

ARTICLE IV. - MUNICIPAL SEPARATE STORM SEWER SYSTEM

Sec. 73.41. - Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the City of Vero Beach and to protect and enhance the quality of watercourses through the regulation of all discharges to the city's separate storm sewer system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES). In addition to the foregoing, the objectives of this article include but are not limited to:

- (1) Effectively prohibiting illicit discharges and connections to the MS4.
- (2) Establishing legal authority for the city to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article and state and federal law.

(Ord. No. 2010-17, § 3, 5-3-2010)

Sec. 73.42. - Applicability.

This article shall apply to all areas within the city limits and all watercourses in said area entering the MS4 through a "point source" as defined in section 73.43, unless exempt under rule 62.624.200(2), F.A.C.

(Ord. No. 2010-17, § 3, 5-3-2010)

Sec. 73.43. - Definitions.

For the purpose of this article, the following shall mean:

Hazardous materials: Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to a substantial present or potential hazard to human health, safety, or property, or the environment when improperly treated, stored, transported, disposed of, or otherwise improperly managed.

Illicit discharge: Any direct or indirect non-stormwater discharge to the MS4 except as exempted in [section 73.50](#).

Illicit connections: Any of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 including but not limited to any conveyances that allow any non-stormwater discharge including sewage and processed wastewater to enter the MS4;
- (2) Any connections to the MS4 from indoor drains and sinks, regardless of whether or not said drain or connection had been previously allowed, permitted, or approved by a regulatory agency; or
- (3) Any drain or conveyance connected from a commercial or industrial land use to the MS4 that has not been documented in plans, maps, or equivalent records and approved by a regulatory agency.

Industrial activity: Activities subject to NPDES industrial permits as defined in 40 CFR Section 122.26(b)(14).

MS4 or municipal separate storm sewer system: Publicly-owned facilities operated by the city by which stormwater is collected, conveyed, and discharged to regulated waters, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by the EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge: Any discharge to the MS4 that is not composed entirely of stormwater.

PPM: Parts per million.

Point source: Any discernible, confined, and discrete conveyance, such as any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, or landfill leachate collection system from which pollutants are or may be discharged.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: sediment; paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Regulated waters: Waters of the United States as defined in 40 CFR § 122, as amended, and Waters of the State as defined in F.S. Ch. 403, that lie within the City of Vero Beach.

Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation.

Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a wastewater facility.

Watercourse: Any body of water including, but not limited to lakes, ponds, rivers, streams, swales, ditches, and canals.

(Ord. No. 2010-17, § 3, 5-3-2010)

Sec. 73.44. - Responsibility for administration and enforcement.

The city engineer shall have the duty and authority to administer and ensure enforcement of the provisions of this article in conjunction with other city departments.

(Ord. No. 2010-17, § 3, 5-3-2010)

Sec. 73.45. - Discharge prohibitions.

Other than stormwater, no person shall discharge or cause to be discharged into the MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards. The commencement, conduct or continuation of any such discharge to the MS4 is prohibited with the following exceptions:

- (1) Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, de-chlorinated swimming pools (less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
- (2) Discharges specified in writing by a federal or state regulatory agency and approved by the city engineer as being necessary to protect public health and safety.
- (3) Any non-stormwater discharge permitted under an NPDES permit, waiver, or wastewater discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the city engineer for any discharge to the MS4.

(Ord. No. 2010-17, § 3, 5-3-2010)

Sec. 73.46. - Accidental discharges.

Notwithstanding other requirements of law as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4 or regulated waters, said person shall take all necessary steps to ensure the discovery, containment, and clean-up of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city engineer within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained by the owner or operator for at least three years from the date of the discharge of any prohibited materials and shall be made available for review by the city engineer upon request during normal business hours.

(Ord. No. 2010-17, § 3, 5-3-2010)

Sec. 73.47. - Prohibition of illicit connections.

The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.

(Ord. No. 2010-17, § 3, 5-3-2010)

Sec. 73.48. - Monitoring.

The following monitoring and sampling of discharges to the city's MS4 may be required by the city engineer upon determination of a probable violation of this article:

- (1) The installation and maintenance of such devices as are necessary to conduct sampling or monitoring of discharges to the city's MS4 and the collection of any samples deemed necessary.
- (2) The undertaking of reasonable monitoring and sampling of discharge to the city's MS4 and the submittal of periodic monitoring reports to the city engineer by the person or owner of any property, building, or structure engaging in the activity of discharging to the city's MS4.
- (3) All such monitoring and sampling expense shall be borne by the subject person or owner.

(Ord. No. 2010-17, § 3, 5-3-2010)

Sec. 73.49. - Suspension of MS4 access.

- (a) *Suspension due to illicit discharges in emergency situations.* The city engineer is authorized, without prior notice, to issue a stop order pursuant to [chapter 2](#), article VII, of this Code suspending MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the public health, safety or welfare, or to the MS4 or regulated waters.
- (b) *Suspension due to the detection of illicit discharge.* Any person or owner found discharging to the MS4 in violation of this article may have its MS4 access terminated if such termination would abate or reduce an illicit discharge. The city engineer shall notify in writing a violator of the proposed termination of its MS4 access. No person shall reinstate MS4 access to premises terminated pursuant to this section without the prior written approval of the city engineer.

(Ord. No. 2010-17, § 3, 5-3-2010)

Sec. 73.50. - Industrial, commercial or construction activity discharges.

- (a) Stormwater from areas of any industrial, commercial or construction activity shall be controlled, treated and managed on-site using best management practices and approved by the city engineer in accordance with articles II and III of this chapter so as not to cause an illicit discharge to the city's MS4 or regulated waters.
- (b) Authorized discharges to the city's MS4 shall be controlled so they do not impair the operation or

contribute to the failure of the MS4 to meet any applicable local, state, or federal law or regulation.

- (c) Authorized discharges to regulated waters shall be controlled so that they do not adversely impact the quality or beneficial uses of those waters or result in violation of any applicable local, state, or federal law or regulation.

(Ord. No. 2010-17, § 3, 5-3-2010)

Sec. 73.51. - Watercourse protection.

Every person owning or in possession of property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse or cause flooding to other properties. In addition, privately owned structures within or adjacent to a watercourse shall be maintained so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. No. 2010-17, § 3, 5-3-2010)

Sec. 73.52. - Interconnected MS4s.

Interconnected MS4s, including MS4s not owned by the city, shall be controlled and maintained so they do not impair the operation of or contribute to the failure of the receiving MS4 to meet any applicable local, state, or federal law or regulation. An owner of any section of an interconnected MS4 shall be responsible for the water quality within its respective portion of the system and shall coordinate with the owners of the downstream sections.

(Ord. No. 2010-17, § 3, 5-3-2010)

Sec. 73.53. - Minimum standards.

The standards set forth herein and promulgated pursuant to this article are minimum applicable standards; therefore, this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants to the city's MS4 or regulated waters.

(Ord. No. 2010-17, § 3, 5-3-2010)