



OFFICE OF THE CITY MANAGER

NO. LTC# **156-2015**

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: April 21, 2015

SUBJECT: **CITY OF AVENTURA RESOLUTION**

Attached for your information is Resolution No. 2015-24, adopted by the Mayor and Commission of the City of Aventura on April 7, 2015.

A Resolution Of The City Of Aventura, Florida, Supporting The Town Of Surfside's Resolution Urging The State Of Florida Legislature And The Florida Department Of Environmental Protection ("FDEP") To Establish Chemical Testing Standards Prior To Issuing A Coastal Construction Control Line ("CCCL") Permit Which Authorizes The Transfer And Placement Of Excavated Sand Seaward Of The Coastal Construction Control Line Onto A Public Beach; Providing Direction To The City Clerk; And Providing For An Effective Date.

The Clerk of the City of Aventura has requested that a copy of this resolution be provided to the Miami Beach Mayor and Commissioners.

If you have any questions, please contact the Office of the City Clerk at 305.673.7411.

JLM/REG

Attachment

RESOLUTION NO. 2015-24

A RESOLUTION OF THE CITY OF AVENTURA, FLORIDA, SUPPORTING THE TOWN OF SURFSIDE'S RESOLUTION URGING THE STATE OF FLORIDA LEGISLATURE AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ("FDEP") TO ESTABLISH CHEMICAL TESTING STANDARDS PRIOR TO ISSUING A COASTAL CONSTRUCTION CONTROL LINE ("CCCL") PERMIT WHICH AUTHORIZES THE TRANSFER AND PLACEMENT OF EXCAVATED SAND SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE ONTO A PUBLIC BEACH; PROVIDING DIRECTION TO THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the beaches throughout Miami-Dade County and the State of Florida are vital to the quality of life for residents and tourists alike; and

WHEREAS, it is important to preserve the quality of sand that is placed on the public beaches that provide a source of recreation and relaxation for both adults and children; and

WHEREAS, the Town of Surfside adopted Resolution No. 15-2282, attached hereto as Exhibit "A", and has requested other municipalities to support that Resolution; and

WHEREAS, the City Commission supports the Town of Surfside Resolution, which requests a change in FDEP regulations regarding chemical testing of sand transfer onto the beach as part of a CCCL permit or similar permits issued by FDEP, for placement of sand on a public beach, and urges the Florida Legislature and FDEP to amend the appropriate sections of the Florida Statutes and rules and regulations of FDEP, to require chemical testing of all sand placed east of the CCCL;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. Recitals. The above stated recitals are hereby adopted and confirmed.

Section 2. Support by the City Commission for the Town of Surfside

Resolution. The City Commission supports Town of Surfside Resolution No. 15-2282, which urges and recommends that the FDEP require minimum chemical testing standards to be established by the State of Florida, with the recommended baseline analytical profile as outlined in Surfside Resolution No. 15-2282.

Section 3. Direction to the City Clerk. The City Clerk is hereby directed to transmit a copy of this Resolution to the Governor of the State of Florida, the Secretary of the Florida Department of Environmental Protection, Members of the Miami-Dade County Delegation of State of Florida Legislators, the Mayor and County Commissioners of Miami-Dade County, the Florida League of Cities, the Miami-Dade County League of Cities, the Miami-Dade County Department of Regulatory and Economic Resources ("DERM"), and municipalities in Miami-Dade County.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner Shelley, who moved its adoption. The motion was seconded by Vice Mayor Holzberg, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	<u>Yes</u>
Commissioner Denise Landman	<u>Yes</u>
Commissioner Marc Narotsky	<u>Yes</u>
Commissioner Robert Shelley	<u>Yes</u>
Commissioner Howard Weinberg	<u>Yes</u>
Vice Mayor Teri Holzberg	<u>Yes</u>
Mayor Enid Weisman	<u>Yes</u>

PASSED AND ADOPTED THIS 7th day of April, 2015.

