KAREN E. RUSHING
Clerk of the Circuit Court and County Comptroller

May 8, 2024

John Hickey
Environmental Protection
Bob Building
Sarasota, FL

RE: Contract No. 2024-274

Enclosed are two (2) original pending Contracts between Sarasota County and The State of Florida, Department of Environmental Protection that are not fully executed.

Following execution, please forward one original Contract to my attention in Board Records so that it may be removed from the Board Records Pending List and filed in the Official County Records.

As always, your assistance is greatly appreciated. If you have any questions, please call me at x15279.

Sincerely,

Karen E. Rushing
Clerk of the Circuit Court and County Comptroller

By: _____
Katrina M Johnson
Deputy Clerk

CONTRACT NO. 2024-274

BCC APPROVED 5/1/2024

AIR POLLUTION CONTROL
SPECIFIC OPERATING AGREEMENT

BETWEEN THE
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

AND

SARASOTA COUNTY

BOARD RECORDS FILED FOR RECORD
APR 30 PM 3:10
KAREN E. RUSHING CLERK OF CIRCUIT COURT SARASOTA COUNTY, FL

PART I
INTRODUCTION

1) Purpose. This Specific Operating Agreement (SOA) is entered into between the Florida Department of Environmental Protection (DEP or Department) and Sarasota County for the Environmental Protection Division, Air & Water Quality of Sarasota County (EPD or Local Agency) to act on DEP's behalf as an approved local air pollution control program. Both parties will work together to protect the air quality of the county according to the provisions of Section 403.182, Florida Statutes (F.S.).

   By signing this Agreement, Sarasota County states that, as an approved local air pollution control program pursuant to Section 403.182, F.S., EPD is capable of providing the administrative organization, staff, financial resources, and other resources necessary to carry out its program effectively and efficiently. *See* Section 403.182(1)(d), F.S. EPD will coordinate with and assist DEP's Division of Air Resource Management (DARM) in the preparation and submittal to the Environmental Protection Agency (EPA) all State Implementation Plan (SIP) revisions and 111(d) plans that may affect the Local Agency. DARM will be responsible for determining the need and relative priority for any such SIP revisions or 111(d) plans.

   As an approved local air pollution control program pursuant to Section 403.182, F.S., and the terms of this Agreement, Sarasota County is eligible to receive a portion of state tag fee monies pursuant to Section 320.03(6), F.S. The Department's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. The Local Agency shall hold in a program-specific air pollution control trust fund any state tag fee monies received pursuant to this SOA, and those monies shall not be commingled with funds for programs and activities unrelated to air pollution control. This Agreement is not a commitment of any future appropriations that the Department may receive. Authorization for the continuation and completion of work and any associated payments may be rescinded, with proper notice, at the Department's discretion if the Legislature reduces or eliminates appropriations. In addition, as an approved local air pollution control program, Sarasota County is eligible to receive federal grant monies from EPA through 42 U.S.C. Section 7403 (the 103 Grant) and 42 U.S.C. Section 7405 (the 105 Grant). Sarasota County is expected to apply for 103 Grant funding and 105 Grant funding to support its local air pollution control

activities and operations. If the Local Agency uses state tag fee monies for expenses for which reimbursement is sought under EPA's 103 Grant and 105 Grant programs, the monies received through these grants shall be held in the Local Agency's air pollution control trust fund. Any tag fee monies that are used for expenses for which EPA subsequently provides reimbursement under the 103 Grant program or 105 Grant program, or for which the Local Agency receives reimbursement from any other federal, state, or local grant program, must be paid back into the Local Agency's air pollution control trust fund.

2) Prior Operating Agreements. On June 17, 1983, DEP and EPD entered into a General Operating Agreement (GOA). The 1983 GOA is the current GOA. A copy of the GOA is on file at the EPD and DARM.

   The GOA, executed pursuant to Section 403.182, F.S., requires that the Secretary of DEP must further authorize the delegation of specific authorities under a Specific Operating Agreement (SOA). The SOA must specify the DEP programs or duties to be conducted by the Local Agency, and will include such specific terms as are necessary to clearly delineate each party's rights and obligations.

   This SOA constitutes the sole agreement defining the rights and responsibilities of the Local Agency to act on DEP's behalf as an approved local air pollution control program under Sections 403.182 and 403.087, F.S., and the GOA. This SOA recognizes the Local Agency as an "approved local air pollution control program" for purposes of Sections 320.03 and 376.60, F.S. In the event that DEP disapproves the local air pollution control program for cause, as provided in Section 403.182(4), F.S., DEP and the Local Agency will address fee remittances consistent with the provisions of Sections 320.03 and 376.60, F.S.

3) County Authority. EPD was created and expanded by Chapter 71-913, Special Acts of 1971, as well as Sarasota County Ordinance No. 72-37, The Home Rule Charter, and Sarasota County Chapter 54, Article V of Sarasota County Code. The powers and duties of Sarasota County and the Local Agency established by these Special Acts and the Code are incorporated by reference. Copies of the Special Acts and Code are available at the EPD. Pursuant to Section 403.182(9), F.S., nothing in this SOA will diminish the Local Agency's independent authority as established by law, nor hinder the Local Agency from independently enforcing its own rules, regulations, or orders.

4) General Nomenclature. Throughout this document, "county" will mean Sarasota County and "Local Agency" will mean EPD. Likewise, "DEP" will mean the Florida Department of Environmental Protection and "DARM" will mean DEP's Division of Air Resource Management. "EPA" will mean the U.S. Environmental Protection Agency.

5) DEP's Role. DEP administers the following EPA-approved or EPA-delegated programs: the State Implementation Plan (SIP); the Title V permit program; and programs related to Sections 7411 and 7412 of Title 42, United States Code (U.S.C.). Pursuant to EPA delegations or approvals, DEP cannot delegate or sub-delegate such authorities to any approved local air pollution control program. DEP may, however, collectively through this SOA, and through any additional contracts (as applicable), authorize the Local Agency to act

on its behalf for purposes of federally delegated or approved programs. Pursuant to Section 403.182, F.S., DEP may assume and retain jurisdiction over a particular area, category, or program of air pollution control. Furthermore, this SOA and any additional contracts constitute the principal agreement between the Local Agency and DEP with regard to air pollution control responsibilities. Compensation for services under additional contracts is contingent upon annual legislative appropriations.

6) Records. Program records associated with this SOA or contracts between DEP and the Local Agency will be made available to DEP upon request and will be retained by the Local Agency in accordance with, and for the duration specified in: Chapter 119, F.S.; DEP and the Department of State's records retention schedules; any DEP and Local Agency contracts; and the Department of State's regulations regarding electronic records, if applicable. If not otherwise specified, air program records will be maintained for a minimum of five (5) years. The Local Agency may reach agreement with the DEP district office such that the DEP district office will retain the Local Agency's air program records in accordance with the above requirements. The Local Agency shall add and maintain permitting, compliance, and enforcement records in DEP's electronic file storage system for compiling such records (e.g., Air Documents Handling System, OCULUS, etc.).

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PART II
ADMINISTRATION OF THE SOA

1) Adequate Staff and Financial Resources. DEP has determined that the Local Agency has adequate and appropriate administration, staff, and financial resources to effectively and efficiently carry out an "approved local air pollution control program" in Sarasota County.

