

PERMITTEE’S AFFIDAVIT REGARDING POLLUTION

This sworn statement is submitted to Indian River County for the following project (list project name and site address): _____
_____.

STATE OF _____
COUNTY OF _____

Personally before me the undersigned authority, appeared _____, who upon oath duly administered, stated as follows:

1. This sworn statement is submitted by the PERMITTEE, _____, whose business address is _____

and (if applicable) its Federal Identification No.(FEIN) is _____.

2. My name is _____ and my relationship to the entity named above is _____.
(If signing as Owner’s Agent, attach Letter of Authorization to Sign from Owner)

3. Permittee understands and agrees that in addition to complying with the terms and conditions of the Stormwater Management System Permit issued by Indian River County, Permittee is responsible for complying with the terms and conditions of the following as applicable to the site:

- (a) State of Florida Generic Permit for Stormwater Discharge From Large and Small Construction Activities (for projects one acre or larger),
- (b) Stormwater Pollution Prevention Plan (regardless of project size),
- (c) St. Johns River Water Management District permit(s) (regardless of project size),
- (d) Florida Department of Environmental Protection permit(s) (regardless of project size),
- (e) All other permits required for this project not specifically listed herein, and
- (f) All Codes and Ordinances of Indian River County.

4. Permittee understands and agrees that “pollution” as defined by Florida Statutes Chapter 403.031(7) includes: “. . . the presence in the outdoor atmosphere or waters of the state of any substances, contaminants, noise, or manmade or human-induced

impairment of air or waters or alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law.”

5. Permittee understands and agrees that in addition to the definition set forth in Item 4 above, “pollution” is also defined by Florida Administrative Code 62-302.530 and as may be further defined in the Indian River County permit(s).
6. Permittee understands that Indian River County requires the design, installation, and maintenance of proper erosion control measures at all times during construction until complete stabilization is achieved at the project site. Permittee understands that this requirement is for this project regardless of the project size.
7. Permittee understands that there are civil and criminal penalties for pollution listed in Florida Statutes Ch. 403.141 and Ch. 403.161 and that there are other penalties listed in Indian River County’s permits, including but not limited to, Indian River County issuing a Cease and Desist Order for the project. Permittee understands that it may be liable for these and other penalties if offsite pollution occurs as a result of activities associated with the Project.
8. Transfer of Ownership or County Issued Permits:
 - (a) Transfer of Interest in Real Property: Within twenty-one (21) days of any transfer of ownership or control of the real property at which the permitted activity, facility, or system is located or authorized, the Permittee shall notify in writing, both the Indian River County Engineering Division and the Indian River County Stormwater Division of the transfer. Permittee shall provide the name, mailing address, and telephone number of the transferee and a copy of the instrument effectuating the transfer. Said notification is in addition to notifying the County Attorney’s Office as required by County Code.
 - (b) Transfer of a County Permit. To transfer a County issued permit, Permittee must provide (1) the information required in Item 8(a); (2) a written statement from the proposed transferee that it will be bound by all terms and conditions of the permit; and (3) a new “Permittee’s Affidavit” form properly executed by the transferee. Upon proper receipt of these items the County shall transfer the permit to the transferee.
 - (c) Permittee is encouraged to request a permit transfer prior to the sale or legal transfer of the real property at which a permitted facility, system, or activity is located or authorized. However, the transfer shall not be effective prior to the sale or legal transfer.
 - (d) An “Illicit Discharge Sign” must be present at the site at the time of transfer. Replacement or additional signs may be obtained from the Indian River County Public Works Department at a cost of \$30.00 per sign.
9. Offsite Discharges: Permittee understands and agrees that Indian River County has specific requirements for discharging water offsite. Permittee agrees to the following Offsite Discharge Requirements:
 - (a) Offsite discharge is limited to stormwater runoff, surface water, groundwater, or any mixture thereof meeting Project discharge water quality requirements.

- (b) All offsite discharge requirements pertain to all discharges, whether pumped or gravity flow.
- (c) Prior to discharging offsite, Permittee shall coordinate the discharge with the County's Senior Stormwater Enforcement Officer and with the Florida Statutes Chapter 298 Drainage District (if any) having jurisdiction over the receiving water body. The date and approximate time of beginning offsite discharge shall be determined and the proposed offsite discharge ending date shall be determined when coordinating with these parties.
- (d) Discharges shall begin and end within the aforementioned dates and times. Discharges occurring before or after the aforementioned times are a violation of the County's offsite discharge requirements and Permittee will be subject to all pertinent penalties for an illicit discharge.
- (e) Commencement of offsite discharge may only be on a non-County holiday, Monday through Thursday, during the following hours - 9:00 AM to 3:30 PM. If offsite discharge is commenced at any other time, it will be deemed an illicit discharge and Permittee will be subject to all pertinent penalties for an illicit discharge.
- (f) Unless specifically approved in writing by County staff, no discharge shall occur during weekends or County holidays, except under emergency conditions (e.g. significant tropical weather events).
- (f) The discharge shall not contain pollutants or create pollution (e.g. stirring up mud and creating turbidity in the receiving water body). Pollution is further defined in Items 4 and 5 above, and as may be defined by the Project's various permits.
- (g) Permittee shall take and analyze samples of background receiving water and discharge water. Minimum sample frequency is: (1) For singular day discharge, take samples at the beginning, estimated midpoint, and end of the discharge event; (2) For multiple-day discharges, take samples at the beginning, midpoint, and end of each day. As a minimum, all samples shall be analyzed onsite by the Permittee for turbidity and pH. Other analysis shall be as required by Project permits. All test results shall be legibly recorded in a notebook that shall be available at any reasonable time for County staff to review.
- (h) If any sample fails to meet the Project's discharge criteria, then all offsite discharge shall immediately be ceased and Permittee shall immediately notify the County's Senior Stormwater Enforcement Officer. No further offsite discharge is permitted until Permittee properly addresses the discharge issue and a written approval to recommence discharge is issued by County staff.
- (i) County staff shall have the right to test offsite discharge water at any time. If staff discovers discharge water does not meet the Project's offsite discharge water quality criteria, all discharge shall immediately stop and no further offsite discharge is permitted until Permittee properly addresses the discharge issue and a written approval to recommence discharge is issued by County staff.

Permittee understands and agrees that violation of any aforementioned Offsite Discharge Requirement will result in immediate revocation of Permittee's right to discharge offsite and the discharge will be classified as an "Illicit discharge," and prosecuted as such under Indian River County Ordinance No. 2018-015, Resolution 2018-057, and all other supporting Indian River County resolutions; together with all other penalties and actions against Permittee that the County deems appropriate.

Under penalty of perjury, Permittee declares that it has read the foregoing affidavit and Permittee declares the facts stated in it are true, and that Permittee fully understands and agrees to all stipulations and requirements set forth in the affidavit.

FURTHER AFFIANT SAYETH NAUGHT

Permittee: _____

Authorized Signature: _____
(If signing as Owner's Agent, attach Letter of Authorization to Sign from Owner)

Printed Name: _____

Date: _____

Work Telephone: _____

Mobile Telephone: _____

Email Address: _____

The foregoing instrument was subscribed and sworn to before me this ____ day of _____, 20__ by _____, who is personally known to me or has produced _____ as identification and who did take oath.

Notary Public State of Florida at Large

My Commission expires: _____