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Staff Summary

This ordinance implements a method of controlling discharge of pollutants into the stormwater management system to comply with the requirements of the County's NPDES permit.

ORDINANCE NO. 2007 - 50

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, CREATING SECTION 9.06.09, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) STORMWATER ILLICIT DISCHARGE REGULATIONS, PROVIDING FOR THE REGULATION OF NON-STORMWATER DISCHARGE INTO THE STORMWATER MANAGEMENT SYSTEM; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES; REQUIRING USE OF BEST MANAGEMENT PRACTICES; PROVIDING FOR NOTIFICATION OF DISCHARGE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake County Comprehensive Plan, Public Facilities Element, Stormwater Sub-element Objective 1.0 states that the County shall fulfill the requirements of National Pollutant Discharge Elimination System (NPDES) mandates; and

WHEREAS, on September 20, 2004, the Florida Department of Environmental Protection (FDEP) issued Lake County a Notice of Intent to use a Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems (MS4); and

WHEREAS, the Generic Permit requires the County to develop, implement, and enforce a program to detect, address, and eliminate non-stormwater discharges into the stormwater system; and

WHEREAS, the Board of County Commissioners finds it in the best interest of the health and safety of the citizens of Lake County to regulate non-stormwater discharges into the stormwater management system in accordance with FDEP and NPDES requirements.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Creation. Section 9.06.09, Lake County Code, Appendix E, Land Development Regulations, entitled NPDES Stormwater Illicit Discharge Regulations, is hereby created to read as follows:

1 **A. Purpose/Intent.**

2
3 The purpose of this ordinance is to protect the health, safety, and general welfare of the
4 citizens of Lake County through the regulation of non-stormwater discharges to storm drainage
5 systems as required by federal and state law. This section shall apply to all discharges entering
6 the storm drain system generated from any developed or undeveloped lands unless explicitly
7 exempted by law. This section establishes methods for controlling the introduction of pollutants
8 into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of
9 the National Pollutant Discharge Elimination System (NPDES) permit process and state law.
10 The objectives of these regulations are:

- 11 1. To regulate the contribution of pollutants to the Municipal Separate Storm Sewer
12 System (MS4) by stormwater discharges.
- 13 2. To prohibit Illicit Connections and Discharges to the Municipal Separate Storm Sewer
14 Systems.
- 15 3. To establish authority to carry out all inspection, monitoring and enforcement
16 procedures necessary to ensure compliance with this section.

17
18 **B. Definitions.**

19
20 For the purposes of this section, the following terms shall mean:

- 21
22 1. Best Management Practices (BMPs) - Methods that are the most effective means of
23 preventing or reducing pollution from non-point sources, such as pollutants carried by
24 runoff. BMP's can be structural (e.g., ponds, oil and water separator, silt fence, hay-
25 bales) or non-structural (e.g. education, maintenance).
- 26
27 2. Illegal Discharge - Any direct or indirect non-stormwater discharge to the storm drain
28 system, except as exempted in subsection C, Discharge Prohibitions.
- 29
30 3. Illicit Connections Either of the following:
 - 31
32 a. Any surface, or subsurface, drain or conveyance which allows an illegal
33 discharge to enter the storm drain system, including but not limited to, any
34 conveyances which allow any non-stormwater discharge including sewage,
35 wastewater, and wash water to enter the storm drain system and any
36 connections to the storm drain system from indoor drains and sinks, regardless
37 of whether said drain or connection had been previously allowed, permitted,
38 or approved by an authorized agency; or
 - 39
40 b. Any drain or conveyance connected from a commercial or industrial land use
41 to the storm drain system which has not been documented in plans, maps, or
42 equivalent records and approved by an authorized agency.
- 43
44 4. Industrial Activity - Activities subject to NPDES Industrial Permits as defined in 40 CFR,
45 Section 122.26 (b)(14).
- 46
47 5. Municipal separate storm Sewer (MS4) – a conveyance or system of conveyances like
48 roads with stormwater systems, municipal streets, catch basins, curbs, gutters,
constructed channels or storm drains as defined in Section 62-624.200, Florida

