



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

EXECUTIVE SUMMARY

DATE: July 2020

TO: Gregory W. Veliz, City Manager

FROM: John Paul Castro, Utilities Director

Cc: Patti McLauchlin, Assistant City Manager

SUBJECT: **Amend Chapter 74, Article V Stormwater System of the Key West Code of Ordinances to Provide for the Health, Safety, and General Welfare of the Citizens of Key West by Regulating Non-stormwater Discharges to the Storm Drainage System.**

Action Statement:

Amend Chapter 74, Article V Stormwater System of the Key West Code of Ordinances to Provide for the Health, Safety, and General Welfare of the Citizens of Key West by Regulating Non-stormwater Discharges to the Storm Drainage System.

Background:

The City of Key West operates and maintains the stormwater drainage conveyance system that is recognized to be a municipal stormwater system (MS4) by the Florida Department of Environmental Protection (FDEP), who has issued the city a permit that allows the city to discharge stormwater runoff, as part of the National Pollution Discharge Elimination System (NPDES) program.

Permit renewal applications and annual reports are submitted to the Department to confirm the city is properly implementing our stormwater management program. The Department has advised staff the city's ordinances are insufficient to effectively prohibit non-stormwater discharges into the stormwater system and apply appropriate enforcement procedures and actions to prohibit these discharges; require erosion and sediment controls on construction sites to be implemented by construction site operators; and require construction site operators to control waste, such as discarded building materials, concrete truck washout, chemicals, liter, and sanitary waste.

MEMORANDUM

Purpose and Justification:

The Department is directing the city to add requirements to the ordinances that will prohibit pollutants and connections to the storm water drainage system; require the use of best management practices; regulate construction site erosion, sedimentation, and waste control; adherence to state water quality standards; and provide for enforcement of the ordinances with the goal to prevent adverse impacts to nearshore water quality.

Inclusion of these sections in the ordinances will provide adequate mechanisms that will enable staff to implement the city's stormwater management program and protect nearshore water quality. Without these additional sections, the city will continue to be in non-compliance with the MS4 permit.

Options:

1. Amend the ordinances to include the required sections that will allow the city to come into compliance with the MS4 permit and prevent adverse impacts to nearshore water quality.
2. Do not amend the ordinances and remain out of compliance with the MS4 permit, which will result in enforcement actions to be taken by the Florida Department of Environmental Protection against the city.

Financial Impact:

None.

Recommendation:

Staff recommends option number 1, amend the code of ordinances to include sections that will provide for the health, safety, and general welfare of the citizens of Key West through the regulation of non-storm water discharges to the storm drainage system.