

DRAFT

ORDINANCE 2012 - _____

AN ORDINANCE RELATING TO SANTA ROSA COUNTY, FLORIDA; AMENDING ORDINANCE 91-24 AS AMENDED; AMENDING ARTICLE 6.05.25 (FAIRPOINT REGIONAL UTILITY SYSTEM WELLFIELD OVERLAY DISTRICT AS SHOWN IN THE ATTACHED MAP; PROVIDING FOR CHANGES TO THE DISTRICT NAME AND THE DISTRICT BOUNDARIES; DEFINING ALLOWABLE, RESTRICTED, AND PROHIBITED USES AND ADDING PERFORMANCE STANDARDS FOR THOSE USES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

6.05.25 — Fairpoint Regional Utility System Wellfield Protection Area Overlay District

- A. ~~— Purpose: This overlay district is to provide an added degree of protection for the aquifer recharge area in the vicinity of the Fairpoint Regional Utility System's wellfield which is an important resource in providing potable water for the East Milton Area and the Fairpoint peninsula.~~
- B. ~~— District Boundaries: The Fairpoint Regional Utility System Wellfield Protection Area Overlay district is defined as that area bounded by the Okaloosa County line on the east, the Yellow River on the south, State Road 87 on the west, and US-90 on the north.~~
- C. ~~— Allowable uses: The allowable uses are those listed as permitted and conditional uses in the underlying zoning districts with the following exceptions:~~
- ~~— 1. Landfills;~~
 - ~~— 2. Resource Extraction activities;~~
 - ~~— 3. Underground fuel storage facilities;~~
 - ~~— 4. The bulk storage, handling or processing of materials listed as Hazardous and Extremely Hazardous on Table 302.4 of 40 CFR and Appendix A to 40 CFR part 355 respectively; and~~
 - ~~— 5. Mines or mining activities.~~

6.05.25 East Milton Area Wellfield Overlay District

as shown on the figures in Appendix A

- A. Purpose: This overlay district¹ is to provide an added degree of protection for the aquifer recharge area in the vicinity of the Fairpoint Regional Utility System and East Milton Water System wellfield which is an important resource in providing potable water for the Fairpoint peninsula and the East Milton Area. It is the intent of this overlay district to protect present and

water quality

future public potable water supply wells and wellfields from degradation by contamination from regulated substances.

B. Wellfield Overlay District Boundaries:

Option 1: Expand current wellfield district to include expansion area recommended by the consultant. In our opinion, this is the most restrictive to recruitment.

Option 2: Keep current wellfield area and create 2,000'/5 yr travel time wellfield around those wells outside the current district. Somewhat less restrictive than option 1.

Option 3: Replace current wellfield with 2,000'/5 yr travel time wellfield around all wells in the East Milton area

We support this option above the other two for the best relief to recruitment yet providing appropriate protection for supply wells. However,

CREATE WELLFIELD AREA DESCRIPTIONS FOR EACH OF THE THREE OPTIONS

The following text is the same for each option. we suggest including the following 12.13.02 requirements out to the 2,000-ft distance: D., E., and F. (B. is already included). Also,

we spotted the transportation prohibition is E. We believe this needs to be caveated relative to adjacent major transportation routes (e.g., SR 87). Also,

we'd suggest adding the BMP requirement for the aquifer recharge area.

degrade the water quality of public potable water supply wells and wellfields.

C. Definitions

Regulated substances.

1. Any liquid or water soluble substance or material that, by reason of its toxic, caustic, corrosive, or other properties that may cause harm to human health and the environment.

2. Regulated substances shall include, but are not limited to, those liquid or water soluble substances 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).

Resource Extraction Activities: Resource extraction includes the following activities consistent with LDC Section 12.06.03: mining activities, petroleum extraction, borrow pits, removal of sand from beaches or other areas containing such sand, mineral extraction (not including water) and quarries. Resource extraction does not include incidental excavation conducted pursuant to valid permits issued by Santa Rosa County for construction or development activities. (Note: This definition should be included only if a decision is made to prohibit resource extraction activities.)

