

Water Pollution Control Code

ARTICLE VII. WATER POLLUTION CONTROL

Sec. 54-181. Findings of fact and declaration of policy.

(a) Laws of Fla. ch. 71-913 authorizes the Board of County Commissioners ("the Board"), in order to protect the public health, safety, and welfare of the citizens of Sarasota County, to promulgate and adopt, by County ordinance, an air and water pollution code; provides that any County ordinance adopted pursuant to that act shall be applicable and enforceable throughout the entire area of Sarasota County; and prohibits the municipalities, towns, and cities located within Sarasota County from adopting a city, town, or municipal ordinance in conflict with that act, or any County ordinance adopted pursuant to the provisions of that act.

(b) Laws of Fla. ch. 71-913 continues in force and effect under the provisions of Section 3.1 of the Sarasota Home Rule Charter as it relates to the municipalities, towns and cities located within Sarasota County as well as to Sarasota County and permits the County government to combine powers with other governmental entities.

(c) F.S. § 403.182 authorizes each County to establish and administer a delegated local pollution control program if it complies with the Florida Air and Water Pollution Control Act, being F.S. ch. 403, and provides, among other things, that all local pollution control programs must provide by ordinance for requirements compatible with, or stricter than, those imposed by that act and regulations issued thereunder.

(d) It is hereby determined that uniform regulation and control of water pollution throughout the entire area of Sarasota County are required to protect the public health, safety, and welfare of the citizens of Sarasota County, and this article is enacted pursuant to the authority granted to the County and the Board under F.S. §§ 125.01 and 403.182, Laws of Fla. ch. 71-913, and the Sarasota County Home Rule Charter.

(e) It is declared to be the public policy of Sarasota County to conserve the waters of this County and to protect, maintain, and improve the quality thereof for public water supplies, for the propagation of wildlife, fish, and other aquatic life, and for domestic, agricultural, recreational, and other beneficial uses, and to provide that no wastes be discharged into any waters within this County without first being given such degree of treatment as meets the requirements of this article and/or other such acts or ordinances of this State or County.

(f) It is hereby declared and determined that the prevention, abatement, and control of the pollution of the waters of this County are affected with the public interest and the provisions of this article are enacted for the purpose of meeting the responsibility of local and County government to protect the public health, safety, and welfare of the citizens of this County.

(g) The Board of County Commissioners of Sarasota County, Florida, hereby finds and declares that control, regulation and abatement of the activities that are causing or may

cause pollution of the water resources in this County, and that are or may be detrimental to human, animal, aquatic, or plant life, or to property, or unreasonably interfere with the comfortable enjoyment of life or property, may be stricter and more stringent than State rules to ensure conservation of natural resources, to ensure continued safe environment, to ensure purity of water, to ensure domestic water supplies, to ensure protection and preservation of the public health, safety, welfare, and well-being, and to ensure and provide for recreational and wildlife needs as the population increases and the economy expands.

(h) It is the purpose of this article to control the pollution of water in the streams, bays, lakes, estuaries, gulf, or underground waters, and to safeguard the peace, health, safety, and welfare of human, animal, marine, and plant life within the boundaries of Sarasota County against water pollution caused by or resulting from any toxic, poisonous, or noxious substances, or from raw or inadequately treated sewage, or any combination thereof.

(i) It is hereby found and declared that this article may provide for stricter, more extensive, and more stringent regulation of water pollution and the control of same than is provided and required under the provisions of F.S. ch. 403 and the regulations promulgated and adopted thereunder as administered by the Department of Environmental Protection (DEP) of the State of Florida.

(j) Water Policy 1.4.1 of Chapter 4 of the Sarasota County Comprehensive Plan, states that the wastewater treatment plant inspection and compliance monitoring program shall continue. All wastewater treatment plants shall be monitored as outlined in the DEP Specific Operating Agreement. All costs for monitoring shall be equal to the appropriate inspection charge.

(k) The State of Florida DEP, formerly the Department of Environmental Regulation (DER), entered into a general operating agreement with the Sarasota County Board of County Commissioners on August 24, 1989, to delineate each agency's responsibility and authority concerning environmental programs and activities.

(l) The general operating agreement provides that delegation of certain permitting, compliance and enforcement activities from DEP to Sarasota County be set forth in a specific operating agreement (SOA).

(m) The DEP entered into a Domestic Wastewater Specific Operating Agreement (SOA) with the Sarasota County Board of County Commissioners on November 5, 1997.

(n) The DEP requires Sarasota County to adopt certain provisions of F.S. ch. 120, and to ensure that State law and the DEP's regulations concerning wastewater treatment facilities are specifically identified and addressed by adopting the DEP's regulations and State statutes by reference or adopting provisions that are at least as or more stringent than the DEP's regulations or State statutes. This article generally adopts State laws and the DEP regulations, as amended from time to time, concerning wastewater treatment facilities and other regulations necessary for approval of a SOA with the DEP to include but not be limited to F.A.C. chs. 62-1, 62-4, 62-11, 62-25, 62-160, 62-301, 62-302, 62-520, 62-

550.310, 62-550.320, 62-555.360, 62-600, 62-601, 62-602, 62-603, 62-604, 62-610, 62-611, 62-620, 62-621, 62-625, 62-640, 62-650, and 62-699, and F.S. §§ 120.52, 120.525, 120.53, 120.565, 120.569, 120.57, 120.573, 120.574, 120.595, 120.60, 120.62, 120.66, 120.665, 120.68, and 120.69.

(o) The soil composition and hydrologic conditions, including a prevalent high water table, of Sarasota County necessitate more stringent requirements for sludge (Biosolids) land spreading activities than those currently in place under ch. 62-640, F.A.C., to protect the Surface and Ground Waters of the County.

(p) Wastewater treatment facilities operate for the benefit of the public. Furthermore, wastewater treatment facilities are highly regulated and have a minimal expectation of privacy.

(q) Discharge of improperly or inadequately treated sewage may cause infectious diseases, such as cholera, dysentery, typhoid, amebiasis, aseptic meningitis, myocarditis, and hepatitis, which can result in serious illness or death.

(r) Discharge of improperly or inadequately treated wastewater may also result in harm to the environment including excess nutrient loading, alteration of habitat, irreplaceable loss of natural resources, and degradation of water quality.

(s) Unauthorized Discharges may pose a threat to public health, safety, and welfare, and to the environment. It is in the best interests of the citizens to make every reasonable effort to abate Unauthorized Discharges.

(t) Industrial, commercial, residential, and development/construction sites have significant potential to influence water quality, and it is recognized that the proper use of Best Management Practices can aid in pollution prevention.

(u) Pursuant to the Florida Legislature's determination in F.S. §§ 376.30 and 403.061 that the storage, transportation, and disposal of pollutants is a hazardous undertaking, that their discharge poses a great threat to public health and the environment, and that the State's interest in regulating their storage, transportation, disposal, and the cleanup of pollutant discharges outweighs the burden imposed on such facilities, the DEP adopted F.A.C. chs. 62-761, 62-762, 62-770, and 62-777. The Board recognizes the importance of the concern and intends to facilitate the delegation of DEP's programs for regulating pollutant storage tanks and the cleanup of contamination from those tanks by adoption of an ordinance to establish a mechanism by which the County can effectively implement and enforce DEP's regulatory standards under its own authority as well as any delegated authority. This Article generally adopts DEP regulations concerning pollutant storage tanks and contamination cleanup including, but not limited to, F.A.C. chs. 62-761, 62-762, 62-770, 62-780, 62-782, and 62-785.

