

Environmental Protection Division

**Proposed Amendments to
Chapter 15, Article III
Air Quality Control
Public Hearing**

June 21, 2022

Background

▪ Air Quality Management (AQM) Program

– Approved Local Pollution Control Program

- Funded primarily by tag fees and grants from FDEP and EPA

– AQM program duties & responsibilities

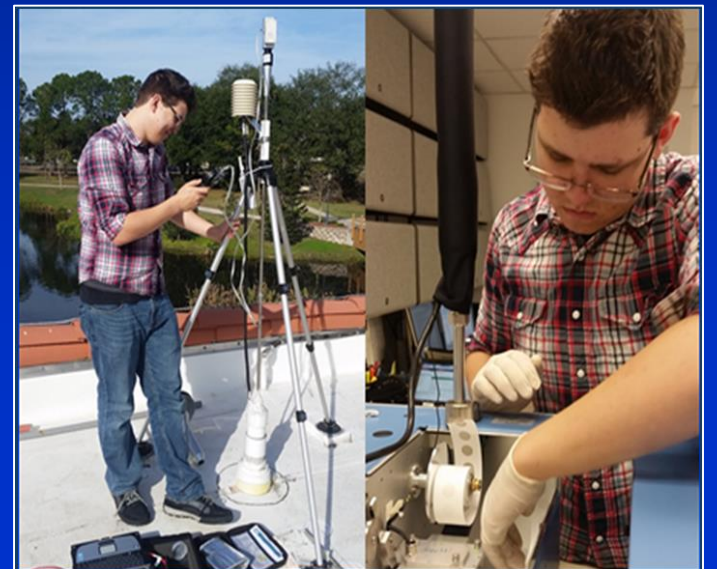
- Air Program Management
- Permitting
- Compliance & Enforcement
- Ambient Air Monitoring & Data Management
- Asbestos Management

▪ Specific Operating Agreement (SOA)

– Agreement between State and County

– Renewed every three years

– Requires ordinance to be current with FDEP rules





Background

- **Air Ordinance changes were last approved by the BCC on July 16, 2019**
 - FDEP and Code of Federal Regulations (CFR) rules in Sec. 15-90, were adopted effective January 31, 2019
- **AQM staff reviewed applicable FDEP and CFR rule changes through January 31, 2022**
 - Compiled a summary of changes
 - Most of the changes are non-substantive (e.g., typos, clarifications, new definitions, etc.) and will not significantly impact how the AQM Program operates or regulates in accordance with the Air Ordinance
 - FDEP is proposing to change the asbestos removal fee schedule



Proposed Amendments

Required relatively minor amendment changes to Ch. 15 Article III

Section	Title	Amendment Change
15-70	Definitions.	<ul style="list-style-type: none">Update to current “SOA” approval date of “February 23, 2021”.
15-89.1	Air pollution prohibited.	<ul style="list-style-type: none">In section 15-89.1(b)(2)f., change the word “particular” to “particulate” to correct and clarify the condition.
15-90	Adoption of state and federal rules by reference.	<ul style="list-style-type: none">Update the date that state and federal rules are adopted as they exist to “January 31, 2022”.Remove reference to Rule 62-257.400, F.A.C. (Asbestos Program Fee Schedule)
15-110	Inspection and Notification Fees	<ul style="list-style-type: none">To establish an asbestos fee schedule via a resolution by the Board of County Commissioners.



Proposed Amendments

▪ Asbestos Removal Fee Schedule

- Intended to recover some costs required for AQM staff to perform inspections and reviews of projects involving removal of Regulated Asbestos-Containing Material (RACM)
- One of EPD's AQM inspectors is devoted almost full-time to conducting asbestos related reviews and inspections
- Reviews and inspections protect human health and the environment given the potential negative effects if asbestos is released into the environment





Proposed Amendments

Asbestos Health Concerns & Effects

- Asbestos Fiber = 1 Micron
- Human Hair = 100 Microns
- Exposure is due to inhalation of asbestos fibers
- Lungs are the primary site of adverse health effects
 - Asbestosis
 - Lung Cancer
 - Mesothelioma





Proposed Amendments

▪ Asbestos Removal Fee Schedule (continued)

– Currently, EPD uses the fee schedule in Rule 62-257.400, F.A.C.

- A sliding scale for fees based on the amount of RACM to be removed
- FDEP is proposing to change the rule to a flat fee of \$100 or \$200
- This would not be adequate to recover a significant portion of costs

– EPD is proposing to add the asbestos fees currently in Rule 62-257.400, F.A.C. to the Orange County Fee Directory

- No increase in fees proposed
- Fee development form completed by EPD supports maintaining current fees
- Orange County has authority under the SOA to adopt different fees than FDEP
- Broward, Hillsborough, and Miami-Dade counties have their own fee schedules



Proposed Amendments

Asbestos Fee Statistics

Calendar Year	Notices Reviewed	Inspections Conducted	Amount of RACM	RACM Fees	Enforcement Penalties
2019	244	224	40,120 ft ²	\$ 6,200	\$ 7,500
2020	237	202	293,794 ft ²	\$11,200	\$ 6,500
2021	208	161	702,959 ft ²	\$ 14,200	\$ 5,500
Avg Totals	230	196	345,624 ft ²	\$10,533	\$7,000



Summary

- **Ordinance amendments are needed for the following:**
 - **Include current State and Federal air pollution control rules to maintain compliance with the SOA**
 - **Correct and clarify conditions of air pollution prohibitions**
 - **Maintain appropriate asbestos fee collection for projects within Orange County**
- **There will be no change to the dollar amounts in the current asbestos fee schedule utilized by Orange County**
 - **Fees will be added to the Orange County Fee Schedule based on a BCC resolution instead of referring to the FDEP rule**



Action Requested

- **Determine that the Proposed Ordinance will not have a substantial impact on the development of real property within Orange County; and Adopt an Ordinance 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. All Districts**

From Consent Agenda, Item G.5.

- **Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Air Quality and Air Pollution Control; adopting a fee schedule for asbestos removal projects; providing for severability; and providing for an effective date. All Districts**