

ARTICLE 14

ENVIRONMENTAL STANDARDS

	Page
CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION.....	7
Section 1 Purpose and Intent	7
Section 2 Definitions	7
Section 3 STPZ/STPO – Sea Turtle Protection Ordinance	7
Section 4 Applicability	7
Section 5 Authority.....	7
Section 6 Jurisdiction	7
Section 7 De Minimis.....	8
Section 8 Sea Turtle Protection Lighting Plan	8
Section 9 Criteria for STLP Approval	9
Section 10 Inspection Required	10
Section 11 Standards for Existing Beachfront Lighting.....	10
A. Adjustment to Essential Lighting	10
B. Reduction of Indirect Lighting on the Beach.....	10
C. Lighting for Pedestrian Traffic	10
D. Use of Window Treatments	10
E. Special Lighting Restrictions during the Nesting Season	10
F. Recommended Corrective Action.....	10
G. Enforcement and Implementation of Corrective Measures	11
Section 12 Standards for Dune Crossovers	11
A. Information Sign Requirements.....	11
1. Sign Posting Responsibility	11
2. Sign Maintenance Requirements	11
3. Sign Removal	11
Section 13 Standards for SPZ	11
Section 14 Appeals.....	11
Section 15 Fees.....	11
Section 16 Violations.....	12
Section 17 Enforcement.....	12
CHAPTER B WELLFIELD PROTECTION	12
Section 1 Purpose and Intent	12
Section 2 Definitions	12

Section 3	Applicability	12
	A. General	12
	B. Review and Permitting Procedures	12
Section 4	Effective Date	13
	A. Effective Date	13
	B. Time of Review.....	13
	C. Certification of Compliance.....	13
	D. Screening of Occupational License.....	13
	E. Zone 1 Activities	13
	F. Interdepartmental Coordination.....	13
Section 5	Exemption	13
	A. General Exemptions	13
	1. Application.....	13
	2. Fee	13
	3. Procedure	13
	4. General Exemption Activities and Criteria	14
	B. Special Exemptions.....	15
	1. Criteria.....	15
	2. Procedures	15
Section 6	Zones of Influence	17
	A. Maps	17
	1. Amendments	17
	2. Basis.....	18
	3. Review	18
	4. Boundaries	18
	5. Interpretation of Boundaries.....	18
	6. Reference Raw Water Analysis to be Completed for Each Well	18
	B. Protection of Future Wellfields	18
	C. Prohibitions and Restrictions	19
	1. Zone 1.....	19
	2. Zone 2.....	19
	3. Zone 3.....	21
	4. Zone 4.....	22
	D. Other Requirements and Liabilities	23
	E. Domestic Wastewater and Stormwater Treatment.....	23
	1. Sanitary Sewer Mains	23
	2. Exfiltration Systems.....	24
	3. Retention/Detention Ponds.....	24
	4. Percolation Ponds.....	24
	5. Land Application of Domestic Wastewater Effluent.....	24
	6. Onsite Sewage Disposal Systems.....	24
	F. Spill Assessment and Remediation.....	24
Section 7	Wellfield Protection (Operating and Closure Permits)	24
	A. General	25
	B. Applications	25
	1. Operating Permit	25
	2. Closure Permit.....	25
	3. Permit Conditions	26
	4. Bond Required	26
	5. Clean-up and Reimbursement	27

Section 8	Appeals	27
	A. General	27
	B. Matters for Review and Time for Filing	27
Section 9	Petition for Compensation	27
	A. Filing	27
	B. Contents of Petition	27
	C. Hearing on Petition	27
	D. Review and Evaluation Criteria	28
	1. Cessation or Move	28
	2. Change In Operations	28
	E. Classes of Impact for Which Compensation May Be Granted	28
	1. Actual Reasonable Relocation Expenses	28
	2. Actual Reasonable Modification of Operation Expenses	28
	3. Actual Direct Losses of Tangible Personal Property	29
	4. In Lieu of Actual Moving Expenses	29
	5. Exclusions on Moving Expenses and Losses	29
	6. Payment and Release of Obligation	29
	7. Appeal	30
Section 10	Transfers and Changes In Ownership	30
Section 11	Trade Secrets	30
Section 12	Fees	30
	A. Filing Fee	30
	B. Wellfield Protection Operating Permit Fee	30
	C. Closure Permit Fee	30
	D. Permit Transfer Fee	30
	E. Special Exemption Fee	30
	F. General Exemption Fee	30
	G. Annual Permit Renewal Fee	30
	H. Late Fee	30
Section 13	Revocation and Revision of Permits and Exemptions	30
	A. Revocation	31
	B. Revision	31
	C. Spills	31
	D. Revocations of Exemptions	31
	E. Notice	31
	F. Appeals	31
	G. Other Remedies	31
Section 14	Violations, Enforcement and Penalties	31
Section 15	Groundwater And Natural Resources Protection Board (GNRPB)	31
Section 16	Additional Enforcement Measures	32
Section 17	PBC Pollution Recovery Trust Fund	32
CHAPTER C	VEGETATION PRESERVATION AND PROTECTION	32
Section 1	General	32
	A. Goals	32

Section 2	Definitions	32
Section 3	Purpose	32
Section 4	Applicability	32
Section 5	Authority.....	32
Section 6	Approval Required Unless Exempt	33
Section 7	Application, Process, and General Standards	33
	A. Requirements and Process	33
	B. Types of Approval	34
	1. Vegetation Removal Notice (VRN) for Single Family Parcels	34
	2. General Permit.....	34
	3. Standard Permit	34
	4. Wetlands Alteration Permit	34
	5. De Minimis	34
	C. Standards of Issuance	34
Section 8	Exemptions	34
	A. Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or Bonafide Agricultural Operations	34
	B. Fencing.....	34
	C. Forest Management Activities.....	35
	D. Improval Parcels.....	35
	E. Landscape Plant Removal	35
	F. Lot Clearing Provisions	35
	G. Mitigation or Enhancement Projects	35
	H. Natural Emergencies.....	35
	I. Parks and Recreation	35
	J. Preserve Management Activities	35
	K. Projects Requiring an Environmental Resource Permit.....	35
	L. Pruning	35
	M. Utilities, Water Control, Water Management Districts, and Road R-O-W	35
	N. Survey or Other Test Required	35
Section 9	Vegetation Removal Notice for Single Family Residential Parcels.....	35
	A. Minimum Alteration	36
	B. Removal of Prohibited Invasive Non-Native Vegetation	36
	C. Permit Duration.....	36
Section 10	General Permit	36
Section 11	Standard Permit.....	36
	A. Applicability	36
	B. Technical Requirements for a Standard Permit	36
	1. Removal of Prohibited Invasive Non-Native Vegetation	36
	2. Incorporation or Relocation of Existing Native Vegetation	37
	3. Specimen Tree Removal.....	37
	4. Establishing Native Upland Preserves	38
	5. Native Upland Preserve Exemption for Single Family Use.....	39
	6. Surplus Native Vegetation	39
	7. Preserve Maintenance	39
	C. Standard Permit Options	40
	1. Option For Permit in Advance Of Approval By Other Agencies.	40

2.	Cash Payment Option in Lieu of Native Upland Preserve	40
3.	Alternative Mitigation for Publicly Owned Parcels	41
4.	Mitigation Option for Projects	41
5.	Selective Mitigation.....	41
6.	Bonafide Agriculture Initial Clearing.....	41
Section 12	Removal of Prohibited Invasive Non-Native Vegetation	41
A.	Removal of Prohibited Plant Species	41
Section 13	Fees.....	41
Section 14	Appeals.....	42
A.	Hearing Officer.....	42
1.	Submittal.....	42
2.	Hearing	42
3.	Judicial Relief	42
Section 15	Violations.....	42
A.	Violations.....	42
B.	Enforcement.....	43
C.	Pollution Recovery Trust Fund	43
Section 16	Mitigation or Restoration	43
Table 14.C.16-1	Tree Replacement	43
Section 17	Natural Areas and Preserve Areas	44
A.	Natural Areas	44
B.	Special Preservation Protection Standards.....	44
CHAPTER D	PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE	45
Section 1	Purpose and Intent	45
Section 2	Definitions	45
Section 3	Applicability	45
Section 4	Authority.....	45
Section 5	Protection of Natural Areas:.....	45
Section 6	Removal of Prohibited Invasive Non-Native Vegetation	45
Section 7	Incentives	46
Section 8	Exemptions	46
Section 9	Enforcement.....	46
APPENDIX 1	GENERIC SUBSTANCES LIST	48
APPENDIX 2	OPERATING AND CLOSURE PERMIT BONDS.....	48
APPENDIX 3	BEST MANAGEMENT PRACTICES FOR THE CONSTRUCTION INDUSTRY	48
APPENDIX 4	ORGANIC PRIORITY POLLUTANTS.....	49

APPENDIX 5 MINIMUM STANDARDS FOR SEWER PIPE FITTINGS.....	50
A. Ductile Iron Pipe and Fittings for Gravity Sewer and Force Main Application	50
B. Polyvinyl Chloride Pipe (PVC) and Fittings for Gravity and Sewer Force Main Applications.....	50
C. Coatings	50
D. Leakage Tests.....	50
E. Manholes	50
APPENDIX 6 PROHIBITED INVASIVE NON-NATIVE VEGETATION	50
APPENDIX 7 INVASIVE NON-NATIVE VEGETATION	51
APPENDIX 8 SPECIMEN TREE LIST	51
APPENDIX 9 INVASIVE NON-NATIVE VEGETATION WITHIN PRESERVES	52
APPENDIX 10 NATURAL AREAS	53
APPENDIX 11 PROHIBITED VEGETATION REMOVAL SCHEDULE	54
APPENDIX 12 INCENTIVE PROGRAM	55

ARTICLE 14

ENVIRONMENTAL STANDARDS

CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

Section 1 Purpose and Intent

The purpose of this Chapter is to reduce impacts of coastal lighting on sea turtles. This Chapter is also intended to maintain the volume and quality of sand presently existing within the beach/dune system. The unique characteristics of sediments contained in the existing beaches and dunes of PBC require the preservation of these materials within the beach/dune system.

Section 2 Definitions

See [Art. 1.I, Definitions and Acronyms](#)

Section 3 STPZ/STPO – Sea Turtle Protection Ordinance

This Chapter shall be known as the PBC Sea Turtle Protection and Sand Preservation Standards. It repeals and replaces PBC [Ordinances 72-12](#), [78-20](#), [87-13](#) and [90-2](#).

Section 4 Applicability

- A. All provisions of this Chapter shall be effective within the unincorporated and incorporated areas of PBC, and shall set restrictions, constraints and requirements to preserve and protect sea turtles, sea turtle habitat and beach/dune sediments.
- B. PBC funds for dune restoration or shore protection projects in municipalities shall be contingent upon this Chapter being fully enforced or the adoption and enforcement of an equally stringent or more stringent ordinance by a municipality. Funding determinations shall be based on ERM's review and acceptance or rejection of a municipality's replacement ordinance, as well as a review of permits and variances and enforcement notices issued pursuant to the municipal ordinance.
- C. This Chapter shall apply to any coastal lighting activity that has the potential to adversely impact sea turtles in PBC within the limits of jurisdiction. This Chapter shall also apply to any sand removal or degradation that has the potential to adversely impact the unique sediments which comprise the coastal beach/dune system in PBC within the limits of jurisdiction.

Section 5 Authority

This Chapter is adopted under the authority of [F.S. 125.01](#) et seq.

Section 6 Jurisdiction

- A. ERM shall have regulatory authority over coastal lighting and alterations to the beach/dune system. This Chapter establishes two zones of jurisdiction: the Sea Turtle Protection Zone (STPZ) and the Sand Preservation Zone (SPZ). The STPZ extends from three miles offshore of the Atlantic Ocean and along inlet shorelines to a line 600 feet landward of the mean high water line. The SPZ extends from the mean high water line of the Atlantic Ocean to 600 feet landward.
- B. The STPZ is established for the purpose of minimizing and controlling coastal lighting. Incorporated areas of PBC which have a Sea Turtle Protection Ordinance (STPO) in effect shall not be subject to the provisions of this Chapter which pertain to coastal lighting.
- C. The SPZ is established for the purposes of maintaining the volume and quality of beach sand presently existing within the beach/dune system. The unique characteristics of the sediments contained in the existing beaches and dunes of PBC require the preservation of these materials within the beach/dune system. Incorporated areas of PBC which have provisions in effect to preserve beach/dune sediments shall not be subject to the provisions of this Chapter which pertain to Sand Preservation.
- D. Within the limits of jurisdiction of the STPZ as defined in this Chapter, no person, firm, corporation, municipality, special district or public agency shall install any artificial lighting without first having obtained

an approved Sea Turtle Protection Lighting Plan (STLP) from ERM as provided for in this Chapter. Existing beachfront lighting located within or causing illumination within the STPZ as defined herein shall comply with [Article 14.A.11, Standards for Existing Beachfront Lighting](#).

- E. Within the limits of jurisdiction of the SPZ as defined in this Chapter, no person, firm, corporation, municipality, special district or public agency shall remove any beach or dune sediments from their property or from the SPZ without first complying with [Article 14.A.13, Standards for SPZ](#).
- F. Beach obstructions are exempt from the requirements of this Section. However, this exemption shall not be in effect during sea turtle nesting season (March 1 – October 31) unless the structures are removed daily from the beach prior to 9:30 p.m., and are not moved onto, or placed on the beach before completion of monitoring conducted by personnel with prior experience and training in nest survey procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit (daily sea turtle monitoring), or unless the beach furniture is being actively used or attended during the period of time from 9:30 p.m. until the next days monitoring. Beach obstructions shall be removed from the beach or placed as close to the toe of the dune as possible in an area that does not impact native vegetation or significantly affect sea turtles. Exemptions under this provision are not intended to authorize any violation of F.S. § 370.12 or any of the provisions of the Endangered Species Act of 1973, as may be amended. (Ord. No. 05-27, § 3.QQ) **[Ord. 2006-036]**

Section 7 De Minimis

Those project for which ERM provides a written determination that there will be no significant adverse environmental impacts. Approvals may include but are not limited to: removal of a light source whether approved or not approved; reduction in light intensity of a light source; installation of a light source within the STPZ which is not directly or indirectly visible from the beach.

Section 8 Sea Turtle Protection Lighting Plan

- A. A STLP approval is required for all new building construction and new artificial lighting proposed within the STPZ. A STLP shall be approved by ERM prior to the issuance of a building permit by the PZB or the local building department.
- B. Applications shall be made on a form approved by ERM. ERM may make use of forms already in use by the State of Florida and/or federal agencies.
- C. ERM may attach conditions to any STLP approval where such conditions are deemed reasonably necessary to protect sea turtles.
- D. Any application received that is substantially the same as a previous application that has been denied by ERM shall also be denied without further processing.
- E. Any site or property owner that is subject to or recipient of a notice of violation or notice of noncompliance that remains unresolved shall not be issued an ERM STLP approval.
- F. STLP approval shall not be issued or processed until the application fee and any and all information necessary to fully understand the extent, nature, and potential impacts of a proposed lighting plan are received by ERM. Such information may include, but is not limited to:
 - 1. A completed application form;
 - 2. An explanation of the necessity and purpose of the proposed lighting;
 - 3. Photographs of existing conditions which may include aerial photographs;
 - 4. Plans showing profile and plan views depicting all light fixture locations, the elevations of proposed and existing structures, proposed and existing vegetation, beach/dune profiles and pertinent topographic information; and
 - 5. Electrical, building and landscape plans shall be submitted illustrating all exterior lights and windows within line of sight of the beach. Light and window tinting information shall include:
 - a. The location, number, wattage, elevation, orientation, light fixture cut sheets, photometric illustrations and all type(s) of proposed artificial light sources. **[Ord. 2006-036]**
 - b. Protective/mitigative measures to minimize lighting impacts on sea turtles, including measures to prevent direct and indirect illumination of areas seaward of the crest of the dune.
 - c. Window tinting specifications for all windows and doors within line of sight of the beach including percentage of visible light transmittance (see definition of tinted glass).
- G. When an application is made for a STLP approval in common areas of a multi-family residential site (i.g., condominiums, apartments, townhouses, villas, etc.), the representative association, or all of the homeowners as a group, shall be the applicant. ERM shall not process an application made by one unit

owner in a multi-family setting where the work is proposed on lands designated as, or can reasonably be considered to be, common areas.

- H. Upon receipt of an application and appropriate application fee, ERM shall have 30 days to request any additional information. Within 30 days of receipt of such additional information, ERM may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information. No time clocks of this Section shall begin until the appropriate application fee is received.
- I. If ERM does not make a request for additional information within 30 days of receipt of an application or requested information, the application shall be deemed complete upon receipt.
- J. If an applicant fails to respond to an ERM request for an application fee, or any additional information, within 60 days, the application may be denied without prejudice. However, ERM may grant an extension of time as is reasonable necessary to fulfill the request for additional information.
- K. Upon receipt of a completed application and fee, ERM shall have 90 days to take final action unless the applicant agrees in writing to a time extension or waiver of this requirement. Final agency action shall be approval of a STLP, denial of a STLP, or conditional approval of STLP. Failure by ERM to take final action within 90 days shall result in the authorization of the proposed work with standard limiting conditions.
- L. Any application containing false information may be rejected and any STLP approval granted based upon false information may be revoked.
- M. ERM STLP approvals may be issued with a duration period that is reasonably necessary to complete the project not to exceed five years.
- N. Any substantial modification to a complete application, or a STLP approval, shall require an amended application form and an additional application fee and shall restart all time periods of this Section.

Section 9 Criteria for STLP Approval

- A. A STLP approval may be issued pursuant to this Chapter provided that the applicant provides to ERM reasonable assurance that there shall be no adverse impacts to sea turtles, sea turtle nesting, and sea turtle habitat, and that the following criteria will be met:
 - 1. Any and all light fixtures shall be designed to be the minimum level necessary for safety and will be positioned such that they do not cause illumination (direct or indirect) of areas seaward of the existing seawall or crest of dune and the source of light is not directly visible from the beach;
 - 2. ERM determines that coastal lighting alternatives and modifications to lessen impacts are infeasible; and
 - 3. ERM determines that the cumulative impacts of the subject lighting project and other similar lighting projects will also meet the criteria of this Chapter.
- B. Measures that may be implemented to protect sea turtles include: elimination, modification or alteration of all proposed and/or existing exterior lights that cause direct or indirect illumination of areas seaward of the existing crest of dune or which are visible from the beach.
- C. All lighting installed after September 2, 1987 in unincorporated PBC and in municipalities that do not have a STPO in effect shall comply with the following standards:
 - 1. no artificial public or private light source shall directly or indirectly illuminate areas seaward of the crest of the dune or be visible from the beach where it may deter adult female sea turtles from nesting or disorient hatchlings;
 - 2. the installation of coastal lighting shall reflect the standards and mitigative measures published in the current state-of-the-art manual pertaining to coastal lighting and sea turtle conservation available at ERM (Witherington, Blair E. & Eric R. Martin, Understanding, Assessing and Resolving Light-pollution Problems on Sea Turtle Nesting Beaches, Florida Marine Research Institute Technical Report, Florida Department of Environmental Protection, 1996).
 - 3. any and all light fixtures shall be designed and/or positioned such that they do not cause direct or indirect illumination of areas seaward of the crest of the dune and the source of light is not directly visible from the beach,
 - 4. all lights on balconies shall be eliminated or shielded from the beach. Proposed balcony lights which do not meet standard [Art. 14.A.9.C.1](#), above shall not be authorized, and **[Ord. 2005 – 002]**
 - 5. artificial lighting for decorative or accent purposes and uplights shall not be authorized within the zone of jurisdiction unless it is not directly or indirectly visible from the beach.
 - 6. Lighting used in parking lots within the STPZ shall be:
 - a. Set on a base which raises the source of light no higher than 48 inches off the ground unless the lighting is not directly or indirectly visible from the beach.

- b. Positioned and/or shielded such that the source of light is not visible from the beach.
- 7. Sign lighting may be authorized provided it illuminates an area less than 15 square feet and meets the criteria of standard [Article 14.A.9.C.1](#), above.
- 8. Open fires on the beach shall be prohibited during Sea Turtle Nesting season. **[Ord. 2005 – 002]**
- D. Tinted glass or any window film applied to window glass which meets the defined criteria for tinted glass, shall be installed on all windows and doors within line of sight of the beach.

Section 10 Inspection Required

- A. Prior to the issuance of a Certificate of Occupancy (CO) by the PZB or local building department, each facility shall be inspected for compliance as follows:
 - 1. Upon completion of the construction activities, a State of Florida registered architect, landscape architect, environmental professional or professional engineer shall conduct a site inspection which includes a night survey with all the beachfront lighting turned on.
 - 2. The inspector shall prepare and report the inspection finding in writing to ERM, identifying:
 - a. the date and time of initial inspection;
 - b. the extent of compliance with this Chapter and the approved STLP;
 - c. all areas of potential and observed noncompliance with this Chapter;
 - d. any action(s) taken to remedy observed noncompliance and date remedy will be implemented, if applicable; and
 - e. the date(s) and time(s) of remedial inspection(s), if applicable.
 - 3. The inspector shall sign and seal the inspection report which includes a certification that:
 - a. the beachfront lighting has been constructed in accordance with this Chapter;
 - b. the inspector observed the project area at night with all lights operating;
 - c. the beachfront lighting does not directly or indirectly illuminate areas seaward of the crest of the dune at the time of the night inspection; and
 - d. the beachfront light sources within the jurisdictional boundaries are not directly or indirectly visible from the beach at the time of the night inspection.

Section 11 Standards for Existing Beachfront Lighting

A. Adjustment to Essential Lighting

In some cases, it may be desirable to retrofit light fixtures and install and shield low pressure sodium vapor lights producing wavelengths between 589 and 590 nanometers. **[Ord. 2006-036]**

B. Reduction of Indirect Lighting on the Beach

The installation of ground level barriers including dense native vegetation is strongly encouraged and may be required to reduce the amount of lighting striking the beach/dune system.

C. Lighting for Pedestrian Traffic

Lights illuminating beach access points, dune crossovers, beach walkways, piers or any other structure seaward of the crest of the dune designed for pedestrian traffic shall be the minimum level necessary to maintain safety and shall be located and shielded such that lights and their illumination are not directly or indirectly visible from the beach.

D. Use of Window Treatments

To prevent interior lights from illuminating the beach, window treatment shall be required on all windows visible from the beach within jurisdictional boundaries. Blackout draperies or shadescreens are preferred. Alternatively or additionally, window tint may be applied to beachfront windows. The turning out of all unnecessary interior lights during the nesting season is strongly encouraged.

E. Special Lighting Restrictions during the Nesting Season

Effective May 1, 1988, and continuously throughout each nesting season (March 1 through October 31), external light sources that are visible from the beach or illuminate directly or indirectly areas seaward of the crest of the dune shall be disconnected or otherwise modified to comply with this Chapter.

F. Recommended Corrective Action

The following measures can be used to reduce or eliminate the effects of any exterior lighting on hatchlings and nesting sea turtles:

- 1. permanently remove the light fixture; **[Ord. 2006-036]**
- 2. disconnect the light fixture; **[Ord. 2006-036]**
- 3. reposition the light fixture so the point source of light is no longer visible from the beach; **[Ord. 2006-036]**

4. replace light fixtures having an exposed light source with light fixtures containing recessed light sources or shields; **[Ord. 2006-036]**
5. replace non-directional light fixtures with directional light fixtures pointing down and away from the beach; **[Ord. 2006-036]**
6. replace light fixtures having translucent or transparent coverings with light fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the light fixture on seaward side so the light source is not visible from the beach; **[Ord. 2006-036]**
7. replace pole lamps with low profile, low-level luminaries so that the light source is not visible from the beach;
8. plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
9. construct an ornamental structural barrier to shield light source from the beach; and
10. modify the light fixture by adding a shield. **[Ord. 2006-036]**

G. Enforcement and Implementation of Corrective Measures

In areas where compliance with the lighting conditions of this article are not evidenced, non-compliant property owners shall be required to implement appropriate corrective measures, developed in consultation with ERM to correct negative impacts to sea turtles. Corrective measures shall be implemented in addition to applicable penalties and fines. Any corrective program implemented as a result of noncompliance with lighting conditions of this article shall remain in effect until such time that acceptable beachfront lighting is achieved. Relocation of nests where authorized by the FFWCC shall be considered only as a last resort and as a temporary measure while other solutions are being developed and implemented.

Section 12 Standards for Dune Crossovers

A. Information Sign Requirements

Permanent sea turtle information signs shall be conspicuously posted by applicable jurisdictions at all public beach access points provided with dune crossovers. The information signs shall be standardized by ERM.

1. Sign Posting Responsibility

Sea turtle information signs shall be encouraged at all new private beach access points provided with dune crossovers. Signage shall be the responsibility of the property owner.

2. Sign Maintenance Requirements

Standardized sea turtle information signs shall be maintained in perpetuity such that information printed on the signs remains accurate and legible and the signs positioned such that they are conspicuous to persons at all public beach access points provided with dune crossovers.

3. Sign Removal

Removal of the information signs by anyone other than those authorized by ERM is prohibited.

Section 13 Standards for SPZ

- A. There shall be no net loss of sand from the SPZ. Sand temporarily excavated from the SPZ shall be returned to the SPZ. Sand shall be returned to the SPZ prior to the issuance of a building department CO where a CO is required, or within six months of the excavation for projects which do not require a CO. In addition, the sand may not be degraded by mixing with any sediment, soil, or material, such that it will not meet the definition for beach compatible sand as defined.
- B. Sediment analysis of existing beach/dune and any proposed fill material to be mixed with the existing sand may be required by ERM. Written notification must be provided to ERM (attention: ERM Coastal Geologist) prior to removal of sand from the SPZ.

Section 14 Appeals

Any affected party may appeal a final determination of ERM pursuant to [Article 14.C.14, Appeals](#).

Section 15 Fees

- A. Fee shall be required as established by the approved fee schedule.
- B. Fees shall be non-refundable and nontransferable.
- C. All application fees paid by check shall be made payable to the BCC.

Section 16 Violations

- A. An unapproved lighting source illuminated during the night which is directly or indirectly visible from the beach.
- B. An approved lighting source which has experienced a change in conditions such that it is no longer in conformance with this Chapter. Conditions may include but are not limited to: increase of intensity or direction of the light source; failure to maintain proper shielding, addition or modification of adjacent structures; modification of background colors of the structure; or modification of height of vegetation, width or height of dune or width of beach.
- C. Installation of beachfront light fixtures in the STPZ without ERM approval.
- D. Submittal to ERM of any signed and sealed lighting inspection report containing false information.
- E. Removal of sand from the SPZ without first supplying written notification to ERM.
- F. Degrading sand by mixing with sediment, soil, or material such that it will not meet the definition for beach compatible sand.
- G. Alterations which result in a net loss of sand from the SPZ.
- H. Failure to comply with the requirements of this Chapter or any approval granted or authorized hereunder.
- I. Traversing a natural dune by a pedestrian within 200 feet of a public dune walkover.
- J. Any lighting projects or alterations which would have been in violation of PBC [Ordinances No. 72-12, 78-20, 87-13](#) or [90-2](#), as amended, during its effective period, shall continue to be violations under this Chapter but shall be subject to prosecution under the terms of PBC [Ordinance No. 72-12, 78-20, 87-13](#) or [90-2](#) as amended.

Section 17 Enforcement

- A. In order to enforce compliance with the provisions of this Chapter, ERM may issue a cease and desist order or require that a building permit or CO be withheld. Violations of the provisions of this Chapter shall be punishable by one or more of the following:
 - 1. triple application fees for STLP approvals not obtained prior to violations involving activities which would otherwise have been authorized as determined by ERM;
 - 2. enforcement procedures as outlined in [Article 10.C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD](#) ; or
 - 3. notwithstanding, the enforcement procedures set forth above, PBC shall not be prevented from enforcing the provisions of this Chapter by any other measures allowable by law, including but not limited to, [F.S. Chapters 125](#) and [162](#), as may be amended.
- B. All monies collected as civil penalties for violations of this Chapter shall be deposited in the Pollution Recovery Trust Fund.

CHAPTER B WELLFIELD PROTECTION

Section 1 Purpose and Intent

- A. The purpose and intent of this Chapter is to protect and safeguard the health, safety, and welfare of the residents and visitors of PBC by providing criteria for regulating and prohibiting the use, handling, production and storage of certain deleterious substances which may impair present and future public potable water supply wells and wellfields.

Section 2 Definitions

See [Art. 1.I, Definitions and Acronyms](#)

Section 3 Applicability

A. General

The provisions of this Chapter shall be effective within the incorporated and unincorporated areas of PBC, and shall set restrictions, constraints and prohibitions to protect present and future public potable water supply wells and wellfields from degradation by contamination of deleterious substances.

B. Review and Permitting Procedures

No building permit or occupational license for any nonresidential activity shall be issued by PBC or any city located within PBC that would allow development or construction in Zones 1, 2, 3, or 4 that is contrary to the restrictions and provisions provided in this Chapter. Permits or occupational licenses issued in

violation of this Chapter confirm no right or privilege on the grantee and such invalid permit or licenses will not vest rights.

Section 4 Effective Date

A. Effective Date

The requirements and provisions of this Chapter shall apply immediately upon and after March 7, 1988 to all new nonresidential activities. An existing activity is one for which a building permit or occupational license had been issued by the appropriate jurisdiction prior to March 7, 1988 and which had not expired on or before March 7, 1988, or for which a completed building permit or occupational license application had been filed and accepted with the appropriate jurisdiction prior to March 7, 1988. All other activities shall be deemed "new."

B. Time of Review

Any application for a building permit for a nonresidential development or residential development greater than 25 units or nonresidential development subject to review by an advisory planning body and approval by the local governing authority or zoning board of appeals that includes property wholly or partially within Zones 1, 2, 3, or 4, of a wellfield shall include requirements of ERM. These requirements shall be as follows:

1. Notification by the local governing authority of the location of the property in Zones 1, 2, 3, or 4 and notarized letter from applicant admitting acceptance of notification. Notification shall be prepared by ERM providing details of Zones, prohibitions, and measures required for compliance; or
2. Submittal of application to ERM for notification.

C. Certification of Compliance

Any application submitted for an occupational license for any use within Zones 1, 2, 3, or 4 of an incorporated or unincorporated area shall require certification by ERM that the use meets the applicable requirements of this Article.

D. Screening of Occupational License

It shall be the duty of each local agency to screen all applications for Zones 1, 2, 3, or 4 occupational licenses.

E. Zone 1 Activities

ERM shall provide a list to all local agencies of potentially prohibited operations in Zone 1.

F. Interdepartmental Coordination

Copies of building permits for residential uses containing more than 25 units, all nonresidential projects, and all occupational licenses issued for Zones 1, 2, 3, or 4 shall be submitted to ERM on a weekly basis, or upon issuance by the appropriate issuing authority.

Section 5 Exemption

A. General Exemptions

A general exemption application and an operating permit issued pursuant to the provisions of [Article 14.B.6.C.2, Zone 2](#), shall be filed with ERM for any nonresidential activity claiming a general exemption to these regulations under [Article 14.B.5.A.4.a, Fire, Police, Emergency Medical Services and PBC Emergency](#), [Article 14.B.5.A.4.b, Utilities in Zone 1](#), and [Article 14.B.5.A.4.f, Retail/Wholesale Sales Activities](#). No new nonresidential facilities shall be permitted into Zone 1 after March 7, 1988 if the new nonresidential facility stores, handles, produces or uses any Regulated Substance.

1. Application

A general exemption application shall contain a concise statement detailing the circumstances which the applicant believes would entitle him or her to a general exemption pursuant to [Article 14.B.5.A, General Exemptions](#).

2. Fee

A fee shall be required as established by the approved fee schedule.

3. Procedure

Within 30 working days of receipt of an application for a general exemption, ERM shall inform the applicant whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then ERM shall provide to the applicant a written statement by certified mail or hand delivery requesting the additional information required. The applicant shall inform ERM within ten working days of the date of the written statement of intent to either furnish the information or have the application processed as originally submitted. ERM shall

have 90 working days from the date that the sufficiency determination was rendered or the date of receipt of additional requested information to act upon the application.

4. General Exemption Activities and Criteria

a. Fire, Police, Emergency Medical Services and PBC Emergency Management Center Facilities

Existing fire, police, emergency medical services and PBC emergency management center facilities are exempt from the Zone 1 prohibitions set forth in [Article 14.B.6.C.1, Zone 1](#), provided that an operating permit for such uses is obtained pursuant to [Article 14.B.7.B.1, Operating Permit](#).

b. Utilities in Zone 1

Existing utilities as of July 25, 1991 shall be exempt, except for the maintenance and refueling of vehicles, from the Zone 1 prohibitions set forth in [Article 14.B.6.C.1, Zone 1](#), provided that an operating permit for such uses is obtained pursuant to [Article 14.B.7.B.1, Operating Permit](#).

c. Continuous Transit

The transportation of any Regulated Substance through Zones 1, 2, 3, or 4 shall be exempt from the provisions of this Chapter, provided that the transporting motor vehicle is in continuous transit. The transport of such substances through existing permanent pipelines is also exempt, provided that the currently authorized use or uses are not changed, and provided that leak detection and monitoring as approved by ERM are employed. No general exemption or operating permit application is required except that an operating permit is required to establish the leak detection and monitoring requirements for said existing pipelines. Any new pipelines constructed through Zones 1, 2, or 3 and carrying Regulated Substances shall be provided with secondary containment, leak detection and monitoring as approved by ERM.

d. Vehicular and Lawn Maintenance Fuel and Lubricant Use

The use in a vehicle or lawn maintenance equipment of any Regulated Substance solely as fuel in that vehicle or equipment fuel tank or as a lubricant in that vehicle or equipment shall be exempt from the provisions of this Chapter. No general exemption or operating permit application is required.

e. Application of Pesticides, Herbicides, Fungicides and Rodenticides

The application of those Regulated Substances used as pesticides, herbicides, fungicides, and rodenticide in recreation, agriculture, pest control and aquatic weed control activities shall be exempt from the provisions of this Chapter provided that:

- 1) in all zones, the application is in strict conformity with the use requirement as set forth in the substances EPA registries and as indicated on the containers in which the substances are sold;
- 2) in all zones, the application is in strict conformity with the requirements as set forth in [F. S. Chapter 482, 487](#), and [Chapters 5E 2 and 5E 9, F.A.C.](#);
- 3) in all zones, the application of any of the pesticides, herbicides, fungicides, and rodenticide shall be noted in the records of the certified operator. Records shall be kept of the date and amount of these substances applied at each location and said records shall be available for inspection at reasonable times by ERM;
- 4) in Zones 1, 2, 3, or 4, the pesticides, herbicides, fungicides, and rodenticide shall not be handled during application in a quantity exceeding 700 gallons of formulation; and
- 5) all nonresidential applicators of pesticides, herbicides, fungicides, and rodenticide who apply those substances in Zones 1, 2, 3, or 4 shall obtain an operating permit covering all application operations using these materials under one permit and shall comply with all the requirements of [Article 14.B.6.C.2.b.3\)-6\)](#), [Emergency Plan](#).

f. Retail/Wholesale Sales Activities

Retail/wholesale sales establishments in Zone 1 that store and handle Regulated Substances for resale in their original unopened containers shall be exempt from the prohibition in Zone 1, provided that those establishments obtain an operating permit pursuant to [Article 14.B.6.C.1, Zone 1](#). Items in [Article 14.B.6.C.2.b.7\)-8\)](#) [Monitoring for Regulated Substances in Potable Water](#), certification by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida, and a bond or letter of credit as set forth in [Article 14.B.7.B.4, Bond Required](#), are not required for facilities in Zones 1, 2, or 3, provided no individual container of Regulated Substances exceeds five gallons, if liquid, or 25 pounds, if solid.

g. Office Uses

Offices uses, except for the use of Regulated Substances for the maintenance and cleaning of office buildings, shall be exempt from the provisions of this Chapter, and no general exemption or operating permit shall be required.

h. Construction Activities

The activities of constructing, repairing or maintaining any facility or improvement on lands within Zones 1, 2, 3, or 4 shall be exempt from the provisions of this Chapter, provided that all contractors, subcontractors, laborers, material men and their employees, when using, handling, storing or producing Regulated Substances in Zones 1, 2, 3, or 4, use those applicable Best Management Practices set forth in [Appendix 3, Best Management Practices](#), attached hereto and incorporated herein. No general exemption or operating permit applications are required.

i. Activities Subject to Regulation Due to Accumulation of Waste Regulated Substances

Activities in Zones 2 or 3, which are subject to permitting requirements of the Chapter shall obtain an Operating Permit pursuant to the provisions in [Article 14.B.6.C.2, Zone 2](#), or [Article 14.B.6.C.3, Zone 3](#). Items in [Article 14.B.6.C.2.b.7\), Monitoring for Regulated Substances in the Potable Water Wells](#), and [Article 14.B.6.C.2.b.8, Regulated Substances in Groundwater Monitoring Wells](#), and a bond or letter of credit as set forth in [Article 14.B.7.B.4, Bond Required](#), are not required, provided that all waste liquid Regulated Substance are secondarily contained according to the conditions described in [Article 14.B.6.C.2.b.1, Containment of Regulated Substances](#), and are removed from the site on a regular schedule by a contracted hauler licensed by EPA or the State of Florida to handle the waste Regulated Substance. The accumulated waste Regulated Substance shall at no time exceed 55 gallons if liquid or 220 pounds if solid, and the accumulation time shall not exceed 90 days. Records of removal and disposal of all waste Regulated Substance through the licensed hauler shall be maintained and made available for ERM inspection at reasonable times. In addition, all other Regulated Substance shall not exceed the threshold quantities identified in the definition of "Regulated Substances". Failure to comply with any of these requirements shall subject the facility to the full permitting provisions for the applicable zone.

B. Special Exemptions

An affected person in Zones 1 or 2 may petition the hearing officer pursuant to the appeal process in [Article 14.C.14, Appeals](#), for a Special Exemption, from the prohibitions and monitoring requirements set out in [Article 14.B.6.C.1, Zone 1](#), and [Article 14.B.6.C.2, Zone 2](#). Special exemptions for Zone 1 are for existing nonresidential activities only. No new nonresidential activity shall be permitted in Zone 1 after March 7, 1988 if the new nonresidential activity stores, handles, produces or uses any Regulated Substance.

1. Criteria

In order to obtain a special exemption, a person must demonstrate, by a preponderance of competent, substantial evidence, that:

- a. Special or unusual circumstances and adequate technology exists to isolate the facility or activity from the potable water supply; and
- b. In granting the special exemption, the hearing officer pursuant to [Article 14.C.14, Appeals](#), may prescribe any additional appropriate conditions and safeguards which are necessary to protect the wellfield.

2. Procedures

The following special exemption application and review procedures shall apply to activities claiming a special exemption with adequate technology to isolate the facility or activity from the potable water supply and protect the wellfield:

a. Application

A special exemption application claiming special or unusual circumstances and adequate protection technology shall be filed with ERM, who shall then promptly notify the County Attorney's office that such an application has been filed. The application shall be signed by the applicant and a Professional Engineer or Professional Geologist registered or licensed in the State of Florida;

b. Basis for Application

The application shall contain a concise statement by the applicant detailing the circumstances that the applicant feels entitles the applicant to special exemption, pursuant to this Chapter; and

c. Fee

A fee shall be required as established by the approved Fee Schedule.

d. Submittal Requirements

The application for special exemption shall contain but not be limited to the following elements:

1) Operating Conditions

A description of the situation at the site requiring isolation from the wellfield, including:

- a) a list of the Regulated Substances in use at the site;
- b) a site plan of the facility including all storage, piping, dispensing, shipping, etc., facilities;
- c) what operations at the facility involve Regulated Substances which must be isolated from the wellfields;
- d) the location of all operations involving Regulated Substances;
- e) a sampling and analysis of the groundwater on the site of the activity seeking a special exemption shall be performed to determine if any Regulated Substances are already present which constitute a threat to the water supply;
- f) an analysis of the affected well showing whether or not such well is already contaminated by any Regulated Substances and the extent of such contamination; and
- g) a hydrogeologic assessment of the site which shall address, as a minimum, soil characteristics and ground water levels, directional flow, and quality.

2) Technical Components

A technical proposal to achieve the required isolation including:

- a) components to be used and their individual functions;
- b) system tying the components together;
- c) a discussion and documentation, such as published technical articles, substantiating the performance and reliability of the components individually and the system as a whole. If the system has not been field tested, a discussion and laboratory test documentation to substantiate the proposed performance and reliability of the system; and
- d) details of the specific plans to install the system at the site.

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3) Testing Procedures

If the proposed system does not have a proven history of successful in field operation, it may still be proposed using proven components. A test plan for the system as installed shall be provided to prove that the proposed system works in the field.

4) Backup Detection

A technical proposal for backup detection of Regulated Substances that may elude the isolation system and escape to outside a perimeter to be established by ERM. Such proposal shall include emergency measures to be initiated in case of escape of Regulated Substances.

5) Criteria for Success

Site specific, system performance criteria shall be proposed to ascertain the success of the system. Such criteria shall include but shall not be limited to:

- a) performance;
- b) reliability;
- c) level of maintenance;
- d) level of Sensitivity to Regulated Substances; and
- e) effect of rain, flood, power failure or other natural disaster.

6) Precautions in Event of Failure

The applicant shall provide information on the on site availability of substance removal technologies sufficient to remediate any introduction of Regulated Substances into the water table at the site. Where water is removed from on site wells during the remedial process a plan shall be proposed for the disposal of such water.

7) Closure Plan

A closure plan shall be provided in the event the system does not prove successful in the testing required by [Article 14.B.5.B.2.d.3\), Testing Procedures](#).

8) Other Information

Any other reasonable information deemed necessary by ERM shall be due to site specific circumstances.

e. Sufficiency Review

Within 30 working days of receipt of an application for special exemption, ERM shall inform the applicant whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then ERM shall provide to the applicant a written statement by certified mail or hand delivery requesting the required additional information. The applicant shall inform ERM within ten working days of the date of the written statement of intent to either furnish the information or have the application denied. When the application contains sufficient information for a proper determination to be made, ERM shall notify the County Attorney's office that all documentation necessary to evaluate the special exemption has been received, and shall promptly transmit all such documentation to the County Attorney's office.

f. Action on Application

Any special exemption granted by the Reference to [Article 14.C.14, Appeals](#), shall be subject to the applicable conditions which apply to Zones 1 and 2 and any other reasonable and necessary special conditions imposed by the Reference to [Article 14.C.14, Appeals](#). An operating permit shall be issued by ERM with the applicable conditions of [Article 14.B.6.C.1, Zone 1](#), and [Article 14.B.6.C.2, Zone 2](#), and any other reasonable and necessary special conditions imposed by the Environmental Ordinance Appeals Board. Such special exemptions shall be subject to revocation or revision by ERM for violation of any condition of said special exemption by first issuing a written notice of intent to revoke or revise (certified mail return receipt requested or hand delivery). Upon revocation or revision, the activity will immediately be subject to the enforcement provisions of this Article.

Section 6 Zones of Influence

A. Maps

The Zones of Influence Maps, developed as described in [Article 14.B.6.A.2, Basis](#), are incorporated herein and made a part of this Chapter. These Maps shall be on file and maintained by ERM.

1. Amendments

Any amendments, additions or deletions to said Maps shall be approved by the BCC following written notice to property owners within the area covered by the amendment, addition, or deletion, and after

public hearing. Written notice as provided herein shall be given at least 30 days prior to the public hearing on the amendment, addition or deletion. Said Maps shall be provided to any agency requesting said Maps.

2. Basis

The Zones of Influence Maps are based upon travel time contours and one foot drawdown contours. They are generated using a contaminant transport computer model that simulates pollutant movement using particles released around wells. The travel time contours and the one foot drawdown contours are calculated by using finite difference computer modeling techniques that incorporate the effects of an extensive canal system, groundwater flows and SFWMD Consumptive Use Permit approved public water supply pumping rates. Additional considerations may be incorporated into the modeling methodology as approved by ERM. **[Ord. 2006-036]**

3. Review

The Zones of Influence Maps shall be reviewed at least on an annual basis. However, failure to conduct said review shall not affect the validity of the existing approved Maps. The basis for updating said Maps may include, but is not limited to, the following:

- a. Changes in the technical knowledge concerning the applicable aquifer;
- b. Changes in the pumping rate of wellfields;
- c. Wellfield reconfiguration; and
- d. Designation of new wellfields.

4. Boundaries

The Zones of Influence indicated on the Zones of Influence Maps are as follows:

a. Zone 1

The land area situated between the well(s) and the 30 day travel time contour;

b. Zone 2

The land area situated between the 30 day and the 210 day travel time contours;

c. Zone 3

The land area situated between 210 day and the 500 day travel time contours; and

d. Zone 4

The land area situated beyond the 500 day travel time contour and within the one foot drawdown contour.

5. Interpretation of Boundaries

In determining the location of properties and facilities within the zones depicted on the Zones of Influence Maps, the following rules shall apply:

- a. Properties located wholly within one zone reflected on the applicable Zones of Influence Maps shall be governed by the restrictions applicable to that zone;
- b. To that the extent [Article 14.B.6.C, Prohibitions and Restrictions](#), does not apply, properties having parts lying within more than one zone as reflected on the applicable Zones of Influence Maps shall be governed by the restrictions applicable to the zone in which the part of the property is located;
- c. Where a travel time contour which delineates the boundary between two Zones of Influence, passes through a facility, the entire facility shall be considered to be in the more restrictive zone; and
- d. Where the facility, or portion thereof, is overlapped by Zones of Influence of different wells or wellfields, the stricter zones shall apply.

6. Reference Raw Water Analysis to be Completed for Each Well

A reference set of raw water analyses shall be completed for each well for which a Zones of Influence map has been established. Said analyses shall be completed within 185 days after March 7, 1988, for existing wells. A copy of the analytical report shall be forwarded to ERM and the PBCHD within 14 days of completion. For any new well, this set of analyses shall be completed prior to the release of the well into service by the PBCHD within in and ERM. Said analyses shall address inorganic priority pollutants as listed in [Appendix 4, Organic Priority Pollutants](#), and organic pollutants as listed in [Chapter 62-550, F.A.C.](#) and as shown in Appendix 4, Organic Priority Pollutants. The cost shall be borne by the utility. The analytical reports shall be prepared by a State of Florida certified laboratory, certified for the applicable analyses. Samples shall be taken by the State of Florida certified laboratory performing the analyses, or its authorized representative.

B. Protection of Future Wellfields

The prohibitions and restrictions set forth in this Chapter and in regulations promulgated pursuant hereto shall apply to any sites officially designated by the BCC as future wellfields. Such prohibitions and restrictions shall become effective upon approval by the BCC of the Zones of Influence Maps for the

designated future wellfield. Prior to final action by the BCC in designating a future wellfield or approving the Zones of Influence Maps for those wellfields, all property owners and discernable operating activities within the area affected shall receive written notice at least 30 days prior to the proposed public hearing at which the action shall be considered.

C. Prohibitions and Restrictions

1. Zone 1

a. Prohibited Activities

The use, handling, production, and storage of Regulated Substances associated with nonresidential activities is prohibited in Zone 1, except as provided under the general exemptions and special exemptions provisions of this Chapter.

b. Closure of Existing Uses

All existing nonresidential activities within Zone 1 which store, handle, use or produce any Regulated Substances shall cease to do so within one year from the date of notification by writing, certified mail, or hand delivery, except as provided for in this Chapter.

A closure permit application, general exemption application or a special exemption application prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida shall be submitted to ERM within 120 days receipt of the notice to cease. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist.

Any nonresidential activity in Zone 1 which is allowed to continue in accordance with the general exemption or special exemption provisions of this Chapter shall obtain an operating permit, unless expressly not required by this Chapter, which shall indicate the special conditions to be instituted and the dates on which such conditions shall be instituted. Such activities shall comply with all Zone 2 requirements unless otherwise provided herein. No expansions, modifications or alterations which would increase the storage, handling, use or production of Regulated Substances shall be permitted in Zone 1. An owner or operator that is denied a special exemption shall be issued a closure permit as part of the denial process. Any operating permit application required herein shall be filed with the applications for general exemption or special exemption.

2. Zone 2

a. Prohibited Activities

All nonresidential activities within Zone 2 which store, handle, use or produce any Regulated Substance are prohibited, unless they qualify as a general exemption, obtain a special exemption, or receive an operating permit from ERM.

b. Permit Conditions

An operating permit issued to any nonresidential activity within Zone 2 that stores, handles, uses or produces any Regulated Substance shall be subject to the following conditions:

1) Containment of Regulated Substances

Leak-proof trays under containers, floor curbing or other containment systems to provide secondary liquid containment shall be installed. The containment shall be of adequate size to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any Regulated Substance loss to the external environment. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented. The owner/operator may choose to provide adequate and appropriate liquid collection methods rather than sheltering only after approval of the design by ERM. These requirements shall apply to all areas of use, production, and handling, to all storage areas, to loading and off-loading areas, and to above-ground and underground storage areas. The containment devices and liquid collection systems shall be certified in the operating permit application by the Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

2) Emergency Collection Devices

Vacuum suction devices, absorbent scavenger materials or other devices approved by ERM, shall be present on-site or available within two hours (one hour in Zone 1) by contract with a clean up company approved by ERM, in sufficient magnitude so as to control and collect the total quantity of Regulated Substances present. To the degree feasible, emergency containers shall be present and of such capacity as to hold the total quantity of Regulated Substances plus absorbent material. The presence of such emergency collection devices shall be certified in the operating permit application for existing activities. Such certification for

new activities shall be provided to ERM prior to the presence of Regulated Substances on the site. Certification shall be provided by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

3) Emergency Plan

An emergency plan shall be prepared and filed with the operating permit application indicating the procedures which will be followed in the event of spillage of a Regulated Substance so as to control and collect all such spilled material in such a manner as to prevent it from reaching any storm or sanitary drains or the ground.

4) Inspection

A responsible person designated by the permittee who stores, handles, uses or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

5) Proper and Adequate Maintenance of Containment and Emergency Equipment

Procedures shall be established for quarterly, in-house inspection and maintenance of containment and emergency equipment. Such procedure shall be in writing; a regular checklist and schedule of maintenance shall be established; and a log shall be kept of inspections and maintenance. Such logs and records shall be available for inspection by ERM.

6) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

7) Monitoring for Regulated Substances in the Potable Water Wells

Arrangements shall be made with the designated public utility to establish a semi-annual schedule of raw water analysis unless sampling results indicate contamination, in which case ERM shall require an increased sampling schedule.

The analysis shall be for all substances which are listed on the operating permit. The analytical reports shall be prepared by a State of Florida certified laboratory, certified for the applicable analyses. It shall be the responsibility of the designated public utility to provide for the sampling and analyses but the cost shall be borne by the permittee or those permittees on a pro-rata basis as to the same substances listed on the permits of those permittees in Zones of Influence of the subject well. Samples shall be taken by the State of Florida certified laboratory performing the analyses, or its authorized representative. Semi-annual reports prepared by a State of Florida certified laboratory of the analyses for Regulated Substances shall be submitted to ERM for the purpose of determining the presence of Regulated Substances in each well for which a Zones of Influence map has been established.

8) Regulated Substances in Groundwater Monitoring Wells

Groundwater monitoring well(s) shall be provided at the expense of the permittee in a manner, number and location approved by ERM. Except for existing wells found by ERM to be adequate for this provision, the required well or wells shall be installed by a State of Florida licensed water well contractor. Samples shall be taken by the State of Florida certified laboratory performing the analyses, or its authorized representative. Analytical reports prepared by a State of Florida certified laboratory of the quantity present in each monitoring well of the Regulated Substances listed in the activity's operating permit shall be filed at least semi-annually, or more frequently, as determined by ERM, based upon site conditions and operations.

9) Alterations and Expansions

ERM shall be notified in writing prior to the expansion, alteration or modification of an activity holding an operating permit. Such expansion, alteration, or modification may result from

increased square footage of production or storage capacity, or increased quantities of Regulated Substances, or changes in types of Regulated Substances beyond those square footages, quantities, and types upon which the permit was issued. Should a facility add new Regulated Substances which individually are below the non-aggregate limits identified in the definition of "Regulated Substance", it shall notify ERM on the annual basis of the types and quantities of such substances added and the location of the use, handling, storage, and production of said substances.

Any such expansion, alteration or modification shall be in strict conformity with this Chapter. Further, except as provided herein, any existing operating permit shall be amended to reflect the introduction of any new Regulated Substances resulting from the change. However, the introduction of any new Regulated Substance shall not prevent the revocation or revision of any existing operating permit if, in the opinion of ERM, such introduction substantially or materially modifies, alters or affects the conditions upon which the existing operating permit was granted or the ability to remain qualified as a general exemption, if applicable, or to continue to satisfy any conditions that have been imposed as part of a special exemption, if applicable. ERM shall notify the permittee in writing within 60 days of receipt of the permittee's notice that ERM proposes to revoke or revise the permit and state the grounds therefore.

10) Reconstruction after Catastrophe

Reconstruction of any portion of a structure or building in which there is any activity subject to the provisions of this regulation which is damaged by fire, vandalism, flood, explosion, collapse, wind, war or other catastrophe shall be in strict conformity with this Chapter.

11) Revocation or Revision for Spill

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associated with the spill, the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

c. Permits for Existing Uses

All existing non-residential activities in Zone 2 which use, handle, store, or produce Regulated Substances shall file an application for an operating permit or closure permit within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida, except for Closure or Transfer Permits as provided [Article 14.B.7.B.2, Closure Permit](#), and [Article 14.B.10, Transfers and Changes In Ownership](#). Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmentally sound manner in accordance with applicable state and federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment.

3. Zone 3

a. Prohibited Activities

All nonresidential activities within Zone 3 which store, handle, use or produce any Regulated Substance are prohibited, unless they qualify as a general exemption or receive an operating permit from ERM.

b. Permit Conditions

An operating permit issued to any nonresidential activity within Zone Three that stores, handles, uses or produces any Regulated Substance shall be subject to the following conditions:

1) Containment of Regulated Substances

Leak-proof trays under containers, floor curbing or other containment systems to provide secondary liquid containment shall be installed. The containment shall be of adequate size to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any Regulated Substance loss to the external environment. Containment systems shall be sheltered so that

the intrusion of precipitation is effectively prevented. The owner/operator may choose to provide adequate and appropriate liquid collection methods rather than sheltering only after approval of the design by ERM. These requirements shall apply to all areas of use, production, and handling, to all storage areas, to loading and off-loading areas, and to above-ground and underground storage areas. The containment devices and liquid collection systems shall be certified in the operating permit application by the Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

2) Emergency Plan

An emergency plan shall be prepared and filed with the operating permit application indicating the procedures which will be followed in the event of spillage of a Regulated Substance so as to control and collect all such spilled material in such a manner as to prevent it from reaching any storm or sanitary drains or the ground.

3) Inspection

A responsible person designated by the permittee who stores, handles, uses or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

4) Maintenance of Containment and Emergency Equipment

Procedures shall be established for the quarterly in-house inspection and maintenance of containment and emergency equipment. Such procedure shall be in writing; a regular checklist and schedule of maintenance shall be established; and a log shall be kept of inspections and maintenance. Such logs and records shall be available for inspection by ERM.

5) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to the PBCHD designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

6) Revocation or Revision for Spill

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit to comply with some or all the conditions applicable to Zone 2, as set forth in [Article 14.B.6.C.2.b.1\)-10\) Permit Conditions](#), in addition to the Zone 3 conditions of [Article 14.B.6.C.3.b.1-5\), Permit Conditions](#). In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associated with the spill, the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

7) Permit Process

Operating permits required by this Chapter shall be applied for and processed in accordance with [Article 14.B.6.C.2.c, Permits for Existing Uses](#), filing an application for an operating permit or closure permits within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmentally sound manner in accordance with applicable state and federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment.

4. Zone 4

a. Prohibited Activities

All nonresidential activities within Zone 4 which store, handle, use or produce any Regulated Substance are prohibited, unless they qualify as a general exemption or receive an operating permit from ERM.

b. Permit Conditions

An operating permit issued to any nonresidential activity within Zone 4 that stores, handles, uses or produces any Regulated Substance shall be subject to the following conditions:

1) Inspection

A responsible person designated by the permittee who stores, handles, uses or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

2) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

3) Revocation or Revision for Spill

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit to comply with some or all the conditions applicable to Zone 2, as set forth in [Article 14.B.6.C.2, Zone 2](#), and [Article 14.B.6.C.2.b, Permit Conditions](#), in addition to those of [Article 14.B.6.C.4.b.1\)-2\), Permit Conditions](#). In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associate with the spill, the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

4) Permit Process

Operating permits required by this Chapter shall be applied for and processed by filing an application for an operating permit or closure permit within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida. However, a nonresidential activity in Zone 4 is not required to retain an engineer or geologist to prepare the operating permit if the revocation for spill provisions of this Chapter do not apply. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial and an application for a closure permit shall be filed with ERM within 120 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmental sound manner in accordance with applicable state and federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment.

D. Other Requirements and Liabilities

A notice to cease, or a permit or exemption issued under this Chapter shall not relieve the owner or operator of the obligation to comply with any other applicable federal, state, regional or local regulation, rule, ordinance or requirement. Nor shall said notice, permit, or exemption relieve any owner or operator of any liability for violation of such regulations, rules, ordinances or requirements.

E. Domestic Wastewater and Stormwater Treatment

1. Sanitary Sewer Mains

All new or replacement installations of sanitary sewer mains in Zone 1 or Zone 2 of a public drinking water wellfield shall be constructed to force main standards. Standards for installation are shown in

Appendix 5, Minimum Standards for Sewer Pipe Fittings, Coatings and Leakage Testing, and shall be enforced by PBCHD through the permit process. For new wells placed in areas of existing sanitary sewers, the sewers in Zones 1 and 2 must be pressure tested at each joint, grouted and sealed with proof of testing provided to the PBCHD prior to release of the well for service.

2. Exfiltration Systems

No new exfiltration system shall be constructed in Zone 1 or Zone 2 of a public drinking water wellfield.

3. Retention/Detention Ponds

New retention or detention ponds located within wellfield zones shall comply with the criteria described in the SFWMD Management and Storage of Surface Waters Permit Information Manual IV. These criteria are enforced through the SFWMD permitting process.

4. Percolation Ponds

New percolation ponds for domestic wastewater treatment located within wellfield zones shall comply with the requirements for separation from public drinking water wells set forth in [Chapters 62-555](#) and [62-610, F.A.C.](#), and enforced by Florida Department of Environmental Protection and the PBCHD.

5. Land Application of Domestic Wastewater Effluent

Land application of domestic effluent or sludge within wellfield zones shall comply with the requirements for separation from public drinking water wells as set forth in [Chapters 62-555](#), [62-610](#), and [62-640, F.A.C.](#) and enforced by Florida Department of Environmental Protection and the PBCHD.

6. Onsite Sewage Disposal Systems

New onsite sewage disposal systems (septic tanks) located within wellfield zones shall comply with the requirements for maximum sewage loading and separation from public drinking water wells as set forth in Environmental Control Rule (ECR) I and enforced by the PBCHD.

F. Spill Assessment and Remediation

Upon discovery of a spill in a wellfield zone, a determination shall be made as to jurisdiction. ERM shall provide notification to the Florida Department of Environmental Protection and PBCHD including all available information pertinent to the spill. Florida Department of Environmental Protection will be responsible for determination if the spill occurrence constitutes a Resource Conservation and Recovery Act (RCRA) regulated material as defined in [Chapter 62-730, F.A.C.](#) and [Title 40 CFR Part 261](#). If determination is made that the spill occurrence involves a RCRA regulated material, Florida Department of Environmental Protection will assume the role as lead regulatory agency in assessment and remediation. ERM will assume the role as lead agency if determination reveals a non-RCRA Regulated Substance. Upon issuance of an order by ERM, corrective action shall immediately be initiated by the responsible person. Failure to initiate corrective action shall be a violation of this Chapter. Corrective action shall include any or all of the following:

1. Cessation of the discharge and initial control, containment and recovery of free-flowing, floating or standing pollutants;
2. Removal and disposal of contaminated soils, sediments, vegetation, containers, recovery and other contaminated materials in accordance with applicable Federal, State and local regulations;
3. Assessment of the horizontal and vertical extent of soil, sediment, surface water and groundwater contamination, as well as rate and direction of migration of the contaminants; and
4. Remediation of contaminated soils, sediments, surface water and groundwater to preclude further migration of unacceptable levels of residual Regulated Substances into or through the surface water or groundwater environment. ERM shall determine necessary, reasonable measures and time frames for corrective action. The corrective action shall be completed to the satisfaction of ERM. Where State or Federal regulations establish procedures or cleanup levels for corrective action for particular discharges, the corrective action shall at a minimum comply with those procedures and cleanup levels. Completion of corrective action as specified by ERM shall not relieve the responsible person or persons of liability under any other applicable Federal, State or local regulation, rule, ordinance or requirement; nor shall it relieve the responsible person or persons of liability for corrective actions for conditions which were previously unknown to ERM, or which resulted from implementation of corrective action as required.

Section 7 Wellfield Protection (Operating and Closure Permits)

The following provisions provide the requirements and procedures for the issuance of operating and closure permits required by this Chapter.

A. General

1. An application which satisfies the requirements of the applicable Zones of Influence [Article 14.B.7.B, Applications](#), for operating permits and, if applicable, [Article 14.B.5.A, General Exemptions](#), for general exemptions and [Article 14.B.8, Appeals](#), shall be approved and a permit issued. In addition to the failure to satisfy these requirements, ERM may deny a permit based on repeated violations of this Chapter.
2. An operating permit shall remain valid provided the permittee is in compliance with the terms and conditions of the permit.
3. Permittees shall be required to pay annual permit renewal fees beginning October 1, 1990. Beginning October 1, 1990, all current and future permittees are subject to an annual permit renewal fee as established by the approved Fee Schedule. Notification to ERM under [Article 14.B.6.C.2.b.9\), Alterations and Expansions](#), Alterations and Expansions is due with the renewal fee.
4. ERM shall have the right to make inspections of facilities at reasonable times to determine compliance with this Chapter.
5. All of the facilities owned and/or operated by one person when these structures and activities are located on contiguous parcels of property even where there are intervening public or private roads, may be covered under one permit.

B. Applications

1. Operating Permit

All applications for operating permits shall, at the minimum, provide the following information:

- a. A list of all Regulated Substances and substances on the Generic Substance List which are to be stored, handled, used or produced in the nonresidential activity being permitted including their quantities.
- b. A detailed description of the nonresidential activities that involve the storage, handling, use or production of the Regulated Substances indicating the unit quantities in which the substances are contained or manipulated including lay out plans or drawings of the facility in which the activities will take place.
- c. A description of the containment, the emergency collection devices, containers and emergency plan that will be employed to comply with the restrictions required for Zone 2 and 3 as set forth above. For Zone 4 this particular documentation will only be required if a permit revision is required pursuant to [Article 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#).
- d. A description of the daily monitoring activities that have been or will be instituted to comply with the restrictions for Zones 2, 3, and 4 as set forth above in [Article 14.B.6.C.2, Zone 2](#).
- e. A description of the maintenance that will be provided for the containment facility, monitoring system and emergency equipment required to comply with the restrictions of Zones 2 and 3 as set forth above. For Zone 4 this particular documentation will be required if a permit revision is required pursuant to [Article 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#).
- f. A description of the groundwater monitoring wells that have been or will be installed, other pertinent well construction information, and the arrangements which have been made or which will be made for certified analyses for specified Regulated Substances. For Zones 3 and 4 this particular documentation will only be required for a revised operating permit as required under [Article 14.B.6.C.3.b.6\), Revocation or Revision for Spill](#), [Article 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#), and [Article 14.B.13.C, Spills](#).
- g. Evidence of arrangements made with the appropriate designated public utility for sampling analysis of the raw water from the potable water well. For Zones 3 and 4 this particular documentation will only be required for a revised operating permit as required under [Article 14.B.6.C.3.b.6\), Revocation or Revision for Spill](#), [Article 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#), and [Article 14.B.13.C, Spills](#).
- h. An agreement to indemnify and hold PBC harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. PBC shall provide reasonable notice to the permittee of any such claims.
- i. The application for the operating permit shall be filed with ERM within 90 days of receipt of written notification from ERM.

2. Closure Permit

Closure permit applications shall contain the following information:

- a. A schedule of events to complete the closure of an activity that does or did store, handle, use, or produce Regulated Substances. As a minimum, the following actions shall be addressed:
 - 1) Disposition of all Regulated Substances and contaminated containers;

- 2) Cleanup of the activity and environs to preclude leaching of unacceptable levels of residual Regulated Substances into the aquifer; and
- 3) Certification by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida that disposal and cleanup have been completed in a technically acceptable manner. The requirement for certification by a Professional Engineer or Geologist may be waived if the applicant provides evidence to ERM that all of the following items are applicable:
 - a) The entire operation is maintained inside the building(s) of the facility;
 - b) The standard method of removing operating waste is not by septic tank, sewer mains, or floor drains;
 - c) There is no evidence of spills permeating floors or environs;
 - d) There are no outstanding or past notices of violation from any regulatory agency concerned with hazardous, industrial or special waste;
 - e) There is no evidence of past contamination in the public drinking water well(s) associated with the facility in Zone 1; and
 - f) The applicant shall provide a sworn statement that disposal and cleanup have been completed in a technically acceptable manner.
- 4) An appointment for an inspection by ERM; and
- 5) An agreement to indemnify and hold PBC harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. PBC shall provide reasonable notice to the permittee of any such claims.
- b. The issue of well reconfiguration shall be evaluated by ERM and the affected public utility as an alternative to a closure permit during the permit application process. Should a utility notify ERM in writing that it intends to reconfigure a wellfield and said configuration no longer subjects a facility to Zone 1 and Zone 2 requirements, ERM may issue an operating permit providing conditions under which said facility may continue to operate.
- c. The Florida Department of Environmental Protection and the PBCHD shall be advised in writing of each closure permit application.

3. Permit Conditions

The permit conditions shall ensure compliance with all the prohibitions, restrictions, and requirements as set forth in this Chapter. Such conditions may include, but not be limited to, monitoring wells, periodic groundwater analysis reports, and compliance schedules. Said conditions may also include requirements in a closure permit to reduce the risk in the interim of contamination of the groundwaters, taking into account cost, likely effectiveness and degree of risk to the groundwater.

4. Bond Required

Except as provided in [Article 14.B.7.B.4.e](#), below, no permit herein required shall be issued unless there is filed at the time of application, except in the case of an application by a political subdivision or agency of the State of Florida, a cash bond, permit bond with a corporate surety, or letter of credit in the amount specified in [Appendix 2](#), Operating and Closure Permit Bonds, attached hereto and incorporated herein.

- a. The permittee will operate its nonresidential activities and/or closure of such nonresidential activities, as applicable, in accordance with the conditions and requirements of this Chapter and permits issued hereunder.
- b. The permittee shall reimburse PBC in accordance with [Article 14.B.7.B.1, Operating Permit](#), for any and all expenses and costs that PBC incurs as a result of the permittee failing to comply with the conditions and requirements of this Chapter.
- c. Before a bond or letter of credit is accepted by ERM as being in compliance with this Chapter, the bond or letter of credit shall be reviewed and approved by the County Attorney's Office and Contract Development and Control. A corporate bond shall be executed by a corporation authorized to do business in the State of Florida as a Surety. A cash bond shall be deposited with ERM, who shall give receipt therefore.
- d. The bond or letter of credit required by this Chapter shall be kept in full force and effect for the term of the permit and for one year after voluntary cessation of activities permitted hereunder, expiration, or revocation of the permit.
- e. No bond or letter of credit is required for issuance of a permit for the following:
 - 1) Closure of a facility, provided that the conditions listed in [Art. 14.B.7.B.2.a.3](#), above for waiver of certification by an engineer or geologist are applicable. **[Ord. 2005-002]**

- 2) A facility in Zone 4, unless ERM has determined that a revision of the permit is appropriate under conditions described in [Article 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#) or [Article 14.B.13.C, Spills](#).
- 3) Retail/wholesale activities which meet the conditions for this exemption set forth in [Article 14.B.5.A.4.f, Retail/Wholesale Sales Activities](#).
- 4) Activities subject to regulation due to the accumulation of waste Regulated Substances, provided that they comply with the conditions for this exemption set forth in [Article 14.B.5.A.4.i, Activities Subject to Regulation Due to Accumulation](#).

5. Clean-up and Reimbursement

Any person subject to regulation under this Chapter shall be liable with respect to Regulated Substances emanating on or from the person's property for all costs of removal or remedial action incurred by PBC and damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction or loss resulting from the release or threatened release of a Regulated Substances as defined in this Chapter. Such removal or remedial action by PBC may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and clean-up or disposal of Regulated Substances resulting from the spilling, leaking, pumping, pouring, emitting or dumping of any Regulated Substance or material which creates an emergency hazardous situation or is expected to create an emergency hazardous situation.

Section 8 Appeals

A. General

Any affected party may appeal ERM decisions set forth below, pursuant to procedures in [Article 14.C.14, Appeals](#).

B. Matters for Review and Time for Filing

Any person may appeal to a Hearing Officer as established in [Article 17.C.7, Hearing Officers](#), of this Chapter for the following reasons:

1. To appeal ERM's permit conditions, denial of a permit, general exemption or non disclosure of a trade secret;
2. To appeal an intent to revoke or revise an Operating permit and a General or special exemption; and
3. To request a special exemption.

Section 9 Petition for Compensation

Parties affected by the requirements of this Chapter may petition PBC for a determination of the effect of said requirements on those activities and the issue of compensation.

A. Filing

A petition for compensation shall be filed with ERM. The petition shall be heard by a Hearing Officer as established in [Article 17.C.7, Hearing Officers](#).

B. Contents of Petition

A petition for compensation shall contain, as applicable, the following:

1. A copy of the closure permit required by this Chapter or the required operating permit showing the change in operation;
2. An analysis of the need to cease, move, or change operations including a summary of alternatives investigated and estimated costs of those alternatives;
3. A list of all previously issued EPA notices of violation by ERM, Florida Department of Environmental Protection or the EPA regarding use of Regulated Substances including a description of any corrective action taken or pending;
4. Detailed specification of the amount for which compensation is being requested; and
5. ERM shall review all petitions for compensation and make recommendations to the Hearing Officer regarding the reasonableness of any amounts requested by the petitioner, whether the requested compensation consists of amounts greater than the cost of any reasonable facility/operation modifications and whether the facility may potentially qualify for a special exemption. Based upon such recommendations, the Hearing Officer may deny such petition.

C. Hearing on Petition

As soon as practicable after submission of a petition for compensation, but no later than 90 days, by an owner or operator of an activity, the Hearing Officer shall hold a hearing to determine the eligibility of the activity for compensation pursuant to this Chapter. Petitioner shall be given written notice by certified mail

or hand delivery of such hearing at least 30 days prior to the hearing. Formal Rules of Evidence shall not apply to such hearing, but fundamental due process shall be observed and shall govern the proceedings. Petitioner and PBC shall have the right to:

1. Call and examine witnesses;
2. Introduce exhibits;
3. Cross examine witnesses on any relevant matter;
4. Rebut the evidence; and
5. Be represented by counsel.

D. Review and Evaluation Criteria

1. Cessation or Move

In determining whether the petitioner is eligible for compensation for cessation or moving, the Hearing Officer shall consider:

- a. Whether a reasonable, cost effective alternative to cessation or moving of operations exists for complying with this Chapter, including reconfiguring of the wellfield. Applicant, with the cooperation of ERM and the affected public utility, shall address the issue of reconfiguration;
- b. Whether the requirements of this Chapter were the sole reason for cessation of the operation;
- c. Past environmental record; and
- d. Efforts to mitigate financial impact of this Chapter and these corresponding regulations.

2. Change In Operations

In deciding whether a petitioner is eligible for compensation for a change in operations, the Hearing Officer shall consider:

- a. Whether the proposed change is a reasonable, cost effective method for complying with this Chapter; and
- b. Whether the requirements of this Chapter were the sole reason for the change in the operation.

E. Classes of Impact for Which Compensation May Be Granted

1. Actual Reasonable Relocation Expenses

a. Examples of Reasonable or Reimbursable Relocation Costs

The owner or operator of an affected activity may be paid the actual reasonable cost of relocation within PBC. Such amount to include the cost of:

- 1) Dismantling operation;
- 2) Actual moving;
- 3) Reassembling equipment;
- 4) Installation of equipment;
- 5) Internal connection of utilities to equipment;
- 6) Minor modification of site to accommodate operation, specifically excluding structural changes to the building or paving and drainage requirements at the site;
- 7) The additional costs which would have to be incurred to move the activity due to changed circumstances or applicable laws, ordinances or regulations; and
- 8) Any losses caused by the necessity of terminating a lease, such compensation not to exceed three months rent. Landlord and tenant are required to make a bona fide effort to mitigate this loss. This compensation shall be paid to either the landlord or the tenant, to be decided by agreement between the landlord and tenant.

b. Documentation of Costs

The eligible costs for actual reasonable relocation expenses shall be supported by two itemized and sealed bids and a detailed listing of the claimed items. The amount to be paid shall not exceed the lower of the two bids. In order to verify such information, ERM shall have the right to enter the activity's premises at reasonable times. Such bids and detailed listing of the cost shall be verified by ERM.

c. Self-Moves

In the case of a self move the owner of a relocated activity may be paid the lower of two sealed and itemized bids from licensed moving companies based on a detailed listing of the cost.

2. Actual Reasonable Modification of Operation Expenses

The owner or operator of an affected activity may be paid the actual reasonable expense to modify the operation of the activity in order to comply with this Chapter. Such amount to include cost of:

- a. Modification of machinery;
- b. Dismantling and moving unusable machinery;
- c. Unsalvageable inventory per [Article 14.B.9.E.3, Actual Direct Losses of Tangible Personal Property](#); and

- d. Moving equipment out of a Zone 1 on the activity's property per [Article 14.B.9.E.1, Actual Reasonable Relocation Expenses.](#)

3. Actual Direct Losses of Tangible Personal Property

Actual direct losses of tangible personal property are allowed when a person closes or relocates an activity. Payment may only be made after a diligent effort is made by the owner to sell the item(s) involved.

- a. If the activity is to be re-established and an item of property to be used therewith is not moved but promptly replaced with a comparable item at the new site, reimbursement shall be either:
 - 1) Replacement cost, taking into account depreciation, less the proceeds of the sale. Present value based on accepted standards in the related business community may be substituted for net proceeds of a sale where applicable; or
 - 2) Estimated cost of moving the item to the replacement site within the geographic boundaries of PBC.
- b. If a process at the activity is being discontinued or an existing item is not to be replaced in a re-established business, payment will be either:
 - 1) The difference between fair market value as evidenced by two written appraisals of the item for continued use at its prior location less its net proceeds at the sale; or
 - 2) The estimated cost of moving the item to the replacement site within the geographic boundaries of PBC.
- c. If a sale is not effected because no offer is received and the item is abandoned, payment for the loss may be its fair market value for continued use at its existing location plus the costs of the attempted sale, less the equipment's salvage value.

4. In Lieu of Actual Moving Expenses

In lieu of the payments described in [Article 14.B.9.E.1, Actual Reasonable Relocation Expenses](#), [Article 14.B.9.E.2, Actual Reasonable Modification of Operation Expenses](#), and [Article 14.B.9.E.3, Actual Direct Losses of Tangible Personal Property](#), an owner of a discontinued activity may be eligible to receive a payment equal to 75 percent of the estimated reasonable cost of moving the activity within PBC, except that such payment shall not be more than the lower of two sealed and itemized bids, provided the following requirements are met:

- a. For the owner of an affected activity to be entitled to this payment, the Hearing Officer must determine that the business cannot be relocated without a substantial loss of its existing patronage. Such determination shall be made by the Hearing Officer only after consideration of all pertinent circumstances, including, but not limited to, the following factors:
 - 1) The type of business conducted by the displaced activity;
 - 2) The nature of the clientele of the displaced activity;
 - 3) The relative importance of the present location to the displaced activity; and
 - 4) The additional costs which would have to be incurred to move the activity due to changed circumstances or applicable laws, ordinances, or regulations.
- b. For the owner or operator of an affected activity to be entitled to his or her payment, information must be provided to support the estimated moving costs. Such proof shall consist of two sealed bids from licensed moving companies based on a detailed inventory of the items which would be moved.

5. Exclusions on Moving Expenses and Losses

The following expenses are considered ineligible for payment as "actual" moving expenses:

- a. Additional expenses incurred because of moving to and living in a new location including search cost for finding a new dwelling;
- b. Cost of moving structures, improvements or other real property in which the displaced activity reserved ownership;
- c. Significant changes in building structure but not including minor electrical, plumbing or carpentry work;
- d. Cost of improvement to activity made after such activity was on notice that it is affected by this Chapter and would have to cease or alter an operation in Zone 1;
- e. Interest on loans to cover moving expenses;
- f. Loss of goodwill;
- g. Loss of business or profits or both;
- h. Loss of trained employees; and
- i. Cost of preparing the petition for compensation.

6. Payment and Release of Obligation

PBC shall disperse 85 percent of the compensation to be paid as determined by the Hearing Officer in advance of any move or change of operation. PBC shall retain 15 percent of the monies authorized as compensation for economic impact of this Chapter until such time as the affected activity has carried out the procedures outlined in its petition for compensation and provides evidence of such expenditures. Upon receipt of payment of compensation as provided in this Chapter, the recipient shall execute a release in favor of PBC from any further obligation to the recipient with regard to the economic impact of this Chapter on the recipient or activity.

7. Appeal

PBC or the applicant seeking compensation under this Section may appeal the final decision of the Hearing Officer by filing a Petition for Writ of Certiorari in the 15th Judicial Circuit Court in and for PBC.

Section 10 Transfers and Changes In Ownership

In the event, there is a change of ownership, a new lease, or an assignment of a lease, a sublease or any other change in regard to the person conducting the operation regulated, ERM shall be notified and upon payment of the appropriate fee and completion of processing of an application by ERM, the Wellfield Protection operating permit shall be transferred.

Section 11 Trade Secrets

ERM shall not disclose any trade secrets of the applicant or permittee that are exempted from such disclosure by Federal or State law; provided, however, the burden shall be on the applicant or permittee to demonstrate entitlement to such nondisclosure. Decisions by ERM as to such entitlement shall be subject to challenge by the applicant or permittee by filing a petition with the hearing officer pursuant to [Article 14.C.14, Appeals](#).

Section 12 Fees

A. Filing Fee

All applicants for a wellfield protection operating or closure permit shall pay a non-refundable filing fee as established by the approved Fee Schedule. The fee shall be provided at the time of acceptance of the permit application.

B. Wellfield Protection Operating Permit Fee

The fee for a wellfield operating permit including any permit obtained pursuant to the general exemptions set forth in [Article 14.B.5.A, General Exemptions](#), of this Chapter as established by the approved Fee Schedule. The operating fee shall be used to defray the cost of administering this Chapter.

C. Closure Permit Fee

The fee for a closure permit under this regulation shall be one half of the fee for the wellfield protection operating permit as established by the approved Fee Schedule.

D. Permit Transfer Fee

The fee for transfer of an operating permit or closure permit shall be as established by the approved Fee Schedule to defray the cost of processing the transfer. Application for Transfer of Permit is to be made within 60 days of transfer of ownership of the activity.

E. Special Exemption Fee

A Fee shall be required for any person seeking a special exemption as established by the approved Fee Schedule.

F. General Exemption Fee

A Fee shall be required for any person seeking a general exemption as established by the approved Fee Schedule.

G. Annual Permit Renewal Fee

The fee for annually renewing the permit established by the approved Fee Schedule, shall be used to defray the cost of administering this Chapter. Beginning October 2, 1990, all permittees shall pay an annual permit renewal fee for each permitted facility.

H. Late Fee

A late fee as established by the approved Fee Schedule, shall be paid to ERM if the application for permit or renewal is late.

Section 13 Revocation and Revision of Permits and Exemptions

A. Revocation

Any permit issued under the provisions of this Chapter shall not become vested in the permittee. ERM may revoke any permit issued by it by first issuing a written notice of intent to revoke (certified mail return receipt requested, or hand delivery) if it finds that the permit holder:

1. Has failed or refused to comply with any of the provisions of this Chapter, including but not limited to permit conditions and bond requirements of [Article 14.B.7.B.4, Bond Required](#), herein;
2. Has submitted false or inaccurate information in this application;
3. Has failed to submit operational reports or other information required by this Chapter; or
4. Has refused lawful inspection under [Art. 14.B.7.A.4; \[Ord. 2005-002\]](#)
5. Is subject to revocation under [Article 14.B.6.C.2.b.11\), Revocation or Revision for Spill](#), [Article 14.B.6.C.3.b.6\), Revocation or Revision for Spill](#), or [Article 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#), of [Article 14.B.13.C, Spills](#).

B. Revision

ERM may revise any permit pursuant to [Article 14.B.6.C.2.b.11, Revocation or Revision for Spill](#), [Article 14.B.6.C.3.b.6\), Revocation or Revision for Spill](#), and [Article 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#), first issuing a written notice of intent to revise (certified mail return receipt requested, or hand delivery).

C. Spills

In addition to the provisions of [Article 14.B.6.C.2.b.11\), Revocation or Revision for Spill](#), [Article 14.B.6.C.3.b.6\), Revocation or Revision for Spill](#), and [Article 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#), within 30 days of acquiring knowledge of any spill of a Regulated Substance in a wellfield zone, ERM shall consider revocation or revision of the permit. Upon such consideration, ERM may issue a notice of intent to revoke or revise, which shall be subject to the appeal provisions of this Chapter, or elect not to issue such notice. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or degree of negligence, if any, associated with this spill, and the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

D. Revocations of Exemptions

For any revocation or revision by ERM of a special exemption or general exemption that requires an operating permit as provided under the terms of this Chapter, ERM shall issue a notice of intent to revoke or revise which shall contain the intent to revoke or revise both the applicable exemption and the accompanying operating permit.

E. Notice

The written notice of intent to revoke or revise shall contain the following information:

1. The name and address of the permittee, if any, and property owner, if different;
2. A description of the facility which is the subject of the proposed revocation or revision;
3. Location of the spill, if any;
4. Concise explanation and specific reasons for the proposed revocation or revision; and
5. A statement that "Failure to appeal a notice of intent to revoke or revise, within 20 days after the date upon which permittee receives written notice pursuant to [Article 14.C.14, Appeals](#), shall render the proposed revocation or revision final and in full force and effect."

F. Appeals

Failure of permittee to file a petition in accordance with the appeal provisions of this Chapter shall render the proposed revocation or revision final and in full force and effect.

G. Other Remedies

Nothing in this Chapter shall preclude or be deemed a condition precedent to ERM seeking a temporary or permanent injunction.

Section 14 Violations, Enforcement and Penalties

Failure to comply with the requirements of this Chapter or any permit, exemption, or approval granted or authorized hereunder shall constitute a violation of this Chapter.

Section 15 Groundwater And Natural Resources Protection Board (GNRPB)

The GNRPB shall hear violations of this Chapter pursuant to [Article 10.C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD](#). Violations of this Chapter may be referred by ERM to the GNRPB for corrective actions and civil penalties.

Section 16 Additional Enforcement Measures

In addition to the enforcement procedures set forth above, violations of the provisions of this Chapter may be enforced pursuant to [F.S. §125.69](#). Such violations may be deemed a separate offense for each day during any portion of which any violation is committed or continued. In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action and requests for temporary and permanent injunctions, to enforce the provisions of this Chapter. It is the purpose of this Chapter to provide additional cumulative remedies.

Section 17 PBC Pollution Recovery Trust Fund

Funds collected pursuant to administrative penalties levied by the GNRPB for violations of this Chapter shall be deposited in the PBC Pollution Recovery Trust Fund.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 1 General

A. Goals

The goals of this Chapter are:

1. To avoid the unnecessary destruction of native vegetation;
2. To pursue eradication of invasive non-native vegetation;
3. To minimize adverse impacts to native vegetation during parcel improvement;
4. To mitigate the removal of native vegetation when the vegetation cannot be preserved in place or relocated under the proposed site plan; and
5. To relocate any movable native vegetation that cannot be incorporated into the site plan to a PBC approved parcel.

Section 2 Definitions

See [Art. 1.I, Definitions and Acronyms](#)

Section 3 Purpose

A. This Chapter shall:

1. Establish a program to preserve and protect native vegetation;
2. Prohibit the unnecessary destruction of native vegetation and require the eradication of invasive non native vegetation; and
3. Set restrictions and requirements to protect and preserve freshwater wetlands and to maintain the functions and values provided by certain freshwater wetlands within PBC so there will be no net loss of those functions and values due to parcel improvement or other activities.

Section 4 Applicability

- A. This Chapter shall apply within the unincorporated areas of PBC, Florida.
- B. PBC shall have regulatory authority over the alteration or removal of non native and native upland vegetation, and the establishment and maintenance of upland preserve areas.
- C. PBC shall have regulatory authority over all wetlands, on parcels that are not subject to the State Environmental Resource Permit review process, hereinafter referred to as jurisdictional wetlands, with the exception of wetlands less than one half acre in size and entirely surrounded by uplands.
- D. Terms specific to this Chapter are defined in Art. 1.I, Definitions and Acronyms. Terms not defined in this Chapter shall be defined pursuant to [Chapter 62, F.A.C.](#), the document entitled, "Basis of Review" (BOR), as amended, for Applications within the South Florida Water Management District, dated November 1996, and Art. 1.I, Definitions and Acronyms, of this Code, as may be amended from time to time. In the event that a term is defined in [Chapter 62, F.A.C.](#), or the BOR, the BOR shall prevail.

Section 5 Authority

This Chapter is adopted under the authority of [F.S. Chapter 125](#), as amended, and the Plan, as amended. ERM shall administer the requirements of this Chapter.

Section 6 Approval Required Unless Exempt

No person may alter or cause to be altered any vegetation unless such alteration is exempted by, or expressly approved by this Chapter.

Section 7 Application, Process, and General Standards

A. Requirements and Process

1. Permit applications shall be made on forms provided by ERM.
2. An application shall not be deemed complete until the application fee and all information necessary to fully understand the extent, nature and potential impacts of a proposed project are received by ERM. Such information may include, but is not limited to:
 - a. A completed application form with the notarized signature of the parcel owner or authorized agent of the parcel owner;
 - b. A written explanation of the need and intent of the project and a description of construction or alteration methodologies;
 - c. A certified site plan or survey, where applicable, showing all easements. Both plan view and cross sectional view sketches may be required;
 - d. Parcel information including a location map, a recent aerial photograph with the parcel clearly delineated, and representative color photographs;
 - e. Identification of the type and location of native vegetation in the vicinity of, and likely to be affected by the project;
 - f. An Incorporated Vegetation Plan which graphically depicts the location and field tag number for each native tree and palm to remain undisturbed on the parcel during construction and the natural life of the vegetation. The Incorporated Vegetation Plan may also be required to be incorporated as a feature of the site plan;
 - g. A numbered tabular list of all native trees/palms surveyed, indicating the type of tree/palm the DBH or height of clear trunk if palm, and whether the parcel owner proposes to keep the tree/palm in place, relocate it, offer it for surplus, remove it or mitigate for its removal;
 - h. A completed Vegetation Surplus Form which identifies surplus native vegetation which the parcel owner determines cannot otherwise be used on the parcel and is providing for the use of the Surplus Vegetation Program; and
 - i. Methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations, a copy of the on site Stormwater Pollution Prevention Plan shall be submitted as part of the permit application.
3. ERM may include permit conditions deemed reasonably necessary to protect the environmental integrity of any on site adjacent wetland areas, mitigation areas and upland preserves and to prevent harm to listed plant and animal species.
4. Standard Permit applications shall be deemed inactive until such time that written notice is received by ERM that application has been made for a building permit, land development permit, request for review of technical compliance or noticed completeness of requested information is received. The permit shall be issued at the time of the issuance of one of the foregoing, as applicable, or within 30 working days of determination by ERM that the application is complete and there are no outstanding violations of [Article 14.C, VEGETATION PRESERVATION AND PROTECTION](#), on the parcel. ERM shall make a parcel inspection within 15 working days of a request by a parcel owner.
5. Any application received that is substantially the same as a previous application that has been denied by ERM subsequent to the effective date of this Chapter shall be denied with a written response provided to the applicant stating the reason for denial.
6. Any parcel where a violation of any Chapter administered by ERM has occurred, shall not be eligible for a permit under this Chapter until such violation has been resolved.
7. Any application containing false information, or any permit issued based upon false information, may be denied or revoked and may subject the applicant to enforcement proceedings pursuant to [Article 14.C, VEGETATION PRESERVATION AND PROTECTION](#), [Article 10, ENFORCEMENT](#), of this Code.
8. ERM shall have the right to make inspections of construction areas at reasonable times to determine compliance with this Chapter.
9. ERM may include permit conditions for vegetation debris removal by open burning but the conditions shall not be in conflict with burn permits from jurisdictional agencies.

B. Types of Approval

1. Vegetation Removal Notice (VRN) for Single Family Parcels

Single family residential parcels less than two and one-half acres in gross size will automatically receive a VRN with standard conditions as part of the building permit process. For the purposes of this Chapter, a single family residential parcel also includes a single two unit (duplex) residence and associated accessory structures. The VRN shall be signed by the applicant as part of the building permit process. Authorization will be issued concurrently with the building permit. For alteration of vegetation before a building permit is issued, a VRN application shall be submitted directly to ERM. Conditions of the VRN for single family residential parcels are listed in [Article 14.C.9, Vegetation Removal Notice for Single Family Residential](#).

2. General Permit

A General Permit may be issued for prohibited and invasive non native vegetation removal and minor vegetation alteration pursuant to criteria set forth in [Article 14.C.10, General Permit](#).

3. Standard Permit

A Standard Permit is required for upland vegetation alteration that does not qualify for a VRN, a General Permit, or an exemption under this Chapter.

4. Wetlands Alteration Permit

A Wetlands Alteration Permit is required for any construction or alteration, (including but not limited to dredging, filling, removing or altering vegetation or draining or flooding) on, in or over jurisdictional wetlands. A Wetland Alteration Permit may be incorporated into permits for upland vegetation as described above in this Chapter.

5. De Minimis

Those projects for which ERM provides a written determination that there will be no significant adverse environmental impacts. Approvals may include but are not limited to: Removal of native vegetation that has been destroyed or so severely damaged, inadvertently or by acts of nature, that it constitutes a peril to life or property; certification by a certified arborist that vegetation is a hazard; determination by ERM staff or other qualified professional that vegetation may compromise the integrity of a structure; removal to selectively thin vegetation by hand; or, certification by the Florida Department of Forestry or PBC Fire Rescue that a 30 foot buffer should be cleared around designated structures through the Fire Wise program.

C. Standards of Issuance

No permit shall be issued unless the application demonstrates that the project:

1. Will not result in a net loss of wetland functions and values;
2. Complies with water quality rules and standards set forth in [Chapter 62 302, F.A.C.](#);
3. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats;
4. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat;
5. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation; and
6. Complies with any applicable federal, state or local designated preserve, conservation or mitigation area.

Section 8 Exemptions

The following activities do not require a permit under this Chapter:

A. Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or Bonafide Agricultural Operations

Vegetation alteration associated with subsequent harvesting activities, except within preserve areas or vegetated buffers, that are part of the on going activities of the existing operation, the harvesting or alteration of vegetation previously planted and cultivated for production as part of an ongoing botanical garden, botanical research center, nursery or bona fide agricultural operation is an exempt activity. Initial clearing of a parcel is not an exempt activity.

B. Fencing

The minimal removal of trees or understory necessary to install a fence, provided that no tree three inches or greater DBH is removed, the path cleared for the fence does not exceed five feet in width, and native vegetation is removed solely by hand.

C. Forest Management Activities

Selective tree removal for forest management activities as defined in the current Forest Management Plan as approved by the State of Florida Division of Forestry.

D. Improved Parcels

Removal of prohibited and invasive non native vegetation. The removal of dead and dying vegetation and vegetation not subject to this Chapter is also exempt, provided however, the removal complies with [Article 7, LANDSCAPING](#), as amended.

E. Landscape Plant Removal

Removal or alteration, from an improved parcel, of non native vegetation installed as landscape, provided the activity complies with the requirements of [Article 7, LANDSCAPING](#), as amended, and no removal or alteration occurs from native upland vegetation buffers, preserves, or jurisdictional wetlands.

F. Lot Clearing Provisions

Removal of prohibited and invasive non native vegetation required pursuant to the Lot Clearing Provision in [Article 7, LANDSCAPING](#), as amended, or at the direction of a public law enforcement agency pursuant to necessary law enforcement activity.

G. Mitigation or Enhancement Projects

Activities conducted pursuant to a permit from SFWMD, Florida Department of Environmental Protection, or ERM under [F. S. Chapters 403 and 373](#), as amended, and [Chapter 62-312, F.A.C.](#) as amended, including activities approved under an adopted Surface Water Improvement and Management Plan.

H. Natural Emergencies

The provisions of this Chapter may be suspended or waived by the Director of ERM during a period of officially declared emergency, such as a hurricane, windstorm, tropical storm, flood or similar disaster.

I. Parks and Recreation

Alterations of vegetation pursuant to an adopted management plan for government maintained parks, recreation areas, wildlife management areas, conservation areas and preserves, excluding new construction or parcel improvement.

J. Preserve Management Activities

Preserve management activities provided that:

1. The preserve area is designated by deed restriction, plat, restrictive covenant, or conservation easement and is dedicated to a public entity or approved private conservation group for preservation in perpetuity;
2. The activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences; and
3. The preserve area has a preserve management plan approved by ERM.

K. Projects Requiring an Environmental Resource Permit

A Wetlands Alteration Permit shall not be required for those projects permitted for wetland impacts through the Environmental Resource Permit process by Florida Department of Environmental Protection or SFWMD, and that are described in [Rule 62 312.050, F.A.C.](#), as amended.

L. Pruning

Pruning of native vegetation in non preserve areas in accordance with the American National Standards Institute, (ANSI) A 300, pursuant to [Article 7.E, INSTALLATION, MAINTENANCE, PRUNING AND IRRIGATION](#) as revised, to allow for healthy growth, to promote safety, and to remove dead or dying vegetation, provided there is no cutting back of limbs to a point between branch collars or buds larger than one inch in diameter within the tree's crown.

M. Utilities, Water Control, Water Management Districts, and Road R-O-W

Alteration of vegetation is permitted within drainage easements associated with repairs to or maintenance of existing canal structures at the direction of water control districts, or water management districts within drainage easements, where the vegetation is interfering with drainage or services provided by the water control districts or water management districts. Alteration of vegetation is permitted within a utility easement, where the vegetation is interfering with services provided by a utility. Alteration of vegetation is permitted within a road R-O-W for normal maintenance activities. Alteration associated with new construction is not an exempt activity.

N. Survey or Other Test Required

The necessary removal of vegetation by, or at the direction of, a State of Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test, provided that no tree three inches or greater DBH is removed, the path cleared does not exceed five feet in width, and native vegetation is removed solely by hand.

Section 9 Vegetation Removal Notice for Single Family Residential Parcels

The initial construction of a single family unit or a single two unit (duplex) residence or associate accessory structures on parcels less than two and one half acres in gross size shall require a VRN. The notice conditions are:

A. Minimum Alteration

Removal of native vegetation shall be limited to the minimum necessary to accomplish the purpose of the site plan. A site plan that eliminates or nearly eliminates native vegetation will not be approved under this Chapter. Specimen tree removal shall require mitigation.

B. Removal of Prohibited Invasive Non-Native Vegetation

Complete removal or eradication of prohibited invasive non native vegetation, as identified in Appendix 6 Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No additional permit for such maintenance of vegetation shall be required.

[Ord. 2005 – 002] [Ord. 2006-004]

C. Permit Duration

The VRN shall be in effect for up to two years after the issuance date. The issuance date shall be the date of issuance of the building construction permit. ERM may extend the Notice for one year upon written request.

Section 10 General Permit

A parcel owner may apply for a general permit to remove minor vegetation or for prohibited and invasive non-native vegetation. A general permit with appropriate conditions designed to protect native vegetation may be issued following an on-site meeting with the parcel owner or the parcel owner's agent and receipt of a completed permit application signed by the parcel owner or the parcel owner's agent. Such permit conditions may include, but are not limited to, setbacks from protected vegetation, recommended methods of vegetation removal, protection of specimen trees and listed species, removal of Prohibited and Invasive Non-native Vegetation and recommended vegetation disposal. Parcels cleared under this Section shall be maintained free of Prohibited Invasive Non-Native Vegetation and Invasive Non-native Vegetation as identified in Appendices 6, Prohibited Invasive Non-Native Vegetation, and 7, Invasive Non-Native Vegetation. No additional permit for such maintenance of vegetation shall be required. General permits are valid for two years, unless extended in writing by ERM. **[Ord. 2005 – 002]**

Section 11 Standard Permit

A. Applicability

A parcel owner may apply for a standard permit to:

1. Remove prohibited invasive non-native vegetation;
2. Incorporate existing native vegetation into the site plan;
3. Minimize the removal of native vegetation and maximize the use of areas dominated by non-native vegetation for the location of buildings or accessory structures;
4. Relocate native vegetation either on- or off-site;
5. Establish native upland preserves; or
6. Mitigate the removal of native vegetation, provided that the activity furthers the preservation and protection of native vegetation. **[Ord. 2006-036]**
7. With the exception of bonafide agricultural, equestrian, and roadway production activities, a standard permit shall be issued with the applicable building permit land development permit, or written notification of technical compliance, and is valid for two years unless extended in writing by ERM. **[Ord. 2006-036]**

B. Technical Requirements for a Standard Permit

1. Removal of Prohibited Invasive Non-Native Vegetation

Removal or eradication of prohibited and invasive non-native vegetation identified in [Appendix 6, Prohibited Invasive Non-Native Vegetation](#), and Appendix 7, Invasive Non-Native Vegetation, shall be completed for the entire parcel or parcels of the Development Order concurrent with the permitted vegetation alteration and prior to receipt of the first CO, if applicable, unless a phasing plan has been approved in writing by ERM. The parcel owner shall thereafter maintain the parcel free of this prohibited invasive non-native vegetation. No additional permit for such maintenance of vegetation shall be required. **[Ord. 2005-002] [Ord. 2006-004]**

2. Incorporation or Relocation of Existing Native Vegetation

Existing native vegetation shall be incorporated into the site plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and open space areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be considered surplus. Non-relocatable native vegetation that cannot be maintained on the parcel shall be mitigated for in accordance with the Tree Replacement [Table 14.C.16-1, Tree Replacement](#). There is no requirement to provide vegetation for surplus. ERM shall also consider: **[Ord. 2005-002]**

- a. Alternative designs to limit the removal of native vegetation to the minimum necessary while still allowing the applicant to accomplish the purpose of the site plan;
- b. Preserving listed species in place or relocating to buffers, open space or unimproved portions of the parcel;
- c. The likelihood of success for relocated native vegetation;
- d. The use of barriers and flagging during construction to establish appropriate setbacks to protect and preserve native vegetation;
- e. Mitigation or compensation for the loss of native vegetation;
- f. At least 50 percent of the trees planted as mitigation for the removal of native trees shall be the same species as the trees removed, provided that the mitigation vegetation is locally available;
- g. For single-family residences located on two and one-half acres or more, mitigation may not be required, other than for specimen trees, for the area of the house pad and attached structures, and the septic system. This shall be determined by ERM on a case-by-case basis, after determination that the parcel owner is providing a building location that is the best environmental use of the parcel;
- h. For single family residential parcels which where the parcel owner located the residence that is the best environmental use of the parcel, mitigation of specimen trees shall be on a tree for tree basis if the specimen trees are not relocatable; and
- i. Creation of a tree preservation area.
- j. Off-site replacement shall be allowed if on-site planting is not feasible due to unsuitable parcel conditions. Off-site planting shall be in or adjacent to a public park parcel or native upland area; **[Ord. 2006-036]**
- k. In lieu of replacement planting, a donation may be made to PBC for the Natural Area Stewardship Endowment Fund. The donation amount shall be based on the average cost of the purchase, installation and maintenance for one year of an equivalent number of replacement trees or actual cost of removing and replanting specimen trees; **[Ord. 2006-036]**
- l. The parcel owner shall provide irrigation, mulch, and other practical means to ensure the survivorship of any relocated specimen tree. If a relocated specimen tree does not survive, it shall be replaced with a native pursuant to Table 14.C.16-1, Tree Replacement. **[Ord. 2006-036]**
- m. Replacement planting consisting of native scrub vegetation may be approved on a case by case basis where appropriate soil characteristics exist, and amount of remaining canopy and other understory vegetation will be sufficient; **[Ord. 2006-036]**
- n. Sabal palms may be allowed as replacement plantings for canopy trees if approved by ERM and planted at 3:1 (palms: required replacement trees) based on table 14.C.16-1, Tree replacement, on 10 foot centers, +/-1 foot and grouped as shown on a planting plan Table approved by ERM; **[Ord. 2006-036]**
- o. At least 50 percent of the trees planted as replacement planting for removal of native trees shall be the same species as the trees removed provided that the replacement vegetation is locally available. **[Ord. 2006-036]**

3. Specimen Tree Removal

Removal of any specimen tree identified in [Appendix 8, Specimen Tree List](#), is prohibited unless the following criteria are met:

- a. Site plans shall be developed to incorporate any specimen tree in its original location to the greatest extent possible;
- b. A specimen tree shall be relocated in a manner to ensure survivability if there is no reasonable alternative that allows incorporation of the tree into the parcel design;
- c. If a specimen tree cannot be relocated, the parcel owner shall install replacement plantings consisting of native vegetation pursuant to [Table 14.C.16-1, Tree Replacement](#). This requirement is in addition to Landscape Code requirements and any other conditions of approval.

- d. For bonafide agriculture activities, mitigation for removal of specimen trees may be accomplished by incorporation of relocatable trees on the parcel, use of relocatable trees as nursery stock, donation of relocatable trees to public agencies, sale of relocatable trees, or relocation to off-site areas approved by ERM. [Ord. 2006-036]

4. Establishing Native Upland Preserves

All standard permits for parcels equal to or greater than four acres shall be evaluated by ERM for the establishment of a native upland preserve. Parcel owners that have significant areas of native upland vegetation shall be required to designate a native upland preserve equivalent to at least 25 percent of the total native upland vegetation on site or otherwise comply with this Chapter. New public park facilities constructed on parcels 20 acres in size or less shall be exempt from the preserve requirements of this Chapter.

Factors that will determine if a parcel has significant areas of native vegetation include, but are not limited to the quality of the native ecosystem, overall quality of its biological diversity, the presence of listed species, the wildlife habitat, value grouping of native vegetation, and the compactness of the preserve and its proximity to other natural preserve areas and corridors.

a. Preserve Boundaries

The preserve boundaries shall be designated in a certified survey submitted to ERM for approval prior to issuance of the standard permit. No easements may be located within the boundaries of the preserve. Prior to and during parcel alteration, the preserve boundaries shall be clearly marked and appropriately barricaded. Permanent preserve boundary markers shall be installed prior to issuance of the initial CO, if applicable, or final vegetation inspection, and shall be maintained by the parcel owner in perpetuity.

b. Preserve Management Plan

The parcel owner shall develop a Preserve Management Plan to provide long-term protection and maintenance of the values and functions of the preserve. Activities that cause degradation of the preserve are prohibited. The Preserve Management Plan shall be approved by ERM prior to issuance of the standard permit. ERM may provide Preserve Management Plan Guidelines. The parcel owner shall maintain the preserve in accordance with the Preserve Management Plan. Modifications to the Preserve Management Plan are prohibited without prior written approval by ERM.

c. Preserve Dedication

Preserve areas shall be identified graphically and legally described in the applicable deed restriction plat, restrictive covenant, conservation easement, or by a separate instrument to be recorded pursuant to [F. S. §704.06](#), as amended. Said preserve shall be specifically and separately reserved to the owner, or if applicable, to the property owners' association as its perpetual maintenance responsibility, without recourse to PBC or other governmental entity or agency. Prior to issuance of a standard permit, the plat or instrument shall be submitted to and approved by ERM, recorded in the public records of PBC, and proof of recordation shall be provided to ERM. Parcel owners are encouraged to dedicate voluntary preserves to PBC for preservation in perpetuity. PBC may enter into agreements with parcel owners to enhance private preserves.

d. Non-Native Vegetation

All vegetation listed in [Appendix 6, Prohibited Invasive Non-Native Vegetation](#), and [Appendix 7, Invasive Non-Native Vegetation](#), shall be removed from the parcel prior to issuance of the first CO, certificate of completion, or final inspection, whichever occurs first unless a phasing plan has been approved in writing by ERM. In addition to the removal requirement above, the vegetation identified in [Appendix 9, Invasive Non-Native Vegetation within Preserves](#), shall be removed from the preserve area. The parcel owner shall thereafter maintain the parcel free of this vegetation.

e. Mitigation Option

A parcel owner may mitigate for the loss of vegetation during parcel improvement by preserving additional native upland habitat or vegetation or by developing and implementing a restoration and enhancement plan for a native upland preserve. Alternative mitigation proposals that meet the purpose and intent of this Chapter may also be submitted.

f. Offsite Dedication

Preserves may be dedicated off site in lieu of onsite dedication with ERM's approval. The size of the offsite preserve shall be based on the quality of the habitat or vegetation on both the parcel being improved and the parcel of the proposed preserve. The final appraised values of the parcel being improved and the parcel for the proposed preserve may also be considered. The location

of the off-site preserve shall be determined prior to DRO. Prior to the issuance of the standard permit, the instrument used to dedicate an off-site preserve shall be submitted to and approved by ERM.

g. Preserve Cash Buyout

A preserve may be purchased in accordance with [Article 14.C.11.B.4.c, Preserve Dedication](#).

h. Bona fide Agriculture

For parcels that have a conservation easement requirement from the SFWMD, where upland dedication around a wetland is included as wetland mitigation, the land dedication may be used to reduce required upland set-asides by ERM.

i. Tree Preservation Areas

Parcels less than 4 acres or parcels greater than four acres with significant upland vegetation that may not otherwise qualify for a 25 percent set aside, may be required to provide tree preservation area(s). Factors that will determine if a parcel has significant areas of native vegetation include, but are not limited to the quality of the ecosystem, overall quality of biological diversity, the presence of listed or uncommon species, wildlife habitat value, value grouping of assemblages of native vegetation, compactness of the area, and degree of limited impact by prohibited and invasive non-native vegetation.

5. Native Upland Preserve Exemption for Single Family Use

A parcel owner shall not be required to establish a native upland preserve on a parcel containing a single family residence or a single two unit residence provided that no more than 60 percent of the total parcel may be cleared for non-residential ancillary uses as permitted by the underlying zoning, including agricultural or equestrian uses, and including associated canal, pond or drainage features, and which results in the alteration or removal of existing native upland vegetation. The site development plan shall minimize the removal of existing native vegetation and maximize the use of areas dominated by non-native vegetation.

a. Agricultural and Equestrian Use

Parcels for single family residences or a single two unit (duplex) residence in which more than 60 percent of the parcel may be cleared for agricultural and equestrian use, including associated canal, pond or drainage features, and which results in the alteration or removal of existing native upland vegetation, shall comply with the preserve requirements of [Article 14.C.11.B.4, Establishing Native Upland Preserves](#), above.

b. Other Ancillary Uses

Parcels for single-family residences or a single two unit (duplex) residences where more than 60 percent of the parcel may be cleared for an ancillary use not specifically defined above, but permitted by the underlying zoning, and which results in the alteration or removal of existing native upland vegetation, shall comply with the preserve requirements of [Article 14.C.11.B.4, Establishing Native Upland Preserves](#), above.

c. Native Upland Preserve Incentive Programs

Single-family landowners are encouraged to establish native vegetation preserves to protect and maintain native upland vegetation communities. The BCC may establish by Resolution and maintain at its discretion one or more incentive programs designed to encourage establishment of native upland preserves on parcels for single-family residences otherwise exempt by this Chapter.

6. Surplus Native Vegetation

Native upland vegetation that cannot be preserved or relocated on the parcel shall be considered surplus. An applicant for a standard permit shall complete and attach to the application a Vegetation Surplus Form provided by ERM, and a list of the available vegetation including the species names and approximate quantity and sizes of each species to be surplus. The applicant shall prevent inadvertent destruction by physically marking available vegetation on the parcel to afford easy identification. ERM shall maintain a list of persons interested in relocating surplus native vegetation, and shall assist in finding suitable locations for this surplus vegetation. Should a parcel owner elect to participate in the Vegetation Surplus program, the vegetation shall remain available for removal, sale or donation for at least 20 business days after issuance of the permit unless a shorter time frame is approved in writing by ERM and the parcel owner shall cooperate with relocating surplus vegetation off site. Should a parcel owner elect not to participate in the benefits of the Vegetation Surplus program, this fact shall be stated on the standard permit application.

7. Preserve Maintenance

Preserves shall be maintained in compliance with standards set forth in this Chapter and the preserve management plan. Non-native vegetation shall not be introduced into the preserve. Invasive

vegetation that can alter the existing native vegetation communities by displacing native vegetation shall be removed if non-native or reduced, if native, to a level of non-interference with the growth of native vegetation.

C. Standard Permit Options

The following options are available on a voluntary basis to applicants seeking a standard permit:

1. Option For Permit in Advance Of Approval By Other Agencies.

The speculative removal or elimination of native vegetation in advance of parcel improvement is not consistent with the goals of this Chapter. However, certain conditions can provide assurances that parcel improvement will proceed in good faith. A standard permit may be issued by ERM in advance of issuance of the Land Development Permit, building permit or written notification of technical compliance if, in addition to the application requirements contained in [Article 14.C.11.B, Technical Requirements for a Standard Permit](#), the following additional information is provided:

- a. Evidence of submittal of an application for a Land Development Permit and fee payment; or
- b. If no Land Development Permit is required, evidence of submittal of an application for a Technical Compliance Review and fee payment, and a copy of the SFWMD early works permit for the parcel; and
- c. A performance guarantee in an amount equal to 110 percent of the cost to restore native plant communities appropriate to the parcel in the event native vegetation is damaged or destroyed in violation of the permit conditions during the pre-construction activities or improvement of the parcel is abandoned or significantly delayed. Two estimates of the cost to restore may be required for purposes of establishing the applicable amount of the performance guarantee.
 - 1) Execution
The performance guarantee shall be executed by a person with a bonafide legal interest in the parcel. The performance guarantee shall be kept in full force until all obligations thereunder are satisfied.
 - 2) Form of Guarantee
The guarantee shall be:
 - a) A cash deposit or certificate of deposit assigned to PBC; or
 - b) An escrow agreement for the benefit of PBC and on a PBC-approved form; or
 - c) A performance bond issued by a State of Florida registered guarantee company which shall be listed the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations, and on a PBC-approved form; or
 - d) A clean, irrevocable letter of credit on a PBC-approved form;
- d. The final site plan certification has been granted by the Development Review Officer;
- e. The work for which the permit is issued shall commence within one year of the issuance date;
- f. Preserve dedication, pursuant to [Article 14.C.11.B.4.c, Preserve Dedication](#), for any designated preserve area has occurred; and
- g. Within one year of permit issuance, all prohibited invasive non-native vegetation shall be removed. Throughout construction, the parcel shall be maintained to prevent the re-establishment of prohibited invasive non-native vegetation. A report verifying the removal of prohibited invasive non-native vegetation shall be submitted to ERM by a landscape architect, environmental professional, or arborist. In the event PBC exercises its option on the guarantee pursuant to [Art. 14.C.11.C.1.c](#), above, this maintenance and monitoring shall cease.

2. Cash Payment Option in Lieu of Native Upland Preserve

- a. A parcel owner may submit a cash payment in lieu of setting aside a native upland preserve provided the following criteria are met:
 - 1) A written request shall be submitted to ERM prior to DRO, certification for public hearing, site plan certification, or issuance of a building construction permit, whichever occurs first;
 - 2) The cash payment shall be equivalent to the average per acre-appraised value, at the time of permit application, multiplied by the number of acres required to be preserved. PBC may request a second appraisal on which to base this cash payment;
 - 3) The cash payment shall be made payable to the PBC Natural Areas Stewardship Endowment Fund and shall be submitted prior to issuance of the permit or site plan certification, whichever occurs first; and
 - 4) If listed species are determined to be on the parcel, the applicant must demonstrate that the proposed action will not preclude the continued survival and viability of the listed species, or a plan must be approved by all applicable agencies for relocating those species.
- b. For bona fide agriculture, this cash payment option may allow commencement of parcel improvement prior to submittal of the cash payment provided:

- 1) The parcel owner records a restricted covenant on a PBC-approved form limiting the use of the parcel to bona fide agriculture, and requiring the parcel owner to make the cash payment to PBC at the time the parcel is converted to a nonagricultural land use or is sold;
- 2) The cash payment amount shall be calculated based on the appraised conversion value or actual cost, if sold, whichever is greater, of the parcel after conversion to a non-agricultural use;
- 3) Upon any conversion of a parcel to non-agricultural use where a deed restriction option is used, the parcel owner shall comply with PBC requirements for an enhanced landscape buffer;
- 4) The parcel owner considers increasing the upland set aside to offset any mitigation on the parcel for specimen and relocatable trees as determined by ERM; and
- 5) The parcel owner may consider replanting the preserve, with appropriate vegetation, as determined by ERM in lieu of cash payment. The constructed preserve shall comply with preserve standards as required under [Article 14.C.11.B.4, Establishing Native Upland Preserves](#).

Monies collected in lieu of establishing a preserve shall be paid to PBC for the Natural Areas Stewardship Endowment Fund for the management of native ecosystems.

3. Alternative Mitigation for Publicly Owned Parcels

Alternative mitigation that meets the purpose and intent of this Chapter may be proposed for public projects on a publicly owned parcel. Alternative mitigation proposals shall be reviewed and a determination made by the County Administrator in consultation with the Director of ERM.

4. Mitigation Option for Projects

For projects that do not meet the permitting criteria of [Article 14.C, VEGETATION PRESERVATION AND PROTECTION](#), the applicant may submit a proposal for mitigation. The proposal will be approved if:

- a. An applicant demonstrates that the proposed activity cannot be practically located at an alternative upland or highly disturbed wetland parcel;
- b. The applicant has taken reasonable project modification measures to reduce vegetation/habitat loss and/or degradation, such as parcel designs to limit impacts to specimen trees; reduce fill into or drainage of wetlands; provision of an upland area (buffer) intended to protect wetlands from dredging, filling, or construction activities on adjacent lands; the use of erosion control measures where the activity will cause erosion; construction of pretreatment facilities for stormwater to be discharged into wetlands; and undertaking activities at such time of year that would have the least impact upon vegetation, wetland, or endangered or threatened vegetation; and
- c. The wetland mitigation standards set forth in [Section 4.3 of the SFWMD BOR](#), as amended shall be the standards applicable to this Article and are hereby adopted and incorporated by reference as if set forth in full herein.

5. Selective Mitigation

A parcel owner may selectively relocate trees on the parcel prior to the first to occur of the issuance of a Land Development Permit, building permit or written notification of technical compliance, if the relocation will increase the survivability of native trees. The parcel owner shall submit to ERM a standard permit application demonstrating that the trees are relocatable. No relocation may occur prior to issuance of the ERM Permit. Trees that do not survive shall be replaced with native trees according to [Art. 14.C.16-1, Tree Replacement](#).

6. Bonafide Agriculture Initial Clearing

Should ERM determine that a parcel to be cleared for bonafide agriculture may be allowed to remove vegetation without mitigation, the parcel owner may record a restrictive covenant on a PBC-approved form limiting the parcel to bonafide agriculture, and requiring the parcel owner to make a cash payment or mitigate the trees on site at the time the parcel is converted to a nonagricultural land use. The restrictive covenant is required to provide language stating the number of relocatable and specimen trees required at the time of conversion.

Section 12 Removal of Prohibited Invasive Non-Native Vegetation

A. Removal of Prohibited Plant Species

Improved parcels approved or constructed on or after April 28, 1986, shall be maintained free of prohibited vegetation listed in [Appendix 6, Prohibited Invasive Non-Native Vegetation](#).

Section 13 Fees

- A. Fees shall be required as established by resolution of the BCC. Fees shall be non-refundable and non-transferable. An administrative fee may be required where projects require specific detailed site plan assistance by PBC or where site plans change after initial review. Application fees paid by check shall be payable to the BCC.

Section 14 Appeals

A. Hearing Officer

An applicant for any permit may appeal a final determination made by the Director of ERM to a Hearing Officer as established in [Article 17.C.7, Hearing Officers](#), of this Code pursuant to this Chapter. The applicant shall comply with the following appeal procedures.

1. Submittal

A written appeal must be made within 20 days of the applicant's receipt of the decision by the Director of ERM. The appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the applicant seeks to rely. Failure to file within such time frame shall constitute a waiver of a person's right of review by the Hearing Officer.

2. Hearing

The appeal shall be reviewed at a hearing by the Hearing Officer within 60 working days of ERM's receipt of a request and a \$50.00 filing fee. The applicant will receive notice of the hearing no less than 15 working days in advance of the hearing. At the hearing, the Hearing Officer shall provide the applicant and the Director of ERM, or their respective legal representatives, an opportunity to present testimony and evidence, provided such information was part of the review before the Director of ERM. All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. The Hearing Officer in his or her discretion, may exclude irrelevant, immaterial or unduly repetitious evidence, but all conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Any part of the evidence may be received in written form. The Hearing Officer shall reverse the decision of the Director of ERM only if there is substantial competent evidence in the record that the Director of ERM erred in applying the standards of this Chapter. The Hearing Officer shall enter a decision by written order not less than ten days following conclusion of the hearing. The order shall include findings of fact and conclusions of law and shall be deemed final administrative action. An applicant or ERM may appeal a final decision of the appeal board within 30 days of the rendition of the decision. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC. The Court shall be limited to appellate review of the record created before the Hearing Officer and may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with [F.S. §119.07](#) as amended from time to time.

3. Judicial Relief

An applicant or ERM may appeal a final written order to the Circuit Court of the Fifteenth Judicial Circuit in and for PBC. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review of the record created before the Hearing Officer. PBC may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with [F.S. §119.07](#), as amended from time to time.

Section 15 Violations

A. Violations

A violation shall be:

1. The alteration or removal of one specimen tree or the alteration or removal of up to 1,500 square feet of vegetation without a valid permit, unless expressly exempt under this Chapter. Alteration or removal of each additional specimen tree and alteration of each additional 1,500 square feet of vegetation or portion thereof in violation of this Chapter shall constitute a separate and additional violation.
2. Failure to comply with a condition of a permit issued by ERM pursuant to this Chapter or a requirement of a Preserve Management Plan approved by ERM. Each condition or requirement violated and each occurrence of a violation shall constitute as a separate violation.
3. Altering, or allowing to be altered, any jurisdictional wetland without an ERM permit, or in violation of an ERM permit.

4. Failure to comply with the requirements of this Chapter or any approval granted or activity authorized hereunder.
5. Failure to comply with an ERM Wetlands Alteration Permit issued prior to the effective date of March 1, 1998.
6. Planting prohibited invasive non-native vegetation.
7. Planting non-native vegetation within a preserve.
8. Conversion of a parcel cleared for bonafide agriculture to another use prior to use as agriculture.
9. Introduction of structures, grade changes, debris or utilities into a preserve without approval by ERM.

[Ord. 2006-036]

B. Enforcement

1. To enforce compliance with this Chapter, ERM may issue a cease and desist order or require that a building permit or CO be withheld. A violation of this Chapter shall be punishable by one or more of the following:
 - a. Quadruple permit fees for violations involving activities conducted without a valid permit that may otherwise have been permitted;
 - b. Remedies outlined in [Article 10, CODE ENFORCEMENT](#), of the Code;
 - c. Any applicable remedies under [F.S. Chapters 125 and 162](#), as amended;
 - d. PBC may take any other appropriate legal action, including but not limited to, administration action, and requests for temporary and permanent injunctions to enforce the provisions of this Chapter; and
 - e. ERM Wetlands Alteration Permits issued prior to, and with obligations beyond the effective date of this Chapter, shall remain in full force and effect. Accordingly, the enforcement provisions herein shall apply to any violation of an ERM Wetlands Alteration Permit issued prior to, and with obligations beyond, the effective date of this Chapter, except that violations of single-family dock permits issued pursuant to the agreement between PBC and the USACOE (adopted as [Resolution R89-120](#) and dated January 24, 1989), shall be referred to the USACOE, and ERM Mangrove Trimming Permit violations shall be referred to the DEP. In the event the DEP directs ERM to enforce a violation of a permit issued under the mangrove delegation agreement between PBC and the DEP, dated January 21, 1997, the enforcement provisions herein, in addition to any State-mandated enforcement provisions, shall apply.

C. Pollution Recovery Trust Fund

All monies collected as civil penalties for violations of this Chapter shall be paid to PBC for the Pollution Recovery Trust Fund.

Section 16 Mitigation or Restoration

When native trees are removed or damaged without a permit or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with a permit, they shall be replaced at double the rate shown in the Table 14.C.16-1, Tree Replacement and Art 14.C.16.B, below. For replacement vegetation which dies other than by damage or destruction, the replacement value shall be that in Table 14.C.16-1, Tree Replacement. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. Table 14.C.16-1, Tree Replacement, shall apply to mitigation or restoration as follows: **[Ord. 2005 - 002] [Ord. 2006 - 036]**

Table 14.C.16-1 Tree Replacement

Crown Spread of Tree	Or	Diameter at 4.5 Feet Above Grade	=	Replacements
90 Feet or Greater	Or	27 inches or more	=	9
60-89 Feet	Or	24-26 inches	=	8
50-59 Feet	Or	21-23 inches	=	7
40-49 Feet	Or	18-20 inches	=	6
30-39 Feet	Or	15-17 inches	=	5
20-29 Feet	Or	12-14 inches	=	4
10-19 Feet	Or	9-11 inches	=	3
5-9 Feet	Or	6- 8inches	=	2
Less than 5 Feet	Or	Less than 6 inches	=	0

- A. Replacement trees shall be at least 12 feet in height, two and one-half inches DBH, and consist of native vegetation, indigenous to the area, and be Florida Number 1 or better in quality. Field grown replacement trees shall be evaluated on a case-by-case basis for quality.
- B. Replacement Palms shall be at least 12 feet in height. Sabal palms shall be replaced at a ratio of 2:1 for mitigation and this number doubled for restoration. A mitigation ratio of 2:1 shall be applied to permitted palm removal. **[Ord. 2006-036]**
- C. If the required replacement trees cannot to be purchased within 60 miles from the parcel, an alternate replacement may be approved by ERM.
- D. Replaceable Specimen Trees greater than 22 inches DBH shall be replaced with a tree of the same species and equal or greater DBH.
- E. Replacement trees may be replaced with a contribution to the Natural Areas Stewardship Endowment Fund for the cost of the purchase and relocation of a like tree.
- F. Dahoon Holly trees shall be replaced like size for like size for mitigation and the number doubled for restoration.
- G. Monitoring time frames shall be established for mitigation and replacement vegetation, as needed.
- H. Mitigation vegetation, other than trees, may be approved by ERM providing the vegetation is native and indigenous to the area.

Section 17 Natural Areas and Preserve Areas

A. Natural Areas

Planned developments shall be designed to mitigate the negative impacts of development intensity and density upon natural areas as defined in PBC [Ordinance 94 13](#), and parcels designated as preserve areas according to this Chapter. Proposed development shall not negatively impact the native ecosystem of any adjacent natural areas and shall comply with the criteria established in [Article 14, ENVIRONMENTAL STANDARDS](#), for natural areas and other applicable environmental ordinances. The applicant shall work in cooperation with the PZB and ERM to establish mutually acceptable alternatives to protect the natural area, including but not limited to:

- 1. The prohibition of certain land uses; and
- 2. A reduction in the building intensity near natural areas and preserve areas by the creation of a minimum 50 foot buffer zone.

B. Special Preservation Protection Standards

Lake Worth Lagoon and Loxahatchee River buffers - A 50 foot native vegetation buffer shall be preserved along the Lake Worth Lagoon, and that portion of the Loxahatchee River which lies outside the Jonathan Dickinson State Park Greenline Overlay, depicted in Map LU 3.1, Special Planning Areas, of the Plan. The purpose of the native vegetation buffer is to preserve native vegetation along the two waterways and to decrease the impact of storm-water activities on the two waterways. Restrictions may be imposed on development by ERM to conserve native vegetation within the buffer and reduce hydrological impacts to the two waterways. **[Ord. 2005 – 002]**

- 1. If native vegetation exists within the 50 foot conservation buffer, then restrictions may be imposed by ERM within the buffer to address the following issues: **[Ord. 2005 – 002]**
 - a. Visual encroachment;
 - b. Edge effects;
 - c. Exotic pest plant invasions;
 - d. Interference with prescribed burns in natural areas; **[Ord. 2005 – 002]**
- 2. If native vegetation does not exist within the 50 foot buffer, then restrictions may be imposed by ERM within the buffer to address the following issues: **[Ord. 2005 – 002]**
 - a. Hydrological impacts; **[Ord. 2005 – 002]**
 - b. Any other specific site development regulations required by this Code.
- 3. In addition to any of the restrictions listed above, ERM may also require: **[Ord. 2005 – 002]**
 - a. development to be clustered away from natural or preserve areas; or **[Ord. 2005 – 002]**
 - b. buffer or preserve areas to be added adjacent to existing natural and preserve areas; or **[Ord. 2005 – 002]**
 - c. a combination of these alternatives. **[Ord. 2005 – 002]**
ERM shall strive to minimize parcel alterations near natural and preserve areas. **[Ord. 2005 – 002]**
- 4. The addition of a buffer or preserve areas adjacent to existing natural areas and preserve areas. Additionally, all effort shall be made to minimize parcel alterations near natural areas and preserve areas.

CHAPTER D PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE

Section 1 Purpose and Intent

- A. It is the intent of this Chapter to require removal and control of prohibited invasive non native vegetation.
- B. It is the intent of this Chapter to protect natural areas from unwanted seed sources from outside the natural areas.
- C. It is the intent of this Chapter to provide incentives for prohibited invasive non native vegetation removal in advance of the required removal time frames and provide replacement vegetation for canopy loss.
- D. It is the intent of this Chapter to concentrate efforts and funding on buffers around natural areas.

Section 2 Definitions

See [Art. 1.I, Definitions and Acronyms](#)

Section 3 Applicability

- A. All provisions of this Chapter shall be effective within the unincorporated and incorporated areas of PBC, except to the extent of conflict with a municipal ordinance, in which case the municipal ordinance will prevail over this Chapter in accordance with [Article 1, Section 1.3 General Provisions of the Charter of PBC](#).
- B. Incentive funds for use within municipalities shall be contingent upon this Chapter being fully enforced or the adoption and enforcement of an equally stringent or more stringent ordinance by a municipality. Funding determinations shall be based on PBC ERM review and acceptance or rejection of a municipality's replacement ordinance including the requirement of eradication of prohibited invasive non native vegetation prior to the certificate of occupancy for improved parcels.

Section 4 Authority

- A. This Chapter is adopted under the authority of [F.S. Chapter 125](#), and the Plan, as amended. ERM shall administer the requirements of this Chapter.

Section 5 Protection of Natural Areas:

- A. The County will establish by geographical information system reference, a 500 foot buffer area around all natural areas listed on [Appendix 10, Natural Areas](#).
 - 1. By February 25, 2008 PBC shall implement a program to evaluate the effectiveness of the 500 foot buffer for protecting natural areas from reinfestation of prohibited invasive non native vegetation from nearby parcels.
 - 2. Should the PBC find the 500 foot buffer is ineffective at preventing reinfestation, the PBC, using best available scientific information, shall determine if an expanded buffer is appropriate.
 - 3. Maps of the natural areas including buffers shall be on file and maintained by ERM and made available to the public.
- B. Natural areas acquired by the BCC using the Conservation Lands Bond Fund shall be added to Attachment A pursuant to a duly noticed public hearing.
- C. Any individual, organization, or governmental entity owning or controlling a natural area may request an addition to [Appendix 10, Natural Areas](#), by petitioning ERM. The petition shall include a description and map of the proposed addition, written justification for listing, a copy of the management plan, if available, and proof of notice to parcel owners within the proposed buffer of the natural area. ERM recommended additions to [Appendix 10, Natural Areas](#), or changes to the size of the buffer area may be approved by the BCC following a duly noticed public hearing.
 - 1. For publicly owned natural areas, there is no minimum size for listing.
 - 2. For privately owned natural areas, there must be a minimum of 10 acres of natural area unless determined by ERM to be a highly significant natural area including scrub, wetlands or mangrove communities and maintained under a management plan approved or accepted by ERM.

Section 6 Removal of Prohibited Invasive Non-Native Vegetation

- A. By January 1, of the applicable year provided on [Appendix 11, Prohibited Vegetation Removal Schedule](#), a parcel owner shall remove or caused to be removed or eradicated, the prohibited invasive non native

vegetation as listed on [Appendix 11](#), Prohibited Vegetation Removal Schedule, unless an exemption is provided under [Article 14.D.8, Exemptions](#), of this Chapter.

- B. Upon removal of prohibited invasive non native vegetation under this Chapter or any other ordinance requiring removal of this nuisance vegetation, the parcel owner shall maintain the parcel free of prohibited invasive non native vegetation.
- C. Qualified parcel owners who receive incentives under this Chapter shall maintain the parcel free of prohibited invasive non native vegetation.
- D. Complete removal or eradication of all prohibited invasive non native vegetation as listed on [Appendix 11](#), Prohibited Vegetation Removal Schedule, shall be completed for an entire parcel prior to the certificate of occupancy. Planting or installation of this vegetation is prohibited.

Section 7 Incentives

- A. The incentive program is available to all qualified parcels and unimproved parcels, or portions thereof within the buffer area, subject to availability of funding and annual appropriation of funds by the BCC.
- B. The incentive program may be provided to parcels that are not qualified parcels if it is determined that the prohibited invasive non native vegetation to be removed under the incentive program was not required by the County or municipality to be removed at the time of parcel improvement.
- C. The initial incentive program is listed in [Appendix 12](#), Incentive Program. It may be amended as needed by the BCC.

Section 8 Exemptions

- A. Except for the required removal of old world climbing fern and air potato vine, the following parcels are exempt from [Article 14.D.6, Removal of Prohibited Invasive Non-Native Vegetation](#), of this Chapter:
 - 1. Parcels improved prior to April 28, 1986 for unincorporated county and parcels improved prior to the effective date of a municipal ordinance requiring removal of prohibited invasive non native vegetation for incorporated areas. However, if the parcel or portion of the parcel is located within a buffer area, the parcel is exempt from the time lines for eradication set forth in [Appendix 11](#), Prohibited Vegetation Removal Schedule, for prohibited invasive non native vegetation only if the parcel owner agrees to participate in an incentive program established to remove that vegetation from the parcel. For purposes of this Chapter, agreement to participate means the execution of a written agreement with ERM on behalf of the BCC for this purpose, and compliance with said agreement.
 - 2. Unimproved parcels, other than those located in buffer areas.
 - 3. For improved and unimproved parcels or portions of parcels within buffer areas, time lines set forth in [Appendix 11](#), Prohibited Vegetation Removal Schedule, for eradication of Melaleuca and Australian pine will be suspended if the parcel owner executes an agreement with ERM to participate in an incentive program established to remove that vegetation from the parcel.
 - 4. For parcels or portions of parcels outside of buffer areas, removal or eradication of Melaleuca and Australian pine is encouraged but not required.
- B. For parcels impacted by greater than 30 percent coverage of prohibited invasive non native vegetation or parcels containing 100 acres or greater in size, a management plan may be approved by ERM to space the eradication rate over an extended period. To be eligible for this approval, the management plan must be provided to, and approved by ERM, and eradication begun prior to the required date for removal or eradication of the prohibited invasive non native vegetation addressed in the plan.
- C. For parcels or portions of parcels that necessitate phased removal or eradication of prohibited invasive non native vegetation in response to a documented need for maintenance of existing wildlife values, a management plan may be approved by ERM to extend the time for removal.

Section 9 Enforcement

- A. Violations of this Chapter shall be:
 - 1. Failure of a parcel owner to remove or eradicate Vegetation in accordance with [Art. 14.D.6.A, Removal of Prohibited Invasive Non-Native Vegetation](#).
 - 2. Failure of a parcel owner to maintain non exempt parcels free of prohibited invasive non-native vegetation in accordance with Art. 14.D.6.B, of this Chapter.
 - 3. Failure of a parcel owner to comply with a non compliance or notice of violation time frame as described in [Article 14.D.9.B.3](#), and [Article 14.D.9.B.4](#).
- B. The following are procedures which are to be followed for compliance and enforcement with this Chapter:
 - 1. Inspection of a parcel to determine the possible location of prohibited invasive non native vegetation.

2. Preparation and provision of an information notice informing the parcel owner of prohibited invasive non native vegetation on the parcel and instructions for the removal or eradication of the vegetation and a time frame provided for compliance. A follow up inspection is conducted.
 3. Preparation and provision of a non compliance notice to the parcel owner concerning the possible violation of this Chapter, including a stated time frame of 30 days for compliance. A follow up inspection is conducted.
 4. Preparation and provision of a notice of violation to the parcel owner concerning the possible violation of this Chapter and failure to comply with the non compliance notice, including a stated time frame of 30 days for compliance. A follow up inspection is conducted.
 5. Preparation and provision of a Notice of Hearing to the parcel owner concerning the possible violation of this Chapter, failure to comply with a notice of violation, and an order to appear before the Groundwater and Natural Resources Protection Board (GNRPB).
 6. The decision of the GNRPB, which may include corrective actions and civil penalties in the maximum amount of \$1000.00 per day, per violation, shall be the final administrative action on behalf of ERM and PBC. Any person who is a party to the proceeding before the GNRPB may appeal to the Circuit Court of PBC in accordance with applicable Florida Appellate Rules.
- C. Additional remedies for enforcement are the civil remedies provided for in [F.S. Chapter 125](#).
- D. In order to provide an expeditious settlement that would be beneficial to the enforcement of this Chapter and be in the best interest of the citizens of PBC, the Director of ERM is authorized to enter into voluntary consent (settlement) agreements with alleged violators. Any such agreement shall be a formal written consent agreement between ERM on behalf of PBC, by and through its Director, and any such alleged violators, and shall be approved as to form and legal sufficiency by the County Attorney's Office. The agreement can be entered into at any time prior to the hearing before the GNRPB.
1. Conditions. Such consent agreements may be conditioned upon a promise by the alleged violator to:
 - a. Remove or eradicate prohibited invasive non-native vegetation and maintain the parcel free of this vegetation, and
 - b. Remit payment of a monetary settlement not to exceed the maximum amount allowed per violation, as set forth in this Chapter, and
 - c. Remit payment for costs and expenses of the PBC for investigation and enforcement, and
 - d. Any other remedies and corrective action deemed necessary and appropriate by the Director of ERM to ensure compliance with this Chapter.
 2. The consent agreement shall not serve as evidence of a violation of this Chapter and shall expressly state that the alleged violator neither admits nor denies culpability for the alleged violations by entering into such agreement. In addition, prior to entering into any such consent agreement, each alleged violator shall be apprized of the right to have the matter heard by the GNRPB in accordance with the provisions of this Chapter, and that execution of the agreement is not required.
 3. The consent agreement shall be valid and enforceable in a court of competent jurisdiction in PBC and shall abate any enforcement proceedings available to ERM for so long as the terms and conditions of such agreement are complied with. In the event the alleged violator fails to comply with the terms and conditions set forth in the executed agreement, the Director of ERM may either:
 - a. Consider the consent agreement void and pursue any remedies available for enforcement of the applicable provisions of this Chapter; or
 - b. Initiate legal proceedings for specific performance of the consent agreement.
- E. All monies collected pursuant to violations of this Chapter whether from consent agreement or the GNRPB shall be deposited in the PBC Pollution Recovery Trust Fund.

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APPENDIX 1 GENERIC SUBSTANCES LIST

Acid and basic cleaning solutions	Medical, pharmaceutical, dental, veterinary and hospital solutions
Antifreeze and coolants	Mercury and mercury compounds
Arsenic and arsenic compounds	Metals finishing solutions
Bleaches, Peroxides	Oils
Brake and transmission fluids	Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds
Brine solution	Painting solvents
Casting and Foundry chemicals	PCBs
Caulking agents	Pesticides and herbicides
Cleaning solvents	Plastic resins, plasticizer and catalysts
Corrosion and rust prevention solutions	Photo development chemicals
Cutting fluids	Poisons
Degreasing and parts cleaning solvents	Polishes
Disinfectants	Pool chemicals
Electroplating solutions	Processed dust and particulates
Explosives	Radioactive sources
Fertilizers	Reagents and standards
Fire Extinguishing chemicals	Refrigerants
Food processing wastes	Roofing chemicals and sealers
Formaldehyde	Sanitizers, disinfectants, bactericides and algacides
Fuels and additives	Soaps, detergents and surfactants
Glues, adhesives and resins	Solders and fluxes
Greases	Stripping compounds
Hazardous waste	Tanning industry chemicals
Hydraulic fluid	Transformer and capacitor oils/fluids
Indicators	Waste oils and antifreeze
Industrial and commercial janitorial supplies	Water and wastewater treatment chemicals
Industrial process chemicals	
Industrial sludges and still bottoms	
Inks, printing and photocopying chemicals	
Laboratory chemicals	
Liquid storage batteries	

Note:

Substances in this table may be adjusted by ERM.

APPENDIX 2 OPERATING AND CLOSURE PERMIT BONDS

	Zone 1	Zone 2	Zone 3
Cash bond	\$20,000	\$10,000	\$5,000
Permit Bond With Corporate Surety	\$20,000	\$10,000	\$5,000
Letter of Credit	\$20,000	\$10,000	\$5,000

*** Note:**

Amounts reflected in this table are for each Operating and Closure Permit issued and may be adjusted by ERM.

APPENDIX 3 BEST MANAGEMENT PRACTICES FOR THE CONSTRUCTION INDUSTRY

- A. The general Contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any Regulated Substances. For instance, handling Regulated Substances in the proximity of water bodies or wetlands may be improper.
- B. If any Regulated Substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. Any storage container of 55 gallons, or 440 pounds, or more containing Regulated Substances shall have constructed below it an impervious containment system constructed of materials of sufficient thickness, density and composition that will prevent the discharge to the land, groundwaters, or surface waters, of any pollutant which may emanate from said storage container or containers. Each containment system shall be able to contain 150 percent of the contents of all storage containers above the containment system.

- C. Each contractor shall familiarize him/herself with the manufacturer's safety data sheet supplied with each material containing a Regulated Substance and shall be familiar with procedures required to contain and clean up any releases of the Regulated Substance. Any tools or equipment necessary to accomplish same shall be available in case of a release.
- D. Upon completion of construction, all unused and waste Regulated Substances and containment systems shall be removed from the construction site by the responsible contractor and shall be disposed of in a proper manner as prescribed by law.

APPENDIX 4 ORGANIC PRIORITY POLLUTANTS

endrin	bromobenzene
lindane (g-BHC)	bromomethane
methoxychlor	chlorobenzene
toxaphene	chloroethane
2, 4-D	p-chlorotoluene
2, 4, 5-TP	chloromethane
bromodichloromethane	dibromomethane
dibromochloromethane	dichlorodifluoromethane
bromoform	1,1-dichloroethane
chloroform	trans-1, 3-dichloropropene
trichloroethene	cis-1, 2-dichloroethane
tetrachlorethene	1, 2-dichloropropane
carbon tetrachloride	1, 3-dichloropropane
vinyl chloride	2, 2-dichloropropane
1, 1, 1-trichloroethane	cis-1, 3-dichloropropane
1, 2-dichloroethane	ethylbenzene
benzene	methylene chloride
ethylene dibromide	1, 1, 2-trichloroethane
p-chlorobenzene	trichlorofluoromethane
1, 1-dichloroethene	1, 2, 3-trichloropropane
styrene	toluene
m-dichlorobenzene	m-xylene
o-dichlorobenzene	o-xylene
1, 2-dibromo-3-chloropropane (DBCP)	p-xylene
1, 1, 1, 2-tetrachloroethane	bis (2-ethylhexyl) phthalate
1, 1, 2, 2-tetrachloroethane	butyl benzyl phthalate
methyl tert-butyl-ether (MTBE)	di-n-butylphthalate
1, 1-dichloropropene	diethylphthalate
o-chlorotoluene	dimethylphthalate
aldrin	2, 4-dinitrotoluene
chloradane	diocetylphthalate
dieldrin	hexachlorocyclopentadiene
heptachlor	isophorone
aldicarb	2, 3, 7, 8-tetrachloridibenzo-p-dioxin
aldicarb sulfoxide	1, 2, 4-trichlorobenzene
aldicarb sulfone	PCB-1016
dalapon	PCB 1221
carbofuran	PCB-1232
oxymyl	PCB-1242
simine	PCB-1248
atrane	PCB-1254
picloram	PCB-1260
dinoseb	2-chlorophenol
alachlor	2-methyl – 4, 6-dinitrophenol
metolachlor	phenol
dicamba	2, 4, 6-trichlorophenol
pentachlorophenol	

Inorganic Priority Pollutants

Mercury	Lead
Cadmium	Arsenic
Chromium	Selenium
Nickel	Cyanide

Note:

Parameters reflected in this table may be adjusted by ERM.

APPENDIX 5 MINIMUM STANDARDS FOR SEWER PIPE FITTINGS

A. Ductile Iron Pipe and Fittings for Gravity Sewer and Force Main Application

1. Ductile iron pipe shall conform to the requirements of ANSI/AWWA C151/A21.52-86 unless otherwise noted on the plans. The pipe shall be Class 50 thickness for pipe six inches or larger in size and Class 51 for pipe smaller than six inches. Glands for mechanical joints shall be of ductile iron or cast iron.
2. Fittings shall conform to the requirements of ANSI/AWWA C110/A21.10-87. Fittings 12 inches and smaller shall have a 250 psi minimum working pressure.
3. Flanged ductile iron pipe shall be Class 53. Flanged ductile iron pipe and fittings shall have threaded flanges, unless otherwise noted on the drawings, and shall conform to ANSI/AWWA C115/A21.15-83. All flanges shall be Class 1560, ANSI B16.5. All above grades flanges shall be flat faced unless they are mating up to existing, or otherwise, specified, raised flanges. All gaskets shall be full faced 1/8" red rubber.
4. Joints shall conform to the requirements of ANSI/AWWA C111/A21.11-85

B. Polyvinyl Chloride Pipe (PVC) and Fittings for Gravity and Sewer Force Main Applications

1. Gasketed Joint Pipe

- a. Pipe four inches or larger in diameter shall conform to the requirements as set forth in AWWA C900-81 with dimension ratio DR 18. Provisions must be made for contraction and expansion at each joint, or with a rubber ring and an integral bell as part of each joint, or by a rubber ring sealed coupling. Clean, reworked material generated from the manufacturer's own pipe production may be used. Fittings shall be cast or ductile iron. Pipe shall have cast iron pipe equivalent outside dimensions.
- b. Pipe smaller than four inches in diameter shall conform to Commercial Standard CS 256 and ASTM D-22141. Provisions shall be made for contraction and expansion at each joint with a rubber ring, and an integral bell as part of each joint, or by a rubber ring sealed coupling. Pipe shall be made from SOR 21, 200 psi clean, virgin NSF approved Type I, Grade 1 PVC conforming to ASTM D 1784. Clean reworked material generated from the manufacturer's own pipe production may be used. Fittings for pipe smaller than four inches in diameter shall be PVC.

C. Coatings

The lining material for ductile iron pipe and fittings shall be virgin polyethylene complying with ANSI/AWWA D1248, compounded with an inert filler and with sufficient carbon black to resist ultraviolet rays during above ground storage of the pipe and fittings. The polyethylene shall be bonded to the interior of the pipe or fitting by heat.

D. Leakage Tests

The test shall be of two hour duration. During the test, the pipe being tested shall be maintained at a pressure of not less than 150 psi. Leakage is defined as the quantity of water added to the pipe being tested during the test period. No pipe installation will be accepted if the leakage exceeds the quantities specified in AWWA C-600, Sec. 4.2. No more than 500 feet of gravity sewer main or 1000 feet of force main shall be tested at one time.

E. Manholes

Manholes shall be precast and coated with an inert impervious material. Manhole inlets and outlets shall be tightly sealed around the sewer pipe and coated to prevent leakage.

APPENDIX 6 PROHIBITED INVASIVE NON-NATIVE VEGETATION

COMMON NAME	SCIENTIFIC NAME	TYPE
Melaleuca, punk tree or paper tree	<i>Melaleuca quinquenervia</i>	Tree
Brazilian pepper	<i>Schinus terbinthifolius</i>	Tree
Australian pine	<i>Casuarina</i> spp.	Tree
Earleaf acacia	<i>Acacia auriculiformis</i>	Tree
Kudzu	<i>Pueraria</i> <input type="checkbox"/> <i>ontana</i> (<i>P. Lobata</i>)	Vine
climbing fern	<i>Lygodium</i> spp.	Vine
Air potato vine	<i>Dioscorea bulbifera</i>	Vine
Carrotwood	<i>Cupaniopsis anacardioides</i>	Tree
Schefflera	<i>Schefflera actinophylla</i>	Tree

APPENDIX 7 INVASIVE NON-NATIVE VEGETATION

COMMON NAME	SCIENTIFIC NAME	TYPE
Banyan	<i>Ficus bengalensis</i>	Tree
Bishop-wood	<i>Bischofia javanica</i>	Tree
Cat's claw	<i>Mimosa pigra</i>	Shrub
Chinese tallow tree	<i>Sapium sebiferum</i>	Vine
Portia tree or Seaside mahoe	<i>Thespesia populnea</i>	Tree
Downy rose myrtle	<i>Rhodomyrtus tomentosus</i>	Shrub
Jasmine	<i>Jasminum dichotomum</i>	Shrub
Java plum	<i>Syzygium cumini</i>	Tree
Lather leaf	<i>Colubrina asiatica</i>	Vine
Lofty Fig	<i>Ficus altissima</i>	Tree
Mahoe	<i>Hibiscus tiliaceus</i>	Tree
Shoebuttan ardisia	<i>Ardisia solanaceae</i>	Shrub
Woman's tongue	<i>Albizia lebbek</i>	Tree

APPENDIX 8 SPECIMEN TREE LIST

COMMON NAME	SCIENTIFIC NAME	TRUNK SIZE (in inches)	
		dbh	circumference
Bald Cypress	<i>Taxodium distichum</i>	13	42
Dahoon Holly	<i>Ilex cassine</i>	4	13
FL Strangler Fig	<i>Ficus aurea</i>	25	78
Green Buttonwood	<i>Conocarpus erecta</i>	13	42
Gumbo Limbo	<i>Bursera simaruba</i>	13	41
Laurel Oak	<i>Quercus laurifolia</i>	18	56
Live Oak	<i>Quercus virginiana</i>	23	72
Mahogany	<i>Swietenia mahogani</i>	14	43
Pond Cypress	<i>Taxodium ascendens</i>	13	42
Red Bay	<i>Persea borbonia</i>	14	43
Red Maple	<i>Acer rubrum</i>	13	40
Red Mulberry	<i>Morus rubra</i>	14	43
Sand Pine	<i>Pinus clausa</i>	9	27
Seagrape	<i>Coccoloba uvifera</i>	10	32
Slash Pine	<i>Pinus elliotii</i> var. <i>densa</i>	14	45
Southern Red Cedar	<i>Juniperus silicicola</i>	20	64
Swamp Bay	<i>Persea palustris</i>	14	43
Sweet Bay	<i>Magnolia virginiana</i>	12	38

APPENDIX 9 INVASIVE NON-NATIVE VEGETATION WITHIN PRESERVES

COMMON NAME	SCIENTIFIC NAME	TYPE
Arrowhead vine	<i>Syngonium podophyllum</i>	Vine
Asparagus fern	<i>Asparagus densiflorus</i>	Ground cover
Banyan	<i>Ficus bengalensis</i>	Tree
Beach naupaka	<i>Scaevola sericea</i>	Shrub
Bishop-wood	<i>Bischofia javanica</i>	Tree
Caesar weed	<i>Urena lobata</i>	Shrub
Cat's claw	<i>Mimosa pigra</i>	Shrub
Cat's claw vine	<i>Macfadyena unguis-cati</i>	Vine
Castor bean	<i>Ricinus communis</i>	Herb
Chinese tallow tree	<i>Sapium sebiferum</i>	Vine
Downy rose myrtle	<i>Rhodomyrtus tomentosus</i>	Shrub
Gold Coast Jasmine	<i>Jasminum dichotomum</i>	Shrub
Guava	<i>Psidium guajava</i>	Tree
Java plum	<i>Syzygium cumini</i>	Tree
Lather leaf	<i>Colubrina asiatica</i>	Vine
Laurel fig	<i>Ficus microcarpa</i>	Tree
Lead tree	<i>Leucaena leucocephala</i>	Tree
Lofty fig	<i>Ficus altissima</i>	Tree
Mahoe	<i>Hibiscus tiliaceus</i>	Tree
Mother-in-law tongue	<i>Sansevieria hyacinthoides</i>	Ground cover
Pothos	<i>Epipremnum pinnatum</i>	Vine
Portia tree or Seaside mahoe	<i>Thespesia populnea</i>	Tree
Rosary pea	<i>Abrus precatorius</i>	Vine
Shoebuttan ardisia	<i>Ardisia solanaceae</i>	Shrub
St. Augustine	<i>Stenotaphrum secundatum</i>	Grass
Strawberry Guava	<i>Psidium cattleianum</i>	Tree
Stinking passion vine	<i>Passiflora foetida</i>	Vine
Surinam cherry	<i>Eugenia uniflora</i>	Shrub
Tuberous sword fern	<i>Nephrolepis cordifolia</i>	Ground cover
Two leaf nightshade	<i>Solanum diphyllum</i>	Shrub
Wedelia	<i>Wedelia trilobata</i>	Vine
Wild balsam apple	<i>Momordica charantia</i>	Vine
Woman's tongue	<i>Albizia lebeck</i>	Tree
Winged Yam	<i>Dioscorea alata</i>	Vine

[Ord. 2005 – 002]

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APPENDIX 10 NATURAL AREAS

The following are ultimate boundaries of natural areas acquired under the 1991 Sensitive Lands or 1999 Conservation Lands bond issues as listed in Resolution 99-1073 as well as natural areas acquired by other governmental entities in PBC. Maps of each area are designated by Range, Township and Chapter with its associated 500 foot buffer and are on file at ERM for inspection.

INCORPORATED PALM BEACH COUNTY

Boca Raton:	Blazing Star Preserve (R42 T47 S25) [Ord. 2006-036] Cypress Knee Slough Preserve (R42 T47 S23-24) Florida Atlantic University Ecological Site (R42 T47 S12/13; R43 T47 S07/18) Gopher Tortoise Preserve (R43 T46 S32) Gumbo Limbo Environmental Complex & Red Reef Park Dune (R43 T47 16/21) Pond Hawk Natural Area (R42 T47 S12) Rosemary Ridge Preserve (R43 T46 S32) Serenoa Glade Preserve (R42 T47 S24) South Beach Park Dune (R43 T47 S21) Yamato Scrub Natural Area (R43 T46 S31; R43 T47 S06)
Boynton Beach:	Rosemary Scrub Natural Area (R43 T45 S09/16) Seacrest Scrub Natural Area (R43 T46 S04)
Delray:	Delray Oaks Natural Area (R43 T46 S30) Leon Weeks Preserve (R43 T46 S29)
Highland Beach:	Highland Beach Mangrove Preserve (R43 T46 S33)
Hypoluxo:	Hypoluxo Scrub Natural Area (R43 T45 S10)
Juno:	Juno Dunes Natural Area (R43 T41 S20/21/28/29)
Jupiter:	Delaware Scrub Natural Area (R42 T41 S02) [Ord. 2006-036] Jupiter Ridge Natural Area (R43 T41 S07/08/17/18) Limestone Creek Natural Area (R42 T41 S03) North Jupiter Flatwoods Natural Area (R42 T40 S32/33) Riverbend Park (R42 T40 S32/33; R42 T41 S05/06/07/08/17)
Lake Park:	Lake Park Scrub Natural Area (R43 T42 S20)
North Palm Beach:	John D. MacArthur Beach State Park (R43 T42 S10/15)
Ocean Ridge:	Ocean Ridge Hammock Park (R43 T45 S22)
Palm Beach:	Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15)
Palm Beach Gardens:	Frenchman's Forest Natural Area (R43 T41 S32) Hungryland Slough Natural Area (R41 T41 S19/20/28/29/30/31/32/33/) Loxahatchee Slough Natural Area –includes Sandhill Crane (R41 T41 S23/24/25/26/27/34/35/36; R41 T42 S01/02/11/12/13; R42 T41 S19/28/29/30/31/32; R42 T42 S05/06/07/08/09/16/17) Prosperity Oaks Natural Area (R43 T42 S05)
Royal Palm Beach:	Royal Palm Beach Pines Natural Area (R41 T43 S15/16)
West Palm Beach:	Winding Waters Natural Area (R42 T42 S35) Grassy Waters Preserve (R42 T42 07/08/16/17/18/19/20/21/28/29/30/31/ 32/33; R42 T43 34/05/06/07/08/09/10/15/16/17/18)

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UNINCORPORATED PALM BEACH COUNTY

Acreage Pines Natural Area (R41 T42 S32)
 Arthur R. Marshall Loxahatchee NWR (R39 T44 S12/13/23/24/25/26/27/34/35/36; R39 T45 S01/02/03/10-15/22-27/34-36/L1/L2/L3; R39 T46 S01-03/10-14/23-25; R40 T43 S32/L5; R40 T44 S04-09/15-36; R40 T45 S01-42; R40 T46 S01-36; R40 T47 S01-06/08-14; R41 T44 S30-32/40-42; R41 T45 S04-10/14-23/26-35; R41 T46 S02-11/14-23/26-35; R41 T47 S03-10/15-19)
 C-18 Triangle Natural Area (R42 T41 S08)
 Cypress Creek Natural Area (R41 T40 S34/36)
 Daggerwing Nature Center Preserve (R41 T47 S11/14)
 Donald Ross Road at the ICW (R43 T41 S29)
 DuPuis Management Area (R38 T40 S31-36; R38 T41 S01-06/08-12/13-16/22-26/36; R39 T41 S19/30-31)
 East Conservation Area (R41 T45 S14/23/24) **[Ord. 2006-036]**
 High Ridge Scrub Natural Area (R43 T45 S09)
 J.W. Corbett Wildlife Management Area (R39 T40 S31-36; R39 T41 S01-36; R39 T42 S01-06/08-16; R40 T40 S31-32, R40 T41 S05-08/18-36, R40 T42 S01-18/21-22; R41 T41 S31; R41 T42 S06-07/18)
 Loxahatchee Mitigation Bank (R41 T46 S14/23/25-26/35; R41 T47 S02)
 Loxahatchee River Natural Area (R42 T40 S31)
 Sweetbay Natural Area (R41 T41 S34; R41 T42 S01/02/03) **[Ord. 2006-036]**
 Okeehetee Nature Center Preserve (R42 T44 S04-05)
 Pine Glades Natural Area (R40 T40 S33/35/36; R40 T41 S01/02/03/04/10/11/12/13; R41 T40 S31/32; R41 T41 S05/06/07/08/09) **[Ord. 2006-036]**
 Paw-Paw Preserve Natural Area (R43 T42 S04)
 Pine Jog Environmental Education Center (R42 T44 S03)
 Pond Cypress Natural Area (R41 T43 S12/13/24)
 Riverbend Park (Reese Property) – See Riverbend Park under Jupiter Municipality
 Royal Palm Beach Pines Natural Area (R41 T43 S15/16)
 Strazzulla Tract (R41 T44 S34/39-40; R41 T45 S03-04/10/11/14-15)

APPENDIX 11 PROHIBITED VEGETATION REMOVAL SCHEDULE

Common Name	Scientific Name	Year
climbing fern (non-native)	<i>Lygodium ssp.</i>	
Air Potato vine	<i>Dioscorea bulbifera</i>	2004
Melaleuca, Punk Tree	<i>Melaleuca quinquenervia</i>	2006
Bralian pepper	<i>Schinus terebinthifolius</i>	
Carrotwood	<i>Cupaniopsis anacardioides</i>	2008
Earleaf acacia	<i>Acacia auriculiformis</i>	
Schefflera	<i>Schefflera actinophylla</i>	2010
Australian pine	<i>Casuarina spp.</i>	
Kudzu	<i>Pueraria <input type="checkbox"/>ontana var. lobata</i>	2012

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APPENDIX 12 INCENTIVE PROGRAM

AUSTRALIAN PINE AND MELALEUCA REMOVAL PROGRAM

Under this program, PBC would pay to remove or eradicate Australian pine and Melaleuca on all qualified and unimproved parcels in these buffer areas with permission of the parcel owner. Treatment on unimproved land would be similar to methods used on natural areas with some prohibited vegetation being potentially treated with herbicide in place and not removed from the site. For improved properties, the prohibited vegetation would be removed in its entirety.

COST SHARE PROGRAM FOR OTHER PROHIBITED PLANT SPECIES

The cost share program is being recommended to facilitate the removal of the remaining seven of the nine prohibited invasive non-native plant species on an accelerated schedule to prevent reseeding of the natural areas. As it is necessary that buffer area parcels are cleared of this noxious vegetation in conjunction with the adjacent natural area, the parcel owners within these buffer areas will have the chance to share cost of removal as an incentive to remove the vegetation on an accelerated schedule. Parcel owners in the buffer areas will be offered the opportunity to allow PBC vendors to remove the remaining seven of the nine prohibited invasive non-native plant species with a very minimal cost share provided by the parcel owners. The work would be accomplished along with the Australian pine and Melaleuca removal mentioned in the above program. Parcel owners within the buffer areas will be required to pay some of the costs associated with the removal of the remaining seven plants so they shoulder some of the same financial burden borne by parcel owners outside the buffer areas. The cost-sharing will be based upon the following scale with any single parcel cost limited to no more than \$500. PBC will pay the remaining costs for removal or eradication.

<u>Canopy Area Removed (Sq. Ft.)</u>	<u>Citizen Cost</u>
1 - 499	\$100
500 - 999	\$200
1000 - 1499	\$300
1500 - 1999	\$400
2000 +	\$500

Under the cost share program, ERM shall notify a parcel owner within a buffer area of prohibited invasive non-native vegetation located on the parcel, the requirement for removal of the vegetation and information concerning any available incentive programs. The offer to the parcel owner to participate in the cost share program shall terminate 60 days after notification of eligibility by ERM. The parcel owner will have to enter into an agreement with PBC to have the vegetation removed under the cost share program. The cost share program will remain available for the removal of prohibited invasive non-native vegetation in the buffer areas as long as the vegetation is being removed on an accelerated schedule.

CANOPY REPLACEMENT PROGRAM

ERM recommends a Canopy Replacement Program as an incentive for qualified parcel owners to remove the prohibited vegetation prior to regulatory deadlines. This approach will help to minimize the loss of canopy associated with the removal of prohibited vegetation. In order to receive replacement vegetation, the qualified parcel owner must sign-up for the program and submit to an initial inspection to verify the extent of the prohibited vegetation. After the owner removes the vegetation, staff will reinspect the parcel to verify removal. If removal is complete, the qualified parcel owner will be given a voucher to be redeemed at participating nurseries for a list of approved trees. If the owner wishes, the trees can be delivered for a small fee and/or planted also for an additional fee. This delivery or planting fee will be paid by the qualified parcel owner directly to the participating vendor. PBC will fund the voucher program.

Due to the potential number of trees that may be required in addition to ensuring a standard tree size, tree availability may be limited during the first 2-3 years of the program. The vendors will be required to provide Florida Grade #1 or better trees according to the most current version of the Florida Department of Agriculture and Consumer Services Florida Grades and Standards For Nursery Plants.

A maximum of five replacement trees per qualified parcel will be allowed. A breakdown of the number of replacement trees per prohibited vegetation canopy area removed is as follows:

<u>Canopy Area Removed (Sq. Ft.)</u>	<u># of Replacement Trees</u>
1 - 499	1
500 - 999	2
1000 - 1499	3
1500 - 1999	4
2000 +	5

PUBLIC LANDS GRANT PROGRAM

As ambitious as PBC plan is to remove these invasive plant species, without the cooperation of public entities in removing these plants from their own properties, the goal of reducing the seed source of these plants will not be accomplished. However, some of these public entities may lack the resources or the technical knowledge to effectively control and manage the prohibited vegetation. This incentive proposal includes the establishment of a matching grant program made available to the public entities for the removal of non-native invasive vegetation on publicly-owned lands. The project will target all PBC prohibited plant species. A project selection process will be established which prioritizes potential projects based upon such factors as; removal of the nine PBC prohibited plant species, matching funds, revegetation with native plant species, and proximity to natural areas. Public entities will be required to provide 50 percent matching funds. PBC will provide the remaining 50 percent matching funds. Using best available economic indicators such as poverty levels, population and median property value, certain municipalities may qualify for a reduced match requirement at 25 percent/75 percent. Those municipalities eligible for the reduced match requirement based upon the most recently available census data will be listed in the grant cycle application package for each calendar year. **[Ord. 2006-036]**

INVASIVE VINE STRIKE FORCE

The Invasive Vine Strike Force proposal is a quick response strike force that would treat and kill Lygodium and Air Potato vines from public and private properties. Lygodium is an invasive vine spreading at an alarming rate. It's a relative newcomer to the world of invasive plants, and spreading at a rate unmatched by any other invasive species. It quickly engulfs and kills native vegetation by blocking out sunlight and providing a means for wildfires to spread into tree canopies. Though not spreading as fast, air potato vine is similar in its characteristic to Lygodium in that it quickly engulfs underlying trees and vegetation, eventually killing the plants. Removal of both of these vines is somewhat difficult and tedious for the average parcel owner. A quick response strike force would assist parcel owners in controlling these vines on their parcel while at the same time slowing the spread of this vine by reducing the seed source. PBC will provide the funding for the vine removal or eradication.

Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006]