



Broward County

Legislation Details (With Text)

File #: 20-139 **Version:** 1

Status: Agenda Ready

In control: PUBLIC HEARING

On agenda: 1/28/2020 **Final action:** 1/28/2020

Title: MOTION TO ADOPT Resolution No. 2020-038 Amending the Broward County Administrative Code, the title of which is as follows:

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

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - Resolution for Port Everglades Tariff Amendment, 2. Exhibit 2 - Resolution to Publish Notice of Public Hearing, 3. Exhibit 3 - Notice of Public Hearing, 4. Additional Material - Information

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Broward County Commission Regular Meeting

Director's Name: Glenn Wiltshire (Acting Director)

Department: Port Everglades

Division: Director's Office

Information

Requested Action

MOTION TO ADOPT Resolution No. 2020-038 Amending the Broward County Administrative Code, the title of which is as follows:

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

Why Action is Necessary

The Broward County Board of County Commissioners ("Board") must approve all changes to the Administrative Code and Port Everglades Tariff.

What Action Accomplishes

Authorizes changes to the Broward County Administrative Code and Port Everglades Tariff.

Is this Action Goal Related

Yes

Previous Action Taken

A Resolution directing the County Administrator to publish Notice of Public Hearing relating to these proposed changes was adopted by the Board on January 7, 2020 (Item No. 42).

Summary Explanation/Background

THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This action supports the Broward County Board of County Commissioners' ("Board") Value of "Ensuring economic opportunities for Broward's diverse population and businesses" and the Goal to "Increase the economic strength and impact of revenue- generating County enterprises balancing economic, environmental, and community needs."

Port Everglades Tariff No. 12 ("Tariff") provides the rules, regulations, and fees that govern the use of the facilities and services at the Port that are not otherwise provided for with separate agreements with Port Everglades port tenants and users. As required by the Federal Maritime Commission, the Tariff is published on the Internet.

Port Everglades Tariff Item No. 1036 authorizes ships within the Port to transfer sanitary wastewater (commonly referred to as gray or black water) via truck to an on-port lift station for pumping through the Port's sanitary sewer system to the City of Fort Lauderdale sewage treatment plant using franchised vessel sanitary waste removal companies. This practice has been in place since 1999 or earlier, and is a service offered by Port Everglades as a lower-cost alternative with less environmental risk than hauling the sanitary wastewater by truck to the Broward County Septage Facility in Pompano Beach, or other similar facilities in Miami-Dade or Palm Beach counties. Between October 1, 2013, and November 30, 2019, Port records show that 2,980,616 gallons of sanitary wastewater was offloaded from ships into the Port's sanitary sewer system through lift stations, with approximately 86% of that amount originating from U.S. or foreign naval vessels at the port participating in Fleet Weeks or other port calls, with the remaining amount being offloaded from cruise ships.

In response to County Auditor concerns with the procedures in place for overseeing vessel sanitary wastewater disposal into the Port's sanitary sewer system, the Board approved an amendment to Tariff Item No. 1036 on September 10, 2019 (Item No. 37), requiring vessel sanitary waste removal franchisees to comply with specific standard operating procedures ("SOPs") established by Port Everglades staff that included testing of the vessel sanitary wastewater at the County's discretion. The SOPs had previously been provided to all franchised vessel sanitary waste removal companies in April 2019. On December 10, 2019 (Item No. 39), the Board discussed the County Auditor's continuing concerns with the existing Tariff language that allows the discharges of sanitary wastewater into the Port's sanitary sewer system without requiring testing, and directed staff to draft an amendment to the Tariff to prohibit the discharge of ship sanitary wastewater into the Port's sanitary sewer system. During the discussion, the Board also directed that Port staff implement a requirement for testing the sanitary wastewater until the Tariff change could be made, and staff has implemented that requirement.

The Board further discussed whether to prohibit the discharge of vessel sanitary wastewater into the Port's sanitary sewer system at the January 7, 2020, meeting to set the public hearing for the Tariff changes discussed above (Item No. 42), and directed staff to modify the Resolution to allow the discharge of vessel sanitary wastewater into the Port's sanitary sewer system, but only if the vessel sanitary wastewater is tested to verify compliance with City of Fort Lauderdale discharge standards, and to include a penalty for discharges not meeting those standards.

The language in the Resolution (Exhibit 1) has been modified to delete the discharge prohibition included in the original Resolution for Item No. 1036. The revised Resolution adds a requirement for vessel sanitary waste removal franchisees to collect a sufficient representative sample of the waste for testing at a laboratory licensed by the Florida Department of Environmental Protection to verify compliance with the applicable standards in the City of Fort Lauderdale Code of Ordinances, and to provide a certified copy of the test results to Port staff within three days of receipt of the results. While already addressed in the Port Everglades SOPs, the Tariff is also revised to explicitly require that a Port Everglades Department employee be present when the discharge of vessel sanitary wastewater into the Port's sanitary sewer system commences.

Tariff Item No. 1036 is also modified to add a new penalty provision if the testing determines that the wastewater exceeded the City of Fort Lauderdale standards. Vessel sanitary waste removal franchisees would be liable for a fine that is equal to twice the fee charged for discharging the vessel sanitary wastewater into the Port's sanitary sewer system. The franchisee would also be liable for any fines imposed on Port Everglades by the City of Fort Lauderdale. As an additional incentive to ensure compliance with the discharge standards, any franchisee that discharges vessel sanitary wastewater into the Port's sanitary sewer system that exceeds the standards more than twice in a calendar year would be permanently banned from discharging into the Port's sanitary sewer system.

Tariff Item No. 1021 addresses the discharge of oily waste from ships in Port Everglades, which is transported off-port by franchised vessel oily waste removal companies to authorized treatment and disposal facilities outside the Port. Although the discharge of oily waste into the Port's sanitary sewer system has always been prohibited by Federal regulations and the City of Fort Lauderdale discharge standards, the Tariff is amended to add language explicitly prohibiting the discharge of oily waste into the Port's sanitary sewer system.

The Resolution to Publish Notice of Public Hearing and the Notice to Publish from the Request to Set Public Hearing agenda item approved by the Board on January 7, 2020 (Item No. 42), are attached as Exhibit 2 and Exhibit 3.

Source of Additional Information

Glenn A. Wiltshire, Acting Chief Executive/Port Director, Port Everglades Department, (954) 468-3504

Fiscal Impact

Fiscal Impact/Cost Summary

Historical revenue between October 1, 2013, and November 30, 2019 from vessels discharging sanitary wastewater from the ship and into the Port Everglades sanitary sewer system through an on-port lift station averaged \$52,042 per year.