

RESOLUTION NO. 2018-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO LICENSING OF SIGNIFICANT ENVIRONMENTAL IMPACT FACILITIES; AMENDING SECTION 27.170 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"), PROVIDING NOTICE REQUIREMENTS FOR THE LICENSING OF SIGNIFICANT ENVIRONMENTAL IMPACT FACILITIES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Vice-Mayor Mark D. Bogen)

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

Section 1. Section 27.170 of the Broward County Administrative Code is hereby amended to read as follows:

27.170. Public Notices of Licensing Significant Environmental Impact Facilities.

Applicants for a license required under Chapter 27 of the Broward County Code of Ordinances to construct, operate, or make a ~~major~~ modification to a dump, incinerator, resource recovery facility, sanitary landfill, or Significant Environmental Impact Facility, as defined in this section, shall provide the public notices required herein in addition to any other federal, state, or local notice requirements.

- a. "Dump" means a site where trash, waste, refuse, rubbish, or garbage is placed for disposal.
- b. "Incinerator" means an apparatus for the burning of trash, waste, refuse, rubbish, or garbage at high temperatures until it is reduced to ash.

1 c. "Resource recovery facility" means a facility where energy is extracted
2 from solid waste. For purposes of this section, a "resource recovery
3 facility" shall not include facilities subject to the Florida Electrical Power
4 Plant Siting Act, Sections 403.501, et seq., Florida Statutes.

5 d. "Sanitary landfill" means an area of land or an excavation where waste
6 material is placed or has been placed for disposal.

7 e. "Significant Environmental Impact Facility" means:

8 . . .

9 5. A dump, sanitary landfill, incinerator, or resource recovery facility,
10 as defined herein ("solid waste management facility"), that requires
11 a license under Section 27-216 of the Code of Ordinances;

12 . . .

13 8. A hazardous material facility that requires a licensed under Section
14 ~~27-382~~ 27-381 of the Code of Ordinances, if the facility is located in
15 Zone 1, as defined in Section 27-376 of the Code of Ordinances; or

16 . . .

17 ~~b- f.~~ For Significant Environmental Impact Facilities other than solid waste
18 management facilities, ~~the~~ applicant shall provide the notices by regular
19 first class mail to the following persons:

20 . . .

21 Property owners, names, and addresses for notice purpose shall be
22 determined in accordance with the current tax roll of Broward County,
23 Florida, unless the applicant has actual knowledge of a different property
24 owner. In the event the notification area includes land declared to be a

1 condominium or homeowners' association under Chapter 718 or 720,
2 Florida Statutes, notice shall be sufficient if provided to the condominium
3 or homeowners' association of record for the property.

4 g. For solid waste management facilities, the applicant shall provide the
5 notices:

- 6 1. By regular first class mail to the mayor, each city commissioner or
7 council member, and the city administrator or city manager of any
8 municipality within Broward County and within a radius of four (4)
9 miles of the perimeter of the facility property boundary; and
- 10 2. By email to the County Commissioners of districts for which any
11 portion of the district is within a radius of four (4) miles of the
12 perimeter of the facility property.

13 In addition to the above-referenced notices provided by the applicant, the
14 Environmental Engineering and Permitting Division, or successor agency,
15 shall provide email notification to:

- 16 1. Board members of condominium and homeowners' associations
17 within Broward County and within a four (4) mile radius of the
18 perimeter of the facility property who sign up with Broward County
19 to receive email notifications; and
- 20 2. Any other person who lives or owns property within Broward County
21 and within a four (4) mile radius of the perimeter of the facility
22 property who signs up with Broward County to receive email
23 notifications.

24
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1 The foregoing notices provided by the Environmental Engineering and
2 Permitting Division are courtesy notifications and shall not affect the
3 validity of any action taken relative to an application under this part, and
4 failure to receive such notification shall not give rise to a cause of action
5 challenging action taken relative to the license under Section 27-216 of
6 the Code of Ordinances.

