			/ /	/ /	/ /	/ /

- d. Orders and Notices

Type or Order or Notice	Issuing Agency	Date of Order or Notice
Notice or Violation		
Consent Order		
Administrative Order		
Other (Describe.)		

SECTION 2. TREATMENT FACILITY DESCRIPTION**1. Description**

2. Treatment Codes

—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—

3. Design Capacity of the Treatment Facility

Current Design Capacity

Proposed Incremental Design Capacity

Proposed Total Design Capacity

_____ mgd
 + _____ mgd
 = _____ mgd

4. Basis of Design Flow

_____ Annual Average Daily Flow
 _____ Maximum Monthly Average Daily Flow
 _____ Three-Month Average Daily Flow
 _____ Other

If other, specify.

5. Design Treatment Levels

Parameter	Effluent Concentration	Units	Basis	Percent Removal
pH		Standard Units		
CBOD ₅		mg/L		
TSS		mg/L		

Serial Number(s) _____

6. Disinfection Level Provided

- ___ Low-level
- ___ Basic
- ___ Intermediate
- ___ High-level
- ___ High-level Alternative

If the facility disinfects by chlorination and the discharge is to surface waters, is dechlorination provided?

___ Yes ___ No

7. Residuals Treatment

a. Class of Residuals

- ___ Class AA (Rule 62-640.850, F.A.C.)
- ___ Class A (Rule 62-640.600, F.A.C.)
- ___ Class B (Rule 62-640.600, F.A.C.)
- ___ Other

If other, describe.

b. Parameter Concentrations

Total Nitrogen
Total Phosphorus
Total Potassium
Cadmium
Copper
Lead
Nickel
Zinc
pH
Total Solids
Other Parameters (Describe.)

_____ % dry weight
_____ % dry weight
_____ % dry weight
_____ mg/kg dry weight
_____ mg/kg dry weight
_____ mg/kg dry weight
_____ mg/kg dry weight
_____ mg/kg dry weight
_____ standard units
_____ %

Date of Sample

_____/_____/_____

8. Reliability Class

- ___ Class I
- ___ Class II
- ___ Class III
- ___ Other Equivalent Reliability

Serial Number _____

SECTION 3. A. DISCHARGES TO SURFACE WATERS (including wetlands)

1. Discharge Serial Number and Name

Discharge Serial Number _____
Discharge Name _____
Previous Discharge Serial Number _____

2. Discharge Location

County _____
City or Town (if applicable) _____
Street or Description _____

Latitude _____ ° _____ ' _____ " N
Longitude _____ ° _____ ' _____ " W
Dates Coordinates Determined _____
Method Used to Obtain Coordinates _____

3. Discharge Operating Dates

Discharge Start Date _____/_____/_____
Discharge End Date _____/_____/_____

Reason for Discontinuing the Discharge _____

4. Design Capacity of the Outfall

Current Design Capacity _____ mgd
Proposed Incremental Design Capacity + _____ mgd
Proposed Total Design Capacity = _____ mgd

5. Basis of Design Flow

____ Annual Average Daily Flow
____ Maximum Monthly Average Daily Flow
____ Three-Month Average Daily Flow
____ Other _____

If other, specify. _____

Serial Number _____

6. Basis for Effluent Limitations

☐ TBEL
☐ Level I WQBEL
☐ Level II WQBEL
☐ Other

If other, specify.

Date Effluent Limitations Established

7. Discharge Point Description

☐ Ocean
☐ Stream
☐ Estuary
☐ Lake
☐ Wetland
☐ Other

If other, specify.

8. Receiving Waterbody Name

9. Type of Receiving Waterbody

☐ Fresh
☐ Brackish or Marine

10. Classification of Receiving Waterbody

☐ Class I
☐ Class II
☐ Class III
☐ Class IV
☐ Class V

Is the receiving waterbody contiguous to,
or identified as, an Outstanding Florida Water
(OFW) or an Outstanding National Resource Water?

☐ Yes ☐ No

If yes, name and locate on a USGS map.

11. Outfall Information

Description of Outfall and Diffuser

Construction Materials

Length From Shore

Diameter

Discharge Depth Below Water Surface

Receiving Water Bottom Depth Below Water Surface

_____ feet
_____ inches
_____ feet
_____ feet

Serial Number _____

12. Surface Water Improvement and Management (SWIM)

a. Will the discharge affect any SWIM plan waterbodies?

___ Yes ___ No

b. If yes, name the waterbody.

c. Has the SWIM plan been approved by a water management district and the Department?

___ Yes ___ No

d. If yes, attach documentation that the proposed discharge is consistent with the SWIM plan.

13. Additional Information Required for Seasonal or Periodic Discharges

Frequency
Duration
Volume
Occurrence

_____ Times Per Year
_____ Days
_____ Thousand Gallons Per Incident

	Jan		May		Sep
	Feb		Jun		Oct
	Mar		Jul		Nov
	Apr		Aug		Dec

14. Additional Information Required for Limited Wet Weather Discharges Permitted in Accordance with Rule 62-610.860, F.A.C.

a. Downstream Waterbody

Name of nearest downstream lake, estuary, reservoir, OFW, or Class I water. Show location on a USGS map.

Downstream Waterbody Description

___ Ocean
___ Stream
___ Estuary
___ Lake
___ Wetland
___ Other

If other, specify.

Serial Number _____

Classification of Downstream Waterbody

____ Class I
____ Class II
____ Class III
____ Class IV
____ Class V

Distance Downstream

_____ miles

Average Flow Velocity During
Anticipated Periods of Discharge

_____ feet per second

Travel Time During Anticipated
Periods of Discharge

_____ hours

b. Rainfall Information

Rainfall Gauging Station Location

Period of Record Analyzed:

Beginning Year

Ending Year

Number of Years

Average Annual Rainfall

_____ inches per year

c. Simulation of Operation of the Reuse,
Storage, and Limited Wet Weather Discharge
for an Average Rainfall Year

Year Simulated

Annual Rainfall During Average Year

_____ inches

Number of Days Limited Wet Weather Discharge
is Used During Average Rainfall Year (N)

_____ days

Percent of the Days of the Year that the
Limited Wet Weather Discharge will Occur
During Average Rainfall Year (P)

_____ %

Note:

$P = [(N) / (365)] \times 100\%$

P cannot exceed 25% or be less than 1%.

d. Reclaimed Water Quality (maximum monthly average)

CBOD₅

_____ mg/L

TKN (as Nitrogen)

_____ mg/L

e. Minimum Acceptable Stream Dilution Factor (SDF) _____

Note:

$$SDF = P(0.085 \times CBOD_5 + 0.272 \times TKN - 0.484)$$

The values for CBOD₅ and TKN should be in terms of maximum monthly average limitations as provided in 14.d. above. The value of P should be as calculated in 14.c. above.

f. Adjusted Stream Dilution Factor _____

Note:

If the travel time shown in 14.a., above, is less than 24 hours, provide the adjusted minimum acceptable stream dilution factor.

$$\text{Adjusted SDF} = SDF \times (24 \text{ hours}) / (\text{travel time in hours})$$

15. Additional Information Required for Wetland Discharges

- a. Is the wetland a jurisdictional wetland (i.e. within the landward extent of waters as defined in Rule 62-301.400, F.A.C., or isolated and not owned entirely by one person, or owned entirely by the State)?

___ Yes ___ No

- b. Will the wetland be used as a treatment wetland or receiving wetland?

___ Treatment
___ Receiving

If the wetland is to be used as a treatment wetland, attach documentation showing ownership or the applicant's legal interest in the treatment wetland.

- c. If the wetland is to be used for treatment, identify the type.

___ Man-made
___ Hydrologically Altered
___ Unaltered

- d. Is the wetland herbaceous or woody?

___ Herbaceous
___ Woody

- e. Identify the classification of surface waters within the wetland.

___ Class I
___ Class II
___ Class III
___ Class IV
___ Class V

- f. Are the waters within the wetland part of an OFW?

___ Yes ___ No

Serial Number _____

16. Operational Data

a. Description of Influent and Effluent

	Influent	Effluent					
Parameter	Annual Average	Annual Average	Lowest Monthly Average	Highest Monthly Average	Frequency of Analysis	Number of Analyses	Sample Type
Flow mgd							
pH Units							
Fecal Coliform Bacteria Number/100 mL							
CBOD 5-day mg/L							
Chlorine Total Residual mg/L							
Total Suspended Solids mg/L							
Ammonia (as N) mg/L							
Kjeldahl Nitrogen mg/L							
Nitrate (as N) mg/L							
Total Phosphorus (as P) mg/L							
Dissolved Oxygen mg/L							

a. Description of Influent and Effluent (continued)

	Influent	Effluent					
Parameter	Annual Average	Annual Average	Lowest Monthly Average	Highest Monthly Average	Frequency of Analysis	Number of Analyses	Sample Type

b. Additional Wastewater Characteristics

Parameter	Present	Parameter	Present	Parameter	Present
Bromide		Cobalt		Thallium	
Chloride		Chromium		Titanium	
Cyanide		Copper		Tin	
Fluoride		Iron		Zinc	
Sulfide		Lead		Algicides*	
Aluminum		Manganese		Chlorinated Organic Compounds*	
Antimony		Mercury		Oil and Grease	
Arsenic		Molybdenum		Pesticides*	
Beryllium		Nickel		Phenols	
Barium		Selenium		Surfactants	
Boron		Silver		Radioactivity*	
Cadmium					

* Provide specific compound or element as "Additional Information", if known.

Serial Number _____

SECTION 3. B. REUSE AND LAND APPLICATION SYSTEMS

1. Reuse or Land Application System Serial Number and Name

Reuse or Land Application System Serial Number _____
Reuse or Land Application System Name _____
Previous Reuse or Land Application System Serial Number _____

2. Reuse or Land Application System Location

County _____
City or Town (if applicable) _____
Street or Description _____

Latitude _____ ° _____ ' _____ " N
Longitude _____ ° _____ ' _____ " W
Dates Coordinates Determined _____ / _____ / _____
Method Used to Obtain Coordinates _____

3. Reuse or Land Application System Operating Dates

System Operation Start Date _____ / _____ / _____
System Operation End Date _____ / _____ / _____

Reason for Discontinuing System Operation _____

4. Design Capacity of the Reuse or Land Application System

Current Design Capacity _____ mgd
Proposed Incremental Design Capacity + _____ mgd
Proposed Total Design Capacity = _____ mgd

5. Basis of Design Flow

____ Annual Average Daily Flow
____ Maximum Monthly Average Daily Flow
____ Three-Month Average Daily Flow
____ Other _____

If other, specify. _____

6. Underdrains and Perimeter Ditches

a. Is the reuse or land application system underdrained? _____

____ Yes ____ No

Serial Number _____

b. Are perimeter ditches used?

___ Yes ___ No

If yes, will they be excavated to a depth which will intersect the seasonal high ground water table or the ground water mound during any portion of the year?

___ Yes ___ No

7. Type of Reuse or Land Application System

- ___ Slow-rate land application system/restricted public access (Chapter 62-610, F.A.C., Part II)
- ___ Slow-rate land application system/public access areas, residential irrigation, and edible crop irrigation (Chapter 62-610, F.A.C., Part III)
- ___ Rapid-rate land application system (Chapter 62-610, F.A.C., Part IV)
- ___ Absorption field system (Chapter 62-610, F.A.C., Part V)
- ___ Overland flow system (Chapter 62-610, F.A.C., Part VI)
- ___ Other land application system with additional levels of preapplication treatment (Rule 62-610.660, F.A.C.)
- ___ Other land application system with lower levels of preapplication treatment (Rule 62-610.670, F.A.C.)

8. Application Areas and Rates

Site/Use Type/Major User	Area (acres)	Rate (inches/week)	Capacity (mgd)
Total			

9. Additional Information Required for Reuse Systems Permitted Under Part III of Chapter 62-610, F.A.C.

a. Areas Irrigated

- ___ Residential lawns
- ___ Golf courses
- ___ Cemeteries
- ___ Parks, playgrounds
- ___ Landscape areas
- ___ Highway medians, rights-of-way
- ___ Edible crops
- ___ Others

If other, specify.

Serial Number _____

b. Other Uses of Reclaimed Water

- ☐ Toilet flushing
- ☐ Fire protection
- ☐ Construction dust control
- ☐ Aesthetic purposes (decorative ponds, fountains, etc.)
- ☐ Others

If other, specify.

c. How many hours per day, seven days per week, is or will an operator be on-site at the wastewater treatment facility?

_____ hours per day

If the treatment facility is or will be staffed by an operator less than 24 hrs/day, describe the additional levels of reliability included within the treatment or reuse systems. (See Rule 62-610.462, F.A.C.)

d. For permit renewals, list the dates on which the operating protocols (as described in Rule 62-610.463, F.A.C.) were submitted to the Department and the date of the Department's approvals during the last five years.

Date Submitted	Date Approved
/ /	/ /
/ /	/ /
/ /	/ /
/ /	/ /

e. For each site where edible crops are or will be irrigated with reclaimed water, describe the crops grown; the type of application system used; provisions for crop washing and for processing, if any; and provisions for control of public access, if any. (See Rule 62-610.475, F.A.C.)

