



YOUR PARTNER FOR  
SOLID WASTE SOLUTIONS

The Solid Waste Authority of Palm Beach County (SWA) Governing Board approved Rule V – Solid Waste Collection and Disposal – formally implementing the powers granted to the Authority under the Palm Beach County Solid Waste Act (Chapter 201-331) and Florida Statute. Among other things, this rule requires all commercial solid waste haulers, as defined in the rule, to apply for and receive a permit from the Solid Waste Authority in order to collect solid waste in Palm Beach County. Effective October 1, 2014, unless exempted under Rule V, all commercial solid waste haulers must be permitted, and comply with Rule V.

We have enclosed an application and a copy of Rule V for your review. If your business collects solid waste or trash material within Palm Beach County and is not specifically exempted under the rule you are required to complete this application in its entirety and return it with a check made payable to Solid Waste Authority of Palm Beach County for \$500.00. Please review the rule carefully, in particular the definitions and exemptions, to determine if you qualify for an exemption. If you are unsure whether the requirement to obtain a permit applies to you, please contact our office so we can assist you. The SWA staff will review your application and notify you in writing within 30 days if your application has been approved.

You are advised that collecting solid waste within Palm Beach County without this permit, or other violations of Rule V, will subject you to costly daily fines and other penalties, so please familiarize yourself with the rule.

Should you have any questions or concerns please contact our office at (866) 792-4636 toll-free. We will be pleased to assist you.



***SOLID WASTE COLLECTION AND DISPOSAL  
HAULER APPLICATION PACKET  
RULE V***

**Instructions for completing this application packet**

This application is based on the information required by Rule V, “private collection services for collection of solid waste”.

To assist in processing your application, please:

1. Type or print the information.
2. Provide one original and one copy of the application.
3. Submit a non-refundable \$500.00 annual registration fee by October 1 (Term expires September 30 of each year).
4. Provide an email address for our files.

Your completed application should be mailed or hand delivered to the following:

Customer Information Services  
Attn: Waste Collection Permit  
Solid Waste Authority of Palm Beach County  
7501 North Jog Road  
West Palm Beach, FL 33412

Please allow five working days for processing.

If you have any questions, please call 561-697-2700 or 866-792-4636 toll-free.



**RULE V APPLICATION TO PROVIDE SOLID WASTE  
COLLECTION AND DISPOSAL SERVICES  
IN PALM BEACH COUNTY**

Applicant:  
(Firm Name) \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

1. Applicant Information: (name of the owner or operator of the dealer or company). List general or limited partners, if a partnership. List corporate officers and directors if corporation. State permanent place of business:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Brief description of business that firm is engaged in:

\_\_\_\_\_  
\_\_\_\_\_

3. This application shall be accompanied by a check in the amount of \$500.00 payable to the Solid Waste Authority of PBC.

4. Applicant shall provide a copy of current Palm Beach County business tax receipt.

5. Applicant acknowledges receipt of a copy of Rule V and agrees to comply with the terms thereof as approved by the Solid Waste Authority Governing Board, as may be amended from time to time.

6. Applicant certifies that all solid waste collected in Palm Beach County will be disposed of at a Solid Waste Authority owned or designated disposal facility (locations are listed at swa.org).

Rule V Application for Solid Waste  
Collection and Disposal Services  
in Palm Beach County  
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7. Applicant agrees to provide to the Authority, monthly, a monthly report in the format specified by the Authority, attached, or in an alternate format approved by the Authority. Said quarterly report shall identify the tons of solid waste collected in Palm Beach County and the locations at which the materials were disposed.
  
8. Applicant acknowledges that permit or the renewal of permit shall not be construed as a grant or franchise or a vested right.

Applicant's Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



## Rule V Solid Waste Monthly Report

Name of Business \_\_\_\_\_

Contact \_\_\_\_\_  
Name Title

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

### REPORTING PERIOD

Month \_\_\_\_\_

Year \_\_\_\_\_

WASTE TYPE	TONS	RECYCLING/DISPOSAL SITE
Garbage (Class I)		
Trash (Class III)		
C & D		
Yard Waste		
Other (List)		
Total All Combined		

To the best of my knowledge, all information given in this report is true and accurate.

