

SPECIFIC OPERATING AGREEMENT
FOR
DELEGATION OF DOMESTIC WASTEWATER PROGRAM AUTHORITY
FROM THE
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
TO THE
PALM BEACH COUNTY PUBLIC HEALTH UNIT

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DOMESTIC WASTEWATER SPECIFIC OPERATING AGREEMENT

PART I

ADMINISTRATION OF AGREEMENT

SECTION 1 - INTRODUCTION

(a) Pursuant to Section 403.182 of the Florida Statutes (F.S.), the Florida Department of Environmental Regulation, which has since been renamed the Florida Department of Environmental Protection (Department or DEP), entered into a General Agreement with the Palm Beach County Public Health Unit (Local Program) on November 30, 1988. The General Agreement specifies the general working relationship between the Department and the Local Program, and provides that the details of an authority delegated by the Department to the Local Program for administering any of the Department's specific programs be set forth in a Specific Operating Agreement (SOA) subject to periodic review. The Local Program referred to in this SOA is the Palm Beach County Public Health Unit, located in Palm Beach County, Florida.

(b) The Department and the Local Program originally entered into this domestic wastewater (DOM) SOA on January 8, 1991 to delineate each agency's responsibility for developing and implementing the program defined here under appropriate state and local statutes, ordinances, and regulations. The Department and the Local Program hereby enter into this modified SOA to revise the details of DOM program delegation. This modified SOA and all Exhibits and Attachments shall, upon approval, supersede the previously executed version of this SOA and all provisions of other agreements between the Department and the Local Program applicable to DOM delegation.

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(c) Nothing here or in the General Agreement is intended to limit the Department's or the Local Program's independent authority established by law.

SECTION 2 - PARTIES

Notwithstanding provisions in the General Agreement, parties to this SOA are the Department and the Local Program. The Department's Division of Water Facilities (Division) will be responsible for transferring information needed by the Local Program as described in this SOA [while copying the Department's Southeast District Office (District)], except as otherwise required for efficiency or specified by this SOA.

SECTION 3 - MODIFICATION OF AGREEMENT AND CONFLICT BETWEEN AGREEMENTS

This SOA and any Appendices or Exhibits may be modified in writing at any time as necessary by mutual consent of the Department and the Local Program. Attachments may be revised without formal SOA modification. Modifications may be made in whole, by part, or by section, and upon approval shall supersede previous versions of this SOA. Any proposed changes shall be identified and delineated in writing by the party proposing the change. Approvals of modifications to the text of this SOA shall be signed by the DEP Secretary and the Local Program Director. The execution of this SOA shall automatically void conflicting provisions of other agreements between the Department and the Local Program applicable to the program defined here.

SECTION 4 - PERIODIC REVIEW OF AGREEMENT

This SOA shall be jointly reviewed by the Department and the Local Program at least every three years for the purpose of determining its adequacy and the need for any modifications.

SECTION 5 - TERMINATION OF AGREEMENT

This SOA may be terminated with or without cause by either the Department or the Local Program upon written notice to the other party of at least ninety (90) days. Such notice from the Local Program shall be signed by the Local Program Director. Such notice from the Department shall be signed by the DEP Secretary. Upon termination, the Local Program shall provide to the Department all files applicable to this SOA.

SECTION 6 - SEVERABILITY

If any part of this SOA is found invalid or unenforceable by any Court, the remaining parts of this SOA will not be affected if the Department and the Local Program agree that their respective rights are not materially prejudiced, and if the intentions of the parties can continue to be effective.

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PART II
PROGRAM MANAGEMENT

SECTION 7 - BUDGET

The Local Program shall annually provide a summary of its approved budget outlining funding and staffing. The Division shall make its D related budget summary available upon request. The Local Program shall maintain an adequate level of DOM program funding, staffing, and equipment to comply with all statutes, rules, and policies pertaining to delegated DOM program activities. Minimum DOM program activities include the level of service (e.g., required number of inspections per facility per year) and compliance rate goals described in Part III of this SOA, to the extent delegated.

SECTION 8 - PROGRAM ORGANIZATION

8.01 RULES, REGULATIONS, AND ORDERS

The Local Program hereby certifies that it does not have any Local Program DOM laws, ordinances, rules, regulations, or orders (or portions thereof) more extensive, or stricter or more stringent than the requirements of Chapter 403, F.S., and the Department's rules applicable to the DOM program, to the extent of delegation. The Department hereby determines that the Local Program laws and ordinances listed in Exhibits 1 and 2 affixed to this SOA are compatible with the requirements of Chapter 403, F.S., and the Department's DOM rules, to the extent of delegation. The Local Program shall implement subsequent revisions of applicable Department rules at the time the Department rule becomes effective. Pursuant to Section 2 of Palm Beach County Ordinance No. 78-5, such Department rule revisions are automatically adopted and incorporated by reference as part of local ordinance.

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Subsequent new or amended Local Program DOM laws, ordinances, rules, regulations, or orders which the Local Program contends are more extensive, or stricter or more stringent than the provisions of Chap 403, F.S., or the Department's DOM rules shall be submitted by the Local Program for consideration by the Department as proposed modifications to this SOA, and shall not be enforceable under state authority by either party unless and until such modifications are approved. New or amended Local Program DOM laws, ordinances, rules, regulations, or orders which are less stringent or conflict with the provisions of Chapter 403, F.S., or the Department's DOM rules shall be considered sufficient reason for revocation of this SOA.

8.02 PERSONNEL AND EQUIPMENT

The Local Program shall procure necessary equipment and maintain a staff capable of performing the duties specified in this SOA, as modified from time to time. Attached are organizational charts of the Division and Local Program. Such charts shall be updated at least annually or more frequently as appropriate.

8.03 COMPUTERS

The Local Program shall maintain adequate computer terminal(s) and communications hardware and software at its end necessary to perform all data entry requirements of this SOA, as modified from time to time. Central operation and maintenance of the Department's computerized data management systems shall be provided by the Department.

8.04 NOTIFICATION OF FACILITY OWNERS

Within 30 days after approval of this modified SOA and future modifications to this SOA, as appropriate, the Local Program will

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notify each owner of a facility affected by any procedural changes brought about by the modification, and will make available appropriate permit application information needed by potential applicants in the Local Program's geographical jurisdiction. The District and Local Program shall finish processing applications they received before the modification date according to prior agreement.

SECTION 9 - PROGRAM PLANNING AND MANAGEMENT

9.01 PLANS

The Local Program shall prepare an annual work plan describing staffing (Full Time Equivalents) and equipment committed to the delegated DOM program. The work plan must include updated lists of delegated and non-delegated facilities, and the types and frequencies of activities to be performed to meet the minimum DOM level of service (e.g., required number of inspections per facility per year) and compliance rate goals described in Part III of this SOA. (Updates to the list of non-delegated facilities will be provided to the Local Program by the District as needed.) The Local Program shall submit its annual work plan for the upcoming fiscal year to the Division, with a copy provided to the District Office, by June 30 of the preceding fiscal year.

9.02 TRAINING

(a) All parties to this SOA will ensure that their respective personnel have requisite training needed to allow each employee to accomplish the work assigned. Specific training requirements for the Local Program include the following:

- (1) Attendance of appropriate Local Program staff at DEP domestic wastewater training sessions. The Division will provide advance

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notice (at least three weeks for out-of-town travel) to the Local Program of such training sessions;

- (2) Program specific training and information from other appropriate sources such as the United States Environmental Protection Agency (EPA) and professional organizations; and
- (3) Participation in on-the-job training conducted by the Department for an appropriate period of time following delegation, including basic inspector training courses for facility inspection, sampling, and enforcement, and training and assistance with the collection of spatial information (latitude/longitude data for 1 facilities) and the operation of the Department's computerized data management systems.

(b) The Department may also provide training to the Local Program in preparation for modifications to this SOA to expand the scope of delegation.

9.03 MEETINGS AND CONFERENCES

(a) In addition to fulfilling the provisions of the General Agreement, the Local Program will be appropriately represented at the following specific meetings:

- (1) DEP Annual Domestic Wastewater Workshop;
 - (2) DEP Wastewater Compliance Training Workshops;
 - (3) DEP Annual Enforcement Workshop;
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- (4) DEP Data Management Training Workshops; and
- (5) Periodic meetings, at least quarterly, with District DOM staff to coordinate activities. Such meetings shall be separate and distinct from audits and performance evaluations of the Local Program.

(b) The Local Program is also encouraged to participate in meetings for revising the GUIDELINES FOR CHARACTERIZING DOMESTIC WASTEWATER VIOLATIONS and other DEP procedures manuals. The Division will provide advance notice to the Local Program of such meetings.

9.04 REPORTING REQUIREMENTS

(a) LOCAL PROGRAM COMPUTER DATA ENTRY

Permitting, compliance, and enforcement data for facilities delegated under Part III of this SOA shall be entered by the Local Program into the following Department computerized data management systems according to the schedule shown:

| <u>REPORTING SYSTEM</u> | <u>FREQUENCY</u> | <u>RECIPIENT</u> |
|---|--|-------------------------------------|
| (1) Permit Application Tracking System (PATS) or its successor | Within 3 working days of permit application receipt or from date of latest application processing accomplishment | Computerized Data Management System |
| (2) Groundwater Management System (GMS) or its successor | Within 5 working days of receipt of facility permitting information, and by the third Monday of the month following receipt of self-monitoring reports | Computerized Data Management System |
| (3) Compliance Enforcement Tracking system (COMET) or its successor | Within 5 working days of enforcement activities, and by the third Monday of the month following compliance activities | Computerized Data Management System |

(b) LOCAL PROGRAM REPORTS

The Local Program shall submit copies of the following reports, based on the extent of delegation, according to the schedule shown. (Where possible, reports will be made through the Department's computerized data management systems.)

| <u>REPORT</u> | <u>FREQUENCY</u> | <u>RECIPIENT</u> |
|--|--|---|
| (1) Annual Budget Summary | Annually | Division and District |
| (2) Organizational Charts | As updated | Division and District |
| (3) Local Program Ordinances, Laws, Rules, Regulations, and Orders | As drafted, and within 15 days after adoption | Division and District |
| (4) Annual Work Plan, including lists of delegated and non-delegated facilities | By June 30 of the preceding fiscal year | Division and District |
| (5) Summary of DOM compliance inspections conducted during the month, including dates, locations, violations noted, and corrective actions requested, and copies of inspection reports for EPA-committed inspections | Monthly (by the third Monday of the following month) | Division and District (and EPA for EPA-committed inspections) |
| (6) Status report on all Local Program DOM enforcement cases | Monthly (by the third Monday of each month) | Division and District |

(c) DEPARTMENT REPORTS

The Division shall submit copies of the following reports to the Local Program according to the schedule shown:

| <u>REPORT</u> | <u>FREQUENCY</u> | <u>RECIPIENT</u> |
|---|---|------------------|
| (1) Organizational Charts | As updated | Local Program |
| (2) DEP Rules, Regulations, Orders, Forms, Policy, and Guidance Memoranda | As drafted, and within 15 days after adoption | Local Program |

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9.05 AUDITS AND PERFORMANCE EVALUATIONS

(a) The Department will periodically conduct financial audits and program performance evaluations of the Local Program's implementation of the delegated program. The Local Program will have adequate time (at least 20 working days) to complete pre-audit surveys and to comment on draft audit findings.

(b) The purpose of the financial audits is to determine if all fees for Department permits, monies for enforcement actions, and other state funds received by the Local Program for delegated activities have been properly accounted for and distributed. For the purposes of this SOA, appropriate records of all monetary transactions must be on file for at least the previous three years, or the period of delegation, whichever is less.

(c) The purpose of the performance evaluations is to determine if permit applications, monitoring programs, compliance efforts, and enforcement actions are being managed in accordance with applicable requirements and policies, and that appropriate files are being maintained for all delegated Department permitting actions taken, monitoring programs, enforcement actions, and other responsibilities assumed by the Local Program. Permitting files shall be retained permanently. Other files shall be maintained for the previous ten years, or the period of delegation, whichever is less. The Department will have a goal of performing a Local Program performance evaluation annually, and more frequently if warranted. Oversight of reports and data entry will be performed on a continuous basis.

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PART III
PROGRAM RESPONSIBILITIES

SUB-PART A - PERMITTING

SECTION 10 - DELEGATED PERMITTING ACTIVITIES

(a) Beginning on the approval date of this modified SOA, the Department delegates to the Local Program the authority to issue and deny, under applicable statutes, regulations, orders, and guidelines state permits for domestic wastewater facilities (for sewage collection and transmission, and wastewater and residuals treatment, disposal, reuse) in the Local Program's geographical jurisdiction, except for following facilities:

- (1) County owned or operated domestic wastewater and residuals treatment, disposal, and reuse facilities and sites;
- (2) Plants designed for a capacity in excess of 500,000 gallons per day;
- (3) Facilities subject to National Pollutant Discharge Elimination System (NPDES) permitting [Section 403.0885, F.S.], Underground Injection Control permitted facilities [Chapter 17-28, Florida Administrative Code (F.A.C.)], and other facilities permitted under programs federally delegated to the Department; and
- (4) Sewage collection and transmission facilities larger than 12 inches in diameter (and appurtenant pump stations) for which the county is the owner or permit applicant.

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(b) After a complete program performance evaluation following a period of at least six months after the modification date, this SOA may be further modified to expand the scope of delegation to include plants excess of 500,000 gallons per day design capacity. Relief mechanisms (including variances, exemptions, and mixing zones) and WQBELs determined by the Level II process in accordance with Rule 17-650.500 F.A.C., shall not be delegated with permitting activities.

(c) Attached are lists of delegated and non-delegated facilities. Updated lists consistent with the types of delegated facilities described above shall be provided by the Local Program (delegated facilities) and District (non-delegated facilities) at least annually, and as revisions occur.

(d) As described in Part III, Sub-Part B of this SOA, the Local Program also accepts the lead role for compliance and enforcement activities for all facilities delegated for permitting activities.

SECTION 11 - PERMITTING PROCEDURES

11.01 APPLICATION REVIEW PROCEDURES FOR DELEGATED FACILITIES

(a) DEPARTMENT PROCEDURES

When the District receives a permit application, or notice requesting the use of a general permit, for a delegated facility on or after the modification date of this SOA, the District shall retain one copy and shall, within three working days, forward all other copies and any enclosed application fees to the Local Program for processing, and issuance or denial. The District and Local Program shall finish processing applications they received before the modification date according to prior agreement.

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(b) LOCAL PROGRAM PROCEDURES

(1) The Local Program shall ensure that a legible stamped date of receipt is promptly applied to each permit application received for delegated facilities. The Local Program will provide the District with one copy of each delegated facility permit application submitted directly to the Local Program office within three working days of receipt. Completeness comments will be provided (at the District's discretion) to the Local Program within 15 days of receipt. A copy of all applicable correspondence will be kept on file at the Local Program office.

(2) The Local Program, considering any completeness comments provided by the District, will review each application for completeness within 30 days of receipt. If the application is determined to be incomplete, a letter of incompleteness will be sent to the applicant and the District within the 30 day period, by the Local Program, identifying and requesting the needed additional information.

(3) When the application is determined to be complete, the Local Program will process the application as expeditiously as possible, and take final agency action on the complete application in accordance with the procedures and time frames that would apply to the District if the Department were taking final action on the application. Review of the engineering features of plans and specifications and preliminary design reports shall be performed by or under the supervision of a licensed professional engineer registered in the State of Florida in accordance with Chapter 471, F.S. The Local Program will provide the District with a draft copy of any intent to deny notice at least ten working days before the Local Program mails the notice to the applicant. The

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Local Program will provide the District with a draft copy, at the District's discretion, of other agency action related to each permit application, other than general permits, at least ten working days before the Local Program mails the permit, or its intent to issue, to the applicant. Permits, notices of intent, and denial letters shall be signed by the Local Program Environmental Science and Engineering Director. The Local Program will provide the District with copies of all issued permits (other than general permits), at the District's discretion, and Final Orders denying permits.

(4) The Local Program shall provide administrative review of its permitting decisions pursuant to the appeal procedures of Chapter 120, F.S., as if these decisions were being made by the Department, and the Local Program Environmental Science and Engineering Director shall take appropriate final agency action. The Local Program will provide legal counsel and technical support as needed to defend its permit issuance decisions. The Department will assist the Local Program to the extent that the Department's permitting policy or rule interpretation is at issue. At the time of referral of a petition to the Division of Administrative Hearings (DOAH), the Local Program shall mail a copy of the notice of referral, the petition, and the challenged permitting decision to the Department's Office of General Counsel at Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The Department shall have the right, if it so chooses, to intervene in the DOAH proceeding. The Local Program shall mail a copy of all recommended orders resulting from such DOAH proceedings to the Department's Office of General Counsel.

(5) The Local Program will provide the District with one copy

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(excluding supporting documentation) of each delegated facility notice requesting the use of a general permit submitted directly to the Local Program within three working days of receipt. The Local Program will review and process each general permit notice within 30 days of receipt. If a notice does not qualify, the Local Program will provide the applicant with a denial of general permit use. The Local Program will not require a regular permit when a general permit can be used, unless required by a local law, ordinance, rule, regulation, or order more stringent than Department rule.

(6) Facility permitting shall be done according to procedures established by applicable statutes, rules, and policies. The Local Program shall have the same requirements for timeliness to issue or deny permits as the Department. Default permits are considered unacceptable, and a pattern of such defaults shall be considered sufficient reason for revocation of this SOA. The following statute rules, procedures, and guidelines are specifically referenced with respect to the permitting programs included in this SOA:

- a. CHAPTER 120, F.S.;
- b. CHAPTER 403, F.S.;
- c. TITLE 17, F.A.C., or its successor;
- d. DEP DOMESTIC WASTEWATER PROGRAM MANUAL;
- e. DEP DIVISION OF WATER FACILITIES POLICY MANUAL;

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- f. DEP GUIDELINES FOR PREPARATION OF REUSE FEASIBILITY STUDIES FOR APPLICANTS HAVING RESPONSIBILITY FOR WASTEWATER MANAGEMENT;
 - g. DEP GUIDELINES FOR PREPARATION OF CAPACITY ANALYSIS REPORTS;
 - h. DEP GUIDELINES FOR PREPARATION OF OPERATION AND MAINTENANCE PERFORMANCE REPORTS;
 - i. DEP PERMIT APPLICATION TRACKING SYSTEM (PATS) USER MANUAL; and
 - j. DEP GROUNDWATER MANAGEMENT SYSTEM (GMS) USERS GUIDE.

