

- (5) Secondary containment of regulated substances sufficient enough to preclude any loss to the external environmental shall be required.
- (d) Businesses that manufacture, store, or use regulated substances listed in section 94-63 that are not exempt as per section 94-64 shall not be allowed to locate within 200 feet of a public potable water supply well.
(Code 1988, § 26-6)

Sec. 94-30. Program funding.

For the purpose of this article, fees may be established by resolution so that user fees can be collected in order to establish a self-sufficient program.

(Code 1988, § 26-7)

Sec. 94-31. Remediation activities.

(a) Remediation activities involving already established contamination are described in section 94-93.

(b) Remediation activities involving injection/heat exchange wells are described in section 94-94.

(c) Any spill, regardless of the contaminant that occurs within 1,000 feet of any public supply well, shall be remediated by the responsible party within seven days. The following cleanup criteria shall apply:

- (1) Any affected groundwater 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. The disposal option should be identified if soils are to be removed from the site. Stockpiling contaminated soil indefinitely is not an option within 1,000 feet of a public supply well.
- (3) If any soil work is to be performed, all stormwater sedimentation erosion controls must be in place and approved by the city.

(Code 1988, § 26-8)

Sec. 94-32. Violations, notification, penalties and enforcement.**(a) Violations.**

- (1) *Noncompliance.* Failure to comply with the requirements of this article or any other state or federal regulations for the listed regulated substances shall be considered a violation of this article.
- (2) *Notice of violation.* Whenever a violation of a regulation has occurred, the inspector shall immediately issue written notice to the person in violation, identifying the nature and location of the violation, and shall specify that remedial action is necessary to bring the violation into compliance. The person in violation shall have

30 calendar days after the receipt of the notice or such longer time as may be specified in the notice to complete the remedial actions required to bring the activity into compliance with this article.

- (3) *Failure to comply after notice.* If the person in violation, including the property owner, fails to complete recommended remedial action within the time allowed, the city may refer such matter to the city's code enforcement board or may initiate any other enforcement action authorized by law.
- (4) *Immediate corrective actions.* Whenever it is determined by the inspector that a discharge of regulated substances is within 1,000 feet of a public supply well or is resulting in danger to life or property, the city may require immediate corrective action. Initiation of any required cleanup activities shall commence within 24 hours and shall be completed within a time specified by the city. Failure to take such immediate corrective action is a violation of this article. If immediate corrective measures are not taken and there is danger or hardship to the public, the inspector may enter upon lands, take corrective actions, and place a lien on the real property of such person to recover the costs of the corrective measures.

(b) Notification.

- (1) *Notice of violation.* A copy of any notice of violation issued pursuant to this article shall be served upon the affected persons by either personal 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 noncompliance is occurring or to any person actually physically committing the violation. When immediate corrective actions are warranted under subsection (a)(4) of this section, reasonable effort shall be made to provide notice as specified in this subsection. But when such notice cannot be immediately effected thereby, sufficient notice may be given by physically

leaving a copy of the notice or order at the address of the owner of the property or with any person at such address who is 18 years of age or older and informing such person of the contents of the notice or order.

- (2) *Notice of compliance.* Upon satisfactory completion or corrective action and remedial steps required by a notice of violation, the city or the state department of environmental protection shall forthwith issue a notice of compliance or a site rehabilitation completion order if the site was governed by F.A.C. ch. 17-770. The notice of compliance shall cancel the notice of violation.
- (3) *Lien.* Any lien determined under the authority of this article shall be imposed only after actual or constructive notice to the owner of the property upon which the lien is sought to be imposed, and such person shall be given a reasonable opportunity to be heard. Such lien shall be recorded with the clerk of the circuit court and may be enforced under F.S. ch. 85.
- (c) *Penalties.*
 - (1) *Generally.* Any person violating any section of this article shall be punished according to law or in accordance with the findings of the city's code enforcement board. Each day any violation continues shall be a separate offense.
 - (2) *Building permits.* No building permit shall be issued for a site while any violation of this article exists on the site. A building permit shall not be issued to any business that manufactures, stores, or uses regulated substances as listed in section 94-63 that are not exempt as per section 94-64, if such business is within 200 feet of a public potable water supply well.
 - (3) *Injunctions.* Any affected person may seek an injunction against any violation of this article and recover from the violator such damages as he may suffer, including but not limited to the damage to property as a result of a release of regulated substances.

(d) *Enforcement.* This article shall be strictly enforced in accordance with the enforcement procedures established in division 2 of article II of chapter 2 and any established federal or state enforcement procedures.

