

ORDINANCE 90-8

AN ORDINANCE RELATING TO
THE EMISSION OF AIR TOXICS AND ASSOCIATED
HAZARDOUS WASTE FACILITIES; PROVIDING FOR
A MORATORIUM UPON CERTAIN CONDITIONS;
ESTABLISHING AN EFFECTIVE DATE

FILED
90 MAY 17 PM 2:52
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

Section I. Title

This Ordinance shall be known and cited as the "Hernando County Air Toxics and Hazardous Waste Fuel Burning Facility Moratorium".

Section II. Authority

This Ordinance is adopted pursuant to the general laws of Florida, and the provisions hereof and all sections contained herein shall be construed as having been adopted in the interests of the public's health, safety and general welfare of the people of Hernando County, Florida.

Section III. Legislative Findings and Intent

The Board of County Commissioners of Hernando County, Florida, finds and declares that the Floridan Aquifer constitutes a natural resource of the highest magnitude and importance to the residents of Hernando County, Florida.

The Board of County Commissioners of Hernando County finds and declares that the air quality currently enjoyed by the residents of Hernando County is threatened by the prospect of the emission of air toxics, particularly arising from the use of hazardous waste as fuel in industrial facilities.

The Board further finds and declares that both the United States Congress and the United States Environmental Protection Agency are presently considering measures which would create controls on the burning of hazardous wastes in industrial boilers, including cement kilns, but because those measures may not become effective until after application for such a facility to be located in Hernando County is filed, it is essential that a moratorium be immediately placed upon the burning of hazardous waste fuel in the County, and also upon the issuance of permits by Hernando County to construct or operate such a facility, prior to the effective date of these federal measures. Currently, the emission of air toxics from the burning of hazardous wastes in industrial boilers is unregulated, and the impacts of such unregulated burning may significantly affect air quality, water quality, and the health of the citizens of Hernando County. The Board recognizes that allowing such burning or the construction or operation of such a facility prior to the effective date of these measures would defeat the purpose of such measures.

Section IV. Moratorium

Subsequent to the effective date of this Ordinance the burning of hazardous waste as an industrial fuel in Hernando County is prohibited, except as provided below, until such time as the United States Congress and/or the United States Environmental Protection Agency adopt standards regulating such burning and requiring appropriate controls and limits to the emissions necessarily resulting from such burning. Further, permits for the construction and operation of hazardous waste facilities ancillary to the burning of

hazardous waste as an industrial fuel proposed to be located in Hernando County will not be issued subsequent to the effective date of this moratorium, nor will the burning of hazardous waste as an industrial fuel be allowed, except in the following circumstances:

- (a) The applicant has obtained all necessary State of Florida DER permits for the construction and/or operation of such facility; and including hazardous waste and air pollution permits; and
- (b) The DER air permit establishes that the burning of hazardous waste as an industrial fuel will result in no (zero) emissions of air toxics; or
- (c) The DER air permit establishes that the burning of hazardous waste as an industrial fuel will meet all requirements contained in proposed regulations of the United States Environmental Protection Agency found at 52 Fed. Reg. 16982 et seq., 54 Fed. Reg. 43718, et seq., and 55 Fed. Reg. 17862 et seq.; and
- (d) The Administrator of the United States Environmental Protection Agency has promulgated emission and ambient standards for all toxic air pollutants proposed to be emitted and the DER air permit establishes that the facility will comply with such standards.

The standards specified in subsection (c), above, may be revised to reflect changes in the proposed regulations which are proposed and noticed by the United States Environmental Protection Agency.

Section V. Definitions

The following words as used in this Ordinance shall have the following meanings:

- A. "Hazardous Waste" shall mean hazardous waste as identified and defined at Section 403.703(23), Florida Statutes, and at Florida Administrative Code Rule 17-703.030.
- B. "Air Toxics" shall mean hazardous air pollutants which present, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects (including, but not limited to, substances which are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction or which are acutely or chronically toxic) or adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition or otherwise. Air toxics shall include those substances listed in Title III of the amendments to the Clean Air Act enacted by the United States Senate on April 3, 1990.

Section VI. Severability

It is the declared intent of the Board that, if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed so as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section VII. Effective Date

This ordinance shall become effective upon receipt of official acknowledgement from the Secretary of State that this ordinance has been filed with that office.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Clerk:

Karen Nicolai
Karen Nicolai

Deputy BY:

Henry D. Ledbetter
Henry D. Ledbetter, Chairman

(SEAL)

