



COLLIER COUNTY GROUND WATER
PROTECTION ORDINANCE

ORDINANCE NO. 91-- 103

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA PROVIDING FOR PROTECTION OF EXISTING AND FUTURE WELLFIELDS AND PROTECTION OF EXISTING AND FUTURE GROUND WATER RESOURCES THROUGH CREATION OF WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONES WITHIN WHICH SPECIFIC DEVELOPMENT WILL BE PROHIBITED OR REGULATED; PROVIDING FOR CREATION OF GROUND WATER PROTECTION ZONE; PROVIDING FOR INCLUSION IN LAND DEVELOPMENT CODE AND ZONING ATLAS; PROVIDING TITLE AND CITATION, LEGISLATIVE AUTHORITY AND FINDINGS OF FACT; PROVIDING FOR APPLICABILITY; PROVIDING TECHNICAL FINDINGS OF FACT; PROVIDING IDENTIFICATION OF PROTECTED PUBLIC WATER SUPPLY WELLFIELDS; PROVIDING FOR CREATING, MAPPING, DESCRIPTION AND BASIS OF WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONES; PROVIDING FOR REGULATED DEVELOPMENT INCLUDING STANDARDS FOR EXISTING AND FUTURE OPERATION, FACILITIES AND LAND USES; PROVIDING FOR WELLFIELD EXEMPTIONS FROM COMPLIANCE WITH IDENTIFIED PROHIBITION OR REGULATION; PROVIDING FOR WELLFIELD CONDITIONAL USES; PROVIDING FOR APPROVAL OF REGULATED DEVELOPMENT AND CERTIFICATES TO OPERATE AND PROHIBITED APPROVALS OF REGULATED DEVELOPMENT AND CERTIFICATES TO OPERATE; PROVIDING MINIMUM STANDARDS FOR GROUND WATER QUALITY; PROVIDING FOR MODIFICATION OF REGULATED DEVELOPMENT, REVISION OR REVOCATION OF CERTIFICATE TO OPERATE, WELLFIELD CONDITIONAL USE PERMIT, OR WELLFIELD EXEMPTION; PROVIDING FOR RESTRICTIONS ON ISSUANCE OF APPROVED SITE PLANS AND CERTIFICATES OF OCCUPANCY; PROVIDING FOR PUBLIC HEARINGS AND APPEALS; PROVIDING FOR FUTURE WELLS AND WELLFIELDS; PROVIDING FOR ADMINISTRATIVE FEES AND SURCHARGE; PROVIDING FOR ADMINISTRATIVE PROCEDURES/PROMULGATION; PROVIDING FOR VIOLATIONS, PENALTIES AND REMEDIES/ENFORCEMENT; PROVIDING FOR NOTICES; PROVIDING DEFINITIONS AND RULES OF CONSTRUCTION; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Part II of Chapter 163, Florida Statutes, establishes the local Comprehensive Planning and Land Development Regulations Act providing Collier County with the authority and responsibility to comprehensively plan for future development and resource protection through land development regulations; and

WHEREAS, existing County public water supply wellfields draw water from the Water Table Aquifer and Lower Tamiami Aquifer of the Surficial Aquifer System; and

WHEREAS, the protection of wellfields and potable water resources mandated by law and provided for by the Collier County Comprehensive Plan will be implemented through the adoption of land use prohibitions, regulations and criteria deemed necessary to ensure the quality and quantity of present and future public potable water supplies; and

WHEREAS, specific land uses and activities may contribute to the degradation of ground water quality; and

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WHEREAS, specific land uses and activities may contribute to the degradation of ground water quality; and

WHEREAS, the risk of contamination of ground water and existing and future wellfields in Collier County will be reduced by regulating the development, land use, and activity within Collier County and ensuring that state ground water quality standards are implemented.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OR COLLIER COUNTY, FLORIDA, that:

ARTICLE I. INCLUSION IN COLLIER COUNTY LAND DEVELOPMENT CODE.

It is the intention of the Board of County Commissioners of Collier County, Florida, that this Ordinance is a land use ordinance to be implemented and enforced as adopted.

It is the further intention of the Board of County Commissioners of Collier County, Florida, that the provisions of this Ordinance shall become and be made a part of the Collier County Unified Land Development Code, when adopted; and that Sections of this Ordinance may be renumbered or relettered to accomplish such intention and that the word "ordinance" may be changed to "division", "article" or other appropriate designation.

SECTION 1.1 TITLE AND CITATION.

This Ordinance shall be known as, the "Collier County Ground Water Protection Ordinance" and may be cited and referred to herein as the "Ground Water Protection Ordinance" or the "Ordinance".

SECTION 1.2 LEGISLATIVE AUTHORITY.

The Board of County Commissioners of Collier County, Florida, has the authority to adopt this Ground Water Protection Ordinance pursuant to Article VIII, Sec.1(f), Florida Constitution; Section 125.01, et seq., Florida Statutes; Section 163.3177, Florida Statutes; Section 163.3202, Florida Statutes; Rule 9J-5.013, Florida Administrative Code; and other such authorities and provisions as in the statutory and common law of the State of Florida.

SECTION 1.3 FINDINGS OF FACT.

The Board of County Commissioners of Collier County, Florida, hereby makes the following findings of fact:

SEC.1.3.1 Pursuant to Section 163.3202, Florida Statutes, Collier County is required to adopt a wellfield protection ordinance which implements and is consistent with the elements of its adopted Comprehensive Plan, which Comprehensive Plan was adopted by Collier County on January 10, 1989, as the Collier County Growth Management Plan.

SEC.1.3.2 Pursuant to Section 163.3202, Florida Statutes, Collier County is required to adopt a wellfield protection ordinance to protect the existing and future public potable water supply wells.

SEC.1.3.3 Pursuant to Rule 9J-5.013, Florida Administrative Code, Collier County is required to protect water quality by restricting activities known to adversely affect the quality and quantity of identified water sources including cones of influence, water recharge areas, and water wells.

SEC.1.3.4 Pursuant to Goal 3 of the Conservation and Coastal Management Element of the Collier County Growth Management Plan, and specifically Objectives 3.2, 3.3, 3.4, thereunder, Collier County is required to protect the County's groundwater resources to ensure the highest water quality practicable.

SEC. 1.3.5 Pursuant to Goal 1 of the Natural Ground Water Aquifer Recharge Sub-Element of the Public Facilities Element of the Collier County Growth Management Plan and specifically Objective 1.2, thereunder, Collier County, is required to adopt a local ground water protection ordinance to protect existing and future potable wellfields from existing and future land use and surface activities.

SEC. 1.3.6 Pursuant to Goal 1 of the Natural Ground Water Aquifer Recharge Sub-Element of the Public Facilities Element of the Collier County Growth Management Plan and specifically Objectives 1.1, 1.2, 1.3, 1.4, and 1.5, thereunder, Collier County is required to identify and protect natural ground water aquifer recharge areas from activities that could degrade and/or contaminate the quality of ground water, and to identify and map ground water recharge areas most sensitive to contamination from land development and other surface activities.

SEC. 1.3.7 Pursuant to Goal 2 of the Natural Ground Water Aquifer Recharge Sub-Element of the Public Utilities Element of the Collier County Growth Management Plan and specifically Objective 2.1, thereunder, Collier County, in order to protect the natural ground water aquifer recharge areas from activities that unacceptably alter the ground water recharge, is required to develop local criteria for ensuring that land development activities do not unacceptably alter the timing or reduce the amount of ground water recharge.

SEC. 1.3.8 Collier County has developed a three (3) dimensional regional computer model from which capture zones around selected existing wellfields in the unincorporated area and incorporated areas of Collier County have been identified and mapped together with areas of natural ground water recharge, recognizing that geographic Collier County is a natural aquifer recharge area, for the Surficial Aquifer System.

SEC. 1.3.9 The public water supply wellfields, identified within this Ordinance, are collectively the primary source of potable water in Collier County and have been computer modelled in order to identify and map Wellfield Risk Management Special Treatment Overlay Zones around each wellfield together with areas of natural ground water recharge.

SEC. 1.3.10 The Surficial Aquifer System is the existing principal source of potable water in Collier County; however, the Intermediate and Floridan Aquifer Systems, which presently serve as a lesser source of potable water, are deemed to be an important future source of Collier County's potable water supply.

SEC. 1.3.11 That there is sufficient technical data available to question the integrity of the Tamiami semi-confining beds throughout Collier County as providing adequate protection for the Lower Tamiami Aquifer from contaminants generated by land use activities.

SEC. 1.3.12 There is sufficient technical data to indicate that all of geographical Collier County serves as a natural aquifer recharge area to the Water Table Aquifer, and that, on a regional basis, approximately eighty percent of the recharge to the Lower Tamiami Aquifer occurs from the Water Table Aquifer.

SEC. 1.3.13 Protection of the ground water quality in the Water Table Aquifer and Lower Tamiami Aquifer will be enhanced and furthered by the prohibition and regulation of identified land uses or development.

SEC. 1.3.14 It is deemed to be necessary and in the best interest of public health, safety and welfare of the citizens of Collier County to adopt regulations pertaining to land uses and development within defined areas around Public Water Supply Wells, and to establish County wide ground water protection criteria for the County's existing and future potable ground water resources in the Surficial, Intermediate and Floridan Aquifer Systems.

SEC. 1.3.15 It is the intent of the Board of County Commissioners of Collier County, Florida, to effectuate and directly advance these requirements and findings for the public health, safety and welfare, and for the reasons set forth herein.

SEC. 1.3.16 It is the intent of the Board of County Commissioners of Collier County, Florida, to implement the Collier County Growth Management Plan through the adoption of this Ground Water Protection Ordinance.

SECTION 1.4 PURPOSE.

The purpose of this Ground Water Protection Ordinance is to establish standards, regulations and procedures for the review and approval of existing and proposed development within mapped wellfield protection zones in the unincorporated area and the incorporated areas of Collier County, Florida.

The standards and regulations of this Ordinance shall be implemented to protect existing and future wellfields, protect natural aquifer system recharge areas, protect County wide ground water resources and to protect the public health and resources through regulation and establishment of standards for development involving the use, storage, generation, handling and disposal of quantities of Hazardous Products and Hazardous Waste in excess of identified quantities, disposal of sewage and effluent, stormwater management, earthmining, petroleum exploration, solid waste and other related aspects of land use and development.

SECTION 1.5 INTENT.

It is the intent of the Board of County Commissioners of Collier County, Florida that this Ordinance implement and be consistent with the Collier County Growth Management Plan. Implementation will provide for the long term protection of the County's ground water resource, and through the management of those land uses and developments within Wellfield Management Special Treatment Overlay Zones and County wide Ground Water Protection Zones, insure shorter term protection. This Ordinance is intended to be consistent with principles of property rights, as balanced with the health, safety and welfare of the general public.

ARTICLE 2 APPLICABILITY.

This Ordinance shall apply to and be enforced in the unincorporated area and in the incorporated areas of Collier County to the extent authorized by Article VIII, Section 1(f), the Florida Constitution. No development shall be undertaken which is inconsistent with this Ordinance.

SECTION 2.1 WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONES AND GROUND WATER PROTECTION ZONE.

SECTION 2.1.1 INTRODUCTION.

In order to protect Collier County's potable ground water resources, this Ordinance establishes County wide ground water protection standards, implemented through a County wide Ground Water Protection Zone, and a series of Wellfield Risk Management Special Treatment Overlay Zones around identified public water supply wellfields. These Special Treatment Overlay Zones and Ground Water Protection Zone form the basis of land use management prohibitions and regulations to reduce or eliminate the potential for ground water contamination from specified land uses and activities.

SEC.2.1.2 WELLFIELD PROTECTION.

SEC.2.1.2.1 TECHNICAL FINDINGS OF FACT.

Technical findings of fact that support the establishment of Wellfield Risk Management Special Treatment Overlay Zones and the designation of wellfields protected under this Ordinance include:

SEC.2.1.2.1.1 The Surficial Aquifer System in Collier County is composed of the Water Table Aquifer and the Lower Tamiami Aquifer, which are generally separated by semi-confining beds.

SEC.2.1.2.1.2 The primary regional source of leakage recharge to the Lower Tamiami Aquifer is the overlying Water Table Aquifer.

SEC.2.1.2.1.3 The semi-confining beds vary in thickness from 0 feet to approximately 50 feet, and the semi-confining beds exhibit varying degrees of vertical leakage.

SEC.2.1.2.1.4 The vertical leakage between the Water Table Aquifer and the Lower Tamiami Aquifer, through the semi-confining beds, varies throughout geographical Collier County, and due to pumpage, is generally greater in the vicinity of wellfields.

SEC.2.1.2.1.5 The semi-confining beds between the Water Table Aquifer and the Lower Tamiami Aquifer may provide for attenuation of some contaminants of the groundwater; however, presently there is insufficient data to conclude that these semi-confining beds will adequately protect the ground water quality within the Lower Tamiami Aquifer from surface contamination throughout geographical Collier County.

SEC.2.1.2.1.6 The Three-Dimensional Simulation of Wellfield Protection Areas in Collier County, Florida, prepared by Voorhees and Mades, 1989, finds that, on a regional basis, approximately 80 percent of the recharge to the Lower Tamiami Aquifer is from the overlying Water Table Aquifer.

SEC.2.1.2.1.7 The following wellfields withdraw ground water from the Water Table Aquifer:

- A. The Everglades City Wellfield;
- B. The Florida Cities (Avatar) Wellfield; and
- C. The North Naples Utilities (Quail Creek) Wellfield.

SEC.2.1.2.1.8 The following wellfields withdraw ground water from the Lower Tamiami Aquifer:

- A. The East Golden Gate Wellfield;
- B. The Coastal Ridge (Goodlette Road) Wellfield;
- C. The Collier County Utilities Wellfield;
- D. The Glades Wellfield;
- E. The Airport Water Treatment Plant Wellfield of the Immokalee Water & Sewer District wellfields;
- F. The Carson Road Water Treatment Plant Wellfield of the Immokalee Water & Sewer District wellfields; and
- G. The Pelican Bay Wellfield.

SEC.2.1.2.1.9 The Port of the Islands Wellfield withdraws ground water from the Intermediate Aquifer System.

SEC.2.1.2.1.10 The Main Water Treatment Plant Wellfield of the Immokalee Water & Sewer District wellfields withdraws ground water from the Lower Tamiami and the Sandstone Aquifers.

SEC.2.1.2.1.11 Available data indicate that:

A. The Water Table Aquifer is unconfined across all of geographic Collier County, and receives its recharge directly from infiltration from the land surface.

B. The Tamiami confining beds, where present, act in a semi-confining manner (Missimer and Associates, 1990).

C. In some areas of Collier County, the semi-confining beds are absent (Knapp et al., 1986, Figure 19).

D. The stratigraphic zone containing the semi-confining beds varies from a thickness of 0 feet to approximately 50 feet within County (Knapp et al., 1986).

E. In some areas of Collier County where regional data indicate a thick section of semi-confining beds (Knapp et al., 1986), local information shows a substantially thinner section of the same (e.g., Missimer and Associates, 1990; and Alamo/Saxema, 1990).

F. Well completion reports citing well completion depths for (i) private potable water supply wells, (ii) public water supply wellfields, and (iii) consumptive water use permits indicate that more than 80 percent of persons in geographical Collier County derive their potable water from the Water Table and Lower Tamiami aquifers (SFWMD and Department files).

G. Hydrograph data from South Florida Water Management District ("SFWMD") monitoring wells completed in the Water Table Aquifer and in the Lower Tamiami Aquifer indicate that in some areas of Collier County, there is essentially unrestricted hydraulic connection between the two aquifers (e.g., Wells C-976 and C-977, United States Geological Survey Data Reports Well Years 1988-1989) or only partially restricted hydraulic connections (e.g., Wells C-953 and C-951, Id).

SEC.2.1.2.1.12 SFWMD technical assistance information includes a finding that "[d]ue to the leaky nature of the Tamiami confining beds...there is presently not enough data to conclude that these confining beds could protect the aquifer from surface contamination. Therefore, land use decisions should be geared towards restricting hazardous chemicals or industries from the immediate areas where the Lower Tamiami is being used as a source of drinking water supply." (Water Resources Data and Related Technical Information to Assist Local Government Planning in Collier County, SFWMD, 1987, p. Co-C-5).

SEC.2.1.2.1.13 The risk of contamination of ground water and existing and future wellfields in geographical Collier County will be reduced by regulating the development, land use, and activity within Collier County and ensuring that state ground water quality standards are implemented.

SEC.2.1.2.2 PROTECTED PUBLIC WATER SUPPLY WELLFIELDS.

The following public water supply wellfields permitted by the South Florida Water Management District for potable water to withdraw a minimum of 100,000 average gallons per day ("GPD") are identified as protected wellfields around which specific land use and activity ("Regulated Development") shall be regulated under this Ordinance:

SEC.2.1.2.2.1 Withdrawing from the Water Table Aquifer:

- A. The Everglades City Wellfield;
- B. The Florida Cities (Avatar) Wellfield; and
- C. The North Naples Utilities (Quail Creek) Wellfield.

SEC.2.1.2.2.2 Withdrawing from the Lower Tamiami Aquifer:

- A. The East Golden Gate Wellfield;
- B. The Coastal Ridge (Goodlette Road) Wellfield;
- C. The Collier County Utilities Wellfield;
- D. The Glades Wellfield;
- E. The Pelican Bay Wellfield;
- F. The Airport Water Treatment Plant Wellfield of the Immokalee Water & Sewer District wellfields; and
- G. The Carson Road Water Treatment Plant Wellfield of the Immokalee Water & Sewer District wellfields.

SEC.2.1.2.2.3 Withdrawing from the Surficial & Intermediate Aquifer Systems:

- A. The Main Water Treatment Plant Wellfield of the Immokalee Water & Sewer District wellfields.

SEC. 2.1.2.3 CREATION AND MAPPING OF WELLFIELD MANAGEMENT SPECIAL TREATMENT OVERLAY ZONES.

There are hereby created Wellfield Risk Management Special Treatment Overlay Zones around each existing public water supply wellfield permitted by the South Florida Water Management District, to withdraw a minimum of 100,000 average gallons per day or more and identified as a protected wellfield in Sec.2.1.2.2, hereof. These Wellfield Risk Management Special Treatment Overlay Zones are generally depicted on Wellfield Protection Zone Maps and are made a part hereof as "Appendix A".

Wellfield Risk Management Special Treatment Overlay Zones shall be supplemental to existing and future zoning and land use regulations and shall not be deemed to permit or authorize any use or activity not otherwise permitted in the underlying zoning district or allowable in the underlying future land use designation.

SEC. 2.1.2.4 DESCRIPTION AND BASIS OF WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONES.

Wellfield Risk Management Special Treatment Overlay Zones are derived from the three-dimensional computer modelled analysis of ground water flow and solute transport in the fresh water aquifer system of Collier County, as prepared and presented in a study commissioned by Collier County and known as the "Three-Dimensional Simulation of Wellfield Protection Areas in Collier County, Florida" (Voorhees and Mades, 1989), (the "Three-Dimensional Wellfield Study").

"For Collier County, these three-dimensional aspects are the exception rather than the rule. Coastal Ridge was the only well field in the study which exhibited such marked three-dimensional flow conditions. All other wellfields failed to exhibit such marked vertical migration. However, the use of the three-dimensional modeling, even for wellfields which fail to exhibit such significant vertical migration, generates pathlines, traveltimes, and capture zones which include the effects of vertical leakage. Not accounting for this vertical leakage would create misleading results regarding pathlines and traveltimes. For all wellfields, the assumption of concentric circular traveltime contours is not appropriate. This is a result of regional gradients, interference from neighboring wells and boundary conditions such as canals, as well as vertical leakage to the producing zones." (Three-Dimensional Simulation of Wellfield Protection Areas in Collier County, Florida, Voorhees and Mades, 1989, p. 92).

The Three-Dimensional Wellfield Study uses a twenty year planning horizon capture zone around the ten wellfields selected for the modelling study. This time frame is predicated on the anticipated Year 2005 pumpage rate for each production well in the study. The twenty year capture zone was selected to correspond to the twenty year planning period to evaluate public facilities as provided in Chapter 163, Florida Statutes.

The maximum areal extent of the Wellfield Risk Management Special Treatment Overlay Zones is defined by a closed contour around each wellfield, which represents the twenty (20) year planning horizon capture zone. "The capture zone is the plan view area from where all water migrates laterally to a well during the planning horizon." (Voorhees and Mades, 1989). Partial planning horizon capture zones for five (5), ten (10) and twenty-five (25) percent of the twenty year planning horizon capture zone approximate the one (1) year, two (2) year, and five (5) year particle travel times, respectively. Each partial planning horizon capture zone was mapped to illustrate the expected area around the wellfield within which a particular capture zone occurs, at the seventy-five (75) percent confidence level. (Id.). These partial planning horizon capture zones correspond to Wellfield Risk Management Special Treatment Overlay Zones W-1, W-2, W-3 and W-4 for the twenty year planning horizon.

SEC.2.1.2.4.1 WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONE W-1 ("ZONE W-1"):

The land area between an identified wellfield and the five percent ground water capture zone, approximating the one year Wellfield Risk Management Special Treatment Overlay Zone boundary as shown on the Wellfield Risk Management Special Treatment Overlay Zone Map, Appendix A, which area shall be protected from the discharge or accidental release of contaminants from a sanitary hazard or other contaminant source, including the discharge or accidental release of Hazardous Products and Hazardous Wastes.

SEC.2.1.2.4.2 WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONE W-2 ("ZONE W-2"):

The land area between ZONE W-1 and the ten percent ground water capture zone, approximating the two year Wellfield Risk Management Special Treatment Overlay Zone boundary as shown on the Wellfield Risk Management Special Treatment Overlay Zone Map, Appendix A, which area shall be protected from the discharge or accidental release of contaminants, including from a sanitary hazard or other contaminant source and the discharge or accidental release of Hazardous Products and Hazardous Wastes.

SEC.2.1.2.4.3 WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONE W-3 ("ZONE W-3"):

The land area between ZONE W-2 and the twenty-five percent ground water capture zone, approximating the five year Wellfield Risk Management Special Treatment Overlay Zone boundary as shown on the Wellfield Risk Management Special Treatment Overlay Zone Map, Appendix A, which area may be protected from the discharge or accidental release of specific contaminants, including the discharge or accidental release of Hazardous Products and Hazardous Wastes.

SEC.2.1.2.4.4 WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONE W-4 ("ZONE W-4"):

The land area between ZONE W-3 and the 100 percent ground water capture zone for the twenty year planning limit, which is the twenty year Wellfield Risk Management Special Treatment Overlay Zone boundary as shown on the Wellfield Risk Management Special Treatment Overlay Zone Map, Appendix A, which area may be protected from the discharge or accidental release of specific contaminants, including the discharge or accidental release of Hazardous Products and Hazardous Wastes.

SEC.2.1.3 GROUND WATER PROTECTION.

SEC.2.1.3.1 CREATION AND MAPPING OF GROUND WATER PROTECTION ZONES.

There are hereby created Ground Water Protection Special Treatment Overlay Zones as generally depicted on the Wellfield Risk Management Special Treatment Overlay Zone Maps, Appendix A. These

Ground Water Protection Special Treatment Overlay Zones reflect Wellfield Risk Management Zones W-1, W-2, W-3 and W-4; areas of high natural aquifer recharge in Collier County ("ST-NAR"); and the natural recharge areas of geographical Collier County that require minimum ground water protection and within which future public water supply wells may be located ("GWP".)

Wellfield Risk Management Special Treatment Overlay Zones, High Natural Aquifer Recharge Special Treatment Zone (ST-NAR) Ground Water Protection Special Treatment Overlay Zones shall be supplemental to existing and future zoning and land use regulations and shall not be deemed to permit or authorize any use or activity not otherwise permitted in the underlying zoning district or allowable in the underlying future land use designation.

The High Natural Aquifer Recharge Special Overlay Zones (ST-NAR) and the Ground Water Protection Zones (GWP) are based upon:

SEC.2.1.3.1.1 Those portions of geographical Collier County, Florida, to be identified as areas of high natural aquifer recharge to the Surficial and Intermediate Aquifer Systems ("ST-NAR"); and

SEC.2.1.3.1.2 The susceptibility of the Surficial and Intermediate Aquifer Systems in geographical Collier County to contamination resulting from surficial activities and the need for protection of the ground water resource as a future public water supply ("GWP").

SEC.2.1.3.2 DESCRIPTION OF GROUND WATER PROTECTION SPECIAL TREATMENT OVERLAY ZONES.

SEC.2.1.3.2.1 HIGH NATURAL AQUIFER RECHARGE AREAS ("ST-NAR"):

These areas have not yet been defined. The prohibitions and regulations for this Special Treatment Overlay Zone shall be based upon the determination and designation of those portions of geographical Collier County that naturally function as high natural recharge areas to the Surficial and Intermediate Aquifer Systems. Upon identification of ST-NAR areas, Articles 2, 3, 4 and other applicable sections hereof, shall be amended to include the ST-NAR Special Treatment Overlay Zone where appropriate.

SEC.2.1.3.2.2 GROUND WATER PROTECTION AREA ("GWP"):

All of geographical Collier County provides natural aquifer recharge to the Water Table Aquifer and the potential for natural aquifer recharge to the unconfined or semi-confined portions of the Lower Tamiami and Sandstone Aquifers. Natural aquifer recharge from the Water Table Aquifer constitutes approximately eighty percent of the recharge to the Lower Tamiami Aquifer on a regional basis. That area of geographical Collier County excluding W-1, W-2, W-3, W-4 and ST-NAR, shall be provided with a minimum level of ground water protection and shall be designated as GWP.

SECTION 2.2 ZONING ATLAS.

The Wellfield Risk Management Special Treatment Overlay Zones and the High Natural Aquifer Recharge Special Treatment Overlay Zones shall be mapped as provided herein and shall be shown on the Official Zoning Atlas of Collier County and the municipalities within the geographical boundaries of Collier County.

SECTION 2.3 ANNUAL REVIEW OF ZONES.

The Wellfield Risk Management Special Treatment Overlay Zone Maps, Appendix A, shall be reviewed by the Board on an annual basis or more often as may be determined by the County Manager in his discretion upon the occurrence of:

SEC.2.3.1 Changes in technical knowledge concerning the understanding of ground water hydraulics as applied to

the hydrogeology of applicable aquifer systems in Collier County;

- SEC.2.3.2 Changes in the permitted withdrawals from the identified wellfield(s);
- SEC.2.3.3 Reconfiguration of identified wellfields;
- SEC.2.3.4 The designation of new wellfield(s) as protected under this Ordinance; and
- SEC.2.3.5 Availability of any other technical or scientific information relative to the aquifer systems in Collier County.

SECTION 2.4 APPLICATION OF ZONES.

SEC.2.4.1 REGULATED WELLFIELDS.

The following Wellfield Risk Management Special Treatment Overlay Zones, as defined in Section 2.1, and criteria specified in Article 4 shall be applied to the following wellfields:

- SEC.2.4.1.1 East Golden Gate Wellfield.
- SEC.2.4.1.2 Coastal Ridge Wellfield.
- SEC.2.4.1.3 Collier County Utilities Wellfield.
- SEC.2.4.1.4 Everglades City Wellfield.
- SEC.2.4.1.5 Florida Cities (Avatar) Wellfield.
- SEC.2.4.1.6 The Glades Wellfield.
- SEC.2.4.1.7 Immokalee Water and Sewer Wellfields drilled into the Lower Tamiami Aquifers and Sandstone Aquifers.
- SEC.2.4.1.8 North Naples Utilities (Quail Creek) Wellfield.
- SEC.2.4.1.9 Pelican Bay Wellfield.
- SEC.2.4.2 UNREGULATED WELLFIELDS.

Wellfield Risk Management Special Treatment Overlay Zones as defined in Section 2.1 and the criteria specified in Article 4, shall not be applied to:

- SEC.2.4.2.1 Port of the Islands Wellfield
- SEC.2.4.3 DETERMINATION OF LOCATION WITHIN WELLFIELD RISK MANAGEMENT ZONES.

In determining the location of Regulated Development within the Wellfield Risk Management Zones, the following rules shall apply:

- SEC.2.4.3.1 Regulated Development located wholly within a single Wellfield Risk Management Zone, as reflected on the Wellfield Risk Management Special Treatment Overlay Zone Map(s), shall be governed by the restrictions applicable to that Zone.
- SEC.2.4.3.2 Where a boundary between two adjacent Wellfield Risk Management Zones, as reflected on the Wellfield Risk Management Special Treatment Overlay Map(s), passes through the structure of a Regulated Development, the entire structure and Regulated Development shall be considered to be in the more restrictive Zone.

SEC. 2.4.3.3 Where the site of a Regulated Development lies within two or more Wellfield Risk Management Zones, as reflected on the Wellfield Risk Management Special Treatment Overlay Map(s), and the structural or activity portion of the site may be confined to one of the Zones, then each portion of the Regulated Development shall be governed by the restrictions applicable to the applicable Overlay Zone in which the portion is located so long as the Owner/Operator provides reasonable assurances that a discharge or accidental release will be prohibited from entering the more restrictive Zone.

SEC. 2.5 PROTECTION OF FUTURE WELLFIELDS.

Wellfield Risk Management Zones shall be established around those future public water supply wellfields with SFWMD permitted withdrawals of a minimum of 100,000 gallons per day from the Surficial Aquifer System.

Future public water supply wellfields with SFWMD permitted withdrawals of a minimum of 100,000 gallons per day from the Intermediated Aquifer System shall be evaluated on a case-by-case basis to determine the applicability of Wellfield Risk Management Zone delineation.

Wellfield Risk Management Zones shall not be established for those future public water supply wellfields with SFWMD permitted withdrawals of a minimum of 100,000 gallons per day from the Floridan Aquifer System.

All Regulated Development within the Wellfield Risk Management Zones of the future public water supply wellfields shall comply with the regulations and standards of construction of Article 4 and Article 5 hereof which incorporates by reference the State's Ground Water standards of non-degradation and enhancement of ground water.

SECTION 2.6 EFFECT OF SETBACKS AND BUFFERS FROM SANITARY HAZARDS AS PROMULGATED AND ADOPTED IN THE FLORIDA ADMINISTRATIVE CODE.

Chapter 17, Florida Administrative Code, establishes minimum setbacks and buffers between the placement of identified sanitary hazards and public potable water supply wells. The location of the following Regulated Development and associated activity shall be subject to the minimum setback and buffer requirements as promulgated and adopted by the Florida Department of Environmental Regulation and incorporated herein by reference. For reference purposes only, the applicable setbacks from potable water wells on the effective date of this Ordinance are as follows:

SEC. 2.6.1 Domestic Wastewater Treatment Plant outfall, as regulated under Rule 17-600.510, Florida Administrative Code, shall discharge not less than 500 feet from an approved, but not yet constructed potable water intake.

SEC. 2.6.2 Application of sludge, as regulated under Rules 17-7.540(4), (5), (7), 17-7.570, and 17-7.580, Florida Administrative Code, shall be no closer than 500 feet from a shallow public water supply well as defined in Rule 17-7.020(46), Florida Administrative Code.

SEC. 2.6.3 The edge of the wetted area used for the application and reuse of reclaimed water, as regulated under Rule 17-610.471, Florida Administrative Code, shall be no closer than 75 feet from an existing or HRS approved potable water supply well; and reclaimed water transmission facilities shall be no closer than 75 feet from a potable water supply well.

SEC. 2.6.4 The edge of the pond, basin or trench embankment used for a rapid rate land application system, as regulated under Rule 17-610.521, Florida Administrative Code, shall be no closer than 500 feet from an existing or HRS approved potable water supply well, or 200 feet if conditions specified in the cited Rule are met.

SEC.2.6.5 The edge of a reuse absorption field, as regulated under Rule 17-610.571, Florida Administrative Code, shall be no closer than 500 feet from an existing or HRS approved potable water supply well, or 200 feet if conditions specified in the cited Rule are met.

SEC.2.6.6 The edge of the wetted area used for effluent disposal by overland flow, as regulated under Rule 17-610.621, Florida Administrative Code, shall be no closer than 100 feet from an existing or HRS approved potable water supply well; and a reclaimed wastewater transmission facility, as regulated under Rule 17-610.621, Florida Administrative Code, shall be no closer than 100 feet from a public water supply well.

SEC.2.6.7 Domestic Wastewater Residuals land application, as regulated under Rule 17-640.700(4) or Rule 17-640.800(1), Florida Administrative Code, shall be no closer than 500 feet from any shallow public water supply well.

SEC.2.6.8 Dairy farms, regulated under Rule 17-670.520, Florida Administrative Code, shall maintain the 300 feet separation between storage and treatment or high-intensity areas and a drinking water supply well; and shall maintain a separation of 200 feet between land application of wastewater and a drinking water supply well. The land application of Egg Wash Wastewater, as regulated under 17-670.600(3), Florida Administrative Code, shall be no closer than 200 feet from a drinking water supply well.

SEC.2.6.9 Disposal of solid waste, as regulated under Rule 17-701.040(2), Florida Administrative Code, is prohibited within 500 feet of an existing or approved shallow water supply well unless the disposal meets the standards of Rule 17-701.040, Florida Administrative Code.

SEC.2.6.10 Any other applicable setback and buffer from a drinking water supply well required by state or federal regulations shall be applicable to any new or substantially modified Regulated Development after the effective date of this Ordinance.

ARTICLE 3 EXEMPTED DEVELOPMENT.

The following legally existing and future development is deemed by the Board to be exempt from the prohibitions, regulations and standards of construction established by this Ordinance as set forth below. These exemptions shall not be construed or otherwise interpreted to exempt that development prohibited or regulated in Article 4 hereof.

SECTION 3.1 WELLFIELD EXEMPTION.

A Wellfield Exemption for a particular development shall not automatically expire so long as the development meets the criteria of this Section. An exemption for a particular development shall be subject to revision or revocation as provided in Section 8.2 hereof.

SEC.3.1.1 WELLFIELD EXEMPTION FOR CONTINUOUS TRANSIT.

The transportation of any Hazardous Product or Hazardous Waste shall be exempt from the provisions of this Ordinance provided that the transporting motor vehicle is in continuous transit. This exemption shall not be construed to prohibit the delivery of a Hazardous Product or the temporary stop of such motor vehicle for such period of time as is necessary for refueling, emergency repairs and driver comfort.

SEC.3.1.2 WELLFIELD EXEMPTION FOR VEHICULAR FUEL AND LUBRICANT USE.

The use of any petroleum product solely as a fuel in a

vehicle's fuel tank or as a lubricant in a vehicle shall exempt the vehicle from the provisions of this Ordinance.

SEC.3.1.3 WELLFIELD EXEMPTION FOR THE USE OF NITRATES CONTAINED IN FERTILIZERS.

The use of fertilizers containing nitrates shall be generally exempt from this Ordinance.

SEC.3.1.4 WELLFIELD EXEMPTION FOR CONSTRUCTION ACTIVITIES.

The activities of constructing, repairing or maintaining any facility or of facility improvement shall be exempt from the provisions of this Ordinance provided that all contractors, subcontractors, laborers, material men and their employees or agents, when using, handling, storing, producing, transporting or disposing of Hazardous Products or Hazardous Wastes continuously use industry standard Best Management Practices to ensure that Hazardous Products, Hazardous Wastes or other contaminants are not discharged or accidentally released.

SEC.3.1.5 WELLFIELD EXEMPTION FOR APPLICATION OF PESTICIDES, HERBICIDES, FUNGICIDES AND RODENTICIDES

Application of pesticides, herbicides, fungicides and rodenticides in any non-residential pest control and aquatic weed control activity shall not be required to obtain a Certificate to Operate under this Ordinance provided that:

SEC.3.1.5.1 The application of pesticides, herbicides, fungicides and rodenticides is in strict accordance with the federal requirements set forth in 7 U.S.C. §§136-136Y and as indicated on the containers in which the substance is sold or stored; and

SEC.3.1.5.2 The use of pesticides, herbicides, fungicides and rodenticides is in strict accordance with the requirements of Chapters 482 and 487, Florida Statutes, and Chapters 5E-2 and 5E-9, Florida Administrative Code as each may, from time to time, be amended.

SEC.3.1.6 WELLFIELD EXEMPTION FOR EMERGENCY GENERATORS ACCESSORY TO PUBLIC UTILITIES OR SERVING A SAFETY PURPOSE.

Emergency generators that are accessory to a public utility and which will provide emergency electrical power to ensure a continuous supply of a public benefit; including without limitation, a public potable water supply, natural gas, sewer service, and telephone service; shall not be required to obtain a Certificate to Operate so long as the State mandated setbacks and buffers as may be set forth in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof are met and maintained.

Emergency generators that are accessory to essential services, such as elevators in condominiums, hospitals and other publicly accessed places, and which are connected to fuel storage tanks of less than 110 gallons shall be exempt from regulation under this Ordinance.

SEC.3.1.7 WELLFIELD EXEMPTION FOR RETAIL SALES ACTIVITY.

Retail sales establishments that store and handle for resale, Hazardous Products in the substance's original and unopened individual containers of not more than five gallons or fifty pounds, shall not be required to obtain a Certificate to Operate.

SEC. 3.1.8. WELLFIELD EXEMPTION FOR ELECTRIC POWER TRANSFORMERS USED IN CONJUNCTION WITH PUBLIC ELECTRICAL UTILITIES.

Electrical power transformers that are necessary equipment to the operation of electric power utilities which deliver essential electric service of a public benefit, including both distribution and substation power transformers, shall not be required to obtain a Certificate to Operate so long as the state mandated setbacks and buffers as may be set forth in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof are met and maintained.

SECTION 3.2 INSPECTIONS.

SEC. 3.2.1 REASONABLE NOTICE.

The continued Wellfield Exemption status of a Regulated Development shall be dependent upon compliance with the criteria of Section 3.1 and this Section. In order to ensure compliance with the criteria of Section 3.1, the County may inspect the premises of the Regulated Development at reasonable times and after reasonable notice and consent of the Owner/Operator.

SEC. 3.2.2 INSPECTION WARRANTS.

Where consent has been withheld, the County may obtain an Inspection Warrant in the same manner as provided for in Section 403.091, Florida Statutes.

SEC. 3.2.3 IDENTIFICATION.

Agents of the County shall be provided with official identification and shall exhibit this identification prior to any inspection.

ARTICLE 4 REGULATED DEVELOPMENT.

Unless otherwise exempted from compliance with this Ground Water Protection Ordinance as provided in:

(i) Article 2 (Regulated Development is within Wellfield Risk Management Special Treatment Overlay Zones of a regulated wellfield); or

(ii) Article 3 (Regulated Development is legislatively exempted); or

(iii) Article 7 (a Wellfield Conditional Use Permit has been issued for the Regulated Development); it shall be unlawful to substantially modify, replace or maintain an existing Regulated Development, or to commence the operation or construction of the following Regulated Development in violation of the standards set forth in this Article.

All existing Regulated Development, unless otherwise expressly provided herein, shall have been constructed and permitted in accordance with applicable local, state and federal law and regulations. All existing Regulated Development meeting this criteria are deemed to be legal non-conforming Regulated Development which shall, within one year of the effective date of this Ordinance, come into compliance with the standards for existing Regulated Development as provided in this Article.

All existing Regulated Development not constructed and permitted in accordance with applicable local, state and federal law and regulations, are deemed to be illegal non-conforming Regulated Development and shall within one year of the effective date of this Ordinance, come into compliance with the standards for future Regulated Development as provided in this Article.

SECTION 4.1 SOLID WASTE FACILITIES.

SEC.4.1.1 EXISTING SOLID WASTE DISPOSAL FACILITIES.

SEC.4.1.1.1 STANDARDS.

SEC.4.1.1.1.1 All existing solid waste disposal facilities shall have met the applicable State mandated setbacks and buffers as adopted in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof.

SEC.4.1.1.1.2 In ZONES W-1 and W-2, the Owner/Operator of an existing lawful non-conforming solid waste disposal facility shall:

A. Monitor discharges to ground water as provided under Rule 17-701.050(6), Florida Administrative Code; and

B. Comply with the operating criteria established under Rule 17-701.050(6), Florida Administrative Code; and

C. Submit to the Department copies of all ground water monitoring reports and other operational reports as may be required by FDER on a quarterly basis or as submission may otherwise be required by FDER.

SEC.4.1.1.1.3 In ZONES W-3, W-4 AND GWP, existing solid waste disposal facilities are not regulated under this Ordinance.

SEC.4.1.2 FUTURE SOLID WASTE DISPOSAL FACILITIES.

SEC.4.1.2.1 STANDARDS.

SEC.4.1.2.1.1 In ZONES W-1, W-2, W-3, W-4 and GWP, future solid waste disposal facilities are prohibited in the absence of a Wellfield Conditional Use Permit.

SEC.4.1.3 EXISTING SOLID WASTE TRANSFER STATIONS.

SEC.4.1.3.1 STANDARDS.

SEC.4.1.3.1.1 In ZONES W-1, W-2, W-3 and W-4, the continued operation of a lawful non-conforming solid waste transfer station shall be allowed after the effective date of this Ordinance upon the Owner/Operator of such facility obtaining a Certificate to Operate from the Department which shall include the following conditions:

A. Compliance with the operating criteria established under Rule 17-701.801, Florida Administrative Code; and

B. The Owner/Operator shall submit copies of all ground water monitoring reports and other operational reports as may be required by FDER on a quarterly basis or as may otherwise be required by FDER; and

C. The Owner/Operator shall report any discharge or accidental release of contaminants to the Department within 24 hours of discovery.

SEC.4.1.3.1.2 In GWP, existing solid waste transfer stations are not regulated under this Ordinance.

SEC.4.1.4 FUTURE SOLID WASTE TRANSFER STATIONS.

SEC.4.1.4.1 STANDARDS.

SEC.4.1.4.1.1 In ZONES W-1, W-2 and W-3, future solid waste transfer stations are prohibited in the absence of a Wellfield Conditional Use Permit.

SEC.4.1.4.1.2 In ZONES W-4 and GWP, future solid waste transfer stations shall operate pursuant to a Certificate to Operate issued by the Department subject to compliance with the following criteria:

A. Compliance with the operating criteria established under Rule 17-701.801, Florida Administrative Code; and

B. The Owner/Operator shall submit copies of all ground water monitoring reports and other operational reports as may be required by FDER on a quarterly basis or as may otherwise be required by FDER; and

C. The Owner/Operator shall report any discharge or accidental release of contaminants to the Department within 24 hours of discovery.

SEC.4.1.5 EXISTING AND FUTURE SOLID WASTE STANDARD CONTAINERS AND SOLID WASTE BULK CONTAINERS.

SEC.4.1.5.1 STANDARDS.

SEC.4.1.5.1.1 In ZONES W-1 and W-2, all solid waste standard containers shall be constructed of a leak proof and non-absorbent material, with handles, provided with a closely fitting watertight cover.

SEC.4.1.5.1.2 In ZONES W-3, W-4 and GWP, solid waste standard containers are not regulated under the Ground Water Protection Ordinance.

SEC.4.1.5.1.3 In ZONES W-1, W-2, W-3, W-4 and GWP, all solid waste bulk containers shall be constructed of a leak proof and non-absorbent material, and fitted with a rain proof lid or cover .

SEC.4.1.6 FUTURE SOLID WASTE STORAGE, COLLECTION AND RECYCLING FACILITIES.

SEC.4.1.6.1 STANDARDS.

SEC.4.1.6.1.1 In ZONES W-1, W-2, W-3, W-4 and GWP, storage, collection and recycling facilities, that do not handle Hazardous Products or Hazardous Wastes, are not regulated under this Ordinance.

SEC.4.1.6.1.2 In ZONES W-1, W-2 and W-3, future solid waste storage, collection and recycling facilities that will handle Hazardous Products and Hazardous Wastes shall be prohibited in the absence of a Wellfield Conditional Use Permit.

SEC.4.1.6.1.3 In ZONES W-4 and GWP, future solid waste storage, collection and recycling facilities are not regulated under this Ordinance.

SEC.4.1.7 DISPOSAL OF HAZARDOUS WASTE.

SEC.4.1.7.1 In ZONES W-1, W-2, W-3, W-4 and GWP, the disposal of any Hazardous Waste or constituent thereof in an existing or future landfill or other land disposal system is prohibited.

SECTION 4.2 HAZARDOUS PRODUCTS AND HAZARDOUS WASTES.

SEC. 4.2.1 EXISTING AND FUTURE NON-RESIDENTIAL USE, HANDLING, STORAGE, GENERATION, TRANSPORT OR PROCESSING OF HAZARDOUS PRODUCTS.

SEC.4.2.1.1 STANDARDS.

SEC.4.2.1.1.1 In ZONES W-1, W-2, AND W-3, future non-residential development and the continued operation or use of existing non-residential development, which at any point in time, uses, handles, stores, generates, transports or processes Hazardous Products that are

not: (i) gaseous at 105 Degrees Fahrenheit and ambient pressure; (ii) in quantities that exceed 250 gallons for liquids or 1,000 pounds for solids, shall be allowed pursuant to the Owner/Operator of such development obtaining a Certificate to Operate issued by the Department. The Certificate to Operate shall incorporate the following conditions:

A. Existing non-residential Regulated Development shall implement a detailed containment plan, approved by the County Manager and providing for:

1. Containment of the Hazardous Product(s) which will provide for absorption of not less than an equivalent volume of the Hazardous Product(s), or provide for secondary containment with a volume of at least 110 percent of the largest container; or other comparable method to manage discharges or accidental releases and prevent contact with the land or waters constituting or connected to Waters of the State as defined in Chapter 403, Florida Statutes.

2. Liquid Hazardous Products in tanks with a capacity of greater than 250 gallons must be stored in secondary containment with a volume of at least 110 percent of the largest container, plus the displacement of that and any other tank(s) within the containment area. Rain water may not exceed 10 percent of the volume in the secondary containment area at any time.

B. Future non-residential Regulated Development, shall implement a detailed containment plan, approved by the County Manager in accord with the standards set forth in subsection A hereof with the exception that the future Regulated Development shall provide for both the containment and absorption of Hazardous Products.

C. Existing and Future non-residential Regulated Development shall comply with the following conditions:

1. Hazardous Products must be removed from the secondary containment within 24 hours of the discharge or accidental release.

2. Submittal to the Department of a fire plan approved by the local fire district.

3. Upon discovery of any discharge or accidental release, implementation of a detailed contingency plan approved by the County Manager which shall describe the following:

- a. Actions to be taken by the Owner/Operator in the event of a discharge, or accidental release of a Hazardous Product under this Section, which shall include:

- 1) First response steps to control and prohibit the discharge or accidental release of the Hazardous Product;

- 2) Remedial actions consistent with applicable state and federal laws; and

- 3) Proper disposal of the Hazardous Product.

- b. Emergency telephone numbers of:

- 1) Local and state response units; and
- 2) Owner/Operator's designated emergency response personnel.

c. Compliance with the applicable State and Federal regulations.

d. The Department shall provide forms for reporting of discharges or accidental releases.

4. The facility shall report, to the Department, discharges or accidental releases exceeding 50 gallons including: date, time, product discharged or released, control measures used, quantity of product discharged or released, and disposition of recovered waste; within 48 hours of the discharge or accidental release.

5. Annual inspections as provided in Section 6.3 hereof.

SEC.4.2.1.1.2 In ZONE GWP all future and existing non-residential development involving the use, handling, storage, generation, transport or processing of Hazardous Product below the thresholds stated in SEC.4.2.1.1.3 hereof, and all future and existing non-residential development in ZONES W-4 and GWP involving the generation or storage of Hazardous Waste at or above the thresholds state in SEC.4.2.1.1.1 hereof, shall not be required to obtain a Certificate to Operate, but shall comply with the following:

A. No Hazardous Product shall be discharged or released to any stormwater treatment system.

B. No Hazardous Product shall be discharged or released to any on-site sewage disposal system not permitted for industrial or manufacturing use.

C. No Hazardous Product shall be discharged or released to any wastewater treatment system not permitted for industrial waste.

D. No Hazardous Product shall be discharged or released to the surface of the land of into any water constituting or connecting to Waters of the State as defined in Chapter 403, Florida Statutes.

E. All Hazardous Product shall be retained on-site until use.

F. All Hazardous Product shall be stored in rainproof and leak proof containers.

G. Discharges or accidental release of Hazardous Product exceeding 50 gallons shall be reported to the Department within 48 hours of discovery. The report shall indicate the date, time, product discharged or released, control measures used, quantity of product discharged or released, and disposition of recovered product.

SEC.4.2.2 EXISTING AND FUTURE RESIDENTIAL USE, HANDLING, STORAGE, GENERATION, TRANSPORT OR PROCESSING OF HAZARDOUS PRODUCTS.

