

7A-1

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
SITTING AS THE ENVIRONMENTAL CONTROL BOARD**

BOARD APPOINTMENT SUMMARY

Meeting Date: February 4, 2014
Department: Florida Department of Health in Palm Beach County
Submitted by: Office of County Attorney
Advisory Board Name: Environmental Control Hearing Board

I. EXECUTIVE BRIEF

Motion/Title: Staff recommends motion to approve: Appointment of the following individual to the Palm Beach County Environmental Control Hearing Board for a term of three (3) years beginning on February 4, 2014 and ending on February 3, 2017.

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Terrence Horan, P.E.	5	Engineer	Florida Engineering Society- Palm Beach Chapter

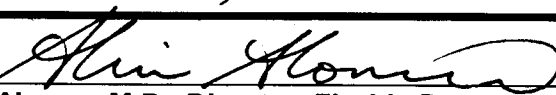
Summary: The Board is composed of five members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association, one (1) medical doctor recommended by the Palm Beach County Medical Society, **one (1) engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society**, and two (2) citizens-at-large not holding elective office. Countywide (P.E.)

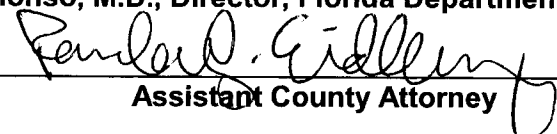
Background and Justification: Chapter 77-616, as amended, provides for the organization of the Environmental Control Hearing Board. This Special Act states that the composition of this Board shall consist of an attorney, a doctor, an engineer, and two citizens. Palm Beach County Resolution 92-123 establishes the terms for the members of the Environmental Control Hearing Board. The Florida Engineering Society, Palm Beach Chapter recommended Terrence Horan, P.E.

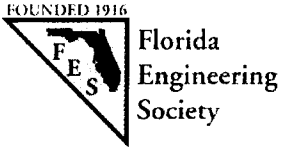
This Board consists of five (5) members: currently, three (3) white males, one (1) black female, and one vacant seat.

Attachments:

1. Recommendation letter from Florida Engineering Society, Palm Beach Chapter
2. Boards/Committees Application
3. Resume
4. Current List of Board Members
5. Pages 10 and 11 of Chapter 77-616, Laws of Florida
6. Article 2, Chapter G, Section 3E, Unified Land Development Code
7. Page 2, PBC Resolution 92-123

Recommended by:  1-2-14
 Alina Alonso, M.D., Director, Florida Department of Health in PBC Date

Legal Sufficiency:  1-7-14
 Assistant County Attorney Date



**PALM BEACH
CHAPTER**

FES supports engineering education, advocates licensure, promotes the ethical and competent practice of engineering and enhances the image and well-being of all engineers in the state of Florida.

December 17, 2013

Barbara L. Sullivan
Clerk
PBC Environmental Control Hearing Board

RE: Recommendation of Engineer to PBC Environmental Control Hearing Board

Dear Ms. Sullivan,

On behalf of the Palm Beach Chapter of the Florida Engineering Society, I would like to nominate Terrence Horan, P.E. for the Engineer position (Seat #5) of the Palm Beach County Environmental Control Hearing Board. I have attached a copy of Mr. Horan's resume to this recommendation letter.

Please contact me should you require any additional information at 561-985-5010 or president@pbfes.org.

Best,

Bonnie S. McLeod, P.E.
President 2013-2014
Palm Beach County Florida Engineering Society

President Bonnie McLeod, PE 561-985-5010 president@pbfes.org	Vice President Krystin Berntsen, PE 561-493-6027 vicepresident@pbfes.org	Treasurer Arnoldo Artiles, PE 561-840-0810 treasurer@pbfes.org	Secretary Laura Hover, EI 561-429-5065 secretary@pbfes.org	Past President Jimmy Richie, PE 561-687-2220 pastpresident@pbfes.org	State Director Joanne Keller, PE 561-684-4090 statedirector@pbfes.org
--	--	--	--	--	---

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

*The information provided on this form will be used by County Commissioners and/or the entire Board in considering your nomination. This form **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. ~~Resignation of Resigning to this form.~~*

Section I (Department): (Please Print)

