

PART 9. STORM SEWER SYSTEM DISCHARGES

Sec. 270.391. Authority.

The County is authorized by the Florida Constitution and the provisions of Chapter 163, Section 125 and Section 403, Florida Statutes, to establish and administer programs for stormwater management including the control of pollution caused by stormwater.

(Ord. No. 99-55, § 1, 11-23-99)

Sec. 270.392. Findings and determinations.

It is hereby found, determined and declared as follows:

- (a) The contribution of pollutants through discharges from storm sewer systems has a significant impact on receiving waters in the County; and
- (b) Improperly treated discharges from industrial activities, interconnected separate storm sewer systems, illicit discharges and discharges from spilling, dumping or disposal of material other than stormwater to the municipal storm sewer system of the County will adversely affect the quality of water receiving such discharges; and
- (c) The United States Environmental Protection Agency, pursuant to Title 40, Section 122.26, United States Code, has mandated the County through the issuance of National Pollution Discharge Elimination System (NPDES) Permit No. FLS000038 that the County must provide legal authority to control discharges to the municipal separate storm sewer system in order to control the quality of discharges from the County's storm sewer system to waters of the United States.

(Ord. No. 99-55, § 2, 11-23-99)

Sec. 270.393. Definitions.

For the purposes of this Part, the following definitions shall apply; words used in the singular shall include the plural, and the plural, singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use.

Best Management Practices or *BMP's*: Schedules of activities, prohibitions of practices, maintenance procedures, treatment methods and other management practices to prevent or reduce pollutants from entering the MS4 or being discharged from the MS4.

County: Seminole County, Florida.

Clean Water Act or *CWA*: Public Law (PL) 92-500, as amended PL 95-217, PL 95-576, PL 6-483 and PL 97-117, 33 U.S.C. 1251 et seq., as amended by the Water Quality Act of 1987, PL 100-4.

Code Enforcement Officer: County employee positions and employee positions of County Officers who have been designated as Code Enforcement Officers by the Board of County Commissioners.

Commissioners: Board of County Commissioners of Seminole County, Florida.

Construction Activities: The alteration of land during construction and includes such activities as

clearing, grading and excavation.

County Manager: County Manager of Seminole County, Florida, or his or her designee.

Discharge: The release of liquid, solid or gaseous material and includes, but is not limited to, a release, spilling, leaking, seeping, pouring, emitting, emptying and dumping of any substance or material.

Illicit Connection: Point source discharges to the County's MS4 or to waters of the United States, which are not composed entirely of stormwater and are not authorized by a permit.

Illicit Discharge: The discharge to the County's MS4 or to waters of the United States which is not composed entirely of stormwater, unless exempted pursuant to this Ordinance, or the discharge to the County's MS4 or to waters of the United States which is not in compliance with Federal, State or local permits.

Industrial Activities: Activities at facilities identified by the United States Environmental Protection Agency as requiring an NPDES stormwater permit in accordance with 40 C.F.R. 122.26 or amendments thereto, or any unit operation, complex, area or multiple of unit operations that produce, generate, handle, process or cause to be processed, any materials which may cause water pollution.

Municipal Separate Storm Sewer System or MS4: A conveyance, storage area or system of conveyances and storage areas (including, but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, storm drains, treatment ponds and other structural BMPs) owned or operated by a local government that discharges to waters of the United States or to other MS4's, that is designed solely for collecting, treating or conveying stormwater and that is not part of publicly owned treatment works (POTW) as defined by 40 C.F.R. 122.2 or any amendments thereto.

Person: Any individual, partnership, firm, organization, corporation, association or other legal entity, whether singular or plural, as the context may require.

Point Source: Any discernable and confined conveyance including, but not limited to, any pipe, ditch, channel, conduit, well, container, rolling stocks, concentrated animal feeding operation, vessel, or other floating craft from which pollutants are discharged. This term does not include return flows from irrigated agriculture.

Pollutant: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.), heat, wrecked or damaged equipment, rock, sand and industrial, municipal and agricultural waste discharged into the MS4.

Reclaimed Water: Water that has received at least advanced secondary treatment and basic disinfection and is reused after flowing out of a wastewater treatment facility.

Reuse: The deliberate application of reclaimed water, in compliance with Florida Department of Environmental Protection and St. Johns River Water Management District rules, for a beneficial purpose.

Runoff: The surface flow of water which results from and occurs following a rainfall event.

Significant Construction Activities: Construction activities which result in the disturbance of five acres or more of total land area.

Significant Redevelopment: The alteration of an existing development which results in the increase in the discharge of a stormwater facility beyond its previously designed and constructed capacity, or increased pollution loading, or changed points of discharge, except emergency repairs.

Spill: Illicit discharge.

Stormwater: Surface runoff and the discharge of runoff water resulting from rainfall.

Waters of the United States: Surface and ground waters as defined by 40 C.F.R. 122.2.

(Ord. No. 99-55, § 3, 11-23-99)

Sec. 270.394. Stormwater discharges to the MS4 and Waters of the United States.

(a) Discharges to the County's MS4 shall be controlled to the extent that such discharges will not impair the operation of the MS4 or contribute to the failure of the MS4 to meet any local, state or federal requirements, including, but not limited to, NPDES Permit No. FLS000038. Discharges to the waters of the United States shall be controlled to the extent that the discharge will be controlled to the maximum extent practicable as defined in NPDES Permit No. FLS000038; and

(b) Stormwater discharges to the MS4 from new development or site of significant redevelopment are required to obtain appropriate local, state or federal permits prior to discharging to the MS4 or to waters of the United States within the County.

(c) Any person responsible for discharges determined by the County to be contributing to the failure of the County's MS4 or waters within the County to comply with the provisions and conditions of NPDES Permit No. FLS000038, shall provide corrective measures as approved by the County Manager and may be subject to paying fines and damages.

(Ord. No. 99-55, § 4, 11-23-99)

Sec. 270.395. Stormwater discharges from industrial and construction activities.

(a) Stormwater discharges from industrial activities shall be treated or managed on site, in accordance with appropriate federal, state or local permits and regulations, prior to discharge to the County's MS4 or to waters of the United States.

(b) Stormwater discharges from significant construction activities shall be treated or managed on site in accordance with appropriate federal, state or local permits and regulations, prior to discharge to the County's MS4 or to waters of the United States. Erosion, sediment and pollution controls for the construction site shall be properly implemented, maintained and operated according to a pollution prevention plan required by an NPDES permit for the discharge of stormwater from construction activities, or according to a state permit issued by the Florida Department of Environmental Protection or St. Johns River Water Management District.

(c) Construction activity which is not significant is an illicit connection or illicit discharge if the activity causes an impairment of the operation of the MS4 or contributes to the failure of the MS4 to meet any local, state or federal requirements, including, but not limited to, NPDES Permit No. FLS000038.

(d) The owners or operators of industrial facilities and construction sites which will discharge stormwater to the County's MS4 or to waters of the United States within the County limits shall provide written notification of the connection or discharge prior to the discharge from the industrial activity or construction activity.

(Ord. No. 99-55, § 5, 11-23-99)

Sec. 270.396. Control of pollutant contributions from interconnected MS4's.

The discharge of stormwater between interconnected state, city, county or other MS4's shall not cause the County's MS4 to be in violation of the provisions of NPDES Permit No. FLS000038. Owners of any section of interconnected MS4 shall be responsible for the quality of discharge from their portion

of the MS4 in accordance with interlocal agreements controlling the discharge of stormwater from one MS4 to another.

(Ord. No. 99-55, § 6, 11-23-99)

Sec. 270.397. Prohibition of illicit discharges and illicit connections.

- (a) Illicit discharges and illicit connections, not exempt under the provisions of this Part, are prohibited.
- (b) Failure to report a connection from industrial activities or construction activities to the County's MS4 or to waters of the United States constitutes an illicit connection.
- (c) Failure to report a discharge from industrial activities or construction activities to the County's MS4 or to waters of the United States constitutes an illicit discharge.
- (d) Any discharge to the County's MS4 or to waters of the United States which is in violation of federal, state or local permits or regulations constitutes an illicit discharge.
- (e) Persons responsible for illicit discharges or illicit connections shall immediately, upon notification or discovery, initiate procedures to cease the illicit discharge or illicit connection, or obtain appropriate Federal, State, or local permits for such discharge or connection.

(Ord. No. 99-55, § 7, 11-23-99)

Sec. 270.398. Inspection and monitoring for compliance.

County personnel and County agents shall be granted access for inspection of facilities discharging or suspected of discharging to the County's MS4 or waters of the United States in order to effectuate the provisions of this Ordinance and to investigate violations or potential violations of any of the terms herein. All structures and processes which allow discharges to the County's MS4, as well as records concerning them, shall be made accessible to County personnel and County agents for this purpose.

(Ord. No. 99-55, § 8, 11-23-99)

Sec. 270.399. Maintenance of BMP's.