(7) The Local Program shall enter the appropriate permit activities data into the Department's computerized data management systems [Permit Application Tracking System (PATS) or its successor, and Groundwater Management System (GMS) or its successor] for all delegated facility permits in accordance with the schedule specified in Part II of this SOA. Only state permit fee amounts shall be entered into PATS (i.e., local permit fee amounts shall be omitted). Data entry shall otherwise be complete and accurate.

11.02 CONFLICT RESOLUTION

Although the Local Program has the primary responsibility for decisions on final agency action for delegated Department permit applications, the Department retains the power to make such a decision whenever an irreconcilable conflict arises between the Local Program and the Department with respect to permit issuance or denial. If a conflict arises between the Local Program and the Department, the two agencies shall promptly attempt to reach an agreement to resolve the conflict.

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If an agreement is not reached, the Department shall declare in writ that an irreconcilable conflict exists, and the Local Program shall take no further action on the subject permit. The Department shall have ultimate authority in deciding the final agency action on the state permit.

11.03 PERMIT FEES

(a) The Local Program's state fees for Department permits shall be amounts established in Chapter 17-4, F.A.C., or its successor. The Local Program may assess additional or separate local fees in addition to state fees. Pursuant to Section 2 of Palm Beach County Ordinance No. 78-5, the state permit fee schedule established in Chapter 17-4, F.A.C., as amended from time to time, is adopted and incorporated by reference as part of local ordinance.

(b) The required state permit fees for delegated facilities have been and shall continue to be split between the Department and the Local Program with the Department receiving 30 percent and the Local Program receiving 70 percent of the fees, as of February 6, 1992. The Department's Bureau of Finance and Accounting will continue to periodically invoice the Local Program for the Department's 30 percent share. The frequency of invoicing is determined by the Department's Bureau of Finance and Accounting.

(c) When an application for a delegated facility is received by the Local Program without the required state fees (or with incorrect fees) the Local Program shall follow procedures consistent with Section 17-4.050(5), F.A.C., or its successor. All permit application fees and refunds of fees shall be processed in accordance with

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generally accepted accounting principles.

11.04 NON-DELEGATED PERMIT APPLICATIONS

When the Local Program receives a permit application, or notice requesting the use of a general permit, for a non-delegated facility as defined by Section 10 and the modification date of this SOA, the Local Program shall, within three working days, forward the application and any enclosed state fees to the District for processing.

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SUB-PART B - COMPLIANCE AND ENFORCEMENT

SECTION 12 - LEAD AND SUPPORT ROLES

(a) The Local Program accepts the lead role for compliance and enforcement activities for domestic wastewater facilities (for sewage collection and transmission, and wastewater and residuals treatment, disposal, and reuse) in the Local Program's geographical jurisdiction except for the following facilities:

(1) County owned or operated domestic wastewater and residuals treatment, disposal, and reuse facilities and sites;

(2) Plants designed for a capacity in excess of 500,000 gallons per day;

(3) Facilities subject to National Pollutant Discharge Elimination System (NPDES) permitting [Section 403.0885, F.S.], Underground Injection Control permitted facilities [Chapter 17-28, Florida Administrative Code (F.A.C.)], and other facilities permitted under programs federally delegated to the Department; and

(4) Sewage collection and transmission facilities larger than 12 inches in diameter (and appurtenant pump stations) for which the county is the owner or permit applicant.

(b) For delegated facilities, the Department accepts the support role for compliance and enforcement activities by providing legal, technical, and training assistance.

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(c) For non-delegated facilities, the Department retains the lead role for compliance and enforcement activities. The Local Program may, at its discretion, serve a support role by providing technical and legal assistance as appropriate. Incorporation of Local Program compliance activities for non-delegated facilities (e.g., complaint investigation and facility inspections) into the Department's compliance and enforcement program is encouraged. When violations are found at residuals sites receiving residuals from non-delegated facilities, the Local Program shall promptly notify the District so that the Department can pursue enforcement with regard to the non-delegated facilities. The Department shall fully recognize, in the media and elsewhere as occasions arise, the compliance and enforcement activities accomplished by the Local Program.

(d) Information on actions taken by the lead agency shall be available to the support agency upon request. Whenever either party requests information concerning a specific discharger and the requested information is available from files, but not from the Department's computerized data management systems, the information will be provided. If the required information is not available, the agency making the request shall be promptly notified.

(e) The Local Program shall ensure that the requirements of applicable rules and permits are specifically identified and addressed in each case. Department compliance and enforcement guidelines, and guidelines which may be the product of agreements between the Department and other agencies, will be provided to the Local Program.

(f) Nothing in this SOA shall prohibit either agency from taking

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enforcement action for violation of their respective rules. The Local Program, however, shall not initiate action under state authority without prior coordination unless they are the lead agency. Similarly, the Department shall not initiate enforcement action on facilities in which the Local Program is designated lead agency without prior coordination. When the Department and the Local Program institute separate lawsuits against the same party for violation of the same requirements, the suits shall be consolidated when possible. The lead agency for consolidated lawsuits shall be as indicated above.

SECTION 13 - COMPLIANCE

13.01 COMPLIANCE INSPECTION PROCEDURES

(a) For delegated facilities, the Local Program shall operate a timely and effective compliance monitoring program. The Local Program shall use the Department's computerized data management systems, where applicable, to track compliance with permit conditions. For the purposes of this SOA, the term "compliance monitoring" includes all activities undertaken by the Local Program to assure full compliance with applicable wastewater permitting program requirements, and shall include the following activities:

- (1) Compliance Review of Self-Monitoring Reports - The Local Program shall conduct timely and substantive reviews and keep complete records of all written material relating to the compliance status of delegated facilities. These records will include reports as a result of compliance schedules incorporated in permits or enforcement orders, Monthly Operating Reports, Compliance Inspection Reports, and any other reports that permittees may be required to submit under the terms and conditions of a permit or

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enforcement order. The Local Program shall determine if require self-monitoring reports are submitted on time, the submitted reports are complete and accurate, and the permit conditions are met.

- (2) Compliance Inspections - The Local Program shall conduct site inspections to determine the status of compliance with permit requirements, including sampling and nonsampling inspections. Inspection procedures will be in accordance with the DEP Wastewater Compliance Procedures Manual. For purposes of this SOA, the term "compliance inspection" includes compliance evaluation inspections (CEI), performance audit inspections (PAI) compliance sampling inspections (CSI), reconnaissance inspections (RI), and other inspection types defined in the Compliance Procedures Manual.
- (3) Sampling and Analysis of Effluent - All sampling and analysis activities, whether provided by the Local Program or by contracted services, shall comply with applicable requirements of Chapter 17-160, F.A.C., or its successor.
- (4) Monitoring to Determine a Facility's Impact on Surface Waters - Reports for biological sampling bracketing a permitted outfall to determine biological effects shall be submitted to the District, the Division's Wastewater Facilities Regulation Section (two copies), and the Local Program compliance officer for any necessary action. These reports, where applicable, shall include a one-page descriptive summary of the biological health of the site comparing the upstream sample to the downstream. The reports

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shall include copies of the sampling data and calculations.

(5) Computer Tracking of Compliance Activities using the Department Computerized Data Management Systems - The Local Program shall enter the appropriate facility Monthly Operating Report data, compliance schedules, and compliance activities data into the Department's computerized data management systems [Groundwater Management System (GMS) or its successor, and Compliance Enforcement Tracking system (COMET) or its successor] in accordance with the schedule specified in Part II of this SOA. Data changes, such as facility name changes or address changes shall be entered on a monthly basis. Data entry shall be complete and accurate.

(b) Where applicable, the Local Program will perform sample collection and analysis for the scheduled impact assessment inspections and/or other sampling inspections identified in each year's annual work plan in accordance with standard operating procedures adopted by the Department. Such procedures include collection and analysis protocols, equipment, quality assurance and quality control, and reporting. Facility compliance monitoring shall be done according to procedures established by applicable statutes, rules, and policies at frequencies required therein or as specified in the appropriate facility permit. Associated quality assurance and quality control techniques shall be followed. The following statutes, rules, procedures, and guidelines are specifically referenced with respect to the compliance monitoring programs included in this SOA:

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- (1) CHAPTER 403, F.S.;
 - (2) TITLE 17, F.A.C., or its successor;
 - (3) DEP WASTEWATER COMPLIANCE PROCEDURES MANUAL and INSPECTORS' TOOL CHEST;
 - (4) DEP DIVISION OF WATER FACILITIES POLICY MANUAL;
 - (5) DEP MANUAL FOR PREPARING QUALITY ASSURANCE PLANS;
 - (6) DEP STANDARD OPERATING PROCEDURES FOR LABORATORY OPERATIONS AND SAMPLE COLLECTION ACTIVITIES;
 - (7) BIOLOGICAL FIELD AND LABORATORY METHODS FOR MEASURING THE QUALITY OF SURFACE WATER AND EFFLUENTS (Environmental Monitoring Series, EPA);
 - (8) METHODS FOR MEASURING THE ACUTE TOXICITY OF EFFLUENTS AND RECEIVING WATERS TO FRESHWATER AND MARINE ORGANISMS (Environmental Monitoring Series, EPA);
 - (9) SHORT-TERM METHODS FOR ESTIMATING THE CHRONIC TOXICITY OF EFFLUENTS AND RECEIVING WATERS TO MARINE AND ESTUARINE ORGANISMS (Environmental Monitoring Series, EPA);
 - (10) METHODS FOR CHEMICAL ANALYSIS OF WATER AND WASTES (Environmental Monitoring Series, EPA);

(11) DEP GEOGRAPHIC INFORMATION SYSTEM DATA COLLECTION AND
CLEANUP PLAN;

(12) DEP GROUNDWATER MANAGEMENT SYSTEM (GMS) USERS GUIDE; and

(13) DEP COMET PRODUCTION MANUAL.

(c) Where the Local Program has demonstrated to the Department that its compliance policies, procedures, and guidelines are compatible with and at least as strict as the Department's, the Local Program's policies, procedures, and guidelines may be used in place of the Department's.

13.02 INSPECTION SCHEDULES

The Local Program, District, and Division will annually develop tentative inspection schedules for all DOM facilities in the Local Program's geographical jurisdiction, reflecting Local Program inspections of delegated facilities and District inspections of non-delegated facilities. Activities will be coordinated to allow a party to this SOA the opportunity to comment on and participate in the other party's inspection schedule. The schedules may be modified if the parties concur.

13.03 COMPLIANCE INSPECTION LEVEL OF SERVICE

(a) The minimum level of service for compliance inspections by the Local Program is at least two unannounced inspections per delegated treatment, disposal, and reuse facility per year, which shall include at least one sampling and analysis of effluent per delegated treatment, disposal, and reuse facility per year.

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(b) The Department or the Local Program may determine that additional compliance inspections are necessary to assess permit compliance. If the Department determines additional compliance inspections are necessary it shall notify the Local Program and request it conduct the inspections. The Department retains the right to perform compliance inspections of any permittee at any time.

SECTION 14 - ENFORCEMENT

14.01 ENFORCEMENT PROCEDURES AND REMEDIES

(a) Reports on the compliance status of domestic wastewater facilities shall be available to the Department or the Local Program, as appropriate, by the third Monday of the month following the date of inspection or review of self-monitoring reports. The Local Program shall thoroughly review each delegated facility to determine what, if any, enforcement action shall be initiated. If a violation is noted, the Local Program shall initiate enforcement or noncompliance action under state authority, or make a decision in writing (to file) to exercise enforcement discretion not to take any action. Procedures and priorities for the review of delegated facilities and for initiating enforcement action will be specified in procedures developed by the Local Program and are to be consistent with and at least as stringent as the following state statutes, and Department rules, policies, procedures, and guidelines:

- (1) CHAPTER 120, F.S.;
- (2) CHAPTER 403, F.S.;

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(3) TITLE 17, F.A.C., or its successor;

(4) DEP DIVISION OF WATER FACILITIES POLICY MANUAL; and

(5) DEP ENFORCEMENT MANUAL.

(b) Where the Local Program has demonstrated to the Department that its enforcement policies, procedures, and guidelines are compatible with and at least as stringent as those of the Department, the Local Program's enforcement policies, procedures, and guidelines may be used in place of the Department's. However, the Local Program shall always use the following specific procedures at a minimum:

(1) Section 2.3 of the DEP ENFORCEMENT MANUAL concerning inspection and entry upon land. Routine inspections shall be unannounced and conducted at reasonable times;

(2) Appendices in the DEP ENFORCEMENT MANUAL entitled SETTLEMENT GUIDELINES FOR CIVIL PENALTIES, and GUIDELINES FOR CHARACTERIZING DOMESTIC WASTEWATER VIOLATIONS. Penalties shall be pursued consistent with the most current versions of these guidelines where they indicate a penalty should be pursued, even when the responsible party corrects the violation after notice; and

(3) Appendices in the DEP ENFORCEMENT MANUAL outlining ENFORCEMENT PRIORITIES and TIME SCHEDULES FOR PROCESSING ENFORCEMENT PRIORITY CASES.

(c) The Local Program shall provide an appropriate administrative

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judicial process for the enforcement of delegated Department activities. Pursuant to Section 403.182, F.S., all remedies of the Department under Chapter 403, F.S., are available as an alternative to local enforcement provisions.

(d) The Local Program shall enter the appropriate enforcement activities data into the Department's computerized data management system (COMET or its successor) and submit enforcement reports in accordance with the schedule specified in Part II of this SOA. Data entry shall be complete and accurate.

(e) The Local Program shall deposit all monies recovered in any Local Program enforcement action in its local Pollution Recovery Trust Fund pursuant to Local Program Resolution No. R-89-576 affixed to this SOA as Exhibit 3{91}. In the absence of a local Pollution Recovery Trust Fund, all monies recovered in any Local Program enforcement action conducted under state authority shall be deposited into the state's Pollution Recovery Fund, unless another specified use authorized by Section 403.165, F.S., is mutually agreed on by the Local Program and the Department. If the Department and the Local Program cooperatively undertake an enforcement action where a local Pollution Recovery Trust Fund is established, any monies recovered shall be divided equally between the Department and the Local Program. Monies in the local Pollution Recovery Trust Fund, after being divided with the Department where applicable, shall be used exclusively to restore polluted areas in the Local Program's geographical jurisdiction to the condition which existed before pollution occurred or to otherwise enhance the environment.

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14.02 CITIZEN COMPLAINTS

(a) The Local Program shall receive, respond to, and promptly investigate complaints from citizens relating to domestic wastewater facilities and systems within its jurisdiction and to the extent of delegation. Accurate records will be kept of all complaints. Where possible, reports will be made through the Department's computerized data management systems. The District will refer any complaints that it receives within the Local Program jurisdiction to the Local Program for investigation. However, the District will reserve the right to investigate complaints involving sources for which the Department has retained jurisdiction or for which it has a special interest, upon notice to the Local Program. Citizen complaints will be investigated in a timely fashion, and the Local Program will initiate such action is deemed appropriate to resolve any problems. If a violation is determined to exist, the Local Program will notify the responsible person, attempt to bring about compliance, and inform the complainant of the action taken. For delegated facilities, the Local Program shall take enforcement action as appropriate. For non-delegated facilities the Local Program shall promptly notify the District so that the Department can pursue enforcement as appropriate.

(b) The Local Program will take necessary and appropriate enforcement action to bring about compliance under appropriate state or local authority, or in special cases will coordinate enforcement action with the Department. Special cases for coordination shall include, but not be limited to, sources for which the Department has retained jurisdiction, or for which the Department has a special interest.

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14.03 EMERGENCY SITUATIONS AND ABNORMAL EVENTS

(a) The District and the Local Program agree to coordinate and cooperate fully with each other and with other agencies as appropriate during emergencies relating to DOM pollution. "Emergency" is defined by s. 252.34(2), F.S., as any occurrence, or threat thereof, whether accidental, natural, or caused by man, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property. Pursuant to s. 252.35(2), F.S., the Division of Emergency Management of the Florida Department of Community Affairs is authorized and empowered to coordinate federal, state, and local emergency management activities and to review periodically political subdivision emergency management plans. Pursuant to s. 252.38(2), F.S., each political subdivision in Florida is authorized and directed to establish and maintain an emergency management agency, having jurisdiction over and serving an entire county, in support of the state comprehensive emergency management plan and program. Pursuant to s. 403.1655(2), F.S., DEP shall be the lead agency for interdepartmental coordination relating to water pollution and other environmental and health emergencies not specifically designated within other statutes, and pursuant to s. 403.061(17), F.S., DEP has the power and duty to encourage local units of government to handle pollution problems within their respective jurisdictions on a cooperative basis and provide technical and consultative assistance therefor. Pursuant to s. 386.02, F.S., the Florida Department of Health and Rehabilitative Services (HRS) shall, whenever it may seem necessary to HRS, investigate the sanitary condition of any place, and pursuant to s. 381.031(3)(b)3., F.S., HRS has the authority to commence and maintain all proper and necessary actions and proceedings to enjoin and abate nuisances dangerous to the

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health of persons, fish, and livestock. In consideration of the foregoing and the fact that the Local Program is a branch of HRS, the Department and the Local Program agree to adhere to the following guidelines for coordination and cooperation in emergency situations:

(1) INITIAL RESPONSE - DURING THE TIME SPAN OF ANY DOM EMERGENCY IN PALM BEACH COUNTY, i.e., THE PERIOD DURING WHICH A DOM OCCURRENCE RESULTS OR MAY RESULT IN SUBSTANTIAL INJURY OR HARM TO THE POPULATION OR SUBSTANTIAL DAMAGE TO OR LOSS OF PROPERTY, ALL ACTIVITIES OF THE DEPARTMENT AND THE LOCAL PROGRAM SHALL BE ACCORDING TO PROCEDURES ESTABLISHED IN THE MOST RECENT EDITION OF THE "PALM BEACH COUNTY PEACETIME EMERGENCY PLAN" MAINTAINED BY THE EMERGENCY MANAGEMENT SECTION OF THE PALM BEACH COUNTY DEPARTMENT OF PUBLIC SAFETY (TELEPHONE NUMBER 407/233-3500). That plan outlines coordinated emergency response by pertinent entities, including local utilities, HRS, DEP, EPA, other law enforcement agencies, etc., and authorizes the Palm Beach County Health Department, in consultation with DEP, to determine if the public should be advised and to notify the public as necessary to inform and to safeguard health. Key sections of DEP for DOM emergencies include the Southeast District Office, the Division of Water Facilities, and the Emergency Response Section. Key sections of the Local Program for DOM emergencies include the Division of Environmental Science and Engineering. The Local Program shall fully recognize, in the media and elsewhere as occasions arise, the technical, consultative, and enforcement activities accomplished by the Department.