2) Commencement. This SOA will become effective on the date this document is signed by both DEP and the Local Agency. Notwithstanding the provisions of the GOA, this SOA is entered into by the DARM Director and the Chairman of the Sarasota County Board of County Commissioners, both of whom have the authority to execute this SOA and satisfy its terms and conditions.

3) Expiration. This SOA will expire at midnight on August 31, 2027. It is the expectation of the parties that SOA renewals will be negotiated well in advance of the expiration date. However, if the parties are in good faith negotiations to renew the SOA at the time that this SOA expires, the SOA will be automatically extended during the period of negotiation and will remain in effect until negotiations have ended and a new SOA has been executed, or the parties do not reach agreement on a new SOA, in which case the termination procedures in Paragraph 4 of this Part will be followed.

4) Termination Procedures.

   a) Termination of SOA. The Local Agency or DEP may terminate this SOA without cause by providing written notice to the other party at least ninety (90) days prior to the effective date of such termination.

   b) Distribution of Funds. Within ninety (90) days of termination, the Local Agency will refund to DEP any financial support for air pollution control provided by or through DEP which has not been obligated or expended by the Local Agency for that purpose. Conversely, DEP will pay the Local Agency a pro rata share of any such financial support due during that budgetary period which had been obligated or funded by the Local Agency for air pollution control prior to the effective date of termination.

5) Modification. This SOA may be modified in writing at any time by mutual consent of DEP and the Local Agency. The modification will become effective on the date executed by both parties.

6) Agreement Conflicts. If this SOA conflicts with any part of the GOA, then that part of the SOA will not apply to DEP or the Local Agency with respect to the air pollution control program in the county.

7) Severability. If any part of this SOA is found to be invalid or unenforceable by any court or through any administrative proceeding, the remaining parts of this SOA will not be affected if DEP and the Local Agency agree that the rights and duties of both parties contained in this SOA are not materially prejudiced and if the intentions of the parties can continue to be

effective.

8) Interpretation of Laws, Ordinances, Rules, and Regulations.

a) Interpretation of Rules. The governmental agency responsible for promulgating a law, ordinance, rule, or regulation will be the primary interpretative authority for that law, ordinance, rule, or regulation. In the event that there is litigation concerning interpretation of a DEP or Local Agency rule, the governmental agency responsible for promulgation of the questioned rule will provide testimony concerning the interpretation. All requests for interpretation will be answered as expeditiously as possible. The term "rule" as applied to a local program refers to a local program's duly adopted ordinances, regulations, rules, or other local law.

b) Federally-Delegated or Approved Programs. It is recognized by the Local Agency that EPA has approved or delegated to DEP all of the federal programs listed in Part I, Paragraph Five. The Local Agency recognizes that DEP is ultimately responsible for any actions or activities related to these federally-delegated or approved programs. DEP has overriding authority regarding any conflicts arising from the Local Agency acting on behalf of DEP in the administration of these federally delegated or approved programs.

c) Information Dissemination. DEP has the responsibility to oversee the dissemination of information. To ensure consistent state-wide implementation, responsibilities are assigned as follows:

i) DARM is responsible for disseminating official policy and guidance regarding the implementation of these federally-delegated or approved programs to the DEP district offices and approved local air pollution control programs.

ii) The Local Agency may distribute to the public or regulated entities operating in its jurisdiction any pre-existing DEP air guidance memoranda available for public access at the following address: https://floridadep.gov/air/air-business-planning/content/air-guidance-memos; or any currently effective EPA guidance documents or applicability determinations regarding federally delegated or approved programs. The Local Agency will provide a copy of such information to DARM, if requested.

iii) To the extent the Local Agency has adopted rules more stringent than a federally delegated or approved program as set forth in this Part, the Local Agency may distribute to the public or regulated entities operating in its jurisdiction information relating to the applicability, interpretation, or implementation of the Local Agency's own rule. The Local Agency will provide a copy to DARM in advance of dissemination.

iv) The Local Agency may create informational material related to the applicability, interpretation, or implementation of federally delegated or approved programs for the purposes of assisting its regulated community, DEP district offices, or other approved local air pollution control offices. The Local Agency will provide a copy to DARM in advance of dissemination.

d) EPA Regulations. The Local Agency will follow EPA's interpretation of its regulations such as National Ambient Air Quality Standards (NAAQS), New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAP). This includes any applicability determinations or information requests related to the regulation of asbestos. In the event the Local Agency and DARM disagree about the applicability or requirements of an EPA regulation, the Local Agency may request that DARM seek clarification from EPA. DARM will be responsible for coordinating contact with EPA regarding any such requests for clarification. DARM will apprise the Local Agency of any clarification provided by EPA.

e) SIP Revisions. SIP revisions developed by DEP are considered state-originated rules except when language from rules promulgated by EPA is used verbatim.

9) Approval of Local Agency Rules. DEP has determined that the Local Agency's existing rules pertaining to air pollution control – Chapter 54, Article V of the Sarasota County Code, are compatible with or stricter or more extensive than those imposed by Chapter 403, F.S., and rules issued there under. This determination is not applicable to rules not listed above; to the administration or enforcement of any authority other than DEP's authority under Chapter 403, F.S., and EPA's authority under the Clean Air Act; or local rules pertaining to noise pollution.

a) Future Local Agency Rules. If the Local Agency amends any existing ordinances or rules pertaining to air pollution control, or adopts any new rules, DEP will not enforce such amended or new rules unless and until DEP has determined that such rules are compatible with, or stricter or more extensive than the requirements imposed by Chapter 403, F.S., and rules adopted thereunder. If the Local Agency attempts to implement or enforce such rules, the Local Agency cannot assert that it is acting on behalf of DEP under such circumstances. Nothing in this SOA will limit the Local Agency from adopting more stringent local rules. After any such rule adoption, the rule must be submitted to DEP as set forth in this Part.

b) Remaining Current with DEP Referenced Rules. In the event that DEP revises, renumbers, amends, adds, or deletes any Florida Administrative Code regulation referenced by the Local Agency, the Local Agency understands that failure to incorporate the changes in the local rules or ordinances within twelve (12) months from the effective date of a DEP rule amendment may result in DEP determining that such local rules or ordinances are incompatible with state requirements.

10) Adequate Administrative and Judicial Processes. DEP has determined that the Local Agency provides for enforcement of its rules, ordinances, and other regulatory requirements by appropriate administrative and judicial processes. The Local Agency may utilize remedies available to DEP as an alternative to its own procedures.

11) Signature Authority. It is necessary to ascertain if the signing party to this local delegation has the authority to bind the local government. A warranty of authority is, therefore, required

for each signatory. This is accomplished by inserting specific language above the signature blocks where the representative(s) of the local government signs all agreements. This specific language shall look and read as follows:

> **WARRANTY OF AUTHORITY.** Each person signing this Contract warrants that he or she is duly authorized to do so and to bind the respective party to this Contract.
>
> Additionally, within the signature block under the text detailing the signatory's title, there shall be additional language that reads:
>
> *I have the authority to bind this entity.

By signing the agreement with a warranty of authority together with this additional text, the representative(s) of the local government (and by extension the local governmental agency itself) is verifying that the Local Agency is legally bound to this SOA and the Local Agency is able to receive funds from DEP.

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PART III
AIR PROGRAM MANAGEMENT

1) Budget. DARM and the Local Agency will, upon request, exchange summaries of their respective approved budgets, outlining funding and staffing for their respective air programs.