\_\_\_\_\_  
Authorized Agent (PLEASE PRINT)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **Rule V**

### **Solid Waste Collection and Disposal**

#### **Section I. TITLE**

This Rule shall be known as the Palm Beach County Solid Waste Collection and Disposal Rule.

#### **Section 2. DECLARATION OF FINDING AND INTENT**

1. The Governing Board (“Board”) of the Solid Waste Authority of Palm Beach County (“Authority”) finds that the improper separation, collection, processing and disposal of Solid Waste threatens the public health, safety and welfare of the residents of the County, and threatens the air, land and water resources of the County;
2. The Authority has adopted and implemented its Integrated Solid Waste Management Plan (“Plan”), designed to comply with the planning and resource recovery elements of Chapter 403 Florida Statutes and Chapter 62 Florida Administrative Code, which prescribes the programs, facilities and processes through which Solid Waste is managed within the Authority’s jurisdiction.
3. The Board finds that diversion of Solid Waste from the Authority’s system in violation of Chapter 2001-331, Laws of Florida (the “Act”) results in Solid Waste generated in Palm Beach County being managed and disposed of in a manner inconsistent with the Plan;
4. The Board finds that the diversion of Solid Waste from the Authority’s system in violation of the Act results in the loss of net revenues that would otherwise be available to support the system, including paying principal and interest on the debt issued to construct the system, to the detriment of the residents and property owners of the County;
5. The Board finds that the commingling of Solid Waste with Recovered Materials contaminates the Recovered Material thereby rendering it Solid Waste and results in Solid Waste being delivered to Recovered Materials Processing Facilities;
6. The Board finds that because Recovered Materials Processing Facilities are exempt from the more stringent permitting requirements associated with, and lack the protective measures engineered into, Solid Waste Management Facilities to protect the surface water, ground water, land, and air, the delivery of Solid Waste to Recovered Materials Processing Facilities threatens the public health, safety and welfare of the residents of the County and the workers at the facility, and threatens the air, land, and water resources of the County.

7. The Board finds that the commingling of Solid Waste with Recovered Materials results in the diversion of Solid Waste, and the associated revenues, from the Authority's system in violation of the Act and results in a negative economic impact on the residents and property owners of the County;
8. In accordance with the provisions of Florida Statutes Chapter 403 and Chapter 2001-331 Laws of Florida, it is the intent of this Rule to:
  - a. Promote the health, safety and welfare of the residents of the County, and to preserve the air, land, and water resources of the County
  - b. Ensure that Solid Waste generated in the County is managed in a manner consistent with the Plan
  - c. Prevent the diversion of Solid Waste from the Authority system, and
  - d. Maximize the use, reuse and sale of Recovered Materials to preserve landfill capacity and natural resources by ensuring that Solid Waste is not commingled with Recovered Materials at the point of generation by regulating the collection, transportation, processing, and disposal of Solid Waste.

### **Section 3. DEFINITIONS**

For the purposes of this Rule, the following definitions shall apply:

“Authority” means the Solid Waste Authority of Palm Beach County.

“Board” means the Governing Board of the Authority.

“County” means Palm Beach County, Florida.

“Collection” means the process whereby Solid Waste is gathered and transported to an Authority owned or Designated Disposal Facility and includes the process whereby Recovered Materials are gathered and transported to a Recovered Materials Processing Facility.

“Commercial Solid Waste Hauler” means an entity engaged in the business of collecting and hauling Solid Waste in exchange for a fee or other consideration. The definition shall not include persons or entities self-hauling Solid Waste generated on their own property as a result of their own activities (but not those of their tenants), or persons or entities, such as contractors, self-hauling Solid Waste that is incidental to the provision of services that by their nature result in the generation of Solid Waste, such as construction, renovation or landscape maintenance.

“Designated Disposal Facility” means a Solid Waste Management Facility permitted or designated by the Authority to receive Solid Waste generated in Palm Beach County, or such alternate facility as may be designated by the Authority in writing.

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any Solid Waste or hazardous waste into or upon any land or water so that such Solid Waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment, incineration with or without energy recovery, or delivery to a Solid Waste Management Facility.

“Enforcement Officer” means any person authorized to enforce the provisions of this Rule.