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(2) POLLUTION ABATEMENT - After a DOM emergency, i.e., when HRS determines that a DOM occurrence no longer threatens substantial injury or harm to the population or substantial damage to or loss of property, the lead agency for regulating pollution abatement activities shall be the Department for non-delegated facilities and the Local Program for delegated facilities.

(3) ENFORCEMENT - Before, during, and after any DOM emergency, the lead agency for enforcement activities shall be the Department for non-delegated facilities and the Local Program for delegated facilities. The Department and the Local Program shall coordinate investigative activities with other law enforcement agencies as appropriate.

(b) For abnormal events which are not emergencies, the lead agency for regulatory activities shall be the Department for non-delegated facilities and the Local Program for delegated facilities. The Department and the Local Program agree to coordinate and cooperate fully with each other and with other agencies as appropriate, such as the Florida Public Service Commission for DOM plant abandonments.

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PART IV
MISCELLANEOUS PROVISIONS

SECTION 15 - INQUIRIES

Inquiries from the Governor's Office, Cabinet, and members of the Legislature will be forwarded, as applicable, to the Local Program Director. The Local Program shall respond to any inquiries from the Governor's Office, Cabinet, and members of the Legislature within seven days, and shall provide copies of the responses to the District and Division. Copies of responses to such inquiries handled by the Department, such as those pertaining to non-delegated facilities, shall be provided to the Local Program upon request.

SECTION 16 - EFFECTIVE DATE AND MODIFICATION DATES

(a) The effective date of this SOA is January 8, 1991. Subsequent approvals of modifications to this SOA shall not change the effective date.

(b) The first modification date of this SOA shall be the date of approval by the DEP Secretary.

APPROVAL OF FIRST MODIFICATION TO DOM SOA

LOCAL PROGRAM

Jean M. Malecki
Jean M. Malecki, M.D., M.P.H.
Director
Palm Beach County
Public Health Unit
Post Office Box 29
West Palm Beach, Fl 32402

DATE: 8/13/94

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Virginia B. Wetherell
Virginia B. Wetherell
Secretary
Department of Environmental
Protection
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

DATE: 8/10/94

Florida Department of Environmental Regulation
Division of Water Facilities 2/8/93

SEQUENCE OF EVENTS FOR SOA APPROVAL AND IMPLEMENTATION
to Delegate Domestic and/or Industrial Wastewater Program Authority
to Local Programs under Section 403.182, Florida Statutes

1. GENERAL AGREEMENT

Handled by the Secretary's Office of Intergovernmental Coordination. When a new Specific Operating Agreement (SOA) is negotiated, the General Agreement should be replaced with the revised Model General Agreement as needed. The new General Agreement should contain language where appropriate keep in place those portions of the existing General Agreement that are not being addressed by the SOA.

2. LOCAL PROGRAM REQUESTS SPECIFIC PROGRAM DELEGATION FROM
DER SECRETARY OR WATER FACILITIES DIVISION DIRECTOR

SOA coordinator in the Division's Tallahassee office contact the local program to clarify the scope of delegation being requested (e.g., types of facilities).

3. ACKNOWLEDGEMENT LETTER FROM SECRETARY OR DIVISION DIRECTOR
LOCAL PROGRAM

- a. Letter indicates that the applicable DER District Office will be asked to determine the local program's ability to take on the requested delegation.
- b. A copy of the Model SOA is provided to the local program.

4. MEMO FROM DIVISION DIRECTOR TO DISTRICT WATER FACILITIES
ADMINISTRATOR REQUESTING DETERMINATION OF LOCAL PROGRAM'S
CAPABILITY

- a. District, with Division's assistance, assesses the local program's existing staff, budget, equipment, permitting/compliance/enforcement activities and procedures, and judicial process to determine what the local program needs to take on the proposed delegation. Coordinate with Office of General Counsel.
- b. Based on the scope of delegation requested by the local program and the District's judgement, the District prepares lists of applicable facilities to be DELEGATED and facilities to be NON-DELEGATED (e.g., county-owned, UIC, plants over .5 mgd). Collection/transmission systems are addressed, and NPDES permitted facilities are also identified.
- c. District assigns a point person for overview of delegation, if not already assigned and if the local program is determined capable of taking on the delegation.

5. LETTER FROM DIVISION DIRECTOR TO LOCAL PROGRAM COORDINATING EXCHANGE OF PREREQUISITE ITEMS

- a. Exchange updated organizational charts.
- b. Provide the local program with the lists of facilities prepared by the District. (Note that, upon delegation, updated lists will be a necessary part of the annual work plan prepared by the local program.)
- c. Request the local program's work plan for the upcoming fiscal year, detailing specific budget, staff, and equipment for the program to be delegated.
- d. Provide the local program with copies of applicable DER rules. Advise the local program it must either adopt the DER rules by reference or submit a matrix demonstrating complete compatibility of local rules with DER rules. If the local program chooses the compatibility matrix option it must prepare the matrix for DER review prior to SOA approval. (Provide matrix format to local program.) Forward local program's matrix to the Office of General Counsel and Domestic/Industrial Wastewater sections for review and determination of compatibility.
- e. Request the local program to specifically identify local program's stricter rules. Forward to the Office of General Counsel and Domestic/Industrial Wastewater Sections for review and approval.
- f. Request the local program laboratory's approved QA Plan.
- g. Request local program forms.
- h. Provide the local program with phone numbers of DER contact persons for various topics (training, computer systems, DER rules, District point person, etc.).
- i. Provide the local program with basic DER permitting, compliance, and enforcement manuals.

6. DIVISION OFFICE DRAFTS SOA TAILORED TO LOCAL PROGRAM

The SOA coordinator distributes an initial draft SOA tailored to the local program for the appropriate scope of delegation, with minimal variation from the Model SOA within the scope, for review by the local program, District and Division staff, Secretary's Office of Intergovernmental Coordination, Office of General Counsel, DER Office of Inspector General, Bureau of Information Systems, Bureau of Finance & Accounting, and other interested persons. Attachments and Exhibits, such as the approved stricter local program standards which would become enforceable by DER for all facilities within the local program's geographical jurisdiction, are included. The SOA is recommended for approval only when all prerequisite items from the local program are satisfactory to DER.

7. INITIAL APPROVAL OF SOA, TOLLING 90-DAY CLOCK TO EFFECTIVE DATE; IF REQUIREMENTS ARE NOT MET WITHIN 90 DAYS, SOA BECOMES NULL & VOID
 - a. Two originals, signed first by the local program then by the DER Secretary. Initial approval date as of the Secretary's signature. One original to the local program, the other to OGC files. Copies to Division and District files, and other appropriate parties.
 - b. Request rulemaking by Office of General Counsel to revise Chapter 17-113 (which includes public notice).
 - c. Provide remaining DER manuals needed by local program. (Local program obtains other manuals on its own.)
 - d. Begin training and transfer of duties from District.
 - e. Begin incorporating the local program into inspection schedules.
 - f. Local program hires staff and purchases equipment as needed.
 - g. Establish computer links.
 - h. Receive and review the local resolution adopting DER rules, or other proof of local rulemaking required.
 - i. District and local program notify permittees.
 - j. District prepares finding for the District Manager's signature when all requirements of Section 8 of the SOA have been met. Two originals, one to the local program, the other to OGC. Copies to Division and District file and other appropriate parties. The affirmative finding attached to the SOA as an exhibit.

8. SOA TAKES EFFECT
 - a. District incorporates approved local program stricter standards into permitting of non-delegated facilities.
 - b. District and Division begin monitoring the local program data entry and reports.
 - c. Division adds the local program to mailing lists for ExMIS, NPDES review, rulemaking workshops, etc.
 - d. Division and Bureau of Finance & Accounting begin invoicing the local program for splitting of permit fees.
 - e. Local program establishes its local Pollution Recovery Trust Fund.

- f. The SOA coordinator provides the list of delegated facilities that have NPDES permits to the appropriate staff for inclusion of the local program in review of NPDES permit applications.
 - g. Continued training.
9. ROUTINE PERFORMANCE EVALUATION OF LOCAL PROGRAM BY DIVISION AND DISTRICT AFTER ONE YEAR, AND ANNUALLY THEREAFTER
 10. MEMO TO INSPECTOR GENERAL FROM DIVISION DIRECTOR REQUESTING ROUTINE FINANCIAL AUDIT AFTER ONE YEAR, AND PERIODICALLY AS NEEDED
 11. MODIFICATIONS OF SOA

Handled in the same general fashion outlined above, as applicable. Previous version of SOA is superseded on the date of modification approval. (But SOA "effective date" remains unchanged. Modification is discussed in the SOA itself.) Add history notes in the "Effective Date" section of the SOA to track modifications.

DELEGATED

PAGE 1

6/29/95

HRS - PALM BEACH COUNTY PUBLIC HEALTH UNIT
DOMESTIC WASTEWATER FACILITIES - DELEGATED

ACREAGE PINE ELEMENTARY SCHOOL
ARROWHEAD VILLAGE MHP
ATLANTIC SUGAR ASSOC. - LABOR CAMP
ATLANTIC SUGAR ASSOC. - MILL SITE
BANYON GOLF CLUB INC.
BOYNTON BEACH PARK
COLONIAL ESTATES MHP
COVENTRY PLACE INC.
CROOKED HOOK CAMPGROUND
DUDA & SONS, INC. PERSONNEL COMPLEX
DUNES OF OCEAN RIDGE, INC.
EVERGLADES YOUTH CAMP
FAITH FARMS
A GARDEN WALK MHP
GULFSTREAM SHORES OWNERS ASSOC. INC.
HAGEN ROAD ELEMENTARY SCHOOL
IN THE PINES
INLET PLAZA CONDOMINIUM ASSOC., INC.
JUPITER FARM ELEMENTARY SCHOOL

6/29/95

HRS - PALM BEACH COUNTY PUBLIC HEALTH UNIT
DOMESTIC WASTEWATER FACILITIES - DELEGATED

LION COUNTRY SAFARI
LOXAHATCHEE GROVE ELEMENTARY SCHOOL
MAISONETTES INC., SOUTH
MAR MAK MHP LIESUREVILLE
MARY'S MIGRANT LABOR CAMP
OCEAN HOUSE NORTH
OCEAN RIDGE YACHT CLUB
OCEAN WALK
OKEELANTA CORP.
OSCEOLA FARM
PALM BEACH PARK OF COMMERCE
PELICAN COVE
PRATT & WHITNEY TEST AREA PLANT #2
ROYAL PALM POLO CLUB
SHERBROOKE GOLF & COUNTRY CLUB
6767 NORTH OCEAN BLVD.
SOMERSET CONDOMINIUMS
SOUTH FLORIDA TROTting CENTER
SUGAR CANE GROWERS MILL SITE
SUNSHINE MEADOWS
SUNSPORT GARDENS

HRS - PALM BEACH COUNTY PUBLIC HEALTH UNIT
DOMESTIC WASTEWATER FACILITIES - DELEGATED

TALISMAN SUGAR CORP.
U.S. SUGAR CORP. BRYANT VILLAGE LABOR CAMP
U.S. SUGAR CORP. MIAMI LOCKS VILLAGE
U.S. SUGAR CORP. PELICAN LAKE VILLAGE
U.S. SUGAR CORP. PREWITT VILLAGE
U.S. SUGAR CORP. RITTA VILLAGE
U.S. SUGAR CORP. RUNYON VILLAGE
U.S. SUGAR CORP. SOUTH SHORE VILLAGE
VILLAS OF OCEAN RIDGE
WEST JUPITER CAMPGROUND

IN ADDITION TO THE ABOVE:

- New and existing domestic wastewater and residuals treatment disposal, and reuse facilities and sites in Palm Beach County that are NOT County owned or operated and plants that are NOT designed for a capacity in excess of 500,000 gallons per day and do NOT involve NPDES or Underground Injection Control permits.
- New and existing sewage collection and transmission facilities in Palm Beach County larger than 12 inches in diameter (and appurtenant pump stations) for which Palm Beach County is NOT the owner or permit applicant.
- New and existing sewage collection and transmission facilities in Palm Beach County 12 inches in diameter or smaller (and appurtenant pump stations).

HRS - PALM BEACH COUNTY PUBLIC HEALTH UNIT
DOMESTIC WASTEWATER FACILITIES - NON-DELEGATED

Miss [unclear]

* ACME IMPROVEMENT DISTRICT
* BELLE GLADE
* BOCA RATON
** COLONIAL CROWN MANOR
EAST CENTRAL REGIONAL (County)
** LOST TREE VILLAGE CLUB, INC.
* LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT
NORTH PALM BEACH
NORTH PALM BEACH COUNTY GENERAL AIRPORT (County)
* PAHOKEE
* PALM BEACH COUNTY SOUTHERN REGION (County)
PALM BEACH COUNTY SYSTEM #3 (County)
* PALM BEACH COUNTY SYSTEM #7 (CENTURY VILLAGE) (County)
* PALM BEACH COUNTY SYSTEM #9 SOUTH (County)
PALM BEACH GARDENS KOA CAMPGROUND
** PRATT & WHITNEY PLANT #1 AIRCRAFT
ROYAL PALM BEACH
* SOUTH BAY
* SOUTH CENTRAL REGIONAL (County)
* WELLINGTON ARMS CONDOMINIUM INC.

IN ADDITION TO THE ABOVE:

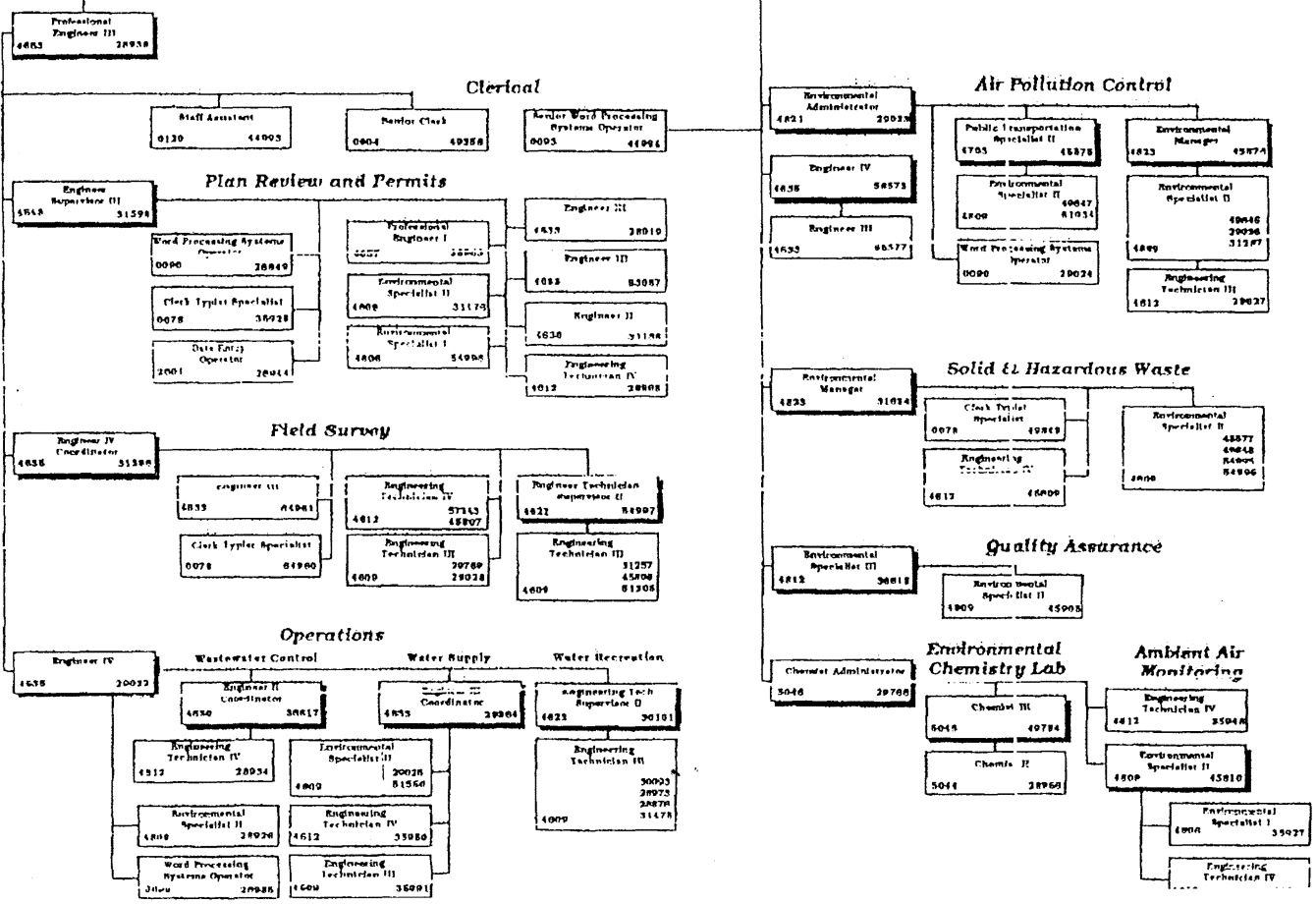
- New and existing domestic wastewater and residuals treatment, disposal, and reuse facilities and sites that are County owned or operated and plants that are designed for a capacity in excess of 500,000 gallons per day or involve NPDES or Underground Injection Control permits.

