2009 KEY LARGO WASTEWATER TREATMENT DISTRICT
COMMITTEE OF THE WHOLE
Transition Meeting

AGENDA

Tuesday Nov. 10, 2009 4:00 PM
9880 Overseas Hwy
Key Largo, FL 33037

Susan Hammaker  Chair
Norman Higgins  Vice Chair
Charles Brooks  Secretary-Treasurer
Andrew Tobin  Commissioner
Robert Majeska  Commissioner
Charles F. Fishburn  General Manager

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the District Clerk at 305-43-804 at least 48 hours in advance to request accommodations.

4:00
A. CALL TO ORDER - PLEASE MUTE CELL PHONES

4:01
B. PLEDGE OF ALLEGIANCE

4:02
C. ROLL CALL

4:03
D. APPROVAL OF AGENDA WITH ANY ADDITIONS, DELETIONS, OR CONTINUANCES

4:05
E. ISLAMORADA UPDATE

4:25
F. PAVING COORDINATION WITH MONROE COUNTY

5:00
G. LEGISLATION UPDATE

5:30
H. OFFICE SPACE

5:40
I. COMMISSION'S ROUNDTABLE

6:00
J. ADJOURNMENT

KLWTD Agenda
Nov. 10, 2009
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: Nov. 10, 2009 Agenda Item No. E

[ ] PUBLIC HEARING [ ] RESOLUTION
[X] DISCUSSION [ ] BID/RFP AWARD
[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA
[ ] Other:

SUBJECT: Islamorada Update

RECOMMENDED MOTION/ACTION:

Approved by General Manager
Date: 11-18-09

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<td>[ ] General Manager</td>
<td>Paper:</td>
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<td>[ ] Finance</td>
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Summary Explanation/Background: Coordination between Islamorada Staff and KLWTD Staff continues.

Resulting Board Action:
☑ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised
Subject: Paving Coordination with Monroe County

Recommended Motion/Action:

Approved by General Manager [Signature]
Date: 11-6-09

Originating Department: General Manager
Costs: Approximately $ [ ] Engineering
Funding Source: Acct.
[ ] Clerk

Department Review:
[ ] District Counsel
[ ] General Manager [ ] Finance

Advertised:
Date: 
Paper: 
[ ] Not Required

Summary Explanation/Background: KLWTD is planning to make a presentation to the BOCC at the Nov. 18, 2009 meeting in Key Largo. The presentation will appeal to the County to coordinate paving with the KLWTD collection system projects. Specifically the KLWTD would like to apply the $1.8 million from the 905 curve project to KLWTD collection systems. This $1.8 million combined with KLWTD “Patching” money could result in more than $4 million in overlaying of roads for (2700 homes benefited) the residents of KLWTD’s service area.
KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 10, 2009
Agenda Item No. 6

[ ] PUBLIC HEARING
[x] DISCUSSION
[ ] GENERAL APPROVAL OF ITEM
[ ] Other:

SUBJECT: Legislation Update

RECOMMENDED MOTION/ACTION:

Approved by General Manager
Date: 11-6-09

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| [ ] General Manager                    | [ ] Engineering_____| [ ] Engineering_____
| [ ] Finance                           | [ ] Clerk_____      | [ ] Clerk_____                  |

Advertised:
Date: __________________________
Paper: __________________________
[X] Not Required

Summary Explanation/Background: The Deep Well Legislation has been removed from the FDEP Legislation. The FDEP Legislation is being revised to address KLWTD concerns.

Resulting Board Action:
☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6
November 5, 2009

TO: Rebecca Jetton, DCA
    Geoffrey Mansfield, DEP

FROM: Suzanne A. Hutton

RE: Discussion on Items of Change to Draft Legislation

To start this discussion, you should be aware that KL WTD has just told me that the municipalities & the District are very concerned about this legislation. Mr. Fishburn just stated on the phone to me that they would be OK if the legislation is tailored solely to affect the Lower Keys and the Conch Key/Duck Key areas of the unincorporated county, or if it can be tailored to except out any of the proposed connection requirement extensions if the properties have already been assessed. I think we can get language that is tailored to allow them to maintain their plan. Their attorney Tom Dillon has indicated an interest in drafting the language to allow the KLWTD to continue post haste with their financial plan & not jeopardize their bond issue they are pursuing. That language should be forthcoming pretty quickly, but I would like to get this out as soon as possible.