We suggest adding definitions for the Overlay District, wellhead protection zone, and 2,000-foot buffer.

D. Applicability:

1. The provisions of this chapter shall apply to all new, non-residential development within the East Milton Area Wellfield Protection Overlay District.

2. In addition, the provisions of Section 12.13.02 shall apply to all new development within Wellhead Protection Zones, which are the 500 foot radius around public supply potable water wells, measured from the center of the wellhead. Where there is a conflict between Section 12.13.02 and this section, the more restrictive regulation applies.

We suggest "percolation pond" be clarified to address how this applies to stormwater ponds. This was problematic in the hypothetical examples.

E. Permitted uses: The uses allowed within the overlay district are those listed as permitted and conditional uses in the underlying zoning districts with the exception of those listed as prohibited in Section 6.05.25.F.

F. Prohibited uses: The uses prohibited within the overlay district include:

by the Florida Department of Environmental Protection (FDEP),

1. Solid Waste Disposal and Solid Waste Management Facilities as defined in Rule 62-701, F.A.C.;

Florida Administrative Code (F.A.C.)

2. Hazardous waste treatment, storage, disposal, and transfer facilities requiring permits under Chapter 62-730, F.A.C., and

but only when

3. Underground storage facilities located within 2,000 feet of a public supply water well, or the 5-year travel time area when known.

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. (we'd suggest including only in 2000-ft buffer)

~~5. Underground fuel storage facilities.~~ now adequately addressed in 3. above?

G. Permitting Requirements: An applicant for any permitted non-residential use that involves the use, storage, handling or disposal of regulated substances is required to meet the development standards found in Section 6.05.25.H; or receive a General Exemption approval, or a Special Exemption approval from the County.

General Exception approval will be granted concurrent with Site Plan approval upon demonstration of compliance with Section 6.05.25.I.

Special Exception approval may be granted by the Zoning Board upon demonstration of compliance with Section 6.05.25.J.

H. Development Standards: In addition to other applicable provisions of this code, an applicant must meet the following development standards as applicable:

easy to inspect (?)

1. The use of secondary containment is required for all storage and distribution of regulated substances. Such containment systems must be easily inspected and designed to intercept any leak or release from the primary containment vessel or structure. Secondary containment must be sized to accommodate 110% of the substance volume.

2. No nonresidential facility shall discharge any regulated substance, either directly or indirectly, into the soil or groundwater.

for regulated substances

3. New underground storage facilities within the Wellfield Overlay District shall meet the following requirements:

a. Double-walled tank and piping with continuous leak detection system in between the walls; or

b. An impervious secondary containment having monitoring well(s) or detector located therein; and

c. For each of the above options, it is required that the facility install, maintain, and monitor a groundwater testing system.

4. New underground facilities for ~~transportation~~ ^{just want to require double-walled pipe?} of regulated substances within the Wellfield Protection District shall be constructed to ensure no leakage into the soil or groundwater.

5. All ~~permitted~~ ^{,transportation,(?)} facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous materials. Where there is a conflict between the federal and state standards and this section, the most restrictive regulation applies.

6. Areas where regulated substances are stored shall not drain to the soil, a stormwater system, water body, or a sewage disposal system.

7. 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 sewage disposal system. This does not apply to discharges to a sewer that are approved by the sewer utility, consistent with Chapter 62-625, F.A.C (Pretreatment Requirements for Existing and Other Sources of Pollution). Water used in wash down areas shall be treated to remove contaminants prior to discharge consistent with Rule 62-660, F.A.C. (Industrial Wastewater Facilities).

8. All new commercial and industrial land uses that involve the use, handling, storage or disposal of regulated materials shall be required to prevent contact between the aforementioned materials and stormwater. Secondary containment does not apply to materials applied in an outdoor setting as part of an approved activity's landscaping maintenance plan.

