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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.

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18 **B. Definitions.**

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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  
roads with stormwater systems, municipal streets, catch basins, curbs, gutters,

1 constructed channels or storm drains as defined in Section 62-624.200, Florida  
2 Administrative Code.

- 3
- 4 6. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit  
5 - A permit issued by the Environmental Protection Agency (EPA) or Florida Department  
6 of Environmental Protection (DEP) that authorizes the discharge of pollutants to waters  
7 of the United States, whether the permit is applicable on an individual, group, or general  
8 area-wide basis.
- 9
- 10 7. Non-Stormwater Discharge. Any discharge to the storm drain system that is not  
11 composed entirely of stormwater.
- 12
- 13 8. Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but  
14 are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-  
15 hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or  
16 other discarded or abandoned objects, and accumulations, so that same may cause or  
17 contribute to pollution: pesticides, herbicides, and fertilizers; hazardous substances and  
18 wastes; sewage and other biological waste, dissolved and particulate metals; animal  
19 wastes; wastes and residues that result from constructing a building or structure; and  
20 noxious or offensive matter of any kind.
- 21

### 22

### 23 **C. Discharge Prohibitions.**

24 The commencement, conduct or continuance of any non-stormwater  
25 discharge to the Municipal Separate Storm Sewer System or watercourse from a storm  
26 drain system is prohibited, except the following:

- 27 a) Uncontaminated water line flushing  
28 b) Rising ground waters  
29 c) Uncontaminated groundwater infiltration  
30 d) Uncontaminated pumped ground water  
31 e) Potable water  
32 f) Foundation drains  
33 g) Air conditioning condensate  
34 h) Irrigation  
35 i) Springs  
36 j) Water from crawl space pumps  
37 k) Footing drains  
38 l) Individual residential car washing  
39 m) Natural flows from riparian habitats and wetlands  
40 n) Dechlorinated swimming pool discharges
- 41

### 42 **D. Industrial or Construction Activity Discharges.**

43

44 Any Person subject to an industrial or construction activity NPDES stormwater discharge  
45 permit shall comply with all provisions of such permit. Proof of compliance with said permit  
46 shall be required in a form acceptable to the County prior to the allowing of discharges to the  
47 MS4.

1       1. Access to Facilities.

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

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

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

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

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

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

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

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44       **F. Notification of Discharge.**

1 Notwithstanding other requirements of law, if any person responsible for a facility or  
2 operation, is aware of any known or suspected release of materials which may result in illegal  
3 discharges or pollutants discharging into a storm drain system or Florida waters said person shall  
4 notify the County and immediately take all necessary steps to ensure the discovery, containment,  
5 and cleanup of such release. If the discharge of prohibited materials emanates from an industrial  
6 or construction activity, the owner or operator shall also retain an on-site written record of the  
7 discharge and the actions taken to prevent its recurrence. Such records shall be retained for at  
8 least three (3) years or as required by federal or state law, whichever is longer.

9  
10 **G. Enforcement.**

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

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

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

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

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

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

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

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

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

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

1 **Illicit Stormwater Discharge Ordinance**

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6 Enacted this 6<sup>th</sup> day of November, 2007.

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

9  
10 Effective November 15, 2007.

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17 ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

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

\_\_\_\_\_

Welton G. Cadwell, Chairman  
This \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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28 Approved as to form and legality:

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31 \_\_\_\_\_  
32 Sanford A. Minkoff  
33 County Attorney