



Board of County Commissioners

2401 SE Monterey Road
Stuart, Florida 34996

Agenda Item Summary

File ID: 21-0640

PH-2

Meeting Date: 4/27/2021

PLACEMENT: Public Hearings

TITLE:

PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 67, ARTICLE 13, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ORDINANCE, GENERAL ORDINANCES

EXECUTIVE SUMMARY:

The County is required by its National Pollutant Discharge Elimination System (NPDES) permit to prevent and abate pollution through the regulation and control of connections and discharges to the municipal separate storm sewer system. Pursuant to an audit performed by the Florida Department of Environmental Protection, revisions to the existing ordinance are required.

DEPARTMENT: Public Works

PREPARED BY: **Name:** Dianne Hughes

Title: Environmental Programs Coordinator

REQUESTED BY: Florida Department of Environmental Protection

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

The Florida Department of Environmental Protection (FDEP) performed an audit of our NPDES program in the fall of 2019. At that time FDEP's review of Chapter 67, Article 13, National Pollutant Discharge Elimination System, General Ordinances, indicated that the ordinance did not include adequate waste control requirements for construction sites. The proposed language update addresses the recommendation of the FDEP. In addition, staff provided minor language clean-up and added enforcement provisions for illicit connections and discharges.

ISSUES:

The proposed ordinance is undergoing final review and will be submitted by Supplemental Memorandum.

LEGAL SUFFICIENCY REVIEW:

This is a legislative matter. Legislative decisions are those in which the local government formulates

policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board approve the ordinance as presented.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

None

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- | | | |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application | <input type="checkbox"/> Notice | <input checked="" type="checkbox"/> Ordinance |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Resolution | |

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