1 Administrative Code.

- 2
- 3 6. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit
- 4 - A permit issued by the Environmental Protection Agency (EPA) or Florida Department
- 5 of Environmental Protection (DEP) that authorizes the discharge of pollutants to waters
- 6 of the United States, whether the permit is applicable on an individual, group, or general
- 7 area-wide basis.
- 8
- 9 7. Non-Stormwater Discharge. Any discharge to the storm drain system that is not
- 10 composed entirely of stormwater.
- 11
- 12 8. Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but
- 13 are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-
- 14 hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or
- 15 other discarded or abandoned objects, and accumulations, so that same may cause or
- 16 contribute to pollution: pesticides, herbicides, and fertilizers; hazardous substances and
- 17 wastes; sewage and other biological waste, dissolved and particulate metals; animal
- 18 wastes; wastes and residues that result from constructing a building or structure; and
- 19 noxious or offensive matter of any kind.
- 20

21

22 **C. Discharge Prohibitions.**

23 The commencement, conduct or continuance of any non-stormwater

24 discharge to the Municipal Separate Storm Sewer System or watercourse from a storm

25 drain system is prohibited, except the following:

- 26 a) Uncontaminated water line flushing
- 27 b) Rising ground waters
- 28 c) Uncontaminated groundwater infiltration
- 29 d) Uncontaminated pumped ground water
- 30 e) Potable water
- 31 f) Foundation drains
- 32 g) Air conditioning condensate
- 33 h) Irrigation
- 34 i) Springs
- 35 j) Water from crawl space pumps
- 36 k) Footing drains
- 37 l) Individual residential car washing
- 38 m) Natural flows from riparian habitats and wetlands
- 39 n) Dechlorinated swimming pool discharges
- 40

41 **D. Industrial or Construction Activity Discharges.**

42

43 Any Person subject to an industrial or construction activity NPDES stormwater discharge

44 permit shall comply with all provisions of such permit. Proof of compliance with said permit

45 shall be required in a form acceptable to the County prior to the allowing of discharges to the

46 MS4.

- 47 1. Access to Facilities.

1 a. The County shall be permitted to enter and inspect facilities subject to regulation as
2 often as may be necessary, at reasonable times, to determine compliance with this
3 section. Facility operators shall make the necessary arrangements to allow access to
4 representatives of the County. Failure to allow the County access to a permitted
5 facility is a violation of a stormwater discharge permit and of this section.

6
7 b. Facility operators shall allow the County ready access to all parts of the premises
8 for the purposes of inspection, sampling, examination and copying of records that
9 must be kept under the conditions of an NPDES permit to discharge stormwater, and
10 the performance of any additional duties as defined by state and federal law.

11
12 c. The County shall have the right to set up on any permitted facility such devices as
13 are necessary to conduct monitoring and/or sampling of the facility's stormwater
14 discharge.

15
16 d. The County has the right to require the discharger to install monitoring equipment
17 as necessary. The facility's sampling and monitoring equipment shall be maintained at
18 all times in a safe and proper operating condition by the discharger at its own
19 expense. All devices used to measure stormwater flow and quality shall be calibrated
20 to ensure their accuracy.

21
22 e. Any temporary or permanent obstruction to access the facility to be inspected or
23 sampled shall be promptly removed by the operator at the written request of the
24 County and shall not be replaced. The costs of clearing such access shall be borne by
25 the operator.

