

CONTRACT NO. 98-

BCC APPROVED 10-

**SPECIFIC OPERATING AGREEMENT
FOR
DELEGATION OF DOMESTIC WASTEWATER PROGRAM AUTHORITY
FROM THE
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
TO THE
SARASOTA COUNTY NATURAL RESOURCES DEPARTMENT**

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DOMESTIC WASTEWATER SPECIFIC OPERATING AGREEMENT

PART I ADMINISTRATION OF AGREEMENT

SECTION 1 - INTRODUCTION

(a) Pursuant to Section 403.182 of the Florida Statutes (F.S.), the Florida Department of Environmental Regulation, which has since been renamed the Florida Department of Environmental Protection (Department or DEP), entered into a General Agreement with Sarasota County on August 24, 1989. The General Agreement specifies the general working relationship between the Department and the County for the Local Program for administering any of the Department's specific programs be set forth in a Specific Operating Agreement (SOA), subject to periodic review. The Local Program referred to in this agreement is the Sarasota County Natural Resources Department (Local Program), located in Sarasota County, Florida.

(b) Therefore, the Department and the Local Program hereby enter into this SOA to delineate each agency's responsibility for developing and implementing the program defined here under appropriate state and local statutes, ordinances, and regulations.

(c) Nothing here or in the General Agreement is intended to limit the Department's or the Local Program's independent authority established by law.

SECTION 2 - PARTIES

Notwithstanding provisions in the General Agreement, parties to this SOA are the Department and the Local Program. The Department's Division of Water Facilities (Division) will be responsible for transferring information needed by the Local Program as described in this SOA [while copying the Department's Southwest District Office (District)], except as otherwise required for efficiency or specified by this SOA. The program responsibilities delegated by DEP to the Local Program shall not be subdelegated to any other entity.

SECTION 3 - MODIFICATION OF AGREEMENT AND CONFLICT BETWEEN AGREEMENTS

With the exception of Sarasota County ordinances and resolutions, this SOA and any Appendices or Exhibits may be modified in writing at any time as necessary by mutual consent of the Department and the Local Program. Attachments may be revised without formal SOA modification. With respect to Sarasota County ordinances and resolutions, the Local Program shall submit revisions to the Department for comment prior to adoption by the Board of County Commissioners. Modifications may be made in whole, by part, or by section, and upon approval shall supersede previous versions of this SOA. Any proposed changes shall be identified and delineated in writing by the party proposing the change. Approvals of modifications to the text of this SOA shall be signed by the DEP Secretary and the

Chairperson of the Board of County Commissioners of Sarasota County, as authorized by vote of the Board. The provisions of this SOA shall automatically void conflicting provisions of other agreements between the Department and the Local Program applicable to the program defined here.

SECTION 4 - PROBATIONARY PERIOD AND PERIODIC REVIEW OF AGREEMENT

During the first two years after the effective date of this SOA, the Department shall conduct a semi-annual program performance evaluation, as described in Section 9 of this SOA, and provide written recommendations to the Local Program. The Local Program shall provide a written response to the Department within 20 working days of receiving such recommendations. Within two years after the effective date of this SOA, the Department shall decide whether to conclude or extend the probation period, or to terminate this SOA. This SOA shall be jointly reviewed by the Department and the Local Program at least every three years for the purpose of determining its adequacy and the need for any modifications.

SECTION 5 - TERMINATION OF AGREEMENT

This SOA may be terminated with or without cause by either the Department or the Local Program by written notice to the other party of at least ninety (90) days. Such notice from the Local Program shall be signed by the Chairperson of the Board of County Commissioners of Sarasota County. Such notice from the Department shall be signed by the DEP Secretary. Upon termination, the Local Program shall provide to the Department the originals of all files applicable to this SOA.

SECTION 6 - SEVERABILITY

If any part of this SOA is found invalid or unenforceable by any Court, the remaining parts of this SOA will not be affected if the Department and the Local Program agree that their respective rights are not materially prejudiced, and if the intentions of the parties can continue to be effective.

**PART II
PROGRAM MANAGEMENT**

SECTION 7 - BUDGET

The Local Program shall annually provide a summary of its approved budget outlining funding and staffing. The Division shall make its budget summary available upon request. The Local Program shall maintain an adequate level of domestic wastewater (DOM) program funding, staffing, and equipment. The Local Program shall comply with all statutes, rules, and policies pertaining to delegated DOM program activities. Minimum DOM program activities include the level of service (e.g., required number of inspections per facility per year) and compliance rate goals described in Part III of this SOA, to the extent delegated.

SECTION 8 - PROGRAM ORGANIZATION

8.01 RULES, REGULATIONS, AND ORDERS

(a) Adoption of DEP Rules by Reference

Notwithstanding the General Agreement, within 90 days after the initial approval of this SOA, i.e., signed by both parties, the Local Program shall adopt by reference, as amended from time to time, all Department rules applicable to the DOM program, to the extent of delegation. Such Local Program ordinances adopting the Department's rules by reference are affixed to this SOA as Exhibits 1{96} and 2{97}. Subsequent revisions of applicable Department rules shall be implemented by the Local Program at the time the Department rule becomes effective, and shall be reflected through amended ordinances within 120 days after the Department rule becomes effective (or automatically if DEP DOM rules are adopted generally). When the Department's rules are adopted by reference as amended from time to time, they are compatible with the requirements of Chapter 403, F.S., and the Department's rules with the meaning of Section 403.182(1), FS.

(b) Local Program Rules More Extensive, or Stricter or More Stringent than DEP Rules

The Local Program hereby certifies that all Local Program rules, regulations, or orders existing or proposed for local adoption within 90 days after initial approval of this SOA that are more extensive than, or stricter or more stringent than the requirements of Chapter 403, F.S., and the Department's rules to the extent of delegation, are identified in Exhibit 4{96} affixed to this SOA. The Department agrees to enforce such more extensive, or stricter or more stringent rules, regulations, or orders, which asserts its jurisdiction, for all DOM facilities in the Local Program's geographical jurisdiction upon the effective date of this SOA. However, Local Program rules, regulations, or orders not already incorporated in DEP permits shall not apply to DEP permits currently valid as of the effective date of this SOA, and permit conditions in any construction permit which would apply to the operation permit shall be included in such operation permit when issued by either the Local Program or the Department. Subsequent new or amended Local Program DOM rules, regulations, or orders which the Local Program contends are more extensive, or stricter or more stringent than the provisions of Chapter 403, F.S., and the Department's DOM rules shall be submitted by the Local Program for consideration by the Department as proposed modifications to this SOA, and shall not be enforceable under state authority by either

unless and until such modifications are approved. New or amended Local Program DOM laws, ordinances, rules, regulations, or orders that are less stringent or conflict with the provisions of Chapter 403, F.S., or the Department's DOM rules shall be considered sufficient reason for revocation of this SOA.

8.02 PERSONNEL AND EQUIPMENT

Within 90 days after initial approval of this SOA, the Local Program shall procure necessary equipment and hire and maintain a staff capable of performing the duties specified in this SOA, as modified from time to time. The Local Program staff shall have the minimum qualifications as respective DEP staff in this region of the state, and Local Program staff turnover shall be minimized. Attached are organizational charts of the Division and Local Program. Such charts shall be updated at least annually or more frequently as appropriate.

8.03 COMPUTER EQUIPMENT

Within 90 days after the initial approval of this SOA, the Local Program shall install and maintain adequate computer hardware and software as necessary to perform all data entry requirements of this SOA, as modified from time to time. Central operation and maintenance of the Department's computerized data management systems shall be provided by the Department.

8.04 NOTIFICATION OF FACILITY OWNERS

Within 90 days after the initial approval of this SOA, and within 30 days after approval of modification to this SOA, as appropriate, the Local Program will notify each owner of a delegated facility as to the procedural changes brought about by this SOA, and will make available permit application information needed by potential applicants in the Local Program's geographical jurisdiction. The District and Local Program shall finish processing applications received before the effective (or modification) date according to prior agreement, if any.

SECTION 9 - PROGRAM PLANNING AND MANAGEMENT

9.01 PLANS

The Local Program shall prepare a Resource Plan (Attachment 6) describing staffing (Full Time Equivalents), equipment committed, and budget for the delegated DOM program. The Resource Plan must include updated lists of delegated and non-delegated facilities, and the types and frequencies of activities to be performed to meet the minimum DOM level of service (e.g., required number of inspections per facility per year) and compliance rate goals described in Part III of this SOA. (Updates to the list of non-delegated facilities will be provided to the Local Program by the District as needed.) The Local Program shall submit its annual Resource Plan to the Division, with a copy provided to the District Office, within 30 days of the Local Program's budget being approved.

9.02 TRAINING

(a) All parties to this SOA will ensure that their respective personnel have requisite training needed allow each employee to accomplish the work assigned. Specific training requirements for the Local Program include the following:

- (1) Attendance of Local Program staff at DEP domestic wastewater training sessions. The Division will provide advance notice (at least three weeks for out-of-town travel) to the Local Program of such training sessions;
- (2) Program specific training and information from other appropriate sources such as the United States Environmental Protection Agency (EPA) and professional organizations; and
- (3) Participation in on-the-job training conducted by the Department for an appropriate period of time following delegation, including basic inspector training courses for facility inspection, sampling, and enforcement, and training and assistance with the collection of spatial information (latitude/longitude data for DOM facilities) and the operation of the Department's computerized data management systems.

(b) The Department may also provide training to the Local Program in preparation for modification of this SOA to expand the scope of delegation.

9.03 MEETINGS AND CONFERENCES

(a) In addition to fulfilling the provisions of the General Agreement, the Local Program will be represented at the following specific meetings:

- (1) DEP Annual Domestic Wastewater Workshop;
- (2) DEP Annual Compliance/Enforcement Workshop;
- (3) DEP Data Management Training Sessions;
- (4) Monthly DOM Teleconferences with Tallahassee DOM staff; and
- (5) Quarterly meetings with District DOM staff to coordinate activities.

(b) The Local Program is also encouraged to participate in meetings for revising the GUIDELINE FOR CHARACTERIZING DOMESTIC WASTEWATER VIOLATIONS and other DEP procedural manuals. The Division will provide at least 3 days advance notice to the Local Program of such meetings.

9.04 REPORTING REQUIREMENTS

(a) LOCAL PROGRAM COMPUTER DATA ENTRY

Permitting, compliance, and enforcement data for facilities delegated under Part III of this SOA shall be entered by the Local Program into the following Department computerized data management system according to the schedule shown:

REPORTING SYSTEM	FREQUENCY	RECIPIENT
Permit Application (PA) or its successor	Within 3 working days of permit application receipt or from date of latest application processing accomplishment	Computerized Data Management System
Wastewater Facility Regulation System (WAFR) or its successor	Within 5 working days of receipt of facility permitting information	Computerized Data Management System
Compliance Enforcement Tracking System (COMET) or its successor	Within 5 working days of enforcement activities, and by the third Monday of the month following compliance activities	Computerized Data Management System

(b) LOCAL PROGRAM REPORTS

The Local Program shall submit copies of the following reports, based on the extent of delegation, according to the schedule shown. (Where possible, reports will be made through the Department's computerized data management systems.)

REPORT	FREQUENCY	RECIPIENT
Annual Budget Summary	Annually	Division and District
Organizational Charts	As updated	Division and District
Local Program rules, Regulations, and Orders	As drafted and within 15 days after adoption	Division and District
Annual Work Plan, including lists of delegated and non-delegated facilities	Annually (within 30 days of budget approval)	Division and District
Summary of DOM compliance inspections conducted during the month, including dates,	Monthly (by the third Monday of the following month)	Division and District

locations, violations noted, and corrective actions requested		
Status report on all Local Program DOM enforcement cases	Monthly (by the third Monday of each month)	Division and District

(c) DEPARTMENT REPORTS

The Division shall submit copies of the following reports to the Local Program according to the schedule shown:

REPORT	FREQUENCY	RECIPIENT
Organizational charts	As updated	Local Program
DEP Rules, Regulations, Orders, Forms, Policies, and Guidance Memoranda	As drafted, and within 15 days after adoption	Local Program

9.05 AUDITS AND PERFORMANCE EVALUATIONS

(a) The Department will periodically conduct financial audits and program performance evaluation of the Local Program's implementation of the delegated program. The Local Program will have adequate time (at least 20 working days) to complete pre-audit surveys and to comment on draft audit findings.

(b) The purpose of the financial audits is to determine if all fees for Department permits, monies for enforcement actions, and other state funds received by the Local Program for delegated activities have been properly accounted for and distributed. For the purposes of this SOA, appropriate records of monetary transactions must be on file for at least the previous three years, or the period of delegation, whichever is less.

(c) The purpose of the performance evaluations is to determine if permit applications, monitoring programs, compliance efforts, and enforcement actions are being managed in accordance with applicable requirements and policies, and that appropriate files are being maintained for all delegated Department permitting actions taken, monitoring programs, enforcement actions, and other responsibilities assigned by the Local Program. Permitting files shall be retained permanently. Other files shall be maintained for the previous ten years, or the period of delegation, whichever is less. The Department will perform Local Program performance evaluation semi-annually during the probationary period, and annually thereafter. Oversight of reports and data entry will be performed on a continuous basis.

**PART III
PROGRAM RESPONSIBILITIES**

SUB-PART A - PERMITTING

SECTION 10 - DELEGATED PERMITTING ACTIVITIES

(a) Beginning on the effective date of this SOA, the Department delegates to the Local Program the authority to issue and deny, under applicable statutes, regulations, orders, and guidelines, state permit for domestic wastewater facilities (for sewage collection and transmission, and wastewater and residue treatment, disposal, and reuse) in the Local Program's geographical jurisdiction, except for the following facilities:

- (1) County owned or operated domestic wastewater and residuals treatment, disposal, and reuse facilities and sites;
- (2) Type I and Type II facilities, as defined in definitions 62-600.200(87) and (88), Florida Administrative Code (F.A.C.);
- (3) Facilities subject to National Pollutant Discharge Elimination System (NPDES) permitting [Section 403.0885, F.S.], Underground Injection Control facilities [Chapter 62-28, F.A.C.], and other facilities permitted under programs federally delegated to the department; and
- (4) Sewage collection and transmission facilities larger than 12 inches in diameter (and appurtenant pump stations) for which the county is the owner or permit applicant.

(b) After a period of at least two years following the effective date, this SOA may be modified to expand the scope of delegation to plants larger than Type III, as defined in definition 62-600.200(89), F.A.C. However, relief mechanisms (including variances, exemptions, and mixing zones) and water quality based effluent limitation (WQBELs) determined by the Level II process in accordance with Rule 17-650.500, F.A.C., shall not be delegated with permitting activities.

(c) Attached are lists of delegated and non-delegated facilities. Updated lists consistent with the types of delegated facilities described above shall be provided by the Local Program (delegated facilities) and District (non-delegated facilities) as revisions occur.

(d) As described in Part III, Sub-Part B of this SOA, the Local Program also accepts the lead role for compliance and enforcement activities for all facilities delegated for permitting activities.

SECTION 11 - PERMITTING PROCEDURES

11.01 APPLICATION REVIEW PROCEDURES

(a) DEPARTMENT PROCEDURES

When the District receives a permit application, or notice requesting the use of a general permit, for delegated facility on or after the effective date (or modification date, as applicable) of this SOA, the District shall retain one copy (at the District's discretion), and shall, within three working days, forward all other copies and any enclosed application fees to the Local Program for processing, and issuance denial. The District and Local Program shall finish processing applications they received before the effective (or modification) date according to prior agreement, if any.

(b) LOCAL PROGRAM PROCEDURES

- (1) The Local Program shall ensure that a legible stamped date of receipt is promptly applied to each permit application received for delegated facilities on or after the effective date (or modification date, as applicable) of this SOA. The Local Program will provide the District with one copy (at the District's discretion) of each delegated facility permit application submitted directly to the Local Program office within three working days of receipt. Completeness comments will be provided (at the District's discretion) to the Local Program within 15 days of receipt. A copy of all applicable correspondence will be kept on file at the Local Program office.
- (2) The Local Program, considering any completeness comments provided by the District, will review each application for completeness within 30 days of receipt. If the application is determined to be incomplete, a letter of incompleteness will be sent to the applicant (and District, at its discretion), within the 30 day period, by the Local Program, identifying and requesting needed additional information.
- (3) When the application is determined to be complete, the Local Program will process the application as expeditiously as possible, and take final agency action on the complete application in accordance with the procedures and time frames that would apply to the District if the Department were taking final action on the application. Review of the engineering features plans and specifications shall be performed under the supervision of a licensed professional engineer registered in the State of Florida in accordance with Chapter 471, F.S. Upon request by the District, the Local Program will provide the District with a draft copy of its proposed agency action related to each permit application, other than general permits, at least ten working days before the Local Program mails the permit, notice of intent to issue or deny to the applicant. Permits, notices of intent, and denial letters shall be signed by the Director of the Sarasota County Natural Resources Department (Local Program Director). Upon request by the District, the Local Program will provide the District with copies of all issued permits (other than general permits), and Final Orders denying permits.
- (4) The Local Program shall provide administrative review of its permitting decisions pursuant to the appeal procedures of Chapter 120, F.S., as if these decisions were being made by the

Department, and the Local Program Director shall take appropriate final agency action. The Local Program will provide legal counsel and technical support as needed to defend its permit issuance decisions. The Department will assist the Local Program to the extent that the Department's permitting policy or rule interpretation is at issue. At the time of receipt of a petition pursuant to Sections 120.569 and 120.57, F.S., the Local Program shall mail a copy of the notice of referral, the petition, and the challenged permitting decision to the Department Office of General Counsel at 3900 Commonwealth Boulevard., Tallahassee, Florida 32399-. The Department shall have the right, if it so chooses, to intervene in the DOAH proceeding. The Local Program shall mail a copy of all recommended orders resulting from such DOAH proceedings to the Department's Office of General Counsel.

(5) Within three working days of receipt and upon request by the District, the Local Program will provide the District with one copy of each delegated facility notice requesting the use of general permit submitted directly to the Local Program. The Local Program will review and process each general permit notice within 30 days of receipt. If a notice does not qualify, the Local Program will provide the applicant with a denial of general permit use. Upon request by the District, the Local Program will provide the District with a copy of all applicable general permit correspondence. The Local Program will not require a regular permit when a general permit can be used, unless required by a local ordinance more stringent than Department rule.

(6) Facility permitting shall be done according to procedures established by applicable statute, rules, and policies. The Local Program shall have the same requirements for timeliness to issue or deny permits as the Department. Default permits are considered unacceptable, and a pattern of such defaults shall be considered sufficient reason for revocation of this SOA. The following statutes, rules, procedures, and guidelines are specifically referenced with respect to the permitting programs included in this SOA:

- (a) CHAPTER 120, F.S.;
- (b) CHAPTER 403, F.S.;
- (c) TITLE 62, F.A.C. or its successor;
- (d) DEP DOMESTIC WASTEWATER PROGRAM MANUAL;
- (e) DEP DIVISION OF WATER FACILITIES POLICY MANUAL;
- (f) DEP GUIDELINES FOR PREPARATION OF REUSE FEASIBILITY STUDIES FOR APPLICANTS HAVING RESPONSIBILITY FOR WASTEWATER MANAGEMENT;
- (g) DEP GUIDELINES FOR PREPARATION OF CAPACITY ANALYSIS REPORTS;
- (h) DEP GUIDELINES FOR PREPARATION OF OPERATION AND MAINTENANCE PERFORMANCE REPORTS;

(i) DEP PERMIT APPLICATION (PA) USER MANUAL;

(j) PERMIT BUILDER USER'S GUIDE FOR PERMITTING DOMESTIC WASTEWATER FACILITIES; and,

(k) WASTEWATER FACILITY REGULATION SYSTEM (WAFR) TRAINING MANUAL.

(7) The Local Program shall enter the appropriate permit activities data into the Department computerized data management systems [Permit Application Tracking System (PATS) or its successor, Wastewater Facility Regulation Systems (WAFR) or its successor, and Permit Builder or its successor] for all delegated facility permits in accordance with the schedule specified in Part II of this SOA. Only state permit fee amounts shall be entered into PATS (i.e., local permit fee amounts shall be omitted). Data entry shall otherwise be complete and accurate.

11.02 CONFLICT RESOLUTION

Although the Local Program has the primary responsibility for decisions on final agency action for delegated Department permit applications, the Department retains the power to make such a decision whenever an irreconcilable conflict arises between the Local Program and the Department with respect to permit issuance or denial. If a conflict arises between the Local Program and the Department, the agencies shall promptly attempt to reach an agreement to resolve the conflict. If an agreement is not reached, the Department shall declare in writing that an irreconcilable conflict exists, and the Local Program shall take no further action on the subject permit. The Department shall have ultimate authority in deciding the final agency action on the state permit.

11.03 PERMIT FEES

(a) The Local Program's state fees for Department permits shall be the amounts established in Chapter 62-4, F.A.C. The Local Program may assess additional or separate local fees in addition to state fees. The Local Program's state permit fee schedule shall be adopted on or before the effective date of this SOA, and shall be revised concurrently (or automatically if so specified in local ordinance) with revisions to the amounts established in Chapter 62-4, F.A.C.

(b) The required state permit fees for delegated facilities (permitting, compliance, and enforcement delegation) shall be split between the Department and the Local Program with the Department receiving 30 percent and the Local Program receiving 70 percent of the fees, beginning on the effective date of this SOA. The Department's Bureau of Finance and Accounting will periodically invoice the Local Program for the Department's 30 percent share. The frequency of invoicing will be determined by the Department's Bureau of Finance and Accounting.

(c) When an application for a delegated facility is received by the Local Program without the required state fees (or with incorrect fees), the Local Program shall follow procedures consistent with Section 62-4.050(5), F.A.C., and shall not process the application until the correct fees are received.

permit application fees and refunds of fees shall be processed in accordance with generally accepted accounting principles.

11.04 NON-DELEGATED AND EXTRA-TERRITORIAL FACILITIES

When the Local Program receives a permit application, or notice requesting the use of a general permit for a non-delegated facility as defined by Section 10 the Local Program shall, within three working days forward the application and any enclosed state fees to the District for processing. The Department and Local Program shall coordinate on facilities, such as residuals sites, which are in geographical jurisdictions different than the associated treatment plant, so that reviews of agricultural use plans and other documents are conducted by the agency having jurisdiction pursuant to the SOA and are forwarded in a timely manner to the agency having permitting authority over the associated treatment plant.

SUB-PART B - COMPLIANCE AND ENFORCEMENT

SECTION 12 - LEAD AND SUPPORT ROLES

- (a) The Local Program accepts the lead role for compliance and enforcement activities for domestic wastewater facilities (for sewage collection and transmission, and wastewater and residuals treatment, disposal, and reuse) in the Local Program's geographical jurisdiction, except for the following facilities:
- (1) County owned or operated domestic wastewater and residuals treatment, disposal, and reuse facilities and sites;
 - (2) Type I and Type II facilities, as defined in definitions 62-600.200(87) and (88), F.A.C.;
 - (3) Facilities subject to National Pollutant Discharge Elimination System (NPDES) permitting [Section 403.0885, F.S.], Underground Injection Control facilities [Chapter 62-28, F.A.C.], and other facilities permitted under programs federally delegated to the department; and
 - (4) Sewage collection and transmission facilities larger than 12 inches in diameter (and appurtenant pump stations) for which the county is the owner or permit applicant.
- (b) For delegated facilities, the Department accepts the support role for compliance and enforcement activities by providing legal, technical, and training assistance.
- (c) For non-delegated facilities, the Department retains the lead role for compliance and enforcement activities. The Local Program may, at its discretion, serve a support role by providing technical and legal assistance as appropriate. Incorporation of Local Program compliance activities for non-delegated facilities (e.g., complaint investigations and facility inspections) into the Department's compliance and enforcement program is encouraged. When violations are found at residuals sites receiving residuals from non-delegated facilities, the Local Program shall promptly notify the District so that the Department can pursue enforcement with regard to the non-delegated facilities. The Department shall

fully recognize, in the media and elsewhere, as occasions arise, the compliance and enforcement activities accomplished by the Local Program.

(d) Information on actions taken by the lead agency shall be available to the support agency upon request. Whenever either party requests information concerning a specific discharger and the requested information is available from files, but not from the Department's computerized data management systems, the information will be provided. If the required information is not available, the agency making the request shall be promptly notified.

(e) The Local Program shall ensure that the requirements of applicable rules and permits are specifically identified and addressed in each case. Department compliance and enforcement guidelines, and guidelines which may be the product of agreements between the Department and other agencies, will be provided to the Local Program within 15 working days after adoption.

(f) Nothing in this SOA shall prohibit either agency from taking enforcement action for violation of their respective rules. The Local Program, however, shall not initiate action under state authority without prior coordination unless they are the lead agency. Similarly, the Department shall not initiate enforcement action on facilities for which the Local Program is designated lead agency without prior coordination. When the Department and the Local Program institute separate lawsuits against the same party for violation of the same requirements, the suits shall be consolidated when possible. The lead agency for consolidated lawsuits shall be as indicated above.

SECTION 13 - COMPLIANCE

13.01 COMPLIANCE INSPECTION PROCEDURES

(a) For delegated facilities, the Local Program shall operate a timely and effective compliance monitoring program. The Local Program shall use the Department's computerized data management systems, where applicable, to track compliance with permit conditions. For the purposes of this SOA the term "compliance monitoring" includes all activities undertaken by the Local Program to assure compliance with applicable wastewater permitting program requirements, and shall include the following activities:

(1) Compliance Review of Self-Monitoring Reports - The Local Program shall conduct timely and substantive reviews and keep complete records of all written material relating to the compliance status of delegated facilities. These records will include reports as a result of compliance schedules incorporated in permits or enforcement orders. Discharge Monitoring Reports, Compliance Inspection Reports, and any other reports that permittees may be required to submit under the terms and conditions of a permit or enforcement order. The Local Program shall determine if required self-monitoring reports are submitted on time, the submitted reports are complete and accurate, and the permit conditions are met.

(2) Compliance Inspections - The Local Program shall conduct site inspections to determine status of compliance with permit requirements, including sampling and nonsampling inspections. Inspection procedures will be in accordance with the NPDES Compliance Inspection Manual.

the DEP Wastewater Compliance Procedures Manual. For purposes of this SOA, the term "compliance inspection" includes compliance evaluation inspections (CEI), performance audits (PAI), compliance sampling inspections (CSI), reconnaissance inspections (RI), and other inspection types defined in the Compliance Procedures Manual.

(3) Sampling and Analysis of Effluent - All sampling and analysis activities, whether provided by the Local Program or by contracted services, shall comply with applicable requirements of Chapter 62-160, F.A.C., or its successor.

(4) Computer Tracking of Compliance Activities using the Department's Computerized Data Management Systems - The Local Program shall enter the appropriate facility compliance schedules, and compliance activities data into the Department's computerized data management systems [Compliance Enforcement Tracking system (COMET) or its successor] in accordance with the schedule specified in Part II of this SOA. Data changes, such as facility name changes or address changes, shall be entered on a monthly basis. Data entry shall be complete and accurate.

(b) Where applicable, the Local Program will perform sample collection and analysis for the scheduled impact assessment inspections and other sampling inspections identified in each year's annual work plan in accordance with standard operating procedures adopted by the Department. Such procedures include collection and analysis protocols, equipment, quality assurance and quality control, and reporting. Facility compliance monitoring shall be done according to procedures established by applicable state rules, and policies at frequencies required therein or as specified in the appropriate facility permit. Associated quality assurance and quality control techniques shall be followed. The following statute rules, procedures, and guidelines are specifically referenced with respect to the compliance monitoring programs included in this SOA:

(1) CHAPTER 403, F.S.;

(2) TITLE 62, F.A.C., or its successor;

(3) DEP WASTEWATER COMPLIANCE PROCEDURES MANUAL and INSPECTORS' TOOL CHEST;

(4) DEP DIVISION OF WATER FACILITIES POLICY MANUAL;

(5) DEP MANUAL FOR PREPARING QUALITY ASSURANCE PLANS;

(6) DEP STANDARD OPERATING PROCEDURES FOR LABORATORY OPERATIONS AND SAMPLE COLLECTION ACTIVITIES;

(7) BIOLOGICAL FIELD AND LABORATORY METHODS FOR MEASURING THE QUALITY OF SURFACE WATER AND EFFLUENTS (Environmental Monitoring Series, EPA);

(8) METHODS FOR MEASURING THE ACUTE TOXICITY OF EFFLUENTS AND RECEIVING WATERS TO FRESHWATER AND MARINE ORGANISMS (Environmental Monitoring Series, EPA);

(9) SHORT-TERM METHODS FOR ESTIMATING THE CHRONIC TOXICITY OF EFFLUENTS AND RECEIVING WATERS TO MARINE AND ESTUARINE ORGANISMS (Environmental Monitoring Series, EPA);

(10) METHODS FOR CHEMICAL ANALYSIS OF WATER AND WASTES (Environmental Monitoring Series, EPA);

(11) DEP GEOGRAPHIC INFORMATION SYSTEM DATA COLLECTION AND CLEANUP PLAN;

(12) DEP COMET PRODUCTION MANUAL;

(13) PERMIT BUILDER USER'S GUIDE FOR PERMITTING DOMESTIC WASTEWATER FACILITIES; and

(14) WASTEWATER FACILITY REGULATION SYSTEM (WAFR) TRAINING MANUAL

(c) Where the Local Program has demonstrated to the Department that its compliance policies, procedures, and guidelines are compatible with and at least as strict as the Department's, the Local Program's policies, procedures, and guidelines may be used in place of the Department's.

13.02 INSPECTION SCHEDULES

The Local Program, District, and Division will annually develop tentative inspection schedules for DOM facilities in the Local Program's geographical jurisdiction, reflecting Local Program inspect delegated facilities and District inspections of non-delegated facilities. Activities will be coordinated to allow each party to this SOA the opportunity to comment on and participate in the other party's inspection schedule. The schedules may be modified if the parties concur.

13.03 COMPLIANCE INSPECTION LEVEL OF SERVICE

(a) The minimum level of service for compliance inspections by the Local Program is at least two unannounced inspections per delegated treatment, disposal, and reuse facility per year, which shall include at least one Compliance Sampling Inspection (CSI) with analysis of effluent per delegated treatment, disposal, and reuse facility per year.

(b) The Department or the Local Program may determine that additional compliance inspections are necessary to assess permit compliance. If the Department determines additional compliance inspections are necessary, it shall notify the Local Program and request it conduct the inspections. The Department retains the right to perform compliance inspections of any permittee at any time.

SECTION 14 - ENFORCEMENT

14.01 ENFORCEMENT PROCEDURES AND REMEDIES

(a) Reports on the compliance status of domestic wastewater facilities shall be available to the Department or the Local Program, as appropriate, by the third Monday of the month following the date of inspection or review of self-monitoring reports. The Local Program shall thoroughly review each delegated facility to determine what, if any, enforcement action shall be initiated. If a violation is noted, the Local Program shall initiate timely and appropriate enforcement activities under State authority. The Local Program Director shall take final agency action on all enforcement cases initiated by the Local Program under State authority, unless the Department notifies the Local Program that it intends to take the lead on a particular case. Enforcement or noncompliance action taken under State authority shall not be subject to any County authority other than the Local Program Director. Procedures and priorities for the review of delegated facilities and for initiating enforcement action will be specified in the procedures developed by the Local Program and are to be consistent with and at least as stringent as the following state statutes, and Department rules, policies, procedures, and guidelines:

- (1) CHAPTER 120, F.S.;
- (2) CHAPTER 403, F.S.;
- (3) TITLE 62, F.A.C., or its successor;
- (4) DEP ENFORCEMENT MANUAL; and
- (5) DEP DIVISION OF WATER FACILITIES POLICY MANUAL.

(b) Where the Local Program has demonstrated to the Department that its enforcement policies, procedures, and guidelines are compatible with and at least as stringent as those of the Department, the Local Program's enforcement policies, procedures, and guidelines may be used in place of the Department's. However, the Local Program shall always use the following specific procedures:

- (1) Section 2.3 of the DEP ENFORCEMENT MANUAL concerning inspections and entry upon private land. Routine inspections shall be unannounced and conducted at reasonable times;
- (2) Appendices in the DEP ENFORCEMENT MANUAL entitled SETTLEMENT GUIDELINES FOR CIVIL PENALTIES, and GUIDELINES FOR CHARACTERIZING DOMESTIC WASTEWATER VIOLATIONS. Penalties shall be pursued consistent with the most current versions of these guidelines when they indicate a penalty should be pursued, even when the responsible party corrects the violation after notice; and
- (3) Appendices in the DEP ENFORCEMENT MANUAL outlining ENFORCEMENT PRIORITIES and TIME SCHEDULES FOR PROCESSING ENFORCEMENT PRIORITY CASES.

(c) The Local Program shall provide an appropriate administrative and judicial process for the enforcement of delegated Department activities. Pursuant to Section 403.182, F.S., all remedies of the Department under Chapter 403, F.S., are available as an alternative to local enforcement provisions.

(d) The Local Program shall enter the appropriate enforcement activities data into the Department's computerized data management system (COMET or its successor) and submit enforcement reports in accordance with the schedule specified in Part II of this SOA. Data entry shall be complete and accurate.

(e) The Local Program shall deposit all monies recovered in any Local Program enforcement action into its local Pollution Recovery Trust Fund pursuant to Local Program Resolution No. 91-360 affixed to this SOA as Exhibit 3 {96}. In the absence of a local Pollution Recovery Trust Fund, all monies recovered in any Local Program enforcement action conducted under state authority shall be deposited into the state's Pollution Recovery Fund, unless another specified use authorized by Section 403.165, F.S., is mutually agreed on by the Local Program and the Department. If the Department disagrees with any alterations to Local Program Resolution No. 91-360, it may terminate this SOA. If the Department and the Local Program cooperatively undertake an enforcement action where a local Pollution Recovery Trust Fund is established, any monies recovered may be divided equally between the Department and the Local Program. Monies in the local Pollution Recovery Trust Fund, after being divided with the Department where applicable, shall be used exclusively to restore polluted areas in the Local Program's geographical jurisdiction to the condition which existed before pollution occurred or to otherwise enhance the environment.

14.02 CITIZEN COMPLAINTS

(a) The Local Program shall receive, respond to, and promptly investigate complaints from citizens relating to domestic wastewater facilities and systems within its jurisdiction and to the extent of delegation. Accurate records will be kept of all complaints. Where possible, reports will be made through the Department's computerized data management systems. The District will refer any complaints that it receives within the Local Program jurisdiction to the Local Program for investigation. However, the District will reserve the right to investigate complaints involving sources for which the Department has retained jurisdiction or for which it has a special interest, upon notice to the Local Program. Citizen complaints will be investigated in a timely fashion, and the Local Program will initiate such action as is deemed appropriate to resolve any problems. If a violation is determined to exist, the Local Program will notify the responsible person, attempt to bring about compliance, and inform the complainant of the action taken. For delegated facilities, the Local Program shall take enforcement action as appropriate. For non-delegated facilities, the Local Program shall promptly notify the District so that the Department can pursue enforcement as appropriate.

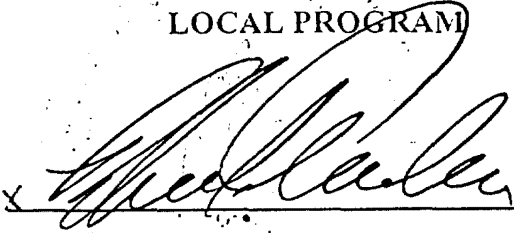
(b) The Local Program will take necessary and appropriate enforcement action to bring about compliance under appropriate state or local authority, or in special cases will refer the necessary enforcement action to the Department. Special cases for referral shall include, but not be limited to, sources for which the Department has retained jurisdiction, or for which the Department has a special interest.

14.03 ABNORMAL EVENTS

The District and the Local Program agree to coordinate and cooperate with each other and with other agencies as appropriate to handle abnormal events such as DOM system overflow and plant abandonment. The lead agency for regulating facilities experiencing abnormal events shall be the I Program for delegated facilities and the Department for non-delegated facilities.

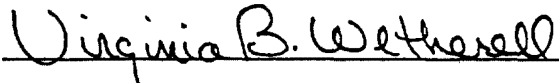
INITIAL APPROVAL OF
DOMESTIC WASTEWATER
SPECIFIC OPERATING AGREEMENT

LOCAL PROGRAM



Robert L. Anderson
Chairman
Board of County Commissioners of
Sarasota County, Florida
P.O. Box 8
Sarasota, Florida 34230

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



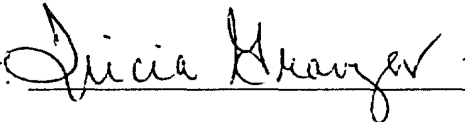
Virginia B. Wetherell
Secretary
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

DATE: October 7, 1997

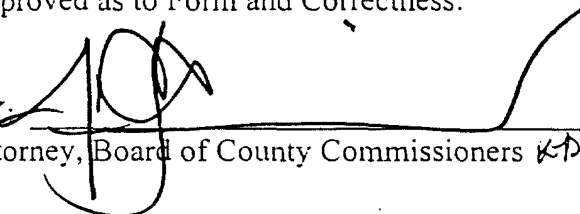
DATE: 11/5/97

ATTEST:

Karen E. Rushing, as clerk of the
Circuit Court and Ex-Officio Clerk of
the Board of County Commissioners

BY: 

Approved as to Form and Correctness:

BY: 
Attorney, Board of County Commissioners *KPD*

**PART IV
MISCELLANEOUS PROVISIONS**

SECTION 15 - INQUIRIES

Inquiries from the Governor's Office, Cabinet, and members of the Legislature will be forwarded, as applicable, to the Local Program Director. The Local Program shall respond to any inquiries from the Governor's Office, Cabinet, and members of the Legislature within seven days, and shall provide copies of the responses to the District and Division.

SECTION 16 - EFFECTIVE DATE AND MODIFICATION DATES

(a) The effective date of this SOA shall be 90 days after the initial approval date, contingent upon an affirmative finding by the District that the Local Program has met all Local Program requirements under Section 8 of this SOA. The District's affirmative finding, when available, shall be attached as Exhibit {97}. If an affirmative finding does not occur within 90 days after the initial approval date, this SOA shall automatically become null and void.

(b) Subsequent approvals of modifications to this SOA shall not change the effective date.

SARASOTA COUNTY NATURAL RESOURCES DEPARTMENT
DOMESTIC WASTEWATER FACILITIES - DELEGATED

Delegated WWTFs

TOTAL = 55

These Type III facilities are to be delegated to the Local Program

Arbors Mobile Home Park
Bahia Vista Estates
Barclay House Apartments
Bath and Racquet Club
Bee Ridge Utilities (Medical Center of Sarasota or Bee Ridge Medical)
Buccaneer Bowl (Super Bowl)
Cafe Baci (Western Sizzlin')
Cardio Research, Inc. (L.I.F.E. Center)
Coral Cove Trust (Sarasota Fish Market)
Dana Corporation (Racine Hydraulics)
Diocese of Venice - Construction/Operation permit pending
Dolomite Utilities Corporation - Trade Center (Center Utilities)
Dolomite Utilities Corporation - Woodland Park
Englewood Elks Lodge
Fairwinds Condominiums
Field Club
Florida Pines Mobile Home Park
Fruitville Elementary School
Happy Haven Mobile Home Park
Heron Bay
Japanese Gardens
King's Gate Association
King's Gate Club
Lake Forest Utilities
Lake Tippecanoe
Lake Village
Lyon's Cove
Manasota Beach Gardens
Manatee Community College
Mission Valley Country Club
Myakka Mobile Home Court
Myakka State Park #1
Myakka State Park #2
Nokomis Elementary School
Oak Hammock Professional Center (Beneva Creek Utilities)
Oakwood Gardens
Oscar Scherer State Park
Palm & Pines Mobile Home Park
Peterson Manufacturing Polynesian Village Mobile Home Park
Ramblers Rest RV Park
Rehabilitation Institute of Sarasota
Robinhood Utilities
Scott Paint

Spanish Lakes Mobile Home
Sylvan Lea
Tangerine Woods Utility
Tervis Tumbler (Leopard Boutique)
Tri-State Mobile Home Park
Union Golf (Oakford)
Venetian Mobile Home Park
Venice Campground RV Park
Venice Ranch Mobile Home Estates
Woodbridge Estates
Yoders Too Restaurant

IN ADDITION TO THE ABOVE

- New and existing domestic wastewater and residuals treatment, disposal, and reuse facilities and sites in Sarasota County that are NOT County owned or operated and are NOT Type I or Type II and do NOT involve NPDES or Underground Injection Control permits.
- New and existing sewage collection and transmission facilities in Sarasota County larger than 12 inches in diameter (and appurtenant pump stations) for which Sarasota County is NOT the owner or permit applicant.
- New and existing sewage collection and transmission facilities in Sarasota County 12 inches in diameter or smaller (and appurtenant pump stations).

SARASOTA COUNTY NATURAL RESOURCES DEPARTMENT DOMESTIC WASTEWATER
FACILITIES - NON-DELEGATED

These facilities are not subject to delegation

TOTAL = 29

Type I Facilities (13)

Dolomite Utilities Corporation - Fruitville
Florida Cities Water Company - Gulf Gate
Florida Cities Water Company - South Gate
North Port, City of
Sarasota, City of
Siesta Key Utilities Authority
Sarasota County Utilities Department - Atlantic
Sarasota County Utilities Department - Bee Ridge Water Reclamation Facility
Sarasota County Utilities Department - Central County
Sarasota County Utilities Department - Meadowood
Sarasota County Utilities Department - Venice Gardens #1, #2
Venice, City of - Eastside
Venice, City of - Gulfside

Type II Facilities (10)

Beekman Place (Lockwood Ridge Utilities)
Dolomite Utilities Corporation - Tri-Par Estates
Englewood Utilities (Foxwood)
Camelot Lakes
Kensington Park Utilities - Monica Parkway
Kensington Park Utilities - 27th Street
Longwood Run Utilities
South Bay Utilities
Sarasota County Utilities Department - Plantation
Sarasota County Utilities Department - Septage Plant

Type III Facilities (6)

Country Manor
Sarasota County Utilities Department - Circlewoods
Sarasota County Utilities Department - Flight Deck
Sarasota County Utilities Department - Gulfview
Sarasota County Utilities Department - Proctor Road
Sarasota County - Twin Lakes Park

IN ADDITION TO THE ABOVE:

- New and existing domestic wastewater and residuals treatment, disposal, and reuse facilities and sites that are County owned or operated or are larger than Type III or involve NPDES or Underground Injection Control permits.
- New and existing sewage collection and transmission facilities larger than 12 inches in diameter (and appurtenant pump station) for which Sarasota County is the owner of permit applicant.



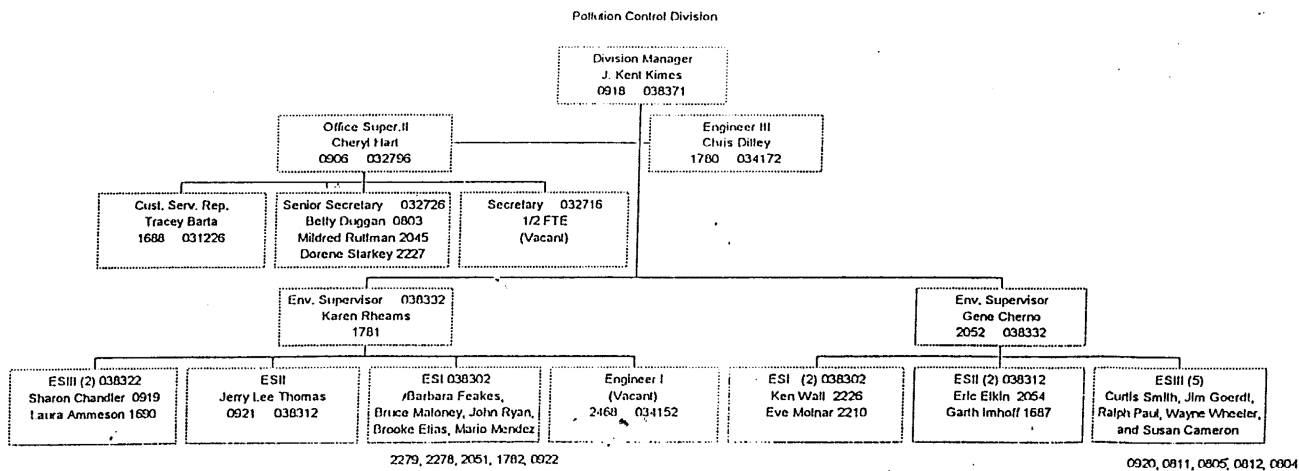


Figure 1

SARASOTA COUNTY NATURAL RESOURCES DEPARTMENT
DOMESTIC WASTEWATER PROGRAM (1997)
List of Contacts

NAME	CLASS TITLE	FUNCTION	PHONE/ FAX
Gary S. Comp	Natural Resources Department Director	Agency Head	1
J. Kent Kimes, P.E.	Pollution Control Division Manager	Program Administrator	2
Karen Rheams-Burnett, P.G.	Environmental Supervisor	Domestic Waste Supervisor	2
Chris Dilley, P.E.	Engineer III	Permit Reviewer	2
Jerry Lee Thomas	Environmental Specialist II	Permit Reviewer	2
Vacant	Engineer I	Permit Reviewer	2
Sharon Chandler	Environmental Specialist III	Compliance Coordinator	2
Bruce Maloney	Environmental Specialist I	Facility Inspector	2
Mario Mendez	Environmental Specialist I	Facility Inspector	2
William Durance	Environmental Specialist I	Facility Inspector	2
Barbara Feakes	Environmental Specialist I	Facility Inspector	2
Cheryl Grimes	Office Supervisor II	Office and Computer Network Manager	2
Kathleen Schneider	Assistant County Attorney	Legal Support	3

Sarasota County Natural Resources Department
1301 Cattleman Road, Bldg. A
Sarasota, Florida 34232

1: Telephone: (941)378-6113, Suncom 522-6113 FAX: (941)378-6067
2: Telephone: (941)378-6128, Suncom 522-6128 FAX: (941)378-6563
3: Telephone: (941)316-7272, Suncom 592-7272 FAX: (941)316-7267



LIST OF DEP CONTACTS

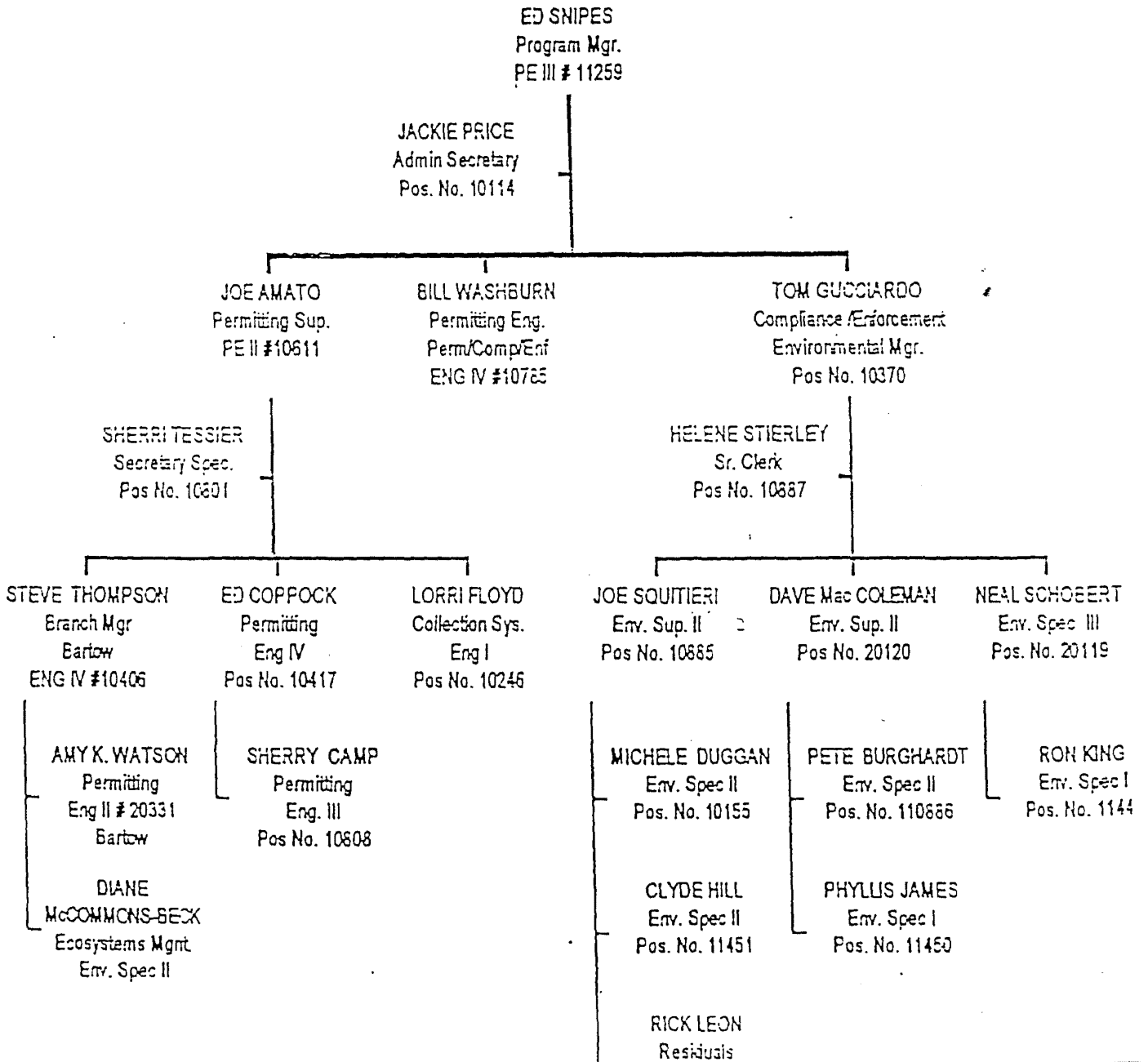
DISTRICT POINT PERSON	Ed Snipes	813/744-6100 EXT 306	Suncom 542-6100
GENERAL AGREEMENT	John Outland	850/487-2231	Suncom 277-2231
SOA COORDINATOR	Richard Addison	850/488-4524	Suncom 278-4524
TRAINING	Joe Doker	850/488-4520	Suncom 278-4520
DEP DOM RULES	Elsa Potts	850/488-4524	Suncom 278-4524
COMPUTER SYSTEMS	Linda Lakes	850/488-4520	Suncom 278-4520
LEGAL	Jennifer Fitzwater Bob Gough	850/488-9730	Suncom 278-9730
FINANCE & ACCOUNTING	Gail Odom	850/488-0874	Suncom 278-0874
DEP DOM PERMITS	J. Thabaraj	813/744-6100 EXT 304	Suncom 542-6100
NPDES PERMITS	Joe Doker	850/488-4520	Suncom 278-4520
TBELs and WQBELs	Daryll Joyner	850/488-0780	Suncom 278-0780
INSPECTION SCHEDULES	Mike Tanski	850/488-4520	Suncom 278-4520
LAB QA SECTION	Silvia Labie	850/278-2796	Suncom 278-2796
COMPLIANCE/ ENFORCEMENT	Tom Gucciardo	813/744-6100 EXT 392	Suncom 542-6100

DOMESTIC WASTEWATER PROGRAM

ORGANIZATION CHART

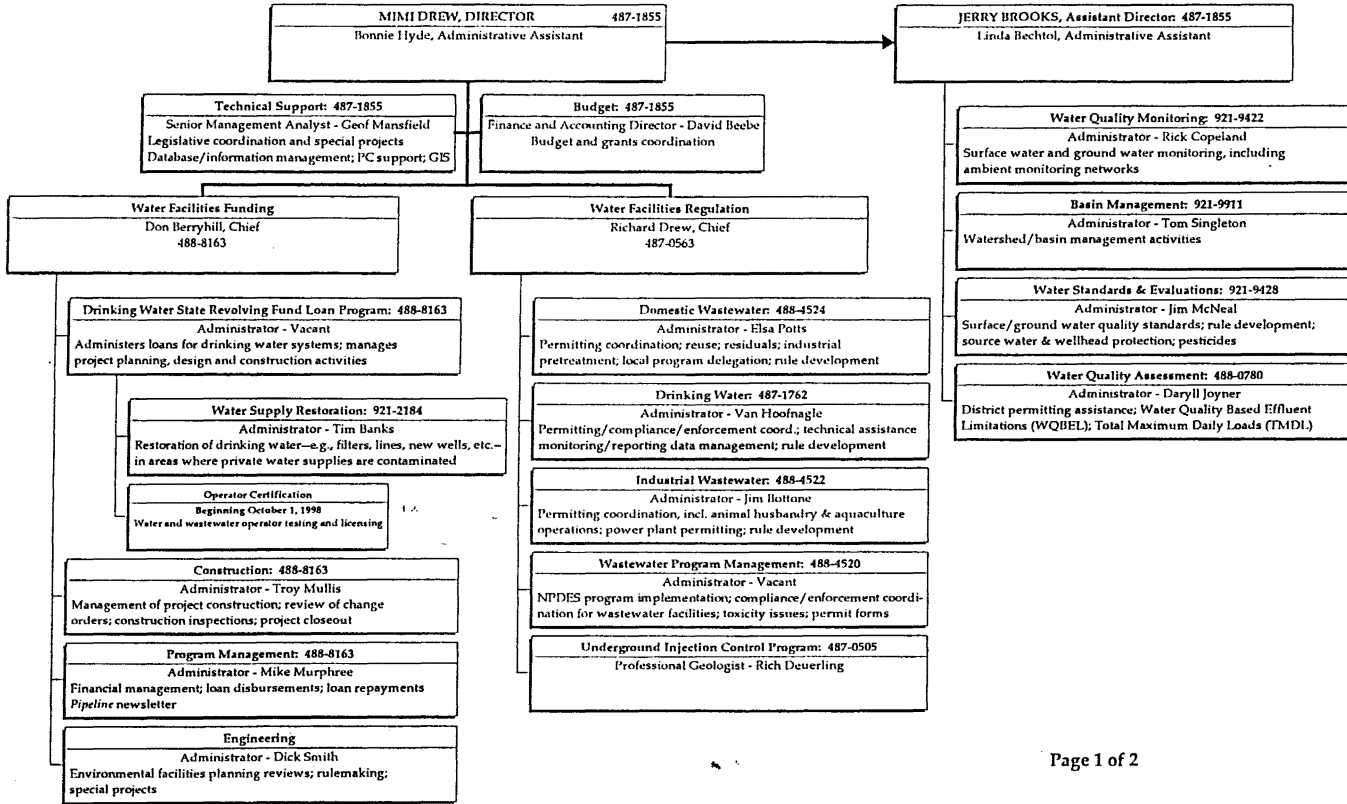
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MAY 2 1994

Office of Environmental Protection
Domestic Wastewater Division



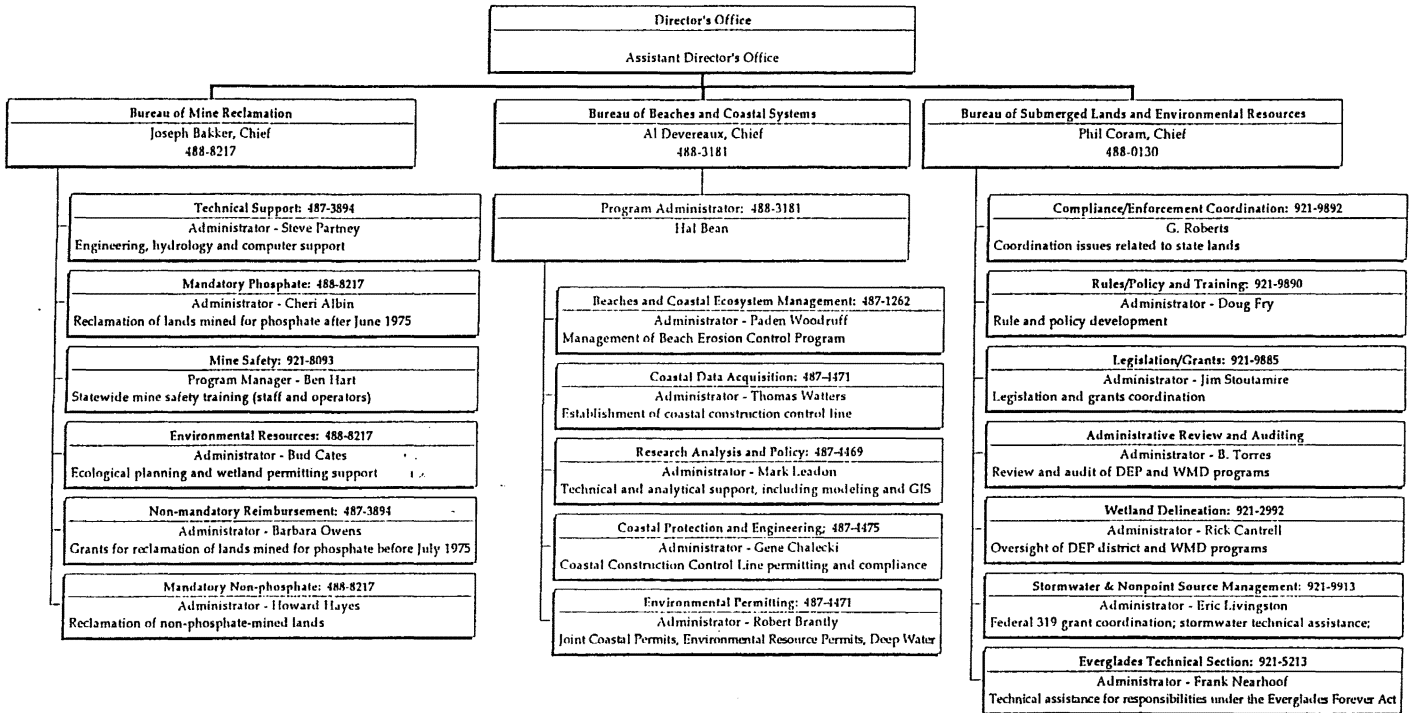
Department of Environmental Protection
DIVISION OF WATER FACILITIES
 Mimi Drew, Director

Interim structure: 8/8/97

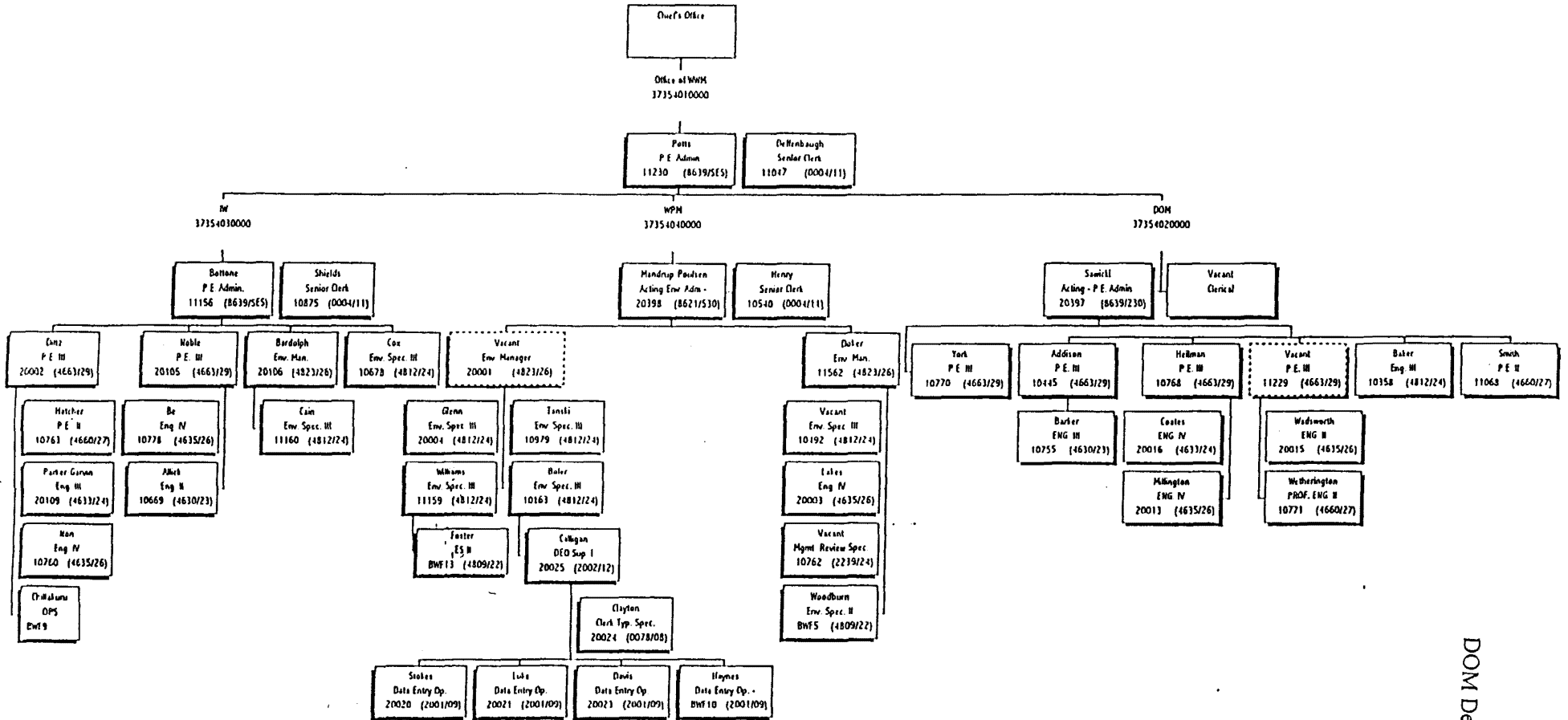


Department of Environmental Protection
DIVISION OF WATER FACILITIES
 Mimi Drew, Director

Interim structure: 8/8/97



Office of Wastewater Management Organization Chart



**SARASOTA COUNTY
POLLUTION CONTROL DIVISION**

**DOMESTIC WASTE
SPECIFIC OPERATING AGREEMENT**

**FISCAL YEAR 1997
RESOURCE PLAN**

**Sarasota County Pollution Control Division
Domestic Waste Specific Operating Agreement
Fiscal Year 1997 Resource Plan**

This plan addresses the budget, staffing, and equipment to be committed to the implementation of the Domestic Waste Specific Operating Agreement (SOA), as well as a facility listing.

ORGANIZATION AND BUDGET

The personnel involved in the implementation of the SOA are described in Table 1. The position title, position number, percentage of time allocated to the SOA, and personnel costs are listed. The organization of the Sarasota County Pollution Control Division (SCPCD) is shown in Figure 1. The SCPCD personnel costs devoted to the implementation of the Domestic Waste SOA are shown in Table 1. In summary, the budgets allocated to the Domestic Waste SOA are \$306,574 for personal services and \$82,733 for non-personal services for fiscal year 1997.

The Sarasota County Board of County Commissioners has established a local program Pollution Recovery Trust Fund (PRTF), as described in Resolution No. 91-360 (Appendix 6). The PRTF is set up to receive enforcement monies and is to be used for environmental enhancement projects, as described in that resolution.

EQUIPMENT

The SCPCD currently maintains all the necessary equipment to meet the requirements of the Domestic Waste SOA. Equipment includes but is not limited to:

- five vehicles, two of which are four-wheel drive trucks (all vehicles are equipped with two-way radios);
- routine field test and sampling equipment, such as two ISCO composite samplers, Hach and Portalab turbidimeters, a JOCO flow meter, a Hach dissolved oxygen meter, and two DR100 Colorimeters;
- 12 personal computers with applicable software, all with access to the DEP mainframe computer system, and two laserjet printers.

TRAINING

The SCPCD has budgeted sufficient funds to support personnel training. Requisite training needed to allow each staff to accomplish the work assigned will be provided. The SCPCD will provide appropriate representation at all DEP-sponsored meetings, in-house training sessions, or workshops in support of domestic wastewater activities.

FACILITY LISTING

Table 2 lists the DELEGATED and NON-DELEGATED facilities as of the date indicated.

**Sarasota County Government
Natural Resources Department
Pollution Control Division**

Specific Operating Agreement
FY97 Personal Services Costs

Position	Number	% of time on SOA	Salary/Fringe Costs
Division Manager (P.E.)	918	20	\$ 12,255
Engineer III (P.E.)	1780	30	\$ 15,656
Engineer I	2468	100	\$ 28,263
Environmental Supervisor	1781	75	\$ 35,178
Environmental Specialist III	919	100	\$ 44,556
Environmental Specialist II	921	100	\$ 37,736
Environmental Specialist I	1782	100	\$ 31,596
Environmental Specialist I	922	100	\$ 31,596
Environmental Specialist I	2279	50	\$ 16,773
Environmental Specialist I	2278	100	\$ 37,540
Office Supervisor II	906	20	\$ 6,474
Senior Secretary	2045	35	\$ 8,951
Total SOA Personal Services			\$ 306,574

Table 1

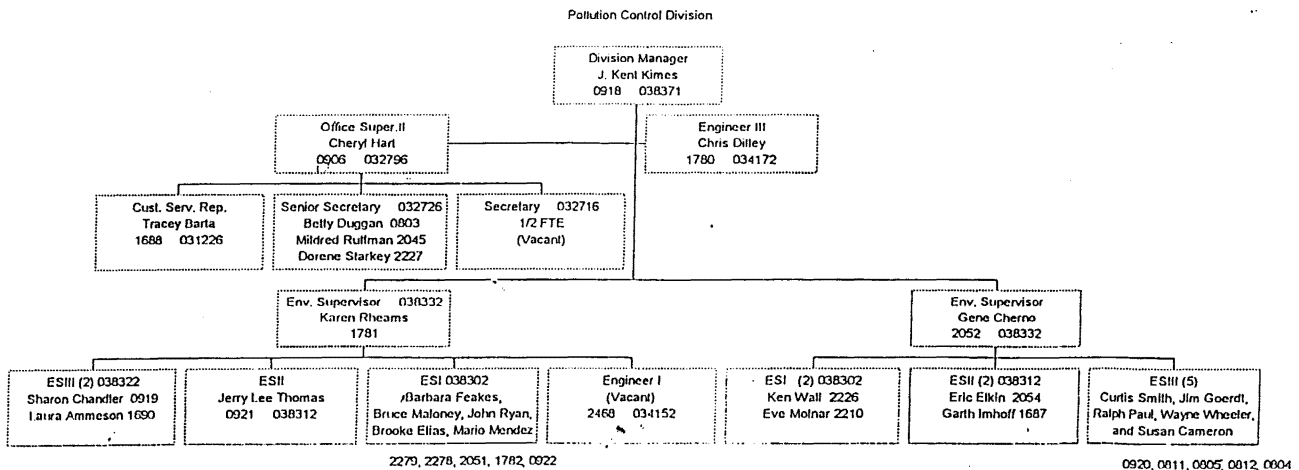


Figure 1

Delegated WWTFs

These Type III facilities are to be delegated to SCPCD

Total - 55

Arbors Mobile Home Park
Bahia Vista Estates
Barclay House Apartments
Bath and Racquet Club
Bee Ridge Utilities (aka Medical Center of Sarasota or Bee Ridge Medical)
Buccaneer Bowl (fka Super Bowl)
Cafe Baci (fka Western Sizzlin')
Cardio Research, Inc. (fka L.I.F.E. Center)
Coral Cove Trust (fka Sarasota Fish Market)
Dana Corporation (fka Racine Hydraulics)
Diocese of Venice - Construction/Operation permit pending
Dolomite Utilities Corp. - Trade Center (fka Center Utilities)
Dolomite Utilities Corp. - Woodland Park
Englewood Elks Lodge
Fairwinds Condominiums
Field Club
Florida Pines Mobile Home Park
Fruitville Elementary School
Happy Haven Mobile Home Park
Heron Bay
Japanese Gardens
King's Gate Association
King's Gate Club
Lake Forest Utilities
Lake Tippecanoe
Lake Village
Lyon's Cove
Manasota Beach Gardens
Manatee Community College
Mission Valley Country Club
Myakka Mobile Home Court
Myakka State Park #1
Myakka State Park #2
Nokomis Elementary School
Oak Hammock Professional Center (fka Beneva Creek Utilities)
Oakwood Gardens
Oscar Scherer State Park
Palm & Pines Mobile Home Park
Peterson Manufacturing

Polynesian Village Mobile Home Park
 Ramblers Rest RV Park
 Rehabilitation Institute of Sarasota
 Robinhood Utilities
 Scott Paint
 Spanish Lakes Mobile Home
 Sylvan Lea
 Tangerine Woods Utility
 Tervis Tumbler (fka Leopard Boutique)
 Tri-State Mobile Home Park
 Union Golf (fka Oakford)
 Venetian Mobile Home Park
 Venice Campground RV Park
 Venice Ranch Mobile Home Estates
 Woodbridge Estates
 Yoders Too Restaurant

These facilities are not subject to delegation

Total - 29

Type I Facilities (13)

Dolomite Utilities Corp. - Fruitville
 Florida Cities Water Company - Gulf Gate
 Florida Cities Water Company - South Gate
 North Port, City of
 Sarasota, City of
 Siesta Key Utilities Authority
 Sarasota County Utilities Department - Atlantic
 Sarasota County Utilities Department - Bee Ridge Water Reclamation Facility
 Sarasota County Utilities Department - Central County
 Sarasota County Utilities Department - Meadowood
 Sarasota County Utilities Department - Venice Gardens #1, #2
 Venice, City of - Eastside
 Venice, City of - Gulfside

Type II Facilities (10)

Beekman Place (fka Lockwood Ridge Utilities)
 Dolomite Utilities Corp. - Tri-Par Estates
 Englewood Utilities (aka Foxwood)
 Camelot Lakes
 Kensington Park Utilities - Monica Parkway
 Kensington Park Utilities - 27th Street

Longwood Run Utilities
South Bay Utilities
Sarasota County Utilities Department - Plantation
Sarasota County Utilities Department - Septage Plant

Type III Facilities (6)

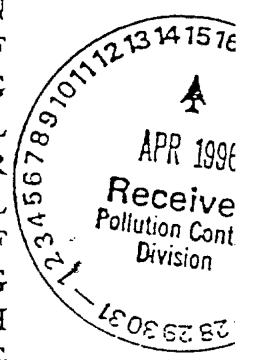
Country Manor
Sarasota County Utilities Department - Circlewoods
Sarasota County Utilities Department - Flight Deck
Sarasota County Utilities Department - Gulfview
Sarasota County Utilities Department - Proctor Road
Sarasota County -Twin Lakes Park

ORDINANCE NO. 96-020

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, RELATING TO THE CONTROL AND REGULATION OF WATER POLLUTION, THROUGHOUT SARASOTA COUNTY, INCLUDING THOSE AREAS OF THE COUNTY LYING WITHIN THE BOUNDARIES OF MUNICIPALITIES, TOWNS AND CITIES; PROVIDING FOR FINDINGS; PROVIDING FOR A TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR THE DUTIES AND POWERS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR APPOINTMENT OF AN ADVISORY BOARD AND THE DUTIES AND POWERS THEREOF; PROVIDING FOR THE DUTIES AND POWERS OF THE POLLUTION CONTROL DIVISION; PROVIDING FOR REGULATIONS GOVERNING WASTEWATER FACILITIES OPERATORS; PROVIDING FOR WATER QUALITY TESTING AND POLLUTION STANDARDS; PROVIDING FOR APPROVAL OF EQUIPMENT AND FACILITIES; PROVIDING REQUIREMENTS FOR REPORTING OF ABNORMAL EVENTS; PROVIDING FOR CONTROL OF STORM WATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY; PROVIDING FOR CONTROL OF WASTEWATER RESIDUALS DISPOSAL; PROVIDING ENFORCEMENT PROCEDURES; PROVIDING FOR BOTH CIVIL AND CRIMINAL PENALTIES, AND PROVIDING FOR ADDITIONAL REMEDIES IN CASE OF VIOLATION; PROVIDING FOR TERRITORIAL APPLICATION; PROVIDING FOR REPEAL AND EFFECT OF SARASOTA COUNTY ORDENANCE NO. 72-37 AND ITS AMENDMENTS; PROVIDING FOR CONSTRUCTION AND INTERPRETATION; PROVIDING A SEVERABILITY CLAUSE AND A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE.

SECRETARY OF STATE

APR 9 3 07 PM '96



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

SECTION 1. FINDINGS OF FACT AND DECLARATION OF POLICY.

A. Chapter 71-913, Florida Laws, Special Acts of 1971, authorizes the Board of County Commissioners ("the Board"), in order to protect the public health, safety and welfare of the citizens of Sarasota County, to promulgate and adopt, by County ordinance, an air and water

pollution code; provides that any County ordinance adopted pursuant to that act shall be applicable and enforceable throughout the entire area of Sarasota County; and prohibits the municipalities, towns, and cities located within Sarasota County from adopting a city, town, or municipal ordinance in conflict with that act, or any County ordinance adopted pursuant to the provisions of that act.

B. Chapter 71-913, Florida Laws, Special Acts of 1971, continues in force and effect under the provisions of Section 3.1 of the Sarasota Home Rule Charter as it relates to the municipalities, towns and cities located within Sarasota County as well as to Sarasota County and permits the County government to combine powers with other governmental entities.

C. Section 403.182, Florida Statutes (F.S.), authorizes each County to establish and administer a delegated local pollution control program if it complies with the Florida Air and Water Pollution Control Act, being Chapter 403, F.S., and provides, among other things, that all local pollution control programs must provide by ordinance for requirements compatible with, or stricter than those imposed by that Act and regulations issued thereunder.

D. It is hereby determined that uniform regulation and control of water pollution throughout the entire area of Sarasota County is required in order to protect the public health, safety and welfare of the citizens of Sarasota County, and this Ordinance is enacted pursuant to the authority granted to the County and the Board under Sections 125.01 and 403.182, F.S., Chapter 71-913, Florida Laws, and the Sarasota County Home Rule Charter.

E. It is declared to be the public policy of Sarasota County to conserve the waters of this County and to protect, maintain and improve the quality thereof for public water supplies, for the propagation of wildlife, fish and other aquatic life, and for domestic, agricultural, recreational and other beneficial uses, and to provide that no wastes be discharged into any waters within this County without first being given such degree of treatment as meets the requirements of this Ordinance and/or other such acts or ordinances of this State or County.

F. It is hereby declared and determined that the prevention, abatement and control of the pollution of the waters of this County are affected with the public interest and the provisions of this Ordinance are enacted for the purpose of meeting the responsibility of local and county government to protect the public health, safety and welfare of the citizens of this County.

G. The Board of County Commissioners of Sarasota County, Florida, hereby finds and declares that control, regulation and abatement of the activities which are causing or may cause

pollution of the water resources in this County, and which are or may be detrimental to human, animal, aquatic, or plant life, or to property, or unreasonably interfere with the comfortable enjoyment of life or property may be stricter and more stringent than State Rule to insure conservation of natural resources, to insure continued safe environment, to insure purity of water, to insure domestic water supplies, to insure protection and preservation of the public health, safety, welfare, and well being, and to insure and provide for recreational and wildlife needs as the population increases and the economy expands.

H. It is the purpose of this Ordinance to control the pollution of water in the streams, bays, lakes, estuaries, Gulf, or underground waters, and to safeguard the peace, health, safety, and welfare of human, animal, marine, and plant life within the boundaries of Sarasota County against water pollution caused by or resulting from any toxic, poisonous, or noxious chemicals, or from raw or inadequately treated sewage, or any combination thereof.

I. It is hereby found and declared that this Ordinance may provide for stricter, more extensive and more stringent regulations of water pollution and the control of same than is provided and required under the provisions of Chapter 403, F.S., and the regulations promulgated and adopted thereunder as administered by the Department of Environmental Protection (DEP) of the State of Florida.

J. Policy 3.2.3 of Chapter 4 of Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan requires that "a wastewater treatment inspection/compliance monitoring program shall be established for each wastewater treatment facility which mandates on-site inspection/compliance monitoring at least 12 times annually."

K. The State of Florida DEP, formerly the Department of Environmental Regulation (DER), entered into a General Operating Agreement with Sarasota County Board of County Commissioners on August 24, 1989 to delineate each agency's responsibility and authority concerning environmental programs and activities.

L. The General Operating Agreement provides that delegation of certain permitting, compliance and enforcement activities from DEP to Sarasota County Pollution Control be set forth in a Specific Operating Agreement (SOA).

M. Prior to approval of a SOA, DEP requires Sarasota County to ensure that State Law and DEP's regulations concerning wastewater treatment facilities are specifically identified and addressed by adopting DEP's regulations by reference or adopting provisions which are at least

as or more stringent than DEP's regulations. This Ordinance generally adopts State Laws and DEP regulations concerning wastewater treatment facilities and other regulations necessary for approval of a SOA with DEP to include but not be limited to Chapters 62-1, 62-4, 62-7 Part I 62-11, 62-28.700, 62-103, 62-160, 62-301, 62-302, 62-520, 62-522, 62-550.310, 62-550.32 62-555.360, 62-600, 62-601, 62-603, 62-604, 62-610, 62-611, 62-640, 62-650, 62-699, and 6 701.802, Florida Administrative Code (F.A.C.).

N. Sarasota County has unique soil composition and hydrological characteristics including prevalent high ground water table levels during the wet season. Based on these facts it is necessary to impose more stringent requirements for sludge (residuals) landspreading activities than those currently in place under Chapters 62-7, Part IV, and 62-640, F.A.C., in order to protect the surface and ground waters of the County.

O. Wastewater treatment facilities operate for the benefit of the public. Further, wastewater treatment facilities are highly regulated and have a minimal expectation of privacy.

P. Discharge of improperly or inadequately treated sewage may cause infectious diseases such as cholera, dysentery, typhoid, amebiasis, aseptic meningitis, myocarditis and hepatitis which can result in serious illness or death.

Q. Discharge of improperly or inadequately treated wastewater may also result in harm to the environment including excess nutrient loading, alteration of habitat, irreplaceable loss of natural resources and degradation of water quality.

R. Pursuant to the Florida Legislature's determination in Sections 376.30 and 403.061 F.S. that the storage, transportation and disposal of pollutants is a hazardous undertaking, that their discharge poses a great threat to public health and the environment, and that the State's interest in regulating their storage, transportation, disposal and the cleanup of pollutant discharges outweighs the burden imposed on such facilities, the Florida DEP adopted Chapter 62-761, 62-762 and 62-770, F.A.C. The Board recognizes the importance of the concern and intends to facilitate the delegation of DEP's programs for regulating pollutant storage tanks and the cleanup of contamination from those tanks by adopting an ordinance in order to establish a mechanism by which the County can effectively implement and enforce DEP's regulatory standards under its own authority as well as any delegated authority. This Ordinance generally adopts DEP regulations concerning pollutant storage tanks and contamination cleanup including but not limited to Chapters 62-761, 62-762, and 62-770, F.A.C.

S. It is the Board's intent to assist in the State's effort to assure protection of surface water and ground water in Sarasota County by implementing the standards for construction, installation, maintenance, registration, removal and disposal of pollutant storage tank systems and the cleanup of contamination from those systems. It is not the Board's intent to implement regulations more stringent than those of DEP in regard to pollutant storage tanks.

T. It is the Board's intent to continue in full force and without interference or interruption, the Pollution Control Program currently implemented under Ordinance No. 72-37 under the provisions of this Ordinance by updating its administration and standards.

U. The Board finds unannounced and frequent inspections by county inspectors are necessary to ensure continuous compliance and further the regulatory scheme of applicable DEP regulations and County ordinances.

V. The Board of County Commissioners, sitting as the Land Development Regulation Commission, has reviewed this Ordinance and found it to be consistent with Apoxsee, the Sarasota Comprehensive Plan.

SECTION 2. SHORT TITLE.

This Ordinance is referred to as the Sarasota County Water Pollution Control Code.

SECTION 3. GENERAL DEFINITIONS.

A. "Automatic Control" means an electronic or computerized system with remote sensors and programs that can adjust and control treatment processes over the range of expected operating conditions without operator assistance.

B. "Board" means the Board of County Commissioners of the County of Sarasota.

C. "Certificate" means a valid and active Operator Certificate issued by the Florida Department of Business and Professional Regulation (BPR) in accordance with the provisions of Chapter 61E12-41, F.A.C. For purposes of this Ordinance, "certificate" and "license" shall have the same meaning.

D. "Closely Regulated Facilities" are those facilities permitted or regulated by the provisions of this Ordinance, or any DEP Rule cited herein.

E. "DEP" means the Florida Department of Environmental Protection, or its successor.

F. "Director" means the Director of the Sarasota County Natural Resources Department, or any successor department.

G. "Domestic Wastewater Treatment Plant" means any plant or other works used for the purpose of treating, stabilizing, or holding domestic wastes, permitted by the DEP, and classified pursuant to Chapter 62-699, F.A.C.

H. "Illicit Discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

I. "Inspector" means a Sarasota County Pollution Control Division Environmental Specialist I, II, III or Supervisor, Engineer, or other qualified person.

J. "Lead or Chief Operator" means the operator who is on-site and is responsible for the direct supervision of any person(s) employed in the operation of the treatment process, and for the effective performance of the treatment plant operation.

K. "Local Regulatory Agency" means the Pollution Control Division of the Sarasota County Natural Resources Department.

L. "Manager" means the Manager of the Pollution Control Division in the Sarasota County Natural Resources Department.

M. "NPDES" is an acronym for the National Pollutant Discharge Elimination System, the national program for issuing, modifying, or revoking, permits under Section 307, 318, 402(p), and 405 of the Federal Clean Water Act (CWA), 33 USC1251, et seq.

N. "Operator" means any person who has been issued a Domestic Wastewater Treatment Plant Operator Certificate of Competency (License) by the BPR.

O. "Permittee" means the person or entity to which a permit for a wastewater facility is issued by the DEP. The term "Permittee" shall be functionally synonymous with the terms "owner" and licensee" but shall not include licensed individuals (e.g., operators) unless they are the person(s) to whom a facility permit is issued by the DEP.

P. "Person" means any individual person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner, County, district, or other political subdivision or any officer or employee thereof.

Q. "Separate Storm Sewer System or Storm Sewer" means a conveyance or system conveyances (including roads with drainage systems, municipal streets, catch basins, curb gutters, ditches, man-made channels or storm drains):

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 2 of the CWA that discharges to waters of the United States;

2. Designed or used for collecting or conveying stormwater;

3. Which is not a combined sewer; and

4. Which is not part of a Publicly Owned Treatment Works as defined at Title 40 of the Code of Federal Regulations (CFR), Section 122.2.

R. "Site of Industrial Activity" means any area or facility used for manufacturing processing, or storing raw materials, as defined under Title 40 CFR, Section 122.26(b)(14) regulations of the U.S. Environmental Protection Agency and includes construction activities subject to clearing, grading and excavating.

S. "Special Master" means a person appointed pursuant to Sarasota County Ordinance No. 93-006 to hold hearings, assess fines and order mitigation for violations of Sarasota County Ordinances.

T. "Standard Operating Practice" means effective and competent treatment plant operation which is consistent with the existing plant design and operations manual, manufacturer equipment specifications, and professionally accepted treatment plant operation procedures. The definition applies to functions which directly affect plant operations and which can be reasonably controlled by the operator.

U. "Stormwater" means stormwater runoff, and surface runoff and drainage.

V. "Wastewater Facility(ies)" means any or all of the following: collection/transmission system, the treatment plant, and the reuse or disposal system.

W. "Wastewater Treatment Plant" means any plant or other works used for the purpose of treating, stabilizing, or holding wastes.

SECTION 4. ADMINISTRATION.

A. Board; Duties and Powers.

The Board shall have the following duties, functions, powers, and responsibilities to:

1. Adopt, revise, and amend, from time to time, appropriate resolutions for the implementation and effective enforcement and administration of this Ordinance, and shall provide for the effective and continuous control and regulation of the environment in the County within the framework of this Ordinance.

2. Adopt a budget, appropriate funds, and accept State appropriations, loans and grants from the Federal Government, and from any other sources, public or private, all of which shall be expended for the purposes of this Ordinance. By resolution the Board shall establish a schedule of fees and special budget category to cover the costs of appeals, processing applications for approval of equipment and facilities, performing inspections, issuing variances and similar services. Monies accumulated from such fees shall be expended for the purposes of this Ordinance, and for no other purpose.

3. Perform such other duties, functions and responsibilities as may become necessary to contribute to the improvement of the control of the environment in Sarasota County.

B. Designation of Inspectors.

1. The Manager shall employ and recommend the designation of inspectors.

2. Pursuant to the recommendations of the Manager, the County Administrator shall designate wastewater facility inspectors who are trained and knowledgeable with wastewater facility operations and maintenance, with the provisions of this Ordinance as amended from time to time and with DEP rules and regulations.

C. Appointment of the Air and Water Pollution Control Advisory Board.

1. There shall be an advisory board of not less than five and no more than seven members. This advisory board shall be known as the Air and Water Pollution Control Advisory Board (Advisory Board) and shall initially consist of the members of the board by the same name established by Ordinance No. 72-37. Successors to the present members or additions to the Advisory Board shall be appointed by the Board. Members of the Advisory Board shall be selected by the Board on the basis of training, experience, or interest in the field of air and water pollution control, and successors to the present members or additions to the Advisory Board shall be residents of Sarasota County. The members of the Advisory Board shall serve at the

discretion of the Board, and without compensation. Appointments to the Advisory Board shall be for terms of four years. Members shall be eligible for reappointment for one additional four year term at the discretion of the Board.

2. At the annual January meeting, the Advisory Board shall elect a Chairman, a Vice Chairman, and a Secretary.

3. The Advisory Board shall hold its annual meeting on the third Thursday in January of each year, at which meeting it shall make recommendations as it may deem appropriate for improvement of air and water pollution control in Sarasota County. Such recommendations shall then be presented to the Board.

4. The Advisory Board shall call and hold such other meetings from time to time upon request of the Board or when deemed appropriate for the purpose of reviewing and making recommendations to the Board on air and water pollution control.

5. Minutes shall be kept of all meetings of the Advisory Board and a copy thereof shall be certified by the Secretary and filed with the Clerk of the Board of County Commissioners.

6. All meetings of the Advisory Board shall be open to the public, and notice of the holding of same shall be published one time in a newspaper of general circulation throughout the district on the Sunday prior to the holding of such meeting. Any meeting so called and held may be adjourned to a subsequent date or dates.

7. The Pollution Control Division shall provide temporary clerical and administrative personnel as may be reasonably required by the Advisory Board for the proper performance of its duties.

D. Advisory Board; Duties and Powers.

The Advisory Board shall have the following duties and powers:

1. Make recommendations to the Board of County Commissioners on air and water pollution control, relating to but not limited to the Water Pollution Control Code, and the Air and Noise Pollution Control Code.

2. Review recommendations of the Pollution Control Division prior to their submission to the County Administrator and to the Board, and make recommendations to the Pollution Control Division.

E. Rights to Information.

Any information relating to secret processes, methods of manufacture, or production which may be required, ascertained or discovered by inspection or investigation shall not be disclosed in public hearings, and shall be kept confidential by the Pollution Control Division and its representatives. Provided that nothing herein shall be construed to prevent the use of such records in judicial proceedings in connection with the prosecution of violations of this Ordinance, when ordered to be produced by appropriate subpoena or by order of the Court. No such subpoena or order of the court shall abridge or alter the rights or remedies of persons affected in the protection of trade secrets or secret processes, in the manner provided by law, and such persons affected may take any and all steps available by law to protect such trade secrets or processes.

SECTION 5. POLLUTION CONTROL DIVISION.

A. Right of Inspection.

This Ordinance provides an adequate substitute for notice by limiting the place, time and scope of inspections. Inspections of wastewater or other closely regulated facilities may take place without prior notice during normal business hours as defined below for the purpose of determining compliance with air and water pollution regulations. Inspections of wastewater or other closely regulated facilities may take place outside normal business hours; however, access would be granted by owner or by legal authorization.

1. Inspectors are authorized to inspect closely regulated facilities, at any time between 8:00 a.m. and 5:00 p.m., Monday through Sunday without prior notice for the purpose of determining compliance with this Ordinance and other ordinances, regulations and permit requirements governing water pollution. The inspector may inspect the premises and all devices, contrivances, processes, or operations thereon and the records, charts, readings, and data associated with such processes or operations relevant to the emission of water contaminants.

2. Inspection of closely regulated facilities may be made at times other than those described in Paragraph 1. above, or Subparagraph 5.c. below, with owner's permission or legal authorization.

3. It shall constitute a violation of this Ordinance to hamper or interfere with an inspector's official duties.

4. Inspectors shall identify themselves as Sarasota County Pollution Control inspectors to facility personnel present during the inspection including owners, operators, or designated representative(s).

5. **Inspection of Wastewater Facilities.**

a. Inspections shall be made for the purpose of determining compliance with this Ordinance, and DEP permits and permit conditions, and consent orders. The scope of all compliance inspections shall be limited to these purposes.

b. All wastewater facility owners or operators shall appoint one or more designated representative(s) who are capable of and shall provide or arrange for immediate access to the facility for compliance inspections between 8:00 a.m. and 5:00 p.m., Monday through Sunday, without prior notice.

c. Inspectors shall be authorized to conduct compliance inspections of any wastewater facility, or effluent or sludge (residuals) disposal or reuse site at any time between 8:00 a.m. and 5:00 p.m., Monday through Sunday without prior notice.

6. **Inspection Warrants.**

At times other than specified in this Ordinance, and at facilities that do not require permits and are not otherwise closely regulated, inspection can be made by consent or by means otherwise available by law. If consent is denied or the inspector can justify the failure to seek consent, inspectors may obtain an Inspection Warrant pursuant to Sections 933.20 through 933.30, F.S.

7. **Search Warrants.**

If statutory grounds exist, or if there is probable cause to suspect a criminal violation, inspectors may contact the appropriate law enforcement personnel to obtain a search warrant and aid the officer if required pursuant to Sections 933.01 through 933.19, F.S.

8. **Wastewater Facilities Inspection Reports.**

Inspectors may record relevant field observations concerning wastewater facilities and leave a duplicate copy of the field observations at the facility at the conclusion of the inspection at a location designated by the owner, operator or designated representative. Upon request, copies of results of laboratory analyses from samples taken by the Division may be mailed to the owner or operator.

9. Failure to Designate Representative or Provide Access.

Failure of an owner or operator of a wastewater facility, effluent or residuals disposal or reuse site to appoint and provide the Manager with a list of one or more designated representative(s) or failure of the designated representative to provide immediate access to the facility shall be a violation of this Ordinance.

B. Compliance Testing.

1. Inspectors shall be authorized to obtain sample(s) or conduct test(s) or order owners or operators to obtain sample(s) or conduct test(s) to determine compliance with this Ordinance.

2. The responsibility for providing adequate sampling facilities shall rest upon the owner of the premises.

3. All compliance testing shall be conducted in accordance with Rule 62-160, F.A.C., which defines quality assurance and quality control activities.

C. Operating Records Required.

1. A person responsible for the operation of any facility that may be a source of water pollution as herein defined shall conduct such tests and maintain such records as prescribed by the Pollution Control Division to give evidence that emissions are in compliance with this Ordinance. Such test data and records shall include the monitoring data available of all wastewater discharges unless otherwise specified in writing by the Pollution Control Division. Such test data and operating records shall be available at all times for inspection by the Pollution Control Division, and reports containing these records and data shall be filed with the Pollution Control Division on a regular basis.

2. Copies of all records required to be maintained at the facility by DEP regulation or County ordinance shall be available for inspection at all times. Any on-site operations and maintenance log book required by DEP shall be maintained and kept on site in a bound book in a safe and weatherproof location.

SECTION 6. DOMESTIC WASTEWATER FACILITY(IES) OPERATORS.

A. Applicability

Requirements in this Section shall apply to:

1. Persons employed in or conducting the staffing, operation, or maintenance of a domestic wastewater treatment plant or other wastewater facilities.
2. Where applicable, owners or permittees of wastewater facilities.

B. Duties of Operators

1. An operator is responsible for performing wastewater facility operation and maintenance duties in a responsible and professional manner consistent with standard operating practices. The operator's duties shall include the following:

a. Perform responsible and effective on-site management and supervision over personnel and plant functions including, if applicable, reuse and disposal systems within the operator's responsibility.

b. Submit all required reports in the manner required by the DEP in Rule 62-601.300, F.A.C., and this Ordinance, to the permittee.

c. Report to the permittee and to the Division as soon as possible, but not later than 24 hours following the occurrence, any breakdown or lack of proper functioning of any facility, equipment, or operation causing or likely to cause unsafe wastewater facility operation, or any discharge of wastewater not in accordance with the limits established by this Ordinance. At the discretion of the Pollution Control Division, a written report may be required to be submitted within 72 hours.

d. Submit accurate reports to the permittee relative to wastewater facility operation, sampling and laboratory analysis.

e. Maintain an on-site operation and maintenance log for each wastewater facility, in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed. The log shall be maintained in a bound book or electronically. The log shall contain a minimum of 12 months of data at all times. The log shall include:

- i. Identification of the plant;
- ii. The signature and certification number of the operator and the signature of the person making entries;

- iii. Date and time in and out of facility by staff;
- iv. Specific operation and maintenance activities;
- v. Tests performed and samples taken, and major repairs made;
- vi. Performance of preventive maintenance and either repairs or

requests for repair of the equipment to keep the treatment plant operating as required by the operation permit.

C. Prohibitions

The following acts or omissions are prohibited and constitute a violation of this Ordinance.

1. Operating a wastewater facility without a valid certificate.
2. Operating a wastewater facility in a manner inconsistent with standard operating practices, as defined in this Ordinance.
3. Employing any person without a valid certificate to perform the staffing duties of an operator as provided in Chapter 62-699, F.A.C.
4. Knowingly or negligently submitting misleading, false, or inaccurate information as documentation for certification, laboratory results, or operational reports; or persistently submitting inaccurate or incomplete data or information in documents or reports required to be submitted by this Ordinance, including the operation, laboratory, or maintenance reports or logs required to be maintained, signed or submitted by an operator.
5. Failing to maintain reports or records required of an operator by this Ordinance, by the DEP, or by the BPR.
6. Negligently performing an operator's duties as prescribed in Chapter 61E12-41, F.A.C. Negligence is defined as but not limited to:
 - a. Performance by or under the personal control of an operator that results in conditions that constitute a threat to public health or the environment; or
 - b. Providing insufficient attention to wastewater facilities operation in a manner that may result in a hazard to the public health or to the environment.

SECTION 7. WATER POLLUTION CONTROL.

A. Water Quality Testing.

Testing or analytical procedures to determine compliance or non-compliance with the water criteria provided by this Ordinance, DEP Rule or permit condition shall be in

accordance with methods given in the latest edition adopted by the DEP of "Standard Methods for the Examination for Water and Waste Water" published by the American Public Health Association, American Waterworks Association, and Water Pollution Control Federation. A copy of same shall be available for public inspection at the office of the Pollution Control Division. Where other tests or analytical procedures are found to be more accurate, such tests or procedures will be used upon the prior acceptance and approval of the Pollution Control Division.

B. DEP Domestic Waste and Water Quality Standards Regulations.

All provisions of Chapters 376, F.S. (Pollutant Discharge Prevention and Removal) and 403, F.S. (Environmental Control) relating to the regulation of domestic wastewater facilities, underground storage tanks, contamination cleanup activities, and ground and surface water quality standards, are herein adopted and incorporated by reference as part of this Ordinance to the same extent and to the same effect as if the provisions of each statute or law had been set out in full. All rules of the Florida DEP adopted pursuant to such state laws as applied to the regulation of domestic wastewater facilities, underground storage tanks, contamination cleanup activities, and surface and ground water quality standards, are hereby adopted and incorporated by reference as part of this Ordinance to the same extent and to the same effect as if the provisions of each rule had been set out in full.

C. Abnormal Event Reporting

Each permittee or their designee shall report to the Division as soon as possible, but not later than 24 hours following the occurrence, any breakdown or lack of proper functioning of any facility, equipment, or operation causing or likely to cause unsafe wastewater facility operation, or any discharge of wastewater not in accordance with the limits established by this Ordinance. A written report may be required to be submitted within 72 hours at the discretion of the Pollution Control Division. This report shall detail the cause, effect, remedial actions taken, actions taken to prevent a recurrence, and other related information concerning the occurrence.

D. Additional Water Quality Standards

All waters, at all places, at all times, within the territorial limits of Sarasota County shall be free from the following (Domestic wastewater facilities regulated by rules adopted in Subsection B of this Section are exempt from these criteria.):

1. Floating substances. Floating debris, oil, scum, or other floating material attributable to municipal, industrial, agricultural, or other discharges in sufficient quantity to be unsightly or deleterious.

2. Settleable substances. Substances attributed to municipal, industrial, agricultural, or other discharges that will settle to form putrients or otherwise objectionable sludge deposits, including inorganic silt.

3. Deleterious substances. Materials attributable to municipal, industrial, agricultural, or other discharges producing color, odor, or other conditions in such a degree as to create a nuisance, or in such a degree as to be harmful to the environment.

4. Toxic substances. Substances attributable to municipal, industrial, agricultural, or other discharges in concentrations or combinations that are toxic to humans animals, plants, or aquatic life.

E. Storm Water.

1. Prohibited Discharges.

a. Site of Industrial Activity.

Any direct or indirect discharge from a site of industrial activity to a storm sewer owned by the County which does not comply with, or is not pursuant to, a valid NPDES permit.

b. Illicit Discharges and Illicit Connections.

i. Except as specifically authorized by a valid federal, state, or local permit, the discharge of sewage, industrial waste, or other wastes, whether through runoff, piping connections, seepage or leaks, into the separate storm sewer.

ii. No person may maintain, use or establish any direct or indirect connection to any storm sewer owned by the County that results in any illicit discharge which does not comply with, or is not pursuant to, a valid NPDES permit.

c. Spills and Dumping.

No person shall spill or dump, or cause to be spilled or dumped, into a separate storm sewer system owned by the County, any materials other than those composed entirely of stormwater.

2. Enforcement.

a. If the County Administrator or designee determines that storm water or other matter is being discharged in violation of this Subsection, then the County Administrator may order the immediate cessation of such discharge and seek a penalty.

b. The provisions of this Subsection may be enforced through proceedings before the Sarasota County Code Enforcement Special Master or through any other remedy available to Sarasota County in law or in equity, including injunctive relief. Sarasota County shall recover its court costs and a reasonable attorney's fee in any legal proceeding commenced to enforce this Subsection.

F. Residuals Landspreading Requirements.

1. The provisions of Chapter 62-640, F.A.C., and this Ordinance, shall be followed by all permittees whose residuals are disposed on land in Sarasota County. Permittees of wastewater treatment facilities that meet the standards of Chapter 62-640, F.A.C., and this Ordinance, who intend to landspread residuals shall submit an Agricultural Use Plan, DEP Form No. 62-640.900(1), or Dedicated Disposal Site Plan, DEP Form No. 62-640.900(2), together with a written request for modification of the facility's current DEP operation or construction permit, unless exempted pursuant to Rule 62-640.300(4), F.A.C., (production of Class AA residuals), to the Sarasota County Pollution Control Division and the DEP for approval. An approved Agricultural Use Plan or Dedicated Disposal Site Plan shall be made a part of the facility's current operation or construction permit, prior to initiating landspreading activities. Together with said plans and request for permit modification, certification shall be submitted by a professional engineer licensed in the State of Florida, documenting the ability of the wastewater treatment facility to achieve the minimum residuals stabilization levels required by Chapter 62-640, F.A.C.

2. Residuals sampling and analyses, as required in Chapter 62-640, F.A.C., must be performed during periods of representative waste flow into the wastewater treatment facility. Periods of non-representative flows include periods during the off-season at seasonal mobile home parks and similar situations.

3. All residuals must meet at a minimum Class B criteria for stabilization as defined in Chapter 62-640, F.A.C., before being applied to the land.

4. Residuals haulers shall submit hauling records on a monthly basis, due by the 15th day of the month following the month of operation, documenting the following: source and volume of residuals hauled; date, time, and place (site and spreading zones) of application;

weather conditions at time of application; water table measurement below land surface, as determined by the use of monitoring wells or piezometers at representative locations on the site(s); hauler's signature; truck identification; and hauling company. The information shall be submitted on forms and in a manner prescribed by the Pollution Control Division.

5. Pursuant to Chapter 62-640, F.A.C., residuals haulers and permittees of wastewater treatment facilities shall be held responsible for compliance with the landspreading requirements of Chapter 62-640, F.A.C., and this Ordinance.

SECTION 8. VIOLATIONS AND ENFORCEMENT.

It is the intent hereof that the civil and criminal penalties imposed by a court, or fines or administrative penalties imposed through execution of this Ordinance be of such amount as to ensure immediate and continued compliance with this Ordinance. The imposition of either a civil or criminal penalty shall not preclude the imposition of the other penalty. The Director is authorized to enter consent orders to resolve violations or alleged violations.

A. Violations.

It shall constitute a violation of this Ordinance for any person or entity to violate or suffer a violation of any rule, standard, or provision incorporated in this Ordinance. Each day during any portion of which such violation occurs shall constitute a separate offense.

B. Civil and Administrative Enforcement, and Penalties.

1. DEP Enforcement Policies.

To the extent that the Pollution Control Division is exercising authority delegated by the DEP under the provisions of a SOA, the Pollution Control Division shall enforce all DEP rules and regulations incorporated into this Ordinance pursuant to the provisions of the SOA.

2. Sarasota County Code Enforcement Special Master.

a. Subject to Section 8.B.1., all provisions of this Ordinance may be enforced through the Code Enforcement Special Master process pursuant to Sarasota County Ordinance No. 93-006.

b. The Pollution Control Division may notify the Special Master and request an emergency hearing after making a reasonable effort to obtain compliance from the violator, if there is reason to believe a violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible in nature.

3. Other Remedies.

Notwithstanding any other provision in the Ordinance, Sarasota County may enforce this Ordinance by any other remedy available at law or in equity, including initiation of enforcement action in a court of competent jurisdiction. In addition, Sarasota County may enforce this Ordinance through adopted administrative procedures. Sarasota County is authorized to initiate any legal means necessary to collect and recover from any owner, operator, person or entity any funds that the County may have expended for action necessary to abate the spread of contamination due to incidents resulting in the discharge of contaminants.

4. Penalties.

a. Violations of this Ordinance shall be punishable by a civil penalty of not more than ten thousand dollars (\$10,000) for the first offense, and of not more than ten thousand dollars (\$10,000) for each offense thereafter.

b. All penalties collected as a result of enforcement of this Ordinance shall be placed in the Pollution Recovery Trust Fund defined by Board Resolution No. 91-360, or its successor. The Director is authorized to expend funds from the Pollution Recovery Trust Fund for the purpose, among those stated in Board Resolution No. 91-360, or its successor, of restoring property or water quality on a timely basis necessary to abate the spread of a contaminating incident, including other costs directly associated with the disposal of recovered materials.

c. If the DEP and the Division cooperatively undertake an enforcement action, penalties collected pursuant to a consent order may be equally divided between the DEP and the Sarasota County Pollution Recovery Trust Fund.

C. Criminal.

Violations of this Ordinance committed willfully, with reckless indifference, or with gross careless disregard shall be treated as a misdemeanor, and shall be prosecuted and shall be punishable as provided by general law.

SECTION 9. AREA OF APPLICATION.

The provision of this Ordinance shall be applicable and enforceable throughout the entire area of Sarasota County, including those areas of the County lying within the boundaries of municipalities, towns and cities.

SECTION 10. REPEAL AND EFFECT OF ORDINANCES 72-37, 75-6, 82-13, 82-25, 82-90, 87-139, 91-54, 93-038, 93-85, AND 94-039.

Sarasota County Ordinance Nos. 72-37, 75-6, 82-13, 82-25, 82-90, 87-139, 91-54, 93-038, 93-85, and 94-039 are hereby repealed. However, past violations of prohibitions or standards contained in Ordinance No. 72-37 or its amendments and readopted in this Ordinance shall constitute violations of this Ordinance and are enforceable as all other provisions of this Ordinance. Further, all orders, resolutions, approvals, requirements, and standards imposed pursuant to Ordinance No. 72-37, or that refer to or incorporate the provisions of Ordinance No. 72-37, shall continue in full force and effect where they would be authorized pursuant to this Ordinance.

SECTION 11. CONSTRUCTION AND INTERPRETATION.

A. Where any provision of this Ordinance refers to another provision, ordinance, statute, policy, reference, manual, rule, regulation, or other authority, it refers to the most current version, incorporating any amendments thereto or redesignation thereof.

B. It is the purpose of this Ordinance to provide additional and cumulative remedies for the prevention, abatement, and control of the pollution of the air and waters of this County. Nothing contained herein shall be construed to impair or restrict the enforcement of stricter, more extensive, and more stringent regulations should same be determined to be applicable to Sarasota County through adoption by any unit of Federal, State, local, or municipal government.

SECTION 12. SEVERABILITY CLAUSE.

If any section, sentence, clause, phrase, or word of this Ordinance 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 Ordinance; and it shall be construed to have been the intent to adopt this Ordinance without such unconstitutional, invalid, or inoperative part therein; and the remainder of this Ordinance, 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 13. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 2nd day of April, A.D., 1996.

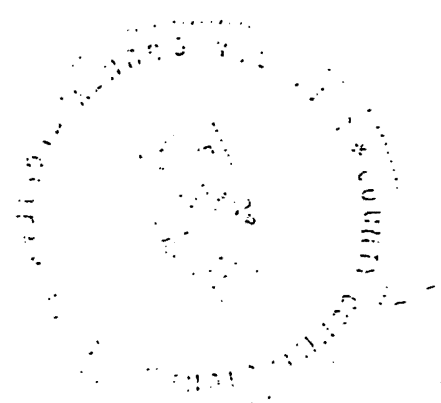
BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

BY: [Signature]

ATTEST:

KAREN E. RUSHING, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Sarasota County, Florida

BY: [Signature: Susan Kay Garland]
Deputy Clerk



STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN THIS OFFICE WITNESS MY HAND AND OFFICIAL SEAL THIS DATE 4/4/96
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: [Signature: S. K. Garland]
DEPUTY CLERK

ORDINANCE NO. 97-

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA RELATING TO THE CONTROL AND REGULATION OF WATER POLLUTION, THROUGHOUT SARASOTA COUNTY, INCLUDING THOSE AREAS OF THE COUNTY LYING WITHIN THE BOUNDARIES OF MUNICIPALITIES, TOWNS AND CITIES; AMENDING ORDINANCE NO. 96- 020; AMENDING SECTION 1 RELATING TO FINDINGS OF FACT AND DECLARATION OF POLICY; AMENDING SECTION 7 RELATING TO WATER POLLUTION CONTROL; PROVIDING FOR REFERENCES TO OTHER AUTHORITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION I. Subsection 1. M. of Sarasota County Ordinance No. 96-020 is hereby amended to read as follows:

M. Prior to approval of a SOA, the DEP requires Sarasota County to adopt certain provisions of Chapter 120, F.S. and to ensure that State Law and the DEP's regulations concerning wastewater treatment facilities are specifically identified and addressed by adopting the DEP's regulations and state statutes by reference or adopting provisions that are at least as or more stringent than the DEP's regulations or state statutes. This ordinance generally adopts State Laws and the DEP regulations concerning wastewater treatment facilities and other regulations necessary for approval of a SOA with the DEP to include but not be limited to Chapters 62-1, 62-4, 62-7 Part IV, 62-11, 62-28.700, 62-103, 62-160, 62-301, 62-302, 62-520, 62-522, 62-550.310, 62-550.320, 62-555.360, 62-600, 62-601, 62-603, 62-604, 62-610, 62-611, 62-620, 62-625, 62-640, 62-650, 62-699, and 62-701.802, Florida Administrative Code (F.A.C.) and Sections 120.52, 120.525, 120.53, 120.565, 120.569, 120.57, 120.573, 120.574, 120.595, 120.60, 120.62, 120.66, 120.665, 120.68, and 120.69, Florida Statutes.

SECTION 2. Subsection 7. B. of Sarasota County Ordinance No. 96-020 is hereby amended to read as follows:

B. DEP Domestic Wastewater and Water Quality Standards and Regulations.

All provisions of Chapters 376, F.S. (Pollutant Discharge Prevention and Removal) and 403, F.S. (Environmental Control) relating to the regulation of domestic wastewater facilities, pollutant underground storage tanks, contamination cleanup activities, and ground and surface water quality standards, are herein adopted and incorporated by reference as part of this Ordinance to the same extent and to the same effect as if the provisions of each statute or law had been set out in full. For the sole purpose of addressing enforcement and permitting challenges arising out of the implementation of the Domestic Wastewater Specific Operating Agreement entered into between the DEP and Sarasota County, relevant sections of Chapter 120, F.S. are herein adopted and incorporated by reference as part of this Ordinance to the same extent and to the same effect as if the provisions of each section had been set out in full. All rules of the Florida DEP adopted pursuant to such state laws as applied to the regulation of domestic wastewater facilities, pollutant underground storage tanks, contamination cleanup activities, and surface and ground water quality standards, are hereby adopted and incorporated to the same extent and to the same effect as if the provisions of each rule had been set out in full.

SECTION 3. References to Other Authorities. Where a statute or ordinance is referenced herein, this shall mean the most recently adopted version of said statute or ordinance.

SECTION 4. Severability. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unenforceable or unconstitutional by any court of competent jurisdiction, the remaining portions shall not be affected.

SECTION 5. Coding of Amendments. In this Ordinance, language added to the amended Ordinance is underscored and language deleted is typed in strike-through type.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon receipt of official acknowledgement from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this ___ day of _____, A.D., 1997.

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

BY: _____

ATTEST:
KAREN E. RUSHING, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Sarasota County, Florida

BY: _____
Deputy Clerk

RESOLUTION NO. 91-360

DOM Delegation of Sarasota County

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA CREATING A SARASOTA COUNTY POLLUTION RECOVERY TRUST FUND IN WHICH TO DEPOSIT MONEY COLLECTED THROUGH ENFORCEMENT PROCEEDINGS AND TO BE USED TO ENHANCE SARASOTA COUNTY'S ENVIRONMENTAL RESOURCES.

FILED FOR RECORD
DEC 21 1 13 PM '91
CLERK OF COUNTY

WHEREAS, it is desirable that money collected in instances of environmental violation be deposited into a Sarasota County Pollution Recovery Trust Fund; and

WHEREAS, it is desirable that money recovered by Sarasota County for environmental violations be used to restore the polluted area that was subject of the violation to its former condition, or to otherwise enhance pollution control activities in Sarasota County; and

WHEREAS, it is beneficial to establish a method for resolving enforcement matters in a manner required by the Florida Department of Environmental Regulation pursuant to Florida Statutes Section 403.165, with consideration of future delegation of authority from the State.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, as follows:

A. There is hereby established a Sarasota County Pollution Recovery Trust Fund (hereinafter the "Fund").

B. Money collected for administrative costs, fees and penalties from consent orders with Sarasota County for violations of Sarasota County Ordinance No. 72-37 as amended or consent orders with Sarasota County and the State of Florida Department of Environmental Regulations shall be placed in the Fund.

C. The money in the Fund shall be disbursed to restore the polluted area that was the subject of the violation to its former condition, or to otherwise enhance pollution control activities in Sarasota County including, but not limited to the following:

1. Monitoring and evaluating facilities which may be a source of pollution, including, but not limited to, underground storage tank systems, above ground storage tank systems, wastewater and liquid waste storage, treatment of wastewater and liquid waste and other storage, treatment and disposal systems;

2. Responding to and attempting to resolve citizen's complaints concerning facilities;

3. Investigation, preparation and prosecution of enforcement actions to protect groundwater, surface water and air quality;

4. Special studies necessary to protect groundwater, drinking water, surface water and air quality;

5. Air quality and water supply protection, planning, and programming;

6. Laboratory analyses of groundwater, surface water, drinking water, wastewater, ambient air, air emissions and other effluents affecting air or water quality;

7. Restoration of air, water, property, and animal, aquatic, and plant life;

8. Prevention of any imminent threat to public health, safety or the environment caused by the release or potential release of pollutants.

D. The Fund shall be kept and maintained by the Clerk of the Board of County Commissioners and shall be disbursed in accordance with the following procedure:

Disbursements shall be made in accordance with all applicable provisions of the Constitution and the Laws of Florida and in a manner consistent with the intent of this resolution and Section 403.165 Florida Statutes.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 24 day of October, 1991.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

BY: [Signature]

ATTEST:

KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk
of the Board of County Commissioners
of Sarasota County, Florida

BY: [Signature]

Deputy Clerk

wp\resoluti\r-recove

DOMESTIC WASTEWATER STRICTER RULES

SARASOTA COUNTY

Pursuant to section 403.182 (6), Florida Statutes, "...whenever rules, regulations, or orders of a stricter or more stringent nature have been adopted by a local pollution control program, the department (DEP), if it elects to assert its jurisdiction, shall then enforce the stricter rules, regulations, or orders (stricter rules) in the jurisdiction where they apply." Upon the effective date of a Domestic Wastewater Specific Operating Agreement (SOA) between DEP and the Sarasota County Natural Resources Department (Local Program), DEP shall enforce the following Local Program stricter rules, when it asserts jurisdiction, for all domestic waste facilities in Sarasota County. However, Local Program stricter rules not already incorporated in DEP permits shall not apply to DEP permits currently valid as of the effective date of the SOA, and permit conditions in any construction permit that would apply to the operation permit shall be included in such operation permit when issued by either the Local Program or the Department. Subsequent new or amended Local Program stricter rules shall not be enforceable under States authority by either party unless and until this Exhibit is modified by agreement in accordance with the SOA.

1. **SARASOTA COUNTY ORDINANCE No. 96-020, Section 5.A.5.**

Providing pollution control inspectors the right to inspect "closely regulated facilities" between 8 am and 5 pm, Monday through Sunday, without consent or prior notice. (Requires consent or search warrant for other time periods.)

2. **SARASOTA COUNTY ORDINANCE No. 96-020, Section 7.C.**

Defines "Abnormal Events" that must be reported to the county as conditions "causing or likely to cause unsafe wastewater facility operation." Written reports, when required, must be submitted within 72 hours. Rule 62-620.610(20), F.A.C., refers to events that result in "non-compliance" and written report due in five days.

3. **SARASOTA COUNTY ORDINANCE No. 96-020, Section 7.F.**

Restricting land application of residuals to a minimum of Class B criteria (same as federal regulations, but different from DEP's threshold of Class C). Also, holding residuals haulers (as well as generators) responsible for compliance with Chapter. 62-640, F.A.C.

END OF LIST

DOMESTIC WASTEWATER SPECIFIC OPERATING AGREEMENT

Pursuant to Section 403.182 of the Florida Statutes (F.S.), on _____ the Florida Department of Environmental Protection (DEP) initially approved a Specific Operating Agreement (SOA) for the purpose of delegating domestic wastewater (DOM) authority to the Sarasota County Natural Resources Department (Local Program). Section 16 of the SOA specifies that the SOA effective date shall be 90 days after the initial approval date contingent upon an affirmative finding by the DEP Southwest District that the Local Program has, within the 90 day period, met all Local Program requirements under Section 8 of the SOA.

As of _____, the Southwest District finds that:

1. The Local Program _____ HAS _____ HAS NOT provided by ordinance, regulation, or local law for DOM requirements compatible with, more extensive, or stricter or more stringent than those imposed by Chapter 403, F.S., and rules issued thereunder, to the extent of delegation;
2. The Local Program _____ HAS _____ HAS NOT procured necessary equipment and hired a staff capable of performing the duties specified in the SOA;
3. The Local Program _____ HAS _____ HAS NOT installed adequate computer hardware and software at its end to satisfy the requirements of the SOA; and
4. The Local Program _____ HAS _____ HAS NOT notified each owner of a delegated facility as to the procedural changes brought about by the SOA, and has made available permit application information needed by potential applicants in the Local Program's geographical jurisdiction.

THEREFORE:

_____ YES: THE LOCAL PROGRAM HAS MET ALL LOCAL PROGRAM REQUIREMENTS UNDER SECTION 8 OF THE SOA. THE EFFECTIVE DATE OF THE SOA IS _____. THIS AFFIRMATIVE FINDING IS HEREBY AN EXHIBIT OF THE SOA. [ATTACH VERIFICATION DOCUMENTS AS AVAILABLE.]

_____ NO: THE LOCAL PROGRAM HAS NOT MET ALL LOCAL PROGRAM REQUIREMENTS UNDER SECTION 8 OF THE SOA. PURSUANT TO SECTION 16 OF THE SOA, IT IS HEREBY NULL AND VOID. [ATTACH DETAILS OF MISSING ITEMS.]

Dr. Richard Garrity
Director of District Management
Southwest District
Florida DEP