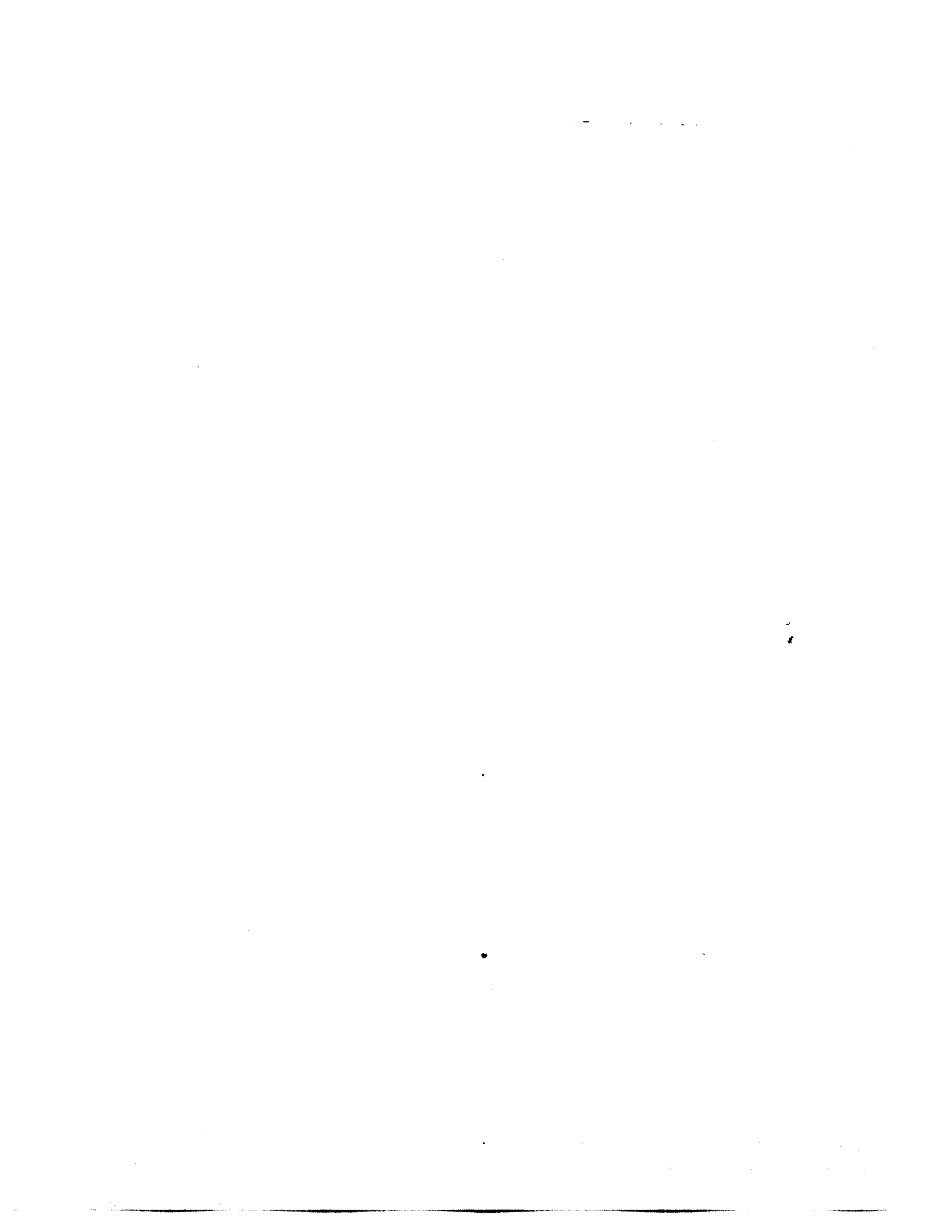
- New and existing sewage collection and transmission facilities larger than 12 inches in diameter (and appurtenant pump stations) for which Palm Beach County is the owner or permit applicant.

* NPDES FACILITY
** UNDERGROUND INJECTION CONTROL FACILITY

DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES
Palm Beach County Public Health Unit
 DIVISION OF ENVIRONMENTAL SCIENCE AND ENGINEERING

Public Health
 Unit Director 24889
 Professional Engineer
 Administrator 4074 28858





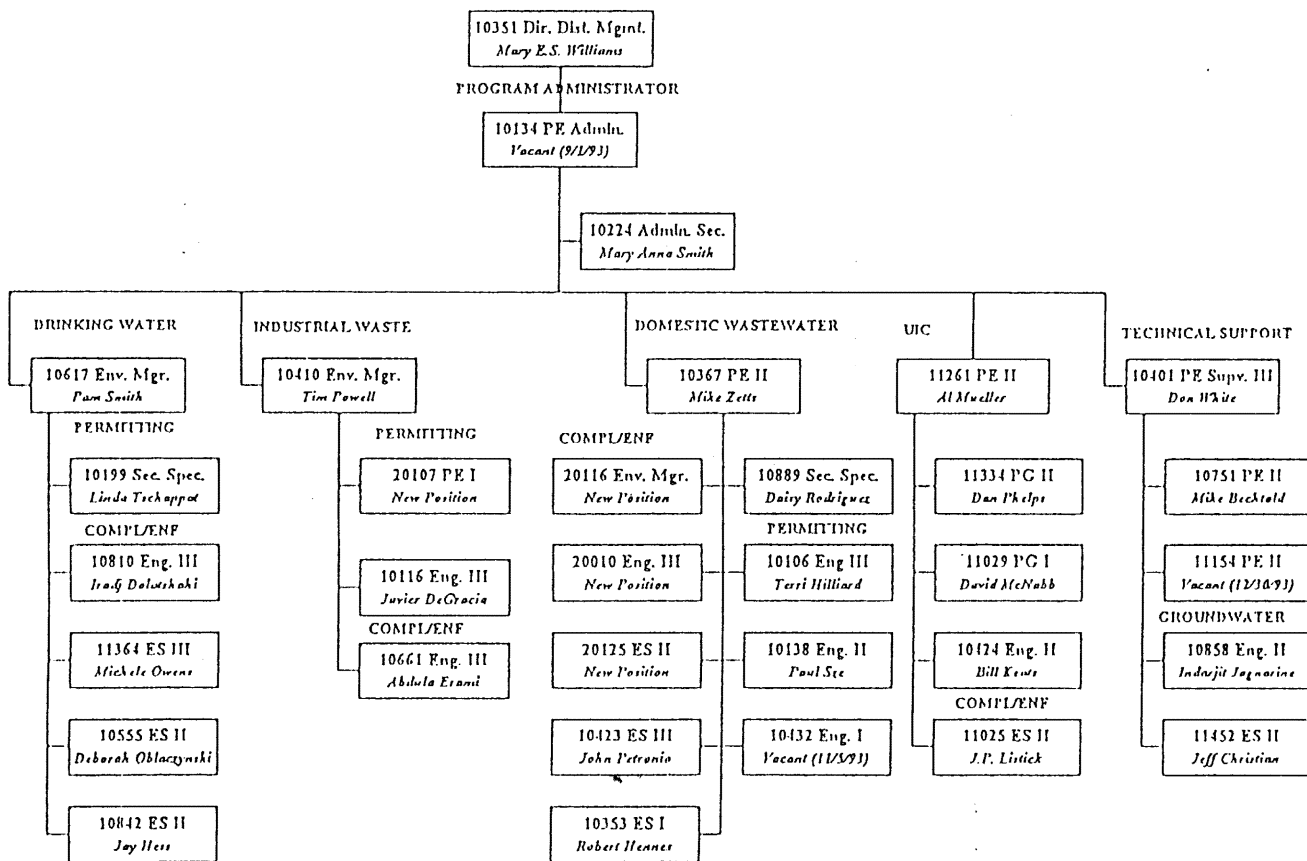
ATTACHMENT 4

PALM BEACH COUNTY PUBLIC HEALTH UNIT
DOMESTIC WASTEWATER PROGRAM (1995-96)

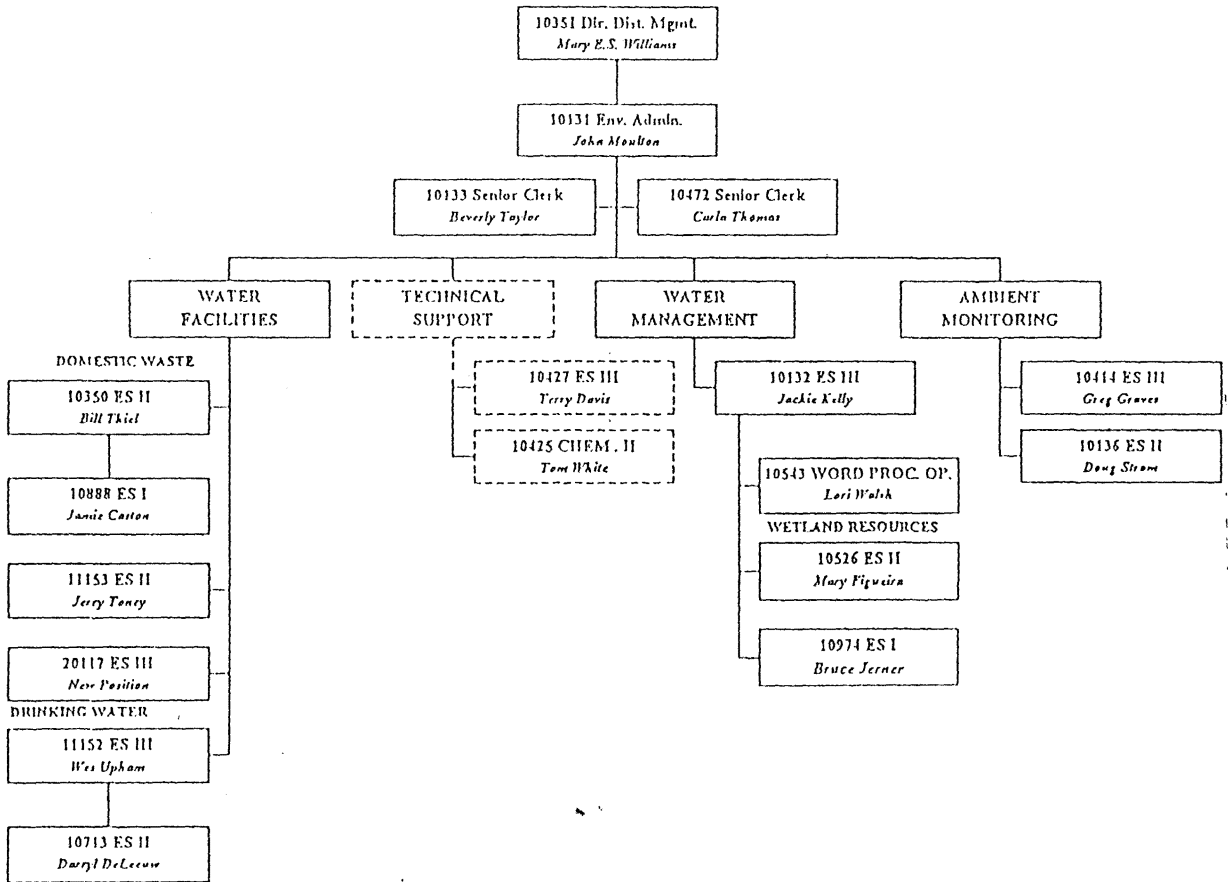
| <u>NAME</u> | <u>CLASS TITLE</u> | <u>FUNCTION</u> |
|--------------------------------|--|--|
| <u>Program Management</u> | | |
| Frank J. Gargiulo, P.E. | Professional Engineer Administrator | Local Progr Administrat |
| Umesh Asrani, P.E. | Professional Engineer III | Supervising Professiona Engineer |
| <u>Plan Review/Permits</u> | | |
| Robert J. Mitchell | Engineer Supervisor III | Supervising Engineer |
| James Holland | Engineer III | Plan Review Engineer |
| Ed Walker | Engineer II | Plan Review Engineer |
| Francis Murphy, P.E. . | Professional Engineer I | Plan Review Engineer |
| David Heasley | Environmental Technician IV | Processing Application |
| Elaine Brown | Word Processing Systems Operator | Clerking o Permits/PA' |
| Barbara Clark | Clerk Typist Specialist | Clerking o Permits/PA' |
| <u>Construction Inspection</u> | | |
| James Carter | Engineer IV | Supervisin Engineer |
| Russell Weaver | Engineer III | Inspection |
| <u>Enforcement</u> | | |
| Arthur E. Williams | Engineer IV | Supervisin Engineer |
| Ahsan Taeed | Engineer II | Enforcemen Engineer |

| | | |
|---|---|---|
| Fred Lott | Environmental Specialist II | Inspections/ Data Entry |
| Donna White <i>White</i> | Clerk Typist Specialist <i>Word Processor System Operator</i> | Typing |
| <u>Chemistry Laboratory</u> Dennis Myers | Chemist Administrator | Laboratory Administrator |
| Robert Moskovitz | Chemist II | Analysis |
| Sandra Nicoll | Engineering Technician IV | Sampling |
| <u>Quality Assurance</u> Donald Smith | Environmental Specialist III | Quality Assurance/ Analyses |
| Robert Barry | Environmental Specialist II | Quality Assurance Sampling/ Analyses |

(Revised 6/30/95)



ATTACHMENT



DOM DELEGATION (PBC)

ATTACHMENT 6

7/14/94

LIST OF DEP CONTACTS

| | | | |
|--|---|--------------|---------------|
| DISTRICT POINT PERSON: | <i>Mike Self?</i> Mike Bechtold | 407/433-2650 | SUNCOM 232-20 |
| GENERAL AGREEMENT: | John Outland | 904/487-2231 | SUNCOM 277-20 |
| SOA COORDINATOR: | Al Rushanan | 904/487-1855 | SUNCOM 277-18 |
| TRAINING COORDINATOR: | Jeff Strickland | 904/488-4520 | SUNCOM 278-45 |
| DEPARTMENT RULES for DOMESTIC WASTEWATER: | Elsa Potts | 904/488-4524 | SUNCOM 278-45 |
| COMPUTER SYSTEMS: | David Chasteen | 904/488-4520 | SUNCOM 278-45 |
| LEGAL: | Bob Gough Jennifer Mason | 904/488-9730 | SUNCOM 278-97 |
| FINANCE & ACCOUNTING: | Gail Odom | 904/488-0874 | SUNCOM 278-08 |
| DEP DOM PERMITS: | <i>Mike Bechtold</i> Mike Zetts | 407/433-2650 | SUNCOM 232-20 |
| NPDES PERMITS: | Joe Doker | 904/488-4520 | SUNCOM 278-45 |
| TBELs and QBELs: | Al Bishop | 904/488-0780 | SUNCOM 278-07 |
| INSPECTION SCHEDULES: | Mike Tanski | 904/488-4520 | SUNCOM 278-45 |
| LAB QA SECTION: | Silvia Labie | 904/278-2796 | SUNCOM 278-27 |
| COMPLIANCE/ENFORCEMENT: | John Petronio | 407/433-2650 | SUNCOM 232-20 |



RECEIVED

JUL 1 1995

June 29, 1995

DIRECTOR - WATER FACILITIES

Richard M. Harvey, P.E., Director
Division of Water Facilities
Florida Dept. of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, Florida 32399-3000

Re: Domestic Waste Program

Dear Mr. Harvey:

The specific operating agreement requires the submittal of an annual work plan by June 30. Accordingly, the following information is enclosed:


- An updated list of delegated and non-delegated facilities -
 - Hypoluxo Harbor Club was deleted because of connection to central sewer system.
 - Gail's Restaurant was deleted because of a variance granted to the permittee under Section 10D-6.041(9) and the facility was transferred to HRS jurisdiction.
 - Osceola Farms was added as a new delegated facility.
- Revised list of staff involved with the program -
 - There are a few new employees as a result of turnover or reassignment, but the total number of FTE's allocated to the program remain the same.
- A table listing the types and frequencies of activities to be performed -
 - The level of activities will be in compliance with the agreement.

There is no change in our commitment to the program in terms of equipment and other resources. Also, the budget for fiscal year 1995-96 is proposed to be the same as this year.

Page 2
Richard Harvey

Should you have any questions please feel free to contact me or
Mr. Umesh Asrani.

Sincerely,



Frank J. Gargiulo, P.E., Director
Environmental Science & Engineering

FJG/bb

cc: Carlos Rivero-DeAguilar, P.E., Director
of District Management, DEP/SE District

HRS/PALM BEACH COUNTY PUBLIC HEALTH UNIT
 FREQUENCY OF COMPLIANCE MONITORING ENFORCEMENT ACTIVITIES
 FY 95 -96

| TYPE OF ACTIVITY | FREQUENCY | |
|--|--|--------------------------------|
| | Lead Facilities | Support Facilities |
| 1. Compliance Monitoring | | |
| a. Onsite Facility Inspections | Semi-Annually | Annually |
| b. Sampling and analysis of effluent. | As often as necessary but at least annually | Upon Request |
| c. Review and data entry of facility self monitoring reports | Monthly | N/A |
| d. Computer tracking of complaints, inspections and enforcement actions using the Department's computerized data management system | Monthly | N/A |
| 2. Complaint Handling | | |
| a. Emergency | Within two (2) hours | Within two (2) hours* |
| b. Non-emergency | Within two (2) calendar days | Within two (2) calendar days** |
| 3. Enforcement | | |
| a. Notice/Violation | Within five (5) days of observation | N/A |
| b. Show Cause | Within sixty (60) days of compliance due date | N/A |
| c. Hearing | Within ninety (90) days of compliance due date | N/A |

* Only for health hazards and emergencies.

| <u>NAME AND TITLE</u> | <u>ADDRESS</u> | <u>TELEPHONE NUMBER</u> |
|---|--|-------------------------|
| James T. Howell, M.D., M.P.H. Director - Palm Beach County Public Health Unit | 826 Evernia Street West Palm Beach, FL 33401 | (407) 820-3119 |
| Frank J. Cargiulo, P.E., Director - Division of Environmental Science & Engineering | 901 Evernia Street West Palm Beach, FL 33401 | (407) 820-3070 |
| Ganesh Asrani, P.E. Assistant Director - Division of Environmental Science & Engineering | 901 Evernia Street West Palm Beach, FL 33401 | (407) 820-3070 |
| James J. Sarno, Administrator Division of Environmental Science and Engineering Air Pollution Control and Solid & Hazardous Waste | 901 Evernia Street West Palm Beach, FL 33401 | (407) 820-3070 |
| Arthur E. Williams, Supervisor of Operations - Division of Environmental Science and Engineering - Water Supply/ Wastewater Control/Water Recreation | 901 Evernia Street West Palm Beach, FL 33401 | (407) 820-3070 |
| Lennis O. Myers, Chemist Administrator Division of Environmental Science and Engineering - Environmental Chemistry Laboratory | 345 S. Congress Avenue Delray Beach, FL 33444 | (407) 272-9780 |

forms and other necessary material for processing applications and instruction and advice for the proper transmission of the Local Program's evaluation and conclusions to the Department.


9.08 Legal Support


The Local Program will provide legal support for all routine activities for which the Local Program is responsible under the SOA. When requested by the Local Program, the Department's Office of General Counsel will provide legal support, advice, and assistance to the extent allowed by Department resources and priorities.

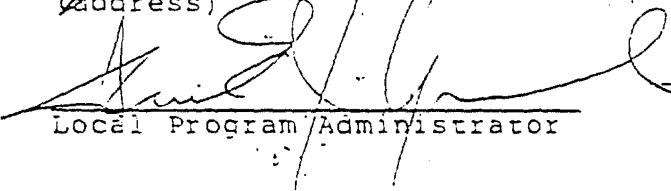
AGREED TO on this 30 day of November, 19 88

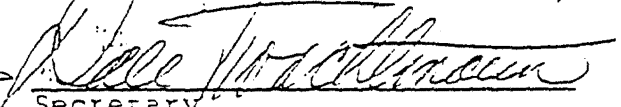
LOCAL PROGRAM

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

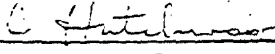

Local Program Director
(address)


District Manager ~~Secretary Assistant~~
(address) ~~Secretary, D~~


Local Program Administrator


Secretary

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S120.52
Florida Statutes, with the designated Depart-
ment Clerk, receipt of which is hereby acknow-
ledged.


Clerk

11-30-88
Date

Program will comply with the provisions of Chapter 120 when acting in the Department's behalf under the SOA with respect to those programs or activities.

9.05 Enforcement

The Department and the Local Program will copy each other on all enforcement actions if requested by the other party. The SOA will delineate the respective lead and support roles for enforcement actions in each area of delegation. The Department will provide assistance in compliance assurance and enforcement cases within the Local Program jurisdiction, if practicable, upon the request of the Local Program. The Department may intervene or take the lead in enforcement actions when requested by the Local Program or deemed necessary by the Department in accordance with Chapter 403.182, Florida Statutes. The Local Program will be notified prior to such intervention.

9.06 Citizen Complaints.

Any citizen complaints concerning matters within the Local Program's jurisdiction as delegated to the Local Program by the Department will be promptly reviewed and acted upon by the Local Program. The Department and the Local Program will each maintain logs and records showing the disposition of complaints. Any complaints filed with the Local Program pursuant to Section 403.412, Florida Statutes, will immediately be forwarded to the Department. The SOA will specify the means of coordinating the investigation and transmission of complaints.

9.07 Forms

When acting in the Department's behalf on permitting matters, the

PART IX

DELEGATION TO LOCAL PROGRAMS

9.01 General Requirements of Specific Operating Agreements

All delegations of Department programs or duties to the Local Program will be by Specific Agreements. A Specific Operating Agreement (SOA) will be entered into by the Department District Manager and the Local Program. The SOA will specify the Department programs or duties being delegated and will include such specific terms as are necessary to clearly delineate each party's rights and obligations. This General Agreement will control in all cases of conflict between the General Agreement and any SOA, except where the Secretary authorizes deviation from the terms of this agreement in writing.

9.02 Conflict With Local Program Regulations

The Local Program will not establish regulatory requirements that conflict with or modify the requirements of an Operating Agreement. The Department recognizes that elected or appointed governing officials from time to time adopt ordinances that might conflict with or change such delegations or Operating Agreements. In such an event, the Local Program will notify the Department and the Department will determine whether to terminate or modify the SOA.

9.03 Minimum Reporting Requirements

Each SOA will establish mutual reporting requirements. Such reporting will inform each party of important changes in organization, budget, rules and other matters affecting the party's ability to perform its duties while minimizing unnecessary paper work.

8.03 State

The Department shall notify the Local Program of any proposed rule changes that might impact Local Program responsibilities so that the Local Program will have a sufficient amount of time to participate in the Department's rule development process. The Department shall also respond to all Local Program rule development proposals or suggested changes.

8.04 Rule Interpretation and Policies

The Party promulgating a rule shall be the primary interpretative authority for the rule except for provisions adopting or incorporating rules of another agency. The Local Program shall adhere to Department interpretation of the statutes and Department rules which apply to any delegated program. Requests for interpretation or explanation will be answered as expeditiously as possible.

8.05 Rules, Procedures and Policies

Upon execution of a Specific Operating Agreement, the Department will promptly provide the Local Program with all applicable policy statements, procedures or rule interpretation affecting or addressing programs delegated to Local Programs.

PART VII

RECORDS MANAGEMENT

7.01 General Requirements

The Local Program will comply with Chapter 119, Florida Statutes, in regard to inspection, copying, maintenance, and disposition of public records. The Local Program will maintain organized files of all public records and material (as defined by Chapter 119) prepared or received in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge.

7.02 Confidential Document Control

The Local Program will implement, maintain, and enforce a confidential records protocol in accordance with Sections 403.111 and 403.73, Florida Statutes. The Local Program will technically support their actions under these sections of the Florida Statutes. As allowed by the Department's legal resources and commitments, the Department will provide legal assistance for cases involving these sections of the Florida Statutes when requested to do so by the Local Program.

PART VIII

LEGISLATION AND RULE DEVELOPMENT

8.01 Review of Proposed Legislation

The Local Program will participate in the review of any pertinent proposed legislation that may affect pollution control activities within the county or which may alter the duties and responsibilities of the Department or the Local Program. Either party will notify the other when made aware of such proposed legislation.

training sessions and workshops as necessary to maintain and improve their knowledge and competence in their areas of responsibility. The Department will invite Local Program representatives to training sessions held by the Department and vice versa.

5.02 Conferences and Workshops

The Department will provide to the local program notices of conferences and workshops that relate to Local Program responsibilities and duties. Appropriate representatives of the Local Program will attend such conferences and workshops where practicable. The Department will attempt to provide funding for Local Program participation at key Department workshops, such as the Department's annual enforcement workshop, etc. When so requested by the Local Programs, appropriate Department staff will attend Local Program workshops and conferences as commitments and resources allow.

PART VI

PUBLIC INFORMATION

6.01 Public Information Activities

The Local Program will respond to any information requests from the public, industry, or governmental entities within a reasonable time and will expeditiously respond to information request referrals from the Department. The department will expeditiously respond to information request referrals from the Local Programs. The local Program and the Department will coordinate public relations information activities whenever possible (e.g., permitting procedures pamphlets, public service announcements, etc.)

6.02 Public Participation

The Local Program will provide for public participation and notice consistent with the requirements of due process and applicable

Pollution Recovery Fund. All monies recovered in any enforcement action by a Local Program or the Department within the jurisdiction of a Local Program not having a Pollution Recovery Fund will be used by the Department in accordance with Section 403.165, Florida Statutes , to enhance pollution control activities in the Local Program's geographical area. If the Department and the Local Program cooperatively undertake an enforcement action, any monies recovered may be divided between the Department and the Local Program.

4.02 Capital Assets

The Local Program and the Department will maintain sufficient capital assets (such as laboratory equipment, sampling and monitoring devices, vehicles etc.) to carry out the duties and provisions of this agreement. Where necessary and practical the Department and the Local Program may make use of each other's capital facilities in order to maximize pollution control activities in the Local Program's geographic areas of jurisdiction.

4.03 Application Fees

The Specific Operating Agreement will provide a methodology for the apportionment of all application fee revenues generated by delegated programs between the Local Program and the Department. The basis for the apportionment will be the respective workloads required to process the applications required under the delegated programs.

PART V

TRAINING

5.01 Training Requirements

Local Programs and Department staff will regularly attend

2.08 Severability

If any part of this General Agreement is judicially determined to be invalid or unenforceable, the other provisions of this agreement will remain in full force and effect.

PART III

PROGRAM MANAGEMENT

3.01 Structure and Organization

The structure of the Local Program is depicted on the organization chart attached as Appendix B. The title of the administrative head of the Local Program is Director, Palm Beach County Public Health Unit. The name, address and phone number of this person is listed in Appendix A. A Department District Office Organizational Chart is attached as Appendix C. Each party hereby agrees to periodically review and, if necessary, update all information provided in these appendices.

3.02 Local Program Authority

The local program exercises jurisdiction over activities in Palm Beach County pursuant to ordinances, regulations or rules set forth in Palm Beach County Environmental Control Act, Chapter 77-616, Special Acts, Laws of Florida, as amended, the Palm Beach County Ordinance 78-5, as amended, and Palm Beach County Environmental Control Rule II. The requirements of these ordinances, regulations or rules are compatible with, or stricter or more extensive than, the requirements of Chapter 403, Florida Statutes, and Department rules. The Local Program will review its ordinances, regulations or rules from time to time as necessary to assure compatibility with the provisions of Chapter 403 and Department rules. Should changes be required, the amended ordinances, regulations or rules will be

of any specific operating agreement entered into between the Department and the Local Program unless such agreement specifically indicates otherwise.

2.05 Implementation of Agreement

This General Agreement will be implemented by and through the District Manager of the Southeast District and the Local Program Administrator, or such other persons as the Secretary of the Department or the Local Administrator designate in writing. Appendix A to this General Agreement lists key administrative personnel in the District and Local Program Offices, along with their titles, mailing addresses and business phone numbers. This list will be periodically updated or supplemented as necessary to keep each party informed of key personnel or organizational changes.

2.06 Review of Agreement

This General Agreement will be jointly reviewed by the parties at least every three years. Review will be for the purposes of determining the adequacy of this agreement and the need for any modifications, and will include discussion of goals, objectives, and resources.

2.07 Termination of Agreement

This General Agreement may be terminated by either party without cause upon written notice to the other party at least ninety days prior to the effective date of such termination.

in ambient monitoring, compliance monitoring, permitting, enforcement operations, and other Department responsibilities to the fullest extent practicable in accordance with such Specific Operating Agreements as are entered into between the Department and Local Program.

1.04 Pursuant to Section 403.182, Florida Statutes, nothing in this agreement or any Specific Operating Agreement will be construed to limit the authority and responsibility of either party under the laws or rules they administer.

1.05 Upon request, the Department and the Local Program will assist each other in defining programs, writing ordinances, regulations or rules, or in any other manner which will help the parties maximize the use of their resources.

PART II

ADMINISTRATION OF AGREEMENT

2.01 Parties

The parties to this General Agreement are the Department of Environmental Regulation and the Palm Beach County Public Health Unit, a local pollution control program established and approved in accordance with Section 403.182, Florida Statutes. The Secretary of the Department and the undersigned Local Program representative are each empowered to enter into this agreement and perform any act which is required.

2.02 Effective Date

This General Agreement will be effective upon execution by both

responsibility and authority concerning environmental programs and activities in Palm Beach County.

PART I - INTENT

0.01 It is the intent of the parties to this Agreement to form a partnership to maximize environmental protection and quality and minimize duplication of effort, with mutual respect for each other's policies and within the limitations imposed by state and local law and available resources.

1.02 It is the intent of the Department to support, coordinate and assist local pollution control program efforts to the extent practicable to provide a more effective, efficient and consistent state-wide program for pollution prevention, abatement, and control for the attainment and maintenance of the highest levels of natural resources conservation, public health and environmental quality.

Furthermore, it is the intent of the Department to delegate authority for certain Department activities to the Local Program to the extent practicable. Any delegation will be specifically authorized and coordinated by the Department in accordance with a Specific Operating Agreement formed in accordance with Part IX of this General Agreement.

1.03 It is the intent of the Department and the Local Program to commit sufficient resources to accomplish the environmental goals and objectives of both the State and local government. Further, it is the intent of the Local Program to support and assist the Department

- (2) Disbursement shall be made only upon the approval of a resolution by the Board of County Commissioners authorizing the Clerk of the Board of County Commissioners to disburse funds for a particular project

The foregoing Resolution was offered by Commissioner Marcus, who moved its adoption. The motion was seconded by Commissioner Roberts and upon being put to a vote, the vote was as follows:

| | |
|------------------------------|------------|
| COMMISSIONER KAREN MARCUS | <u>AYE</u> |
| COMMISSIONER CAROL ROBERTS | <u>AYE</u> |
| COMMISSIONER CAROL ELMQUIST | <u>AYE</u> |
| COMMISSIONER RON HOWARD | <u>AYE</u> |
| COMMISSIONER CAROLE PHILLIPS | <u>AYE</u> |

The Chair thereupon declared the Resolution duly passed and adopted this 4th day of April, 1989.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Lina M. Blair
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

[Signature]
Assistant County Attorney

R89 576

RESOURCES.

WHEREAS, it is desirable that monies collected in instances of environmental violation be deposited into a Palm Beach County Pollution Recovery Trust Fund; and

WHEREAS, it is desirable that monies collected in instances of environmental violation be applied to the enhancement of Palm Beach County's environmental resources and pollution control activities; and

WHEREAS, it is beneficial to establish a method for resolving enforcement matters in a manner required by the Florida Department of Environmental Regulation, with consideration of future delegation from the state.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

There is hereby established a Palm Beach County Pollution Recovery Trust Fund, the monies of which shall be disbursed only for enhancement of Palm Beach County's environmental resources and pollution control activities and not for operations and maintenance. Said trust fund shall be kept and maintained in trust by the Board of County Commissioners and shall be disbursed in accordance with the following procedures:

- (1) The Board of County Commissioners shall receive and consider the recommendations of the Department of Environmental Regulation and the County Public Health Unit pertaining to the proposed disbursement for a project.

R89 576



8 conflict with any provisions of this Ordinance are hereby repealed.

9 SEVERABILITY

10 If any section, paragraph, sentence, clause, phrase, or word of this
11 Ordinance is for any reason held by the Court to be unconstitutional,
12 inoperative or void, such holding shall not affect the remainder of this
13 Ordinance.

14 INCLUSION IN THE CODE OF LAWS AND ORDINANCES

15 The provisions of this Ordinance shall become and be made a part of
16 the code of laws and ordinances of Palm Beach County, Florida. The
17 Sections of the Ordinance may be renumbered or relettered to accomplish
18 such, and the word "ordinance" may be changed to "section," "article," or
19 any other appropriate word.

20 EFFECTIVE DATE

21 The provisions of this Ordinance shall become effective upon receipt
22 of acknowledgment by the Secretary of State, but shall in no case become
23 effective until twenty (20) days after the filing of this Ordinance with
24 the Clerk of the Board of County Commissioners.

25 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
26 Beach County, Florida, acting as the Palm Beach County Environmental
27 Control Board, on the 18th day of July, 1989.

28 APPROVED AS TO FORM
29 AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

30 [Signature]
31 COUNTY ATTORNEY

By [Signature]
Chair

32 Acknowledgment by the Department of State of the State of Florida, on
33 this, the 27th day of July, 1989.

34 Acknowledgment from the Department of State received on the 31st day
35 of July, 1989 at 2:20 .M., and filed in the Office of
36 the Clerk of the Board of County Commissioners of Palm Beach County,
37 Florida.

EFFECTIVE DATE: August 7, 1989

JOHN B. DUNKLE, CLERK
Board of County Commissioners

By [Signature]
DEPUTY CLERK

38 (bd:D00062)

| | | |
|----|--|------------------|
| 1 | b. Dredge and Fill | |
| 2 | (1) 100 cubic yards or less | \$ 100.00 |
| 3 | (2) 101 cubic yards to 10,000 cubic yards | 200.00 |
| 4 | plus \$0.03 for each cubic yard | |
| 5 | | |
| 6 | (3) over 10,000 cubic yards | 500.00 |
| 7 | | plus \$0.03 for |
| 8 | | each cubic yard |
| 9 | c. <u>Bulkheads and revetments</u> | |
| 10 | (1) 30 lineal feet or less | 85.00 |
| 11 | (2) 31 to 500 lineal feet | 200.00 |
| 12 | (3) 501 lineal feet or more | 575.00 |
| 13 | <u>2. Mangrove Alteration</u> | |
| 14 | <u>a. 0.1 acre or less</u> | 50.00 |
| 15 | <u>b. Greater than 0.1 acre</u> | 100.00 |
| 16 | <u>3. F. Fees for Miscellaneous Services</u> | |
| 17 | 1. Alcoholic-Beverage-Certification | 25.00 |
| 18 | 2. Reinspection-of-Food-Establishment | 35.00 |
| 19 | 3. 1. Food Establishment Training Course | 10.00 |
| 20 | 4. 2. Approval of Temporary Events, i.e. Carnivals, | |
| 21 | Circus Festival Cook-outs, Revivals, etc. | 25.00 |
| 22 | 5. 3. Water Sample for Bacteriological Analysis | 25.00 |
| 23 | 6. 4. Microwave Oven Test | 25.00 |
| 24 | 7. 5. Appeals from Environmental Control Rule I | |
| 25 | (a) Single Family Residence | 100.00 |
| 26 | (b) All others, including, but not limited to, | |
| 27 | multiple family, commercial, or subdivisions. | 125.00 |
| 28 | 8. 6. Appeals from Environmental Control Rule II | 100.00 |
| 29 | 9. 7. Appeals from Ordinance No. 81-18 | 50.00 |
| 30 | 10. 8. Reinspection of Construction Which Fails to | |
| 31 | Comply with Initial Inspection: | |
| 32 | (a) Septic Tank System | 35.00 |
| 33 | (b) Non-Community System | 45.00 |
| 34 | (c) Other Regulated Facilities | 55.00 |
| 35 | 11. 9. Reissuance of License Pursuant to Change of | |
| 36 | Ownership | 25.00 |
| 37 | 12. 10. Duplicate License | 2.00 |

| | | |
|----|--|--------------|
| 1 | 5. Construction of Industrial Wastewater | |
| 2 | Treatment Facility | \$200.00 |
| 3 | 6. Air Pollution Sources Construction | |
| 4 | a. Potential Emissions of Any One Pollutant | |
| 5 | less than or equal to 100 tons per year | 70.00 |
| 6 | b. Potential Emissions of Any One Pollutant | |
| 7 | greater than 100 tons per year | 110.00 |
| 8 | 7. Open Burning Site Evaluation (<u>Land Clearing Only</u>) | |
| 9 | a. <u>2 acres or less</u> | <u>20.00</u> |
| 10 | b. <u>Greater than 2 acres but less than 50 acres*</u> | |
| 11 | for each parcel cleared* | 60.00 |
| 12 | c. <u>50-100 acres* for each parcel cleared*</u> | 100.00 |
| 13 | d. <u>Greater than 100 acres* for each parcel</u> | |
| 14 | <u>cleared*</u> | 150.00 |
| 15 | 8. Solid Waste Facility Construction | |
| 16 | a. Resource Recovery Plant | 250.00 |
| 17 | b. Class I Landfill | 150.00 |
| 18 | c. Class II Landfill | 150.00 |
| 19 | d. Class III Landfill | 100.00 |
| 20 | e. Transfer Station | 100.00 |
| 21 | f. Modification of Permit | 100.00 |
| 22 | g. Closure Approval for Landfills | 100.00 |
| 23 | 9. Hazardous Waste Facility Construction | 150.00 |
| 24 | <u>10. Asbestos Removal Notification</u> | 100.00 |
| 25 | <u>E. Fees For Local Written Approval (Department of</u> | |
| 26 | <u>Environmental Resources Management) **</u> | |
| 27 | 10. <u>1. Construction in or over Surface Water</u> | |
| 28 | a. Dockage | |
| 29 | (1) 500 sq. ft. or less | 100.00 |
| 30 | (2) 501 sq. ft. to 1,000 sq. ft. | 150.00 |
| 31 | (3) 1001 sq. ft. to 10,000 sq. ft. | \$300.00 |
| 32 | (4) 10,001 sq. ft. and larger | 500.00 |

33 *Open burning activities that are conducted off-site shall be assessed
34 for each parcel of land that is cleared.

| | | |
|----|---|-------------------|
| 8 | b. Sewage Treatment Plant Construction with | |
| 9 | capacity of under 0.5 MGD | |
| 10 | (1) New | 400.00 |
| 11 | (2) Modifications | 250.00 |
| 12 | <u>c. Permit Renewal</u> | <u>25.00</u> |
| 13 | 4. Mangrove Permit | |
| 14 | a. 0.1-acre-or-less | 50.00 |
| 15 | b. Greater-than-0.1-acre | 100.00 |
| 16 | D. Fees for Local Written Approval* (<u>Palm Beach County Public</u> | |
| 17 | <u>Health Unit</u>) | |
| 18 | 1. Community Water Treatment Plant Construction | |
| 19 | a. New | 500.00 |
| 20 | b. Modification | 350.00 |
| 21 | 2. <u>Community, Non-Community, Non-Transient Non-Community,</u> | |
| 22 | <u>and Special Non-Community Well Site Evaluation</u> | 125.00, |
| 23 | <u>plus \$25 for each additional well</u> | |
| 24 | <u>that is part of the same application</u> | |
| 25 | 3. Approval of On-Site Sewage Disposal Systems | |
| 26 | Previously in Use | 30.00 |
| 27 | 4. Construction of Sewage Treatment Plant | |
| 28 | 0.5 MGD and above | |
| 29 | a. New | 500.00 |
| 30 | b. Modification | 400.00 |
| 31 | *The fee for an activity in this category which is also permitted by the | |
| 32 | Florida Department of Environmental Regulation (DER) shall be reduced | |
| 33 | by the amount charged by DER, provided that the service performed by | |
| 34 | the Palm Beach County Department is identical to that performed by DER | |

ORDINANCE NO. 89-14

| | | |
|----|--|----------|
| 1 | er 0-49-Seats | -450.00 |
| 2 | er 50-Seats-and-more | 400.00 |
| 3 | 2. Food Processing Plants | \$100.00 |
| 4 | 3. Food Outlets | 50.00 |
| 5 | 4. Child Care Facilities | 50.00 |
| 6 | 5. Private Schools | 50.00 |
| 7 | 6. Labor Camps | 50.00 |
| 8 | 7. Mobile Home and Recreational Vehicle Parks | 50.00 |
| 9 | 8. Hospital Food Service | 100.00 |
| 10 | 9. Bottled Water Plants | 50.00 |
| 11 | 10. Approval of Building Plans not Specified in B 1-9 Above | 10.00 |
| 12 | C. Permit Fees <u>(Palm Beach County Public Health Unit)</u> | |
| 13 | 1. Permits for On-Site Sewage Disposal Systems | |
| 14 | a. Subdivision Application | |
| 15 | (1) 3 - 25 lots | 200.00 |
| 16 | (2) 26 - 50 lots | 250.00 |
| 17 | (3) More than 50 lots | 300.00 |
| 18 | b. Application for Individual Lot | |
| 19 | (1) Residential | |
| 20 | (a) Standard System | 75.00 |
| 21 | (b) Mound System | 100.00 |
| 22 | (c) Automatic Dosing System | 150.00 |
| 23 | (2) Commercial | |
| 24 | (a) Standard System | 100.00 |
| 25 | (b) Mound System | 125.00 |
| 26 | (c) Automatic Dosing System | 250.00 |
| 27 | (3) Repair Permit | 50.00 |
| 28 | 2. Permits for Construction of Water Supply Systems | |
| 29 | a. <u>Non-Community, Non-Transient Non-Community, and</u> | |
| 30 | <u>Special Non-Community Water Treatment Plant.</u> | 200.00 |
| 31 | b. Semi-Public Well | 100.00 |
| 32 | c. <u>Private Well</u> | 50.00 |

| | | |
|----|--|----------------|
| 8 | a. up to and including 0.05 MGD | 950.00 |
| 9 | b. Over 0.05 MGD up to and including 0.3 MGD | 1,200.00 |
| 10 | c. Over 0.3 MGD up to and including 1.0 MGD | 1,600.00 |
| 11 | d. Over 1.0 MGD up to and including 3.0 MGD | 1,800.00 |
| 12 | e. Over 3.0 MGD | 2,150.00 |
| 13 | 7+ <u>6. Industrial Wastewater Treatment Facilities</u> | 250.00 |
| 14 | 8+ <u>7. Solid Waste/Sludge/Septage Disposal</u> | |
| 15 | a. Solid Waste Disposal Sites (Landfills) | |
| 16 | (1) Class I | 2,300.00 |
| 17 | (2) Class II | 1,250.00 |
| 18 | (3) Class III | 575.00 |
| 19 | b. Solid Waste Transfer Station | 800.00 |
| 20 | c. Sludge Disposal Sites | |
| 21 | (1) Less than 50 acres | 3,750.00 |
| 22 | (2) 50 acres or greater | 3,750.00 |
| 23 | | plus 2.00 |
| 24 | | for each acre |
| 25 | | over 50 acres |
| 26 | (3) Compost Site | 1,750.00 |
| 27 | d. Septage Handling Facility | 300.00 |
| 28 | e. Septage Vehicle (per vehicle) | 300.00 |
| 29 | 9+ <u>8. Hazardous Waste Generators</u> | |
| 30 | a. ± 00 <u>25</u> kg**/month but less than 1000 kg/month | 100.00 |
| 31 | b. 1000 kg/month or greater | 200.00 |
| 32 | ±0+ <u>9. Septic Tank Manufacturers</u> | 55.00 |
| 33 | B. Plan Review Fees. Fee applies to new or remodeled facilities. | |
| 34 | <u>(Palm Beach County Public Health Unit)</u> | |
| 35 | 1. Food Service Establishments | <u>\$50.00</u> |
| 36 | *Million Gallons Per Day | |
| 37 | **Kilograms | |

1 construction permits, site evaluation, appeals and local written approvals
 2 shall be paid at the time of application. Fees for annual licenses shall
 3 be paid prior to the expiration of the existing license.

4 A. Annual License Fees (Palm Beach County Public Health Unit)

5 1. Food Establishments

| | | | |
|----|--|---------------|----------------------|
| 6 | a. Food Service | | \$135.00 |
| 7 | (1) Take-Out-Only | | 625.00 |
| 8 | (2) 1-49-Seats | | 205.00 |
| 9 | (3) 50-49-Seats | | 275.00 |
| 10 | (4) 50-Seats-and-Over | | 340.00 |
| 11 | (5) Food-Service-located-in-lodging-(DBR) | | 105.00 |
| 12 | (6) Mobile-Food-Service-Vehicles-(cash) | | 105.00 |
| 13 | (7) Temporary-Food-Service | | 25.00 |
| 14 | b. Food Processing Plants | | <u>135.00</u> 345.00 |
| 15 | c. Food Outlets | | 105.00 |
| 16 | d. Limited-Food-Outlets---These-are-outlets | | |
| 17 | which-handle-prepackaged-food-only. | | 450.00 |
| 18 | e. d. Abattoirs | | 235.00 |
| 19 | f. e. Rendering Plants | | 420.00 |
| 20 | 2. Family Day Care/Child Care License | | |
| 21 | a. Family Day Care | 1-5 Children | 25.00 |
| 22 | b. Child Care | 6-25 Children | 25.00 |
| 23 | | 26 Children | 1.00 |
| 24 | | and more | per child |
| 25 | | | as indicated |
| 26 | | | on license |

27 ~~3. Private-Schools~~

| | | | |
|----|------------------------------------|--|-------------------|
| 28 | a. 1-49-Children | | 105.00 |
| 29 | b. 50-Children-and-more | | 210.00 |

30 ~~4. 3.~~ Air Pollution Activities

| | | | |
|----|--|--|--------|
| 31 | a. Fuel Burning Equipment (Excluding Incinerators) | | |
| 32 | (1) Less than 100 MBTU* / hour | | 100.00 |
| 33 | (2) 100 MBTU / hour or greater | | 360.00 |
| 34 | b. Incinerator Equipment | | 175.00 |

10 determines that:

- 11 1. the activity will not adversely affect human health and
12 welfare, plant or animal life, and the reasonable enjoyment of
13 life, property or the conduct of business; and
- 14 2. the activity complies with the requirements contained
15 in the applicable statutes, special acts and rules adopted in
16 Section 2 of this Ordinance No. 78-5, as amended by Ordinance
17 No. 79-15. Compliance may be determined by the last recorded
18 inspection.

19 E+ F. Unless otherwise provided by ordinance or rule or specified
20 by the license, every license shall expire on December 31 of each year
21 or on change of ownership and shall be renewable annually. Construction
22 permits and written approvals shall be valid for the duration of the
23 activity for which they are issued, unless otherwise specified by the
24 permit or approval.

25 F+ G. No permit, license or written approval shall be issued until
26 all fees have been paid.

27 G+ H. The fee for an annual license issued to a new activity after
28 June of a particular year shall be pro-rated on a quarterly basis.

29 I. Unless otherwise provided by ordinance or rule or specified by
30 the permit, license or approval, said permits, licenses and approvals
31 are not transferable.

32 Part II. Section 7 entitled "Fee Schedule" of Ordinance 87-22 is hereby
33 amended as follows:

34 SECTION 7. FEE SCHEDULE

35 The following schedule of fees is hereby adopted to supplement
36 the costs of issuing permits, licenses and approvals; performing
37 inspections; reviewing plans and sites; and performing other services in
38 the administration of this Ordinance and the Environmental Control Act.
39 These non-refundable fees shall be paid to the Palm Beach County Public
40 Health Department Unit, or to the Palm Beach County Department of
41 Environmental Resources Management, as applicable. Fees for plan review,

- 1 2. Community, Non-Community, Non-Transient Non-Community and
- 2 Special Non-Community Wells
- 3 3. Sewage Treatment Plants with Capacity of 0.5 MGD* and Above
- 4 4. Industrial Wastewater Treatment Systems
- 5 5. Air Pollution Sources
- 6 6. Open Burning Sites
- 7 7. Solid and Hazardous Waste Facilities
- 8 ~~8. Construction in or over Surface Waters~~
- 9 8. Asbestos Removal Notification

10 B. The following activities shall require Palm Beach County Public
 11 Health Department Unit permits:

- 12 1. On-site Sewage Disposal Systems
- 13 2. Non-Community, Non-Transient Non-Community and Special
 14 Non-Community and Semi-Public Water Supply Systems
- 15 3. Water Distribution Systems
- 16 ~~3.~~ 4. Semi-Public, Private and Non-Potable Wells
- 17 ~~4.~~ 5. Sewage Collection Systems
- 18 ~~5.~~ 6. Sewage Treatment Plants with Capacity of Under 0.5 MGD
- 19 ~~6. Mangrove Alterations~~

20 C. The following operational activities shall require Palm Beach
 21 County Public Health Department Unit licenses or inspection fees:

- 22 1. Food Establishments not licensed by the Department of
 23 Business Regulation pursuant to Chapter 509, Florida
 24 Statutes.
- 25 2. Family Day Care Facilities
- 26 3. Child Care Facilities and Substantial Compliance Programs **
- 27 ~~4. Private Schools~~
- 28 ~~5.~~ 4. Air Pollution Sources
- 29 ~~6.~~ 5. Water Treatment Plants
- 30 ~~7.~~ 6. Sewage Treatment Plants
- 31 ~~8.~~ 7. Industrial Wastewater Treatment Systems
- 32 ~~9.~~ 8. Solid Waste Facilities, Sludge Disposal Sites, Septage
 33 Handling Facilities and Transfer Stations
- 34 ~~10. Hazardous Waste Containers~~

14 SECTION 7 TO PROVIDE FOR ADDITIONAL FEES AND TO
15 MAKE ADJUSTMENTS AND INCREASES IN OTHER FEES;
16 REPEALING CONFLICTING LAWS; PROVIDING FOR
17 SEVERABILITY; PROVIDING FOR INCLUSION IN CODE;
18 PROVIDING FOR EFFECTIVE DATE.

19 WHEREAS, the Palm Beach County Board of County Commissioners,
20 acting as the Environmental Control Board, enacted Ordinance No. 78-5, as
21 amended by Ordinances 79-15, 85-25, 85-43 and 87-22, which provides for
22 the payment of fees to the Palm Beach County Health Department for
23 services rendered by that Department; and

24 WHEREAS, the State of Florida Department of Health and Rehabil-
25 itative Services has changed the name of the local health departments to
26 county public health units, and;

27 WHEREAS, it is necessary to provide for additional fees, to make
28 adjustments in the existing fee schedule, and to change the name
29 of the Palm Beach County Health Department to the Palm Beach County
30 Public Health Unit; and

31 WHEREAS, it is necessary to provide for the payment of certain
32 fees to the Department of Environmental Resources Management for those
33 programs which have been transferred to that Department from the Public
34 Health Unit.

35 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
36 OF PALM BEACH COUNTY, FLORIDA, ACTING AS THE PALM BEACH COUNTY
37 ENVIRONMENTAL CONTROL BOARD, that:

38 Part I. Section 4 of Ordinance No. 87-22, entitled "Palm Beach County
39 Health Department Permits, Licenses and Approvals," is amended as
40 follows:

41 SECTION 4. PALM BEACH COUNTY PUBLIC HEALTH DEPARTMENT UNIT AND
42 DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT PERMITS, LICENSES AND
43 APPROVALS.

44 A. The following construction activities shall require written
45 approval by the County Health Director or his authorized agent:

46 1. Community Water Treatment Plants

ORDINANCE NO. 89-14

AN ORDINANCE AMENDING ORDINANCE NO. 78-5 ENTITLED THE ENVIRONMENTAL CONTROL ORDINANCE, AS AMENDED BY ORDINANCES 79-15, 85-25, 85-43 AND 87-22; AMENDING SECTION 4 TO CHANGE THE NAME OF THE HEALTH DEPARTMENT TO THE PALM BEACH COUNTY PUBLIC HEALTH UNIT, TO PROVIDE FOR THE ISSUANCE OF WRITTEN APPROVALS BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT FOR WETLAND PROGRAMS, TO PROVIDE FOR ADDITIONAL WRITTEN APPROVALS, PERMITS AND CERTIFICATES OF COMPLIANCE AND TO PROVIDE THAT PERMITS, LICENSES AND APPROVALS ARE NOT TRANSFERABLE UNLESS OTHERWISE SPECIFIED; AMENDING SECTION 7 TO PROVIDE FOR ADDITIONAL FEES AND TO MAKE ADJUSTMENTS AND INCREASES IN OTHER FEES; REPEALING CONFLICTING LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

EFFECTIVE DATE: AUGUST 7, 1989

6 APPROVED AND ADOPTED by the Board of County Commissioners
7 of Palm Beach County, Florida, acting as the Palm Beach County
8 Environmental Control Board, on the 29th day of September, 19 87.

