

ORDINANCE NO. 22-109

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC UTILITIES; AMENDING SECTION 2-31-148 OF THE MANATEE COUNTY CODE OF ORDINANCES TO ESTABLISH CRITERIA FOR USE OF THE COUNTY'S CLASS I DEEP INJECTION WELLS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, a political subdivision of the State of Florida, owns and operates the Manatee County public utilities system pursuant to Section 125.01, Florida Statutes, Chapter 153, Florida Statutes, Chapter 63-1598, Laws of Florida, as amended, Chapter 2-31, Article V, Manatee County Code of Ordinances, and other applicable provisions of law, together with resolutions adopted by the Board of County Commissioners of Manatee County; and

WHEREAS, the public utilities system owned by Manatee County consists of Class I deep injection wells; and

WHEREAS, Class I deep injection wells are used for disposal of domestic and industrial wastewater below protected aquifers; and

WHEREAS, Class I deep injection wells are regulated by the Florida Department of Environmental Protection through the injection control program; and

WHEREAS, the Board of County Commissioners desires to ensure appropriate pretreatment and disposal standards related to brine discharges into Class I deep injection wells; and

WHEREAS, the Board of County Commissioners of Manatee County finds that the provisions of this Ordinance are in the best interests of the County, its citizens, taxpayers, and will serve to protect the public's health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. AMENDMENT. Chapter 2-31, Article V, Subsection 148 of the Manatee County Code of Ordinances is hereby amended to read as follows (underlined text added, strike-through text delete):

- (a) The county shall obtain and fulfill, at its expense, all necessary permits and approvals for the initial construction and operation of the reclaimed water distribution facilities constituting the county's reclaimed water system. Once service is available, any additional permits or approvals required for service to any particular customer, for the customer's benefit, shall be

obtained at the sole expense of said customer.

(b) For the purposes of subsection (c) below, the following definitions shall apply:

- (1) *Brine.* For the purposes of this ordinance, Brine is a non-hazardous industrial waste that has a high concentration (0.5 ppt or greater) of salt (sodium chloride).
- (2) *Class I deep injection well.* A deep injection well used to dispose of non-hazardous industrial wastes or secondary treated effluent below all underground source of drinking waters and which meets the requirements of Rule 62-528, FAC.

(c) Septage hauler discharge permit general requirements.

- (1) All haulers of industrial waste brine that wish to discharge to a county class I deep injection well shall obtain individual or general septage hauler discharge permits as required by the director. All generators of hauled brine that wish to discharge to a county Class I deep injection well shall obtain individual or general septage hauler discharge permits as required by the director. The director may prohibit the discharge of brine into the class I deep injection well. The discharge of hauled industrial waste brine is subject to all other requirements of this section.
- (2) Industrial wastes eligible for disposal in the county's class I deep injection well is limited to brine wastes only. The director may require pretreatment of the brine waste to ensure compatibility with the class I deep injection well geology.
- (3) Industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without proper permit consistent with this section and consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards, and each user shall pay the full cost of any analysis of such samples. The director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (4) Industrial waste haulers who discharge at a county class I deep injection well shall comply with the requirements for manifests for every load. The manifest form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents.
- (5) Disposal of hazardous wastes in a county class I deep injection well is strictly prohibited. The manifest shall be signed and logged in prior to a discharge.

- (6) A waste hauler shall notify the director of any accident, spill, or other discharge of industrial waste within the area served by the county's sanitary sewer collection system as soon as possible, but no later than twenty-four (24) hours after the incident. The waste hauler shall comply with all federal, state, and local regulations and shall be responsible for all cleanup procedures and costs.
- (7) The director and officer shall have the right to inspect any vehicles used by waste haulers for transportation or discharge of industrial waste.
- (8) It shall be a violation for any person or business entity to fail to comply with the requirements of this subsection.
- (9) Rates shall be calculated to reflect the county's cost of accepting, treating, and disposing of wastewater from those entities entering into an agreement with the county. Such rates will be determined on an individual basis by the county and established within said agreement.

Section 2. CODIFICATION. Pursuant to Section 125.68(1), Florida Statutes, the codifier of the Code, Municipal Code Corporation, shall codify the substantive amendments to the Code contained in Section 1 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

Section 3. SEVERABILITY. If any section, subsection, sentence, clause, provision, or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon filing with the State of Florida Department of State.

[Signature Page to Follow]

DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the day _____ of _____ , 2022.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

**ATTEST: ANGELINA "ANGEL" COLONNESO
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER**

By: _____
Deputy Clerk