

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

BOARD APPOINTMENT SUMMARY

Meeting Date: April 21, 2015
 Department: Florida Department of Health, Palm Beach County
 Submitted by: Office of County Attorney
 Advisory Board Name: Environmental Appeals Board

I. EXECUTIVE BRIEF

Motion/Title: Staff recommends motion to approve: Reappointment of the following individual to the Environmental Appeals Board for a term of three (3) years beginning on April 21, 2015 and ending on April 20, 2018.

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Ray Puzzitiello	3	Member	Gold Coast Builders Assoc.

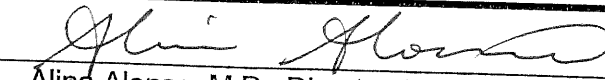
Summary: The Board is composed of five (5) members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association; one (1) person recommended by the Gold Coast Builders Association (formerly known as Home Builders and Contractors Association); one (1) professional engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers(ASCE); one (1) water resource professional employed by the South Florida Water Management District (SFWMD); and one (1) drinking water engineer employed by the Department of Environmental Protection (DEP). Countywide (H.H.)

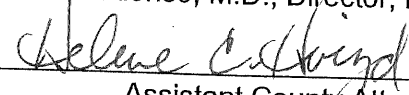
Background and Justification: The Environmental Appeals Board (EAB) was established by the Environmental Control Board to hear appeals from certain requirements, interpretations, or determinations of Article 15, Health Regulations, made by the PBC Health Department or the Environmental Control Officer. Environmental Control Rules I and II provide for the organization of the EAB. These rules state that composition and representative members of the EAB shall consist of an attorney, an engineer, a water resource professional, a drinking water engineer, and a professional recommended by the Home Builders and Contractors Association. (The Home Builders & Contractors Association has merged with another association and is now known as the Gold Coast Builders Association) Mr. Puzzitiello expressed a desire to remain on the EAB and was recommended by the Gold Coast Builders Association.

This Board consists of five (5) members: five (5) white males.

Attachments:

1. Recommendation letter from the Gold Coast Builders Association
2. Boards/Committees Application
2. Resume
3. Current List of Board Members
5. Current Attendance Log
6. Article 2, Chapter G, Section 3D
7. Article 15, Chapter A, ECR-I, Section 12, Unified Land Development Code
8. Article 15, Chapter B, ECR-II, Section 16, Unified Land Development Code

Recommended by:  4/3/15
 Alina Alonso, M.D., Director, FL. Dept. of Health, PBC Date

Legal Sufficiency:  4-6-15
 Assistant County Attorney Date



GOLD COAST BUILDERS ASSOCIATION

MEMBERS WORKING WITH MEMBERS

3/19/15

Barbara Sullivan
Legal Assistant
Palm Beach County Health Dept.
826 Evernia Street
West Palm Beach, FL 33401

RE: GCBA Recommendation to Palm Beach County Environmental Appeal Board

Dear Ms. Sullivan,

On behalf of Gold Coast Builders Association (GCBA), we recommended Ray Puzzitiello as our representative on Palm Beach County's Environmental Appeal Board. Ray is a member in good standing of GCBA and will make an excellent addition to the board. Ray is a custom homebuilder in Palm Beach County, past president of GCBA, and very active with our state association, Florida Home Builders Association. He will be a vital resource to the Board regarding all construction matters.

If Palm Beach County has any questions or further information needed to appointment Mr. Puzzitiello, please contact Kathy Macaluso at 561-693-5611 or Scott Worley at 561-248-4231 or Scott@northstarhomesfl.com. As always, GCBA continues to offer its knowledge and expertise on home building to Palm Beach County.

Sincerely,

Kathy Macaluso, Administrative Director
Gold Coast Builders Association

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

The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.