SECTION 3. C. GROUND WATER DISPOSAL BY UNDERGROUND INJECTION

1. Underground Injection Well Facility Serial Number and Name

Underground Injection Well Facility Serial Number _____
 Underground Injection Well Facility Name _____
 Previous Underground Injection Well Facility Serial Number _____

2. Underground Injection Well Facility Location

County _____
 City or Town (if applicable) _____
 Street or Description _____

Latitude _____ ° _____ ' _____ "N
 Longitude _____ ° _____ ' _____ "W
 Dates Coordinates Determined _____
 Method Used to Obtain Coordinates _____

3. Underground Injection Well Facility DEP Identification Number or Permit Application Number

4. Discharge Operating Dates

Discharge Start Date _____
 Discharge End Date _____

Reason for Discontinuing the Discharge _____

5. Design Capacity of the Underground Injection Well Facility

Current Design Capacity _____ mgd
 Proposed Incremental Design Capacity _____ mgd
 Proposed Total Design Capacity _____ mgd

6. Basis of Design Flow

____ Annual Average Daily Flow
 ____ Maximum Monthly Average Daily Flow
 ____ Three-Month Average Daily Flow
 ____ Other _____

If other, specify. _____

SECTION 4. SCHEDULED IMPROVEMENTS AND SCHEDULES OF IMPLEMENTATION

1. Improvements Required

a. Discharge Serial Numbers, Reclaimed Water
Reuse or Land Application System Serial
Numbers, and Underground Injection Well
Facility Serial Numbers Affected

b. Authority Imposing Requirement

____ Local
____ State
____ Federal
____ Developed by Applicant
____ Other

If other, specify.

c. Improvement Description:

3-character General Action Description

3-character Specific Action Descriptions

2. Implementation Schedule and Actual Completion Dates

Implementation Steps	Schedule	Actual Completion
a. Preliminary Plans Complete	/ /	/ /
b. Final Plans and Specifications Complete	/ /	/ /
c. Financing Complete	/ /	/ /
d. Site Acquired	/ /	/ /
e. Begin Construction	/ /	/ /
f. End Construction	/ /	/ /
g. Begin Reuse or Disposal	/ /	/ /
h. Operational Level Attained	/ /	/ /

Serial Number _____

SECTION 5. INDUSTRIAL WASTEWATER CONTRIBUTIONS

1. Significant Industrial User

Name

Number and Street

City/State/Zip Code

County

2. Primary Standard Industrial Classification Code

3. Principal Product or Raw Material

	Description	Quantity per Day	Units (See Table 3)
Product			
Raw Material			

4. Flow

Volume

_____ Gallons Per Day

Frequency

___ Intermittent ___ Continuous

5. Pretreatment Provided

___ Yes ___ No

6. Characteristics of Wastewater

Parameter Name	Value	Units

SECTION 6. ADDITIONAL INFORMATION REQUIRED FOR PERMIT RENEWALS

1. Have there been any modifications to the treatment facilities or reuse or disposal system, since the issuance of the current permit? If yes, describe on a separate sheet and attach. ___ Yes ___ No

2. For limited wet weather discharges, have any modifications been made to the operation, frequency of discharge, or stream hydrology since the original limited wet weather discharge permit or the most recent permit. If yes, describe on a separate sheet and attach. ___ Yes ___ No ___ NA

3. Have there been any violations during the last six months? If yes, describe on a separate sheet and attach. ___ Yes ___ No

4. Have there been any treatment facility interferences due to the discharge of industrial wastewater to the treatment facility during the last six months? If yes, describe on a separate sheet and attach. ___ Yes ___ No

5. Is there any enforcement action pending against these treatment, reuse, or disposal facilities? If yes, describe on a separate sheet and attach. ___ Yes ___ No

6. Have all previous permit conditions, including pretreatment requirements, monitoring requirements, and operator attendance been complied with? If no, describe on a separate sheet and attach. ___ Yes ___ No

7. For permit renewals involving a limited wet weather discharge permitted under Rule 62-610.860, F.A.C., list the number of days during each of the last five years that the limited wet weather discharge was used. Also, list the total annual rainfall for each year.

Year	Number of Days Used	P (%)	Annual Rainfall (inches)
1.			
2.			
3.			
4.			
5.			
Total/Average			

8. For permit renewals involving a limited wet weather discharge permitted under Rule 62-610.860, F.A.C., provide the number of days during each of the last five years that the actual dilution ratio, as defined in Rule 62-610.860, F.A.C., was less than the minimum SDF and the number of months in which the monthly average CBOD₅ or TKN in the limited wet weather discharge exceeded the permit limitations.

Year	Number of Days the Dilution Ratio Was Less Than SDF	Number of Months the Limits Were Exceeded	
		CBOD ₅	TKN
1.			
2.			
3.			
4.			
5.			

SECTION 7. ADDITIONAL INFORMATION REQUIRED FOR RESIDUALS/SEPTAGE MANAGEMENT FACILITIES

1. Location of Residuals Treatment Processes

(Describe in relation to the wastewater treatment processes.)

2. Type and Amount of Waste Treated at this Facility

Type	Amount (dry tons/day)	Amount (gallons/day)
Residuals	or	
Septage		
Food Establishment Sludge		
Portable Toilet Waste		
Holding Tank Waste		
Boat or Marina Waste		
Other (Describe.)	or	
Total	or	

Is the total amount estimated or actual?

☐ Estimated
☐ Actual

3. Information on Treatment Facilities Transporting Residuals

a. DEP Permit Number

b. Facility Name

Number and Street
City/State/Zip Code
County
Telephone

c. Facility Type

☐ Type I
☐ Type II
☐ Type III

d. Amount of Residuals Received From This Facility

_____ dry tons/day or _____ gpd

Is this amount estimate or actual?

____ Estimated
____ Actual

e. Describe the treatment provided by this facility before transport.

f. Parameter Concentrations

Total Nitrogen

_____ % dry weight

Total Phosphorus

_____ % dry weight

Total Potassium

_____ % dry weight

Cadmium

_____ mg/kg dry weight

Copper

_____ mg/kg dry weight

Lead

_____ mg/kg dry weight

Nickel

_____ mg/kg dry weight

Zinc

_____ mg/kg dry weight

pH

_____ standard units

Total Solids

_____ %

Other Parameters (Describe.)

Date of Sample

____/____/____

4. Describe the manifest system used for tracking residuals during transport from the facilities.

SECTION 8. DOCUMENTATION SUBMITTED

1. General Application Requirements	Attached	
	Yes	No
a. Process Flow Diagram		
b. Site Plan		
c. Location Map		
d. Agricultural Use Plan or Dedicated Site Plan		
e. Capacity Analysis Report		
f. Results of Whole Effluent Biological Toxicity Testing		
g. Reuse Feasibility Study		
h. Binding Agreements and Documentation of Controls on Individual Users of Reclaimed Water		

2. Additional Application Requirements for New Facilities and Modifications to Existing Facilities	Yes	No
a. Preliminary Design Report		
b. Documentation of Compliance with Antidegradation Requirements		
c. Public Service Commission Certification Number and Copy of Certificate or Order Number and Copy of Order		
d. Letter from the Management and Storage of Surface Waters Permitting Agency		
e. Request for Approval of Monitoring Plans for Discharge of Domestic Wastewater to Wetlands		
f. Concurrent Application for Ground Water Disposal by Underground Injection		
g. Application for Monitoring Plan Approval		

3. Additional Application Requirements for Permit Renewals	Yes	No
a. Operation and Maintenance Performance Report		
b. Reclaimed Water or Effluent Analysis Report		
c. Technical Evaluation of Need to Revise Local Pretreatment Limits		
d. Results of Mechanical Integrity Testing		

SECTION 9. CERTIFICATIONS

1. Certifications for Construction of New Facilities or Modifications to Existing Facilities

a. Applicant or Authorized Representative

I certify that the statements made in this application for a permit and all attachments are true, correct, and complete to the best of my knowledge and belief. I agree to retain the design engineer, or another professional engineer registered in Florida, to conduct on-site observation of construction, to prepare a notification of completion of construction, and to review record drawings for adequacy as referenced in Rule 62-620.630, F.A.C. Further, I agree to provide an appropriate operation and maintenance manual for the facilities pursuant to Rule 62-620.630, F.A.C., and to retain a professional engineer registered in Florida to examine (or to prepare or revise, if necessary) the manual. For projects regulated by Chapter 62-610, F.A.C., I agree to provide the additional operation requirements of that Chapter.

(Signature of Applicant or Authorized Representative¹)

(Date)

Name (please type) _____ Company Name _____
Title _____ Company Address _____
Phone _____ City/State/Zip Code _____

b. Professional Engineer Registered in Florida

I certify that the engineering features of this domestic wastewater project have been (designed) (examined) by me and found to conform to engineering principles applicable to such projects. In my professional judgement, this facility, when properly constructed, operated, and maintained, will comply with all applicable statutes of the State of Florida and rules of the Department.

Name (please type) _____
Florida Registration Number _____
Company Name _____
Company Address _____
City/State/Zip Code _____
Phone Number (_____) _____

(Seal, Signature, Date, and Registration Number)

c. Professional Engineer Registered in Florida

I certify that this firm or individual has been retained by the applicant to prepare a notification of completion of construction, to prepare operation and maintenance manuals, and to review record drawings for adequacy as referenced in Rules 62-620.630, 62-600.717, and 62-600.720, F.A.C.

Name (please type) _____
Florida Registration Number _____
Company Name _____
Company Address _____
City/State/Zip Code _____
Phone Number (_____) _____

(Seal, Signature, Date, and Registration Number)

2. Certifications for Permit Renewals

a. Applicant or Authorized Representative

I certify that the statements made in this application for a permit and all attachments are true, correct and complete to the best of my knowledge and belief. I agree to operate and maintain these wastewater facilities in such a manner as to comply with the provisions of Chapter 403, F.S., Chapter 62-600, F.A.C., and all other applicable rules of the Department. Further, an appropriate operation and maintenance manual which has been examined by a professional engineer as certified below is available and located at _____ and can be submitted upon request as part of the permit procedure. A copy of the record drawings or other plans (as applicable) showing modifications to existing facilities, as referenced in Rule 62-600.717, F.A.C., is available at the same location. I also understand that a permit if granted by the Department, is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C., and I will notify the Department in accordance with this rule upon sale or legal transfer of the permitted facilities. In the event of abandonment or inactivation of the facilities, I will notify the Department and ensure that public health and safety are protected as required by Rule 62-620.610, F.A.C.

(Signature of Applicant or Authorized Representative¹)

(Date)

Name (please type) _____ Company Name _____
Title _____ Company Address _____
Phone _____ City/State/Zip Code _____

b. Professional Engineer

I certify that the engineering features of these domestic wastewater facilities have been examined by me and found to conform to engineering principles applicable to such projects. I certify that the operation and maintenance manual for these wastewater facilities has been prepared or examined by me or by individual(s) under my direct supervision and that there is reasonable assurance, in my professional judgement, that the facilities, when properly operated and maintained in accordance with this manual, will comply with all applicable statutes of the State of Florida and rules of the Department.

Name (please type) _____
Florida Registration Number _____
Company Name _____
Company Address _____
City/State/Zip Code _____
Phone Number (_____) _____

(Seal, Signature, Date, and Registration Number)

¹If signed by the authorized representative, attach a letter of authorization.

METROPOLITAN DADE COUNTY, FLORIDA



ENVIRONMENTAL RESOURCES MANAGEMENT
WATER AND SEWER DIVISION
33 S.W. 2nd AVENUE
SUITE 600
MIAMI, FLORIDA 33130-1640
(305) 372-6500

August 1, 1996

RE: SEWER EXTENSION SUBMITTALS

Dear Engineer/Applicant:

Enclosed is the Department of Environmental Resources Management **REVISED** application instructions and a complete package of forms for Sewer Extension Permits, including additional instructions for submittal to DERM.

A full construction permit application (DEP Form 17-604.900 (1)) for future construction of collection and transmission facilities is required in Dade County. A "Dry sewer" construction permit may be issued with specific conditions restricting connection and use until adequate transmission and/or treatment capacity is available. Interim on-site sewage disposal systems, such as septic tanks or package treatment plants, may be approved provided the facilities meet all local, state and federal requirements.

In order to save you time and money and to speed up your service to your client, as well as to facilitate this agency review, every collection transmission system application submitted to this agency for an approval is reviewed against the enclosed check list (see page 6 of this packet). Any deviation from this check list requirements will require DERM to contact the engineer requesting a change or additional information.

THEREFORE, TO AVOID ANY UNNECESSARY DELAY IN THE REVIEW OF YOUR PERMIT APPLICATION, PLEASE MAKE SURE THAT ALL ITEMS IN THE CHECK LIST ARE PROPERLY ADDRESSED.

Please make available this information to other members of your organization that may be involved in designing sewer extensions. If you need additional information please contact DERM Wastewater Section at 372-6899.

Thanks in advance for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jose G. Lopez".

Jose G. Lopez, P.E.
Chief, Wastewater Section
Water and Sewer Division

JGL:ofa
M01474

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- ATTACHMENT G. 8 1/2" X 11" Sample Sketch (Showing connection point.)
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- ATTACHMENT I. Feasible Distance For Sewer Connection Within Private
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LIST OF FORMS

A. DEP FORM

1. DEP FORM 17-604.900(1)
2. DEP FORM 17-604.900(2)

B. DERM FORMS

1. SEWER CAPACITY DETERMINATION APPLICATION
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I. SEWER EXTENSION CONSTRUCTION APPROVAL PROCEDURES

A. INTRODUCTION

This packet contains the directions and forms necessary to apply for approval to construct a Sanitary Sewer Extension Wastewater Collection/Transmission system.

Following the attached procedures you will be fulfilling the construction permit requirements of two agencies at the same time, for Miami-Dade County DERM and the F-DEP. The sanitary sewer construction permit has been delegated to DERM to administer and the requirements of the Miami-Dade County chapter 24 Environmental Protection. The state regulations require that the application fees be paid prior to initiating the review process.

B.

PROCEDURES:

1. APPLICATION FOR PERMIT REQUIREMENTS

Prior to submittal to DERM, all plans, applications and engineering reports, must be signed and sealed by a Registered Professional Engineer in the State of Florida and approved by the utility(s) that operates and maintains the sanitary sewer collection, transmission systems and the wastewater treatment plant.

