RULE II

HAZARDOUS WASTE SERVICES AUTHORIZATION

1 Scope of Rule.

1.1 This Rule sets forth procedures on how to obtain a hazardous waste services authorization from the Solid Waste Authority of Palm Beach County. The hazardous waste services authorization allows Conditionally Exempt Small Quantity Generators to dispose of their hazardous waste at Solid Waste Authority Hazardous Waste Collection Facilities. This Rule also provides requirements and procedures for the issuance, denial, renewal, extension, transfer, modification, and revocation of hazardous waste services authorizations. This Rule shall not preclude the application of any other authorization requirements or procedures for certain types of facilities or activities as contained in Federal, State, or local laws and regulations or 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) "Conditionally Exempt Small Quantity Generator" means a generator generating less than 100 kg of hazardous waste in a calendar month.

(c) "Comprehensive Plan" 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.

(d) "County" means Palm Beach County, Florida.

(e) "DER" means the State of Florida Department of Environmental Regulation.

(f) "Director" means the Executive Director of the Solid Waste Authority of Palm Beach County or his duly authorized representative.

(g) "Generator" means any person whose act or process produces hazardous waste or whose act first causes a hazardous waste to be subject to regulation.

(h) "Large Quantity Generator" means a generator who generates over 1000 kg of hazardous waste in a calendar month.

(i) “Health Unit” means the Palm Beach County Public Health Unit.

(j) “Household Hazardous Waste” means any hazardous waste generated by households, including single and multiple dwellings and other residential resources.

(k) “Hazardous Waste" means a hazardous waste as defined in the Code of Federal Regulations, Chapter 40, Part 261.3.

(1) “Hazardous Waste Services Authorization” is the legal authorization granted to a conditionally exempt small quantity generator by the Authority, to deliver hazardous waste to a Solid Waste Authority Hazardous Waste Management facility.

(m) “Palm Beach County Solid Waste Act” means Chapter 75-473, Laws of Florida, as amended.

(n) “Authorization” means a hazardous waste services authorization as defined herein.

(o) “Authorization condition” means a statement or stipulation which is issued with an authorization and which must be complied with.

(p) “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.

(q) “Small Quantity Generator" means a generator who generates more than 100 kg, but less than 1000 kg of hazardous waste in a calendar month.

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 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 Rule.

4 Prohibitions.

4.1 No hazardous waste shall be delivered or disposed of at any Authority facility by large quantity generators or small quantity generators.

4.2 No hazardous waste shall be delivered or disposed of at any Authority facility by Conditionally Exempt Small Quantity generators without the appropriate and currently valid authorizations issued by the Authority.

5 Exemptions.

5.1 The following generators are exempted from the authorization requirements of the Rule:

(a) Household Hazardous Waste generators.

(b) Facilities constructed and operated by the Authority pursuant to its responsibilities under the Palm Beach County Solid Waste Act and the comprehensive Plan.

5.2 These exemptions do not relieve any generator from any other requirements of Federal, State or local laws or regulations, the Palm Beach County Solid Waste Act, the Comprehensive Plan or rules of the Authority.

6 Procedure to Obtain Authorization; Application.

6.1 Any person desiring to obtain an authorization from the Authority shall apply on form 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 Processing fees for all authorizations shall be established by the Governing Board of the Authority as part of the annual budget.

6.3 Processing 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 a complete application and the processing fee, the 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 which require a detailed review.

7 Authorization Processing.

7.1 Within 30 days after receipt of an application for authorization and the correct processing fee the Authority shall review the application or request submittal of additional information.

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 authorization 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 Authorizations shall 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 authorization application, whichever occurs last.

8 Consultation.

8.1 The applicant is encouraged to consult with Authority personnel before submitting an application. However, any representation by the Authority shall

not relieve any person from any requirement of Federal, State or local laws and regulations or Authority Rules.

9 Standards for Issuing or Denying Authorizations; Issuance; Denial.

9.1 An authorization shall be issued to the applicant in such conditions as the Authority may direct, only if the applicant affirmatively provides the Authority with reasonable assurance that the waste generated and delivered to the Solid Waste Authority shall not be in contravention of the Federal, State, or local laws and regulations, the Palm Beach County Solid Waste Act, the Comprehensive Plan or Authority rules.

9.2 If, after review of the application and all the information, the Authority determines that the applicant has not provided reasonable assurance that the waste will be managed in accord with applicable laws, plans or rules, the Authority shall deny the authorization.

9.3 The Authority may issue any authorization with specific conditions necessary to provide reasonable assurance that Authority rules can be met.

9.4 No authorization shall be issued for a term of more than five (5) years.

9.5 No authorization shall be issued to a generator subject to a DER or Health Unit notice of violation or judicial action initiated by the DER or Health Unit. Upon resolution of the enforcement action by agreement, final order, or judicial action an authorization may be granted subject to the applicable requirements of Authority rules. This prohibition shall only be applicable when the enforcement action involves the activity as the activity for which an authorization is being sought. The Authority shall take into consideration an authorized applicant's violation of any DER rules at any facility when determining whether the applicant provided reasonable assurances that Authority standards will be met.

9.6 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.

9.7 The issuance of an authorization does not relieve any person from complying with the requirements of Federal, State, or local laws or regulations.

10 Modification of Authorization Conditions.

10.1 For good cause and after notice, the Authority may require the authorized party to conform to new or additional conditions. The Authority shall allow the authorized

party a reasonable time to conform to the new or additional conditions and on application of the authorized party 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 hazardous waste management activities can be accomplished because of technological advances without unreasonable hardship.

(b) Adoption or revision of Federal Statute or Regulation, Florida Statutes, rules, or standards or local ordinances which require the modification of an authorization condition for compliance.

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

(d) Circumstances beyond the control of the Authority which prevent the Authority from disposing of any previously approved waste stream at a federally permitted treatment, storage or disposal facility.

10.3 An authorized party may request a modification of an authorization by applying to the Authority.

11 Renewals.

11.1 Prior to ninety days before the expiration of any Authority authorization, the authorized party shall apply for a renewal of an authorization on forms and in a manner prescribed by the Authority. A renewal application shall be timely and sufficient. If the application is submitted prior to ninety days before expiration of the authorization, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it in submitted and made complete prior to the expiration of the operation authorization. When the application for renewal is timely and sufficient, the existing authorization shall remain in effect until the renewal application has been finally acted upon by the Authority.

12 Suspension and Revocation.

12.1 Authorizations shall be effective until suspended, revoked, surrendered, or expired at shall be subject to the provisions of the Palm Beach County Solid Waste Act, the

Comprehensive Plan or Authority rules.

12.2 Failure to comply with Federal, State or local pollution control laws and regulations shall be grounds for suspension or revocation.

12.3 An authorization issued pursuant to this rule shall not become a vested property right to the authorized party. The Authority may revoke any authorization issued if it finds that the authorization holder or his agent:

(a) Submitted false or inaccurate information in his application or operational reports.

(b) Has violated law, DER orders, rules, local ordinances or authorization conditions.

(c) Has failed to submit reports or other information required by Authority rules.

(d) Has refused lawful inspection.

12.4 No revocation shall become effective except after notice is served by personal service or certified mail. The notice shall specify the grounds for the revocation, including the provision of the law, rule or local ordinance alleged to be violated, or the authorization condition or DER order alleged to be violated, and the facts alleged to constitute a violation thereof.

13 Financial Responsibility.

13.1 The Authority may 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.

14 Transfer of Authorizations.

14.1 An authorization is issued in the name of a person. Upon sale or legal transfer of an authorized facility, the new owner must apply by letter for a transfer of authorization 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 authorization until the transferee applies for a transfer of authorization.

15 Facility Operation - Problems.

15.1 If the authorized party is temporarily unable to comply with any of the conditions of the authorization, the authorized party 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. Such notification does not release the authorized party from any liability for failure to comply with Federal, State or local laws or regulations, or Authority rules.

16 Authorization Conditions.

16.1 All Hazardous Waste Services Authorizations issued by the Authority shall include the following general conditions:

(a) The terms, conditions, requirements, limitations and restrictions set forth in this authorization, are "authorization conditions" and are binding and enforceable pursuant to Palm Beach County Solid Waste Act. The authorized party is placed on notice that the Authority will review this authorization periodically and may revoke the authorization for any violation of these conditions.

(b) This authorization is valid only for the specific wastes applied for and indicated in the approved application. Any unauthorized deviation from the approved application, specifications, or conditions of this authorization may constitute grounds for revocation by the Authority.

(c) The issuance of this authorization 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 authorization is not a waiver of or approval of any other authorization that may be required for other aspects of the total project which are not addressed in this authorization.

(d) This authorization conveys no title to land or water, does not constitute recognition or acknowledgment of title.

(e) This authorization does not relieve the authorized party 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 authorized source, or from penalties therefore; nor does it allow the authorized party to cause pollution in contravention of Florida Statutes, DER rules or local ordinances, unless specifically authorized.

(f) The authorized party, by accepting this authorization, specifically agrees to allow authorized personnel of the Authority and/or the Health Unit, upon presentation of credentials or other documents as say be required by law and at reasonable times, access to the premises where the authorized activity is located or conducted to:

1. Have access to and copy any records that must be kept under conditions of the authorization;

2. Inspect the facility, equipment, practices, or wastes regulated under this authorization; and

3. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this authorization or Authority rules.

4. Reasonable time may depend on the nature of the concern being investigated.

(g) If, for any reason, the authorized party does not comply with or will be unable to comply with any condition or limitation specified in this authorization, the authorized party 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 authorized party shall be responsible for any and all damages which may result and may be subject to enforcement action by the Authority or by the DER for penalties or for revocation of this authorization.

(h) In accepting this authorization, the authorized party understands and agrees that all records, notes, monitoring data and other information relating to the hazardous wastes generated which are submitted to the Authority say be used as evidence in any enforcement case involving the authorized facility arising under Federal, State, or local laws or regulations, or Authority rules. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

(i) The authorized party agrees to comply with changes in Federal, State or local laws or regulations, or Authority rules and after a reasonable time for compliance; provided, however, the authorized party does not waive any other

rights granted by Federal, State or local laws or regulations, or Authority rules.

(j) This authorization is transferable only upon Authority approval in accordance with Rule Section 14, as applicable. The authorized party shall be liable for any non-compliance of the authorized activity until the transfer is approved by the Authority.

(k) This authorization or a copy thereof shall be prominently displayed at the work site of the authorized activity.

(1) Upon request, the authorized party shall furnish all records and data required under Authority rules. During enforcement actions by the DER or Health Unit, the retention period for all records will be extended automatically unless otherwise stipulated by the Authority.

(m) When requested by the Authority, the authorized party shall within a reasonable time furnish any information required by authorization or law which is needed to determine compliance with the authorization. If the authorized party becomes aware the relevant facts were not submitted or were incorrect in the authorization application or in any report to the Authority, such facts or information shall be corrected promptly.