

1 such as aquifer recharge, surface and groundwater discharges, and reuse of reclaimed
2 wastewater, and clarification as to the intent and applicability of certain water resource
3 regulations; NOW, THEREFORE,

4 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
5 BROWARD COUNTY, FLORIDA:

6 Section 1. Chapter 27, Article V, Section 27-192, Definitions, is hereby
7 amended as follows:

8 ~~In construing the provisions of this Article relating to water pollution, when no~~
9 ~~definition is provided herein, and when the context will permit, the latest edition of~~
10 ~~*Glossary, Water and Wastewater Control Engineering*, jointly published by the~~
11 ~~American Public Health Association, the American Society of Civil Engineers, American~~
12 ~~Water Works Association, and Water Environment Federation (formerly known as the~~
13 ~~Water Pollution Control Federation); and *The Condensed Chemical Dictionary*,~~
14 ~~published by the latest Reinhold edition, shall apply.~~

15 . . .

16 *Development of Regional Impact (DRI)*- means a development of regional impact as
17 that term is used defined in Chapter 380 Subsection 380.06(1), F.S.

18 . . .

19 Section 2. Chapter 27, Article V, Section 27-194, Exemptions, is amended as
20 follows:

21 The following activities are exempt from licensing under this Article with the
22 following conditions:

23 (a) *Domestic wastewater:*

24 (1) Sanitary septic tank/drainfield systems permitted by the State of Florida.

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underscored type are additions.

- 1 (2) Domestic sewage treatment plants of a design capacity permitted by the
2 Broward County Public Health Unit.
- 3 (3) Functionally equivalent replacement of pumps, valves, or other lift station
4 equipment or appurtenances, lengths of sewer up to eight hundred (800)
5 feet, lengths of force main up to one thousand (1000) feet, and up to two
6 (2) underground utility access portals for any waste water treatment facility
7 operating under county license where all license conditions are being met
8 or any sanitary sewer collection/transmission system or appurtenance
9 thereof constructed under a county license.
- 10 (4) Deep injection wells and ocean outfalls for the disposal of wastewater
11 treatment plant effluent, provided that the facilities are permitted by the
12 State of Florida and do not create the situation described in Section
13 27-193. Furthermore, such deep injection wells and ocean outfalls are
14 exempt from the water quality standards presented in this chapter.
- 15 (5) Existing deep injection wells and public water supply wells permitted by
16 the state before adoption of this Article in conflict with Section
17 27-193(b)(2)f.
- 18 (6) On-site disposal systems where connection to a sanitary sewer is not
19 available, provided that the systems are permitted by ~~10D-6.046(7)~~
20 Section 64E-6, F.A.C.
- 21 (7) Distribution of reclaimed water to individual end-users provided by a reuse
22 application system that has received a License to Construct/Operate a
23 Reuse Application System. Individual permits for the use of reclaimed
24 water shall not be issued to individual property owners.

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1 (8) Existing rapid-rate land application waste water disposal systems
2 permitted by the state prior to adoption of this Article, unless significant
3 modifications are made to the system that change the level of treatment
4 given to the waste water, the size or function of storage ponds, land
5 application area, or significantly change the amount of wastewater
6 applied.

7 (9) Existing discharges for the disposal of wastewater treatment plant effluent,
8 at existing discharge points and rates permitted by the State of Florida as
9 of December 31, 2008, provided that no modifications are made to reduce
10 the level of treatment given to the waste water and that the facilities do not
11 create the situation described in Section 27-193. Furthermore, such
12 discharges are exempt from the water quality standards presented in this
13 chapter. To qualify for this exemption, the facility must satisfactorily
14 complete BC Form 212-0011 and adhere to the requirements therein. The
15 facility shall provide an annual report to the County which summarizes the
16 activities conducted under this exemption for the period from January 1 to
17 December 31 of each year. Nothing in this section shall prohibit the
18 County from taking appropriate enforcement action pursuant to Chapter
19 27 to abate or prohibit any activity otherwise exempt from licensing
20 pursuant to this section if the County can demonstrate that the exempted
21 activity has caused water pollution in violation of this Chapter or
22 contributed to the impairment of a water body. In addition, facilities using
23 this exemption are not exempt from the requirement to correct the portion
24 of the exempted activity that may have caused or contributed to the

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1 impairment of a waterbody. A comprehensive review of each facility
2 exemption shall be conducted no less than once every 5 years.

