



**Interoffice Memorandum**

April 4, 2017

**TO:** Mayor Teresa Jacobs  
-AND-  
Board of County Commissioners

**FROM:** Jon V. Weiss, P.E., Director  
Community, Environmental and Development  
Services Department

**CONTACT PERSON:** Lori Cunniff, CEP, CHMM, Deputy Director  
Community, Environmental and Development  
Services Department  
(407) 836-1405

**SUBJECT:** April 25, 2017- Public Hearing  
Revision to Chapter 15, Article III. Air Quality Control

The Environmental Protection Division (EPD) is presenting a proposed revision to the Air Quality Control Ordinance (Chapter 15, Article III). A copy is attached.

In 1985, Orange County was designated by the Florida Department of Environmental Protection (FDEP) as a "locally approved air program." The current Specific Operating Agreement (SOA) between FDEP and the County was approved by the Board of County Commissioners (BCC) in July 2016. The SOA authorizes the County to act on behalf of FDEP in the matter relating to air pollution control and enumerates the County's duties and responsibilities as a local air program. The SOA requires Orange County to keep the Air Quality Ordinance and the Air Quality Management (AQM) Program consistent with FDEP's rules, programs and standards. Adherence to the SOA also makes Orange County eligible to receive funding to support the program in the form of a portion of the tag fee for every vehicle registered in the County as well as state and federal grants for local air programs that are awarded on an annual basis.

The AQM staff has reviewed changes in FDEP and U.S. Environmental Protection Agency (EPA) air pollution control rules that have occurred since the last time the Air Quality Ordinance was updated. Based on this review, it was determined that only relatively minor changes to FDEP and EPA air rules have been promulgated, including clarifications, minor administrative changes and updating of references to reflect more current standards and methods. The changes to federal and state air rules are not expected to have a substantial impact on the development of real property within Orange County. The proposed changes to the air ordinance reflect an updating of the dates of the FDEP and EPA rules adopted by reference to the versions as they exist on December 1, 2016.

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EPD presented the draft ordinance revisions to the Environmental Protection Commission on February 22, 2017; who unanimously voted to support the proposed changes to the ordinance. EPD presented the draft ordinance revisions at a Stakeholder meeting on March 29, 2017; no adverse comments were received concerning the proposed revisions. In addition, the County Attorney's Office has reviewed the revised ordinance as to form.

**ACTION REQUESTED: Determine that the Proposed Ordinance will not have a substantial impact on the development of real property within Orange County; and Adopt the Ordinance amending Chapter 15, Article III, related to Air Quality Control. All Districts**

ABM/LC: mg

Attachment

**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE IN ORANGE COUNTY, FLORIDA,  
PERTAINING TO AIR QUALITY AND AIR POLLUTION  
CONTROL; AMENDING SECTION 15-90, ADOPTION OF  
STATE AND FEDERAL RULES BY REFERENCE;  
PROVIDING FOR LIBERAL CONSTRUCTION;  
PROVIDING FOR INCLUSION INTO THE CODE; AND  
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Environmental Protection Commission ("EPC") was created by the Orange County Air and Water Pollution Control Act, Chapter 67-1830 (the "special act"), and exists under the Orange County Charter; and

WHEREAS, the EPC is authorized, subject to Orange County's approval, to establish an air pollution control program in Orange County ("County") pursuant to chapter 67-1830, Laws of Florida (1967); and

WHEREAS, in 1971, the EPC, pursuant to its authority conferred by special act, adopted pollution control rules approved by the Board of County Commissioners and which were subsequently incorporated into Division 2 of Chapter 15, Article III of the Orange County Code; and

WHEREAS, on April 3, 1989, the Florida Department of Environmental Regulation, now Department of Environmental Protection (hereinafter "DEP"), and the County entered into a general operating agreement relating to air pollution control; and

WHEREAS, DEP administers several U.S. Environmental Protection Agency ("EPA") - approved or EPA-delegated air pollution control programs; and

WHEREAS, in 2016, DEP and the County entered into a Specific Operating Agreement ("SOA") authorizing the County to act on behalf of DEP in matters relating to air pollution control; and

WHEREAS, the SOA sets forth the terms and conditions under which the County will implement air program management, permitting, compliance and enforcement responsibilities, ambient air monitoring, and data management; and

WHEREAS, the SOA contemplates that from time to time, the County will consider measures to keep the County's air quality and air pollution control programs and standards consistent with DEP's programs and standards.

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

**Section 1. Amendments; In General.** Throughout this ordinance, additions to the Orange County Code are shown by underline, and deletions are shown by strike-through.

**Section 2. Amendment of Section 15-90.** Orange County Code Section 15-90 ("Adoption of State and Federal Rules by Reference") is hereby amended as follows:

**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 May 1-31, 2017-2014. These rules are:

- (1) F.A.C. ch. 62-4.
- (2) F.A.C. ch. 62-204.
- (3) F.A.C. ch. 62-210.
- (4) F.A.C. ch. 62-212.
- (5) F.A.C. ch. 62-213.
- (6) F.A.C. ch. 62-243.
- (7) F.A.C. ch. 62-252.
- (8) F.A.C. ch. 62-257.400.
- (9) F.A.C. ch. 62-257.900.
- (10) F.A.C. ch. 62-296.
- (11) F.A.C. ch. 62-297.