Board Name: Environmental Control Hearing Board Advisory Not Advisory
 At Large Appointment or District Appointment /District #: _____
Term of Appointment: 3 Years. From: _____ To: _____
Seat Requirement: FLORIDA ENGINEERING SOCIETY Seat #: 5
 *Reappointment or New Appointment
or to complete the term of _____ Due to: resignation other
Completion of term to expire on: _____

*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: HORAN TERRENCE R.
Last First Middle
Occupation/Affiliation: ENVIRON INT'L CORPORATION
Owner Employee Officer
Business Name: ENVIRON INTERNATIONAL CORPORATION
Business Address: 2201 NW CORPORATE BLD. SUITE 200
City & State: BOCA RATON, FL Zip Code: 33431
Residence Address: 7745 WEST LAKE DRIVE
City & State: LAKE CLARKE SHORES, FL Zip Code: 33406
Home Phone: () Business Phone: () Ext. _____
Cell Phone: (601) 371-8785 Fax: ()
Email Address: terryfl@ic.yahoo.com

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
<u>Ex: (R#XX-XXXX/PO XXX)</u>	<u>Parks & Recreation</u>	<u>General Maintenance</u>	<u>10/01/11-09/30/12</u>
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR NONE

All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the Guide to the Sunshine Amendment prior to appointment/reappointment. Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Keep in mind this requirement is on-going.

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

- By watching the training program on the Web, DVD or VHS
 By attending a live presentation given on _____, 20____

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: Terrence R. Horan Printed Name: TERRENCE R. HORAN Date: 12/23/13

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:
 Barbara Sullivan, Palm Beach County Health Department
 P.O. Box 29, 800 Clematis St., West Palm Beach, FL 33402

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 08/01/2011

Terrence R. Horan, PE
7745 West Lake Drive, Lake Clarke Shores, FL 33406
(561) 371-8785; terryfl01@yahoo.com

EDUCATION

1992 BS, Environmental Engineering, University of Florida

EMPLOYMENT HISTORY

2012 – Present Senior Manager, ENVIRON International Corporation
2007 – 2012 Director of Environmental Engineering, Office Manager
ES Consultants, Inc. / SCS Engineers
1997 - 2007 Project Manager, Environmental Department Manager
HSA Engineers & Scientists/ Conestoga-Rovers & Associates
1996-97 Engineer, On-Site Environmental Staffing (Blasland, Bouck & Lee, Inc.)
1993-96 Engineer and Project Manager, U.S. Environmental Group, Inc.

REGISTRATIONS & CERTIFICATIONS

Licensed Professional Engineer: Florida, No. 54815
OSHA 40-hour Hazardous Waste Operations & Emergency Response (HAZWOPER), 1993

SUMMARY OF EXPERIENCE

Terry Horan is a Senior Manager with ENVIRON in the Site Solutions practice in their Boca Raton, Florida office. He is a Board certified Professional Engineer who received his undergraduate degree in environmental engineering. Mr. Horan brings over 20 years of environmental consulting experience with emphasis on contamination assessment and remedial design. He has managed innovative remediation projects including: in situ ammonia remediation of groundwater at a former landfill, nutrient reduction/ remediation at former dairy farms, and a 4-phase cleanup of all surfaces within an assembly building impacted by cadmium dust at the Kennedy Space Center.

Mr. Horan has a strong background in surface water quality assessment and treatment. Terry was the Project Manager for a canal conveyance capacity project and is experienced with remote monitoring station installations and hydrology/hydraulics contracts including flow monitoring and discharge rating analyses. Mr. Horan worked on several Advanced Treatment Technology projects that focused on removing phosphorus from agricultural and urban stormwater in South Florida as part of the Everglades' restoration. Water treatment techniques piloted during these projects included coagulation, flocculation, clarification, filtration, dissolved air flotation, microfiltration, and ultrafiltration. The pilot testing data were used to complete conceptual designs and costs estimates for full-scale facilities ranging from 5 to 500 MGD.

Mr. Horan is also proficient in environmental construction projects, serving as project manager for the closure of over 60 storage tanks at the Kennedy Space Center and Cape Canaveral Air Force Station, design and operation of a groundwater remediation system to remove arsenic and petroleum products during dewatering to support construction of the MIA Airport Link Metrorail Extension Project, source removal of 7,500 cubic yards of arsenic impacted soil from inside energized electrical substations, and closure of a 1,600,000-gallon jet fuel AST at the Miami International Airport.

