

METROPOLITAN DADE COUNTY, FLORIDA



ENVIRONMENTAL RESOURCES MANAGEMENT
WASTE MANAGEMENT DIVISION
SUITE 800
33 S.W. 2nd AVENUE
MIAMI, FLORIDA 33130-1540
(305) 372-6817

October 20th, 1998
RECEIVED
OCT 21 1998
DEPT. OF ENV. PROTECTION

Mr. Joe Lurix
Florida Department of Environmental Protection
Southeast District
400 North Congress Avenue
West Palm Beach, Florida 33401

Dear Mr. Lurix:

Enclosed please find the original "Solid Waste Program Specific Operating Agreement", which was executed between the State of Florida Department of Environmental Protection and Miami-Dade County, Florida, on August 14th, 1998 and October 8th, 1998 respectively.

We are very enthusiastically looking forward to working with you on this new challenging opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Johns".

Robert E. Johns, P.E., Chief
Waste Regulation Section
Pollution Control Division

REJ/msg

enclosure

K-111-111
21-1-98

SOLID WASTE PROGRAM SPECIFIC OPERATING AGREEMENT

PART I

ADMINISTRATION OF AGREEMENT

OCT 21 1998
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SECTION I - 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 (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 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, DEP and MDC hereby enter into this Solid Waste Program 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 DEP's or MDC's independent authority established by law.
- (d) This SOA does not apply to hazardous waste management facilities, transporters, or generators.

SECTION 2 - PARTIES

Notwithstanding the provisions in the General Agreement, parties to this SOA are DEP and MDC. DEP's Southeast District Office shall be responsible for transferring information needed by MDC as described in this SOA while keeping DEP's Solid Waste Management Section informed except as otherwise required for efficiency or specified by this SOA.

SECTION 3 - MODIFICATION OF AGREEMENT AND CONFLICT BETWEEN AGREEMENTS

This SOA and any Appendices or Exhibits may be modified at any time by written mutual consent of DEP and MDC. 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 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 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 to MDC shall be signed by the DEP Secretary. Notice to DEP shall be signed by the County Manager. Upon termination, MDC shall provide to DEP copies of all files and records applicable to this SOA.

SECTION 6 - SEVERABILITY

If any part of this SOA is found invalid or unenforceable by any Court, the remaining parts of this SOA will not be affected.

PART II

PROGRAM MANAGEMENT

SECTION 7 - BUDGET

- a) MDC shall annually provide a summary of its approved budget outlining funding and staffing. DEP shall make its Solid Waste Program related budget summary available upon request. MDC shall maintain an adequate level of Solid Waste Program funding, staffing, and equipment to comply with all statutes, rules, and policies pertaining to delegated Solid Waste Program activities. Minimum Solid Waste 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 rules pertaining to its solid waste 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, F.S., and rules adopted thereunder. DEP has determined that such stricter or more extensive local rules shall be enforced by DEP if it elects to exercise its jurisdiction over solid waste management within the jurisdiction of MDC, pursuant to ss. 403.182(6), Fla. Stat. This determination is not applicable to rules not listed 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 solid waste rules and that MDC shall adhere to penalty assessment guidelines which are at least as effective as that of DEP and shall utilize DEP Penalty Guidelines for the purpose of calculating

penalties for violations of state rules until DERM finalizes its local penalty policy. 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 Solid Waste 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 Solid Waste 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 Solid Waste 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 Solid Waste 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) Within 90 days after execution of this SOA, MDC shall adopt all procedures of Chapter 120, Fla. Stat., for the purposes of implementing the provisions of this SOA with the exception of those related to rulemaking and variances or waivers.
- (c) Legal interpretation of DEP rules shall be made by DEP. Legal interpretation of DERM ordinances shall be made by DERM. 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 DERM ordinances, DERM shall provide testimony concerning the interpretation of those ordinances.

8.02 PERSONNEL AND EQUIPMENT

Within ninety (90) days after the initial approval of this SOA, MDC shall procure necessary equipment and maintain a staff capable of performing 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 MDC DERM Solid Waste Program. Upon request, updated versions shall be provided to DEP.

8.03 COMPUTERS

Within ninety (90) days after execution of this SOA, 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 thirty (30) days after the execution of this SOA, DEP shall provide to MDC a current list of state-regulated Solid Waste facilities in Miami-Dade County. MDC will notify each owner of a facility affected by any procedural changes brought about by the SOA or any future modification, and will make available upon request of an applicant, permit application information needed by potential applicants in MDC's geographical jurisdiction.

SECTION 9 - PROGRAM PLANNING AND MANAGEMENT

9.01 PLANS

MDC shall prepare an annual work plan describing staffing, (Full Time Equivalents [FTE]), and equipment committed to the delegated Solid Waste 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 Solid Waste Program 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 DEP as needed. MDC shall submit its annual work plan for the upcoming fiscal year to 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 Solid Waste training sessions. DEP shall provide advance notice, (at least three (3) 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 Solid Waste Program facilities); and training in the operation of DEP's computerized data management systems.
- (b) DEP may also provide specific training to MDC in preparation for future proposed 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 attend the following specific meetings:
 - (1) Annual Solid Waste Workshop

(2) Annual Compliance and Enforcement Workshop

(b) MDC is encouraged to participate in other meetings pertaining to the DEP Solid Waste Program. DEP will provide advance notice to MDC of such meetings.

9.04 REPORTING REQUIREMENTS

(a) MDC COMPUTER DATA ENTRY

REPORTING SYSTEM	FREQUENCY	RECIPIENT
(1) Permit Application Tracking System (PA), or its successor.	Within three (3) working days of permit application receipt or from date of latest application processing accomplishment.	Computerized Data Management System.
(2) AMIC - water quality data and GMSNAM or its successor.	Within thirty (30) working days of receipt of facility permitting information.	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 solid waste program 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
(2) Organizational Charts	As updated or at least annually	DEP
(3) MDC Ordinances, Laws, Rules, and Regulations	As drafted, and within fifteen (15) days after adoption	DEP
(4) Annual Work Plan, including lists of delegated and non-delegated facilities	By June 30 of each year	DEP
(5) Summary of Solid Waste Permits issued and denied	Monthly (by the third Monday of the following month)	DEP
(6) Summary of Solid Waste Program compliance inspections conducted during the month, including dates, locations, violations noted, and corrective actions required.	Monthly (by the third Monday of the following month)	DEP
(7) Status report on all MDC	Quarterly (20 days following the	DEP

Solid Waste Program enforcement cases	previous quarter)	
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Reports shall be directed to the Waste Program Administrator, for DEP's Southeast District Office.

(c) DEP REPORTS

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

REPORT	FREQUENCY	RECIPIENT
(1) Organizational Charts	As updated or at least annually	MDC
(2) DEP Rules, Regulations, Orders, Forms, Policy, and Guidance Memoranda	As drafted and within fifteen (15) days after effective date	MDC

9.05 AUDITS AND PERFORMANCE EVALUATIONS

- (a) DEP shall periodically conduct financial audits and program evaluations of MDC's implementation of the delegated program. MDC shall have adequate time (at least 20 working days) to complete pre-audit surveys and at least 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 activities have been properly accounted for and distributed. For the purpose of this SOA, appropriate records of all monetary transactions must be kept 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 systems, 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 Southeast District and the Solid Waste Section, will perform 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 will be performed on a continuous basis.

PART III

PROGRAM RESPONSIBILITIES

SUB-PART A - PERMITTING

SECTION 10 - DELEGATED PERMITTING ACTIVITIES; DISTRICT LEVEL PERMITS NOT DELEGATED

- (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 all solid waste management facilities located in MDC's geographical jurisdiction, except as noted below.
- (b) The following solid waste management facilities are not delegated under this SOA:
- (1) **WMIF - Medley Landfill (United Sanitation) - 5013P13040.**
 - (2) **Dade County North Dade Landfill - 5013C13090.**
 - (3) **Dade County Resources Recovery Facility and Ash Landfill - Power Plant Siting- 5013C13101.**
 - (4) **58th Street Landfill - 5013C13050.**
 - (5) **Dade County Aviation Department Landfill - 5013C13110.**
 - (6) **Dade County South Dade Landfill - 5013C13100.**
 - (7) **Munisport Landfill: this site will be managed jointly by DEP and MDC pursuant to separate site specific agreement(s) 5013M13080.**
 - (8) **Facilities listed in SUB-PART B, Section 12(a).**
- (c) MDC is responsible for reviewing, approving, or denying closure and long-term care cost estimates which may be required for delegated facilities. DEP is not delegating the authority or responsibility to review, approve, or deny any financial assurance mechanisms which may be required as part of a delegated facility's permit. Any financial assurance documentation submitted with permit applications, along with approved closure and long-term care cost estimates, shall be forwarded to DEP's Solid Waste Section in Tallahassee, and MDC shall not issue any permit until DEP has approved the financial assurance mechanism. However, it is the intent of both parties that MDC should consider amending its local ordinances and rules to require financial assurance for solid waste management facilities. If and when MDC does amend the code to obtain such authorization, and demonstrates that it has adequate trained staff, both parties shall consider modifying this SOA to delegate authority to review, approve or deny financial assurance mechanisms to MDC.
- (d) DEP is not delegating the authority or responsibility to review, approve, or deny any request for variance, waiver, or alternate procedures under Chapters 120 or 403, Fla. Stat., or under DEP's solid waste rules. DEP will consult with MDC prior to issuing responses to any such requests, and

any variances, waivers, or alternate procedures which DEP approves may be incorporated into permits issued by MDC.

SECTION 11 - PERMITTING PROCEDURES

11.01 APPLICATION REVIEW PROCEDURES FOR DELEGATED FACILITIES

(a) DEP PROCEDURES

When 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, DEP shall return the application and the associated fees, with instructions to resubmit the application to MDC, or, at the applicant's request, will forward the application and the 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 purposes of Section 120.60(4), Fla. Stat., a permit renewal application will 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 DEP.

(b) MDC PROCEDURES

- (1) When the application is determined to be complete, MDC will process the application and take final agency action on complete applications in accordance with the procedures and time frames that would apply to DEP if DEP were taking final agency 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 will provide DEP 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 the authorized designees shall be provided to DEP within seven (7) days of the effective date of this SOA and within three (3) days of any changes thereafter.
- (2) All delegated solid waste permitting decisions made by MDC shall be subject to the provisions of the Florida Administrative Procedure Act, Chapter 120, F.S., as if these decisions had been made by DEP. All timely petitions for formal administrative hearings on delegated solid waste permitting applications processed by MDC shall be referred to the Division of Administrative Hearings (DOAH) for the assignment of hearing officers, if the petitions are submitted pursuant to Chapter 120 F.S. and satisfy the requirements set forth in the applicable rules of DEP. At the time of referral of a petition to DOAH, a copy of the notice of referral, the petition, and the challenged permitting decision shall be mailed to DEP's Office of General Counsel 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 on delegated solid waste permits, 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 hearing officers. Prior to all final hearings, County attorneys shall consult with DEP attorneys regarding issues related to the case. All recommended orders resulting from

such DOAH proceedings shall be referred to the DEP Secretary for final agency action. Exceptions and responses to exceptions shall be filed with the DEP's Office of General Counsel within the times set forth in the applicable DEP rules. Appeals of final orders entered following an administrative appeal hearing shall be the responsibility of DEP. MDC may join the appeal as a party.

