

## **RULE I**

### **SOLID WASTE MANAGEMENT PERMITS**

#### **1 Scope of Rule.**

- 1.1 This Rule sets forth procedures on how to obtain a solid waste management facility permit from the Solid Waste Authority of Palm Beach County. This Rule also provides requirements and procedures for the issuance, denial, renewal, extension, transfer, modification, suspension, and revocation and enforcement of solid waste management facility permits. This Rule shall not preclude the application of any other permit requirements or procedures for certain types of facilities or activities as contained in other rules of the Authority.

#### **2 Definitions.**

- 2.1 When used in this Rule, unless the context clearly indicates otherwise, the term:
  - (a) "Authority" means the Solid Waste Authority of Palm Beach County.
  - (b) "Biohazardous Waste" means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste which contains human disease-causing agents; discarded sharps; human blood, human blood products, and body fluids.
  - (c) "Clean debris" means any solid waste which is virtually inert and which is not a pollution threat to ground or surface waters and is not a fire hazard and which is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramics and any wastes designated by the Department.
  - (d) "Compost" means solid waste which has undergone biological decomposition of organic matter, and has been disinfected using composting or similar technologies, and has been stabilized to a degree which is potentially beneficial to plant growth and which is used or sold for use as a soil amendment, artificial top soil, growing medium amendment or other similar uses.
  - (e) "Composting" means the process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and

safely be stored, handled and used in an environmentally acceptable manner. The presence of anaerobic zones within the composting material will not cause the process to be classified as other than composting. Simple exposure of solid waste under uncontrolled conditions resulting in natural decay is not composting.

- (f) "Comprehensive Plan" means the Comprehensive Solid Waste Management Plan, Resource Recovery and Recycling Program for the Solid Waste Authority of Palm Beach County, as adopted by the Authority.
- (g) "Construction and demolition debris" means solid waste generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing materials.
- (h) "County" means Palm Beach County, Florida.
- (i) "Department" means the State of Florida Department of Environmental Regulation or any successor or agency performing a like function.
- (j) "Disposal" means the disposition of solid waste by resource recovery or the placing of solid waste materials on the land for final disposition, or any combination thereof.
- (k) "Executive Director" means the Executive Director of the Authority or his designee.
- (l) "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land for the processing, storage or disposal of solid waste or recyclable materials. A facility may consist of several operational units.
- (m) "Garbage" means all kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, preparation, cooking or handling of food materials.
- (n) "Generation" means the act or process of producing solid waste or recyclable materials.
- (o) "Health Unit" means the Palm Beach County Public Health Unit.
- (p) "Municipality" means all incorporated municipalities or special taxing districts exercising municipal powers in relation to collection and disposal of solid waste, lying and being in Palm Beach County, Florida.

- (q) "Operation" means the disposal, storage, processing or treatment of solid waste or recyclable materials at and by a Solid Waste Management facility.
- (r) "Operation permit" means the legal authorization granted by the Authority to operate or maintain any facility for a specified period of time.
- (s) "Palm Beach County Solid Waste Act" means Chapter 75-473, Laws of Florida, as amended.
- (t) "Permit" means an operation permit as defined herein.
- (u) "Permit condition" means a statement or stipulation which is issued with a permit and which must be complied with.
- (v) "Person" means any and all persons, natural or artificial, including any individual, firm or association, facility or any municipal or private corporation organized or existing under the laws of the State of Florida or any other state and any county or governmental agency of this state or the federal government.
- (w) "Pollution" means the presence in the outdoor atmosphere or waters in the state of any substances, contaminants, noise, or manmade or man-induced impairment of air, land or waters or alteration of the chemical, physical, biological, or radiological integrity of air, land or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law.
- (x) "Processing" means the act of modifying or altering the nature of solid waste materials to facilitate reuse, transfer, transport, and/or disposal including but not limited to, systems employing physical, thermal, organic and/or chemical techniques.
- (y) "Recovered materials" means those materials which have a known recycling potential, can feasibly be recycled, and have been diverted or removed from the solid waste stream for sale, use or reuse, by separation, collection, or processing.
- (z) "Recycling," means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

- (aa) "Resource Recovery" means the process by which materials in solid waste retaining useful physical and/or chemical properties are reused or recycled for the same or other purposes.
- (bb) "Recyclable material" means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.
- (cc) "Sludge" means the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar waste disposal appurtenances.
- (dd) "Solid waste" means garbage, trash, construction and demolition debris, sewage sludge, rubbish, refuse, white goods and other discarded solid or liquid materials resulting from domestic, industrial, commercial, agricultural, and governmental operations, but does not include solid or dissolved material in domestic sewage, storm drainage or other significant pollutants in water resources such as silt, dissolved materials in irrigation return flows, or other water pollutants.
- (ee) "Solid waste management" means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any way, according to an orderly, purposeful, and planned program.
- (ff) "Solid waste management facility" means any solid waste recycling facility, volume reduction facility, transfer station, or other facility, the purpose of which is resource recovery, recycling, processing, or storage of solid waste or recovered materials. The term does not include facilities which use or ship recovered materials unless such facilities are managing solid waste.
- (gg) "Time of Retention" means the amount of time data, reports and records must be retained by the permittee. Time of Retention shall be 12 months unless otherwise specified.
- (hh) "Trash" means combinations of yard trash and construction and demolition debris along with other debris such as paper, cardboard, cloth, glass, street sweepings, plastic and other like matter.
- (ii) "Transfer Station" means a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility.

- (jj) "Storage" means the containment or holding of solid waste or recyclable materials, on a temporary basis, in such a manner as not to constitute disposal of such solid waste or recyclable materials.
- (kk) "Transport" means the act of movement of solid waste materials to facilitate processing, reuse, and/or disposal.
- (ll) "Volume reduction facility" means incinerators, pulverizers, compactors, shredding and baling facilities, composting facilities, and other facilities which accept and process solid waste for recycling.
- (mm) "Waste Management" means the systematic control of the generation, storage, collection, transport, treatment, processing, recycling, recovery and disposal of solid waste.
- (nn) "White goods" means solid waste consisting of inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic or commercial large appliances.
- (oo) "Yard trash" means solid waste consisting of vegetative matter resulting from landscaping maintenance and land-clearing operations.

### **3 Conflict of Definitions.**

- 3.1 In case of conflict between definitions contained herein and as they may be stated elsewhere, the definitions stated herein shall prevail. Definitions in other Solid Waste Authority rules may be used to clarify the meaning of terms used in this Rule unless use of such definition would defeat the purpose or alter the intended effect of the provisions of this Chapter.

### **4 General Prohibition.**

- 4.1 No solid waste management facility in Palm Beach County shall be operated, maintained, expanded, or modified without the appropriate and currently valid permit issued by the Authority, unless the source is exempted by Authority rule. The Authority may issue a permit only after it receives reasonable assurance that the construction and operation of the facility will not cause violation of any of the provisions of the Palm Beach County Solid Waste Act, the Comprehensive Plan or the rules promulgated thereunder. A permitted facility may only be operated, maintained, expanded or modified in a manner that is consistent with the terms of the permit.

### **5 Exemptions.**

- 5.1 The following solid waste management facilities are exempted from the permit requirements of the Rule. The following exemptions do not relieve any facility from any other requirements of the Palm Beach County Solid Waste Act, the Comprehensive Plan or rules of the Authority.
- (a) Facilities operated by the Authority pursuant to its responsibilities under the Palm Beach County Solid Waste Act and the Comprehensive Plan.
  - (b) Other governmentally operated transfer or disposal facilities as designated by the Authority. *(Amended 8/18/99)*
  - (c) Structural changes which will not change the quality, nature or quantity of an existing and permitted solid waste management facility which will not cause pollution.
  - (d) Processing, storage or transport of solid waste or recovered materials, generated by a household, by the occupants of that household.