(v) It is the intent of the Board to assist in the State's effort to assure protection of Surface Water and Ground Water in Sarasota County by the implementation of the standards for construction, installation, maintenance, registration, removal, and disposal of pollutant storage tank systems and the cleanup of contamination from those systems. It is not the Board's intent to implement regulations more stringent than those of DEP in regard to pollutant storage tanks.

(w) It is the intent of the Board to continue in full force, and without interference or interruption, the pollution control program, which is currently implemented through the Sarasota County Water Pollution Control Code, Chapter 54, Article VII, Sarasota County Code, under the provisions of this Article, by updating its administration and standards.

(x) The Board finds unannounced and frequent inspections by County Inspectors are necessary to ensure continuous compliance and further the regulatory scheme of applicable DEP regulations and County ordinances.

(y) The Board, sitting as the Land Development Regulation Commission, has reviewed the ordinance codified in this Article and found it to be consistent with the Sarasota County Comprehensive Plan.

(z) It is the intent of the Board to provide a mechanism to promote a more efficient and effective method of regulating the transportation, and land spreading of Biosolids, to ensure protection of the public health, safety, and welfare.

(aa) It is the intent of the Board to ensure adequate regulatory control over the land spreading areas to protect the public's health, safety and welfare.

(bb) It is the intent of the Board to ensure that proper treatment of Biosolids is occurring prior to land spreading, thereby protecting the land, water, and environment in general, as well as public health, safety, and welfare.

(Ord. No. 98-066, § 1, 9-1-1998; Ord. No. 2002-067, § 2, 7-24-2002; Ord. No. 2010-002, § 2, 1-13-2010)

Sec. 54-182. Short title.

This article is referred to as the "Sarasota County Water Pollution Control Code."

(Ord. No. 98-066, § 2, 9-1-1998; Ord. No. 2002-067, § 3, 7-24-2002; Ord. No. 2010-002, § 3, 1-13-2010)

Sec. 54-183. General definitions.

Administrator means the Sarasota County Administrator, or an administrative official of Sarasota County government designated by the County Administrator to administer and enforce the provisions of this Article.

Aerosol means the suspension of ultramicroscopic solid or liquid particles in air.

Allowable Discharges means the list of Allowable Non-Stormwater Discharges set forth in the County-held National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit, Permit Number FLS000004, issued by the Florida Department of Environmental Protection.

Agricultural Use Plan (DEP Form 62-640.210(2)(a)) means a formal document submitted to the Florida Department of Environmental Protection (DEP) that describes the controlled use of Biosolids as part of a planned agricultural operation.

Agronomic Rate means the whole application rate (dry weight basis) of Biosolids designed (a) to provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or other vegetation grown on the land; and (b) to minimize the amount of nitrogen in the Biosolids that passes below the root zone of the crop or vegetation grown on the land to the Ground Water.

Best Management Practices (BMPs) means the management and/or structural practices that are recognized to be the most effective and practical means to reduce pollutants that could cause adverse impacts to water resources.

Biosolids means the solid, semisolid, and/or liquid residue removed during the treatment of domestic or industrial wastewater in a Wastewater Treatment Plant (WWTP). Not included are the solids removed from pump stations and lift stations screenings and grit removed from the preliminary treatment components of WWTPs. Also not included are ash generated during the incineration of Biosolids; Domestic Septage; treated effluent or reclaimed water from a WWTP.

Board means the Sarasota County Board of County Commissioners.

Certificate means a valid and active Operator Certificate issued by the DEP or Florida Department of Business and Professional Regulation (DBPR) in accordance with the provisions of Chapter 62-602, F.A.C., or its successor. For purposes of this article, "Certificate" and "license" shall have the same meaning.

Class A Biosolids means Biosolids that meet the Class A pathogen reduction requirements of Rule 62-640.600(1)(a), Florida Administrative Code.

Class AA Biosolids means Class A Biosolids that meet all the requirements of Rule 62-640.850, Florida Administrative Code.

Class B Biosolids means Biosolids that meet the Class B pathogen reduction requirements of Rule 62-640.600(1)(b), Florida Administrative Code.

Closely Regulated Facilities are those facilities permitted or regulated by the provisions of this Article, or any DEP rule cited herein.

Concentrated Animal Feeding Operation (CAFO) means an animal feed operation that meets the definition in Chapter 62-670, Florida Administrative Code.

Conservation Plan means a formal document, prepared, or approved by the district conservationist of a local United States Department of Agriculture Natural Resource Conservation Service office, which outlines a system of management practices for a specific parcel of property to control soil erosion, reduce sediment loss, protect the water quality, and manage nutrient use.

Contiguous Wetland means any wetland that has hydrological or vegetative connections with "waters of the State" as defined in Section 403.032(3), Florida Statutes.

County means Sarasota County, Florida.

DEP means the Florida Department of Environmental Protection, or its successor.

Domestic Septage or *Septage* means a mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an Onsite Sewage Treatment and Disposal System. Excluded from this definition are the contents of portable toilets, holding tanks, and grease interceptors.

EPA means the United States Environmental Protection Agency or any successor agency.

Ground Water means water beneath the surface of the ground within a zone of saturation, whether or not flowing through known and definite channels.

Haulers mean those Persons or companies that collect, transport and/or land spread Biosolids.

Illicit Discharge means any discharge to a Stormwater System that is not composed entirely of Stormwater except discharges pursuant to a NPDES permit.

Incident means an unusual occurrence including, but not limited to, spills, leaks, or discharges to the environment of wastes regulated by this section, which if not mitigated immediately has the potential to endanger public health, safety, or the environment.

Inspector means an individual designated by the Administrator to administer this Article.

Isolated Wetland means any wetland that does not have hydrological or vegetative connections with "waters of the state" as defined in Section 403.032(3), Florida Statutes.

Land Spreading means the application of Biosolids on, above, or into the surface of the ground through spray irrigation, spreading, disking, or other means, according to calculated Agronomic Rates.

Land Spreading Permit means a permit obtained from the County for the controlled land spreading of properly treated and stabilized Biosolids.

Land Spreading Site means a parcel or parcels of land under one ownership or

management that has been permitted by the County for land application of properly treated Biosolids.

Local Regulatory Agency means the Sarasota County business unit designated by the Administrator to administer this Article.

Municipal Separate Storm Sewer System (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned by a state, city, town or other public body, that is designed or used for collecting or conveying stormwater, which is not a combined sewer, and which is not part of a publicly owned treatment works. Commonly referred to as a "MS4" in accordance with Title 40 Code of Federal Regulations, Section 122.26(b)(8).

No Exposure Certification refers to DEP Form 62-620.910(17) entitled, "No Exposure Certification for Exclusion from NPDES Stormwater Permitting".

Notice of Intent refers to DEP Forms 62-621.300(4)(b) and 62-21.300(5)(b) which must be completed by a Site Operator and submitted to DEP in order to obtain NPDES Generic Permit coverage.

Notice of Termination refers to DEP Form 62-621.300(6) which must be completed by a Site Operator and submitted to DEP in order to terminate NPDES Generic Permit coverage.

NPDES is an acronym for the National Pollutant Discharge Elimination System, the national program for issuing, modifying, or revoking permits under Sections 307, 318, 402(p), and 405 of the Federal Clean Water Act (CWA), 33 USC 1251 et seq.

Objectionable Odor means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.

