

# ARTICLE X. AQUIFER/WELLHEAD PROTECTION

## DIVISION 1. GENERALLY

### Sec. 10-10.101. Definitions.

As stated in section 10-1.101, the definitions in section 10-1.101 apply to this article. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Aquifer protection coordinator* shall mean a City of Tallahassee employee with co-delegated authority to enforce this article.

*Discharge* shall mean a nonpermitted discharge as defined by F.S. § 376.301(12), and includes but is not limited to, the spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any regulated substances which may affect the groundwater.

*Drainage well* shall mean any well installed for the purpose of draining water from above the earth's surface to subsurface layers.

*Dry well* shall mean a well lined or filled with gravel or sand that holds water until percolation into the ground.

*Contaminated groundwater* shall mean groundwater that does not meet the standards defined in Chapter 62-520, F.A.C.

*Injection well* shall mean a well into which fluids that are being or will be injected by gravity flow or under pressure, by gravity flow or under pressure.

*Regulated entity* shall mean any business, facility, activity, agency, or farming operation site expanding more than three acres, that, at any time, manufactures, stores, or uses regulated substances listed in section 10-10.106, or any property that undergoes new construction, demolition, additions, alterations or repairs that requires a City of Tallahassee or Leon County building or environmental permit.

*Well* shall mean any excavation which has a depth greater than the diameter of the largest surface dimension that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for conveying groundwater to the surface, monitoring the groundwater level or quality, providing cathodic protection, or providing a method of injecting conveying water from above the earth's surface to subsurface layers.

*Violator* shall mean any person, firm, corporation, business entity, facility or organization owning, possessing, leasing, renting or having control of the subject property where prohibited activities occur and contribute to groundwater contamination.  
(Ord. No. 07-20, § 2, 7-10-07)

### Sec. 10-10.102. Intent and purpose.

(a) The intent and purpose of this article is to protect and maintain the quality and quantity of groundwater in the county by providing criteria for regulating the use,

handling, production, storage, and disposal of regulated substances.

(b) This article shall establish performance standards for the use, handling, production, storage, or disposal of regulated substances that are applicable to facilities so as to preclude the introduction of these substances into groundwater.

(c) This article, through its provisions, is intended to protect the quality of water obtained from public supply wells, potable water supply wells, and other public water systems.

(d) This article shall authorize the establishment of a funding mechanism for the operation and implementation of an aquifer protection program.  
(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.103. Compliance with Comprehensive Plan.**

The contents of this article shall meet or exceed the goals, objectives and policies established in the adopted Comprehensive Plan.  
(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.104. Public education and reporting requirements.**

(a) A public program shall be conducted in order to correct current practices regarding the use, storage, and disposal of regulated substances, and to provide for the protection of water resources in the county.

(b) An annual report shall be presented to the Board of County Commissioners and to the Tallahassee City Commission detailing the extent of the public education activities, and the status of activities of the aquifer protection program.  
(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.105. Territorial applicability.**

The aquifer/wellhead protection area shall include all land and surface water and ground water within the county.  
(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.106. Regulated substances--Designated.**

Regulated substances shall mean the following:

(1) Substances, including degradation and interaction products, which because of quality, concentration, or physical/chemical characteristics (including ignitability, corrosivity, reactivity and toxicity, radioactivity, mutagenicity, bioaccumulative effect, or persistence in nature) may cause a violation of Florida Department of Environmental Protection (FDEP) ground water standards pursuant to Chapter 62-520, F.A.C.; and

(2) Those substances set forth in the lists, as amended from time to time, entitled, "Lists of Hazardous Waste" (40 CFR 261, subpart D), "Hazardous Constituents-Appendix VIII," (40 CFR 261), and "EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA" (40 CFR 302.4);

and

(3) Substances which have known hazardous properties as listed in 40 CFR 302 by the EPA; and

(4) Substances that are restricted-use pesticides according to F.S. ch. 487, or which are listed in F.A.C. chs. 5E-2 or 5E-9; and

(5) Water which contains total dissolved solids (TDS) in excess of 10,000 parts per million (ppm) or chlorides in excess of 500 ppm.  
(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.107. Regulated entity--Exemptions.**

(a) The aquifer protection coordinator shall maintain a list of regulated entities with their associated four-digit Standard Classification Codes (SIC) and/or six-digit North American Industry Classification System (NAICS) Code, as appropriate. This list will be made available upon request.

(b) Exemptions. This article does not apply to:

(1) The transportation of any regulated substance, provided that the transporting motor vehicle is in continuous transit. However, if the transporting vehicle containing regulated substances is not regulated by the U.S. Department of Transportation or the State Department of Transportation or the State Department of Highway Safety then it shall be deemed stationary (not in continuous transit) and must be registered.

(2) The use of any regulated substance in a vehicle or lawn maintenance equipment as a fuel or lubricant.

(3) Retail or wholesale establishments that store or handle regulated substances for resale in their original unopened containers, provided that no individual container of regulated substances exceeds five gallons if liquid or 50 pounds if solid.

(4) The use of regulated substances for cleaning, maintaining, pest control, or any other use by households that are not regulated entities.

(c) An affected person may request a special exemption from this article. In order to obtain such an exemption, such person must demonstrate by a preponderance of competent, substantial evidence to the aquifer protection coordinator that special or unusual circumstances and adequate technology exists to isolate the facility or activity from soils, groundwater, or surface water. In granting the special exemption, the aquifer protection coordinator may prescribe any additional appropriate conditions that are necessary to protect soils, groundwater, or surface water.

(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.108. Discharge causing contaminated groundwater prohibited.**

It shall be unlawful to discharge any substance in a manner that may cause contaminated groundwater.

(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.109. Stormwater.**

Stormwater quality treatment shall be regulated through the applicable provisions of the Environmental Management Act of Leon County or the City of Tallahassee Environmental Management Ordinance, as amended, whichever is appropriate.

(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.110. Program funding.**

(a) Fees may be established by resolution in accordance with the Comprehensive Plan settlement agreement requirement that user fees be collected to contribute to the cost of the inspection program.

(b) Fees may be established by resolution to provide a funding mechanism for the operation and implementation of future aquifer protection activities and remediation.

(Ord. No. 07-20, § 2, 7-10-07)

**DIVISION 2. VIOLATIONS AND ENFORCEMENT**

**Sec. 10-10.201. Generally; delegation of authority; interlocal agreement.**

(a) *Enforcement.* This article shall be strictly enforced in accordance with the enforcement procedures established by the county in addition to any established federal or state enforcement procedures.

(b) *Delegation of authority.* Pursuant to an interlocal agreement between Leon County, Florida and the City of Tallahassee, the aquifer protection coordinator (APC) who is a City of Tallahassee employee, or his or her designee, is hereby delegated authority to enforce the provisions of this article. Such authority shall include but is not limited to the following job duties as set forth in the interlocal agreement:

(1) Supervise city environmental inspectors who conduct on-site inspections at regulated entities for compliance with this article.

(2) Oversee the scheduling of on-site inspections of regulated entities, and the maintenance of the current aquifer protection program database.

(3) Provide an annual report to the Board of County Commissioners and the City of Tallahassee Commissioners describing, in detail, the status of activities, including enforcement mechanisms of the aquifer protection program.

(4) Coordinate with other city and/or county departments, programs and employees, as needed, to implement the aquifer protection program.

(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.202. Persons held liable for violations.**

For the purpose of this article both the property owner and the violator shall be held jointly liable for all activities that may contribute to groundwater contamination that occur on the subject property.

(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.203. Procedures for notification of violation; procedures for remedial action.**

(a) When a violation of this article has occurred the aquifer protection coordinator or his/her designee shall issue a written notice to the person in violation, identifying the nature and location of the violation and specifying that remedial action is necessary to bring the violation into compliance. The person in violation shall commence remedial action within two weeks of the notice of violation, and shall have such time as may be specified in the notice to complete the remedial actions required to achieve compliance with this article. If a completion deadline is not specified in the notice, a timeframe shall be agreed upon by the responsible party and the aquifer protection coordinator. The following cleanup criteria shall apply to remedial action:

(1) *Generally.* If a facility is found to have visible signs of contamination or if a reportable discharge has occurred that may affect soil, surface water, or groundwater, the facility owner may be required to conduct an investigation which may include, but not be limited to, soil borings, soil or groundwater sampling and analysis, or monitoring well installation pursuant to the provisions of this section.

(2) Any affected groundwater or surface water must be remediated to drinking water standards, if possible, or to standards provided for in Rule 62-520, F.A.C.

(3) Affected soils shall be remediated using best available technologies for the particular contaminant that has been released.

(4) If any soil work is to be performed, all stormwater sedimentation erosion controls must be in place in accordance with all environmental management ordinances.

(5) Applicable rules and guidance include but are not limited to:

a. Ch. 62-770, F.A.C., which establishes the procedures that shall be followed for petroleum and petroleum product contamination.

b. Chs. 62-761 and 62-762, F.A.C., which establish the procedures that shall be followed for closure of storage tanks.

c. Established FDEP enforcement cases shall follow FDEP's Model Orders for Corrective Action or the procedures established by consent order.

d. Sampling procedures and laboratory analysis shall meet the requirements of F.S. § 403.0625.

(b) A copy of the notice of violation issued pursuant to this article shall be served upon the affected persons by either hand delivery or certified mail. Upon receipt of such notice, the property owner shall post the notice on the site. A notice of violation may be

directed to the person owning the land upon which the violation has occurred or to any person who has committed the violation or both. When immediate corrective actions are warranted under the provisions of section 10-10.204, reasonable effort shall be made to provide notice as specified above, but when such notice cannot be immediately accomplished, sufficient notice may be given by physically leaving a copy of the notice or order at the address of the owner or the property.

(c) Upon satisfactory completion of corrective action and remedial steps required by a notice of violation, the aquifer protection coordinator shall forthwith issue a notice of compliance.

(d) In the event a violation involves a scenario in which the aquifer protection coordinator does not have adequate resources to enforce the violation, such violation shall be referred by the aquifer protection coordinator to the department of environmental protection for enforcement.

(e) Minimization of potential groundwater contamination. All facilities with discharges of regulated substances shall take action to eliminate the discharge and minimize the possibility of groundwater contamination, and pursue remedial action.  
(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.203. Emergency corrective actions; imminent threat of danger; remediation activities; investigation, monitoring and cleanup of suspected or known discharges.**

(a) The aquifer protection coordinator, or his/her designee, may require emergency corrective action as described in section 10-10.203 if the discharge of regulated substances is resulting in imminent threat of contamination of surface water or groundwater, or danger to life or property. Initiation of any required clean-up activities shall commence within 24 hours of discovery of the violation by the aquifer protection coordinator or his/her designee, and shall be completed within a time specified by the aquifer protection coordinator. Failure to take such immediate corrective action when notified of the need for such action shall constitute a violation of this article. If immediate corrective measures are not taken and there is an imminent danger to the health, safety and welfare of the public, the aquifer protection coordinator or his/her designee may enter upon lands, take corrective actions, and, if necessary, refer the matter to the Leon County Code Enforcement Board in order to place a lien on the real property of such person or persons to recover the costs of the corrective measures or refer the matter to the state department of environmental protection for enforcement.

(b) Any lien issued pursuant to this article and determined under the authority of this article shall be imposed only after notice has been given to the owner of the property upon which the lien is sought to be imposed, has been given a reasonable opportunity to be heard. Such lien shall be recorded with the clerk of the circuit court and may be enforced under the provisions of F.S. Ch. 125.  
(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.205. Penalty.**

(a) Any person violating any provision of this article shall be punished according to law or in accordance with Leon County enforcement procedures. Each day any violation continues without corrective activities shall be considered as a separate offense.

(b) If the person in violation fails to complete remedial action within the time allowed, the aquifer protection coordinator may refer the matter to the Leon County Code Enforcement Board who may initiate other enforcement actions as authorized by law. (Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.206. Environmental and building permits.**

No environmental or building permit shall be issued for a site on which a violation of this article exists, or until a determination is made by the aquifer protection coordinator as set forth in section 10-10.301(a) of this article. The aquifer protection coordinator shall coordinate with the Leon County and City of Tallahassee Growth Management Departments in order to prevent the issuance of environmental or building permits for a site on which a violation of this article has occurred. (Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.207. Injunctions.**

Affected persons may seek an injunction against any violation of the provisions of this article and recover from the violator such damages as he or she may suffer, including but not limited to, the damage to property as a result of a release of regulated substances. (Ord. No. 07-20, § 2, 7-10-07)

**DIVISION 3. PREVENTATIVE MEASURES**

**Sec. 10-10.301. Inspections of regulated entities.**

- (a) The aquifer protection coordinator and designated inspectors are hereby authorized to make inspections at normal operational hours of all entities or activities regulated by this article in the county in order to determine proper compliance with the provisions of this article.
- (b) If a person who has common authority over a building, structure, or land does not permit an inspection, the inspection may be rescheduled and shall be noticed by certified mail. Failure of such person to thereafter permit an inspection will be sufficient grounds and probable cause for a court of competent jurisdiction to issue an administrative warrant for the purpose of inspecting, surveying, or examining the premises.
- (c) If a building, structure or land appears to be vacant or abandoned, and the property owner cannot be readily contacted in order to obtain consent for an inspection, the aquifer protection coordinator or inspector may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection.
- (d) The aquifer protection coordinator and inspectors shall have available and upon request present official identification when making inspections.
- (e) It shall be the duty of all city or county law enforcement officers to assist in making inspections when such assistance is requested by the aquifer protection coordinator or inspectors. (Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.302. Reporting of discharges.**

- (a) Any discharge of a regulated substance at the reporting thresholds established in section (b) below in the county shall be reported immediately by the regulated entity

owner, operator, or responsible party to the aquifer protection coordinator or his/her designee. Such notification shall in no way alleviate the owner, operator, or responsible party from other local, state, or federal reporting obligations as required by law. If necessary, the aquifer protection coordinator or his/her designee shall inform the appropriate emergency response agency of the substance discharged, the amount, location, duration of discharge and the potential hazard to groundwater if known.

(b) Threshold reporting quantities are as follows:

(1) The following substances and chemicals shall be reported if discharged in an amount equal to or greater than one gallon:

a. Chlorinated solvents including but not limited to:

1. Carbon tetrachloride.
2. Tetrachloroethylene.
3. Trichloroethylene.
4. 1,1,1,-trichloroethane.
5. 1,2-dichloroethane.
6. Methylene chloride.

(2) The following substances and chemicals as referenced in 40 C.F.R. 180, as amended, shall be reported immediately if discharged in an amount equal to or greater than five gallons:

a. The following pesticides, include, but are not limited to (specifically generic names):

1. Fenuron.
2. Terbacil.
3. Bromacil.

b. Phenolic compounds.

(3) Petroleum or petroleum products including petroleum based solvents shall be reported if discharged in an amount equal to or greater than five gallons.

(4) All other regulated substances listed in section 10-10.106, shall be reported immediately if discharged in quantities greater than or equal to five gallons of liquid or 50 pounds if solid.

(Ord. No. 07-20, § 2, 7-10-07)

#### **Sec. 10-10.303. Reporting of sinkholes.**

The aquifer protection coordinator shall establish a contact point for the reporting of newly formed sinkholes. Sinkholes shall be reported prior to backfilling. Backfill material shall be uncontaminated and of lower permeability than the surrounding soil.

(Ord. No. 07-20, § 2, 7-10-07)

#### **Sec. 10-10.304. Best management practices to prevent discharges of regulated substances.**

(a) Best management practices (BMPs) to prevent discharges of regulated substances shall be developed and made available to owners and operators of regulated entities.

(b) General business practices/containment.



(1) *Generally.* All containers of regulated substances are subject to this section of this article. All regulated entities shall inspect, on a weekly basis, containers holding regulated substances for leaks. Visual inspection is satisfactory provided that the location of the containers can be inspected to a degree which reasonably assures that breakage or leakage can be detected by such inspection.

(2) *New construction containment of regulated substances.* Leakproof trays, floor curbing or other secondary containment systems shall be installed under containers of any regulated substance in liquid form. The secondary containment shall be of adequate capacity (at least 110 percent the volume of the stored containers) to handle all spills, leaks, and overflows. The specific design and selection of materials shall be appropriate to preclude any regulated substance loss to the environment. Containment systems shall be operated so that the intrusion of precipitation is effectively managed. These requirements shall apply to all production and handling areas, storage areas, loading and off-loading areas, and above ground and underground storage tank areas.

(3) *Retrofitting or upgrading.* All property owners who store, handle, use, or produce a regulated substance shall retrofit or upgrade to new construction containment standards whenever building improvements are planned. Storage facilities regulated by chs. 62-761 or 62-762, F.A.C. must meet the required retrofitting schedule. All retrofitting or upgrading construction provisions must be met and reviewed either during building plan review or during the inspection as required by this article.

(4) *Underground and above-ground petroleum product storage tanks.* All unused residential and nonresidential underground and above-ground storage tanks must have all fuel removed by a registered petroleum or used oil transporter.

(5) *Activities.* Any activities involving regulated substances where spills and/or leaks are likely to occur must be conducted over an impervious surface or containment device. Any spills shall be promptly cleaned up.

(6) *Disposal.* All regulated substances shall be properly disposed of or recycled prior to issuance of any environmental or building permit. The Aquifer Protection Coordinator shall coordinate with the Leon County Growth Management Department in order to assure that such substances are properly disposed of.

(7) *Containers.* Containers of regulated substances shall be adequately protected from precipitation and water intrusion.

(Ord. No. 07-20, § 2, 7-10-07)

**Sec 10-10.305. New wells prohibited within 400 feet of available water system.**

(a) *General prohibition.* No person shall drill or reinstall any well which is located or proposed to be located on property that abuts and is within 400 feet of (1) an available community water system line or (2) an existing or planned well that is, or is intended to be, used in providing water for a community water system (as defined in F.A.C. § 62-550.200(12)).

- (b) Such prohibition shall not apply to wells constructed for a community water system, or to monitoring wells required for the investigation, remediation, or continued monitoring of contamination.  
(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.306. Injection wells, heat exchange wells and drainage wells.**

(a) *Injection wells.* Any well used for the purpose of injecting regulated substances or fluids that do not meet class G II water quality standards as defined in Chapter 62-520, F.A.C. to groundwater is hereby prohibited.

(b) *Heat exchange wells.*

(1) Any well used for the purpose of withdrawal and subsequent reinjection to the Floridian Aquifer shall not alter existing chemical, radiological, or biological water quality.

(2) All reinjected water from heat exchange wells shall meet all primary, secondary and ch. 62-3, F.A.C., drinking water standards and FDEP groundwater guidance standards.

(3) The owner of any heat exchange well operated in the county shall not discharge refrigerants to groundwater.

(4) All newly installed heat exchange wells shall be designed to prevent air entrainment in the reinjection process. All existing heat exchange wells must be retrofitted in order to prevent air entrainment in accordance with a schedule as determined by the aquifer protection coordinator.

(5) All owners of nonresidential heat exchange wells shall install a sampling tap on the withdrawal and the reinjection well that will be suitable for sample collection for both wells in accordance with a schedule as determined by the aquifer protection coordinator. The City of Tallahassee Aquifer Protection Coordinator is hereby delegated authority to conduct water quality testing pursuant to this section.

(6) Any owner or operator of a nonresidential heat exchange well system shall be required to have a flow measuring device and method for totaling annual flow and record the annual flow in the withdrawal and reinjection wells in accordance with a schedule determined by the aquifer protection coordinator. The flow information shall be kept on file by the owner for a period of five years.

(7) All owners or operators of wells used for withdrawal and subsequent reinjection for the heat exchange process that pump greater than 100,000 gallons per day shall be required to sample the withdrawal and reinjection water annually for water quality standards. The results shall be kept on file by the owner for a period of five years.

(8) The following governs corrective action:

- a. In the event of a discharge to the reinjection system of any regulated substance, or if the reinjection water does not meet all primary drinking water quality standards, the well owner will be required to remediate the reinjection water and the affected withdrawal water to all primary drinking

water standards at his own expense.

b. Remediation must be conducted using sound hydrogeologic and engineering principles and must continue until the withdrawal and reinjection water meets all primary drinking water quality standards.

c. The responsible party for all remediation projects is required to keep the aquifer protection coordinator informed of his progress, any problems or changes in status of the remediation process. The aquifer protection coordinator reserves the right to conduct split water sampling to verify any and all results.

(c) *Drainage wells.*

(1) As of February 7, 1992, the installation of any well for the purpose of surface drainage is prohibited.

(2) All owners of property that contain drainage wells must properly abandon all such wells in accordance with a schedule determined by the aquifer protection coordinator. The appropriate abandonment permit must be obtained from the Northwest Florida Water Management District.

(3) Any drainage well that is identified in a new development project study must be properly abandoned prior to commencement of any construction.

(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.307. Well maintenance, well abandonment and geotechnical borings.**

(a) *Well maintenance.* Any owner of a well shall properly maintain the well in accordance with the standards of the Northwest Florida Water Management District (NFWWMD).

(b) *Well abandonment.*

(1) Any well, injection well, dry well or drainage well that is not being used shall be properly abandoned at the property owner(s) expense following the guidelines established by the Northwest Florida Water Management District (NFWWMD).

(2) In instances that can be determined by the aquifer protection coordinator, the well may not need to be abandoned but the evaluation and determination of the necessity of abandonment shall be coordinated through the NFWWMD.

(c) *Geotechnical borings.*

(1) All borings greater than or equal to 25 feet in depth shall be properly grouted with neat cement following the rules of the NFWWMD to the surface to prevent downward migration of surface and subsurface contaminants along the borehole to the Floridian Aquifer. All borings less than 25 feet in depth shall be backfilled with the original drilled soil or with grout to the surface.

- (2) Where the boring is advanced through asphalt or concrete it shall be patched at the surface with a similar impervious material.
- (3) If contamination is detected in any geotechnical boring, the contaminated soil shall not be used as replacement material and the horizontal and vertical extent of the contamination must be assessed and reported following the applicable provisions of section 10-10.203.
- (4) Any boring less than five feet in depth, under a proposed building footprint, or in an area where excavation depth will exceed the boring depth is not required to be backfilled.  
(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.308. Septic tanks and drainfields.**

- (a) The discharge of a regulated substance to a septic system shall be considered a violation of this article.
- (b) If upon testing, a regulated substance is identified in the septic tank or drainfield, and may cause violation of groundwater standards, the regulated entity will be required to conduct the investigation required by section 10-10.203.
- (c) Any regulated entity that is found to have discharged regulated substances to a septic system shall be required to connect to a centralized sanitary sewer system if such system is available and within 1,000 feet of the property within 120 days of notice of the violation or in accordance with a schedule approved by the aquifer protection coordinator.
- (d) Floor drains, grease traps, grease interceptors and oil/water separators shall be constructed to prevent infiltration of regulated substances to soil, groundwater, or surface water.  
(Ord. No. 07-20, § 2, 7-10-07)

**Sec. 10-10.309. Inventory or proof of proper disposal; recycling of regulated substances.**

- (a) *Proof of proper disposal.* It shall be considered a violation of this article if proof of proper disposal is not properly documented per this section.
  - (1) Inventory or manifest documentation required by the Resource Conservation and Recovery Act (RCRA)-40 CFR 262 subpart B, shall be required to be kept by each facility that is regulated by RCRA for all substances that are used or considered waste products, to ensure that all substances are handled in an environmentally acceptable manner.
  - (2) All regulated entities that are not regulated by RCRA shall be required to keep an inventory of the types of regulated substances that are used or considered waste products, to ensure that all substances are handled in an environmentally acceptable manner. The method of record keeping may be of their own choosing, however, such records shall allow inspectors to determine if used or waste products are being disposed of in compliance with federal, state, and local laws.

(3) Each regulated entity shall provide documentation such as a contract or agreement with a certified waste hauler, or other documentation that shows that regulated substances or wastes are being disposed of using environmentally acceptable methods or are being recycled. Such documentation shall be maintained for a minimum of five years.

(4) Disposal records shall be made available during normal operational hours for the purpose of inspection.

(b) *Recycling regulated substances.* It shall be required that regulated substances should be recycled or reused if economically and technically feasible.  
(Ord. No. 07-20, § 2, 7-10-07)