



Broward County

Legislation Details (With Text)

File #: 20-1500 **Version:** 1

Status: Agenda Ready

In control: County Attorney

On agenda: 9/22/2020 **Final action:** 9/22/2020

Title: MOTION TO AUTHORIZE Office of the County Attorney to execute and file a Joint Motion for Agreed Final Order ("Joint Motion") providing for settlement of the administrative proceeding in Broward County v. Lehigh Hanson Cement South LLC, NOV19-0004.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Copy of Joint Motion for Agreed Final Order

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Commission

Information

Requested Action

MOTION TO AUTHORIZE Office of the County Attorney to execute and file a Joint Motion for Agreed Final Order ("Joint Motion") providing for settlement of the administrative proceeding in Broward County v. Lehigh Hanson Cement South LLC, NOV19-0004.

Why Action is Necessary

Board approval is necessary to settle this pending administrative proceeding.

What Action Accomplishes

Settlement of pending administrative proceeding.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

The proposed Joint Motion for Agreed Final Order ("Joint Motion") would settle alleged violations of Chapter 27 of the Broward County Code of Ordinances under Broward County Notice of Violation NOV19-0004. The alleged violation involved not taking reasonable precautions to prevent unconfined particulate emissions of cement dust during ship unloading operations in violation of the conditions of Air Permit 0111012-006-AF and Section 27-175(h), Broward County Code of

Ordinances. The emissions were alleged to have occurred from about August 14, 2017, until about April 25, 2019, affecting areas near Berth 14 at Port Everglades. Respondent, Lehigh Hanson Cement South LLC ("Lehigh"), without admitting to the alleged violations, has executed the Joint Motion.

Under the terms of the proposed Agreed Final Order, Lehigh agrees to pay Broward County \$56,800 (comprised of \$56,500 in penalties and \$300 in administrative cost reimbursement) within thirty (30) days and has implemented the following corrective actions: 1) daily monitoring of unloading operations with routine inspections of unloading equipment and completed and reviewed inspection reports; 2) training and clear communication to employees that unloading operations will be stopped immediately in the event of equipment malfunction that results in increased emissions; 3) pavement of areas to minimize dust emissions; 4) use of dust collectors and tarps to minimize unconfined dust emissions on the material transfer belt conveyor; 5) vessel unloading controls that allow ships to be turned after unloading one half (1/2) of the ship hold to allow access to both sides of the hold in order to minimize unconfined dust emissions; and 6) use of water cannons/fogging systems to minimize dust emissions.

Lehigh has agreed to maintain the use of these measures in a manner sufficient to reasonably prevent cement dust emissions unless Broward County Environmental Protection and Growth Management Department staff confirm in writing that one of more of these measures is no longer necessary due to replacement or other changes in Lehigh's facility or practices.

If authorized by the Board, the Joint Motion will be signed by the Office of the County Attorney and will be filed with the Hearing Examiner for consideration. The Environmental and Consumer Protection Division concurs with and recommends approval of this settlement.

Source of Additional Information

Michael C. Owens, Senior Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Not applicable.