

COMMISSION AGENDA:

2.12.13 #220

TO: The Honorable Chairman and Members of the
Board of County Commissioners

THROUGH: James L. Bennett, County Attorney

JLB

FROM: David S. Sadowsky, Senior Assistant County Attorney

DSS

SUBJECT: Odor Control Plan and Site Plan Approval for the Operation of Fat, Oil and Grease Facility by Reliable Septic & Sewer, Inc. and M&D Grease Disposal, Inc. on Property Located at 6660 90th Avenue North, Pinellas Park, Florida

DATE: February 12, 2013

The Board of County Commissioners at their January 29, 2013 meeting approved the rezoning of the property located at 6660 90th Avenue North, Pinellas Park, Florida from a C-2 to a C-3 zoning district. As a result, Reliable Septic & Sewer, Inc. and M&D Grease Disposal, Inc. may now operate a Fat, Oil and Grease ("FOG") facility within an enclosed facility on the subject property, consistent with the requirements of the Pinellas County Code. The Board also recommended that the County enter into a development agreement, which would address the odor and site plan issues for the operation of the FOG facility on the subject property. County staff proposes that, in lieu of a development agreement, the parties enter into a consent order to address the odor control issues, and that the owner of the subject property obtain a site plan via the full site plan review regulations in the Pinellas County Code, for the following reasons.

A development agreement requires two public meetings, is of limited duration and is not well suited for addressing operational, odor control issues for a FOG facility. The Air Quality Division often utilizes a consent order to settle any alleged violation of state and local air quality regulations. Within the consent order, the parties may place odor control and site containment plans which are targeted to address the basis for the objectionable odors from the operation of the FOG facility. In addition, a consent order may be executed and the odor control and site containment plans be in place in a much shorter period than the two public hearings, development agreement process.

In regards to handling any site plan issues from the operation of a FOG facility within an enclosed building and the outside storage of trucks utilized in the grease waste and septic hauling business on the subject property, County staff recommends that any site plan issues be handled by the property owner obtaining a site plan through the full site plan review process contained in Pinellas County Code Section 138-176 through 138-181. Al Navaroli, BDRS Division Manager, has confirmed that he will expedite the full site plan review process for the subject property.

JLB:DSS