## **6 Procedure to Obtain Permit; Application.**

- 6.1 Any person desiring to obtain a permit from the Authority shall apply on forms prescribed by the Authority and shall submit the number of completed applications and such additional information as the Authority by law may require.
- 6.2 Fees for all activities identified in this Rule shall be established by the Governing Board of the Authority as part of the annual budget. *(Amended 8/18/99)*
- 6.3 All fees shall be deposited in an Account created by the Authority.
- 6.4 To be considered by the Authority, each application must be accompanied by the proper processing fee, except for applications filed by state agencies created pursuant to Chapter 20, F.S., and water management districts created pursuant to Chapter 373, F.S. The fee shall be paid by check, payable to the Solid Waste Authority of Palm Beach County. The fee is non-refundable except as provided in this section.
- 6.5 When an application is received without the required fee, the Authority shall either return the unprocessed application or arrange with the applicant for the pick up of the application.
- 6.6 Upon receipt of the proper application fee, the permit processing time requirements stated in this Rule shall begin.

- 6.7 Any substantial modification to a complete application shall require an additional processing fee determined pursuant to the schedule set forth in Section 6.2 of this Rule and shall restart the time requirements of Section 7. For purposes of this Subsection, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different volumes or types of wastes processed which require a detailed review.
- 6.8 An annual fee shall be required for all Authority permitted facilities. This fee shall be paid to the Solid Waste Authority of Palm Beach County prior to January 1 of each calendar year. (*Amended 8/18/99*)

## **7 Permit Processing.**

- 7.1 Within 30 days after receipt of an application for a permit and the correct processing fee the Authority shall review the application and shall request submittal of additional information required by this Rule or any other rules or regulations.
- 7.2 Within 30 days after receipt of such additional information, the Authority shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information.
- 7.3 If the applicant believes the request of the Authority for such additional information is not authorized by law or rule, the Authority, at the applicant's request, shall begin to process the permit application. Such a request by the applicant shall be in writing and shall be clearly labeled as a request for the Authority to process the application. The applicant's request shall state the reasons why the applicant believes the Authority request for additional information is not authorized by law or rule. The applicant shall clearly state that the applicant requests the Authority to process the application without that information.
- 7.4 Permits shall be presented to the Governing Board of the Authority to be approved or denied within 90 days after receipt of the original application, the last item of timely requested additional material, or the applicant's written request to begin processing the permit application, whichever occurs last.

## **8 Consultation.**

- 8.1 The applicant, is encouraged to consult with Authority personnel before submitting an application, or at any other time concerning the operation, expansion, or modification of any solid waste management facility. However, any representation by the Authority shall not relieve any person from any

requirement of Florida law, rules or regulations, or Authority rules or regulations.

**9 Standards for Issuing or Denying Permits; Issuance; Denial.** *(Amended 2/13/02)*

- 9.1 A permit shall be issued to the applicant upon such conditions as the Authority may direct, only if the applicant affirmatively provides the Authority with reasonable assurance based on plans, data or other information, that the construction, expansion, modification, operation, or activity of the facility will not contravene the Palm Beach County Solid Waste Act, the Comprehensive Plan or Authority rules, or other applicable law. *(Amended 2/13/02)*
- 9.2 Irresponsible applicant. When determining whether the applicant has provided reasonable assurances that Authority standards will be met, the Authority shall consider any past violation(s) of applicable statutes, rules, orders, or permit conditions caused by the applicant relating to the operation of any solid waste management facility in this state. If the Authority finds any past violation(s), the Authority may deem the applicant to be irresponsible. For purposes of this subsection, the following words have the following meaning: *(Amended 2/13/02)*
- (a) “Applicant” means the owner or operator of the solid waste management facility in this state, and includes a business entity, a parent of a subsidiary corporation, a partner, or corporate officer or director, or a stockholder holding more than 50 percent of the corporate stock. *(Amended 2/13/02)*
- (b) “Irresponsible” means that an applicant owned or operated a solid waste management facility in this state, including transportation equipment or mobile processing equipment used by or on behalf of the applicant, which was subject to a local, state or federal notice of violation, judicial action, or criminal prosecution for activities that constitute violations of local rules or regulations, Chapter 403, F.S., or the rules promulgated thereunder, and could have prevented the violation through reasonable compliance efforts. *(Amended 2/13/02)*
- 9.3 A permit shall be issued by the Authority only if the applicant affirmatively demonstrates that the facility has received the appropriate permits, approvals or proof of exemption from the Department, Health Unit, Local Zoning Authority, and any additional state or local agencies regulating the construction or operation of the facility.
- 9.4 If, after review of the application and all the information, the Authority determines that the applicant has not provided reasonable assurance that the

construction, modification, expansion, or operation of the facility will be in accord with applicable laws, plans or rules, the Authority shall deny the permit.

