

ORDINANCE NO. 2008-26

AN ORDINANCE OF THE TOWN OF LADY LAKE, LAKE COUNTY, FLORIDA; AMENDING THE TOWN OF LADY LAKE CODE OF ORDINANCES CHAPTER 7 (HEALTH AND SANITATION) BY ADDING ARTICLE IX ENTITLED NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) STORMWATER ILLICIT DISCHARGE REGULATION, 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 Generic Permit requires the Town to develop, implement, and enforce a program to detect, address, and eliminate non-stormwater discharges into the stormwater system; and

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

NOW, THEREFORE, BE IT ORDAINED by the Town of Lady Lake, Florida, as follows:

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

Section 2. Creation. Chapter 7, of the Town of Lady Lake Code of Ordinances is hereby amended by adding Article IX entitled NPDES Stormwater Illicit Discharge Regulations, set forth below:

A. **Purpose/Intent.**

The purpose of this ordinance is to protect the health, safety, and general welfare of the citizens of Lady Lake through the regulation of non-stormwater discharges to storm drainage systems as required by federal and state law. This section shall apply to all discharges entering the storm drain system generated from any developed or undeveloped lands unless explicitly exempted by law. This section establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in

order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process and state law.

The objectives of these regulations are:

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

B. Definitions.

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

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

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

C. Discharge Prohibitions.

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

- a) Uncontaminated water line flushing
- b) Rising ground waters
- c) Uncontaminated groundwater infiltration
- d) Uncontaminated pumped ground water
- e) Potable water
- f) Foundation drains
- g) Air conditioning condensate
- h) Irrigation
- i) Springs
- j) Water from crawl space pumps
- k) Footing drains
- l) Individual residential car washing
- m) Natural flows from riparian habitats and wetlands
- n) Dechlorinated swimming pool discharges
- o) Fire fighting discharges

D. Industrial or Construction Activity Discharges.

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

1. Access to Facilities.

- a. The Town of Lady Lake shall be permitted to enter and inspect facilities subject to regulation as often as may be necessary, at reasonable times, to determine compliance with this section. Facility operators shall make the necessary arrangements to allow access to representatives of the Town. Failure to allow the Town access to a permitted facility is a violation of a stormwater discharge permit and of this section.
- b. Facility operators shall allow the Town ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- c. The Town of Lady Lake shall have the right to set up on any permitted facility such devices as are necessary to conduct monitoring and/or sampling of the facility's stormwater discharge.
- d. The Town has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- e. Any temporary or permanent obstruction to access the facility to be inspected or sampled shall be promptly removed by the operator at the written request of the Town and shall not be replaced. The costs of clearing such access shall be borne by the operator.

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

The Town of Lady Lake shall require that Best Management Practices are utilized for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the Municipal Storm Drain System or watercourses through the use of structural or non-structural BMP's. Any person responsible for a property or premise which is the source of an illegal discharge shall be required to implement, at said person's expense, additional structural or non-structural BMP's to prevent the further discharge of pollutants to the Municipal Separate Storm Sewer System. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity shall be required. These BMP's shall be part of a

stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

F. Notification of Discharge.

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

G. Enforcement.

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

- a. The performance of monitoring, analyses, and reporting may be required;
- b. The elimination of illicit connections and illegal discharges shall be required;
- c. The violating discharges, practices, and operations shall be required to cease and desist;
- d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property shall be required; and
- e. The implementation of source control or treatment BMP's shall be required.

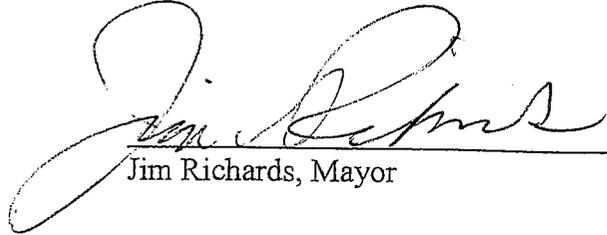
If abatement of a violation and /or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. If, after a reasonable period of time to comply, the violation has not been corrected, the case will be enforced according to Lady Lake's applicable Code Enforcement regulations.

Section 3. Inclusion in Code. It is the intent of the Town that the provisions of this Ordinance shall become and be made a part of the Town Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

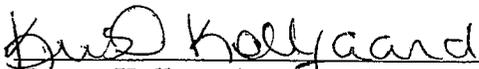
Section 4. Severability. If any section, sentence, clause, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

Section 5. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND ORDAINED this 3 day of Nov, 2008, in the regular session of the Town Commission of the Town of Lady Lake, Lake County, Florida, upon the second and final reading.


Jim Richards, Mayor

ATTEST:


Kristen Kollgaard, Town Clerk



Approved as to Form:

Derek Schroth, Town Attorney

