

RESOLUTION 2024-05

A RESOLUTION OF THE VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 5 ADOPTING THE STORMWATER POLLUTION PREVENTION DISCHARGE POLICY, AUTHORIZING THE CHAIRMAN'S SIGNATURE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of the Village Community Development District No. 5 desires to adopt the Stormwater Pollution Prevention Discharge Policy and authorize the Chairman to execute the policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 5, AS FOLLOWS:

1. The Board of Supervisors adopts the Stormwater Pollution Prevention Discharge Policy and authorizes the Chairman to execute the policy.

THIS RESOLUTION INTRODUCED and ADOPTED BY THE by the BOARD OF SUPERVISORS at their regular meeting on April 19, 2024.

ATTEST:

VILLAGE COMMUNITY
DEVELOPMENT DISTRICT NO. 5:

Kenneth C. Blocker, Secretary

Gary Kadow, Chairman

VILLAGE COMMUNITY DEVELOPMENT
DISTRICT NO. 5

STORMWATER
POLLUTION PREVENTION
DISCHARGE POLICY

STORMWATER POLLUTION PREVENTION DISCHARGE POLICY

SECTION 1: PURPOSE/INTENT

The purpose of this policy is to provide for the health, safety, and general welfare of the citizens of Village Community Development District No. 5 through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This policy establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this policy are:

- 1) To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
- 2) To prohibit illicit connections and discharges to the MS4.
- 3) To establish inspection and surveillance procedures necessary to ensure compliance with this policy.

SECTION 2: DEFINITIONS

For the purposes of this policy, the following shall mean:

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

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

Illegal Discharge. Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 8 of this policy.

Illicit Connections. An illicit connection is defined as either of the following:

- Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- Any drain or conveyance connected from a commercial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by Village Community Development District No. 5 and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.

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

Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Person. Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

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

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels,

reservoirs, and other drainage structures.

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

Stormwater Management Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

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

SECTION 3: APPLICABILITY

This policy shall apply to all water entering the storm drain system generated on any developed and undeveloped lands within Village Community Development District No. 5 unless explicitly exempted by Village Community Development District No. 5.

SECTION 4: RESPONSIBILITY FOR ADMINISTRATION

Village Community Development District No. 5 shall administer and implement the provisions of this policy. Any duties imposed upon Village Community Development District No. 5 may be delegated in writing by the Director of Village Community Development District No. 5 to persons or entities acting in the beneficial interest of or in the employ of Village Community Development District No. 5.

SECTION 5: ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this policy are minimum standards; therefore, this policy does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

SECTION 6: DISCHARGE PROHIBITIONS

6.1. Prohibition of Illegal Discharges.

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- 1) The following discharges are exempt from discharge prohibitions established by this policy: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from wetlands, dechlorinated swimming pool discharges, and street wash water.
- 2) Discharges or flow from firefighting, and other discharges specified in writing by Village Community Development District No. 5 as being necessary to protect public health and safety.
- 3) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

6.2. Prohibition of Illicit Connections.

- 1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- 2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- 3) A person is considered to be in violation of this policy if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- 4) Improper connections in violation of this policy must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of Village Community Development District No. 5.

- 5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice from Village Community Development District No. 5 requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to Village Community Development District No. 5.

SECTION 7: WATERCOURSE PROTECTION

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

SECTION 8: CONSTRUCTION ACTIVITY DISCHARGES

Submission of NOI: Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required prior to the allowing of discharges to the MS4.

SECTION 9: REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

Village Community Development District No. 5 will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4.

SECTION 10: NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify Village Community Development District No. 5 in person or by phone or facsimile no later than the next business day. If the discharge of prohibited materials emanates from a commercial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence.

SECTION 11: WRITTEN NOTICE

When Village Community Development District No. 5 finds that any person has violated, or continues to violate, any provision of this policy, or any order issued hereunder, Village Community Development District No. 5 may serve upon that person a Written Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease.

ADOPTION OF POLICY

APPROVED AND ADOPTED THIS 19TH DAY OF APRIL, 2024.

VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 5

By: _____
Gary Kadow, Chairman