

## **Revisions to August 2012 Ordinance Draft Based Upon SCS Review and Additional Staff Research**

The draft ordinance was revised to replace current 6.05.25 rather than create a separate overlay district. The primary purpose of this change is that the current prohibition of all hazardous materials within the existing wellfield protection overlay district is too restrictive and will have a negative effect on industrial recruitment. This change will also provide a consistent set of protections.

Changed the words “protection area” to “overlay district” to avoid confusion with the current 500’ wellhead protection area which is established in LDC Section 12.13.02.

In several places the draft ordinance referred to a “2,000 foot radius or 5-year travel time area when known.” Because the Water Management District is modeling the 5-year travel time areas, all references to a 2,000 foot radius were removed.

Clarified purpose statement to address degradation of water quality.

Added definition of community water system consistent with FDEP rule.

Clarified definition of regulated substances to address degradation of water quality.

Removed the word “abrasive” from the definition of regulated substances because it is not relevant with regard to groundwater protection.

Added “in their reportable quantities” to the definition of regulated substances to specify the volume at which a substance becomes regulated. Reportable quantities are included on the two referenced lists of hazardous materials.

Added the following to the definition of regulated substances: “When the reportable quantity of a regulated substance is indeterminate, this section shall only apply whenever the aggregate sum of all quantities at any one time exceeds five gallons where said substance is a liquid, or 25 pounds where said substance is a solid.”

Removed the vague term “injurious” from the definition of regulated substances. The definition now reads:

### *Regulated substances.*

1. Any liquid or water soluble substance or material that, by reason of its toxic, caustic, corrosive, or other properties may degrade the water quality of public potable water supply wells and wellfields.
2. Regulated substances shall include, but are not limited to, those liquid or water soluble substances, in their reportable quantities, as set forth in the U.S.

Environmental Protection Agency (EPA) lists, as amended from time to time, entitled:

The List of Extremely Hazardous Substances and Their Threshold Planning Quantities (40 CFR part 355, Appendix A), and

List of Hazardous Substances and Reportable Quantities (40 CFR, Table 302.4).

3. When the reportable quantity of a regulated substance is indeterminate, this section shall only apply whenever the aggregate sum of all quantities at any one time exceeds five gallons where said substance is a liquid, or 25 pounds where said substance is a solid.

Added a definition of resource extraction activities to be included only if those uses are prohibited.

Added definitions of overlay district and wellhead protection zone.

Added definition of public supply potable water well.

Added definition of travel time contour to be included only if Option 2, 3, or 4 is chosen.

Revised 6.05.25.D.2 to clarify that when there is a conflict between Section 12.13.02 and Section 6.05.25 the most restrictive regulation applies.

Revised 6.05.25.F.1 to clarify that solid waste disposal and solid waste management facilities are defined by the Florida Department of Environmental Regulation.

Added “Hazardous waste treatment, storage, disposal, and transfer facilities requiring permits under Chapter 62-730, F.A.C.,” to the list of prohibited uses in 6.05.25.F to be consistent with and further FDEP wellhead protection rule. Clarified that the prohibition does not apply to generators of hazardous waste that are subject to the performance standards in 6.05.25.H.

Removed “but only when located within the 5-year travel time contour” from the prohibition on underground storage facilities.

Revised 6.05.25..F.3 to allow the replacement of an existing underground storage tank system regulated under Chapter 62-761, F.A.C., within the same excavation, provided that the replacement underground storage tank system is installed with secondary containment as required in Chapter 62-761, F.A.C.

Added the following to Section 6.05.25.F for discussion:

The following uses are prohibited in the existing wellfield protection area.  
Should they be included in this ordinance?

4. Resource extraction activities, mines or mining activities.

Removed the following: “A contingency plan for all permitted facilities must be prepared for preventing regulated substances from contaminating the surficial aquifer should fire or other natural catastrophes, equipment failure, or releases occur.” As worded the requirement was vague with no specifications for such a contingency plan. In addition, the purpose of the development standards is to provide protection, such as secondary containment, to avoid contact between regulated substances and the aquifer should a spill occur.

Revised 6.05.25.H.1, removing “and distribution” to clarify that it is not the intent of the ordinance to disallow distribution centers.

Revised 6.05.25.H.1 to clarify that secondary containment is required for bulk, or unpackaged, storage and does not apply to the storage of packaged materials.

Revised 6.05.25.H.1 to clarify that secondary containment does not apply to materials applied in an outdoor setting as part of an approved activity’s landscaping maintenance plan.

Removed 6.05.25.H.3, performance standards for underground storage facilities as preempted by Chapter 376.317 F.S. Renumbered following sub-sections.

Added requirement for double-walled pipe to 6.05.25.H.3.

Added the word “transportation” to the list of activities required to meet state and federal standards in 6.05.25.H.4.

Revised 6.05.25.H.4 to clarify that when there is a conflict between state and federal standards and Section 6.05.25 the most restrictive regulation applies.

Revised 6.05.25.H.5 to clarify that areas where regulated substances are stored may drain to a public sewage utility system when approved by the sewer utility consistent with FDEP requirements.

Revised 6.05.25.H.6 to clarify that the washing of vehicles used to transport unpackaged regulated substances and equipment used in processing of regulated substances must be done in a self contained area (e.g. with recycling system) designed to ensure that hazardous materials do not reach the soil, a water body or a public sewage utility system unless approved by the sewer utility consistent with FDEP requirements.

Removed the word “disposal” from 6.05.25.H.7 since disposal of hazardous materials is prohibited.

Added “such as generators” to 6.05.25.H.9 to clarify the intent of the requirement.

Added biosolids disposal to 6.05.25.H.10 to be consistent with and further FDEP rule.

Added “reuse of reclaimed water that has received high-level disinfection is allowed when permitted under Part III of Chapter 62-610, F.A.C.” to 6.05.25.H.10 to be consistent with FDEP rule.

Revised 6.05.25.I.a to clarify that the term “transportation facilities” includes roads and rail lines, but does not include loading and offloading of regulated substances.

Removed commercial lawn maintenance businesses from the list of uses qualifying for a general exception in 6.05.25.I.

Added distribution of materials packaged for retail sale to the list of exempt uses in 6.05.25.I.

Added “substances regulated by the Food and Drug Administration; and substances use in a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual” to the list of exempt uses in 6.05.25.I consistent with federal rule.

Added the following exemptions to 6.05.25.I consistent with the FDEP rule:

d. Temporarily-located emergency equipment necessary to provide power to ensure a continuous supply on an emergency basis of public water supply, electrical power, sewer service telephone service, or other essential services are exempt consistent with Chapter 62-521.400(3), F.A.C. and do not require a general exemption application.

e. Discharge to groundwater from Florida Department of Environmental Protection approved remedial corrective actions for contaminated sites are exempt consistent with Chapter 62-521.400(3), F.A.C. and do not require a general exemption application.

Modified 6.05.25.K to read “Non-conforming uses, sites or facilities in operation at the time of adoption of this ordinance are allowed to continue operation. Any expansion, modification or alteration of non-conforming uses, sites or facilities shall be required to meet current Land Development Code requirements including the requirements of this section.”

Revised 12.13.02.B to allow the replacement of an existing underground storage tank system regulated under Chapter 62-761, F.A.C., within the same excavation, provided that the replacement underground storage tank system is installed with secondary containment as required in Chapter 62-761, F.A.C.

Revised 12.13.02.D to allow the replacement of an existing underground or above ground storage tank system regulated under Chapters 62-761 and 62.672, F.A.C., provided that the replacement underground or above ground storage tank system is installed with secondary containment and other applicable provisions as required in Chapter 62-761, F.A.C.

Revised Section 12.13.02.E to clarify that it is not the intent of the section to prohibit the transportation of hazardous materials through the wellhead protection zones.

Added language to Section 12.13.02.F and H to clarify that wastewater effluent percolation ponds and wet stormwater ponds are prohibited within the 500' wellhead protection zone.