After meeting with Secretary Sole, Representative Saunders, DCA representatives Rebecca Jetton and Charles Gauthier, on October 22, 2009, the County and FKAA have conferred, with Rebecca on phone conference, in a long discussion, and also with our lobbyists in Tallahassee. As a result of those conversations, the County’s and FKAA’s engineering, administrative & legal people have settled on a re-draft of the “Agency Consensus” draft legislation for purposes of discussion initially with administrative and legal representatives of the other local entities responsible for WW treatment & collection systems, and for purposes of a workshop to bring a local consensus proposal back to the state agencies.

However, because government works slowly, especially where meetings and consensus-building are involved, and we are being requested to provide comments back on the “Agency Consensus” draft legislation, I am providing you now with the following comments and a copy of our re-draft, with the caveat that we have not had the opportunity to hold the workshop to get consensus from the municipalities & KLWTD. We hope to be able to schedule a workshop to do that in the very near future.
Explanation of changes made on the attached 11/5 version from the "Agency Consensus" draft legislation:

Lines 18-21: Revised language to allow for the entirety of the $200 million to be appropriated rather than be subject to only 4 fiscal years during which any appropriations are made. If the appropriation in any of those years is less than $50 million, the language currently in the legislation would not allow for subsequent funding until the $200 million is met.

Line 57: Changed "population" to "permanent residents" to be consistent with line 230 and any other place the term "permanent residents" is used.

Line 204: Added language to allow development in areas not yet served by central WW but which are in the amended Master Plan to be served by central WW. This language is to deflect any takings cases which would result from this legislation if the language was not added, and to allow permits to be issued to properties that might be in more scarified and more densely built subdivisions than forcing the permit allocations to have to be diverted to those areas that have sewers. This is probably more important to the County than anyone else.

Lines 295-296: Added language because there was some expectation that an administrative rule could allow an exception, but the legislative proposal did not say that.

Line 304: Deleted "repaired" to avoid the possibility that someone who wants to make a minor repair is required to upgrade & then gets an extension on the connection requirement to 2030.

Lines 315-316: Added language to use a DOH permit as the trigger for determining who gets to 2030 to connect.

Lines 332-333: changed language to refer to the amended Master Plan in lieu of the exhibits from 2000 that are now obsolete because of the inclusion in the Master Plan of areas not previously slated for connection to central WW but will have sewer mains running past them to serve the areas in the original Master Plan.

Lines 344-345: Ditton.

Line 366, et al: Deleted whole segment regarding injection wells since KL WTD has already been working with Senator Bullard to sponsor the same language, which is in SB 422, already filed.

Lines 366-367: The intent of the original Agency consensus" language was to repeal sections of Ch. 99-395 and include them in statutes, which paragraphs (b) & (d) address. We removed the injection well segment of SB 422 amends Ch. 99-395, so Section (6) sub(7) is specifically excluded here as that was the part of 99-395 to remain in effect & be amended by SB 422.

Line 406: Ditto.

Lines 401—404: Totally removed the package plant extension to connect to central sewer because we need to encourage them to connect to central to maintain the efficiency of the systems being designed and built, and to not have to pass all of the operational costs on to fewer connected properties. Instead, the language would allow a local government the ability to allow credits for costs of upgrades when they connect. This was an issue that DCA seemed to have in wanting to encourage upgrades if the central sewers will take several years. The language probably needs to be tweaked some more to accommodate KL WTD, I just was thinking about the ability to pass ordinances when drafting.
As a final thought, I want to assure everyone that the County is more than willing to work with all of the wastewater authorities to achieve a bill that benefits everyone, and certainly does not want to create additional obstacles for any of the wastewater authorities. It is my understanding that is also the intent of the State agencies which worked together to come up with the original proposal.

Hopefully, after this is circulated, we can start talking about a workshop date. Since each of our boards/commissions/councils will still have to meet to deliberate on any action, I suggest we might want administrative & engineering and legal representatives at the workshop table to voice the concerns of the various entities.
Section I. Subsection (1) of section 215.619, Florida Statutes, is amended to read:

215.619 Bonds for Everglades restoration.—

(1) The issuance of Everglades restoration bonds to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources for the purpose of implementing the Comprehensive Everglades Restoration Plan under s. 373.470, the Lake Okeechobee Watershed Protection Plan under s. 373.4595, the Caloosahatchee River Watershed Protection Plan under s. 373.4595, the St. Lucie River Watershed Protection Plan under s. 373.4595, and the Florida Keys Area of Critical State Concern protection program under ss. 380.05 and 380.0552 to restore and conserve natural systems through the implementation of water management projects, including wastewater management projects identified in the "Keys Wastewater Plan" dated November 2007 and submitted to the Florida House of Representatives on December 4, 2007, is authorized in accordance with s. 11(e), Art. VII of the State Constitution. Everglades restoration bonds, except refunding bonds, may be issued only in fiscal years 2002-2003 through 2019-2020 and may not be issued in an amount exceeding $100 million per fiscal year unless:

(a) The Department of Environmental Protection has requested additional amounts in order to achieve cost savings or accelerate the purchase of land; or

(b) The Legislature authorizes an additional amount of bonds totaling $200 million to be appropriated in an amount not to exceed $50 million per fiscal year until the $200 million has been bonded, appropriated and distributed for wastewater management projects, for no more than 4 fiscal years, specifically for the purpose of funding the Florida Keys Area of Critical State Concern protection program. Proceeds from said bonds shall be managed by the Department of Environmental Protection for the purpose of entering into financial assistance agreements with local governments located in the Florida Keys Area of Critical State Concern to finance or refinance the cost of constructing sewage collection, treatment and disposal facilities.

The duration of Everglades restoration bonds may not exceed 20 annual maturities, and those bonds must mature by December 31, 2040. Except for refunding bonds, a series of bonds may not be issued unless an amount equal to the debt service coming due in the year of issuance has been appropriated by the Legislature. Beginning July 1, 2010, the Legislature shall analyze the
ratio of the state's debt to projected revenues prior to the authorization to issue any bonds under this section.

Section 2. Subsections (2), (4), (7), and (9) of section 380.0552, Florida Statutes, are amended as follows:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.-

(2) LEGISLATIVE INTENT.--It is hereby declared that the intent of the Legislature is:

(a) To establish a land use management system that protects the natural environment of the Florida Keys.

(b) To establish a land use management system that conserves and promotes the community character of the Florida Keys.

(c) To establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of available and planned public facilities and services.

(d) To provide for affordable housing in close proximity to places of employment in the Florida Keys.

(e) To establish a land use management system that promotes and supports a diverse and sound economic base.

(f) To protect the constitutional rights of property owners to own, use, and dispose of their real property.

(g) To promote coordination and efficiency among governmental agencies with permitting jurisdiction over land use activities in the Florida Keys.

(h) To promote an appropriate land acquisition and protection strategy for environmentally sensitive lands within the Florida Keys.

(i) To protect and improve nearshore water quality of the Florida Keys through the construction and operation of wastewater management facilities that meet the requirements of s. 381.0065(4)(l) and s. 403.086(10), as appropriate.

(j) To assure the permanent residents of the Florida Keys can be safely evacuated.

(4) REMOVAL OF DESIGNATION.--
(a) The designation of the Florida Keys Area as an area of critical state concern under this section may be recommended for removal upon fulfillment of the legislative intent and upon completion of all the work program tasks as set forth in Administration Commission Rules.

(b) Beginning September 1, 2011, the state land planning agency shall submit annually a written report to the Administration Commission describing the progress of the Florida Keys Area toward completing the tasks of the work program as set forth in Administration Commission Rules. The state land planning agency shall recommend to the Administration Commission the removal of the designation, if it determines the following have been met:

1. All of the work program tasks have been completed, including construction and operation of, and connection to, central wastewater management facilities pursuant to s. 403.086(10) and upgrade of onsite sewage treatment and disposal systems pursuant to s. 381.0065(4)(i);

2. All local comprehensive plans and land development regulations and the administration of such plans and regulations are adequate to protect the Florida Keys Area, fulfill the legislative intent incorporated in subsection (2), and are consistent with and further the principles for guiding development.

3. A local government has adopted a resolution at a public hearing recommending the removal of the designation.

(c) After receipt of the state land planning agency report and recommendation, the Administration Commission shall determine whether the requirements above have been fulfilled and may remove the designation. If the Administration Commission removes the designation, it shall, within 60 days, initiate rulemaking pursuant to chapter 120 to repeal any rules relating to the designation of the Florida Keys Area as an area of critical state concern. If, after receipt of the state land planning agency's report and recommendation, the Administration Commission finds that the requirements for recommending removal of designation have not been met, the Administration Commission shall provide a written report to the local governments within 30 days after making such a finding detailing the tasks that must be completed by the local government.