Structural controls and other BMP's used for controlling the discharge of pollutants to the County's MS4 or to waters of the United States shall be operated and maintained so as to function in accordance with permitted design or performance criteria and in compliance with Federal, State or local permit conditions and regulations.

(Ord. No. 99-55, § 9, 11-23-99)

Sec. 270.400. Exemptions.

The following activities shall not be considered either an illicit discharge or illicit connection unless such activities cause, or significantly contribute to, the impairment of the use of the County's MS4 or the violation of the conditions of NPDES Permit No. FLS000038.

- (a) Discharges from:
 - (1) Water line flushing;

- (2) Flushing of reclaimed water lines;
- (3) Street cleaning;
- (4) Construction dust control;
- (5) Landscape irrigation;
- (6) Diverted stream flows;
- (7) Rising ground waters;
- (8) Foundation and footing drains;
- (9) Swimming pool discharges;
- (10) Uncontaminated ground water infiltration (as defined at 40 C.F.R. 35.205 (20));
- (11) Uncontaminated pumped ground water;
- (12) Discharges from potable water sources;
- (13) Air conditioning condensate;
- (14) Irrigation water;
- (15) Springs;
- (16) Lawn watering;
- (17) Individual residential car washing;
- (18) Flows from riparian habitat and wetlands; and
- (19) Discharges or flows from emergency fire fighting activities and emergency response activities done in accordance with an adopted spill response/action plan.

(b) Discharges which have obtained appropriate federal, state and local permits and are in compliance with the conditions of these permits.

(Ord. No. 99-55, § 10, 11-23-99)

Sec. 270.401. Enforcement, penalties and legal proceedings.

(a) This Part shall be administered by the County Manager or his designee and enforced through the County's Code Enforcement Officers. All persons in violation of this Part shall address such violations immediately upon written notification by the County's Code Enforcement Officers. Violations shall be addressed by providing a written response to the County's Code Enforcement Officers, outlining the temporary and permanent measures that will be taken to correct the violation and a proposed schedule for completion of the corrective measures. Proposals for corrective action are subject to the approval of the County's Code Enforcement Officers.

(b) The County's Code Enforcement Officers are authorized to issue, cease and desist orders in the form of written official notices sent by registered mail to the person(s) responsible for the violation. Specific activities and operations may be ordered to be ceased based upon the following conditions:

- (1) In a situation that may have a serious effect on the health, safety or welfare of the public or the environment, including the quality of stormwater in the County's MS4; or

(2) When irreversible or irreparable harm may result, in the reasonable opinion of the County's Code Enforcement Officers, and immediate cessation of the activity is necessary to protect the public or the environment, including the quality of stormwater in the County's MS4.

(c) Any person who violates this Part and/or fails to comply with the requirements of any provision of this Ordinance shall be subject to prosecution before the Code Enforcement Board of Seminole County, pursuant to Chapter 53, Code Enforcement, Seminole County Code, or successor provisions. Each day of violation shall constitute a separate violation.

(d) In addition to any fines which may be imposed by the Seminole County Code Enforcement Board, persons responsible for violation of this Part shall be liable for all sampling and analytical costs incurred in monitoring the discharge, and state and/or federal fines imposed as a result of the discharge and costs of removing or properly treating the discharge.

(e) If the persons responsible for the violation fail to take action required herein, the County has the right to take remedial action. All costs incurred by the County in taking such actions shall be reimbursed by the persons responsible for the violation.

(f) In addition to the remedies provided herein, the County is authorized to make application in a court of appropriate jurisdiction for an injunction restraining any person from violating, or continuing to violate, provisions of this Ordinance. In addition, the County may also seek entry of a court order requiring restoration and mitigation for any impacted land or waters or request any other appropriate, applicable legal remedy, including reimbursement of court costs.

(g) In accordance with Section 53, Code Enforcement, Seminole County Code, any person violating any of the provisions of this Part shall, be liable for a Class IV civil penalty under Chapter 53, Code Enforcement, Seminole County Code, or successor provisions. Further, each violation of this Part shall constitute a misdemeanor and be punishable as provided by general law for violation of County ordinances.

(h) The County may elect to take any or all of the above remedies concurrently, and the pursuance of one shall not preclude the pursuance of another.

(i) Any fines or other funds received as a result of enforcement under this Part which are not used for specific purposes set forth in this Ordinance shall be deposited in the General Fund of the County in the penalty, fine and forfeiture account.

(Ord. No. 99-55, § 11, 11-23-99)

Sec. 270.402. Repeal.

All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Part are repealed to the extent of any conflict.

(Ord. No. 99-55, § 12, 11-23-99)

Secs. 270.403--270.410. Reserved.