“Irresponsible Applicant” means, (a) any business entity, no matter the form, corporation, partnership, limited liability company or partnership, etc., and (b) the owner, or in the case of a partnership a partner, or in the case of a corporation the corporate officers, directors, or stockholders holding more than 50% of the corporate stock, of any business entity which entity owned or operated a Solid Waste Management Facility or Collection company which was subject to a local, State or Federal adjudicated finding of violation, judicial action, or criminal prosecution for activities that constitute a violation of local Solid Waste or environmental ordinances, rules or regulations, or Chapter 403, Florida Statutes, or the rules promulgated thereunder, or any Federal Solid Waste or environmental statute, rule or regulation, which violation, judicial action, or criminal prosecution could have been prevented through reasonable compliance efforts.

“Permitted Commercial Solid Waste Hauler” means any person or entity engaged in the business of collecting Solid Waste from residential homes or commercial establishments that has obtained and maintains a license from the Authority to collect Solid Waste in Palm Beach County.

“Recovered Materials” means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and Source Separated or have been removed from the Solid Waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but the term does not include materials destined for any use that constitutes disposal. Recovered Materials are not Solid Waste.

“Registered Commercial Recovered Materials Dealer” means a Recovered Materials Dealer that has obtained and maintains a registration from the Authority to handle Recovered Materials in Palm Beach County.

“Recovered Materials Container” means a container properly designated and authorized for the placement of Recovered Materials for Collection, and properly labeled in accordance with Authority Rule 6.

“Recovered Materials Processing Facility” means a facility engaged solely in the storage, processing, resale, or reuse of Recovered Materials. Such a facility is not a Solid Waste Management Facility.

“Source Separated” means that the Recovered Materials are separated from Solid Waste at the location where the Recovered Materials and Solid Waste are generated. The term does not require that various types of Recovered Materials be separated from each other, and recognizes

de minimis Solid Waste may be included in the Recovered Materials. Materials are not considered Source Separated when two or more types of Recovered Materials are deposited in combination with each other in a commercial collection container located where the materials are generated and when such materials contain more than 10 percent Solid Waste, or materials destined for Disposal, by volume or weight.

“Solid Waste” means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials are not Solid Waste.

“Solid Waste Container” means a properly designated dumpster, trash can or other container into which a commercial establishment deposits Solid Waste for Collection and delivery to an Authority owned or designated Solid Waste Management Facility.

“Solid Waste Management Facility” means any Solid Waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of Solid Waste. The term does not include Recovered Materials Processing Facilities.

#### **Section 4. EXEMPTIONS**

The following activities are exempt from the requirement to obtain a permit under this Rule.

1. Residential, commercial or industrial property owners or tenants who are self-hauling Solid Waste generated by their own activities are exempt.
2. Contractors who are self-hauling Solid Waste that is generated incidental to the provision of services that by their nature result in the generation of Solid Waste, such as construction, renovation or landscape maintenance, are exempt.
3. Collection of Solid Waste from organized events to clean up improperly disposed tires, illegally dumped waste or other organized environmental cleanup activities is exempt.
4. Solid Waste Collection by Municipalities within their jurisdictions with their own forces is exempt. Municipalities shall still be subject to the standards required in Section 6, and the reporting requirements provided for in Section 8 of this Rule.
5. Collection of debris resulting from a Federal or State declared disaster by contractors, and subcontractors of any tier, who have been contracted by a governmental entity to engage in debris collection is exempt.

## **Section 5. PROHIBITIONS**

The following activities are prohibited by this Rule.

1. Failure to maintain Solid Waste collection service at residential, commercial or industrial property is prohibited. The absence of a Solid Waste collection container at an occupied property is prima facie evidence and creates a conclusive presumption that Solid Waste collection service is not being maintained.
2. Engaging in business as a Commercial Solid Waste Hauler, without a permit from the Authority is prohibited.
3. Disposal of Solid Waste generated within the County at a location outside the County, or disposal of Solid Waste at a facility other than a Designated Disposal Facility is prohibited.
4. The intentional commingling of Solid Waste with Source Separated Recovered Materials or Yard Waste (as defined in Florida Statute), in the same Collection vehicle by a Commercial Solid Waste Hauler is prohibited.
5. Collection of Solid Waste by a property owner, on behalf of the occupants or tenants of that property, in a manner substantially equivalent to the actions of a Commercial Solid Waste Hauler is prohibited.