(a) Between July 12, 2008, and August 30, 2008, the state land planning agency shall submit a written report to the Administration Commission describing in detail the progress of the
Florida Keys Area toward accomplishing the tasks of the work program as defined in paragraph (e) and providing a recommendation as to whether substantial progress toward accomplishing the tasks of the work program has been achieved. Subsequent to receipt of the report, the Administration Commission shall determine, prior to October 1, 2008, whether substantial progress has been achieved toward accomplishing the tasks of the work program. The designation of the Florida Keys Area as an area of critical state concern under this section shall be removed October 1, 2009, unless the Administration Commission finds, after receipt of the state land planning agency's report, that substantial progress has not been achieved toward accomplishing the tasks of the work program. If the designation of the Florida Keys Area as an area of critical state concern is removed, the Administration Commission, within 60 days after removal of the designation, shall initiate rulemaking pursuant to chapter 120 to repeal any rules relating to the designation of the Florida Keys Area as an area of critical state concern. If, after receipt of the state land planning agency's report, the Administration Commission finds that substantial progress toward accomplishing the tasks of the work program has not been achieved, the Administration Commission shall provide a written report to the Monroe County Commission within 30 days after making such finding detailing the tasks under the work program that must be accomplished in order for substantial progress to be achieved within the next 12 months.

(b) If the designation of the Florida Keys Area as an area of critical state concern is not removed in accordance with paragraph (a), the state land planning agency shall submit a written annual report to the Administration Commission on November 1 of each year, until such time as the designation is removed, describing the progress of the Florida Keys Area toward accomplishing remaining tasks under the work program and providing a recommendation as to whether substantial progress toward accomplishing the tasks of the work program has been achieved. The Administration Commission shall determine, within 45 days after receipt of the annual report, whether substantial progress has been achieved toward accomplishing the remaining tasks of the work program. The designation of the Florida Keys Area as an area of critical state concern under this section shall be removed unless the Administration Commission finds that substantial progress has been achieved toward accomplishing the tasks of the work program. If the designation of the Florida Keys Area as an area of critical state concern is
removed, the Administration Commission, within 60 days after removal of the designation, shall initiate rulemaking pursuant to chapter 120 to repeal any rules relating to the designation of the Florida Keys Area as an area of critical state concern. If the Administration Commission finds that substantial progress has not been achieved, the Administration Commission shall provide to the Monroe County Commission, within 30 days after making its finding, a report detailing the tasks under the work program that must be accomplished in order for substantial progress to be achieved within the next 12 months.

(e) For purposes of this subsection, the term "work program" means the 10-year work program as set forth in rule 28-20.110, Florida Administrative Code, on January 1, 2006, excluding amendments to the work program that take effect after January 1, 2006.

(d) The determination of the Administration Commission concerning the removal of designation, as to whether substantial progress has been made toward accomplishing the tasks of the work program may be judicially reviewed pursuant to chapter 120. All proceedings shall be conducted at the Division of Administrative Hearings and shall be initiated within 30 days after rendition of the Administration Commission's determination in the circuit court of the judicial circuit where the Administration Commission maintains its headquarters and shall be initiated within 30 days after rendition of the Administration Commission's determination. The Administration Commission's determination as to whether substantial progress has been made toward accomplishing the tasks of the work program shall be upheld if it is supported by competent and substantial evidence and shall not be subject to administrative review under chapter 120.

(e) After removal of the designation as an area of critical state concern, the state land planning agency shall review proposed local comprehensive plans, and any amendments to existing comprehensive plans, which are applicable to the Florida Keys Area, the boundaries of which were described in chapter 28-29, Florida Administrative Code, as of January 1, 2006, for compliance with subparagraphs 1. and 2., in addition to reviewing proposed local comprehensive plans and amendments for compliance as defined in s. 163.3184. All procedures and penalties described in s. 163.3184 apply to the review conducted pursuant to this paragraph.

1. Adoption of construction schedules for wastewater facilities improvements in the annually adopted capital improvements element and adoption of standards for the construction of
wastewater treatment facilities which meet or exceed the criteria of chapter 99-395, Laws of Florida.

2. Adoption of goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency.

(f) The Administration Commission may adopt rules or revise existing rules necessary to carry out the provisions of this subsection.