- (3) Facility permitting shall be done 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 are specifically referenced with respect to the permitting programs included in this SOA:
 - (a) **CHAPTER 120, Fla. Stat.**
 - (b) **CHAPTER 403, Fla. Stat.**
 - (c) **TITLE 62, F.A.C.**
 - (d) **DEP PERMIT APPLICATION TRACKING SYSTEM (PA) USER MANUAL**
- (4) MDC shall enter the appropriate permit activities data into DEP's computerized data management systems (Permit Application Tracking System [PA]) or its successor, for all delegated facility permits in accordance with the schedule specified in Part III of this SOA. Only state permit fee amounts shall be entered into [PA] (i.e., local permit fee amounts shall be omitted). Data entry shall otherwise be complete and accurate.
- (5) MDC shall provide DEP a monthly report (by the third Monday of the following month) indicating newly permitted Solid Waste Program facilities, with a listing of each permit number, issue date, project name and location.

11.02 PERMIT FEES

- (a) The state's 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 of some may be amended from time to time. Within ninety (90) days of the execution date 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. MDC may charge separate county fees for any required county permits in addition to state fees.
- (b) DEP AND MDC agree that MDC should receive specific financial compensation from DEP to cover the reasonable cost of processing, issuing and enforcing applications for delegated state solid waste permits. Therefore, MDC shall retain 80% of the fees authorized under Section 403.087, F.S., or Rule 62-4.050, F.A.C., as same may be amended from time to time, for regulated permits. The remaining 20% of the fees authorized under Section 403.087, F.S., as all of same may be amended from time to time or rule 62-4.050, F.A.C., shall be remitted to the DEP on a quarterly basis to cover costs. These costs may include invoicing, maintenance of the department computerized data management system, technical assistance to MDC for data entry required pursuant to this SOA, review of the annual work plan submitted by MDC pursuant to Section 9 of

this SOA, participation in training and conferences pursuant to Section 9 of this SOA, conducting the Audit and Performance Evaluation pursuant to Section 9.05 of this SOA, and performing the DEP required support activities set forth in Sub-Part B of this SOA. Said fees shall be delivered to the DEP twenty (20) days following the previous quarter and shall consist of a single check with sufficient records to verify its standing. This SOA shall not limit the ability of MDC to charge county fees. If this SOA is modified to delegate to MDC the authority to review financial assurance mechanisms, as provided in paragraph 10(c) of this SOA, it is the intent of the parties to modify this provision to allow MDC to retain 90% of the fees for delegated permits.

- (c) When an application from a delegated facility is received by MDC without the required state fees, MDC shall follow the procedures set forth in Section 62-4.050(5), F.A.C., as may be amended from time to time.

11.03 NON-DELEGATED PERMIT APPLICATIONS

When MDC receives an application for a non-delegated state solid waste permit for which DEP is to take final agency action, MDC will 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 applicants request, MDC will forward the application and the associated fees to DEP with the specific understanding that the permit application timeclock will 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 solid waste facilities in MDC's geographical jurisdiction, except for the following facilities or operations:
 - (1) **Waste-to-energy facilities:**
 - (2) **Solid waste combustor ash residue landfills:**
 - (3) **Class I, II & III Landfills, except that MDC accepts the lead role for landfills closed prior to July 1, 1985 which do not have DEP closure permits;**
 - (4) **Solid Waste Facilities, other than transfer stations, owned or operated by MDC;**
 - (5) **Waste tire collectors operating under a DEP registration, and waste tire mobile processors operating under a DEP general permit.**
- (b) For delegated facilities, DEP shall supply support 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 pursuant to State rules. MDC may, at its discretion or at the request of DEP, serve in a supporting role by providing technical and legal assistance as appropriate.

- (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 will 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 party from taking enforcement action for violation of its rules. For violation of the same 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 an 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 Solid Waste permitting 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 facility's permits or enforcement orders issued by MDC. Monthly Operating Reports, 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, if the submitted reports are complete and accurate, and if the permit conditions have been 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 Compliance Procedures Manual, and MDC's standard inspection protocol.
 - (3) **Sampling and Analysis** - All sampling and analysis activities, whether provided by MDC or by services contracted by MDC, shall comply with applicable requirements of Title 62, 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 data, Monthly Operating Report data, compliance schedules, and compliance activities data into DEP's computerized data management systems.
- (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 are specifically referenced with respect to the compliance monitoring programs included in this SOA:

- (1) CHAPTER 403, Fla. Stat.
- (2) TITLE 62, F.A.C.
- (3) DEP MANUAL FOR PREPARING QUALITY ASSURANCE PLANS
- (4) DEP STANDARD OPERATING PROCEDURES FOR LABORATORY OPERATIONS AND SAMPLE COLLECTION ACTIVITIES
- (5) METHODS FOR CHEMICAL ANALYSIS OF WATER AND WASTES (Environmental Monitoring Series, USEPA)
- (6) DEP GEOGRAPHIC INFORMATION SYSTEM DATA COLLECTION AND CLEANUP PLAN
- (7) DEP COMET PRODUCTION MANUAL

13.02 INSPECTION SCHEDULES

MDC and DEP shall annually develop tentative inspection schedules for all Solid Waste Program facilities in MDC's geographical jurisdiction, reflecting MDC inspections of delegated facilities and DEP 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 is at least quarterly per delegated solid waste facility per year, or the minimum set forth in the Level of Service established by DEP's Division of Waste Management, whichever is less stringent.
- (b) DEP, or MDC, may determine that additional compliance inspections are necessary to assess 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 solid waste 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. MDC, in its discretion, will take necessary and appropriate enforcement action to obtain compliance with appropriate state or local laws, or, in MDC's discretion, coordinate enforcement action with DEP.

- (b) MDC shall enter or provide 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.
- (c) 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, Sections 24-55 and 24-57. For joint enforcement actions, DEP and MDC shall apportion any recovered monies between them in an equitable manner.

14.02 CITIZEN COMPLAINTS

MDC shall receive, respond to, and investigate complaints from the public relating to solid waste facilities and systems within its jurisdiction and to the extent of delegation. Accurate records will be kept of all complaints. Reports will be made through DEP's computerized data management systems within five (5) working days of receipt of the complaint. DEP will refer any complaints that it receives within MDC jurisdiction to MDC for investigation. However, DEP will reserve the right to investigate complaints involving sources for which DEP has retained jurisdiction upon notice to MDC. Complaints will be investigated, and MDC will initiate such action as is deemed appropriate to resolve any violations. If a violation is determined to exist, MDC will notify the responsible party, attempt to bring about 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 DEP can pursue enforcement as appropriate.

14.03 EMERGENCY SITUATIONS

The DEP and MDC agree to coordinate agency response actions and cooperate with each other and with other agencies as appropriate during emergencies as defined in Section 252.34(2), Fla. Stat., relating to Solid Waste 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 the state "Natural Disaster Emergency Contingency Plan." The DEP and MDC, respectively, 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.

PART IV

MISCELLANEOUS PROVISIONS

SECTION 15 - INQUIRIES

Inquiries from the Governor's Office, Cabinet, and members of the Legislature will 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, 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 upon request.

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.
- (b) Subsequent approvals of modifications to this SOA shall not change the effective date.

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

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

by: *Gloria P. Bacallao*
for M.R. Stierheim
County Manager
111 N.W. 1st Street
Suite 2910
Miami, Florida 33128-1994

Virginia B. Wetherell
for Virginia B. Wetherell
Secretary
Department of
Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

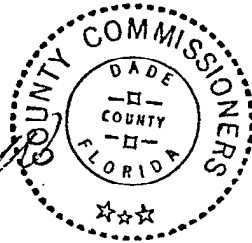
Date: *Oct 8, 1998*

Date: *8.14.98*

Attachment: MDC Solid Waste Program Table of Organization

HARVEY RUVIN, CLERK

Paul Shaw
Deputy Clerk



MIAMI-DADE COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT
WASTE REGULATION SECTION
SOLID WASTE PROGRAM
TABLE OF ORGANIZATION

