



YOUR PARTNER FOR  
SOLID WASTE SOLUTIONS

The Solid Waste Authority of Palm Beach County (SWA) Governing Board approved Rule VI – Recovered Materials Collection and Processing – formally implementing the powers granted to the Authority under the Palm Beach County Solid Waste Act (Chapter 201-331) and Florida Statute. Effective October 1, 2014, unless exempted under Rule VI, all commercial Recovered Materials haulers must be permitted by the Solid Waste Authority, and comply with Rule VI.

We have enclosed an application and a copy of Rule VI for your review. If your business collects recovered materials 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 \$200.00. 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 recovered materials within Palm Beach County without this permit, or other violations of Rule VI, 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.



***RECOVERED MATERIALS HAULER  
APPLICATION PACKET  
RULE VI***

**Instructions for completing this application packet**

This application is based on the information required by Rule VI, “private collection services for collection of recovered materials at commercial establishments”.

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 \$200.00 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: Recovered Materials 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.

**COLLECTION OF RECOVERED MATERIALS AT COMMERCIAL PROPERTIES  
REGISTRATION APPLICATION**

**PARTNERSHIP**

Name of Partnership \_\_\_\_\_

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

State of Organization \_\_\_\_\_

Names of

<u>Partners</u>	<u>Address</u>	<u>Phone</u>	<u>Fax</u>
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Name of Registered Agent \_\_\_\_\_

Address \_\_\_\_\_

If limited partnership, qualify limits of each partner:

<u>Name</u>	<u>Limits</u>
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**CORPORATION**

Name of Corporation \_\_\_\_\_

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

State of Incorporation \_\_\_\_\_



**COLLECTION OF RECOVERED MATERIALS AT COMMERCIAL PROPERTIES  
REGISTRATION APPLICATION**

President \_\_\_\_\_

Vice President \_\_\_\_\_

Treasurer \_\_\_\_\_

Secretary \_\_\_\_\_

Registered Agent \_\_\_\_\_

Address \_\_\_\_\_

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

**PUBLICLY HELD CORPORATION** (Twenty-five or more stockholders)

Local Managing Officer's Name \_\_\_\_\_

Address \_\_\_\_\_

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

**SOLE PROPRIETORSHIP**

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

Address \_\_\_\_\_

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

PLEASE ATTACH THE FOLLOWING DOCUMENTS:

PLEASE CHECK  
IF DOCUMENT ENCLOSED

Proof of current corporate standing \_\_\_\_\_

List of all officers from State of Incorporation; If foreign corporation,  
information certifying that applicant is qualified to do business in the  
State of Florida \_\_\_\_\_

If fictitious name, proof of registration \_\_\_\_\_

Copy of the Recovered Materials  
Certification under Section 403.7046, F. \_\_\_\_\_



# COLLECTION OF RECOVERED MATERIALS AT COMMERCIAL PROPERTIES REGISTRATION APPLICATION

By signing below, the registrant acknowledges and agrees to abide by the requirements of Rule VI, as amended from time to time. Registrant further agrees:

- (A) That if any information changes during the term of the registration, the registrant shall report those changes to the Solid Waste Authority within 30 calendar days of the change.
- (B) That a completed copy of the attached Recovered Materials Quarterly Report will be submitted on or before the 10<sup>th</sup> day of the month following the end of each quarter.
- (C) That a copy of the Florida Department of Environmental Protection (FDEP) recovered materials reporting form submitted to the FDEP will simultaneously be provided to the Solid Waste Authority, if applicable.

I hereby state that I have read, understand and will ensure that I and the company I represent will comply with Rule VI, and I also state that I will ensure that I and the company I represent will comply with and obey all applicable federal, state and local laws, regulations and ordinances.

Dated this \_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_

Company: \_\_\_\_\_ Email: \_\_\_\_\_

Local Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Typed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_



## **Rule VI**

### **Recovered Materials Collection and Processing**

#### **Section 1. TITLE**

This Rule shall be known as the Palm Beach County Recovered Materials Collection and Processing Rule.

