

BCC Mtg. Date: April 25, 2017

EFFECTIVE DATE: May 4, 2017

**ORDINANCE NO. 2017-07**

**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~~ 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.

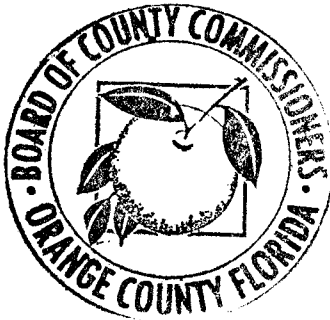
(b) The board of county commissioners hereby adopts by specific reference the regulations of the EPA as set forth in 40 ~~CFR-CRF~~, Subpart M, for asbestos (“NESHAP”) as they exist as of January ~~May~~ 31, 2017-2014.

**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 APR 25 2017, 2017.



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Teresa Jacobs*  
Teresa Jacobs  
for Orange County Mayor

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

By: *Jennifer Jan-Klimetz*  
for Deputy Clerk