



PASCO COUNTY

Sec. 604. Stormwater Quality Management (Created by Ordinance No. 99-18, adopted September 28, 1999.)

604.1 Finding of facts. The contribution of pollutants through discharges from storm sewer systems has a significant impact on the receiving waters in the county. Improperly treated discharges from industrial activities and interconnected municipal separate storm sewer systems (MS4s) and illicit discharges from spilling, dumping, or disposal of material other than stormwater to the municipal separate storm sewer system will adversely affect the quality of waters receiving such discharges.

The United States Environmental Protection Agency (USEPA), pursuant to title 40, section 122.26 of the Code of Federal Regulations, has mandated that municipalities provide the legal authority to control discharges to the municipal separate storm sewer system under the national pollutant discharge elimination system (NPDES) permit in order to control the quality of discharges from the municipal separate storm sewer system. The board of county commissioners, therefore finds it necessary and in the public interest, to protect the quality of waters receiving stormwater discharges for the health, safety, and general welfare of the citizens of the county. (Ord. No. 06-08, § 1, 2-28-06)

604.2 Applicability. The regulations herein set forth shall apply to all the unincorporated areas of the county. (Ord. No. 06-08, § 1, 2-28-06)

604.3 Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. Use of the word "shall" means mandatory and not merely discretionary.

A. *Best management practices (BMPs):* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutants from entering the municipal separate storm sewer system or being discharged from the municipal separate storm sewer system. Best management practices include, but are not limited to, treatment methods and practices to control the discharge of pollutants.

B. *Board:* The Board of County Commissioners of Pasco County, Florida.

C. *Clean Water Act (CWA):* Amendments, passed in 1972 by Congress, to the Federal Water Pollution Control Act and commonly referred to as the Clean Water Act (CWA).

D. *Code of Federal Regulations (CFR)*: The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

E. *Construction Activities*: Includes such activities as clearing, grading, and excavation activities.

F. *County*: Shall mean the unincorporated areas of Pasco County, a political subdivision of the state.

G. *County administrator*: The county administrator or his/her designee.

H. *Discharge*: Includes, but is not limited to, any release, spilling, leaking, seeping, pouring, emitting, emptying, or dumping of any substance or material.

I. *Florida Administrative Code (FAC)*: An annotated official compilation of the rules and regulations of the State of Florida, published by the Florida Secretary of State.

J. *Illicit connections*: Point source discharges to the county's municipal separate storm sewer system or to waters of the United States, which are not composed entirely of stormwater and are not authorized by a national pollutant discharge elimination system permit. Failure of an industrial facility or construction site to notify the county administrator of a connection to the county's municipal separate storm sewer system constitutes an illicit connection.

K. *Illicit discharge*: Any discharge to a municipal separate storm sewer system or to waters of the United States that is not composed entirely of stormwater, with the exception of discharges which are exempt pursuant to section 604.7 of this Code. Any discharge in violation of a national pollutant discharge elimination system permit shall constitute an illicit discharge.

L. *Industrial activities*: Activities which are conducted on properties designated for industrial land use in accordance with the county comprehensive plan and/or at facilities identified by the United States Environmental Protection Agency as requiring a national pollutant discharge elimination system stormwater permit under the definition of "storm water discharge associated with industrial activity" in title 40, section 122.26 of the Code of Federal Regulations or any amendment thereof.

M. *Inspection*: Includes, but is not limited to any on-site physical examination of all facilities and grounds which may discharge to a municipal separate storm sewer system, a review of all records on operation and maintenance of facilities and the results of any monitoring performed for compliance with state, federal, and local regulations or permit conditions.

N. *Municipal separate storm sewer system*: A conveyance or system of conveyances (including, but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned or operated by a local government that discharges to waters of the United States or connects to other municipal separate storm sewer systems, that is designed solely for collecting or conveying stormwater, and that is not part of a publicly owned treatment works as defined by 40 CFR 122.2 or any amendment thereto.

O. *National pollutant discharge elimination system (NPDES)*: The federal program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under sections 307, 402, 318, and 405 of the Clean Water Act.

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

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

R. *Pollutant*: Means any dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sewage sludge; munition; 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 discharged equipment; rock; sand; and industrial, municipal, and agricultural waste discharged into water.

S. *Stormwater*: Surface runoff and drainage of water resulting from rainfall.

T. *Waters of the United States*: As defined by the United States Environmental Protection Agency (USEPA) in title 40, section 122 of the Code of Federal Regulations or any amendments thereto. (Ord. No. 06-08, § 1, 2-28-06)

604.4 Control of stormwater discharges.

A. Stormwater discharges to the municipal separate storm sewer system and United States Waters.

1. Discharges to the county's municipal separate storm sewer system shall be controlled to the extent that such discharge will not impair the operation of the municipal separate storm sewer system or contribute to the failure of the municipal separate storm sewer system to meet any local, state, or federal requirements. Discharges to waters of the United States shall be controlled to the extent that the discharge will not adversely impact the quality or beneficial uses of the receiving water or result in violation of any federal, state, or local laws.

2. Any person responsible for discharges determined by the county to be contributing to the degradation or impairment of the county's municipal separate storm sewer system or to waters of the United States, either directly or through a municipal separate storm sewer system, shall provide corrective measures in accordance with a schedule approved by the county and may be subject to paying fines and damages.

B. Stormwater discharges from industrial activities and construction sites.

1. Stormwater from construction sites shall be controlled in such a way as to retain sediment onsite and prevent violations of state water quality standards or national pollutant discharge elimination system permits. All erosion, pollution, and sediment controls required pursuant to the pollution prevention plan of a national pollutant discharge elimination system stormwater permit for construction or required pursuant to a state stormwater permit issued by either the state department of environmental regulation or the southwest Florida water management district shall be properly implemented, maintained, and operated.

2. Stormwater from areas of industrial activity shall be treated or managed onsite, using best management practices in accordance with national pollutant discharge elimination system permits, prior to discharging to the county's municipal separate storm sewer system or to United States waters. All stormwater discharges from the site shall be of a quality which will not adversely impact the water quality or beneficial uses of the receiving water.

3. The owners or operators of industrial facilities or construction sites which will discharge stormwater to the county's municipal separate storm sewer system must provide written notification to the county prior to discharging and receive approval.

C. Control of pollutant contributions from interconnected municipal separate storm sewer systems. The discharge of stormwater between interconnected state, county, or other municipal separate storm sewer systems shall not impair the quality of the discharge from the receiving municipal separate storm sewer system. Owners of sections of an interconnected municipal separate storm sewer system shall be responsible for the quality of discharge from their portion of the system and shall coordinate with the owners of the downstream segments prior to connections into their system.

(Ord. No. 06-08, § 1, 2-28-06)

604.5 Control of nonstormwater discharges.

A. *Prohibition of illicit discharges.* Any discharge, other than stormwater, to a municipal separate storm sewer system or to waters of the United States which is not exempt under section 604.7 of this Code is considered an illicit discharge as defined in this section and is prohibited.

B. *Reporting illicit discharges or illicit connections.* Upon discovery of an illicit discharge or illicit connection, persons responsible for the discharge or the connection shall report their findings by telephone immediately to the county and follow within 48 hours with written notification.

C. *Control of illicit discharges or illicit connections.* Persons responsible for illicit discharges or illicit connections shall immediately, upon notification or discovery, initiate procedures to cease discharging or provide suitable containment facilities until modifications are made to properly treat the discharge or a national pollutant discharge elimination system permit is obtained. Such procedures shall include a requirement to obtain approval from the county administrator of a schedule for implementing proposed corrective measures. (Ord. No. 06-08, § 1, 2-28-06)

604.6 Inspection and maintenance of systems.

A. *Inspection and monitoring for compliance.* County personnel shall be granted access for inspection of facilities discharging or suspected of discharging to the county's municipal separate storm sewer system or waters of the United States in order to evaluate and investigate the potential for release of materials other than stormwater or potential violations of any of the terms of this Code. All structures and processes which allow discharges to the county's municipal separate storm sewer system as well as records concerning them shall be made accessible to county personnel for monitoring of the quality of the discharges.

B. *Maintenance of control structures.* Structural controls and other best management practices used to reduce pollutants in stormwater discharges shall be operated and maintained so as to function in accordance with the permitted design or performance criteria in compliance with national pollutant discharge elimination system or other permit conditions. Operation and maintenance shall be done so as to ensure treatment of stormwater or reduction in pollutants in stormwater discharges consistent with appropriate federal, state, water management district, or local rules or permit requirements. (Ord. No. 06-08, § 1, 2-28-06)

604.7 Exemptions. The following activities shall be exempt from the requirements of this Code:

A. Discharges from:

1. Water line flushing;
2. Landscape irrigation;
3. Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005[20]) to separate storm sewers;
4. Uncontaminated pumped groundwater;
5. Discharges from potable water sources;
6. Air conditioning condensation;
7. Irrigation water;
8. Springs;
9. Lawn watering;
10. Individual residential car washing;
11. Flows from riparian habitats and wetlands;
12. Street wash waters;
13. Discharges or flows from emergency fire fighting activities.
14. Construction activities where it is reasonable to conclude, based on site conditions, that there will be no off-site transport of sediment or other pollutants.

B. Discharges which meet the water quality standards of chapter 62-302, FAC, and any amendment thereto.

C. Discharges from facilities in compliance with the conditions of all required national pollutant discharge elimination system permits issued under the authority of the United States Environmental Protection Agency.(Ord. No. 06-08, § 1, 2-28-06)

604.8 Enforcement, penalties, and proceedings.

A. This section shall be administered by the county administrator. All persons in violation of this section shall address such violations immediately upon written notification by the county. Violations shall be addressed by providing a written response to the county administrator, requesting and outlining the temporary and permanent measures that will be taken to correct the violation and a proposed schedule for completion of each of the corrective measures. Proposals for corrective action are subject to the approval of the county administrator.

B. The county administrator is 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 affect on the health, safety, or welfare of the public or the environment, including the operation of and quality of stormwater in the county's municipal separate storm sewer system.
 2. When irreversible or irreparable harm may result, in the opinion of the county administrator, and immediate cessation of the activity is necessary to protect the public or the environment, including the operation of and quality of stormwater in the county's municipal separate storm sewer system.
- C. Any person who violates any [subsection] of this section may be prosecuted and punished as provided by F.S. § 125.69 or F.S. ch. 162. Each day of the violation shall constitute a separate offense, punishable by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days, by both such fine and imprisonment to the limits as set forth in F.S. § 125.69, or if enforcement is pursued under F.S. ch. 162, the fines shall be as set by the board of county commissioners.
- D. In addition to any fines which may be imposed by this section, persons responsible for a discharge which adversely impacts a receiving water shall be liable for all sampling and analytical costs incurred in monitoring the discharge, any state or federal fines imposed as a result of the discharge, and the cost of removing or properly treating the discharge for complete restoration of the quality of all receiving waters to the extent in which they were impaired.
- E. 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, any provisions of this section. Such application for injunction may also seek entry of a court order requiring restoration and mitigation for any impacted land or waters.
- F. The county may elect any or all of the above remedies concurrently, and the pursuance of one shall not preclude the pursuance of another, or any other remedy allowed by law.
- G. Any fines or other funds received as a result of enforcement under this section which are not used for specific purposes set forth in this section shall be deposited in the Stormwater Management Fund.(Ord. No. 06-08, § 1, 2-28-06)