DETAILED EXPERIENCE

Site Investigation and Remediation

- Designed and implemented soil and groundwater investigations of former car rental sites at 8 airports throughout Florida and negotiated cleanup with Responsible Parties for the Florida Petroleum Preapproved Advanced Cleanup Program.
- Responsible for assessment of the soil and groundwater at parcels of the Miami Herald property. The historical property uses included a chemical plant, drycleaner, service station, vehicle maintenance, and boat maintenance. Soil impacted with metals, PAHs, and petroleum products at concentrations exceeding Miami-Dade County guidance levels was delineated and removed for off-site disposal. A total of approximately 2,300 cubic yards of impacted soil was removed from over 15 excavations across the site. Contaminant concentrations in the groundwater were reported below the human health cleanup target levels. Negotiated conditional site closure, including engineering controls for the remaining impacted soils.
- Managed and implemented soil and groundwater investigations at energized electrical substations that were impacted with arsenic from legally-applied pesticides. Responsibilities included: soil and groundwater assessment and routine monitoring, aggregate risk assessment, development of site-specific soil cleanup target levels, statistical analysis of environmental data, frequent coordination with regulatory agency, preparation of remedial actions plans, groundwater remediation design and implementation (pump and treat system using activated alumina and in-situ chemical injections), and source removal.
- Directed a multi-year contract for various Miami-Dade County Departments on environmental assessment and remediation projects. The objective of the contract was to obtain site closure (NFA or NFA with Conditions) in accordance with State and County regulations. One of these projects included remediating surficial soil within a public housing apartment complex in Liberty City, Florida. After completing the soil and groundwater assessment, it was evident that contamination existed in surficial soil covering virtually all the unpaved areas of the 5.3-acre development, and that widespread source removal was warranted to prevent direct exposure to the contaminants by residents. A Work Plan was developed that accounted for removal of contaminated soil in a residential area, in many areas within feet of the front door of apartments. The project was completed in nine weeks with 1,900 cubic yards of soil removed from approximately 82,500 square feet of unpaved surfaces surrounding the public housing complex.
- Managed and implemented the Biscayne Landing (Munisport Landfill) groundwater remediation pilot project. Conducted bench and pilot-scale treatability studies to demonstrate the effectiveness of *in situ* nitrification/denitrification treatment. Used a combination of pulse sparging air and a dilute sugar solution to reduce the ammonia levels in groundwater beneath the site to below regulatory standards. Constructed and operated a prototype *in situ* remediation system to further demonstrate the technology at the site and to provide data for a full-scale design.
- Managed and implemented dewatering treatment during the Miami Airport Link Metrorail Extension Project. Dewatering was required to construct the foundations for the metrorail columns. The project involved treating the dewatering effluent at parcels with groundwater contamination. Within one-week of notice-to-proceed, a 1,500 gpm treatment system consisting of over 100,000 gallons of sedimentation tanks, 45,000 pounds of granular activated carbon, and bag filters, designed to remove metals and petroleum products, was mobilized to the site. The system was started-up and operated around the clock for

approximately ten days. On a second contaminated site, a 1,000 gpm treatment system was operated for removal of heavy metals and turbidity, with final discharge to an onsite storm water system. The projects also included preparing the required dewatering permit modifications for the contaminated parcels.

- Managed and implemented bench-scale testing and feasibility analyses of arsenic impacted soil and groundwater at multiple agricultural sites in Florida. Mechanical blending experiments were conducted with different concentration and cation content soils and groundwater treatability studies were conducted to evaluate the effectiveness of chemical precipitation using alum and ferric chloride, including pH adjustment with lime addition.
- Managed and implemented a 4-phase cleanup (HEPA vacuum, wet wipe, encapsulate, and paint) of all surfaces within an assembly building impacted by cadmium dust at the Kennedy Space Center, Florida.
- Managed the assessment/remediation at drycleaner sites involved in the Florida Drycleaner/Hazardous Waste Cleanup Program, including remedial design, performance evaluations, and O&M at active remediation sites using air sparge/soil vapor extraction (AS/SVE) groundwater treatment systems with and without chemical injections (ISCO/ISCR).
- Managed removal and environmental closure of 60 USTs/ASTs, ranging in size from 50 to 86,000 gallons at the Kennedy Space Center, Florida. The former tank contents included: hypergolic fuels, solvents, diesel fuel, used oil, and gasoline.
- Prepared a Spill Prevention Control and Countermeasures Plan (SPCCP) for the bulk fuel storage facility at the Miami International Airport, Florida; and supervised removal and environmental closure of a 1,600,000-gallon Jet Fuel AST.
- Responsible for the removal, modification and installation of UST systems in Naples, Florida. This project included electronic fuel management, monitoring and reporting systems and automated fuel access and control systems.