Outstanding Florida Water (OFW) means a waterbody as defined and regulated in Rule 62-302.700, F.A.C.

Onsite Sewage Treatment and Disposal System means a system that meets the definition of § 381.0065(2)(i), Florida Statutes.

Operator, Site means the Person, firm, contractor, public organization, or other legal entity that owns or operates the industrial, commercial, residential, or development/construction activity and has authority to control those activities at the site necessary to ensure compliance with this Article.

Operator, Wastewater Treatment Plant means any Person who has been issued a domestic Wastewater Treatment Plant Operator Certificate of competency (license) by the DEP.

Permittee means the Person or entity to which a permit for a Wastewater Facility is issued by the DEP or Sarasota County. The term "Permittee" shall be functionally

synonymous with the terms "owner" and "licensee" but shall not include licensed individuals (e.g., Operators) unless they are the Person(s) to whom a facility permit is issued by the DEP or Sarasota County. "Permittee" also means the Person or entity to which a NPDES Stormwater discharge permit is issued by the DEP or EPA.

Person means any individual Person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner, county, district, or other political subdivision, or any officer or employee thereof.

Restricted Public Access means that access to a land application (reuse, effluent disposal, or Biosolids) site by the general public is controlled and infrequent. Such sites will be accessible to Wastewater Facility Operators, farm personnel, land spreading personnel, and federal, state and local regulatory personnel only.

Site of Industrial Activity means any area or facility used for manufacturing, processing, or storing raw materials, as defined in Title 40 CFR, Section 122.26(b)(14) of regulations of the U.S. Environmental Protection Agency, and includes construction activity subject to clearing, grading, and excavating.

Sludge, Food Establishment means oils, fats, greases, food scraps and other grease interceptor pumpings generated by a food service operation or institutional food preparation facility.

Sludge, Industrial means sludges that are primarily composed of materials generated through a manufacturing or other industrial process.

Special Magistrate means a Person appointed pursuant to Sarasota County Ordinance No. 93-006 (Chapter 2, Article VIII, of the Sarasota County Code) to hold hearings, assess fines, and order mitigation for violations of Sarasota County ordinances.

Stabilization, Biosolids means a process that renders Biosolids less odorous and/or putrescible, and/or that reduces the pathogenic content of the material.

Stabilization, Final Site has been achieved when exposed or disturbed soils have been covered with a uniform (i.e., evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70 percent, or with an equivalent permanent measure, for all unpaved areas and areas not covered by permanent structures.

Stabilization, Temporary Site has been achieved when exposed or disturbed soils have been temporarily covered or contained through the use of Best Management Practices to prevent wind and water erosion, and offsite soil tracking.

Standard Operating Practice means effective and competent wastewater treatment facility operation that is consistent with the existing facility design and operations manual, manufacturer's equipment specifications, and professionally accepted wastewater treatment facility operation procedures. This definition applies to functions that directly affect facility operations and that can be reasonably controlled by the Operator.

Stormwater means the flow of water which results from, and which occurs immediately following, a rainfall event.

Stormwater Pollution Prevention Plan (SWPPP) means a site-specific, written document that pertains to facilities subject to regulation under the National Pollutant Discharge Elimination System (NPDES) stormwater rules. The SWPPP:

- (1) Identifies potential sources of stormwater pollution at the facility;
- (2) Describes practices to reduce pollutants in stormwater discharges from the site of the facility;
- (3) Identifies procedures the facility operator will implement to comply with the terms and conditions of a NPDES Generic Permit; and
- (4) Is a dynamic document that must be revised or amended on an as-needed basis to reflect changing site conditions.

Stormwater System means a conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (1) Designed or used for collecting or conveying Stormwater;
- (2) Which is not a combined sewer; and
- (3) Which is not part of a publicly owned treatment works as defined in Title 40 of the Code of Federal Regulations (CFR), Section 122.2.

Surface Waters mean waters upon the surface of the land, whether contained within boundaries created naturally, artificially or diffused, including, but not limited to, wetlands under the jurisdiction of the DEP. Water from natural springs or artesian wells shall be classified as Surface Water when it exits from the land onto the earth's surface.

Unauthorized Discharge means any discharge to Surface Water, Ground Water, the ground surface, Stormwater, or the Stormwater System that does not comply with or is not pursuant to a valid federal, State, or local permit, that violates water quality standards in Section 54-187(e) of this article, or that is not listed as an exemption in Part II of the current Sarasota County Stormwater NPDES permit.

USDA-NRCS means the United States Department of Agriculture Natural Resource Conservation Service.

Wastewater Facility(ies) means any or all of the following: the collection/transmission system, the treatment plant, and the reuse or disposal system.

Wastewater Treatment Plant (WWTP) means any plant or other works used for the purpose of treating, stabilizing, or holding wastes.

Water Level Observation Point means a point or place on the surface of the land where the depth of the water table at any given time can be determined. For the purposes of this section, Water Level Observation Point shall be construed to mean a "Piezometer," "monitor well," or "water well" as defined in Rule 40D-3, Florida Administrative Code, rules of the Southwest Florida Water Management District or Chapter 62-532, Florida

Administrative Code, rules of the Department of Environmental Protection.

(Ord. No. 98-066, § 3, 9-1-1998; Ord. No. 2002-067, § 4, 7-24-2002; Ord. No. 2010-002, § 4, 1-13-2010)

Sec. 54-184. Administration.

(a) *Board, duties and powers.* The Board shall have the following duties, functions, powers, and responsibilities to:

(1) Adopt, revise, and amend, from time to time, appropriate resolutions for the implementation and effective enforcement and administration of this article, and shall provide for the effective and continuous control and regulation of the environment in the County within the framework of this Article.

(2) Adopt a budget, appropriate funds, and accept State appropriations, loans and grants from the federal government, and from any other sources, public or private, all of which shall be expended for the purposes of this Article. By resolution the Board shall establish a schedule of fees and special budget category to cover the costs of appeals, processing applications for approval of equipment and facilities, performing inspections, issuing variances and similar services. Monies accumulated from such fees shall be expended for the purposes of this article and for no other purpose.

(3) Perform such other duties, functions, and responsibilities as may become necessary to contribute to the improvement of the protection of the environment in Sarasota County.

(b) *Designation of Inspectors.*

(1) The Administrator shall employ and recommend the designation of Inspectors.

(2) The County Administrator shall designate Wastewater Facility Inspectors who are trained and knowledgeable about Wastewater Facility operations and maintenance, with the provisions of this Article as amended from time to time and with DEP rules and regulations.

(Ord. No. 98-066, § 4, 9-1-1998; Ord. No. 2001-090, § 2, 11-28-2001; Ord. No. 2002-067, § 5, 7-24-2002; Ord. No. 2010-002, § 5, 1-13-2010)

Cross references: Administration, ch. 2.

Sec. 54-185. Pollution Prevention.

(a) *Right of inspection.* This article provides an adequate substitute for notice by limiting the place, time and scope of inspections. Inspections of Closely Regulated Facilities may take place without prior notice during normal business hours as defined below for the purpose of determining compliance with air and water pollution regulations. Inspections of Closely Regulated Facilities may take place outside normal business hours; however, access would be granted by the owner or by legal authorization.

(1) It shall constitute a violation of this article to hamper or interfere with an Inspector's

official duties.

(2) Inspectors shall identify themselves as Sarasota County Inspectors to facility personnel present during the inspection, including owners, Operators, or designated representative(s).