- 9.5 The Authority may issue any permit with specific conditions necessary to provide reasonable assurance that Authority rules or applicable law or rules can be met.
- 9.6 No Authority permits shall be issued for a term of more than five (5) years unless otherwise specified by statute, rule, or order of the Authority.
- 9.7 No permit shall be issued for an facility subject to a Department or Health Unit notice of violation or judicial action initiated by the Department. Upon resolution of the enforcement action by agreement, permit, final order, or judicial action a permit may be granted subject to the applicable requirements of Authority rules. This prohibition shall only be applicable when the enforcement action involves the same activity as the activity for which a permit is being sought. The Authority shall take into consideration a permit applicant's violation of any Department or Health Unit rules at any facility when determining whether the applicant has provided reasonable assurances that Authority standards will be met.
- 9.8 The applicant shall be promptly notified if the Authority intends to deny the application, and shall be informed of the reasons for the intended denial, and of the right to request a hearing before the Governing Board of the Authority.
- 9.9 The issuance of a permit does not relieve any person from complying with the requirements of Chapter 403, F.S., Department rules, Health Unit rules, or rules of Department approved local programs.

## **10 Modification of Permit Conditions.**

- 10.1 For good cause and after notice the Authority may require the permittee to conform to a new or additional conditions. The Authority shall allow the permittee a reasonable time to conform to the new or additional conditions and on application of the permittee the Authority may grant additional time.
- 10.2 For the purpose of this Section, good cause shall include, but not be limited to, any of the following:
  - (a) A showing that an improvement in solid waste management activities can be accomplished because of technological advances without unreasonable hardship.
  - (b) Adoption or revision of Florida Statutes, rules, or standards which require the modification of a permit condition for compliance.

- (c) Revision of the Palm Beach County Solid Waste Act, the Comprehensive Plan or Authority rules which require the modification of a permit condition for compliance.

10.3 A permittee may request a modification of a permit by applying to the Authority.

## **11 Renewals and Extensions.**

11.1 Renewals. The Authority shall notify the permittee 120 days prior to the expiration date of a permit . Failure to receive this notification shall not absolve the permittee from making a timely application for permit renewal.

11.2 Prior to ninety days before the expiration of any Authority operation permit, the permittee shall apply for a renewal of a permit. If the application is submitted prior to 90 days before the expiration of the permit, it will be considered timely. When the application for renewal is timely, the existing permit shall remain in effect until the renewal application has been finally acted upon.

11.3 If the renewal application is submitted 60 days or less from the expiration date, it will not be considered timely.

11.4 Permits shall be renewed after administrative review by the Executive Director. Permit conditions may be subject to modification at the time of renewal pursuant to Section 10 of this Rule.

11.5 Permit renewals shall not require an additional processing fee. (*Amended 8/18/99*)

## **12 Suspension and Revocation.**

12.1 Permits shall be effective until suspended or revoked by the Governing Board of the Authority, surrendered, or expired and shall be subject to the provisions of the Palm Beach County Solid Waste Act, the Comprehensive Plan or Authority rules, or other applicable law.

12.2 Failure to comply with pollution control laws and rules shall be grounds for suspension or revocation.

12.3 A permit issued pursuant to this rule shall not become a vested property right in the permittee. The Governing Board of the Authority may revoke any permit issued by it if it finds that the permit holder or his agent:

- (a) Submitted false or inaccurate information in his application or operational reports.
- (b) Has violated law, Department or Health Unit orders, rules or permit conditions.
- (c) Has failed to submit operational reports or other information required by Authority rules.
- (d) Has refused lawful inspection.
- (e) Has failed to remit an annual permit fee, or inspection fee(s). (*Amended 8/18/99*)

12.4 No revocation shall become effective except after notice is served by personal service or certified mail, upon the person or persons named therein and a hearing held if requested within the time specified in the notice. The notice shall specify the provision of the law, or rule alleged to be violated, or the permit condition or Department or Health Unit order alleged to be violated, and the facts alleged to constitute a violation thereof.

