

Board of County Commissioners

**Proposed Amendments
Chapter 15, Article III
Air Quality Control**

Environmental Protection Division

June 5, 2018



Presentation Outline

- Background
- Ordinance Review
- Action Requested



Background

■ 1965

- Orange County established Air and Water Pollution Control Act

■ 1985

- DEP designated EPD as a “locally approved air program” and authorized funding

■ 1989

- General Operating Agreement delineated each agency’s authorities
- GOA Delegates the duties and responsibilities by a Specific Operating Agreement





Background

- **Specific Operating Agreement**
 - **Outlines air program duties & responsibilities**
 - Air Program Management
 - Permitting
 - Compliance & Enforcement
 - Ambient Air Monitoring
 - Data Management
 - **Renewed every three years**
 - **Requires ordinance to be current with DEP rules**





Ordinance Review

- **EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPs) and the Florida Administrative Code (F.A.C.)**
- **Minor changes incorporated to F.A.C. as follows:**
 - **62-204 Air Pollution Control-General Provisions**
 - **62-210 Stationary Sources- General Requirements**
 - **Definitions, Permits Required & Air General Permits, Stack Height Policy, Excess Emissions, Forms and Instructions**
 - **62-243 Tampering With Motor Vehicle Air Pollution Control Equipment**
 - **Exemptions & Certification**
 - **62-296 Stationary Sources- Emission Standards (Certain Rules Repealed)**
 - **Portland Cement Plants, Carbonaceous Fuel Burners, Lime Kilns, Smelt Dissolving Tanks**



Ordinance Review

Required relatively minor amendment changes to Ch. 15 Article III

Section	Title	Amendment change
15-70	Definitions	Added “any” to clarify matter in the Open Burning definition
15-71	Violations; penalties and remedies	Updated reference year from 2011 to 2015
15-89	Permits required; permitting generally; exceptions from permitting; permit application processing; variances and waivers; exemptions; final agency action for permits; temporary noncompliance	Added clarifying language to section 15-89(c)(2), 15-89(c)(4) , & 15-89(c)(6) to be consistent with scope of services as authorized in the Specific Operating Agreement (SOA) between FDEP and Orange County
15-89.1	Air pollution prohibited	Deleted language referencing Number 1 on the Ringlemann Chart Added reference to use EPA Method 9



Ordinance Review

Section	Title	Amendment change
15-90	Adoption of state and federal rules by reference	Updated reference year 2017 to 2018.
15-96 (c)	Prohibitions	Added new language to reference new Burn Ban Activation per section 18-4 under Ordinance No 2018-07
15-98	Open burning of land clearing debris	Added section (a) for clarification of list Correction to section (c) scrivener's error FAC rule reference from 62-292.401 to 62-296.401



Ordinance Review

- **March 28, 2018**
 - Environmental Protection Commission voted to support proposed revisions and to move forward to BCC for adoption
- **March 28, 2018**
 - Stakeholders meeting
- **Ordinance revisions are not expected to substantially impact development of real property within the County**





Action Requested

- **Determine that the proposed Ordinance will not have a substantial impact on the development of real property within Orange County.**
- **Adopt the Ordinance amending Chapter 15, Article III. Air Quality Control.**

All Districts