## **Section 6. STANDARDS FOR SOLID WASTE COLLECTION AND CONTAINERS**

1. All Solid Waste generated in the County is the property of the Authority, and must be delivered to an Authority Solid Waste Management Facility, or a Designated Disposal Facility
2. Solid Waste from commercial establishments may only be collected in a Solid Waste Container. Commercial Solid Waste Containers must visibly display the following on the outside surface of the Container: The name and telephone number of the Permitted Commercial Solid Waste Hauler, and a unique identifying container number. Permitted Commercial Solid Waste Haulers will have one year from the effective date of this Rule to affix the identifying information required in this paragraph to Solid Waste Containers.
3. Permitted Commercial Solid Waste Haulers may be required, if requested by the Authority, to affix, and maintain in readable condition a label on all Solid Waste Containers, developed by the Authority and supplied at Authority expense, containing messages and information that may include but is not limited to Authority contact information, information about recycling, and information about this Rule, including prohibitions and penalties.

4. Recovered Materials generated at commercial establishments must be collected in a Recovered Materials Container. Recovered Materials Containers shall be identified and labeled in accordance with the requirements of Authority Rule 6.
5. The contents of a Recovered Materials Container which contains more than a de minimis amount of Solid Waste are considered Solid Waste, and must be managed in accordance with this Rule. For the purpose of this Rule, containers that contain more than 10% by weight or volume, whichever is less, of Solid Waste and/or materials that do not meet the definition of Recovered Materials must be delivered to a Designated Disposal Facility.

## **Section 7. PERMIT APPLICATION AND PROCESSING**

Permits required under this section shall be in addition to any other permits, registrations, certifications, or occupational licenses which may be required by Federal, State or Local law.

- (1) Applications for a permit shall be made to the Authority upon such form and in such manner as shall be prescribed by the Authority, and shall include the following information and such other information as may be required by the Authority from time to time:
  - a. The name of the applicant, and if the applicant is other than an individual, the name(s) of the partners of a general partnership or limited liability partnership (LLP), the manager of a manager managed limited liability company (LLC), the member manager of a member managed LLC, or the corporate officers and directors of a corporate entity, and the address of the principal place of business.
  - b. If the applicant is a corporation, LLC, or LLP, applicant shall submit proof that it is good standing in the State of Florida, and if a foreign corporation, LLC, or LLP, information certifying applicant is authorized to do business in the State of Florida. If the applicant is operating under a fictitious name, applicant shall submit evidence documenting the registration of the fictitious name.
  - c. Evidence that the applicant is not an Irresponsible Applicant. When determining whether the applicant has provided reasonable assurances that Authority standards will be met, the Authority shall consider any past violations of applicable statutes, rules, orders, or permit conditions caused by the applicant relating to the operation of any Solid Waste Management Facility or Collection operation. If the Authority finds any past material violation(s), the Authority may deem the applicant an Irresponsible Applicant.
- (2) Permittees are required to certify that they will comply with this Rule 5 and other Authority Rules applicable to the Collection of Solid Waste or Recovered Materials, obey all applicable federal, state and local laws, regulations, ordinances and rules as they relate to the Collection, processing and disposal of Solid Waste, including using exclusively the facilities designated by the Authority for the disposal of all Solid Waste collected in the County.

- (3) The Authority will charge and collect a permit application fee and permit renewal fee at rates established by the Board as part of the Rule adoption process, and thereafter as part of the annual budget. The fee shall be commensurate with the cost incurred by the Authority to operate and enforce the permit program. The fees shall be paid by check, payable to "Solid Waste Authority of Palm Beach County". The fee is non-refundable except in the event the permit application is denied, or a determination that the activity is exempt from permitting. Permits expire September 30 of each year and applications for renewal must be submitted 60 days prior to the expiration date.
- (4) Permit applications shall be processed as follows:
- a. Within 30 days after receipt of an application for a permit and payment of the correct permit application fee the Authority shall review the application and shall request submittal of such additional information as may be required by the Authority, this Rule or any other rules or regulations.
  - b. Within 30 days after receipt of such additional information, the Authority shall review such information 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.
  - c. If the applicant believes the request of the Authority for such additional information is not authorized by law or rule, and so informs the Authority, the Authority shall begin to process the permit application. Such belief by the applicant shall be expressed in writing and shall clearly be labeled as a request to process the application. The applicant's request shall state the reasons why the applicant believes the Authority's request for information is not authorized by rule or law, and that the applicant requests the Authority to process the application without the information. If the Authority reasonably believes it does not have sufficient information to process the application, the Authority may deny such application.
- (5) Permit applications shall be approved or denied by the Authority within 30 days after receipt of the original application, payment of fees, the last item of timely requested additional information, or the applicant's written request to begin processing the permit application, whichever occurs last.
- (6) Should the Authority deny a permit application, the Authority shall notify the applicant of such denial by certified mail no later than fourteen (14) days after taking such action. The denial of a permit may be appealed to the Authority Board. The notice of appeal shall be filed in writing with the Executive Director of the Authority no later than fourteen (14) days after the receipt of the certified letter advising the applicant of the denial. The Authority shall set the date and time for hearing the appeal, which date shall be not less than fourteen (14) nor more than sixty (60) days after the Authority receives the notice of appeal. The decision of the Board shall be considered final and the denial shall be immediately effective.