7 ~~e.~~ h. Notices shall include:

- 8 1. The location, description, and name of the subject facility;
- 9 2. The full and correct legal name of the applicant;
- 10 3. The type of license applied for;
- 11 4. The license number (if any); and
- 12 5. The address of the facility where the application, license, or intent
- 13 to issue a license is on file for examination or copying, and a phone
- 14 number for EPGMD where more information may be obtained.

15 ~~d.~~ i. The applicant and the Environmental Engineering and Permitting Division
16 shall mail or email (consistent with the requirements stated above) the
17 notices:

- 18 1. Within nine (9) days after the filing of an application for licensing of
- 19 a Significant Environmental Impact Facility; and
- 20 2. Within nine (9) days after receipt of a license or intent to issue a
- 21 license.

22 However, no applicant shall mail notice on or within five (5) days prior to a
23 federal, state, or Broward County legal holiday. If a federal, state, or
24 Broward County legal holiday exists within the mailing period, notice shall

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1 be mailed either at least six (6) days before the holiday or on the next
2 business day following the holiday.

3 e. j. Within seven (7) days after mailing or emailing each notice, the applicant
4 shall submit to EPGMD proof of notice by providing electronic copies of all
5 notices sent, together with an affidavit that the notices were mailed on the
6 date indicated on the notice.

7 f. k. ~~The following license applications, licenses, and intent to issue licenses~~
8 ~~shall not be subject to the notice requirements of this section:~~

9 ~~4. License renewals that do not include any major modifications or~~
10 ~~that include only minor modifications to the licensed facility or~~
11 ~~activity;~~ ~~and minor modifications to the licensed facility or activity~~
12 ~~that are independent of a license renewal, shall not be subject to~~
13 ~~the notice requirements of this section.~~

14 1. With regard to the license renewals and minor modifications
15 referenced in the preceding paragraph, notice shall be
16 provided to those elected city officials set forth in
17 Section (g)(1) by regular first class mail and to those County
18 officials set forth in Section (g)(2) by email.

19 2. For purposes of this section, a "minor" modification shall
20 mean:

21 (a) For parking facilities: an existing parking facility
22 undergoing a modification that results in an addition
23 of less than 350 parking spaces.

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1 (b) For wastewater treatment plants: a modification that
2 does not result in an increase in overall capacity or an
3 increase in the capacity of the Advanced Wastewater
4 Treatment system.

5 (c) For licenses to operate direct discharge from
6 nondomestic activity: a modification that does not
7 increase the quantity of discharge or decrease the
8 quality of discharge.

9 (d) For solid waste management facilities and hazardous
10 material transfer facilities: a modification that is not
11 reasonably expected to lead to substantially different
12 environmental impacts that would require a detailed
13 review. The Environmental Engineering and
14 Permitting Division, or successor agency, shall
15 document the basis for any determination that a
16 modification is not expected to lead to substantially
17 different environmental impacts and, therefore,
18 constitutes a minor modification.

19 2. ~~licenses issued pursuant to declaration of emergency by the~~
20 ~~Governor of Florida.~~

21 Section 2. SEVERABILITY.

22 If any portion of this Resolution is determined by any court to be invalid, the invalid
23 portion shall be stricken, and such striking shall not affect the validity of the remainder of
24 this Resolution. If any court determines that this Resolution, or any portion hereof, cannot

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1 be legally applied to any individual(s), group(s), entity(ies), property(ies), or
2 circumstance(s), such determination shall not affect the applicability hereof to any other
3 individual, group, entity, property, or circumstance.

4 Section 3. INCLUSION IN THE ADMINISTRATIVE CODE.

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

10 Section 4. EFFECTIVE DATE.

11 This Resolution shall become effective upon adoption.

12
13 ADOPTED this 25th day of September, 2018.

14
15 Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

16
17 By /s/ Maite Azcoitia 09/25/18
Maite Azcoitia (date)
18 Deputy County Attorney

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22
23 MA/gmb
09/25/18

24 Chapter 27 Notices Resolution-SAGEdits

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