SEC.4.2.2.1 STANDARDS.

SEC.4.2.2.1.1 The existing and future residential use, handling, storage, generation, transport or processing of Hazardous Products is not regulated under this Ordinance.

SEC. 4.2.3 EXISTING AND FUTURE NON-RESIDENTIAL GENERATION OR STORAGE OF HAZARDOUS WASTE.

SEC. 4.2.3.1 STANDARDS.

SEC. 4.2.3.1.1 In ZONES W-1, W-2, AND W-3, future non-residential facilities and the continued operation or use of existing non-residential facilities which generate or store Hazardous Wastes which accumulate more than 220 pounds per month or 110 gallons at any point in time, shall be allowed pursuant to the Owner/Operator obtaining a Certificate to Operate. The Certificate to Operate shall incorporate the following conditions:

A. Existing non-residential Regulated Development shall implement a detailed containment plan, approved by the County Manager and providing for:

1. Containment of the Hazardous Waste(s) which will provide for absorption of not less than an equivalent volume of the Hazardous Waste(s), or provide for secondary containment with a volume of at least 110 percent of the largest container; or other comparable method to manage discharges or accidental releases and prevent contact with the land or waters constituting or connected to Waters of the State as defined in Chapter 403, Florida Statutes.

2. Liquid Hazardous Wastes in tanks with a capacity of greater than 250 gallons must be stored in secondary containment with a volume of at least 110 percent of the largest container, plus the displacement of that and any other tank(s) within the containment area. Rain water may not exceed 10 percent of the volume in the secondary containment area at any time.

B. Future non-residential Regulated Development, shall implement a detailed containment plan, approved by the County Manager in accordance with the standards set forth in subsection A hereof with the exception that the future Regulated Development shall provide for both the containment and absorption of Hazardous Wastes.

C. Existing and Future non-residential Regulated Development shall comply with the following conditions:

1. Hazardous Wastes must be removed from the secondary containment within 24 hours of the discharge or accidental release.

2. Submittal to the Department of a fire plan approved by the local fire district.

3. Upon discovery of any discharge or accidental release, implementation of a detailed Contingency Plan approved by the County Manager which shall describe the following:

a. Actions to be taken by the Owner/Operator in the event of a discharge, or accidental release of a Hazardous Waste under this Section, which shall include:

1) First response steps to control and prohibit the discharge or accidental release of the Hazardous Waste;

2) Remedial actions consistent with applicable state and federal laws; and

3) Proper disposal of the Hazardous Waste.

b. Emergency telephone numbers of:

1) Local and state response units; and

2) Owner/Operator's designated emergency response personnel.

c. Compliance with the applicable State and Federal regulations.

d. The Department shall provide forms for reporting of discharges or accidental releases.

4. The facility shall report, to the Department, discharges or accidental releases exceeding 50 gallons including; date, time, waste discharged or released, control measures used, quantity of waste discharged or released, and disposition of waste product; within 48 hours of the discharge or accidental release.

5. Annual inspections as provided in Section 6.3 hereof.

SEC.4.2.3.1.2 In ZONES W-1, W-2 and W-3 all future and existing non-residential development involving the generation or storage of Hazardous Waste below the thresholds stated in SEC.4.2.5.1.1 hereof, and all existing non-residential development in ZONES W-4 and GWP involving the generation or storage of Hazardous Waste at or above the thresholds state in SEC.4.2.5.1.1 hereof, shall not be required to obtain a Certificate to Operate, but shall comply with the following:

A. No Hazardous Waste shall be discharged or released to any stormwater treatment system.

B. No Hazardous Waste shall be discharged or released to any on-site sewage disposal system not permitted for industrial or manufacturing use.

C. No Hazardous Waste shall be discharged or released to any wastewater treatment system not permitted for industrial waste.

D. No Hazardous Waste shall be discharged or released to the surface of the land of into any water constituting or connecting to Waters of the State as defined in Chapter 403, Florida Statutes.

E. All Hazardous Waste shall be retained on-site until disposed of in accordance with applicable law.

F. All Hazardous Waste shall be stored in rainproof and leak proof containers.

G. Discharges or accidental release of Hazardous Waste exceeding 50 gallons shall be reported to the Department within 48 hours of discovery. The report shall indicate the date, time, waste discharged or released, control measures used, quantity of waste discharged or released, and disposition of recovered waste.

SEC.4.2.4

EXISTING AND FUTURE RESIDENTIAL GENERATION OR STORAGE OF HAZARDOUS WASTES.

SEC. 4.2.4.1 STANDARDS.

SEC. 4.2.4.1.1 In ZONES W-1, W-2, W-3, W-4 and GWP, residential generation and storage of Hazardous Waste is not regulated under this Ordinance.

SECTION 4.3 WASTEWATER TREATMENT PLANTS AND EFFLUENT LAND DISPOSAL SYSTEMS.

SEC. 4.3.1 EXISTING AND FUTURE DOMESTIC WASTEWATER TREATMENT PLANTS.

SEC. 4.3.1.1 STANDARDS.

SEC. 4.3.1.1.1 All future and existing Domestic Wastewater Treatment Plants shall have been constructed and permitted in accordance with applicable State law and regulations, and comply with the State mandated setbacks and buffers as adopted in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof.

SEC. 4.3.1.1.2 In ZONE W-1, all future Domestic Wastewater Treatment Plants are prohibited. The continued operation of all existing legal non-conforming Domestic Wastewater Treatment Plants shall be allowed to continue pursuant to the Owner/Operator obtaining a Certificate to Operate. The Certificate to Operate shall incorporate the following conditions:

A. All applicable sampling requirements of Rule 17-601.500(5), Florida Administrative Code pertaining to monitoring of influent and effluent; and

B. All applicable ground water monitoring requirements of Rule 17-601.700, Florida Administrative Code pertaining to ground water monitoring, and provide the Department with copies of all monitoring reports submitted to FDER; and

C. The applicable influent/effluent and ground water monitoring reporting requirements of Rule 17-601.300(3), Florida Administrative Code, and provide the Department with copies of all monitoring reports submitted to FDER; and

SEC. 4.3.1.1.3 In ZONES W-2, W-3, W-4 and GWP, future Domestic Wastewater Treatment Plants and the continued operation of all existing legal non-conforming Domestic Wastewater Treatment Plants permitted for over 100,000 GPD, shall be allowed pursuant to the Owner/Operator demonstrating compliance with and incorporating the following conditions:

A. All applicable ground water monitoring requirements of Rule 17-601.700, Florida Administrative Code pertaining to ground water monitoring; and

B. On a quarterly basis, the Owner/Operator shall provide the Department with copies of all current monitoring reports submitted to FDER.

SEC. 4.3.2 EXISTING LAND DISPOSAL SYSTEMS FOR DOMESTIC WASTEWATER TREATMENT PLANT EFFLUENT.

SEC. 4.3.2.1 STANDARDS.

SEC. 4.3.2.1.1 All existing land disposal systems for application of Domestic Wastewater Treatment Plant effluent shall have been constructed and permitted in accordance with applicable State law and regulations, and comply with the State mandated setbacks and buffers as adopted in the Florida Administrative Code and as incorporated by reference in Section 2.6 hereof.

SEC.4.3.2.1.2 In ZONE W-1, the continued operation of all land disposal systems for the application of Domestic Wastewater Treatment Plant effluent shall be allowed pursuant to the Owner/Operator obtaining a Certificate to Operate. The Certificate to Operate shall incorporate the following conditions:

A. All applicable sampling requirements of Rule 17-601.500(5), Florida Administrative Code pertaining to monitoring of wastewater effluent; and

B. All applicable surface water and ground water monitoring as required by FDER pursuant to Rule 17-601.700(4), Florida Administrative Code; and

C. Reporting of wastewater effluent sampling data and surface water and/or ground water monitoring data to the Department on a quarterly basis.

D. The wastewater treatment and high level disinfection standards identified in Rule 17-610.460, Florida Administrative Code shall be implemented for effluent land disposal systems designed to accommodate a loading rate of 2,500 gallons per acre per day.

SEC.4.3.3 FUTURE LAND DISPOSAL SYSTEMS FOR DOMESTIC WASTEWATER TREATMENT PLANT EFFLUENT.

SEC.4.3.3.1 STANDARDS.

SEC.4.3.3.1.1 All future land disposal systems for application of Domestic Wastewater Treatment Plant effluent shall be constructed and permitted in accordance with applicable State law and regulations, and comply with the State mandated setbacks and buffers as adopted in the Florida Administrative Code and as incorporated by reference in Section 2.6 hereof.

SEC.4.3.3.1.2 In ZONE W-1, future land disposal systems for the application of Domestic Wastewater Treatment Plant effluent shall operate pursuant to a Certificate to Operate incorporating the following conditions:

A. All applicable sampling requirements of Rule 17-601.500(5), Florida Administrative Code pertaining to monitoring of wastewater effluent; and

B. All applicable surface water and ground water monitoring as required by FDER pursuant to Rule 17-601.700(4), Florida Administrative Code; and

C. Reporting of wastewater effluent sampling data and surface water and/or ground water monitoring data to the Department on a quarterly basis.

D. The wastewater treatment and high level disinfection standards identified in Rule 17-610.460, Florida Administrative Code shall be implemented for effluent land disposal systems designed to accommodate a loading rate of 2,500 gallons per acre per day..

SEC.4.3.4 FUTURE INDUSTRIAL WASTEWATER TREATMENT PLANTS OR FACILITIES REQUIRED TO OBTAIN AN INDUSTRIAL WASTEWATER PERMIT.

SEC.4.3.4.1 STANDARDS.

SEC.4.3.4.1.1 All future industrial wastewater treatment plants shall be constructed and permitted in accordance with applicable State law and regulations.

SEC.4.3.4.1.2 In ZONES W-1, W-2, W-3, W-4 and GWP, future industrial wastewater plants and facilities subject to pretreatment standards or effluent limits for Toxic Pollutants as promulgated in 40 CFR Part 401.15, shall be permitted pursuant to a Certificate to Operate incorporating the conditions set forth in Subsection 4.3.4.1.3 below.

SEC.4.3.4.1.3 In ZONES W-1, W-2, W-3, W-4 and GWP, future industrial wastewater plants and facilities subject to effluent limits for Conventional or other pollutants as promulgated in 40 CFR Part 401.16, shall be permitted pursuant to a Certificate to Operate incorporating the following conditions:

A. The Owner/Operator shall establish an industrial pretreatment program in accordance with the applicable categorical pretreatment standards for the specific industry as developed by the Industrial Technology Division of The United States Environmental Protection Agency Office of Water Regulations and Standards at 40 CFR Part 135; and

B. Provide copies of all current ground water monitoring reports and influent/effluent sampling data to the Department on a quarterly basis.

SEC.4.3.4.1.4 In ZONE W-1 any discharge from an industrial wastewater treatment plant shall meet the high level disinfection standards set forth in Section 4.3 hereof.

SECTION 4.4 COLLECTION AND TRANSMISSION SYSTEMS.

SEC.4.4.1 EXISTING AND FUTURE COLLECTION AND TRANSMISSION SYSTEMS.

SEC.4.4.1.1 STANDARDS.

SEC.4.4.1.1.1 All future and existing domestic and industrial Collection and Transmission Systems shall have been constructed and permitted in accordance with applicable County, State and Federal law and regulations, and comply with the State mandated setbacks and buffers as adopted in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof.

SEC.4.4.1.1.2 All existing and future collection and transmission systems located within ZONE 1 shall be inspected by the Owner/Operator at six (6) months intervals, and any deficiency from applicable design standards shall be brought into compliance within thirty (30) days of inspection.

SECTION 4.5 DOMESTIC RESIDUAL DISPOSAL SITES.

SEC.4.5.1 EXISTING AND FUTURE DOMESTIC RESIDUAL DISPOSAL SITES.

SEC.4.5.1.1 STANDARDS.

SEC.4.5.1.1.1 All existing legal non-conforming and future Domestic Residual Disposal Sites shall have been constructed and permitted in accordance with Collier County Ordinance No. 87-79, as may be amended or superseded, and all applicable State and Federal law and regulations, and comply with the State mandated setbacks and buffers as adopted in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof.

SEC.4.5.1.1.2 Existing domestic disposal sites not meeting the criteria for a legal non-conforming use, shall within one year of the effective date of this Ordinance, come into compliance with the standards set forth in this Subsection.

SEC.4.5.1.1.3 In Zone W-1, land application of Class A Domestic Residuals shall be permitted in accordance with the standards of SEC.4.5.1.1.5 hereof.

SEC.4.5.1.1.4 In ZONE W-1, land application of Class B and Class C Domestic Residuals is prohibited in the absence of a Wellfield Conditional Use Permit.

SEC.4.5.1.1.5. In ZONES W-1, W-2, and W-3, land application of Domestic Residuals shall comply with the following criteria:

A. Metal concentrations of Cadmium, Copper, Lead, Nickel and Zinc shall not exceed the thresholds set forth in Rule 17-640, Florida Administrative Code, as may be amended. For reference purposes only, the applicable metal concentrations for these metals at the effective date of this Ordinance are as follows:

<u>METALS</u>	<u>MG/KG DRY WEIGHT</u>
CADMIUM	30
COPPER	900
LEAD	1,000
NICKEL	100
ZINC	1,800

B. The total rate of Domestic Residuals applied to land shall not exceed the nitrogen uptake of the vegetation upon which the residuals are being applied, and shall be consistent with Collier County Ordinance No. 87-79, as may be amended or superseded, and Chapter 17-640, Florida Administrative Code and 40 CFR Parts 256 and 257, and as may be superseded.

C. If Domestic Residuals are applied to a site that is receiving reclaimed water, the nitrogen uptake calculation shall include the combined effect of nitrogen loading from both Domestic Residuals and Reclaimed Water applied to the site as provided in Rule 17-640, Florida Administrative Code.

SEC. 4.5.1.1.6 Minimum frequency of ground water monitoring criteria is as follows:

<u>ZONES</u>	<u>MONITORING/REPORTING FREQUENCY</u>
W-1	QUARTERLY
W-2	SEMI-ANNUALLY
W-3	SEMI-ANNUALLY
W-4	SITE SPECIFIC PER RESIDUAL DISPOSAL PERMIT CONDITIONS
GWP	SITE SPECIFIC PER RESIDUAL DISPOSAL PERMIT CONDITIONS

SECTION 4.6 ON-SITE SEWAGE DISPOSAL SYSTEMS

SEC.4.6.1 EXISTING ON-SITE SEWAGE DISPOSAL SYSTEMS

SEC.4.6.1.1 STANDARDS.

SEC.4.6.1.1.1 In ZONES W-1, W-2, W-3, W-4 and GWP, existing on-site sewage disposal systems are not regulated under this Ordinance.

SEC.4.6.1.1.2 Existing on-site sewage disposal systems as defined in Rule 10D-6.042, Florida Administrative Code serving existing residential structures located in Zones W-1, W-2, W-3, W-4 and GWP are not regulated under this Ordinance.

SEC.4.6.1.1.3 At such times as any repairs are required to existing non-conforming disposal systems located within 200 feet of a public

water supply well, the disposal system shall be upgraded to standards as specified for "future on-site disposal systems" in Sec.4.6.2, hereof, or shall be relocated outside of a radius of 200 feet from the well.

SEC.4.6.1.1.4 On-site sewage disposal systems requiring a Certificate of Operate under Section 4.2 hereof and serving existing industrial uses located on ZONES W-1, W-2, or W-3, shall be allowed to continue pursuant to a Certificate to Operate from the Department, incorporating the following conditions:

A. Reporting by the industrial user of all hazardous products stored or used at the subject location;

B. Implementation of a groundwater monitoring system on the site, designed by a professional engineer or professional geologist licensed in the State of Florida, with monitoring required on a semi-annual schedule for any Hazardous Wastes that are used or stored on the industrial site, and reporting of monitoring data to the Department; and

C. Certification by a professional engineer that the on-site sewage disposal system meets construction and operating standards as contained in the most current version of Rule 10D-6.056, Florida Administrative Code as may be amended.

SEC.4.6.2. FUTURE ON-SITE SEWAGE DISPOSAL SYSTEMS.

SEC.4.6.2.1. STANDARDS.

SEC.4.6.2.1.1. In ZONE W-1, future on-site disposal systems requiring a soil absorption or infiltration area greater than 1,000 square feet shall be constructed to minimum standards contained in Rule 10D-6.056, Florida Administrative Code, as may be amended and the following criteria:

A. Wastewater shall be distributed onto the infiltration surface by means of an automatic dosing device (pump or siphon) and a low-pressure lateral distribution system shall be designed as outlined in the U.S. Environmental Protection Agency Design Manual On-site Wastewater Treatment and Disposal Systems (EPA 625/1-80-012).

B. The design of the on-site disposal of the on-site system shall be certified by a registered engineer, licensed in the State of Florida, to be capable of providing a vertical separation of at least 24 inches between the bottom of the stone fill in the drainfield (infiltration surface) and the wet seasonal high water table when the disposal system is operating at design flow.

SECTION 4.7 CONCENTRATED ANIMAL FEEDING OPERATIONS, HIGH INTENSITY USE AREAS, DAIRY FARM STORAGE AND TREATMENT FACILITIES, AND LAND APPLICATION OF EGG WASH WASTEWATER.

SEC.4.7.1 EXISTING AND FUTURE CONCENTRATED ANIMAL FEEDING OPERATIONS, HIGH INTENSITY USE AREAS, DAIRY FARM STORAGE AND TREATMENT FACILITIES, AND LAND APPLICATION OF EGG WASH WASTEWATER.

SEC.4.7.1.1 STANDARDS.

SEC.4.7.1.1.1 All existing and future concentrated animal feeding operations, high intensity use areas, dairy farm storage and treatment facilities, and land application of Egg Wash Wastewater shall be constructed and permitted in accordance with applicable State and Federal law and regulations, and comply with the State mandated setbacks and buffers as adopted in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof.

SEC.4.7.1.1.2 In the event FDER requires an industrial wastewater permit for any of the activities regulated pursuant to Rule 17-670.400, Florida Administrative Code, the development shall comply with the criteria of Sec.4.3.6 hereof.

SECTION 4.8 STORMWATER MANAGEMENT SYSTEMS.

SEC.4.8.1 EXISTING STORMWATER MANAGEMENT SYSTEMS.

SEC.4.8.1.1 STANDARDS.

SEC.4.8.1.1.1 All existing stormwater management systems in place and operational at the time this Ordinance becomes effective shall be allowed to continue operation without any additional regulation under this Ordinance.

SEC.4.8.2 FUTURE STORMWATER MANAGEMENT SYSTEMS.

SEC.4.8.2.1 STANDARDS.

SEC.4.8.2.1.1 All future stormwater management systems shall be constructed and permitted in accordance with applicable State and South Florida Water Management District law and regulations, and comply with the State or South Florida Water Management District mandated setbacks and buffers as adopted in the Florida Administrative Code, South Florida Water Management District Basis of Review for Stormwater Management Systems and as incorporated by reference in Section 2.6 hereof.

SECTION 4.9 WELL CONSTRUCTION AND SUBSURFACE EXPLORATION.

SEC.4.9.1 EXISTING WELLS AND SUBSURFACE EXPLORATION.

SEC.4.9.1.1 STANDARDS.

SEC.4.9.1.1.1 In ZONES W-1, W-2, W-3, W-4 and GWP, all existing wells, which may be deemed to be abandoned within the meaning of Chapter 373, Part III, Florida Statutes as implemented in Part II of Rule 40E-3, Florida Administrative Code, shall be plugged and grouted in accordance with those provisions.

SEC.4.9.1.1.2 In ZONES W-1, W-2, W-3, W-4 and GWP, all permitted wells, temporarily inactive or standby wells, shall be fitted with a well seal meeting the criteria of Part II of Rule 40E-3, Florida Administrative Code or blind flange within six (6) months of the effective date of this Ordinance.

SEC.4.9.1.1.3 In ZONES W-1, W-2, W-3, W-4 and GWP, all other unpermitted, inactive wells that do not meet construction standards specified in Collier County Ordinance No. 88-99, and as may be amended, shall be plugged and grouted within one (1) year of the effective date of this Ordinance.

Sec.4.9.1.1.4. In ZONES W-1, W-2, W-3, W-4 and GWP, existing monitoring wells that require a Well Construction permit under Collier County Ordinance No. 88-99, and as may be amended, shall be secured with a locking cap/seal within six (6) months of the effective date of this Ordinance.

Sec.4.9.1.1.5. In ZONES W-1, W-2, W-3, W-4 and GWP, Hazardous Waste shall not be disposed of by injection well, and injection wells, other than Water Resource Related Wells, are prohibited.

SEC.4.9.2 FUTURE WELLS AND SUBSURFACE EXPLORATION.

SEC.4.9.2.1 STANDARDS.

SEC.4.9.2.1.1 In ZONES W-1, W-2, W-3, W-4 and GWP, all new wells, including without limitation, monitoring, drinking water, exploration and irrigation wells, shall be constructed in accordance with Collier County Ordinance No. 88-99, and as may be amended or superseded; Section 2.6 of this Ordinance; and Chapter 17-28, Florida Administrative Code. In no event shall the inside diameter of such well casing be less than 4.0 inches.

SEC.4.9.2.1.2 In ZONES W-1, W-2, W-3, W-4 and GWP, Hazardous Waste may not be disposed of by injection well, and injection wells, other than Water Resource Related Wells, are prohibited.

SECTION 4.10 EXCAVATION AND MINING ACTIVITY.

SEC.4.10.1 EXISTING AND FUTURE EXCAVATIONS AND MINING OPERATIONS.

SEC.4.10.1.1 STANDARDS.

SEC.4.10.1.1.1 In ZONES W-1, W-2, W-3, W-4 and GWP, all future and existing excavation and mining operations shall be in compliance with Collier County Ordinance No. 88-26, and as may be amended or superseded.

SEC.4.10.1.1.2 In ZONES W-1, W-2, W-3, W-4 and GWP, future excavation and mining operations and the continued operation of existing legal non-conforming excavations and mining operations shall be allowed pursuant to Owner/Operator complying with the following conditions:

A. Implementation of a County approved stormwater drainage system, incorporating best management practices for handling vehicle fuel, hydraulic fluids, lubricants and related materials, that will divert stormwater runoff from material processing and vehicle maintenance and storage areas away from mining excavation areas.

SECTION 4.11 PETROLEUM PRODUCT FACILITIES.

SEC.4.11.1 EXISTING AND FUTURE PETROLEUM EXPLORATION AND PRODUCTION FACILITIES.

SEC.4.11.1.1 STANDARDS.

SEC.4.11.1.1.1 In ZONES W-1 and W-2, expansion of existing petroleum exploration or production facilities shall be prohibited.

SEC.4.11.1.1.2 In ZONES W-1 and W-2, future petroleum exploration and production facilities and the continued operation and use of existing legal non-conforming petroleum exploration and production facilities shall be allowed pursuant to the Owner/Operator obtaining a Certificate to Operate incorporating the following conditions and the provisions of SEC.4.11.1.1.4 and SEC.4.11.1.1.5 hereof:

A. Implementation of a detailed containment plan approved by the County Manager, describing:

1. A primary and secondary containment system designed to ensure that any discharge or accidental release of the petroleum, petroleum product, drilling fluid, or formation waters is not discharged or accidentally released to an on-site or off-site stormwater management system; wetland; or surface waters or ground waters of the

State as defined in Chapter 403, Florida Statutes. Secondary containment shall meet the following criteria:

- a. Containment structures open to rainfall or otherwise subject to infiltration by water, shall be designed to detain at least 150% of the total volume of the discharge or release; and
- b. Containment structures which are impermeable to rainfall or infiltration by water, shall be designed to detain 110% of the total volume of the discharge or release.

2. Emergency collection devices that have or will be employed to ensure that any discharge or accidental release of the petroleum, petroleum product, drilling fluids, or formation waters do not discharge to an on-site or off-site stormwater management system; wetland; or surface waters or ground waters of the State; and

3. The maintenance that will be provided for the primary and secondary containment systems and emergency collection devices to ensure that any discharge or accidental release is contained on-site for proper disposal in accordance with applicable State and Federal law.

B. Upon discovery of a discharge or accidental release to a pervious surface, implementation of a Department approved or detailed contingency plan which describes:

1. Actions to be taken by the Owner/Operator in the event of a discharge, accidental release, or failure in any containment or emergency collection system required under this Section, which shall include:

a. First response steps to control and prohibit the discharge or accidental release of the petroleum product, petroleum, drilling fluid, or formation water;

b. Remedial actions consistent with applicable state and federal laws; and

c. Proper disposal of the petroleum product.

2. Emergency telephone numbers of:

a. Local and state response units; and

b. Owner/Operator's designated emergency response personnel.

3. Compliance with the applicable State and Federal regulations.

SEC.4.11.1.1.3 In ZONES W-3, W-4 and GWP, the operation and use of future and existing petroleum exploration and production facilities are not regulated under this Ordinance, except as provided in SEC.4.11.1.1.4 and SEC.4.11.1.1.5 hereof.

SEC.4.11.1.1.4 In ZONES W-1, W-2, W-3 and W-4, the siting of future petroleum exploration and production facilities is prohibited in the absence of a Wellfield Conditional Use Permit.

SEC.4.11.1.1.5 In ZONE GWP, future petroleum product exploration shall be prohibited from directional drilling through any potable water aquifer within the vertical projection of the map boundaries of the Wellfield Risk Management Special Treatment Overlay Zones.

ARTICLE 5 COUNTY WIDE GROUND WATER PROTECTION STANDARDS.

SECTION 5.1 GROUND WATER QUALITY STANDARDS.

SEC.5.1.1 GROUND WATER CLASSIFICATION AND CRITERIA.

The Board of County Commissioners of Collier County, Florida adopts by reference, and shall, to the extent permitted by general law and interpretations of Courts of competent jurisdiction, be authorized concurrently with FDER to enforce within geographical Collier County, Florida, Part IV of Rule 17-3, Florida Administrative Code, as may be amended on the effective date of the Ground Water Protection Ordinance, including all Rules referenced therein.

SECTION 5.2 GROUND WATER QUANTITY STANDARDS.

SEC.5.2.1 RECHARGE OF AQUIFERS.

SEC.5.2.1.1 STANDARDS.

SEC.5.2.1.1.1 The Board of County Commissioners of Collier County, Florida finds that the criteria and standards for ensuring recharge to the Surficial Aquifer System as set forth in the South Florida Water Management District's Basis of Review for Stormwater Management Systems is adequate to address aquifer recharge at this time. This finding does not preclude the Department from developing additional criteria and standards at a future time.

SEC.5.2.1.1.2 In ZONES W-1, W-2, W-3, W-4 and GWP, all new or substantially modified development for which site plan approval is required under the Collier County Unified Land Development Code, shall ensure compliance with all applicable design criteria for recharge to the Surficial Aquifer System as set forth in the South Florida Water Management District's Basis of Review for Stormwater Management Systems.

SECTION 5.3 INSPECTIONS.

SEC.5.3.1 REASONABLE NOTICE.

To ensure compliance with the criteria of this Article and Article 4 hereof, the County may inspect the premises of a non-certificated but Regulated Development, reasonably believed to be a source of potential ground water contamination, at reasonable times and after reasonable notice and consent of the Owner/Operator.

SEC.5.3.2 INSPECTION WARRANTS.

Where consent has been withheld, the County may apply for and obtain an Inspection Warrant in the same manner as provided for in Section 403.091, Florida Statutes.

SEC.5.3.3 IDENTIFICATION.

Agents of the County shall be provided with official identification and shall exhibit this identification prior to any inspection.

SECTION 5.4 GENERAL PROHIBITIONS.

Discharges to sinkholes or other karst related features with a direct hydrologic connection to the Surficial or Intermediate Aquifer Systems shall be prohibited. This prohibition shall not be

interpreted or implemented to preclude aquifer recharge or other well injection authorized under Section 4.10 hereof.

ARTICLE 6 APPROVAL OF REGULATED DEVELOPMENT AND CERTIFICATES TO OPERATE.

SECTION 6.1 APPROVAL OF REGULATED DEVELOPMENT BY DEVELOPMENT SERVICES OF NEW OR SUBSTANTIALLY MODIFIED REGULATED DEVELOPMENT.

SEC. 6.1.1 STANDARDS.

SEC. 6.1.1.1 All new and substantially modified development requiring site plan approval pursuant to the Collier County Land Development Code as adopted, or pursuant to Collier County Ordinance No. 82-2, and as may be superseded by the Collier County Unified Land Development Code, requiring a Certificate of Occupancy, or otherwise regulated under this Ordinance, shall be reviewed by the Development Services Director at the time of preliminary or other initial site plan approval required by such Ordinance, for compliance with the standards of this Ordinance and in the same manner as a Certificate to Operate.

SEC. 6.1.1.2 Approval for operation and use of development regulated pursuant to this Ordinance, which development requires compliance with specific standards as set forth in Article 4 hereof or requires a Certificate to Operate (but not a Certificate to Operate which is incorporated into a Wellfield Conditional Use Permit), shall be included in and made a part of the Letter of Approval issued by the Development Services Director.

SEC. 6.1.1.3 A Certificate to Operate which has been issued pursuant to Sec. 6.1.1.2 hereof, shall be renewed by the Department not later than the one (1) year anniversary of issuance of the Development Service's Letter of Approval as provided in Section 6.2 hereof.

SECTION 6.2 CERTIFICATES TO OPERATE.

SEC. 6.2.1 STANDARDS.

SEC. 6.2.1.1 EXPIRATION.

SEC. 6.2.1.1.1 Each Certificate to Operate shall be valid for no more than one (1) year after the date of issuance and shall automatically expire on the first anniversary date of issuance. The permit will remain valid and in full force during the term of permit provided that the Owner/Operator remains in compliance with the terms and conditions of the Certificate to Operate. Revocation and revision of a Certificate to Operate is authorized pursuant to Section 8.2 of this Ordinance.

SEC. 6.2.1.2 RENEWALS.

SEC. 6.2.1.2.1 Applications for renewal of Certificates to Operate shall be filed with the Department at least 60 days prior to expiration and shall not be automatic.

SEC. 6.2.1.2.2 The application for renewal shall be reviewed by the Department for consistency with the applicable standards of this Ordinance.

SEC. 6.2.1.2.3 Applications for renewal shall provide the following:

A. All documents and documentation required for the regulated development pursuant to Article 4, as may have been amended on the date of application for renewal; and

B. Evidence of compliance with the applicable standards of Article 4 during the term of the Certificate to Operate; and

C. The Application shall include the appropriate fees as provided in Article 13 hereof.

SEC. 6.2.2 PROHIBITED APPROVALS OF REGULATED DEVELOPMENT AND CERTIFICATES TO OPERATE.

SEC. 6.2.2.1 No final approval for Regulated Development or Certificate to Operate shall be construed or otherwise interpreted to legalize a Regulated Development existing on the effective date of this Ordinance, which is not in compliance with other applicable local, state or federal law or regulations. No Certificate to Operate or other approval under this Ordinance shall be knowingly granted to an existing Regulated Development which is not in compliance with all other applicable local, state or federal law or regulations.

SECTION 6.3 INSPECTIONS.

SEC. 6.3.1 By accepting the Certificate to Operate and as a condition of the same, and by accepting a Letter of Approval which approval is based upon compliance with this Ordinance, the Owner/Operator grants express permission for the County, through an authorized agent, to make inspections of the regulated development at reasonable times to determine compliance with this Ordinance.

SEC. 6.3.2 Authorized agents of the County are hereby authorized and empowered and shall be permitted at reasonable hours and after reasonable notice to inspect the premises of the regulated development to ensure compliance herewith.

SEC. 6.3.3 Refusal to allow inspection under this Section shall be sufficient grounds for consideration of revocation of the Certificate to Operate or Letter of Approval which approval is based upon compliance with this Ordinance.

SEC. 6.3.4 In the event a person who has common authority over regulated development impedes or otherwise refuses a lawful inspection by an authorized agent of the County, the inspection shall be rescheduled and notice shall be mailed by United States certified mail to the address and person shown on the Certificate to Operate or the Letter of Approval. Failure of such person to permit the rescheduled inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue an Administrative Search Warrant for the purpose of inspection, surveying or examining said premises or facilities.

SEC. 6.3.5 In the event the premises of the Regulated Development, its building or structure appears to be vacant or abandoned and the property owner cannot be readily contacted in order to obtain consent for inspection, an authorized agent of the County may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection therefore.

SEC. 6.3.6 Authorized agents of the County shall be provided with official identification and shall exhibit this identification prior to any inspection.

SEC. 6.3.7 It shall be the duty of all law enforcement officers to assist in making inspection once such assistance is requested by an authorized agent of the County.

SECTION 6.4 TRANSFERS.

SEC. 6.4.1 Within thirty (30) days of the sale or legal transfer of a Regulated Development, the Owner/Operator of a Regulated Development, for which a Certificate to Operate or a Wellfield Conditional Use Permit has been granted, shall provide written notice

to the Department of the sale or other legal transfer. Within the same time period, the new property owner shall apply to the Department by letter for transfer of the Certificate to Operate or Wellfield Conditional Use Permit and agree to be bound by the terms of the Certificate to Operate or Wellfield Conditional Use Permit unless same may be modified as provided herein.

SECTION 6.5 ADMINISTRATIVE REVIEW.

Certificates to Operate shall be processed and reviewed, and shall be administratively approved, approved with conditions, or denied by the County Manager as provided in this Section. Application for Certificate to Operate shall be made on a form prepared by the County Manager.

SEC. 6.5.1. COMPLETENESS REVIEW.

SEC. 6.5.1.1 Within 30 days of receipt of a completed application, the County Manager shall review the application for compliance with the standards of Articles 4 and 5 hereof.

SEC. 6.5.1.2 If the Application is found not to be in compliance, the County Manager shall advise the Owner/Operator of the noted deficiencies or required information by certified mail return receipt requested to the address listed in the application.

SEC. 6.5.1.3 Within thirty (30) days of the Owner's/Operator's receipt of the County's Notice, the Owner/Operator shall:

A. Provide the requested information or provide written notice to the County Manager of its intent to either furnish the requested information; or

B. Provide written notice to the County Manager of its intent to have the application processed "as is" with the information it then contains.

SEC. 6.5.2 SUBSTANTIVE REVIEW.

SEC. 6.5.2.1 Upon a determination by the County Manager that the application is complete, or upon receipt of written notice from the Owner/Operator that the Application should be processed as is, the County Manager shall issue a determination of completeness and provide a copy to the Owner/Operator by regular U. S. Mail.

SEC. 6.5.2.2 Within thirty (30) days of issuance of a determination of completeness, the County Manager shall render a written evaluation of the application in accordance with the standards of Articles 4 and 5 hereof and render a Notice of Intent to issue or deny the application, a copy of which shall be sent to the Owner/Operator by regular U.S. Mail.

SEC. 6.5.2.3 The Owner/Operator may appeal an adverse Notice of Intent to the Board as provided in Article 10, hereof.

SEC. 6.5.2.4 The Certificate to Operate will be issued or denied by the Department within fifteen (15) days of issuance of the Notice of Intent, unless an appeal is taken as provided in Sec. 6.5.2.3, hereof.

SEC. 6.5.3 EXTENSION OF ADMINISTRATIVE REVIEW AND WITHDRAWAL APPLICATION.

SEC. 6.5.3.1 The County Manager may, in his sole discretion, extend the time frame for administrative review set forth in Sec. 6.5.1 and Sec. 6.5.2 hereof for the purposes of requesting and receiving additional information necessary to complete the substantive review of the application.

SEC. 6.5.3.2 If the Owner/Operator does not provide the information requested by the County Manager or advise the County that the

application is to be processed "as is" within 45 days of such request, the application shall be considered withdrawal and fees paid shall be surrendered.

SEC.6.5.3.3 The Owner/Operator may voluntarily withdraw the application at any time prior to the issuance of the County Manager's Notice of Intent by submitting a written notice to the County Manger stating its intent to withdraw.

SECTION 6.6 CONTAINMENT AND CLEANUP, OPTION FOR COUNTY TO INITIATE CONTAINMENT AND CLEANUP, REIMBURSEMENT BY OWNER/OPERATOR.

SEC.6.6.1 In the event of a discharge or an accidental release of any Hazardous Product, Hazardous Waste from a Regulated Development or Contaminant from a sanitary hazard regulated under this Ordinance, the Owner/Operator shall immediately upon discovery of the discharge or accidental release, contain the Hazardous Product, Hazardous Waste or Contaminant, and shall initiate cleanup in accordance with approved contingency plans and applicable law.

SEC.6.6.2 Failure of the Owner/Operator to contain the discharge or accidental release or the failure of the Owner/Operator to initiate cleanup of the site within 48 hours of discovery or within a shorter amount of time as may be necessary to protect the public health, safety and welfare, may result in the County initiating appropriate containment of the discharge or accidental release and/or cleanup of the site in accordance with applicable law.

SEC.6.6.3 In the event the County elects to exercise the option to contain the discharge or accidental release and/or cleanup the site, the County shall first provide written notice of this intent to the Owner/Operator stating how the Owner/Operator has failed to comply with this Section and providing a reasonable period of time within which the Owner/Operator shall perform the necessary containment of the discharge or accidental release and/or initiate cleanup in accordance with applicable law or the approved contingency plan.

SEC.6.6.4 By accepting a Certificate to Operate or a Wellfield Conditional Use Permit, and as a condition of the same, and by accepting a Letter of Approval, which approval is based upon compliance with this Ordinance, the Owner/Operator agrees that the reasonable costs expended by the County to contain the discharge or accidental release and/or cleanup the site shall be recoverable from the Owner/Operator.

ARTICLE 7 WELLFIELD CONDITIONAL USE PERMIT.

SECTION 7.1 WELLFIELD CONDITIONAL USE PERMIT STANDARDS.

SEC.7.1.1 PETITION.

SEC.7.1.1.1 Owners/Operators of a proposed Regulated Development for which a Wellfield Conditional Use Permit will be required to locate the proposed Regulated Development within any ZONE, may petition the Board for a Wellfield Conditional Use Permit exempting the development from the prohibitions set forth in Article 4 hereof, as provided in this Section.

SEC.7.1.1.2 Owners/Operators shall submit the application for Wellfield Conditional Use Permit to the County Manager on forms prepared by the Department.

SEC.7.1.2 CRITERIA.

SEC.7.1.2.1 The Owner/Operator shall demonstrate by the preponderance of substantial competent evidence that:

SEC.7.1.2.1.1 The development has or can satisfy all requirements for a Certificate to Operate; and

SEC.7.1.2.1.2 Special or unusual circumstances exist which are peculiar to the particular development which are different than any other regulated development; or

SEC.7.1.2.1.3 Adequate technology exists which will isolate the development from the Surficial and Intermediate Aquifer Systems; or

SEC.7.1.2.1.4 Site-specific hydrogeologic data provides reasonable assurances that the existing water quality in Surficial and Intermediate Aquifer Systems will not be degraded as a result of the development.

SEC.7.1.3 CONDITIONS OF WELLFIELD CONDITIONAL USE PERMIT.

SEC.7.1.3.1 In granting the Wellfield Conditional Use Permit, the Board may prescribe any additional conditions and safeguards which it deems necessary to protect the existing well(s), future identified well(s) or future potable water supply resources.

SEC.7.1.3.2 The Wellfield Conditional Use Permit shall incorporate a Certificate to Operate, which must be renewed or transferred in the same manner as any other Certificate to Operate as provided in Article 6 hereof.

SEC.7.1.4 PROHIBITED WELLFIELD CONDITIONAL USE PERMITS.

SEC.7.1.4.1 No Wellfield Conditional Use Permit may be construed or otherwise interpreted to legalize a Regulated Development existing on the effective date of this Ordinance, which is not in compliance with applicable local, state or federal law or regulations. No Wellfield Conditional Use Permit or other approval under this Ordinance shall be knowingly granted to an existing Regulated Development which is not in compliance with all other applicable local, state or federal law or regulations.

SEC.7.1.5 ADMINISTRATIVE REVIEW OF WELLFIELD CONDITIONAL USE PERMIT PETITION.

SEC.7.1.5.1 The County Manager shall review the Petition for Wellfield Conditional Use Permit for compliance with Articles 4 and 5 of the Ground Water Protection Ordinance in the same procedural manner as for a Certificate to Operate.

SEC.7.1.5.2 If the Petition is found not to be in compliance, the County Manager shall advise the Owner/Operator of the noted deficiencies or required information by certified mail return receipt requested to the address listed in the Petition.

SEC.7.1.5.3 Upon a determination by the County Manager that the Petition is in compliance, or upon receipt of written notice from the Petitioner that the Petition should be processed as is, the County Manager shall render a written recommendation for approval, approval with conditions, or denial of the Wellfield Conditional Use Permit.

SEC.7.1.6 APPROVAL BY THE BOARD.

SEC.7.1.6.1 Wellfield Conditional Use Permits which authorize development prohibited in the Wellfield Risk Management Special Treatment Protection Overlay Zones, are subject to careful review and shall include public notice and hearing as set forth in Article 10 hereof.

SEC.7.1.6.2 All Petitions for Wellfield Conditional Use Permits shall be heard by the Board as provided in Article 10 hereof.

SECTION 7.2 WELLFIELD CONDITIONAL USE PERMIT FOR PUBLIC OR QUASI-PUBLIC DEVELOPMENT.

SEC.7.2.1 The Board, after public hearing, may find that certain existing or proposed public or quasi-public regulated development is

exempted from compliance with this Ordinance and may issue a Wellfield Conditional Use Permit upon finding that:

SEC.7.2.1.1 The public benefit to be realized by the proposed or existing regulated development outweighs the purpose of this Ordinance; and

SEC.7.2.1.2 The proposed or existing regulated development cannot, for economic or scientific reasons, be relocated elsewhere.

SEC.7.2.2 The scope of any Wellfield Conditional Use Permit granted under this Section shall be narrow to avoid derogation of the purpose of this Ordinance and the Board may impose special conditions of approval to ensure implementation of the intent of the same.

SEC.7.2.3 Petitions shall be processed, approved, approved with conditions or denied as any other Wellfield Conditional Use as provided in Section 7.1 hereof.

ARTICLE 8 MODIFICATION OF REGULATED DEVELOPMENT, REVISION OR REVOCATION OF A CERTIFICATE TO OPERATE, OR A WELLFIELD CONDITIONAL USE PERMIT.

SECTION 8.1 MODIFICATION OF REGULATED DEVELOPMENT.

SEC.8.1.1 NOTIFICATION.

SEC.8.1.1.1 The Owner/Operator shall notify the County Manager in writing prior to any expansion, alteration or modification of a Regulated Development for which:

SEC.8.1.1.1.1. a Certificate to Operate or a Wellfield Conditional Use Permit has been issued; or

SEC.8.1.1.1.2. a Wellfield Exemption has been legislatively provided.

SEC.8.1.1.2 Expansion, alteration or modification shall include, without limitation:

SEC.8.1.1.2.1 an increase in square footage, production or storage capacity;

SEC.8.1.1.2.2 increased quantities of a Hazardous Product or Hazardous Waste or changes in the type or nature of a Regulated Development; and

SEC.8.1.1.2.3 any other proposed change to the Regulated Development which may require a change, modification or alteration of the approved containment system, the maintenance procedures for the system, or in the approved contingency plan.

SEC.8.1.2 COUNTY APPROVAL OF MODIFICATION.

SEC.8.1.2.1 The expansion, modification or alteration of a Regulated Development shall require prior County approval. Failure to obtain such approval as provided herein shall result in the County commencing revocation or revision proceedings of the Certificate to Operate, the Wellfield Conditional Use Permit or the Wellfield Exemption for a Regulated Development, if in the opinion of the County, such change substantially or materially modifies, alters or affects:

SEC.8.1.2.1.1 The conditions under which the Certificate to Operate, or the Wellfield Conditional Use Permit was granted; or

SEC.8.1.2.1.2 The conditions under which the Regulated Development qualifies for a Wellfield Exemption.

SEC.8.1.2.2 The County shall notify the Owner/Operator in writing, within 60 days of receipt of the notice of change, of the County's

intent to revoke or revise the authorization and the grounds therefore as provided in Sec.8.2.3 hereof.

SECTION 8.2 REVOCATION OR REVISION OF CERTIFICATE TO OPERATE, WELLFIELD CONDITIONAL USE PERMIT OR WELLFIELD EXEMPTION.

SEC.8.2.1 NOTICE OF INTENT TO REVOKE.

SEC.8.2.1.1 No Wellfield Exemption, Wellfield Conditional Use Permit, or Certificate to Operate for a Regulated Development shall become vested.

SEC.8.2.1.2 The County may revoke any Wellfield Exemption, Wellfield Conditional Use Permit, Certificate to Operate after first issuing a Written Notice of Intent to Revoke to the Owner/Operator which states that the Owner/Operator:

SEC.8.2.1.2.1 Has failed or refused to comply with any of the provisions of the Ground Water Protection Ordinance; or

SEC.8.2.1.2.2 Has submitted false or inaccurate information in the Application or Petition which information reasonably induced the County to issue the Certificate to Operate, or approve the Wellfield Conditional Use Permit; or

SEC.8.2.1.2.3 Has failed to submit reports or other information required under Article 4 as a condition of a Certificate to Operate, or Wellfield Conditional Use Permit; or

SEC.8.2.1.2.4 Has refused lawful inspection under required by this Ordinance as a conditions of a Certificate to Operate or Wellfield Conditional Use Permit; or

SEC.8.2.1.2.5 Has altered, modified or expanded a Regulated Development as provided in this Article.

SEC.8.2.2 NOTICE OF INTENT TO REVISE.

SEC.8.2.2.1 No Wellfield Exemption, Wellfield Conditional Use Permit, or Certificate to Operate for a Regulated Development shall be vested.

SEC.8.2.2.2 The County may revise any Wellfield Exemption, Wellfield Conditional Use Permit or Certificate to Operate granted or issued after first issuing written Notice of Intent to Revise which complies with Sec.8.2.1.2 and further states that the Owner/Operator:

SEC.8.2.2.2.1 Has been unlawfully modified, altered or expanded a Regulated Development as provided in this Article; or

SEC.8.2.2.2.2 Has been identified by the County as responsible for, in whole or in part, for a discharge or accidental release of Hazardous Products or Hazardous Wastes or other Contaminant associated with the Regulated Development; or

SEC.8.2.2.2.3 The contingency plans and/or remedial action initiated and performed by or on behalf of the Owner/Operator were not approved by the County or applicable State or Federal agencies and are deemed by the same to be inadequate for the Regulated Development.

SEC.8.2.3 FACTUAL BASIS FOR REVOCATION OR REVISION.

SEC.8.2.3.1 After being informed of or discovery of an unauthorized discharge or accidental release of a Hazardous Product, Hazardous Waste or Contaminant, the County shall review the Certificate to Operate, the Wellfield Conditional Use Permit, or Wellfield Exemption for the Regulated Development(s) associated with the discharge or accidental release.

SEC.8.2.3.2 In the event the County determines that the Owner/Operator has failed to comply with the terms of the Certificate to Operate, the Wellfield Conditional Use Permit or the Wellfield Exemption, the County may elect to issue a Notice of Intent to Revoke or Revise such authorization to operate subject to the provisions of this Section.

SEC.8.2.3.3 CRITERIA.

SEC.8.2.3.3.1 In consideration of whether to revoke or revise a Certificate to Operate or a Wellfield Conditional Use Permit, the Board shall consider:

- A. The intentional nature or degree of negligence, if any, associated with the discharge or accidental release;
- B. The extent to which containment or clean up of the Contaminant or Hazardous Product or Hazardous Waste or its components is possible;
- C. The nature, number and frequency of previous discharges or accidental releases attributable to the Regulated Development; and
- D. The potential degree of harm to the ground water and surrounding public potable water supply wells as a result of the discharge or accidental release.
- E. The Owner/Operator's actions in responding to this and previous discharges or accidental releases.

SEC.8.2.3.4 NOTICE OF INTENT.

SEC.8.2.3.4.1 To initiate revocation or revision under this section, the County shall first issue a Notice of Intent to Revoke or Revise which shall, in addition to the applicable standards of Sections 8.2.1 and 8.2.2, hereof contain the following information:

- A. The name and address of the Owner/Operator; and
- B. A description of the Regulated Development which is the subject of the proposed revocation or revision; and
- C. The approximate or, if available, actual location of the discharge or accidental release, if any; and
- D. A concise explanation and specific reasons for the proposed revocation or revision; and
- E. The statements that:

"Failure to file a petition with the County Manager within 20 days after the date upon which the Permittee receives written Notice of the Intent to Revoke or Revise shall render the proposed revocation or revision final and in full force and effect."

"Failure of the Owner/Operator to file a petition in opposition to the Notice of Intent to Revise or the Notice of Intent to Revoke as provided in Article 10 of this Ordinance, shall render the proposed revocation or revision final and in full force and effect."

SEC.8.2.3.4.2 Failure of the Owner/Operator to file a petition in opposition to the Notice of Intent to Revise or the Notice of Intent to Revoke as provided in Article 10 of this Ordinance, shall render the proposed revocation or revision final and in full force and effect.

SEC.8.2.3.4.3 Nothing in this Section shall preclude or be deemed a condition precedent to the County seeking a temporary or permanent injunction.

ARTICLE 9 RESTRICTIONS ON ISSUANCE OF APPROVED SITE PLANS AND CERTIFICATES OF OCCUPANCY.

SECTION 9.1 PROHIBITIONS.

SEC.9.1.1 No Site Plan or other development permit shall be issued or renewed and no Certificate of Occupancy issued by the Collier County Building Department for any Regulated Development which would allow development, construction or change of use in violation of the standards of this Ordinance.

SEC.9.1.2 Site Plans, other final development permits or Certificates of Occupancy issued in violation of the prohibition of this Section are deemed to be invalid, and shall not confirm or vest any development right or property interest on the Owner/Operator or Regulated Development.

ARTICLE 10. APPEALS AND PUBLIC HEARINGS.

SECTION 10.1 PUBLIC HEARINGS.

SEC.10.1.1 Public Hearings shall be required for:

SEC.10.1.1.1 The issuance of a Wellfield Conditional Use Permit:

SEC.10.1.1.2 An appeal from an adverse Administrative Determination on issuance of a Certificate to Operate filed with the County Manager within thirty (30) days of issuance of the Administrative Determination; and

SEC.10.1.1.3 County initiated revocation or revision of a Certificate to Operate, a Wellfield Conditional Use Permit or Wellfield Exemption.

SEC.10.1.2 Public Hearings shall be subject to the following standards:

SEC.10.1.2.1 Appeals from adverse Administrative Determinations, Applications for Wellfield Conditional Use Permits and County initiated revocation or revision proceeding shall be considered for approval, approval with conditions or denial by the Board as a Public Hearing matter and shall be scheduled for Public Hearing in the same manner as an Application for Zoning Atlas Amendment and in accordance with Collier County Ordinance No. 82-2, and as may be amended or superseded, and when effective, the Collier County Unified Land Development Code.

SECTION 10.2 NOTICE OF PUBLIC HEARING.

SEC.10.2.1. NOTICE TO THE PUBLIC.

SEC.10.2.1.1 Public Notice shall be given in the same manner as for any ordinance affecting the use of land as set forth in Section 125.01, Florida Statutes (1990), and as required for an Application for Zoning Atlas Amendment as required in Section 2.2 hereof and in accordance with Collier County Ordinance No. 82-2, and as may be amended or superseded, and when effective, the Collier County Unified Land Development Code.

SEC.10.2.1.2 The unintentional failure of the Owner/Operator seeking approval of a Wellfield Conditional Use Permit or appealing an adverse Administrative Determination, to notify the contiguous property owner(s) or other persons shall not be grounds for a continuance of the hearing, nor in any way affect any action taken at such hearing.

SEC.10.2.2 NOTICE TO OWNER/OPERATOR.

SEC.10.2.2.1 Notice of Public Hearing arising from County initiated revocation or revision proceedings shall be served upon the Owner/Operator by certified return receipt mail no less than 15 days prior to the hearing.

SEC.10.2.2.2 The Notice shall contain the following information:

SEC.10.2.2.2.1 name and address of the Owner/Operator; and

SEC.10.2.2.2.2 a description of the Regulated Development; and

SEC.10.2.2.2.3 specific citations to the Section(s) of this Ordinance, alleged to be the basis of the proposed revocation or revision; and

SEC.10.2.2.2.4 the time, place and date of hearing; and

SEC.10.2.2.2.5 the following statements:

- A. "Failure to attend may result in an Order being issued which may be adverse to your interest.";
- B. "All parties shall be given the opportunity to present witnesses and evidence in support of their position and to cross-examine witnesses.";
- C. "Pursuant to Section 286.0105, Florida Statutes, notice is hereby given that appeals from any decision of the County Commission with respect to any matter considered at the public hearing, will require a record of the proceedings and may require that a verbatim record of the proceedings be made."

SEC.10.2.2.2.6 The name and signature of the County Manager.

SECTION 10.3 DECISIONS BY THE BOARD.

SEC.10.3.1 At all public hearings, the Board shall hear and consider all facts material to the Application, Petition or appeal and shall thereafter issue a decision based upon the greater weight of substantial competent evidence.

SEC.10.3.2 The Board may affirm, reverse or modify the action or proposed action of the County Manager.

SEC.10.3.3 In all cases the Board shall render a decision within 14 working days from the date on which the hearing is concluded which shall be the final administrative action on behalf of the County.

SEC.10.3.4 Any person who is a party to the proceeding before the Board may apply to a court of competent jurisdiction for review in accordance with applicable Florida Rules of Civil Procedure and Florida law.

SEC.10.3.5 There shall be no administrative review on behalf of the County other than that review specifically provided in this Ordinance.

ARTICLE 11 FUTURE WELLS AND WELLFIELDS.

SECTION 11.1 MAPPING.

SEC.11.1.1 The location and identification of future public potable water supply wells and wellfields shall require:

SEC.11.1.1.1 Amendment to zoning maps as provided in Article 2 to show the application of the Wellfield Risk Management Special Treatment Overlay Zones; and

SEC.11.1.1.2 Amendment to the Wellfield Risk Management Special Treatment Overlay Zone Maps appended hereto as Appendix A.

SEC.11.1.2 The Wellfield Risk Management Special Treatment Zones shall become applicable and enforceable under Article 4 of this Ordinance upon filing of the amending ordinance with the Secretary of State or later as may otherwise be provided by the Board.

SECTION 11.2 LOCATION.

SEC.11.2.1 Future protected public potable water supply wells shall be located in accordance with Rule 17-555.312, Florida Administrative Code as may be amended.

SEC.11.2.2. The following guidelines should be considered in the siting of future protected potable water supply wells and wellfields:

SEC.11.2.2.1. Future protected wells and wellfields should not be located within any area designated by the Future Land Use Map of the Collier County Comprehensive Plan for industrial use or uses.

SEC.11.2.2.2. Future protected wells and wellfields should be located to minimize impacts on environmentally sensitive areas.

SEC.11.2.2.3. Future protected wells and wellfields for which an Application for Water Use or Consumptive Use Permit under Part II, Chapter 376, Florida Statutes, is pending at the time this Ordinance is adopted, shall not be subject to these locational guidelines.

ARTICLE 12 DEFINITIONS AND RULES OF CONSTRUCTION.

SECTION 12.1 DEFINITIONS.

SEC.12.1.1 It is the intention of the Board of County Commissioners of Collier County, Florida, and it is hereby provided that the following definitions be incorporated and be made a part of the Definition Section of the Collier County Land Development Code; and that these sections may be renamed, renumbered or relettered to accomplish that intention:

"ABANDONED WELL" means a well the use of which has been permanently discontinued or which is in such a state of disrepair that it cannot be used for its intended purpose or for observation purposes as provided in Chapter 373, Florida Statutes.

"ADMINISTRATIVE DETERMINATION" means any final written determination required to be issued by the County Manager in this Ordinance which will become effective without Board approval.

"BOARD" means the Board of County Commissioners of Collier County, Florida.

"CERTIFICATE TO OPERATE" is the legal authorization, to engage in or conduct any operation, modification, or expansion of any regulated development within a Wellfield Risk Management Special Treatment Overlay Zone.

"CLASS 'A' RESIDUALS" means Domestic Residuals which have been stabilized by a Process to Further Reduce Pathogens, as listed within 40 CFR Part 257.

"CLASS 'B' RESIDUALS" means Domestic Residuals which have been stabilized by a Process to Significantly Reduce Pathogens, as listed within 40 CFR Part 257.

"CLASS 'C' RESIDUALS" means Domestic Residuals that have been stabilized using conventional engineering design criteria that do not necessarily meet the minimum standards for 40 CFR Part 257. Domestic wastewater residual disposal requires FDER approval.

"COLLECTION/TRANSMISSION SYSTEMS" means sewers, pipelines, conduits, pumping stations, force mains and all other facilities used for collection and transmission of wastewater from individual service connections to facilities intended for the purpose of providing treatment prior to release to the environment.

"CONTAMINANT" means any physical, chemical, biological, or radiological substance or matter in water, which is harmful to plant, animal or human life.

"COUNTY" means the County of Collier, Florida.

"COUNTY MANAGER" means a County Manager, his designee or any other authorized County agency designated by the Collier County Board of County Commissioners as the authority charged with the administration and enforcement of this Ordinance.

"CONVENTIONAL POLLUTANTS" means (1) biochemical demand [BOD]; (2) total suspended solids, non-filterable [TSS]; (3) Ph; (4) fecal coliform; and (5) oil and grease.

"DEPARTMENT" means the Collier County Pollution Control Department, charged by the Board of County Commissioners with the responsibility of administering and enforcing this Ordinance.

"DISCHARGE" means, but is not limited to, any spilling, leaking, seeping, pouring, emitting, or dumping of any Contaminant which occurs and which affects lands and the surface, waters and, groundwaters of the state not regulated by Sections 376.011-376.21, Florida Statutes.

"DOMESTIC RESIDUAL" means a solid waste which is generated by any Domestic Wastewater Treatment Plant, septic tank, grease trap or related operation, or any other such waste having similar characteristics. Domestic Residuals may be solid, liquid, or semi-solid waste and this includes "processed domestic residual" as defined in Collier County Ordinance No. 87-79, and as may be amended, but does not include the treated effluent from a wastewater treatment plant.

"DOMESTIC WASTEWATER" means wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage. Where wastewater from sources other than typical domestic sources (e.g. industrial sources) is combined and treated with wastes from domestic sources, the determination of whether or not the wastewater treatment plant is designated as "domestic" shall be made by the Department considering

any or all of the following: sludge classification (currently in "reserved" status); whether wastewater have been pre-treated or contain constituents within 50-150%, by concentration of typical domestic wastewater, and whether the permittee, when not required provide more stringent or otherwise specific levels or treatment can provide assurance of facility compliance with Domestic Wastewater Treatment contained in Rule 17.600 F.A.C.

"DOMESTIC WASTEWATER PLANT" means the structures, equipment and solids control processes necessary to treat domestic wastes.

"DOMESTIC WASTEWATER RESIDUAL" means the solid, semisolid, or liquid residue removed during the treatment of municipal wastewater. Not included is the treated effluent or reclaimed water from a domestic wastewater treatment plant.

"EGG WASH WASTEWATER" means wastewater generated as a result of cleaning, sorting and preserving eggs.

"EXISTING" means a facility, building or any contiguous structure(s), or activity for which construction began prior to adoption of this Ordinance including excavations or other operations that may not consist of structures or buildings.

"FDER" means the Florida Department of Environmental Regulation.

"FLORIDAN AQUIFER SYSTEM" means the Floridan Aquifer System in Collier County extends downward from the interbedded dolomitic and biogenic micritic carbonates of the upper Tampa Suwannee Limestone/Avon Park Limestone/Ocala Group.

"GROUND WATER" means any water which may be drawn from the ground.

"GROUND WATER PROTECTION ZONE" means that geographic area of Collier County, Florida identified as a source of recharge of water to the Surficial Aquifer System and does not include Zones W-1, W-2, W-3, and W-4.

"HAZARDOUS PRODUCT" means any product which is liquid or solid below 105°F and ambient pressure and is a "Hazardous Chemical" as defined in Chapter 29, Code of Federal Regulations, Part 1910.1200 and material being held for recycling that would be hazardous waste if released.

"HAZARDOUS WASTE" means any waste which is a liquid or solid below 105°F ambient pressure and is defined as a "Hazardous Waste" in 40 CFR Part 261.3.

"HIGH INTENSITY USE AREA" means all areas of concentrated animal density generally associated with milking barns, feedlots, holding pens, travel lanes and contiguous milk herd pasture where the permanent vegetative cover is equal to or less than 80 percent, under average annual worst-case conditions, as determined by the USDA Soil Conservative Service methods.

"HRS" means the Florida Department of Health and Rehabilitative Services.

"INDUSTRIAL FACILITIES" means those facilities that produce, treat or dispose of waste water not otherwise defined as Domestic Wastewater, including the runoff and leachate from areas that receive pollutants associated with the industrial or commercial storage, handling or processing.

"INDUSTRIAL WASTEWATER" means wastewater not otherwise defined as Domestic Wastewater, including the runoff and leachate from areas that receive pollutants associated with industrial or commercial storage, handling or processing.

"INTERMEDIATE AQUIFER SYSTEM" means the Intermediate Aquifer System in Collier County extends downward from the sandy, clayey dolomite silt zone within the top of the Hawthorne Group/Formation to the interbedded dolomitic and biogenic micritic carbonates of the upper Tampa Formation or lower Hawthorne Group/Formation, where the boundary is defined on the basis of geophysical, lithological, hydrological and geochemical signature.

"LAND APPLICATION" means the reuse of reclaimed water or the utilization or disposal of effluent or sludge on, above, or into the surface of the ground through spray irrigation, land spreading, or other methods.

"LETTER OF APPROVAL" means the written approval of a site development plan from the Development Services Director which shall incorporate the review of a regulated development for compliance with this Ordinance.

"MINING" means the extraction of earth products for sale or transport off-site including the removal of associated material such as overburden.

"MONITORING WELL" means a strategically located well from which ground water levels are measured and samples are withdrawn for water quality analysis.

"ON-SITE" means on the same or geographically contiguous property which may be divided by a public or private right-of-way.

"ON-SITE SEWAGE DISPOSAL SYSTEM", also referred to as system - any domestic sewage treatment and disposal facility, including standard subsurface systems, graywater systems, laundry wastewater systems, alternative systems or experimental systems, installed or proposed to be installed on land of the owner or on other land to which the owner or owners have the legal right to install a system.

"OTHER POLLUTANTS" means substances not listed as Toxic Pollutants of Conventional Pollutants and include without limitation, ammonia; chemical oxygen demand [COD], fluoride, iron, nitrogen, phosphorus and surfactant.

"OWNER/OPERATOR" means any person owning and operating a Regulated Development where these parties are the same, and means both the person owning the Regulated Development and the person operating the Regulated Development where these parties are not the same.

"PERSON" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, municipality, commission, political subdivision of the State of Florida or State of Florida.

"PETROLEUM PRODUCT FACILITY" means any facility which processes, stores, handles or transports petroleum product, but shall exclude transport of petroleum product by motor vehicle.

"PETROLEUM PRODUCT" means any commodity made from oil or gas and includes refined crude oil, crud tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, condensate, gasoline, waste oil, kerosene, benzine, wash oil, blended gasoline, lubricating oil, blends or mixtures of

oil with one or more liquid products or byproducts derived from oil or gas, whether hereinabove enumerated or not.

"PUBLIC UTILITY" means any privately-owned, municipally-owned, County-owned, special district-owned, or State-owned system providing water or wastewater service to the public which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily for at least sixty (60) days of the year.

"RECLAIMED WATER" means water that has received at least secondary treatment and is reused after flowing out of any wastewater treatment plant or other works used for treating, stabilizing, or holding wastes.

"RELEASE" means any spilling, leaking, pumping, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any regulated substance or other contaminant.

"REGULATED DEVELOPMENT" OR "WELLFIELD REGULATED DEVELOPMENT" means the land uses and activities identified in this Ordinance as potential sources of ground water contamination or sanitary hazards in Collier County, Florida.

"SITE" means the area within an installation's property boundary where effluent are released or applied to the ground water.

"SLUDGE" means a solid waste, pollution control residual which is generated by any industrial or Domestic Wastewater Treatment Plant, air pollution control facility, septic tank, grease trap, portable toilet or related operation, or any other such waste having similar characteristics. Sludge may be solid, liquid, or semisolid waste, but does not include the treated effluent from a wastewater treatment plant.

"SOLID WASTE" includes garbage, refuse, yard trash, clean debris, white goods, special waste, ashes, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

"SOLID WASTE DISPOSAL FACILITY" means a facility designed and utilized for the disposal of sludge from wastewater treatment works, water supply treatment plants, or air pollution control facilities or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.

"SOLID WASTE TRANSFER STATION" means a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. It does not include green boxes, compactor units, permanent dumpsters, recycling collection stations and other containers from which such wastes are transported to a landfill or other solid waste management facility.

"SOLID WASTE BULK CONTAINER" means any watertight, portable non-absorbent container equipped with a watertight lid or cover and approved by the Board which is used to store two (2) or more cubic yards of solid waste emptied by mechanical means.

"SOLID WASTE STORAGE, COLLECTION AND RECYCLING STATION" means a site the purpose of which is to collect and segregate those materials designated by the County by resolution establishing a County program for recycling.

"SOLID WASTE STANDARD CONTAINER" means a watertight container made of non-absorbent material provided with closely fitting water tight cover, with handles and of thirty-two (32) gallons or less gross capacity, or a sealed plastic bag of adequate strength to contain the waste materials therein. This definition shall not preclude the use of large containers for purpose of automated or semi-automated services.

"SFWMD" means the South Florida Water Management District.

"SUBSURFACE EXPLORATION" means the drilling, coring, digging, boring, blasting or other excavation of material below the surface of the land.

"SURFACE WATER MANAGEMENT SYSTEM" means the collection of facilities, improvements, or natural systems whereby surface waters are collected, controlled, conveyed, impounded, or obstructed. The term includes stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and works as defined in subsections 373.403(1)-(5), F.S.

"SURFICIAL AQUIFER SYSTEM" means the Surficial Aquifer System in Collier County includes the unconfined shallow water table aquifer and the deeper, semi-confined lower Tamiami Aquifer. The Surficial Aquifer System extends from the land surface to a depth defined by the sandy, clayey dolomite silt defined on as the basis of geophysical, lithological, hydrological and geochemical signatures within the top of the Hawthorn Group/Formation.

"TOXIC POLLUTANTS" means those pollutants listed in 40 CFR Part 401.15.

"WASTEWATER" means the combination of liquid and water-carried pollutants from residences, commercial buildings, industrial plants, and institutions together with any groundwater, surface runoff or leachate that may be present. [17-600.200]

"WATER QUALITY STANDARDS" means standards comprised of designated most beneficial uses (classification of waters), the numerical and narrative criteria applied to the specific water use or classification, the Florida anti-degradation policy, and the moderating provisions contained in Chapters 17-3 and 17-4, F.A.C.

"WATER RESOURCE RELATED WELL" means any well, the purpose of which is to augment or improve the water quality of the receiving ground waters through aquifer storage or artificial recharge of ground water.

"WELL" means a bored, drilled, or driven shaft, or dug well which has a depth greater than the diameter of the largest surface dimension.

"WELL CASING" means a metallic or non-metallic pipe installed in a borehole to prevent caving, provide structural strength, seal-off zones of poor water quality, or prevent the interchange of waters between aquifers.

"WELLFIELD" shall mean an area of land which contains one or more than one well for obtaining water.

"WELL CONSTRUCTION" means all parts and acts necessary to obtain ground water by wells, including the location and excavation, but excluding the installation of pumps and pumping equipment.

"WELLFIELD CONDITIONAL USE" means any use of land which may be conditionally allowed in a particular Wellfield Risk Management Special Treatment Overlay Zone, see Article 7 of this Ordinance.

"WELLFIELD EXEMPTION" means authorization for specific Regulated Development to operate without a Certificate to Operate and for which compliance with the standards of Article 4 of this Ordinance are not required, but conformance with the other terms and conditions of this Ordinance shall be required.

"WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONE" means a specific zone or zones as defined on Wellfield Risk Management Special treatment Overlay Zone Maps, delineated by specific time travel contours, identified for special treatment and based on the rate of movement of ground waters in the vicinity of public water supply wells with a specified pumping rate.

"WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONE MAPS" shall mean a series of maps, aeriels, and/or mylar or other material showing the location on the ground of the outer limits of the Wellfield Management Zone(s) for present and future public notable water supply wells and wellfields permitted for the withdrawal of one hundred thousand gallons per day or more of ground water.

"EPA" or "USEPA" means the United States Environmental Protection Agency.

SECTION 12.2 RULES OF CONSTRUCTION. For the purposes of administration and enforcement of this Ordinance, unless otherwise stated in this Ordinance, the following rules of construction shall apply to the text of this Ordinance:

A. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

B. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

C. Words used in the present tense shall include the future; and words used in the singular manner shall include the plural, and the plural the singular, unless the context clearly indicated the contrary.

D. Unless the context clearly indicates to the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by a conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected terms, conditions, provisions or events shall apply.

2. "Or" indicates that the connected items, conditions, provisions or events may apply singularly and in any combination.

3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly, but not in combination.

ARTICLE 13 FEES AND ADMINISTRATIVE SURCHARGE.

SECTION 13.1 FEES.

SEC.13.1.1 The Board shall establish, by resolution, an application fee for Certificates to Operate and Wellfield Conditional Use Permits to cover the cost of the County's administration and implementation regulations and prohibitions of this Ordinance.

SEC.13.1.2 It is the intent of this Ordinance that the cost of implementation be borne wholly by the Regulated Development.

SECTION 13.2 ADMINISTRATIVE SURCHARGE.

SEC.13.2.1 The Board may, by resolution, impose a surcharge on:

SEC.13.2.1.1 revisions and modifications of Certificates to Operate and Wellfield Conditional Use Permits; and

SEC.13.2.1.2 appeals from adverse Administrative Determinations.

SEC.13.2.2 The surcharge shall include a fee for the purpose of administering this Ordinance including, without limitations, professional staff time in processing and revising the application, petition or appeal and reasonable costs. It is the intent of this Ordinance that such costs are wholly borne by the Regulated Development.

SECTION 13.3 FEE SCHEDULE.

The fee schedule for applications for Certificates of Operate, petitions for Wellfield Conditional Use Permits, appeals from adverse Administrative Determinations, and revisions and modifications to any of the same, shall be posted in the Office of the County Manager, the Department and shall be on file with the Clerk to the Board.

ARTICLE 14 ADMINISTRATIVE PROCEDURES.

SECTION 14.1 PROMULGATION OF ADMINISTRATIVE PROCEDURES.

The County Manager shall promulgate and bring for adoption by the Board, Administrative Procedures to implement this Ordinance within one year of the effective date of this Ordinance.

ARTICLE 15 VIOLATIONS, PENALTIES AND REMEDIES.

SECTION 15.1 VIOLATIONS.

It shall be a violation of this Ordinance to fail to obtain any permit required herein or without a permit, or other appropriate authorization as may be required herein, to conduct, commence or maintain any use or activity prohibited or regulated by this Ordinance. Each violation shall constitute a separate offense.

SECTION 15.2 PENALTIES

Violations of this Ordinance may be referred by the County Manager to the County's Code Enforcement Board for enforcement action in accordance with Chapter 162, Florida Statutes, and Collier County Ordinance No. 88-89, and as may be amended.

SECTION 15.3 REMEDIES.

Nothing herein shall preclude the County from seeking all other remedies available under general law, including without limitation:

To County:

The County Manager
Collier County Government Center
3301 East Tamiami Trail
Naples, Florida 33962

To Applicant/Petitioner:

Applicant/Petitioner
at the Address listed in
the Application.

ARTICLE 17 LIBERAL CONSTRUCTION AND SEVERABILITY.

SECTION 17.1 LIBERAL CONSTRUCTION.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of public health, safety, welfare and convenience.

SECTION 17.2 CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

ARTICLE 18 EFFECTIVE DATE.

This Ordinance shall become effective on _____, 1991 and after receipt of notice that it has been filed with the Secretary of State of the State of Florida.

PASSED AND DULY ADOPTED this 6th day of November, 1991.

ATTEST:;
JAMES C. GILES, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

[Signature]
Deputy Clerk

BY: [Signature]
PATRICIA ANNE GOODNIGHT
Chairman

Approved as to form and
legal sufficiency:
[Signature]
David C. Weigel
Assistant County Attorney

This ordinance was filed with the
Secretary of State on _____ file the
15th Nov 1991
and a copy of that
filing received this 18th day
of Nov 1991
By: [Signature]
Deputy Clerk

APPENDIX A

WELLFIELD PROTECTION ZONE MAPS
Illustrating the Locations of
WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONES
Established by the
"THREE DIMENSIONAL SIMULATION OF WELLFIELD PROTECTION AREAS
IN COLLIER COUNTY, FLORIDA" (Voorhees and Mades, 1989)

Initial reference to "Appendix A" can be found in SEC. 2.1.2.J,
on page 7 of this Ordinance.

The pages that comprise Appendix A, as attached, are xerox copies
of portions of United States Geological Survey Quadrangle Maps on
which the boundaries of the Wellfield Risk Management Zones are
plotted. The wellfields are arranged in the order of mention in
SEC. 2.1.2.1.6., on page 5 of this Ordinance.

EXPLANATION OF MAPS:

1. Due to the location of some wellfields relative to map boundaries, there may be multiple Plates required to illustrate the particular wellfield.
2. Major roads are noted on the maps as initial points of reference.
3. ZONE W-1 is the land area encompassed by the innermost closed line around each wellfield.
4. ZONE W-2 is the land area situated between the innermost closed line around each wellfield and the next closest closed line around the wellfield.
5. ZONE W-3 is the land area situated between the closed line surrounding W-2, as defined above, and the third closed line from the wellfield.
6. ZONE W-4 is the land area situated between the outermost closed line surrounding the wellfield and the next adjacent closed line that defines the outermost boundary of W-3.

INDEX TO APPENDIX A

This index includes the name of the wellfield and the United States Geological Survey Quadrangle Map(s) on which the wellfield is located

EVERGLADES CITY WELLFIELD
Ochopee, Florida

FLORIDA CITIES (AVATAR) WELLFIELD
Belle Meade NW, Florida

NORTH NAPLES UTILITIES (QUAIL CREEK) WELLFIELD
Corkscrew SW, Florida

EAST GOLDEN GATE WELLFIELD
Plate 1 -- Corkscrew SE, Florida
Plate 2 -- Belle Meade NE, Florida

COASTAL RIDGE (GOODLETTE ROAD) WELLFIELD
Naples North, Florida

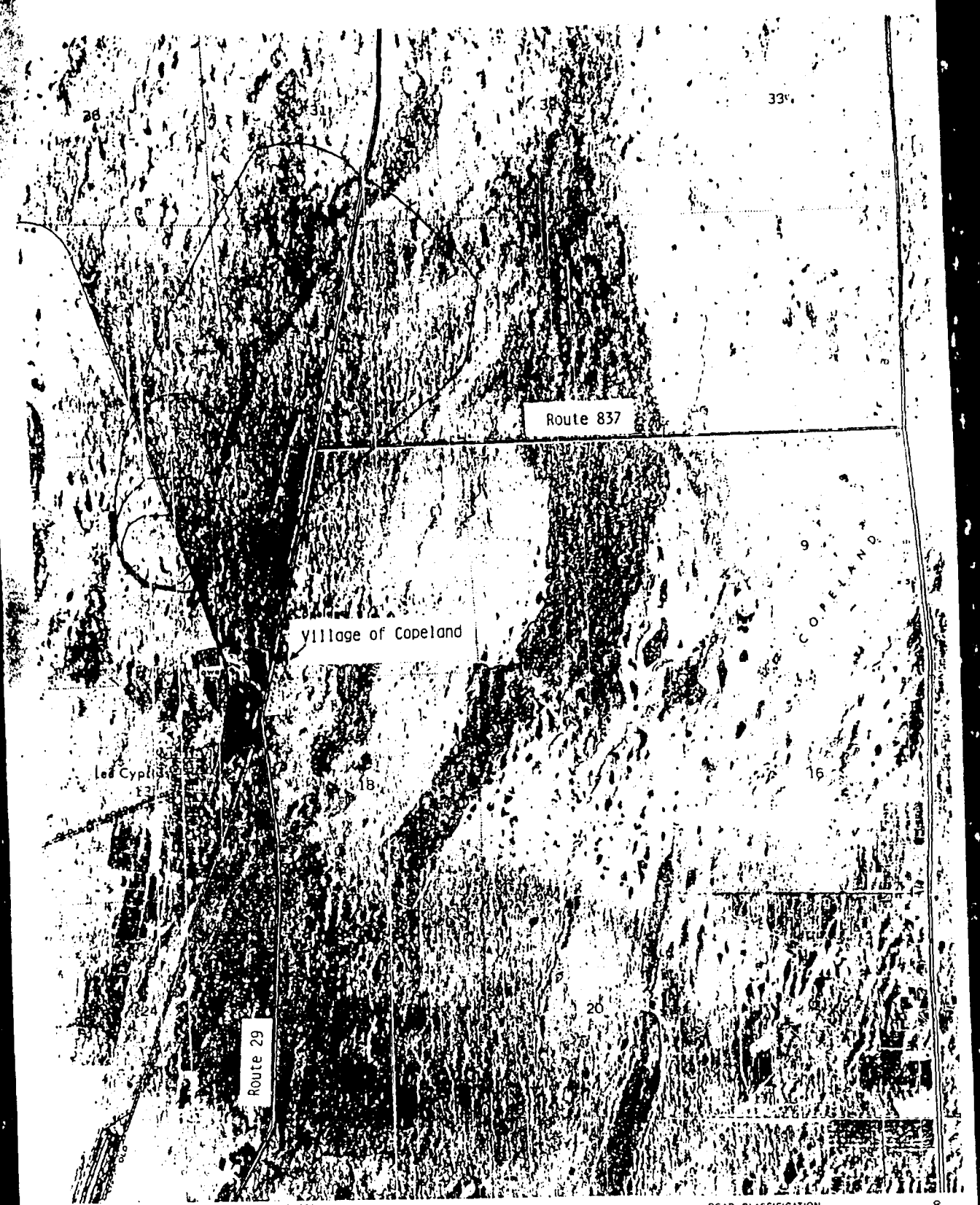
COLLIER COUNTY UTILITIES WELLFIELD
Plate 1 -- Corkscrew SW, Florida
Plate 2 -- Belle Meade NW, Florida
Plate 3 -- Corkscrew SE, Florida
Plate 4 -- Belle Meade NE, Florida

GLADES WELLFIELD
Plate 1 -- Naples North, Florida
Plate 2 -- Belle Meade NW, Florida

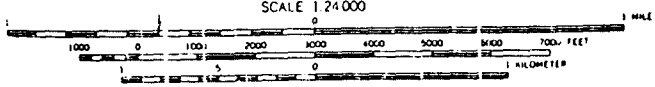
IMMOKALEE WATER AND SEWER DISTRICT WELLFIELDS
Immokalee, Florida

PELICAN BAY WELLFIELD
Plate 1 -- Bonita Springs, Florida
Plate 2 -- Corkscrew SW, Florida

PORT OF THE ISLANDS WELLFIELD
Weavers Station, Florida



SCALE 1:24,000



CONTOUR INTERVAL 5 FEET
 CONTOURS OMITTED IN WETLANDS AND SAW GRASS AREAS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

BOOK 50 PAGE 52

ROAD CLASSIFICATION

- Primary highway, hard surface ————
- Secondary highway, hard surface - - - - -
- Light duty road, hard or improved surface ————
- Unimproved road - - - - -

- Trans. ————
- Interstate Route
 - U. S. Route
 - State Route

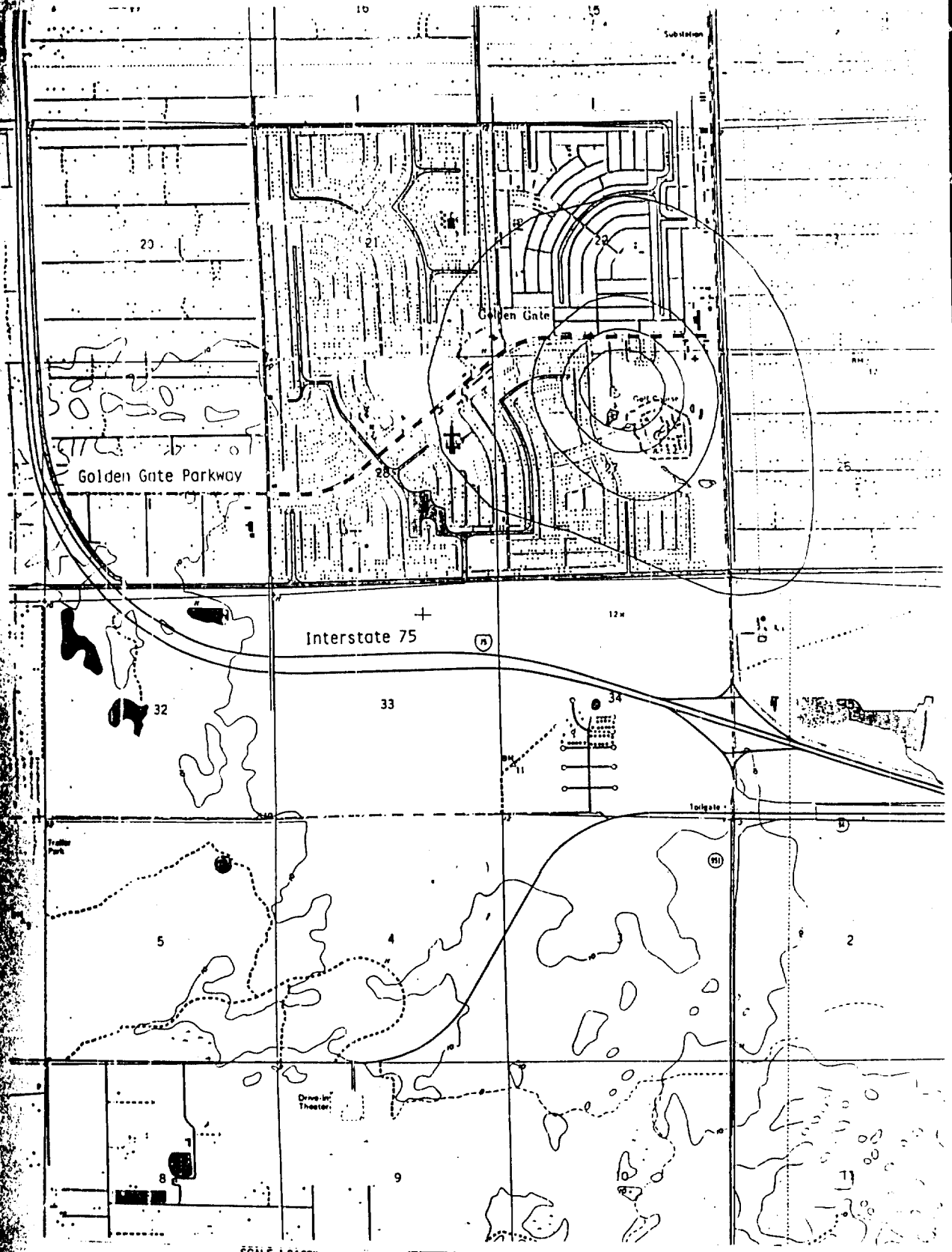


EVERGLADES CITY

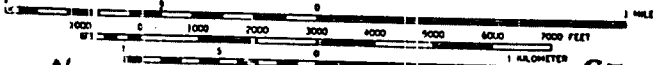
OCHOPEE, FLA.
 N2552.5-W8115/7.5

1972

AMB 4733 IV ME-SERIES 19670



SCALE 1:24 000



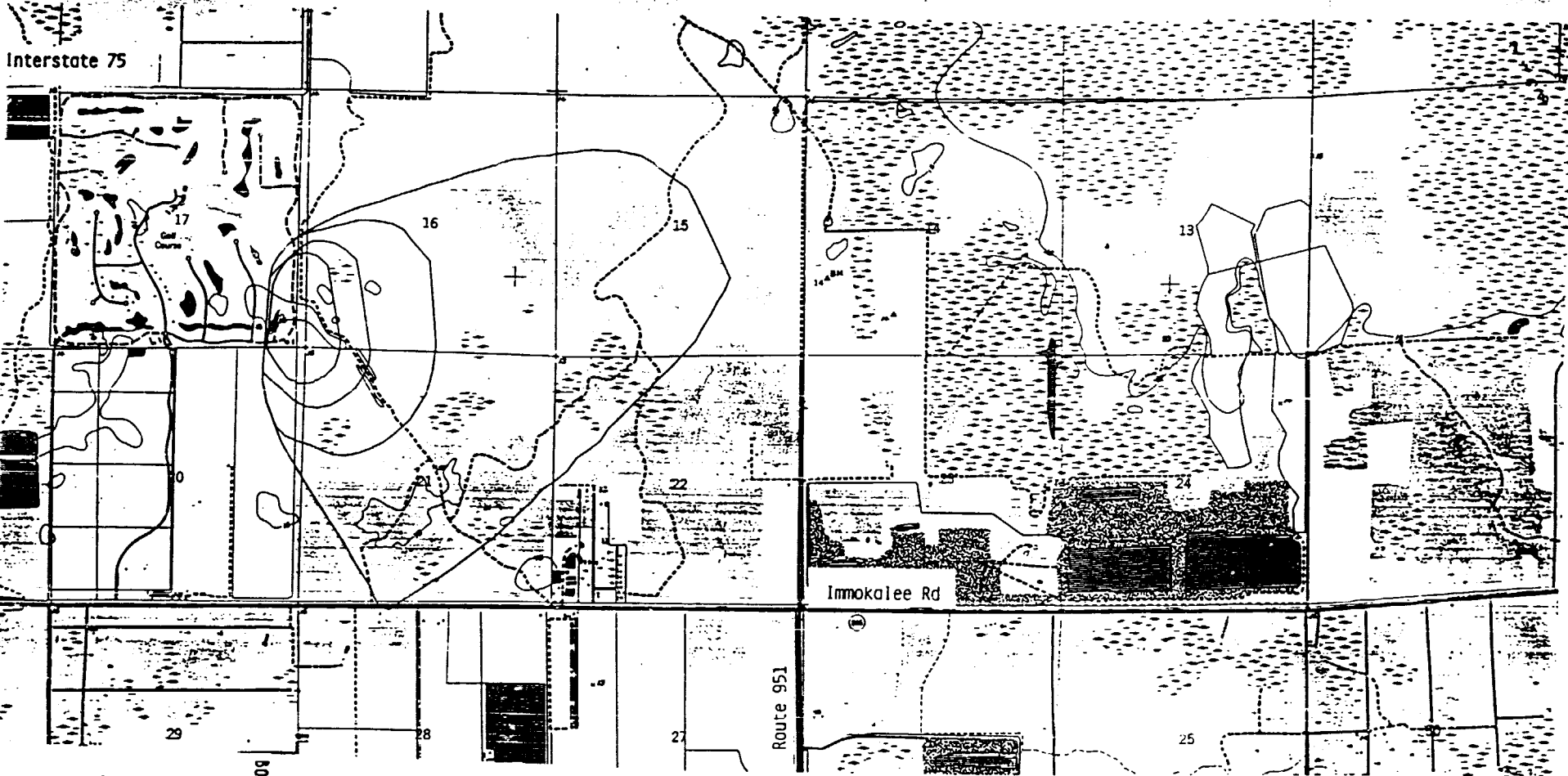
CONTOUR INTERVAL 5 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

BOOK 50 PAGE 53

ROAD CLASSIFICATION

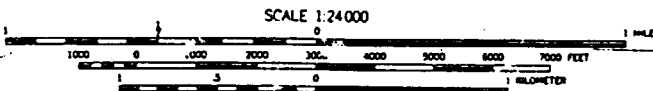
- Primary highway, hard surface ————
- Secondary highway, hard surface ————
- Light-duty road, hard or improved surface ————
- Unimproved road ————
- Interstate Route (Shield)
- U S Route (Shield)
- State Route (Circle)

Interstate 75

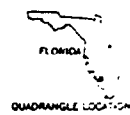


UTM GRID AND 1987 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

BOOK 150 PAGE 54



SCALE 1:24 000
CONTOUR INTERVAL 5 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929



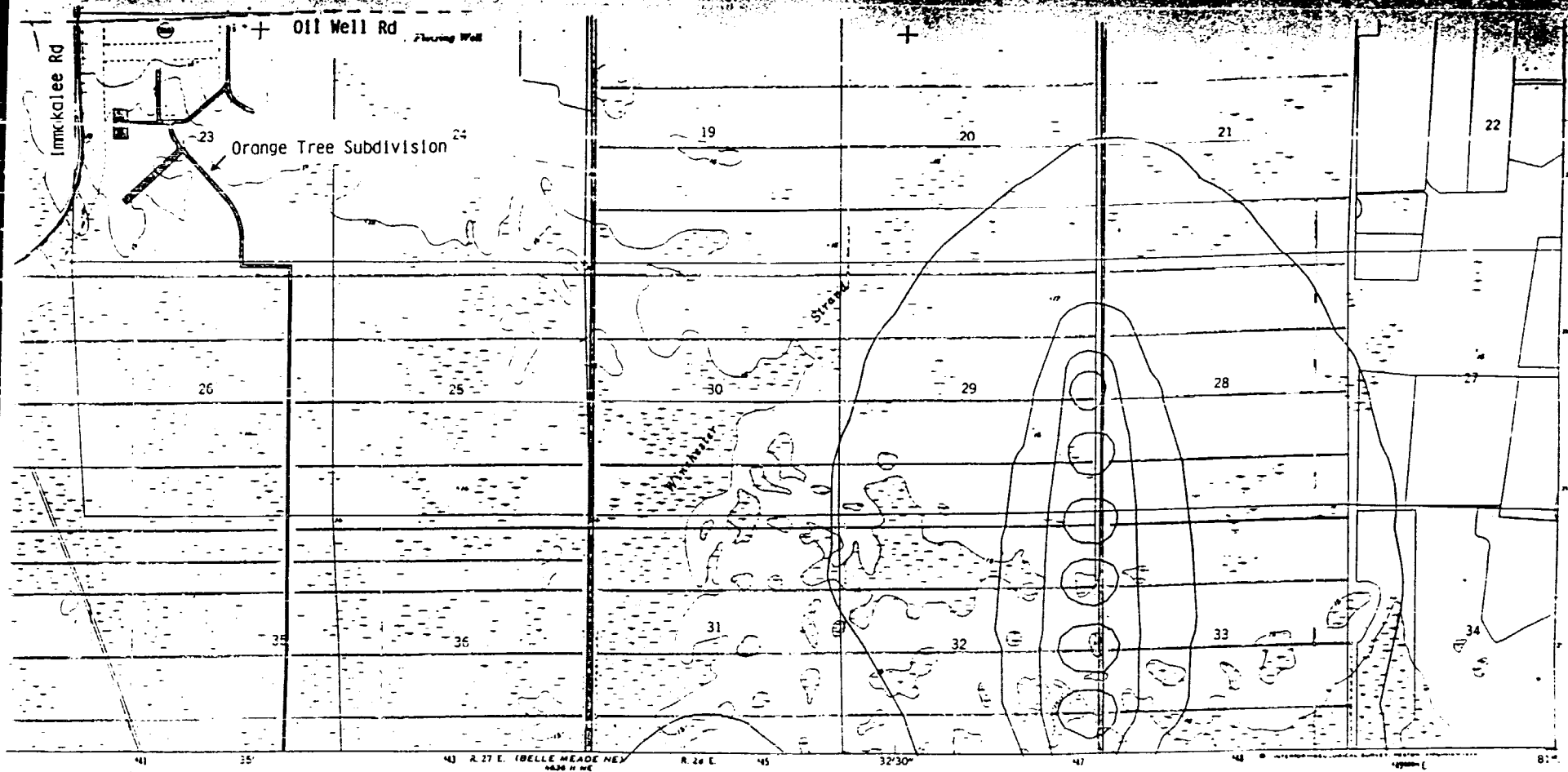
ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
○ Interstate Route	□ U. S. Route
	○ State Route

CORKSCREW SW, FLA.
26081-C6-TF-024

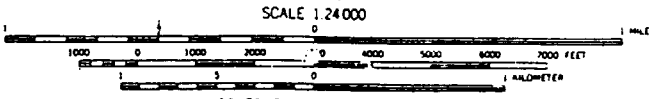
1958
PHOTOREVISED 1987
DMA 4638 I SW - SERIES V847

NORTH NAPLES



1973 GRIC AND 1973 MAGNETIC NORTH-DECLINATION AT CENTER OF SHEET

BOOK F:50 PAGE 55



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS FOR SALE BY U. S. GEOLOGICAL SURVEY DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



QUADRANGLE LOCATION

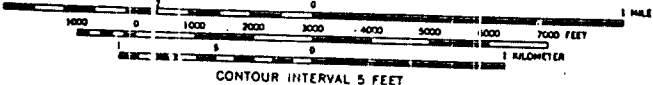
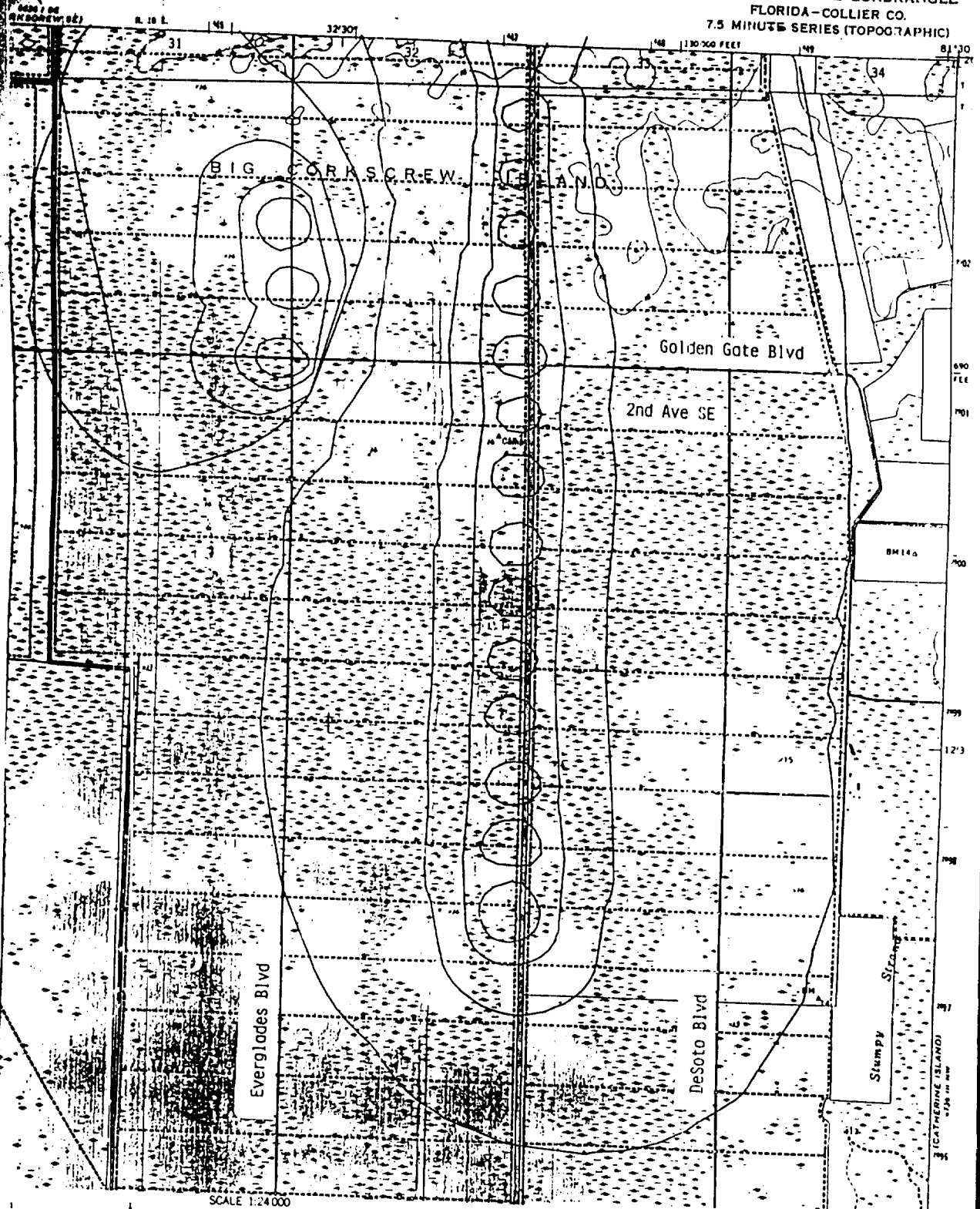
ROAD CLASSIFICATION
 Medium-duty ——— Light-duty ———
 Unimproved dirt - - - - -
 State Route ○

CORKSCREW SE. FLA.
 N2615-W8130/7.5

1958
 PHOTOREVISED 1973
 AMS 4636 I SE-SERIES 7647

EAST GOLDEN GATE
 (Plate 1)

BELLE MEADE NE QUADRANGLE
FLORIDA-COLLIER CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



CONTOUR INTERVAL 5 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

800' 50 PAGE 56

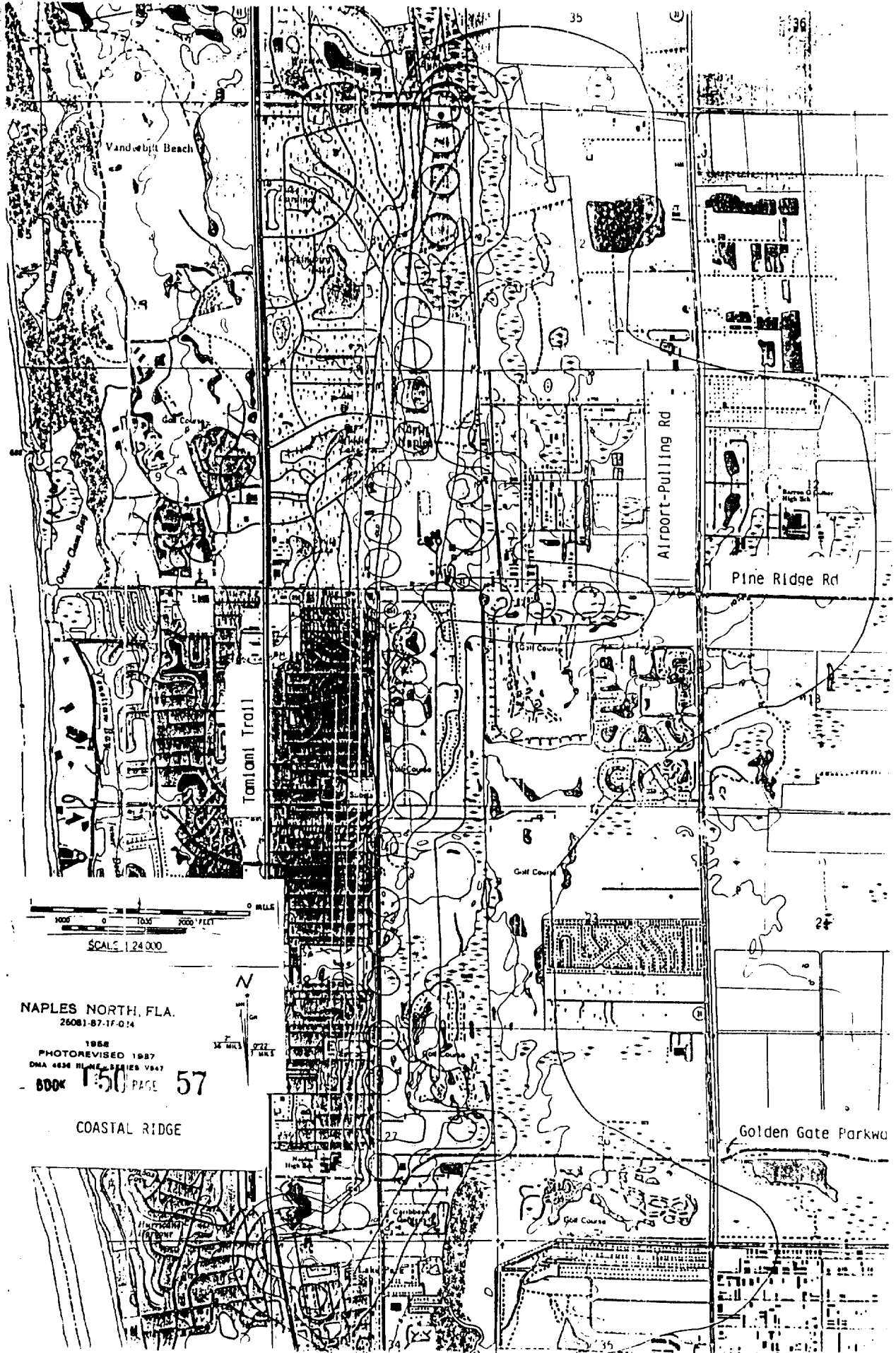
ROAD CLASSIFICATION
Heavy-duty _____ Light-duty _____
Unimproved dirt _____
○ State Route



EAST GOLDEN GATE
(Plate 2)

BELLE MEADE NE, FLA.
26081-85-TF-024

1958
PHOTOREVISED 1973
DMA 4838 II NE-SERIES V847

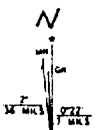


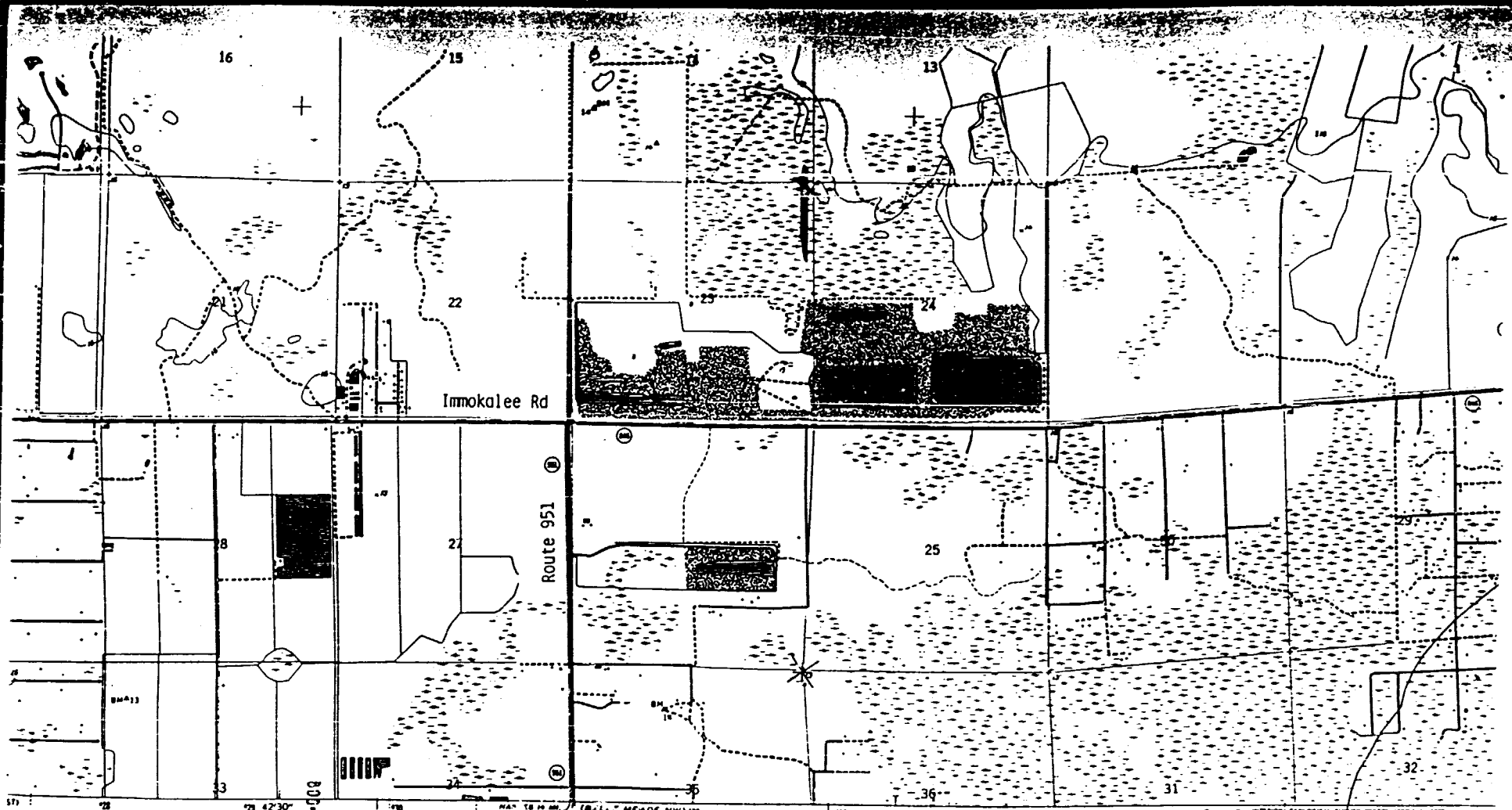
0 MILE
1000 0 1000 2000 FEET
SCALE 1:24,000

NAPLES NORTH, FLA.
26081-87-1F-014

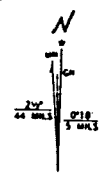
1986
PHOTOREVISED 1987
DMA 4834 BLANK SERIES 1847
BOOK 1:50 PAGE 57

COASTAL RIDGE



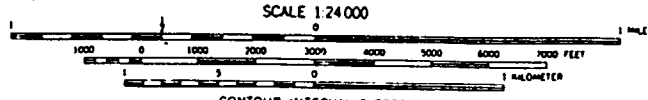


573 572 571 570 569 568 567 566 565 564 563 562 561 560 559 558 557 556 555 554 553 552 551 550 549 548 547 546 545 544 543 542 541 540 539 538 537 536 535 534 533 532 531 530 529 528 527 526 525 524 523 522 521 520 519 518 517 516 515 514 513 512 511 510 509 508 507 506 505 504 503 502 501 500 499 498 497 496 495 494 493 492 491 490 489 488 487 486 485 484 483 482 481 480 479 478 477 476 475 474 473 472 471 470 469 468 467 466 465 464 463 462 461 460 459 458 457 456 455 454 453 452 451 450 449 448 447 446 445 444 443 442 441 440 439 438 437 436 435 434 433 432 431 430 429 428 427 426 425 424 423 422 421 420 419 418 417 416 415 414 413 412 411 410 409 408 407 406 405 404 403 402 401 400 399 398 397 396 395 394 393 392 391 390 389 388 387 386 385 384 383 382 381 380 379 378 377 376 375 374 373 372 371 370 369 368 367 366 365 364 363 362 361 360 359 358 357 356 355 354 353 352 351 350 349 348 347 346 345 344 343 342 341 340 339 338 337 336 335 334 333 332 331 330 329 328 327 326 325 324 323 322 321 320 319 318 317 316 315 314 313 312 311 310 309 308 307 306 305 304 303 302 301 300 299 298 297 296 295 294 293 292 291 290 289 288 287 286 285 284 283 282 281 280 279 278 277 276 275 274 273 272 271 270 269 268 267 266 265 264 263 262 261 260 259 258 257 256 255 254 253 252 251 250 249 248 247 246 245 244 243 242 241 240 239 238 237 236 235 234 233 232 231 230 229 228 227 226 225 224 223 222 221 220 219 218 217 216 215 214 213 212 211 210 209 208 207 206 205 204 203 202 201 200 199 198 197 196 195 194 193 192 191 190 189 188 187 186 185 184 183 182 181 180 179 178 177 176 175 174 173 172 171 170 169 168 167 166 165 164 163 162 161 160 159 158 157 156 155 154 153 152 151 150 149 148 147 146 145 144 143 142 141 140 139 138 137 136 135 134 133 132 131 130 129 128 127 126 125 124 123 122 121 120 119 118 117 116 115 114 113 112 111 110 109 108 107 106 105 104 103 102 101 100 99 98 97 96 95 94 93 92 91 90 89 88 87 86 85 84 83 82 81 80 79 78 77 76 75 74 73 72 71 70 69 68 67 66 65 64 63 62 61 60 59 58 57 56 55 54 53 52 51 50 49 48 47 46 45 44 43 42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1 0



UTM GRID AND 1967 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

550
58



SCALE 1:24 000
CONTOUR INTERVAL 5 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

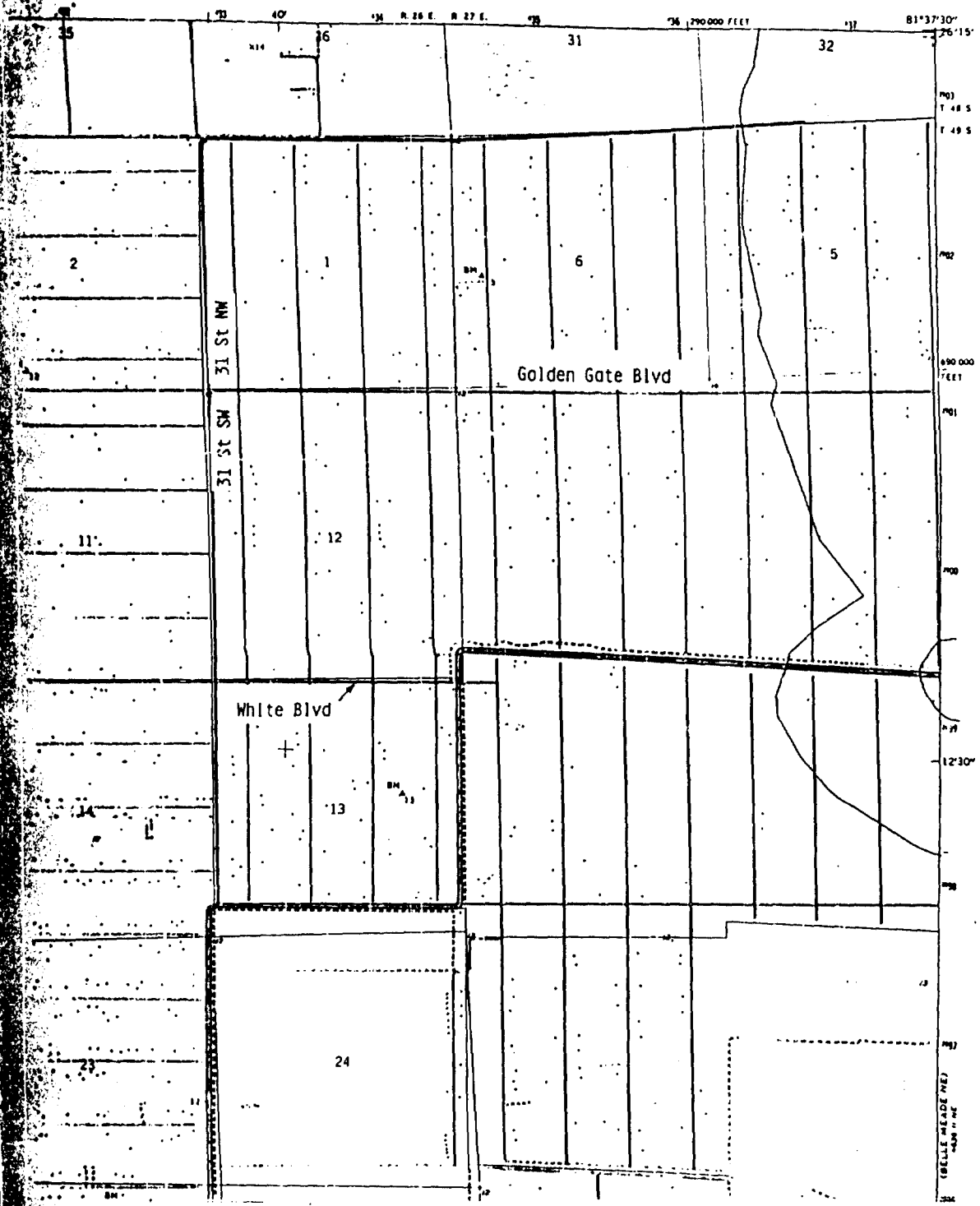


QUADRANGLE LOCATION

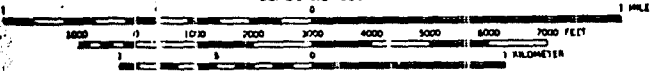
ROAD CLASSIFICATION
 Primary highway, hard surface Light-duty road, hard or improved surface
 Secondary highway, hard surface Unimproved road
 Interstate Route U. S. Route State Route

COLLIER COUNTY UTILITIES
(Plate 1)

CORKSCREW SW, FI
26081-C6-TF 024



SCALE 1:24 000



CONTOUR INTERVAL 5 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929



ROAD CLASSIFICATION

- Primary highway, hard surface
- Secondary highway, hard surface
- Light duty road, hard or improved surface
- Unimproved road
- Interstate Route
- U. S. Route
- State Route

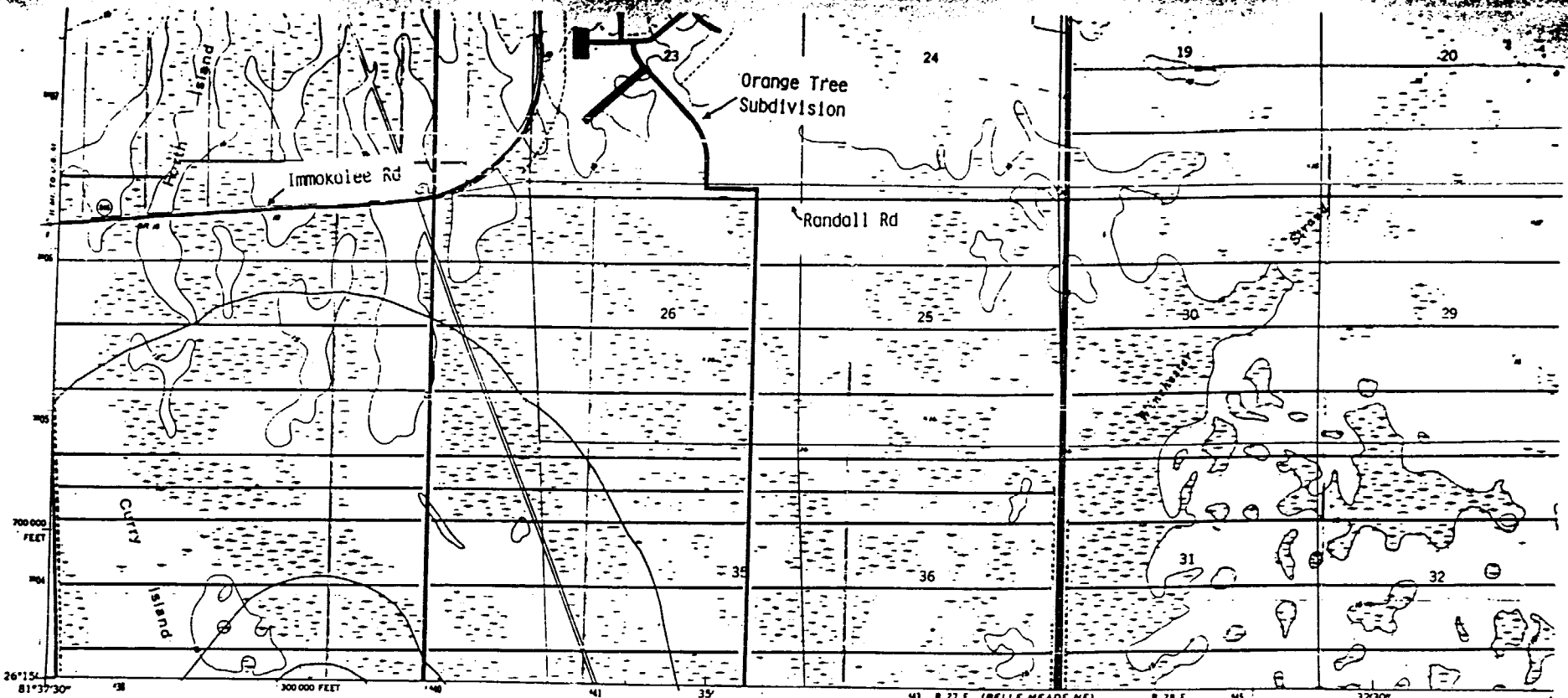
BOOK 50 PAGE 59

BELLE MEADE NW, FLA.
26L 41-86-17-024

1968
PHOTOREVISED 1967
DMA 4656 II NW-SERIES 1947

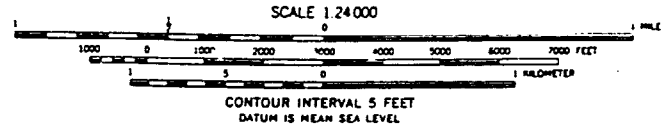
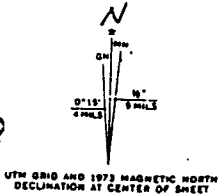
COLLIER COUNTY UTILITIES
(Plate 2)

BELLE MEADE NW



Mapped, edited, and published by the Geological Survey
 Control by USGS and USC&GS
 Culture and drainage in part compiled from aerial photographs taken 1951-1952. Topography by plane-table surveys 1958
 Polyconic projection. 1927 North American datum
 10,000-foot grid based on Florida coordinate system, east zone
 1000-meter Universal Transverse Mercator grid ticks, zone 17, shown in blue
 Certain land lines unsurveyed in T. 47 S.-R. 27 E. and T. 48 S.-R. 27 E.
 Dotted land lines established by private survey
 Revisions shown in purple compiled from aerial photographs taken 1973. This information not field checked

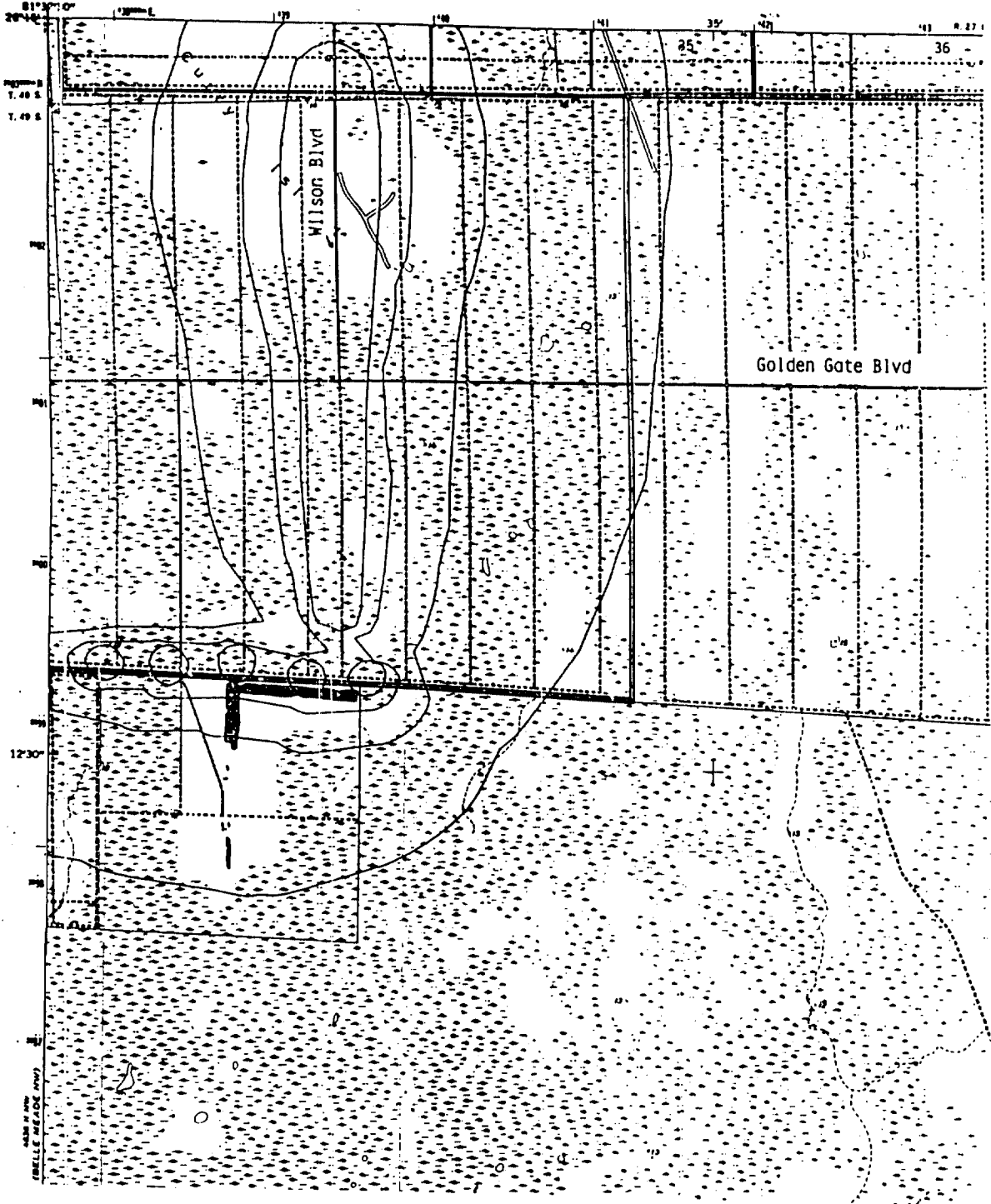
BOOK 150 PAGE 60



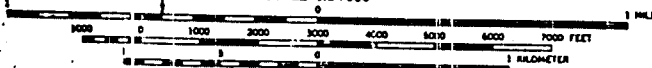
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS FOR SALE BY U. S. GEOLOGICAL SURVEY DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

CORKSCREW SE, FLA.
 N2515-W9130/7.5
 1958
 PHOTOREVISED 1973
 AMS 4636 I SE-SERIES V347

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



SCALE 1:24 000



CONTOUR INTERVAL 5 FEET
NATIONAL GEODESIIC VERTICAL DATUM OF 1929



BOOK 150 PAGE 61

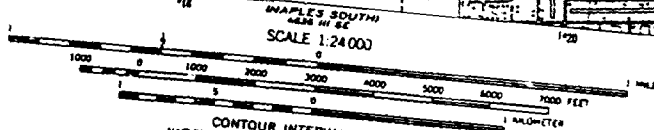
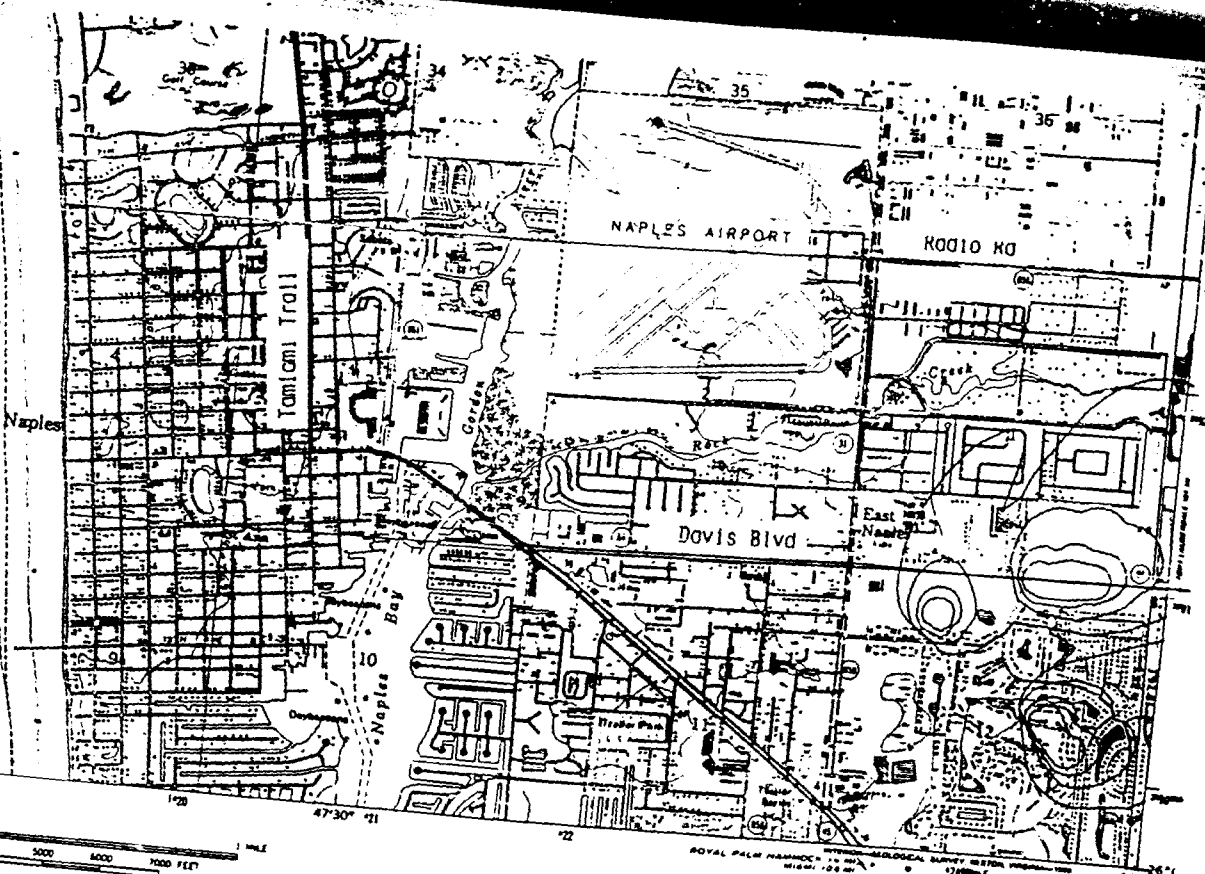
ROAD CLASSIFICATION
 Heavy-duty ———— Light-duty ————
 Unimproved dirt - - - - -
 ○ State Route

BELLE MEADE NE, FLA.
26081-85-TF-024

1958
PHOTOREVISED 1973
DMA 4836 II NE-SERIES V847

COLLIER COUNTY UTILITIES
(Plate 4)

BOOK F50 PAGE 62



CONTOUR INTERVAL 5 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOWER LOW WATER
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE MEAN RANGE OF TIDE IS APPROXIMATELY 2 FEET



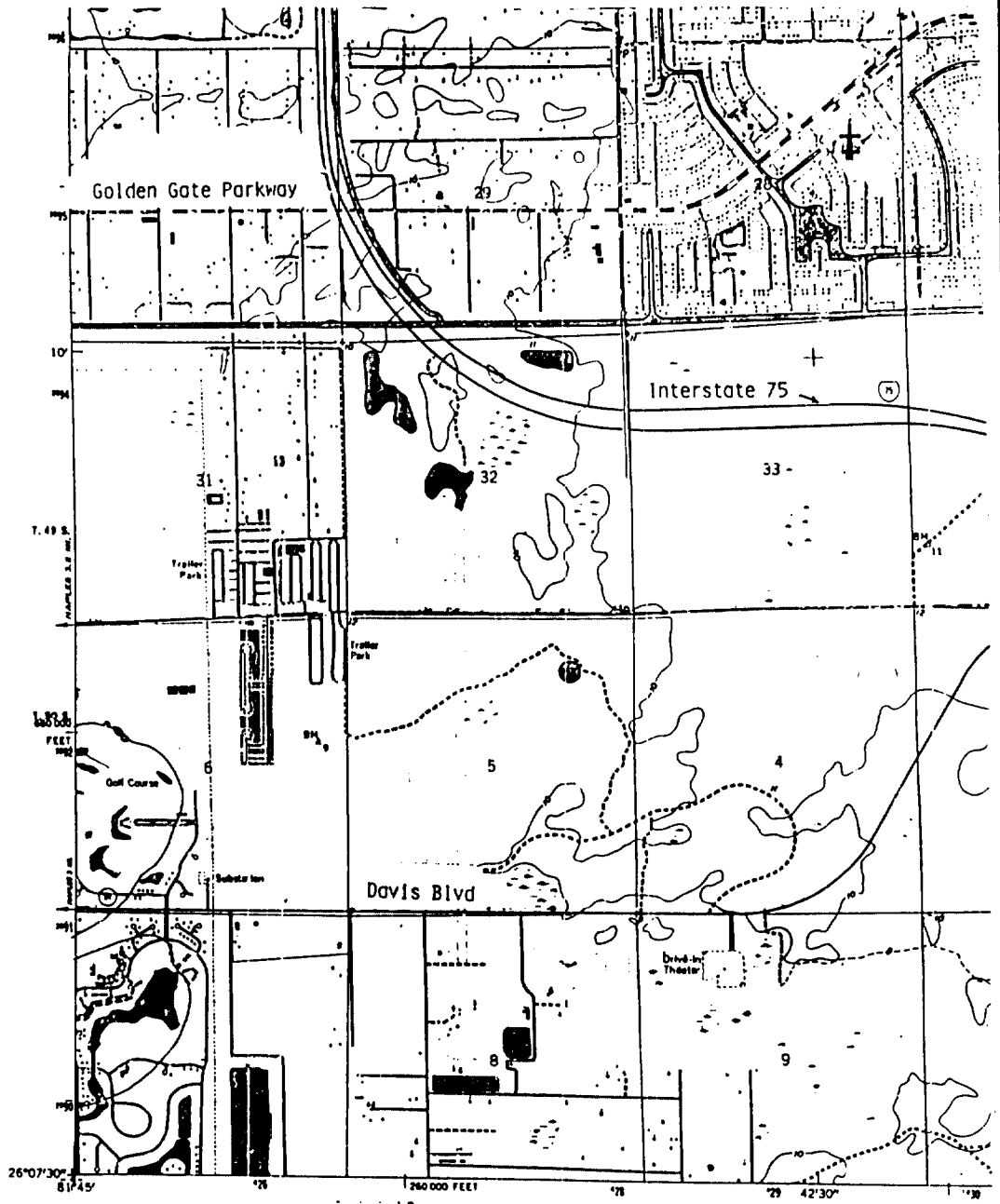
ROAD CLASSIFICATION
Heavy-duty ——— Light-duty ———
Medium-duty ——— Unimproved dirt ———
U.S. Route ——— State Route ———

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY
DENVER, COLORADO 80225 OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

NAPLES NORTH, FLA.
26081-87-TF-024

1958
PHOTOREVISED 1987
DMA 4636 III NE—SERIES V847

GLADES
(Plate 1)



SCALE 1:24 000



CONTOUR INTERVAL 5 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

ROAD CLASSIFICATION

- | | |
|------------------------------------|--|
| Primary highway,
hard surface | Light-duty road, hard or
improved surface |
| Secondary highway,
hard surface | Unimproved road |
| ○ Interstate Route | □ U. S. Route |
| | ○ State Route |

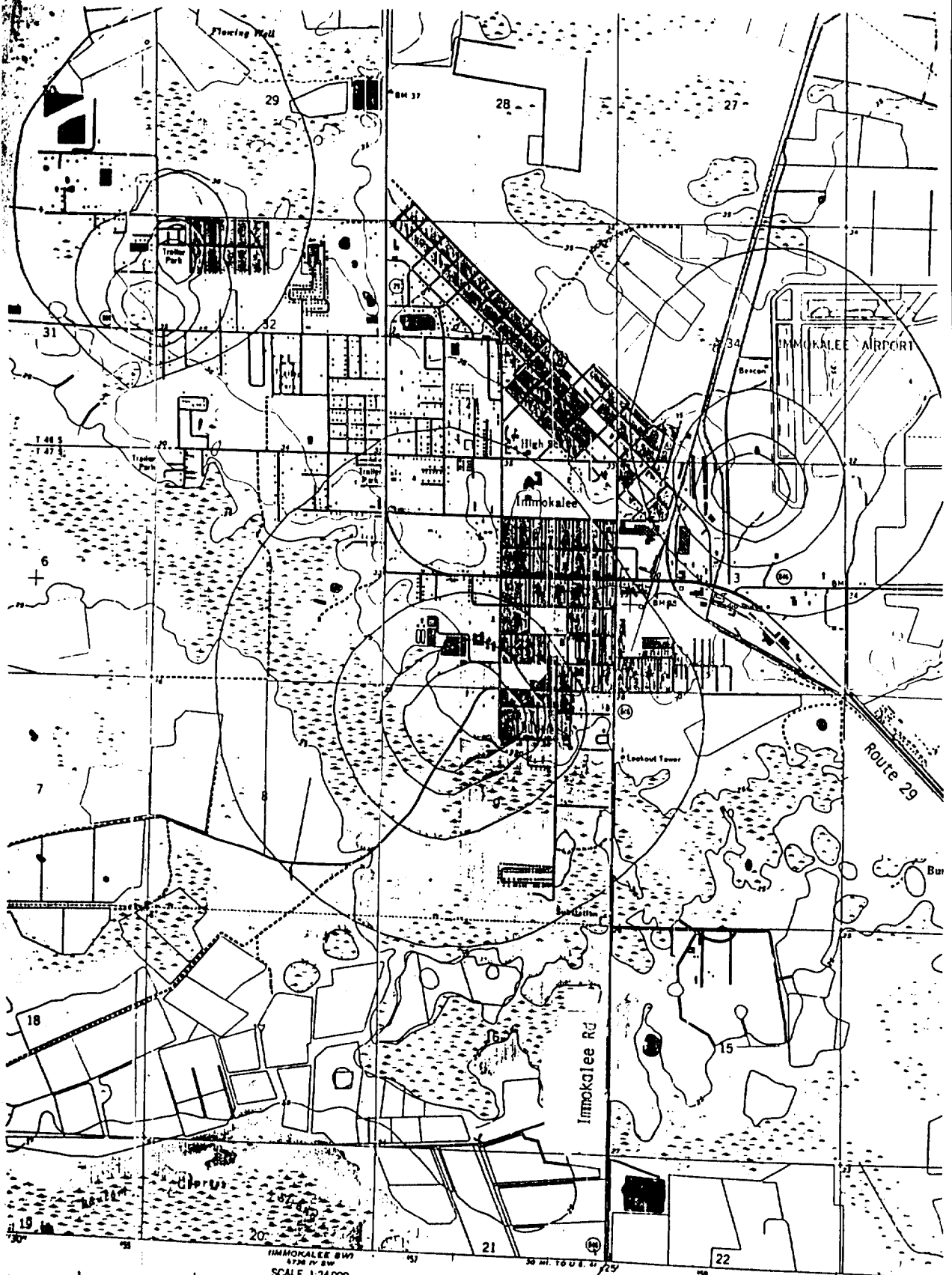
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY
DENVER, COLORADO 80225 OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

BOOK 150 PAGE 63

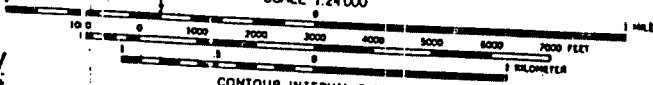
BELLE MEADE NW, FL/
26081-86-TF-024

1958
PHOTOREVISED 1987
DMA 4636 II NW-SERIES V847

GLADES
(Plate 2)



IMMOKALEE SW
 1728 IV SW
 SCALE 1:24 000



CONTOUR INTERVAL 5 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

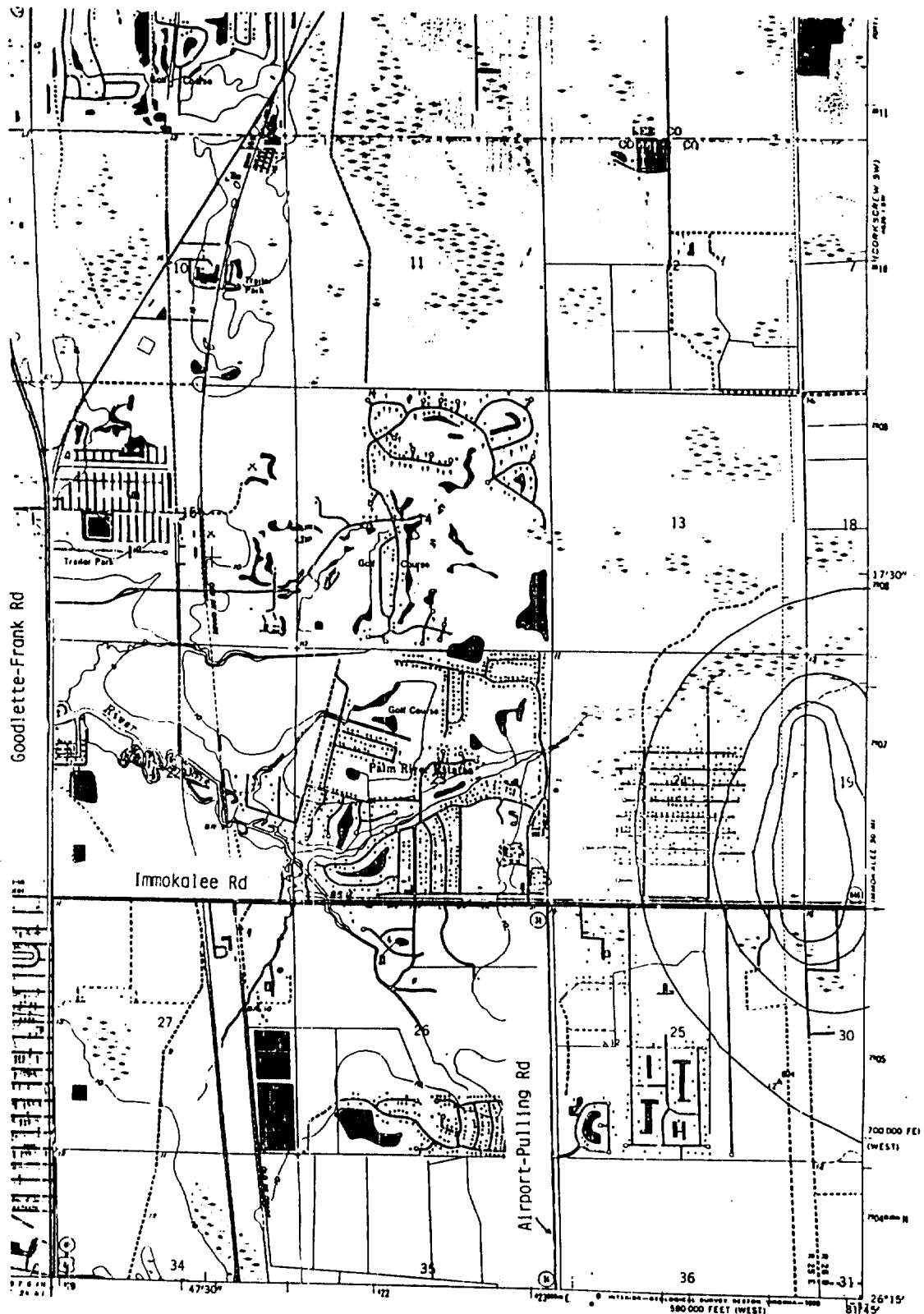
ROAD CLASSIFICATION
 Heavy-duty ——— Light-duty ———
 Medium-duty ——— Unimproved dirt - - - - -
 ○ State Route



8000 1:50 PART 64

IMMOKALEE WATER AND SEWER

IMMOKALEE, FLA.
 26081-04-TF-024



SCALE 1:24 000



CONTOUR INTERVAL 5 FEET

DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOWER LOW WATER
 THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE
 SHEDDING SOUNDINGS REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
 THE MEAN RANGE OF TIDE IS APPROXIMATELY 2 FEET

ROAD CLASSIFICATION

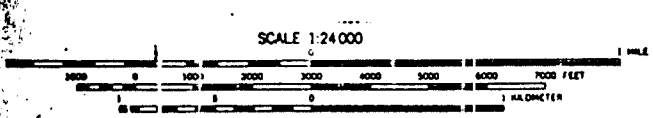
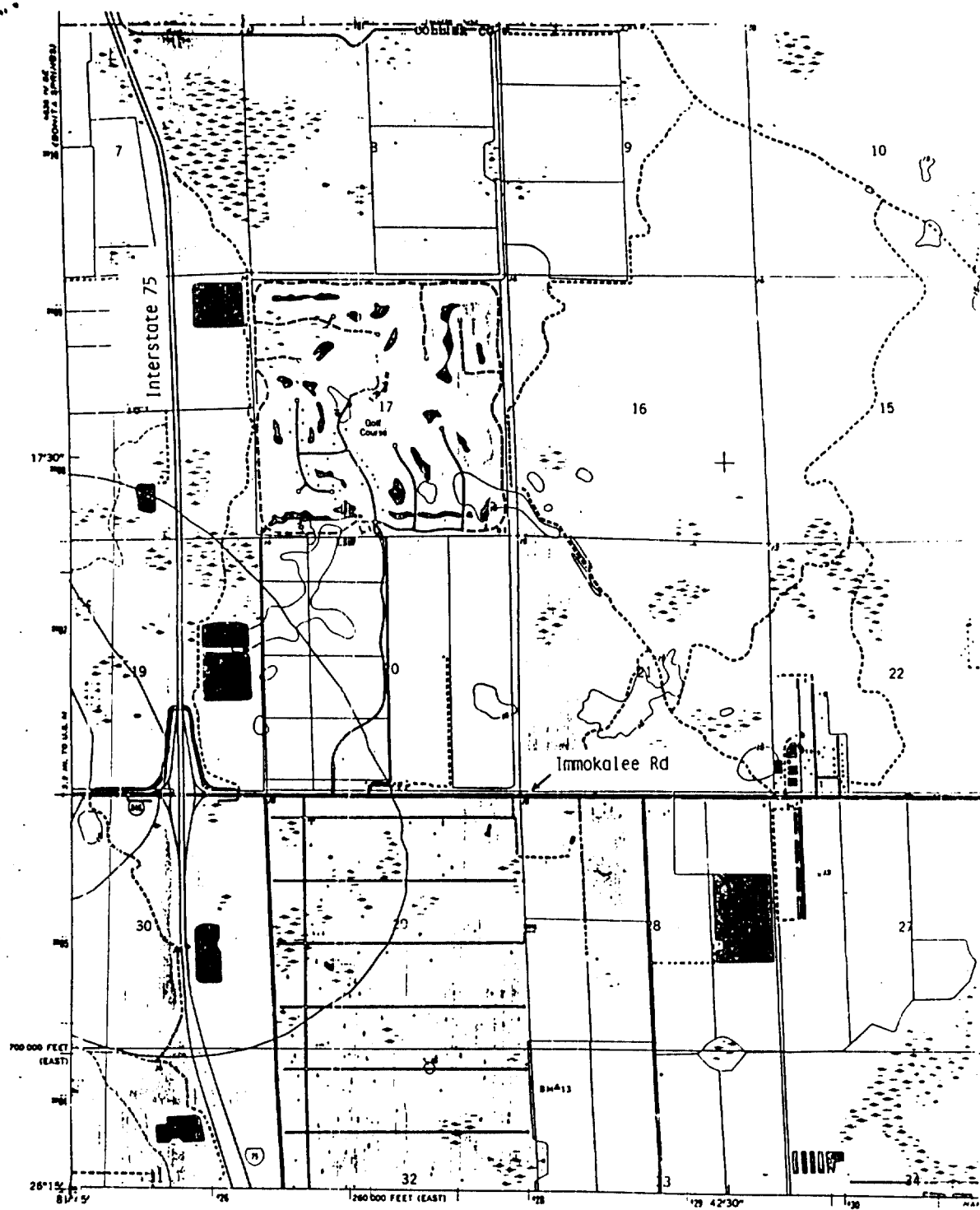
- Primary highway, hard surface ————
- Secondary highway, hard surface ————
- Light-duty road, hard or improved surface ————
- Unimproved road ————
- Interstate Route □ U. S. Route ○ State Route

BOOK 50 PAGE 65

BONITA SPRINGS, FLA.
 26081-C7-TF-024

PELICAN BAY
 (Plate 1)

1958
 PHOTOREVISED 1967
 DMA 4636 IV BE—SERIES V647



CONTOUR INTERVAL 5 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929



ROAD CLASSIFICATION

Primary highway, hard surface ——— Light-duty road, hard or improved surface ———
 Secondary highway, hard surface ——— Unimproved road ———

○ Interstate Route □ U S Route ○ State Route

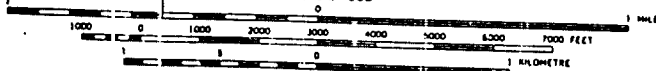
BOOK 650 PAGE 66

CORKSCREW SW, FLA.
 26081-C6-TF-024

1988
 PHOTOREVISED 1987
 DMA 4636 I SW - SERIES V847



SCALE 1:24,000



CONTOUR INTERVAL 5 FEET
 CONTOURS OMITTED IN WETLANDS AND SAW GRASS AREAS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929
 SOUNDINGS IN FEET—DATUM IS MEAN LOW WATER
 THE MEAN RANGE OF TIDE IS APPROXIMATELY 20 FEET

BOOK 150 PAGE 67

ROAD CLASSIFICATION
 Primary highway, hard surface ———— Light-duty road, hard or improved surface ————
 Secondary highway, hard surface ———— Unimproved road - - - -
 Trails ————
 Interstate Route U. S. Route State Route

WEAVERS STATION
 2508144 OM 024

1972

PORT OF THE ISLES

DMA 4735 IV NW-BF .LS V8470

STATE OF FLORIDA)

COUNTY OF COLLIER)

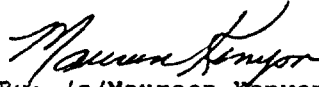
I, JAMES C. GILES, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

Ordinance No. 91-103

which was adopted by the Board of County Commissioners on the 6th day of November, 1991, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 12th day of November, 1991.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners


By: /s/Maureen Kenyon
Deputy Clerk