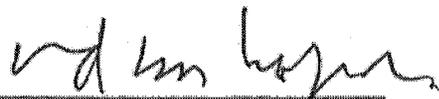

ENID WEISMAN, MAYOR



ATTEST:


ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:


CITY ATTORNEY

RESOLUTION NO. 15 - 2282

A RESOLUTION OF THE TOWN OF SURFSIDE URGING THE STATE OF FLORIDA LEGISLATURE AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ("FDEP") TO ESTABLISH CHEMICAL TESTING STANDARDS PRIOR TO ISSUING A COASTAL CONSTRUCTION CONTROL LINE PERMIT ("CCCL") WHICH AUTHORIZES THE TRANSFER AND PLACEMENT OF EXCAVATED SAND SEAWARD OF THE CCCL ONTO A PUBLIC BEACH; RECOMMENDING ADDITIONAL CHEMICAL TESTING STANDARDS; ENCOURAGING SUPPORT FROM PUBLIC OFFICIALS AND UNITS OF GOVERNMENT TO SUPPORT THIS INITIATIVE; PROVIDING DIRECTION TO THE TOWN CLERK; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Environmental Protection (FDEP) issues permits which authorize excavation and placement of sand seaward of the Coastal Construction Control Line (CCCL), pursuant to 161.053, *Florida Statutes*; and

WHEREAS, FDEP Permit No. DA-631-S undertook the excavation and completed transfer of sand onto the Town of Surfside beach from 96th Street to 88th Street prior to May 1, 2014; and

WHEREAS, community concerns were raised regarding the chemicals of concern contained in the transferred sand due to a portion of the sand being excavated beneath a site which was constructed over 75 years ago and continuously operated; and

WHEREAS, in compliance with FDEP rules, the sand was transferred and placed onto the beach in accordance with FDEP Permit No. DA-631-S without chemical analysis being performed on the sand transferred and placed on the beach; and

WHEREAS, FDEP guidelines state that sandy material excavated seaward of the CCCL or 50-foot setback shall be maintained on site seaward of the CCCL or 50-foot setback and shall be placed in the immediate area of construction unless otherwise specifically authorized by the Department, as provided by Rule 62B-33.005(6), F.A.C.; and

WHEREAS, FDEP defines beach quality sand as sand which is similar to the native beach sand in both coloration and grain size and is free of construction debris, rocks, clay or other foreign matter, pursuant to Rule 62B-33.002(8), F.A.C.; and

WHEREAS, FDEP is currently amending Rule 62B-33, F.A.C., Rules and Procedures for Coastal Construction and Excavation and is proposing the creation of a CCCL Applicant's Handbook; and

WHEREAS, the Town of Surfside participated in the FDEP Second Rule Workshop on February 12, 2015 to discuss the proposed amendments to Rule 62B-33, F.A.C. and creation of the CCCL Applicant's Handbook; and

WHEREAS, the cost of testing the excavated material is an inexpensive and minor cost consideration in conjunction with the overall cost of a development project east of the CCCL; and

WHEREAS, the Town Commission of the Town of Surfside created a Sand Project Community Monitoring Committee ("Community Monitoring Committee") in response to community concerns with activity associated with the activities conducted consistent with FDEP Permit No. DA-631; and

WHEREAS, a priority of the Town is to ensure the health, safety and welfare of the public while also seeking opportunities to preserve its beach to mitigate the impacts associated with climate change as well as to sustain this valuable resource as an economic development asset; and

WHEREAS, a priority of the Community Monitoring Committee was to address the chemical analysis of the sand to ensure the health, safety and welfare of the public; and

WHEREAS, the Town Commission, upon receiving concerns about the chemical composition of the transferred sand, immediately authorized retaining the services of an expert toxicologist (Dr. Christopher Teaf, President of Hazardous Substance and Waste Management Research, Inc. "HSWMR" and Member of the Faculty of Florida State University) to provide analysis of chemical testing results and to address health risks concerns raised by the residents of the Town of Surfside; and

WHEREAS, in addressing a priority of the Community Monitoring Committee, Dr. Teaf assisted the Committee in developing a recommended list of analytical categories that are not currently required under Rule 62B-33, F.A.C, with appropriate supplementary tests to be identified and implemented based upon the sand source site historical information:

- "RCRA 8" metals with extraction by USEPA Method 3050 and analysis by USEPA Method 6010 or 200.7 (i.e., arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver). Data to be expressed in mg/kg.
- Total Recoverable Petroleum Hydrocarbons (TRPH) by Florida Department of Environmental Protection (FDEP) FL-PRO method. Data to be expressed in mg/kg.
- Chlorinated hydrocarbon pesticides by USEPA Method 8081, specifically aldrin, chlordane, dieldrin, endrin, heptachlor, and the DDT/DDD/DDE group. Data to be expressed in mg/kg.

- Polychlorinated biphenyls (PCBs) by USEPA Method 8082 (i.e., Aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260). Data to be expressed in mg/kg.
- As an alternative approach, USEPA Method 8270 may be used to capture the analysis listed in both the third and fourth categories, though that method is capable of identifying a much larger universe of substances than the individual methods cited.
- If there is site-specific knowledge which suggests that assessment of the leaching potential for a particular sand source is warranted, the appropriate test method will be the Synthetic Precipitation Leaching Procedure (SPLP; USEPA Method 1312).
- Specific protocols and sample numbers should be developed on a site-specific basis, based upon discussions between Florida DEP and the entity that is proposing the beach renourishment. Chemical testing results shall be consistent with naturally occurring background levels.

WHEREAS, pursuant to the September 11, 2014 Final Report, the Community Monitoring Committee recommended to and accepted by the Town Commission that the Town support and move forward an Urging Resolution requesting a change in FDEP regulations regarding chemical testing of sand transfer onto the beach as part of a CCCL permit or similar permits issued by FDEP for placement of sand on a public beach urging the Florida Legislature and FDEP to amend the appropriate sections of the Florida Statutes and rules and regulations of FDEP to require chemical testing of all sand placed east of the CCCL; and

WHEREAS, the Town of Surfside urges Members of the Miami-Dade County Delegation of State of Florida Legislators, the Board of County Commissioners of Miami-Dade County, Miami-Dade County Department of Regulatory and Economic Resources ("DERM"), all municipalities in Miami-Dade County, the Miami-Dade County League of Cities, the Florida League of Cities, and all other coastal municipalities and counties of Florida to support this resolution; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Support by the Town of Surfside Town Commission for Recommended Baseline Analytical Profile. The Town Commission strongly urges and recommends the FDEP require that minimum chemical testing standards are established by the State of Florida:

- "RCRA 8" metals with extraction by USEPA Method 3050 and analysis by USEPA Method 6010 or 200.7 (i.e., arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver). Data to be expressed in mg/kg.
- Total Recoverable Petroleum Hydrocarbons (TRPH) by Florida Department of Environmental Protection (FDEP) FL-PRO method. Data to be expressed in mg/kg.
- Chlorinated hydrocarbon pesticides by USEPA Method 8081, specifically aldrin, chlordane, dieldrin, endrin, heptachlor, and the DDT/DDD/DDE group. Data to be expressed in mg/kg.
- Polychlorinated biphenyls (PCBs) by USEPA Method 8082 (i.e., Aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260). Data to be expressed in mg/kg.
- As an alternative approach, USEPA Method 8270 may be used to capture the analysis listed in both the third and fourth categories, though that method is capable of identifying a much larger universe of substances than the individual methods cited.
- If there is site-specific knowledge which suggests that assessment of the leaching potential for a particular sand source is warranted, the appropriate test method will be the Synthetic Precipitation Leaching Procedure (SPLP; USEPA Method 1312).
- Specific protocols and sample numbers should be developed on a site-specific basis, based upon discussions between Florida DEP and the entity that is proposing the beach renourishment. Chemical testing results shall be consistent with naturally occurring background levels.

Section 3. Direction to Town Clerk. The Town Clerk is hereby directed to transmit a copy of this Urging Resolution to: the Governor of the State of Florida, the Secretary of the Florida Department of Environmental Protection, Members of the Miami-Dade County Delegation of State of Florida Legislators, the Board of County Commissioners of Miami-Dade County, Miami-Dade County Department of Regulatory and Economic Resources ("DERM"), all municipalities in Miami-Dade County, the Miami-Dade County League of Cities, and the Florida League of Cities.

Section 4. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 12th day of February, 2015.

Motion by Commissioner Karukin

Second by Commissioner Olchyk

FINAL VOTE ON ADOPTION:

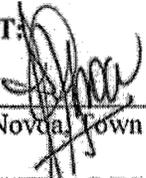
Commissioner Barry Cohen
Commissioner Michael Karukin
Commissioner Marta Olchyk
Vice Mayor Eli Tourgeman
Mayor Daniel Dietch

yes
yes
yes
yes
yes



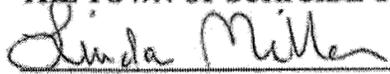
Daniel Dietch, Mayor

ATTEST:



Sandra Novak, Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR
THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney