Instructions for Using the Model Ordinance

This Model Ordinance is intended to be a tool to assist you in getting your own ordinance-writing process started, to provide some standard language, and to suggest some of the possible options. There is a great variety of language used in existing Aquifer/Wellhead Protection Ordinances in place throughout Florida. This Model Ordinance is by no means an exhaustive listing of the possibilities. You should use this document in conjunction with other sources, such as the existing ordinances used by Aquifer/Wellhead Protection Programs that have objectives similar your program’s.

In any ordinance creation, process it is important to involve local legal staff, such as your City or County lawyers. Their expertise can aid you in creating an ordinance which is both legal and defensible within the legal context of your community.

You should of course feel free to alter any and all portions of this document to meet your needs. Throughout the Model Ordinance, there are sections in which you must insert text in order to customize it. These sections are denoted by text placed in bold type within curved brackets--{}. By using this Model Ordinance and customizing these sections, you can create a viable local ordinance with minimal editing.

{Curved brackets surrounding bold text} indicate a section of text which must be customized. For instance, you will frequently see the following--{Your City/County}. By searching through the text for these curved brackets, you can quickly verify that you have made all the necessary replacements to customize the ordinance. NOTE: Text which is underlined within the curved brackets indicates specific choices from which you should choose only one or which you can replace with your own text.

[Bold text surrounded by square brackets] should be interpreted as comments, instructions, or information to assist the ordinance writer. This text should not appear in your final ordinance.

An electronic version of this Model Ordinance will be available on-line at the City of Tallahassee’s Worldwide Web site on the Aquifer Protection page (http://fcn.state.fl.us/citytlh/water/apintro.html). Disk copies will also be available. Contact Jay Johnson, (904) 891-1200, for more information.
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AN ORDINANCE OF {Your City/County}, FLORIDA TO BE KNOWN AS THE 
{Your City/County} AQUIFER/WELLHEAD PROTECTION ORDINANCE; 
RELATING TO AQUIFER/WELLHEAD PROTECTION REGULATIONS; 
AQUIFER/WELLHEAD PROTECTION IDENTIFICATION OF POTENTIAL 
SOURCES; REGISTRATION; STORMWATER; AQUIFER/WELLHEAD 
PROTECTION PREVENTATIVE MEASURES; FACILITY INSPECTION; 
REPORTING OF DISCHARGES; REPORTING OF SINKHOLES; BEST 
MANAGEMENT PRACTICES TO PREVENT DISCHARGES OF REGULATED 
SUBSTANCES; MONITORING AND INVESTIGATION OF SUSPECTED OR 
KNOWN DISCHARGES; INJECTION WELLS/DRAINAGE WELLS; WELL 
ABANDONMENT AND GEOTECHNICAL BORINGS; SEPTIC TANKS/DRAIN 
FIELDS; INVENTORY PROOF OF PROPER DISPOSAL/RECYCLING REGULATED 
SUBSTANCES; FACILITY CLOSURE REQUIREMENTS; WELLHEAD 
PROTECTION AREA DELINEATION AND PREVENTATIVE MEASURES; 
REGULATED BUSINESS REVIEW FOR COMPREHENSIVE PLAN AND AQUIFER 
PROTECTION CONSISTENCY; PROGRAM FUNDING; REMEDIATION 
ACTIVITIES; VIOLATIONS, PENALTIES, AND ENFORCEMENT CONFLICTS 
WITH OTHER ORDINANCES; SEVERABILITY; AND PROVIDING AN 
EFFECTIVE DATE

WHEREAS, Ground water is an important resource within {Your City/County} which 
must be protected; and

WHEREAS, {All or The majority of or other verbage as appropriate to your local 
condition} potable water used in {Your City/County} is derived from ground water; and

WHEREAS, {Goal 1 of the Aquifer Recharge and Potable Water Elements of the 
Comprehensive Plan} requires protection of ground water resources; and

[In this legal preface, several references are made to specific elements, goals, or 
objectives of the Comprehensive Plan. The specific references used by 
Tallahassee/Leon County were left intact as examples; however, you should consult 
your local Comprehensive Plan or other planning documents to ensure that the 
references appropriate to your community are used.]
WHEREAS, {Objective 1.1 of the Aquifer Recharge and Potable Water Elements} requires that a Comprehensive Aquifer/Wellhead Protection Policy be implemented by {some specific date}; and

WHEREAS, {Your City/County} has agreed to implement the Aquifer Protection Elements of the Comprehensive Plan through the adoption of an Aquifer/Wellhead Protection Ordinance; and

WHEREAS, It is in the best interest of public health, safety, and welfare of the citizens of {Your City/County} to establish ground water protection criteria for the {Your City/County} existing and future potable water resources; and

[The next five WHEREAS statements apply to the creation of a joint program that encompasses several local government jurisdictions. In Tallahassee/Leon County for example, this language establishes the legal framework for a program which transcends political boundaries. Omit the next five WHEREAS statements if your program is limited to a single jurisdiction, or has no significant intergovernmental components.]

WHEREAS, The area through which ground water migrates in {Your City/County} transcends City/County jurisdictional boundaries; and

WHEREAS, The City and County Governments agree that a single program should be coordinated through the Aquifer/Wellhead Protection Program of the {Your City/County}; and

[In the case of Tallahassee/Leon County for example, this section would read “should be coordinated through the Aquifer/Wellhead Protection Program of the City of Tallahassee”.]

WHEREAS, {Objective 1.3 of the Intergovernmental Coordination Element of the adopted 1990 Comprehensive Plan} requires the identification and elimination of duplication of functions and services of {Your City} and {Your County}; and

WHEREAS, The City and County currently have a number of programs which through a coordinated effort would provide the best possible protection for ground water resources; and
WHEREAS, The City and County agree that protection of ground water is in the best interest of all citizens of {Your County}.

NOW, THEREFORE BE IT ORDAINED BY THE {BOARD OF COUNTY COMMISSIONERS or CITY COMMISSION or CITY COUNCIL, ETC.} OF {YOUR CITY/COUNTY}, FLORIDA, THAT:

Section 1  Short Title

There is hereby created a new Chapter in the {Your City/County} Code of Laws which shall be known as and may be cited as the {Your City/County} Aquifer/Wellhead Protection Ordinance and shall be as follows:

Section 2  Legislative Intent and Purpose

[Keep only those items in this section that are consistent with your program’s intent and purpose.]

1. The intent and purpose of this Ordinance is to protect and maintain the quality and quantity of ground water in {Your City/County}, Florida.

2. This Ordinance shall provide criteria for regulating the use, handling, production, storage, or disposal of regulated hazardous substances so as to preclude the introduction of these substances into ground water.

3. The contents of this Ordinance shall meet or exceed the goals, objectives and policies established in the adopted {insert date} Comprehensive Plan.

4. It shall be a violation of this Ordinance to discharge any substance in a manner that may cause ground water contamination.

5. The Aquifer/Wellhead Protection area shall include {all land and surface water} within {Your City/County}. [Customize this item according to whether your program will regulate activity throughout the entire jurisdiction, or just in the vicinity of wellheads.]

6. For the purpose of this Ordinance it shall be the policy that the property owner and/or responsible party shall be held liable for all activities that may contribute to ground water contamination that occur on their property.

7. This Ordinance shall establish strict performance standards for the use, handling, production, storage, or disposal of regulated hazardous substances that are applicable to facilities so as to preclude the introduction of these substances into ground water.

8. This Ordinance, through its provisions, shall protect the quality of water obtained from public supply wells, potable water supply wells, other public water systems
and private water systems regarding future reported discharges of Regulated
Substances.

9. This Ordinance shall authorize the establishment of a funding mechanism for the
operation and implementation of Aquifer Protection remediation.

Section 3 Public Education/Commission Reporting Requirement

1. Public education activities shall be conducted in order to correct current practices
regarding the use, storage and manufacturing of regulated substances to ensure
protection of water resources in {Your City/County}.

2. The Aquifer/Wellhead Protection Coordinator shall report annually to the {Your
City/County} Commission(s) as to the extent of public education activities and the
status of the program goals and objectives.

Section 4 Definitions

[Add definitions appropriate to your ordinance; delete any definitions you do not
reference in the ordinance.]

The following words and phrases used in this Ordinance shall have the following
meaning:

1. Abandoned Well. A well which is no longer in use for its intended purposes, and
for which there is no planned future use.

2. Air Entrainment. Any process by which air is introduced into ground water.

3. Animal Feedlot. A lot or building or combination of lots and buildings intended for
the confined feeding, breeding, raising, or holding of animals and specifically
designed as a confinement area in which manure may accumulate, or where the
concentration of animals is such that a vegetative cover cannot be maintained within
the enclosure. For the purpose of this Ordinance, open lots used for the feeding and
rearing of poultry (poultry ranges) shall be considered to be animal feedlots.
Pastures shall not be considered animal feedlots under this Ordinance.

4. Aquifer or Aquifer System. Any saturated, permeable geologic unit or group of
units that can transmit significant quantities of water under ordinary hydraulic
gradients and/or yield significant quantities of water to wells or springs.

5. Aquifer/Wellhead Protection Coordinator. The person designated and authorized by
{Your City/County} to supervise the implementation and enforcement of this
Ordinance. [If your community does not allocate a staff member to this
function full-time, it might be filled by the Planning Director, Chief of
Environmental Permitting, Water Superintendent, etc.]
6. **Best Management Practices.** Those practices which may be utilized by a person or within a facility to minimize the potential for a release of Regulated Substances to ground water, surface water, or soils.

7. **Confined Aquifer.** An aquifer bounded above and below by impermeable layers (confining units) and in which the potentiometric surface exceeds the elevation of the top of the unit. *This is a commonly misunderstood term. Less formal usage of the term generally only extends to the first portion of the definition, i.e., the aquifer is overlain by impermeable sediments.*

8. **Containment.** Physical systems or operational practices that are used to prevent the release of Regulated Substances to the environment. Physical containment systems should be capable of containing 110 percent of the volume of the largest container or storage system.

9. **Contamination.** The presence of a Regulated Substance in the water supply, surface water, or on the land surface such that it degrades the quality of the resource so as to constitute a hazard and/or to impair its use. *A more detailed definition might define contamination as the presence of certain compounds in concentrations exceeding defined criteria, such as the FDEP ground water standards.*

10. **Continuous Transit.** The nonstop movement of a vehicle except for stops required by traffic laws.

11. **Discharge.** Includes, but is not limited to, the spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any Regulated Substance which may affect the ground water.

12. **Drawdown.** The vertical distance the ground water elevation is lowered, or the amount the pressure head is reduced, at a given location due to the withdrawal of ground water by a well or wells.

13. **Drawdown Contour, one-foot.** The contour line defined by a reduction in ground water elevation or pressure head of one-foot due to the withdrawal of ground water by a well or wells at their permitted pumpage rate.

14. **EPA.** The United States Environmental Protection Agency.

15. **FDEP.** The Florida Department of Environmental Protection.

16. **Geotechnical Boring.** Any excavation that is drilled, cored, washed, driven, or dug and is used for geological investigation purposes or for obtaining a soil sample.

17. **Ground Water.** Water in the sub-surface of the earth in both soils and geologic formations that are saturated.

18. **Hazardous Substance.** A substance that has one or more of the following characteristics: ignitability, corrosivity, reactivity, or toxicity as defined in 40 CFR Part 261 (as amended), bioaccumulative effect, or persistence in nature. *This definition is distinct from Regulated Substances, which will usually include, but not be limited to, Hazardous Substances.*
19. **Heat Exchange Wells.** Any well or wells constructed for the purpose of withdrawing water for air conditioning or heat exchange purposes and then returning the water to underground formations.

20. **Impervious Surface.** A surface covered by a material which is relatively impermeable to water.

21. **Karst.** A type of topography that is formed over limestone, dolomite, or gypsum by dissolution and that is characterized by closed depressions or sinkholes, caves, and underground drainage.

22. **Other Public Water System.** Any potable water system that provides piped water for human consumption, culinary purposes, or dishwashing to one or more non-residential establishments or which serves more than four (4) residences but that is not a public water system as defined by the Federal Safe Drinking Water Act. Other public water systems include the water source, treatment facilities and distribution lines.

23. **Person.** An individual, corporation, joint venture, incorporated association, public or private corporation, partnership, governmental body or other similar entity, public or private.

24. **Petroleum Product.** Fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils, hydraulic fluids, and other similar products. [Optionally you may include language such as “does not include liquefied petroleum gas, bunker C residual oils, and intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher.” This language will identify products which either exist as gases at normal temperature and pressures, or display characteristics which retard their mobility in the environment.]

25. **Potable Water Supply Well.** Any well constructed for the purpose of conducting ground water to the surface, by pumping or natural flow, and the ground water from such excavation is to be used for drinking or other potable water uses.

26. **Potentiometric Surface.** A surface defined by the elevation to which ground water will rise in a tightly cased well or wells.

27. **Primary Containment.** The first level of product containment, i.e., the container which is in direct contact with the Regulated Substance being contained.

28. **Primary Wellhead or Well Field Management Zone.** The innermost protective zone around a well or well field as defined by:

   {(1) **arbitrary radius from the wellfield, or**
   
   (2) **geologic boundaries, such as the recharge area, the unconfined area, etc., or**
   
   (3) **a drawdown contour, such as the one-foot drawdown contour, or**
(4) a travel time contour, such as the 180 day travel time contour or 5 year travel time contour, or

(5) any other method as designed by your local program.}

[The specific numbers listed above are for example purposes only. Determination of the appropriate management zones for your local program should be developed in conjunction with your Technical Advisory Committee, as discussed in “A Model Approach to Aquifer and Wellhead Protection in Florida.”]

29. Private Water System. A water system that provides piped potable water for human consumption and other domestic purposes to no more than 4 family units.

30. Public Supply Well. A well that is connected to a system that provides piped water to the public for human consumption, assuming it has at least fifteen service connections or regularly serves at least twenty-five individuals daily at least 60 days out of the year.

31. Recharge Area. Any area which contributes significant quantities of water to the underlying aquifer system either by the downward percolation of water through permeable geologic units or by the more direct introduction of water into the aquifer through localized karst features or sinkholes.

32. Regulated Business. Any publicly or privately-owned operation that produces, uses, stores, or disposes of a Regulated Substance, unless specifically exempted.

33. Regulated Substances. Any substance, hazardous or not, which is regulated under this Ordinance as described in Section 5.2.1, which, due to its chemical characteristics and behavior, may cause ground water contamination.

34. Responsible Party. Person or persons that through their actions have caused or are suspected to have caused a discharge of a Regulated Substance.

35. Secondary Containment. Physical structures such as curbing, trays, double-walled tanks, spill pallets, or other structural controls used to prevent the release of a spill of Regulated Substances to the environment. Physical containment systems should be capable of containing 110 percent of the volume of the largest container or storage system within the containment area.

36. Secondary Wellhead or Well Field Management Zone. The protective zone surrounding the Primary Wellhead or Well Field Management Zone and extending outward to a distance defined by:

{(1) arbitrary radius from the well or wellfield, or

(2) geologic boundaries defined elsewhere in the ordinance, such as the recharge area, the unconfined area, etc., or

(3) a drawdown contour, or

(4) a travel time contour, such as the 365 day travel time contour or 10 year travel time contour, or
(5) other method as designed by your local program.}

[The specific numbers listed above are for example purposes only. Additional zones may also be defined, i.e., tertiary zone. Determination of the appropriate management zones for your local program should be developed in conjunction with your Technical Advisory Committee, as discussed in “A Model Approach to Aquifer and Wellhead Protection in Florida.”]

37. **Sinkhole.** A closed depression in the land surface formed by solution of the underlying limestone.

38. **Spill.** [See definition of Discharge.]

39. **Standard Industrial Classification (SIC).** The federal classification system that is used to categorize the entire field of economic activities (both private sector and public sector) throughout the national economy either at a 2-digit, 3-digit, or 4-digit level of detail.

40. **Storage System.** Any tank, container, drum, or storage component including all integral piping or pumping equipment used or designed to be used for the storage of a Regulated Substance.

41. **Surface Water.** Water that occurs at the surface of the earth, including lakes, ponds, rivers, streams, drainage ditches, and percolation ponds.

42. **Time of Travel.** The time required for ground water to move from a specific point to a well. This is typically determined by analytical or numerical modeling.

43. **Unconfined Aquifer.** An aquifer which has a freely fluctuating water table as its upper boundary.

44. **Well.** Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for conveying ground water to the surface, monitoring ground water levels or other characteristics, providing cathodic protection, or providing a method of injecting water into the aquifer system from above the earth's surface.

45. **Wellhead Protection Area (WHPA).** A zone or zones surrounding a well or group of wells which has (have) been delineated as an area where special protective measures will be implemented to protect the quality of water contributing to the well(s).

46. **Zone of Contribution.** The area above and below the earth’s surface which contributes ground water to a given well.

47. **Zone of Influence.** The area surrounding a pumping well within which the potentiometric surface has been drawn down by the action of the well.
Section 5  Identification of Potential Sources

Section 5.1 {Registration or Permitting} of Facilities

This section assumes that your program will include a facility inspection or tracking component.

1. Any business or agency that, at any time, manufactures, stores, or uses Regulated Substances listed in Section 5.2 in quantities greater than {5 gallons if liquid or greater than 50 pounds if solid, or suitable criteria for your area}, shall be required to register on appropriate forms within 120 days of the effective date of this ordinance. [You must decide whether to impose a fee for this registration/permitting function. Leon County currently charges no fee.]

2. Any business or agency currently being inspected under Chapter 17-761 or Chapter 17-762, Florida Administrative Code (F.A.C.) Storage Tank Compliance Verification Program or the {Your City/County} Small Quantity Generator Program shall be registered by a transfer of existing records and will not be required to complete the Aquifer/Wellhead Protection Registration Form unless the information obtained in the records transfer is incomplete. In such cases the registration form will be sent for completion. [This paragraph seeks to avoid burdening facilities which are already permitted or otherwise registered.]

3. The {Aquifer/Wellhead Protection Coordinator or Wellhead Protection Program Manager, etc.} shall maintain a list of Regulated Businesses with their associated 4 digit Standard Industrial Classification (SIC) Code. This list will be made available upon request and will be on file with the Business/Occupational License Department of the {Your City/County}.

Section 5.2 Regulated Substances

1. Regulated Substances, including degradation and interaction products, shall include the following:

   A. Substances, including degradation and interaction products, which because of concentration, physical/chemical characteristics (including ignitability, corrosivity, reactivity, and toxicity), radioactivity, mutagenicity, bioaccumulative effect, or persistence in nature, may cause or significantly contribute to the degradation of ground water resources; OR

   B. Those substances set forth in the lists, as amended from time to time, entitled:

   (1) Lists of Hazardous Waste (40 CFR Part 261, Subpart D),

   (2) Hazardous Constituents-Appendix VIII, (40 CFR Part 261),
(3) EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA (40 CFR 302.4),

(4) Florida Substances List (Chapter 38F-41, F.A.C.),

(5) Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substances List (40 C.F.R. 300, App. A and B); OR

[There are many additional lists which may be cited; however a comprehensive list of lists doesn’t contribute much to the overall effect of the ordinance, and provision 5.2.1.A essentially extends the Regulated Substance definition to cover all the situations within the Tallahassee/Leon County Program’s experience.]

C. Substances which have known hazardous properties as listed in 40 CFR 302 by the EPA; OR

D. Substances that are restricted-use pesticides according to Chapter 487, Florida Statutes or which are listed in Chapters 5E-2 and 5E-9 F.A.C.; OR

E. Water which contains total dissolved solids (TDS) in excess of 10,000 parts per million (ppm) or chlorides in excess of 500 ppm; OR

F. The generic items listed below and by-products, reaction products, or waste products generated from the use, handling, storage, or production of these items.

Acid and basic cleaning solutions
Antifreeze and coolants, new or used
Arsenic and arsenic compounds
Batteries
Brake and transmission fluid
Oils/Greases/Lubricants
Brine solution
Casting and foundry chemicals
Caulking agents and sealants
Cleaning solvents
Cutting fluids
Degreasing solvents
Disinfectants
Electroplating solutions
Explosives
Fertilizers
Food processing wastes
Fuels and additives
Glues, adhesives, and resins
Greases
Hydraulic fluid
Industrial and commercial janitorial supplies
Industrial sludges and stillbottoms
Inks, printing and photocopying chemical
Laboratory chemicals
Metal finishing solutions
Oils (petroleum base)
Paints, primers, thinners, dyes, stains, wood preservatives, paint solvents and paint removing compounds
Pesticides and herbicides
Plastic resins and catalysts
Plasticizers
Photo development chemicals
Pool chemicals
Roofing chemicals and sealers
Solders and fluxes
Tanning industry chemicals
Transformer and capacitor oils/fluids
Used batteries

[Item F duplicates many of the items in the previously cited lists; however, it is much more comprehensible to most readers. If there are specific industrial chemicals which are unique to your area, or which pose an unusual hazard to ground water quality, you may want to explicitly list them.]

Section 5.3 Exemptions From Registration
1. **Emergency Services.** Fire, Police, Emergency Medical Services and County Emergency Management Center facilities are exempt from the registration provisions of this Ordinance.
2. **Continuous Transit.** The transportation of any Regulated Substance shall be exempt from the registration provisions of this Ordinance provided that the transporting motor vehicle is in continuous transit and meets all applicable State and Federal requirements.
3. **Vehicular and Lawn Maintenance Fuels & Lubricants.** The use of any Regulated Substance in a vehicle or lawn maintenance equipment as a fuel or lubricant shall be exempt from registration.
4. **Retail/Wholesale Activities.** Retail/Wholesale establishments that store or handle Regulated Substances for resale in their original unopened containers shall be exempt from the registration requirements provided that no individual container of Regulated Substances exceeds {five (5) gallons if liquid or fifty (50) pounds, if solid or other local program-specific criteria}.

5. **Office Use.** Office uses, including the use of Regulated Substances for the maintenance and cleaning of office buildings, shall be exempt from the registration requirements of this Ordinance.

6. **Residential Use.** The use of Regulated Substances for cleaning, maintaining, pest control, or any other use by households, that are not a Regulated Business, shall be exempt from the registration requirements of this Ordinance. Farming operations which are greater than 3 acres, and animal feedlots are not exempted under this section.

7. **Construction Activities.** The activities of constructing, repairing or improving any facility shall be exempt from the registration provisions of this ordinance provided that all contractors, subcontractors, laborers, materialmen and their employees, when using, handling, storing, or producing Regulated Substances, use the applicable Best Management Practices set forth in Section 6.4.

8. **Special Exemptions.** An affected person may request a special exemption from the registration requirements of this ordinance. In order to obtain such an exemption, such person must demonstrate by a preponderance of competent, substantial evidence to the {Aquifer/Wellhead Protection Coordinator} that special or unusual circumstances and adequate technology exist to isolate the facility or activity from soils, ground water, or surface water.

   [In granting the Special Exemption, the Aquifer/Wellhead Protection Coordinator may prescribe additional appropriate conditions that are necessary to protect soils, ground water, or surface water.]

**Section 5.4 Stormwater**

Stormwater Quality Treatment provisions are regulated through the applicable provisions of {Your City/County’s Appropriate Environmental Management Ordinance}.

[This section assumes that your program is not going to directly regulate stormwater discharge quality or stormwater infrastructure. Many of the same material management practices and disposal issues can affect both surfacewater and ground water, so it makes sense to integrate the two to some extent. In Tallahassee/Leon County, for example, we have worked to share information between our Aquifer/Wellhead Protection and County Stormwater Programs and have even conducted some joint inspections, but creating one ordinance that fully addresses both surfacewater and ground water would be an ambitious task.]
Section 6 Aquifer Protection Preventative Measures

Section 6.1 Facility Inspections

1. The Aquifer/Wellhead Protection Coordinator and designated inspectors are hereby authorized and empowered to make inspections at normal operational hours of all facilities or activities regulated by this Ordinance including non-residential buildings, structures and land in {Your City/County} in order to determine if a discharge has occurred.

2. Inspections shall be conducted upon 24 hour notification except that inspection may be conducted without notice provided there is sufficient evidence that a discharge has occurred or is occurring.

3. In the event a person who has common authority over a building, structure, or land does not permit an inspection, the inspection may be rescheduled and shall be noticed by United States certified mail. Failure of such person to thereafter permit an inspection will be sufficient grounds and probable cause for a court of competent jurisdiction to issue an administrative warrant for the purpose of inspecting, surveying, or examining said premises.

4. In the event a building, structure or land appear to be vacant or abandoned, and the property owner cannot be readily contacted in order to obtain consent for an inspection, the Aquifer/Wellhead Protection Coordinator or Inspector may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection.

5. The Aquifer/Wellhead Protection Coordinator and Inspectors shall have available and upon request present official identification when making inspections.

6. It shall be the duty of all City or County law enforcement officers to assist in making inspections when such assistance is requested by the Aquifer/Wellhead Protection Coordinator or Inspector.

Section 6.2 Reporting of Discharges

1. Any discharge of a Regulated Substance at the reporting thresholds established in this Ordinance in {Your City/County} shall be reported immediately by the facility owner, operator, or responsible party to the {Your City/County} Aquifer/Wellhead Protection Coordinator. Such notification shall in no way alleviate the owner, operator, or responsible party from other local, state, and federal reporting obligations as required by law. The Aquifer/Wellhead Protection Coordinator shall inform the Fire Department of the substance discharged, the amount, location, duration of discharge and the potential hazard to ground water if known. [This can also work in the reverse order. In Tallahassee/Leon County, the Fire Department is typically the first responder to petroleum spills resulting from vehicular accidents. The Aquifer/Wellhead Protection}
Coordinator, or designee, is then notified by dispatchers and this is considered to constitute adequate notification.

2. Threshold Reporting Quantities

A. The following substances and chemicals shall be reported if discharged in an amount equal to or greater than one (1) gallon.
   1)  Chlorinated Hydrocarbon Solvents including but not limited to:
       a. Carbon Tetrachloride
       b. Tetrachloroethylene
       c. Trichloroethylene
       d. 1,1,1,-Trichloroethane
       e. 1,2-Dichloroethane
       f. Methylene Chloride

B. The following substances and chemicals shall be reported immediately if discharged in an amount equal to or greater than five (5) gallons:
   1)  Pesticides (Specifically Generic Names)
       a. Fenuron
       b. Terbacil
       c. Bromacil
   2)  Phenolic Compounds

C. Petroleum or Petroleum Products including Petroleum Based Solvents shall be reported if discharged in an amount equal to or greater than twenty five (25) gallons.

D. All other Regulated Substances shall be reported immediately if discharged in quantities greater than or equal to twenty-five (25) gallons of liquid or fifty (50) pounds if solid.

Section 6.3 Reporting of Sinkholes

The Aquifer/Wellhead Protection Coordinator shall establish a contact point for the reporting of sinkholes. Sinkholes shall be reported prior to backfilling. Backfilling material shall be uncontaminated and of lower permeability than the surrounding soil.

Section 6.4 Best Management Practices to Prevent Discharges of Regulated Substances

1. Best Management Practices (BMPs) shall be developed and made available to potential dischargers.
A. Construction

[In order to be effective, this section of the ordinance should be developed by working together with the development community to identify significant concerns and to develop reasonable standards. Although Section 5.3.7 exempts construction activity from registration requirements, it does not provide exemption from prohibiting discharges, reporting spills exceeding the established thresholds, etc.]

1) The property owner shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any regulated substances (e.g., the handling of regulated substances proximal to water bodies or wetlands).

2) Regulated Substances stored on the construction site during the period of construction shall be stored in a manner which will minimize the risk of release to the environment.

3) Each contractor shall be familiar with the manufacturer's material safety data sheet supplied with each material containing a regulated substance and shall be familiar with the procedures required to contain and clean up any releases of the regulated substance.

4) Upon completion of construction, all unused or waste regulated substances and containment systems shall be removed from the construction site by the contractor and shall be disposed of in a proper manner as prescribed by law.

5) Contractors shall be responsible for taking measures for preventing vandalism which may cause releases of regulated substances from containers or vehicles on the construction site.

6) If a discharge occurs, it shall be the responsibility of the {general contractor or the property owner} to follow the provisions of this Ordinance. It shall be considered a violation of this Ordinance if a discharge of Regulated Substances occurs and cleanup actions are not performed. {Your City/County} reserves the right to deny the issuance of a Certificate of Occupancy until all provisions of this Ordinance have been met.

B. General Business Practices/Containment

1) All regulated businesses shall inspect weekly containers holding a Regulated Substance for leaks. Visual inspection is satisfactory provided that the location of the containers can be inspected to a degree which reasonably assures that breakage or leakage can be detected by such inspection.
2) New Construction Containment of Regulated Substances. Leak-proof trays, floor curbing or other secondary containment systems shall be installed under container of liquid Regulated Substance. The secondary containment shall be of adequate capacity to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be appropriate to preclude any Regulated Substance loss to the environment. Containment systems shall be operated so that the intrusion of precipitation is effectively managed. These requirements shall apply to all production and handling areas, storage areas, loading and off-loading areas, and aboveground and underground storage tank areas.

3) Retrofitting. All property owners who store, handle, use, or produce a Regulated Substance shall retrofit (upgrade) to new construction containment standards whenever building improvements are planned or by {date}. Storage Facilities regulated by 17-761 or 17-762, F.A.C. must meet the required retrofitting schedule. All new construction provisions must be met and reviewed either during building plan review or by the inspection as required by this Ordinance.

Section 6.5 Investigation, Monitoring and Cleanup of Suspected or Known Discharges

1. If, during inspection by {Your City/County} personnel, a facility is found to have visible signs of contamination or if a reportable discharge has occurred that may affect soil, surface water, or ground water, the facility owner may be required to conduct an investigation which may include, but not be limited to, soil borings, soil or ground water sampling and analysis, or monitoring well installation pursuant to the provisions of this section.

2. Applicable Rules and Guidance
   A. Chapter 17-770, Florida Administrative Code (F.A.C.) establishes the procedures that shall be followed for Petroleum and Petroleum Product contamination.
   B. Chapter 17-761 and 17-762, F.A.C. establishes the procedures that shall be followed for closure of storage tanks.
   C. Established DEP enforcement cases shall follow DEP’s “Model Orders for Corrective Action” or the procedures established by consent order.
   D. Sampling procedures and laboratory analysis shall meet the requirements of Section 403.0625, Florida Statutes.

3. All facilities with discharges of Regulated Substances shall undertake steps to minimize the possibility of ground water contamination.
Section 6.6 Injection Wells/Heat Exchange Wells/Drainage Wells

1. Injection Wells. Any well used for the purpose of injecting Regulated Substances to ground water is hereby prohibited.

2. Heat Exchange Wells

A. Any well used for the purpose of withdrawal and subsequent reinjection to the Floridan Aquifer shall not alter existing chemical, radiological, or biological water quality.

B. All reinjected water from Heat Exchange Wells shall meet all primary, secondary and Chapter 17-3, F.A.C. drinking water standards.

C. The owner of Heat Exchange Wells operated in {Your City/County} shall not discharge refrigerants to ground water.

D. All newly installed Heat Exchange Wells shall be designed to prevent air entrainment in the reinjection process. All other existing Heat Exchange Wells must be retrofitted in order to prevent air entrainment by January 1995.

E. All owners of Heat Exchange Wells shall install a sampling tap on the withdrawal and the reinjection well that will be suitable for sample collection for both wells within one year of the effective date of this Ordinance.

F. Within one year of the effective date of this Ordinance the Heat Exchange Well system operator shall be required to have a flow-measuring device and method for totalizing annual flow in the withdrawal and reinjection wells. The flow information must be provided to the Aquifer/Wellhead Protection Coordinator in addition to the sampling results on an annual basis.

G. All wells used for withdrawal and subsequent reinjection for the Heat Exchange process that pump greater than 100,000 gallons per day shall be required to sample the reinjection water annually for water quality standards as of the effective date of this Ordinance and annually thereafter. The results shall be provided annually to the Aquifer/Wellhead Protection Coordinator.

H. Corrective Action

1) In the event of a discharge to the reinjection system of any regulated substance, or if the reinjection water does not meet all primary drinking water quality standards, the well owner will be required to remediate the reinjection water and the affected withdrawal water to all primary drinking water standards at their own expense.

2) Remediation must be conducted using sound hydrogeologic and engineering principles and must continue until the withdrawal and reinjection water meets all primary drinking water quality standards.

3) The responsible party for all remediation projects is required to keep the Aquifer/Wellhead Protection Coordinator informed of their progress, any problems or changes in status of the remediation process. The
Aquifer/Wellhead Protection Coordinator reserves the right to conduct split water sampling to verify any and all results.

3. Drainage Wells

A. As of the effective date of this Ordinance, the installation of any well for the purpose of surface drainage is prohibited.

B. All owners of property that contain drainage wells must properly abandon all such wells one year from the effective date of the Ordinance. The appropriate abandonment permit must be obtained from FDEP and the Northwest Florida Water Management District.

C. Any drainage well that is identified in a new development project study must be properly abandoned prior to commencement of any construction.

Section 6.7 Well Abandonment and Geotechnical Borings

1. Well Abandonment

A. Any well that is not being used for removing ground water from an aquifer; recharge; determining quantity, quality, level or movement of ground water; and removing or exchanging heat shall be properly abandoned at the property owner's expense following the guidelines established by the Northwest Florida Water Management District within one year of the effective date of this Ordinance.