(7) PRINCIPLES FOR GUIDING DEVELOPMENT.--State, regional, and local agencies and units of government in the Florida Keys Area shall coordinate their plans and conduct their programs and regulatory activities consistent with the principles for guiding development as set forth in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, which chapter is hereby adopted and incorporated herein by reference. For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the principles for guiding development and any amendments to the principles, the principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. However, the principles for guiding development as set forth in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, are repealed 18 months from July 1, 1986. After repeal, the following shall be the principles with which any plan amendments must be consistent:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.

(f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

(g) To protect the historical heritage of the Florida Keys.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
   1. The Florida Keys Aqueduct and water supply facilities;
   2. Sewage collection, treatment and disposal facilities;
   3. Solid waste collection and disposal facilities;
   4. Key West Naval Air Station and other military facilities;
   5. Transportation facilities;
   6. Federal parks, wildlife refuges, and marine sanctuaries;
   7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
   8. City electric service and the Florida Keys Electric Co-op; and
   9. Other utilities, as appropriate.

(i) To protect and improve water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities, central sewage collection, treatment and disposal facilities, and through the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.

(j) To ensure the improvement of near shore water quality by requiring advanced treatment standards for wastewater effluent and by directing growth through permit allocations for new development to areas served or included in the amended Master Plan to be served by central wastewater treatment facilities.

(k) To limit the adverse impacts of public investments on the environmental resources of the Florida Keys.
(l) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

(m) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.

(n) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission shall become effective only upon the approval thereof by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development set forth in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and shall either approve or reject the requested changes within 60 days of receipt thereof. Amendments to local comprehensive plans in the Florida Keys Area shall also be reviewed for compliance with subparagraphs 1. and 2.

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria of s. 403.086(10) for wastewater treatment and disposal facilities or s. 381.0065(4)(l) for onsite sewage treatment and disposal systems.

2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency.

(b) Further, the state land planning agency, after consulting with the appropriate local government, may, no more often than once a year, recommend to the Administration Commission the enactment, amendment, or rescission of a land development regulation or element of a local comprehensive plan. Within 45 days following the receipt of such
recommendation by the state land planning agency, the commission shall reject the
recommendation, or accept it with or without modification and adopt it, by rule, including any
changes. Any such local development regulation or plan shall be in compliance with the
principles for guiding development.

Section 3. Paragraph (4)(l) of section 381.0065, Florida Statutes, is amended to read:
(4) PERMITS; INSTALLATION; AND CONDITIONS.-- A person may not construct,
repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first
obtaining a permit approved by the department. The department may issue permits to carry out
this section, but shall not make the issuance of such permits contingent upon prior approval by
the Department of Environmental Protection, except that the issuance of a permit for work
seaward of the coastal construction control line established under s. 161.053 shall be contingent
uppon receipt of any required coastal construction control line permit from the Department of
Environmental Protection. A construction permit is valid for 18 months from the issuance date
and may be extended by the department for one 90-day period under rules adopted by the
department. A repair permit is valid for 90 days from the date of issuance. An operating permit
must be obtained prior to the use of any aerobic treatment unit or if the establishment generates
commercial waste. Buildings or establishments that use an aerobic treatment unit or generate
commercial waste shall be inspected by the department at least annually to assure compliance
with the terms of the operating permit. The operating permit for a commercial wastewater system
is valid for 1 year from the date of issuance and must be renewed annually. The operating permit
for an aerobic treatment unit is valid for 2 years from the date of issuance and must be renewed
every 2 years. If all information pertaining to the siting, location, and installation conditions or
repair of an onsite sewage treatment and disposal system remains the same, a construction or
repair permit for the onsite sewage treatment and disposal system may be transferred to another
person, if the transferee files, within 60 days after the transfer of ownership, an amended
application providing all corrected information and proof of ownership of the property. There is
no fee associated with the processing of this supplemental information. A person may not
contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite
sewage treatment and disposal system without being registered under part III of chapter 489. A
property owner who personally performs construction, maintenance, or repairs to a system
serving his or her own owner-occupied single-family residence is exempt from registration
requirements for performing such construction, maintenance, or repairs on that residence, but is
subject to all permitting requirements. A municipality or political subdivision of the state may
not issue a building or plumbing permit for any building that requires the use of an onsite sewage
treatment and disposal system unless the owner or builder has received a construction permit for
such system from the department. A building or structure may not be occupied and a
municipality, political subdivision, or any state or federal agency may not authorize occupancy
until the department approves the final installation of the onsite sewage treatment and disposal
system. A municipality or political subdivision of the state may not approve any change in
occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system
until the department has reviewed the use of the system with the proposed change, approved the
change, and amended the operating permit.