Permits shall be effective from the date of issuance until suspended, revoked, surrendered, or expired.

## **Section 8. REPORTING REQUIREMENTS**

- (1) Permitted Commercial Solid Waste Haulers must submit a monthly report in a format designated by the Authority and to certify that the information provided is accurate to the best of their knowledge. The monthly report shall state, at a minimum, the amount and types of Solid Waste collected and the facility or facilities to which the Solid Waste was delivered. The monthly report for each calendar month is due within 15 days of the end of the calendar month.
- (2) Submitting false or misleading information is a violation of this Rule 5, punishable in accordance with Section 9.

## **Section 9. PENALTIES AND ENFORCEMENT**

- (1) This Rule shall be enforced as provided for herein, in the Act, and in accordance with Palm Beach Code, Chapter 11, Article II, Environmental Control Ordinance and any amendments thereto. In addition to any other penalties provided for in the Act or applicable provisions of the Palm Beach County Code, violations of this Rule shall subject the violator to penalties up to \$500 per day per violation for the time period during which any violation is ongoing.
- (2) Any person committing a violation of this Rule that results in a loss of revenue and/or economic damage to the Authority, in addition to the other remedies provided for in this Rule, shall be required to reimburse the Authority for direct damages resulting from said violation, including but not limited to lost tipping fees, lost energy and materials revenues, reasonable attorneys fees and costs. In addition, in the case of delivery of Solid Waste to a facility not designated by the Authority, the Authority may seek a judicial remedy by instituting a civil action under Chapter 772, Florida Statutes.
- (3) In addition to any other remedies provided in this section, the Authority shall have the following judicial remedies for violations of this Rule 5:
  - a. To institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any costs or lost revenues incurred by the Authority in conjunction with any condition resulting from a violation of this rule or the abatement of any condition prohibited herein.
  - b. To institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for each violation. Each 24-hour day or fraction thereof during which such violation occurs shall constitute a separate offense. Any judgment shall include recovery for the Authority's costs and reasonable attorney's fees.

- c. To institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with the terms of this Rule, to enjoin and prohibit said violation or to mandatorily compel the cessation of the violation.
  - d. These remedies are cumulative and the use of any appropriate remedy shall not constitute an election of remedies by the Authority. The use of one (1) remedy shall not preclude the use of any others.
- (4) Revocation of permit to collect Solid Waste: In addition to the following, any Permitted Commercial Solid Waste Hauler which, after receipt of a written notice and reasonable notice of the charges and an opportunity to be heard in accordance with this Section, consistently and repeatedly violates this Rule 5, Federal, State or local laws, ordinances, rules, and regulations as they relate to the collection and/or disposal of Solid Waste may have their permit to collect Solid Waste suspended or revoked by the Authority:
- a. Delivering, or directing, causing or allowing to be delivered, either willfully or through negligent oversight and supervision, a material quantity or smaller quantities on a repetitive basis of Solid Waste generated in Palm Beach County to facilities not designated by the Authority without the prior written consent of the Authority. Notwithstanding the above, it is not the intent of this Rule to penalize a Commercial Solid Waste Hauler, beyond the payment of restitution, for the random, infrequent or inadvertent actions of an employee, acting in a manner other than as directed by the Permitted Commercial Solid Waste Hauler, that result in the diversion of materials from an Authority designated facility. For the purpose of this Rule, the phrase “random, infrequent or inadvertent actions” is defined as less than five loads in any three (3) month period in the absence of evidence of intent on the part of the management of the Commercial Solid Waste Hauler to violate this Rule.
  - b. An adjudication of guilt of a criminal violation of this Rule.
  - c. The submission of materially false or inaccurate information in an application for permit.
  - d. Refusal of lawful inspection.
  - e. Failure to remit a permit application or renewal fee.
  - f. Failure to pay civil penalties.
- (5) The Executive Director of the Authority is authorized to designate and appoint as Solid Waste Authority Enforcement Officers, certain Authority employees. The Executive Director may also designate and appoint certain municipal employees as Solid Waste Authority Enforcement Officers, based on mutual agreement between the Authority and the municipality.

Any and all violations shall be reported in writing and a copy of the official inspection report shall be presented to the violator and a copy of said inspection report shall also be delivered to the Executive Director of the Authority.

- (1) The Executive Director of the Authority shall determine compliance with the provisions of this Rule, in accordance with the provisions of this Rule, the Act, and the Palm Beach County Code Chapter 11, Article II, Environmental Control Ordinance and any amendments thereto. If the Executive Director of the Authority determines that a violation of the Rule may have occurred, the Executive Director will issue a formal written notice in the form of a Warning Letter giving the violator a reasonable time within which to correct such violation.
- (2) Upon the issuance of a Warning Letter or Notice of Violation the Executive Director of the Authority shall be authorized to settle enforcement cases through mutual consent of the parties, if appropriate corrective measures are taken and penalties paid.
- (3) Should the violation continue beyond the time specified for correction or the parties fail to reach mutual consent, the Executive Director of the Authority shall issue a Notice of Violation and refer the case to the Palm Beach County Environmental Control Hearing Board. Any meetings before the hearing board shall be conducted in accordance with the provisions of Palm Beach County Code Chapter 11, Article II, Environmental Control Ordinance and any amendments thereto.

If, after due public hearing, the hearing board upholds the violation, the hearing board shall make a decision setting forth findings of fact and such conclusions of law as are required in view of the issues presented. The decision shall contain an order framed in the manner of a writ of injunction requiring the violator to refrain from committing, creating, maintaining, or permitting the violation and take such affirmative action as the hearing board deems reasonable and necessary under the circumstances to correct such violation. The decision may, also, impose monetary penalties as provided in this rule. Unpaid civil penalties shall be enforced by a collection action filed in the State court of appropriate jurisdiction.

#### **Section 10. INJUNCTIVE RELIEF**

If preventive or corrective measures are not taken in accordance with any order of the hearing board, or if the environmental control officer finds that a violation of the provisions of this Rule exists so as to create an emergency requiring immediate action to protect human health or welfare, the environmental control officer may institute proceedings in the Circuit Court for Palm Beach County to enforce this Rule, the Act, or rules or orders pursuant thereto. Such injunctive relief may include both temporary and permanent injunctions. Any proceedings initiated under this section shall be brought for and in the name of the Authority.

### **Section 11. JUDICIAL REVIEW**

Any person aggrieved by any action or decision of the Palm Beach County Environmental Control Hearing Board may seek appropriate judicial review within thirty (30) days of final hearing board action.

### **Section 12. RELATION TO STATE AND FEDERAL LAW**

All provisions of this Rule are intended to be consistent with other Federal, State and local requirements. To the extent that compliance with any of the requirements is a physical impossibility while concurrently complying with other Federal or State requirements, the affected person may request a hearing before the Board to so demonstrate. The Authority shall amend the requirements of this Rule 5 to the extent that such physical impossibility is shown. However, to the extent that requirements specified herein are more stringent than Federal or State requirements, unless otherwise prohibited by law, the person shall comply with both such requirements.

### **Section 13. SEVERABILITY**

If any section, paragraph, sentence, clause, phrase or word of this Rule is, for any reason, held or declared by a court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the Rule.

### **Section 14. CAPTIONS**

The captions, section headings and section designations used in this Rule are for convenience only and shall have no effect on the interpretation of the provisions of this Rule.

### **Section 15. EFFECTIVE DATE**

This Rule shall become effective immediately following passage by the Board.

**APPROVED AND ADOPTED** by the Governing Board of the Solid Waste Authority of Palm Beach County, Florida on the 12<sup>th</sup> day of February, 2014.