

RESOLUTION NO. 2023-01

A RESOLUTION OF THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY PROVIDING FOR DEFINITIONS; REQUIRING THAT ALL WASTE GENERATED, COLLECTED, AND TRANSPORTED BY PUBLIC OR PRIVATE ENTITIES IN PALM BEACH COUNTY OR BROUGHT INTO PALM BEACH COUNTY FOR THE PURPOSE OF PROCESSING OR DISPOSAL BE TRANSPORTED TO AUTHORITY PROCESSING AND DISPOSAL FACILITIES OR FACILITIES DESIGNATED BY THE AUTHORITY; PROVIDING A LIST OF FACILITIES; PROVIDING REPEAL OF PRIOR RESOLUTION 94-47; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Solid Waste Authority of Palm Beach County (hereinafter called the "Authority"), is a dependent special district created pursuant to the Palm Beach County Solid Waste Act, Chapter 2001-331, Laws of Florida, as amended (hereinafter the Act); and

WHEREAS, the declared legislative intent of the Act provides that the Authority is expressly required to protect the public health, safety and welfare of the residents of Palm Beach County (hereinafter the County) by providing a coordinated resource recovery and waste management program for the County; and

WHEREAS, the Act also expressly provides that the Authority shall have the power to adopt a resource recovery and waste management program for Palm Beach County that shall provide for the transportation, storage, separation, processing, recovery, recycling, or disposal of solid waste generated or brought into the County for the purposes of processing and disposal and as a result existing within the county and modify and update such program or plan as necessary or as may be required by law; and

WHEREAS, in 1994 the Governing Board of the Authority (hereinafter the Board) adopted Resolution 94-47, regarding the flow of solid waste and designated processing and disposal facilities, and now deems it appropriate to repeal this Resolution; and

WHEREAS, the Act provides that it shall be the duty and obligation of the Authority to safely and efficiently operate and maintain landfills, transfer stations, and other resource recovery and solid waste management facilities; and

WHEREAS, the exclusivity of the Authority's right to receive solid waste and revenues derived from all such solid waste as defined by law are crucial to the Authority's ability to ensure adequate bond financing for its state-authorized, environmentally-necessary Resource Recovery and Solid Waste Management Facilities; and

WHEREAS, the Authority, pursuant to the Act and Indenture of Trust dated December 1, 1984, as supplemented and amended, may, but is not required to, issue permits allowing public or private agencies to operate, maintain, construct, expand, or modify a resource recovery and/or solid waste management facility provided that the Authority shall not grant such permit if it will adversely affect the revenues of the Authority or its continuing ability to provide funds to pay its outstanding debt obligations, or if it will adversely impact the ability of the Authority to comply with the countywide Comprehensive Solid Waste Management Plan, resource recovery operations, or with state or federal laws; and

WHEREAS, the Authority has determined that in order to (a) provide for the safe and sanitary processing and disposal of solid waste, (b) provide a coordinated countywide program for federal, state and local agencies responsible for the prevention, control or abatement of air, water and land pollution, (c) require a safe and efficient Solid Waste collection and Management system, and (d) carry out the other purposes and provisions of the Act, and other applicable provisions of law, the Authority does hereby designate the following solid waste processing and disposal facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY, that:

Section 1. For the purposes of this Resolution, the following terms have the following meaning:

(a) Any word or phrase defined in the Act shall have the same meaning when used herein unless otherwise defined herein.

Section 2. The Authority does hereby require, pursuant to the Act, that all Solid Waste (as defined in the Act) generated, collected, and transported by public or private entities in the County or brought into the County for processing or disposal and thereby existing in the County or any municipality within the County falls within the Authority's exclusive flow control powers and shall be transported exclusively to Authority or Authority designated processing or Solid Waste Management facilities as designated hereafter.

A. Authority Designated Disposal Facilities:

1. Solid Waste Authority Palm Beach Renewable Energy Park.
2. Okeechobee Boulevard Town of Palm Beach Class III Landfill - DEP WACS ID 65864. Designated for Town of Palm Beach Yard Waste only.
3. Skees Road Town of Palm Beach Class III Landfill - DEP WACS ID 65863. Designated for Town of Palm Beach Waste only.
4. Lake Worth Drainage District Class III Landfill DEP WACS ID 65861. Designated for Yard Waste generated by Lake Worth Drainage District only.
5. All other Solid Waste Authority owned Disposal Facilities as they are completed and put into operation.

B. Authority Designated Transfer Stations:

1. Solid Waste Authority North County Transfer Station.
2. Solid Waste Authority Central County Transfer Station.
3. Solid Waste Authority South County Transfer Station.

4. Solid Waste Authority West Central Transfer Station.
5. Solid Waste Authority West County Transfer Station.
6. Solid Waste Authority Southwest County Transfer Station.
7. Town of Palm Beach Pine Walk Transfer Station DEP WACS ID 65830. Designated for Town of Palm Beach Solid Waste only.
8. All other Solid Waste Authority owned Transfer Stations as they are completed and put into operation.