2) Trust Fund. Section 403.182, F.S., allows a county to have an approved local pollution control program ("approved program"). As an approved program pursuant to Section 403.182, F.S., and the terms of this Agreement, Sarasota County is eligible to receive a portion of state tag fee monies pursuant to Section 320.03(6), F.S. If a county has an approved program, the tag fee monies received from the State must be deposited in a specific air pollution control trust fund established by the county. Monies in the county's air pollution control trust fund must be used only for activities relating to air pollution control. Monies in the county's air pollution control trust fund must not be comingled with other accounts or monies from other programs or sources unrelated to air pollution control. If the Local Program uses monies from the county's air pollution control trust fund to cover expenses for which the Local Agency applies for and receives reimbursement through EPA's 103 Grant and 105 Grant programs, the monies received through these federal grant programs shall be deposited into and held in the Local Agency's air pollution control trust fund and used only for eligible 103 Grant and 105 Grant program expenses. The Local Agency shall maintain records of the interest earned on funds held in the Local Agency's air pollution control trust fund. The Local Agency shall report to DARM fund balances and interest earned within 30 days of receipt of any written request for such information from DARM or DEP.

3) Adequate Staff and Financial Resources. The Local Agency will maintain an adequate permitting, ambient monitoring, mobile source, emissions monitoring, and compliance and enforcement staff to satisfy the requirements of this SOA. The Local Agency's organizational chart will be periodically updated or supplemented by the Local Agency when there are changes of key personnel or organizational structure. The Local Agency will provide a copy of any such organizational chart to DARM as expeditiously as possible.

4) Plans. DARM and the Local Agency will coordinate and annually exchange, or otherwise make available, upon request of the other party, their respective EPA 105 Air Planning Agreements.

5) SIP and 111(d) Plan Revisions. The Local Agency will coordinate with and assist DARM in the preparation and submittal to EPA of all SIP and 111(d) plan revisions that may affect the Local Agency or regulated facilities or activities located within the jurisdiction of the Local Agency. DARM will be responsible for determining the need for and relative priority of any such SIP or 111(d) plan revisions. DARM will be responsible for preparing and submitting to EPA any such SIP or 111(d) plan revisions.

6) Proposed Federal Air Rules. The Local Agency will copy DARM on any and all comments that it submits to the U.S. EPA regarding proposed federal air rules published in the Federal Register.

7) Evaluations and Audits. DEP will periodically conduct program performance evaluations, financial audits, and audits of the Local Agency's implementation of air programs and activities. Ambient monitoring program activity evaluations are specifically addressed under Part IV of this SOA.

   a) Performance Evaluations. DARM may conduct periodic performance evaluations to determine if the Local Agency is conducting permit application reviews, permit issuances, emissions inventories, mobile-source activities, compliance activities, and enforcement actions effectively and in accordance with state requirements and DEP policies.

   b) Financial Audits. The DEP's Office of Inspector General (OIG) may conduct periodic financial audits to determine if state funds received by the Local Agency for its air program have been properly accounted for and spent appropriately. Upon request of DEP's OIG, the Local Agency shall provide or facilitate the provision of any requested county financial records relating to expenditures from tag fees received under Section 320.03(6), F.S., asbestos fees received under Section 376.60, F.S, or reimbursements from any contracts between DEP and the Local Agency.

   c) Title V Program Audit. Pursuant to Section 403.0872(11)(c), F.S., DEP is required to audit its Title V Program once every two years. The purpose of the Title V Program audit is to determine whether the annual operation license fees collected by DEP are used solely to support any reasonable direct and indirect costs for activities and operations listed in Section 403.0872(11)(b), F.S. The Local Agency is subject to this audit process. Upon request, the Local Agency shall provide or facilitate the provision of any requested records relating to its direct or indirect costs associated with the Title V Program.

   d) Coordination of Evaluations and Audits. To the extent practicable, DEP and the Local Agency will coordinate its efforts during evaluations and audits. To the extent practicable, DEP will provide the Local Agency with the opportunity to prepare its response and comments on any draft evaluation results or audit findings. In instances when DEP is subject to an evaluation or audit by a federal agency, and DEP requests that the Local Agency participate in that evaluation and audit, the Local Agency will provide its responses through DEP. In the event the Local Agency is contacted directly by a federal agency regarding any program listed in Part I, Paragraph 5, the Local Agency will coordinate its response with DEP. The Local Agency will provide DEP with a copy of any such response.

8) Electronic Communications. Any reference in this SOA to "mail" includes electronic mail as described at Chapter 668, F.S. All reference to "certified mail" includes electronic mail with a receipt notification. The Local Agency will consider all electronic communications relating to a permitting activity part of the permitting file, and the Local Agency will retain these records as part of the file. The Local Agency will consider all electronic communications relating to a compliance or enforcement activity part of the compliance or enforcement file, and the Local Agency will retain these records as part of the file. Nothing in this SOA will preclude the use of electronic files or **electronic** communications provided that such files and

communications are easily identifiable and publicly accessible and provided that such files meet all formatting requirements detailed elsewhere in this SOA or by contract.

9) General Information Requests. As time and resources allow, the Local Agency will respond to and attend meetings with individual citizens, the news media, schools, civic groups, and other organizations to provide information about air pollution or about specific program activities.

10) Training and Meetings. The Local Agency will ensure that its employees have the requisite training to accomplish their work assignments. As time and resources allow, the Local Agency staff will attend training sessions offered by DEP regarding significant program changes, EPA AirKnowledge training courses, and Metro 4/SESARM training courses.

11) Legal. The Local Agency will have access to adequate legal staff to comply with the permitting and enforcement requirements of this SOA.

12) Use of Tag Fees. Use of tag fees by the Local Agency is provided by Section 320.03(6), F.S., and the terms of this SOA. To provide consistency with implementing program requirements, the Local Agency agrees to work closely with DARM to address any questions, as they arise, regarding the use of tag fees for program activities. The Local Agency will summarize its activities that have been funded by tag fees in a report to DARM submitted with the tag fee certification, ninety (90) days after the end of each Federal fiscal year. (Note: the Federal fiscal year ends on September 30.)

13) Local Fee Prohibited for Title V Sources. In accordance with Section 403.0873, F.S., the Local Agency will collect no fees related to air pollution and its control from Title V sources, except for asbestos fees collected pursuant to Section 376.60, F.S.

14) Collection of Title V Emission Fees. Any payments for Title V annual emission fees and forms submitted to the Local Agency will be promptly returned to the applicant with a notice to submit the payment directly to DARM. A copy of the notice will be provided to DARM.

15) Emergency Situations. In emergency situations, the Local Agency will defer to DEP's decisions regarding enforcement discretion and interpretations of DEP air program rules and permit conditions, the Local Agency will abide by any air-related portions of a DEP Emergency Order issued by DEP, and the Local Agency will not take action contrary to DEP's decisions. This does not preclude the Local Agency from taking independent action on its own unique local rules (i.e., rules that are not duplicative of DEP requirements).

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PART IV
AMBIENT AIR MONITORING RESPONSIBILITIES

1) Background. Florida's ambient air monitoring operational services are provided by DARM staff located in or near the Department's six District offices and Tallahassee and local agency staff located in eight local air monitoring agencies. A Primary Quality Assurance Organization (PQAO) is the umbrella under which Florida's air monitoring agencies are organized to ensure that air quality monitoring is conducted in accordance with a common set of procedures, using common calibration facilities and standards, with oversight by one air quality organization. DARM is the PQAO coordinating agency in Florida.

   Staff in each area are expected to provide comprehensive air monitoring operational support using methods and procedures in accordance with EPA federal requirements and established processes and procedures. Various air monitoring instrumentation and data acquisition systems are used for the collection of air quality data and air samples, storage of data, and reporting of data. Staff operate and maintain equipment at ambient air monitoring sites and provide instrument calibrations and routine equipment and site maintenance. Staff perform reviews, verifications, and validations of air monitoring data to ensure that reported values meet quality assurance goals. Minimum data completeness requirements are prescribed in 40 C.F.R. Part 58, Appendix A, various appendices of 40 C.F.R. Part 50, and the EPA Quality Assurance Handbook for Air Pollution Measurement Systems. Florida's data completeness goal is set at 90% on a quarterly and annual basis for the entire statewide air monitoring network.

2) General Requirements. This SOA establishes how ambient air monitoring will be conducted by the Local Agency within its county or jurisdiction. The operation and maintenance of federally required monitoring sites and equipment and other air monitoring sites and equipment deemed necessary by DEP will be the Local Agency's first ambient air monitoring priority. Minimum ambient air monitoring requirements are described in 40 C.F.R. Part 58, Appendix D.

   a) Risk Management Contingency. The Local Agency is deemed to be essential in meeting EPA minimum monitoring criteria as described in 40 C.F.R. Part 58, Appendix D. Where equipment was purchased with State or federal funds, and where both the State and the Local Agency have a responsibility to see that the site is maintained and operated, the Local Agency shall allow DEP to operate said equipment in the event that the Local Agency either chooses not to operate the monitor or is unable to do so. This includes allowing the DEP access to the necessary shelters, support equipment, and data transfer equipment until such time as a mutually agreeable resolution is reached. If necessary, the Local Agency will assist the State with any access issues including amending access agreements. Continuing operation and maintenance costs, such as utilities, are the operator's responsibility.

      i) Monitoring Contingency Plan. The Department recommends that the Local Agency prepare a contingency plan that specifies how the Local Agency will meet its

responsibilities to maintain and operate its ambient air monitoring network in the event of unexpected staff changes or other exigent circumstances.

ii) Hurricane Preparedness Plan. The Local Agency shall have a Hurricane Preparedness Plan in place that instructs staff of air monitoring operational actions to take in the event a hurricane or other disaster is projected to impact their air monitoring sites. The plan should detail the responsibilities, guidelines and organizational priorities needed to ensure safe, coordinated efforts prior to and following the event. Coordination and communication with DARM throughout the course of event is essential and will be maintained as the situation allows.

b) Access Rights for New Sites. The Local Agency will include DEP in access agreements for future sites where federally-required air monitoring is to be established.

3) Roles and Responsibilities. The Local Agency will be responsible for calibrating, operating, maintaining, and repairing all ambient air monitoring equipment, calibration equipment, and data acquisition equipment utilized in the State and Local Air Monitoring Station (SLAMS) and Special Purpose Monitoring (SPM) networks, including N-Core monitoring stations (if applicable), Near-road monitoring stations (if applicable), and Photochemical Assessment Monitoring Stations (if applicable) within its county or jurisdiction that would otherwise be operated and maintained by DEP. The Local Agency will also be responsible for operating and maintaining a laboratory, or contracting for laboratory services, to perform any needed analyses of air samples and to perform any episodic air quality monitoring. Any SPM desired by the Local Agency will be the responsibility of the Local Agency. SPM desired by DEP may be negotiated between the two agencies and performed by the Local Agency where the availability of equipment, staffing, and funding allows.

a) Coordination. Excluding routine day-to-day operational functions, the Local Agency will coordinate its ambient air monitoring activities with DEP. Program decisions requiring EPA approval, such as the addition, deletion, or relocation of a monitor or the exclusion of SLAMS data, will be submitted to EPA through DARM and with the approval of DARM.

i) Air Monitoring Procedures. All SLAMS ambient air monitoring activities and SPM activities (from which data are to be used for official purpose) conducted by the Local Agency will be performed in accordance with all applicable federal regulations and consistent with the appropriate Statewide Quality Assurance Project Plans (QAPPSs) using EPA and DEP-approved standard operating procedures (SOPs). DEP will provide technical assistance to the Local Agency to the extent that DEP's resources allow.

ii) Data Automation. The Local Agency will obtain and maintain data automation equipment that can communicate with, and be linked to, the DEP Florida Air Monitoring Validation Program (Air MVP) database (or subsequent data management system). The Local Agency will enter and verify all valid data into the database in accordance with technical guidelines and schedule guidelines provided by DEP.

iii) Remote Data Access. The Local Agency shall provide wireless communication with Air MVP (or subsequent data management system) or submit hourly AQCSV files to DEP.

iv) Forms. The Local Agency will use EPA's Air Quality System (AQS) data forms or formats, together with other DEP or EPA-required or approved forms or formats, for ambient air monitoring activities as necessary.

4) Ambient Air Monitoring Quality Assurance Program. The Local Agency will coordinate all air monitoring quality assurance activities with DEP.

a) Quality Assurance Procedures. DARM is the Primary Quality Assurance Organization for air monitoring in the state, as determined by EPA. The Local Agency will conduct all ambient monitoring activities in accordance with the Statewide QAPPSs, which are incorporated into this SOA by reference, to ensure the collection of legally defensible ambient air quality data. This includes use of DEP's SOPs, which include approved Local Agency SOPs that have been incorporated into DEP's SOPs, and all applicable state and federal regulations and policies to ensure the acceptability of analytical results.

i) Local Agency Standard Operating Procedures. All of the Local Agency monitoring SOPs must be approved by DEP and EPA. DEP will provide "Quality Assurance Standards Laboratory" services on request and as resources allow. DEP will provide other technical assistance to the Local Agency as resources allow.

ii) Ozone Transfer Standards. Ozone certification must provide traceability to National Institute of Standards and Technology (NIST) standards. To that end, before use in the ambient monitoring network, the Local Agency must ensure that its new ozone primary standards have undergone a three-day certification to the state standard, which has been compared to the EPA standard reference photometer (Level 1).

iii) Quality Assurance Systems Audits and Instrument Performance Audits. Quality Assurance (QA) Systems Audits will be conducted by DEP within a three- to five-year cycle. DEP will utilize the process and schedule as outlined in the "Quality Assurance Systems Audit Protocol" provided in the QAPPs for the State of Florida. As resources allow, DEP will conduct performance audits on continuous gaseous SLAMS (and gaseous SPM used for official purposes) instruments. The Local Agency will be responsible for conducting performance audits to complete quarterly requirements on all high-volume manual samplers, and the Local Agency will be responsible for conducting performance audits to complete semi-annual requirements, on all $PM_{2.5}$, lead (Pb), and PM_{10} samplers as outlined in OAM_QA Note 007 to meet minimum federal regulations. Written notice will be given if DEP is unable to continue conducting the performance audits.

iv) Electronic Record Archiving. The Local Agency will create an archive in electronic form of sufficient documentation and records to provide legal defensibility for all of the ambient monitoring data submitted to the EPA database that address criteria pollutants, and which could be used to determine the attainment status of Sarasota County. This archive will be maintained on a calendar year basis, with the annual records being closed and finalized no later than ninety (90) days after the end of the calendar year and will be maintained for a minimum of five (5) years, unless otherwise specified in another related document.