9. Sites where fuel is dispensed shall be designed to contain fuel spills on site without contaminating stormwater systems, sewage disposal systems, soil, surface water or groundwater.

10. Fuel tanks or storage as part of permanently installed equipment shall be placed in a secondary containment device such that a fuel spill or leak will not reach the soil or a water body.

11. Wastewater treatment plants must meet FDEP requirements. Effluent or biosolids disposal cannot be located within 2,000 feet of a public supply water well, or the 5-year travel time area when known. Reuse of reclaimed water that has received high-level disinfection is allowed when permitted under Part III of Chapter 62-610, F.A.C.

I. General Exceptions: Facilities qualifying for General Exception approval are exempt from the permitting requirements of Section 6.05.25.H.

a. Facilities and activities qualifying for a general exemption include residential uses, public utilities (except effluent disposal from a wastewater treatment facility), commercial lawn maintenance businesses, parks, maintenance of office facilities, ~~retail sales~~, agriculture,

silviculture, transportation facilities such as roads and rail lines (loading and offloading of regulated substances is not exempt), and the like.

b. A general exemption application shall be required for any nonresidential activity claiming a general exemption under this section.

and providing evidence (?)

c. Such application shall be submitted as part of a Site Plan application and must contain a concise statement by the applicant detailing the circumstances upon which the applicant believes he would be entitled to a General Exception.

d. 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. Is fuel being stored within a 500-foot protection zone for the purposes of running pumps in a power outage? Is this ok w/County?

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.

J. Special Exceptions: Exemption from the requirements of Section 6.05.25.H may be granted by Special Exception, subject to the following requirements:

a. Special Exceptions will be process as outlined in Section 2.04.00.C. ...needs some wordsmithing.

b. The applicant must provide substantial scientific evidence that special or unusual circumstances and adequate technology exist to isolate the facility or activity from the potable water supply.

c. In granting the special exception, the Zoning Board may prescribe any additional appropriate conditions and safeguards which are necessary to protect the wellfield.

K. Non-Conforming Sites or Facilities: Any expansion, modification or alteration which would increase the storage, handling, use or production of regulated substances at an existing non-conforming site or facility shall be required to meet the development standards of Section 6.05.25.H or obtain General Exception or Special Exception approval as described above.