2. UTILITIES COLLECTION AND TRANSMISSION CAPACITY CERTIFICATION

The applicant shall obtain a transmission capacity certification from all utilities involved in the transmission of the sewage flows generated by the proposed project, up to the Wastewater Treatment Plant operated by the Miami-Dade Water and Sewer Department. This certification shall be signed and sealed by a Professional Engineer(s) registered in the state of Florida, representing each utility. The certification shall include all the municipality's pumping stations throughout which the flows is repumped. The certification shall be included with all sewer extension applications, including those for pump station upgrades which will increase the flows through the municipality. A copy of the form "Utilities Collection and Transmission Capacity Certification" is included on the List of forms on the back.

3. REQUEST FOR INFORMATION (RFI)

Within 30 days of receiving a complete application, if necessary, DERM will request additional information (RFI). If the requested information is not thoroughly satisfied, additional RFI's will be issued. Be advised that once an RFI is issued, the 90 days deadline for DERM to issue the permit is halted until the requested information is submitted. When the response to the RFI is received by DERM, a new 30 day deadline to process an application starts.

Within 90 days of receiving a complete application, DERM will issue the intent to approve or deny the permit., which is valid for five (5) years. Furthermore, pursuant to Section 120.57 Florida Statutes, after issuance of the Sewer Extension permit, all affected parties will have 14 fourteen days to request a hearing due to public's right to object.

If the five (5) year state permit approval expires, and the project is not complete, a new complete application and approval is be required.

Upon completion of a project DERM requires that a fully executed DEP certification form "Domestic Wastewater Collection/Transmission System Certification of Completion Construction" (form 17-1.604.900(2), which includes DERM "Certification of Completion of Construction" on the back and along with the infiltration/exfiltration or pressure tests be submitted. Upon submittal of those document and providing that the Specific Conditions have been met, DERM will issue a letter releasing the new constructed sewers for operation.

"As-built" drawings shall be submitted to the utility company for approval prior to use the system along with copies of of the DEP form (17-1.604.900(2) and DERM form.

Upon certification of private pumping stations, DERM will inspect the stations and will require an operating permit (PSO Permit) to operate the private pump stations.

**SUBSTANTIAL/MINOR MODIFICATIONS
TO COLLECTION/TRANSMISSION
FACILITIES**

II. DEFINITIONS

A. SUBSTANTIAL MODIFICATIONS

A substantial modification is defined in Rule 17-4.050(6), F.A.C., as "a modification which is reasonably expected to lead to substantially different environmental impacts which requires a detailed review". Also, Rule 17-4.050(7), F.A.C., states "modifications to existing permits proposed by the permittee which require substantial changes in the existing permit or require substantial evaluation by the Department of potential impacts of the proposed modifications shall require the same fee as a new application".

A permit fee should be submitted with a permit application and supporting documentation for substantial modifications. The application permit fee for construction of substantial modifications to collection/transmission systems is as specified in Rule 17-4.050.(4)(b)16, F.A.C., or in Rule 17-4.050(4)(i), F.A.C., depending on whether the application is for a specific or general permit. The application permit fees for construction and operation or substantial modifications to wastewater treatment plants, surface water disposal systems, and land application systems for reclaimed water or effluent are as specified in Rule 17-4.050(4)(b)1-6, F.A.C.

B. EXEMPT MODIFICATIONS

Rule 17-4.040(1), F.A.C., states, "structural changes which will not change the quality, nature or quantity of air and water contaminant emissions or discharges or will not cause pollution" are exempted from the permit requirements of Rule 17-4, F.A.C. Exempt modifications require no changes in the existing permit and no evaluation by the Department. Documentation is not required and a permit fee is not charged.

C. COLLECTION/TRANSMISSION SYSTEM MODIFICATIONS

There are two types of modifications that can be made to collection/transmission systems: substantial and exempt.

1. SUBSTANTIAL MODIFICATIONS TO COLLECTION/TRANSMISSION SYSTEMS

Substantial modifications to collection/transmission systems generally increase the quantity of sewage flow to the plant. Modifications are also considered substantial if they affect or have the potential to affect public health and welfare.

Substantial modifications to collection/transmission systems include:

1. Construction of a new gravity sewer and/or force main.
2. Construction of a new pump station.
3. Increase in capacity of an existing gravity sewer and/or force main.
4. Increase in capacity of an existing pump station, if the increase results in an increased flow to the wastewater treatment plant, and
5. Relocation of an existing pump station.

2. EXEMPT MODIFICATIONS TO COLLECTION/TRANSMISSION SYSTEMS

All other modifications to collection/transmission systems are exempt modifications. Exempt modifications to collection/transmission systems include:

1. Replacement of an existing collection/transmission systems,
2. Rehabilitation of an existing collection/transmission system,
3. Construction of laterals from a single establishment,
4. Construction of odor control facilities.
5. Modifications associated with routine maintenance, and
6. Modifications associated with ancillary and electrical equipment and structures.

2

I. DIRECTIONS FOR FILLING UP APPLICATION FOR THE CONSTRUCTION OF SEWER EXTENSIONS

1. Submit three (3) complete Department of Environmental Protection (DEP) Sewer Construction applications (DEP Form 17-604.900(1)). Attach an 8-1/2" x 11" drawing of the proposed project showing it's relationship to the entire service area and how it ties into the existing system, as required in the application directions Sub-part A (6). See sample in Attachments. A sample of a completed application is available upon request. Application forms could also be obtain via Internet at the F-DEP page address www.dep.state.fl.us/rules/ftp.html.
2. Submit a complete "Utilities Collection and Transmission Capacity Certification" form.
3. The application is to be accompanied by three (3) sets of engineering drawings, specifications and the design data as prepared and sealed by a professional engineer registered in the State of Florida as well as approval by the Utility agency.

Two (2) copies of an engineering report are also required to be submitted for projects which include a lift station and/or flows above 10,000 GPD ADF (see guidelines on page 10 of this packet).

4. A check for \$500.00 for facility larger than 10 EDU* or \$300.00 for facility with less than 10 EDU (1 EDU = 350 GPD), made out to the STATE OF FLORIDA - DEP, is required upon submittal.

* EDU = Equivalent Dwelling Units.

5. A second check for the calculated fee, based on the scope of the project, made out to DERM is required prior to obtaining the approved set of plans. See attachment A.
6. The enclosed standard notices on water and sewer must appear on your plans. See attachment B.
7. The enclosed design average daily flows table should be used in calculating the flow from your project. See attachment E.

A reminder, NO CERTIFICATE OF OCCUPANCY will be issued nor a water meter be installed on any building to be served by the project until the corresponding utility has approved as-built drawings for the completed sewer extension system. In addition, the applicant must obtain a Sewer Connection Certification Letter (Allocation Letter) from DERM prior to the issuance of a building permit. See Sewer Capacity Certification Letter Application at the end of this package.

IV. CHECK LIST

**MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT
WATER AND SEWER DIVISION
TRANSMISSION/COLLECTION SYSTEM CHECK LIST**

PROJECT: SE _____ DATE RECEIVED _____ BY _____

PROJECT ASSIGNED TO DERM ENGINEER _____

ITEMS SUBMITTED: _____ CHECKED BY _____ DATE _____

DEP Receipt No. _____	DERM Receipt No. _____
8-1/2 x 11 Drawing (Y/N) _____	Plans Sealed (Y/N) _____
Engineering Report (Y/N) _____	DERM Notes (Y/N) _____

TECHNICAL REVIEW: _____ PERMIT ISSUED DATE: _____

ITEMS FREQUENTLY REQUIRING REVIEW

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Complete Application _____ 2. Type of facility served _____ 3. Average Daily flow(gpd) _____ 4. <u>SITE LOCATION</u> _____ <ul style="list-style-type: none"> A. COI _____ B. Dump site _____ 5. Minimum Pipe Size _____ 6. Pipe materials _____ 7. Slopes/Profile _____ 8. MH Locations _____ 9. DROP MH'S Required? _____ 10. <u>WATER/SEWER SEPARATION</u> _____ <ul style="list-style-type: none"> A. Crossings _____ B. Parallel Runs _____ 11. FM Velocity _____ 12. FM Air Relief Valve _____ 13. Exterior of MH's _____ <ul style="list-style-type: none"> Waterproofed _____ 14. Detail Drawings _____ 15. Process Fee _____ 16. Lateral stubouts _____ 17. Engineering Report on _____ <ul style="list-style-type: none"> Transmission Capacity _____ 18. Utilities Collection and _____ <ul style="list-style-type: none"> Transmission Capacity _____ Certification _____ | <ol style="list-style-type: none"> 19. <u>LIFT STATION</u> _____ <ul style="list-style-type: none"> A. Capacity _____ GPM @ _____ FT B. Floor Slope _____ C. Dual Pumps _____ D. Visual/Audible Alarms _____ E. Sequential Pumps _____ F. Pump Size 4" Min. _____ G. Pass 3" Sphere _____ H. Removable Pumps _____ I. Pumpout Connections _____ J. Emerg. Elec. Connection _____ K. Alarms a. Visual _____ b. Bell _____ <ul style="list-style-type: none"> c. Remote _____ d. Other _____ L. Dry Well Vent _____ M. Wet Well Vent _____ N. Valving OK.? _____ <ul style="list-style-type: none"> (check, gate, location) _____ O. Dry Well Light _____ P. Dry Well Sump _____ Q. Electric Panel _____ R. Lighting & Surge _____ <ul style="list-style-type: none"> Protection _____ S. Facility barricade _____ T. Odor Control _____ U. Non-Resettable Elapsed _____ <ul style="list-style-type: none"> Time meter _____ |
|--|---|

COMMENTS: _____

REQUEST FOR INFORMATION (RFI):

1. Info. Requested _____	Info Received _____
2. Info. Requested _____	Info Received _____
3. Info. Requested _____	Info Received _____

V. DRY LINE SANITARY SEWERS APPROVAL PROCEDURE

"Dry Line" sewer construction permits may be issued with specific limitations. These specific conditions will restrict the connection of approved sewers to the sewer system until they are met and collection, transmission and treatment capacity are demonstrated. These conditions may include completion of projects by the applicant or the utility or other applicant to provide adequate sewage collection/transmission or treatment capacity included but not limited to the improvements in the Utility Collection and Transmission Capacity Certification form.

Interim on-site disposal systems may be approved conditional to connection to the sanitary sewers when capacity is available. These on-site disposal systems must meet all County, State and Federal requirements.

All dry sewer systems built with interim septic tanks must obtain a covenant, that runs with the property, limiting the connection to the sewer system until the specific conditions of the sewer construction permit are fulfilled. A similar agreement is required if an interim package sewage treatment plant (STP) is proposed. The covenant will include the necessary assurances that the interim facilities will be properly and timely abandoned or removed. DERM will provide copy of the covenant to any affected sewer utilities for compliance with the conditions of the covenant.

Interim septic tanks must be approved by HRS under 10D-6 regulations for domestic facilities with unit of title ("establishment" as defined in 10D-6.042(21)) that do not exceed 10,000 GPD flow for residential facilities or 5,000 GPD flow for commercial facilities. However, any sanitary sewers within an establishment with flows greater than 5,000 GPD in which portions of the land are or may be subdivided and owned by individual owners, must submit a sewer construction application for DERM approval.

Interim package step's providing tertiary treatment will be required for any facility with flows larger than 10,000 GPD for residential and 5,000 GPD for commercial. The Environmental Quality Control Board (EQCB) must approve the use of Sewage Treatment Plants (STP) under Chapter 24 requirements. A submittal package for STP approval is available upon request to DERM Wastewater Section. Plan review of STP are subject to DEP requirements, mostly in Sections 17-600 F.A.C. for plant design and 17-610 F.A.C. for effluent disposal.

Water meters may be installed in new facilities provided that the "dryline" construction is complete and approved by DERM and the on-site disposal facilities have been permitted to operate by the appropriate agencies.

VI. UTILITIES COLLECTION AND TRANSMISSION CAPACITY CERTIFICATION

A settlement agreement between Dade County and Florida Department of Environmental Protection (DEP) was approved July 13, 1993 by the Dade County Board of County Commissioners.

Section C of this Agreement outlines all the necessary improvements that Miami-Dade Water and Sewer must complete within a specified time table. Under Section G paragraph 53 of this Agreement the County (Miami-Dade Water and Sewer Authority Department) shall not certify collection permit applications ("Application to Construct Domestic Wastewater Collection/Transmission Systems" DEP Form 17-604.900(1)) unless it can demonstrate that available treatment and transmission capacity will be available at the point in time in which the connection is contributing sewer to the system.

Pursuant to the power and authority granted under the provisions of Section 24-55 to the Director of the Department of Environmental Resources Management (DERM), municipal and county utilities serving any proposed project must provide certification of the projects or improvements of the sewer system that must be completed to demonstrate the necessary transmission capacity for the proposed project at the point in time of connection. DERM will review this transmission capacity certification and request any additional information to include these conditions or any additional conditions as part of the DEP Sewer Construction Permit for "dry sewers".

Be advised that, after the issuance of the sewer extension permit, in order to obtain a building permit, the applicant must submit to DERM Wastewater Section a "Sewer Capacity Certification Letter Application" with the completion schedule by phases. DERM Wastewater Section will then evaluate the application and issue a "conditional" or a "non-conditional" Sewer System Transmission Capacity Certification Letter (Allocation Letter). See form on the back of this packet.