(I) For the Florida Keys, the department shall adopt a special rule for the construction,
installation, modification, operation, repair, maintenance, and performance of onsite sewage
treatment and disposal systems which considers the unique soil conditions and which considers
water table elevations, densities, and setback requirements. On lots where a setback distance of
75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met,
an injection well, approved and permitted by the department, may be used for disposal of
effluent from onsite sewage treatment and disposal systems. The following additional
requirements shall apply to onsite sewage treatment and disposal systems in Monroe County:

1. The county, each municipality and those special districts established for the purpose of
collection, transmission, treatment, or disposal of sewage, shall ensure, in accordance with the
specific schedules adopted by the Administration Commission under s. 380.0552, the completion
of onsite sewage treatment and disposal system upgrades to meet the requirements of this
paragraph.

2. Onsite sewage treatment and disposal systems shall cease discharge no later than
December 31, 2015 or shall comply with the rules of the department and provide the level of
treatment that, unless a lesser standard is adopted by department rule for areas not served by
electric utilities, will produce an effluent that contains not more, on a permitted annual average
basis, than the following concentrations:
SH 2d REVISED DRAFT KEYS LEGISLATIVE LANGUAGE – NOVEMBER 5, 2009
W/O PROVISIONS FOR SALES TAX OR INJECTION WELLS,
WORKING FROM DEP 10-26 VERSION

298 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
299 b. Suspended Solids of 10 mg/l.
300 c. Total Nitrogen, expressed as N, of 10 mg/l.
301 d. Total Phosphorus, expressed as P, of 1 mg/l.
302 e. In addition, onsite sewage treatment and disposal systems discharging to injection well
303 shall provide basic disinfection as defined by department rule.
304 3. After July 1, 2010, all new or modified and repaired onsite sewage treatment and
305 disposal systems shall provide the level of treatment required under subparagraph 2.
306 4. Onsite sewage treatment and disposal systems shall be monitored for total nitrogen
307 and total phosphorus concentrations as required by department rule.
308 5. The department shall enforce proper installation, operation and maintenance of onsite
309 sewage treatment and disposal systems pursuant to this chapter, including ensuring that the
310 appropriate level of treatment required under subparagraph 2 is met.
311 6. The county, each municipality and those special districts established for the purpose of
312 collection, transmission, treatment, or disposal of sewage may require connection of onsite
313 sewage treatment and disposal systems to a central sewer system within 30 days of notice of
314 availability of service. However, an onsite sewage treatment and disposal system that is installed
315 after July 1, 2010, to serve new development, or a renovation or redevelopment which requires a
316 permit from the department, pending the availability of a central sewer system and which meets
317 the requirements of subparagraph 2, shall not be required to connect to a central sewage system
318 until July 1, 2030 unless the department determines that the onsite system is unable to maintain
319 compliance with subparagraph 2.
320 Section 4. New subsection (10) is added to section 403.086, Florida Statutes, to read:
321 403.086 Sewage disposal facilities; advanced and secondary waste treatment--
322 (10) The Legislature finds that the discharge of inadequately treated and managed
323 domestic wastewater from dozens of small wastewater facilities and thousands of septic tanks
324 and other onsite systems in the Florida Keys compromises the quality of the coastal environment,
325 including nearshore and offshore waters, and threatens the quality of life and local economies
326 that depend on those resources. The Legislature also finds that the only practical and cost-
327 effective way to fundamentally improve wastewater management in the Florida Keys is for the
local governments in Monroe County, including those special districts established for the purpose of collection, transmission, treatment, or disposal of sewage, to timely complete, at a minimum, the wastewater (sewage) treatment and disposal facilities initiated under the work program of Administration Commission rule 28-20, Florida Administrative Code, and the Monroe County Sanitary Master Wastewater Plan, dated June 2000, as amended January 28, 2009. The Legislature therefore declares that the construction and operation of comprehensive central wastewater systems in accordance with this subsection is in the public interest. The requirements of this subsection apply to all wastewater facilities in Monroe County, including privately-owned facilities, unless otherwise provided herein.

(a) The discharge of domestic wastewater into surface waters is prohibited.