Section I (Department): (Please Print)

Board Name: ENVIRONMENTAL APPEALS BOARD Advisory Not Advisory

At Large Appointment or District Appointment /District #: _____

Term of Appointment: 3 Years. From: April 7, 2015 To: September 30, 2018 April 6, 2018

Seat Requirement: _____ Seat #: 3

*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: 0

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: PUZZITIELLO RAYMOND J.
Last First Middle

Occupation/Affiliation: Home Builder
Owner Employee Officer

Business Name: Puzzitiello Builders, LLC

Business Address: 2101 Vista Parkway, Suite 114

City & State: West Palm Beach Zip Code: 33411

Residence Address: 2143 Union Street

City & State: West Palm Beach, FL Zip Code: 33411

Home Phone: (561) 697-8732 Business Phone: (561) 939-4852 Ext. _____

Cell Phone: (561) 718-4176 Fax: (561) 939-4853

Email Address: ray@puzzitiello.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>Example: (R#XX-XX/PO XX)</u>	<u>Parks & Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)
OR

NONE

NOT APPLICABLE/
(Governmental Entity)

ETHICS TRAINING: All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment. **Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>.** Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment.

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):

X By watching the training program on the Web, DVD or VHS on June 2013
 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: [Signature] Printed Name: Ray Puzan 10210 Date: 3/8/2015

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:
 {Insert Liaison Name Here}, {Insert Department/Division Here}
 {Insert Address Here}

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

Raymond J. Puzzitiello

2143 Union Street
West Palm Beach, FL 33411

(561) 697-8732 Home
(561) 718-4176 Cell
(561) 697-8733 Fax

puzzitiellobuilders@comcast.net

Website: rpbuild.com

Florida Contractors License # CBCA 37798

Professional Achievements

- Florida State Certified Contractor since 1985
- Installed into the Gold Coast Builders Association (GCBA) Hall of Fame in 2007
- President of GCBA – 1994
- Builder of the Year of GCBA – 2008 and 1995
- Life Director for Florida Home Builders Association (FHBA) – 1992-Present
- Member of GCBA, FHBA and NAHB – 1987-Present
- Appointed to the Palm Beach County (PBC) Zoning Board of Adjustments – 1998 thru 2006
- Appointed to the PBC Land Development Regulation Advisory Board – January 2007-Present

Summary of Qualifications

- | | | |
|----------------|--|------------------------|
| 2006 – Present | Puzzitiello Builders, LLC | West Palm Beach, FL |
| | Managing Member | |
| | Custom home building business in Palm Beach and Martin Counties involved in building new homes from \$500,000 to \$7,000,000. | |
| 2004 – 2006 | Sunland Homes | Jupiter, FL |
| | Vice President of Construction | |
| | Oversee all Home Building activities including product design, sales, marketing, purchasing, construction and customer service. | |
| 2002 - 2004 | Arthur Rutenberg Homes | Palm Beach Gardens, FL |
| | Building Company President | |
| | Custom Home Building Company in Palm Beach County building homes in Country Club Communities from \$400,000 to \$2,500,000. | |
| | <ul style="list-style-type: none">▪ Started-up and managed the Palm Beach Division of this, Arthur Rutenberg Homes, company owned franchise. | |

2000 – Present **M-R Homes, Ltd.** Vero Beach, FL

Partner and Vice President

Developed a 100 unit single family residential community named Seasons at Orchid.

Responsible for Complete Development Process of community.

- Land Planning Design, Engineering, Permitting, Bidding and Construction.
- Clubhouse, Gate House and Amenities Design and Construction
- Product Design and Construction including Model Merchandising.
- Set-up of product standards, options and complete administrative processes.

1998 – 2001 **K. Hovnanian Co. of Florida, Inc.** West Palm Beach, FL

Vice President of Operations

Oversaw and directed all the companies activities involved in the production home building process.

Responsible for:

- All Land Planning and Development Activities
- New Product Designs
- Contract Administration and Purchasing Department
- All Construction Activities and Warrantee Service Department
- Administration and Accounting Department

1994 – 1998 **Classic Home and Remodelers, Inc.** Palm Beach, FL

Partner and President

Custom home building business in Palm Beach involved in building new homes and remodeling existing homes from \$1,000,000 to \$15,000,000

1985 – 1994 **Bentley Building Co., Inc.** Boca Raton, FL

Owner and President

Residential and commercial building company involved in building custom homes, gas stations, warehouses, tenant improvements and institutional work.

