



Santa Rosa County Development Services



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Planning and Zoning Director

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Public Service Director

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MEMORANDUM

TO: Board of County Commissioners
FROM: Beckie Cato *BC*
DATE: June 19, 2012
RE: Proposed Wellfield Protection Ordinance

Enclosed please find the proposed Wellfield Protection Ordinance as recommended by the Zoning Board at their June 14th public hearing.

The proposed ordinance is the result of two years of work, beginning with the awarding of the EPA Environmental Justice grant on June 30, 2010. The grant funded the creation of an educational brochure and a GIS vulnerability analysis to determine the most appropriate extent of the wellfield protection area.

A workgroup was assembled to guide the process. They met 10 times between August 2010 and May 2012. Their role was to approve the initial RFQ's, recommend the selected consultant, review and approve the educational brochure, and review and provide comments on the consultants final report.

Based on information gleaned at the workgroup meetings along with significant research and evaluation, staff drafted the proposed ordinance.

The Zoning Board met three times to discuss the project, culminating with their public hearing on June 14th. They considered two options for the aerial extent of wellfield protection: (1) expansion of the wellfield protection district as shown on the enclosed map and (2) expansion of wellhead protection areas to include a 2,000 foot radius around each well or the 5-year travel time for each well when that information was available. The board voted 6-2 to recommend option number one. Option number one, expansion of the wellfield protection district, would provide protection to the aquifer for both existing wells and for future well locations. They also voted 6-2 to recommend approval of the proposed ordinance as written.

Ron Bartel, Director of the Resource Management Division of the Northwest Florida Water Management District made a presentation at the June 14th Zoning Board meeting regarding recent modeling work they have completed for the wellfield protection area. They now have the capability of determining travel time zones for each well and indicated they would be willing to conduct that analysis if requested by the County. The Zoning Board recommended that such an analysis be requested. The resulting information would allow for more specific delineation of protection areas for each well.

Enclosures: Proposed Wellfield Protection Ordinance
Wellfield Protection District Map

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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 PROTECTION AREA 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 East Milton Area Wellfield Protection 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 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 future public potable water supply wells and wellfields from degradation by contamination from regulated substances.

B. District Boundaries:

The East Milton Area Wellfield Protection Overlay District is defined as beginning at the intersection of Highway 90 and the Santa Rosa-Okaloosa County line follow the County line south to the Yellow River; follow the Yellow River in a generally southwesterly direction to State Highway 87 South; then follow State Highway 87 South northwesterly to Hickory Hammock Road; then follow Hickory Hammock Road westerly to the western boundary of section 17-1N-27; then follow the western boundary of Sections 17-1N-27, 8-1N-27, 5-1N-27, and 32-2N-27, then commencing at the southwest corner of section 29-2N-27 continue N0° for 2302.06 feet to the northern edge of the Gulf Power easement then N79° on the northern right-of-way for 1184.7 feet to the western edge of a Gulf Power easement, then proceed N23°03'30"W along the right-of-way for 143.6 feet to the southern boundary of the northern ½ of section 29-2N-27, then continue East along the southern half section line to the eastern boundary of section 29-2N-27, then north to the northeast corner of section 29-2N-27, then follow the northern section line of sections 28-2N-27, 27-2N-27, 26-2N-27, 25-2N-27 and 30-2N-26 easterly to the intersection with Highway 90; then follow Highway 90 easterly to the point of beginning. The Wellfield Protection Area Map in Appendix "A" is a graphic depiction of the district.

C. Definitions

Regulated substances.

1. Those deleterious substances and contaminants, including degradation and interaction products which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (nondegradability) in nature, or any other characteristic, may cause significant harm to human health and the environment (including surface water and groundwater, plants, and animals).
2. Regulated substances shall include, but are not limited to, those substances set forth in the lists, as amended from time to time, entitled Lists of Hazardous Wastes (40 CFR Part 261, Subpart D), 40 CFR, Part 261, Appendix VII – Hazardous constituents, and EPA designation Reportable Quantities and Notification Requirements for Hazardous Substances Under Circular (40 CFR 302, effective July 3, 1986); provided, however, that this article 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.
3. These regulations shall also apply if no single substance exceeds the above-referenced limits but the aggregate sum of all regulated substances present at one facility/building at any one time exceeds 100 gallons if said substances are liquids, or 500 pounds if said substances are solids.
4. These regulations shall apply to all underground storage facilities.
5. A generic list of Regulated Substances is provided in Appendix "B".

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, the more restrictive provisions apply.

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:

1. Solid Waste Disposal and Solid Waste Management Facilities as defined in Rule 62-701, F.A.C.;
2. Underground storage facilities located within 2,000 feet of a public supply water well;
3. Any use that qualifies as a Large Quantity Generator according to US Resource Conservation and Recovery Act.

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 obtain an Operating Permit, a General Exemption approval, or a Special Exemption approval from the County. The closure of such facilities will require a closure permit.

1. Operating Permits will be granted concurrent with Site Plan approval upon demonstration of compliance with Section 6.05.25.H.
2. General Exception approval will be granted concurrent with Site Plan approval upon demonstration of compliance with Section 6.05.25.I.
3. Special Exception approval may be granted by the Zoning Board upon demonstration of compliance with Section 6.05.25.J.
4. Closure Permit approval will be granted consistent with Section 6.05.25.I

H. Operating Permit Requirements: An operating permit application must be submitted as part of a site plan application and must meet the following regulations as applicable:

1. The use of secondary containment is required for all liquid 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 into groundwater, either directly or indirectly, into the soil or groundwater.
3. New underground storage facilities within the Wellfield Protection 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 of regulated substances within the Wellfield Protection District shall be constructed to ensure no leakage into the soil or groundwater.
5. New discharge to groundwater of treated domestic waste effluent meeting domestic wastewater plant class I reliability, daily monitoring to assure proper treatment plant process control, and 24-hour-a-day attendance by a wastewater operator as required by the Florida Department of Environmental Protection (FDEP) and under the general supervision of a class A certified wastewater operator, shall be allowed to operate provided that the discharge from such plant shall meet the groundwater criteria specified by FDEP prior to contact with

groundwater. Treated domestic waste effluent discharge employing land application shall be restricted to slow-rate infiltration methods.

6. All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous materials.

7. A contingency plan for all permitted facilities must be prepared for preventing hazardous materials from contaminating the surficial aquifer should fire or other natural catastrophes, equipment failure, or releases occur.

8. Areas where hazardous materials are stored shall not drain to the soil, a stormwater system, water body, or a sewage disposal system. The Planning Director or his/her designee, with input from the Engineering and Environmental Departments, may require that a sump or other device, as appropriate to address the contaminants of concern, be used to ensure protection of ground water quality.

9. All vehicle and equipment washing 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 were approved by the sewer utility, consistent with Chapter 62-625, F.A.C and Chapter 403, F.S.. Water used in wash down areas shall be treated to remove contaminants prior to discharge consistent with Rule 62-660, F.A.C.

10. All new commercial and industrial land uses that involve the use, handling, storage or disposal of hazardous materials or dangerous/extremely dangerous wastes, as defined in Table 302.4 of 40 CFR and Appendix A to 40 CFR part 355, shall be required to prevent contact between the aforementioned materials and stormwater. Secondary containment may not apply to materials applied in an outdoor setting as part of an approved activity's landscaping maintenance plan. This includes, but is not limited to, gas stations, fuel distributors, car/truck washes, trucking companies, asphalt plants and paint shops.

11. Fuel dispensing. - 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.

12. Gasoline and diesel powered generators. - Gasoline and diesel powered backup generators in a wellfield protection area shall be placed in a secondary containment device such that a fuel spill or leak will not reach the soil or a water body.

13. All new wastewater treatment facilities must be constructed and operated to advanced wastewater treatment (AWT) standards.

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, commercial lawn maintenance businesses, parks, maintenance of office facilities, retail sales and the like.

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

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.

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.

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. Closure Permit: Closure permit applications shall include a schedule of events to complete the closure of a facility that does or did store, handle, use, dispose, or produce regulated substances. At a minimum, the following actions shall be address:

a. Disposition of all regulated substances and contaminated containers.

b. Cleanup of the activity and environs to preclude leaching of unacceptable levels or residual regulated substances into the aquifer.

c. Certification by a professionally registered engineer or a geologist certified by the State that disposal and cleanup have been completed in a technically acceptable manner.

d. An agreement to indemnify and hold the County harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit.

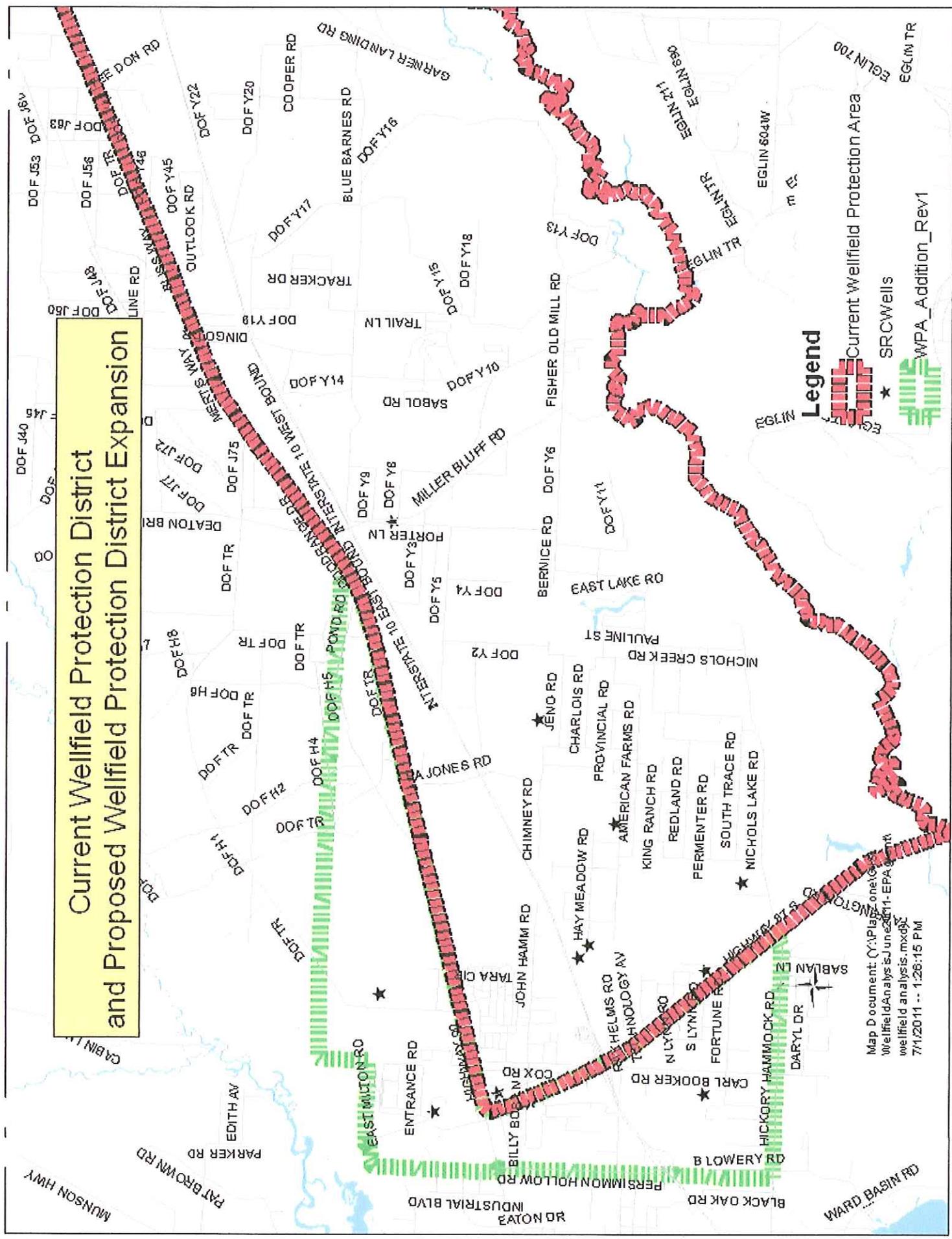
L. Non-Conforming Sites or Facilities: Any expansion, modification or alteration which would increase the storage, handling, use or production of regulated substances at an existing non-conforming site or facility shall require approval of an Operating Permit, General Exception, or Special Exception as described above.

M. Non-conforming uses: Non-conforming uses in operation at the time of adoption of this ordinance may be allowed to continue operation. Expansion of such uses that would increase the storage, handling, use or production of regulated substances is prohibited.

N. 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.

O. 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.

**Current Wellfield Protection District
and Proposed Wellfield Protection District Expansion**



Legend

-  Current Wellfield Protection Area
-  SRCWells
-  WPA_Addition_Rev1

Map Document: C:\MapInfo\one\GIS
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