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

1. The Governing Board (“Board”) of the Solid Waste Authority of Palm Beach County finds that the commingling of Recovered Materials with Solid Waste contaminates the product thereby rendering it Solid Waste and results in Solid Waste being delivered to Recovered Materials Processing Facilities;
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 and Recovered Materials are managed within the Authority’s jurisdiction.
3. The Board finds that diversion of Solid Waste from the Authority 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 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, and a negative economic impact on the residents, businesses and property owners of the County;
5. 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 land, surface water, ground water and the 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;
6. The Board finds that the delivery of Recovered Materials to permitted Solid Waste Management Facilities contributes to the commingling of Recovered Materials with Solid Waste resulting in reduced recovery rates and increased disposal of Recovered Materials in landfills and incinerators;

7. 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, to preserve the air, land, and water resources of the County
  - b. Regulate Recovered Materials in a manner consistent with Florida Statutes
  - c. Ensure that Solid Waste generated in the County is managed in a manner consistent with the Plan
  - d. Prevent the diversion of Solid Waste from the Authority system, and 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 Ordinance, the following definitions shall apply:

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

“Board” means the Governing Board of the Solid Waste Authority of Palm Beach County, Florida.

“County” means Palm Beach County, Florida.

“Collection” means the process whereby Recovered Materials are gathered and transported to a Recovered Materials Processing Facility.

“Commercial Recovered Materials Dealer” means a person or entity certified by the State of Florida and registered with the Authority to engage in the business of collecting, handling, purchasing, receiving, recovering, or selling Recovered Materials from commercial establishments in exchange for a fee or consideration or who is an end user of Recovered Materials from commercial establishments. The definition shall not include persons or entities self-hauling Recovered Materials 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 Recovered Materials that are generated incidental to the provision of services that by their nature result in the generation of Recovered Materials, such as construction, demolition or renovation.

“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 groundwater, 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.

“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.

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

“Recovered Materials Recycling Rate” means the percentage derived by dividing the weight of Recovered Materials used, reused or sold as raw materials by the weight of Recovered Materials accepted by the Recovered Materials Processing Facility calculated and reported monthly. The numerator may not include the weight of any materials destined for any use that constitutes Disposal.

“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.

“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 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.

“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 one 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.



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

The following activities are exempt from the requirement to obtain a Registration under this Rule:

1. Residential, commercial or industrial property owners or tenants who are self-hauling Recovered Materials generated on their own property by their own activities are exempt.
2. Contractors who are self-hauling Recovered Materials that are generated incidental to the provision of services that by their nature result in the generation of Solid Waste or Recovered Materials, such as construction, demolition, or renovation are exempt.
3. Transporters of Recovered Materials who are hauling Recovered Materials generated solely from organized events to clean up improperly disposed tires, illegally dumped waste or other organized environmental cleanup activities are exempt.
4. Municipalities providing service as a Commercial Recovered Materials Dealer within their jurisdictions with their own forces are exempt from the registration permit requirements of this rule. 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. Contractors, who have contracted with a governmental entity and that contractor's subcontractors of any tier engaged in the collection of storm debris resulting from a Federal or State declared disaster that collect Recovered Materials coincidentally with debris collection, are exempt.

#### **Section 5. PROHIBITIONS**

The following activities are prohibited by this Rule:

1. Scavenging of Recovered Materials is prohibited.
  - a. Removal of Recovered Materials from a commercial or industrial location is prohibited, without the expressed written consent of the generator, and possession of a valid registration as a Commercial Recovered Materials Dealer.
  - b. Removal of Recovered Materials from residential locations is prohibited. Residential Recovered Materials, placed at the point of collection are considered the property of the Municipality or, in the unincorporated areas of the County, the Authority. Collection of residential Recovered Materials may only be performed by the Municipality, the Authority, or their contractually designated agent(s).
2. 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 that the materials collected by a Registered Recovered

Materials Dealer are not Source Separated and creates a conclusive presumption that the materials are Solid Waste.

3. Persons or entities not certified by the Florida Department of Environmental Protection in accordance with Chapter 62-722, F.A.C., unless exempted by Chapter 62-722, F.A.C., are prohibited from engaging in the collection, handling, purchasing, receiving, recovering, selling, use or reuse of Recovered Materials generated in Palm Beach County.
4. Engaging in the business of being a Commercial Recovered Materials Dealer in Palm Beach County without first registering with the Authority is prohibited.
5. Collection of Recovered Materials by a commercial or industrial property owner, on behalf of the occupants or tenants of that property, in a manner substantially equivalent to the actions of a Commercial Recovered Materials Dealer is prohibited, without possession of a valid registration as a Commercial Recovered Materials Dealer.
6. Intentional commingling of Solid Waste and Recovered Materials in the same Collection Vehicle by a Registered Commercial Recovered Materials Dealer is prohibited.
7. Delivery of Recovered Materials to any facility permitted solely as a Solid Waste Management Facility is prohibited.
8. Knowingly placing Solid Waste in a properly identified Recovered Materials Container is prohibited.

