

CHAPTER XV. DETECTION AND ELIMINATION OF INAPPROPRIATE DISCHARGES INTO THE STORMWATER SYSTEM

15.00.00. INAPPROPRIATE DISCHARGE DETECTION AND ELIMINATION

15.00.01. Purpose, Intent.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of Walton County through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable, as required by federal and state law. This chapter is not intended to burden or hamper normal agricultural activities which are consistent with Best Management Practices recommended by the USDA Natural Resources Conservation Service. This chapter establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are to regulate the contribution of pollutants to the MS4 through stormwater discharges by any user, prohibit un-permitted connections and discharges to the MS4, and to establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this chapter.

(Ord. No. 2008-06, § 1, 1-22-08)

15.01.00. DEFINITIONS

The following terms shall have the stated meanings for the purpose of this chapter:

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good house-keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage, as established by Walton County.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1551 et seq.), as amended.

Hazardous materials: Any material, including any substance, waste, or combination thereof, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit connections: An illicit connection is defined as either a drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system; or 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 enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Inappropriate discharge: Any direct or indirect non-stormwater discharge to the storm drain system.

Industrial activity: Activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 152.26(b)(15).

Municipal separate storm sewer system (MS4): The system of conveyances, including sidewalks, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, owned and operated by Walton County and designed or used for collecting or conveying stormwater, but not used for collecting or conveying sanitary sewage.

National pollutant discharge elimination system (NPDES) stormwater discharge: A permit issued by the United States Environmental Protection Agency, or by a state under authority delegated pursuant to 33 USC § 1342(b), 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.

Non-stormwater discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

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, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; 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.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm drainage system: Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to: any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater management plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Unpermitted connections: An unpermitted connection is defined as any drain or conveyance, whether on the surface or subsurface, that allows an inappropriate discharge to enter the storm drain system, including but not limited to, any conveyances that allow any non-stormwater discharge including sewage, process 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 was previously allowed, permitted, or approved by an authorized enforcement agency, prior to the adoption of this chapter, or any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an enforcement agency.

Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(Ord. No. 2008-06, § 1, 1-22-08)

15.02.00. DISCHARGE PROHIBITIONS

The commencement, conduct or continuance of any unauthorized discharge to the storm drain system is prohibited. Therefore, no person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants. The following discharges are exempt from this chapter:

(a) water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

(b) Discharges or flow from firefighting and other discharges specified in writing by Walton County as being necessary to protect public health and safety.

(c) Discharges associated with dye testing after a verbal notification to Walton County prior to the time of the test.

(d) Any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Florida Department of Environmental Protection or the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other

applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(Ord. No. 2008-06, § 1, 1-22-08)

15.03.00. PROHIBITION OF UNPERMITTED CONNECTIONS

The construction, use, maintenance, or continued existence of unpermitted connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, unpermitted connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(a) It is a violation of this chapter if a person connects a line conveying sewage to the MS4 or allows such a connection to continue.

(b) Inappropriate connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of Walton County.

(c) Upon receipt of written notice of violation from Walton County and within a reasonable time period, the owner of property subject to the violation shall locate and identify any drain or conveyance that has not been documented in plans, maps, or equivalent, that is connected to the storm sewer system, to include any outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point, and provide such documentation of the location and identification to the County.

(Ord. No. 2008-06, § 1, 1-22-08)

15.04.00. WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. No. 2008-06, § 1, 1-22-08)

15.05.00. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

The operator of any facility required to have an industrial or construction activity NPDES stormwater discharge permit shall submit a copy of the Notice of Intent (NOI) to the Walton County along with the required Stormwater Pollution Prevention Plan (SWPPP) at the same time the operator submits the original Notice of Intent to the FDEP or EPA, as applicable. Any person subject to such permit shall comply with all provisions of the permit and provide proof of compliance to the County prior to any discharge into the MS4. It shall be considered a violation of this chapter if a person subject to such

permit does not submit a copy of the Notice of Intent or proof of compliance with the permit to Walton County prior to any discharge. The copy of the Notice of Intent and Stormwater Pollution Prevention Plan may be hand-delivered or mailed to Walton County at:

Walton County Public Works Department, Notice of Intent to Discharge Stormwater Attention: Director of Public Works Walton County Florida 116 Montgomery Circle Walton County, FL 32435.

