

BCC Mtg. Date: June 21, 2022

Effective Date: July 1, 2022

ORDINANCE NO. 2022-23

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.

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

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 deletions being shown by strike-throughs:

SOA means that air pollution control specific operating agreement between the DEP and Orange County approved by Orange County on ~~August 17, 2019~~ February 23, 2021, as it may be amended from time to time.

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 and deletions being shown by strike-throughs:

(b) *Unconfined emissions of particulate matter.*

(1) No person shall cause, let, suffer, allow, or permit the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities, such as loading, unloading, storing, or handling; without taking reasonable precautions to prevent such emissions.

(2) Reasonable precautions include the following:

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

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

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

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 buildings or work areas to prevent particulate matter from becoming airborne.

e. Landscaping or planting of vegetation.

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

g. Confining abrasive blasting where possible.

h. Enclosure or covering of conveyor systems.

(3) In determining what constitutes reasonable precautions for a particular facility, EPD shall consider the cost of 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.

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 underlines and deletions being shown by strike-throughs:

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

(a) The board of county commissioners hereby adopts by specific reference thereto the rules of the DEP relating to air quality standards and criteria, design, construction, permitting, performance, operation, maintenance, monitoring, and reporting

requirements for air pollution sources, as they exist as of January 31, ~~2019~~ 2022. These rules are:

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

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

Section 4. Amendment of Section 15-110. Section 15-110 (“Inspection and notification fees.”) is amended to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

Sec. 15-110. Inspection and notification fees.

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

(a) The fee requirements established herein shall not apply to schools, colleges, universities, or to a residential dwelling

as defined herein, or to those persons otherwise exempted from licensure under F.S. § 469.002(4).

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

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

ADOPTED THIS 21st DAY OF JUNE, 2022.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Jerry L. Demings
for Jerry L. Demings
Orange County Mayor

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

By: Kate Smith
Deputy Clerk