(3) Inspection reports: Inspectors shall record relevant field observations. A duplicate copy of the field observations may be left at the facility, or at a location designated by the owner, Operator, or designated representative. Upon request, copies of inspection reports and/or results of laboratory analyses for samples collected by an Inspector may be mailed to the owner or Operator.

(4) Inspection of Closely Regulated Facilities:

a. Inspectors are authorized to inspect Closely Regulated Facilities at any time between 8:00 a.m. and 5:00 p.m., Monday through Sunday, without prior notice for the purpose of determining compliance with this Article and other ordinances, regulations, and permit requirements that govern water pollution. The Inspector may inspect the premises and all devices, contrivances, processes, or operations relevant to the discharge of contaminants to Surface Water, Ground Water, the ground surface, or Stormwater.

b. Inspection of Closely Regulated Facilities may be made at times other than those described in subsection (a)(4)(a) of this section, or subsection (a)(5)(c) of this section with the owners' permission or legal authorization.

(5) Inspection of Wastewater Facilities.

a. Inspections of this type of Closely Regulated Facility shall be made for the purpose of determining compliance with this Article, and DEP or Sarasota County permits and permit conditions, and consent orders. The scope of all compliance inspections shall be limited to these purposes.

b. All Wastewater Facility owners or Operators shall appoint one or more designated representative(s) who are capable of and shall provide or arrange for immediate access to the facility for compliance inspections between 8:00 a.m. and 5:00 p.m., Monday through Sunday, without prior notice.

c. Inspectors shall be authorized to conduct compliance inspections of any Wastewater Facility, effluent or Biosolids disposal, or reuse site at any time between 8:00 a.m. and 5:00 p.m., Monday through Sunday, without prior notice.

d. Failure to designate a representative or to provide access: Failure of an owner or Operator of a Wastewater Facility, effluent or Biosolids disposal or reuse site to appoint and provide the Administrator with a list of one or more designated representative(s) or failure of the designated representative to provide immediate access to the facility shall be a violation of this Article.

(6) Inspection warrants. At times other than specified in this article, and at facilities and other properties that do not require permits and are not otherwise closely regulated, inspection can be made by consent or by means otherwise available by law. If consent is denied or the Inspector can justify the failure to seek consent, Inspectors may obtain an

inspection warrant pursuant to Florida Statutes.

(7) Search warrants. If statutory grounds exist, or if there is probable cause to suspect a criminal violation, Inspectors may contact the appropriate law enforcement personnel to obtain a search warrant and may aid the officer, if required, pursuant to Florida Statutes.

(b) *Compliance testing.*

(1) Inspectors shall be authorized to obtain sample(s) or conduct test(s) or order owners or Operators to obtain sample(s) or conduct test(s) to determine compliance with this article.

(2) The responsibility to provide adequate sampling locations shall rest upon the owner of the premises.

(3) All compliance testing shall be conducted in accordance with ch. 62-160, F.A.C., which defines quality assurance and quality control activities.

(c) *Operating records required.*

(1) A Person responsible for the operation of any facility that may be a source of water pollution, as herein defined, shall conduct such tests and maintain such records as prescribed by the Administrator to give evidence that any discharges are in compliance with this article. Such test data and records shall include the monitoring data available for all wastewater discharges unless otherwise specified in writing by the Administrator. Such test data and operating records shall be available at all times for inspection by the Administrator, and reports that contain these records and data shall be filed with the Administrator on a regular basis.

(2) Copies of all records that are required to be maintained at the facility by DEP regulation, EPA regulation, or County ordinance shall be available for inspection at all times. Any on-site operations and maintenance log book required by DEP or Sarasota County shall be maintained and kept on-site in a bound book in a safe and weatherproof location.

(d) *Corrective actions and documentation.* Parties responsible for violations of Section 54-187 shall take corrective actions to return to compliance and provide records documenting actions as directed by the Administrator. Failure to provide records or documentation directed pursuant to this article is a violation of this article.

(e) *Temporary disconnection of water service.* The Administrator is authorized to order the water purveyor to cease water service to a connection where continued water service will allow an Unauthorized Discharge to continue unabated by the responsible party or party occupying a subject property. This action is only authorized to abate a situation that poses a risk to public health, safety, and welfare as determined by the County, such as sewage, septage, or septic tank system discharge in areas of public access, and where the water service is to a commercial or industrial business or facility, with the exception of a medical service facility. The property owner or responsible party shall commence mitigation, as approved by the Administrator, of the Unauthorized Discharge within one hour of notification by the Administrator. When the Unauthorized Discharge remains unmitigated, the water purveyor shall, within one hour of notification by the Administrator, discontinue such water service. The water purveyor shall, within one hour of notification by the Administrator, reinstate water service, provided the purveyor has no cause to withhold

service. The water customer shall be responsible for any fees for the disconnection or resumption of water service charged by the water purveyor.

(f) *Best Management Practices.* Sarasota County strongly encourages the use of structural and/or non-structural Best Management Practices as a valuable, cost effective means of controlling pollution at the source, before it occurs.

(Ord. No. 98-066, § 5, 9-1-1998; Ord. No. 2002-067, § 6, 7-24-2002; Ord. No. 2010-002, § 6, 1-13-2010)

Sec. 54-186. Domestic Wastewater Facility(ies) Operators.

(a) *Applicability.* Requirements in this section shall apply to:

(1) Persons employed in or conducting the staffing, operation, or maintenance of a domestic Wastewater Treatment Plant or other Wastewater Facilities.

(2) Where applicable, owners or Permittees of Wastewater Facilities.

(b) *Duties of Operators.*

(1) An Operator is responsible for performing Wastewater Treatment Plant operation and maintenance duties in a manner consistent with Standard Operating Practices. The Operator's duties shall be the following:

a. Perform responsible and effective on-site management of the operation, supervision, and maintenance of domestic wastewater treatment facilities, including, if applicable, reuse and/or disposal systems within the Operator's responsibility.

b. Submit all required reports in the manner required by the DEP in Rule 62-601.300, F.A.C., and this Article, to the Permittee.

c. Notify the permittee and the Administrator as soon as possible, but not later than 12 hours following the discovery of any abnormal event or noncompliance that may endanger health or environment as described in Rules 62-604.550(2), or 62-620.610(20), F.A.C. Additionally, wastewater treatment plant operators shall report to the State Warning Point (SWP) at 1-800-320-0519, and the DEP in accordance with Rules 62-604.550(2) and 62-620.610(20), F.A.C.

d. Submit accurate reports to the Permittee relative to Wastewater Treatment Plant operation, sampling, and laboratory analysis.

e. Maintain an on-site operation and maintenance log that is current to the last operation and maintenance activity for each Wastewater Treatment Plant in a location accessible to 24-hour inspection, and protected from weather damage. The log shall be maintained in a bound book with consecutive page numbering or by electronic means. The log shall contain a minimum of the previous three months of data at all times. The log shall include the following, which shall be entered into the log during each visit before leaving the plant:

1. Identification of the plant;
2. The signature and certification number of the Operator and the signature of the Person making entries;
3. Date and time in and out of plant by staff;
4. Specific operation and maintenance activities;
5. Tests performed, samples collected, and major repairs made; and
6. Performance of preventive maintenance and either repairs or requests for repair of the equipment to keep the Wastewater Treatment Plant operating as required by the operation permit.

(Ord. No. 98-066, § 6, 9-1-1998; Ord. No. 2002-067, § 7, 7-24-2002; Ord. No. 2010-002, § 7, 1-13-2010)

Sec. 54-187. Water Pollution Control.