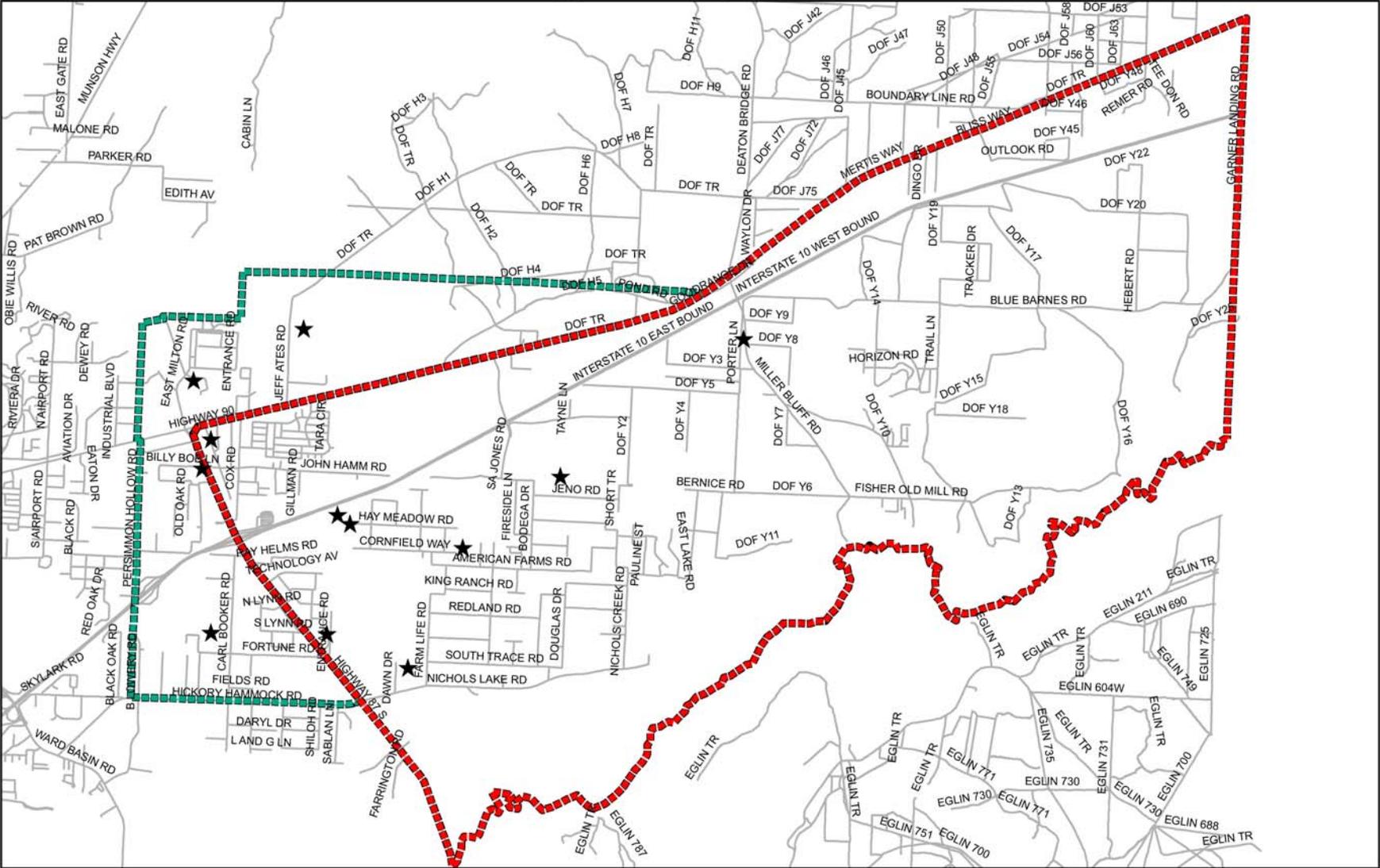
L. Non-conforming uses: Non-conforming uses in operation at the time of adoption of this ordinance are allowed to continue operation. Expansion of such uses that would increase the storage, handling, use or production of regulated substances is prohibited. This seems to negate K.

M. Variances: The Board of County Commissioners may grant a variance from one or more of the above requirements upon finding that the proposed facility would not create a risk to ground water quality. Variances will be processed consistent with Section 2.04.00.A.

N. Trade Secrets: The County shall not disclose any trade secrets of the permittee under this article that are exempted from such disclosure by federal or state law; provided, however, that the burden shall be on the permittee to demonstrate entitlement to such nondisclosure.

Appendix A
OPTIONS 1, 2, & 3

Appendix A - Option 1 Wellfield Overlay District with Expansion Area (?)



