

ORDINANCE NO. 2026-_____

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, AMENDING ARTICLE VII OF CHAPTER 28 OF THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO GROUNDWATER PROTECTION AND SITING; AMENDING SECTION 28-263 PROVIDING DEFINITIONS; AMENDING SECTION 28-265 PROVIDING FOR GROUNDWATER RESOURCE, WELLHEAD AND SPECIAL PROTECTION AREAS; AMENDING SECTION 28-266 PROVIDING PROHIBITIONS WITHIN WELLHEAD AND SPECIAL PROTECTION AREAS; AMENDING SECTION 28-267 PROVIDING GENERAL EXEMPTIONS; AMENDING SECTION 28-268 PROVIDING FOR REGISTRATION OF POTENTIAL POLLUTION SOURCES; AMENDING SECTION 28-269 PROVIDING FOR SINKHOLES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 27, 1994, the Board of County Commissioners of Hernando County adopted Ordinance No. 94-8, which is codified as Article VII of Chapter 28 of the Hernando Code of Ordinances, entitled Groundwater Protection and Siting; and

WHEREAS, on September 28, 2010, the Board of County Commissioners adopted Ordinance No. 2010-18, which amended Section 28-266 of the Hernando County Code of Ordinances, entitled Prohibitions within wellhead and special protection areas; and

WHEREAS, Hydrogeological modeling was completed and adopted by the Board in 1994 to establish well head protection areas (WHPA) to ensure integrity and safety of Hernando County's drinking water; and

WHEREAS, the WinFlow hydraulic model with up to date technology has been developed and was approved for use by Hernando County Planning Department in 1999; and

WHEREAS, Hernando County Utilities Department hired a hydrogeological firm to upgrade its WHPA's in conjunction with the 2021 Potable Water Master Plan utilizing that updated model which resulted in changes to the sizes and shapes of the WHPA's; and

WHEREAS, properties within the WHPA's may have new restrictions on the type of activity allowed within them; and

WHEREAS, it is in the best interest of public health, safety, and welfare of the citizens of Hernando County to amend and update the groundwater protection criteria for the existing and future potable water resources.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**

Section 1. Section 28-263 of the Hernando County Code of Ordinances is hereby amended to read as follows, with underlined matter added and struck through matter deleted:

Sec. 28-263. Definitions.

The following terms shall have the meanings as follows for the purpose of this article:

Acute hazardous waste: Acute hazardous wastes are those that pose a threat to human health and the environment, even when they are properly managed. Acute hazardous wastes use Hazard Code H and include almost every form of dioxin-bearing waste. They usually are from discarded commercial products. (See also EPA's "Hazardous Waste Listings, A User-Friendly Reference Document, September 2012", or latest version).

Animal feeding operation: A lot or facility (other than an aquatic animal production facility) where the following conditions are met:

- (1) Animals have been or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve-month period; and
- (2) Crops, vegetation, forage, growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility;
- (3) Two (2) or more animal feeding operations under common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if they utilize a common area or system for the disposal of wastes.

Animal unit: A unit of measurement for an animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over fifty-five (55) pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

Aquifer: A groundwater-bearing geologic formation, or formations, that contain enough saturated permeable material to yield significant quantities of water.

Board: The board of county commissioners of Hernando County, Florida.

Community public water supplies: As defined in chapter 62-550 47-550, Florida Administrative Code, a community public water supply is a public water supply which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

Concentrated animal feeding operation: A feeding operation where more animals are

confined than are specified in the categories listed below:

- (1) One thousand (1,000) slaughter and feeder cattle.
- (2) Seven hundred (700) mature dairy cattle (whether milked or dry cows).
- (3) Two thousand five hundred (2,500) swine weighing over fifty-five (55) pounds each.
- (4) Five hundred (500) horses.
- (5) Ten thousand (10,000) sheep or lambs.
- (6) Fifty-five thousand (55,000) turkeys.
- (7) One hundred thousand (100,000) laying hens or broilers (if the facility has continuous overflow watering).
- (8) Thirty thousand (30,000) laying hens or broilers (if the facility has a liquid manure handling system).
- (9) Five thousand (5,000) ducks.
- (10) One thousand (1,000) animal units.

Conditionally exempt small quantity generator: A conditionally exempt small quantity generator, as defined by the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations 262 ~~264~~, is one which in a calendar month generates no more than one hundred (100) kilograms (two hundred twenty (220) pounds or approximately twenty-five (25) gallons) of hazardous waste or less than one (1) kilogram of an acute hazardous waste. Additionally, the generator must never accumulate more than one thousand (1,000) kilograms (two thousand two hundred (2,200) pounds or approximately two hundred fifty (250) gallons) of hazardous waste at any time.

County: Hernando County, Florida.

Disposal: The deposit, injection, dumping, spilling, leaking, incineration or placing of any regulated substances into or on any land or water so that such regulated substances or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters including groundwater.

Facility: All buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (or by any person which controls, is controlled by or under common control with such person). For purposes of emergency release notification, the term includes spills or discharges from motor vehicles, rolling stock and aircraft.

Groundwater: All water beneath the surface of the ground.

Groundwater resource protection area: All the land area included within the boundaries of the county.

Hazardous waste: a hazardous waste is a waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is generated from many sources, ranging from industrial manufacturing process wastes to batteries and may come in many forms, including liquids, solids, gases, and sludges. (See also EPA's "Hazardous Waste Listings, A User-Friendly Reference Document, September 2012", or latest version.

Landfarming: A process for treating contaminated soil by spreading the contaminated soil in a thin layer over an impermeable liner or surface. Contaminant reduction is achieved through a combination of volatilization, biodegradation and photodegradation.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district or any other entity, public or private, however organized.

Pollution: The presence of any substance or condition in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

Potentiometric surface: The elevation to which water will rise in a tightly cased well.

Prohibited uses: Those uses described under the prohibitions for WHPA One (1), WHPA Two (2) and SPAs the Special Protection Area.

Public water supply well: means a well constructed for the purpose of supplying water to a public water system, as permitted under Chapters 62-550, 62-555, 62-560, 62-524 and 64E-8, F.A.C.

Recharge area: Any area of porous, permeable geologic deposits, such as deposits of stratified sand and gravel, and sinkhole area, through which water from any source drains into an aquifer, and including wetlands or waterbodies, together with the watershed.

Regulated substance: Any substance, including petroleum or derivatives thereof, or combination of substances which because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive or toxic characteristics may cause or significantly contribute to a present or potential risk to human health, safety, welfare, to groundwater resources or to the natural environment. Regulated substances include those materials subject to the following regulations, as amended, which meet the requirements of this definition:

- (1) Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 USC sections 9601–9675;

- (2) Clean Water Act (Federal Water Pollution Control Act), 33 USC sections 1251–
1388 ~~1387~~;
- (3) Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 USC sections 136–
136Y;
- (4) Emergency Planning and Community Right-to-Know Act of 1986 (EPCRTKA), 42
USC sections 11001–11050;
- (5) Hazardous Materials Transportation Act (HMTA), 49 App. (USC) sections 5101 –
5128 ~~1801~~ ~~1819~~;
- (6) Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, Nov.
8, 1984, Stat. 3221;
- (7) Solid Waste Disposal Act and Resource Conservation and Recovery Act (RCRA),
42 USC sections 6901–6992K;
- (8) Superfund Amendments and Reauthorization Act (SARA), Pub. L. 99-499, as
amended by Pub. L. 99-563, Pub. L. 100-102 and Pub. L. 101-144;
- (9) Toxic Substances Control Act (TSCA), 15 USC sections 2601–2697 ~~2654~~; and
- (10) ~~Hazardous Substances Law, sections 501.061–501.121, Florida Statutes; and~~
~~(10 44) Environmental Control Law, Chapter 403, Florida Statutes.~~

Salvage yards: Any area, lot, land, parcel, building or structure or part thereof used for the salvage or disposal of materials, including, but not limited to, motor vehicles, boats and other machinery.

Small quantity generator (SQG): A small quantity generator, as defined by the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations 262 ~~260~~, is one which ~~who~~ generates less than one thousand (1,000) kilograms (two thousand two hundred (2,200) pounds or approximately two hundred fifty (250) gallons) of hazardous waste in a calendar month.

Solid waste: Solid waste includes garbage, refuse, white goods, special waste, ashes, sludge or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations. For purposes of this article, solid waste does not include:

- (1) Disposal by persons of solid waste resulting from their own activities on their own property, provided such waste is either from their residential property or is rocks, soils, trees, tree remains and other vegetative matter which normally result from land development operations.

(2) Storage by persons of solid waste in containers resulting from their own activities on their property, leased or rented property, or property subject to a homeowners or maintenance association for which the person contributes association assessments, if the solid waste in such containers is collected at least once a week.

Special protection areas or SPAs: Zones delineated around vulnerable features, such as sinkholes, excavations or caves, within which land uses are regulated to protect the quality of the groundwater resource.

Spill: The unpermitted release or escape of a regulated substance directly or indirectly to soils, surface waters or groundwater.

Stormwater: The flow of water which results from and which occurs immediately following a rainfall event.

Time of travel: The time required for groundwater to move from a specific point to the well or from the well to a specific point.

Transmissivity: The rate at which water of the prevailing kinematic viscosity is transmitted through a unit width of the aquifer under a unit hydraulic gradient.

Unconfined aquifer: An aquifer which has the water table as its upper boundary and a confining unit as a lower boundary. It is also an aquifer under atmospheric conditions at the water table.

Vulnerable feature: A natural or man-made feature of the land which has the potential to discharge directly to the aquifer. These features include excavations and solution features such as sinkholes, caves and mine pits which increase the contamination potential for expose the top of the Floridan Aquifer.

Wellhead protection areas or (WHPAs): Zones delineated around wells and/or wellfields within which land uses are regulated to protect the quality of the groundwater resource.

Section 2. Section 28-265 of the Hernando County Code of Ordinances is hereby amended to read as follows:

Sec. 28-265. Groundwater resource, wellhead and special protection areas.

(a) *Establishment.* The entire land area within the county Hernando County is designated as a groundwater resource protection area. The county shall designate wellhead protection areas (WHPAs) for all community public water supplies. Community public water supplies shall be classified based on the average permitted capacity of the supply. Two (2) WHPAs will be calculated for community water supplies permitted on average to pump greater than or equal to one hundred thousand (100,000) gallons per day (gpd). A single fixed radius WHPA shall be designated for community water supplies permitted on average to pump less than one hundred

thousand (100,000) gpd.

Operators and/or owners of community public water supplies shall provide the county with copies of applications to renew water use/water supply permits issued by the Florida Department of Environmental Protection (FDEP) (formerly the Department of Environmental Regulation) and the Southwest Florida Water Management District (SWFWMD). Community water supplies shall be required to provide the county with updates to existing water use/water supply permits. Additionally, water use/water supply permit applications for new wells shall be provided to the county at the time of application to FDEP and SWFWMD.

Community water supplies which predate the permit issuance process shall provide a calibrated pump test from which the maximum capacity of the supply can be calculated. Community public water supplies which serve projects ninety-five (95) percent built out and contain adequate flow measuring devices may substitute peak daily pumpage for maximum capacity.

Wellhead Protection Area One (1)

Community public water supplies with average permitted capacity \geq 100,000 gpd: The land area between the well(s) and the two-year time of travel contour.

Community water supplies with average permitted capacity $<$ 100,000 gpd: The land area encompassed by a 500-foot radius from the well(s).

Wellhead Protection Area Two (2)

Community water supplies with average permitted capacity \geq 100,000 gpd: The land area between the two- and ten-year time of travel contour.

Community water supplies with average permitted capacity $\leq \leq$ 100,000 gpd: Not applicable.

(b) *Methodology for the delineation of wellhead protection areas for community water supplies permitted to pump 100,000 gallons per day or greater.* The WHPAs wellhead protection areas correspond to two- and ten-year time of travel contours. These time of travel contours were generated using an analytical groundwater flow and particle tracking the WHPA computer model (WinFlow or equivalent), which was developed for the Environmental Protection Agency. The following is a summary of the procedures used to develop the WHPAs for community water supplies that are permitted on average to pump greater than or equal to (\geq) one hundred thousand (100,000) gpd. This process shall be used to model WHPAs for new wells and future updates to WHPAs.

- (1) Maps of the potentiometric surface of the Upper Floridan Aquifer, published biannually by the U.S. Geologic Survey, were obtained for May 2012 and September 2016 ~~1987, 1988 and 1989~~. These maps were observed assumed to represent the recent maximum range of groundwater flow directions climatic conditions in the county Hernando County.

- (2) The direction of regional groundwater flow and hydraulic gradient immediately upgradient of each well or wellfield (referred to as a site) were determined for each of these periods.
- (3) Based on review and analysis of regional groundwater flow direction at each site, two (2) periods were selected for analysis, Period 1 and Period 2. These periods represented the extremes in the direction of groundwater flow to the well(s). All other flow lines for each site were contained within these bounding flow lines.
- (4) ~~Average annual permitted Estimated pumping rates obtained from SWFWMD water use permits for the year 2020 2000 were assigned to determined for each public supply well modeled by projecting the population to be served by the water supply by the year 2000 and multiplying this population by the per capita consumption rate determined by the SWFWMD and the affected utilities.~~
- (5) Aquifer transmissivities were obtained either from observed transmissivity values from an aquifer performance test or ~~they were calculated from the values in the SWFWMD District-Wide Regulatory Model, Version 3 (DWRM3) regional flow model and the effective aquifer thickness.~~ These calculated transmissivities were then converted to hydraulic conductivities.
- (6) An effective porosity value for the Upper Floridan Aquifer was determined to be 0.15.
- (7) The information outlined above was used to calculate the two- and ten-year time of travel zones for each well or wellfield. The methodology is described in the final technical completion report entitled, *Development of Wellhead Protection Areas for the Major Public Supply Wells in Hernando County, Florida, and updated in the technical memorandum entitled Hernando County Utilities Wellfield Wellhead Protection Area Modeling Update*, herein adopted by reference.

Two (2) delineations were performed for each site, using the data obtained for Period 1 and Period 2 discussed above. An initial WHPA was determined as the composite of the Period 1 and Period 2 zones.

- (8) Final WHPAs for the community public water supplies permitted on average greater than or equal to (\geq) one hundred thousand (100,000) gpd were determined as a composite of the initial WHPA described above and a calculated fixed radius based on the two-year time of travel. This was necessitated due to the small distance between the downgradient stagnation point and the well. Due to the nature of the Upper Floridan Aquifer, discontinuities that do not reveal themselves in analysis of the regional flow supply can pose a significant threat to water quality at the well.

(c) *Methodology for the delineation of wellhead protection areas for community water supplies permitted on average to pump less than 100,000 gallons per day.* WHPA One (1) for community water supplies permitted on average to pump less than one hundred thousand (100,000) gpd ~~gallons per day~~ shall be a fixed radius of five hundred (500) feet from the well or wells, as specified in chapter 62-521, Florida Administrative Code. This radius is based on the average two-year calculated fixed radius developed for the community water supplies permitted on average to pump greater than or equal to (\geq) one hundred thousand (100,000) gpd.

(d) *Delineation of special protection areas.* Special protection areas (SPAs) shall be designated around vulnerable features which have the potential to discharge directly to the aquifer. These areas include excavations and solution features such as sinkholes and caves. These features shall be deemed vulnerable when they increase the contamination potential for expose the top of the Floridan Aquifer. For purposes of this article, SPA's shall also be designated to include areas with land use approval for mining whether actual excavation has taken place or not. Such a designation as an SPA shall remain in place unless and until any excavation resulting from mining activities is backfilled or otherwise reclaimed as set forth below, or for areas which have not been excavated, the land use approval for mining is eliminated.

The ~~SPA special protection area~~ shall consist of a setback of five hundred (500) feet as measured from the outer boundary of the vulnerable feature or area with land use approval for mining. ~~SPAs shall be field verified by county staff in the Planning Division of the Hernando County Development Services Department or by a licensed professional surveyor on a case-by-case basis.~~ ~~SPAs~~ Special protection areas shall be delineated on the ~~SPA special protection areas~~ map.

Sinkholes or excavations which have been backfilled to the land surface with material of permeability similar to or less than that of the surrounding soil or equivalent reclamation shall will not be considered a vulnerable feature.

(e) *Rebuttable presumption.* Challenge of the county's determination of the applicability of WHPAs and SPAs will be conducted in accordance with the appeal procedure described in section 28-272, Appeals this article. The substantially affected party shall provide site-specific data that would allow for more detailed calculations of the zones on a case by case basis.

(f) *Wellhead and special protection area maps:*

(1) *Adoption of maps.* The WHPA and SPA maps developed by the county shall be Hernando County are hereby adopted by board resolution at reference and made a public hearing following notice as provided in paragraph (3) part of this subsection article. Once adopted, official digital copies of the WHPA and SPA maps shall be maintained on digital file at the county's Hernando County by the Planning Division of the Development Services Department, the Utilities Department, and Geographic Information Systems (GIS) office. The maps may be accessed and reviewed in person at the Administration Office of the Utilities Department.

(2) *Determination of prohibited uses within wellhead and special protection areas.*

The determination of locations of prohibited uses within the WHPAs and SPAs will be accomplished in one (1) of the following ways:

- a. Acknowledgement by the landowner or operator/owner of the facility that the use as regulated by this article is located within a WHPA or a SPA.
- b. Use of global positioning satellite techniques may be used to determine the distance from the protected feature to the prohibited use.
- c. Survey of the proposed location of a prohibited use by a licensed professional surveyor.

If the location of a WHPA or SPA boundary is disputed by any party, a survey, by a licensed professional surveyor, shall serve as the basis of the determination.

Potentially prohibited uses located within more than one (1) WHPA shall be considered to be in the most restrictive WHPA. Where the prohibited use is overlapped by WHPAs of different wells or wellfields, the most restrictive WHPA shall apply.

(3) *Amendment Review of wellhead and special protection area maps.* The WHPA and SPA maps may be amended reviewed by the board of county commissioners on an annual basis. However, failure to conduct such review will not affect the validity of the existing approved map. Wellhead and special protection area maps may be modified at any time by the board based on of county commissioners upon notice of an advertised public hearing for changes in technical knowledge, such as transmissivity or porosity; changes in pumping rates; reconfiguration of wellfields; the installation of new wells or wellfields; and to accommodate changes in topography, such as sinkholes or newly approved mining areas, in a manner consistent with the methodology and standards established in this article for designation of these areas. In the event that new wellfields are established within the county Hernando County which result in WHPAs wellhead protection areas being established pursuant to the methodology set forth in this article, or changes occur with respect to SPAs special protection areas, the WHPA and SPA maps shall may be amended by board resolution to reflect the existence of such WHPAs wellhead protection areas or changes in SPAs special protection areas. Resolutions proposing to adopt or amend WHPA and SPA maps shall be considered at a public hearing following notice by publication in a newspaper of general circulation in the county, by mail to the property owner and the owner/operator of the affected well(s), and by posting on the county's website. Any substantially affected person may appeal petition the board's determination to adopt or consider amendments to the WHPA and SPA maps in accordance with section 28-272, Appeals. The county shall schedule the requested WHPA or SPA maps or amendment shall not become effective until a final decision is rendered no more than sixty (60) days after receipt by the board county of the request.

Section 3. Section 28-266 of the Hernando County Code of Ordinances is hereby amended to read as follows:

Sec. 28-266. Prohibitions within wellhead and special protection areas.

(a) Wellhead Protection Area One (1) protection area one. The following activities listed below are prohibited in WHPA One (1):

- (1) Solid waste disposal.
- (2) Discharges from commercial and industrial wastewater treatment plants, ~~and~~ industrial septic systems, and commercial and industrial wastewater effluent disposal ~~that include contaminants not typical in domestic waste, other than mine settling ponds.~~
- (3) New discharges from domestic wastewater treatment plants. Expansion of existing domestic wastewater treatment plants will be prohibited unless ~~advanced~~ secondary treatment standards with high level disinfectant and advanced wastewater treatment for total nitrogen removal (3 mg/l) are met. Public access reuse of reclaimed water and land application of domestic wastewater effluent may be allowed upon demonstration of secondary treatment.
- (4) Dairy farms as defined in chapter 5D, ~~of the~~ Florida Administrative Code.
- (5) Concentrated animal feeding operations.
- (6) Land application of wastewater residuals (sludge or biosolids) or septage which requires a permit from ~~FDEP the Florida Department of Environmental Protection and/or the Florida Department of Health (FDOH) and Rehabilitative Services.~~
- (7) New discharges of any regulated substance or untreated stormwater into karst solution features, sinkholes or drainage wells. Existing stormwater facilities discharging to karst solution features, sinkholes or drainage wells which are in violation of chapter ~~62-330 17-25~~, Florida Administrative Code permit requirements shall be brought into compliance within one (1) year of notification by the county effective date of this article. Stormwater facilities which treat stormwater to chapter ~~62-330 17-25~~, Florida Administrative Code standards shall be presumed to be allowable under this section.
- (8) New underground storage tanks not associated with an existing nonconforming use.
- (9) Mining and borrow pits, other than mine settling ponds.
- (10) New residential subdivisions, with a density ~~of~~ greater than one (1) unit per acre, that do not provide for a central sanitary sewer facility and wastewater treatment plant outside WHPA One (1).

- (11) Hazardous waste ~~treatment, storage or disposal~~ facilities, as defined in section 403.703(15) ~~403.703(22)~~, Florida Statutes, or 40 Code of Federal Regulations 260261.10, or chapter 62-730 ~~17-730~~, Florida Administrative Code, including transfer facilities, such facilities ancillary to recycling facilities, and facilities which burn such hazardous waste for fuel.
- (12) Hazardous waste generators, other than conditionally exempt small quantity generators or small quantity generators.
- (13) Facilities regulated by the Emergency Planning and Community Right-to-Know Act of 1986, 42 USC sections 11001–11050.
- (14) Landscape improvements for golf courses, greens, fairways or tees. Land associated with golf courses maintained without the application of pesticides, fertilizers or other horticultural chemicals is not prohibited in WHPA One (1).
- (15) Salvage yards.
- (16) Landfarming of soil contaminated with regulated substances.
- (17) Stormwater retention ponds that will receive stormwater from land uses prohibited in WHPA One (1) and that are constructed after the effective date of this article.
- (18) The siting of underground petroleum product lines, including, but not limited to, pipelines designed for the transportation of gasoline and oil.

(b) *Wellhead Protection Area Two* (2). The following activities are prohibited in WHPA Two (2):

- (1) Hazardous waste ~~treatment, storage or disposal~~ facilities, as defined in section 403.703(15) ~~403.703(22)~~, Florida Statutes, or 40 Code of Federal Regulations 260.10, or chapter 62-730 ~~17-730~~, Florida Administrative Code, including transfer facilities, such facilities ancillary to recycling facilities, and facilities which burn such hazardous waste for fuel.
- (2) Unlined solid waste disposal facilities.
- (3) New discharges of any regulated substance or untreated stormwater into karst solution features, sinkholes or drainage wells. Existing stormwater facilities discharging to karst solution features, sinkholes or drainage wells which are in violation of chapter 62-330 ~~17-25~~, Florida Administrative Code permit requirements shall be brought into compliance within one (1) year of notification by the county effective date of this article. Stormwater facilities which treat stormwater to chapter 62-330 ~~17-25~~, Florida Administrative Code standards shall be presumed to be allowable under this section.

- (4) Landfarming of soil contaminated with regulated substances.
- (5) The siting of underground petroleum product lines, including, but not limited to, pipelines designed for the transportation of gasoline and oil.

(c) *Special Protection Areas (SPAs) protection areas.* The following activities are prohibited within ~~SPAs the special protection area~~:

- (1) Solid waste disposal.
- (2) Discharges from commercial and industrial wastewater treatment plants, ~~and~~ industrial septic systems, and commercial and industrial wastewater effluent disposal ~~that include contaminants not typical in domestic waste~~, other than mine settling ponds.
- (3) New discharges from domestic wastewater treatment plants. Expansion of existing domestic wastewater treatment plants will be prohibited unless ~~advanced~~ secondary treatment standards ~~with high level disinfectant and advanced wastewater treatment for total nitrogen removal (3 mg/l)~~ are met. Public access reuse of reclaimed water and land application of domestic wastewater effluent may be allowed upon demonstration of secondary treatment.
- (4) Concentrated animal feeding operations.
- (5) Land application of wastewater residuals (sludge or biosolids) or septage which requires a permit from ~~FDEP the Florida Department of Environmental Protection and/or FDOH the Florida Department of Health and Rehabilitative Services~~.
- (6) New discharges of any regulated substance or untreated stormwater into karst solution features, sinkholes or drainage wells. Existing stormwater facilities discharging to ~~karst solution features, sinkholes or drainage wells which are in violation of chapter 62-330 17-25~~, Florida Administrative Code permit requirements shall be brought into compliance within one (1) year of notification by the county effective date of this article. Stormwater facilities which treat stormwater to chapter 62-330, Florida Administrative Code F.A.C. ch. 17-25 standards shall be presumed to be allowable under this section.
- (7) New residential subdivisions, with a density ~~of~~ greater than one (1) unit per acre, that do not provide for a central sanitary sewer facility and wastewater treatment plant outside a SPA.
- (8) Hazardous waste ~~treatment, storage or disposal~~ facilities, as defined in section 403.703(15), Florida Statutes F.S. § 403.703(22), or 40 Code of Federal Regulations CFR 260.10, or chapter 62-730, Florida Administrative Code F.A.C. ch. 17-730, including transfer facilities, such facilities ancillary to recycling

facilities, and facilities which burn such hazardous waste for fuel.

- (9) Hazardous waste generators, other than conditionally exempt small quantity generators or small quantity generators.
- (10) Facilities regulated by the Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 11001–11050.
- (11) Landscape improvements for golf courses, greens, fairways or tees. Land associated with golf courses maintained without the application of pesticides, fertilizers or other horticultural chemicals is not prohibited in SPAs special protection areas.
- (12) Salvage yards.
- (13) Landfarming of soil contaminated with regulated substances.
- (14) Stormwater retention ponds that will receive stormwater from land uses prohibited in a SPA, that and have a direct connection to discharge into the SPA and that are constructed after the effective date of this article. Provided, however, that stormwater retention ponds that are permitted to discharge into a SPA shall utilize the use of low impact stormwater design (LISD) consisting of, but not limited to, vegetated swales and buffers for secondary treatment of the discharged stormwater or some other measure that provides equivalent protection.
- (15) The siting of underground petroleum product lines, including, but not limited to, pipelines designed for the transportation of gasoline and oil.
- (16) Automobile repair, maintenance and commercial car washes. Uses include major and minor automobile repair, automobile tire repair, automobile painting, automobile body shops, oil change stations, and commercial car washes.
- (17) New underground storage tanks.
- (18) Marine paint shops and marine repair shops.
- (19) Laundry and dry cleaning plants; any establishment performing dry cleaning on-site.
- (20) Electroplating.
- (21) Laundromats that are not connected to central sanitary sewer.

(d) *Existing nonconforming prohibited uses.* Any use which is lawfully existing on the effective date of this article or any use or activity which is lawfully existing prior to such use or activity being added to the list of prohibited uses and activities by through amendment to this

section and which does not conform with all the provisions of this article may remain in use ~~or come into use~~ subject to the following:

- (1) No prohibited uses in WHPA One (1) or WHPA Two (2) shall ~~will~~ be expanded if it increases the nonconformity of the activity.
- (2) ~~All permitted land application sites for wastewater residuals (sludge) or septage in SPAs and WHPAs may be used until the expiration of the current permit. Permits for wastewater residuals (sludge or biosolids) and/or septage land application sites shall not be renewed.~~
- (3) Approval to expand or to extend a use may be permitted in a SPA provided such expansion or extension will not be detrimental to the SPA feature. Expanded or extended uses shall be confined within the boundaries of that parcel of land upon which such usage occupied at the time the use became nonconforming, and shall not be changed to or expanded to include another nonconforming use or property. Requests to expand a nonconforming use that are not approved may be appealed in accordance with section 28-272, Appeals ~~appeals~~.

Section 4. Section 28-267 of the Hernando County Code of Ordinances is hereby amended to read as follows:

Sec. 28-267. General exemptions.

The following activities are exempt from the land use prohibitions applicable to WHPAs and SPAs under this article:

- (1) *Continuous transport of regulated substances.* The transportation of any regulated substance throughout ~~the county Hernando County~~ shall be exempt from the provisions of this article, provided the transporting motor vehicle is in continuous transit and meets all applicable state and federal requirements.
- (2) *Office use.* ~~The use~~ Use, handling or storage of regulated substances by offices shall be exempt from the provisions of this article, provided ~~providing~~ that the regulated substances are auxiliary to the operating activities of the business.
- (3) *Janitorial uses.* The use of regulated substances for the maintenance and cleaning of residential, commercial and office buildings shall be exempt from the provisions of this article.
- (4) *Application of pesticides, herbicides, fungicides and rodenticides.* The application of those regulated substances used as pesticides, herbicides, fungicides and rodenticides in recreation, agriculture, pest control and aquatic weed control activities shall be exempt from the prohibitions of this article, provided that the following procedure is followed: The application of any pesticides, herbicides, fungicides and rodenticides shall be flagged in the records of the certified operator

supervising the use. The certified operator shall provide specific notification in writing to the applicators under his or her supervision that they are working at a site located in WHPA One (1) or WHPA Two (2) or a SPA for which particular care is required. Records shall be kept of the date and amount of those substances applied at each location and said records shall be available for inspection at reasonable times by the county.

- (5) *Fire, police, emergency medical services and county emergency management facilities.* Existing fire, police, emergency medical services and county emergency management center facilities are exempt from the prohibitions of this article.
- (6) *Potable water utilities.* Potable water utilities are exempt from sections 28-266(a)(11), (12), (13), and (17) to the extent necessary to operate water treatment facilities in WHPA One (1). ~~Utilities shall eliminate the use of liquid fuels for backup generators whenever possible.~~ Provisions shall be made for aboveground and secondary containment when liquid fuels will ~~continue to~~ be used.

Section 5. Section 28-268 of the Hernando County Code of Ordinances is hereby amended to read as follows:

Sec. 28-268. Registration of potential pollution sources.

Any nonresidential facility or activity ~~within the county Hernando County~~, other than the continuous transit through the county, that uses, handles, produces, stores or disposes of regulated substances in quantities greater than twenty-five (25) gallons (approximately ninety-five (95) liters) if liquid or greater than two hundred twenty (220) pounds (100 kilograms) if solid in a calendar month shall be required to register with the ~~county's Solid Waste Department within forty five (45) days of the effective date of this article.~~ Registration forms shall be provided by the county's Solid Waste Department.

Section 6. Section 28-269 of the Hernando County Code of Ordinances is hereby amended to read as follows:

Sec. 28-269. Sinkholes.

(a) All new and existing sinkholes shall be reported to ~~the county's Planning Division of the Development Services Department Hernando County Emergency Services, the Sheriff's Office, and the Southwest Florida State Watch Office Water Management District.~~ Sinkholes shall be ~~repaired in compliance with reported prior to backfilling. Hernando County will maintain a data base of the requirements geographical locations of SWFWMD and acceptable engineering standards all reported sinkholes.~~

(b) Backfill material shall be clean and of similar or lower permeability ~~than~~ of the surrounding soil. It shall be a violation of this article to dispose of regulated substances, solid waste, untreated stormwater or other inappropriate substances in a sinkhole.

(c) Sinkholes that occur in existing detention/retention ponds shall be filled with clean fill material of similar permeability to surrounding soil which will not reduce storage within the ponds and will not allow for short-circuiting of the treatment process.

(d) Unfilled sinkholes shall be deemed vulnerable features and subject to the provisions of this article.

Section 7. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 8. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 9. This ordinance shall take effect immediately upon receipt of official acknowledgement from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

ADOPTED AND ENACTED by the Board of County Commissioners of Hernando County, Florida, in Regular Session, with a quorum present and voting, this _____ day of _____, 2026.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Douglas A. Chorvat, Jr.
Clerk of the Circuit Court & Comptroller

By: _____
Jerry Campbell, Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Michael Cowan
County Attorney's Office