

RESOLUTION NO. 2010-09

A RESOLUTION OF THE CITY OF PORT ST. JOE, FLORIDA FINDING A STATE OF EMERGENCY, SUSPENDING CERTAIN CITY LAND DEVELOPMENT REGULATIONS BECAUSE OF THE STATE OF EMERGENCY, PROVIDING AUTHORITY TO THE CITY BUILDING INSPECTOR AND THE TECHNICAL ADVISORY COMMITTEE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Executive Order, the Governor has declared a state of emergency as a result of the Deepwater Horizon oil spill; and

WHEREAS, Florida Statutes and the Executive Order authorize local government to amend or suspend local rules in order to deal with such declared emergencies; and

WHEREAS, City Land Development Regulations may impose a time consuming burden on the recovery effort;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PORT ST. JOE, FLORIDA, AS FOLLOWS:

1. City Land Development Regulations relative to major developments are hereby suspended for the duration of the emergency for an activity related to cleaning of the Deepwater Horizon oil spill and located within the Port St. Joe Port Authority planning area.

2. The City Building Inspector (or his designee) and/or the Technical Advisory Committee are authorized to suspend any portion of the application of Article II of the City of Port St. Joe Land Development Regulations covering any issue that will be reviewed by any agency of the State of Florida or the United States.

3. It is the intent of the City Commission to expedite review of development applications and the Building Inspector (or his designee) and/or Technical Advisory Committee are directed to make their reviews of projects subject to this Resolution within 24 hours of receipt of a development plan.

4. In the event that a development plan raises issues that, in the opinion of the Building Inspector (or his designee) and the Technical Advisory Committee, require

more in depth review or require input from City Engineers, a development order shall not be issued until such review is completed. The Building Inspector (or his designee) and Technical Advisory Committee shall make every effort to expedite such additional review

4. This Resolution shall be effective as of the date of adoption.

THIS RESOLUTION passed the 13 day of July, 2010.

CITY COMMISSION OF
PORT ST. JOE, FLORIDA

By: Mel Magidson, Jr.
Mel Magidson, Jr.
Mayor/Commissioner

Attest: James A. Anderson
James A. Anderson, City Clerk



Florida Department of Environmental Protection

Northwest District
160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

FILE WITH RESPONSE

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

FIELD AUTHORIZATION FOR SOLID WASTE STAGING and/or PROCESSING AREAS (for BP and Waste Management operated sites)

June 25, 2010

Sent via e-mail to:
hoot47@msn.com

Mr. Steve Gibson
O'Brien's Response Management
Deputy Branch Director
3951 E Hwy
Port St. Joe, FL 32456

RE: Authorization for Solid Waste Staging and/or Processing Area
Deepwater Horizon Oil Spill

Dear Mr. Gibson:

In accordance with the Emergency Final Order OGC No. 10-1610 (Order) that was executed on May 12, 2010 and subsequent amended orders, the Department may issue field authorizations for staging areas to be used for temporary storage and processing of oil spill-generated debris resulting from the Deepwater Horizon Oil Spill. The Order also gives the Department authority to include specific conditions in the field authorizations for the operation and closure of a staging area that may include a required closure date extending beyond the expiration of the Order. A copy of this Order may be obtained from the Department's website at the following address: <http://www.dep.state.fl.us/deepwaterhorizon/permit.htm>.

The Department has evaluated your request for a field authorization of a staging area at the following location:

WACS ID: 98983 Latitude: N29°49'47.65" Longitude: W85°18'32.54"
Site Name: Industrial Road Solid Waste Staging/Processing/Decon Site – Port St. Joe
Location/address: Industrial Road, Parcel No. 04281-105R
Location/city: Port St. Joe, FL 32457

Primary contact: Steve Gibson, BP
Phone number: (651)253-7307
E-mail address: hoot47@msn.com

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The type of activities generally expected to be conducted for oil spill debris management at this site include (check all that apply):

- Waste rolloff container staging and/or transfer to disposal facility
- Decontamination activities for managing the oil spill debris
- Satellite accumulation area, meaning an area where oil spill debris is initially containerized near the cleanup area [if only this box is checked, please refer to specific condition 9]
- Other (describe): _____

The use of this staging area is authorized subject to the following specific conditions:

1. The staging area(s) shall be operated in accordance with the requirements of the Order, as well as any plans submitted as part of the request for field authorization.
2. In addition to the requirements of the Order, the oil spill debris must be collected, managed, processed and disposed of in accordance with the plans approved by the Unified Incident Command for incident MC 252, as appropriate. This includes documents such as the Waste Management/Disposal Plan and the Decontamination Plan.
3. All reasonable steps must be taken to minimize the release of contaminants from the oil spill debris into the environment. If contaminants are released into the environment, you must take immediate steps to contain the release and notify the Department within 24 hours.
4. The Department must be notified in writing when the staging area is opened and begins accepting debris, and when it is closed and stops accepting debris.
5. Access must be controlled to prevent unauthorized dumping and scavenging.
6. Unless otherwise approved by the Department in response to a written request from you, the staging area must cease operation, and all oil spill debris and related equipment must be removed from the site, by the expiration date of the Order. If the Order is extended, this authorization is automatically extended as well.
7. Impervious surfaces that are created or altered to establish any staging areas must be designed, constructed, operated, and maintained in a manner that minimizes offsite discharge of contaminated runoff, and so as to not cause adverse water quantity impacts or flooding to on-site or off-site property and receiving waters. If any impervious surfaces must remain for more than six months, the entity operating the staging area must apply to the Department for a permit (or permit modification) under Part IV of Chapter 373, F.S., for stormwater (quantity and quality) review and authorization, which may require further alteration of the system to meet requirements of the applicable Department surface water regulations for the area.
8. The staging area is limited to managing oil spill debris, and any putrescible or other unauthorized waste received at the facility must be removed within 48 hours.
9. Satellite accumulation areas are not required to obtain field authorizations prior to operation. However, in order to foster improved communications and accountability, field authorizations may be issued for such areas upon request. The Department may not have received written documentation demonstrating compliance with this condition of the authorization, and may not have evaluated in detail any questions of land ownership or applicability of local regulations associated with satellite accumulation areas. Issuance of this authorization is not intended to create or interfere with any private property rights.

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This authorization does not preclude the need to obtain any additional authorizations that may be required by the Order which includes but is not limited to the Department's Division of Air Resource Management, as well as the Department's Coastal Construction Control Line, Joint Coastal, and Submerged Lands and Environmental Resource Permitting programs.

Failure to comply with the conditions of the field authorization, or failure to adequately close a site by the required closure date, may result in enforcement action by the Department.

If you have any questions or comments on this authorization letter, please feel free to contact Thomas Dillard by e-mail at Thomas.Dillard@dep.state.fl.us or by phone at 850-872-4375, extension 110. In order to provide better service to you, the Department is using electronic documents as much as possible. Please provide your e-mail address when replying.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Kennedy". The signature is written in a cursive style with a large, stylized "M" and "K".

Waste Program Administrator
Northwest District

MSK/tdr

c: Solid Waste Program Administrator - Tallahassee