Education

1982-1984 **Western Michigan University** Kalamazoo, MI

Bachelor of Science

- Construction Supervision and Management

1981-1983 **Cuyahoga Community Collage** Cleveland, OH

Associate of Applied Science

- Architectural and Construction Engineering Technology

Third Generation Home Builder

- Grew up working in the family home building business

Cleveland, OH

ENVIRONMENTAL APPEALS BOARD DIRECTORY

Authority: Environmental Control Rules I and II **Terms Per Ord 96-28** *Appointments are for three (3) years*

Updated: March 17, 2015

Seat ID	Name/address	Telephone	Requirement	BCC Appt'd.	Term	Initial Appt.	Re-Appt.
1	Simon Coleman, P.E. Alan Gerwig & Associates, Inc. 12798 W. Forest Hill Blvd. #201 Wellington, FL 33414	Ofc: (561) 792-9000 (X 215) Fax: (561) 792-9901 Cell: (561) 543-4846 scoleman@aga-engineering.com	Professional Engineer registered by State of Florida and nominated by Am. Society of Civil Engineers -PB Branch	5/3/11	8-19-14 to 8-18-17		X
2	David J. Colangelo South Florida Water Management District, M.S.C. 7230 3301 Gun Club Road West Palm Beach FL 33406	Ofc: 682-2843 Fax: Cell: 352-5103 dcolang@sfwmd.gov	Water resource professional employed by SFWMD	4/1/08	4-1-14 to 3-31-17		X
3	Raymond J. Puzzitiello (Vice Chair) Puzzitiello Builders, LLC 2143 Union Street West Palm Beach, FL 33411	Home: (561) 697-8732 Office: (561) 939-4852 Cell: 718-4176 ray@puzzitiello.com	Member of Gold Coast Builders Assoc. (formerly HCBA)	4/7/09	4/6/12 to 4-05-15		X
4	Bradley Akers Dept of Environ. Protection SE District 3301 Gun Club Rd, West Palm Beach, FL 33406	Ofc: 681-6600 Cell 212-8928 Bradley.AKers@dep.state.fl.us	Drinking Water Engineer employed by the DEP	4/1/14	4/1/14 to 3/31/17	X	
5	Brian Joslyn, Esq. (Chair) Ciklin Lubitz, Warren & O'Connell 515 N. Flagler Dr., Suite 2000 West Palm Beach FL 33401	Ofc 820-0351 Fax 820-0389 Email bjoslyn@ciklinlubitz.com Home 747-6131 Cell -	Attorney nominated by PBC Bar Association	7/22/08	8-19-14 to 8-18-17		X

****NOTE:** Effective 2013- Resolution 2013-0193--NewTerms--beginning 2013 each member can serve a maximum of 3 – 3yr terms

**Environmental Appeal Board
2014**

Board Member	Hearing Date 1/17	Hearing Date 3/14	Hearing Date 5/9	Hearing Date 6/27	Hearing Date 8/22	Hearing Date 10/17	Hearing Date 12/12
S. Coleman	*	*	*	*	√	√	√
D. Colangelo	*	*	*	*	√	√	√
R. Puzzitiello	*	*	*	*	√	√	√
M.Bechtold**	*	*	*	*			
B. Akers	n/a	n/a	*	*	√	√	X
B.Joslyn	*	*	*	*	√	√	√

* No meetings due to no requested variances/appeals.

**NOTE: Michael Bechtold term expired 3/16/14- On 4/1/14 Bradley Akers was appointed to fill this seat

Article 2, Chapter G, Section 3D

shall appoint a Special Master from the pool of candidates previously selected by the BCC to fill the vacancy within 30 days.

8. Conflicts of Interest

Special Master shall not be considered outside or special counsel and shall not be subject to PPM# CW-O-52 relating to outside counsel conflicts of interest.

9. Meetings

a. Scheduling

The Code Enforcement Division shall be responsible for scheduling meetings of Special Master. In the case of an alleged violation as set forth in Article 10.B.1, Procedure, a hearing may be called as soon as practical.

b. Operating Procedures

All cases brought before Special Master shall be presented by either the Code Enforcement Division or an attorney representing the Division.