b) Ambient Monitoring Reporting Requirements. The Local Agency will enter all valid ambient air data collected each month into DEP's Air MVP database (or any subsequent data management system specified by DEP) according to the schedule provided in the statewide SOP for ambient air monitoring data handling and performing data validation (DEP 18-27). The Local Agency will adhere to the schedules provided in DEP 18-27 for submitting missing data or missing information and for verifying data.

i) Submitted data must meet or exceed EPA's data completeness requirement (minimum requirements are prescribed in 40 C.F.R. Part 58, Appendix A, various appendices of 40 C.F.R. Part 50, and the EPA *Quality Assurance Handbook for Air Pollution Measurement Systems*), and submitted data must have been collected in accordance with 40 C.F.R. Parts 50 and 58; the *Quality Assurance Project Plans for the State of Florida Ambient Air Quality Monitoring Program*; and EPA- and DEP-approved SOPs.

ii) The Local Agency will transmit valid ambient monitoring data to DEP's Air MVP database (or any subsequent data management system specified by DEP) in accordance with DEP 18-27 unless data transmission problems make this impossible.

iii) Missing data forms or missing information will be submitted to DARM in accordance with DEP 18-27.

iv) All data will be verified in DEP's Air MVP database (or any subsequent data management system specified by DEP) to ensure that the data were transmitted without errors. A verification notice will be transmitted to DEP in accordance with DEP 18-27.

c) Quality Assurance Reporting Requirements. The Local Agency will use DEP-approved forms and/or formats and comply with DARM's reporting guidance when submitting data and performing ambient air monitoring and quality assurance activities. The Local Agency will submit all precision, bias, and accuracy data to DARM within forty (40) days after the end of the quarterly reporting period.

d) Air Quality Reporting Requirements. The Local Agency will report to the general public notice of the Air Quality Index in accordance with federal regulations. The Local Agency will correct the concentration values reported, to be used in Florida's Air Quality System

(FLAQS) and the Spatial Air Quality System (SAQS), as soon as practicable after discovery of any errors.

e) Annual Network and Five-Year Network Assessment Plans. The Local Agency must respond timely to DARM's requests for assistance in the preparation of the statewide Annual Air Monitoring Network Plan and, if applicable, the five-year Air Monitoring Network Assessment Plan. The Annual Network Plan must be submitted to EPA by July 1 of each calendar year. Prior to submission to EPA, the proposed Annual Network Plan must be made available for a thirty (30) day public comment period. The next five-year Network Assessment Plan must be submitted to EPA by July 1, 2025.

f) Air Monitoring Technology Status Reporting. An Annual Air Monitoring Technology Status Report describing the Local Agency's air monitoring system must be provided to DARM by March 1 to coincide with development of the statewide Annual Network Plan. The Local Agency's report must include, but not be limited to, the following information:

i) Status of each of the Local Agency's network monitors;

ii) A summary of the areas where the Local Agency is satisfied with its air monitoring technology and areas where the Local Agency is not satisfied with its air monitoring technology;

iii) An explanation as to why the current technology is still appropriate or if new technology needs to be explored;

iv) A summary of the Local Agency's data system capabilities and deficiencies; and

v) A plan that corrects any deficiencies that threaten data quality or data capture rates.

5) Exceptional Events. The Local Agency will assist DARM with any data gathering, information gathering, data analysis, or information gathering needed to attribute an exceedance of the NAAQS or a violation of the NAAQS to one or more exceptional events. Exceptional events are unusual or naturally occurring events that can affect air quality but are not reasonably controllable using techniques that state or local air agencies may implement in order to attain and maintain the NAAQS. As the state's PQAO, DARM is responsible for determining if air quality monitoring data have been influenced by exceptional events and reporting any such exceptional events to EPA.

6) Air Monitoring Data Reporting to the AirNow System. The Local Agency will report current hourly ambient air monitoring data to AirMVP or the AirNow System directly.

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PART V
PERMITTING RESPONSIBILITIES

1) General Requirements.

   a) Local Air Permitting. DEP authorizes the Local Agency to process federally-delegated air permits on its behalf, and delegates the authority to process or issue state air permits in accordance with the procedures and conditions of this Part. The federally-delegated permit programs mentioned above have been delegated to DEP and are not considered as delegations to the Local Agency under Section 403.182(2), F.S. DEP retains the authority to take final action on all permit applications.

   b) Roles and Responsibilities. The Local Agency assumes the responsibility to receive, process, and take final agency action on air permit applications within its county that otherwise would be administered by DEP's district office, except for applications for the following permits or categories of air sources:

      i) Electrical power plants, Portland cement manufacturing plants, fertilizer plants, pulp and paper mills, sugar mills, and waste-to-energy facilities;
      ii) Permits for which local air pollution programs are precluded from taking final agency action under Section 403.0872, F.S. (e.g., pulp and paper mills, sugar mills, and chemical manufacturing plants);
      iii) Facilities owned or operated by the county (including county-owned landfills);
      iv) New source preconstruction review conducted for the Prevention of Significant Deterioration (PSD) of air quality and Non-Attainment Area air construction permits;
      v) Air general permit registrations and permit actions completed through the Department's electronic registration portal;
      vi) Construction permits subject to processing under state "expedited permitting" statutes;
      vii) Ethylene oxide commercial sterilizers;
      viii) Innovative technology projects or projects for which there are heightened state concerns or operational complexities that make it prudent to permit at the state level, as determined by DARM in consultation with the Local Agency; and
      ix) Title V Sources.

   c) Variances, ASPs and Waivers. The Local Agency will not issue variances, alternative sampling procedures (ASPs), or waivers from state and federal regulations.

   d) PSD Determinations. The Local Agency will consult with DARM when establishing operational and emission limits to avoid PSD, or when making determinations that facility changes are not subject to PSD. The Local Agency will consult with DARM on all single- versus multi-source determinations with regard to PSD applicability.

e) Electronic Permit Submittal and Processing System (EPSAP). The Local Agency will promote and use EPSAP (or any subsequent data management systems specified by DEP) for the submittal and processing of permitting applications electronically.

f) Public Comments and Meetings. The Local Agency will accept and respond to public comments and requests for public meetings as required by Florida rules and statutes. The Local Agency will hold public meetings, as required by law, for which it is the permitting authority. The Local Agency will assist DEP in scheduling and coordinating public meetings within its geographic boundaries for which DEP is the permitting authority.

g) Misdirected Applications. Except as noted in this Part, when the Local Agency receives an application for a state air permit for which DEP is to take final agency action, the Local Agency will return the application to the applicant with instructions to submit the application and fees to DEP. Accordingly, when DEP receives an application for a state air permit for which the Local Agency is to take final agency action, DEP will return the application to the applicant with instructions to submit the application and fees to the Local Agency.

h) Permit Fees. The Local Agency will retain one hundred (100) percent of the state fees for non-Title V permits.

2) Specific Conditions of Local Air Permitting. The Local Agency will comply with the following specific requirements as a condition of maintaining this air permitting authority:

a) Permitting Provisions. The Local Agency will comply with applicable permitting provisions of the Florida Air and Water Pollution Control Act, Chapter 403, F.S.; the Florida Administrative Procedures Act, Chapter 120, F.S.; and DEP permitting and air pollution control rules regarding permit processing, permit content and timeframes for various permit applications. The Local Agency will follow DARM permitting guidance procedures, including procedures for electronic submittals when available, and will copy the appropriate district office on all permit-related actions or provide electronic notification.

b) Exemptions. The Local Agency is authorized to make determinations for exemptions from air permitting requirements pursuant to DEP rules. A copy of all pertinent correspondence related to any such exemptions will be timely submitted to DARM.

c) Forms. The Local Agency will use permitting forms adopted by DEP. The local air program may affix its name and logo to the forms.

d) DEP Air Resource Management System (ARMS) Database.

i) The Local Agency will have full access to the ARMS database (or subsequent "ARMS Legacy Project" data systems) and will designate an employee to serve as the primary contact for permitting data. DEP shall be notified of the designated primary

contact and any changes thereof. This contact will be the primary person whom DEP will contact on permit-related data entered into ARMS by the Local Agency.

ii) The Local Agency will enter all permit-related data within thirty (30) days of final permit issuance and in accordance with DARM guidance. When processing operation permit renewals, all data, (emission limits, test methods, etc.) related to the facility will be checked for accuracy and corrected if necessary.

iii) The Local Agency will respond promptly to requests from DEP for information, correction, and clarification of any data entered into the ARMS database.

iv) The Local Agency will notify DEP of any systems-related problems or training needs.

e) Legal Resources. The Local Agency will have the legal resources to defend the Local Agency's permitting decisions in any administrative hearings conducted pursuant to the Florida Administrative Procedures Act, Chapter 120, F.S., or any other legal proceedings. Laws, ordinances, rules and regulations will be interpreted according to Part II of this SOA.

f) Administrative Hearings and Final Agency Actions for Permits. All air permitting decisions made by the Local Agency on behalf of DEP will be subject to the provisions of the Florida Administrative Procedures Act, Chapter 120, F.S., as if these decisions had been made by DEP.

i) Petitions. All petitions for formal administrative hearings on air permitting applications processed by the Local Agency will be processed pursuant to Sections 120.569 and 120.57, F.S. and the applicable rules of the Florida Administration Commission and DEP. The Local Agency will use the Florida Division of Administrative Hearings (DOAH) as fact-finder for all air permitting formal administrative hearings, unless otherwise explicitly directed by DEP. At the time of referral of a petition to DOAH, a copy of the notice of referral, the petition, and the challenged permitting decision will be mailed to DEP's Office of General Counsel (OGC). To the extent that DEP's technical or rule interpretation or guidance is at issue, DEP will provide technical assistance to the Local Agency. DEP retains the right to be a party to any hearing or to intervene in any DOAH proceeding concerning matters addressed under this SOA.

ii) Hearings. For all hearings challenging agency action on air permits, the Local Agency will be responsible for preparation for the hearings, appearance at the hearings, and preparation and submittal of the proposed recommended orders to the assigned administrative law judge. No agreement for mediation pursuant to Section 120.573, F.S., or for summary hearing pursuant to Section 120.574, F.S., will be made by the Local Agency unless DEP has been joined as a party to the dispute and has also agreed to the mediation or summary hearing. Prior to all final hearings, the Local Agency's attorneys will consult with DEP's OGC regarding significant issues. All recommended orders resulting from DOAH hearings will be referred to DEP's OGC

for preparation of final agency action. Exceptions and responses to exceptions will be filed with DEP's OGC within the times set forth in Chapter 28-106, F.A.C.

iii) Final Orders. DEP retains sole authority to issue final orders resulting from DOAH hearings. Appeals of final orders entered following a DOAH hearing will be the responsibility of DEP. The Local Agency may join the appeal as a party upon coordination with DEP's OGC.

3) Permit Documents.

a) As part of the draft permit package, the Local Agency will write a technical evaluation (or statement of basis, as applicable), including at a minimum: a brief project description; a rule applicability determination; a summary of emissions changes, if any; and other information necessary to support a preliminary determination to issue the draft permit. As part of the final permit package, the Local Agency will provide a written final determination that identifies comments received during the public comment period, the permitting authority's response to these comments, and any changes made to the final permit pursuant thereto.

b) For all operating permits, the Local Agency will include applicable permit conditions from previously issued construction permits. Construction permit conditions must be modified or deemed obsolete pursuant to Rule 62-210.300(1), F.A.C. The Local Agency has the authority to change a construction permit except where the construction permit is required by law to be issued by DEP. If any change is warranted to a PSD permit, such change will be made in consultation with DARM.

c) The Local Agency will actively support and use DEP's permitting tools including electronic applications, permit templates, and e-permitting.

d) The Local Agency will upload the required documents (critical correspondence, RAIs, permit package documents, proof of publication, application, PE seal, etc.) to the OCULUS database as expeditiously as practicable, but no later than 30-days.

4) Air General Permit Registrations. All air general permit registration forms will be received and reviewed by DEP. When the Local Agency receives a registration form, it will forward the form within three (3) working days to DEP. If fees are enclosed, the Local Agency will forward the form along with the fees to DEP Receipts, P.O. Box 3070, Tallahassee, Florida 32399-3070. Within three (3) working days of receipt, DEP will enter the registration information in the state database and the Local Agency will receive an acknowledgement of receipt.

5) Copies to Local Agency. DEP will provide the Local Agency with a copy of any application, request for additional information and response thereto, and notice of DEP-proposed agency actions for an air source within the county for which DEP has permitting authority.

PART VI
COMPLIANCE AND ENFORCEMENT RESPONSIBILITIES

1) General Requirements. This part of the SOA establishes how air program compliance and enforcement will be conducted by DEP or the Local Agency within its county.

   a) County Authority. The Local Agency will use its remedies and procedures in its authorizing act(s) and ordinances. The Local Agency may utilize remedies available to DEP as an alternative to its own procedures.

   b) Roles and Responsibilities. Subject to Part II (Administration of the SOA), and except as provided below, the Local Agency will conduct compliance and enforcement activities within its county. The Local Agency will provide the necessary support for DEP's compliance and/or enforcement actions as requested. DEP's district office will conduct compliance and enforcement activities for permitted facilities owned or operated by the county.

   c) DEP Action in County. Nothing herein prohibits DEP from initiating compliance and/or enforcement activity for any facility within the Local Agency's county. In the event that DEP initiates an enforcement activity in the Local Agency's county, DEP will provide the Local Agency with notice unless circumstances make notice inappropriate. DEP will enforce the Local Agency's rules if DEP elects to exercise its jurisdiction over air pollution sources within the jurisdiction of the Local Agency. If DEP and the Local Agency initiate enforcement actions against the same source for the same violations, the actions should be combined as a joint consolidated enforcement action where possible. Any penalty fees or damages collected as a result of joint action will be divided equitably between the two agencies.

   d) Federal Facilities. If federal facilities are not responsive to enforcement action initiated pursuant to local rules reflecting federal NSPS or NESHAP requirements and further action is necessary to achieve compliance, the Local Agency shall consult with DARM (not EPA) to determine the appropriate enforcement approach.

2) Citizen Complaints. The Local Agency will respond to and investigate in a timely manner complaints from citizens and any complaints from citizens that DEP forwards to the Local Agency. If there is a non-compliance issue, the Local Agency will attempt to bring about compliance in accordance with this SOA when appropriate and inform the complainant (if the complainant is not anonymous) of the action taken.

3) Sampling of Fuels and Materials. In accordance with the most recent DARM guidance, the Local Agency will collect or assist DEP in collecting and analyzing fuel and material samples for air sources within the county, as needed, to determine compliance with DEP's air pollution control rules or permit conditions.

4) Open Burning. The Local Agency shall operate its open burning program in accordance with Section 590.125, F.S., and Chapter 62-256, F.A.C. The Local Agency will adopt and enforce open burning requirements that are at least as stringent as DEP's open burning rules. The Local Agency may enter into agreements with local fire control authorities or the Florida Forest Service to assist in the enforcement of these requirements. The Local Agency shall provide to DEP a copy of any open burning operating agreement betweeen the Florida Forest Service and the Local Agency upon request.

5) Compliance Planning and Monitoring Activities.

   a) Compliance Monitoring Strategy Plan. Compliance monitoring will be done according to applicable federal and state statutes, rules, and guidelines. In accordance with EPA's latest Stationary Source Compliance Monitoring Strategy (CMS) and DARM guidance, the Local Agency will work with DARM to maintain the state CMS plan for facilities located within the Local Agency's jurisdiction, and the Local Agency will achieve the inspection frequencies identified by EPA and DEP. The Local Agency will abide by its CMS plan and will notify DEP in advance if it is unable to meet the requirements contained therein to afford DEP the opportunity to meet the federal commitments.

   b) Inspection Frequency. The Local Agency shall conduct inspections at regulated facilities or compliance evaluations of regulated facilities as specified below. Reimbursements to the Local Agency for expenses associated with Title V inspection activities shall be based on the specific requirements listed below.

      (1) Full Compliance Evaluations for Title V Major Sources. In accordance with EPA's Stationary Source CMS and DARM guidance, the Local Agency will conduct full compliance evaluations once every two (2) years for all Title V major sources within its authority.

      (2) Full Compliance Evaluations for Synthetic Minor Sources. In accordance with EPA's Stationary Source CMS and DARM guidance, the Local Agency will conduct full compliance evaluations at least once every five (5) years for all synthetic minor sources within its authority.

      (3) On-Site Inspections and Compliance Outreach Visits. The Local Agency will, at a minimum, conduct an on-site inspection or compliance outreach visit for all other permitted air facilities within its authority, including those with air general permits, in accordance with the most recent DARM Guidance (i.e., level of service document).

      (4) Follow-Up Inspections. The Local Agency will conduct follow-up inspections as necessary to determine if a facility has returned to compliance.

      (5) Identification of Unpermitted Facilities. The Local Agency will identify facilities that are operating without a permit and take appropriate action.

(6) AirCom. The Local Agency will enter inspection results and full compliance evaluation activities into the AirCom database within 30 days of the date of the inspection and compliance evaluation activities. DEP encourages the Local Agency to use the AirCom Inspection Report tool, which can be used on any device including a phone, tablet, or laptop. The AirCom Inspection Report tool allows inspectors to collect information in the field electronically on a portable device, to generate an inspection report built from field data, ARMS information, and AirCom information, and to integrate images and links to other relevant documents in the report itself.

c) Semi-Annual Monitoring Reports. The Local Agency will review each semi-annual monitoring report within thirty (30) days of the date the report was received. The Local Agency will remind applicable facilities of the requirement to submit semi-annual reports to avoid missing or late submittals.

d) Notifications and Miscellaneous Reports. The Local Agency will review all required notifications and miscellaneous report submissions as soon as possible and update ARMS and AirCom (or any subsequent AirCom legacy system) as necessary, but no later than thirty (30) days from the date that the Local Agency received the notification or report.

e) Compliance Tests. In accordance with the most recent DARM guidance, the Local Agency is encouraged to witness compliance tests performed in the county, including stack tests, relative accuracy test audits (RATAs), and visible emissions tests. Witnessing stack tests should, at a minimum, include witnessing the equivalent of one complete stack test run, and may include witnessing any required laboratory procedures preserving a suitable chain of evidence. For all stack tests, the Local Agency is responsible for monitoring compliance with the stack test methods required by state rules or federal regulations. The Local Agency shall review 100% of compliance test reports and enter related data into AirCom in accordance with the most recent DARM guidance (i.e., level of service document). The Local Agency shall follow the most recent stack test report review guidance and audit checklists from DEP and the EPA.

f) Continuous Emissions Monitoring Systems (CEMS). In accordance with the most recent EPA and DARM guidance, the Local Agency is responsible for monitoring compliance with appropriate quality assurance procedures for CEMS required by state rules, federal regulations, and permits.

g) Review of Emission Monitoring Reports. The Local Agency will receive and review all of the following reports for completeness, accuracy, and compliance with applicable state rules or federal regulations as soon as possible but no later than thirty (30) days from the date the report was received: Excess Emissions Reports, Stack Test Reports, Visible Emissions Test Reports, RATA Reports, and Relative Accuracy Audit (RAA) Reports. For each report that is deficient or requires additional information, the Local Agency will timely send a letter to the source owner or operator requesting additional information necessary to make the report complete, and take additional action, as appropriate.

h) Alternatives to Testing and Monitoring. All requests for alternative testing and monitoring requirements, and determinations of MACT minor source status, will be handled in accordance with the most recent DARM guidance, which is publicly available at the following address: https://floridadep.gov/air/air-business-planning/content/air-guidance-memos.

i) Outreach, Compliance Assistance and Pollution Prevention. The Local Agency will conduct outreach activities and compliance assistance as appropriate. The Local Agency will promote pollution prevention as time and resources allow.

6) Enforcement Activities. The Local Agency will consult the DEP enforcement manual and its appendices including DARM's Guidance for Characterizing Air Violations (GCAV), and follow any other DARM guidance documents or reference materials in determining appropriate resolution actions for violations. The Local Agency should inform DARM immediately of potential High Priority Violations and follow EPA's Policy for timely and appropriate enforcement response to High Priority Violations. The Local Agency will maintain all penalty calculations for each enforcement action in the appropriate enforcement file (including documentation that economic benefit was considered), and the Local Agency will provide information regarding those calculations to DEP upon request. The Local Agency shall add all enforcement records and supporting documents to DEP's electronic file storage system in accordance with this SOA.

7) Small Business Environmental Assistance Program. The Local Agency will assist the Small Business Environmental Assistance Program (SBEAP) and provide ongoing support of activities associated with the mission and directives of that program as time and resources allow.

8) DEP AirCom Database – Compliance and Enforcement Data.

a) The Local Agency will have full access to the AirCom database and will designate an employee to serve as the primary contact for AirCom compliance and enforcement data. DEP shall be notified of the designated primary contact and any changes thereto. This contact will be the primary person whom DEP will contact on compliance and enforcement data entered into the database by the Local Agency.

b) The Local Agency will enter into the AirCom database all compliance and enforcement data in a timely manner in accordance with the most recent DARM guidance (e.g., level of service document) with primary emphasis on achieving the commitments made to EPA as part of the State Review Framework (SRF).

c) The Local Agency will update AirCom with all compliance monitoring and enforcement activity data generated by the Local Agency in conducting its compliance monitoring and enforcement activities. The Local Agency will enter into AirCom all applicable inspection and source compliance and enforcement activity data including, but not limited to, NSPS, NESHAP, Title V, and non-Title V minor source facilities as soon as

possible, but not later than 30 days from the date the activity was performed by the Local Agency.

d) The Local Agency will review one hundred (100) percent of stack test reports and enter the results of these stack tests into the AirCom database within ninety (90) days of the test date. This is an EPA minimum data entry requirement that is part of the State Review Framework timeliness metrics. This ensures immediate awareness and response to potential emissions exceedances, equipment issues, or other facility problems that may cause noncompliance with emissions standards.

e) The Local Agency will follow the most recent DARM guidance for reviewing and entering electronic and hardcopy data from the Annual Operating Reports (AOR). The Local Agency will complete its quality assurance review of the data in AirCom (i.e., the "edit check" process) by September 30 of each year. If DEP finds items of incompleteness or errors in the submitted reports during either the edit check process or the report review, the Local Agency will take the lead on any necessary follow up with the facility. DEP will perform all uploads of Electronic Annual Operating Report (EAOR) data into AirCom.

f) The Local Agency will respond promptly to requests from DEP for information, correction, or clarification of any compliance and enforcement data entered into these databases by the Local Agency.

g) The Local Agency will notify DEP of any systems-related problems or training needs.

9) DEP OCULUS Database – Compliance and Enforcement Documents. The Local Agency will have full access to the DEP OCULUS (or similar) database and will designate an employee to serve as the primary contact for OCULUS compliance and enforcement documents. This Local Agency employee will be the person whom DEP will contact regarding compliance and enforcement documents that the Local Agency uploads to the database.

10) Uploading Compliance and Enforcement Documents. The Local Agency will upload in a timely manner all compliance and enforcement documents to OCULUS, using either the OCULUS or AirCom interface. The Local Agency will index each document in accordance with the most recent OCULUS Catalog Taxonomy Guide. The Local Agency will link relevant documents to the associated compliance or resolution activity record or violation record in AirCom.

11) EPA No Action Assurance Letters and Fuel Waivers. In the event of a declared state of emergency or natural disaster, which may impede the ability of regulated air facilities to operate in compliance with the requirements of their permits, or which may disrupt fuel supplies, DEP may petition EPA to issue No Action Assurance Letters or Fuel Waivers to specific facilities, industrial sectors, or regulated industries within specified areas of the state. Upon request by DEP, the Local Program shall assist DEP in obtaining any information that DEP or EPA may need to support a determination that a No Action Assurance letter or a Fuel

Waiver is appropriate under the circumstances. The Local Program will not independently petition EPA for any No Action Assurance letter or Fuel Waiver.

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PART VII
ASBESTOS MANAGEMENT RESPONSIBILITIES

1) Asbestos Compliance. The Local Agency will conduct inspections at a minimum frequency as specified by the EPA Section 105 Air Planning Agreement. To ensure statewide consistency and policy uniformity with regard to enforcement of the asbestos NESHAP, upon determining that a violation has occurred, the Local Agency will notify DARM and discuss with DARM the parameters of cases involving the potential applicability of the residential exemption under the NESHAP before initiating any enforcement action.

2) NESHAP Asbestos Notifications. The Local Agency will review NESHAP asbestos notifications received for facilities located in its county as soon as possible but no later than seven (7) days from the date the notification was received. The Local Agency will encourage the use of DEP's web-based electronic notification system. Notwithstanding exclusions noted in this Part, the Local Agency may inspect any asbestos activity within the county, and take enforcement action pursuant to its local authority. DEP district offices and the Local Agency will coordinate on asbestos inspections for facilities owned or operated by the county to the extent possible. The Local Agency will provide to the DEP district office a copy of each NESHAP asbestos notification submitted for a facility owned or operated by the county.

3) Misdirected NESHAP Asbestos Notifications. The Local Agency shall redirect to DEP any NESHAP asbestos notifications received by the Local Agency which should have been sent to DEP no later than two working days of receipt by the Local Agency. These redirected notices shall be in a format acceptable to DEP. DEP will redirect to the Local Agency any NESHAP asbestos notifications received by DEP which should have been sent to the Local Agency. Such misdirected notifications include those for buildings or structures not located in the county and for buildings and structures that are county-owned, other than those owned by the county school board.

4) DEP Asbestos Database.

   a) The Local Agency will have full access to the DEP asbestos database and will designate a Local Agency employee to serve as the primary contact for asbestos compliance and enforcement data. This contact will be the primary person with whom DEP will consult on asbestos-related data entered into the database by the Local Agency.

   b) The Local Agency will enter all NESHAP asbestos notification-related data into the asbestos database as soon as possible, but no later than seven (7) days from date the Local Agency received the notification.

   c) The Local Agency will enter all applicable inspection and compliance and enforcement activity data for asbestos renovation/demolition projects into the DEP asbestos database as soon as possible, but no later than forty-five (45) days from the date the activity was performed by the Local Agency.

d) The Local Agency will respond promptly to requests from DEP for information, correction and clarification of any asbestos data entered into the database by the Local Agency.

e) The Local Agency will notify DEP of any systems-related problems or training needs.

5) DEP OCULUS Database. The following conditions shall apply to the Local Agency unless the Local Agency has an internal database for the management of asbestos records that is similar to the Department's OCULUS database. If the Local Agency uses an internal database for the management of asbestos records, it must upload the records into the internal database according to the schedule provided below.

a) The Local Agency will have appropriate access to the OCULUS database and will designate an employee to serve as the primary contact for OCULUS NESHAP asbestos notifications and compliance and enforcement documents. This contact will be the primary person who DEP will contact on asbestos-related documents uploaded into the OCULUS database by the Local Agency.

b) The Local Agency will upload all complete NESHAP asbestos notifications and corresponding surveys/reports, when applicable, into the OCULUS database within seven (7) days from the date the documents were received.

c) The Local Agency will upload all other compliance and enforcement related documents into the OCULUS database within thirty (30) days of issuing or receiving such documents.

d) The Local Agency will upload all historical NESHAP asbestos notifications and corresponding surveys and reports, when applicable, and compliance and enforcement documents into the OCULUS database as time and resources allow.

e) The Local Agency will respond promptly to requests from DEP for information on any asbestos-related documents that the Local Agency uploaded into the OCULUS database. The Local Agency will respond promptly to requests from DEP for the Local Agency to upload into the OCULUS database relevant documents associated with public records requests.

f) The Local Agency will index each document uploaded to the OCULUS database in accordance with the most recent Asbestos OCULUS Catalog Taxonomy Guide.

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IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day(s) and year written below.

SIGNATURES

Warranty of Authority. Each person signing this Contract warrants that he or she is duly authorized to do so and to bind the respective party to this Contract.

State of Florida
Department of Environmental Protection

By_____ Date: _____
Jeffery F. Koerner*
Director, Division of Air Resource Management

Jeffery F. Koerner
2024.05.08 16:27:33 -04'00'

Sarasota County
Board of County Commissioners

By_____ Date: 5/7/2024
Michael A. Moran*
Chairperson

ATTEST
KAREN E. RUSHING, Clerk of
The Circuit Court and
Ex-Officio Clerk of the Board
Of County Commissioners of
Sarasota County, Florida
By: _____
Deputy Clerk

Approved as to form and correctness by
Office of the County Attorney
Sarasota County, Florida

By _____
(County Attorney)

*I have the authority to bind this entity.