C. Notwithstanding any other provisions of this Resolution to the contrary, all solid waste or recyclable materials collected by any hauler for or on behalf of the Authority shall only be transported to a facility as directed in writing by the Authority.

Section 3. The Authority does hereby authorize, subject to Authority Rules and the general and special conditions of the permits issued, that solid waste and/or recyclable materials, as defined in such permit and by law, may be delivered to facilities permitted by the Authority for the purpose of processing, disposal, composting, fuel production, or to facilitate any form of physical, chemical, or biological process. However, the Authority shall not grant any permit if it will materially adversely affect the revenues of the Authority, its continuing ability to provide funds to pay its outstanding debt obligations or is otherwise contrary to this Resolution.

Section 4. The Authority does hereby authorize, subject to Authority Rules and the general and special conditions of the permits issued, that biohazardous or biomedical solid waste, as defined by the Department of Environmental Protection, may be delivered to facilities permitted by the Authority for treatment or processing prior to disposal.

Section 5. The Governing Board may approve written authorizations with operators of recycling facilities located outside of Palm Beach County for processing of recoverable construction and demolition debris (C/D) materials at those out of county facilities, provided:

(1) The out of county recycling facility must be appropriately permitted by the Florida Department of Environmental Protection (FDEP), the county and the municipality, if any, in which the facility is located, and the facility must be in compliance with all other applicable local, state and federal laws, rules and regulations.

(2) Copies of appropriate permits shall be furnished to the Authority.

(3) Any residue from the material transported out of Palm Beach County shall be returned to Authority facilities for disposal.

(4) The out of county recycling facility must produce at least fifty-one percent (51%), by weight, recovered materials from the total C/D debris received from Palm Beach County.

(5) Accurate records must be kept, detailing by weight and volume, materials received and recovered from Palm Beach County and the amount of residue therefrom. Those records shall be furnished to the Authority on a monthly basis.

(6) For the purpose of this section, the following terms shall have the following meanings:

(a) **Construction/Demolition (C/D) Debris** means solid waste comprised of only materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, tree remains, trees and other vegetative matter which normally results from land clearing or land development operations for a construction project. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition site which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris.

(b) **Recovered Materials** means metal, paper, glass, plastic, textile, rubber materials, or any materials for which markets for sale, use or reuse exist and are accessible, which can be feasibly recycled using equipment at the facility and have been diverted or removed from C/D debris, but does not include materials recovered solely for purpose of combustion except as allowed under Section 403.706 (4)(b), Florida Statutes (2020), or any materials destined for any use that constitutes disposal.

(c) **Residue** is defined as C/D debris less recovered materials.

(7) Requests for written authorization submitted to the Solid Waste Authority Board pursuant to this section must include, but are not limited to, provisions as set forth in subsections 1-6.

Section 6. Notwithstanding the provisions of Section 2 hereof, public or private agencies are not precluded from operating transfer stations that have been approved and permitted by the Authority provided that solid waste transferred at or transported therefrom shall be delivered to one or more of the processing and disposal facilities set forth in Section 2 or Section 3 hereof.

Section 7. Nothing in this Resolution guarantees the right of any party to be issued a permit or written authorization issued by the Authority or renewals or extensions of such permit or written authorization after the expiration of its term.

Section 8. Resolution No. 94-47 is hereby repealed. Notwithstanding anything to the contrary, all provisions of Resolution No. 94-47 is specifically preserved and remains in full force and effect for the limited purpose of enforcing any alleged violations of said Resolution that occurred prior to its repeal.

Section 9. If any clause, section or provision of this Resolution shall be declared by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable for any cause or reason, only such portion shall be eliminated from this Resolution and the remainder of this Resolution shall continue in full force and effect and shall be construed to fulfill the intent of this Resolution so as to be as valid as if such invalid portion thereof had not been incorporated herein.

Section 10. This Resolution shall take effect immediately upon its passage.

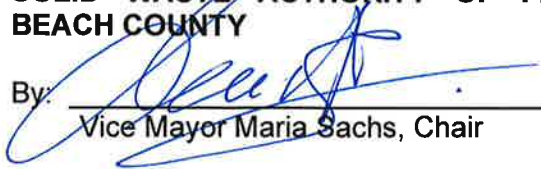
PASSED AND ADOPTED THIS 8TH DAY OF FEBRUARY 2023.

ATTEST:



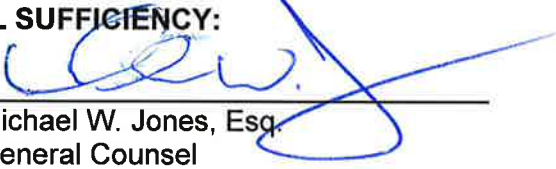
Sandra J. Vassalotti
Clerk to the Authority

**SOLID WASTE AUTHORITY OF PALM
BEACH COUNTY**

By: 

Vice Mayor Maria Sachs, Chair

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

By: 

Michael W. Jones, Esq.
General Counsel