

**7A-1**

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**SITTING AS THE ENVIRONMENTAL CONTROL BOARD**

**BOARD APPOINTMENT SUMMARY**

**Meeting Date:** February 7, 2017

**Department:** Florida Department of Health, Palm Beach County

**Submitted by:** County Administration

**Advisory Board Name:** Environmental Control Hearing Board

**I. EXECUTIVE BRIEF**

**Motion/Title: Staff recommends motion to approve:** reappointment of the following individual to the Environmental Control Hearing Board (Board) for a term of three (3) years beginning on February 7, 2017, to February 6, 2020:


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

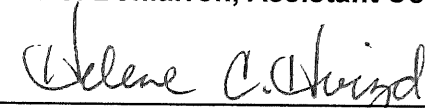
**Summary:** The Board is comprised of five (5) members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association, one (1) medical doctor recommended by the Palm Beach County Medical Society, one (1) engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society, and two (2) citizens-at-large not holding elective office. The Florida Engineering Society has nominated Mr. Horan for reappointment. The Board has five (5) seats, with four (4) currently filled, and a diversity count of: Caucasian 3 (75%) and African-American 1 (25%). The gender ratio (female:male) is: 1:3. The above nominee is a Caucasian male. Countywide (HH)

**Background and Justification:** Chapter 77-616, as amended, provides for the organization of the Environmental Control Hearing Board (ECHB). This Special Act states that the composition of this Board shall consist of an attorney, a doctor, an engineer, and two citizens. The ECHB conducts hearings into the merits of alleged violations to Sections promulgated under Chapter 77-616, Special Acts, Laws of Florida, and PBC Ord. 78-5, as amended.

**Attachments:**

1. Boards/Committees Application w/Resume
2. Current List of Board Members
3. Letter dated December 19, 2016 from Florida Engineering Society
4. Pages 10 and 11 of Chapter 77-616, Laws of Florida
5. Article 2, Chapter G, Section 3E, Unified Land Development Code

Recommended by:  1/20/17  
 Todd J. Bonlarron, Assistant County Administrator Date

Legal Sufficiency:  1-25-17  
 Assistant County Attorney Date

**II. REVIEW COMMENTS**

**A. Other Department Review:**

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**Department Director**

**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 Control Hearing Board Advisory  Not Advisory   
 At Large Appointment or  District Appointment /District #: \_\_\_\_\_  
Term of Appointment: 3 Years. From: 2/3/17 To: 2/3/20  
Seat Requirement: Engineer Member Seat #: \_\_\_\_\_  
 \*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: Engineer/ Florida Engineering Society  
Owner  Employee  Officer   
**Business Name:** ECS Florida, LLC  
**Business Address:** 2000 Avenue P, Suite 3  
City & State West Palm Beach, Florida Zip Code: 33404  
**Residence Address:** 7745 W Lake Dr  
City & State Lake Clarke Shores, Florida Zip Code: 33406  
Home Phone: ( ) Business Phone: (561)840.3667 Ext. \_\_\_\_\_  
Cell Phone: (561)246.7898 Fax: (561 840.3668)  
Email Address: thoran@ecslimited.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 &amp; Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>
_____	_____	_____	_____
_____	_____	_____	_____
(Attach Additional Sheet(s), if necessary) OR			
NONE	<input checked="" type="checkbox"/>	NOT APPLICABLE/ (Governmental Entity)	<input type="checkbox"/>

**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   December 13,   2016  
       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: 12/13/2016

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](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com) or (561) 355-1915.

**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: \_\_\_\_\_

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

2014 – present Branch Office Manager, ECS Florida, LLC  
2012 – 2014 Senior Manager, ENVIRON International Corporation  
2007 – 2012 Director of Environmental Engineering, Office Manager West Palm Beach  
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

## EXPERIENCE

Mr. Horan has 23 years of experience in environmental assessment and remediation, with an emphasis on the design, installation, operation, and maintenance of remedial systems. He has managed site assessments, remedial investigations, feasibility studies and remediation projects for private sector, municipal, and state and federal agency clients. His professional experience includes the following:

### 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 over two hundred properties, including waste treatment, storage, and disposal facilities; boat and aircraft manufacturing and maintenance facilities, metal plating plants, printing facilities, and various manufacturing facilities.
- 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 Basin 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.
- 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, 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.



Terrence R. Horan, PE

- 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.



**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ENVIRONMENTAL CONTROL HEARING BOARD**

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**I. AUTHORITY :**

PBC Environmental Control Act, Chapter 77-616, Section 9, Laws of Florida, Ordinance No. 78-5; as amended by Ordinance No. 79-15; amended by Ordinance No. 85-25; as amended by Ordinance No. 87-22. Unified Land Development Code, Section 4.12, amended by Resolution No. R92-123.

**II. APPOINTING BODY :**

Board of County Commissioners

**III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :**

The Board shall be composed of five (5) members. Membership shall consist of one (1) lawyer, recommended by the PBC Bar Association; one (1) medical doctor, recommended by the PBC Medical Society; one (1) engineer, recommended by the PBC chapter of the Florida Engineering Society; and two (2) citizens at-large. The term of appointments shall be for three (3) years. Appointments to fill any vacancy on the Hearing Board shall be for the remainder of the unexpired term of office. Members shall receive no compensation for their services. Travel reimbursements are limited to expenses incurred only for travel outside PBC necessary to fulfill the responsibilities of membership of the Board.

**EXTENDED COMPOSITION :**

**IV. MEETINGS :**

Every forty-five (45) days at 8:30a.m., 800 Clematis, West Palm Beach, FL

**V. FUNCTIONS :**

To hear and conduct hearings into the merits of alleged violations to sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ordinance No. 78-5, as amended, and to issue injunctive and affirmative relief for violations; and after due public hearing upholding a violation, 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 with either or all of the following requirements: (a) to refrain from committing, creating, maintaining, or permitting the violations; (b) to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation; (c) to issue orders imposing civil penalties of up to \$500 for each day of violation; (d) 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 (e) to administer oaths to any or all persons who are to testify before the ECHB.

**Attachment # 2**

\* indicates a member having an action pending

VI. LIAISON INFORMATION :

<u>LIAISON DEPARTMENT</u>	<u>CONTACT PERSON</u>	<u>ADDRESS</u>
Florida Dept. of Health - Palm Beach Coun	Precious Woods	800 Clematis St West Palm Beach FL 33401 Phone # 561-671-4008

\* indicates a member having an action pending



ENVIRONMENTAL CONTROL HEARING BOARD

SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	GENDER	BUSINESS / HOME PHONE	SEAT REQUIREMENT	APPOINT DATE	REAPPOINT DATE	EXPIRE DATE
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Appointed By : At-Large/Palm Beach County Board of County Commissioners

1	Douglas H. MacLaughlin	Member	CA	M	561-329-4403	Attorney	01/14/2017		01/13/2020
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319 Greenwood Dr  
West Palm Beach FL 33405

NOMINATED BY : Palm Beach County Bar Association

2	David Shulan	Member	CA	M	562-374-9221	Medical Doctor/ER Physician	04/21/2015		04/20/2018
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12264 Bear River Rd  
Boynton Beach FL 33473

NOMINATED BY : Palm Beach County Medical Society

3	Vacant	Member				Resident of Palm Beach County			01/31/2017
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NOMINATED BY :

4	Carla E. Erskine Ciklin Lubitz & O'Connell	Member	AA	F	561-832-5900	Resident of Palm Beach County	02/01/2017		01/31/2020
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515 N Flagler Dr Ste 2000  
West Palm Beach FL 33401

NOMINATED BY :

\* indicates a member having an action pending

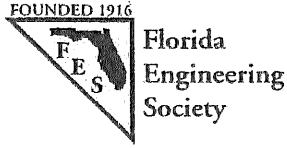
Appointed By : At-Large/Palm Beach County Board of County Commissioners

5 \* Terrence R. Horan Member CA M 561-840-3667 Engineer 02/04/2014 02/03/2017  
ECS Florida, LLC

2000 Avenue "P" Ste 3  
West Palm Beach FL 33404

**NOMINATED BY :** Florida Engineering Society - PBC Chapter

\* indicates a member having an action pending



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.

Sent Via E-mail

Dec 19, 2016

Precious Woods
Senior Legal Assistant
Clerk of the Environmental Control Hearing Board
Florida Department of Health in Palm Beach County
Legal Office

Re: Reappointment to PBC Environmental Control Hearing Board

Dear Ms Woods,

The Palm Beach Chapter of the Florida Engineering Society would like to reappoint Mr. Terrence Horan, PE, to the PBC Environmental Control Hearing Board.

If you have any questions, do not hesitate to contact me at 561-684-4011 or via email at fjafar@pbcgov.org.

Sincerely,

Fattoush Jafar, PE, PhD
President - PB Chapter of the Florida Engineering Society

EC: Terrence Horan, PE, ECS Florida, LLC (THoran@ecslimited.com)

Table with 6 columns: President (Fattoush Jafar, PE), Vice President (Jose N. Gomez, PE), Treasurer (Zach Todd, EI), Secretary (Andre' V. McBarnette, PE), Past President (Arnoldo Artiles, PE), State Director (Vacant). Includes contact information for each role.

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

*ECHB*

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	1.15/203
14	the Board by a representative of the <u>County Bar Association</u> .	1.15/203
15	(2) One (1) member shall be a medical doctor,	1.15/204
16	recommended to the Board by the <u>County Medical Society</u> .	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 <u>Florida Engineering</u>	1.15/206
19	<u>Society</u> .	
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 <u>Chapter 70-862</u> , 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) <del>The members of the Hearing Board shall elect a</del>	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	1.15/212
30	compensation, but may be reimbursed for such travel expenses,	
31	mileage expenses, and/or per diem expenses as may be	1.15/213



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 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;