Phase I Environmental Assessments and Environmental Due Diligence

- Conducted and directed Phase I environmental assessments and environmental compliance audits of 200+ properties, including waste treatment, storage, and disposal facilities; boat and aircraft manufacturing and maintenance facilities, metal plating plants, printing facilities, various manufacturing facilities and multifamily residential properties.
- Responsible for Comprehensive Facility Investigations of over 400 facilities at the Kennedy Space Center. Responsibilities included: reviewing engineering documents, performing facility inspections, identifying regulatory and environmental concerns, interviewing facility personnel, preparing detailed technical reports, and recommending corrective actions.

Water Resources Investigations

- Directed the investigation and remediation of the former Lamb Island Dairy property to minimize phosphorus discharging from the property. Designed and constructed a surface water containment and wetland treatment system, and alum amendment of residual manure waste and pond waters.
- Modified the existing treatment system and designed/constructed new components (pumps, berms, and a slow sand filter) to minimize phosphorus discharging from the Milking R Dairy property in Okeechobee, Florida.

- Managed operations of a Microfiltration and Serial Filtration pilot study to remove fecal coliform from Lake Okeechobee. Evaluated the pilot data and estimated capital and O&M costs for a 5-MGD MF system.
- Operated an Ultrafiltration Pilot System to evaluate phosphorus removal from Everglades Agricultural Area stormwater runoff.
- Conducted pilot testing for the Chemical Treatment Followed by Solids Separation Supplemental (CTSS) Technology Demonstration Project. Implemented a nine-month pilot study investigating the use of chemical treatment to reduce the total phosphorus concentrations from stormwater runoff ultimately being discharged into the Everglades National Park. Water treatment techniques evaluated included coagulation, flocculation, clarification and filtration. Completed conceptual design and cost estimates for facilities ranging from 80 to 390 MGD.
- Managed a chemical treatment and solids separation pilot study to remove phosphorus from urban basin canal waters in Palm Beach and Broward County, Florida.
- Operated and managed the Microfiltration Superior Technology Demonstration Project pilot study for removal of phosphorus from canal waters of the Everglades Nutrient Removal (ENR) project in Florida. Responsibilities included completing conceptual designs and cost estimates for facilities ranging from 85 to 500 MGD.
- Conducted pump calibration projects throughout the Everglades Agricultural Area. Used a dilute tracer dye and fluorometry to measure the discharge at different pump speeds and developed pump curves to be submitted to the SFWMD.
- Conducted wastewater characterization and water conservation studies for sugar mills in South Florida. Developed conceptual designs of wastewater treatment facilities associated with the proposed expansion of the mill. However, with the potential savings identified through the study, the capacity in the mill's existing wastewater treatment facilities could be freed up for the expansion. Identified potential sucrose and potable water savings that could increase the mill's annual revenues by up to \$1.75 million per year.
- Evaluated alternatives to reduce or eliminate discharge of elevated levels of nutrients from the Boynton Farms Basis to the Everglades Protection Area (EPA). Responsibilities included: compiling existing data and characteristics of the Boynton Farms Basin, and providing alternatives for meeting long-term water quality goals for discharges to the EPA.
- Managed the construction and installation of hydrologic and meteorologic monitoring stations at surface water and groundwater monitoring sites in Florida, including the installation of new and replacement MOSCAD and CR-10 (Campbell Scientific) Remote Terminal Units (RTUs).