(Code 1988, § 26-9)

Secs. 94-33—94-60. Reserved.

DIVISION 2. AQUIFER/WELLHEAD PROTECTION, IDENTIFICATION OF POTENTIAL SOURCES

Sec. 94-61. Registration.

(a) Any business located within 500 feet of the city's potable water supply wells that manufactures, stores, or uses regulated substances listed in this division in quantities equal to or greater than five gallons if liquid or 25 pounds if solid shall be required to register on forms provided by the city.

(b) Any businesses that are registered under any other state or federal program shall be registered by a transfer of records and will not be required to complete a city registration form.

(Code 1988, § 26-4.1)

Sec. 94-62. Prohibited locations.

Any business that manufactures, stores, or uses regulated substances listed in this division in quantities equal to or greater than five gallons if liquid or 25 pounds if solid shall be prohibited from locating within 200 feet of the city's potable water supply wells.

(Code 1988, § 26-4.2)

Sec. 94-63. Regulated substances and businesses.

(a) Regulated substances.

- (1) The discharge of regulated substances in a manner that may cause groundwater pollution shall be a violation of this article.

- (2) Regulated substances shall include substances which have one or more of the following characteristics:
- a. Substances, including degradation and interaction products, which because of quality, concentration or physical or chemical characteristics (including ignitability, corrosivity, reactivity and toxicity), infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (nondegradability) in nature, or any other characteristic relevant to a particular material may cause significant harm to human health or the environment, including surface water and groundwater, plants or animals;
 - b. Those substances set forth in the lists, as amended from time to time, entitled "Lists of Hazardous Waste" (40 CFR 261, subpart D), 40 CFR 261, appendix VIII—Hazardous Constituents, and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA (40 CFR 302); or
 - c. Known hazardous and toxic properties as listed in 40 CFR 302 by the EPA;
 - d. Priority toxic pollutants listed in 40 CFR 122.21 by the EPA;
 - e. Are restricted-use pesticides as that term is used in F.S. ch. 487, and which are listed in F.A.C. chs. 5E-2 and 5E-9; or
 - f. Water which contains total dissolved solids (TDS) in excess of 1,000 parts per million (ppm) and chlorides in excess of 500 ppm.

(b) *Types of regulated businesses.* The list of businesses in this subsection, for the purpose of this article, may manufacture, store, or use regulated substances. All businesses listed in this subsection shall register following the registration

procedures in section 94-61, unless specifically exempted in section 94-64. The Standard Industrial Classification (SIC) code for each listed business activity is provided for use on the well-head protection registration forms and for use on city occupational license forms. The businesses shall be as follows:

| <i>SIC Codes</i> | |
|---|------|
| Acrylic Resins/Manufacturing | 2821 |
| Agricultural Chemical Warehouse and Distribution | 5191 |
| Aircraft/Airline Services | 5172 |
| Asphalt Batching Plants/Pavers/Asphalt Products | 3531 |
| Automobile Repair Facilities Using or Dispensing Fuels, Greases, Oils or Solvents | 7538 |
| Automobile Paint and Body Shops | 7532 |
| Automobile Parts and Supplies | 5013 |
| Automobile Rental | 7514 |
| Automobile Leasing | 7515 |
| Automobile Sales Facilities (New) | 5511 |
| Automobile Sales Facilities (Used) | 5521 |
| Battery Sales | 5531 |
| Battery Manufacturing | 3692 |
| Boat Sales | 5551 |
| Boat Repair Facilities | 4493 |
| Boat Manufacturing | 3732 |
| Building Materials Production/Sales Facilities | 5932 |
| Bus Lines/Repair Shops | 4111 |
| Cabinet Makers and Distributors | 2434 |
| Carpet Cleaners | 7217 |
| Chemical Manufacturing Plants | 2833 |
| Chemical Warehousing and Distribution Facilities | 5169 |
| Cleaning Supplies Manufacturing | 2842 |
| Commercial Laundries | 7211 |
| Concrete Products/Ready Mix Sales | 5032 |
| Contamination Control Companies/Waste Management Service Companies | 9511 |
| Contractors Equipment Sales and Rental | 7353 |
| Dry Cleaning Establishments | 7215 |
| Electrical and Electronic Manufacturing | 4911 |
| Electroplaters, Circuit Board Manufacturers or Metal Finishers | 3548 |
| Engine Repair Facilities (Small) | 7699 |
| Equipment/Tool Rental Operations | 7359 |
| Fire Extinguisher Repair Operations | 7389 |

| <i>SIC Codes</i> | <i>SIC Codes</i> | |
|---|------------------|--|
| Funeral Homes | 7261 | Wastewater Treatment Facilities |
| Furniture Manufacturers and Refinishers | | 9511 |
| Geotechnical Testing/Building Products | | Wood Preserving/Wood Treatment Facili- |
| Testing Laboratories | 8734 | ties |
| Golf Courses | 7992 | 2491 |
| Hydraulic Equipment Sales and Service | | (Code 1988, § 26-4.3) |
| Facilities | 5085 | |
| Industrial Manufacturing Facilities | 6512 | |
| Janitorial Suppliers | 5087 | |
| Junkyards/Automotive Wrecking for Scrap | 5093 | |
| Laboratories— | 7384 | |
| Photo | 8731 | |
| Chemical | 8731 | |
| Industrial | 8731 | |
| Environmental | 8071 | |
| Dental X-Ray | 8071 | |
| Medical | 8071 | |
| Machine Shops | 3599 | |
| Manufacturers Using Acids, Caustics, or | | |
| Solvents | 8611 | |
| Medical Facilities and Medical Related | | |
| Manufacturing | 8733 | |
| Metal Fabricators | 3441 | |
| Paint Manufacturers | 2851 | |
| Paint Stores | 5231 | |
| Painting Shops | 7532 | |
| Pest Control Operations and Structures | 7342 | |
| Pest Control for Lawns or Forests | 0782 | |
| Petroleum Products Production, Storage, | | |
| and Bulk Distribution Facilities | 5171 | |
| Plant Nurseries | 5261 | |
| Pool Maintenance Companies | 7389 | |
| Printers— | 2731 | |
| Blueprinters | 7334 | |
| Tee Shirt Screen Printers | 5699 | |
| Roofers | 1761 | |
| Scrap Metal Yards | 5093 | |
| Service Stations and Fuel Depots | 5541 | |
| Sign Companies | 7389 | |
| Soap and Detergent Manufacturers and | | |
| Distributors | 2841 | |
| Tractor Sales | 5084 | |
| Tractor Service | 7699 | |
| Transformer Use and Storage Areas | 5063 | |
| Trucking/Transport Companies | 4231 | |
| Water Conditioning Companies | 5074 | |
| Water Treatment Facilities | 4952 | |

Sec. 94-64. Exemptions from registration.

The following categories shall be exempt from only the registration requirements of this article, provided that all listed conditions are met. All establishments that use regulated substances are required to meet or exceed all groundwater protection sections of this article, even if registration is not required:

- (1) *Emergency services.* Existing fire, police and emergency medical services shall be exempt.
- (2) *Continuous transit.* The transportation of any regulated substance shall be exempt from registration under this article, provided the transporting motor vehicle is in continuous transit. If the transporting device containing regulated substances is stored for a period greater than or equal to one week (seven days), it shall be considered stationary and must be registered. The transport of regulated substances through existing permanent pipelines is also exempt, provided that the current use is not changed and provided that leak detection and monitoring are employed.
- (3) *Vehicular and lawn maintenance fuels and lubricants.* The use in a vehicle or lawn maintenance equipment of any regulated substance solely as fuel in that vehicle or equipment fuel tank or as lubricant in that vehicle or equipment shall be exempt from registration. Extreme care must be taken to prevent spillage or discharging fuels and lubricants to soils, groundwater, or surface water.
- (4) *Retail/wholesale sales activities.* Retail/wholesale sales establishments that store and handle regulated substances for resale in their original unopened containers shall be exempt from registration require-

- ments, provided that no individual container or regulated substances exceeds five gallons if liquid or 25 pounds if solid.
- (5) *Office use.* Office uses, including the use of regulated substances for the maintenance and cleaning of office buildings shall be exempt.
- (6) *Residential.* The use of commonly used regulated substances for cleaning, maintaining, pest control, and any other strictly residential use shall be exempt.
- (7) *Construction activities.* The activities of constructing, repairing or improving any facility shall be exempt from registration under this article, provided that all contractors, subcontractors, laborers, materialmen and their employees when using, handling, storing, or producing regulated substances use those applicable best management practices.
- (8) *Special exemptions.* An affected person may request a special exemption from the requirements of this article. In order to obtain such an exemption, such person must demonstrate by a preponderance of competent substantial evidence to the city that special or unusual circumstances and adequate technology exist to isolate the facility or activity from soils, groundwater, or surface water. In granting the special exemption, the city may prescribe any additional appropriate conditions that are necessary to protect soils, groundwater, or surface water.

(Code 1988, § 26-4.4)

Secs. 94-65—94-90. Reserved.

**DIVISION 3. AQUIFER/WELLHEAD
PROTECTION MEASURES**

Sec. 94-91. Facility inspections by city personnel.

- (a) Inspectors are authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this article, including nonresidential buildings, structures, and

land within the city, in order to determine if applicable sections of this article are being followed.

(b) Inspections may be made without notice, and refusal to allow such an inspection shall be sufficient grounds for enforcement procedures and penalties.

(c) If a person who has common authority over a building, structure or land shall not permit an inspection, the inspection shall be rescheduled and shall be noticed by United States certified mail. Failure of such person to thereafter permit an inspection shall 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 such premises.

(d) If a building, structure or land appears to be vacant or abandoned and the property owner cannot be readily contacted in order to obtain consent for an inspection, the inspector may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection thereof.

(e) The inspector shall be provided with official identification and shall exhibit such identification when making any inspection.

(f) It shall be the duty of all law enforcement officers to assist in making inspections when such assistance is necessary.

(Code 1988, § 26-5.1)

Sec. 94-92. Reporting of spills.

For the purpose of this article, any discharge of a regulated substance of five gallons (liquid) or 25 pounds (solid) to the soil, surface water, or groundwater in the city shall be reported by the facility owner or operator to the city fire department. Any person knowing or having evidence of a discharge shall report such information. If the substance discharged is known, the owner, operator, or person providing notification shall inform the city's fire department of the substance discharged and the hazard potential if known.

(Code 1988, § 26-5.2)

Sec. 94-93. Investigation and monitoring of suspected or known spills.(a) *Investigation of contamination or discharge.*

If, during inspection by city personnel pursuant to this article, a facility is found to have visible signs of contamination or if a reportable discharge occurs that may affect soil, surface water or groundwater, the facility owner shall conduct an investigation which may include soil boring, soil sampling and analysis, and monitoring well installation following the procedures of this section.

(b) *Applicable rules and guidelines.* Petroleum and petroleum product contamination shall follow the procedures established in F.A.C. ch. 17-770. Established state department of environmental protection enforcement cases shall follow FDEP's Model Orders for Corrective Action or the procedures established by consent order. All other regulated substances shall follow procedures set forth by the county environmental protection department on a case-by-case basis. Sampling procedures and laboratory analysis shall meet the requirements of F.A.C. ch. 17-160.

(c) *Soil borings/well monitoring installation.*

- (1) *Soil borings.* Soil samples obtained from soil borings shall be field tested for visual and vapor/liquid phase contamination according to F.A.C. ch. 17-770, or for volatilization if the regulated substance has the potential to volatilize using an organic vapor analyzer or a photoionization detector. Any other regulated substance shall be field or laboratory tested for parameters that are diagnostic for the chemical discharged. No soil boring may be drilled to a depth greater than 50 feet without the permission of the city. 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.
- (2) *Monitoring well installation.* If any soil sample is found to be contaminated, the contamination must be delineated in a horizontal and vertical direction and

remediated. If the water table is intercepted through the soil contamination delineation such that groundwater contamination may have occurred, a monitoring well shall be installed in the contaminated area and a groundwater analysis for the diagnostic constituents of the discharged substance must be performed by a state-certified lab. If, during laboratory analysis, groundwater contamination is detected, a sufficient number of monitoring wells shall be installed so that groundwater contamination is delineated in both a horizontal and vertical direction. All monitoring wells must be drilled by a licensed well driller who shall obtain a permit from the South Florida Water Management District or St. Johns River Water Management District. All other procedures shall follow those established by the county environmental protection department. This shall include but not be limited to the following: sampling frequency, site rehabilitation, closure of groundwater, monitoring wells and monitoring requirements.

- (3) *Contamination of potable drinking water sources.* Any discharge of a regulated substance that is proven to contaminate a public or private potable well shall be remediated by the regulated substance property owner or operator at his own expense, including but not limited to costs associated with reporting; technical report preparation; providing alternative potable water sources; monitoring groundwater contamination in public, private, and monitoring wells; and any action taken by local officials to respond to and provide assistance to the responsible party.

- (4) *Identification of existing sources.* The well-head protection program shall undertake the identification of existing sources and may perform investigative procedures, remedial action, or any other action necessary to protect the Floridan Aquifer at the property owner's expense if the property owner of record does not undertake the prescribed investigative procedures resulting from a property inspection.

(Code 1988, § 26-5.3)