CHECKLIST B: THE REQUIRED ANNUAL REVIEWS OF WRITTEN STANDARD OPERATING PROCEDURES (SOPs) & PLANS
The permit requires annual review, and revision if needed, of written Standard Operating Procedures (SOPs) and plans (e.g., public education and outreach, training, inspections). Please indicate your review status below. **If you have made revisions that need DEP approval, you must complete Section VIII.A of the annual report.**

Permit Citation	Description of Required SOPs / Plans
Part III.A.1	SOP and/or schedule of inspections and maintenance activities of the structural controls and roadway stormwater collection system.
Part III.A.2	SOP for development project review and permitting procedures and/or local codes and regulations for new development / areas of significant development.
Part III.A.3	SOP for the litter control program.
Part III.A.3	SOP for the street sweeping program.
Part III.A.3	SOP for inspections of equipment yards and maintenance shops that support road maintenance activities.
Part III.A.5	SOP for inspections of waste treatment, storage, and disposal facilities not covered by an NPDES stormwater permit.
Part III.A.6	Plan for public education and outreach on reducing the use of pesticides, herbicides and fertilizer.
Part III.A.6	SOP for reducing the use of pesticides, herbicides and fertilizer, and for the proper application, storage and mixing of these products.
Part III.A.7.c	Plan for proactive illicit discharge / connections / dumping inspections.*
Part III.A.7.c	SOP for reactive illicit discharge / connections / dumping investigations.
Part III.A.7.c	Plan for illicit discharge training.
Part III.A.7.d	SOP for spill prevention and response efforts.
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Part III.A.8	SOP for inspections of high risk industrial facilities.
Part III.A.9.a	SOP for construction site plan review for stormwater, erosion and sedimentation controls, and ERP and CGP coverage.
Part III.A.9.b	Plan for inspections of construction sites.*
Part III.A.9.c	Plan for stormwater, erosion and sedimentation BMPs training.

POLK COUNTY MS4 STANDARD OPERATING

PROCEDURES

NPDES PERMIT No. FL 000015-003

Implemented through the

PARKS & NATURAL RESOURCES DIVISION

Water Resources Section

Stormwater Quality Program

The purpose of the manual is to provide consistency in implementing the Stormwater Management Program developed for the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit issued by the Florida Department of Environmental Protection for Polk County's Municipal Separate Storm Sewer System (MS4). It is designed to establish the procedural guidelines for compliance with the NPDES permit requirements by County staff.

The manual is divided into five separate Parts addressing information in the areas of: Policies, NPDES Stormwater Program Implementation, Storm Event Monitoring, Reporting, and Compliance with Water Quality Standards for Stormwater Discharges from the MS4.

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Part I. POLICIES

The following Section provides the policies for use by the County Staff for implementing the NPDES MS4 Permit requirements.

1 -- Public Records

Requests for information from the public shall be addressed as soon as possible. All records shall be made available for review during normal working hours. Stormwater Quality Program personnel must be present during the review for assistance and to provide copies of any documents as requested. Copies of any file records or e-mails requested shall be provided to individuals requesting information by contacting the County's Records Management Office by telephone at (863) 534-7515 or through a written public records request at: Records Management Office

330 West Church Street
P.O. Box 9005, Drawer AS04
Bartow, FL 33830

A request can also be made by completion of the Public Records Request on the internet http://www.polk-county.net/subpage.aspx?menu_id=42&id=10622 on the County website, or by e-mail to the Records Management Office at RMLO@Polk-County.net . Costs for copying records shall be paid in accordance with the fee schedule adopted by the Board of County Commissioners.

2 -- Stormwater Quality Program Procedure Manual Implementation

Implementation of Polk County's Stormwater Management Program shall comply with the requirements of the NPDES MS4 permit issued by the Florida Department of Environmental Protection (FDEP). The method of implementation shall be in accordance with the most current version of this manual.

3 -- BMP's for Stormwater Conveyance Systems Ditch Cleaning and Maintenance Policy

The policy for implementation of BMP's during the cleaning and maintenance of stormwater conveyances is included in Appendix A.1 at the end of this manual.

5 -- Limited Confined Space Entry Policy

The policy for limited confined space entry during inspection and maintenance of the MS4 is included in Appendix A.2 at the end of this manual.

6 -- NPDES Compliance Enforcement

The policy for enforcement of the NPDES requirements has been modified per the September 12, 1996 County Manager Memorandum which is included along with the policy in Appendix A.3 at the end of this manual.

7 -- Emergency Response for Discharges to State Waters and MS4's

The policy for providing emergency response to address discharges of materials other than stormwater to Waters of the State or to the MS4 is included along with the policy in Appendix A.4 at the end of this manual.

8 – Methodology for Selecting Locations for Street Sweeping

This document was prepared as guidance for staff to follow in considering potential drainage basins in developing a priority ranking for locations to conduct street sweeping. The guidance is to provide consistency in evaluating the County maintained MS4 for providing this service to obtain optimal results in pollutant load reductions from the discharge of stormwater.

Part II. Stormwater Management Program Implementation

The following Section provides procedures for use by the County Staff for implementing the NPDES MS4 Permit requirements and is to be updated on an annual basis.

Section 1 – Structural Controls and Stormwater Collection Systems Operation

Structural controls are defined as the stormwater treatment components of the MS4 generally consisting of: stormwater ponds, exfiltration trenches, permitted grass swales, under-drain filter systems, alum treatment systems, pollution control boxes, stormwater pump stations, and major outfalls from the MS4. The definition also includes all of the associated components including the outfall control structures. The discharge point from these facilities is considered an MS4 outfall where it discharges to state waters.

1.1 NPDES/MS4 Structural Control Inspection

This section contains the information developed to provide field personnel guidance in performing inspections, as required by Polk County's NPDES/MS4 Permit, in order to achieve consistency in determining compliance with applicable Polk County ordinances.

(a) Inspection Schedule (in accordance with NPDES Permit Table II.A.1a)

Inspections of the MS4 structural controls are conducted by the County's Stormwater Quality Program staff as well as the Transportation Engineering staff. The frequency of inspection of the various structural controls is specified in the MS4 permit and generally required annually for the first two years of operation with a decrease in the frequency to coincide with the recertification schedule in the ERP for the facility. An increased frequency is required for the following facilities: Alum treatment systems – monthly, pollution control boxes – quarterly, and stormwater pump stations – semi-annually.

(b) Inspection Report Forms

Inspections are conducted by the Parks and Natural Resources Division for stormwater retrofit projects and by the Transportation Division for roadway related facilities. Inspections are documented on the forms used by each Division and included in Appendix D.1and D.2 respectively. The inspection information is to be entered electronically into the structural control inspection database of each Division and shall include the name of the inspector and the date the inspection was conducted.

(c) Inspection Procedures

Inspections are to be scheduled in accordance with the frequency required by the MS4 permit with a complete site inspection being conducted for each listed facility. Inspectors shall evaluate the overall condition of the facility and note any operational conditions that require maintenance on the inspection report form. The perimeter of the site shall be evaluated for safety, and proper fencing for any facilities that are gated to limit public access. The completed inspection report shall be filed electronically with a copy forwarded to the appropriate maintenance entity to address any issues noted during the inspection.

1.2 NPDES/MS4 Structural Control Maintenance

Incidental maintenance of the off-road drainage structural controls shall be conducted by the Stormwater Quality Program staff during inspection of the facilities and shall include removal of debris and cleaning of the outfall structure to assure proper operation. Maintenance of the roadway drainage structural controls is coordinated through the Roadway Maintenance Section of the County's Transportation Division. Additional maintenance needs identified during inspections shall be referred to the appropriate maintenance entity.

(a) Maintenance Schedule (in accordance with NPDES Permit Table II.A.1a)

Maintenance required by the MS4 permit shall be scheduled in accordance with the frequency established by the permit. Routine maintenance is generally performed under contract through an annual bid and includes: mowing of pond banks and removal of litter from the site. Additional maintenance for control of invasive exotic vegetation, removal of sediment from sump areas as needed, repair of eroded areas, repair or replacement of any structural components of the system such, as bleed down orifice piping or under-drain filter system inspection ports will need to be scheduled with the appropriate maintenance entity (either by County staff or contractors).

(b) Maintenance Report Forms

Maintenance performed by the Stormwater Quality Section Staff during routine inspection of structural controls is documented on the Structural Control Inspection and Maintenance Report form included in Appendix D.1 for annual reporting. Maintenance performed by the Drainage Operations staff is documented on the Drainage Operations Field Report form included in Appendix D.3 and entered electronically into the Drainage Maintenance Database. A structural control inspection shall be completed following completion of maintenance activities using the inspection report form included in Appendix D.1 noting the maintenance that has been completed.

1.3 Roadway Stormwater Collection and Treatment System Inspection

This section contains the information developed to provide field personnel guidance in performing inspections of the MS4 collection system components as required by Polk County's NPDES/MS4 Permit.

(a) Inspection Schedule (in accordance with NPDES Permit Table II.A.1a)

Inspection of the roadway stormwater collection system is conducted by the Drainage Asset Management staff of the County's Transportation Engineering Division. This includes the storm sewer inlets, catch basins, grates, ditches, conveyance swales on other stormwater conveyances. Inspection of 10% of the MS4 collection system components shall be performed each year with complete inspection of all system components every 10 years.

(b) Inspection Report Forms

Inspections of the collection system are documented using the Hansen Work Order Management System form included in Appendix D.4. Inspection information is entered electronically into the roadway maintenance inspection database include the date the

inspection was conducted and identify any deficiencies for scheduling required maintenance.

(c) Inspection Procedures

Inspectors shall evaluate the overall condition of the collection system components and note any operational conditions that require maintenance on the inspection report form.

1.4 Roadway Stormwater Collection and Treatment System Maintenance

(a) Maintenance Schedule (in accordance with NPDES Permit Table II.A.1a)

Maintenance required by the MS4 permit shall be scheduled in accordance with the frequency established by the permit. Routine maintenance is generally performed under contract through an annual bid and includes: mowing of pond banks and removal of litter from the site. Additional maintenance for repair or replacement of any structural components of the system such, as piping, inlets, or manholes may be contracted to a commercial entity.

(b) Maintenance Report Forms

All maintenance work shall be documented on the forms included in Appendix D.3 and D.4 and entered electronically into the roadway maintenance database by the County's Transportation Engineering Division.

Section 2 -- Areas of New Development and Significant Redevelopment

The following Section provides procedures in use by the County Staff for addressing development activities relative to the NPDES MS4 Permit requirements.

2.1 Documentation of Project Reviews and Approvals of Development Activities

Applications are submitted to the County's Land Development Division for review of commercial and residential development plans in accordance with the County's Land Development Regulations (LDR's). Projects that meet the application requirements are assessed by the Development Review Committee to assure they comply with all County standards prior to submittal to the County Commission for approval. A database has been established to track each project submittal throughout the review and approval process.

2.2 Review of Land Development Regulations to Encourage Low Impact Design (NPDES Permit Year 2)

During Year 2 of the permit staff from the Land Development Division will meet with the County's NPDES Coordinator from the Parks and Natural Resources Division to discuss potential changes to the LDR's that will further reduce stormwater impacts from areas of new development or significant redevelopment. Discussions are to be centered around potential changes that will result in reductions in the amount of impervious surfaces, the use of swales, incorporation of low impact development principles, reduction in flow and volume of stormwater, increases in natural hydrology, and incorporation of Florida Yards and Neighborhoods program principles into new landscaping.

A summary report of the discussions is to be produced for inclusion in the Year 2 Annual Report for submittal to the FDEP. The report will include a description of all the local code and regulation citations reviewed, a description of the current and proposed techniques to reduce stormwater impacts from development, a description of the planning techniques recommended for possible future incorporation into the LDR, and a plan for implementing changes to the regulations.

2.3 Reporting on the Progress to Reduce the Stormwater Impacts of Development (NPDES Permit Year 4)

During Permit Year 4 staff from the Land Development Division will meet with the NPDES Coordinator from the Parks and Natural Resources Division to discuss the changes that have been implemented from the Year 2 summary report. A follow-up report is to then be prepared to summarize the changes for submittal to the FDEP with the Year 4 Annual Report.

Section 3 – Roadways

The following Section provides procedures in use by the County Staff for addressing roadway repair and maintenance activities relative to the NPDES MS4 Permit requirements.

3.1 Litter Control for Public Roads and Rights-of Way

Control of litter along the road right-of-way is addressed by the Roadway Maintenance Section of the County's Transportation Division. There are six (6) Roadway Maintenance Units located strategically throughout the County (Lakeland, Auburndale, Dundee, Frostproof, Fort Meade, and Mulberry). Each unit is equipped with solid waste collection stations to temporarily store litter collected during routine maintenance of the MS4. The Sheriff's office provides assistance in litter collection by coordinating the use of inmates for weekend collection events. The litter is collected in plastic bags and placed in a central location for collection by the maintenance units at the beginning of the week. This material is then transported to the County's landfill for disposal.

An Adopt–A-Highway program has been developed that enlists the help of local organizations to patrol a one-mile stretch of road right-of-way for weekend litter collection events. The material is placed in plastic bags which are collected at the beginning of the week by the Roadway Maintenance units and transported to the County's landfill for disposal. The County also supports Keep Polk County Beautiful which is a non-profit organization that provides public education on litter control and conducts periodic community events to collect litter throughout the County. The number of miles cleaned and the total amount of litter collected from each of these activities is recorded for reporting purposes.

3.2 Street Sweeping

Private companies are contracted to perform street sweeping activities of select roads and intersections on an as-needed basis. In addition, an Annual Bid to conduct street sweeping on a monthly basis throughout the priority watersheds for which TMDL's is being administered by the Parks and Natural Resources Division. The contract requires sweepers equipment be provided with GPS equipment for verification of the areas serviced as well as reporting on the amount of material collected within each watershed in order to perform pollutant load reduction calculations for reporting to FDEP. The selection of drainage basins for sweeping is in accordance with the guidance document titled "Methodology for Selecting Locations for Street Sweeping" which is included as Appendix A.5 at the end of this procedures manual.

3.3 Roadway Maintenance Best Management Practices for Stormwater

The majority of work conducted for repair and maintenance is performed by County staff on an as-needed basis with major repaving being performed by contractors. Minor road repair such as for potholes are routinely performed by County staff with no impact to the storm sewer system. This work is done during dry weather and is limited to the immediate area of road where asphalt is replaced. Shoulder work is completed by removal of a small strip of vegetation along the road edge to promote proper drainage of the road surface. A large vegetative strip down gradient is left intact reducing the need for erosion and sediment controls except in areas adjacent to wetlands and surface waters. Hydro-seeding or seed and mulch may be employed to assist in stabilizing the area if immediate regrowth is not

anticipated.

Ditch cleaning activities tend to be more invasive due to working directly within the stormwater drainage facilities. The following is an excerpt from the Ditch Cleaning Maintenance BMP's Policy included in Appendix A.1 describing the procedures observed for all ditch maintenance activities:

* Maintenance of stormwater facilities should be scheduled during dry weather when possible.

* The area disturbed should be kept to a minimum to allow for the maintenance activity while reducing the potential impacts. Consideration should be given to phasing maintenance of outfall ditches to alternate short stretches (500') of disturbed area with an equal, intermittent length of undisturbed area to allow existing vegetation to assist in water quality treatment. Staggering the disturbed area segments will allow intermittent areas to stabilize before continuing the maintenance.

* The area to be worked will be reviewed in advance to establish a plan for the placement of erosion control measures (hay bales and/or silt fencing). The plan will ensure placement of these measures, as needed, <u>before</u> commencement of operations.

* Erosion control materials are to be installed as determined in accordance with field conditions. The first barrier to be installed shall be at the discharge point or outfall ditch. When the operation is adjacent to environmentally sensitive lands, silt barriers will be installed parallel to the operational area.

* All barrier material will be inspected on a daily basis during construction, and weekly (or following a rain event of 1/2" or greater) following construction until the area is stabilized and the barriers are removed. All materials are to be maintained during the construction period and replaced as needed until re-vegetation is complete.

* All ditches and slopes greater than 2 to 1 (horizontal to vertical) will be stabilized by sodding or use of erosion control blanket materials. Seeding and mulching or hydro seeding at the appropriate application rate will be provided on all slopes less than 2:1. In the case where water is present in the ditch bottom, stabilization will be to the waterline. Stabilization will be completed within 72 hours of attainment of final grade. In areas where work is interrupted for a period greater than 14 days, temporary stabilization should be provided.

* In areas of standing water (less than one foot deep), silt fencing may be temporarily staked across the flow line of the ditch (i.e., not trenched in) to assist in collection of materials during construction under low flow conditions. The barrier material should be installed at intervals of approximately 750' or greater according to field conditions and removed following completion of the maintenance activity.

* Re-grading side slopes in ditches with flowing water will require silt fencing to be properly installed parallel to the flow line, along the toe of the slope. This material may be installed immediately after the grading activity to allow work to progress without interference from the installation of the barrier.

* Erosion control measures must remain in place until stabilization of the area with a permanent vegetative cover is verified.

3.4 Inspection of the Roadway Maintenance and Equipment Yards

The six (6) Roadway Maintenance Units have equipment yards and perform routine maintenance on equipment associated with road repair. In addition, the County operates a central facility at Fleet Management to conduct more extensive maintenance and repairs of the roadway equipment. Maintenance of the equipment is performed under roofed areas to the extent possible to minimize the impacts to surface waters from stormwater discharges. The Roadway Maintenance facilities are also equipped with solid waste collection stations to temporarily store litter collected during routine maintenance of the MS4.

Each of the six units, as well as the Fleet Management facility, are inspected on an annual basis by the Stormwater Quality Section staff as high risk facilities. Inspections are conducted following the procedure identified in Appendix C.1 to determine the potential for discharge of pollutants from the site during storm events. An inspection report is completed and reviewed with the facility foreman to identify any deficiencies or areas requiring BMP's to be implemented. Training is provided annually to staff of each of the maintenance units on how to identify and report illicit discharges to the Stormwater Quality Section for investigation.

Section 4 – Flood Control Projects

The Regional Drainage Section of Polk County's Parks and Natural Resources Division is responsible for addressing flood control of the off-road drainage systems throughout the unincorporated areas. Roadway flooding is addressed entirely by the Roadway Maintenance Section of the Transportation Division.

4.1 Operation and Maintenance of the Off-road Drainage Facilities

Routine maintenance is performed by Drainage Operations Section staff to maintain adequate drainage of the off-road facilities in order to provide proper drainage. This includes excavation for sediment removal, mowing of channel banks, and replacement of pipe and erosion controls as needed. Assistance is also provided to the Stormwater Quality Section for sediment removal at the stormwater treatment facilities operated by the Division.

4.2 Evaluation of Flood Management CIP Projects to Provide Stormwater Treatment

The Parks and Natural Resources Division maintains a Community Investment Project (CIP) list of all potential projects to address flood control and water quality improvement. The list is reviewed annually by the Fiscal Manager along with the Regional Drainage Manager and the Stormwater Quality Section Manager to prioritize projects based on the availability of funding. Each of the projects is discussed in detail regarding the flood impacts, and the water quality improvements that can be accomplished by completing the project. The majority of the flood control projects are identified based on historic localized flooding and are amenable

to treating stormwater runoff. Projects that can be funded through grants or with the cooperation of another entity are provided a higher priority as these are generally the projects that will provide the greatest amount of return for the investment.

Section 5 -- Municipal Waste Treatment Storage, or Disposal (TSD) Facilities Not Covered by a NPDES Stormwater Permit

The Stormwater Quality Section of the Parks and Natural Resources maintains a database of industrial facilities for inspection purposes which includes the municipal waste facilities. The County operates one municipal landfill which is does have NPDES stormwater permit coverage and the facility is inspected annually. With the exception of the litter collection areas of the Road Maintenance Units, there are no municipal waste transfer stations in the industrial database. Municipal Waste Fleet Maintenance is performed either at the North Central Landfill or at the County's Fleet Maintenance Facility in Bartow, both of which are inspected annually.

5.1 Inspection of Municipal Facilities without NPDES Permit Coverage

This Section identifies the procedures for inspection of industrial facilities utilizing a standard report form to evaluate the potential for discharges to the MS4. Annual inspections are performed of the facilities that are not required to obtain separate NPDES stormwater permit coverage. These include the operating municipal landfills, municipal waste transfer stations, municipal waste fleet maintenance facilities, and any other municipal waste treatment , storage and disposal facilities in the unincorporated areas of Polk County.

The EPA Manual "Investigation of Inappropriate Pollutant Entries into Storm Drainage Systems", January 1993, was referenced for the preparation of this procedure. The procedures for inspection of facilities is included in Appendix C.1 at the end of this manual. A standard industrial inspection report form (see Appendix D.6) has been developed to perform inspections of stormwater facilities required by Polk County's National Pollutant Discharge Elimination System (NPDES) MS4 permit.

5.2 Documentation of Inspection of Municipal Facilities without NPDES Permit Coverage

Upon completion of the standard inspection report form in the field, the information is electronically entered into the inspection report database to record the inspection information. The date of the inspection is recorded in the database inventory so that future inspections may be scheduled.

Section 6 – Pesticide, Herbicide, and Fertilizer Application

The Polk County Extension Service Office of the University of Florida's (UF) Florida Institute of Food and Agricultural Services (IFAS) is funded partially by the municipalities within Polk County through general tax revenue. UF/IFAS currently provides the training and state certification exams to individuals to regulate the application of pesticides, herbicides, and fertilizers. Training through the Green Industries BMP program is also provided through the Polk County Extension Service Office. Licensing of applicators is provided through the Florida Department of Agriculture and Consumer Services (FDACS).

UF/IFAS staff worked by committee with Polk County's NPDES program managers to adapt the FDEP document; "Model Ordinance for Florida-Friendly Fertilizer Use of Fertilizer on Urban Landscapes" for use by Polk County for adoption of a local fertilizer ordinance.

6.1 Certification and Licensing of All Pesticide, Herbicide and Fertilizer Applicators

Licensing is required to be obtained from the FDACS for all County staff that apply restricted use pesticides, and to the staff members that supervise the application of non-restricted chemicals. Applicators of non-restricted use pesticides working under a licensed applicator need only attend and pass the certification examination provided through UF/IFAS for the appropriate field of application. Fertilizer applicators are required to obtain certification through attending training under the Green Industries BMP program.

Contract applicators are required to be licensed by the FDACS for the application of restricted use pesticides, and for supervising the application of non-restricted use chemicals. Commercial fertilizer applicators are required to obtain certification through attending training under the Green Industries BMP program and be licensed by the FDACS for application of fertilizers on county property.

6.2 Polk County Fertilizer Use Ordinance

Polk County has drafted a fertilizer use ordinance for compliance with the NPDES MS4 permit requirements. The ordinance is applicable to all unincorporated portions of the county and is written so that it may be applied within the corporate limits by any of the 17 cities within the county. The ordinance meets the minimum requirements established in the FDEP document; "Model Ordinance for Florida-Friendly Fertilizer Use of Fertilizer on Urban Landscapes" while being tailored to the MS4's within Polk County. A copy of the draft ordinance is included in Appendix B.1 at the end of this manual.

6.3 Public Outreach Program to Encourage Citizens to Reduce the Use of Pesticides, Herbicides and Fertilizers

The Parks and Natural Resources Division has two biologists that participate in countywide public educational events throughout the year to promote the reduction of pollutant discharges in stormwater. This includes scheduled environmental education events such as "Earth Day" as well as presenting to school students. Programs typically center around water quality in lakes and streams with information provided on the impacts of stormwater to these

receiving water bodies. Information on the use of pesticides, herbicides and fertilizers is incorporated into the presentations with a focus on reducing pollutant loads from these sources.

The County's public outreach program relies heavily on the efforts of the UF/IFAS County Extension Office to encourage citizens to reduce the use of pesticides, herbicides and fertilizers both as private applicators in maintaining their yards as well as for the commercial applicators through the Florida Yards and Neighborhood program. A summary of the UF/IFAS public outreach programs is provided in the Public Outreach Program Plan included in Appendix C.2 of this manual. The plan includes the distribution of public education materials describing the need to minimize to use of fertilizers, pesticides, and herbicides, as well as brochures promoting Florida-Friendly Landscaping™ concepts.

The plan addresses the goals and objectives of the program and lists the topics discussed along with a description of the target audiences. The best available UF/IFAS information and materials are used in presentations and distributed to all attendees. A tentative schedule of activities is included in the plan and is updated as documentation for annual reporting purposes by the UF/IFAS Extension staff responsible for implementing the educational activities through funding from the Polk County Board of County Commissioners. Survey results for assessing changes in public awareness are obtained by the UF/IFAS extension staff.

Polk County also provides funding to the Lakes Education/Action Drive, a non-profit environmental educational group that provides public education on lakes throughout the county. In addition to participating at public education events, LE/AD sponsors an annual lakes education conference for the public and environmental professionals locally on water quality improvement programs and projects. A newsletter is distributed quarterly to members providing presentations on the status of projects to improve lake water quality, many of which are stormwater retrofits implemented by state agencies or the 17 municipalities within Polk County.

6.4 Standardized Procedures to Minimize the Use of Pesticides, Herbicides, and Fertilizers on Public Property and to Properly Store and Apply Products

All pesticides, herbicides, and fertilizers are to be stored and applied in strict conformance with the manufacturers label requirements. Materials are applied to County properties only on an as needed basis which limits the application of materials to the minimum amounts needed to maintain the health and integrity of the foliage to which it is applied.

All chemicals are securely stored in above grade weatherproof facilities which are locked to limit access to authorized personnel. Materials are mixed in accordance with the manufacturers label requirements at the storage compound immediately prior to use. Storage facilities are typically provided with loading docks for transport of materials equipped with emergency shower and eyewash stations in the event of an accidental spill.

Section 7 – Illicit Discharges and Improper Disposal

7.a -- Inspections, Ordinances, and Enforcement Measures

(1) Inspections

Inspection for illicit discharges to the MS4 or U.S. Waters are conducted by the Parks and Natural Resources Division under authority of the Polk County Stormwater Quality Management Ordinance.

(2) Code of Ordinances

The Polk County Code of Ordinances was adopted April 17, 2003 to codify all County Ordinance into on document under Ordinance No. 03-38. Chapter 12 addresses utilities (Water, Sewer, and Sewage Disposal) under Article VI. titled "Stormwater Quality Management". Originally adopted as Polk County Ordinance 93-06, and amended as Ordinance No. 94-42, the Polk County Stormwater Quality Management Ordinance is now listed in the Code of Ordinances under Sections 12-147 through 12-171.