C. Development Review Appeals Board

1. Establishment

There is hereby established a Development Review Appeals Board (DRAB).

2. Powers and Duties

The DRAB shall have the following powers and duties under the provisions of this Code:

- a. to hear, consider, and decide appeals, decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension;
- b. to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and WHP; and **[Ord. 2007-013]**
- c. to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit.

3. Board Membership

The DRAB shall consist of the Executive Director of PZB, County Engineer, and County Attorney or Deputy County Attorney.

4. Officers; Staff

a. Chair and Vice-Chair

The Executive Director of PZB shall be the Chair of the DRAB.

b. Staff

PZB staff shall be the professional staff for the DRAB.

5. Meetings

a. General

General meetings of the DRAB shall be held as needed to dispose of matters properly before the DRAB. Special meetings may be called by the Chair or in writing by two members of the DRAB. Staff shall provide 24-hour written notice to all DRAB members.

★ D. Environmental Appeals Board

1. Establishment

There is hereby established an Environmental Appeals Board (EAB).

2. Powers and Duties

The EAB has the following powers and duties:

- a. to hear appeals from certain requirements, interpretations, or determinations of Article 15, HEALTH REGULATIONS, made by the PBCHD or the Environmental Control Officer.

3. Board Membership

a. Qualifications

The EAB shall be composed of five members appointed by the Environmental Control Board (ECB). The membership of the EAB shall consist of one professional engineer registered by the State of Florida and nominated by the Palm Beach branch of the American Society of Civil Engineers, one water resource professional employed by SFWMD, one drinking water engineer employed by the FDEP, one member of the Gold Coast Builders Association, and one attorney nominated by the PBC Bar Association. **[Ord. 2011-016]**

b. Terms of Office

All EAB members shall serve a term of three years. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. **[Ord. 2014-001]**

4. Officers

a. Secretary

PBC Environmental Control Officer shall provide a staff person to the EAB and that staff member shall be designated as Secretary of the EAB.

b. Staff

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.

6. Term Limits

Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2014-001]

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

Article 15, Chapter ~~A~~, ECR 1, Section 12

- a. For estimated sewage flows of 600 or fewer gallons per day, if a sewer line exists in a public easement or R-O-W which abuts the property or is within 100 feet of the property and if gravity flow can be maintained from the building drain to the sewer line.
 - b. For estimated sewage flows exceeding 600 gallons per day to 1,200 gallons per day, if a sewer line, gravity or force main exists in a public easement or R-O-W which is within 100 feet of the property.
 - c. For estimated sewage flows greater than 1,200 gallons per day to 2,500 gallons per day, if a sewer line, gravity or force main exists in a public easement or R-O-W which is within 500 feet of the property.
 - d. For estimated sewage flows greater than 2,500 gallons per day to 10,000 gallons per day, if a sewer line (gravity or force main) exists in a public easement or R-O-W which is within 1,000 feet of the property. **[Ord. 2013-002]**
- B. Where the property is located in an area that is subject to frequent flooding.
 - C. For lots in a subdivision where the approved drainage has not been constructed in accordance with the requirements of the SFWMD and/or the PBC Engineering Department.
 - D. For treatment and disposal of industrial hazardous or toxic wastes.

Section 9 Handling of Septage

Collection, treatment and disposal of septage shall be in accordance with Rule 64E-6, F.A.C. No person(s) or corporation shall engage in the business of servicing septic tanks, grease traps, portable toilets or other treatment receptacles without first obtaining an annual license from the Department. The issuance of the license would be based upon compliance with the provisions of Rule 64E-6, F.A.C.

Section 10 Prohibitions

- A. It is prohibited for any person to construct, keep, use or maintain a privy from which human waste is deposited on the surface of the ground or over waters of the State of Florida.
- B. No person shall manufacture, sell or install an OSTDS unless in compliance with the requirements of his Article.
- C. It is prohibited to drain sewage wastes or septic tank effluent into cesspools or drywells as means of disposal.
- D. Organic chemical solvents shall not be advertised, sold or used in PBC for the purpose of degreasing or declogging onsite sewage disposal systems.

Section 11 Incorporation by Reference of Rule 64E-6, F.A.C.

Rule 64E-6, F.A.C. as may be amended from time to time and all amendments hereto, is hereby incorporated by reference including, but not limited to, application and permitting procedures, systems design and construction standards, system sizing, system setback requirements, septage disposal, system maintenance and fee schedule unless higher in the PBC fee ordinance. In the event of a conflict between the provision of Rule 64E-6, F.A.C. and this Article, the more restrictive provision shall apply.

~~A~~ Section 12 Environmental Appeal Board (EAB)

The EAB was established by the ECB on May 26, 1987 to hear appeals from certain requirements, interpretations or determinations of this Article made by the Department or the ECO. Its membership is described in Art. 2.G, DECISION MAKING BODIES.

Section 13 Appeals

- A. Persons aggrieved by a requirement, interpretation or determination of this Article made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. However, no appeal shall be filed which requests relief from the construction standards required under Rule 64E-6, F.A.C. The notice shall be accompanied by a certified check or money order, made payable to the Department to defray the cost of processing and administering the appeal. The fee for filing the appeal shall be in accordance with the fee schedule [PBC Code Chapter 11, Art. II Sect. 11-24]. **[Ord. 2013-002]**
- B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including the information listed in Appendix

C, ECR I - Information Required for an Appeal for an Individual Lot, or Appendix D, ECR II- Information for an Appeal for a Subdivision, if applicable to the appeal. The EAB may require such additional information, as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department of Environmental Control Office with the notice of appeal. The burden of presenting supportive facts in the notice of appeal shall be the responsibility of the person filing the appeal. The person filing the appeal shall have the burden of proving that he/she is entitled to relief. The Department shall defend all appeals before the EAB. **[Ord. 2005 – 003]**

- C. The person filing the appeal shall also submit to the ECO a list of the names and addresses of every property owner who may be affected by the granting of the appeal in the following cases:
 - 1. The proposed OSTDS fails to meet the minimum distance required between the system and a well, as provided by this Article; or
 - 2. The proposed OSTDS is within five feet of a neighboring lot; or
 - 3. The proposed OSTDS is within 50 feet of a water body on a neighboring lot.
- D. A hearing on the appeal shall be set within 60 days of receipt of the notice of appeal by the ECO. This provision does not mean that the applicant is entitled to a hearing on the first available agenda following receipt of the notice of appeal.
- E. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be under oath. Irrelevant, immaterial or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent persons shall be admissible, whether or not such evidence would be admissible in the trial courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- F. The parties shall have the following rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any relevant matter, even though the matter was not covered in direct examination; and to rebut evidence.
- G. The EAB shall hear and consider all facts material to the appeal and shall issue findings of fact based upon the greater weight of the evidence and shall issue an order affording the proper relief consistent with the powers granted herein. The findings and order shall be by motion approved by a majority of those members present and voting.
- H. In order to grant an appeal authorizing an OSTDS on a single lot, the EAB must find that:
 - 1. Because of special factors, which may include economic factors, the applicant is unable to comply with this Article; and
 - 2. The OSTDS complies with current construction standards; and
 - 3. The granting of the appeal is the minimum alternative that will make possible the reasonable use of the land, structure or building; and
 - 4. The granting of the appeal is consistent with the general intent, purpose and requirements of PBC laws and ordinances; and
 - 5. The grant of the appeal will not be injurious to the area involved or to the public health and general welfare.

(This space intentionally left blank)

- I. In order to grant an appeal authorizing OSTDS in subdivisions containing lots smaller than those required under this Article, the EAB must additionally find:
 1. That for a proposed subdivision to be served by individual private wells, each lot has at least one-half acre, with a minimum dimension of 100 feet and that said subdivision contains no more than 50 lots; or that for the proposed subdivision to be served by a public water system, each lot has at least one-third acre with a minimum dimension of 75 feet and that said subdivision contains no more than 100 lots; and
 2. That satisfactory ground water can be obtained if an individual private well is to be used; and
 3. That all distance and setbacks, soil conditions, water table elevations and other related requirements of this Article and Rule 64E-6, F.A.C., are met; and
 4. That the proposed subdivision does not represent sequential development of contiguous subdivisions, the purpose of which is to avoid the requirements of Article 15.A.13.I.1; and
 5. That a municipal, county or investor-owned public sewage system is not available contiguous to the proposed subdivision or within one-half mile thereof with public R-O-W accessibility; and
 6. That a municipal, county or investor-owned public sewage system is not available contiguous to the proposed subdivision or within one-half mile thereof with public R-O-W accessibility; and
 7. That the proposed density of the subdivision is consistent with the density recommended in the Land Use Plan of PBC or in the Land Use Plan of the appropriate municipality; and
 8. That the developer has made every reasonable effort to obtain public water and sewer; and
 9. That dry water and/or sewer lines are to be installed by the developer and that the developer will establish an escrow account to pay for the cost of connection when water and/or sewer becomes available, or that the installation of the same is not feasible from a technical or economic standpoint; and
 10. That onsite, water and/or sewage treatment facilities are not feasible from a technical or economic standpoint; and
 11. That the proposed development will consist of no more than one single family residence per lot; and
 12. That land uses surrounding and adjacent to the proposed subdivision and soil qualities of the area do not indicate that the area's health is endangered by an inordinate proliferation of septic tanks.
- J. Provided that the factual findings specified in Article 15.A.13.H and Article 15.A.13.I, the EAB may reverse, modify or affirm, wholly or partly, the requirement, interpretation or determination made by the Department or the ECO. In granting an appeal, the EAB may prescribe appropriate conditions and safeguards consistent with this Article. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Article. The EAB may also prescribe a reasonable time within which the action for which the appeal is granted shall be started or completed or both. Any decision of the EAB shall be in the form of written order.
- K. If there is a change in facts or circumstances supporting a request for relief after an order granting relief has been issued, then the applicant shall notify the Department. The Department may request the EAB to revoke or amend the order.
- L. Except where the relief granted is to exempt an applicant from the requirement to connect to a sanitary sewer under Article 15.A.8.A, any relief granted shall automatically terminate upon the availability of sewer service to the lot or parcel. Unless otherwise provided in an order issued pursuant to Article 15.A.13.J, relief granted under this Article shall automatically lapse if action for which the appeal was granted has not been initiated within 24 months from the date of granting such appeal by the EAB or, if judicial proceedings to review the EABs decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals. **[Ord. 2013-002]**
- M. The decision of the EAB shall be final administrative action. Any party or interested person may appeal a decision of the EAB to the Circuit Court of PBC. Such appeal shall be filed within 30 days of the execution of the EABs order.

Section 14 Violations, Enforcement Penalties, Inspections

A. Violations, Enforcement and Penalties

It is unlawful for any person to violate any provisions of this Article or any duly constituted order of the ECHB enforcing this Article. Such violations shall be punished according to the provisions of Chapter 77-616, Special Acts, Laws of Florida, as amended from time to time and PBC Environmental Control Ordinance No. 94-26, 32 as amended.

B. Inspections

It shall be the duty of the Health Director to conduct such inspections as are reasonable and necessary to determine compliance with the provisions of this Article.

Section 14 Emergency Operation Requirements

- A. Where two community water supply systems have distribution or transmission lines within 1,000 feet of each other, they shall provide an emergency interconnection between the two systems when the Department determines that such a connection would be of benefit to the citizens of PBC. Such determination shall be based on the possibility of destruction of the water source or treatment system in the event of a disaster and the possible benefits in moving water between the systems. Such interconnecting lines shall be no smaller than the smallest of the two lines being inter-connected and shall be provided with at least one valve and any necessary flush points. If the two water suppliers are unable to reach an agreement on the payment for installation of such an inter-connection, each supplier shall pay the cost of construction from the supplier's line to the point of connection and shall pay 50 percent of the cost of a meter and meter box if either party desires a meter and meter box. The point of connection shall be at the following:
1. Municipal limits or franchise boundaries if the supplier's limits or boundaries are adjacent and contiguous.
 2. The midpoint of the municipal limits or franchise boundaries if the limits or boundaries are not adjacent and contiguous. The interconnection shall be completed within one year after the Department notifies the systems involved.
- B. Any consecutive or community water system may be required to provide a flush or fire hydrant, water tap or other provision for securing an emergency water service from an existing main at a location that the Department determines would be of benefit to the citizens of the area. Such determination shall be based in part on the possibility of a prolonged power outage or other disaster which would render individual wells in the area unusable. Other considerations will include the density of individual wells in the area and the distance of the nearest possible potable water supply during an emergency. Such water taps shall be constructed within 120 days of notification by the Department. It shall be the responsibility of PBC to secure an agreement with the community water system for use of that emergency water service.

Section 15 Adoption of Chapters of F.A.C.

Chapters 62, 532, 550, 551, 555, 560, 602, 699, 64E-6 and 64E-8, F.A.C., and all amendments thereto, are hereby incorporated into this Article. In the event of a conflict between the provisions of these Chapters and this Article, the more restrictive provision shall apply.

Section 16 Environmental Appeal Board (EAB)

The EAB was established by the ECB on May 26, 1987, to hear appeals from certain requirements, interpretations or determinations of this Article made by the Department or the ECO. Its membership is described in Art. 2, DECISION MAKING BODIES.

Section 17 Appeals

- A. Persons aggrieved by a requirement, interpretation or determination of Art. 15.B.8, Construction and Design Requirements, and Art. 15.B.9, Connection Required, made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. The notice shall be accompanied by a certified check or money order, in the amount of \$100.00 made payable to the Department which shall be non-refundable, to defray the cost of processing and administering the appeal. Only those appeals requesting relief from setbacks under Art. 15.B.8, Construction and Design Requirements, or requesting an exception from connection to a public or investor-owned community water supply under Art. 15.B.9, Connection Required, shall be filed. **[Ord. 2005 - 003]**
- B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including a site plan indicating proposed and existing individual sewage disposal systems and water wells on the property that is the subject of the appeal and all other systems and conditions on neighboring properties which could affect the requirements of Art. 15.B.8, Construction and Design Requirements, or Art. 15.B.9, Connection Required, if the appeals were granted. The EAB may require such additional information as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department or ECO with the notice of appeal. The burden of presenting supporting facts in the notice of appeal shall be the responsibility of the

- person filing the appeal. The person filing the appeal shall have the burden of proving that he/she is entitled to relief. The Department and/or ECO shall defend all appeals before the EAB. **[Ord. 2005 – 003]**
- C. The person filing the appeal shall also submit to the ECO a list of the names and addresses of every property owner who may be affected by the granting of the appeal.
 - D. A hearing on the appeal shall be set within 60 days of receipt of the notice of appeal by the ECO. This provision does not mean that the applicant is entitled to a hearing on the first available agenda following receipt of the notice of appeal.
 - E. Formal rules of evidence shall not apply to the hearing but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be under oath. Irrelevant, immaterial or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent persons shall be admissible, whether or not such evidence would be admissible in the trial courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
 - F. The parties shall have the following rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any relevant matter, even though the matter was not covered in direct examination; and to rebut evidence.
 - G. The EAB shall hear and consider all facts material to the appeal and shall issue findings of fact based upon the greater weight of the evidence and shall issue an order affording the proper relief consistent with the powers granted herein. The findings and order shall be by motion approved by a majority of those members present and voting.
 - H. In order to grant an appeal authorizing a new or existing well for use in lieu of connecting to a public or investor-owned community water supply, the EAB must find that: **[Ord. 2005 – 003]**
 - 1. Satisfactory ground water is available or can be obtained; and
 - 2. The well complies with all setbacks, construction standards and other requirements of this Article; and Chapters 62-550, 62-555, 62-532, 64E-6, and 64E-8, F.A.C., and [Ord. 2005 – 003]
 - 3. Every reasonable effort has been made to obtain a water supply from a public or investor-owned community water supplier.
 - I. In order to grant relief from Art. 15.B.8, Construction and Design Requirements, and/or Art. 15.B.9, Connection Required, the EAB must find that: **[Ord. 2005 – 003]**
 - 1. Satisfactory ground water can be obtained; and
 - 2. Every reasonable effort has been made to comply with the requirements of this Article in the location of the water well; and
 - 3. The proposed water well complies with all construction standards and other requirements of this Article; and
 - 4. Advanced notice shall be given to future purchasers of the water system that the system shall be connected to a community water supply when such supply becomes available. The purchaser has certain operational requirements until such connection is completed.
 - J. Provided that the factual findings specified in Article 15.B.17.H, Article 15.B.17.I, above, are made, the EAB may reverse, modify or affirm, wholly or partly, the requirement, interpretation or determination made by the Department or the ECO. In granting an appeal, the EAB may prescribe appropriate conditions and safeguards consistent with this Article. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Article. The EAB may also prescribe a reasonable time within which the action for which the appeal is granted shall be started or completed or both. Any decision of the EAB shall be in the form of written order.
 - K. If there is a change in the facts or circumstances supporting a request for relief after an order granting relief has been issued, then the applicant shall notify the Department. The Department may request the EAB to revoke or amend the order.
 - L. Except where the relief granted is to exempt an applicant from the requirement to connect to a community water supply under Art. 15.B.9, Connection Required, any relief granted shall automatically terminate upon the availability of community water supply to the lot or parcel. Upon the request of the Department or the ECO, the EAB may modify or rescind an order granting relief from the requirements to connect to a public or investor-owned community water supply under Art. 15.B.17.H if conditions under which the appeal was granted no longer exist. Unless otherwise provided in an order issued pursuant to Art. 15.B.17.H, relief granted under this Article shall automatically lapse if action for which the appeal was granted has not been initiated within one year from the date of granting such appeal by the EAB or, if judicial proceedings to review the EABs decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals. **[Ord. 2005 – 003]**

- M. The decision of the EAB shall be final administrative action. Any party or interested person may appeal a decision of the EAB to the Circuit Court of PBC. Such appeal shall be filed within 30 days of the execution of the EAB Order.

Section 18 Violations, Enforcement, Penalties and Inspections

A. Violations and Penalties

It is unlawful for any person to violate any provision of this Article or any duly constituted order of the ECHB enforcing this Article. Such violations shall be subject to the enforcement and penalty provisions of Chapter 77 616, Special Acts, Laws of Florida, as may be amended from time to time and PBC Environmental Control Ordinance No. 94-26, 32 as amended.

B. Inspections

It shall be the duty of the Director to conduct such inspections as are reasonable and necessary to determine compliance with the provisions of this Article.

Section 19 Judicial Review

Any person aggrieved by an action or decision of the ECHB, including PBC, may seek judicial review in the Circuit Court of PBC.

Section 20 Application

This Article shall apply to all the incorporated and unincorporated areas of PBC.

CHAPTER C GENERAL THRESHOLD REVIEW

Section 1 Purpose

The purpose of threshold review is to provide information to the applicant and PBC on the carrying capacity of the land prior to site design.

A. Development on Property or Uses Requiring Threshold Review

Proposed development consisting of any of the following site uses shall be reviewed by the Department. In response, the Department shall advise the applicant of special rules and procedures governing development of the use:

1. Sanitary Landfills;
2. Recycling Plants/Centers;
3. Composting facility;
4. Chipping and Mulching Plants;
5. Chipping and Mulching Plants;
6. Waste and Water treatment plants;
7. Public Bathing Places;
8. Salvage or Junk Yards;
9. Incinerators;
10. Bio Hazardous Waste Processing Plants;
11. Electric Power Generation Plants;
12. Septic Tanks;
13. Private Water Supply Wells; and
14. Public Swimming Pools

B. Application Procedures

Applications for Threshold Review may be submitted to the PBCHD or concurrently with a zoning application.

1. Application Submitted to PBCHD

Application must comply with the provision of this article and any additional application requirements, established by the Health Department.

2. Submitted with a Zoning Application

An application for all Zoning amendments or development permits shall be submitted pursuant to Article 2, DEVELOPMENT REVIEW PROCESS, by the owner, or agent who is authorized in writing to act on the owner's behalf, or person having a written contractual interest in the land for which the amendment or development permit is proposed.