3 . . .

4 (c) *Surface water management:*

5 . . .

6 (4) *Elimination of duplication:* Those areas that are subject to the jurisdiction
7 of an independent water management district, ~~notwithstanding~~
8 ~~Section 27-202~~ which ~~that~~ has been created and is operating in
9 accordance with State of Florida law, and reviews and issues surface
10 water management permits, such as, but not limited to, the Central
11 Broward Water Control ~~Drainage~~ District, the Coral Bay Community
12 Development District, the Coral Springs Improvement District, North
13 Lauderdale Water Control District, the North Springs Improvement District,
14 the Old Plantation Water Control District, the Plantation Acres
15 Improvement District, the Pine Tree Water Control District, the South
16 Broward Drainage District, the Sunny Isles Reclamation & Water Control
17 Special District, the Sunshine Water Control District, the Tindall Hammock
18 Irrigation & Soil Conservation District, the Turtle Run Community
19 Development District, and the West Lauderdale Water Control District.

20 . . .

21 Section 3. Chapter 27, Article V, Section 27-195, Water Quality Standards, is
22 amended as follows:

23 . . .

24

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1 (d) *Other compounds*: If toxic or undesirable compounds other than those
2 listed in Subsection (a), (b), or (c) of this Section, or ~~listed compounds contained~~
3 referred to in Rules 62-302.530 and 62-520.420, F.A.C., are present, EPD, based on
4 the latest scientific knowledge concerning toxicity and adverse effects on the intended
5 water use, may specify limits.

6 . . .

7 Section 4. Chapter 27, Article V, Section 27-196, Effluent Standards, is
8 amended as follows:

9 (a) *Standards for effluent discharged to surface waters*: No waste discharge
10 to surface waters shall exceed the effluent limitation requirements contained in 40
11 C.F.R. Subchapter N or the conditions of any NPDES permit or State of Florida permit,
12 whichever are more stringent. ~~Discharges not regulated under 40 C.F.R. Subchapter N~~
13 ~~or the conditions of any NPDES or DEP permit~~ shall also:

- 14 (1) Comply with the water quality standards in Section 27-195, Broward
15 County Natural Resource Protection Code; ~~or~~ and
16 (2) Comply with state regulations for thermal requirements; ~~or~~ and
17 (3) Comply with turbidity standards contained in license conditions for
18 activities licensed under Article XI of Chapter 27.

19 (b) *Standards for effluent and other waters discharged to ground waters*: No
20 waste discharged to or waters injected into ground waters, ~~other than those specified in~~
21 ~~Section 27-198(b)(3)~~, shall exceed the effluent limitation requirements in any DEP
22 permit. In addition, ~~discharges not regulated under a DEP permit~~ shall comply with the
23 ground water standards in Section 27-195. Discharges for reuse systems licensed
24 under Sections 27-200(a)(2)f. or h., Rapid-rate Land Application Systems or Direct

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1 Injection, shall comply with the applicable water quality and treatment standards in
2 Chapter 62-610, F.A.C. Reuse system discharges shall not exceed 10,000 µg/1 total
3 nitrogen.

4 . . .

5 Section 5. Chapter 27, Article V, Section 27-198, Required licenses and
6 approvals, is amended as follows:

7 . . .

8 (b) Domestic wastewater:

9 . . .

10 (3) Reuse application systems:

11 a. License required: All new domestic wastewater treatment systems
12 that discharge reclaimed wastewater through land application
13 systems or directly discharge to ground waters for beneficial uses
14 ~~and as defined by Chapter 62-610~~ that are systems described and
15 regulated by Chapter 62-610, F.A.C., shall be licensed by EPD.

16 . . .