Solid Waste

- Designed a temporary gas collection system consisting of horizontally oriented HDPE pipes for and active landfill in Miami, Florida.
- Evaluated the construction, operational and financial feasibility of vertically expanding an active landfill in Miami, Florida. Responsibilities included: evaluation of design conditions, regulatory position and opinion, and cost analysis (capital costs compared to tipping fee revenue). The study revealed that expanding both cells at the landfill to approximately 270 feet would provide the owner an additional 18 years of disposal capacity and approximately \$300 million in additional tipping fees compared to approximately \$65 million in capital construction cost.
- Designed a landfill gas control system and developed a gas management plan to monitor the site and occupied spaces at a former landfill in Miami, Florida.

Terrence R. Horan, PE

- Managed and implemented closure and redevelopment of a former landfill in Miami, Florida. Responsibilities included: waste characterization; waste management/relocation plans; screened solid waste sampling/analysis and opinion of reuse on the project; site-wide sampling and reporting; estimating costs for the groundwater remediation and monitoring, and negotiation with the County bond engineer.
- Responsible for review and statistical analysis of historical groundwater data to provide technical justification for modifications to the monitoring programs of current and former landfills in Miami-Dade County, Florida.
- Managed baseline sampling of recovered screen material (RSM) at a waste to energy plant in Miami, Florida. Evaluated analytical data and provided a technical opinion on reuse of the material. Prepared a sampling plan to monitor contaminants of concern identified in the baseline sampling.
- Responsible for permitting support, site monitoring, developing corrective action plans, pilot testing, and reporting for several lakefill projects in Miami-Dade County, Florida.

PROFESSIONAL AFFILIATIONS & ACTIVITIES

Member, ASTM Committee E50 Environmental Assessment, Risk Management, and Corrective Action

Member, Florida Engineering Society

Member, National Society for Professional Engineers

PUBLICATIONS & PRESENTATIONS

Brown, E., T. Horan, J. Lopez, C. Noble, and M. Shaffer. 2003. Microfiltration Pilot Studies for Aquifer Storage and Recovery Pretreatment. Florida Water Resources Journal. November 2003.

Campbell, D., T. Emenhiser, T. Horan, J. Lopez, and E. Shannon. 2000. Chemical Treatment as a Supplement to Natural Systems for Phosphorus Removal. November 2000.

Emenhiser, T. T. Horan, and E. Shannon. 1998. Phosphorus Removal from Everglades Agricultural Area Stormwaters by Microfiltration: A Pilot Study. April 1998.

Horan, T. 2005. Biscayne Landing: Groundwater Treatment Process and Progress. Florida Remediation Conference. Orlando, FL. November 8, 2005.

Horan, T. 2002. Chemical Treatment Pilot Testing Completed. South Florida Water Management District, Water and Wastewater Tertiary Treatment Workshop. February 8, 2002.

Horan, T. 2004. In-Situ Ammonia Remediation Biscayne Landing, Formerly Known as Munisport Landfill. Florida Remediation Conference. Orlando, FL. November 4, 2004.

Horan, T. 2003. In-Situ Bioremediation of Ammonia Impacted Groundwater. South Florida Water Management District, Water Treatment Workshop. October 17, 2003.

Horan, T. 2010. Permitting Challenges of Developing on a Former Landfill. 24th Annual Environmental Permitting Summer School. Naples, FL. July 20, 2010.

Wozniak, A. et al. 2013. Getting to Closure: The Need for a Paradigm Shift at Groundwater Contaminated Sites. EECMA Conference. Captiva Island, FL. May 2013.

ENVIRONMENTAL CONTROL HEARING BOARD DIRECTORY

Authority: Chapter 77-616, Special Laws of Florida **Terms:** 3 Years for All (See Resolution 92-123)