9 PALM BEACH COUNTY, FLORIDA, BY ITS
10 BOARD OF COUNTY COMMISSIONERS

11 BY [Signature]
Chair

12 APPROVED AS TO FORM AND
13 LEGAL SUFFICIENCY

14 [Signature]
County Attorney

JOHN B. DUNKLE, CLERK
Board of County Commissioners
By [Signature]
DEPUTY CLERK

15 Acknowledgement by the Department of State of
16 Florida, on this, the 8th day of October, 19 87.

17 Acknowledgement from the Department of
18 State received on the 15th day of October, 19 87 at
19 1:12 P.M., and filed in the Office of the Clerk of the Board of
20 County Commissioners of Palm Beach County, Florida.

EFFECTIVE DATE: October 20, 1987

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, Clerk of the
Board of County Commissioners hereby certify this to
be a true and correct copy of the original filed in
my office on 9/29/87
DATED at West Palm Beach, FL on 10/10/87
JOHN B. DUNKLE, Clerk
By: [Signature] D.C.
Deputy Clerk

| | | | |
|-----|---|----|-------|
| 9. | Appeals from Ordinance No. 61-18 | \$ | 50.00 |
| 10. | Reinspection of Construction Which Fails to Comply with Initial Inspection: | | |
| | (a) Septic Tank System | \$ | 35.00 |
| | (b) Non-Community System | \$ | 45.00 |
| | (c) Other Regulated Facilities | \$ | 55.00 |
| 11. | Reissuance of License Pursuant to Change of Ownership | \$ | 25.00 |
| 12. | Duplicate License | \$ | 2.00 |
| 13. | Copies of Reports or Other Information from Files (per page) | \$ | 0.25 |
| 14. | Copies of Laws and Regulations | \$ | 3.00 |
| 15. | Certification of Septic Tank and/or Private Well for Lending Institutions | \$ | 10.00 |

REPEAL OF LAWS IN CONFLICT

All local laws and ordinances applying to Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed.

SEVERABILITY

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

INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

| | |
|---|--|
| 9. Hazardous Waste Facility Construction | \$ 150.00 |
| 10. Construction in or over Surface Water | |
| a. Dockage | |
| (1) 500 sq. ft. or less | \$ 100.00 |
| (2) 501 sq. ft. to 1000 sq. ft. | \$ 150.00 |
| (3) 1001 sq. ft. to 10,000 sq. ft. | \$ 300.00 |
| (4) 10,001 sq. ft. and larger | \$ 500.00 |
| b. Dredge and Fill | |
| (1) 100 cubic yards or less | \$ 100.00 |
| (2) 101 cubic yards to 10,000 cubic yards | \$ 200.00 plus \$0.03 for each cubic yard |
| (3) Over 10,000 cubic yards | \$ 500.00 plus \$0.03 for each cubic yard |
| c. Bulkheads | |
| (1) 30 lineal feet or less | \$ 85.00 |
| (2) 31 to 500 lineal feet | \$ 200.00 |
| (3) 501 lineal feet or more | \$ 575.00 |
| E. Fees for Miscellaneous Services | |
| 1. Alcoholic Beverage Certification | \$ 25.00 |
| 2. Re-inspection of Food Establishment | \$ 35.00 |
| 3. Food Establishment Training Course | \$ 10.00 |
| 4. Approval of Temporary Events i.e. Carnivals, Circus Festival Cook-Outs, Revivals, etc. | \$ 25.00 |
| 5. Water Sample for Bacteriological Analysis | \$ 25.00 |
| 6. Microwave Oven Test | \$ 25.00 |
| 7. Appeals from Environmental Control Rule I | |
| (a) Single Family Residence | \$ 100.00 |
| (b) All others, including, but not limited to multiple family, commercial, or subdivisions. | \$ 125.00 |
| 8. Appeals from Environmental Control Rule II | \$ 100.00 |

**Open burning activities that are conducted off-site shall be assessed for each parcel of land that is cleared.

C. Permit Fees

1. Permits for On-Site Sewage Disposal Systems

- a. Subdivision Application
 - (1) 3 - 25 lots \$ 200.00
 - (2) 26 - 50 lots \$ 250.00
 - (3) More than 50 lots \$ 300.00
- b. Application for Individual Lot
 - (1) Residential
 - (a) Standard System \$ 75.00
 - (b) Mound System \$ 100.00
 - (c) Automatic Dosing System \$ 150.00
 - (2) Commercial
 - (a) Standard System \$ 100.00
 - (b) Mound System \$ 125.00
 - (c) Automatic Dosing System \$ 250.00
 - (3) Repair Permit \$ 50.00

2. Permits for Construction of Water Supply Systems

- a. Non-Community Water Treatment Plant \$ 200.00
- b. Semi-Public Well \$ 100.00
- c. Water Distribution Systems
 - (1) Mains 6" or larger \$0.05/Linear ft.
 - (2) Mains less than 6" \$0.03/Linear ft.
 - (3) Minimum Charge \$ 25.00

3. Sewerage

- a. Sewage Collection/Transmission System
 - (1) Sewer Line \$0.05/Linear ft.
 - (2) Pump Station/Force Main \$ 250.00
- b. Sewage Treatment Plant Construction with capacity of under 0.5 MGD
 - (1) New \$ 400.00
 - (2) Modifications \$ 250.00

4. Mangrove Permit

- a. 0.1 acre or less \$ 50.00
- b. Greater than 0.1 acre \$ 100.00

D. Fees for Local Written Approval*

1. Community Water Treatment Plant Construction

- a. New \$ 500.00
- b. Modification \$ 350.00

2. Community Well Site Evaluation

\$ 125.00

3. Approval of On-Site Sewage Disposal Systems Previously in Use

\$ 30.00

4. Construction of Sewage Treatment Plant 0.5 MGD and above

- a. New \$ 500.00
- b. Modification \$ 400.00

5. Construction of Industrial Wastewater Treatment Facility

\$ 200.00

6. Air Pollution Sources

| | | |
|--|--|---|
| 8. Solid Waste/Sludge/Septage Disposal | | |
| a. Solid Waste Disposal Sites (Landfills) | | |
| (1) Class I | | \$ 2,300.00 |
| (2) Class II | | \$1,250.00 |
| (3) Class III | | \$ 575.00 |
| b. Solid Waste Transfer Station | | \$ 800.00 |
| c. Sludge Disposal Sites | | |
| (1) Less than 50 acres | | \$3,750.00 |
| (2) 50 acres or greater | | \$3,750.00 plus \$2.00 for each acre over 50 acres |
| (3) Compost Site | | \$1,750.00 |
| d. Septage Handling Facility | | \$ 300.00 |
| e. Septage Vehicle (per vehicle) | | \$ 300.00 |
| 9. Hazardous Waste Generators. | | |
| a. 100 kg*/month but less than 1000 kg/month | | \$ 100.00 |
| b. 1000 kg/month or greater | | \$ 200.00 |
| 10. Septic Tank Manufacturers | | \$ 55.00 |
| B. Plan Review Fees. Fee applies to new or remodeled facilities. | | |
| 1. Food Service Establishments | | |
| a. 0 - 49 Seats | | \$ 50.00 |
| b. 50 Seats and more | | \$ 100.00 |
| 2. Food Processing Plants | | \$ 100.00 |
| 3. Food Outlets | | \$ 50.00 |
| 4. Child Care Facilities | | \$ 50.00 |
| 5. Private Schools | | \$ 50.00 |
| 6. Labor Camps | | \$ 50.00 |
| 7. Mobile Home & Recreational Vehicle Parks | | \$ 50.00 |
| 8. Hospital Food Service | | \$ 100.00 |
| 9. Bottled Water Plants | | \$ 50.00 |
| 10. Approval of Building Plans not Specified in B 1-9 Above | | \$ 10.00 |

* Kilograms

**Million Gallons Per Day

E. Unless otherwise provided by ordinance or rule or specified by the license, every license shall expire on December 31 of each year or on change of ownership and shall be renewable annually. Construction permits and written approvals shall be valid for the duration of the activity for which they are issued.

F. No permit, license or written approval shall be issued until all fees have been paid.

G. The fee for an annual license issued to a new activity after June of a particular year shall be pro-rated on a quarterly basis.

Part II, Section 7 entitled "Fee Schedule" of Ordinances 78-5, 85-25 and 85-43 is hereby deleted and a new Section 7 is substituted as follows:

Section 7. FEE SCHEDULE

The following schedule of fees is hereby adopted to supplement the costs of issuing permits, licenses and approvals; performing inspections; reviewing plans and sites and performing other services in the administration of this Ordinance and the Environmental Control Act. These non-refundable fees shall be paid to the Palm Beach County Health Department. Fees for plan review, construction permits, site evaluation, appeals and local written approval shall be paid at the time of application. Fees for annual licenses shall be paid prior to the expiration of the existing license.

A. Annual License Fees

1. Food Establishments

a. Food Service

- | | |
|---|-----------|
| (1) Take Out Only | \$ 135.00 |
| (2) 1 - 49 Seats | \$ 205.00 |
| (3) 50 - 149 Seats | \$ 275.00 |
| (4) 150 Seats and Over | \$ 340.00 |
| (5) Food Service Located in Lodging (DBR) | \$ 105.00 |
| (6) Mobile Food Service Vehicles (each) | \$ 105.00 |
| (7) Temporary Food Service | \$ 25.00 |

b. Food Processing Plants \$ 315.00

c. Food Outlets \$ 105.00

d. Limited Food Outlets. These are outlets \$ 50.00
which handle prepackaged food only.

e. Abattoirs \$ 235.00

f. Rendering Plants \$ 420.00

2. Family Day Care/Child Care License

a. Family Day Care 1-5 Children \$ 25.00

b. Child Care 6-25 Children \$ 25.00

26 Children and more \$ 1.00

per child
as indicated
on license

3. Private Schools

a. 1 - 49 Children \$ 105.00

b. 50 Children and more \$ 210.00

4. Air Pollution Activities

a. Fuel Burning Equipment (Excluding Incinerators)

(1) Less than 100 MBTU* \$ 100.00

(2) 100 MBTU or greater \$ 360.00

b. Incinerator Equipment \$ 175.00

5. Air Pollution Sources
6. Open Burning Sites
7. Solid and Hazardous Waste Facilities
8. Construction in or over Surface Waters

B. The following activities shall require Palm Beach County Health Department permits:

1. On-site Sewage Disposal Systems
2. Non-Community and Semi-Public Water Supply Systems
3. Semi-Public Wells
4. Sewage Collection Systems
5. Sewage Treatment Plants with Capacity of Under 0.5 MGD
6. Mangrove Alterations

C. The following operational activities shall require Palm Beach County Health Department licenses:

1. Food Establishments
2. Family Day Care Facilities
3. Child Care Facilities
4. Private Schools
5. Air Pollution Sources
6. Water Treatment Plants
7. Sewage Treatment Plants
8. Industrial Wastewater Treatment Systems
9. Solid Waste Facilities, Sludge Disposal Sites, Septage Handling Facilities and Transfer Stations
10. Hazardous Waste Generators
11. Septic Tank Manufacturers

D. No permit, license or approval shall be issued until the County Health Director or his authorized agent determines that:

1. the activity will not adversely affect human health and welfare, plant or animal life, and the reasonable enjoyment of life, property or the conduct of business; and
2. the activity complies with the requirements contained in the applicable statutes, special acts and rules adopted in Section 2 of this Ordinance. Compliance may be determined by the last recorded inspection.

* Million Gallons Per Day

ORDINANCE NO. 87-22

AN ORDINANCE AMENDING ORDINANCE NO. 78-5 ENTITLED THE ENVIRONMENTAL CONTROL ORDINANCE, AS AMENDED BY ORDINANCES 79-15, 85-25 AND 85-43; AMENDING SECTION 4 TO PROVIDE FOR HEALTH DEPARTMENT PERMITS, LICENSES AND APPROVALS; AMENDING SECTION 7 TO PROVIDE FOR FEES; REPEALING CONFLICTING LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Palm Beach County Environmental Control Act, Chapter 77-616, Special Acts, Laws of Florida, authorizes the Palm Beach County Board of County Commissioners, acting as the Palm Beach County Environmental Control Board, to adopt, revise and amend appropriate ordinances and rules necessary to insure sanitary practices and to provide for an environment free of contaminants or harmful agents; and

WHEREAS, in order to monitor and control practices which impact upon sanitation and the environment, the Board recognizes that certain activities must be permitted, licensed, inspected and regulated; and

WHEREAS, Chapter 77-616 authorizes the Board to establish a schedule of fees to cover the cost of issuing permits, conducting inspections and performing other similar services; and

WHEREAS, pursuant to Chapter 77-616, Palm Beach County currently has in effect an Environmental Control Ordinance, Ordinance 78-5, as amended by Ordinances 79-15, 85-25 and 85-43, which provides for a schedule of fees to cover the costs of issuing permits and approvals, performing inspections, reviewing plans and sites and performing other services in order to insure sanitary practices and to protect the environment; and

WHEREAS, certain fees must be increased to reflect the Health Department's increased costs in performing these services; and

WHEREAS, certain fees must be established to pay for the costs of increased demands for services which were previously performed without a fee; and

WHEREAS, in order to better allocate such costs to the actual users of the permits, licenses, approvals, inspections, plan and site reviews, and other services, rather than to tax the general public, the Board of County Commissioners has determined it equitable and in the public interest to establish the following fees for said services; and

WHEREAS, in order to insure payment of fees for said services, the Board of County Commissioners deems it appropriate to require permits, licenses or written approval for certain activities.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ACTING AS THE PALM BEACH COUNTY ENVIRONMENTAL CONTROL BOARD, that:

... PROVIDING FOR INCLUSION
IN CODE; PROVIDING FOR EFFECTIVE DATE.

Effective: October 20, 1987

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APPROVED AND ADOPTED by the Board of County Commissioners of
Palm Beach County, Florida, on the 17th day of December, 1985.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By *[Signature]*
Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

[Signature]
County Attorney

Acknowledgement by the Department of State of the State of
Florida, on this, the 27th day of December, 1985.

EFFECTIVE DATE: Acknowledgement from the Department of State
received on the 31st day of December, 1985, at 11:47
A.M., and filed in the Office of the Clerk of the Board of County
Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNN, Clerk of the
Board of County Commissioners, certify this to
be a true and correct copy as the same was filed in
my office on December 17, 1985.
DATED at Vero Beach, Florida, 11/21/85.
JOHN B. DUNN
By: *[Signature]* D.C.
Deputy Clerk

7 A. 1. 1. Family Day Care/Child Care Permit:

8 Family Day Care 1-5 children ~~660.00~~ \$ 25.00

9 Child Care 6-25 children ~~696.00~~ \$ 25.00

10 ~~26-29-children-6120.00~~

11 ~~+00-or-more-children-6150.00~~

12 26 or more children \$1.00 per child

13 indicated or

14 capacity of the

15 permit

16 REPEAL OF LAWS IN CONFLICT

17 All local laws and ordinances applying to the unincorporated
18 area of Palm Beach County in conflict with any provisions of this
19 ordinance are hereby repealed.

20 SEVERABILITY

21 If any section, paragraph, sentence, clause, phrase, or word of
22 this ordinance is for any reason held by the Court to be unconstitu-
23 tional, inoperative or void, such holding shall not affect the remainder
24 of this ordinance.

25 INCLUSION IN THE CODE OF LAWS AND ORDINANCES

26 The provisions of this ordinance shall become and be made a
27 part of the code of laws and ordinances of Palm Beach County, Florida.
28 The Sections of the ordinance may be renumbered or relettered to
29 accomplish such, and the word "ordinance" may be changed to "section,"
30 "article," or any other appropriate word.

31 EFFECTIVE DATE

32 The provisions of this ordinance shall become effective upon
33 receipt of acknowledgement by the Secretary of State.

1
ORDINANCE NO. 85-43

2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
3 PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 78-5
4 ENTITLED THE ENVIRONMENTAL CONTROL ORDINANCE AS
5 AMENDED BY ORDINANCES 79-15 AND 85-25; PROVIDING FOR
6 AMENDMENT TO SECTION 2, FEE SCHEDULE; PROVIDING FOR
7 SEVERABILITY; PROVIDING FOR INCLUSION IN CODE;
8 PROVIDING FOR EFFECTIVE DATE

9 WHEREAS, the Palm Beach County Environmental Control Act,
10 Chapter 77-616, Special Acts, Laws of Florida, established the Palm Beach
11 County Board of County Commissioners as the Palm Beach County
12 Environmental Control Board and authorized said Board to adopt, revise
13 and amend appropriate ordinances and rules necessary for the
14 implementation and effective enforcement, administration and
15 interpretation of the provisions of the Act; and

16 WHEREAS, Ordinance 78-5, as amended by Ordinance 79-15,
17 provided for the adoption by reference of certain specific
18 environmental-related State statutes and a schedule of fees for Health
19 Department permit application review; and

20 WHEREAS, to reflect the Health Department's cost of permit
21 application review, the Board of County Commissioners revised the fee
22 schedule by Ordinance 85-25; amending Ordinances 78-5 and 79-15; and

23 WHEREAS, the Board of County Commissioners now desires to make
24 certain changes in that part of the fee schedule regarding Child Care
25 Permits as set forth in Ordinance 85-25

ORDINANCE NO. 85-43

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 78-5
ENTITLED THE ENVIRONMENTAL CONTROL ORDINANCE AS
AMENDED BY ORDINANCES 79-15 AND 85-25; PROVIDING FOR
AMENDMENT TO SECTION 2, FEE SCHEDULE; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN CODE;
PROVIDING FOR EFFECTIVE DATE

1 inoperative or void, such holding shall not affect the remainder of this
2 ordinance.