17 Section 6. Chapter 27, Article V, Section 27-199, Application requirements
18 and conditions, is amended as follows:

19 All design plans, specifications, and reports must be signed and sealed prior to
20 submittal by a professional engineer registered in the State of Florida.

21 (a) *Domestic wastewater*: All wastewater discharges shall meet the
22 standards embodied in Section 27-196(a) or (b), as applicable, or as required in
23 Chapter 62-600, F.A.C., except as provided in this Section.

24

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1 (1) ~~Sanitary sewer collection/transmission systems:~~ Sanitary sewer
2 collection/transmission systems:

3 a. Application procedures:

4 ...

5 6. Modifications to existing licenses proposed by the licensee
6 which require substantial changes in the existing license or
7 require substantial evaluation by the EPD of potential
8 impacts of the proposed modifications shall require the same
9 fee as a new application for the same time duration except
10 for modifications under ~~Chapter 62-45~~ Subsection
11 62-4.050(4)(s), F.A.C.

12 ...

13 (2) *Wastewater treatment plants:*

14 a. Application procedures: Application for a wastewater treatment
15 plant license shall be on the forms supplied and be accompanied
16 by:

17 1. For construction phase of the license: Drawings and other
18 documents which describe the configuration of the facility
19 shall show that it has been designed to provide treatment
20 that will result in effluent that consistently meets the effluent
21 standards in Section 27-196 and designed generally in
22 accordance with the ~~sewage guide promulgated by the~~
23 ~~Florida Division of Health, Recommended Standards for~~
24 ~~Sewage Works, and Water Pollution Control Federation~~

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1 ~~Manuals of Practice Number 8~~ Water Environment
2 Federation, Design of Municipal Wastewater Treatment
3 Plants - MOP 8, 4th Edition, 1998, the Great Lakes--Upper
4 Mississippi River Board of State and Provincial Public Health
5 and Environmental Managers, Recommended Standards for
6 Wastewater Facilities, 1998 and 2004 Editions, or similar
7 professional publications, as applicable to conditions
8 prevailing within Broward County, in accordance with sound
9 engineering practices and Chapter ~~62-6~~ 62-600, F.A.C.

10 ...

11 (3) ~~Reuse distribution/application systems:~~ *Reuse distribution/application*
12 *systems:*

13 ...

14 Section 7. Chapter 27, Article V, Section 27-200, Criteria for issuance or
15 denial of licenses, is amended as follows:

16 (a) *Domestic wastewater:*

17 (1) Sanitary sewer collection/transmission systems:

18 ...

19 b. Technical requirements:

20 ...

21 4. Standard manuals and publications:

22 a) ~~Water Pollution Control Federation, Manual of~~
23 ~~Practice Number 9, Design and Construction of~~
24 ~~Sanitary and Storm Sewers, 1970 (fourth printing).~~

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- b) ~~Great Lakes/Upper Mississippi River Board of State Sanitary Engineers, 1978 Edition, Recommended Standards for Sewage Works.~~
- e) ~~EPA, Sulfide Control in Sanitary Sewerage Systems- Process Design Manual.~~
- d) ~~EPA, Design Criteria for Mechanical, Electric, and Fluid System and Component Reliability--MCD-05.~~
- e) ~~California State University, Department of Civil Engineering, Operational Maintenance of Wastewater Collection Systems.~~
- a) American Society of Civil Engineers and the Water Environment Federation, *Gravity Sanitary Sewer Design and Construction, Second Edition, 2007.*
- b) Water Environment Federation, *Design of Wastewater and Stormwater Pumping, MOP FD-4, 1993.*
- c) Great Lakes--Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, *Recommended Standards for Wastewater Facilities editions 1998 and 2004.*
- d) United States Environmental Protection Agency, *Process Design Manual for Sulfide Control in Sanitary Sewerage Systems, 1974.*
- e) United States Environmental Protection Agency, *Design Manual: Odor and Corrosion Control in*

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Sanitary Sewerage Systems and Treatment Plants, 1985.

f) Office of Water Programs, California State University Sacramento, Operation and Maintenance of Wastewater Collection Systems, Volumes 1 and 2, 6th Edition, 2003.

g) Those manuals and publications listed in Section 62-604.300, F.A.C.

c. Design/performance considerations:

...