Seat ID	Name/address	Telephone	Requirement	BCC Appt'd.	Term	Initial Appt.	Re-Appt.
1	Alicia Phidd, Esq. 9605 Capendon Ave., #305 P.B.Gardens, FL 33418	Phone: 561-900-6893 Email :phidda@yahoo.com	Attorney-Recommended by PBC Bar (Filling this seat requires contacting the PBC Bar at least 4 months prior to end of this term)	1-15-14	1-15-14 to 1-14-17	X	
2	Lewis E. Green, M.D. 6613 Sand City Way Delray Beach, FL 33446	561-637-1802 home 561-374-1700 cell Email:lewgreen10@gmail.com	Medical Doctor-Recommended by PBC Medical Society (Filling this seat requires contacting the PBC Medical Society at least 4 months prior to end of this term)	09-11-07	4-7-012 to 4-06-15		X
3	Edwin Sherman 4740 South Ocean Boulevard Apt. 1105 Highland Beach FL 33487	561-392-5115 Home 609-823-9325 Home away Cell 561-654-5115 Fax FL 561-395-0986 Fax Away 609-823-7441 Email aabirder@aol.com Away Address: 111 S. 16 th Avenue, Apt. 718, Longport NJ 08403	Citizen Recommended by BCC	12-18-01	2-01-14 to 1-31-17		X
4	David L. Freudenberg 3735 Victoria Way Boca Raton FL 33434	*Cell 561-213-3524 *Use this # 561-482-5436 Home Fax 561-883-9709 Email dfreud@usa.net Email muskie13@gmail.com	Citizen Recommended by BCC	12-18-07	2-01-14 to 1-31-17		X
5		Email Cell: Fax:	Engineer-Recommended by Florida Engineering Society, PBC Chapter (Filling this seat requires contacting the FL Engineering Society, PBC Chapter at least 4 months prior to expiration of this term)			X	

Updated as of 1/14/14

1	Section 8. Exemptions.--The provisions of this act do	1.15/17
2	not apply to:	1.15/179
3	(a) Agricultural operations in the growing, harvesting	1.15/179
4	or processing of crops and the raising of fowls or animals.	1.15/176
5	(b) Use of equipment in the performance of such	1.15/177
6	agricultural operations.	
7	(c) Barbecue equipment or outdoor fireplaces used for	1.15/178
8	noncommercial purpose.	
9	(d) Agricultural land clearing operations or	1.15/179
10	agricultural land grading.	
11	(e) Incinerators and heating equipment in or used in	1.15/180
12	connection with residences used exclusively as dwellings for	1.15/181
13	not more than four (4) families.	
14	(f) Fires set or permitted by any public officer,	1.15/182
15	board, council or commission when such fire is set or	1.15/183
16	permission given in the performance of such duty of the	
17	officer for the purpose of weed abatement, the prevention or	1.15/184
18	elimination of the fire hazard, or the instruction of	1.15/185
19	employees in the methods of fire fighting which is in the	1.15/186
20	opinion of such officer necessary, or from fires set pursuant	
21	to permit for purpose of instruction of employees of private	1.15/187
22	industrial concerns in methods of fire fighting, or for civil	1.15/188
23	defense instruction.	
24	(g) The use of an orchard or citrus grove heater which	1.15/189
25	does not produce unconsumed solid carbonaceous matter at a	1.15/190
26	rate in excess of one (1) gram per minute.	
27	(h) Odors emanating from agricultural operations in	1.15/191
28	the growing, harvesting or processing of crops or raising of	1.15/192
29	fowls or animals.	
30	* Section 9. <u>Hearing board; organization.</u> --The Board	1.15/193
31	shall appoint a five (5) member Hearing Board, the members of	

1 which shall have the following qualifications and terms of 1.15/194
2 office:

3 (a) Members of the Hearing Board shall be residents of 1.15/195
4 the County. Members of the Hearing Board, while serving, 1.15/196
5 shall not become candidates for the election to any public
6 office, nor hold any other appointive office or position under 1.15/197
7 federal, state, county or municipal government, except for an 1.15/198
8 office or position on a governmental board having advisory 1.15/199
9 powers only. Appointments shall be made by the Board on the 1.15/200
10 basis of experience of interest in the field of environmental
11 control. The composition and representative membership of the 1.15/201
12 Hearing Board shall be as follows: 1.15/202

13 (1) One (1) member shall be a lawyer, recommended to 1.15/202
14 the Board by a representative of the County Bar Association. 1.15/203
15 (2) One (1) member shall be a medical doctor, 1.15/204
16 recommended to the Board by the County Medical Society. 1.15/205
17 (3) One (1) member shall be an engineer, recommended 1.15/205
18 to the Board by the local chapter of the Florida Engineering 1.15/206
19 Society.

20 (4) Two (2) members shall be citizens not holding 1.15/207
21 elective office.

22 (b) Members appointed to the Palm Beach County 1.15/208
23 Environmental Control Hearing Board under Chapter 70-862, as 1.15/209
24 amended, shall continue to serve on the Hearing Board but all 1.15/210
25 Hearing Board members shall serve at the pleasure of the
26 Board.

27 (c) The members of the Hearing Board shall elect a 1.15/211
28 chairman. The presence of three (3) or more shall constitute 1.15/211
29 a quorum of the Hearing Board. Members shall serve without 1.15/211
30 compensation, but may be reimbursed for such travel expenses,
31 mileage expenses, and/or per diem expenses as may be 1.15/211

The PBCHD shall be the professional staff of the EAB.

5. Meetings

a. General or Special Meetings

General meetings of the EAB shall be held no less frequently than once every 60 days. Special meetings may be called by the Chair of the EAB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each EAB member for a special meeting.

E. Environmental Control Hearing Board

1. Establishment

There is hereby established an Environmental Control Hearing Board (ECHB).

2. Powers and Duties

The ECHB has the following powers and duties:

- a. to conduct hearings into the merits of alleged violations to Sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ord. 78-5, as amended; and
- b. after due public hearing, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform to either or both of the following requirements:
 - 1) to refrain from committing, creating, maintaining, or permitting the violations;
 - 2) to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation;
 - 3) to issue orders imposing civil penalties of up to \$500 dollars for each day of violation;
 - 4) to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and
 - 5) to administer oaths to any or all persons who are to testify before the ECHB.

3. Qualifications

The ECHB shall be composed of five members. The membership of the ECHB shall consist of one attorney recommended by the PBC Bar Association; one medical doctor recommended by the PBC Medical Society; one engineer recommended by the PBC chapter of the Florida Engineering Society; and two citizens at large.

4. Officers

a. Secretary

The Environmental Control Officer shall serve as Secretary of the ECHB.

b. Staff

The PBCHD shall be the professional staff of the ECHB.

5. General or Special Meetings

General meetings of the ECHB shall be held no less frequently than every 45 days. The ECHB may set the date of future meetings during any meeting. Special meetings may be called by the Chair of the ECHB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each ECHB member for a special meeting.

F. Groundwater and Natural Resources Protection Board

1. Establishment

There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).

2. Powers and Duties

The GNRPB shall have the following powers and duties:

- a. to hold hearings as necessary to enforce Article 14, ENVIRONMENTAL STANDARDS. ERM may refer alleged violations of Art. 14 Environmental Standards, and Art. 4.D, Excavation, Ord. 2003-020, Petroleum Storage Systems, Ord. 2003-021, Petroleum Contamination Clean-up criteria, Ord. 2004-050, Stormwater Pollution and Prevention, Natural Areas, Ord. 1994-014 and Ord. 1993-003, Water and Irrigation Conservation as amended to the GNRPB, if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected; [Ord. 2006-004] [Ord. 2010-022]
- b. to adopt rules of procedure for the conduct of hearings;
- c. to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;
- d. to issue subpoenas compelling the provision of evidence at GNRPB hearings;
- e. to take testimony under oath;

1 The following resolution is hereby approved and adopted:

2 Section 1. Terms and Length of Service.

3
4 A. Members of the Environmental Control Hearing
5 Board shall be subject to the following terms
6 and length of service:

7
8 (1) The lawyer, engineer, and two citizens
9 shall serve for one (1) year.

10
11 (2) The medical doctor shall serve for two
12 (2) years.

13
14 (3) Thereafter, all appointments shall be
15 made for a term of three (3) years.
16 Appointments to fill any vacancy on the
17 Hearing Board shall be for the remainder
18 of the unexpired term of office.

19
20 (4) Members of the Hearing Board shall be
21 automatically removed for lack of
22 attendance. Lack of attendance is
23 defined as failure to attend three (3)
24 consecutive meetings or failure to attend
25 more than one-half of the meetings
26 scheduled during a calendar year.
27 Participation for less than three-fourths
28 of a meeting shall constitute lack of
29 attendance. Excused absences due to
30 illness, absence from the County, or
31 personal hardship shall not constitute
32 lack of attendance.
33
34

R-92 123

BOOK 1139 PAGE 222