

1 WHEREAS, Chapter 27 of the Broward County Code of Ordinances ("Code" or
2 "BCC"), also known as the Broward County Natural Resource Protection Code,
3 provides for the duties and responsibilities of the agency now known as the
4 Environmental Protection and Growth Management Department; and

5 WHEREAS, Chapter 27 of the Code uses references to prior agency names and
6 acronyms that need to be updated to be consistent with Broward County's current
7 organizational structure and functions; and

8 WHEREAS, the Environmental Protection and Growth Management Department
9 has requested changes to Article IV of Chapter 27 of the Broward County Code
10 regulating air quality; and

11 WHEREAS, the Environmental Protection and Growth Management Department
12 has determined that the proposed changes to Article IV will update and improve
13 Chapter 27 of the Broward County Code in order to protect and improve the air quality
14 of Broward County on behalf of the citizens of Broward County; and

15 WHEREAS, the Board of County Commissioners of Broward County has
16 determined that such an amendment to Chapter 27, Article IV, of the Broward County
17 Code is in the best interests of Broward County; NOW THEREFORE,

18 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
19 BROWARD COUNTY, FLORIDA:

20 Section 1. Chapter 27, "POLLUTION CONTROL," is hereby amended to
21 replace each instance of "Environmental Protection Department" and "EPD" with
22 "Environmental Protection and Growth Management Department" and "EPGMD,"
23 respectively, throughout the Chapter.

1 Section 2. Section 27-172, "Applicability," is hereby amended to read as
2 follows:

3 This article applies to all persons as defined in Chapter 27, "Pollution Control,"
4 Article I, Section 27-4, "Definitions," Broward County Code of Ordinances ("Section
5 27-4"), and entities operating or maintaining facilities or conducting activities within the
6 geographic boundaries of Broward County, which cause or allow the discharge of air
7 pollutants into the ambient air. This article applies to open burning to the extent it
8 causes or contributes to a violation of this article. This article does not apply to the
9 ~~licensing notification~~ and operational requirements for open burning regulated under
10 Article IX of the Broward County Code of Ordinances ("Code"); or operating or
11 maintaining petroleum product Stage I or Stage II vapor recovery equipment at storage
12 tank facilities, which is regulated under Article X of the Code.

13 Section 3. Section 27-174, "Definitions," is hereby amended to read as
14 follows:

15 . . .

16 *Crematory* means a ~~an biological waste~~ incinerator designated and used
17 exclusively for ~~burning~~ reducing human and animal remains to ashes and bone
18 fragments.

19 . . .

20 Section 4. Section 27-176, "General license and permit requirements;
21 exemptions; application requirements; actions on licenses and permits; and criteria for
22 issuance or denial," is amended to read as follows:

23 (a) *General License and Permit Requirements:*

24

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underscored type are additions.

1 (1) Broward County Air Licenses: The owner or operator of any source which
2 emits or can reasonably be expected to emit any air pollutant, shall obtain
3 a valid license from ~~EPD~~ EPGMD before beginning construction or
4 modification, or initial or continued operation of the source, unless
5 exempted pursuant to this Section.

6 (2) Broward County Parking Facility Licenses: Prior to constructing or
7 modifying a parking facility(ies) as described below, the owner or operator
8 shall obtain a valid license from ~~EPD~~ EPGMD:

9 a. Any single-level parking facility(ies) with a design or use capacity of
10 fifteen hundred (1,500) parking spaces or more, or any modification
11 of any existing facility which will increase such parking facility(ies)
12 to a design or use capacity of fifteen hundred (1,500) parking
13 spaces or more;

14 b. Any multi-level parking facility(ies) with a design or use capacity of
15 seven hundred fifty (750) parking spaces or more, or any
16 modification of any existing facility which will increase such parking
17 facility(ies) to a design or use capacity of seven hundred fifty (750)
18 parking spaces or more;

19 c. Any combination of a single-level and multi-level parking facility(ies)
20 (combination of parking lots, decks, and garages) with a design
21 capacity or use capacity of at least one thousand (1,000) parking
22 spaces or more, or a modification of any existing facility which will
23 increase such parking facility(ies) to a design or use capacity of one
24 thousand (1,000) parking spaces or more;

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1 d. Any proposed parking facility(ies) with a design of or use capacity
2 of four hundred (400) or more parking spaces that will result in the
3 degradation or exceedance of the NAAQS, as determined by ~~EPD~~
4 EPGMD. ~~EPD~~ EPGMD determination shall be based upon the
5 project description, number of parking spaces, and the location of
6 the proposed parking facility(ies), as provided by the license
7 applicant.

8 (3) Florida Air Permits: Unless exempted pursuant to Rule 62-210.300,
9 F.A.C., as amended, or any Florida Statute, the owner or operator of any
10 emissions unit which emits or can reasonably be expected to emit any air
11 pollutant shall obtain an appropriate permit from ~~EPD~~ EPGMD prior to
12 beginning construction, modification, or initial or continued operation of the
13 emissions unit. All emissions limitations, controls, and other requirements
14 imposed by such permits shall be at least as stringent as any applicable
15 limitations and requirements contained in or enforceable under the SIP or
16 that are otherwise federally enforceable. Issuance of a permit does not
17 relieve the owner or operator of an emissions unit from complying with any
18 applicable requirements, any emission limiting standards or other
19 requirements of the air pollution regulations or any other such
20 requirements under federal, state, or local law.

21 . . .
22 Section 5. Section 27-180, "Asbestos demolition and renovation
23 notification requirements," is hereby amended to read as follows:

24 (a) *Applicability*:

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1 (1) This section shall apply to all projects involving the removal of asbestos
2 containing material, building demolition projects, or building renovation
3 projects. These requirements are in addition to the NESHAP for asbestos
4 as described in the Code of Federal Regulations, Title 40, Part 61,
5 Subpart M, as amended.

6 (b) *Notification and asbestos survey requirements:*

7 (1) At least ten (10) working days prior to the initiation of work for an asbestos
8 removal project, a building demolition project, or building renovation
9 project, the owner, operator, or contractor shall prepare and submit to
10 ~~EPD~~ EPGMD a completed Statement of Responsibilities Regarding
11 Asbestos, using the form provided by ~~EPD~~ EPGMD.

12 (2) In accordance with the requirement of the NESHAP, an original ~~Notice of~~
13 ~~Asbestos Renovation or Demolition~~ Notice of Demolition or Asbestos
14 Renovation form shall be submitted to ~~EPD~~ EPGMD using the form
15 provided by DEP, as amended. The ~~Notice of Asbestos Renovation or~~
16 ~~Demolition~~ Notice of Demolition or Asbestos Renovation shall be
17 accompanied by a survey to indicate the presence or absence of asbestos
18 containing material in the subject project area of the building, and payment
19 of the fee set forth in the fee schedule adopted by resolution of the Board.

20 The survey shall be prepared by or under the supervision of an asbestos
21 consultant licensed in the state of Florida, pursuant to Chapter 469,
22 Florida Statutes, as amended, hereinafter referred to as a Florida
23 Licensed Asbestos Consultant. The survey shall be a documented report,
24

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1 either in printed or typed format, and shall bear the original signature of
2 the Florida Licensed Asbestos Consultant performing the survey.

3 . . .

4 Section 6. SEVERABILITY.

5 If any portion of this Ordinance is determined by any Court to be invalid, the
6 invalid portion shall be stricken, and such striking shall not affect the validity of the
7 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
8 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
9 or circumstance(s), such determination shall not affect the applicability hereof to any
10 other individual, group, entity, property, or circumstance.

11 Section 7. INCLUSION IN CODE.

12 It is the intention of the Board of County Commissioners that the provisions of
13 this Ordinance shall become and be made a part of the Broward County Code; and that
14 the sections of this Ordinance may be renumbered or re-lettered and the word
15 "ordinance" may be changed to "section," "article," or such other appropriate word or
16 phrase in order to accomplish such intentions.

17 Section 8. EFFECTIVE DATE.

18 This Ordinance shall become effective as provided by law.

19 ENACTED

20 FILED WITH THE DEPARTMENT OF STATE

21 EFFECTIVE

23 MCO/bjl
24 03/23/09
#08-427

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