2. The velocity shall be computed using the following parameters:

a) Use the Manning equation.

b) For Vitreous Clay Pipe (VCP) or Ductile Iron Pipe (DIP), use an n factor of 0.013.

c) For Polyvinyl Chloride (PVC) pipe, use an n factor of 0.012.

...

(2) Reuse distribution/application systems:

...

c. Ground water monitoring: Ground water monitoring program for all reuse systems shall be consistent with the requirements of Rule 62-610.412, F.A.C., which is incorporated by reference, and in effect at the time of adoption of this Article and as follows:

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1. Ground water monitoring shall test for primary and secondary drinking water standards, ~~Part III~~, Chapter 62-550, F.A.C., in addition to the parameters required by or referred to in Rule 62-601.700, F.A.C. Testing in situ shall be monthly for the first six months of operation, quarterly for the next six quarters, and annually thereafter. After two years of operation, the parameters and frequency for ground water monitoring shall be as required in Rule 62-601.700, F.A.C.
2. Where reclaimed water is applied to multiple sites permitted for Slow-Rate Land Application with Public Access, ~~Section Subsection~~ 27-200(a)(2)d, one or more of the sites (representative of each site's hydrogeological characteristics, soil characteristics, vegetative cover, and application method, etc.) shall be selected by the applicant and approved by EPD as the model site(s) for ground water monitoring.
3. Where holding ponds for system storage are part of the reuse system, additional monitoring wells adjacent to unlined ponds shall be required.
4. Where there are direct discharges to ground water, including but not limited to ground water recharge by direct injection and unlined storage ponds, a definitive acute bioassay toxicity (LC50~~—~~) test shall be conducted to determine the

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1 presence of toxicant in the reclaimed water or wastewater.
2 The toxicity test may use treated wastewater that is at least
3 dechlorinated; an invertebrate species for the forty-eight (48)
4 hour test and a vertebrate species for the ninety-six (96)
5 hour test, and have a salinity of twenty (20) parts per
6 thousands (ppt) if using a marine species. Test species shall
7 be approved by EPD. Testing shall be monthly for the first
8 six months of operation, quarterly for the next six quarters,
9 and annually thereafter.

10 5. If mortality at 30% effluent is greater than 50% for either, the
11 ninety-six (96) or forty-eight (48) hour test, confirmation
12 procedures shall be initiated. Confirmation shall be
13 demonstrated with a retest, using the same species, within
14 two weeks. The test will be repeated a third time if the
15 second test confirms the first. Any uncompensated variables,
16 such as ammonia, may be controlled in the confirmation
17 tests. If potential toxicity is confirmed on any of the tests, an
18 appropriate cause of action, including toxicant identification
19 shall be agreed upon by the applicant and EPD.

20 d. Slow-rate land application systems with public access areas:
21 Requirements for the use of reclaimed water for public access
22 irrigation systems as defined by Rule 62-610.450, ~~Part III~~, F.A.C.,
23 shall be as follows:
24

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1. Systems shall meet or exceed all applicable requirements of Chapter 62-610, ~~Part III~~, F.A.C., which are incorporated by reference, and in effect at the time of adoption of this Article.
2. Reclaimed water shall not exceed 450,000 µg/l of chloride unless reasonable assurance is provided that there will not be any on-site and/or off-site impacts resulting from using reclaimed water with chloride levels greater than 450,000 µg/l. The licensee shall be responsible to remedy any on-site and/or off-site impacts resulting from using reclaimed water with chloride levels greater than 450,000 µg/l. Impacts include, but are not limited to, chloride build-up in soils, excessive chloride levels in stormwater run-off, and damage to landscaping (plants).
3. Unlined storage ponds may be utilized if designed and operated so that the seepage loss, less evaporation is less than three (3) inches per week. The engineering report shall demonstrate that storage ponds will perform as designed under extreme (high and low) ground water conditions. If ponds are unable to meet these criteria, then unlined ponds shall only be allowed provided that the reclaimed water meets the requirements of Rule 62-610.525, F.A.C., as effective on the date of the approval of this Article. Unlined storage ponds shall not be allowed in Zone 1 or Zone 2 as

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1 defined by Wellhead Protection, Section 27-376. All other
2 storage or holding ponds shall be lined.

3 e. Slow-rate land application systems with restricted public access:
4 Slow-rate land application systems with restricted public access, as
5 defined by Rule 62-610.400, ~~Part II~~, F.A.C., shall be as follows:

6 1. Systems shall meet or exceed all applicable requirements of
7 Chapter 62-610, ~~Part II~~, F.A.C., which are incorporated by
8 reference, and in effect at the time of adoption of this Article.

9 2. All system storage ponds shall be lined.

10 3. Application rates shall not exceed two (2) inches per acre
11 per week.

12 f. Rapid-rate land application systems: Rapid rate reuse land
13 application systems must meet or exceed the requirements of Rule
14 62-610.525, ~~Part IV~~, F.A.C., which are incorporated by reference, in
15 effect on the date of adoption of this Article, and as follows:

16 1. System storage is not required for rapid-rate land application
17 systems. However, it should be demonstrated that
18 percolation ponds or rapid infiltration basins will function
19 under high ground water conditions and that reclaimed water
20 storage or other discharge provisions are not required.

21 2. Where holding ponds for system storage are required for
22 reclaimed water storage, such ponds are subject to Rule 62-
23 610.830, F.A.C.; however, the holding ponds shall not be
24 part of the surface water management system.

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3. All reclaimed water shall meet the treatment requirements prior to discharge to reuse system.
- g. Other land application systems: Other land application systems including overland flow as defined by Rule 62-610.610, ~~Part VI~~, F.A.C., will be considered on a case-by-case basis. Other land application systems must meet or exceed the requirements defined by section 27-196(b) and Rule 62-610.610, ~~Part VI~~, F.A.C., which are incorporated by reference, in effect on the date of adoption of this Article.
- h. Ground water recharge by direct injection: The direct injection of reclaimed water into Class F-I, G-4~~I~~, or G-II shall be considered ground water recharge. Reuse systems shall meet or exceed the applicable requirements of Rules 62-610.560 and 62-600.540(2), F.A.C., which are incorporated by reference and in effect on the date of adoption of this Article. Treatment standards shall meet the requirements of Rule 62-600.420(2), F.A.C.
- i. Wetlands: The use of reclaimed water for environmental enhancement will be according to Chapters 62-610 and 62-611, F.A.C., which are incorporated by reference.
- j. Industrial reuse applications: Reclaimed water can be used for industrial applications that do not meet Chapter 62-610, ~~Part III~~, F.A.C., standards if not discharged to ground water. Reuse systems must meet or exceed the requirements of Rule 62-

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1. For letters of conceptual approval, is compatible with the land use element of the affected local government's comprehensive plan, or with the existing zoning of the area, except when a conceptual approval application has been filed concurrently with a DRI application for ADA and a local government comprehensive plan amendment, pursuant to § Subsection 380.06(9)(a)1, F.S.
2. For construction/operation licenses, is compatible with:
 - a) The affected local government's comprehensive plan.
 - b) The existing land use and zoning of the site.
 - c) For any DRI, the final approved (all appeals resolved or all appeal times expired) local government DO.
3. For a DRI with a signed preliminary development agreement with the DCA, pursuant to § 380.06(8), F.S. which allows a specified portion of the proposed development to proceed prior to the issuance of a local government DO:
 - a) Is compatible with the existing government's comprehensive plan and the existing land use and zoning for the site.
 - b) Provides a surface water management system for that portion of the site approved for development which is able to operate separately from the surface water management system for the balance of the project site and still meet applicable EPD criteria.

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- j. Meets any applicable basin criteria in Chapter 40E-41, F.A.C.
- k. Will not otherwise be harmful to the water resources of the county or the state.
- l. Will not interfere with the legal rights of others ~~as defined in Subsection 62-40.401(8), F.A.C.~~
- m. Is not against public policy.
- n. Will meet the general and specific criteria in this chapter.
- o. All new drainage projects will be evaluated based on the ability of the system to prevent degradation of receiving waters and the ability to conform to state water quality standards (see Chapter 62-302, F.A.C.), and Broward County water quality standards in this article.
 - 1. There are areas within the county where water quality considerations are extremely important because of the sensitivity of the area. These areas include:
 - a) Outstanding Florida waters as defined in Chapter 62-302, F.A.C.
 - b) Zones of influence of wellfields.
 - c) Local Areas of Particular Concern (LAPC).
 - d) Designated urban wilderness areas.
 - e) Wetland mitigation and/or conservation areas.
 - f) Area in Western C-9 Basin identified as the East Coast Buffer and canals that back-pump water. Where these areas are to receive stormwater

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1 discharges, the license application shall include the
2 methods to be used to mitigate adverse impacts of
3 such activities. New developments which plan to
4 utilize these areas for discharge of stormwater will be
5 given more detailed evaluation by EPD.

6 ...

7 (5) *Design criteria:*

8 a. Water quantity:

9 ...

10 3. Criteria:

11 ...

12 e) Minimum drainage:

13 ...

14 4) Residential construction with ten (10) or less
15 parking spaces in Broward County may be
16 approved subject to the following conditions:

17 ...

18 (cc) The percentage of swale adjacent to the
19 public right-of-way fronting a lot/parcel
20 that may be paved with any type of
21 impervious material shall not exceed
22 thirty percent (30%) of the lot/parcel
23 frontage unless positive drainage exists
24 or the property owner provides and

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maintains additional sub-surface drainage facilities in accordance with ~~Section 79-62~~ Sections 31-48 through 31-56.

d. Construction criteria:

1. Discharge structures:

k) All discharges to Class V Injection Wells as defined in Chapter 62-~~528~~, F.A.C., shall be required to incorporate sediment traps and a "baffle system" as described in Section 27-200(b)(5). Prior to discharge, the retention/detention requirements for water quality shall be complied with.

11. Installation of guardrails: Installation of guardrails, or other approved protective devices, is required throughout all areas where it is impossible to meet roadway separation criteria. Separation and guardrail standards are contained in Broward County Traffic Engineering Division's "Exhibit 25A, Broward County Administrative Code, Minimum Standards Applicable to Public Right-of-Way Under Broward County, Florida Jurisdiction."

Coding:

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1 Section 8. Chapter 27, Article V, Section 27-201, Fee authorization, is
2 amended as follows:

3 . . .

4 (a) Domestic Wastewater:

5
6 ...

7 (8) Exemption Review Fee: Review of requests to use the exemption granted
8 under Section 27-194(a)(9) shall be assessed a review fee.

9
10 ... (d) *State fees*: State fees with regard to domestic wastewater, specifically Sections
11 ~~62-4.050(4)(b)(6), 62-4.050(4)(o)(a), 62-4.050(4)(r), and 62-4.050(4)(s)~~, of the those
12 adopted in Rule 62-4.050, F.A.C., are adopted herein by reference.

13 Section 9. SEVERABILITY.

14 If any portion of this Ordinance is determined by any Court to be invalid, the
15 invalid portion shall be stricken, and such striking shall not affect the validity of the
16 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
17 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
18 or circumstance(s), such determination shall not affect the applicability hereof to any
19 other individual, group, entity, property, or circumstance.

20 Section 10. INCLUSION IN CODE.

21 It is the intention of the Board of County Commissioners that the provisions of
22 this Ordinance shall become and be made a part of the Broward County Code; and that
23 the sections of this Ordinance may be renumbered or re-lettered and the word
24

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1 "ordinance" may be changed to "section," "article," or such other appropriate word or
2 phrase in order to accomplish such intentions.

3 Section 11. EFFECTIVE DATE.

4 This Ordinance shall become effective as provided by law.

5 ENACTED

6 FILED WITH THE DEPARTMENT OF STATE

7 EFFECTIVE

8

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