B. In instances that can be determined by the Aquifer/Wellhead Protection Coordinator, the well may not need to be abandoned but the evaluation and determination of the necessity of abandonment shall be coordinated through the Northwest Florida Water Management District.

2. Geotechnical Borings

A. All borings deeper than 25 feet shall be neat cement grouted to the surface to prevent downward migration of surface and subsurface contaminants along the borehole to the Floridan Aquifer.

B. All borings less than 25 feet deep shall be backfilled with the original drilled soil to the surface to prevent the creation of a sump. Where the boring is advanced through asphalt or concrete it shall be patched at the surface with a similar impervious material.

C. If contamination is detected in any geotechnical boring, the contaminated soil shall not be used as replacement material and the horizontal and vertical extent of the contamination must be assessed and reported following the applicable provisions of Section 5.5 of this Ordinance.
Section 6.8 Septic Tanks/Drain Fields

1. The discharge of any Regulated Substance to a septic system shall be considered a violation of this ordinance.

2. Any Regulated Business that is found to have discharged Regulated Substances to a septic system shall be required within 30 days to connect to the sanitary sewer system if such system is available and within 1000 feet of the property.

3. Upon testing, if a Regulated Substance is identified in the septic tank or drain field and may cause violation of ground water standards, the Regulated Business will be required to conduct the investigation required by Section 5.5 of this Ordinance.

4. As of the effective date of this Ordinance, the following types of Regulated Businesses may not be constructed with septic systems except as allowed by State Law and Local Ordinances for domestic purposes:

   A. Agricultural Chemical Warehouse and Distribution Centers
   B. Asphalt Batching Plants/Pavers/Asphalt Products
   C. Automobile Repair Facilities Using or Dispensing Fuels, Greases, Oils or Solvents
   D. Automobile Paint and Body Shops
   E. Boat Sales/Repair Facilities
   F. Bus Lines/Repair Shops
   G. Cabinet Makers and Distributors
   H. Chemical Manufacturing Plants
   I. Chemical Warehousing and Distribution Facilities
   J. Cleaning Supplies Manufacturing/Distribution Facilities
   K. Commercial Laundries
   L. Contamination Control Companies/Waste Management Service Companies
   M. Dry Cleaning Establishments
   N. Electrical and Electronic Manufacturing Facilities
   O. Electroplaters, Circuit Board Manufacturers or Metal Finishers

[This provision is intended to prevent discharge of Regulated Substances to a drainfield. Depending on the geographic extent to which it is applied, this item could be a serious restriction. This prohibitive language should be reviewed carefully for potential impacts to your local business community and land owners before including it in your ordinance. This language was in an early draft of the Leon County Aquifer/Wellhead Protection Ordinance, but was removed during the review process.]
P. Small Engine Repair Facilities
Q. Equipment Rental Operations
R. Fiberglass Formers or Acrylic Manufacturers
S. Funeral Homes
T. Furniture Manufacturers and Refinishers
U. Golf Courses/Country Clubs
V. Industrial Facilities
W. Laboratories -- Photo, Chemical, Industrial Environmental, Dental-X-Ray, and Medical
X. Machine Shops
Y. Manufacturers Using Acids, Caustics or Solvents
Z. Medical Facilities
AA. Paint Manufacturers and Paint Stores
BB. Painting Shops
CC. Pest Control Operations
DD. Petroleum Products Production, Storage and Bulk Distribution Facilities
EE. Printers, Blue Printers and T-Shirt Screen Printers
FF. Service Stations and Fuel Depots
GG. Sign Companies
HH. Tractor Sales and Service
II. Transformer Use and Storage Areas
JJ. Trucking/Transport Companies
KK. Wood Preserving/Treatment Facilities

5. Floor drains, grease traps and oil water separators shall be constructed to prevent infiltration of Regulated Substances to soil, ground water, or surface water.

Section 6.9 Inventory/Proof of Proper Disposal/Recycling of Regulated Substances

1. Inventory and Proof of Proper Disposal

A. Inventory/Manifest documentation required by the Resource Conservation and Recovery Act (RCRA)-40 CFR, Part 262 Subpart B shall be required to be kept by each facility that is regulated by RCRA for all substances that are used...
or considered waste products to ensure that all substances are handled in an
environmentally acceptable manner for each Regulated Substance.

B. All regulated businesses that are not regulated by RCRA shall be required to
keep an inventory of the type(s) of Regulated Substances that are used or
considered waste products to ensure that all substances are handled in an
environmentally acceptable manner. The method of record keeping may be of
their own choosing, however, such records shall allow inspectors to determine
if used or waste products are being disposed of in compliance with Federal,
State and Local laws.

C. Each Regulated Business shall provide documentation such as a contract or
agreement with a Certified Waste Hauler or documentation that shows that
used or waste by-products are being disposed of using environmentally
acceptable methods or are being recycled.

D. Disposal records shall be made available at normal operational hours for the
purpose of inspection.

2. Recycling Regulated Substances

It shall be required that Regulated Substances should be recycled or reused if
economically and technically feasible.

Section 6.10 Facility Closure Requirements

Any business that has stored, used, or produced a Regulated Substance and that proposes
to abandon, replace or retrofit any aspect of the business operation, or change the nature
of the business or land use shall be required to obtain a closure permit and follow the
provisions of this section.

[This provision would be useful in identifying and correcting problems created by a
Regulated Business leaving waste or contaminated soil behind when the business
moves or goes out of business. This provision was in an early draft of the Leon
County Aquifer/Wellhead Protection Ordinance, but was removed during the
review process. Close coordination with your local permitting authorities would be
required to implement this provision.]

1. Closure Permit

A. A Regulated Business must complete a closure permit before the property
owner or operator of any new business at the facility, including those not
regulated by this Ordinance, will be issued an Occupational License.

B. The Closure Permit Form can be obtained from the Aquifer/Wellhead
Protection Coordinator.

C. The {City/County Commission} shall be authorized to establish by
Resolution a schedule of fees for the closure permit.
D. The Closure Permit must be secured at least fifteen (15) working days prior to the commencement of closure activities. The Aquifer/Wellhead Protection Coordinator or designated person shall have ten (10) working days to review and approve or request additional information to approve the permit. The permit shall be approved, if complete, within five (5) working days upon receipt of any requested additional information.

E. If the Regulated Substance is or has the possibility of being flammable or explosive, the {Your City/County} Fire Department shall be notified by the permittee at least five (5) working days before the closure procedures are implemented in order to establish requirements necessary to protect health, safety, and welfare.

F. In addition to the completed Closure Permit Application Form, the following information shall be provided:

1) A schedule of events to complete the closure to facilitate inspections and coordination with other agencies.

2) The proposed disposition of all Regulated Substances and contaminated containers.

3) Certification by the property owner that any cleanup of discovered contamination will follow technically acceptable methods that meet all Local, State and Federal rules and regulations as specified by law which shall preclude leaching of unacceptable levels or residual Regulated Substances into the Floridan Aquifer. Certification may be waived if the applicant provides evidence that all of the following conditions are met concerning the subject land use or activity:

   a. The entire operation is maintained inside the building(s) of the facility;
   b. The standard method used for managing hazardous or industrial waste is not by septic tank, sewer mains, or floor drains;
   c. There is no evidence of spills;
   d. There are no outstanding or past notices of a violation from any regulatory agency concerned with hazardous, industrial or domestic waste or materials; and
   e. There is no evidence of past contamination in the public supply well(s), potable water supply well(s), other public water system, private water system or site specific monitoring wells.

2. Indemnification

A signed agreement must be provided with the Permit Application Form to indemnify and hold the {Your City/County} harmless from any and all claims, liabilities, causes of action, or damages arising out of issuance of the permit. The {Your City/County} shall provide reasonable notice to the permittee of any claims.
3. Contamination

If contamination is found during site closure, the procedures described in Section 6.5 of this Ordinance shall be followed.

4. Closure Inspection

A. A closure inspection shall be performed by the {Your City/County} to ensure compliance with the provisions of this Ordinance.

B. If closure takes place at a Petroleum Storage facility, the provisions of the closure requirements of Chapter 17-761 or 17-762, F.A.C. shall be followed and coordination for inspection with the {Your City/County} Storage Tank Section will be required.

C. If vapors are present that may potentially endanger health, safety, and welfare, the facility owner or contractor must contact the Fire Department.

D. All other inspections will be performed by the Aquifer/Wellhead Protection Coordinator or designee. The inspection shall be conducted at a time during closure that provides the best possible access to determine if any potential for ground water, surface water, or soil contamination has occurred.

E. A written acknowledgment of the results of the inspection will be sent to the property owner within five (5) working days of completion of closure activities if the site is not contaminated.

Section 7. Wellhead Protection Area Delineation and Preventative Measures

[If you decide to implement wellhead protection areas and enhanced protection within those areas, there are many issues you must consider. Provisions which are highly restrictive may be difficult to implement and could lead to legal challenges. Your delineated areas must also be based on technically defensible methods, and they must make sense for the conditions found in your community. If protection of resources within your entire jurisdiction through the provisions in Section 6 is beyond your allocatable resources, you may phase your program in by implementing Section 6 provisions only within the delineated wellhead protection areas until such time as you acquire additional staff resources.]

Section 7.1 Establishment of Primary and Secondary Wellhead Protection Areas

Wellhead Protection Areas shall be delineated for all Public Supply Wells within {Your City/County}.

1. Primary Wellhead Protection Areas shall include all land between the wellhead and {the 5 year time of travel boundary}. [An appropriate time of travel is highly dependent on your local hydrogeology and your community’s threshold of acceptable risk.]
2. Secondary Wellhead Protection Areas shall include all land between the Primary
Wellhead Protection Area and the {10 year time of travel boundary}.

Section 7.2 Methodology for Delineation of Wellhead Protection Areas

Delineation of WHPAs shall be based on accepted hydrogeologic methods, which may
include, but not be limited to, numerical modeling, analytical modeling, or hydrogeologic
mapping.

[Resources are available within FDEP and the Water Management Districts to assist
you in determining which delineation methodologies are appropriate to your area.]

Section 7.3 Restrictions within Wellhead Protection Areas

[The lists below are included only to provide an example of the general types of
activities that may be regulated within WHPAs. Much of the language is taken
from provisions discussed during the development of FDEP Rule 62-521. Like the
other various lists presented in this Model Ordinance, it should be tailored to meet
your local needs. Appropriate restrictions will be dependent on your local
hydrogeologic conditions -- it is unlikely that any local program should need to
adopt all these prohibitions. The larger your Primary Wellhead Protection Area is,
the more potential impact these restrictions will have. The impact of any adopted
prohibitions on land owners and facility operators should be carefully considered.]

1. The following restrictions shall apply within Primary Wellhead Protection Areas.

   A. New domestic wastewater treatment facilities shall be provided with Class I
      reliability as described in Chapter 62-600, F.A.C., and flow equalization.
      Wastewater ponds, basins, and similar facilities shall be lined or sealed to
      prevent measurable seepage. Unlined reclaimed water storage systems are
      allowed for reuse projects permitted under Part III of Chapter 62-610, F.A.C.

   B. New reuse and land application projects shall be prohibited except for new
      projects permitted under Part III of Chapter 62-610, F.A.C.

   C. New animal feedlots shall be prohibited.

   D. New commercial dairy operations shall be prohibited.

   E. New discharges to ground water of industrial wastewater, as regulated under
      prohibited, except for non-contact cooling water discharges (without additives).

   F. New phosphogypsum stacks and lateral expansions of phosphogypsum stack
      systems, as regulated under Chapter 62-673, F.A.C., are prohibited.

   G. New Class I and Class II underground injection control wells, as regulated in
      Chapter 62-28, F.A.C., are prohibited.
H. New Class V underground injection control wells are prohibited except for aquifer storage and recovery system wells, where the injected fluid meets the applicable ground water quality standards in Rule 62-520.420, F.A.C.

I. New landfills regulated under Chapter 62-701, F.A.C., are prohibited.


K. New hazardous waste, treatment, storage, disposal, and transfer facilities requiring permits under Chapter 62-730, F.A.C., are prohibited.

L. New aboveground and underground tankage of hazardous wastes regulated under Chapter 62-730, F.A.C., are prohibited.

M. New underground storage tanks regulated under 62-761, F.A.C., shall not be installed after the effective date of this ordinance. Replacement of an existing underground storage tank of the same or less capacity is exempt from this provision, provided that the replacement tank system is installed with secondary containment as required in Chapter 62-761, F.A.C.

N. New aboveground storage tanks regulated under 62-761, F.A.C., shall not be installed after the effective date of this ordinance. Replacement of an existing underground storage tank of the same or less capacity is exempt from this provision, provided that the replacement tank system is installed with secondary containment as required in Chapter 62-761, F.A.C.

O. New fixed pesticide mixing/loading areas shall be constructed and operated in accordance with the guidance contained in “DEP Minimum Construction and Operation Standards for Chemical Mixing Centers used for Pesticide Mixing and Loading,” November 1994, hereby incorporated by reference.

P. Existing fixed pesticide mixing/loading areas which do not meet the requirements in (O) above shall be retrofitted to meet those requirements by date, or shall not be used for mixing/loading after date.

2. The following restrictions shall apply within Secondary Wellhead Protection Areas.

[Select a subset of the restrictions applied within the Primary WHPA. In addition, you may want to allow certain uses, but impose safeguards; for example, allowing reuse and land application projects with the stipulation that monitoring well water quality data will be provided to the Aquifer/Wellhead Protection Coordinator and must comply with water quality standards as established in 62-550, F.A.C. A reasonable list of secondary restrictions is dependent on the time of travel chosen for your delineations and on the nature of development within your area. To reiterate, caution should be used when selecting the list of restrictions. An ordinance with overly restrictive measures will be more difficult to adopt and implement. It is important not to prohibit uses that do not pose a real risk to the wellheads. The TAC evaluation of hydrogeologic and existing water quality data can be a guide in this process.]
Section 8  Regulated Business Review for Comprehensive Plan and Aquifer Protection Consistency

No review and approval shall be required for existing operations provided that no occupancy change occurs, the site is registered with the Aquifer/Wellhead Protection Program, and all requirements of this Ordinance are being met.

Section 9  Program Funding

1. Fees may be established by Resolution to provide a funding mechanism for the implementation of the inspection program.

2. Fees may be established by Resolution to provide a funding mechanism for the operation and implementation of future Aquifer Protection remediation.

Section 10  Remediation Activities

Remediation by the responsible party for discharges of regulated substances shall begin within [number of] days. The following cleanup criteria shall apply:

1. Any affected ground or surface water must be remediated to drinking water standards or background water quality.

2. Affected soils shall be remediated using best available technologies for the particular contaminant that has been released.

3. If any soil work is to be performed, all stormwater sedimentation erosion controls must be in place in accordance with all [Your City/County] Environmental Management Codes.

Section 11  Violations, Penalties, and Enforcement

1. Enforcement procedures pursuant to this ordinance shall commence only after the data evidencing the unpermitted discharge of a Regulated Substance has been forwarded to the appropriate Federal and/or State enforcement program.

   Enforcement procedures under this ordinance for unpermitted discharges shall begin after enforcement activities of Federal and State regulations have been exhausted.

   A. Notice of Violation. When a violation of this Ordinance has occurred the Aquifer/Wellhead Protection Coordinator or his/her designee shall issue written notice to the person in violation, identifying the nature and location of the violation and specify that remedial action is necessary to bring the violation into compliance. The person in violation shall immediately, conditions permitting, commence remedial action and shall have such time as
may be specified in the notice, to complete the remedial actions required to bring the activity into compliance with this Ordinance.

B. Failure to Comply After Notice of Violation. If the person in violation fails to complete remedial action within the time allowed, the Aquifer/Wellhead Protection Coordinator may levy a fine as established by Resolution or may initiate other enforcement actions as authorized by law.

C. Immediate Corrective Actions. Whenever it is determined by the Aquifer/Wellhead Protection Coordinator or his/her designee that a discharge of Regulated Substances is resulting in imminent threat of contamination of ground water or danger to life or property from the contamination of ground water, the Aquifer/Wellhead Protection Coordinator may require immediate corrective action. Initiation of any required clean-up activities shall commence within 24 hours and shall be completed within a time specified by the Aquifer/Wellhead Protection Coordinator. Failure to take such immediate corrective action when notified of the need for such action shall constitute a violation of this Ordinance. If immediate corrective measures are not taken and there is danger or hardship to the public, the Aquifer/Wellhead Protection Coordinator or his/her designee may enter upon lands, take corrective actions, and place a lien on the real property of such person or persons to recover the costs of the corrective measures.

D. Notification

1) Notice of Violation. A copy of notice of violation issued pursuant to this Ordinance shall be served upon the affected persons by either delivery or certified mail and shall be posted on the site. A notice of violation may be directed to the person owning the land upon which the violation has occurred or to any person who has committed the violation or both. When immediate corrective actions are warranted under the provisions of Section 11.1.C, reasonable effort shall be made to provide notice as specified above, but when such notice cannot be immediately accomplished, sufficient notice may be given by physically leaving a copy of the notice or order at the address of the owner of the property.

2) Notice of Compliance. Upon satisfactory completion of corrective action and remedial steps required by a notice of violation, the Aquifer/Wellhead Protection Coordinator shall issue a notice of compliance. The notice of compliance shall cancel the notice of violation.

3) Lien. Any lien issued pursuant to this Ordinance and determined under the authority of this Ordinance shall be imposed only after the owner of the property upon which the lien is sought to be imposed has been given notice and a reasonable opportunity to be heard. Such lien shall be recorded with the Clerk of the Circuit Court and may be enforced under the provisions of Chapter 125, Florida Statutes.

2. Penalties
A. General. Any person violating any provision of this Ordinance shall be punished according to law or in accordance with {Your City/County} enforcement procedures. Each day any violation continues shall be considered as a separate offense.

B. Building Permits/Occupational Licenses. No building permit or New Business/Occupational License shall be issued for a site at which a violation of this Ordinance exists on the site.

C. Injunctions. Affected persons may seek an injunction against any violation of the provisions of this Ordinance and recover from the violator such damages as he or she may suffer, including but not limited to, the damage to property as a result of a release of Regulated Substances.

D. Publication of Violation. In addition to the penalties imposed under this Ordinance, the Aquifer/Wellhead Protection Coordinator may recommend to the Commission, and the Commission may require, that the violator publish in a newspaper of daily publication and circulation in the County an advertisement to notify the general public of the following:

1) The nature of the violation;
2) The date of occurrence;
3) The remedial work which is to be required to mitigate the violation;
4) The name and address of the responsible party or property owner; and
5) The names of the business owners, all general partners if a partnership, all shareholders if a corporation, and all chief operating officers. If the business is a corporation with more than twenty (20) stockholders, then only stockholders holding more than twenty percent (20%) of the outstanding stock shall be required to be identified.

3. Enforcement

This Ordinance shall be strictly enforced in accordance with the enforcement procedures established by {Your City/County} in addition to any established Federal or State Enforcement Procedures.

Section 12 Conflicts

All ordinances or parts of ordinances of the Code of Laws of {Your City/County}, Florida, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 13 Severability
If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 14 Effective Date**

In accordance with Section 125.66, Florida Statutes, a certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of **{City or County}** Commissioners within ten (10) days after enactment, and this ordinance shall take effect upon receipt of official acknowledgment that said ordinance has been filed, but the provisions hereof shall not be implemented until **{date}**.

DULY PASSED AND ADOPTED BY that Board of **{City or County}** Commissioners of **{Your County}**, Florida, the **{which}** day of **{which}** month, **{year}**.

BOARD OF **{CITY or COUNTY}** COMMISSIONERS

**{YOUR CITY/COUNTY}, FLORIDA**

BY: ______________________________

{Name}, Chairman

ATTEST:

{Name}

Clerk of the Circuit Court

BY: ______________________________

{Name}, Deputy Clerk

APPROVED AS TO FORM

______________________________

{Name}

{City or County} Attorney