A copy of Article VI. is included in Appendix B.2 of this manual and addresses the discharge of pollutants to the Municipal Separate Storm Sewer System (MS4) and Surface Waters of the United States. The article is intended to control the discharge of materials other than stormwater. No person, defined in the article as: "Any individual, partnership, firm, organization, corporation, association, or other legal entity whether singular or plural, as the context may require", may impact the MS4 or Waters of the United States by illicitly discharging materials which violate state water quality standards (see chapter 62-302 FAC). The article defines an illicit discharge as: "Any discharge to a MS4 or to Waters of the U.S. that is not composed entirely of stormwater, with the exception of discharges which are exempt pursuant to section 12-60 of this article". The article also provides the authority for the County to perform inspections and monitor facilities which discharge, or are suspected of discharging, to the MS4 or Waters of the United States and to conduct enforcement activities which may include citations or imprisonment.

Ordinance 94-42 was adopted August 16, 1994 to amend Ordinance No. 93-06. The Ordinance incorporates the document "Best Management Practices (BMP's) for Construction Activities" as Attachment 1 providing recommended standard for erosion and sediment control for construction sites. The Ordinance requires applicants to include a Stormwater Pollution Prevention Plan (SWP^3) as part of any development permit applications submitted to the County for approval since the August 16, 1994 adoption date. A compiled version of Ordinance No. 93-06, as amended to include Ordinance No. 94-42, incorporates both ordinances into a single document is included in Appendix B.3. Ordinance 94-42 was also amended to provide for enforcement under Ordinance No. 92-32, the Polk County Citation Ordinance included in Appendix B.4.

(3) Enforcement

Informal enforcement actions for stormwater quality violations are initiated by the Parks and Natural Resources Division staff by notification of the responsible party. Issues not resolved through informal enforcement means are referred to the Code Enforcement Section for formal enforcement action with the assistance of the County Attorney's office. A copy of the County Code Enforcement Section's Procedure Manual is provided in Appendix C.3 which

addresses formal enforcement through a Special Magistrate process detailed in Ordinance No. 07-58 included in Appendix B.5.

7.b -- Dry Weather Field Screening

This activity has been "Reserved" in the NPDES MS4 Permit by the FDEP. The procedures developed during the Part I NPDES permit application to the USEPA have been updated and included in Appendix C.4 of this manual. A copy of the Dry Weather Field Screening Data Sheet used to record the field screening results in provided in Appendix D.5.

7.c Inspection and Investigation of Suspected Illicit Discharges or Improper Disposal

(1) Proactive Inspection Plan to Identify and Eliminate Illicit Discharges

The Proactive Inspection Plan to Identify and Eliminate Illicit Discharges is included in Appendix C.5 of this manual. The plan includes criteria to identify the priority areas/facilities, and a reference list of facilities. The frequency and procedures for conducting inspections is outlined in the plan. Inspections conducted by the Stormwater Quality Section are documented using the Standard Industrial Facility Inspection Report form in Appendix D.6. The County's Waste Resource Management Division also conducts proactive inspections under the Small Quantity Generator (SQG) program. These inspections are documented using the report form included in Appendix D.7.

The process for identifying and eliminating illicit discharges discovered during inspections is discussed in the plan along with the procedures for documenting inspections. Enforcement procedures are taken under the legal authority described in Appendices B.3 and B.4. Enforcement includes coordinating with local law enforcement agencies for water quality violations. The NPDES Permitting Fact Sheet included in Appendix D.8 was developed to distribute to facilities that have failed to obtain the required stormwater permit coverage. Stormwater Quality Section inspectors notify the FDEP District of any facilities not having the required NPDES Stormwater Permit coverage at the time of inspection.

The final section of the plan references the current resources allocated for program implementation, including staff.

(2) Priority Areas for Proactive Inspections

The priority areas for proactive inspections are identified in the plan included in Appendix C.5. This includes the entire 2010 square miles of the County inspected under the Small Quantity Generators Program. Inspections conducted by the Stormwater Quality Section staff are limited to the unincorporated areas of the County unless expressly contracted by an adjacent MS4 Co-Permittee.

(3) Reactive Investigations of Illicit Discharges

Reactive investigations are conducted by staff of the County Parks and Natural Resources Division based on complaints received from the public or reports of potential illicit discharges from other governmental entities. Investigations are initiated within 72 hours of being reported.

Illicit discharges to Polk County's MS4 and Waters of the U.S. are investigated by the Parks and Natural Resources Division for compliance with NPDES Stormwater Permit requirements. The investigation procedures were obtained from the Polk County Codes Compliance Division and modified for the Parks and Natural Resources Division's programs. Potential illicit discharges are generally discovered through proactive inspections of industrial facilities, and routine maintenance of the MS4 outfalls, or reported by the public or other governmental agencies.

Discharges discovered through routine inspection of the MS4 or through proactive inspections are generally addressed immediately following the procedure outlined below:

a. Identify all potential illicit discharge sources through visual inspection. Note information relative to the MS4 and the receiving water bodies and the potential detrimental effects of illicit discharges on an illicit discharge investigation form (see Appendix D.9).

b. Contact adjacent property owners for assistance in determining responsible party or to confirm any suspected discharge origin.

c. Visually inspect areas upstream of outfalls to identify source. Conduct additional field screening upstream of the outfall for parameters which test positive to identify the source increases in pollutant concentrations.

d. Perform dye testing to verify source of discharge from illicit connections. As needed, install automatic samplers to detected dry weather flow from intermittent discharges, as necessary.

e. Eliminate illicit discharges if possible through discussions with responsible parties. Provide information on County Ordinance 93-06 which prohibits illicit discharges and obtain commitment from responsible party to eliminate illicit connections and immediately cease illicit discharges.

f. Enforcement to control illicit discharges should proceed as outlined in Section B.7.1 of this manual. Initial notification of illicit discharges shall be provided to the responsible party with a requirement to correct within the duration specified on the notification, which is generally 30 days or less.

Referrals assist the County in the enforcement of local Codes and Ordinances. The following procedure is to be followed following notification of a potential illicit discharge:

a. On the Illicit Discharge Investigation Log assigning an investigation number, record the date of violation, the name and phone number of the person reporting the discharge, the location of the discharge and a brief description of the discharge including alleged violations. Persons reporting illicit discharges are not required to divulge their identity and may elect to contact the assigned investigator in the future for information relative to the status of the investigation based on the assigned investigation number.

b. Begin completion of the illicit discharge investigation form (a copy of which is included in Appendix by providing the address/location of discharge and other pertinent information required under the general information section of the form.

c. The property in question is visited by the assigned investigator. Upon arrival at the property, the investigator is to contact the resident/owner or property representative, identify themselves, and explain the purpose of the visit.

d. The field investigations section of the investigation form must describe the conditions discovered during the visit and any photographs taken. Samples of any discharges to surface waters or to an MS4 which may violate state water quality standards shall be collected and properly labeled and preserved for transport back to the laboratory for analysis.

e. Upon inspection of the site the resident/owner should be advised of the report and what action is needed to correct any violations of County ordinances which are discovered. The name of the party reporting the discharge, if provided, shall only be made available through review of the file records at the Parks and Natural Resources Division office.

f. All information relative to the initial field investigation must be completed on the form and the reporting party should be notified of the conditions found and compliance procedure if enforcement is required. The Illicit Discharge Investigation Log must then be updated to record the date the investigation began and the status of the discharge as to whether or not an illicit discharge was confirmed.

g. Following completion of the investigation, information on the Illicit Discharge Investigation Log form is to be completed by recording the date the investigation ended and a code is entered to describe how the investigation was resolved. The completed field inspection report is then entered electronically into the illicit discharge investigation database.

h. A follow up field visit is conducted to confirm compliance and to verify the discharge has been eliminated.

(4) Personnel Training to Identify and Report Illicit Discharges

Training on the identification and reporting of illicit discharges is provided through the staff of the County's Parks and Natural Resources Division. A written description of the training plan is provided in Appendix C.6 at the end of this manual. Training is provided to the field staff of the County's Roadway Maintenance Section, Utilities Operations, Land Development Division, and Waste Resource Management Divisions. Training is also made available to the NPDES Municipal Co-permittees to address the requirements of MS4 permit as well as to the site inspectors of construction firms contracted to complete construction projects for the County. County staff also provides illicit discharge training to private organizations, civic groups, and the general public upon request.

The plan includes training on identification of illicit connections to the MS4 and suspicious flows while conducting routine inspections and maintenance. An overview of the NPDES stormwater permit requirements is provided identifying the process for obtaining permit coverage and documentation of site inspections and maintenance of BMP's. Information is provided on spill prevention and response in order to eliminate the potential for illicit discharges. An outline of the course is included in the plan to describe the intended audience, the materials used for presentation, and the qualifications of the trainers.

7.d -- Spill Prevention and Response

The program addressing the response to spills is addressed by the County's Fire Rescue Division in order to isolate and contain spills to the MS4 and prevent the discharge to State Waters. Fire Rescue has an extensive written SOP for spill response that is classified as Safety Sensitive and not public record. The document is available for viewing by state officials as needed but will not be published in reports available for public viewing.

(1) Emergency Response for Discharges to State Waters and MS4's

Polk County's Fire Rescue Division is the first respondent to emergency's county-wide and works to contain spills to the MS4's throughout the unincorporated areas as well as within city limits without regard to ownership of the MS4. Notifications are received through the 911 emergency system and through the States Warning Point. The emergency responders assess the spill upon arrival at the site and implement measures to contain the spilled material. Oil booms or earthen berms are used to isolate the material and prevent discharge to surface waters.

The responsible party is required to arrange for clean-up depending on the type of material spilled. In the absence of a responsible individual, Fire Services coordinates with the Florida Department of Environmental Protection to have a certified hazardous materials contractor perform the cleanup. An Incident Report is completed by Fire Services detailing the date and time of the response and describing the source of the spill, the type of material, actions taken to contain the spill, verification of notification to the State Warning Point, and whether surface waters have been impacted. A copy of the report is faxed to the Parks and Natural Resources Director following the event.

(2) Training of Field Personnel

All first responders are certified fire fighters with training in spill response. Training is coordinated through the Battalion Chief of Polk County's Fire Rescue Special Operations Section. Training that is provided annually include the following: First Responder Operations Level Refresher, Hazardous Materials, Hazard Communication, Advanced HAZWOPER Awareness and Radiation Safety. Training is also provided through the National Fire Academy for HAZMAT Spill Prevention & Control, Introduction to Hazardous Materials, and Radiological Emergency Management. As the spill response SOP's are Safety Sensitive, no details of the training provided to Fire Services personnel can be provided for publication.

In addition to the training provided to the Fire Rescue Division staff, the Parks and Natural Resources includes a discussion of spill prevention and response in the illicit discharge training provided to County field staff and the site inspectors for the contractors performing construction work. A written description of the training plan is provided in Appendix C.6 at the end of this manual.

7.e -- Public Reporting of Illicit Discharges and Improper Disposal

The Parks and Natural Resources Division is the contact point for the public to report suspected illicit discharges or improper disposal. The Division's office telephone number, (863) 534-7377, is published on the County's website at http://www.polk-county.net/forms.aspx?id=4 listing Natural Resources as the contact for pollution issues. This number is publicized at public educational events supported by the Division and is provided in the documents and materials distributed at the events. In addition, this phone number listed in the illicit discharge PSA's that are run on the Polk Government TV channel and at movie theatres. The County website also includes a Citizens Service Section for reporting problems through the Citizens Service Center tab on the homepage of the website at (www.polk-county.net). Water quality and stormwater complaints are forwarded to the Parks and Natural Resources Division.

The Public Education and Outreach Program plan is provided in Appendix C.7 at the end of this manual. It addresses the goals and objectives of the program, provides a description of the topics addresses and the target audiences. The materials used by the County for this training are generic so that they may be used for various audiences as described. Materials developed for distribution are provided to all participants and are chosen based on the best available public information. A tentative schedule of the annual events is included for planning purposes and is updated as documentation for annual reporting purposes. Programs are generally held at County owned facilities with staffing provided through the County's Parks and Natural Resources Division. Cost of program implementation is funded under the available budget of the Water Resources Program.

7.f -- Proper Use and Disposal of Oils, Toxics, and Household Hazardous Wastes

The Waste Resource Management Division provides public information on the proper use and disposal of used motor vehicle fluids, leftover hazardous household products, and lead acid batteries. Mobile collection events are scheduled on several weekends throughout the County to include the incorporated areas within the jurisdiction of the NPDES MS4 Co-permittees. Information on the events is publicized through advertisements in the local newspapers, posting information on the County website, PSA's on the Polk Government TV station, and through e-mails to County staff just prior to the events. The Division also operates a Household Hazardous Waste facility at the North Central Landfill to collect materials brought in by the public. The facility location, telephone number, hours of operation, and a detailed list of the items accepted is included on the County's website at http://www.polk-county.net/subpage.aspx?menu_id=46&id=312. This information can be accessed from the County's website by selecting the Waste and Recycling Division tab under the "How May We Help You?" section on the homepage at www.polk-county.net.

An outline of the public education and outreach program plan is included in Appendix C.8 at the end of this manual. The plan addresses the marking of municipally owned storm sewer inlets by the Stormwater Quality Section of the Parks and Natural Resources Division, and the process for disseminating information at public events, on the County website, through the Polk Government Television Station, and during presentations to school classrooms as well as during tours of the County landfill. The plan includes the goals and objectives of the program, a description of the various topics addressed based on the target, and the materials used that are consistent with the facility permits. A tentative schedule of the annual events is included for planning purposes and is updated as documentation for annual reporting

purposes. Programs are generally held at various public event locations, at school classrooms or in County owned facilities by staff of the County's Waste Resource Management Division which also provides the funding to cover the cost of program implementation.

7.g -- Limitation of Sanitary Sewer Seepage

Sewage infiltration to the MS4 is addressed as an illicit discharge whether discovered through proactive inspection of the stormwater collection system, the sanitary sewer system, or reactively in response to reports of contamination from sanitary sewer system overflows or infiltration to the MS4 from septic systems. Utility owners generally contact the Stormwater Quality Section using the published telephone number, (863) 534-7377, to report broken force mains and lift station overflows that may affect surface waters or the County's MS4. In cases where problems are discovered by inspection or reported by the public or other government agencies, the utility owners are immediately contacted to address the issue.

Section 8 – Industrial and High Risk Runoff

8.a – Identification of Priorities and Procedures for Inspections

The inventory of high risk facilities is updated annually at the start of the NPDES permit year. The list includes the operating municipal landfills, the hazardous waste TSD facilities, facilities included on the EPA Section 313 Toxic Release Inventory list, and sites that are added based on the results of prior inspections where illicit discharges from the site have been confirmed.

Facilities that have been listed as High Risk based on the results of previous inspections, or that have permitted NPDES industrial discharges are to be inspected on an annual basis. High Risk facilities under consent order with the FDEP are no longer inspected until the enforcement action is resolved. Facilities that do not have the required NPDES Stormwater Permit coverage are referred to the FDEP for enforcement.

The procedure for inspection of these facilities is identical to that included in Appendix C.5 for the municipal waste treatment, storage or disposal facilities. Inspections are conducted by the Stormwater Quality Section staff and documented through completion of the Standard Industrial Inspection Report Form included in Appendix D.6 and entered into the Industrial Facility Inspection Database for use in creating reports. Discharges from the site are investigated as potential illicit discharges with enforcement activities initiated as needed in accordance with the policy included in Appendix C.5. Training of inspectors is provided through the Water Resources Program as described in Appendix C.6 of this manual.

8.b – Monitoring for High Risk Industries

Sampling of discharges to the MS4 from High Risk facilities may be conducted to identify potential pollutants. New High Risk facilities are to be evaluated to determine the potential for contributing pollutants to the MS4. Automatic samplers are to be used in instances where a suspected discharge occurs only during storm events. Monitoring activities are to be conducted in accordance with the procedure established in Appendix E of this manual.

Section 9 – Construction Site Runoff

9.a -- Site Planning and Non-Structural and Structural Best Management Practices

Development of residential or commercial sites, including industrial areas, requires approval of the County's Land Development Division. Plans are reviewed for compliance with policies stated in the County Comprehensive Plan and requirements, applicable County Ordinances, and appropriate Water Management District requirements before being granted final approval. Development plans must indicate an approximate schedule for the various stages of construction including land clearing, sediment control, re-vegetation and completion of the stormwater management facilities. An evaluation of the project is made for potential impacts on adjacent wetlands, and consideration is given to the water quality impacts of stormwater runoff from the site by requiring treatment in accordance with state standards including the use of BMP's as provided in Chapter 6 of the FDEP Florida Development Manual, "A Guide to Sound Land and Water Management".

Upon completion of the plan review, the development application is processed for approval. A formal review letter is generated noting any additional items that must be addressed for construction and issued to the applicant. Information is included in the letter regarding the need to obtain an Environmental Resource Permit from the Water Management District as well as NPDES Stormwater Permit coverage from the FDEP as part of the approval.

9.b – Inspection and Enforcement

A written plan detailing the standard operation procedures for implementation of the stormwater, erosion and sedimentation inspection program for construction sites is provided in Appendix C.9 at the end of this manual. A pre-construction meeting is held with the contractor on-site prior to initiation of construction using a pre-construction Checklist (see Appendix D.10) to record attendees and indicates if the required ERP and NPDES coverage has been obtained. This information is then entered into the Construction Site Inspection database for use at the time of the initial site inspection. The FDEP or WMD are notified of sites for which the required state permits have not been obtained.

Construction site inspections are performed by the Land Development Division on all the sites that obtain development approval on a monthly basis following the initiation of construction. Inspections cover all phases of construction from the initial site clearing, installation of utilities, paving, and the final inspection at the completion of construction. Prioritization for re-inspection is given to sites with a history of non-compliance with maintenance of BMP's. Sites where impacts to the MS4 or adjacent surface waters may be inspected on a weekly basis during times of significant rainfall until the site operator demonstrates the threat of impact has been eliminated.

The procedure followed during inspection of construction sites is provided in the plan in Appendix C.9 and includes use of the Construction Site Inspection Report Form. Information on the installation of the appropriate BMP's is documented in the report along with any deficiencies noted during the inspection. All information collected during the inspection is entered into the Construction Site Inspection database upon completion of the inspection.

A description of the enforcement procedures followed when sites are determined non-compliant with the Development Approval Order or permit conditions is provided in the Plan included in Appendix C.9. This includes notification to the proper permitting authorities

(WMD for ERP infractions and FDEP for NPDES violations) for assistance in bringing the site into compliance (see form in Appendix D.11).

9.c – Site Operator Training

Construction site operator training is provided by the Polk County Parks and Natural Resources Division. A minimum of two FDEP Certification Classes are held each year, typically in March and October. The County coordinates this activity with a private vendor who charges a small fee to commercial contractors for this training and certification service. Classes are open to all County and NPDES CO-permittee staff at no charge. In addition, County staff may assist in the presentation at any additional classes held by the FDEP within the region.

The classes follow the FDEP guidelines using the Department's "Florida Stormwater Erosion and Sedimentation Control Inspectors Manual" for the instruction. Upon completion of two days of class work, testing of each participant is performed. Exams are graded by the instructors with results being forwarded to the FDEP for Certification of those participants with passing scores.

APPENDICES

Appendix A – Stormwater Management Program Policies

Appendix B – Stormwater Management Program Ordinances

Appendix C – Stormwater Management Program Plans/Procedures

Appendix D – Stormwater Management Program Forms

Appendix E – Monitoring Program Information

Appendix F – Reporting Information

Appendix G – Water Quality Standards

Appendix A.1

BEST MANAGEMENT PRACTICES FOR STORMWATER CONVEYANCE SYSTEMS DITCH CLEANING MAINTENANCE POLICY

The purpose of this document is to develop standard procedures for managing stormwater facilities in accordance with the State and Federal requirements established in the NPDES stormwater permit issued to Polk County. Standard procedures for erosion and sediment control are to be followed for maintenance of the MS4.

Polk County Ordinance Number 94-42 sets forth provisions for the management of stormwater runoff and discharge to enhance the quality of surface and groundwater within Polk County. Included is the requirement to properly control sediments in stormwater discharges from construction activities for compliance with state water quality standards. The following procedures will be observed for all ditch maintenance activities affected by this ordinance:

* Maintenance of stormwater facilities should be scheduled during dry weather when possible.

* The area disturbed should be kept to a minimum to allow for the maintenance activity while reducing the potential impacts. Consideration should be given to phasing maintenance of outfall ditches to alternate short stretches (500') of disturbed area with an equal, intermittent length of undisturbed area to allow existing vegetation to assist in water quality treatment. Staggering the disturbed area segments will allow intermittent areas to stabilize before continuing the maintenance.

* The area to be worked will be reviewed in advance to establish a plan for the placement of erosion control measures (hay bales and/or silt fencing). The plan will ensure placement of these measures, as needed, <u>before</u> commencement of operations.

* Erosion control materials are to be installed with placement of these barriers determined in accordance with field conditions. The first barrier to be installed shall be at the discharge point or outfall ditch. When the operation is adjacent to environmentally sensitive lands, silt barriers will be installed parallel to the operational area.

* All barrier material will be inspected on a daily basis during construction/maintenance, and weekly (or following a rain event of 1/2" or greater) following construction/maintenance until the area is stabilized and the barriers are removed. All materials are to be maintained during the construction/maintenance period and replaced as needed until re-vegetation is complete.

* All ditches and slopes steeper than 2 to 1 (horizontal to vertical) will be stabilized by sodding or use of erosion control blanket materials. Seeding and mulching or hydro seeding at the appropriate application rate will be provided on all slopes less than 2:1. In the case where water is present in the ditch bottom, stabilization will be to the waterline. Stabilization will be completed within 72 hours of attainment of final grade. In areas where work is interrupted for a period greater than 14 days, temporary stabilization should be provided.

* In areas of standing water (less that one foot deep), silt fencing may be temporarily staked across the flow line of the ditch (i.e., not trenched in) to assist in collection of materials during construction under low flow conditions. The barrier material should be installed at intervals of approximately 750' or greater according to field conditions and removed following completion of the maintenance activity.

* Re-grading side slopes in ditches with flowing water will require silt fencing to be properly installed parallel to the flow line, along the toe of the slope. This material may be installed immediately after the grading activity to allow work to progress without interference from the installation of the barrier.

* Erosion control measures must remain in place until stabilization of the area with a permanent vegetative cover is verified.

Appendix A.2

LIMITED CONFINED SPACE ENTRY POLICY

Parks & Natural Resources and Drainage Division
Field Screening and Complaint
Confined Space Entry (CSE) Policy

GENERAL

A confined space is defined in accordance with the federal Occupational and Health Administration (OSHA) standard published in CFR 1910.146, as:

(1) Is large enough and so configured that an employee can bodily enter and perform assigned work: and
(2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that have limited means of entry.); and
(3) Is not designed for continuous employee occupancy.

In most field work, confined spaces will be further defined as permit required, or non-permit required.

Permit required Confined Space has one or more of the following characteristics:

* Contains or has a potential to contain a hazardous atmosphere:

* Contains a material that has the potential for engulfing an entrant;

* Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes and tapers to a smaller cross-section; or

* Contains any other recognized serious safety or health hazard.

Non-Permit Confined Space means a confined space that does not contain or, with respect to atmospheric hazards, have the potential to contain any hazard capable of causing death or serious physical harm.

Parks & Natural Resources Division personnel will follow the procedures for permit required confined space for entering into any confined space which satisfies the permit required definition. Storm sewer systems generally do not contain hazardous atmospheres however monitoring air quality on all sites will confirm whether a permit is required. The primary concern in these systems is the potential for entrapment and water hazard from stormwater runoff.

Standard procedure for addressing safety regarding confined spaces is to avoid all unnecessary entry. Most routine work involving inspection or field screening of the storm sewer system can be accomplished without the need for penetration into the confined space. However, there are occasions where maintenance or construction activities require entry into these areas.

PROCEDURES

The policy of the Water Resources Section of the Parks & Natural Resources Division addresses entry into a confined space of the storm sewer system which cannot be avoided, providing the following procedures, as a minimum, are followed:

I. Acceptable Entry Conditions:

A. A minimum of three (3) staff members shall be on-site (entrant, observer, and attendant) and comprise the CSE team.

CSE Team Responsibilities

1. Entrant: Person entering and doing work within the confined space.

   a. Monitor ambient air quality throughout duration of the CSE period.

2. Observer: Person outside the confined space monitoring entrant.

   a. Have constant communication with Entrant.
   b. Monitor air quality using monitoring equipment at the point of entry and log information.
   c. Have visual contact with Entrant whenever possible.

3. Attendant: Person outside the confined space assisting the Observer.

   a. Observe above ground situations that would directly impact the job (including traffic and changes in weather conditions).
   b. Assist Observer as needed.

B. The hazards from vehicular traffic must be eliminated through use of traffic cones and proper signage, flagmen (as needed), or closure of the road if necessary.

C. Atmospheric test results both initial and continuous must remain satisfactory and do not present an immediate or delayed threat to life. Before entry, (and optimally before removing the manhole if a notch is available) internal atmospheres shall be tested with a calibrated direct reading instrument, for the following OSHA Standards in this order:

	Allowable Limits
1. Oxygen content	19.5% minimum
2. Carbon monoxide	35 ppm
3. Hydrogen sulfide	10 ppm
4. Flammable gases and vapors	10% of LEL

D. Weather service advisories must be checked prior to arriving at the site. Entrance is not allowed during rain or storm events. Weather conditions must be visually checked in the field prior to entry and continually during the CSE period.

E. Each member of the CSE Team shall verify in writing that the space is safe for entry as a required confined space and that all of the above requirements have been met through completion of the CSE permit checklist. A copy of the CSE permit checklist is included as part of this policy.

II. Opening the Storm Sewer System:

A. Always wear proper footwear (lace-up steel toed boots).

B. Use correct posture, (i.e., bend knees, wear back brace if lifting) to reduce the potential for back injuries.

C. Do not use hands or unprotected areas of the body to assist in lifting grates, manhole covers, or other heavy objects.

D. Stand upwind (back) for several minutes after opening the confined space entry cover.

III. Entering Storm Sewer System:

A. Use the air and gas monitors to check the levels inside the manhole with one monitor probe inserted at the surface, and the second firmly secured to the entrant in a position which allows them to read the levels. The air should be monitored for one to two minutes at each level. **EXIT IMMEDIATELY IF AIR MONITOR ALARM GOES OFF.**

B. Begin forced air ventilation into the manhole and operate for a minimum of five minutes prior to entry.

C. The attendant must check the monitor and document the readings on the log. A copy of the CSE entry log is attached to this policy.

D. Use the ladder to enter. (If applicable)

IV. Exiting the Confined Space:

All CSE Team Members must verify completion of the entry on the CSE Permit Log. Entrants should be limited to thirty (30) minutes maximum and each entry shall be considered separately and must adhere to each of these procedures.

Confined Space Entry Permit Checklist

Location_____ Date_____

____ Fully charged and calibrated gas monitors (surface and entry units).

____ Fully charged and functioning mobile phone

____ Personal protective equipment (steel toe footwear, hard hats, safety vests, safety eye goggles, intrinsically safe lighting source and verification that the chance of precipitation is less than 20 percent (%) prior to leaving for site, two way communication.

____ Weather conditions at site confirm low (precipitation) rain probability.

____ Forced air ventilation system set-up and operating

____ Initial atmospheric readings: Time (_____)

		Allowable Limits
oxygen	_____%	19.5% - 23.5%
carbon monoxide	_____ppm	35 ppm
hydrogen sulfide	_____ppm	10 ppm
flammable gases/vapors	_____%	10% LEL maximum

____ First aid kit containing saline solution

____ Safety harness and tri-pod cable

____ Approved ladder or entry device

____ Field log and Characterization Plan Site (CPS) file

____ Sampling bottles, labels and lab forms

____ FDOT approved safety cones, traffic barricades, directional flags, and flashing yellow light, and safety vests

____ Fire extinguisher

____ Complete tool kit

____ Back support brace if applicable to remind you of heavy lifting.

____ CSE team members signature verification for entry into permit required confined space.

a. Entrant _____

b. Observer _____

c. Attendant _____

CSE Entry Permit Log

Location: _____

Date: _____

Entry Time: _____

Time of Exit: _____

Observers atmospheric monitoring results (five minute intervals)

	5 min	10min	15min	20 min	25 min	30 min
Oxygen (19.5-23.5%)						
Carbon Monoxide (35 ppm)						
Hydrogen Sulfide (10 ppm)						
Flammable gases (10% LEL)						

Unusual currences:_____
_____
_____

Verification of CSE Completion:

Entrant _____

Observer _____

Attendant _____

Appendix A.3

NPDES COMPLIANCE ENFORCEMENT POLICY

The policy for enforcement of the NPDES permit requirements provided herein has been adjusted per the September 12, 1996 County Manager Memorandum, a copy of which is provided at the end of this Appendix.

Codes Compliance Procedures

The codes compliance procedures were obtained from the Polk County Codes Compliance Division and modified for the Parks & Natural Resources Division's programs.

A. Violation/Notification Procedures

1. If the resident/owner is present, discuss any violations observed and pursue voluntary compliance. This conversation shall be confirmed by a violation courtesy letter, unless the violation is corrected during the time of the investigation.

2. If no one is present, enter information on the complaint form to issue a violation courtesy letter. The violation courtesy letter should not be used for code cases involving repeat offenders and persons with repeat violations or any confirmed violations of state water quality standards.

3. Violation courtesy letters should be sent by regular mail, or by certified mail if a written response is requested within a specified period of time from receipt of the letter. Following the issuance of a violation courtesy letter, the codes investigator will attempt, either by phone, or on-site visit, to resolve the non-compliance issue.

4. If the situation is not satisfactorily addressed following the issuance of the violation courtesy letter, a Notice of Violation (NOV) will be issued. NOV's will be sent via certified mail return receipt. Only in cases where a certified letter is undeliverable, will the NOV be served by the Sheriff's Office.

5. Prior to issuing a NOV, the codes investigator should determine ownership of the property where the violation occurred as soon as possible through the Property Appraiser's Office. Notifications issued to corporations require that the President, Vice-President or the registered agents, as listed with the Department of State, be cited as the responsible party.

6. The time to correct should be within two weeks or less of receipt of the NOV with violations of water quality standards being addressed within a reasonable time frame following notification, as stated in the NOV. It is our goal to provide fair, but efficient, code enforcement. Situations which may warrant an extension should be discussed with your field supervisor or the Director. No extensions may be granted except in writing.

7. Copies of all inspection reports and enforcement actions shall be properly logged and filed for future reference.

When voluntary compliance is not achieved, the inspector shall contact the Code Enforcement Section to assist with enforcement in accordance with the Code Enforcement Division Procedure Manual as outlined below:

B. Special Magistrate Case Preparation Procedures

Complete the Enforcement Action Notice form for submittal to the Special Magistrate. The following information will need to be provided.

1. Special Magistrate checklist
2. Legal description of the parcel where the violation occurred from the Property Appraiser
3. A copy of the property Deed
4. Notice of Violation for all parties listed on the Deed

If a case is set for hearing and compliance is achieved prior to the hearing, the Clerical Staff of the Special Magistrate shall be notified. If the respondents have been sent a Notice of Hearing, the Code Investigator must confirm that they have received notice that they no longer need to attend.

The Notice of Hearing will be issued by the Special Magistrate in accordance with the Polk County Code Enforcement Special Magistrate Ordinance (Ordinance 07-58). The Special Magistrate will preside over the hearing and issue an order based upon the findings at the conclusion of the hearing. The order may include a specified date by which the violator must comply and that a fine may be imposed.

C. Compliance Follow-up Procedures

Following the time for compliance granted by the Special Magistrate, the code investigator is to check for compliance. If compliance is achieved, the code investigator shall complete an Affidavit of Compliance which is to be notarized and sent to the Special Magistrate and the case file closed.

An Affidavit of Non-Compliance is to be generated if violations still exist. The original affidavit and photos are to be sent to the Recording Secretary for scheduling a hearing which may result in files or liens against the property.

D. Repeat Violations

A repeat of conditions previously found in violation through an order by the Special Magistrate within five (5) years will require notification to the violator and the clerical staff of the Special Magistrate requesting a hearing. The hearing may be held even if the repeat violation is corrected.

E. Resolution

1. Upon satisfactory compliance with all county regulatory requirements, the enforcement case file and compliance achievement summary sheet shall be updated.

2. Written notification shall be provided to all parties involved and shall include any additional conditions which may need to be addressed.

PUBLIC WORKS DEPT.

Natural Resources
and
Drainage Division

POLK COUNTY

Board of County Commissioners

4177 Ben Durrance Road
Bartow, FL 33830
(941) 534-7377
FAX (941) 534-7374

September 12, 1996

TO: Jim Roden, Jr., Acting County Manager

THRU: Darrell Gunn, Public Works Director

FROM: Jeffrey Spence, Natural Resources and Drainage JS

SUBJECT: NPDES Compliance Enforcement

This memorandum is in response to your E-Mail to Darrell Gunn regarding the recent enforcement cases involving discharges from residential construction sites to our stormwater system. I have discussed the situation with my staff and feel that the emphasis of our NPDES program needs to be on ensuring that pollutants do not make it to surface waters from our stormwater sewer system. This is the clear intent of the Federally mandated NPDES Permit. While the recent enforcement cases were technical violations of Ordinance 93-06, it does not appear that any receiving waters were affected. **In the future, unless a clear violation of water quality standards is eminent, the Natural Resources and Drainage Division will not take any action.** This new emphasis will not require any change to our existing ordinance.

Please note that the Enforcement Procedures were developed several years ago and approved by myself, the Department Director, the County Attorney's Office, and the County Administrator. They were also presented to the EVM Committee as general information. However, this does not mean that they can't be updated. I have prepared suggested language for your consideration. In this proposed revision, the Sheriff's Office will only be used as a last resort where we are unable to deliver a certified letter.

I have reviewed the file of our Environmental Specialist, Ms. Lisa Hunt. Lisa has a four-year degree and worked with the Health Department here in Polk County for three years before coming to work with us. She has been here for almost three years and has been given good evaluations by her supervisor, Robert (Bob) Kollinger. Bob is a Professional Engineer and has performed extremely well for the County. While the existing procedures and policy unfortunately did not make allowances for the above mentioned incidences, I cannot find any case where Lisa did not follow the correct procedure. In fact, she has consistently gone the extra mile to help individuals comply with the County rules.

I do not believe that we need to do any major revisions to our program. With the adjustments proposed here, I feel certain that we can conduct a reasonable program that clearly meets the intent of the federal law and our NPDES permit.

xc: Willie Nabong
Bob Kollinger

Equal Opportunity Employer

Appendix A.4

EMERGENCY RESPONSE FOR DISCHARGES TO STATE WATERS AND THE MS4

I. Types of events to be addressed by response:

a. Imminent containment of waters directly
b. Imminent containment of waters via the MS4
(eg. Spills to MS4 which are discharging to State Waters)
c. Phosphate mine spills, impoundment leaks, and other industrial accidents

II. Technical assistance for response:

a. Responding Agencies: (** First Responders)

** 1. Emergency Management (needed for hazardous materials containment kit)
** 2. County's Hazardous Waste Section
** 3. Roadway Maintenance (for heavy equipment)
4. State Warning Point (addressed through Communications Center)
5. Florida Department of Environmental Protection (FDEP)
6. NPDES Stormwater Quality Program Staff
7. FDOT for incidents involving state or federal highways

b. Procedures:

1. Initial notification by Emergency Management or FDEP.
2. Notify Stormwater Quality Program personnel (requires 40 hour OSHA) to assess call and determine if presence on site is necessary.
3. Field assessment for determination of remediation needed is to be conducted by Stormwater Quality Program staff after determination of no threat to respondent.
4. Containment by respondent shall be considered for spills posing an immediate hazard to the environment.
5. Collection of small quantities (< 5 gal.) of non-hazardous materials, (eg. paint, oils) may be considered for disposal by respondent.
6. Larger spills and hazardous materials of unknown composition requires involvement of Emergency Management's Hazardous Materials Team.

III. Costs for remediation by County and/or private contractor.

a. Explore possibility of reimbursement from FDEP for costs incurred by the County.
b. Initial assessment and containment by County (booms absorbents etc.).
c. Determination and notification for private contractor to respond for clean-up which may be paid through insurance carriers.
d. Collection and removal of Hazardous Materials should be done through contractor.

Appendix A.5

METHODOLOGY FOR SELECTING LOCATIONS FOR STREET SWEEPING

Objective
Develop protocol to select basins (water body identification numbers - WBIDs) and streets to be mechanically swept by contractor. Frequency of sweeping is monthly unless otherwise specified by the County. The frequency of sweeping may be modified by the County based on the yield of debris per sweeping event.

Methods

1) Identify priority WBIDs from the following categories

- WBIDs ranked higher in Polk County MS4 TMDL Prioritization Report (2013)
- WBIDs that are impaired for nutrients but do not have a TMDL established
- WBIDs "at risk" or with declining water quality (nutrients) that have not been determined to be impaired

2) Select WBIDs from each of the above categories based on the following criteria

Do not give preference to:
- WBIDs excluded from ranking in the prioritization report
- WBIDs with non-nutrient TMDLs
- WBIDs with no County MS4 outfalls

Give preference to:
- WBIDs with higher density of County-maintained streets
- WBIDs with higher number of MS4 outfalls
- WBIDs with higher pollutant load reductions required by a TMDL
- Proximity of suitable location for temporary disposal of swept material

3) Select streets within a WBID based on the following criteria:

- Curbed and guttered streets have higher priority than non-curbed
- Runoff discharges directly to a receiving water body (ie. without treatment)
- Ease of access (e.g., avoid gated communities)
- Higher percent of urban land use surrounding street

4) Materials to be used for selection

- Maps of MS4 outfalls (AMEC)
- County Roadway GIS street coverage
- Aerial photography
- Field reconnaissance

Appendix B.1

POLK COUNTY FERTILIZER USE ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE RELATED TO FERTILIZER MANAGEMENT AND REGULATING THE APPLICATION OF FERTILIZER TO URBAN LANDSCAPES IN POLK COUNTY; PROVIDING FOR A SHORT TITLE; PROVIDING FOR A FINDING OF FACTS; ESTABLISHING APPLICABILITY; PROVIDING DEFINITIONS; ADDRESSING WEATHER RELATED RESTRICTIONS ON FERTILIZER APPLICATION; IDENTIFYING RESTRICTIONS ON THE FERTILIZER CONTENT AND THE RATE OF FERTILIZER APPLICATION; ESTABLISHING FERTILIZER FREE ZONES; PROVIDING LIMITATIONS TO THE MODE OF APPLICATION; ADDRESSING THE MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATERIAL/DEBRIS; ESTABLISHING TRAINING AND CERTIFICATION REQUIREMENTS FOR COMMERCIAL APPLICATORS OF FERTILIZER; PROVIDING FOR VARIANCES AND EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY AND INCLUSION INTO THE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA THAT:

ARTICLE I – GENERAL PROVISIONS

SECTION 1-1 SHORT TITLE:

This Ordinance shall be known as the Polk County Fertilizer Management Ordinance.

***SECTION 1-2 FINDING OF FACTS*:**

Stormwater runoff from residential neighborhoods, commercial centers, industrial areas, and other lands transports pollutants through the drainage conveyances to the natural water bodies of Polk County. Phosphorus and nitrogen are the primary nutrients associated with the degradation of groundwater and surface water, and are the primary components of fertilizer used on urban landscapes. Improper fertilization practices contribute excess nitrogen and phosphorus to Polk County's water bodies through the drainage conveyances that regulate the flow of stormwater to prevent flooding. This reduces the drainage conveyances capacity to provide flood protection from the overgrowth of vegetation.

Pursuant to Section 303(d) of the federal Clean Water Act and Chapter 62-303 of the Florida Administrative Code, the Florida Department of Environmental Protection (FDEP) has classified specific water bodies in Polk County as "impaired" as a result of the presence of excess nutrients. In addition, the FDEP has issued a National Pollutant Discharge Elimination System (NPDES) permit to Polk County requiring the adoption of an ordinance to limit the nutrient contributions from the fertilization of urban landscapes within the watershed of any nutrient impaired water bodies. The Board of County Commissioners of Polk County, Florida, therefore finds it necessary to adopt this ordinance to reduce nutrient leaching and runoff through improved fertilizer management in order to protect the quality of waters receiving stormwater discharges for the health, safety, and general welfare of the

citizens of Polk County.

SECTION 1-3 APPLICABILITY:

The regulations herein set forth shall apply to the unincorporated areas of Polk County and the incorporated areas of those municipalities that have not adopted an ordinance regulating the application of fertilizer on the effective date of this Ordinance. This Ordinance shall not be applicable in the incorporated areas of those municipalities which adopt an ordinance regulating the application of fertilizer subsequent to the effective date of this Ordinance as of the effective date of the municipal ordinance.

All references to state or federal law, statute, or code shall include any amendment to or superseding law, statute, or code.

ARTICLE II - DEFINITIONS

SECTION 2-1 DEFINITIONS:

A. *Administrator* means the County Manager, or an administrative official of Polk County government designated by the County Manager to administer and enforce this Ordinance.

B. *Application* or *Apply* means the actual physical deposit of fertilizer to turf or landscape plants.

C. *Applicator* means any person who applies fertilizer on turf and/or landscape plants.

D. *Board* or *Governing Board* means the Board of County Commissioners of Polk County, Florida.

E. *Best Management Practices (BMPs)* means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

F. *Code Enforcement Officer, Official, or Inspector* means any designated employee or agent of Polk County whose duty it is to enforce codes and ordinances enacted by Polk County.

G. *Commercial Applicator,* except as provided in 482.1562(9) F.S., means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

H. *Fertilize, Fertilizing, or Fertilization* means the act of applying fertilizer to turf, specialized turf, or landscape plants.

I. *Fertilizer* means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

J. *Guaranteed Analysis* means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

K. *Institutional Applicator* means any person, other than a Private Non-commercial Applicator or Commercial Applicator, that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional Applicators shall include but not be limited to, owners, manager, or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites, and any residential properties maintained in condominium and/or common ownership.

L. *Landscape Plant* means any native or exotic tree, shrub, or groundcover (excluding turf).

M. *Low Maintenance Zone* means an area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilizer, watering, mowing, etc.

N. *Person* means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

O. *Private Non-commercial Applicator* means a person applying fertilizer to their own residence, or that of another, without financial gain.

P. *Saturated soil* means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this ordinance, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

Q. *Slow Release, Controlled Release, Timed Release, Slowly Available, or Water Insoluble Nitrogen* means nitrogen in a form which delays its availability for plant uptake and use after application, or extends its availability to the plant longer than a reference rapid or quick release product.

R. *Turf, Sod, or Lawn* means grass-covered soil held together by the roots of the grass.

S. *Urban Landscape* means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other non-agricultural lands that are planted with turf or horticultural plants.

ARTICLE III – FERTILIZER MANAGEMENT

SECTION 3-1 WEATHER RELATED RESTRICTIONS:

No fertilizer containing nitrogen or phosphorus shall be applied to urban landscapes during a period for which the National Weather Service has issued any of the following advisories for any portion of Polk County: a severe thunderstorm warning or watch, flood warning or watch, tropical storm warning or watch, hurricane warning or watch, or heavy rain is likely to exceed two (2) inches in a 24 hour period.

SECTION 3-2 FERTILIZER CONTENT & APPLICATION RATES:

(a) All fertilizer applied to urban landscapes shall be labeled in accordance with Section 576.031, Florida Statutes (2007), as it may be amended or superseded.

(b) Applications to urban landscapes shall be in accordance with the requirements and directions provided by the manufacturers label or as recommended for landscape plants, vegetable gardens, or fruit trees and shrubs by the University of Florida's Institute of Food and Agricultural Sciences (IFAS) unless a soil or tissue deficiency has been verified by an approved test by IFAS or an accredited laboratory.

(c) No fertilizer shall be applied to turf at a rate that exceeds the range per plant species set forth in guidelines established in Rule 5E-1.003(2), Florida Administrative Code, or in the most recent publication of *Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries*, as stated below:

Annual Rates:
Bahiagrass: 2-4 pounds of nitrogen per 1,000 square feet per year.
Bermudagrass: 4-6 pounds of nitrogen per 1,000 square feet per year.
Centipedegrass: 2-3 pounds of nitrogen per 1,000 square feet per year.
St. Augustinegrass: 2-5 pounds of nitrogen per 1,000 square feet per year.
Zoysiagrass*: 2-5 pounds of nitrogen per 1,000 square feet per year.

*Newer cultivars of Zoysiagrass, including Empire, will generally perform well with 1-1.5 pounds per 1,000 square feet less nitrogen annually (ie.2-3.5 lbs. per 1,000 sq. ft. per year).

Single Application Rates to turf areas shall not exceed 0.5 lbs. per 1,000 square feet for water soluble fertilizers, or as otherwise recommended in the most recent edition of the "Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries" as published by the Florida Department of Environmental Protection and the University of Florida – IFAS Extension. Slow release fertilizers shall not be applied at a rate in excess of 1.0 lb. per 1,000 square feet total nitrogen for a single application, unless otherwise indicated in the most recent edition of the "Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries".

(d) The above listed application rates shall be reduced appropriately on properties where reclaimed wastewater is used for irrigation based on available nutrients in the reclaimed water.

(e) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-

seeding for temporary or permanent erosion control in an emergency situation, such as wildfire, or in accordance with the Stormwater Pollution Prevention Plan for that site.

SECTION 3-3 FERTILIZER-FREE ZONES:

(a) No fertilizer shall be applied within ten (10) feet of any lake, pond, stream, water body, water course or canal. Additionally, no fertilizer shall be applied within ten (10) feet of any wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code, as it may be amended or superseded).

(b) No fertilizer shall be deposited, washed, swept, or blown off intentionally or inadvertently onto any impervious surface, public right-of-way, public property, stormwater drain, ditch or other stormwater conveyance, or directly to a water body. Any fertilizer spilled or deposited on an impervious surface shall be immediately and completely removed to the extent reasonably possible.

(c) A low-maintenance zone is strongly recommended, though not required, for all areas within ten (10) feet of the water's edge of any lake, pond, stream, water body, water course or canal, or any wetland. Low-maintenance zones should be planted and managed in such a way as to minimize the need for watering, mowing, and other active maintenance.

SECTION 3-4 MODE OF APPLICATION:

Broadcast spreaders used for applying fertilizers must be equipped with deflector shields positioned to deflect fertilizer from the Fertilizer Free Zones described in Section 3-3.

SECTION 3-5 GRASS CLIPPINGS AND VEGETATIVE MATERIAL/DEBRIS:

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidently so deposited shall be immediately removed to the reasonably extent possible.

ARTICLE IV – TRAINING AND CERTIFICATION

SECTION 4-1 TRAINING REQUIREMENTS

(a) All Commercial and Institutional Applicators of fertilizer shall abide by and successfully complete the six-hour training program in the "*Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries"* offered by the Florida Department of Environmental Protection through the UF/IFAS Florida-Friendly Landscaping™ program, or an approved equivalent per 403.9338 Florida Statutes.

(b) Private Non-commercial Applicators are encouraged to follow the recommendations of the University of Florida IFAS *Florida Yards and Neighborhoods* program when applying fertilizers.

SECTION 4-2 CERTIFICATION OF COMMERCIAL APPLICATORS:

(a) Prior to January 1, 2014, all Commercial Applicators shall obtain and maintain certification by successfully completing training and continuing education requirements in the *"Florida Friendly Best Management Practices for Protection of Florida Water Resources by the Green Industries"* offered by the UF/IFAS Florida-Friendly Landscaping™ program. Certification may be obtained through a County Extension Service Office, or an approved equivalent program.

(b) All businesses applying fertilizer to turf and landscape plants on their own property (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has a "Florida Friendly Best Management Practices for Protection of Florida Water Resources by the Green Industries" training certificate.

(c) After December 31, 2013, all Commercial Applicators of fertilizer shall have, and carry in their possession at all times when in the possession of fertilizer, a Florida Department of Agriculture and Consumer Services Limited Certification for Urban Landscape Commercial Fertilizer as required per 5E-14.117(18) Florida Administrative Code.

ARTICLE V – VARIANCES AND EXEMPTIONS

SECTION 5-1 VARIANCES (Reserved):

SECTION 5-2 EXEMPTIONS:

(a) Section 3-2 of this article shall not apply to golf courses; provided, however, fertilizer shall not be applied to golf courses in excess of the provisions of the Florida Department of Environmental Protection ("FDEP") document, *BMPs for the Enhancement of Environmental Quality on Florida Golf Courses, January 2007*.

(b) This Ordinance shall not apply to sports turf areas at parks and athletic fields for which fertilizer is applied in accordance with the applicable provisions of Rule 5E-1.003(2)(d) FAC.

(c) This Ordinance shall not apply to any bona fide farm operation as defined in the Florida Right to Farm Act, Sec. 823.14, *et seq*., Florida Statutes (2007).

(d) This Ordinance shall not apply to any lands classified as agricultural lands pursuant to Section 193.461 Florida Statutes, including without limitation, other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock.

(e) This Ordinance shall not apply to any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

ARTICLE VI – ORDINANCE ADMINISTRATION

SECTION 6-1 ENFORCEMENT:

(a) If a violation of this Ordinance occurs within a municipality, the violation shall be enforced by the municipality in accordance with the ordinance or ordinances governing prosecution of ordinance violations within the municipality in which the violation occurs.

(b) If a violation of this Ordinance occurs in unincorporated Polk County, the enforcement provisions and procedures contained in the Polk County Code Enforcement Special Magistrate Ordinance, as it may be amended or superseded, are incorporated herein by reference and will apply.

(c) Nothing contained herein shall prevent Polk County or a municipality from taking such other lawful action in law and equity as may be necessary to remedy any violation of any part of this Ordinance, including but not limited to:

1. Pursuit of injunction and/or declaratory relief in a court of competent jurisdiction;
2. Utilizing any other action or enforcement method permitted by law; or
3. Prosecution as a misdemeanor with a fine not exceeding Five Hundred Dollars ($500.00) or by imprisonment for a term not exceeding sixty (60) days or by both fine and imprisonment.

(d) Funds generated by penalties imposed under this section shall be used by Polk County or the municipality for the administration and enforcement of Section 403.9337, Florida Statutes, this ordinance, and to further nonpoint pollution prevention activities.

SECTION 6-2 SEVERABILITY:

If any section, subsection, sentence, clause, phrase or word of this article is for any reason, held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this article; and it shall be construed to have been the intent to adopt this article without such unconstitutional, invalid, or inoperative part therein; and the remainder of this article, after the exclusion of such part or parts, shall be deemed to be held valid as if such part or parts had not been included herein.

SECTION 6-3 INCLUSION IN THE POLK COUNTY CODE OF ORDINANCES:

It is the intention of the Board of County Commissioners hereby provided that the provisions of this ordinance shall be made a part of the Polk County Code of Ordinances; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

***SECTION 6-4 EFFECTIVE DATE*:**

This Ordinance shall become effective upon filing a certified copy with the Department of State.

ADOPTED THIS _____DAY OF _____, 2013.

POLK COUNTY, FLORIDA
By: Board of County Commissioners

By:_____

ATTEST:

By:_____
Deputy Clerk

Appendix B.2

The Polk County Stormwater Quality Management Ordinance was adopted May 4, 1993 as Ordinance No. 93-06 for compliance with the legal authority requirements established for the NPDES/MS4 Stormwater Permit application. The Ordinance regulates discharges of materials to the MS4 or to U.S. Waters by defining illicit discharges as any materials not composed entirely of stormwater, with the exception of discharges which are specifically exempted by the ordinance. The Ordinance has been codified as Article VI. of the Polk County Code of Ordinances below:

ARTICLE VI. – STORMWATER QUALITY MANAGEMENT

Sec. 12-147. Short title.

This article shall be known as the Polk County Stormwater Quality Management Ordinance.
(Ord. No. 93-06, Art. I, § 1-1)

Sec. 12-148. Finding of facts.

The contribution of pollutants through discharges from storm sewer systems has a significant impact on the receiving waters in Polk County. Improperly treated discharges from industrial activities and interconnected Municipal Separate Storm Sewer Systems (MS4's) and illicit discharges from spilling, dumping or disposal of material other than stormwater to the municipal separate storm sewer system will adversely affect the quality of waters receiving such discharges. The United States Environmental Protection Agency (EPA), pursuant to Title 40, Section 122.26 of the Code of Federal Regulations, has mandated that municipalities provide the legal authority to control discharges to the municipal separate storm sewer system under the National Pollutant Discharge Elimination System (NPDES) in order to control the quality of discharges from the MS4. The Board of County Commissioners of Polk County, Florida, therefore finds it necessary and in the public interest, to protect the quality of waters receiving stormwater discharges from becoming contaminated, for the health, safety, and general welfare of the citizens of Polk County.
(Ord. No. 93-06, Art. I § 1-2)

Sec. 12-149. Applicability.

The regulations herein set forth shall apply to all the unincorporated areas of Polk County and within the corporate limits of each Polk County municipality. Charter provisions or ordinances within municipalities that are in conflict with the provisions of this Ordinance shall take precedence and shall be used to supplement the requirements of this Ordinance.
(Ord. No. 93-06, Art. I, § 1-3)

Sec. 12-150. Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. Use of the word "shall" means mandatory and not merely discretionary.

Best Management Practices (BMP's): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutants from entering the MS4 or being discharged from the MS4 so as to protect or restore the quality of "Waters of the United States." BMP's include, but are not limited to treatment methods and practices to control; site runoff, spillage, leaks, sludge, waste disposal or runoff from raw material.

Board: The Board of County Commissioners of Polk County, Florida.

Code of federal regulations (CFR): The codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government.

County: "County" shall mean Polk County, a political subdivision of the State of Florida.

Discharge: "Discharge" includes, but is not limited to, any spilling, leaking, seeping, pouring, emitting, emptying or dumping of any material.

Emergency management division: A division of the Polk County Public Safety Department.

Florida administrative code: (FAC) - An annotated official compilation of the rules and regulations of the State of Florida, published by the Florida Secretary of State.

Illicit discharge: Any discharge to a municipal separate storm sewer system or to waters of the U.S. that is not composed entirely of stormwater, with the exception of discharges which are exempt pursuant to Section 6-2 of this Ordinance.

Industrial activities: Activities which are conducted on properties designated for Industrial Land Use in accordance with local comprehensive plans and at facilities identified by the U.S. EPA as requiring a NPDES stormwater permit under the definition of "Storm Water Discharge Associated with Industrial Activity" in Title 40, Section 122.26 of the Code of Federal Regulations or any modification or derivative thereof.

Inspection: "Inspection" includes, but is not limited to a review of all components of the stormwater management system, records on operation and maintenance of facilities and the results of any monitoring performed for compliance with State, Federal and Local regulations or permit conditions.

Municipal or municipality: "Municipal" or "municipality" shall include the County and all cities, towns or other public entities, created by or pursuant to Florida law, which own or operate a municipal separate storm sewer system within Polk County.

Municipal separate storm sewer system (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) owned or operated by a municipality that discharges to waters of the United States and that is designed solely for collecting or conveying stormwater that is not part of a publicly owned treatment works (POTW) as defined by 40 CFR 122.2.

National pollutant discharge elimination system (NPDES): The Federal program, implemented by the U.S. EPA, for controlling discharges from point source discharges directly into waters of the U.S. under the Clean Water Act.

Person: Any individual, partnership, firm, organization, corporation, association or other legal entity, whether singular or plural, as the context may require.

Stormwater: Surface runoff and drainage of water resulting from rainfall.

Waters of the United States: As defined by the U.S. Environmental Protection Agency (EPA) in Title 40, Section 122 of the Code of Federal Regulations or any modification or derivative thereof.
(Ord. No. 93-06, Art. II, § 2-1)

Sec. 12-151. Control of stormwater discharges – Discharges to municipal system and United States waters.

(a) The discharge of stormwater to an MS4 shall be controlled to the extent that such discharge will not impair the operation of the MS4 or contribute to the failure of the MS4 to meet any State or Federal requirements. Discharges to waters of the U.S. shall be controlled to the extent that the discharge will not adversely impact the quality or beneficial uses of the receiving water.

(b) Any person responsible for stormwater discharges determined by the municipality to be contributing to the impairment of waters of the U.S., either directly or through an MS4, shall provide corrective measures in accordance with a schedule approved by the municipality.
(Ord. No. 93-06, Art. III, § 3-1)

Sec. 12-152. Same - Discharges from industrial activities and construction sites.

(a) Stormwater from construction sites shall be controlled in such a way as to retain sediment on-site and prevent violations of state water quality standards. All erosion and sediment controls required pursuant to the pollution prevention plan of a NPDES stormwater permit for construction or required pursuant to a state stormwater permit issued by either the Florida Department of Environmental Regulation or appropriate water management district shall be properly implemented, maintained and operated. The minimum acceptable requirements for construction sites are set forth in the Best Management Practices (BMP's) for Construction Activities, attached hereto as Attachment 1, and incorporated herein by reference.

(b) Stormwater from areas of industrial activity shall be treated or managed on-site, using best management practices, prior to discharging to an MS4 or to U.S. Waters. All stormwater discharges from the site shall be of a quality which will not adversely impact the water quality or beneficial uses of the receiving water.

(c) The owners of industrial facilities or construction sites which will discharge stormwater to an MS4,

must provide written notification to the appropriate municipality prior to discharging.
(Ord. No. 93-06, Art. III, § 3-2; Ord. No. 94-42, § 1, 8-16-94)

Sec. 12-153. Same - Pollutant contributions from interconnected MS4's.

The discharge of stormwater between interconnected State, County or other municipal storm sewer systems shall not impair the quality of the discharge from the receiving storm sewer system. Owners of sections of an interconnected MS4 shall be responsible for the quality of discharge from their portion of the system and shall coordinate with the owners of the downstream segments prior to initiating any modifications to the system. (Ord. No. 93-06, Art. III, § 3-3)

Sec. 12-154. Control of non-stormwater discharges-Prohibition of illicit discharges.

Any discharge, other than stormwater, to an MS4 or to waters of the U.S. which is not exempt under section 12-160 of this article is considered an illicit discharge as defined in this Ordinance and is prohibited.
(Ord. No. 93-06, Art. IV, § 4-1)

Sec. 12-155. Same – Reporting illicit discharges.

Upon discovery of an illicit discharge, persons responsible for the discharge shall report their findings immediately to the municipality in which the discharge occurs.
(Ord. No. 93-06, Art. IV, § 4-2)

Sec. 12-156. Same – Control of illicit discharges.

Persons responsible for illicit discharges shall immediately, upon notification, initiate procedures to cease discharging or provide suitable containment facilities until modifications are made to properly treat the discharge, or a NPDES permit is obtained. Such procedures shall include a requirement to obtain approval of a schedule for implementing proposed corrective measures from the appropriate municipality.
(Ord. No. 93-06, Art. IV, § 4-3)

Sec. 12-157. Inspection and maintenance of systems – Monitoring for compliance.

Municipal personnel shall be granted access for inspection of facilities discharging or suspected of discharging to an MS4 or waters of the U.S. in order to evaluate the potential for release of materials other than stormwater. All structures which allow discharges to an MS4 shall be made accessible to municipal personnel for continual monitoring of the quality of the discharges.
(Ord. No. 93-06, Art. V, § 5-1)

Sec. 12-158. Same – Maintenance of control structures.

Structural controls and other BMP's used to reduce pollutants in stormwater discharges shall be operated and maintained so as to function in accordance with the original design or performance criteria. Operation and maintenance shall be done so as to assure treatment of stormwater or reduction in pollutants in stormwater discharges consistent with appropriate federal, state or water management district rules or permit requirements.
(Ord. No. 93-06, Art. V, § 5-2)

Sec. 12-159. Variances.

Variances from specific requirements of this Ordinance shall be considered by the appropriate municipalities on a case by case basis to the extent that the granting of such variance will not adversely impact the quality of the receiving water or relieve a person from any federal, state or local requirements which may apply. Notification of variance application shall be provided to the owners of all MS4's within Polk County.
(Ord. No. 93-06, Art. VI, § 6-1)

Sec. 12-160. Exemptions.

The following activities shall be exempt from the requirements of this article:

(1) Discharges from firefighting and emergency response activities employing best management practices.

(2) Discharges which meet the water quality standards of Chapter 17-302 FAC.

(3) Discharges from facilities in compliance with the conditions of all required NPDES permits issued under the authority of the U.S. Environmental Protection Agency.

(4) The storage, use or disposal of fertilizers, pesticides, herbicides or other regulated substances in strict conformance with the EPA registration, manufacturer's label requirements and any applicable Federal, State or local regulations.
(Ord. No. 93-06, Art. VI, § 6-2)

Sec. 12-161. Enforcement, penalties and proceedings for injunction.

(a) Enforcement of this article shall be administered by the municipality in which the violation occurs. All persons in violation of this ordinance shall address such violations immediately upon written notification by the appropriate municipal authorities. Violations shall be addressed by providing a written response to the authority issuing the notification, requesting approval of the temporary and permanent measures that will be taken to correct the violation and a proposed schedule for completion of each of the corrective measures.

(b) Any person who violates any provision of this article may be issued a citation pursuant to Polk County Ordinance No.92-32, the Polk County Citation Ordinance, as amended, or may be subject to prosecution before the Codes Enforcement Board of the County or any municipality in which the violation occurs and shall be subject to the administrative fines and liens set forth in the applicable ordinance. Each day of non-compliance shall constitute a separate violation of the applicable ordinance.

(c) Any person who violates any section of this article may be prosecuted and punished as provided by Section 125.69 of the Florida Statutes. Each day of the violation shall constitute a separate offense, punishable by a fine not to exceed $500.00 or by imprisonment in the County jail not to exceed 60 days, or by both such fine and imprisonment.

(d) In addition to any fines which may be imposed by this Ordinance, persons responsible for a discharge which adversely impacts a receiving water shall be liable for all sampling and analytical costs incurred in monitoring the discharge, any State or Federal fines imposed as a result of the discharge and the cost of removing or properly treating the discharge for complete restoration of the quality of all receiving waters to the extent in which they were impaired.

(e) In addition to the remedies provided herein, the appropriate municipal attorney is authorized to make application in Circuit Court for an injunction restraining any person from violating, or continuing to violate, any provisions of this Ordinance. Such application for injunction may also seek entry of a court order requiring restoration and mitigation for any impacted land or waters.
(Ord. No. 93-06, Art. VII, § 7-1; Ord. No. 94-42, § 2, 8-16-94)

Sec. 12-162 _ 12-171. Reserved.

Appendix B.3

ORDINANCE NO. 93-06 (As Amended)

AN ORDINANCE RELATING TO THE MANAGEMENT OF STORM SEWER SYSTEM DISCHARGES AND ENHANCING THE QUALITY OF SURFACE AND GROUND WATER RESOURCES; PROVIDING FOR A SHORT TITLE; PROVIDING FOR A FINDING OF FACTS; ESTABLISHING APPLICABILITY; PROVIDING FOR DEFINITIONS; CONTROLLING STORMWATER DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AND WATERS OF THE UNITED STATES; CONTROLLING THE DISCHARGE OF STORMWATER FROM INDUSTRIAL ACTIVITIES AND CONSTRUCTION SITES; ESTABLISHING THE MINIMUM ACCEPTABLE BEST MANAGEMENT PRACTICES REQUIRED AT CONSTRUCTION SITES; CONTROLLING THE POLLUTANT CONTRIBUTION FROM INTERCONNECTED MS4'S; PROVIDING FOR CONTROL OF NON-STORMWATER DISCHARGES; PROHIBITING ILLICIT DISCHARGES; PROVIDING FOR REPORTING AND CONTROL OF ILLICIT DISCHARGES TO THE MS4 AND U.S. WATERS; PROVIDING AUTHORITY TO PERFORM INSPECTIONS AND MONITORING FOR COMPLIANCE; PROVIDING FOR MAINTENANCE OF CONTROL STRUCTURES; PROVIDING FOR VARIANCES AND EXEMPTIONS; PROVIDING FOR ENFORCEMENT, PENALTIES AND PROCEEDINGS FOR INJUNCTION; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA.

ARTICLE I - GENERAL PROVISIONS

SECTION 1-1 SHORT TITLE:
This Ordinance shall be known as the Polk County Stormwater Quality Management Ordinance.

SECTION 1-2 FINDING OF FACTS:
The contribution of pollutants through discharges from storm sewer systems has a significant impact on the receiving waters in Polk County. Improperly treated discharges from industrial activities and interconnected Municipal Separate Storm Sewer Systems (MS4's) and illicit discharges from spilling, dumping or disposal of material other than stormwater to the municipal separate storm sewer system will adversely affect the quality of waters receiving such discharges. The United States Environmental Protection Agency (EPA), pursuant to Title 40, Section 122.26 of the Code of Federal Regulations, has mandated that municipalities provide the legal authority to control discharges to the municipal separate storm sewer system under the National Pollutant Discharge Elimination System (NPDES) in order to control the quality of discharges from the MS4. The Board of County Commissioners of Polk County, Florida, therefore finds it necessary and in the public interest, to protect the quality of waters receiving stormwater discharges from becoming contaminated, for the health, safety, and general welfare of the citizens of Polk County.

SECTION 1-3 APPLICABILITY:
The regulations herein set forth shall apply to all the unincorporated areas of Polk County and within the corporate limits of each Polk County municipality. Charter provisions or ordinances within municipalities that are in conflict with the provisions of this Ordinance shall take precedence and shall be used to supplement the requirements of this Ordinance.

ARTICLE II - DEFINITIONS

SECTION 2-1 DEFINITIONS:
Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. Use of the word "shall" means mandatory and not merely discretionary.

A. BEST MANAGEMENT PRACTICES (BMP's) - Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutants from entering the MS4 or being discharged from the MS4 so as to protect or restore the quality of "Waters of the United States." BMP's include, but are not limited to treatment methods and practices to control; site runoff, spillage, leaks, sludge, waste disposal or runoff from raw material.

B. BOARD - The Board of County Commissioners of Polk County, Florida.

C. CODE OF FEDERAL REGULATIONS (CFR) - The codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government.

D. COUNTY - Shall mean Polk County, a political subdivision of the State of Florida.

E. DISCHARGE - Includes, but is not limited to, any spilling, leaking, seeping, pouring, emitting, emptying or dumping of any material.

F. EMERGENCY MANAGEMENT DIVISION - A division of the Polk County Public Safety Department.

G. FLORIDA ADMINISTRATIVE CODE (FAC) - An annotated official compilation of the rules and regulations of the State of Florida, published by the Florida Secretary of State.

H. ILLICIT DISCHARGE - Any discharge to a municipal separate storm sewer system or to waters of the U.S. that is not composed entirely of stormwater, with the exception of discharges which are exempt pursuant to Section 6-2 of this Ordinance.

I. INDUSTRIAL ACTIVITIES - Activities which are conducted on properties designated for Industrial Land Use in accordance with local comprehensive plans and at facilities identified by the U.S. EPA as requiring a NPDES stormwater permit under the definition of "Storm Water Discharge Associated with Industrial Activity" in Title 40, Section 122.26 of the Code of Federal Regulations or any modification or derivative thereof.

J. INSPECTION - Includes, but is not limited to a review of all components of the stormwater management system, records on operation and maintenance of facilities and the results of any monitoring performed for compliance with State, Federal and Local regulations or permit conditions.

K. MUNICIPAL OR MUNICIPALITY - Shall include the County and all cities, towns or other public entities, created by or pursuant to Florida law, which own or operate a municipal separate storm sewer system within Polk County.

L. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) owned or operated by a municipality that discharges to waters of the United States and that is designed solely for collecting or conveying stormwater that is not part of a publicly owned treatment works (POTW) as defined by 40 CFR 122.2.

M. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) - The Federal program, implemented by the U.S. EPA, for controlling discharges from point source discharges directly into waters of the U.S. under the Clean Water Act.

N. PERSON - Any individual, partnership, firm, organization, corporation, association or other legal entity, whether singular or plural, as the context may require.

O. STORMWATER - Surface runoff and drainage of water resulting from rainfall.

P. WATERS OF THE UNITED STATES - As defined by the U.S. Environmental Protection Agency (EPA) in Title 40, Section 122 of the Code of Federal Regulations or any modification or derivative thereof.

ARTICLE III - CONTROL OF STORMWATER DISCHARGES

SECTION 3-1 STORMWATER DISCHARGES TO THE MUNICIPAL SYSTEM AND U.S. WATERS:

3-1.1 The discharge of stormwater to an MS4 shall be controlled to the extent that such discharge will not impair the operation of the MS4 or contribute to the failure of the MS4 to meet any State or Federal requirements. Discharges to waters of the U.S. shall be controlled to the extent that the discharge will not adversely impact the quality or beneficial uses of the receiving water.

3-1.2 Any person responsible for stormwater discharges determined by the municipality to be contributing to the impairment of waters of the U.S., either directly or through an MS4, shall provide corrective measures in accordance with a schedule approved by the municipality.

SECTION 3-2 STORMWATER DISCHARGES FROM INDUSTRIAL ACTIVITIES AND CONSTRUCTION SITES:

3-2.1 Stormwater from construction sites shall be controlled in such a way as to retain sediment on-site and prevent violations of state water quality standards. All erosion and sediment controls required pursuant to the pollution prevention plan of a NPDES stormwater permit for construction or required pursuant to a state stormwater permit issued by either the Florida Department of Environmental Regulation or appropriate water management district shall be properly implemented, maintained and operated. <u>The minimum acceptable requirements for construction sites are set forth in the Best Management Practices (BMP's) for Construction Activities, attached hereto as Attachment 1, and incorporated herein by reference.</u>

3-2.2 Stormwater from areas of industrial activity shall be treated or managed on-site, using best management practices, prior to discharging to an MS4 or to U.S. Waters. All stormwater discharges from the site shall be of a quality which will not adversely impact the water quality or beneficial uses of the receiving water.

3-2.3 The owners of industrial facilities or construction sites which will discharge stormwater to an MS4, must provide written notification to the appropriate municipality prior to discharging.

SECTION 3-3 CONTROL OF POLLUTANT CONTRIBUTIONS FROM INTERCONNECTED MS4's:
The discharge of stormwater between interconnected State, County or other municipal storm sewer systems shall not impair the quality of the discharge from the receiving storm sewer system. Owners of sections of an interconnected MS4 shall be responsible for the quality of discharge from their portion of the system and shall coordinate with the owners of the downstream segments prior to initiating any modifications to the system.

ARTICLE IV - CONTROL OF NON-STORMWATER DISCHARGES

SECTION 4-1 PROHIBITION OF ILLICIT DISCHARGES:
Any discharge, other than stormwater, to an MS4 or to waters of the U.S. which is not exempt under Section 6-2 of this Ordinance is considered an illicit discharge as defined in this Ordinance and is prohibited.

SECTION 4-2 REPORTING ILLICIT DISCHARGES:
Upon discovery of an illicit discharge, persons responsible for the discharge shall report their findings immediately to the municipality in which the discharge occurs.

SECTION 4-3 CONTROL OF ILLICIT DISCHARGES:
Persons responsible for illicit discharges shall immediately, upon notification, initiate procedures to cease discharging or provide suitable containment facilities until modifications are made to properly treat the discharge, or a NPDES permit is obtained. Such procedures shall include a requirement to obtain approval of a schedule for implementing proposed corrective measures from the appropriate municipality.

ARTICLE V - INSPECTION AND MAINTENANCE OF SYSTEMS

SECTION 5-1 INSPECTION AND MONITORING FOR COMPLIANCE:
Municipal personnel shall be granted access for inspection of facilities discharging or suspected of discharging to an MS4 or waters of the U.S. in order to evaluate the potential for release of materials other than stormwater. All structures which allow discharges to an MS4 shall be made accessible to municipal personnel for continual monitoring of the quality of the discharges.
SECTION 5-2 MAINTENANCE OF CONTROL STRUCTURES
Structural controls and other BMP's used to reduce pollutants in stormwater discharges shall be operated and maintained so as to function in accordance with the original design or performance criteria. Operation and maintenance shall be done so as to assure treatment of stormwater or reduction in pollutants in stormwater discharges consistent with appropriate federal, state or water management district rules or permit requirements.

ARTICLE VI - VARIANCES AND EXEMPTIONS

SECTION 6-1 VARIANCES:
Variances from specific requirements of this Ordinance shall be considered by the appropriate municipalities on a case by case basis to the extent that the granting of such variance will not adversely impact the quality of the receiving water or relieve a person from any federal, state or local requirements which may apply. Notification of variance application shall be provided to the owners of all MS4's within Polk County.

SECTION 6-2 EXEMPTIONS:
The following activities shall be exempt from the requirements of this Ordinance:

A) Discharges from fire fighting and emergency response activities employing best management practices.

B) Discharges which meet the water quality standards of Chapter 17-302 FAC.

C) Discharges from facilities in compliance with the conditions of all required NPDES permits issued under the authority of the U.S. Environmental Protection Agency.

D) The storage, use or disposal of fertilizers, pesticides, herbicides or other regulated substances in strict conformance with the EPA registration, manufacturer's label requirements and any applicable Federal, State or local regulations.

ARTICLE VII - ORDINANCE ADMINISTRATION

SECTION 7-1 ENFORCEMENT, PENALTIES AND PROCEEDINGS FOR INJUNCTION:
7-1.1 Enforcement of this Ordinance shall be administered by the municipality in which the violation occurs. All persons in violation of this ordinance shall address such violations immediately upon written notification by the appropriate municipal authorities. Violations
shall be addressed by providing a written response to the authority issuing the notification, requesting approval of the temporary and permanent measures that will be taken to correct the violation and a proposed schedule for completion of each of the corrective measures.
7-1.2 Any person who violates any provision of this Ordinance may be issued a citation pursuant to Polk County Ordinance No.92-32, the Polk County Citation Ordinance, as amended, or may be subject to prosecution before the Codes Enforcement Board of the County or any municipality in which the violation occurs and shall be subject to the administrative fines and liens set forth in the applicable ordinance. Each day of non-compliance shall constitute a separate violation of the applicable ordinance.

7-1.3 Any person who violates any section of this Ordinance may be prosecuted and punished as provided by Section 125.69 of the Florida Statutes. Each day of the violation shall constitute a separate offense, punishable by a fine not to exceed $500.00 or by imprisonment in the County jail not to exceed 60 days, or by both such fine and imprisonment.
7-1.4 In addition to any fines which may be imposed by this Ordinance, persons responsible for a discharge which adversely impacts a receiving water shall be liable for all sampling and analytical costs incurred in monitoring the discharge, any State or Federal fines imposed as a result of the discharge and the cost of removing or properly treating the discharge for complete restoration of the quality of all receiving waters to the extent in which they were impaired.

7-1.5 In addition to the remedies provided herein, the appropriate municipal attorney is authorized to make application in Circuit Court for an injunction restraining any person from violating, or continuing to violate, any provisions of this Ordinance. Such application for injunction may also seek entry of a court order requiring restoration and mitigation for any impacted land or waters.

SECTION 7-2 SEVERABILITY:
The provisions of this Ordinance are severable, and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality, or inapplicability shall not affect or impair the remaining provisions of this Ordinance.

SECTION 7-3 EFFECTIVE DATE:
The provisions of this ordinance shall become effective upon receipt of acknowledgment from the Department of State that a certified copy of this ordinance has been filed with said office.

Ordinance 93-06 - Adopted by the Polk County Board of County Commissioners on May 4, 1993 and Amended August 16, 1994 as to include Ordinance 94-42, as underlined in this compiled version, and Attachment 1 - "Best Management Practices (BMP's) for Construction Activities".

Finalized 8-30-94

POLK COUNTY ORDINANCE 94-42 - ATTACHMENT 1
BEST MANAGEMENT PRACTICES (BMP'S) FOR CONSTRUCTION ACTIVITIES

All construction activities which are required by the U.S. Environmental Protection Agency to obtain a NPDES stormwater permit, including but not limited to Industrial, Commercial, Residential Communities, Utilities, Right-of-Way and Roadway Construction shall be required to utilize Best Management Practices (BMP's) in the control of stormwater and illicit discharges. An illicit discharge is any discharge to the Municipal Separate Storm Sewer System (MS4) or Waters of the U.S. that is not composed entirely of stormwater. BMP's shall be implemented as necessary to insure that discharges from all construction activities, including land clearing, are in compliance with water quality standards in Chapter 17-302, F.A.C. These BMP's shall be in accordance with the Florida Development Manual - A Guide to Sound Land and Water Management, Stormwater Management Practices, Chapter - 6 - Stormwater and Erosion and Sediment Control/Best Management and the latest version of the FDOT standard specifications.

The following 14 specific items, as a minimum, must be addressed in a stormwater pollution prevention plan which shall be included in the plans and specifications submitted for County Approval on all construction sites:

1. EROSION AND SEDIMENT CONTROLS - An erosion and sediment control plan which minimizes erosion and retains sediment on site must be developed and implemented prior to any construction activity taking place at the site. All components of the plan shall be utilized, secured and properly maintained during the construction activities until the site has been stabilized. Details for the proper installation of silt fence and hay bales are provided at the end of this document.

   All areas of exposed soil shall be stabilized within 72 hours of attaining final grade. Stabilization may be in the form of grass sodding, seeding and mulching or hydro-seeding. Temporary stabilization should be provided to areas of bare soil which will remain unworked for longer that a 14 day period.

2. EQUIPMENT MAINTENANCE AND REPAIR - Maintenance and repair of construction machinery or equipment should be confined to areas specifically designated for that purpose. Such designated areas shall be located and designed so that oils, gasoline, grease, solvents and other potential pollutants cannot be washed directly into receiving streams or stormwater conveyance systems. These areas must be provided with adequate waste disposal receptacles for liquids as well as solid waste. Maintenance areas should be inspected and cleaned routinely.

   On a construction site where designated equipment maintenance areas are not feasible, exceptional care must be taken during each individual repair or maintenance operation to prevent potential pollutants from being washed into surface waters through conveyance systems.

3. STORM SEWER SYSTEM PROTECTION - Storm Sewer Systems must be protected against any discharge other than stormwater during construction and may require suitable

filtering devices during construction to keep settleable pollutants from entering conveyance systems.

4. WASTE COLLECTION AND DISPOSAL - A plan must be formulated for the collection and disposal of construction debris. Such a plan shall designate locations for trash and waste receptacles and establish a special collection schedule. Methods for ultimate disposal of waste should be specified and carried out in accordance with applicable local and state health and safety regulations. Special provisions shall be made for the collection and disposal of liquid wastes and toxic or hazardous materials.

   Receptacles and other waste collection areas should be kept neat and orderly to the extent possible. Waste shall not be allowed to overflow its container or accumulate for excessively long periods of time. Trash collection points must be located where they will least likely be affected by concentrated stormwater runoff.

5. WASHING AREAS - Vehicles such as concrete or dump trucks and other construction equipment shall not be washed at locations where the runoff will flow directly into lakes, wetlands, watercourse or stormwater conveyance system. Special areas must be designated near the site entrance(s) and utilized for washing vehicles as specified under item 12. These areas should be located where the wash water will spread out and evaporate or infiltrate directly into the ground, or where the runoff can be collected in a temporary holding or seepage basin. Wash areas should have gravel or rock bases to minimize mud generation and include underdrains where infiltration basins are provided. Upon completion of the project the wash area should be graded and stabilized and any trash or waste collected and disposed of properly.

6. STORAGE OF CONSTRUCTION MATERIALS, CHEMICALS, ETC. - Fuel, chemicals, cements, solvents, paints, topsoil or other potential water pollutants shall be stored in areas where they will not cause runoff pollution.

   Toxic chemicals and materials, such as pesticides, paints and acids, must be stored in accordance with manufacturers' guidelines. Groundwater resources should be protected from leaching by placing a plastic mat, packed clay, tar paper, or other impervious materials on any areas where toxic liquids are to be opened and stored.

7. DEMOLITION AREA - Demolition projects usually generate large amounts of dust with significant concentrations of heavy metals and other toxic pollutants. Dust control techniques should be used to limit the transport of the airborne pollutants. However, water or slurry used to control dust should be retained on the site and not be allowed to run directly into lakes, wetlands, watercourses or stormwater conveyance systems.

8. SANITARY FACILITIES - All construction sites should be provided with adequate sanitary facilities for workers in accordance with applicable health regulations.

9. PEST CONTROL - Pesticides used during construction should be stored and used in accordance with manufacturers' guidelines. Overuse should be avoided and great care should be taken to prevent accidental spillage. Pesticide containers should never be washed in or

near waterbodies, wetlands, flowing streams or stormwater conveyance systems. Further guidelines for pesticide use control are contained in other standards available in the previous referenced Florida Development Manual.

10. DUST CONTROL - The use of calcium chloride, oils or other chemical dust control agents on construction sites should be avoided. Periodic watering of these areas is a preferred alternative however, water used to control dust should be retained on the site and not be allowed to run directly into waterbodies, wetlands, water courses or stormwater conveyance systems.

11. VEGETATIVE BUFFERS - Vegetative buffers are effective in controlling erosion and discharge of sediment. Natural site vegetation should remain undisturbed to the maximum extent possible. Site clearing should be limited to areas where construction is taking place. Revegetation of disturbed areas must be accomplished so as to stabilize all exposed soil surfaces within 72 hours of completion of construction in the area.

12. CONSTRUCTION SITES INGRESS/EGRESS - The contractor shall provide a designated construction ingress/egress road(s), consisting of, at minimum, a stone stabilized pad. All vehicles entering and exiting the site shall be restricted to the designated ingress/egress road(s). If the action of the vehicle traveling over the stone pad is not sufficient to remove the majority of the mud, then the tires must be washed before the vehicle enters a public road. If washing is used, provisions must be made to intercept the wash water and trap the sediment before it is carried off-site. The ingress/egress road should be used in conjunction with the stabilization of construction roads to reduce the amount of mud picked up by construction vehicles.

13. DEWATERING DISCHARGES - Discharges from dewatering activities must be controlled so as not to impair the quality of any receiving waterbodies. Treatment at the construction site by discharging through overland flow or to on-site detention or retention facilities should be utilized to reduce sediments.

14) PHASED ACTIVITIES - Whenever possible, construction activities should be phased to minimize the exposure of the site to rainfall which may create sediment discharge problems. Activities which disturb soils should be scheduled for times when the chances of storm events is minimal.

RECOMMENDED STANDARDS FOR RESIDENTIAL CONSTRUCTION

BEST MANAGEMENT PRACTICES (BMP'S)

Best Management Practices (BMP's) assist in the controlling of stormwater and illicit discharges from construction activity. Any discharge to the Municipal Separate Storm Sewer System (MS4) or Waters of the U.S. that is not composed entirely of stormwater is an illicit discharge in accordance with Polk County Ordinance 93-06. BMP's should therefore be implemented, as necessary, to insure that all discharges from residential construction sites are in compliance with water quality standards in Chapter 17-302, F.A.C. A summary of the BMP's recommended for residential sites is provided below as developed in accordance with the Florida Development Manual - A Guide to Sound Land and Water Management, Stormwater Management Practices, Chapter 6 - Stormwater and Erosion and Sediment Control/Best Management and the latest version of the FDOT standard specifications.

The following items, as a minimum, should be considered during construction on residential sites in order to control the discharge of pollutants:

1. SITE GRADING - All site grading should be conducted in a manner that will not alter adjacent stormwater management facilities in any way which would diminish their designed flow or pollutant removal capacity or otherwise impact a receiving water.

2. EROSION AND SEDIMENT CONTROLS - BMP's such as the maintenance of vegetative buffers or use of silt fence and/or staked hay bales, which minimize erosion and retain sediment on site, should be considered prior to any construction activities taking place at sites which discharge to surface waters or to the MS4. These controls, when utilized, must be secured and properly maintained during construction until the site has been stabilized with sod or seeded and mulched in order to be effective. Double silt fence may be required as additional measures to insure that discharges from the site are in compliance with water quality standards in Chapter 17-302, F.A.C. Details for the proper installation of silt fence and hay bales are provided at the end of this document.

   Undisturbed vegetative buffers provide the best opportunity to control erosion and reduce sediment discharges and should remain intact to the maximum extent possible. All areas of exposed soil should be stabilized as soon as possible after attaining final grade in order to reduce the potential for erosion and the discharge of sediment during storm events.

3. STORM SEWER SYSTEM PROTECTION - Storm sewer systems (eg. inlets, pipes and ditches, etc.) which are adjacent to the site must be protected by silt fence and/or staked hay bales during construction. This will help keep settleable pollutants from entering conveyance systems which could otherwise cause localized flooding or water quality problems through failure of the stormwater facilities.

4. WASTE COLLECTION AND DISPOSAL - Receptacle and other waste collection areas should be kept neat and orderly to the greatest extent possible. Waste should not be allowed to overflow its container or accumulate for excessively long periods of time. Trash collection points should be located where they will least likely be affected by concentrated stormwater runoff. Special provisions must be made for the collection and disposal of liquid wastes and toxic or hazardous materials.

5. WASHING AREAS - Vehicles such as concrete or dump trucks and other construction equipment shall not be washed at locations where the runoff will flow directly into a lake, wetland, watercourse or stormwater conveyance system. Special areas should be designated and used for wash down of these construction vehicles.

   In new subdivisions, a wash area should be established by the developer which can be used by all contractors. These areas will allow wash water to spread out and evaporate or infiltrate directly into the ground, or to be collected in a temporary holding pond or seepage basin.

6. STORAGE OF CONSTRUCTION MATERIALS, CHEMICALS, ETC. - Fuels, solvents, paints, or other potential water pollutants shall be stored in areas where they will not come in contact with stormwater.

   Toxic chemicals and materials, such as pesticides, paints and acids, must be stored in accordance with manufacturers' guidelines. Groundwater resources should be protected from leaching by placing a plastic mat, packed clay, tar paper, or other impervious materials on any areas where toxic liquids are to be opened and stored.

7. SANITARY FACILITIES - Construction sites should be provided with adequate sanitary facilities for workers in accordance with applicable health regulations.

8. DRIVEWAYS - Driveways should be constructed during the initial phase of construction and used as the only access in order to provide for a minimum disturbance of the existing drainage facilities and vegetative cover.

Appendix B.4

Polk County Citation Ordinance No. 92-32

POLK COUNTY ORDINANCE NO. 92-32

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA ESTABLISHING A CODE ENFORCEMENT CITATION SYSTEM; PROVIDING FOR RULES OF CONSTRUCTION; PROVIDING FOR DEFINITIONS; PROVIDING APPLICABILITY; PROVIDING AUTHORITY; PROVIDING PROCEDURES; PROVIDING FOR CITATION; PROVIDING PENALTIES; PROVIDING FOR CITATION CONTEST; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

POLK COUNTY CODE ENFORCEMENT CITATION ORDINANCE

WHEREAS, Section 162.21, Florida Statutes, permits local governing bodies to establish a Code Enforcement Citation System; and

WHEREAS, a Code Enforcement Citation System will promote, protect, and improve the health, safety and welfare of the citizens of the unincorporated area of Polk County by providing a supplemental means of enforcing certain county Ordinances, as hereinafter enumerated, that are not conducive to enforcement by way of the Polk County Code Enforcement Board.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

SECTION 1: Title.

This Ordinance shall be cited as the Polk County Code Enforcement Citation Ordinance

SECTION 2: Rules of Construction.

For the purpose of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

(1) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

Appendix B.5

Polk County Code Enforcement Special Magistrate Ordinance No. 07-58

ORDINANCE NO. 07-058

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS TO BE ENTITLED THE "POLK COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE ORDINANCE;" PROVIDING FOR LEGISLATIVE INTENT; CREATING THE SPECIAL MAGISTRATE SYSTEM, SETTING FORTH THE PURPOSE OF THE SPECIAL MAGISTRATE AND APPELLATE SPECIAL MAGISTRATE, PROVIDING FOR QUALIFICATIONS, TERM OF SERVICE, REMOVAL, CLERICAL AND ADMINISTRATIVE SUPPORT; PROVIDING DEFINITIONS; PROVIDING FOR JURISDICTION; SETTING FORTH THE POWERS OF THE SPECIAL MAGISTRATE AND SPECIAL APPELLATE MAGISTRATE; PROVIDING FOR CASE PRESENTATION AND DUTIES AND POWERS OF THE COUNTY ATTORNEY'S OFFICE; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR NOTICE OF HEARING; SETTING FORTH THE CONDUCT OF THE SPECIAL MAGISTRATE AND APPELLATE SPECIAL MAGISTRATE HEARINGS; PROVIDING FOR APPEALS TO THE APPELLATE SPECIAL MAGISTRATE; PROVIDING FOR APPEALS TO THE CIRCUIT COURT; PROVIDING FOR ADMINISTRATIVE FINES, COSTS OF REPAIRS, COSTS INCURRED BY THE COUNTY, AMOUNT OF FINES, REDUCTION OF FINES, CREATION OF LIENS, DURATION OF LIEN; PROVIDING FOR THE CREATION OF THE CODE ENFORCEMENT FINES ACCOUNT; PROVIDING FOR THE RATIFICATION OF THE CODE ENFORCEMENT BOARD ORDERS AND SPECIAL MAGISTRATE PRIOR TO EFFECTIVE DATE; PROVIDING FOR THE REPEAL OF ORDINANCE 06-051; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

WHEREAS, Polk County, by and through its Board of County Commissioners, wishes to promote, protect, and improve the health, safety and welfare of the citizens of unincorporated Polk County, by creating the Polk County Code Enforcement Special Magistrate System; and

WHEREAS, the Polk County Code Enforcement Special Magistrate System is intended to provide an equitable, expeditious, effective and inexpensive method of enforcing the County's ordinances and codes; and now therefore,

SECTION 1: LEGISLATIVE INTENT

The Polk County Board of County Commissioners intends to create an alternate code enforcement system as authorized by F.S. 162.03(2).

SECTION 2: TITLE

This Ordinance shall be known and cited as the "Polk County Code Enforcement Special Magistrate Ordinance."

Appendix C.1

INSPECTION OF MUNICIPAL WASTE TREATMENT STORAGE DISPOSAL FACILITIES NOT COVERED BY A NPDES STORMWATER PERMIT

Inspections shall be conducted so as to address each of the items on the Standard Industrial Facility Inspection Report form in the following manner:

1. Coordinate with Small Quantity Generator inspection program to avoid scheduling conflicts.

2. Contact the facility by telephone to update information relative to the facility location and ownership and schedule of an inspection. Request a copy of the facility site plan.

3. Check the status of the facilities NPDES stormwater permit with FDEP and list the permit number on the report.

4. Interview the facility representative on site and perform a visual inspection of the existing stormwater management system in order to:

   A. Identify locations where stormwater may discharge from the site and determine the potential for illicit discharge of materials.

      1) Check for runoff from impervious areas (example - roof drains, parking areas) and assess possible contact with potential pollutants.
      2) Check on-site swales and drainage ditches for discharges.
      3) Inspect for visual evidence of discharges resulting in stains or wet areas.

   B. Inspect stormwater controls.

      1) Determine the types of stormwater controls in use and comment on condition:
         a) **Retention** - The prevention of direct discharge of storm runoff into receiving waters; included, as examples, are systems which discharge through percolation, exfiltration, and evaporation processes and which generally have residence times less than 3 days.
         b) **Detention** - The delay of storm runoff prior to discharge into receiving waters.
         c) **Off-line treatment system** - A system only for water quality treatment that storage). A system utilizing detention with effluent filtration is not an off-line treatment system.
         d) **On-line treatment system** - A dual purpose system that collects project runoff to satisfy both water quality and water quantity requirements. Water quality volumes are recovered through percolation and evaporation while water quantity volumes are recovered through a combination of percolation, evaporation, and surface discharge.
         e) **Wet detention system** - A water quality treatment system that utilizes a design water pool in association with water-tolerant

vegetation to remove pollutants through settling, absorption by soils and nutrient uptake by the vegetation. The bottom elevation of the pond must be at least one foot below the control elevation.

2) Document methods of discharge of stormwater from the site (eg. sheet flow, discharge from a control structure or outfall pipe).

3) Check for erosion resulting from increased velocities in concentrated flow.
   a) Inspect retention and detention system side slopes to assess the need for sod or seed and mulch.
   b) Evaluate the need for additional erosion and sediment controls.

4) Check the condition of storm sewer system pipes.
   a) Ascertain if blockage of pipes or ditches or sheet flow is evident.
   b) Are there connections from non-stormwater sources.

5) Identify the level of routine maintenance provided for the stormwater management system.
   a) Determine the frequency of maintenance for various components (eg. cleaning of catch basins, mowing of swales or pond perimeters).
   b) Review written documentation on the practices utilized.

5. Interview the representative for information relative to the facility's operation.

A. Determine the activities that are conducted and materials handled on-site.
   1) Ask about what the facility produces and what services are provided.
   2) List the facility's primary SIC code.
   3) Discuss the requirements for obtaining NPDES stormwater permit coverage.

B. Determination of waste management and disposal practices.
   1) Review the waste management disposal procedures.
   2) Discuss the applicability of recycling any disposed items.

C. Examine storage of all raw materials.
   1) Inquire about procedures, manuals or written guidelines on the handling practices of the materials.
   2) Request a copy of the SWP[3] for any facility which is required to obtain NPDES permit coverage.
   3) During the inspection, note whether materials are stored indoors, on covered impervious surfaces, or exposed to the elements.
   4) Observe material safety data sheets (MSDS) for hazardous materials.
      5) Inquire about Sara Title III Chemicals (specifically those facilities included on the FDEP listing as storing products in excess of the threshold limits).

D. Discuss routine cleanup/spill response measures.
   1) What type of house keeping practices are used.
   2) Review spill response methods for chemicals which are deemed to be

hazardous. Note any spills which were documented at the site within the past three years.

3) Describe maintenance of impervious areas (eg. paved parking areas).

E. Determine if the facility is connected to a municipal sewer system, or if an on-site sewage treatment disposal system (OSTDS) is used. If an OSTDS is utilized:

1) If an OSTDS system is in use, determine the separation from the stormwater management facilities.
   a) Fifteen (15) feet of a dry retention pond or stormwater swale?
   b) Within seventy five (75) feet of a wet retention pond?
   c) Ground water well within fifty (50) feet?

2) Does the OSTDS appear to function properly?
   a) Look for wet areas, or excessive wet vegetation in the area.
   b) Discuss routine best maintenance methods if a problem is noticed.

3) Determine the size and age of the system.

F. Check for the use of floor drains.

1) Determine where the floor drains discharge, and discharge contents.
2) If floor drains are not present discuss what method is used to clean the facility.

G. Potential for Illicit Discharges

1) From the information listed above, determine the potential for illicit discharges to the municipal separate storm sewer system.
2) Identify the potential for contamination of the groundwater or surface water.
3) Include all comments relating to pollution prevention. To facilitate enforcement, if necessary and provide a schematic for future reference.

H. Comments: (Note relevant conversations with the facility's representatives).

6. Following the inspection, a review of the information is conducted with the facility

   A. Representatives are informed of Polk County's standard follow-up procedure:
      1) Inspection form will be completed upon return to the office.
      2) An inspection verification letter and copy of the completed inspection form is to be mailed to the representative for their records.
      3) If any items require correction or further explanation, the inspector will contact the representative as soon as possible by phone, or in writing.
      4) FDEP will be notified if the required NPDES stormwater permit coverage has not been obtained.

   B. Provide facility representative with copies of:
      1) Ordinance 93-06 with recommended stormwater BMP's.
      2) NPDES Stormwater Permitting Fact Sheet.
      3) Notice of Intent (NOI) forms, if needed, to obtain NPDES stormwater permit coverage.

7. Upon return to the office the inspection information is entered into the MS4 industrial facility inspection database where it is used for reference for compliance with the NPDES MS4 requirements.

   A. Maintain documentation of inspection reports and correspondence generated.

      1) Create an electronic report in the MS4 industrial inspection database.
      2) Compare the inspection results to previous inspections and determine if the facility is incompliance with the NPDES MS4 requirements regarding discharge of materials from the site.

   B. Document enforcement procedures for potential violations of water quality standards.

         1) Provide written notification to the facility of any potential discharges during storm events to the MS4 or state waters in accordance with the adopted enforcement procedures in Attachment A.6 within this policy manual.
         2) Provide written notification to FDEP for failure to obtain required NPDES stormwater permit coverage and copy the facility representative.

   C. Schedule facility for re-inspection.

Appendix C.2

PUBLIC OUTREACH PROGRAM PLAN to REDUCE THE USE OF PESTICIDES, HERBICIDES and FERTILIZERS

III.A.6 *Pesticides, Herbicides, and Fertilizer Application*

During Year 1 of the permit, develop and implement a written public education and outreach program plan to encourage citizens to reduce their use of pesticides, herbicides, and fertilizers. The plan shall include the distribution of public education materials describing the need to minimize the application of fertilizers, pesticides and herbicides, and promote actions such as incorporating Florida-friendly landscaping concepts into new landscaping projects.

Public Education and Outreach Program Plan

Education to reduce the use of pesticides, herbicides, and fertilizers through the proper use and application of these materials is encouraged through the efforts of the County's Extension Office. This office has an extensive educational staff that actively provides education on agricultural topics to the public, including several programs specifically for youths.

The County's Stormwater Quality Section of the Parks and Natural Resources Division also participates in the program by disseminating information at public events and school presentations. Information is also distributed via County website, and through the PSA's on the Polk Government Television Station.

Goals and Objectives

The goal of this plan is to encourage citizens to utilize these materials properly and to dispose of the containers and any unused product according to the manufactures label instructions. The objective is to create behavioral changes that will further limit the disposal of materials that could impact surface water quality.

Topics Addressed Include:

- Florida Friendly Landscaping
- FY&N Master Gardeners Program
- Improving Livestock Production
- Pollutants Associated with Stormwater Runoff
- Commercial Citrus Production Management
- Green Industries Training of Best Management Practices
- Certification for State Licensing of Applicators

Target Audience

Educational and outreach efforts are directed to the members of the agricultural community. This includes members of the business community involved in landscape management and agricultural production and certified commercial applicators. It also addresses the private applicators within the general public with the care of their homes and private properties, as well as children of all ages. The educational activities target audiences at public events such as; Educational workshops, school presentations, and through the use of Public Service Announcements.

Activities and Materials

A listing of the activities conducted and materials used is included in the table at the end of this Section. The table is used to track public education compliance activities and provides the following information: information on the topics to reach each target audience; an explanation of why those particular activities / materials were chosen; the percentage of each target audience expected to be reached by each activity / material; the methods for distribution of the outreach materials; the annual schedule for the activities; the method for documenting the outreach activities; identification of the staff / department(s) / outside entities responsible for performing the outreach activities; a description of the resources allocated to implement the plan; and the method for assessing changes in public awareness and behavior resulting from the implementation of the program.

Public Education and Outreach Program Plan of Activities to Reduce the Use of Pesticides, Herbicides, and Fertilizers

Activity Conducted	Materials Used and Method of Distribution	Target Audience	No. Attendees % of Population	Annual Schedule	Documentation	Responsible Staff and Resources	Effectiveness

Appendix C.3

CODE ENFORCEMENT DIVISION

PROCEDURE MANUAL

January 2010

Table of Contents

Introduction

It is the intent of this manual to provide the Code Enforcement Division staff with clear and concise guidelines on how to carry out assigned responsibilities in an efficient and sensible manner.

Included in this manual are:

- Procedures
- Policies
- Forms
- Instructions
- Applications

We will endeavor to update this manual as procedures and policies change, to keep this manual as up-to-date as possible.

Professionalism in Code Enforcement

Professionalism in code enforcement involves the ability to enforce our Land Development Code and ordinances in an objective manner; educating Polk County citizens regarding the significance of the Land Development Code and various ordinances; by resolving code problems through persistent effort. Each code case is unique and is deserving of our best effort. This document will provide thorough and accurate information on how to provide timely assistance to our customers, familiarization with all established procedures and the ability to follow these procedures. A professional makes use of all available resources and is expected to produce competent and accurate investigation reports containing all pertinent information regarding who, what, where, when, why, and how.

Expectations of Code Enforcement

The Code Enforcement Division has the responsibility of enforcing the County Land Development Code (LDC). This responsibility brings us into contact with people of diverse backgrounds, with a variety of needs. Their expectations demand that we become knowledgeable of our regulations to the point we can explain the reason for our codes and ordinances. We must persuade and compel property owners to correct and remove code violations from their neighborhood. Many code violations occur innocently as property owners are not aware of applicable regulations. Good code investigators can eliminate many violations with informal contact and good explanations of the violations at hand and the way to remove them. The quality of life in our neighborhoods depends on our efforts.

Beyond a working knowledge of the Land Development Code and various stand-alone ordinances to be enforced, the effective code investigator must be able to communicate and educate. The job requires skills in field investigation, interviewing, report writing, case preparation, photography, anger management (dealing with angry people) and knowledge of other agencies for referrals and assistance. The effectiveness of this Division will depend on the dedication of the staff in striving to acquire and apply these skills.

Functions of the Code Enforcement Division

The function of the Division is to enforce and interpret the Land Development Code, Salvage Yard Ordinance, Minimum Housing Ordinance and other related codes and ordinances.

Investigate all complaints from the public and other sources.

Eliminate violations by personal contact and written notification.

Issue Notices of Violation.

Provide established building line setback measurements.

Inspect salvage yard operations and issue annual operating permits.

Check site location for alcoholic beverage applications by checking the land use and distance from schools and churches.

Prepare and present code cases before the Special Magistrate.

Staff Organizational Chart

Staff Duties and Responsibilities

Code Enforcement Director (This position has been removed)

Code Enforcement Manager

Code Enforcement Office Manager

Conduct routine meetings with Code Enforcement staff to discuss code interpretations, new enforcement procedures and methods, and resolve potential problems.

Assist Building and Codes Division Director in preparing and monitoring the operating budget of the division.

Prepare and give annual evaluations to staff.

Liaison with other governmental and private organizations as required in carrying out code enforcement responsibilities.

Respond to citizen requests and complaints; resolve conflict between interested parties and staff; provide interpretations to the public and staff concerning the Land Development Code and ordinances.

Ride with investigators upon occasion to observe areas and work habits.

Assists Code Enforcement Director in the receipt, processing, and final investigation of complaints regarding violation of applicable land development codes and regulations.

Coordinates the work assignments of the office staff (Code Enforcement Specialists).

Conducts periodic meetings with office staff to discuss code case research, processing procedures and/or methods. Also, works with staff to resolve potential problems.

Assists, advises, and/or guides the public regarding code compliance, interpretations and explanations.

Supervise the maintenance of accurate code enforcement records which result from investigation of code complaints.

Disseminates information regarding Code Enforcement policies and procedures to the public, other divisions and local agencies.

Certified Code Investigator

Investigates complaints received both internally and externally to determine if valid violations of the Land Development Code

Contacts property owners to advise them of any violations and their responsibilities in correcting those violations.

Inputs updates in laptops to keep case information current.

Communicates information gathered to Service Reps to prepare cases.

Conducts re-inspections to ascertain compliance.

Prepares and presents cases to the Polk County Special Magistrate.

Code Enforcement Specialists I and II

Receives complaints either externally or internally regarding possible violations throughout the county. Researches Tax Collector and Property Appraiser database for ownership records. Gathers other related documentation for the case files. Prepares and mails violation notices to property owners according to established procedures.

Communicates throughout the day with the investigators regarding cases in process.

Responsible for the updating and maintaining of case files.

Discusses, reviews and/or researches code enforcement inquiries and/or complaints to advise or resolve citizen matters.

Processes and prepares packets for Special Magistrate and then sends to the Magistrate's Secretary.

Complaint Resolution Process

Complaints are received by the Code Enforcement Service Reps and entered into the computer which automatically generates a case number. A case file is made and then becomes the responsibility of the Rep to manage for the Investigator.

The Investigator receives new complaints from the database and prepares a route to address the complaints. If a code violation is observed, the investigator informs the violator of the violation, either in person or by leaving a door tag, Courtesy Notice or a Notice of Violation/Notice of Hearing (NOV/NOH) or Demand for Removal. if no one is home, the Investigator has the Service Rep send either a Courtesy Letter by regular mail or an NOV/NOH by certified mail (no courtesy letters on the DFR's). The average time given to the respondent is ten (10-21) days after which the investigator goes back to check the property. If the violation is resolved, the case is then closed. If the violation remains and an NOV/NOH has not been given by the Investigator, the Service Rep prepares an NOV/NOH , showing the exact violation and the time frame allowed to bring property into compliance. The Notice is then either hand delivered or sent Certified mail. If the property does not come into compliance within the time frame allowed, the case is then submitted to the Special Magistrate Office and set for Hearing. If a Demand for Removal has been sent and the property has not come in compliance, a 413 packet is prepared by the Investigator and given to the Office Manager to call a vendor to clean the property. The costs of the cleanup and administrative costs are then billed to the property owner(s).

At Hearing, the Special Magistrate will set a time frame for the violator to bring the property into compliance. The Special Magistrate will also establish the daily fine amount that will be assessed on the property, if not brought into compliance. The Magistrate will also tell the Respondent the administrative costs for that case. The investigator will then recheck the site to verify if the property is compliant or still in violation. If in compliance, the case is closed. If still in violation, the daily fine begins to run and the case is set for a future Magistrate Hearing. In either case an Affidavit must be prepared (Affidavit of Compliance if the property is in compliance; or Affidavit of Non-Compliance if not (Non-Compliance, photographs must be included).

At the Special Magistrate Hearing, the fine that has accumulated (starting one day after the date given by the Magistrate) is assessed as a lien and the fine continues to run daily until brought into compliance.

File is kept in non-compliance foreclosure drawer.

B. Code Enforcement Forms

Codes Investigation Contact Record

This form provides a detailed summary of contact with the case violator and interested parties. This form is primarily used by office staff as the investigator enters all information directly into the case file by utilizing their lap top computers.

Request for Leave

Form is on the Employee area of the County website. The form must be completed and signed before any leave can be taken. Request for annual leave must be approved by Director prior to taking requested leave. Request for sick leave should be submitted in advance for scheduled appointments, if you call in sick, the request for leave must be submitted to your supervisor upon return to work.

Time Sheet

Time sheets are completed by employees and submitted to their supervisor each Thursday, unless advised they are needed prior to Thursday due to holidays.

Application for Death Certificate - Jacksonville

Whenever the owner of record dies outside of Polk County, this general form is sent to Jacksonville, with a check, to obtain a copy of the death certificate. Jacksonville has complete records for the State of Florida.

Application for Death Certificate Through Vital Statistics - Bartow

This form letter is completed and faxed to the Bartow office of Vital Statistics to obtain a copy of a death certificate of an individual who died within the last ten years in Polk County. A purchase order requisition is submitted upon receipt of a monthly invoice.

Alcoholic Beverage Land Use Form

All requests for alcoholic beverage license must be checked out to insure compliance with the Alcoholic Beverage License code. The investigator verifies information provided and measures the distance from proposed establishment to any church or school (if applicable).

Notice of Violation/Notice of Hearing

This is the standard Notice of Violation/Notice of Hearing form. It should be used for all code violations with the exception of Minimum Housing violations. The use of this form initiates formal code enforcement action. It is hand delivered, sent by regular first class mail, or posted.

Demand for Removal

This is a notice that is sent for the purpose of having properties brought in compliance without having to go to a Magistrate. It is a process that saves time for the Unit. The notice is sent for overgrowth, junk, outside storage, and distressed/abandoned vehicles. The notice is sent certified and posted simultaneously and given 21 days (usually). If not compliant at that time, a 413 packet is given to Office Manager to order the property brought into compliance by a contracted vendor.

Minimum Housing Inspection Report and Notice of Violation

This form serves two purposes, it is the minimum housing inspection form as well as the notice of violation form. The inspection report outlines the necessary improvements to bring a dwelling unit up to the standards of the minimum housing code.

Affidavit of Compliance Form

This form is utilized when the case comes into compliance by the time given by the Hearing Officer or when the property comes into compliance.

Affidavit of Non-Compliance Form

When the case does not come into compliance by the date given by the Special Magistrate, the daily fine is accruing and the case is going to the next Magistrate meeting for imposition.

Affidavit of Compliance After County Cut

When the case comes into compliance due to the county having the property cut. Cost of County Cut will be imposed as a lien at the next Magistrate meeting.

Affidavit of Non-Compliance/Authorized County Cut

This form is used when violation is not corrected within the time given by the Special Magistrate) and the County has been authorized (by the Special Magistrate) to take corrective action.

Notice of Hearing/Repeat Offender

This form is used for all repeat violations. The form is self-explanatory and should be filled out completely. Repeat Offender status is determined when a property has been to hearing and then the same violation/same owner is cited again.

Post Master Form

Post Master Form is prepared and sent to the post office to verify respondents address or to obtain forwarding address. This form is required before the property can be posted.

C. Code Enforcement Procedures – Instructions/Samples

Computer Generated Citizen Action Request

Taking Complaint

Obtain the following information from complainant:

Address (Number and Street) of Violation

Name of Property Owner (If Possible)

Nature of Complaint (i.e., D/A Vehicle, Junk, Etc.)

Directions (Complete and Accurate)

Processing Complaint – Computer Instructions

Click on Master Record Icon

Click on New Case

Date Will Default to Current Date Automatically

Enter Code for Violation (Select from Drop-Down List)

Caller Name – If no name given, enter the street address number in this area. This will allow us to retrieve file by address
Subject Name – If name is known enter it. If not known, enter last name of investigator assigned to the new case

Enter Address/City/Zip Code

Section/Township/Range will be Entered Automatically

Request – Describe Complaint as Provided by Complainant

Input – Your Name or Initials

Employee Assigned – Enter Investigators Last Name

When form completely filled out, click on generate number. Then click **SAVE** – This should be the last step before printing

Click Print Action Form

Print Property Appraiser Information and Deed

Input owners name (from Property Appraisers Information or Deed) on front screen

Pull Case File Folder with Numbers Corresponding with Case Number

> **NOTE:** Make sure you have pulled the correct case file to match the complaint number.

Insert Complaint, Contact Sheet, Property Appraiser Information and Deed into folder

Give file to investigator

After investigator checks the property, he/she will return the file to the Codes Enforcement Specialist. Check the bring up date for accuracy and place file in correct Bring-Up date.

NOTE: CONTACT SHEET will be utilized to record any action taken on case Code Enforcement Specialist(s) or office personnel. Several investigators print out narratives or write on the front of the case file, this is fine, all action taken by investigator is being documented. Contact sheet **MUST** be used by anyone other than the investigator for documentation.

Ordering Deeds and Real Estate Returns

Using Property Appraiser Information:

For Deed, use OR Book and Page Number (**NOTE:** Found in Property Appraiser Information - Sale Page)

If recorded in last ten years, utilize OR Imaging to print copy of deed. If older deed, this requires going to the Courthouse to retrieve copy

For Real Estate Returns, go to the Property Appraisers office, use year and page number.

Real Estate Returns do not convey ownership of property. Real Estate Returns make changes and are recorded at the Property Appraisers office only. (Example: Marriage License/Divorce – to change name; Death Certificate; or to divide or join properties.

Tag Check

Information for a tag check is given to you by the Investigator

After you receive the information, call the tag agency and give them the tag number. They will request your assigned access code and password to use this system.

Call Tag Agency (534-0058)
Press 1
Enter Access Code - # key
Enter Password - # key
Press 1
Press 2 - Enter
Enter Tag Number - pressing # key after each number (letter)
To have information faxed - Press 6, verify fax number and hang up

Service for Notice of Violations

Enter narrative in computer that the Notice of Violation/Notice of Hearing was sent by mail to _____(Name of property owner(s)

you sent notice to) on _____ (Date) for _____(List violations).

If service by regular first class mail is returned for any reason, complete a post master form (in attempt to get forwarding address). After you receive the post master form, request to post.

- Hand Delivery

Leaving the notice at the violator's usual place of residence with any person residing therein, who is above 15 years of age and informing such person of the contents of the notice; or

In the case of commercial premises, leaving the notice with the manager or other person in charge (in a private place, if possible).

Research Utilizing the Computer

Check for **Divorces** in Internet Explorer. Go to County web page, select Clerk of Courts, Civil Courts record search. If there is a divorce, you need a copy of the final judgment. It may or may not distribute the property in question.

Check **Foreclosure** in Internet Explorer. Go to County web page, select Clerk of Courts, Civil Courts record search. If the property is in foreclosure, we cannot do anything until we get a new Certificate of Title. Do not send Notice of Violation to bank foreclosing – legally, they cannot go on the property. If no Certificate of Title, give thirty (30) day bring-up, check status until Certificate of Title is there. Print out Certificate of Title and give file to investigator with new ownership information.

Check **Probate** on Mainframe:

1. Type PB01 and hit Enter
2. Enter Operator ID: CDCM
3. Hit F2 Key
4. Locate name, type X and Hit F4 Key

If probate is found, make copies of letter of administration, death certificate, will, and any forms which may include persons who would have interest in the property.

NOTE: If Book and Page numbers of death certificates, will, etc., are not

available in probate, you will need to go to the courthouse (Probate) to see file and obtain appropriate copies.

Death Certificates

If individual died in Polk County within the last ten (10) years, complete form letter for Polk County Vital Statistics. Have Office Manager sign form letter, then fax the request to Polk County Vital Statistics. You do not need a check, as they invoice us monthly.

If individual died outside of Polk County, complete form for Jacksonville Vital Statistics. You will need the following information to complete form:

- Date of Death
- Date of Birth (If Known)
- Social Security Number (If Known)
- City/County

Request check from Division Secretary, payable to Vital Statistics. Mail form and check to Jacksonville Vital Statistics. It takes approximately two (2) weeks to get death certificate back.

File placed in miscellaneous to wait for check. Once we have check, make copies of check and application for file. Mail original form and check. Place file back in miscellaneous until death certificate is received.

Posting Procedure

In attempting service of the Notice of Violation/Notice of Hearing or Demand for Removal Notice to the owners of record, we mail to the Should the Notice of Violation/Notice of Hearing be returned marked "Moved, Left No Forwarding", or "Undeliverable as Addressed", etc., the following procedures must be followed:

- Send a Post Master Form to the post office – including last known address. The post office will return this form with any new address information, or it will reflect "Moved, Left No Forwarding", etc… If new address is given, then we must attempt service at this new

address.

- Search of Public Records will be conducted, looking for any information on the owners of record, which may reflect a new mailing address – again, if new address is located, we must make attempt at that address.

- Check for bankruptcy or foreclosure action against the owner of record.

- Check Probate.

After all of the above actions are taken, and the whereabouts of the owners of record are still unknown, the following actions will be taken:

- A Notice of Violation/Notice of Hearing will be posted at the violation location and at the courthouse.

- Posting packet will be submitted, along with an Affidavit of Posting, to the Recording Secretary to place on the next Hearing Officer agenda.

Special Magistrate Procedures

When a case does not come into compliance by the time given by the investigator, you will need the following information:

- Special Magistrate Checklist (provided by Investigator)
- Legal Description (Property Appraiser Information)
- Deed
- Notice of Violation for all parties listed on Deed

The form utilized for Special Magistrate packets is the Enforcement Action Notice or Minimum Housing Inspection Report/Notice of Violation. On the form, the name must be exactly as listed on the deed. Some examples of how names would appear in the Style are:

John H. Smith

John H. Smith, Owner
Bill Brown, Occupant

Bill Brown, Occupant

Fortune Insurance Company, a Florida Corporation

Estate of John Doe

Depending on who the investigator is taking to Hearing – would tell you what style you would utilize.

If **Owner Only** being set for hearing. Use above Style #1.

If **Owner/Occupant** being set for hearing, you must stipulate who the owner is and who the occupant is. Use above Style #2.

If **Occupant Only** being set for hearing. Use above Style #3.

If **Company** (including Short-Term Rental Management Companies) is being set for hearing. Use above Style #4.

If **Estate** is being set for hearing. Use above Style #5, include copy of probate showing Personal Representative. We are setting the case against the Estate for hearing, therefore Style would be as shown in #5 above.

Companies being taken to hearing, you would use Style #4 above. **NOTE:** On companies, you are also required to have a Registered Agent and a copy of the corporate detail (See Example).

Complete the Enforcement Action Notice form, return to investigator for signature and have notarized by one of the Code Enforcement Specialist who is a Notary (Denise or Claudia).

In assembling the packet, the following is the order (or placement) of the necessary information:

Enforcement Action Notice

Copy of Notices of Violation (Sent by First Class Mail)

Deed

Registered Agent Printout (If Applicable)

Death Certificate (If Applicable)

Complete copy of narratives (make two (2) copies, one for Hearing Officer Packet, one for case file)

Property Appraiser Information

When packet is completed, give to Office Manager for review. Enter narrative into case file and in the computer "Packet to Rose/Syndi for review, file in _____ (month packet set for) Special Magistrate. Be sure to indicate on the front screen in the computer, in the Comments Section (_____(Month) H/O) and change the action date to the date of hearing. Then physically put the case file in the investigator's Special Magistrate section of your file drawer.

For **Minimum Housing** cases, the form utilized is the Minimum Housing Inspection Report/Notice of Violation. Complete form and follow the procedures utilized for Statement of Violation/Request for Hearing.

If any case set for Hearing comes into compliance before the hearing, make a copy of the close out narrative and forward to the CEB Recording Secretary. If they have obtained service of the Notice of Hearing, either the investigator must have the respondent's sign form indicating they have knowledge that they do not have to attend the hearing; or the investigator will withdraw from agenda at the Special Magistrate meeting. If the Recording Secretary has not obtained service, the case will be withdrawn prior to hearing date.

After the hearing, the investigator will return the files to the Code Enforcement Specialist, and the Recording Secretary will provide copies of the Order issued by the Special Magistrate. Be sure information has been entered into the computer, as to what occurred in the hearing and what the respondent was taken to hearing for.

Special Magistrate Procedures

After time for compliance is up (time given by the Special Magistrate), the investigator is given the case file to re-check for compliance.

If the property is in compliance, complete an Affidavit of Compliance, have investigator sign and then have the Affidavit notarized. Send original Affidavit to the Recording Secretary and keep a copy in the case file. This case can then be closed out and filed in close-outs in the file room.

If property is still in violation, an Affidavit of Non-Compliance is generated. Original Affidavit and photos are sent to the Recording Secretary with a copy placed in the case file. This case is then set for the next available Special Magistrate Hearing where fines and liens are assessed.

After the Special Magistrate Hearing, you will receive copies of the Order imposing the Administrative lien and running fine. Be sure to enter this information into the case file and into the computer.

If property is now in compliance, complete an Affidavit. Send original to Recording Secretary, make copy for case file. Case is closed and filed in compliance foreclosure drawer (as lien is still on property).

If property is not in compliance upon re-inspection, place file in Fine/Lien Room, pending foreclosure action.

Repeat Violation Process (Repeat Offender)

A repeat violation is defined as a violation by a person that the Special Magistrate has previously found in violation for the same provision within five (5) years prior to the violation. In the case of a repeat violation, the following actions should be taken:

Give notice to the violator (Notice of Violation/Repeat Offender) – a reasonable time to correct the violation is not required.

The code investigator then request a hearing before the Special Magistrate. Research to make sure no change in ownership, then complete packet and forward to the Recording Secretary. The packet includes:

Repeat Offender Notice of Violation
Order (Copy from Old (Previous) Case)
Deed
Comments (Narratives)
Property Appraiser Information

If the violator corrects the violation before the hearing date, the case may still be presented. A fine can be assessed for the days the code investigator substantiates the code violation. The fine for a repeat offender may not exceed $500 per day.

If the property is in compliance, complete an Affidavit of Compliance/ Repeat Offender form, have investigator sign and then have the affidavit notarized. Send original affidavit to the Recording Secretary and keep copy in case file.

If property is not in compliance, place file in non-compliance foreclosure drawer until respondent calls for recheck.

Appendix C.4

OUTFALL FIELD SCREENING PROTOCOL FOR ILLICIT CONNECTIONS/DISCHARGES

All known outfalls (major and minor) will be inspected once within the five-year permit term with major outfalls being inspected annually. Although the FDEP has reserved the program for dry weather field screening, routine field screening to identify potential illicit discharges will be conducted on any outfall that shows evidence of dry weather flow following the procedures specified below:

1. Dry weather field screening is performed only when less than 0.1 inch of rain has occurred during the previous 72 hours. During these times the inspector shall review the equipment checklist included in this document to assure equipment is available to conduct outfall field screening prior to departing.

2. Upon encountering an outfall with apparent dry weather flow, the inspector shall verify the outfall location by comparison to the database description of the referenced outfall number and record the location on the field screening data sheet form for each particular outfall.

3. Complete a field screening data sheet (see attachment) for each outfall, recording the date, time, and location of the outfall relative to an address of a nearby permanent facility (house, business, or other landmark). While at the outfall screening point, photograph the outfall structure and note any structural damage. Verify the size of the structure, note any obvious maintenance required on data sheet in the "Comments" section. Complete all applicable information blanks on the data sheet.

4. Outfall structures with flow should be sampled and analyzed for the necessary parameters in the field. Obtain a grab sample of the flow in a clean, polyethylene or polypropylene container. Rinse the container with the first water obtained to eliminate cross contamination. Obtain an adequate amount of water for all analyses required (at least 200 ml). Do not disturb bottom sediments, algae, etc. when obtaining the sample, to avoid false high turbidity values.

5. As soon as possible after removal from the flow stream, measure the temperature and the pH of the grab sample. Measure the turbidity of the sample, taking care to mix the sample while filling the analytical vial. Analyze the sample for each required parameter. Currently, these include: phenol, total chlorine, copper, and detergents. Record the value for each parameter on the data sheet. NOTE: Ortho-phosphate is an additional parameter which is measured for background information.

6. If any of the obtained levels exceed the limits on the data sheets a properly preserved sample is to be brought back to the Polk County Parks and Natural Resources lab for detailed analysis.

   NOTE: Ortho-phosphate is not a required parameter for field screening and has no standard; Total Chlorine samples must be analyzed immediately and cannot be brought back to the lab.

7. In the event of high levels of any of the listed parameters (or other indication that there may be an illicit connection to the MS4 from odor, color, etc.), an upstream search should be conducted as soon as possible (during the same visit preferably) to locate any illicit connections or discharges.

8. If odor, color, or the presence of floatables indicates a possible discharge of sanitary sewer

wastes, bacteria samples (for fecal/total coliform) should be collected in Whirl-pac bags. Samples should be appropriately labeled and placed immediately on ice for transport to the PNRD laboratory. Lab personnel should be informed of the approximate time that bacteria samples will be brought in that day. Samples should be brought to the lab before 3:30pm.

9. In searching for points of illicit connection or discharge, look for areas of excessive or inhibited vegetative growth, erosion, stains, lint or other particulates (commonly blue from washing machine discharges), sheens, odd colors, sedimentation, etc. In essence, look for anything out of the ordinary. Try to locate the actual point of discharge to the MS4 and determine the responsible party and/or the property owner.

OUTFALL FIELD SCREENING EQUIPMENT CHECKLIST

____ Cellular telephone, with adequate batteries

____ Camera and film

____ Measuring reel tape and measuring wheel

____ Stormwater bailer and rope

____ Two (2) Plastic collection containers (cut 1/2 gallon milk jugs)

____ Machete, shovel, and probe

____ Man-hole cover hook

____ Glue and placards for inlet marking

____ GPS unit

____ Collection bottles (variety of kinds)

____ Ice chest with ice

____ Acid vials for sample preservation

____ Marking pens

____ Bacteria *Whirl-pac* bags

____ Environmentally-safe tracing dyes

____ Turbidimeter, with batteries

____ Location maps and/or plans

____ Previous field screening data sheets

____ HACH kit boxes (2)

____ Digital thermometer

____ Digital pH meter, with batteries

____ Deionized water

____ Reflective safety vests

____ Orange traffic safety cone

____ Intrinsically-safe flashlight

____ Hand sanitizer and disposable latex gloves

____ Official County Identification Card

____ Clipboard, field data sheets, and business cards

____ Copies of Polk Co. Ordinance #93-06 and other educational materials to distribute when violations are found.

____ *NIOSH Pocket Guide to Chemical Hazards*

____ Soil Survey book of Polk County

____ First aid kit, with a snake-bite kit

____ Safety glasses

____ Pocket knife

Appendix C.5

PROACTIVE PLAN TO IDENTIFY AND ELIMINATE ILLICIT DISCHARGES

The proactive plan to identify and eliminate illicit discharges to the MS4 or surface waters includes inspections by the Stormwater Quality Section as well as the Waste Resource Management Division.

A. Inspections conducted by the Waste Resource Management are performed under the Small Quantity Generator program. A database inventory of facilities is maintained by Division staff and updated with current inspection information. The inspection procedure is described as follows:

1. ***Prioritization of facilities inspected under the SQG program*** – Potential generators of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA), used oil and universal wastes (rechargeable batteries, spent mercury-containing devices). These include, but are not limited to any type of facility that has a fleet of vehicles or equipment, dry cleaners, auto repair, other repair shops, body shops, manufacturers, printers, construction, electroplaters, metal fabricators, sign shops, golf courses and large retail stores (Home Depot, Lowes, Walmart, Target, Sams, Publix, etc). Facilities in the database that have wastes regulated under the program are prioritized by Standard Industrial Classification (SIC) code.

2. ***Frequency of inspection*** – The state requires that each potential or known generator of hazardous waste be inspected once every 5 years. However, with the staff limitations on the program the average inspection time exceeds this requirement. The average time between inspections is closer to once every 8-10 years.

3. ***Inspection procedure*** – Verification of the potential to discharge pollutants with stormwater runoff is considered during site inspections. The inspection report form (Appendix D.7) provides a section for Yes/No type questions related to NPDES: a) Questionable Discharge to MS4; b) Multi-sector General Permit; c) Retention Pond onsite; d) Problems with retention pond. Problems discovered related to these items are noted in the comments field.

4. ***Documentation of inspections and enforcement*** – Inspections are recorded on one of two inspection forms based on the quantity of hazardous waste generated. All data collected from the inspection (process description, waste generated, disposal practices, guidance documents provided and violations) are noted in the FDEP County database called "CHAZ-SQG". A summary of the data collected is provided to FDEP Tallahassee each June 30th.

Facilities with violations are encouraged to send a follow-up email with their completed corrective actions and supporting photos. The SQG Program is educational by design in an effort to bring facilities into compliance with state regulations in order to avoid potential enforcement as a result of follow-up inspections by the FDEP which may randomly pick a couple of facilities per month to re-inspect. Any pollutant discharge issues that may affect the stormwater system are referred to the appropriate NPDES person in the County's Stormwater Quality Section for further investigation as potential illicit discharges with supporting photos. The FDEP Hazardous Waste Section of the SW District is notified for follow-up when there is evidence of hazardous waste of more than a de minimus amount of used oil discharging to the environment.

5. ***Training and resources allocated to program implementation*** - Training of inspectors is provided using the resources available to conduct the program elements provided through the budget of the Waste Resource Management Division of Polk County.

B. Industrial facility inspections are conducted by the County's Stormwater Quality Section staff at operations required to obtain NPDES stormwater permit coverage. For facilities with SIC codes that require NPDES permit coverage the inspection procedure is described as follows:

1. ***Prioritization of industrial facilities for inspection*** – High Risk industrial facilities defined as the County's Priority sites for inspections which are conducted as described in Part II, Section 8.a of this manual. Facilities with a past history of illicit discharges are prioritized as High Risk for annual inspection. The remaining facilities with a Standard Industrial Classification (SIC) code that requires NPDES permit coverage are defined as Non-Priority sites and are scheduled for inspection based on the potential to discharge to the MS4 or surface waters from the following locations: a.) Facilities within drainage basins of impaired surface waters; b.) Facilities in areas of older stormwater infrastructure; c.) Facilities in areas with On-site Sewage Treatment and Disposal Systems (OSTDS – septic systems); d.) Vacant facilities previously housing Non-priority facilities.

2. ***Frequency of inspection*** – The frequency of inspection is based on the prioritization factors with a.) Facilities located in the drainage basin of waters on the impaired list or for which a TMDL has been developed are to be inspected once every 5 years. The remaining facilities within the areas listed as b.) Facilities in areas of older stormwater infrastructure; c.) Facilities in areas with On-site Sewage Treatment and Disposal Systems (OSTDS – septic systems); d.) Vacant facilities previously housing Non-priority facilities are of lower priority with inspections scheduled based on the program staff availability with the hope of inspecting each of the sites at least once every 8-10 years.

3. ***Inspection procedure*** – The procedure for inspection of these facilities is identical to that included in Appendix B.5.1 for the municipal waste treatment, storage or disposal facilities using the Industrial Facility Inspection Report form in Appendix D.6.

4. ***Documentation of inspections and enforcement*** – Inspections are conducted by the Stormwater Quality Section staff and documented through completion of the Standard Industrial Inspection Report Form included in Appendix B.5.2 at the end of this manual. This information is entered into the Industrial Facility Inspection database electronically for reference.

The procedure for addressing discharges from the site is described in Appendix B.7c.1 at the end of this manual and is the same process used for addressing illicit discharges. Violations discovered during the inspection which could result in an illicit discharge are discussed with the facility representative who is encouraged to take corrective actions. A follow-up inspection is made at all facilities where an illicit discharge is confirmed and the site is relisted as High Priority with annual inspections being scheduled. Enforcement activities are initiated in accordance with the policy included in Appendix A.6 for facilities that fail to take the proper corrective actions. The enforcement process includes coordinating with local law enforcement agencies for water quality violations, and the Florida Department of Environmental Protection for facilities not having the required NPDES Stormwater Permit coverage.

5. ***Training and resources allocated to program implementation*** - Training of inspectors is provided through the Water Resources Program as described in Appendix B.7.c.2 of this manual. The resources available to conduct the program elements are provided through the budget of the County's Parks and Natural Resources Division.

Appendix C.6

PERSONNEL TRAINING PLAN FOR IDENTIFICATION AND REPORTING OF ILLICIT DISCHARGES AND SPILL PREVENTION AND RESPONSE

Requirement as stated by the NPDES Permit for Employee and Contractor Training Plan:
Parts III.A.7.c 3 ***Illicit Discharges and Improper Disposal —Inspection and Investigation of Suspected Illicit Discharges and / or Improper Disposal.***

During Year 1 of the permit, develop and implement a written plan for the training of all appropriate permittee personnel (including field crews, fleet maintenance staff, and inspectors) and contractors to identify and report conditions in the stormwater facilities that may indicate the presence of illicit discharges connections/dumping to the MS4. Instruct personnel and appropriate contractors to be alert for illicit connections and suspicious flows during routine maintenance activities (particularly in areas with high risk facilities).

Illicit Discharge Training

Training is provided by the Stormwater Quality Section staff to identify and report suspected illicit discharges by calling the County's Water Resources Program office. Training is provided six (6) times per year to both County personnel, as well as the staff of the MS4 co-permittees upon request, so that all staff may receive training every other year. The personnel targeted for illicit discharge training are the construction inspectors or field crews from various Divisions as follows:

- Building Division
- Fleet Management
- Parks and Recreation
- Regional Drainage Section
- Roadway Maintenance
- Transportation Construction Inspection
- Utilities Division

The training provided includes videos, informational brochures, and staff lecture. Training sessions last 30 minutes on average and cover the following program elements:

- NPDES MS4 Permit Overview and History
- Control of Discharges from the MS4
- Definition of an Illicit Discharge (County Ordinance 93-06)
- Identification of Commonly Discovered Discharges
- Reporting of Illicit Discharges
- Requirements for Construction Sites (NPDES CGP's)
- Reporting of Spills to Fire Rescue

Training is also made available to private contractors as part of the Erosion and Sediment Control refresher courses which are to be held twice per year by the Stormwater Quality Program staff.

III.A.7.d Illicit Discharges and Improper Disposal —Spill Prevention and Response.

During Year 1 of the permit, develop and implement a written plan for the training of all appropriate permittee personnel (including field crews, firefighters, fleet maintenance staff and inspectors) and contractors on proper spill prevention, containment, and response techniques and procedures. The training shall include how to prevent a spill, recognize and quickly assess the nature of a spill, contain a spill, and promptly report hazardous material and chemical spills to the appropriate authority. .

Spill Response

Training on spill prevention and response to spills is provided to all Fire Rescue staff by the Fire Rescue Division of Polk County. All first responders are certified fire fighters with training in spill response. Training is coordinated through the Battalion Chief of Polk County's Fire Rescue Special Operations Section. Training that is provided annually includes: First Responder Operations Level Refresher, Hazardous Materials, Hazard Communication, Advanced HAZWOPER Awareness and Radiation Safety.

Training is also provided through the National Fire Academy for HAZMAT Spill Prevention & Control, Introduction to Hazardous Materials, and Radiological Emergency Management. As the spill response SOP's are Safety Sensitive, no details of the training provided to Fire Services personnel can be provided for publication.

In addition to the training provided to the Fire Rescue Division staff, the Parks and Natural Resources includes a discussion of spill prevention and response in the illicit discharge training provided to County staff. This training is also made available to private contractors as part of the Erosion and Sediment Control refresher courses which are to be held twice per year by the Stormwater Quality Program staff.

Appendix C.7

PUBLIC EDUCATION AND OUTREACH PROGRAM PLAN TO PUBLICIZE THE

PUBLIC REPORTING OF ILLICIT DISCHARGES

III.A.7.e Illicit Discharges and Improper Disposal —Public Reporting

During Year 1 of the permit, develop and implement a written public education and outreach program plan to promote, publicize, and facilitate public reporting of the presence of illicit discharges and improper disposal of materials into the MS4. As part of this program, the permittee shall continue to maintain a phone line for public reporting of suspected illicit discharges and improper disposal, and publicize the existence of this number on a routine basis. The permittee shall also disseminate information on the problems associated with illicit discharges, illicit connections and improper disposal, how to identify them, and how to report incidents discovered.

Public Education and Outreach Program

The staff of the Stormwater Quality Section provides public outreach information on Illicit Discharges and Improper Disposal at various environmental events throughout the County each year. The reporting of illicit discharges is encouraged through the publication of the County's Parks and Natural Resources Division telephone number, (863) 534-7377, as the point of contact. Material is distributed to the public defining an illicit discharge, describing the impacts on water quality, and providing the phone number for reporting.

Goals and Objectives: The primary goal of this plan is to create an awareness that materials applied to the land surface may be incorporated into the runoff from rain events and have a detrimental effect on the quality of our water resources. The objective is to create behavioral changes that will further limit the disposal of materials that could lead to an illicit discharge and to encourage citizens to report suspected illicit discharges so they may be investigated, and addressed, prior to impacting the receiving waters.

Topics Addressed Include:

- What is an Illicit Discharge?
- Pollutants Associated with Stormwater Runoff
- Everyone Lives in a Watershed
- Reduce, Re-use, Recycle
- What Can I do to Improve Water Quality?
- Reporting Illicit Discharges

Target Audience

Educational and outreach efforts have three primary audiences: the general public, government/businesses, and youth. The audiences are targeted at specific events such as; Environmental education workshops and public events, school presentations, Public Service Announcements, and neighborhood presentations.

Activities and Materials

A listing of the activities conducted and materials used is included in the table at the end of this Section. The table is used to track public education compliance activities and provides the following information: information on the topics to reach each target audience; an explanation of why those particular activities / materials were chosen; the percentage of each target audience expected to be reached by each activity / material; the methods for distribution of the outreach materials; the annual schedule for the activities; the method for documenting the outreach activities; identification of the staff / department(s) / outside entities responsible for performing the outreach activities; a description of the resources allocated to implement the plan; and the method for assessing changes in public awareness and behavior resulting from the implementation of the program.

Public Education and Outreach Program Plan for Reporting of Illicit Discharges to the MS4							
Activity Conducted	Materials Used and Method of Distribution	Target Audience	No. Attendees % of Population	Annual Schedule	Documentation	Responsible Staff and Resources	Effectiveness

Appendix C.8

PUBLIC EDUCATION AND OUTREACH PROGRAM PLAN ON PROPER USE AND DISPOSAL OF OILS, TOXICS, AND HOUSHOLD HAZARDOUS WASTES

III.A.7.f Illicit Discharges and Improper Disposal —Oils, Toxics, and Household Hazardous Waste Control

During Year 1 of the permit, develop and implement a written public education and outreach program plan to encourage the proper use and disposal of used motor vehicle fluids, leftover hazardous household products, and lead acid batteries. On a routine basis, inform the public of the locations of collection facilities for these materials, including a description of the types of materials accepted and the hours of operation. The outreach program could include an activity such as the stenciling / marking of municipally-owned storm sewer inlets, and providing information through the Internet, utility bill inserts, brochures, flyers, PSAs, presentations, etc.

Public Education and Outreach Program Plan

Education on the proper use and disposal of used oil, toxics, and household hazardous waste is provided primarily by the County's Waste Resources Management Division. Information on the proper disposal of used motor vehicle fluids, leftover hazardous household products, and lead acid batteries is provided to the public via training workshops for businesses, as well as through educational events and school presentations. The Division operates a Household Hazardous Waste facility at the North Central Landfill to collect materials brought in by the public, and mobile collection events are scheduled on several weekends throughout the County. The facility location, telephone number, hours of operation, and a detailed list of the items accepted, as well as information on the mobile collection dates, is included on the County's website: http://www.polk-county.net/subpage.aspx?menu_id=46&id=312 .

The County's Stormwater Quality Section of the Parks and Natural Resources Division also participates in the program by disseminating information at public events and school presentations. Information is also distributed via County website, and through the PSA's on the Polk Government Television Station.

Goals and Objectives

The goal of this plan is to encourage citizens to utilize materials properly and to dispose of the containers and any unused product according to the manufactures label instructions. The objective is to create behavioral changes that will further limit the disposal of materials that could impact surface water quality.

Topics Addressed Include:

- Reduce, Re-use, Recycle
- Proper Disposal of Used Oil and Vehicle Fluids
- Litter Control
- Pollutants Associated with Stormwater Runoff
- Proper Disposal of Household Hazardous Wastes

Target Audience

Educational and outreach efforts have three primary audiences: government/businesses, youths, and the general public, The audiences are targeted at specific events such as; Environmental education workshops and public events, school presentations, Public Service Announcements, and neighborhood presentations.

Information about proper waste management is provided to the businesses in the Small Quantity Generators (SQG) program database on an annual basis. Hazardous waste training classes on Hazardous Waste Identification and Generator Requirements is taught by Waste Resources Management staff along with the Florida Department of Environmental Protection through Polk State College. Training workshops are also provided at the County's Waste Resource Management office at the North Central Landfill. The workshops are provided to government staff and businesses on proper waste management for a number of occupations such as equipment maintenance, vehicle repair, and auto body shops.

Tours of the landfill and school presentations are designed to provide instruction to children ages 6-18. Presentations at public education events are conducted along with the County's Stormwater Quality Section, Keep Polk County Beautiful, and the Lakes Education Action Drive. The audiences represent a cross section of the general public of all ages.

Activities and Materials

A listing of the activities conducted and materials used is included in the table at the end of this Section. The table is used to track public education compliance activities and provides the following information: information on the topics to reach each target audience; an explanation of why those particular activities / materials were chosen; the percentage of each target audience expected to be reached by each activity / material; the methods for distribution of the outreach materials; the annual schedule for the activities; the method for documenting the outreach activities; identification of the staff / department(s) / outside entities responsible for performing the outreach activities; a description of the resources allocated to implement the plan; and the method for assessing changes in public awareness and behavior resulting from the implementation of the program.

Public Education Program Plan of Activities on Proper Use on disposal of Oils, Toxics, and Household Hazardous Wastes							
Activity Conducted	Materials Used and Method of Distribution	Target Audience	No. Attendees % of Population	Annual Schedule	Documentation	Responsible Staff and Resources	Effectiveness

Appendix C.9

PLAN FOR INSPECTION OF CONSTRUCTION SITES

As an attachment to the Year 1 ANNUAL REPORT, the permittee shall submit a written plan that details the standard operating procedures for implementation of the stormwater, erosion and sedimentation inspection program for construction sites discharging stormwater to the MS4. The plan shall apply to both permittee-operated and privately-operated construction projects discharging into the permittee's MS4, unless the permittee does not have the ability to obtain the legal authority to inspect privately-operated sites.

Timing of Inspections

All the sites that obtain development approval are inspected at a minimum on a monthly basis. Inspections are initiated with the pre-construction meeting with the contractor prior to the initiation of land clearing activities. A pre-construction checklist (see Appendix D.10) is to be used to confirm that the proper permits have been obtained from the Water Management District (ERP's) and the FDEP (NPDES Stormwater permit). Inspections shall continue through all phases of construction until the site work is completed and the area provided with final stabilization.

Site Prioritization

Larger sites (ie. greater than 10 acres) require more time to complete a thorough inspection and shall be afforded additional attention as required by the number and complexity of the BMP's. Locations adjacent to wetlands and surface water sources, as well as those within the drainage basin of impaired waters, shall be inspected at a higher frequency to assure the potential impacts from runoff from the site is minimized.

Prioritization for re-inspection is given to sites with a history of non-compliance with maintenance of BMP's. Sites where impacts to the MS4 or adjacent surface waters may be inspected on a weekly basis during times of significant rainfall until the site operator demonstrates the threat of impact has been eliminated.

Inspection Procedures

Inspectors from Land Development shall visit each construction site and meet with the site foreman. Information shall be recorded on the construction site inspection report form (see example in Appendix D.10). The information shall in include: inspector name, inspection date, project name, location, contractor, project type, verification of NPDES permit coverage, maintenance of BMP's for erosion and sediment control, structural control conditions, comments on deficiencies, items discussed with the contractor, and any follow-up comments relative to the site.

Information on the installation of the appropriate BMP's is documented in the report along with any deficiencies noted during the inspection. All information collected during the inspection is entered into the Construction Site Inspection database upon return to the office following the inspection and a re-inspection of the site is schedule. This provides a summary log of the construction site inspections completed.

Enforcement for Non-compliance

Any deviation from the permitted construction methods are to be noted on the inspection report form. If the work performed is not satisfactory the contractor shall be instructed to make the required corrections and the contractor is given sufficient time to make corrections. A Notice of Deficiency form is completed (see Appendix D.11) which may require work to be suspended until the issues properly addressed. The notice is to be signed by the inspector and the contractor's representative who is provided a copy of the notice. Notification may also be given to the state permitting authorities (WMD for ERP infractions and FDEP for NPDES violations) in the event that assistance may be required for bringing the site into compliance.

Appendix C.10

PLAN FOR STORMWATER EROSION AND SEDIMENT CONTROL

TRAINING

III.A.9.c Construction Site Runoff —Site Operator Training.

During Year 1 of the permit, develop and implement a written plan for stormwater training / outreach for construction site plan reviewers, site inspectors and site operators. Provide training for permittee personnel (employed by or under contract with the permittee) involved in the site plan review, inspection or construction of stormwater management, erosion, and sedimentation controls. Also provide training for private construction site operators. All permittee inspectors (employed by or under contract with the permittee) of construction sites shall be certified through the Florida Stormwater, Erosion and Sedimentation Control Inspector Training program, or an equivalent program approved by the Department.

This plan outlines the training of permittee personnel including on the proper management of construction site runoff through erosion and sedimentation control.

Personnel Trained

All County staff that involved in project construction including; construction site plan reviewers, site inspectors, and site operators, are to be certified in erosion and sediment control along with any contractors and private site operators employed under contract with the County.

Topics Covered

The primary topic addresses erosion and sediment control from construction sites through proper inspection and maintenance of the on-site stormwater management system in order to control the discharge of pollutants from construction sites.

Procedures and Materials Used

Training under the two day Florida Department of Environmental Protections Erosion and Sediment Control Certification Course is to be provided by the County twice per year. In addition, a one-hour refresher training will be provided by the County twice per year to include; erosion and sediment control; illicit discharge identification and reporting, and spill prevention and response.

1. The FDEP Erosion and Sediment Control Certification Course is a standardized program taught by FDEP Certified instructors and uses power point presentations to demonstrate the principles of the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (July 2008).

All contractors employed by the County shall have a least one site inspector/operator of the construction site certified through the Florida Stormwater, Erosion and Sedimentation Control Inspector Training program or a FDEP approved equivalent.

Details of the FDEP training and certification requirements can be found at the following websites:

Florida Department of Environmental Protection
http://www.dep.state.fl.us/water/nonpoint/erosion.htm

Florida Stormwater Association
http://www.florida-stormwater.org/content.asp?pl=16&sl=8&contentid=27

University of Florida, TREEO Center
http://www.treeo.ufl.edu/course.aspx?c=2422&p=11

2. The one-hour refresher course shall include staff lecture, video presentations, and open discussion on the proper management of stormwater on construction sites major concerns with erosion and sediment control identified during construction site inspections. Discussions will include the requirements for spill prevention and the proper course of action to respond and report spills as well illicit discharges to the MS4 or surface waters. Brochures on the erosion and sediment control, and identification and reporting of illicit discharges, will be distributed and discussed with attendees.

Personnel Performing Training

FDEP Certified Erosion and Sediment Control Instructors provide the training to both the certification course as well as the refresher. The Stormwater Quality Section has three certified instructors and also partners with FDEP Certified instructors from other MS4 entities as well as with the Florida Stormwater Association.

Documenting and Tracking Training Activities

A sign-in sheet is used to track attendance and to monitor the County staff and Contractors that have been trained, a copy of which is maintained in the County's Water Resources Program office. Upon completion of the examinations for the erosion and sediment control course, the results and testing materials are returned to FDEP for certification purposes. A database of certified erosion and sediment control inspectors is maintained by the FDEP for reference.

Annual Schedule of Training

The Erosion and Sediment Control Certification training provided in the spring (generally in May) and fall (usually October) of each year. The refresher courses are held in the summer and winter to provide additional training opportunities to individuals previously certified under the FDEP course.

Appendix D.1

STRUCTURAL CONTROL INSPECTION and MAINTENANCE REPORT FORM

Polk County Parks and Natural Resources Division

Stormwater Treatment Inspection Report

Polk County

Wet Detention

Structure Number: SC-100 **S-T-R:** 01-28-25 **Date Inspected:** 12/26/2012

Structure Location: End of Lake Mariana Drive on south side of lake

Activities

☑ **Inspect facility for signs of damage; examples: Control Structures / Infow / Outflow / Pipes / Diversion Devices / Weirs & Oil Grit Chambers & Screens**

No damage was noted during this inspection

☑ **Note any eroded areas. Examples: Banks / Diversion Devices / Pond Bottom.**

No erosion

☑ **Note any mowing and litter debris removed.**

Mowing is not required at this time and I cleaned debris from around pond

☑ **Inspect facility for invasive plants. Are pesticide applications needed.**

Will be sprayed end of January 2013

☑ **Inspect facility orifices / Weirs / Grates/ Screens / Bleed down devices.**

All systems checked and functioning as designed

Additional Inspection Information

Tires (ea): 0

Litter Removed (Bags): 0 Not full yet

Sediment Removed (lbs): 0

Other Debris (ea): 1 One bucket collected at entrance to site

Inspection Comments:

Site was neat and clean

Date Referred: **Referred To:**

Follow Up Date:

Inspector: Mark Mikolon **Report Date:** 12/27/2012

Appendix D.2

ROADWAY STORMWATER POND SYSTEM INSPECTION

and MAINTENANCE REPORT FORM

POLK COUNTY
STORMWATER FACILITIES INSPECTION DATA FORM

Basin: _____ Agency: _____
Project Name: _____ Permit No.: _____
Project Location: _____ Inspection Date: _____
Facility ID / Pond #: _____ Inspection Freq.: _____
Facility Description: _____
Inspector: _____

EROSION AND SEDIMENT CONTROL, SCOUR, FILLING:

Good Condition _____ 1 2 3

HYDROLOGY:

Fluctuation: _____ 1 2 3
Water Levels _____
Other: _____

VEGETATION:

Slopes and adjacent areas: _____ 1 2 3
In Pond _____

% Cover (Native Species) _____ % Cover (Exotic Species) _____ % Cover (Total) _____

AESTHETICS:

_____ 1 2 3

STRUCTURAL CONDITION:

Good Condition _____ 1 2 3

WATER QUALITY:

Turbidity: _____ 1 2 3
Color: _____
Odor: _____

ACTION ITEMS:

_____

Facility Compliance at Time of Inspection: ☐ In Compliance ☐ Not In Compliance

RATING LEGEND:

1- Maintenance Required for Compliance / Retrofit Recommended
2- Routine maintenance Required
3- Working as Designed

Appendix D.3

DRAINAGE OPERATIONS FIELD REPORT FORM

Polk County Parks & Natural Resources Division
Drainage Operations Field Report

Project/Outfall Num: _____ DO #: _____

Begin Date: _____ End Date: _____

		Mon	Tues	Wed	Thurs	Fri	Totals
Equipment Used							
Employee Total hours							
Tasks hours	Mowing						
	Excavating						
	Pumping						
	Hydro-seeding						
	Weed Eating						
	Implement Change						
	Drive Time						
	Transporting						
	Repair Downtime						
	Other						
	Length excavated						
	Length Mowed						
	Average Width						
	Other						

	MON	TUES	WED	THURS	FRI
Daily Activity Notes Comments					

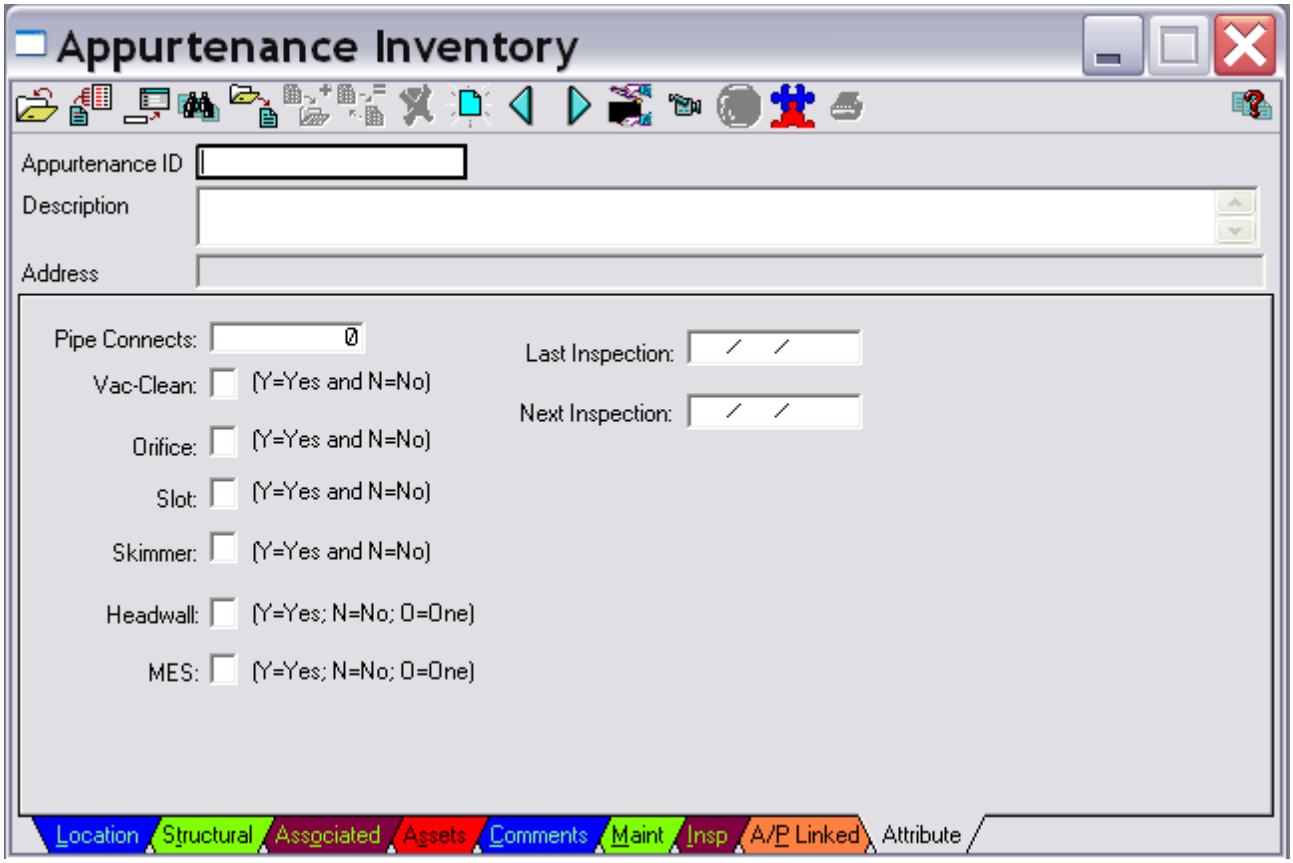
Employee Signature _____

S:/NR_Common/SLJACKSON/Drainage/Drainage Operations Field Report

Appendix D.4

ROADWAY STORMWATER COLLECTION SYSTEM INSPECTION

and MAINTENANCE REPORT FORM



Appendix D.5

DRY WEATHER FIELD SCREENING DATA SHEET

POLK COUNTY DRY WEATHER FIELD SCREENING PROGRAM

FIELD DATA SHEET

Outfall Number: _____ Date: _____ Time: _____

County: _____ City: _____ FDOT: _____

GENERAL INFORMATION:

Inspection Team: _____

Time since last rain – more than 72 hrs: _____ Less than 72 hrs: _____

Quantity of last rain – more than 0.1 in: _____ Less than 0.1 in: _____

****

FIELD SITE INSPECTION:

Location:_____

_____Sec:_____Twp:_____Rge:_____

Open Channel Manhole Outfall Other:_____

DOMINANT WATERSHED LAND USE:

Agricultural Commercial Industrial Residential Other:_____

****

FLOW ESTIMATION:

Flow observed Yes:_____ No:_____

Approximate channel width or pipe diameter:_____

Type of pipe observed:_____

Channel lining: Yes:_____ No:_____ Erosion observed: Yes:_____ No:_____

Width of Water Surface:_____

Approximate Depth of Water:_____

Approximate Flow Velocity (Feet per Second):_____

Flow Rate (Cubic Feet per Second):_____

FIELD OBSERVATION:

Photo taken: Yes:_____ No:_____ Roll's:_____ and Photo Numbers:_____

Ambient air temperature:_____ Cloudy Sunny Windy Calm

Odor - Dry Musty None Rancid-Sour Sewage Sulfur Other:_____

Color – Dry Blue Brown Clear Gray Green Red Yellow Other:_____

Clarity – Dry Clear Cloudy Suspended solids Turbid Other:_____

Floatable – Garbage None Oily Sheen Sewage Other:_____

Deposit/Stains – Iron None Oily Rust Sediments Other:_____

Vegetation Conditions – Excessive growth Inhibited growth None Normal Other:_____

Structural Conditions – Cracking/Spalling Concrete Corrosion Metal None Channel Other:_____

Biological – Algae Mosquito larvae Other:_____

FIELD ANALYSES: Maximum Amounts Allowed for Surface Water Quality Standards Found in FDEP 62-302 Regulations for Class III Water

Water Temp	:_____	Degrees C	Chlorine (Total)	:_____	mg/l <0.01
PH	:_____	< 6 or above 8.5	Copper	:_____	mg/l 1ppm
Phenol	:_____	mg/l <= 0.3	Detergents	:_____	mg/l <0.5
O-Phosphate	:_____	mg/l no limit	Turbidity	:_____	NTU <29 NTU above background

Laboratory Sample Collected – Yes/No **If Yes Attach a Copy of Chain of Custody Record Form**

Method used to collect sample:_____

Comments:_____

Data Sheet Completed By (Signature):_____

POLK COUNTY NATURAL RESOURCES DIVISION
DRY WEATHER FIELD SCREENING PROGRAM
FIELD DATA SHEET
Page 2

RESULTS OF SECOND GRAB SAMPLE: (circle conditions noted)

FIELD OBSERVATIONS:
Odor - Musty None Rancid-Sour Sewage Sulfur Other:_____
Color – Blue Brown Clear Gray Green Red Yellow Other:_____
Clarity – Clear Cloudy Suspended solids Turbid Other:_____
Floatable – Garbage None Oily Sheen Sewage Other:_____
****

FIELD ANALYSES: Maximum Amounts Allowed for Surface Water Quality Standards Found in FDEP 62-302 Regulations for Class III Waters

Water Temp	:_____	Degrees C	Chlorine (Total)	:_____	mg/l <0.01
PH	:_____	< 6 or above 8.5	Copper	:_____	mg/l 1ppm
Phenol	:_____	mg/l <=0.3	Detergents	:_____	mg/l <0.5
O-Phosphate	:_____	mg/l no limit	Turbidity	:_____	NTU <29 NTU

Results of grab samples indicate possible illicit discharge - NO:_____ YES:_____
Additional monitoring needed based on outfall observations - NO:_____ YES:_____
****

INITIATION OF INVESTIGATION OF ILLICIT DISCHARGE

Investigation of Flow Upstream of Outfall:
_____
_____
_____

Identification of Potential Source of Discharge:
_____
_____
_____

Verification of Illicit Discharge from Additional Field Screening Upstream:

_____
_____
_____

D. Enforcement Initiated YES:_____ NO:_____
****
Comments:
_____
_____
_____

Data Sheet Completed By (Signature): _____

Appendix D.6

STANDARD INDUSTRIAL FACILITY INSPECTION REPORT FORM

Polk County Natural Resources NPDES Section

NPDES/MS4 Stormwater Management Program

Industrial Facility Inspection Report

General Information

Facility Name: ***NPDES Permit #:***

Location: #Type!

Owners Name: #Type! ***Phone #:***

Mailing Address: #Type!

Contact Name: #Type! ***Phone #:***

Stormwater Management System

Does stormwater discharge from the site?

Were stormwater controls in place?

Types of controls

Does facility qualify for NO Exposure Exclusion?

Were all ponds inspected?

Were all ponds dry?

Methods of discharge

Were there any erosion or sediment problems noticed?

Any blockage of pipes, ditches or sheet flow?

Were pond side slopes sodded, seeded and mulched?

Routine maintenance:

Facility Information

Products/Services

SIC Code(s):

Description of waste management/disposal practices:

Raw materials handling/storage practices:

Friday, November 02, 2012 *InspectionID:* *Page 1 of 2*

Appendix D.7

HAZARDOUS WASTE GENERATOR INSPECTION REPORT FORM

Polk County Waste Resource Management Division
Conditionally Exempt Small Quantity Generator (CESQG)
HAZARDOUS WASTE GENERATOR INSPECTION REPORT

Authority: Section 403.7234, Florida Statutes (F.S.); Rule 62-731.030 Florida Administrative Code (F.A.C.)

Inspection Date: ___/___/___ **Inspection Type:** ☐ *Routine* ☐ *ESQG* ☐ *Follow-up* ☐ *Complaint #:* _____

Inspector Name: _____

RCRA Status: ☐ (3) CESQG (<100 kg HW/mth) ☐ *(N) Non-Generator* Note: If facility an SQG, this inspection form should not be used; if LQG, not regulated by this program.

Facility Status: ☐ *(A) Active* ☐ *(I) Inactive – Does not generate waste* ☐ *(O) Out of Business* BTR # _____

Facility ID #: _____ **Facility Name:** _____

Location Address: _____ **City:** _____ **Zip:** _____

☐ Mailing Address same as Location Address, or list: _____ **Primary SIC:** _____

EPA ID #: (☐ *N/A*) _____

Contact Person/Title: _____ **Escort:** _____

Email Address: _____ **Contact Phone:** _____

Number of Full Time Employees: _____ **Yrs. in business:** _____ **Domestic Wastewater:** ☐ *Septic* ☐ *Sewer* _____

Regulated wastes generated at this facility:

1. Type: ( ) _____
   Max. mth/Yr _____ / _____
   Storage: ( ) _____
   Disposal: ( ) _____
   Manifests/Receipts? ☐ *Yes* ☐ *No*

2. Type: ( ) _____
   Max. mth/Yr _____ / _____
   Storage: ( ) _____
   Disposal: ( ) _____
   Manifests/Receipts? ☐ *Yes* ☐ *No*

3. Type: ( ) _____
   Max. mth/Yr _____ / _____
   Storage: ( ) _____
   Disposal: ( ) _____
   Manifests/Receipts? ☐ *Yes* ☐ *No*

4. Type: ( ) _____
   Max. mth/Yr _____ / _____
   Storage: ( ) _____
   Disposal: ( ) _____
   Manifests/Receipts? ☐ *Yes* ☐ *No*

5. Type: ( ) _____
   Max. mth/Yr _____ / _____
   Storage: ( ) _____
   Disposal: ( ) _____
   Manifests/Receipts? ☐ *Yes* ☐ *No*

6. Type: ( ) _____
   Max. mth/Yr _____ / _____
   Storage: ( ) _____
   Disposal: ( ) _____
   Manifests/Receipts? ☐ *Yes* ☐ *No*

NPDES
Questionable Discharge to MS4 (PA): ☐ *Yes* ☐ *No*
Multi-Sector General Permit (PB): ☐ *Yes* ☐ *No*
Retention Pond on site (PC): ☐ *Yes* ☐ *No*
Problems with retention pond (PD): ☐ *Yes* ☐ *No*
Note any problems in comments section and forward copy of report to the Natural Resource Management Division.

POTENTIAL NON-COMPLIANCE ISSUES
☐ No violations were found at the time of inspection. Issue "In-Compliance" letter to facility.
☐ Potential non-compliance issues found. See Notice of Potential Non-Compliance Letter for details.

Comments: _____

Photos Taken ☐ Yes (#:) ☐ No

Follow-Up: ☐ *(N) None Needed* ☐ *(V) Verify or Reinspect* ___/___/___ ☐ *(D) Refer to FDEP* # hrs spent onsite: _____

Brochures: ☐ *(MM) Mercury* ☐ *(MU) Used Oil* ☐ *(MT) Transporters* ☐ *(DC) CESQG Reg* ☐ *(MQ) SQG HB* ☐ *(DX) Other*
☐ *(DB) Paint & Body* ☐ *(DD) Dry Cleaner* ☐ *(DP) Printers* ☐ *(MB) ER Contr.* ☐ *(ML) Lab List* ☐ *(MZ) Auto Self A.*

Revised 1/7/1

Appendix D.8

NPDES STORMWATER PERMITTING FACT SHEET

The United States Environmental Protection Agency (EPA) has adopted the rule implementing Section 402(p) of the Clean Water Act, which addresses the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharge. The final stormwater regulations were published in the November 16, 1990 issue of the Federal Register providing application requirements for NPDES permits.

Storm Water Discharges "Associated with Industrial Activity"

The NPDES rule requires permits for stormwater discharges from certain industries and for construction activities resulting in the disturbance of five acres or more of land. The rule lists SIC (Standard Industrial Classification) codes for industries required to obtain permits. Stormwater discharges from many areas which fall under the local "industrial" zoning category are not treated as industrial discharges under the NPDES program. The SIC code definitions of regulations typically apply to those operations which pose significant risk of discharging pollutants in stormwater runoff (e.g. manufacturing, processing, or raw material storage areas exposed to rainfall, and large construction site activities).

Examples of industries or facilities requiring NPDES Permits include:

* Facilities subject to stormwater effluent guidelines and standards, under 40 CFR subchapter N.

* Facilities classified as SIC codes 24 (except 2434), 26 (except 265 & 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373. Hazardous waste treatment, storage, or disposal facilities.

* Facilities involved in the recycling of material, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but not limited to those classified as SIC 5015 and 5093.

* Transportation facilities classified as SIC 40, 41, 42, 43, 44, 45 (except 4221-4225) and 5171.

* Facilities classified as SIC 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37, (except 373), 38, 39, 4221-4225, (and which are not otherwise included within the other categories).
* Construction activity including clearing, grading and excavation activities for operations that result in the disturbance of five acres or more of total land area. (Note: The exemption for construction activities which disturb less than five acres has been eliminated by EPA).

The Phase II regulations for the stormwater program proposed by EPA are published in the January 9, 1998 Federal Register. The proposed rule requires NPDES stormwater permit coverage for construction activities which result in the disturbance of more than one acre of land. The rule also proposes an exemption for industrial activities that have no exposure to precipitation. A checklist has been published for facilities to determine whether they meet the no-exposure criteria. A certification of no-exposure must be submitted to EPA to qualify for this permit exemption.

Application Dates:

The March 21, 1991 Federal Register initially identified May 18, 1991 as the deadline for submitting Individual Permit applications for stormwater discharges "associated with industrial activity". Part 1 of the Group Permit applications were due on September 30, 1991. The April 2, 1992 Federal Register published dates extending the

deadlines for individual applications, and Part 2 of the group applications until October 1, 1992. February 18, 1992 was established as the deadline for participating in a NPDES group application. Facilities not included in a group application were required to apply for an individual permit or submit a Notice of Intent (NOI) to utilize a General Permit. General Permits covering industrial activities, including construction, require a Notice of Intent (NOI) to be submitted at least two (2) days prior to commencement of a new stormwater discharge.

The September 29, 1995 Federal Register published the requirements for a Multi-sector General Permit to provide NPDES stormwater discharge coverage to 29 specific Industrial activity types, or sectors. EPA developed this permit to replace the Group Permits for industrial facilities expected to exhibit similar characteristic of stormwater discharges. The Multi-sector permit will remain in effect for five (5) years from the date of publication.

Submittal Information:

Multi-Sector General Permits require that the applicant submit a Notice of Intent (NOI) to EPA requesting coverage under the conditions A separate Notice of Termination form (NOT) must be submitted to EPA following elimination of a discharge or after completion of all construction activity and final stabilization of disturbed soils has occurred. A site specific stormwater pollution prevention plan (SWP^3) is required to be developed, and implemented upon receiving permit coverage. Monitoring requirements for the General Permit published in the Federal Register are specific to the types of facilities served.

Stormwater Pollution Prevention Plans (SWP^3's):

Stormwater permit coverage for industrial activities, including construction, requires the applicant to prepare a Storm Water Pollution Prevention Plan (SWP^3) specifically for the facility. A copy of the SWP^3 must remain on-site and available for review at all times. Two documents to assist in the development of SWP^3's are also available from the EPA National Storm Water Hotline and are entitled; "Storm Water Management for Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices" (October 1992 - EPA No. 833-R-92-001) and "Storm Water Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices" (October 1992).

The SWP^3 Must be prepared on or before the date of submittal of a Notice of Intent (NOI) for coverage. Plans must be site specific and tailored to the type industrial activity being permitted. The plan must identify activities that will be performed and documented on a routine basis to assure the discharges of pollutants in stormwater runoff is reduced to the Maximum Extent Possible (MEP).

Construction site activities require a SWP^3 which includes: a site plan and narrative description of potential sources of pollutants in stormwater discharges, a description of the controls proposed to reduce pollutant discharges [inducing; Best Management Practices (BMP's) for sediment and erosion control, structural measures for stormwater management, and other BMP's for waste disposal and vehicle maintenance where required], performance of weekly inspections by qualified personnel (or within 24 hours of a rain event of 0.25 inches or greater), and certification by all contractors and subcontractors that they understand the terms and conditions of the NPDES general permit for the construction site.

The Polk County Natural Resources and Drainage Division has developed two documents entitled,

"Best Management Practices Installation Guide - May 1995" and "Recommended Standards for Residential Construction Best Management Practices" which are available upon request. These documents are provided for guidance on construction within Polk County. They summarize information from the FDEP publication "Florida Development Manual - A Guide to Sound Land and Water Management" which must be utilized in developing SWP^3's for construction in accordance with the September 25, 1992 Federal Register.

Industrial activities are identified in the rule according to the Standard Industrial Classification (SIC) code and are required to be covered under separate NPDES stormwater permits, in addition to the NPDES construction permits for new facilities. The SWP^3 for these facilities must identify members of a stormwater pollution prevention team designated to implement the plan, include a site plan showing potential areas of contamination of stormwater discharges, describe the risk of contamination from these areas, identify controls proposed to reduce the discharge of pollutants in runoff and provide for a comprehensive site evaluation on a routine basis. The pollution prevention team must perform periodic inspections of the facility and verify adherence to the BMP's identified in the plan as well as performing any stormwater discharge monitoring required in the federal regulations.

For more information, contact the Water Permits Section of the U.S. Environmental Protection Agency (EPA), Region IV, Atlanta, Georgia, at Telephone No.. (404) 562-9282 or the Polk County Natural Resources and Drainage Division at (863) 534-7377.

Appendix D.9

ILLICIT DISCHARGE INVESTIGATION REPORT

POLK COUNTY NATURAL RESOURCES DIVISION

COMPLAINT INVESTIGATION

GENERAL INFORMATION						
COMPLAINT #:			DATE:			
CALLER NAME:						
PHONE #1:			PHONE # 2:			
ADDRESS:						
TYPE OF COMPLAINT:						
LOCATION:						
	Section:		Township:		Range:	

PROPERTY OWNER/SUBJECT INFORMATION

NAME:		PHONE:	
CONTACT:		PHONE:	
ADDRESS:			

FIELD INVESTIGATION

DATE:		
Samples Collected:		

Photographs Taken:			
Investigator:		Signature:	

FIELD INVESTIGATION CONTINUED

Caller Notified Date:		Phone:		E-Mail:		Person:	
Referred To:							
Reason For Referral:							
Closing Date:			Signature:				

FOLLOW-UP/ENFORCEMENT STATUS

Appendix D.10

CONSTRUCTION SITE INSPECTION FORM

and PRE-CONSTRUCTION CHECKLIST

CONSTRUCTION SITE INSPECTION FORM

Financial Project # _____

CONTRACT # _____

S.R. # _____

Page ___

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

STORMWATER POLLUTION PREVENTION PLAN

CONSTRUCTION INSPECTION REPORT

(Weekly and within 24 hrs. of the end of a storm that is 0.50 in. or greater)

Date of Rainfall _____

Amount Recorded _____

COMPANY NAME _____

INSPECTION DATE _____

FDEP Permit # _____

Location of Control Measure	Approximate Stations From	Approximate Stations To	Lt. Or Rt. Of Centerline	Active Work Zone= A Inactive Work Zone= I	Date Last Disturbed	Date of Stabilization	Control Measures (Use Codes Below)	Current Condition (Use Codes Below)	Corrective Action or Remarks

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

All the devices, operations, measures, or measures identified in the Stormwater Pollution Prevention Plan shall be done in a timely manner prior to case later than 7 calendar days following the inspection. The signature below also shall certify that this facility is in compliance with the Stormwater Pollution Prevention Plan and the State of Florida General Permit for Stormwater Discharge from Large and Small Construction Activities. If there are not any incidents of non-compliance identified above.

Name (Responsible Authority) _____

Date Signed _____

CONTROL MEASURE CODES

1. Temporary Seeding
2. Permanent Seeding (Sod, or Seed)
3. Temporary Mulching
4. Anti-Tack Soil Binding
5. Buffer Zones
6. Silt Fence
7. Sandbags Bales
8. Silt Boxes
9. Berms
10. Diversion, Interceptor, or Perimeter Dikes
11. Flumes
12. Pipe Slope Drain
13. Ditch Liner
14. Rock Bed at Construction Exit
15. Timber Vehicle Construction Exit
16. Rip Rap
17. Sediment Traps
18. Sediment Basin
19. Stormwater Sediment Trap
20. Stone Outlet Structure
21. Curbs and Gutters
22. Storm Sewers
23. Velocity Storm Drains
24. Turbidity Barrier
25. Post Recovery Measures for Soil Stress
26. Clean up of Possible Contamination
27. Fence Out Pollution from Entry/Exit
28. Geotextile
29. Liner
30. Rock Dam
31. Paved Road
32. Grass
33. Retention Pond
34. Detention Pond
35. Tree Protection
36. _____
37. _____

CONDITION CODES

U Upgrade Needed
R Reinforcement Needed
M Maintenance Needed
C Clearing Needed
I Increased Measures
S Stabilization

Other: _____

Other: _____

Inspector: _____

Signature: _____

Certification # _____

Date Certified: _____

(or other qualifications as described in Part II.F.2 of the permit)

Polk County Land Development Division Pre- Construction Sign in Sheet and Construction Checklist

DATE :

PROJECT NAME :

NAME	COMPANY	PHONE	E-mail

1. F.D.O.T. Permit, Yes_____ No_____. N/A _____.
2. F.D.E.P. Permits, Yes_____ No_____. N/A_____.
3. S.W.F.W.M.D., Yes_____ No_____. N/A_____.
4. Plan Review Comments:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
___

5. Contractors Certified Erosion Control Inspector, Yes_____ No_____.

   Name _____ Certification Number_____.

   Land Development Inspector, _____.

Appendix D.11

CONSTRUCTION SITE INSECTION DEFICIENCY NOTIFICATION FORM

POLK COUNTY BOARD OF COUNTY COMMISSIONERS
TRANSPORTATION DEPARTMENT • P. O. BOX 9005, BARTOW, FLORIDA 33831-9005
NOTICE OF DEFICIENCY

CONTRACT NAME: _____ CONTRACT # : _____

ISSUED TO: _____

PHYSICAL LOCATION OF DEFICIENCY: _____

You are hereby advised by receipt of this notice that you are in violation of your contract with Polk County as noted below, AND, liability for any damages arising from the items noted below will be the responsibility of the party, or parties, responsible:

____ 1. Construction work being performed has not been permitted.
Description: _____

____ 2. Construction work being performed does not comply with permit specifications, or, the approved plans and specifications.
Description: _____

____ 3. Applicable notification of the start of construction has not been made in accordance with the requirements for said work.
Description: _____

____ 4. Construction work being performed does not comply with safety requirements, or, equipment being used is unsafe.
Description: _____

____ 5. Maintenance of Traffic (MOT) not provided in accordance with the Florida Department of Transportation (FDOT) indexes, Manual of Uniform Traffic Control Devices (MUTCD), or County approved plans.
Description: _____

____ 6. Damaged pavement or disturbed right of way not repaired or restored properly.
Description: _____

____ 7. Other:
Description: _____

THE DEFICIENCY/DEFICIENCIES NOTED ABOVE SHALL BE CORRECTED AS FOLLOWS:

____ **All work is shut down immediately and may not resume until all items are corrected and approved by Polk County.**

____ **If item (s) _____ above are not corrected within _____ calendar days, all work will be shut down immediately and may not resume until all items are corrected and approved by Polk County.**

NOTICE ISSUED BY: _____ DATE: _____

DATE OF DEFICIENCY: _____ TIME OF DAY: _____

NOTICE GIVEN TO: _____ DATE: _____

RECEIPT ACKNOWLEDGED BY: _____ DATE: _____
(Contractor's Representative)

DATE DEFICIENCY CORRECTED: _____ TIME OF DAY: _____

ACCEPTANCE OF CORRECTION BY: _____ DATE: _____
(Polk County's Representative)

ORIGINAL=CONTRACTOR COPY YELLOW=PROJECT MANAGER COPY PINK=INSPECTOR COPY

Part IV. Monitoring Program

Section 1 – Storm Event Monitoring

1.1 – BMP Efficiency Monitoring for Determining annual Load Reductions
- (a) Introduction (Summary of Activities)
- (b) Qualifying Event Criteria
- (c) Site Suitability Determination
- (d) Monitoring Site Operation and Maintenance
- (e) Sample Collection Procedures

This section describes procedures to be used when sampling stormwater discharges. The sampling is required by the County's NPDES permit issued by the Florida Department of Environmental Protection. The following section will provide information on sampling sites, qualifying event criteria, site suitability, operation/maintenance, and sample collection procedures.

5.1 - Introduction

Five sites were selected and approved by EPA for characterization of stormwater discharges for the NPDES Part 2 Permit Application submittal representing the commercial, residential and industrial land uses within Polk County as required in 40 CFR 122.26 (d)(2)(iii)(A). The Stormwater Management Program was developed to control the discharge of pollutants from activities in these land use categories, therefore continued monitoring will emphasize these land use activities.

Monitoring the discharge has goals which include: obtaining data on the seasonal variation in loadings from major outfalls; collecting additional data from areas with varying densities of major land use activities in order to refine the pollutant load estimates for the land use types characterized in the Part 2 application; monitoring discharges from treated outfalls to evaluate various treatment techniques and allow more accurate assessments of controls and; obtaining base line data from undeveloped areas to assess the impacts of development.

The NPDES permit issued to Polk County on March 1, 1996 requires coordination with the Florida Department of Environmental Protection (FDEP) for monitoring in accordance with the states Surface Water Ambient Monitoring Program (SWAMP). As of this date, the SWAMP has not been implemented to the point where it is feasible to coordinate stormwater sampling with the NPDES program. Until this occurs, samples will be collected from outfalls associated with stormwater treatment facilities for characterization of discharges as proposed in the *Year One Annual Report*. Information on the efficiency of various control techniques will assist in developing strategies for implementing additional controls.

TABLE 3-3
ADDITIONAL MONITORING SITES PROPOSED FOR CHARACTERIZATION OF STORMWATER DISCHARGES FROM THE MS4 DURING THE TERM OF THE NPDES PERMIT*
(Page 1 of 3)

Site Ranking	Outfall No.	Location (Sec,Twp,Rge)	Municipality Served (Map No.)	Drainage Area (Acres)	Primary Land Use Types	Receiving Water
1	DAV-3	3-27-27	Davenport (B-5)	91.3	Low Residential 91.3%	Unnamed Wetland
2	LAK-GN-080	25-27-23	Lakeland (C-2)	35	High Residential 60.5%	Lake Gibson
3	FDOT-542-05	28-28-26	FDOT-Winter Haven (C-4)	52	Low Commercial 87.6%	Lake Elbert
4	POL-EL-49	33-28-26	Polk Co.-Winter Haven (C-4)	20.5	High Commercial 76.1%	Lake Lulu
5	FRP-08A	33-31-28	Frostproof (E-6)	27.0	Med/Industrial 100%	Lake Reedy
6	LKH-04	16-28-27	Lake Hamilton (C-5)	34.2	Med/Residential 91.3%	Lake Gordon
7	LKW-401	2-30-27	Lake Wales (D-5)	116	High Residential 91.3%	Lake Worth
8	LAK-MR-045	18-28-24	Lakeland (C-2)	22	High Commercial 61.7%	Lake Mirror

9	BAR-142	6-30-25	Bartow (D-3)	16	Med/Commercial 53.7% Institutional 37.6%	McKinney Branch

TABLE 3-3
ADDITIONAL MONITORING SITES PROPOSED FOR CHARACTERIZATION OF STORMWATER DISCHARGES FROM THE MS4 DURING THE TERM OF THE NPDES PERMIT*
(Page 2 of 3)

Ranking Site	Outfall No.	Location (Sec,Twp,Rge)	Municipality Served (Map No.)	Drainage Area (Acres)	Primary Land Use Types	Receiving Water
10	POL-AB-44	2-28-25	Polk Co.- Auburndale (C-3)	75.6	Med/Industrial 51.6%	Lake Mariana
11	FDOT-544-115	18-28-26	FDOT-Winter Haven (C-4)	94	Med/Commercial 81%	Lake Hartridge
12	POL-EL-46	15-28-25	Polk Co.- Auburndale (C-3)	24.1	High Industrial 100%	Lake Lena Run Lake Hancock
13	LAK-BA-050	5-29-24	Lakeland (D-2)	323	Low Residential 85.6%	Banana Lake
14	POL-DD-01E	29-26-27	Polk Co.- Davenport (B-4)	40.4	Agricultural 82.2%	Horse Creek

15	FDOT-563-8	24 & 25-28-23	FDOT - Lakeland (C-2)	6	Undeveloped 70.2%	Itchepackassa ssa Creek
16	LAK-HU-010	24-28-23	Lakeland (C-2)	19	Med/Commercial 60.5%	Lake Hunter
17	POL-LL-33	17-28-23	Lakeland (C-1)	28.3	High Industrial 100%	Itchepackassa ssa Creek
18	WH-29204-1	22-28-26	Winter Haven (C-4)	24.5	Low Commercial 73%	Lake Elbert

TABLE 3-3

ADDITIONAL MONITORING SITES PROPOSED FOR CHARACTERIZATION OF STORMWATER DISCHARGES FROM THE MS4 DURING THE TERM OF THE NPDES PERMIT*
(Page 3 of 3)

Ranking Site	Outfall No.	Location (Sec,Twp,Rge)	Municipality Served (Map No.)	Drainage Area (Acres)	Primary Land Use Types	Receiving Water
19	HC-911	28-27-27	Haines City (C-5)	223	Treated Outfall Low/Residential 66.1%	Lake Marion
20	BAR-32	18-30-25	Bartow (D-3)	17	Med/Residential 88.5%	Little Floral Lake
21	HC-910	21-29-27	Haines City (C-4)	93	Treated Outfall Low Residential 47.5%	Unnamed Waterbody

22	MUL-05	11-30-23	Mulberry (D-2)	32	Vacant/Undeveloped 34.4% Med/Residential 47.1%	North Prong Alafia River
23	WH-25306-1	32-28-26	Winter Haven (C-4)	81	Industrial 25.6% Med/Commercial 59%	Lake Lulu
24	DUN-05	28-28-27	Dundee (C-5)	21	Med/Industrial 48% Commercial 33%	Lake Dell
25	WH-24203-1	31-28-26	Winter Haven (C-4)	34	High Industrial 100%	Lake Shipp

5.2 - Qualifying Event Criteria

Existing precipitation data for the ten year period from January 1979 through August 1989 was used for determining monthly average values for the Lakeland East National Weather Service rainfall station in central Florida. The information for this ten (10) year period yielded an average rainfall per event of 0.39 inch and average event duration of 1.65 hours. The wet season for Polk County was determined to extend from May through September. Results for the wet season months during the ten year period showed the average event as having a duration of 1.51 hours and yielding 0.40 inch of rainfall. The wet season averages represent the average values that will be used in monitoring.

Section 122.26(d)(2)(iii) of the NPDES Storm Water Rule requires that three separate events be monitored at least one month apart. The events chosen for collection of the data are to be representative in terms of following the parameters average rainfall and duration, (+/- 50%), following a antecedent dry period of 72 hours during the dry season and 36 hours during the wet season. Since all 3 parameters may not coincide during the sampling period, events will be prioritized by selecting those meeting this antecedent dry period, followed by an average total rainfall between 0.20 and 0.60 inches and an average duration between 0.75 and 2.25 hours.

All events which meet the 72 (October - April)/36 (May - September) hour anticeedent dry period and receive 0.10 inches of rain within 30 minutes will be sampled at all locations. The collected data will than be analyzed to determine which events will qualify as required NPDES stormwater monitoring events.

5.3 - Site Suitability Criteria for Sampling Locations

The outfalls considered for monitoring in Part 2 of the NPDES permit application were selected through evaluation of the existing information on the receiving waters and land use types within the drainage basin. Receiving waters which were identified as having water quality impairments due to the impact of urban sources were targeted for further review. A total of five (5) major outfalls to these waters were selected sample collection sites for Part 2 based on accessibility, hydraulic considerations and drainage area characteristics, as outlined below:

A) Accessibility of the sampling location, safety concerns and the ability to provide security for equipment and field personnel are essential for maintaining the integrity of the monitoring program and collection of reliable data.

B) Hydraulic considerations include the uniformity of channel conditions upstream of the sample site (six channel widths), minimum backwater effects from downstream conditions and the ability to establish a stage-discharge rating curve to correlate runoff rates to analytical results of the samples.

C) Drainage area characteristics were reviewed for selection of outfalls with the largest catchment area, uniformity of land use and representative of the land use types for drainage areas throughout Polk County.

These criteria will continue to be used in consideration of the potential of any future sampling sites.

5.4 - Monitoring Site Operation and Maintenance

Monitoring sites are to be inspected on a weekly basis and following any significant rainfall when sampling units are not in a program delay mode. Routine site maintenance shall include the following: cleaning of the rain gauge and funnel screens, inspecting the sampler intake tubing and depth probe, removing debris from the conveyance or treatment system in areas immediately adjacent to the sample site as well as from any discharge structures and verifying that associated equipment is functioning and ready for operation.

Routine weekly maintenance of the stormwater samplers shall include: interrogation of the samplers to download data in memory to a Data Transfer Unit (DTU) or lap top computer using the Sigma Streamlog software, battery replacement with a fully charged unit, inspection of the suction and discharge tubing to assure proper connection, verification that sample bottles are in order (with replacement or cleaning as necessary), operation of sampler to collect one sample manually to verify proper operation prior to reprogramming of the sampler for the next storm event.

5.5 - Sample Collection Procedures

Samples from the stormwater samplers are retrieved immediately after each rain event. The collection protocol is as follows:

STEP

1. Complete attached sample collection checklist.

2. Upon arrival at each site, the logged sampler data (e.g. flow, rain fall sampling sequence) is downloaded to the appropriate DTU for storage and analysis.

3. Cap and remove sample collection bottle from base of unit. In the event upstream and downstream samples are being collected but starting times of the units do not coincide, a review of sampler data retrieved from the DTU's will be needed. Only those samples corresponding to an increase in storm water runoff flow, or sample bottles which were filled concurrently in the upstream and downstream units (for sites involving treatment) are to be composited. The applicable samples for each collection site are poured into a clean glass 5 gallon carboy. While gently swirling the composite, to maintain homogeneity of the sample, aliquotes are poured into the various bottles, and preserved until chemical analyses are conducted.

4. Throughly mix composited sample and distribute into lab sample bottles as follows:

General -	2 liter bottle preserve with wet ice.
Nutrients -	1 liter bottle preserve with 2ml H_2SO_4
Metals (NRDD) -	1 liter bottle preserve with 1.5ml HNO_3
Metals (PELA) -	1 liter bottle preserve with 1.5ml HNO_3

   Note: For samplers not fitted with one bottle set-up (Sigma 9000 series) composite samples in a clean container and split as described above.

5. Sample bottles are placed in an iced cooler and returned to the laboratory for analysis.

6. Bottles can either be cleaned in the field or returned to the lab. Field cleaning consists of rinsing with DI water, acid cleaning (1:1 HCL), and final triple rinse with DI water. After bottles have been properly cleaned return to base of sampler.

7. The laboratory chain of custody is to be completed and the samples released to laboratory personnel for the prescribed analyses. See sample chain of custody in section 5.6.

5.6 - Sample Chain of Custody Forms (See Attached)

5.7 - Stormwater Sampling Checklist

- DTU
- Labeled sample bottles: 1 2L and 3 1L per site
- Cooler with ice
- Funnel
- Preservative acid (HNO_3 and H_2SO_4)
- Cleaning acid (1:1 HCL)
- Flashlight
- Cellular phone
- Laytex gloves
- DI water @ 5 gallons
- Replacement batteries
- Keys to sample sites/samplers
- 4WD vehicle
- Chain of custody forms

Section 2 - Ambient Monitoring of Lakes and Streams

2.1 – Polk County Monitoring Plan 2011

(a) Sampling and Analysis of Surface Water Chemistry

(b) Biological Monitoring for SCI and LVI