(b) The board of county commissioners hereby adopts by specific reference the regulations of the EPA as set forth in 40 CFR-CRF, Subpart M, for asbestos ("NESHAP") as they exist as of January May 1-31, 2017-2014.

**Section 3. Liberal Construction.** The provisions of this ordinance shall be liberally construed to effectuate its purposes.

**Section 4. Inclusion in the Code.** It is the intention of the Board hereby provided that the provisions of this ordinance shall be made a part of the Orange County Code; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

**Section 5. Effective Date.** This ordinance shall take effect pursuant to general law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: \_\_\_\_\_  
Teresa Jacobs  
Orange County Mayor

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

By: \_\_\_\_\_  
Deputy Clerk

F.A.C. Chapter	Title	Effective Date of Last Change	Section of Chapter	Change
Chapter 62-4, F.A.C.	Permits	12/7/15  2/17/16	62-4.021, Transferability of Definitions 62-4.050, Procedures to Obtain Permits and Other Authorizations; Applications 62-4.242, Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters 62-4.244 Mixing Zones: Surface Waters	Not Air Related
Chapter 62-204, F.A.C.	Air Pollution Control – General Provisions	10/23/16	62-204.340, Designation of Attainment, Nonattainment, Unclassifiable, and Maintenance Areas 62-204.500, Conformity 62-204.800, Federal Regulations Adopted by Reference	Cleanup/Delete Redundancy/ Update
Chapter 62-210, F.A.C.	Stationary Sources – General Requirements	8/25/14  10/23/16	62-210.200, Definitions 62-210.370, Emissions Computation and Reporting 62-210.900, Forms and Instructions 62-210.700, Excess Emissions 62-210.710, Emission Limits during Transient Modes of Operation	Cleanup/Delete Redundancy/ Update
Chapter 62-212, F.A.C.	Stationary Sources – Preconstruction Review	3/28/12	No Significant Change	
Chapter 62-213, F.A.C.	Operation Permits for Major Sources of Air Pollution	12/31/13	No Significant Change	

Chapter 62-243, F.A.C.	Tampering with Motor Vehicle Air Pollution Control Equipment	2/16/12	No Significant Change	
Chapter 62-252, F.A.C.	Gasoline Vapor Control	9/24/13	No Significant Change	
Chapter 62-257, F.A.C.	Asbestos Program	02/16/12	No Significant Change	
Chapter 62-296, F.A.C.	Stationary Sources – Emission Standards	7/10/14	62-296.320, General Pollutant Emission Limiting Standards 62-296.401, Incinerators 62-296.402, Sulfuric Acid Plants 62-296.403, Phosphate Processing 62-296.404, Kraft (Sulfate) Pulp Mills and Tall Oil Plants 62-296.405, Fossil Fuel Steam Generators with More Than 250 Million Btu Per Hour Heat Input 62-296.406, Fossil Fuel Steam Generators with Less Than 250 Million Btu Per Hour Heat Input, New and Existing Emissions Units 62-296.408, Nitric Acid Plants 62-296.409, Sulfur Recovery Plants 62-296.410, Carbonaceous Fuel Burning Equipment 62-296.412, Dry Cleaning Facilities 62-296.414, Concrete Batching Plants 62-296.415, Soil Thermal Treatment Facilities 62-296.416, Waste-to-Energy Facilities 62-296.501, Can Coating 62-296.503, Paper Coating 62-296.504, Fabric and Vinyl Coating 62-296.505, Metal Furniture Coating 62-296.506, Surface Coating of Large Appliances	Cleanup/ Delete Redundancy/ Adoption of Updated Federal Regulations

			62-296.507, Magnet Wire Coating 62-296.508, Petroleum Liquid Storage 62-296.510, Bulk Gasoline Terminals 62-296.511, Solvent Metal Cleaning 62-296.512, Cutback Asphalt 62-296.513, Surface Coating of Miscellaneous Metal Parts and Products 62-296.514, Surface Coating of Flat Wood Paneling 62-296.515, Graphic Arts Systems 62-296.516, Petroleum Liquid Storage Tanks with External Floating Roofs 62-296.570, Reasonably Available Control Technology (RACT) – Requirements for Major VOC- and Nox-Emitting Facilities 62-296.600, Reasonably Available Control Technology (RACT) – Lead 62-296.602, Primary Lead-Acid Battery Manufacturing Operations 62-296.603, Secondary Lead Smelting Operations 62-296.604, Electric Arc Furnace Equipped Secondary Steel Manufacturing Operations 62-296.701, Portland Cement Plants 62-296.702, Fossil Fuel Steam Generators 62-296.703, Carbonaceous Fuel Burners 62-296.704, Asphalt Concrete Plants 62-296.705, Phosphate Processing Operations 62-296.706, Glass Manufacturing Process	
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Chapter 62-297, F.A.C.	Stationary Sources – Emissions Monitoring	3/9/15  7/10/14	62-297.310, General Emissions Test Requirements 62-297.401, Compliance Test Methods 62-297.440, Supplementary Test Procedures 62-297.450, EPA VOC Capture Efficiency Test Procedures	Cleanup/ Delete Redundancy/ Adoption of Updated Federal Regulations