(Ord. No. 2008-06, § 1, 1-22-08)

15.06.00. COMPLIANCE MONITORING

The owner of facilities subject to regulation under this chapter shall allow Walton County to enter and inspect as often as may be necessary to determine compliance at the facility with the provisions of this chapter. Unreasonable delays in allowing or refusal to allow the County to access a permitted facility is a violation of a stormwater discharge permit and of this chapter. All owners of regulated facilities shall:

(a) Make the necessary arrangements to allow access to the County if there are security measures in force at the facility that require proper identification and clearance;

(b) Allow the county 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, and the performance of any additional duties as defined by state and federal law;

(c) Allow the county to set up on any permitted facility such devices necessary, in the sole discretion of the county, to conduct monitoring and sampling of the facility's stormwater discharge.

(d) Install monitoring equipment as required by the county;

(e) Maintain all sampling and monitoring equipment in a safe and proper operating condition at the operator's expense, to include the calibration of equipment to measure stormwater flow and quality;

(f) Remove and keep clear, at the operator's expense, any temporary or permanent obstruction to safe and easy access to the facility upon the written or oral request of the County.

(Ord. No. 2008-06, § 1, 1-22-08)

15.07.00. SEARCH WARRANT FOR COMPLIANCE MONITORING

If an owner or operator of a facility subject to the provisions of this chapter refuses access to any part of the premises, the county may apply for the issuance of a search warrant from any court of competent jurisdiction. The county must demonstrate probable cause that there may be a violation of this chapter or a need to inspect and sample discharge from the facility to verify compliance with this chapter or to protect the overall public health, safety, and welfare of the community.

(Ord. No. 2008-06, § 1, 1-22-08)

15.08.00. USE OF BEST MANAGEMENT PRACTICES

Walton County shall adopt and identify best management practices for any activity, operation, or facility that 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 such activity, operation, or facility 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 these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an unpermitted discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a stormwater management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

(Ord. No. 2008-06, § 1, 1-22-08)

15.09.00. NOTIFICATION OF SPILLS

Any person responsible for a facility or operation or responsible for emergency response for a facility or operation who becomes aware of or receives information of any known or suspected release of materials that result or may result in unauthorized discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, shall take all necessary steps, pursuant to the County's BMPs, to discover, contain, and cleanup such discharge. In the event of such a discharge of hazardous materials, said person shall immediately notify the appropriate emergency response agencies via emergency dispatch services.

In the event of a release of non-hazardous materials, said person shall notify the county in person or by phone or facsimile, no later than 5:00 p.m. on the next business day. If notification is made in person or by phone, the person responsible for the facility or operation shall confirm that notification by sending a written notice addressed and mailed to Walton County within seven business days of the phone or in person notice.

If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment 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 five years.

(Ord. No. 2008-06, § 1, 1-22-08)

15.10.00. VIOLATIONS, ENFORCEMENT, PENALTIES

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Violations of the provisions of this chapter may be enforced pursuant to Chapter 12 of the Walton County Land Development Code, or otherwise as provided by law.

Whenever Walton County finds that a person has violated a prohibition or failed to meet a requirement of this chapter, Walton County Code Enforcement may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
 - (b) The elimination of illicit connections or discharges;
 - (c) That violating discharges, practices, or operations shall cease and desist;
 - (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - (e) Payment of a fine to cover administrative and remediation costs; and
 - (f) The implementation of source control or treatment BMPs.
- (g) 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. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of Walton County to seek cumulative remedies.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the county by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

~~It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.~~

~~In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory action(s), such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.~~

~~In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.~~

~~Any person that has violated or continues to violate this chapter shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$375.00 per day and/or imprisonment for a period of time not to exceed one year.~~

~~The authorized enforcement agency may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.~~

~~(Ord. No. 2008-06, § 1, 1-22-08)~~

NOTES: