




Interoffice Memorandum

May 20, 2022

TO: Katie Smith, Manager
Comptroller Clerk's Office

THROUGH: Cheryl Gillespie, Agenda Development Supervisor
Agenda Development

FROM: David D. Jones, P.E., CEP, Manager 
Environmental Protection Division
(407) 836-1405

**STAFF PERSON: Renee H. Parker, LEP, Assistant Manager
Environmental Protection Division
(407) 836-1420**

SUBJECT: Request for Public Hearing on June 21, 2022, at 2:00 p.m., to Consider Adoption of an Ordinance Amending Chapter 15, Article III, Air Quality Control

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Type of Hearing: Amending Orange County Code, Chapter 15, Article III, Air Quality Control Ordinance

Hearing required by Florida Statute # or Code: Section 125.66, Florida Statutes

Advertising requirements: Publish once in a newspaper of general circulation in Orange County at least ten days prior to public hearing.

Advertising timeframes: At least ten days prior to hearing.

Estimated time required for public hearing: 2 minutes

Hearing Controversial: No

District #: All Districts

Spanish contact person: Para más información en español acerca de estas reuniones públicas o de cambios por ser efectuados, favor de llamar a la División de Environmental Protection, 407-836-1400.

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May 20, 2022

Request for Public Hearing—to Consider Adoption of an Ordinance Amending Chapter 15,
Article III, Air Quality Control

Special Instructions
to the Clerk:

Once the Board of County Commissioners makes a decision on the proposed revisions to Chapter 15, Article III, Air Quality Control Ordinance, please submit the decision letter to Wanda Parker and Jeralynn Kozak of EPD.

Materials being submitted as backup for public hearing request:

1. A copy of the draft proposed ordinance.
2. Notice of Public Hearing.

Attachments

WPG/RHP/DJ: jk

c: Chris Testerman, AICP, Deputy County Administrator
Jon V. Weiss, P.E., Director, PEDS Department
Joel D. Prinsell, Deputy County Attorney

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ORDINANCE NO. 2022-__

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8 AN ORDINANCE IN ORANGE COUNTY, FLORIDA,
10 PERTAINING TO AIR QUALITY AND AIR POLLUTION
12 CONTROL; AMENDING SECTION 15-70, DEFINITIONS;
14 AMENDING SECTION 15-89.1, AIR POLLUTION
PROHIBITED; AMENDING SECTION 15-90, ADOPTION
OF STATE AND FEDERAL RULES BY REFERENCE;
AMENDING SECTION 15-110, INSPECTION AND
NOTIFICATION FEES; AND PROVIDING AN EFFECTIVE
DATE.

16 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
COUNTY:

18 *Section 1. Amendment of Section 15-70.* The definition of “SOA” in Section 15-70
 (“Definitions.”) is amended to read as follows, with additions being shown by underlines and
20 deletions being shown by strike-throughs:

22 *SOA* means that air pollution control specific operating
agreement between the DEP and Orange County approved by
24 Orange County on ~~August 17, 2010~~ February 23, 2021, as it may be
amended from time to time.

26 *Section 2. Amendment of Section 15-89.1.* Subsection (b) of Section 15-89.1 (“Air
pollution prohibited.”) is amended to read as follows, with additions being shown by underlines
28 and deletions being shown by strike-throughs:

(b) *Unconfined emissions of particulate matter.*
30 (1) No person shall cause, let, suffer, allow, or
32 permit the emissions of unconfined particulate matter from any
activity, including vehicular movement; transportation of
materials; construction, alteration, demolition or wrecking; or

34 industrially related activities, such as loading, unloading, storing,
36 or handling; without taking reasonable precautions to prevent such
emissions.

38 (2) Reasonable precautions include the
following:

40 a. Paving and maintenance of roads,
parking areas, and yards.

42 b. Application of water or chemicals to
control emissions from such activities as demolitions of building,
grading of roads, construction, and land clearing.

44 c. Application of asphalt, water, oil,
46 chemicals or other dust suppressants to unpaved roads, yards, open
stock piles and similar activities.

48 d. Removal of particulate matter from
roads and other paved areas under the control of the owner or
operator of the facility to prevent reentrainment, and from
50 buildings or work areas to prevent particulate matter from
becoming airborne.

52 e. Landscaping or planting of
vegetation.

54 f. Use of hoods, fans, filters, and
56 similar equipment to contain, capture, and/or vent
~~particular~~particulate matter.

58 g. Confining abrasive blasting where
possible.

60 h. Enclosure or covering of conveyor
systems.

62 (3) In determining what constitutes reasonable
precautions for a particular facility, EPD shall consider the cost of
64 the control technique or work practice, the environmental impacts
of the technique or practice, and the degree of reduction of
emissions expected from a particular technique or practice.

66 **Section 3. Amendment of Section 15-90.** Section 15-90 (“Adoption of state and
federal rules by reference.”) is amended to read as follows, with additions being shown by
68 underlines and deletions being shown by strike-throughs:

Sec. 15-90. Adoption of state and federal rules by reference.

70 (a) The board of county commissioners hereby adopts by
specific reference thereto the rules of the DEP relating to air

72 quality standards and criteria, design, construction, permitting,
74 performance, operation, maintenance, monitoring, and reporting
requirements for air pollution sources, as they exist as of January
31, ~~2019~~ 2022. These rules are:

- 76 (1) Chapter 62-4, F.A.C.
- (2) Chapter 62-204, F.A.C.
- 78 (3) Chapter 62-210, F.A.C.
- (4) Chapter 62-212, F.A.C.
- 80 (5) Chapter 62-213, F.A.C.
- (6) Chapter 62-243, F.A.C.
- 82 (7) Chapter 62-252, F.A.C.
- ~~(8) Rule 62-257.400, F.A.C.~~
- 84 ~~(89)~~ Rule 62-257.900, F.A.C.
- ~~(94)~~ Chapter 62-296, F.A.C.
- 86 ~~(104)~~ Chapter 62-297, F.A.C.

(b) The board of county commissioners hereby adopts by
88 specific reference the regulations of the EPA as set forth in 40
CFR, Part 61, Subpart M, for asbestos (“NESHAP”) as they exist
90 as of January 31, ~~2019~~ 2022.

Section 4. Amendment of Section 15-110. Section 15-110 (“Inspection and

92 notification fees.”) is amended to read as follows, with additions being shown by underlines and
deletions being shown by strike-throughs:

94 **Sec. 15-110. Inspection and notification fees.**

96 Unless exempt, each owner or operator of an asbestos
removal project shall pay a fee established by resolution of the
98 board of county commissioner~~calculated pursuant to Rule 62-~~
~~257.400, F.A.C., adopted by reference in section 15-90,~~ subject to
100 adjustment from time to time by resolution of the board of county
commissioners. The fee shall be made payable to the board of
102 county commissioners and shall be submitted to the EPD
simultaneously with the notice.

104 (a) The fee requirements established herein shall not
apply to schools, colleges, universities, or to a residential dwelling
106 as defined herein, or to those persons otherwise exempted from
licensure under F.S. § 469.002(4).

108 (b) The fee to be paid by a small business, as defined in
F.S. § 288.703(1), shall not exceed three hundred dollars
110 (\$300.00).

Section 5. Effective Date. This ordinance shall take effect on July 1, 2022.

112 ADOPTED THIS _____ DAY OF _____, 2022.

114 ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

116 By: _____
118 Jerry L. Demings
Orange County Mayor

120 ATTEST: Phil Diamond, CPA, Orange County Comptroller
As Clerk of the Board of County Commissioners

122 By: _____
124 Deputy Clerk

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**ORANGE COUNTY
NOTICE OF PUBLIC HEARING**

The Orange County Board of County Commissioners will conduct a public hearing on **June 21, 2022**, at **2 p.m.**, or as soon thereafter as possible, in the County Commission Chambers, First Floor, County Administration Center, 201 South Rosalind Avenue, Orlando, Florida. You are invited to attend and be heard regarding the following proposed ordinance:

AN ORDINANCE IN ORANGE COUNTY, FLORIDA, PERTAINING TO AIR QUALITY AND AIR POLLUTION CONTROL; AMENDING SECTION 15-70, DEFINITIONS; AMENDING SECTION 15-89.1, AIR POLLUTION PROHIBITED; AMENDING SECTION 15-90, ADOPTION OF STATE AND FEDERAL RULES BY REFERENCE; AMENDING SECTION 15-110, INSPECTION AND NOTIFICATION FEES; AND PROVIDING AN EFFECTIVE DATE.

You may examine the notice and the proposed ordinance at the Office of the Comptroller Clerk of the Board of County Commissioners, 201 South Rosalind Avenue, Fourth Floor, Orlando, Florida; between 8 a.m. and 5 p.m., Monday through Friday.

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION, 407-836-1400, Email: WANDA.PARKER@OCFL.NET

PARA MÁS INFORMACION EN ESPANOL ACERCA DE ESTAS REUNIONES PUBLICAS O DE CAMBIOS POR SER EFECTUADOS, FAVOR DE LLAMAR A LA DIVISION DE ENVIRONMENTAL PROTECTION, 407-836-1400.

If you wish to appeal any decision made by the Board of County Commissioners at this meeting you will need a record of the proceedings. You should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you require special accommodations under the Americans with Disabilities Act of 1990, please call 407-836-5631 no later than two business days prior to the hearing for assistance. Si usted requiere ayuda especial bajo la ley de Americanos con Incapacidades de 1990, por favor llame al 407-836-3111.

Phil Diamond, County Comptroller
As Clerk of the Board of County Commissioners
Orange County, Florida

Publish: **June 7, 2022**; the Orlando Sentinel Public Record
Certify: Ordinance regarding Air Quality Control