#### **Section 6. STANDARDS FOR THE COLLECTION AND PROCESSING OF RECOVERED MATERIALS**

1. Materials that do not meet the definitions of Recovered Materials, or Source Separated, or fail to comply with the requirements of this Section are Solid Waste, and must be disposed of in accordance with Authority Rule V.
2. To qualify as Recovered Materials, the materials set out for Recovered Materials Collection must have known recycling value, must ultimately be used, reused or sold as raw materials, and must not be destined for any use that constitutes Disposal.
3. A Commercial Recovered Materials Dealer that wishes to operate in the County must be certified by the Florida Department of Environmental Protection in accordance with Chapter 62-722, F.A.C., unless exempted by Chapter 62-722, F.A.C., and in good standing.
4. A Commercial Recovered Materials Dealer that wishes to operate in the County must provide a copy of their certification, unless exempted by Chapter 62-722, F.A.C., and must register with the Authority prior to doing business in the County.

5. Registrations required under this section shall be in addition to any other registrations, permit or occupational license which may be required by Federal, State or local law.
6. All Recovered Materials collected at single-family and multifamily residential properties in the County are the property of the Authority and must be delivered to an Authority designated facility as authorized by Chapter 403.7046, Florida Statutes, unless specifically authorized in writing by the Authority.
7. To the extent allowed by law and contract, the Authority reserves the right to require that all Recovered Materials collected by its franchised haulers in the unincorporated County be delivered to an Authority designated facility.
8. Recovered Materials generated at commercial establishments must be Source Separated. In order to meet the requirements of this Section, the generator must place only Recovered Materials in one or more containers and Solid Waste and/or materials destined for Disposal in another, separate container(s).
9. Recovered Materials Containers must, at minimum, visibly display the following on the exterior surface of the container the name and telephone number of the Registered Commercial Recovered Materials Dealer, and a unique identifying container number. Registered Recovered Materials Dealers will have one year from the effective date of this Rule to affix the identifying information required in this paragraph to Recovered Materials Containers.
10. Registered Commercial Recovered Materials Dealers shall be required to affix and thereafter maintain in readable condition, a label on all Recovered Materials Containers, developed by the Authority and supplied at the Authority's expense, containing information on acceptable recovered materials, and that may also include but is not limited to Authority contact information, information on recycling, and information about this Rule, including prohibitions and penalties.
11. Recovered Materials must be delivered to a Recovered Materials Processing Facility certified in accordance with Rule 62-722.400, F.A.C., and, if located in Palm Beach County, registered with the Authority.
12. If a Recovered Materials Processing Facility in Palm Beach County is located within the same property as a Solid Waste Management Facility, the operation of the Recovered Materials Processing Facility must be operationally isolated from the operation of the Solid Waste Management Facility, to the extent that no Solid Waste comes into contact with, is commingled with, or is processed with Recovered Materials
13. Recovered Materials Processing Facilities receiving Recovered Materials generated in Palm Beach County must achieve and maintain a minimum Recovered Materials Recycling Rate of 50%, or such other percentage as may be adopted by statute or rule by the State of Florida, its agencies or subdivisions. The failure to achieve and maintain said Recovered Materials Recycling Rate is prima facie evidence and creates a conclusive

presumption that the materials accepted do not meet the definition of Recovered Materials and/or that Recovered Materials are being directed to a use that constitutes Disposal.

14. Registered Commercial Recovered Materials Dealers are prohibited from delivering Recovered Materials generated and collected in Palm Beach County to any Recovered Materials Processing Facility, regardless of location, that fails to achieve and maintain a minimum Recovered Materials Recycling Rate of 50%, or such other percentage as may be adopted by statute or rule by the State of Florida, its agencies or subdivisions.
15. All materials not sold, used or reused as raw materials are by definition not Recovered Materials and must be disposed of as Solid Waste in accordance with this Rule and Authority Rule V.

## **Section 7. REGISTRATION REQUIREMENTS, APPLICATIONS AND SUSPENSION/REVOCAION**

- (1) A Commercial Recovered Materials Dealer that wishes to operate in the County must be certified by the Florida Department of Environmental Protection in accordance with Chapter 62-722, F.A.C., unless exempted by Chapter 62-722, F.A.C., and in good standing.
- (2) A Commercial Recovered Materials Dealer that wishes to operate in the County must provide a copy of their certification, unless exempted by Chapter 62-722, F.A.C., and must register with the Authority prior to doing business in the County.
- (3) Registrations required under this section shall be in addition to any other registrations, permit or occupational license which may be required by Federal, State or local law.
- (4) Applications for registration 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.

- (5) Registrants are required to certify that they will comply with this Rule 6 and obey all applicable Federal, State and local laws, regulations, ordinances and rules as they relate to the handling of Recovered Materials in the County.
- (6) The Authority will charge and collect a registration or renewal fee to cover the cost of processing the application or renewal at rates established by the Board as part of the Rule adoption process, and thereafter as part of the annual budget, and which shall be commensurate with and no greater than the cost incurred by the Authority to operate the registration program. The fee shall be paid by check, payable to the Solid Waste Authority of Palm Beach County. The fee is non-refundable except in the event the permit application is denied, or the application is exempt from permitting. Registrations expire September 30 of each year and applications for renewal must be submitted at least 60 days prior to the expiration date.
- (7) Registration applications shall be processed as follows:
  - a. Within 15 business days after receipt of an application for a registration and the correct permit fee the Authority shall review the application and shall request submittal of additional information required by this Rule or any other rules or regulations.
  - b. Within 10 business 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.
  - 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 in writing, the Authority shall begin to process the 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 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.
- (8) Applications shall be approved or denied by the Authority within 20 business days after submission of a properly completed application, and no more than 90 calendar days after receipt of the original application, payment of the required fee, the last item of timely requested additional information, or the applicant's written request to begin processing the permit application, whichever occurs last.
- (9) Should the Authority deny an application or suspend or revoke a registration, the Authority shall notify the applicant of such denial, suspension or revocation by certified mail no later than fifteen (15) business days after taking such action. The

denial, suspension or revocation of a registration may be appealed to the Board. The notice of appeal shall be filed in writing with the Executive Director of the Authority no later than fifteen (15) business 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. Any aggrieved party may apply in the Circuit Court of Palm Beach County, Florida, within thirty (30) days of the rendition of such decision, for review by Writ of Certiorari in accordance with the applicable Florida Appellate Rules.

- (10) Registrations shall be effective from the date of issuance, or until suspended, revoked, surrendered, or expired.

### **Section 8. REPORTING REQUIREMENTS**

- (1) Any person or entity who is required to register under this rule and who handles, purchases, receives, recovers, sells, uses or reuses Recovered Materials generated in Palm Beach County must concurrently provide a copy of any reports provided to the Department of Environmental Protection pursuant to Chapter 403.7046 and Chapter 62-722 to the Authority.
- (2) Municipalities that are operating as a Commercial Recovered Materials Dealer within the limits of their jurisdiction shall provide copies of any reports provided to the Department of Environmental Protection pursuant to Chapter 403.7046 and Chapter 62-722 to the Authority.
- (3) Submitting false or misleading information is a violation of this Rule, punishable in accordance with Section 9.

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

- (1) This Rule shall be enforced in accordance with Palm Beach Code, Chapter 11, Article II, Environmental Control Ordinance and any amendments thereto.
- (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, the Authority may seek a judicial remedy by instituting a civil action under Chapter 772, Florida Statutes.
- (3) Suspension and Revocation of registration to Collect Recovered Materials: In addition to the following, any person who, after receipt of a written Notice Of Violation and reasonable notice of the charges and an opportunity to be heard in

accordance with this Section , that has consistently and repeatedly violated this Rule 6, Federal, State or local laws, ordinances, rules, and regulations as they relate to the handling of Recovered Materials, or any other rules of the Authority, may have their registration to engage in Recovered Materials Collection 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 written consent of the Authority. Notwithstanding the above, it is not the intent of this Rule to penalize a Registered Commercial Recovered Materials Dealer, 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 Registered Commercial Recovered Materials Dealer, that result in the diversion of materials from an Authority approved 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 Registered Commercial Recovered Materials Dealer to violate this Rule.
  - b. An adjudication of guilt of a criminal violation of this Rule or Rule 5.
  - c. The submission of materially false or inaccurate information in an application for registration.
  - d. Refusal of lawful inspection.
  - e. Failure to remit an application or renewal fee.
  - f. Failing to affix and maintain proper labels on Recovered Materials containers.
  - g. Failure to pay civil penalties.
- (4) In addition to other remedies provided for herein, failure of a Registered Recovered Materials Processing Facility located in the County to achieve the minimum Recovered Materials Recycling Rate as provided by statute or rule may result in revocation of authority to handle Recovered Materials generated in Palm Beach County for a period of one (1) year.
- (5) In addition to other remedies provided for herein, delivery by a Recovered Materials Dealer of Recovered Materials generated in the County to a Recovered Materials Processing Facility that has failed to achieve the minimum Recovered Materials Recycling Rate, after notification by the Authority to the Registered Recovered Materials Dealer of such failure, shall result in revocation of authority to handle Recovered Materials generated in the County for a period of (1) year.
- (6) 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.



- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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. 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 6 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 Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

**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.