Transmission capacity under the Environmental Protection Agency First Partial Consent Decree Part C applies to WASD's collection systems and entities and municipalities collection systems served in a "bulk" basis by WASD. Adequate transmission capacity shall be demonstrated by utilities certification that each pump station contributing flow to the system of force mains, that receive flow from the pump station immediately downstream from the newly authorized sewer service connection, exhibits a nominal average pump operating time of less than or equal to ten (10) hours per day. Nominal average pump operating time shall be defined as the daily average total pump operating hours for the previous twelve (12) months divided by one less than the total number of pumps installed in that station. Certification of adequate transmission capacity for each newly authorized sewer service connection shall require the consideration of all existing flow and loading, including anticipated wastewater flow, resulting from all previously authorized sewer service connection.

Notwithstanding utility's ability to demonstrate capacity in accordance with the terms and conditions set forth in the above mentioned Consent Decree, for transmission capacity, DERM shall not authorize any sewer service connection to the collection system if; a) the newly authorized sewer service connection may reasonably be expected to cause overflows from any portion of the collection system; or b) the newly authorized sewer service connection may reasonably be expected to cause utilities to violate the effluent limitations in the NPDES permit for the wastewater treatment plant that will receive the flow from the newly authorized sewer service connection; or c) the wastewater treatment plant that will receive flow from the newly authorized sewer service connection is in "non-compliance" as defined in 40 C.F.R. Part 123.45, Appendix A.

In addition, DEP Agreement requires that if the elapsed time for any month exceeds 12 hours per operational pump the utility shall evaluate the inflow and capacity of the pump station and submit a Plan of Corrective Actions to DERM for approval, with recommendations and schedule of completion for correcting deficiencies in a report acceptable to DERM & DEP.

Furthermore, sanitary gravity sewers shall not flow surcharged at any time.

Peak flow shall be defined as average flow as measured or calculated based on the current service area population(s), multiplied by 100 gallons per capita per day, multiply by the peak flow factor. The peak flow factor shall be derived from Ten States Standards, WPCF or USEPA Manuals. Utilities may utilize a different peak flow factor where demonstrated by field studies and measurements certified by the utility and acceptable to DERM & DEP.

Under the DEP Agreement any sewer system with night flows higher than 10 gpm per mile of gravity sewer will be required to implement an infiltration rehabilitation program.

Also, this certification of transmission must satisfy the requirements outlined in the attached letter dated June 2, 1994, from DEP - Mary Williams (attachment C), which serves as an interim guidance in this matter and the recommendations of May 31, 1994 of the Dade County Technical Advisory Workgroup (attachment D), and until such time as the computer modeling being developed by WASD is available for use.

VII. SEWER EXTENSION AND CONNECTION RESTRICTIONS - ENGINEERING REPORT GUIDELINES (7/27/93).

A. SEWER CONSTRUCTION AND ENGINEERING REPORT REQUIREMENTS:

Pursuant to the power and authority granted to the Director of DERM under the provisions of Section 24-37(2) of the Code of Metropolitan Dade County, Florida, utilities were ordered to cease entering into any new sanitary service agreements unless approved by the Director. This prohibition applies both to new sewer construction projects and to new developments abutting existing sanitary sewer lines, and will remain in effect until adequate capacity becomes available in the collection and transmission system. Construction of "dry lines" may be approved with specific conditions to be satisfied prior to actual connection to the public sewer system.

Construction of new sanitary sewers or approval for any project (domestic or industrial) that will increase existing sanitary sewer average daily flows (ADF) above 10,000 gpd ADF, with an existing and valid service agreement with the utility, will require an engineering report.

B. APPLICATION FOR CONSTRUCTION OF NEW SANITARY SEWERS:

Applicable sewer construction application projects must include two copies of an engineering report, signed and sealed by a Professional Engineer registered in the State of Florida. This report must provide the necessary documentation to ensure that the proposed collection/transmission system will be designed, constructed, and operated in compliance with applicable Local and State rules and have adequate downstream capacity to prevent overflows and surcharged conditions during peak flow periods. The statement in item VII must be signed by the utility receiving the new flow in its collection/transmission system.

C. ENGINEERING REPORT:

The Report must include, as a minimum, the following information:

1. A drawing, of the proposed project, showing its relationship to the entire service area, and how it ties into the existing system, at Scale of 1"=300'. The drawing is to be submitted in an 8 1/2" x 11" paper sheet, preferable. However, for larger sheet sizes, the drawing shall also be at scale 1"=300".
2. An 8 1/2"x11" sketch of all pump stations, private or public, discharging to a forcemain or gravity interceptor (mainline sewer) downstream between the point of connection and the WASD regional pump station serving the project.

3. Provide information on the receiving gravity system 12" or less downstream of the project, if applicable, including:

- The exact point of connection to the existing sewer system. If proposed sewer lines discharge to an existing manhole, indicate the corresponding manhole number as shown on the utility sewer atlas. Include in the sketch the path flow by the flow up to the first receiving lift or pump station.
- Identify each manhole with its corresponding manhole number, as shown in the sewer lines profile on the plans.
- Type of pipe and condition of the receiving system.
- Daily peak flow and depth at the first receiving manhole section.
- Minimum and maximum daily flow and/or sewage depth in pipe.

4. Provide information on pump station serving the project, and other pump stations discharging to the same force main, including:

- Number of pumps
- Manufacture's Pump Curves, including the System Operating Curves at the maximum and minimum system operating pressures and the calculated Best Operating Point for each pump.
- Elapsed time information for the last 12 months

5. Include the Engineer's assessment of the new project impact on the existing sewer system. Also the report may identify required improvements in system capacity downstream between the point of connection to the WASD regional pump station serving the project.

Capacity of all down stream pump stations (12 month average elapsed time (ET)) must be included in the report. If the average ET exceeds 10 hours the necessary correction actions and schedule must be included in the Utilities Collection and Transmission Capacity Certification form. The report must assess the possibility of sewage overflows as a result of the five year storm event.

6. A project completion schedule for each phase of the project must be included.

D. ADDITIONAL INFORMATION:

Request for Additional information (RFI) may be required from applicants/utilities for projects located within critical sewer areas and/or ADF larger than 25,000 GPD or if critical information is missing in the submittal. This additional information may include the following:

1. Provide information on all pump stations discharging to the mainline sewer as defined above, including:
 - Number of pumps
 - Pump curves
 - Telemetry or SCADA connection
 - Night flows (1:00 am to 4:00 am) during dry weather and wet weather.
 - Available pump station operational information for the last 12 months:
 - * pressure
 - * flow or operating time
 - * wet well level
 - * number of pumps operating at peak flow
 - Pump type of operation (on/off or variable speed)
2. Provide information on the drainage conditions in the project area, water table elevations and other factors that may have an infiltration and inflow impact on the proposed gravity sewers.

E. DERM REVIEW:

Within 30 days of submittal of the application DERM will notify the engineer and the applicant in writing if additional information is required. In order to insure compliance with applicable sanitary sewer standards DERM may impose specific conditions for the project's approval. These conditions may include, but not be limited to the following:

- Expansion and upgrading of the sanitary sewer facilities downstream of the point of connection.
- Upgrading and repair of system discharging to the same trunk line.
- Infiltration/Exfiltration/Inflow remedial work.
- Upgrading stormwater drainage in critical flooding areas.

F. APPLICANT'S OPTIONS:

The applicant may appeal DERM's decision to the DEP within 14 days after DERM notifies the Applicant of the intended action. Pursuant to Section 403.815, F.S. and DEP Rule 17-130.150 F.A.C., any member of the public has the right to petition for an administrative procedure under Section 120.57, F.S.

Alternative temporary on-site sewage disposal systems such as septic tank or package treatment plant may be approved by the Environmental Quality Control Board provided the facilities meets all local and State regulations. All dry sanitary sewer lines and equipment necessary to connect the system when sewers are available must be approved and constructed with the project.

G. STATEMENT BY UTILITY

Pursuant to Section 17-4.070 F.A.C. DERM requires that the utility receiving the new flow from the proposed project provides reasonable assurance that the increase in flow will not cause a Health Hazard or pollution in contravention of Department standards or rules. The included Utilities Collection and Transmission Capacity Certification signed and sealed by a Registered Professional Engineer in the State of Florida representing the utility must be included with the engineering report. Also identify the first lift or pumping station receiving the flows from the new addition.

VIII. DERM STANDARD REQUIREMENTS / CRITERIA FOR THE DESIGN OF SANITARY SEWERS

A. GRAVITY SEWERS

1. VELOCITY

The minimum design velocity in gravity sewers shall be two (2) feet per second when the pipe is flowing full or half full.

The velocity or minimum standard is calculated using the Manning equation and a minimum $N=0.013$. This minimum N applies to VCP, DIP and PVC. For all other materials the design engineer shall select the appropriate N factor, provide adequate technical justification and submit it to the DERM staff for approval. In no case shall an N of less than 0.013 be selected.

2. SLOPES

Slope in Feet Per 100 Feet

<u>Sewer size</u>	<u>Recommended Standard*</u>	<u>Minimum Standard</u>
	Kutter's formula $N=0.013$	Manning equation $N=0.013$
8"	0.40	0.33
10"	0.28	0.25
12"	0.22	0.20
15"	0.15	0.15
18"	0.12	0.11
21"	0.10	0.09
24"	0.08	0.08

* "Recommended Standards for Sewage Works", 1989 ed.

The upper 400 feet of pipe shall be laid at slopes not less than the minimum recommended by "Recommended Standards for Sewage Works" 1990 edition. This requirement for the upper 400 feet may be waived if site specific conditions show it to be unattainable.

When using slopes below the recommended standards, approval of the sewer design by the utility to be servicing the lines shall be included with the permit application.

3. SLOPE DEVIATION

As-built deviation from design slopes of -10% will be approved. In addition, a tolerance of + 3/8" will be considered in manhole invert elevations. If the allowed manhole deviation from design creates slopes flatter than the 10%, that flatter slope will be considered.

4. REFERENCES

- * "Recommended Standards for Wastewater Facilities". Great Lakes - Upper Mississippi River Board of State of State Public Health and Environmental Managers, 1990 Edition (commonly referred as TEN STATES STANDARDS).
- * "Design and Construction of Sanitary and Storm Sewers". Water Environmental Federation (WEF) Manual of Practice No.9, 1991, (ASCE Manual on Engineering Practice No. 37).
- * Miami-Dade Water and Sewer Authority Department Rules and Regulations of Sewer Service, July, 1985 - Section 3.07(4).
- * Miami-Dade Water and Sewer Department "Supplemental Design Guidelines for Lift Stations and Force Mains", (Pump Station Improvement Program (PSIP)).

B. OTHER DERM DESIGN CRITERIA:

1. LATERAL CONNECTIONS

Lateral stubouts shall be provided in the design for any existing facility abutting the gravity sewers. Reimbursement procedures may be provided by the utility operating the sewer system. See attachment I.

All facilities on septic tanks are required to connect to abutting sewers within 90 days when notified that sewers are available. In addition, a "pump and abandon" permit is required from HRS to deactivate the septic tank. Industrial and commercial facilities may have additional requirements by DERM's Hazardous Facilities Section.

C. PUMP STATION DESIGN CAPACITY

New pump stations and forcemains, for public or private use, must be designed to meet Chapter 40 of the Ten States Standards, 1990 edition. Existing pump stations receiving flows from new projects must have available capacity for the additional flows. The maximum monthly average elapsed time (MMET) including the calculated additional peak flows must not exceed the following criteria:

$$\text{MMET} = \frac{(\text{I/I Factor}) \times (\text{Number of pumps} - 1) \times 24 \text{ hours}}{\text{Peak Flow Factor}}$$

I/I Factor = 1.3

Peak Flow Factor = Ratio of Extreme Flow to Daily Average Flow
from Figure 1 Ten States Standards

D. DEWATERING PERMITS AND TURBIDITY CONTROL

Sewer projects may require dewatering permits from DERM Water Control Section. Notification to the contractors of this requirement may avoid unnecessary enforcement and delays.

ATTACHMENTS

- A. DERM Plan Review Fees.***
- B. Notes on Water - Sewer Installation.***
- C. DEP Mary Williams Letter of June 2, 1994.***
- D. Dade County Technical Advisory Workgroup Recommendations.***
- E. Average Daily Flow for Connection to the Sewerage System.***
- F. WASD Tightens Standards for Gravity Sanitary Sewers.***
- G. 8-1/2" x 11" Sample Sketch of the Proposed Project.***
- H. Final Plats Recommendation - DERM Plan Review.***
- I. Feasible Distance for Sewer Connection Within Private Properties.***

DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

PLAN REVIEW FEES

Sewage Treatment Facilities

- A. New interim sewage treatment facilities review of construction drawings \$875.00
- B. Modification in sewage treatment facility
- | | |
|----------------------|---|
| Project cost | |
| \$0 - \$5,000 | \$185.00 |
| \$5,0001 - \$ 10,000 | \$350.00 |
| \$10,001 - \$130,000 | \$350.00 + \$4 per 1000
of cost in excess of
\$10,000 |
| over \$130,000 | \$850.00 |
- C. Sewer Utility Extension review of construction drawings
1. Land Based:
Gravity or Force Mains
Less than 500 feet \$90.00
500 feet or more \$90.00 + \$0.10/foot in
excess of 500 feet

Lift Stations \$160.00
 2. Marinas:

Less than 50 slips \$65.00
50 slips or more \$125.00
 3. Renewal of approval \$50.00
(one year or more after
separate original approval)

*Fees may vary slightly, if, prior to issuance, it is found that the estimated costs of the project has changed from the estimate made when the permit application was submitted.

NOTES ON WATER-SEWER INSTALLATION

1. A horizontal distance of 10 ft. shall be maintained between water and sewer mains. When the 10 feet horizontal distance criteria cannot be met due to an existing underground facility conflict, the sewer shall be constructed of ductile iron pipe with mechanical joints.
2. A vertical distance of at least 18 inches shall be maintained between any water and sewer mains. The sewer shall be a ductile iron single 20 feet length centered on the crossing if the minimum vertical distance is less than 18 inches or the sewer is installed above the water main (regardless of separation).
3. In highly congested areas, where either water or sewer facilities are existing and the separation requirements cannot be met, special consideration may be given subject to a complete evaluation of existing and proposed conditions.
4. The maximum allowable exfiltration rate of gravity sanitary sewers constructed in a public wellfield protection area shall be fifty (50) gallons per inch pipe diameter per mile per day for residential land use and twenty (20) gallons per inch pipe diameter per mile per day for non-residential land use.
5. Force main sewers constructed in a public wellfield protection area shall be either ductile iron or reinforced concrete pressure sewer pipe. The ductile iron pipe exfiltration rate shall not be greater than the allowable leakage rate specified in American Water Works Association Standard (AWWAS) C600-82 at a test pressure of 100 pounds per square inch.

The reinforced concrete pressure sanitary sewer force main exfiltration rate shall not be greater than one-half (1/2) the allowable leakage rate specified in AWWA C600-82 at a test pressure of 100 pounds per square inch.
6. The contractor shall verify nature, depth, character of existing underground utilities prior to start of construction.
7. All other public or private utility facilities shall be constructed at least 3 feet from any water and sewer main as measured from the outside bell of the water and sewer pipe to the outside of the utility pipe.
8. When the 3 feet separation between proposed and existing line is not possible, the contractor shall hand dig or expose the water and sewer pipes before proceeding with power equipment excavation.
9. In no case shall a contractor install utility pipes, conduits, cables, etc. in the same trench parallel to and above existing water and sewer pipes except where they cross. Any deviation from notes 6, 7 and 8 shall be approved in writing by the responsible water and sewer utility.
10. A non-resettable elapse time meter shall be installed at each pump to record the total operating hours of the station.



Florida Department of Environmental Protection

Lawton Chiles
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wetherell
Secretary

June 2, 1994

Mr. John Renfrow, Director
Dade County Department of Environmental
Resources Management
33 S.W. 2nd Avenue
Suite 1200
Miami, Florida 33130

Subject: Final Recommendations of Technical Advisory
Work Group

Dear Mr. *John* Renfrow:

Enclosed please find the final recommendations from the Technical Advisory Work Group which was tasked with clarifying the term "adequate capacity" as it applies in the Settlement Agreement between Dade County/Miami Dade Water and Sewer Department (MDWASD) and the Department of Environmental Protection (DEP) relative to the MDWASD's collection/transmission system. These recommendations are not to supersede the Settlement Agreement in any manner, but are intermediary guidance to address collection/transmission permit processing.

The enclosed recommendations were received in my office on June 1, 1994, and are for the Department of Environmental Resources Management's (DERM's) immediate implementation pursuant to the responsibilities identified in the delegation agreement between Dade County and the DEP. Also enclosed is a copy of the cover letter which accompanied the recommendations. Please note that these are intended to be implemented with the additional guidance provided in this letter on an interim basis, which is defined as until such time as the computer model under development by MDWASD is available for use or unless a more appropriate procedure or criterion is developed during the interim period.

In consideration of the variability of submittals in the past when a "report" has been required, please advise your staff of the following Department expectations. The requisite report shall be the result of sound professional engineering practice and shall include sufficient data, supporting information and engineering calculations to provide the required reasonable assurances necessary to issue a permit.

Attachment C

TAW Recommendations
June 2, 1994
Page 2 of 3

When the eight (8) hour nominal average pump operating time (NAPOT) criterion is exceeded, as described in recommendation number II. 2., initiation of a plan for corrective action is required. It is suggested that a date be provided as to when the plan will be submitted for review. In the event that the plan has already been developed, it is suggested that the plan be submitted along with the certification.


Recommendation number II. 3. discusses when permits are to contain specific conditions in reference to the ten (10) hour NAPOT. According to the recommendations, if improvements are not scheduled to be completed within six (6) months then conditions are to be placed in the permit. For consistency with the wording established in the Settlement Agreement, permits are to contain conditions unless the improvements will be completed within six (6) months.

Recommendation number II. 4. pertains to pump stations with multiple speed or variable speed pumps. Pump stations that utilized multiple speed or variable speed pumps shall use the ten (10) hour NAPOT without the benefit of the equivalent factor until further notice. The DEP is reviewing the information received on May 26, 1994, submitted by MDWASD which partially addresses the equivalent factor issue. DERM will be notified as soon as the DEP accepts an equivalent factor for these types of pumps.

These new procedures are to be used in processing pending permit applications as well as new permit applications that are received after this date. These procedures can only be applied to existing permits upon receipt by DERM of a permit modification request, accompanied by the appropriate permit processing fees and supporting documentation.

Allow me to extend the Department's appreciation for the participation and ongoing cooperation of DERM staff in this effort. Please feel free to call me should you have any questions.

Sincerely,



Mary E.S. Williams
Director of District Management
Southeast District Office

Enclosures: TAW Recommendations
TAW Cover Letter

Dade County Technical Advisory Workgroup

March 23, 1994

<u>Group Members</u>	<u>Title/Address</u>	<u>Phone Numbers</u>
A. Potts, P.E. (Chairperson)	Administrator, Domestic Wastewater Section Department of Environmental Protection 2600 Blair Stone Road Tallahassee, FL 32399-2400	904/488-4524 Fax 904/487-3618
Israel Zetts, P.E.	Supervisor, Domestic Wastewater DEP Southeast District 1900 South Congress Avenue, Suite A West Palm Beach, FL 33406	407/433-2650 Fax 407/433-2666
Antonio E. Arrebola, P.E.	Chief, Water and Sewer Division Dade County Environmental Resource Management 33 Southwest 2nd Avenue, Suite 500 Miami, FL 33130	305/372-6524 Fax 305/372-6631
William M. Brant, P.E.	Deputy Director Miami-Dade Water and Sewer Authority Department Post Office Box 330316 Miami, FL 33233	305/669-7678 Fax 305/669-3753
Ismael Rodon, P.E.*	President, Codina-Bush Group CBR Consulting, Inc. Two Alhambra Plaza, Penthouse II Coral Gables, FL 33134	305/520-2396 Fax 305/520-2342

te: * Representing the coalition of Builders Association of South Florida, the Greater Miami Chamber of Commerce, and the Latin Builders Association.

RECOMMENDATIONS

May 31, 1994

Dade County Technical Advisory Workgroup

I. Design Standards For Collection/Transmission Systems

1. All new collection/transmission systems shall be designed in accordance with the provisions contained in Chapter 17-604, Florida Administrative Code, (F.A.C.), unless the delegated local program has adopted more stringent regulations. Permit applications will be accompanied by an engineering report prepared by a Professional Engineer registered in Florida that includes the design data for the proposed collection/transmission system.

II. Interim Procedures For Collection/Transmission System Capacity Determination

1. A "nominal average pump operating time of less than or equal to ten (10) hours per day" criteria will be used to demonstrate adequate transmission capacity for permitting all proposed collection/transmission systems tributary to the Miami-Dade Water and Sewer Department's Wastewater Treatment Facilities. Nominal average pump operating time (NAPOT) is defined as the daily average total pump operating hours for the previous twelve (12) months divided by one less than the total number of pumps installed in that station. All existing flows and loadings, and anticipated wastewater flows from all previously authorized service connections will be included in the demonstration of nominal average pump operating time. This criteria will apply to each pump station immediately upstream from the pump station receiving flow from the proposed collection/transmission system, and all pump stations through which flow from the proposed collection/transmission system passes to the treatment plant receiving such flow.

2. Permit applications for each proposed collection/transmission system shall include a certification of transmission capacity from the utility or utilities serving the proposed project. The certification will include a list of each pump station owned and operated by the utility or utilities immediately upstream from the pump station receiving flow from the proposed collection/transmission system, all pump stations through which flow from the proposed collection/transmission system passes to the treatment plant receiving such flow, and all same level manifolded pump stations downstream up to either the first in-line booster pump station or the treatment plant, whichever is reached first. This list will also identify all pump stations that exceed eight (8) hours NAPOT. The certification will include a statement that the utility follows a NAPOT of less than or equal to eight (8) hours per day as a trigger mechanism to

initiate pump station improvements, and that a plan of corrective action has been initiated for all pump stations identified as exceeding the eight (8) hours NAPOT as described above for "upstream", "downstream", and "manifolded" pump stations. Further, the utility's certification will identify any areas with a history of spills or overflows in the collection/transmission system downstream of the proposed project up to either the first in-line booster pump station or the treatment plant, and will indicate that a plan of corrective action has been developed to address those spills and overflows.

3. Collection/transmission system permits will include specific conditions if all improvements identified in the plan of corrective action to reduce the time below the ten (10) hours NAPOT (as defined in paragraph II.1 above) or to correct spills and overflows (as identified in paragraph II.2 above) are not scheduled to be completed within six months of permit issuance date. If the improvements are scheduled to be completed within six (6) months then no permit conditions will be imposed. If a plan of corrective action has not been developed then prior to permit issuance a plan must be developed and submitted.

4. The above procedures will also apply to multiple speed pump stations and variable speed pump stations upon DEP's acceptance of the NAPOT's equivalent factor for these types of pump stations.

5. These interim permitting procedures will remain in effect until such time as the collection and transmission system computer model is approved by EPA and accepted by DEP. At that time, the appropriateness of the interim procedures will be re-evaluated.

6. The above procedures should be applied to construction permits for all proposed domestic wastewater collection/transmission systems tributary to the Miami-Dade Water and Sewer Department's Wastewater Treatment Facilities.

7. Nothing in these recommendations shall be construed as conflicting or superseding any other specific requirements that may be contained in the Settlement Agreement between MDWASAD and DEP, or the Consent Decree between MDWASAD and EPA. However, it is the intent of these recommendations to establish an understanding of "adequate transmission capacity" as applied to the Settlement Agreement.

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 24-13(5) OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA, REVISING SEWAGE FLOWS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

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

Section 1. Section 24-13(5) of the Code of Metropolitan Dade County, Florida, is hereby amended as follows:

(5) The following table shall be utilized by the director or his designee to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter. If the director or his designee receives competent factual data and information such as actual on-site measured sewage flows or actual metered water bills, the director or his designee may utilize this data and information to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter in lieu of the table below. This table shall not be utilized for the sizing of septic tanks. Sizing of septic tanks shall be in accordance with Florida Statutes regarding septic tanks.

Types of Land Uses, Gallons Per Day (GPD)

Residential Land Uses:

Single-family residence:	350 (GPD/unit)
Townhouse residence:	250 (GPD/unit)
Apartment residence:	200 (GPD/unit)
Mobile home residence:	300 (GPD/unit)
Duplex or twin home residence:	250 (GPD/unit)

Commercial Land Uses:

Barbershop:	10/100 (GPD/sq. ft.)
Beauty salon or hair boutique:	75 (GPD/chair)
Bowling alley:	100 (GPD/lane)
Dentist's office:	
(a) Per dentist:	250 (GPD/dentist)
(b) Per wet chair:	200 (GPD/chair)
Physician's office:	250 (GPD/physician)
Full service restaurant	(350 GPD minimum): 50 (GPD/seat)
Bar or cocktail lounge:	15 (GPD/seat)
Fast food restaurant	(350 GPD minimum): 35 (GPD/seat)
Take-out restaurant	(350 GPD minimum): 50/100 (GPD/sq. ft.)
Hotel or motel:	100 (GPD/room)
Office building:	10/100 (GPD/sq. ft.)
Motor vehicle service station:	10/100 (GPD/sq. ft.)
Shopping center (dry uses):	5/100 (GPD/sq. ft.)
Stadium, racetrack, ballpark:	3 (GPD/seat)
Store without food service:	5/100 (GPD/sq. ft.)
Theater:	
(a) Indoor auditorium:	3 (GPD/seat)
(b) Outdoor drive-in:	5 (GPD/space)

Camper or trailer park: 150 (GPD/space)

Banquet halls: 25 (GPD/seat)

Car Wash:

(a) Recycling-type: 750 (GPD/bay)

(b) Hand-type: 3500 (GPD/bay)

Coin Laundries: 225 (GPD/washer)

Country Clubs: 25 (GPD/member)

Funeral Homes: 10/100 (GPD/sq. ft.)

Gas Station/mini-mart: 450 (GPD/unit)

Health spa/gyms: 35/100 (GPD/sq. ft.)

Veterinarian's office:

(a) Per veterinarian: 250 (GPD/vet)

(b) With kennels: 30 (GPD/cage)

Kennels: 30 (GPD/cage)

Marinas: 40 (GPD/slip)

Food preparation outlets (bakeries, meat markets, commissaries)

(350 GPD minimum):

50/100 (GPD/sq. ft.)

Pet grooming:

(a) Store space: 10/100 (GPD/sq. ft.)

(b) Per tub: 75 (GPD/tub)

Industrial Land Uses:

Factory without showers: 10/100 (GPD/sq. ft.)

Factory with showers: 20/100 (GPD/sq. ft.)

Airport: 5 (GPD/passenger);
10 (GPD/employee)

House of worship: 3 (GPD/seat)

Hospital: 250 (GPD/bed)

Convalescent or nursing home: 150 (GPD/bed)

Park:

- (a) With toilets only 5 (GPD/person)
- (b) With showers and toilets: 20 (GPD/person)

Other residential institution or facility (including adult congregate living units): 100 (GPD/person)

School:

- (a) Day care/nursery: 5 (GPD/student)
- (b) Regular school: 10 (GPD/student)
- (c) With cafeteria add: 5 (GPD/student)
- (d) With showers add: 5 (GPD/student)
- (e) Teachers and staff: 15 (GPD/person)

Public swimming facility: 10 (GPD/person)

Warehouse/industrial speculation building: 20/1000 (GPD/sq. ft.)

Storage warehouse or mini-warehouse: 5/1000 (GPD/sq. ft.)

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. This Ordinance does not contain a sunset provision.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this

ordinance, including any sunset provision, shall become and be made a part of the Code of Metropolitan Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency. _____

Prepared by: _____



MIAMI-DADE WATER AND SEWER AUTHORITY DEPARTMENT

P O BOX 330316
MIAMI, FLORIDA 33233-0316

Main Office
3575 S. LeJeune Road
Telephone 665-7471

REVISION TO SUPERSEDEAS PUBLIC NOTICE NO. 9
(Revises Supersedeas Public Notice Dated April 20, 1987)

**NEW DEPARTMENT TIGHTNESS STANDARDS FOR GRAVITY
SANITARY SEWERS AND SANITARY FORCE MAINS
EFFECTIVE May 6, 1987**

The Miami-Dade Water and Sewer Authority Department has adopted new tightness standards for gravity sanitary sewers and sanitary force mains to be installed within the Department's service area.

The new standards for maximum allowable exfiltration rates are to minimize the risk of contaminating the County's ground water supplies in the shallow Biscayne Aquifer. These standards are issued to comply with those adopted into Chapter 24 of the County Code by Ordinance 86-42, and to have consistent leakage requirements for clay and PVC pipe materials.

Although these new tightness standards are more stringent, there should not be a problem meeting them with the various types of pipe, fittings and joints allowed if correctly installed.

Please note that the Department will now permit the use of AWWA C-900, PVC (CI) pressure pipe and fittings in gravity sanitary sewer systems. The dimensions and pressure classes shall be for Dimension Ratio 25 (DR25) for PVC pipe with equivalent cast iron pipe outside diameters. The maximum laying length permitted is twenty (20) feet. AWWA C-900 PVC pipe and fittings shall be installed in accordance with existing Department Specifications and Standards for ASTM D3034, Type PSM SDR-35, PVC Sewer Pipe.

In addition to standard polyethylene lined cast iron fittings, the "Harco Class 150 PVC Fittings" for C-900 (CI) Pipe as manufactured by the Harrington Corporation of Lynchburg, Virginia are approved for use in gravity sanitary sewers with the AWWA C-900 PIPE. As other manufacturers start producing PVC Fittings for AWWA C-900 PVC (CI) pipe, the Department will try to expand its approved list.

Attachment F

For branch connections, C-900 PVC tees will be permitted in lieu of wyes until the C-900 PVC wyes are available. Shop fabricated ASTM D3034, Type PSM SDR-35 PVC wyes with C-900 PVC bells on the run and an SDR-35 PVC bell on the branch as manufactured by Flo-Control, Inc., 1251 N.E. 48th St., Pompano Beach are also permitted.

Ductile iron manhole connections are to be used in V.C.P. and D.I. pipe installations. For ASTM D-3034, Type PSM, SDR-35 PVC pipe installations, asbestos-cement manhole connections are required. Until asbestos-cement manhole connections with dimensions for AWWA C900 PVC (C.I.) pipe are available, ductile iron manhole connections shall be used with AWWA C900 PVC installations.

Although the new standards are effective as of the date of this Notice, existing projects outside the limits of wellfield protection areas are exempt providing they are: (a) under construction, or (b) have been approved by the Department prior to the date of this Notice, if active in accordance with Department policy. Standards in effect prior to the date of this Notice shall apply to these Projects.

The new fitness standards are specified below.

A. GRAVITY SANITARY SEWERS

The maximum allowable exfiltration, infiltration, or leakage in gravity sanitary sewers shall be as shown below, with no allowances for manholes or laterals. The duration of all tests shall be a minimum of two (2) hours. Any observed leaks or any obviously defective joints or pipes shall be repaired or replaced even when the total leakage is below that allowed. Only the piping materials listed for each specific area will be permitted in that area, including both gravity sanitary sewers and laterals.

1. Residential Zoned Areas

1.1 Within cone of influence:

Mains

D.I.P. - 50 gpd/in. diameter/mile

C-900 P.V.C. - 50 gpd/in. diameter/mile

Note: Laterals may be D.I.P., C-900 P.V.C., P.V.C., or
X.H.C.I. (Extra Heavy Cast Iron Soil Pipe).

1.2 Outside cone of influence:

Mains

D.I.P. - 100 gpd/in. diameter/mile

C-900 P.V.C. - 100 gpd/in. diameter/mile

P.V.C. - 100 gpd/in. diameter/mile

V.C.P. - 100 gpd/in. diameter/mile

Note: Laterals may be D.I.P., C-900 P.V.C., P.V.C.,
X.H.C.I., or V.C.P.

2. Commercial Zoned Areas

2.1 Within cone of influence:

Mains

D.I.P. - 20 gpd/in. diameter/mile

C-900 P.V.C. - 20 gpd/in. diameter/mile

Note: Laterals may be D.I.P., C-900 P.V.C., P.V.C., or
X.H.C.I.

2.2 Outside cone of influence:

Mains

D.I.P. - 100 gpd/in. diameter/mile

C-900 P.V.C. - 100 gpd/in. diameter/mile

P.V.C. - 100 gpd/in. diameter/mile

V.C.P. - 100 gpd/in. diameter/mile

Note: Laterals may be D.I.P., C-900 P.V.C., P.V.C.,
X.H.C.I., or V.C.P.

3. Industrial Zoned Areas

3.1 Within cone of influence:

Mains

D.I.P. - 20 gpd/in. diameter/mile

Note: Laterals may be D.I.P or X.H.C.I

3.2 Outside cone of influence:

Mains

D.I.P. - 100 gpd/in. diameter/mile

V.C.P. - 100 gpd/in. diameter/mile

Note: Laterals may be D.I.P, X.H.C.I., or V.C.P.

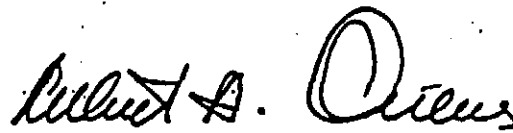
B. SANITARY FORCE MAINS - ALL AREAS

Sanitary force mains shall be constructed of either polyethylene lined ductile-iron pipe and fittings or prestressed concrete plastic lined (90° T.D.C. minimum) cylinder pipe and fittings meeting current Department Specifications.

No such ductile-iron pipe sanitary force main shall exfiltrate or leak at a rate greater than the allowable leakage rate specified in AWWA C600-82 at a test pressure of one hundred (100) psig. The duration of all tests shall be a minimum of two (2) hours. Any observed leaks or any obviously defective joints or pipes shall be repaired or replaced even when the total leakage is below that allowed.

No such prestressed concrete cylinder pipe sanitary force main shall exfiltrate or leak at a rate greater than one-half ($\frac{1}{2}$) the allowable leakage rate specified for ductile iron pipe in AWWA C600-82 at a test pressure of one hundred (100) psig. The duration of all tests shall be a minimum of two (2) hours. Any observed leaks or any obviously defective joints or pipes shall be repaired or replaced even when the total leakage is below that allowed.

By:

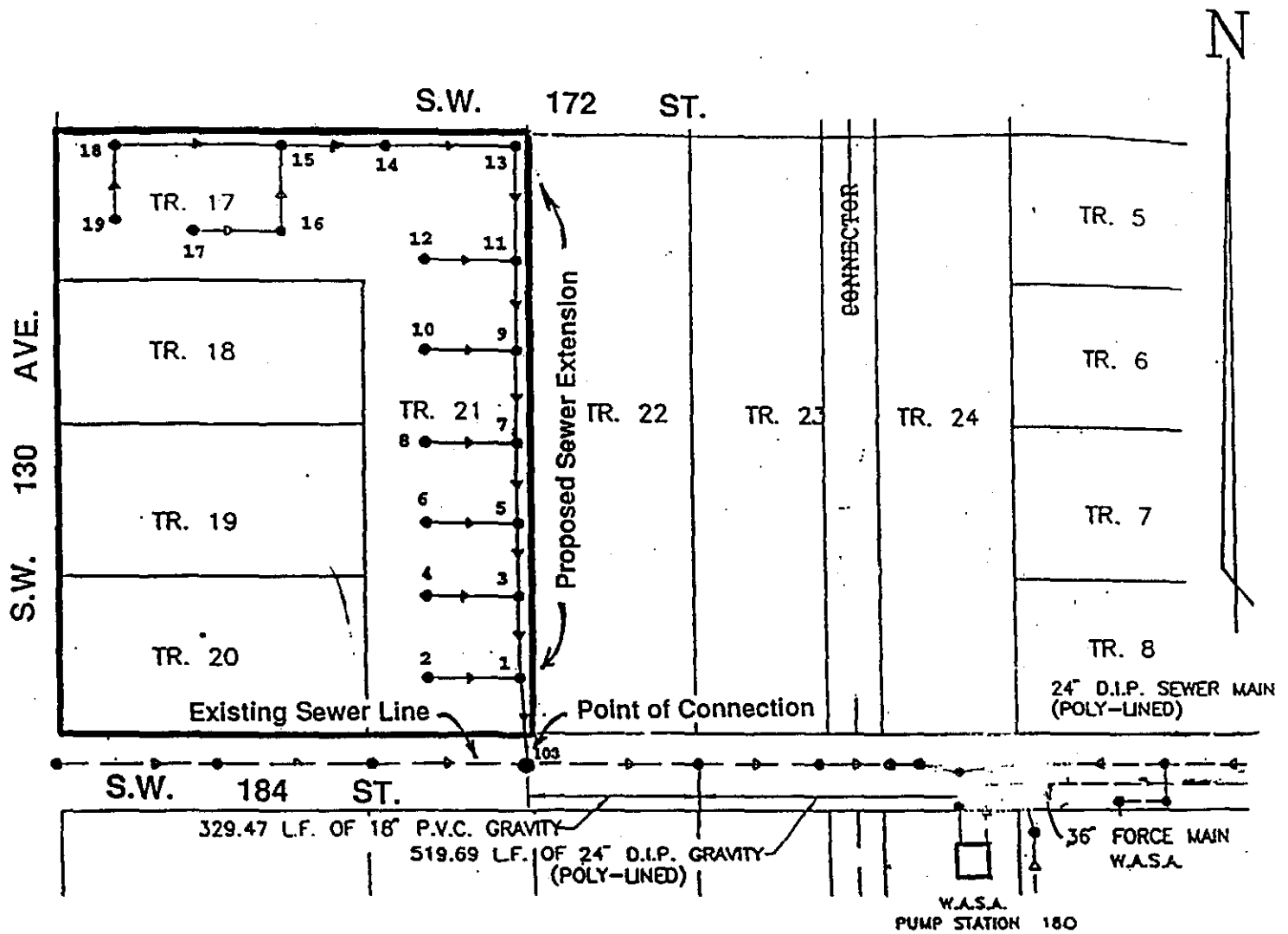


Robert A. Cuevas
Chief Engineer

Approved:


James T. Cowgill
Assistant Director Operations

RAC:MS:tn



LEGEND

- GRAVITY SEWER MAIN
- - - FORCE MAIN
- - - 36" OR 24" FORCE MAIN
- - - 48" OR 36" INTERCEPTOR
- MIAMI DADE PUMP STATION 103
- HIALEAH PUMP STATION
- HIALEAH LARGE PUMP STATION
- - - MIAMI DADE WATER & SEWER FORCE MAIN
- MIAMI DADE WATER & SEWER PUMP STATION
- 12-633-400 SECTION, TOWNSHIP, & RANGE
- DIRECTION OF GRAVITY SEWER FLOW
- 104 PUMP STATION NUMBER

CASABLANCA DEVELOPMENT RELATIONSHIP TO SERVICE AREA

SCALE 1" = 300'

BIRD CONSULTING ENGINEERS
460 S.W. 25 STREET
MIAMI, FLORIDA 33030

PROJECT NAME: CASABLANCA
PROJECT No.: 784
DRAWN BY: N.A.
DATE: 7-11-95

MEMORANDUM

TO: All Surveyors, Engineers and Developers DATE: February 1, 1996

FROM: Eduardo A. Vega, P.E. SUBJECT: Final Plats recordation and Waivers of Plat approval where water and sewer extensions are required

Chief, Plan Review Section
Department of Environmental Resources Management

Effective immediately, this Department is implementing a new policy to approve a Final Plats or Waivers of Plat, where connection to public water and sewer is required. This new policy consists of the following three (3) options:

OPTION I

Water and/or sewer construction plans will have to be approved by the utility servicing the area and by DERM. A copy of the approved DERM permit is required for the release of the Plat.

OPTION II

A recorded copy of a Unity of Title (DERM form) signed by the owner(s) of the subject parcel of land will be accepted on properties where more than one lot subdivision is proposed. In addition, a copy of the executed water and sewer service agreement with the utility is also required.

OPTION III

A performance bond will have to be posted with the utility company servicing the area for the amount of 110% of the cost of the water and/or sewer system installation. Copy of the letter of credit issued to the utility will have to be submitted to the Plan Review Section along with dry run plans and a copy of the executed water and sewer service agreement.

Should you have any questions regarding this matter, please call Alina Ponce of this office at 375-3330.

EAV:AP:mh

Attachment H



ENVIRONMENTAL RESOURCES MANAGEMENT
WATER AND SEWER DIVISION
33 S.W. 2nd AVENUE
SUITE 500
MIAMI, FLORIDA 33130-1540
(305) 372-6500

Wastewater Section

Feasible Distance For Sewer Connection Within Private Property

Existing facilities operating with onsite disposal systems are required to connect to abutting sanitary sewers under Section 24-13(7) of the Code, provided, the owner of the sewer system approves the point of sewer connection and a sewer capacity certification or approval is obtained from DERM Wastewater Section.

The feasible distance for public sanitary sewers, Section 24-3(108) of the Code, applies to the distance from the property line of the new construction to the public sewer system. However, in some special uses, such as golf courses and parks, the distance inside the private property may be very large to the property abutting sewers. A reasonable criteria follows to enforce the spirit of the Code.

The same criteria used for feasible distance for office, business and industrial uses within the private property applies to the distance inside the property. This will require to provide the necessary private sewer extension based on the area of the buildings and predetermined factors and at a minimum for any facilities with onsite disposal system within the following distances:

Office	300 ft
Business	500 ft
Industrial	700 ft

However, facilities within the above defined feasible distance to abutting forcemains will not be required to connect to sewers if the average daily flow (ADF) is less than 2000 gpd, or there is not a demonstrated contamination of the onsite disposal system, or the connection requires tapping to concrete pipe forcemain. Deviation from this criteria must be approved by the Environmental Quality Control Board.

Page 2

Feasible Distance for Sewer Connection

Notwithstanding the above criteria industrial facilities located within the 100 days travel time of any public utility wellfield protection area are require to connect to the abutting sanitary sewers. Furthermore, groundwater monitoring may be required to any industrial facility served by onsite disposal systems.

Construction of manholes, 6" or larger gravity sewers and low pressure sewer systems, excluding building laterals or other appurtanaces regulated by the South Florida Building Code, will require DERM sewer extension review and approval.

JGL:6/6/96
IS.WW.25

FORMS

1. *DEP*

- ***DEP Form 17-604.900(1)***
- ***DEP Form 17-604.900(2)***

2. *DERM*

- ***Utilities Collection and Transmission Capacity Certification.***
- ***Sewer Capacity Certification Letter Application and Affidavit.***
- ***The Stress free Guide to Sewer Certification (Allocation).***



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

DER Form #	17-604.900(1)
Form Title	Application to Construct Domestic Wastewater Collection/Transmission Systems
Effective Date	June 1, 1992
DER Application No.	(Filed in by DER)

Application to Construct Domestic Wastewater Collection/Transmission Systems

Part I - General

Subpart A: Directions

- (1) This form must be completed for projects not permitted under the general permit procedures and criteria specified in Rule 17-604.700, Florida Administrative Code (F.A.C.). All items must be completed in full in order to avoid delay in processing of this application. Where attached sheets (or other technical documentation) are utilized in lieu of the blank spaces provided, indicate appropriate cross reference in the space and provide copies to the Department in accordance with (4) below.
- (2) The applicability of requirements to new facilities and modifications of existing facilities is described in Chapter 17-604, F.A.C. Where certain items do not appear applicable to the proposed project, indicate N/A in the appropriate space provided.
- (3) All information is to be typed or printed in ink.
- (4) Two copies of this application (with supporting information) and a check for the application fee in accordance with Rule 17-4.050, F.A.C., and made payable to the State of Florida, Department of Environmental Regulation, will be submitted with this application when sent to the appropriate Department District Office or approved local program.
- (5) This application is to be accompanied by two sets of engineering drawings, specifications and design data as prepared by a Professional Engineer registered in Florida, where required by Chapter 471, Florida Statutes (F.S.). An engineering report (two copies) is also required to be submitted in support of this application pursuant to Rule 17-4.210(1)(b), F.A.C. For projects of limited scope (as determined by the Department), information contained in the application may suffice as the engineering report.
- (6) Attach 8½" x 11" sketch of the proposed project showing relationship to entire service area and how it ties into the existing system.

NOTE: Each non-contiguous project requires a separate application and fee pursuant to Rule 17-4.050(4)(p), F.A.C.

Subpart B.

Project Name: _____

Location: County _____ City _____ Vicinity S-T-R

Person(s) or entity owning the Collection/Transmission System:

Name _____ Title _____

Company Name _____

Address _____

City _____ Zip _____

Telephone Number _____

DER Form 4	17-604.300(1)
Application to Construct Domestic Wastewater Collection/Transmission Systems	
Form Title	
Effective Date	June 1, 1992
DER Application No.	(Filed in by DER)

Part II - Project Documentation

Subpart A: General Project Description

- (1) Project type: ☐ New ☐ Modification (specify) _____
- (2) Location, size, and development characteristics of service area covered by this application: _____

- (3) Treatment plant serving project
- a. Name: _____
- b. County: _____ City: _____
- c. DER Identification number (also known as GMS identification number): _____
- d. Most recent DER permit number: _____ Expiration Date: _____
- e. Moratorium in effect? ☐ Yes ☐ No
- f. Current monthly average daily flow: _____ MGD (from operating report)
- g. Current three-month average daily flow: _____ MGD (from operating report)
- h. Current permitted capacity: _____ MGD
- i. Current outstanding flow commitments (including this project) against treatment plant capacity: _____
- (4) Start of construction, completion of construction and estimated date of connections to existing system or treatment plant: _____
- (5) Is the project design in accordance with the standards and criteria contained in the appropriate standard engineering references listed in Rule 17-604.300, F.A.C.? ☐ Yes ☐ No
 If no, supporting information shall be submitted in accordance with Rule 17-604.300, F.A.C., addressing the proposed design.

Subpart B. Project Details

- (1) Design peak hour flow proposed: _____ GPD
- a. Design population to be served: _____
- b. Total average daily flow: _____ GPD

NOTE: This is the summation of the far right amount below.*

Indicate the following:

Number and Type of Unit	Population	Per Capita Flow	Total Average Daily Flow (GPD)*
_____ single family homes			
_____ apartments			
_____ motel rooms			
_____ mobile homes			
_____ other (describe) _____			

- c. Contribution from: industrial sources _____ % by flow commercial sources _____ % by flow

DER Form	17-604.900(1)
Form Title	Application to Construct Domestic Wastewater Collection/Transmission Systems
Effective Date	June 1, 1992
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- (2) Equivalent Dwelling Units (EDUs) served by this project _____ (An EDU = 3.5 persons).
- (3) Attach in tabular form the pipe material and specification (e.g., ASTM number), joint specification, pipe length, minimum and maximum velocity for force mains, and peak flow for each pipe size comprising the proposed gravity or force main system.
- (4) Identify the drawing(s) on which manhole types, sizes, locations, spacings and joint specifications are detailed.
- _____
- (5) Type of leakage test: ☐ Infiltration ☐ Exfiltration
- (6) Maximum allowable leakage rate: _____ GPD per inch pipe diameter per mile.
- (7) Identify the drawing(s) on which sewer lines crossing under or over potable water mains and reclaimed water lines are detailed (Rules 17-604.400 and 17-610.470(3), F.A.C.).
- _____
- (8) Identify the drawing(s) on which sewer lines are horizontally within ten feet of water mains or horizontally within five feet (center to center) or three feet (outside to outside) from reclaimed water lines (Rules 17-604.300(4)(b) and 17-610.470(3), F.A.C.).
- _____
- (9) Identify the drawing(s) on which design and construction provisions for conflict manholes are detailed (Rule 17-604.400, F.A.C.).
- _____
- (10) Describe provisions for sewer lines involving subaqueous crossings to assure structural integrity of the lines, to test the integrity of the lines, to prevent discharge in the event lines are damaged, and to identify the nature and location of the crossings, in accordance with Rule 17-604.400, F.A.C. In lieu of this description, identify the drawing(s) on which the information is detailed.
- _____
- (11) Pump station data (where more than one station is involved, supporting information shall be submitted which addresses the items listed below for each station):
- Location: _____
 - Type: _____
 - Estimated flow to the station: Maximum _____ GPD
Average _____ GPD Minimum _____ GPD
 - Operating conditions: _____ GPM @ _____ FT (TDH)

DER Form	17-604.900(1)
Form Title	Application to Construct Domestic Wastewater Collection/Transmission Systems
Effective Date	June 1, 1992
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(12) Other design considerations for pump stations in accordance with Rule 17-604.400, F.A.C., (abstract and cross-reference where supporting technical documentation is submitted and contains this information):

a. Describe features such as emergency provisions which provide assurances of uninterrupted flow.

b. Describe features to control adverse effects resulting from odors, noise, and lighting.

c. Describe access-control features.

d. Describe design criteria and measures which minimize damage or interruption of operation due to flooding (where required).

Part III - Certifications

I. Applicant

I, the undersigned owner or authorized representative* of _____ am fully aware that the statements made in this application for a construction permit are true, correct and complete to the best of my knowledge and belief. I agree to retain the design engineer, or another professional engineer registered in Florida, to conduct on-site observation of construction, to prepare a certification of completion of construction, and to review record drawings for adequacy as referenced in Rule 17-604.600(2), F.A.C. I, the undersigned, am fully aware that it is my responsibility to operate and maintain this facility in such manner as to function as it was designed. Responsibility may be transferred to another entity upon written notice to the Department from the entity assuming responsibility. Further, I agree to provide an appropriate operation and maintenance manual for the facilities pursuant to Rule 17-604.600(2)(f), F.A.C., and to retain a professional engineer registered in Florida to examine (or to prepare if desired) the manual. (*Attach a letter of authorization)

Signed: _____ Date: _____

Name: _____ Title: _____

Company Name: _____

Address: _____

City: _____ Zip: _____

DER Form 17-604.600(1)
Application to Construct Domestic Wastewater Collection/Transmission Systems
Effective Date: June 1, 1982
DER Application No. _____ (Filed in by DER)

Professional Engineer Registered in Florida (where required by Chapter 471, F.S.)

I, hereby certify that the engineering features of this collection/transmission system have been designed by me or by an individual(s) under my direct supervision in conformity with sound engineering principles, consistent with Chapter 17-604, F.A.C.

_____ Signature of Engineer _____ Date (Affix Seal)	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Name (please type)</td> <td style="width: 50%;">Florida Registration No.</td> </tr> <tr> <td colspan="2">_____</td> </tr> <tr> <td colspan="2">Company Name</td> </tr> <tr> <td colspan="2">_____</td> </tr> <tr> <td colspan="2">Company Address</td> </tr> <tr> <td colspan="2">_____</td> </tr> <tr> <td>City</td> <td>Zip</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td colspan="2">Telephone No. _____</td> </tr> </table>	Name (please type)	Florida Registration No.	_____		Company Name		_____		Company Address		_____		City	Zip	_____	_____	Telephone No. _____	
Name (please type)	Florida Registration No.																		

Company Name																			

Company Address																			

City	Zip																		
_____	_____																		
Telephone No. _____																			

2. Professional Engineer Registered in Florida (where required by Chapter 471, F.S., and if different from project design engineer in B).

This is to acknowledge that this firm has been retained by the applicant to prepare a certification of completion of construction and to review record drawings for adequacy as referenced in Rule 17-604.600(2), F.A.C.

_____ Signature of Engineer _____ Date (Affix Seal)	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Name (please type)</td> <td style="width: 50%;">Florida Registration No.</td> </tr> <tr> <td colspan="2">_____</td> </tr> <tr> <td colspan="2">Company Name</td> </tr> <tr> <td colspan="2">_____</td> </tr> <tr> <td colspan="2">Company Address</td> </tr> <tr> <td colspan="2">_____</td> </tr> <tr> <td>City</td> <td>Zip</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td colspan="2">Telephone No. _____</td> </tr> </table>	Name (please type)	Florida Registration No.	_____		Company Name		_____		Company Address		_____		City	Zip	_____	_____	Telephone No. _____	
Name (please type)	Florida Registration No.																		

Company Name																			

Company Address																			

City	Zip																		
_____	_____																		
Telephone No. _____																			

D. Treatment Plant Permittee

The undersigned permittee, of _____ hereby certifies that the above referenced plant has adequate reserve capacity to accept the wastewaters from this project and will provide the necessary treatment and disposal as required by Chapter 403, F.S., and applicable Department rules.

Signed: _____ Date: _____

Name: _____ Title: _____

Company Name: _____

Address: _____

City: _____ Zip: _____

Telephone: _____

DER Form #	17-804.800(1)
Form Title	Application to Construct Domestic Wastewater Collection/Transmission Systems
Effective Date	June 1, 1992
DER Application No.	(Filed in by DER)

Operation and Maintenance Authority

The undersigned, of _____, hereby certifies that the applicant's proposed pump station(s) will be compatible with available temporary service power generating and pumping equipment of the system for which I have the responsibility to operate and maintain.

Signed: _____ Date: _____
 Name: _____ Title: _____
 Company Name: _____
 Address: _____
 City: _____ Zip: _____
 Telephone: _____



DER Form	17-604.800(2)
Form Title	Domestic Wastewater Collection/Transmission Systems Cert. of Completion of Construction
Effective Date	June 1, 1992
DER Application No.	(Filed in by DER)

Operation and Maintenance Authority of this Collection/Transmission System

I agree to operate and maintain the facilities in accordance with the provisions of Chapter 403, Florida Statutes (F.S.), and applicable Department rules. I attest that an appropriate operation and maintenance manual and record drawings for the system are available and located at: _____

Signed: _____ Date: _____
 Name: _____ Title: _____
 Company Name: _____
 Address: _____
 City: _____ Zip: _____
 Telephone No.: _____

3. Professional Engineer Registered in Florida (where required by Chapter 471, F.S.) as to Wastewater Facility

I certify that the project has been completed substantially in accordance with the approved plans and specifications, or that deviations will not prevent the system from functioning in compliance with the requirement of Chapter 17-604, Florida Administrative Code, when properly operated and maintained. These determinations have been based upon on-site observation of construction, scheduled and conducted by me or by a project representative under my direct supervision, for the purpose of determining if the work proceeded in compliance with plans and specifications and application materials. I further certify that record drawings for the facilities have been reviewed by me or by an individual(s) under my direct supervision, for completeness and adequacy, and have been provided to the permittee. I further certify that the record drawings identify those substantial deviations noted above.

_____	_____	_____
Signature of Engineer	Name (please type)	Florida Registration No.
_____	_____	_____
Date	Company Name	
(Affix Seal)	Company Address	
	City	Zip
	Telephone No. _____	

DER Form 17-604.900(2)
Domestic Wastewater Collection/Transmission Systems Cert. of Completion of Construction
Form Title
Effective Date June 1, 1992
DER Application No. _____ (Filed in by DER)

Professional Engineer Registered in Florida (where required by Chapter 471, F.S.) as to Operation and Maintenance Manual

This is to certify that the operation and maintenance manual for these wastewater facilities has been prepared or examined by me, or by an individual(s) under my direct supervision, and that there is reasonable assurance, in my professional judgment, that the facilities, when properly maintained and operated in accordance with this manual, will function as intended.

_____	_____
Signature of Engineer	Name (please type) Florida Registration No.
_____	_____
Date	Company Name
(Affix Seal)	_____
	Company Address

	City Zip
	Telephone No. _____

Operation and Maintenance Authority of the Treatment Facility Approving Connections

I certify that connection(s) to the wastewater treatment facility which we operate and maintain have been completed to our satisfaction.

Signed: _____ Date: _____

Name: _____ Title: _____

Company Name: _____

Address: _____

City: _____ Zip: _____

Telephone No.: _____



ENVIRONMENTAL RESOURCES MANAGEMENT
WATER AND SEWER DIVISION
33 S.W. 2nd AVENUE
SUITE 600
MIAMI, FLORIDA 33130-1540
(305) 372-6500

DOMESTIC WASTEWATER COLLECTION/TRANSMISSION SYSTEMS
CERTIFICATION OF COMPLETION OF CONSTRUCTION

Section 1: To be completed by project engineer and submitted to DERM, prior to placing the system in operation. This form is a supplement to DEP Form # 17-604.900(2).

Approval No.: SE _____ ER #: _____ Dated: ____/____/____

Project Name: _____

Project Location: _____

Scope of Project Completed: _____

Scope of Project Remaining to be Completed: _____

Gravity () Forcemain () --- Check one or both, if applicable

Results of Infiltration Test in gallons per inch diameter per mile per day
Date Tested _____ Actual Leakage _____ Allowable _____

Results of Exfiltration Test in gallons per inch diameter per mile per day
Date Tested _____ Actual Leakage _____ Allowable _____

No. of Pumps _____ Manufacturer _____ Model No. _____
Capacity _____ gpm @ TDH of _____ ft. Speed _____ rpm. HP _____ hp. High level Alarm ____ (y/n)
Forcemain Size and Length _____

Has the Utility/Applicant notified all affected private pump stations owners of the above project (Y/N): ____
Copy of notifications attached (Y/N): _____

If project involves a new Private Lift Station, DERM's PSO #: _____
Contact Mr. Derrick Roby, DERM, at 372 -6508 to obtain Pump Station Operating (PSO) Permit Number.
OSCAR AGUIRRE 14 PRIVATE SANITARY SEWER OPERATING

Section 2: To be completed by corresponding utility company only for projects involving new pump stations.

Pump Station # _____ *Downstream Station : _____
*Upstream Station: _____

Utility Official name _____ Signature _____ Date _____

* If different from pumping stations identified at the time of the project's approval/certification by the utility.

File Name

PUBLIC\SOCDPRAS\SE\ PACKAGE\ SE_CERT1

UTILITIES COLLECTION AND TRANSMISSION CAPACITY CERTIFICATION

Proposed Project Flow: _____

Proposed Project Name: _____

Proposed Project Location: _____

First Lift/Pump Station Receiving this project flows: _____

STATEMENT BY THE MUNICIPAL UTILITY:

The following improvements of the sewer system must be completed to meet the DEP and USEPA transmission capacity requirements:

The undersigned hereby certifies that the existing collection and transmission system will have adequate capacity to convey the wastewater from this project when the above improvements of the sewer system are completed.

Signature of Engineer

Date (affix seal)

Name (Please Type) FL Reg. #

Utility Name

Utility Address

City

Zip

Telephone Number

MDWASD CERTIFICATION:

The following improvements of the sewer system must be completed to meet the DEP and USEPA transmission capacity requirements:

The undersigned hereby certifies that the existing collection and transmission system will have adequate capacity to convey the wastewater from this project when the above improvements of the sewer system are completed.

Signature of Engineer

Name (Please Type) FL Reg. #

DATE (affix seal)

Utility Address

City

Zip

Telephone Number

Metro-Dade Department of Environmental Resources Management
Sewer Capacity Certification Letter Application

Instructions: You must fill out this application to obtain a sewer certification allocation letter, which is a required step in obtaining your building permit. If you are unfamiliar with the application process, please refer to The *stress free guide* to sewer certification, available wherever you pick up an application.

• **Step One:** Have your utility certify the pump station information for your project. In order to do this, you must completely fill out sections 1a and 1b.

• **Step Two:** Once your application has been certified by your utility, bring it to DERM's Wastewater Section for processing.

• **Step Three:** Provide information in the shaded boxes.

In order to *serve you better*, YOU MUST COMPLETE the information in all shaded area.

APPLICATIONS WILL NOT BE ACCEPTED IF THE NECESSARY INFORMATION IS NOT PROVIDED.

Section 1a: Applicant information

Name: _____ Title: _____
Company Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone #: w: _____ h: _____ Fax #: _____

Section 1b: Property Details

Name of Project: _____
Address: _____ City: _____ Zip: _____
Number and Type of Units: _____
Lot and Block Number(s): _____ / _____ Folio Number: _____
Plat Book: _____ Page: _____ Public Facility (yes/no): _____

* Be sure to include a Lot & Block # for each unit to be developed. You may attach an additional list if necessary. If Lot and Block # are unavailable, submit a track number, survey, site plan or sketch that includes all property boundaries.

* For undeveloped land, you may submit a master folio number for the entire property

Section 1c: Project Details

Proposed Flow: _____ GPD Previous Flow: _____ GPD

Bldg. Process Number: _____ City: _____

Applicable only if you have already applied for a building permit.

Previous Use: _____

Project Description: _____

Estimated Completion Date: _____ Sewer Ext. Number (if any): _____

Construction Schedule: _____

Section 2: To be completed by utility company only

Utility Providing Service: _____

Pump Station Receiving Flow: _____ Located at: _____

Sewers Abutting the property: Yes _____ No _____ Forcemain _____ Gravity _____

Lateral Connection New: _____ Existing: _____ Point of Connection: _____

Utility Official Name: _____

Date: _____ Signature: _____

Section 3: For official use only

DERM #: _____ Date Received: _____ DERM: /applic2: April 18, 1996

SEWER SERVICE CONNECTION AFFIDAVIT

I/we _____, being first duly sworn, depose and say that I/we have applied for a sewer service connection for (project description) _____

_____ in accordance with the provisions of Paragraph 16C of the First Partial Consent Decree (CASE No. 93-1109 CIV-MORENO) between the United States of America and Metropolitan Dade County. I/we understand and attest that we are ready, willing and able to initiate construction as required below:

1. Submit building permit plans to the appropriate building official(s) within ninety (90) days from the date of approval of the newly authorized sewer service connection. If I/we fail to submit building permit plans as specified above, the newly authorized sewer service connection automatically shall be null and void and of no further force and effect;
2. Obtain the approved building permit within thirty (30) days of notification that the building permit plans have been approved by the appropriate building official(s). If I/we fail to obtain the approved building permit as specified above, the newly authorized sewer system connection and building permit approval shall automatically be null and void and of no further force and effect; and
3. Commence construction of the project (as defined by Section 304.3(f) of the South Florida Building Code) within 180 days of issuance of the building permit. If I/we fail to commence such construction as specified above, the building permit and the newly authorized sewer system connection automatically shall be null and void and be of no further force and effect.

Once work has commenced pursuant to a building permit (as defined by Section 304.3(f) of the South Florida Building Code), and such work is suspended or abandoned for a period of thirty (30) days, such building permit and newly authorized sewer service connection automatically shall be rendered null and void and be of no further force and effect.

SIGNATURE

SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY

OF _____, 19____, BY _____

PERSONALLY KNOWN _____ OR PRODUCED IDENTIFICATION _____

(PLEASE CHECK ONE)

TYPE OF IDENTIFICATION PRODUCED: _____

NOTARY PUBLIC

O note: If you are developing more than one unit on a property, you can request a single sewer certification for the entire project. Please remember, however, that each lot will receive its own building permit, and if you do not meet its construction deadlines, you will lose that part of your sewer certification and have to reapply. So please, do not apply for sewer certification for more lots than you can develop.

Upon submitting your application, you will be asked to sign an affidavit stating that you are aware of and agree to the current building permit regulations. Please read this information carefully, as it affects the amount of time you can hold on to your allocation, both before and during the permitting process. Approval of your application will take approximately two to three weeks.

What happens after my allocation is approved?

Upon notification, you may choose to pick up your allocation letter, or we can mail it to you. In any case, we will forward a copy to the appropriate building and zoning department and utility. If you have not yet applied for a building permit, now is the time to do so.

⚠ Warning: You will have 90 days from the time the allocation is awarded to submit your building plans to the appropriate building and zoning office. If you do not meet this deadline, your allocation will be reabsorbed by the system and you will have to apply again. Didn't mean to scare you, but we had to let you know.

Numbers you should know:

Sewer allocations should be submitted to:

DERM Wastewater Section
33 SW 2nd Ave. Suite 500 ♦ Miami, FL 33130
372-6500 ♦ M-F, 8:30 a.m. - 12:30 p.m. ~

For Folio, Lot and Block numbers contact:

Dept. of Property Appraisals
111 NW 1 St. Suite 710 ♦ Miami, FL 33128
375-4028 ♦ M-F, 8:00 a.m. - 5:00 p.m.

For City of Miami and Unincorporated Dade your utility is:

Miami Dade Water & Sewer Dept.
3575 S. Le Jeune Rd. ♦ Miami, FL 33146-2221

For pump station information and certification:
Plans Review, Rm. 231: 669-7658

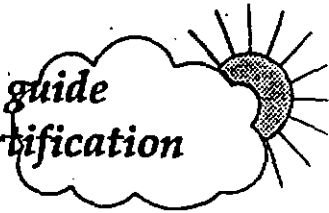
For pump station information (w/out certification):
Utilities Off., Rm. 229: 669-7666

For other municipalities, your utility is:

Bal Harbour	868-4633	Miami Beach	673-7625
Bay Harbor	866-6241	Miami Springs	887-4116
Coral Gables	460-5000	N. Bay Village	756-7171
Florida City	248-6855	N. Miami	893-6511
Hialeah	556-3800	N. Miami Beach	948-2967
Hialeah Gdns.	822-3017	Opa Locka	688-4611
Homestead	247-1801	W. Miami	266-1122
Medley	825-5894	Surfside	861-4863

conguide 1: 1st edition, 22 November 1993
DERM Computer Services

The stress free guide to sewer certification



*The Sewer Capacity Certification letter:
everything you need to know,
everywhere you need to go*

*another DERM consumer guide
(a product of DERM Computer Services)*



Getting a sewer certification can seem like a frustrating process. But we must assume that if you managed to get this nifty guide in your hands, you will be able to handle the rest of the road ahead of you with confidence.

What is sewer certification?

Federal regulations require certain permit applicants to obtain a Sewer Capacity Certification letter before being issued a building permit. This letter certifies that the sewer system can handle the demands that your permit will require. First the bad news: Due to an overloaded sewer system, there might not be enough capacity to handle your request. Now the good news: You can apply for and obtain certification before you submit building plans, saving you time and money.

Who needs sewer certification?

Any construction that will cause an increase in wastewater discharge to a sewer will need a certification letter. This includes things such as changing a single family house to a duplex, adding extra seats to a restaurant, or building a new house. If you are unsure, call DERM's Wastewater Section at 372-6500.

Can I get a sewer certification?

In order to save you the trouble of creating a plan for a non-permittable

property, you may find out your chances of obtaining certification by contacting DERM's Wastewater Section. You must give us the following information:

- the pump station serving the property. This is available from your local water and sewer utility (We have provided a list of utilities on the back of this form). Be sure to get both the owner and the number of the pump station.
- the proposed flow for the project. This is available from your architect or engineer. If you do not know the proposed flow, we will require a detailed description of the proposed use, so we can calculate the flow for you.

We can tell you instantly (well, almost) if the system has sufficient capacity for your project. However, this information does not guarantee that capacity will still be available by the time you officially apply, and is not legally binding! So don't delay.

Where do I start?

Once you determine that you require sewer certification you may pick up an application at DERM's Wastewater Section or at your local water and sewer utility. If you know that capacity exists for your project, it may be to your advantage to go to your local utility first, as they will have to provide and certify some of the information you need.

How do I complete my application?

Your application is divided into two parts. The top section is for you to fill out and the bottom section is for your local utility to fill out. Before submitting your

plans to DERM, you must have your local utility fill out this bottom section, in order to officially certify which pump station receives the flow for your property. You must provide the following information:

- lot and block number for each unit in your project for which you wish to request certification.
- folio number: If this is undeveloped land, then you may submit the master folio number, but be sure to include individual lot and block numbers for each proposed unit. We have included a source for this information on the back of this document.

If this information is not available, you must submit a survey, site plan or sketch that includes all property boundaries. Processing will take 1-3 days. For City of Miami and Unincorporated Dade, you may bring, mail or fax your application. For other municipalities, contact your local utility for its policy.

What happens next?

Once your utility has certified your application, you may submit it to DERM for processing. Be sure to include your building plans, blueprints (if available), and/or a detailed description of the proposed use. If you have not done so already, you must fill out the following:

- proposed and previous flow: Your architect or engineer can provide you with this information. If you have not contracted an architect or engineer yet, DERM can help you fill this information out when you bring it to our Wastewater Section for approval.