(a) *Water quality testing.* Testing or analytical procedures to determine compliance or noncompliance with the water criteria provided by this article, DEP rule, or permit condition shall be in accordance with methods given in ch. 62-160, F.A.C. Where other tests or analytical procedures are found to be more accurate, such tests or procedures will be used upon the prior acceptance and approval of the Administrator.

(b) *DEP domestic wastewater and water quality standards and regulations.* All provisions of F.S. ch. 376 (Pollutant Discharge Prevention and Removal) and F.S. ch. 403 (Environmental Control) that relate to the regulation of domestic Wastewater Facilities, pollutant storage tanks, contamination cleanup activities, and Ground Water and Surface Water quality standards are herein adopted and incorporated by reference as part of this article to the same extent and to the same effect as if the provisions of each statute or law had been set out in full. For the sole purpose of addressing enforcement and permitting challenges from the implementation of the domestic wastewater SOA entered into between the DEP and Sarasota County, relevant sections of F.S. ch. 120 are herein adopted and incorporated by reference as part of this article to the same extent and to the same effect as if the provisions of each section had been set out in full. All rules of the DEP adopted pursuant to such State laws, as applied to the regulation of domestic Wastewater Facilities, pollutant storage tanks, contamination cleanup activities, and Surface Water and Ground Water quality standards, are hereby adopted and incorporated to the same extent and to the same effect as if the provisions of each rule had been set out in full.

(c) *Reportable events.* Each Permittee or their designee shall report to the Administrator as soon as possible, but not later than 12 hours following the occurrence, any breakdown or lack of proper function of any facility, equipment, or operation that is causing or is likely to cause unsafe Wastewater Facility operation, or any discharge of wastewater not in accordance with the limits established by this article. A written report may be required to be submitted within five days at the discretion of the Administrator. This report shall detail the cause, effect, remedial actions taken, actions taken to prevent a recurrence, and other

related information about the occurrence.

(d) *Allowable Nonstormwater Discharges.* Nonstormwater discharges to the MS4 are prohibited unless specifically exempt under Part II.A.7.a., of the NPDES Municipal Separate Storm Sewer (MS4) Permit FLS000004 or its successor.

(e) *Additional water quality standards for Unauthorized Discharges.* All waters, at all places, at all times, within the territorial limits of Sarasota County shall be free from the following (domestic Wastewater Facilities regulated by rules adopted in subsection (b) of this section are exempt from these criteria):

(1) *Floating substances.* Floating debris, oil, grease, petroleum products, scum, or other floating material attributable to municipal, industrial, agricultural, commercial, private, or other discharges in sufficient quantity to be unsightly or deleterious.

(2) *Settleable substances.* Substances attributed to municipal, industrial, agricultural, commercial, private, or other discharges that will settle to form putrients or otherwise objectionable sludge deposits, including inorganic silt.

(3) *Deleterious substances.* Sewage, septage, industrial wastewater, or other materials attributable to municipal, industrial, agricultural, commercial, private, or other discharges producing color, odor, or other conditions in such a degree as to create a nuisance, or in such a degree as to be harmful to the environment.

(4) *Toxic substances.* Substances attributable to municipal, industrial, agricultural, commercial, private, or other discharges in concentrations or combinations that are toxic to humans animals, plants, or aquatic life.

(f) *Unauthorized Discharges.*

(1) Any direct or indirect discharge from a Site of Industrial Activity to a Stormwater System that does not comply with, or is not pursuant to, a valid NPDES permit or the provisions of this article is prohibited.

(2) Except as specifically authorized by a valid federal, State, or local permit, the discharge of sewage, industrial waste, or other wastes, whether through runoff, piped connections, seepage, or leaks, into the Stormwater.

(3) No Person may maintain, use, or establish any direct or indirect connection to any part of the Stormwater System that results in any Illicit Discharge that does not comply with, or is not pursuant to, a valid federal, State, or local permit.

(4) No Person shall spill, dump, or discharge, or cause to be spilled or discharged, into any Stormwater conveyance, any materials other than those composed entirely of Stormwater. Exceptions to this prohibition are those identified in Section 54-187(d) and any discharges in compliance with a current individual NPDES permit.

(g) *Florida Department of Environmental Protection Generic Permits.* The requirements of Chapter 62-621, F.A.C., pertaining to the National Pollutant Discharge Elimination System

being herein adopted pursuant to Section 54-181(n) of this Article are noted as follows:

(1) Operators of Construction sites subject to regulation under the Generic Permit for Stormwater Discharge from Construction Activities (Construction Generic Permit, or CGP) shall:

a. Submit a copy of the Notice of Intent to obtain NPDES Construction Generic Permit coverage to the Administrator at least 48 hours in advance of construction commencement in accordance with Rule 62-621.300(4)(a), F.A.C.;

b. Post a copy of the certified NPDES Notice of Intent, or a copy of the DEP coverage confirmation letter at the site in a prominent place for public viewing in accordance with Rule 62-621.300(4)(a) Part III.C.2, F.A.C.;

c. Submit a copy of the DEP coverage confirmation letter to the Administrator in accordance with Rule 62-621.300(4)(a) Part III.D.1, F.A.C.. at least 48 hours in advance of construction commencement;

d. Draft, certify, and implement a Stormwater Pollution Prevention Plan in accordance with Rule 62-621.300(4)(a) Part V., F.A.C.;

e. Submit a copy of the certified Stormwater Pollution Prevention Plan to the Administrator at least 48 hours in advance of construction commencement;

f. Maintain a copy of the Stormwater Pollution Prevention Plan, and copies of the inspection and maintenance records at the project site where they shall be readily available to the Administrator, DEP or EPA personnel in accordance with Rule 62-621.300(4)(a) Part VI., F.A.C.;

g. Provide staffing of a Qualified Inspector, as defined in DEP Document No. 62-621.300(4)(a) Part II.12., on the project site to conduct the required inspections;

h. Terminate permit coverage via a Notice of Termination in accordance with Rule 62-621.300(6), F.A.C., when the qualifying conditions outlined in the Rule are met;

i. Submit a copy of the Notice of Termination to the Administrator in accordance with Rule 62-621.300(4)(a) Part VIII.B.2.

(2) Operators of Sites of Industrial Activity subject to regulation under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (Multi-Sector Generic Permit, or MSGP) shall:

a. Submit a copy of the Notice of Intent to obtain MSGP coverage, or submit a copy of a No Exposure Certification form to the Administrator prior to the commencement of any regulated activity if a new facility, or within 45 days of notification by the Administrator in accordance with Rule 62-621.300(5)(a), F.A.C.;

b. Submit a copy of the DEP coverage confirmation letter if coverage is required, or a copy of the certified No Exposure Certification form to the Administrator;

c. Draft, certify, and implement the sector-specific Stormwater Pollution Prevention Plan

prior to the commencement of any regulated activity;

d. Submit a copy of the certified Stormwater Pollution Prevention Plan to the Administrator prior to the commencement of any regulated activity if a new facility, or within 45 days of notification by the Administrator;

e. Maintain a copy of the Stormwater Pollution Prevention Plan, and copies of the monitoring records at the site where they shall be readily available to the Administrator, DEP or EPA personnel;

f. Submit copies of the Discharge Monitoring Reports to the Administrator on the same frequency as submitted to DEP;

g. Terminate permit coverage via a Notice of Termination in accordance with Rule 62-621.300(6) or Rule 62-620.100(2)(o), F.A.C., when the qualifying conditions outlined in the Rules are met;

h. Submit a copy of the Notice of Termination to the Administrator.