Legend

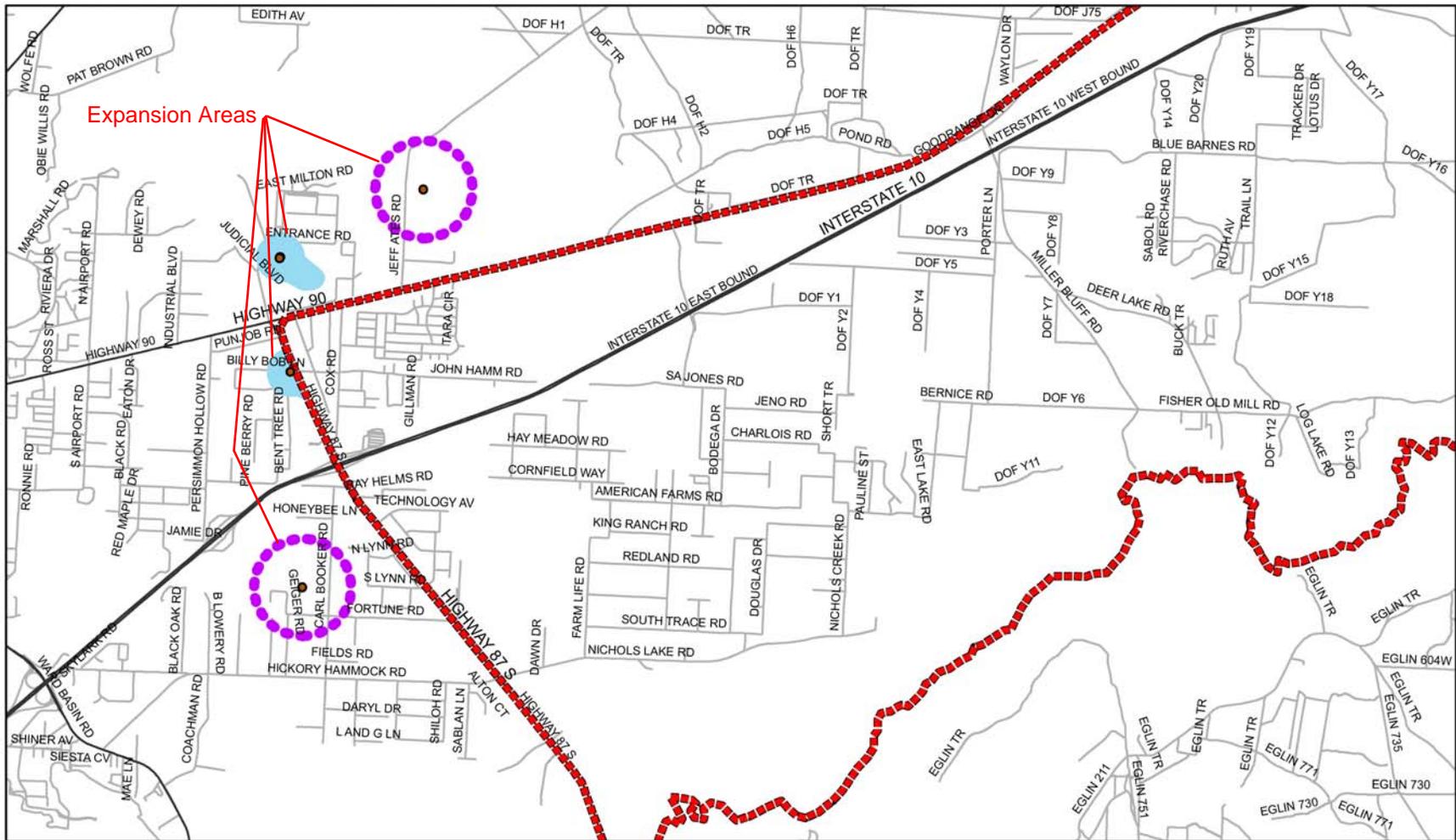
- ★ Wells
- Streets
- ▬ Current Wellfield Protection Area
- ▬ Wellfield Expansion Area



Miles



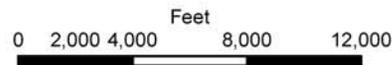
Appendix A - Option 2 Wellfield Overlay District with Expansion Areas (?)



Legend

- Main Roads
- Streets
- Wells Outside Protection Area
- Current Wellfield Protection Area
- Option 2 Wellhead Expansion Area
- Feature Description
- 2000' Buffer of Wellhead
- 5 Year Travel Time

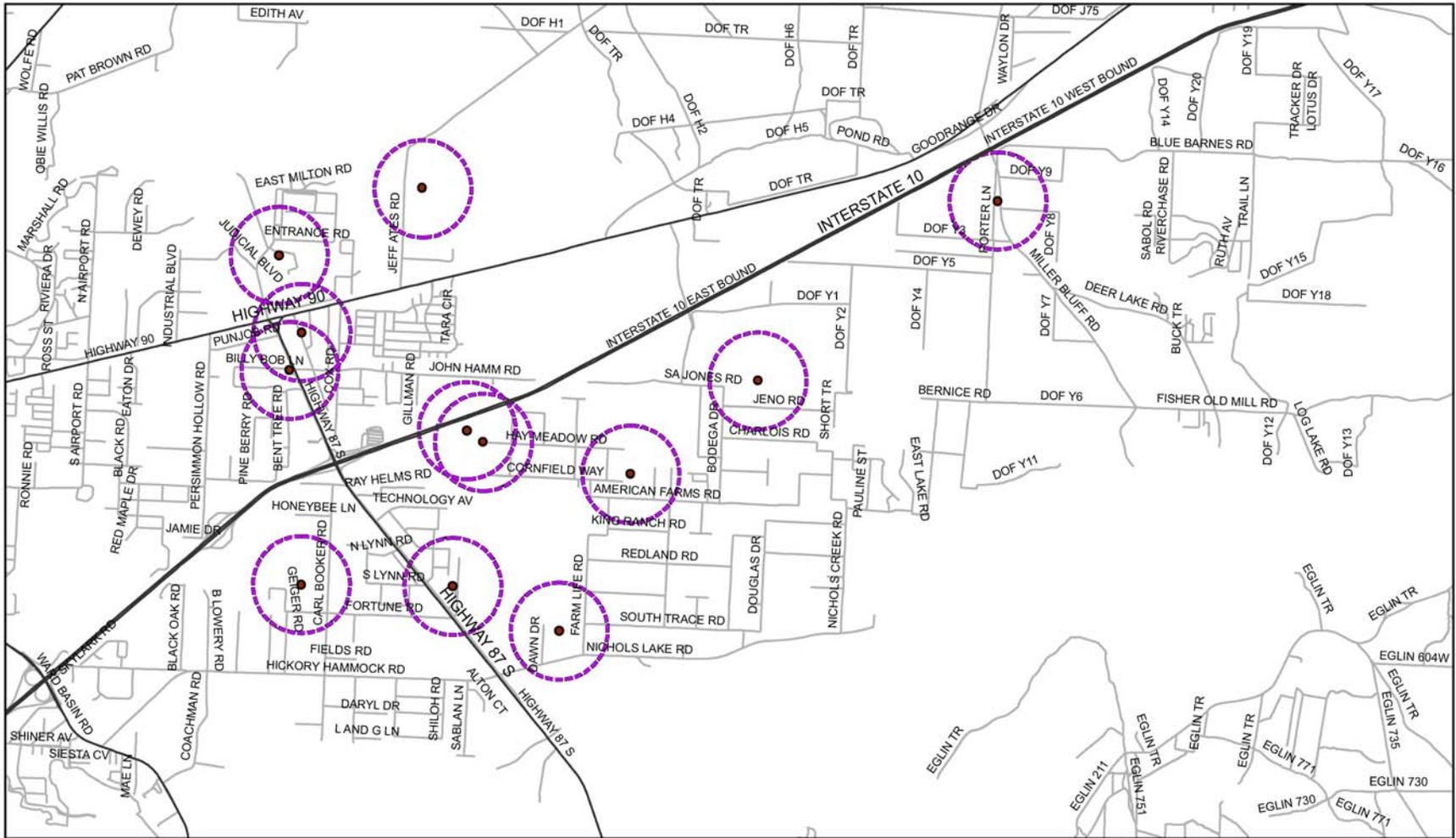
Current Wellfield Protection District (?)



Map Document: (C:\mav's-d-drive\mav\work
WellfieldProtectionArea\Option 2
November 2012.mxd)
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Define in text. Aren't these areas the Expanded Wellfield Protection District per Option 2?

Appendix A - Option 3 Wellfield Overlay District Areas (?)



This option is showing the Wellfield Protection District areas, right? Need a definition of "Buffer" in text.

Legend

- Main Roads
- Streets
- Wells
- ⊞ 2000 Ft Buffer Wells