26
27 **E. Requirement To Prevent, Control, and Reduce Storm Water Pollutants By the Use of**
28 **Best Management Practices.**

29 Lake County shall require that Best Management Practices are utilized for any activity,
30 operation, or facility which may cause or contribute to pollution or contamination of stormwater,
31 the storm drain system, or waters of the United States. The owner or operator of a commercial or
32 industrial establishment shall provide, at their own expense, reasonable protection from
33 accidental discharge of prohibited materials or other wastes into the Municipal Storm Drain
34 System or watercourses through the use of structural or non-structural BMPs. Any person
35 responsible for a property or premise which is the source of an illegal discharge, shall be
36 required to implement, at said person's expense, additional structural or non-structural BMPs to
37 prevent the further discharge of pollutants to the Municipal Separate Storm Sewer System.
38 Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of
39 stormwater associated with industrial activity shall be required. These BMPs shall be part of a
40 stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements
41 of the NPDES permit.

42
43 **F. Notification of Discharge.**

44 Notwithstanding other requirements of law, if any person responsible for a facility or
45 operation, is aware of any known or suspected release of materials which may result in illegal
46 discharges or pollutants discharging into a storm drain system or Florida waters said person shall

1 notify the County and immediately take all necessary steps to ensure the discovery, containment,
2 and cleanup of such release. If the discharge of prohibited materials emanates from an industrial
3 or construction activity, the owner or operator shall also retain an on-site written record of the
4 discharge and the actions taken to prevent its recurrence. Such records shall be retained for at
5 least three (3) years or as required by federal or state law, whichever is longer.

6
7 **G. Enforcement.**

8 Whenever the County finds that a person has violated or failed to meet a requirement of this
9 section, the County shall order compliance by written notice of violation to the responsible
10 person.

11 a. The performance of monitoring, analyses, and reporting may be required;

12 b. The elimination of illicit connections and illegal discharges shall be required;

13 c. The violating discharges, practices, and operations shall be required to cease and desist;

14 d. The abatement or remediation of stormwater pollution or contamination hazards and the
15 restoration of any affected property shall be required; and

16 e. The implementation of source control or treatment BMPs shall be required.

17 If abatement of a violation and/or restoration of affected property is required, the notice shall set
18 forth a deadline within which such remediation or restoration must be completed. If, after a
19 reasonable period of time to comply, the violation has not been corrected, the case will be
20 enforced according to the provisions of Chapter 8, Lake County Code.

21
22 **Section 3. Inclusion in Code.** It is the intent of the Board of County
23 Commissioners that the provisions of this Ordinance shall become and be made a part of the
24 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
25 the word "ordinance" may be changed to "section," "article," or such other appropriate word or
26 phrase in order to accomplish such intentions.

27
28 **Section 4. Severability.** If any section, sentence, clause, or phrase of the Ordinance
29 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
30 shall in no way affect the validity of the remaining portion of this Ordinance.

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33 **Section 5. Effective Date.** This ordinance shall become effective as provided for by
34 law.

1 **Illicit Stormwater Discharge Ordinance**

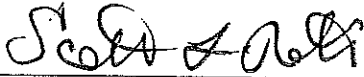
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6 Enacted this 6 day of November, 2007.

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8 Filed with the Secretary of State November 15, 2007.

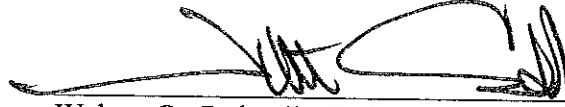
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10 Effective November 15, 2007.
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17 ATTEST:

18 BOARD OF COUNTY COMMISSIONERS
19 OF LAKE COUNTY, FLORIDA

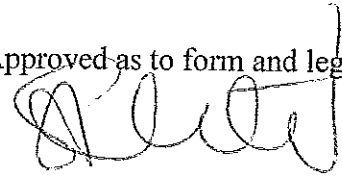
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22 Neil Kelly, Clerk of the
23 Board of County Commissioners
24 of Lake County, Florida

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28 Welton G. Cadwell, Chairman
29 This 9th day of November, 2007.

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31 Approved as to form and legality:

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33 Sanford A. Minkoff
34 County Attorney
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