### **13 Enforcement.**

13.1 Enforcement of the provisions of this rule and the permits issued thereunder shall be conducted by the Health Unit pursuant to the Palm Beach County Solid Waste Act.

### **14 Financial Responsibility.**

14.1 The Authority shall require an applicant to submit proof of financial responsibility and may require the applicant to post an appropriate bond to guarantee compliance with the law and Authority rules. Acceptable form for bonds shall be cash, irrevocable letter of credit or surety bond. Bond amounts shall be determined based on site plans, types of waste received, quantities of waste stored and any other factors that may affect the operation of the facility. Bond amounts shall be made a condition of the permit and approved by the Governing Board of the Authority.

### **15 Transfer of Permits.**

15.1 A permit is issued in the name of a person. Upon sale or legal transfer of a permitted facility, the new owner must apply by letter for a transfer of permit within thirty (30) days. Unless the transferor notifies the Authority of the transfer and to whom transferred, the transferor will remain liable for performances in accord with the permit until the transferee applies for a transfer of permit. Transfer of permits shall not become final until approved by the

Governing Board of the Authority. The transferee shall be subject to the permit conditions and financial responsibility provisions contained in the permit.

- 15.2 Once transferred the permit will remain in effect until the original expiration date. A permit may not be transferred to a new operational location. Relocation of facilities shall require the permittee to apply for a new permit.
- 15.3 An application for a permit transfer shall require a processing fee in an amount equal to the processing fee for a new permit application. *(Amended 8/18/99)*

#### **16 Facility Operation – Problems or Deficiencies.** *(Amended 8/18/99)*

- 16.1 If the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Authority. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Authority rules.
- 16.2 Should deficiencies noted in a previous inspection of a permitted facility necessitate a follow-up inspection, an additional fee shall be charged to the permittee. *(Amended 8/18/99)*

#### **17 Permit Conditions.**

- 17.1 All permits issued by the Authority shall include the following general conditions:
  - (a) The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Palm Beach County Solid Waste Act.
  - (b) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit shall constitute grounds for revocation and enforcement action by the Authority.
  - (c) The issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of

or approval of any other permit that may be required for other aspects of the total project which are not addressed in this permit.

- (d) This permit conveys no title to land or water, does not constitute recognition or acknowledgment of title.
- (e) This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department or Health Unit rules.
- (f) The permittee shall properly operate and maintain the facility and systems that are installed and used by the permittee to achieve compliance with the conditions of this permit, or other permits required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- (g) The permittee, by accepting this permit, specifically agrees to allow authorized Authority personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - 1. Have access to and copy any records that must be kept under conditions of the permit; upon reasonable prior notice
  - 2. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - 3. Sample or monitor any substances at any location reasonably necessary to assure compliance with this permit or Authority rules.
  - 4. Reasonable time and reasonable prior notice may depend on the nature of the concern being investigated.
- (h) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Authority with the following information:
  - 1. A description of and cause of noncompliance; and
  - 2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to

continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Authority or by the Department for penalties or for revocation of this permit.

- (i) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Authority may be used by the Authority as evidence in any enforcement case involving the permitted facility arising under the Florida Statutes or Authority rules. Such evidence shall be used to the extent it is consistent with Florida Rules of Civil Procedure and appropriate evidentiary rules.
- (j) The permittee agrees to comply with changes in Authority rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Authority rules to challenge the appropriateness or validity of such changed rules or statutes.
- (k) This permit is transferable only upon Authority approval in accordance with Authority rules. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Authority.
- (l) This permit or a copy thereof shall be kept at the work site of the permitted activity.
- (m) Upon request, the permittee shall furnish all records and plans required under Authority rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Authority.
- (n) When requested by the Authority, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Authority, such facts or information shall be corrected promptly.

*(ADOPTED 5/15/91)*  
*(AMENDED 8/18/99)*  
*(AMENDED 2/13/02)*