

ITEM #37

ADDITIONAL MATERIAL
Public Hearing

JANUARY 28, 2020

SUBMITTED AT THE REQUEST OF
PORT EVERGLADES DEPARTMENT

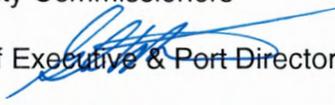


PORT EVERGLADES DEPARTMENT – Chief Executive & Port Director's Office
1850 Eller Drive, Fort Lauderdale, Florida 33316
954-468-3504 FAX 954-523-8713

MEMORANDUM

DATE: January 24, 2020

TO: Broward County Board of County Commissioners

FROM: Glenn A. Wiltshire, Acting Chief Executive & Port Director
Port Everglades Department 

RE: Additional Material - Agenda Item No. 37, January 28, 2020 Commission Meeting –
Resolution for Port Everglades Tariff Amendment for Discharge of Oily Waste and
Sanitary Wastewater Removal and Disposal from Vessels

Subsequent to the publication of the referenced Agenda Item, the County Auditor's Office requested changes to the proposed Tariff amendment addressing the sanitary wastewater removal and disposal from vessels at Port Everglades. The following are the primary changes in the attached substitute Resolution from the Resolution published with the agenda item:

- The requirement for sampling and analysis of the representative test sample of the sanitary wastewater is modified to provide that the Port Everglades Department will be responsible for receiving the sample collected by the franchisee and sending it to an FDEP-licensed environmental testing lab for analysis and the reporting of results. The analysis will be completed at the franchisee's sole cost.
- Language is added to address the specific requirements in the City of Fort Lauderdale Code of Ordinances for the Port Everglades Department to report noncompliant test results within 24 hours of receipt of those results.

The attached Resolution will replace Exhibit 1 of the agenda item in its entirety, and the Board's consideration of the item will be based on this substitute Resolution.

Attachment

cc: Bertha Henry, County Administrator
Monica Cepero, Deputy County Administrator
Bob Melton, County Auditor
Andrew J. Meyers, County Attorney

1 RESOLUTION NO. 2020-

2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 PERTAINING TO PORT EVERGLADES TARIFF NO. 12;
5 AMENDING CHAPTER 42, EXHIBIT 42.A, OF THE
6 BROWARD COUNTY ADMINISTRATIVE CODE
7 ("ADMINISTRATIVE CODE"), ITEM NO. 1021, DISCHARGE
8 OF OILY WASTE FROM VESSELS, AND ITEM NO. 1036,
9 SANITARY WASTEWATER REMOVAL AND DISPOSAL
10 FROM VESSELS; AND PROVIDING FOR SEVERABILITY,
11 INCLUSION IN THE ADMINISTRATIVE CODE, AND AN
12 EFFECTIVE DATE.

13 WHEREAS, the Board of County Commissioners of Broward County ("Board")
14 desires to amend Chapter 42, Exhibit 42.A, of the Broward County Administrative Code
15 to provide for revisions to Port Everglades Tariff No. 12 items relating to the discharge of
16 oily waste from vessels and sanitary wastewater removal and disposal from vessels; and

17 WHEREAS, the Board finds that the revisions to Port Everglades Tariff No. 12, as
18 set forth herein, are necessary and in the best interests of Broward County, NOW,
19 THEREFORE,

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

22 Section 1. Chapter 42, Exhibit 42.A, of the Broward County Administrative
23 Code is hereby amended to read as follows (original underlining omitted):
24

1 EXHIBIT 42.A
2 PORT EVERGLADES
3 TARIFF NO. 12
4 Rules, Regulations, & Fees

5 . . .

6 **Item No. 1021–Discharge of oily waste from vessels.**

7 *Issue No. 4 2*

8 *Effective Date: ~~October 1, 2006~~ January 28, 2020*

9 All vessel oily waste removal from vessels must be performed by a Broward County
10 franchised entity authorized to perform such services at Port Everglades. The discharge
11 of vessel oily waste into the Port Everglades sanitary sewer system is strictly prohibited.

12 . . .

13 **Item No. 1036–Sanitary wastewater removal and disposal from vessels.**

14 *Issue No. 44 15*

15 *Effective Date: ~~October 1, 2019~~ January 28, 2020*

16 Vessel sanitary wastewater removal ~~shall include~~ services is defined as the
17 pumping of wastewater from the sanitary holding tanks of vessels to shoreside trucks and
18 portable tanks and subsequent transport from the Port or to a designated on-Port location
19 at which the wastewater is pumped into the Port Everglades sanitary sewer system.

20 All vessel sanitary wastewater removal services must be performed by entities with
21 a valid vessel sanitary wastewater removal services franchise issued by Broward County.

22 Entities with a valid vessel sanitary wastewater removal services franchise will be
23 assessed a wharfage charge of \$0.0376 per gallon. With the prior written authorization
24 of the Port Everglades Department, a vessel sanitary wastewater removal services

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 franchisee may discharge vessel sanitary wastewater from vessels calling Port
2 Everglades into the sanitary sewer system of Port Everglades for an additional fee of
3 \$0.0670 per gallon. The franchisee must, prior to commencing its discharge of vessel
4 sanitary wastewater into the Port Everglades sanitary sewer system; (1) certify in writing
5 to the Port Everglades Department that the vessel sanitary wastewater to be discharged
6 is in compliance with Sections 28-204 and 28-207 of the City of Fort Lauderdale, Florida,
7 Code of Ordinances and Port Everglades Department procedures for the discharge of
8 vessel sanitary wastewater into the Port Everglades sanitary sewer system; and (2)
9 ~~collect and, promptly after the discharge, send for analysis to a Florida Department of~~
10 ~~Environmental Protection (FDEP) licensed environmental testing lab, at franchisee's sole~~
11 ~~cost, a sufficient representative test sample of the vessel sanitary wastewater actually~~
12 ~~discharged, with such sample being analyzed to verify compliance with the standards~~
13 ~~provided in Sections 28-204 and 28-207 of the City of Fort Lauderdale, Florida, Code of~~
14 ~~Ordinances. Within three (3) days of its receipt thereof, the franchisee shall provide a~~
15 ~~certified copy of the test result to the Port Everglades Department under the observation~~
16 ~~of an assigned Port Everglades Department employee, collect a sufficient representative~~
17 ~~test sample of the vessel sanitary wastewater actually discharged, and promptly provide~~
18 ~~the test sample to the observing Port Everglades Department employee to immediately~~
19 ~~send for analysis to a Florida Department of Environmental Protection (FDEP) licensed~~
20 ~~environmental testing lab, at franchisee's sole cost, with a certified copy of the test result~~
21 ~~required to be sent by the testing lab to the Port Everglades Department, Director of~~
22 ~~Seaport Engineering and Facilities Maintenance Division. Such sample shall be analyzed~~
23 ~~to verify compliance with the standards provided in Sections 28-204 and 28-207 of the~~
24 City of Fort Lauderdale, Florida, Code of Ordinances.

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1 During all vessel sanitary wastewater discharge activities, a Port Everglades
2 Department employee will be assigned to monitor the discharge activities and verify the
3 quantity of vessel sanitary wastewater being discharged into the Port Everglades sanitary
4 sewer system; franchisee shall ensure that no discharge commences outside of the
5 presence of the assigned Port Everglades Department employee. Port Everglades
6 Department labor costs will be charged in accordance with Tariff Item No. 1110. Labor
7 costs are payable by franchisee to the Port Everglades Department in addition to
8 franchisee's required payment of the per-gallon fee.

9 If the certified copy of the test result determines that the test sample was
10 noncompliant with the standards provided in Section 28-204 or 28-207 of the City of Fort
11 Lauderdale, Florida, Code of Ordinances, the Port Everglades Department shall, within
12 twenty-four (24) hours after learning of the noncompliant test result, notify the Director of
13 the City of Fort Lauderdale's wastewater treatment facilities as provided in Section 28-
14 228 of the City of Fort Lauderdale, Florida, Code of Ordinances. †The franchisee shall pay
15 any fine(s) imposed by the City of Fort Lauderdale and shall also be fined by Broward
16 County in an amount of \$0.134 per gallon of vessel sanitary wastewater, comprising the
17 total volume of vessel sanitary wastewater from which the noncompliant test sample was
18 taken and discharged into the Port Everglades sanitary sewer system. A franchisee that
19 fails more than two (2) vessel sanitary wastewater sampling tests within any calendar
20 year will be permanently banned from discharging vessel sanitary wastewater into the
21 Port Everglades sanitary sewer system. For purposes of the preceding sentence, "fails"
22 means that the test result determined that the test sample was noncompliant with the
23 standards provided in Section 28-204 or 28-207 of the City of Fort Lauderdale, Florida,
24 Code of Ordinances.

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1 Monthly written reports of activity and payment of related wharfage and labor
2 charges for the removal of vessel sanitary wastewater shall be submitted by the
3 franchisee to the Port Everglades Finance Division within five (5) business days after the
4 end of the month and shall include the dates of services performed, the name of the
5 vessel(s), and the number of gallons of ~~product transferred~~ vessel sanitary wastewater
6 discharged. Failure to furnish the required monthly reports within the stipulated time will
7 result in a late charge of twenty-five dollars (\$25) per business day or any portion thereof,
8 for which the reports have not been submitted or remain incomplete.

9 . . .

10 Section 2. Severability.

11 If any portion of this Administrative Code Resolution is determined by any court to
12 be invalid, the invalid portion will be stricken, and such striking will not affect the validity
13 of the remainder of this Administrative Code Resolution. If any court determines that this
14 Administrative Code Resolution, in whole or in part, cannot be legally applied to any
15 individual, group, entity, property, or circumstance, such determination will not affect the
16 applicability of this Administrative Code Resolution to any other individual, group, entity,
17 property, or circumstance.

18 Section 3. Inclusion in the Broward County Administrative Code.

19 It is the intention of the Board of County Commissioners that the provisions of this
20 Administrative Code Resolution become part of the Broward County Administrative Code
21 as of the effective date. The sections of this Administrative Code Resolution may be
22 renumbered or relettered and the word "resolution" may be changed to "section," article,"
23 or such other appropriate word or phrase to the extent necessary in order to accomplish
24 such intention.

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Section 4. Effective Date.

This Administrative Code Resolution is effective upon adoption.

ADOPTED this ____ day of _____, 2020.

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

By: /s/ Al A DiCalvo 01/23/2020
Al A DiCalvo (date)
Assistant County Attorney

By: /s/ Russell J. Morrison 01/23/2020
Russell J. Morrison (date)
Senior Assistant County Attorney

RJM/dh/cr
Tariff 12_Items 1021 and 1036
01/23/2020
#19-009, #19-3015