3 INCLUSION IN THE CODE OF LAWS AND ORDINANCES

4 The provisions of this ordinance shall become and be made a part of
5 the code of laws and ordinances of Palm Beach County, Florida. The
6 Sections of the ordinance may be renumbered or relettered to accomplish
7 such, and the word "ordinance" may be changed to "section," "article," or
8 any other appropriate word.

9 EFFECTIVE DATE

10 The provisions of this ordinance shall become effective upon receipt
11 of acknowledgement by the Secretary of State.

12 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
13 Beach County, Florida, on the 20th day of August, 1985.

14 PALM BEACH COUNTY, FLORIDA, BY ITS
15 BOARD OF COUNTY COMMISSIONERS

16 By *[Signature]*
17 Chairman

18 APPROVED AS TO FORM AND
19 LEGAL SUFFICIENCY

20 *[Signature]*
21 County Attorney

22 Acknowledgement by the Department of State of the State of
23 Florida, on this, the 29th day of August, 1985.

24 EFFECTIVE DATE: Acknowledgement from the Department of State
25 received on the 3rd day of September, 1985, at 12:02
26 P.M., and filed in the Office of the Clerk of the Board of County
27 Commissioners of Palm Beach County, Florida.

| | | | |
|----|-----|---|-----------------------------------|
| 8 | | <u>150 seats and over</u> | <u>\$150.00</u> |
| 9 | | <u>Food Service located in lodging (DBR)</u> | <u>\$ 60.00</u> |
| 10 | | <u>Temporary Permit</u> | <u>\$ 15.00</u> |
| 11 | | <u>Mobile Food Service Vehicles</u> | <u>\$ 60.00 each</u> |
| 12 | | <u>All Re-Inspections of Food Serv. Fac.</u> | <u>\$ 15.00</u> |
| 13 | | <u>Alcoholic Beverage Certification</u> | <u>\$ 15.00</u> |
| 14 | | <u>Food Service Management Course</u> | <u>\$ 10.00</u> |
| 15 | (2) | <u>b. Food Processing Plants</u> | \$25.00 <u>\$60.00</u> |
| 16 | (3) | Grocery-and-Meat-Markets | \$20.00 |
| 17 | | <u>c. Food Outlets</u> | <u>\$60.00</u> |
| 18 | (4) | Mobile-Food-Service | \$15.00/Vehicle |
| 19 | (5) | Labor-Camps+ | |
| 20 | | 15-25-persons | \$15.00 |
| 21 | | 26-500-persons | \$25.00 |
| 22 | | 51-100-persons | \$50.00 |
| 23 | | Over-100-persons | \$100.00 |
| 24 | (6) | Trailer-Parks+ | |
| 25 | | 6-25-sites | \$15.00 |
| 26 | | 26-50-sites | \$25.00 |
| 27 | | 51-100-sites | \$50.00 |
| 28 | | 100-200-sites | \$75.00 |
| 29 | | Over-200-sites | \$100.00 |
| 30 | (7) | <u>d. Bottled Water Plants</u> | \$25.00 <u>\$60.00</u> |
| 31 | (8) | Frozen-Dessert-Manufacturing-(Retail)--- | \$25.00 |
| 32 | | <u>e. Microwave Oven Test</u> | <u>\$15.00</u> |
| 33 | (9) | Nursing-Homes+ | |
| 34 | | 1-25-beds | \$25.00 |
| 35 | | 26-50-beds | \$50.00 |

RECEIVED
SEP 6 1985
PALM BEACH COUNTY
ENVIRONMENTAL
CONTROL OFFICE

ORDINANCE NO. 85-25

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 78-5
ENTITLED THE PALM BEACH COUNTY ENVIRONMENTAL CONTROL
ORDINANCE, AS AMENDED BY ORDINANCE 79-15; PROVIDING
FOR AMENDMENT TO SECTION 2, FEE SCHEDULE; PROVIDING
FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE;
PROVIDING FOR EFFECTIVE DATE

WHEREAS, the Palm Beach County Environmental Control Act,
Chapter 77-616, Special Acts, Laws of Florida, establishes the Palm Beach
County Board of County Commissioners as the Palm Beach County
Environmental Control Board and authorizes said Board to adopt, revise
and amend appropriate ordinances and rules necessary for the
implementation and effective enforcement, administration and
interpretation of the provisions of the Act; and

WHEREAS, Palm Beach County currently has in effect an
Environmental Control Ordinance, Ordinance 78-5, as amended by Ordinance
79-15, which provides for the adoption by reference of certain specific
environmental-related State statutes and a schedule of fees for Health
Department permit application review; and

WHEREAS, to reflect the Health Department's costs of permit
application review, the Board of County Commissioners deems it
appropriate to revise the fee schedule.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE PALM BEACH
COUNTY ENVIRONMENTAL CONTROL BOARD that:

Section 1.

Section 7, "Fee Schedule" of Ordinance 78-5 is amended to

ORDINANCE NO. 85-25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 78-5
ENTITLED THE PALM BEACH COUNTY ENVIRONMENTAL CONTROL
ORDINANCE, AS AMENDED BY ORDINANCE 79-15; PROVIDING
FOR AMENDMENT TO SECTION 2, FEE SCHEDULE; PROVIDING
FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE;
PROVIDING FOR EFFECTIVE DATE.

I, JOHN B. DUNKLE, Clerk of the Circuit Court of the Fifteenth Judicial Circuit and ex-officio Clerk of the Board of County Commissioners of Palm Beach County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Palm Beach County Ordinance No. 79-15,

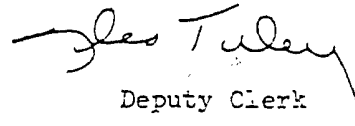
AN ORDINANCE AND RULE AMENDING PALM BEACH COUNTY ORDINANCE No. 75-5, RELATING TO ENVIRONMENTAL CONTROL; PROVIDING FOR AMENDMENT TO SECTION 2, ADOPTION BY REFERENCE; PROVIDING FOR AMENDMENT TO SECTION 7, FEE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE

adopted by the Board of County Commissioners in meeting held August 14, 1979 as same appears of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Board, this 12th day of August A.D., 1980.

JOHN B. DUNKLE, Clerk

By


Deputy Clerk

(S E A L)

SECTION 3, SEVERABILITY

If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be effected by such invalidity.

SECTION 4, INCLUSION IN CODE


It is the intention of the County Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5, EFFECTIVE DATE

The provisions of this Ordinance shall become effective upon receipt from the Florida Department of State of official acknowledgement that this Ordinance has been filed with the Department of State, but shall in no case become effective until twenty (20) days after the filing of a complete record of the rulemaking proceedings with the Clerk of the Board of the Palm Beach County Board of County Commissioners.

Approved by the Board of County Commissioners of Palm Beach County, Florida, sitting as the Palm Beach County Environmental Control Board, this 14th day of August, 1979.

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

By 
Chairman

Acknowledgement by the Department of State of the State of Florida, on the 21st day of August 1979,

EFFECTIVE DATE: Acknowledgement from the Department of

| | | |
|----|---|----------|
| 8 | A. <u>Swimming pools</u> | \$-20.00 |
| 9 | 1. <u>Plans for original con-</u> | |
| 10 | <u>struction of swimming</u> | |
| 11 | <u>pools</u> | |
| 12 | <u>Pool Volume (gallons)</u> | |
| 13 | <u>Up to 25,000</u> | \$ 50.00 |
| 14 | <u>25,001 - 85,000</u> | \$ 75.00 |
| 15 | <u>Above 85,000</u> | \$100.00 |
| 16 | 2. <u>Revision of previously</u> | |
| 17 | <u>approved plans</u> | \$ 25.00 |
| 18 | 3. <u>Plans for modification to</u> | |
| 19 | <u>existing swimming pools</u> | \$ 25.00 |
| 20 | B. <u>Plans for spa type pools; wading pools;</u> | |
| 21 | <u>special purpose pools; and water re-</u> | |
| 22 | <u>creation attractions</u> | |
| 23 | 1. <u>Volume of Water Turned Over</u> | |
| 24 | <u>in Six (6) Hours (gallons)</u> | |
| 25 | <u>Up to 25,000</u> | \$ 50.00 |
| 26 | <u>25,001 - 85,000</u> | \$ 75.00 |
| 27 | <u>Above 85,000</u> | \$100.00 |
| 28 | 2. <u>Revision of previously</u> | |
| 29 | <u>approved plans</u> | \$ 25.00 |
| 30 | 3. <u>Plans for modification to</u> | |
| 31 | <u>existing facilities</u> | \$ 25.00 |
| 32 | C. <u>Plans for original development of</u> | |
| 33 | <u>public bathing places - \$100.00</u> | |
| 34 | <u>fee for review of application and</u> | |
| 35 | <u>plans and related sanitary survey</u> | |
| 36 | <u>and bacteriological survey work</u> | |
| 37 | <u>for each public bathing place.</u> | |

1 are hereby adopted and incorporated by reference as part of this
2 Ordinance to the same extent and to the same effect as if the
3 provisions of each statute or law had been set out in full. All
4 rules of the Florida Department of Environmental Regulation, the
5 Florida Department of Natural Resources and the Florida Depart-
6 ment of Health and Rehabilitative Services adopted pursuant to
7 such State laws, as the rules are from time to time amended, and
8 all rules of the Palm Beach County Environmental Control Board
9 adopted pursuant to Chapter 70-862 or 77-616, Special Acts, Laws
10 of Florida and all rules of the Palm Beach County Solid Waste
11 Authority adopted pursuant to Chapters 75-473 and 77-626, Special
12 Acts, Laws of Florida, and all rules of the Child Care Facilities
13 Board adopted pursuant to Chapters 59-1698, 74-113 and 77-620,
14 Special Acts, Laws of Florida, are hereby adopted and incorporate
15 by reference as part of this Ordinance to the same extent and to
16 the same effect as if the provisions of each such statute or rule
17 had been set out in full. Further, ~~this-Rule~~ Environmental
18 Control Rule II shall apply to all defined water systems regard-
19 less of any special State Codes which may regulate establishments
20 served by such systems, and where any conflict exists, ~~this-Rule~~
21 Environmental Control Rule II shall govern.

22 SECTION 2, AMENDMENT TO FEE SCHEDULE

23 Section 7(B) of Ordinance 78-5 is amended to read as
24 follows:

25 B. The following schedule of fees shall be paid upon
26 submittal of any of the following applications to cover Health
27 Department costs of permit application review. Fee payments
28 shall be paid to the Palm Beach County Health Department at
29 the time of permit application and are not refundable.

30 1. ECR-1 Permits

31 A. Subdivision Septic tank subdivision analysis
32 application

33 a- 1. 3 - 25 lots \$ 50.00

34 b- 2. 26 - 50 lots \$100.00

5 WHEREAS, Palm Beach County currently has in effect an
6 Environmental Control Ordinance, Ordinance 78-5, which provides
7 for the adoption by reference of certain specific environmental-
8 related State statutes and a schedule of fees for Health Depart-
9 ment permit application review, and;

10 WHEREAS, for the effective local enforcement of shoreline
11 and mangrove protection laws in cooperation with the Florida
12 Department of Natural Resources, the Board of County Commission-
13 ers deems it appropriate to adopt by reference Chapters 161 and
14 253, Florida Statutes, and all future amendments thereto, as part
15 of Ordinance 78-5, and;

16 WHEREAS, to reflect the Health Department's costs of
17 permit application review, the Board of County Commissioners
18 deems it appropriate to authorize the collection of fees for
19 individual septic tank applications and to revise the fee
20 schedule for swimming pools to make such schedule based on pool
21 volume.

22 NOW THEREFORE BE IT ORDAINED BY THE BOARD OF
23 COUNTY COMMISSIONERS, PALM BEACH COUNTY,
24 FLORIDA, SITTING AS THE PLAM BEACH COUNTY
25 ENVIRONMENTAL CONTROL BOARD:

26 SECTION 1, AMENDMENT TO ADOPTION BY REFERENCE

27 Section 2 of Ordinance 78-5 is amended to read as follows:

28 Section 2. ADOPTION BY REFERENCE.

29 Chapters 161 (Beach and Shore Preservation Act), 253
30 (Land Acquisition Trust Fund), 381 (Public Health), 386 (Nuisances
31 Injurious to Health), 395 (Hospital Licensing and Regulations),
32 403 (Environmental Control), 482 (Pest Control), 500 (Foods,
33 Drugs and Cosmetics), 501 (Hazardous Substances), 513 (Tourist
34 Camps) and 514 (Public Bath Houses and Swimming or Bathing Places)
35 Florida Statutes 19757-as-amended, and all future amendments
thereto, and Special Acts, Chapters 77-620, 77-626 and 74-113,
Special Acts, Laws of Florida, and all future amendments thereto,

ORDINANCE 79 - 15

AN ORDINANCE AND RULE AMENDING PALM BEACH COUNTY ORDINANCE 78-5, RELATING TO ENVIRONMENTAL CONTROL; PROVIDING FOR AMENDMENT TO SECTION 2, ADOPTION BY REFERENCE; PROVIDING FOR AMENDMENT TO SECTION 7, FEE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

Section 11. INCLUSION IN CODE.

It is the intention of the County Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinance of Palm Beach County, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 12. EFFECTIVE DATE.

The provisions of this Ordinance shall become effective upon receipt from the Florida Department of State of official acknowledgement that this Ordinance has been filed with the Department of State, but shall in no case become effective until twenty (20) days after the filing of a complete record of the rulemaking proceedings with the Clerk of the Board of the Palm Beach County Board of County Commissioners.

Approved by the Board of County Commissioners of Palm Beach County, Florida, this 9th day of May 1978.

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

BY [Signature]
Chairman

Acknowledged by the Department of the State of Florida on May 18, 1978.

EFFECTIVE DATE: Received and filed in the office of the Clerk of Circuit Court on this the 23rd day of May, 1978, @ 9:00 A. M.

1 Section 8. DECLARATION OF LEGISLATIVE INTENT -
2 RELATION TO OTHER LAW.

3
4 The provisions and penalties of this Ordinance are
5 not intended to and shall not be construed as changing,
6 modifying, amending, repealing, superseding or conflicting
7 with any provisions or sections of the Florida Statutes or
8 laws defining or penalizing misdemeanors, or setting out
9 procedures or remedies in aid of environmental control, but
10 shall be construed as supplemental and additional thereto
11 and not as a substitute therefor; nor shall this Ordinance
12 be construed as impairing the jurisdiction of any court with
13 Palm Beach County, Florida. This Ordinance shall be deemed
14 to be an alternative or additional method for Palm Beach
15 County, its officers and agents, to effect the purposes of
16 each of the general and special State acts of the Florida
17 Legislature and each of the Environmental Control Rules
18 adopted by reference in Section 2 of this Ordinance.

19 Section 9. PARTIES TO VIOLATIONS.

20 Every person who commits, attempts to commit, conspires
21 to commit, or aids and abets in the commission of any act
22 declared herein to be in violation of this Ordinance, whether
23 individually or in connection with one or more persons, or
24 as a principal, agent or accessory, shall be guilty of such
25 offense and every person who falsely, fraudulently, forcibly
26 or willfully entices, causes, coerces, requires, permits or
27 directs another to violate any provisions of this Ordinance
28 is likewise guilty of such offense.

29 Section 10. SEVERABILITY.

30 If any section, subsection, sentence, clause or pro-
31 vision of this Ordinance is held invalid, the remainder of

1 6. Water Recreation Fees

2 Annual fees for specialized engineering
3 services shall be assessed as follows:

- 4 a. Public bathing places and
5 swimming pools \$35.00

6 The Health Department may in its billings provide for
7 uniform incentive discounts to encourage prompt payment of
8 these fees.

9
10 B. The following schedule of fees shall be paid upon
11 submittal of any of the following applications to cover
12 Health Department costs of permit application review:

13 1. ECR-1 Permits

14 Subdivision septic tank application

- 15 a. 3 - 25 lots \$50.00
16 b. 26 - 50 lots \$100.00
17 c. 51 - Or More \$200.00

18
19 2. DER Permits for Construction

20 Water supply systems \$20.00

21 3. HRS Permits for Construction

22 Swimming Pools \$20.00
23
24
25
26
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- | | | |
|---|-------------------------------------|---------|
| 1 | a. Asphaltic concrete batch plants | |
| 2 | with a maximum design capacity up | |
| 3 | to 100 tons/hour | \$25.00 |
| 4 | Same with capacity greater than | |
| 5 | 100 tons/hour | \$50.00 |
| 6 | b. Concrete batch plants, including | |
| 7 | concrete block plants | \$25.00 |
| 8 | c. Foundries | \$25.00 |
| 9 | d. Other | \$25.00 |

10 4. Water Supply System

11 Water supply systems within the County shall
 12 be assessed an annual fee based upon daily
 13 treatment capacity used, as follows:

- | | | |
|----|--------------------------------|----------|
| 14 | a. Class IV-up to .1 MGD | \$25.00 |
| 15 | b. Class III- over .1 MGD - up | |
| 16 | to .5 MGD | \$50.00 |
| 17 | c. Class II - over .5 MGD - up | |
| 18 | to 1.0 MGD | \$75.00 |
| 19 | d. Class I - over 1.0 MGD | \$100.00 |

20 5. Wastewater Treatment Facility Fees

21 (1) Domestic wastewater treatment facilities shall
 22 be assessed an annual assessment fee based upon
 23 approved, designed daily flow capacity as follows:

- | | | |
|----|-----------------------------------|----------|
| 24 | a. Class IV - Less than 0.050 MGD | \$25.00 |
| 25 | b. Class III - 0.050 MGD to less | |
| 26 | than 0.300 MGD | \$50.00 |
| 27 | c. Class II - 0.300 MGD to less | |
| 28 | than 1.0 MGD | \$75.00 |
| 29 | d. Class I - 1.0 MGD and over | \$100.00 |

30 (2) