

ORDINANCE No. 4006

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF CITY OF SWEETWATER, FLORIDA, AMENDING CHAPTER 34 OF THE CITY CODE, ENTITLED "ENVIRONMETAL", BY ADDING ARTICLE V ENTITLED "STORMWATER ILLICIT DISCHARGE REGULATIONS, SOIL EROSION, WATERWAY SEDIMENTATION, AND AIRBORNE DUST GENERATION CONTROL", PROVIDING FOR THE REGULATION OF NON-STORMWATER DISCHARGE INTO THE STORMWATER MANAGEMENT SYSTEM;; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES; REQUIRING USE OF BEST MANAGEMENT PRACTICES; PROVIDING FOR NOTIFICATION OF DISCHARGE; IMPLEMENTING ADMINISTRATIVE FEES AND ENFORCEMENT PROCEDURES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sweetwater Comprehensive Master Plan, Conservation Element goals establishes the protection, maintenance and restoration of the natural resources quality in the City of Sweetwater to insure the highest environmental quality possible, and

**WHEREAS**, on November 24, 2003, the Florida Department of Environmental Protection (DEP) issued City of Sweetwater a Notice of Intent to use a Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Water System (MS4) pursuant to the Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems, Rule 62-621.300(7)(a), F.A.C.; and

**WHEREAS**, the generic permit requires the City to develop, implement and enforce a program to detect, address, and eliminate non-stormwater discharges into the stormwater system; and

**WHEREAS**, the City of Sweetwater is committed to reduce pollution from construction activities by controlling soil erosion, waterway sedimentation and airborne dust generation; and

**WHEREAS**, poor sediment and erosion on construction sites causes financial damage to the City in the form of higher costs for public storm sewer maintenance, increased flooding, and higher costs for maintenance dredging of City maintained waterways; and

**WHEREAS**, public storm drains are the primary conduits through which sediment from construction sites travel to local water bodies; and

**WHEREAS**, increased sediment loads in local water bodies disrupt the ecosystem and cause local water bodies to be unsuitable for finishing and swimming because of decreased clarity of the water and the presence of other pollutants which attach themselves to sediment particles, thus reducing recreational opportunities in the City and reducing City residents' quality of life; and

**WHEREAS**, the City wishes to ensure that its buildings maintain high standards of control of soil erosion, waterway sedimentation and airborne dust generation to safeguard the health of residents, and employees of the City of Sweetwater

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA:**

**Section 1. Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Amend** Chapter 34 "ENVIRONMENTAL", City of Sweetwater Code by adding Article V "STORMWATER ILLICIT DISCHARGE REGULATIONS, SOIL EROSION , WATERWAY SEDIMENTATION , AND AIRBORNE DUST GENERATION CONTROL", is hereby created to read as follows:

**Sec. 34-87 Purpose**

The purpose of the Article V of the City of Sweetwater Chapter 34, is to locally implement Florida Statute 403.0885 and Florida Administrative Code Chapter 62-621.300, known as the "Generic Permit for Stormwater Discharge from large and Small Construction Activities" ("the Permit") by providing the City of Sweetwater with improved water and air quality ; and to protect the health, safety, and general welfare of the citizens of the City of Sweetwater through the regulation of non-stormwater discharges to storm drainage systems as required by federal and state law and to control or eliminate soil erosion and sedimentation within the City of Sweetwater. By establishing preventive jobsite practices, standards and specifications for conservation practices and planning activities , the City can minimize soil erosion and sedimentation and environmental risks from the erosion, air pollution, and sedimentation on sites with disturbed soil.

Ord. # 4006

## Sec. 34-88 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Applicant** means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits or approvals to undertake construction, demolition or renovation projects within the city.

**Best management practices** ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable erosion, dust generation, off-site sedimentation, and pollution of City of Sweetwater waterways and storm drainage systems. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage.

**Construction** means the act of creating or maintaining stockpiles of soil or other material which are erodible if exposed to water or wind and are capable of generating dust; or developing or improving public or private land which involves the removal of surface cover or disturbance of soils and includes clearing, grading, demolition, and excavation.

**Dust control** means providing temporary fencing to mitigate the effects of dust upon the surrounding community.

**Erosion** means the detachment, transport, and deposition of particulate matter by the action of wind, water, and gravity.

**Illegal Discharge** means any direct or indirect non-stormwater discharge to the storm-drain system, except as exempted in subsection named "Discharge Prohibitions".

Illicit Connections' Either of the following:

a. Any surface, or subsurface,, drain or conveyance which allows an illegal discharge to enter the storm drain system, including but not limited to, any conveyances which allow any non- stormwater discharge including sewage, wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks , regardless of whether said drain or connection had been previously allowed, permitted, or approved by any authorized agency; or

b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized agency.

Ord. # 4006

**Industrial Activity** means activities subject to NPDES Industrial permits as defined in 40 CFR, Section 122.26 (b) (14).

**Municipal Separate Storm Sewer (MS4)** means a conveyance or system of conveyances like roads with stormwater systems, municipal streets, catch basins, curbs, gutters, constructed channels or storm drains as defined in Section 62-624.000, Florida Administrative Code.

**National Pollutant Discharge Elimination System (NPDES) Stormwater discharge Permit** is a permit issued by the Environmental Protection Agency (EPA) or Florida Department of Environmental Protection (DEP) that authorizes the discharge of pollutants to waters of the United States, weather the permit is applicable on an individual, group , or general area-wide basis.

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

**Stormwater** means the flow of water which results from, and which occurs immediately following, a rainfall event.

**Stormwater discharge facility** means a stormwater management system which discharges stormwater into surface waters of the state.

**Stormwater Management System** means the designed features of the property which collect, convey, channel, hold, inhibit or divert the movement of stormwater.

**Stormwater pollution prevention plan** (the "plan") means a written plan, approved by the city submitted by the applicant which identifies a strategy to minimize stormwater runoff that will be generated. The SWPPP shall follow the guidelines of the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual published by the Florida Department of Environmental Protection.

#### **Sec. 34-89 Applicability.**

This article shall apply to all construction and demolition sites and activities under the authority of the City of Sweetwater. All such sites and activities within the authority of the City of

Ord. # 4006

Sweetwater shall be required to contain and control all sediment and sediment-laden water on-site.

**Sec 34-90 Discharge Prohibitions**

The commencement, conduct or continuance of any non-stormwater discharge to the Municipal Separate Storm Sewer System or watercourse from a storm drain system is prohibited , except the following:

- a. Uncontaminated water line flushing
- b. Rising ground waters
- c. Uncontaminated groundwater infiltration
- d. Uncontaminated pumped ground water
- e. Potable water
- f. Foundation drains
- g. Air conditioning condensate
- h. Irrigation
- i. Springs
- j. Water from crawl space pumps
- k. Footing drains
- l. Individual residential car washing
- m. Natural flows from riparian habitats and wetlands
- n. Dechlorinated swimming pool discharges

**Sec. 34-91 Notification of discharge**

Notwithstanding, other requirements of law, if any person responsible for a facility or operation, is aware of any known or suspected release of materials which may result in illegal discharges or pollutants discharging into as storm drain system or Florida water said person shall notify the City Engineer and immediately take all necessary steps to ensure the discovery, containment and cleanup of such release. If the discharge of prohibited materials emanates from an industrial or construction activity , the owner or operator shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years or as required by federal or state law, whichever is longer.

**Sec. 34-92 Related inspections**

All properties and facilities contributing to or discharging into the City's MS4 shall grant city personnel access to the property, buildings, and the facilities to perform inspections, surveillance and monitoring procedures necessary to determine compliance with the city's MS4 permit.

Ord. # 4006

## **Section 34-93 Monitoring of Discharges**

### **A. Applicability.**

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

### **B. Access to Facilities.**

Miami Dade County and/or City personnel shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency. Facility operators shall allow Miami Dade County and/or City personnel ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

Miami Dade County and/or City personnel shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

Miami Dade County and/or City personnel has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Miami Dade County and/or City personnel and shall not be replaced. The costs of clearing such access shall be borne by the operator.

Unreasonable delays in allowing the Miami Dade County and/or City personnel access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

If Miami Dade County and/or City personnel has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

### **Sec. 34-94 Stormwater pollution prevention plan (the "plan").**

To obtain a permit for construction projects which will disturb over one acre of soil, the applicant must develop and implement a plan in accordance with the requirements the "permit" or local erosion and sedimentation control standards and codes, whichever is more stringent. Construction sites with areas of disturbed soil between 0.5 acres and one acre may use an alternative format, approved by the city, provided it supplies all the information required by the

Ord. # 4006

permit. The plan must be approved by the City of Sweetwater City Engineer prior to the commencement of construction activities.

The plan shall describe the current and final conditions of the construction site, the nature of the work to be performed, the BMPs to be implemented to prevent stormwater pollution, control erosion and prevent off-site sedimentation, who will implement these measures, the schedule of implementation, and include a narrative section; site plan; details, specifications, and notes; and calculations. The plan must include the following:

- (1) Name of the person who is responsible should the site fall out of compliance.
- (2) Narrative description of the procedures to be used to control erosion, sedimentation and air pollution.
- (3) Site map indicating locations of disturbed soil and control methods.
- (4) Inspection schedule for all erosion, stormwater, and sediment control measures or best management practices (BMPs): A qualified person procured by the applicant must perform erosion, sediment and stormwater pollution prevention inspections at least weekly and within 24 hours after every rain event of one-half inch or more for sites less than five acres. Sites greater than five acres must be inspected at least weekly and within 24 hours after every rain event of one quarter inch or more. Maintenance must be performed within one week of the first inspection that indicates such maintenance is required.
- (5) Method to be instituted to ensure that all parties who engage in activities which disturb soil or have the potential to cause stormwater pollution engage in such activities in a manner that minimizes erosion, off-site sedimentation, dust migration, and stormwater pollution to the maximum extent practicable.
- (6) Identify how materials on the construction site which are capable of causing stormwater pollution will be handled and stored in order to prevent such pollution. Such materials include, but are not limited to: paint, concrete, aggregates, fertilizers, pesticides, and fuels.

If the approved plan is found to be ineffective in controlling erosion, stormwater pollution, or off-site sedimentation, the site shall be deemed out of compliance with this section. The construction site operator is responsible to amend the plan to ensure compliance. In such cases where off-site sedimentation or turbidity originates from a different site, then the property owner of that site shall be in violation of this section.

Ord. # 4006

**Sec. 34-95 Plan management.**

The approved plan as amended and documentation of all inspections must be kept on the construction site until a final certificate of occupancy is issued. Within 30 days after the completion of construction for any covered project, the applicant shall submit official documentation that the applicant has complied with the plan requirement for the project. Commercial properties are further required to submit the environmental resource permit approved by the South Florida Water Management District (SFWMD) or any successor agency for the property's stormwater management system.

The documentation for the plan shall include the following:

- (1) The steps taken to remove sludge and waste;
- (2) Documentation of all construction site inspections and modifications to BMPs;
- (3) The plan, including any amendments made during the course of construction; and
- (4) Any additional information that the applicant believes is relevant to determining its efforts to comply in good faith with this chapter.

The documentation submitted with the environmental resource permit shall contain:

- (1) A construction certification affidavit signed by a registered professional engineer; and
- (2) A maintenance schedule plan for the onsite stormwater management system. Subsequent to the issuance of the certificate of occupancy, the property owner shall be held responsible for compliance with the environmental resource permit.

**Sec. 34-96 Failure to submit documentation.**

If the documentation is submitted after the required 30-day time period, there will be a fee of \$100.00. A city official shall evaluate whether the applicant has otherwise complied with the stormwater pollution prevention requirement for the project.

**Sec. 34-97 Administrative fee.**

As a condition precedent to the issuance of any public works, zoning, planning, building, or demolition permit for a construction project which will disturb 0.5 acres or more of soil, the applicant shall pay the city a stormwater utility fee of \$115.00. All fees and fines generated as a result of this article shall be deposited into the stormwater utility fee account in the general fund for the stormwater management system and shall be used to administer this program and to further the city's efforts prevent pollution of stormwater systems.

Ord. #4006



**Sec. 34-98 Compliance and enforcement.**

The code enforcement department and public works department shall evaluate compliance with this article during the course of their regular inspections. Additional inspections may be conducted by other city departments as needed, to ensure compliance with this section. If the city inspector finds that the applicant does not comply with the requirements of this article, the violated portions of this article shall be noted in the inspection report and a hold may be placed on future inspections or the temporary or final certificate of occupancy may be withheld, as appropriate.

The certificate of occupancy for a project subject to this section shall be withheld until the applicant both (A) submits the required documentation, including, where applicable, proof that any fine due under this subsection has been paid in full, and (B) performs any actions required by the public works department, building department, code enforcement department, the Miami-Dade County Department of Environmental Resource Management (DERM), or any other agency of competent jurisdiction in order to correct erosion, sediment control, or stormwater violations observed at the construction site.

Applicants and property owners whose sites fail to meet the stormwater pollution prevention criteria identified shall be subject to the following fines by code enforcement:

- (1) Failure to implement or properly maintain sufficient erosion, sediment, or airborne dust controls: \$1,000.00 per violation per day.
- (2) Causing off-site sedimentation or turbidity to waterways, private or public property, or the storm sewer system: \$1,000.00 per violation per day.
- (3) Discharging water containing sediments or other substances to waterways, the storm sewer system, public, or private property: \$1,000.00 per violation per day.
- (4) Causing the off-site migration of airborne dust: \$1,000.00 per violation.
- (5) Failure to obtain or comply with the environmental resource permit subsequent to the issuance of a certificate of occupancy which results in the discharge of sediment, turbidity or stormwater from private property to adjacent private or public property: \$1,000.00 per violation.

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences,


Ord. # 4006


clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

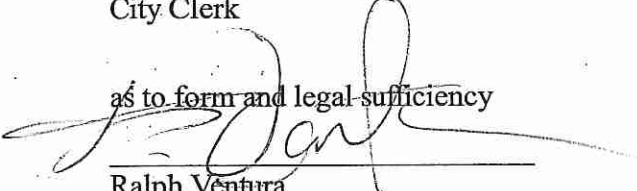
**Section 4. Inclusion in the Code.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sweetwater, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.


**Section 5. Effective Date.** This Ordinance shall be effective upon adoption its adoption by the City Commission and approved by the Mayor , or , if vetoed, upon its reenactment by the City Commission as provided by the Charter of the City of Sweetwater.

Passed and Adopted on: March 2, 2015

Attest:  
  
Marie O. Schmidt,  
City Clerk

  
Jose M. Diaz  
Mayor

  
as to form and legal sufficiency  
Ralph Ventura  
City Attorney

  
Orlando Lopez  
Vice Mayor & Commission President

- Orlando Lopez, Commission President
- Jose Bergouignan, Commissioner
- Prisca Barreto, Commissioner
- Manuel Duasso, Commissioner
- Jose M. Guerra, Commissioner
- Catalino Rodriguez, Commissioner
- Isolina Maroño, Commissioner

Yes
Absent
Yes
Yes
Absent
Yes
Yes.

Date of first reading 02/02/15

Date of publication 02/18/15

Date of second reading 03/02/15

Ord # 4006



Mayor Jose M. Diaz

## MEMORANDUM

**Date:** January 22, 2015.

**To:** Honorable Orlando Lopez, Commission President and Members of  
The City Commission

**From:** Mayor Jose M. Diaz

**Re:** **Illicit Discharge & Construction-Site Runoff ordinance required by  
Department of Environmental Protection for compliance with the  
NPDES Permit ID Number FLR04E090**

---

### DESCRIPTION OF ITEM

The Florida Department of Environmental Protection (Department) determined that the City is not in compliance with two key elements of its Phase II MS4 permit as a result of a program audit conducted on July 16, 2014. In a letter dated August 8, 2014, the Department offered its assistance to the City to develop a plan to implement the following permit requirements.

1. An adopted Illicit Discharge ordinance to minimize illegal connection, dumping, or discharge of non-stormwater to the City's MS4.
2. An adopted Construction-Site Runoff ordinance to minimize the offsite movement of pollutants from active construction sites to the City's MS4.

In response to the attached Department's letter dated October 14, 2014, Eric Gomez, the City Engineer, has worked with the Department to draft both ordinances described above utilizing examples from other municipalities in the Miami-Dade County area.

### BACKGROUND

The purpose of the Article V of the City of Sweetwater Chapter 34, is to locally implement Florida Statute 403.0885 and Florida Administrative Code Chapter 62-621.300, known as the "Generic Permit for Stormwater Discharge from large and Small Construction Activities" ("the Permit") by providing the City of Sweetwater with improved water and air quality ; and to protect the health, safety, and general welfare of the citizens of the City of Sweetwater through the regulation of non-stormwater discharges to storm drainage systems as required by federal and state law and to control or eliminate soil erosion and sedimentation within the City of Sweetwater. By establishing preventive jobsite practices, standards and specifications for conservation practices and planning activities, the City can minimize soil erosion and sedimentation and environmental risks from the erosion, air pollution, and sedimentation on sites with disturbed soil.

Ord. # 4006

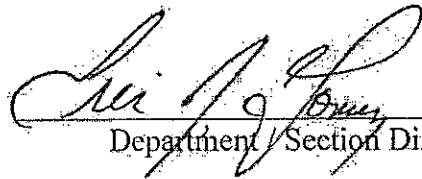
**FISCAL IMPACT**

The Phase II MS4 program is authorized by the Federal Clean Water Act and is administered nationally by the U.S Environmental Protection Agency (EPA). Violation of the Act and Florida Statutes can result in financial penalties up to \$10,000 per day, and imprisonment. In addition, an administrative fee of \$115.00 shall be paid by the applicant who will disturb 0.5 acres or more of soil prior to the issuance of any public works, zoning, planning, building or demolition permit.

**RECOMMENDATION**

The City has been subject to this requirement since the original issuance of the permit on November 24, 2003.

The Department formally requested the adoption of the two ordinances outlined above, and to work with the Department and neighboring communities to fully comply with these requirements.

  
\_\_\_\_\_  
Department Section Director

Ord #4006



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER  
2600 BLAIRSTONE ROAD  
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

Sent via E-Post

October 14, 2014

Jose Diaz  
Mayor  
City of Sweetwater  
500 SW 109<sup>th</sup> Avenue  
Sweetwater, FL 33174

Subject: City of Sweetwater Phase II Municipal Separate Storm Sewer System (MS4)  
NPDES Permit ID Number FLR04E090 (Cycle 2)  
**Cycle 2 Program Audit - Follow-up**

Honorable Jose Diaz:

The Department of Environmental Protection (Department) determined that the City is not in compliance with two key elements of its Phase II MS4 permit as a result of a program audit conducted on July 16, 2014. In a letter dated August 8, 2014, the Department offered its assistance to the City to develop a plan to implement the following permit requirements.

1. An adopted Illicit Discharge ordinance to minimize illegal connection, dumping, or discharge of non-stormwater to the City's MS4, and to include:
  - A definition of non-stormwater (illicit) discharge to the City's municipal stormwater system;
  - Prohibition of illicit discharges to the City's MS4;
  - City authority to inspect and eliminate suspected sources of illicit discharge entering the City's MS4 from private property; and
  - City authority to enforce its illicit discharge ordinance when necessary.
2. An adopted Construction-Site Runoff ordinance to minimize the offsite movement of pollutants from active construction sites to the City's MS4, and to include:
  - Requirements for construction-site operators to submit erosion and sedimentation control plans, with their site plans, to the City prior to authorizing land disturbances of 1 acre or more;
  - City authority to approve or deny site plans;
  - Requirements for construction-site operators with approved site plans to implement the best management practices (BMPs) prior to initiating construction activities;
  - City authority to issue "stop work" orders or utilize other enforcement actions, including referral to Miami-Dade County.

In response to the Department's letter, Eric Gomez, the City Engineer, has worked with the Department to draft both ordinances described above utilizing examples from other municipalities in the Miami-Dade

Ord # 4006

County area. The Department would prefer to continue working with the City to develop and adopt the required ordinances within a reasonable timeframe. The City has been subject to this requirement since the original issuance of the permit on **November 24, 2003**.

The Phase II MS4 program is authorized by the Federal Clean Water Act and is administered nationally by the U.S Environmental Protection Agency (EPA). EPA has authorized implementation of the program in Florida to the Department of Environmental Protection. Violation of the Act and Florida Statutes can result in financial penalties up to \$10,000 per day, and imprisonment.

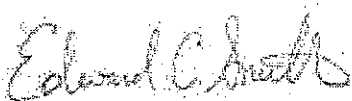
In addition, stormwater from the City does discharge to Biscayne Bay, indirectly, which is a nationally recognized water body and of special importance to the State of Florida. A record of non-compliance with state and federal municipal permitting requirements, in this region, may not be received well by environmental interests or your citizens. The water-quality monitoring stations managed by Miami-Dade County maintain a “close watch” on inflows to Biscayne Bay, and may indicate sources of potential pollutants at any time.

More than 150 municipalities, counties, military bases, and universities throughout Florida are currently permitted by the Department pursuant to the Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems, Rule 62-621.300(7)(a), F.A.C. These communities, like the City of Sweetwater, have been designated as a Phase II MS4 by EPA and the Department, and have identified permit compliance as a priority with benefits to both their citizens and regionally-significant water resources.

Consequently, the Department urges you to pursue a rigorous schedule to draft and adopt the two ordinances outlined in this letter, and to work with the Department and neighboring communities to fully comply with these requirements. **Please respond to the Department with a schedule for submittal of the two proposed ordinances to the City Council for approval and subsequent adoption within 30 days of the date of this letter.**

If you have any questions, please contact me at 850-245-8568 or by email at [Edward.c.smith@dep.state.fl.us](mailto:Edward.c.smith@dep.state.fl.us), or Ken Kuhl at 850-245-8667 or by email at [Kenneth.kuhl@dep.state.fl.us](mailto:Kenneth.kuhl@dep.state.fl.us).

Sincerely,



Edward C. Smith  
Program Administrator  
NPDES Stormwater Program

Cc: Eric Gomez, Director of Public Works

C.R. #4006