(b) New or expanded domestic wastewater discharges shall comply with the requirements of paragraph (d) and with the rules of the department.

(c) Monroe County, each municipality and those special districts established for the purpose of collection, transmission, treatment, or disposal of sewage in Monroe County shall complete, at a minimum, the wastewater collection, treatment and disposal facilities within its jurisdiction designated as hot spots in the Monroe County Sanitary Master Wastewater Plan, dated June 2000, as amended January 28, 2009, specifically listed in Exhibits 6-1 through 6-3 of Chapter 6 and mapped in Exhibit E-1 of Appendix F. The required facilities and connections, and any additional facilities required by rules adopted by the Administration Commission under s. 380.0552, shall be completed no later than December 31, 2015, pursuant to specific schedules established by the Administration Commission.

(d) Wastewater treatment facilities with design capacities greater than or equal to 100,000 gallons per day shall provide basic disinfection as defined by department rule and the level of treatment that will produce an effluent that contains not more, on a permitted annual average basis, than the following concentrations:

   a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.
   b. Suspended Solids of 5 mg/l.
   c. Total Nitrogen, expressed as N, of 3 mg/l.
   d. Total Phosphorus, expressed as P, of 1 mg/l.
2. Wastewater treatment facilities with design capacities less than 100,000 gallons per day shall provide basic disinfection as defined by department rule and the level of treatment that will produce an effluent that contains not more, on a permitted annual average basis, than the following concentrations:

a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

b. Suspended Solids of 10 mg/l.

c. Total Nitrogen, expressed as N, of 10 mg/l.

d. Total Phosphorus, expressed as P, of 1 mg/l.

e. The requirements of paragraphs (b), (d) of this section and Section 6, sub-section (7) of Ch.99-395, Laws of Florida do not apply to the following:

1. Class I injection wells as defined by department rule, including any authorized mechanical integrity tests.

2. Authorized mechanical integrity tests associated with Class V wells as defined by department rule.

3. The following types of reuse systems authorized by department rule:

a. Slow-rate land application systems;

b. Industrial uses of reclaimed water; and

c. Use of reclaimed water for toilet flushing, fire protection, vehicle washing, construction dust control, and decorative water features.

However, disposal systems serving as backups to reuse systems shall comply with the other provisions of this subsection.

(i) For wastewater treatment facilities in operation as of July 1, 2010 that are located within the areas to be served by Monroe County, municipalities in Monroe County or those special districts established for the purpose of collection, transmission, treatment, or disposal of sewage, but that are owned by other entities, the requirements of paragraphs (b), (d) and (e) do not apply until January 1, 2016 except as otherwise provided in this paragraph. Wastewater operating permits issued pursuant to this chapter and in effect for these facilities as of June 30, 2010, are hereby extended until December 31, 2015 or until the facility is connected to a local
government central wastewater system, whichever is earlier. Wastewater treatment facilities in
operation after December 31, 2015 shall meet the requirements of paragraphs (b), (d) and (e).

(g) If it is demonstrated that a discharge, even if it is otherwise in compliance with this
subsection will cause or contribute to a violation of state water quality standards, the department
shall:

1. Require more stringent effluent limitations;
2. Order the point or method of discharge changed;
3. Limit the duration or volume of the discharge; or
4. Prohibit the discharge.

(h) All sewage treatment facilities shall monitor effluent for total nitrogen and total
phosphorus concentration as required by department rule.

(i) The department shall require the levels of operator certification and staffing necessary
to ensure proper operation and maintenance of sewage facilities.

(j) The department may adopt rules necessary to carry out the provisions of this
subsection.

(k) The county and each municipality may pass ordinances which allow credits for costs
of construction or modification of wastewater treatment facilities to meet the requirements of
sub-paragraph (d) in requiring connection to a central sewage system prior to July 1, 2030 unless
the department determines that the facility is unable to maintain compliance with this subsection.

Section 5. Sections 4, 5 and 6, except section 6, sub-section (7), of chapter 99-395, Laws
of Florida, as amended, are repealed.

Section 6. This act shall take effect upon becoming a law.
KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 10, 2009

Agenda Item No. 1

[ ] PUBLIC HEARING [ ] RESOLUTION

[X] DISCUSSION [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Additional Office Space

RECOMMENDED MOTION/ACTION:

Approved by General Manager
Date: 11-6-09

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Summary Explanation/Background: Inspection Staff have moved to the White Rhino Property.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation