

Key Largo Wastewater Treatment District Board of Commissioners Meeting Agenda Item Summary

Meeting Date:
October 20, 2020

Agenda Item Number: M-1

Agenda Item Type:
Information / Presentation

Agenda Item Scope:
Review / Discussion

Recommended Action:
Discussion

Department:
Legal

Sponsor:
Nicholas Mulick

Subject:
Monroe County Proposed Ordinance – Wastewater Requirements for Property Owners

Summary of Discussion:

Mr. Mulick to present Monroe County Board of County Commissioners proposed ordinance regarding deleterious discharge and infiltration and inflow.

Reviewed / Approved

Financial Impact

Attachments

Operations: _____
Administration: _____
Finance: _____
District Counsel: _____
District Clerk: _____
Engineering: _____

\$

Funding Source:

Budgeted:
N/A

1. BOCC Agenda Item Q.7
2. Proposed Ordinance

Approved By: 
General Manager

Date: 10.15.2020



County Commission Meeting
October 21, 2020
Agenda Item Number: Q.7
Agenda Item Summary #7415

BULK ITEM: Yes

DEPARTMENT: County Attorney's Office

TIME APPROXIMATE:
NA

STAFF CONTACT: Cynthia Hall (305) 292-3470

AGENDA ITEM WORDING: Approval to advertise an ordinance creating a new Section 20-80 of the Monroe County Code, requiring property owners to remedy deleterious discharges and infiltration and inflow to all wastewater systems in the Florida Keys.

ITEM BACKGROUND: The term “deleterious discharge” is currently defined in Chapter 20 of the Monroe County Code (Sewers and Sewage Disposal) to mean the addition of substances such as fats, grease and paint residue into the public sewer system, e.g., by pouring them into a property’s toilets or directly into drainpipes. The term “infiltration and inflow (I&I)” is currently defined in Chapter 20 to mean the introduction of excess stormwater, groundwater and cooling water into the sewer system. Currently, Chapter 20 requires a user to demonstrate that a property’s collection system is free of deleterious discharges and I&I at the first time that the property is being connected to the sewer system, but does not contain any provisions that require a property owner to continue to make sure that discharges and I&I are not introduced to the system.

In order to address a growing problem, local wastewater utilities have asked the County to add provisions that would create an obligation for existing property owners to refrain from introducing either type of substance into the sewer system. The proposed ordinance creates that obligation, authorizes all of the wastewater utilities to issue correction notices to the property owners, authorizes the utilities to do the work to correct the problem if the property owner does not take action, and sets up an administrative appeal process for the property owner to be conducted by the wastewater utility. The ordinance is only applicable to owners connected to a sewer system in the unincorporated County.

PREVIOUS RELEVANT BOCC ACTION: N/A

CONTRACT/AGREEMENT CHANGES:
N/A

STAFF RECOMMENDATION: Approval to advertise.

DOCUMENTATION:

Wastewater intrusion 2020 draft ordinance 10.1.2020

FINANCIAL IMPACT:

Effective Date: N/A

Expiration Date:

Total Dollar Value of Contract: N/A – not a contract

Total Cost to County: N/A

Current Year Portion: N/A

Budgeted: N/A

Source of Funds: N/A

CPI:

Indirect Costs:

Estimated Ongoing Costs Not Included in above dollar amounts:

Revenue Producing: No **If yes, amount:**

Grant:

County Match:

Insurance Required: No

Additional Details:

Cost of advertising

REVIEWED BY:

Cynthia Hall	Completed	10/01/2020 3:49 PM
Kevin Wilson	Completed	10/01/2020 4:44 PM
Bob Shillinger	Completed	10/05/2020 11:05 AM
Purchasing	Completed	10/05/2020 11:51 AM
Budget and Finance	Completed	10/05/2020 1:22 PM
Maria Slavik	Completed	10/05/2020 1:24 PM
Liz Yongue	Completed	10/05/2020 1:35 PM
Board of County Commissioners	Pending	10/21/2020 9:00 AM

ORDINANCE NO. _____ - 2020

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, CREATING A NEW SECTION 20-80 OF THE MONROE COUNTY CODE; REQUIRING PROPERTY OWNERS TO REMEDY ANY DELETERIOUS DISCHARGES OR INFILTRATION AND INFLOW IN WASTEWATER SYSTEMS; PROVIDING FOR CONFLICTS AND CODIFICATION; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01(1)(t), Florida Statutes, provides that the Board of County Commissioners has the power and authority to adopt ordinances and resolutions necessary for the exercise of its powers; and

WHEREAS, Article V of Chapter 20 of the Monroe County Code sets uniform wastewater connection standards for all properties connecting to a wastewater system anywhere in the unincorporated County operated by KW Resort Utilities Corp., Florida Keys Aqueduct Authority, or Key Largo Wastewater Treatment District, in order to standardize policies across the three utilities regarding policies for connection to the wastewater systems; and

WHEREAS, the term “deleterious discharge” is defined in Section 20-76 of the Monroe County Code to mean any discharge of harmful substances into sewers, including but not limited to paint residues, oils, grease, and toxic, noxious or malodorous substances; and

WHEREAS, the term “infiltration and inflow” is defined in Section 20-76 of the Monroe County Code to mean “introduction of any unpolluted stormwater, surface water, groundwater, roof runoff, interior or exterior footing or basement floor drainage, subsurface drainage, or cooling water into a sanitary sewer system. The introduction of I&I is prohibited by F.A.C. Ch. 62, All sewer collection systems shall be demonstrated to be free of I&I using one of the test methods cited under the definition of industry and utility standard or by an alternative test method approved by the utility's engineer”; and

WHEREAS, Section 20-78(c) of the Monroe County Code states that new users must demonstrate that the collection system for their properties are free of deleterious discharges and excessive infiltration and inflow, but does not address existing users; and

WHEREAS, the County and the wastewater utilities wish to add a provision to clarify that existing wastewater utility users also must keep their collection systems free of deleterious discharges as well as infiltration and inflow;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. A new Section 20-80 shall be added to the Monroe County Code, to read as follows:

Sec. 20-80. - Infiltration and inflow and deleterious discharges to sewer prohibited.

- (a) It shall be unlawful for a person to allow or to cause infiltration or inflow (I&I) or deleterious discharges to enter a sewer system from private property.
- (b) Property owners must clean, maintain and repair sewer laterals serving their property sufficiently to keep the laterals in operable conditions at all times. Maintenance under this section includes repairing a defect in a lateral that allows the introduction of infiltration and inflow (I&I) and ensuring that deleterious discharges are not introduced into the central wastewater system.
- (c) If a utility determines that deleterious discharges or I&I are entering the sewer system from private property, it shall provide a written correction notice to the property owner, by certified mail, return receipt requested, specifying the deficiencies to be corrected and the deadline by which to complete the required corrective actions. The notice shall specify the street address of the real property upon which the discharge or I&I is occurring; the name of the owner of the real property; and shall state that the owner, or someone on his behalf, must correct the deficiencies within thirty (30) days of the date of the notice. If the deficiency is not corrected within 30 days, the utility may proceed to do the work and assess the costs thereof against the real property. For purpose of this article, the names and address of property owners shall be deemed those appearing on the latest tax rolls of the county. The owner shall provide the utility's authorized representative with access for inspections of the property's sewer line so as to determine compliance with the notice.
- (d) Upon receipt of the notice, the property owner may seek an administrative hearing with the utility at which the owner or his agent may present evidence to rebut the determination of the utility or to negotiate terms of the repair. The property owner must request the administrative hearing in writing within fifteen (15) days of the date of the notice. The request for an administrative hearing must be sent to the director by certified mail, return receipt requested. Failure to timely request the administrative hearing shall waive the property owner's right to the hearing.
- (e) The administrative hearing shall be conducted by the utility within fifteen (15) days of the postmarked date of the request, unless both parties agree to an extension. The utility director (or his designee) shall hear and receive evidence from the property owner. The director (or designee) shall issue an order within ten (10) days of the date of the hearing.
 - (1) In the event the director determines that there is no discharge or I&I, the property owner shall not be required to take the corrective action.
 - (2) If an order is issued with a finding of deleterious discharge or I&I, and if the owner fails to stop the deleterious discharges or fails correct the I&I, or both, within ten (10) days after issuance of the order, the utility may request that the County institute code compliance proceedings against the property owner as

provided in Chapter 162 of the Florida Statutes and Chapter 8 of the Monroe County Code of Ordinances.

- (3) Violation of this section will be punishable, upon conviction, by a fine not to exceed \$500.00 per day or by imprisonment in the county jail not to exceed 60 days, or by both such fine and imprisonment pursuant to the provisions of F.S. § 125.69. If a violation is continued, each day of violation shall constitute a separate offense.
 - (4) The County or the utility, or both, may also take any other lawful actions to remedy the situation.
- (f) Additional remedies for noncompliance with this section include, but are not limited to:
- (1) Injunctive relief. Whenever a user is in violation of the provisions of this article or an order issued hereunder, the County or the utility, or both, may petition the Circuit Court for issuance of a restraining order or a preliminary or permanent injunction to restrain the activities in question or compel repairs.
 - (2) Public nuisance. Any violation of this article, or of an order issued herein, is hereby declared to be a public nuisance and shall be corrected or abated as directed by the wastewater utility.

Section 2. This ordinance shall be filed in the Office of the Secretary of State for the State of Florida and shall become effective as provided by law.

Section 3. All ordinances inconsistent with this Ordinance are hereby repealed to the extent of the conflict.

Section 4. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part declared to be invalid. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property, or circumstances.

Section 5. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances for Monroe County, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform marking of the system of the Code.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the ____ day of November 2020.

Mayor Heather Carruthers _____
Mayor Pro Tem Michelle Coldiron _____
Commissioner Craig Cates _____
Commissioner David Rice _____
Commissioner Sylvia Murphy _____

ATTEST:
Kevin Madok, Clerk of Circuit Court and Ex-
Officio Clerk to the Board of County
Commissioners

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

By: Deputy Clerk

By: Mayor _____