(Ord. No. 98-066, § 7, 9-1-1998; Ord. No. 2002-067, §§ 8, 9, 7-24-2002; Ord. No. 2010-002, § 8, 1-13-2010)

Sec. 54-188. Land spreading of Biosolids.

(a) *Applicability.* The requirements of this section shall apply to:

(1) This section shall apply to haulers of biosolids and to owners of property on which biosolids are land applied within Sarasota County.

(2) Waste streams from a concentrated animal feeding operation (CAFO), as defined in Chapter 62-670, F.A.C.

(b) *Prohibited Acts.*

(1) The land spreading of biosolids except as provided herein.

(2) The land spreading of domestic septage or septage.

(3) The land spreading of untreated, improperly treated, or unstabilized residuals inconsistent with an approved DEP permit, or residuals generated from a facility not permitted under Chapter 62-620, Florida Administrative Code.

(4) Land spreading of any biosolids that may be toxic or hazardous in nature.

(5) The land spreading of biosolids in areas used for food crops.

(c) *Land spreading site permit required.*

(1) Any landowner that intends to land spread, or allows the land spreading of, properly

treated and stabilized domestic wastewater biosolids or industrial wastewater biosolids shall obtain a permit for such activity from the County. Such permit may be denied for failure to comply with any of the requirements of this section. A permit shall not be approved unless the County is provided the following information:

a. Site map showing the locations of the proposed land spreading site(s). The site or sites shall be shown on an U.S. Geological Survey quad sheet or equivalent type of map that clearly depicts topography, surface features of the land, and distances.

b. Recent aerial photos delineating all proposed setbacks as listed in the land spreading site requirements of this ordinance.

c. The zoning classification of the site(s), according to the Sarasota County Zoning Atlas, maintained by Planning and Development Services, or its successor.

d. Type (liquid, dried, or dewatered) and Class of the materials to be land spread. All sources that have the capacity to produce more than 320 dry tons of biosolids per year must be individually identified.

e. A copy of the approved Agricultural Use Plan (DEP Form 62-640.900(1)), as applicable.

f. A copy of a soil analysis of the property conducted within the 6 months prior to permit application. The procedure used for soil sampling will abide by the following:

1. The number of core samples and soil samples will be determined by the County and the USDA-NRCS, prior to sampling and will depend on field size and soil types.

2. Analysis. Soils will be analyzed for the following: pH, lime requirement, Phosphorus, Potassium, Calcium, Magnesium, Copper, Zinc, Sodium, Boron, Molybdenum, Nitrate, Sulfate, and Iron or any other parameter that may be required to develop a conservation plan.

g. A copy of an approved NRCS conservation plan for the parcel of land to receive the domestic wastewater biosolids or industrial wastewater biosolids. Should the permittee be unable to obtain an approved conservation plan for the site after applying to the USDA-NRCS district conservationist, the permittee may petition the County for an extension of time to meet the conservation plan requirement of this paragraph.

h. The applicable fees. The Board is authorized to set reasonable fees and charges for the implementation of this article. Such fees shall be set by resolution. Fees charged will substantially finance the expenditures of the biosolids inspection and monitoring activities including the development and operation of a Geographical Information System (GIS) tracking system for all biosolids lands applied within the County. Maps showing location of all land spreading sites shall be posted on the County's web site.

(2) The land spreading site permittee is required to submit a repeat soil analysis, as specified in Section 54-188(c)(1)(f), on an annual basis to the County and to USDA-NRCS for monitoring of the total nutrient management plan for the parcel.

(3) The land spreading site permittee is required to submit a report to the County annually by February 15, providing the names and addresses of all haulers allowed on site within the

past year, all haulers expected to be on site for the next year, any changes to the agricultural use plan, any changes from original permit application, and any changes to the approved conservation plan.

(4) Each permit shall be valid for a five-year period. If a permittee wishes to renew the permit, the permittee shall submit an application to the County no less than 90 days prior to permit expiration. If an application is received by the County 90 days prior to expiration, hauler may continue operation under existing permit until County action on the application. If an application is received less than 90 days prior to expiration, the existing permit will expire as scheduled and no further operations will be permitted until County action on the application.

(5) The permit for an existing site may be transferred to a new owner upon submittal of an application and payment of a permit modification fee as set by resolution.

(6) The County shall have the authority to impose more strict conditions in the permit that are necessary to mitigate environmental or human health and safety impacts associated with the proposed land spreading activity unique to each site. The County may use all the resources of county, state and federal agencies in the evaluation of impacts unique to each site application. Stricter conditions may include, but are not limited to:

- a. Setbacks greater than the minimums as required in Section 54-188(d)(7).
- b. Limitations of land application based on soil types and historical groundwater table fluctuations.
- c. Setbacks from adjacent property lines or habitable buildings, which may be reduced in cases where the permittee has obtained setback waivers from adjacent property owners or affected residents.
- d. The requirement for testing and monitoring of groundwater and/or surface water.
- e. Control of fugitive dust and particulate matter.

(7) The permittee must obtain a modification to an existing permit before accepting the biosolids of a new large generator (>320 dry tons per year-dtpy) on the site. An application and fees must be submitted to the County before any permit revision can be evaluated.

(8) At least 30 days and not more than 180 days prior to issuance of a site permit, the applicant must provide the County proof of publication of a notice, published in a newspaper of general circulation in Sarasota County, which details the site name and location, proposed land spreading activities and onsite contact information. The notice must contain the County's contact addresses and request that any public comment on the activity be provided to that address. Similar notice is required for any site that applies for modification of an existing permit to add a new generator of biosolids with the permitted capacity to produce greater than 320 dry tons of biosolids per year.

(d) *Land spreading site requirements.*

(1) Each permittee shall have Restricted Public Access to a land spreading site during and for a one-year period after land spreading of Class B biosolids have ceased. Access shall

be restricted by the use of signs indicating the application of biosolids and suitable fencing or other effective means.

(2) The land spreading site shall have a Zoning designation of OUA to be permitted pursuant to this section.

(3) The parcel of land on which biosolids are to be land spread shall be fenced or otherwise secured in a manner that will exclude livestock from the land spreading site in accordance with the conditions set forth in Chapter 62-640, Florida Administrative Code.

(4) Signs shall be required at the primary ingress point to each site indicating the site is receiving biosolids. Signs with minimum 3-inch letters/numbers indicating individual field identifications, consistent with the agricultural use plan, shall be located at the primary ingress point to each field within that site and be maintained for the duration of the permit.

(5) Water level observation points used to monitor water table levels shall be installed on the land spreading site at elevations that are representative of the entire site.

(6) Unless otherwise specified in the conservation plan for each parcel, the loading of the limiting nutrient, nitrogen or phosphorus, may not exceed 50 percent of the annual maximum loading in any one quarter of the calendar year.

(7) Land spreading and/or stockpiling of biosolids shall meet the following minimum setbacks for:

TABLE INSET:

SURFACE FEATURE	DISTANCE IN FEET
Outstanding Florida Water	3,000
Class I water or Cow Pen Slough, a potential source of potable water	3,000
Any private water supply well	1,000
Any public water supply well	1,000
Any irrigation well	75
Isolated wetlands	50
Contiguous wetlands or any other surface water except canals or other waterbodies used for irrigation that are located entirely within the site and which will not discharge from the site at any time	1,000
Any habitable building, not contained entirely on the site	1,000
The nearest property line	100

(8) Hauling from the point of origin to a designated site within Sarasota County and land

spreading of biosolids is allowed only between the hours of 7:00 a.m. and 8:00 p.m. Hauling during other hours for scheduled maintenance operations at the WWTP is allowed only when the Administrator is given 72 hours notice prior to maintenance event. Hauling during other hours is allowed in the event of an emergency condition as determined by the permittee or operator of the WWTP. The operator or permittee shall give the Administrator notice and information regarding the emergency condition within 24 hours of the event, followed with written notice within 72 hours.

(9) The creation of objectionable odors as a result of land spreading of biosolids is prohibited. In the event objectionable odors are created by a permitted land spreading operation, the hauler shall take appropriate steps to abate the odor nuisance such as ceasing application of the materials immediately, disking the materials into the soil within 24 hours, or applying lime to the field(s) from whence the objectionable odors emanate within 24 hours.

(10) The stockpiling of biosolids on an authorized site within Sarasota County is allowed up to 7 days, provided that the stockpiled biosolids are land spread on that site.

(11) The spraying of liquid wastewater biosolids shall be conducted in such a manner that the formation of aerosols is minimized. Any aerosols formed shall not cross the property lines of the land spreading site.

(12) A copy of all land spreading biosolids permits shall be disclosed prior to the contract for sale and included in the contract for sale of any property issued a land spreading biosolids permit in Sarasota County.

(e) *Biosolids haulers permit required.*

(1) Any hauler who transports properly treated and stabilized domestic wastewater biosolids or industrial wastewater biosolids, originating within or land spread within Sarasota County, shall obtain a permit for such activity from the County. Such permit may be denied for failure to comply with any of the requirements in this section. A permit shall not be approved unless the hauler provides the following information:

a. Haul routes, bridge locations and weight limits, points of ingress and egress to the land spreading site(s), and an estimate of the number of daily truck trips to the land spreading site(s).

b. A list of all vehicles to be used for the transport of domestic wastewater biosolids or industrial wastewater biosolids either originating within or to be land spread within Sarasota County, including copies of vehicle registrations and proof of insurance.

c. Proof of permission from the property owner to accept biosolids onto his property. The Sarasota County Land Spreading Site Permit number for that site, if applicable. If land spreading site is located outside Sarasota County, a copy of the approved Agricultural Use Plan is required.

d. Type (liquid, dried, or dewatered) and Class of materials to be land spread at each site. All sources that have the capacity to produce more than 320 dry tons of biosolids per year must be individually identified.

e. Chemical analyses of the materials to be land spread as required by DEP in

accordance with an active wastewater permit. The County may require the analysis of additional parameters, for material to be land spread in Sarasota County, based on the presence of toxic substances in the biosolids, the water quality of affected surface and/or ground waters, and the hydrogeology of the area to receive the land spread materials.

f. An estimate of the volume of material to be land spread at each site expressed in gallons per day, cubic yards per day, or tons per day.

g. The permanent location and address of the business where hauling operations will originate and where vehicles and ancillary equipment used for land spreading are stored when not in use.

h. Copies of permits and agricultural use plans for all WWTPs outside of Sarasota County.

i. Proof that the hauler has at least \$1,000,000.00 in commercial liability insurance, to include \$1,000,000.00 pollution coverage. The applicant shall submit a certificate of insurance when applying for the permit, when insurance is changed, or when the insurance policy is renewed. A paid up, current insurance policy is required throughout the life of the permit. The permittee shall ensure that a copy of a currently in-force insurance policy is maintained as part of the County's records. If the hauler is a governmental entity, the governmental entity may submit a certificate of self-insurance to fulfill this requirement.

j. Performance security in the amount of \$100,000.00 to ensure that any environmental damage or public health threat caused by the permit holder may be adequately remedied. Such performance security shall comply with all statutory requirements and shall be satisfactory to the County as to form and manner of execution. The collection on such security shall be at a location within 100 miles of the county seat of Sarasota County. In lieu of requiring this security, the County shall allow government units to submit a certified resolution, ordinance, or other written assurance from its governing body agreeing to reimburse the County for any funds expended to remedy environmental damage or injury to the public health caused by a hauler under that governmental unit's employment.

k. The applicable fees. The Board is authorized to set reasonable fees and charges for the implementation of this article. Such fees shall be set by resolution. Fees charged will substantially finance the expenditures of the biosolids inspection and monitoring activities.

(2) The permit is not transferable.

(3) The provisions of this section shall apply to all hauling operations.

(4) When a permit is issued, the number of said permit, along with the name of the hauling company, its address, phone number, empty weight of truck, and truck capacity (stated in gallons or tons) shall be permanently applied and prominently displayed on both sides of the service truck in three-inch or larger letters and numbers.

(5) The County has the authority to impose more strict conditions in the permit that are necessary to mitigate environmental or human health and safety impacts associated with the proposed land spreading activity. Stricter conditions may include, but are not limited to:

a. Limitation of trucks to certain routes and times.

- b. The requirement to carry copies of documentation.
- c. The right to inspect and sample.
- d. Control of fugitive dust and particulate matter.

(6) Haulers shall familiarize themselves with land spreading site area school bus routes and boarding/unboarding times and avoid conflict with these activities.

(7) Land spreading activity notice and reporting.

a. Haulers shall notify the County no less than ten days prior to the commencement of any land spreading activity.

b. Haulers shall maintain a log at the primary ingress point to each land spreading site. This log shall contain a contemporaneous account of all activity at that land spreading site including: the date, time, truck number, facility where the domestic wastewater biosolids or industrial wastewater biosolids originated, field number where biosolids were land spread, amount (gallons, cubic yards) of biosolids applied, and drivers signature.

c. Haulers shall submit records required under this section to the Administrator on a monthly basis, due the 15th of the month following the end of the month during which land spreading operations occurred. Reports shall document the following:

1. Source and volume of materials.
2. Date and place (site and spreading zones) of application.
3. Weather conditions at time of application.
4. Copies of the most recent reports submitted to DEP containing chemical analyses of land spread material, plus any additional analyses that may be required by the County.
5. Water table measurement as determined by the use of water level observation points installed on site.
6. Copies of the log, maintained on site, for the previous month's activities.
7. Hauling company name and notarized signature of the authorized agent of the hauling company.

(8) Incident reporting and mitigating measures. In the event of an Incident involving the transportation, or land spreading of biosolids regulated by this section, the hauler responsible for causing a defined Incident situation shall:

- a. Report the facts to the Administrator within 24 hours.
- b. Attempt to contain the spilled material, protect surface waters and reduce the number of pathogens by application of lime or other suitable biocide to the spilled material.

- c. Begin cleanup and removal of spilled materials immediately.
- d. Submit a written incident report within five working days to the Administrator. This report shall include the following minimum information:
 - 1. The name and address of the person in charge.
 - 2. The cause of the Incident.
 - 3. Description of actions taken to mitigate the Incident.
 - 4. The final disposal site for waste material.
 - 5. Description of actions that will be taken to prevent future Incidents.

(9) Each permit shall be valid for a two-year period. If a permittee wishes to renew the permit, the permittee shall submit an application to the County no less than 90 days prior to permit expiration. If an application and fee are received by the County 90 days prior to expiration, the hauler may continue operation under existing permit until County action on the application. If an application and fee are received less than 90 days prior to expiration, the existing permit will expire as scheduled and no further operations will be permitted until County action on the application.

(f) *Exemptions.* This section shall not apply to the land spreading or disposal of biosolids categorized as Class "AA" by the Department of Environmental Protection. The provisions of this section shall not apply to the land spreading, dumping, or disposal of animal manures as a means of fertilizing crops or enriching the soil. However, such activities shall not be conducted in a manner that would constitute a public or private nuisance under Section 823.14(4), Florida Statutes, the Florida Right to Farm Act.

(g) *Authority to Order Cessation of Operations.* The County has the authority to order the cessation of land spreading operations at a site when the Sarasota County Emergency Operations Center (EOC) is activated due to threats from an event that may produce heavy precipitation, when there is a violation of this section as a result of fraud or misrepresentation, or when other documented off site impacts from the land spreading activities. Any person receiving such an order for cessation of operations shall immediately comply. It shall be a violation of this section for any person to fail or refuse to comply with an order issued and served pursuant to this section. The land spreading operations may resume upon written notice from the County or closure of the EOC.

(h) *Review of decisions of the County.* A decision of the County made regarding the issuance of a land spreading site permit, land spreading hauling permit or an order for cessation of operations may be appealed by any aggrieved person to the circuit court. An appeal shall be filed within 30 days of the rendition of the order of the County to be appealed in accordance with Rules of Appellate Procedure, 9.110.

(Ord. No. 2002-067, § 10, 7-24-2002; Ord. No. 2010-002, § 9, 1-13-2010)

Sec. 54-189. Violations and enforcement.

It is the intent hereof that the civil and criminal penalties imposed by a court, or fines or administrative penalties imposed through execution of this article, be of such amount as to ensure immediate and continued compliance with this article. The imposition of either a civil or criminal penalty shall not preclude the imposition of the other penalty. The Administrator is authorized to enter consent orders to resolve violations or alleged violations.

(a) *Violations.* It shall constitute a violation of this article for any Person or entity to violate or suffer a violation of any rule, standard, or provision incorporated in this article. Each day during any portion of which such violation occurs shall constitute a separate offense.

(b) *Civil and administrative enforcement, and penalties.*

(l) *DEP enforcement policies.* To the extent that the Administrator is exercising authority delegated by the DEP under the provisions of a SOA, the Administrator shall enforce all DEP rules and regulations incorporated into this Article pursuant to the provisions of the SOA.

(2) *Sarasota County Code Enforcement Special Magistrate.*

a. All provisions of this Article except as noted in Section 54-189(b)(1), may be enforced through the Code Enforcement Special Magistrate process pursuant to Chapter 2, Article VIII, of the Sarasota County Code, or its successor, and per provisions of Chapter 162, F.S.

b. The Administrator may notify the Special Magistrate and request an emergency hearing after a reasonable effort to obtain compliance from the violator is made, if there is reason to believe a violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible in nature.

(3) *Other remedies.* Notwithstanding any other provision in this article, Sarasota County may enforce this article by any other remedy available at law or in equity, including initiation of enforcement action in a court of competent jurisdiction. In addition, Sarasota County may enforce this article through adopted administrative procedures. Sarasota County is authorized to initiate any legal means necessary to collect and recover from any owner, Operator, Person or entity any funds that the County may have expended for action necessary to abate the spread of contamination due to Incidents resulting in the discharge of contaminants.

(4) *Penalties.*

a. Violations of this article shall be punishable by a civil penalty of not more than \$10,000.00 for the first offense, and of not more than \$10,000.00 for each offense thereafter.

b. All penalties collected as a result of enforcement of this Article shall be placed in the Pollution Recovery Trust Fund defined by Board Resolution No. 91-360, or its successor. A maximum of ten percent may be used to recover costs of administration and enforcement of this Article. The Administrator is authorized to expend funds from the Pollution Recovery

Trust Fund for the purpose, among those stated in Board Resolution No. 91-360, or its successor, of restoring property or water quality on a timely basis necessary to abate the spread of a contamination Incident, including other costs directly associated with the disposal of recovered materials.

c. If the DEP and the Administrator cooperatively undertake an enforcement action, penalties collected pursuant to a consent order may be equally divided between the DEP and the Sarasota County Pollution Recovery Trust Fund.

(c) *Criminal.* Violations of this article committed willfully, with reckless indifference, or with gross careless disregard shall be treated as a misdemeanor, and shall be prosecuted and shall be punishable as provided by general law.

(Ord. No. 98-066, § 8, 9-1-1998; Ord. No. 2002-067, § 11, 7-24-2002; Ord. No. 2010-002, § 11, 1-13-2010)

Note: Formerly § 54-188.

Sec. 54-190. Area of application.

The provisions of this article shall be applicable and enforceable throughout the entire area of Sarasota County, including those areas of the County lying within the boundaries of municipalities, towns, and cities.

(Ord. No. 98-066, § 9, 9-1-1998; Ord. No. 2002-067, § 12, 7-24-2002; Ord. No. 2010-002, § 12, 1-13-2010)

Note: Formerly § 54-189.

Sec. 54-191. Effect of Ordinance Nos. 72-37, 75-6, 82-13, 82-25, 82-90, 87-139, 91-54, 93-038, 93-85, and 94-039.

Sarasota County Ordinance Nos. 72-37, 75-6, 82-13, 82-25, 82-90, 87-139, 91-54, 93-038, 93-85, and 94-039 are hereby repealed. However, past violations of prohibitions or standards contained in Ordinance No. 72-37 or its amendments and readopted in this article shall constitute violations of this article and are enforceable as all other provisions of this article. Further, all orders, resolutions, approvals, requirements, and standards imposed pursuant to Ordinance No. 72-37, or that refer to or incorporate the provisions of Ordinance No. 72-37, shall continue in full force and effect where they would be authorized pursuant to this article.

(Ord. No. 98-066, § 10, 9-1-1998; Ord. No. 2002-067, § 13, 7-24-2002; Ord. No. 2010-002, § 13, 1-13-2010)

Note: Formerly § 54-190.

Sec. 54-192. Construction and interpretation.

(a) Where any provision of this article refers to another provision, ordinance, statute, policy, reference, manual, rule, regulation, or other authority, it refers to the most current version, incorporating any amendments thereto or redesignation thereof.

(b) It is the purpose of this article to provide additional and cumulative remedies for the prevention, abatement, and control of the pollution of the air and water of this County. Nothing contained herein shall be construed to impair or restrict the enforcement of stricter, more extensive, and more stringent regulations should same be determined to be applicable to Sarasota County through adoption by any unit of federal, State, local, or municipal government.

(Ord. No. 98-066, § 11, 9-1-1998; Ord. No. 2002-067, § 14, 7-24-2002; Ord. No. 2010-002, § 14, 1-13-2010)

Note: Formerly § 54-191.

Sec. 54-193. Severability clause.

If any section, sentence, clause, phrase, or word of this article is for any reason held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this article; and it shall be construed to have been the intent to adopt this article without such unconstitutional, invalid, or inoperative part therein; and the remainder of this article, after the exclusion of such part or parts, shall be deemed to be held valid as if such part or parts had not been included herein.

(Ord. No. 98-066, § 12, 9-1-1998; Ord. No. 2002-067, § 15, 7-24-2002; Ord. No. 2010-002, § 15, 1-13-2010)

Note: Formerly § 54-192. Also, it should be noted that former § 54-193, which pertained to automatic repeal date, was repealed by Ord. No. 2002-067, § 16, adopted July 24, 2002.

Secs. 54-194--54-220. Reserved.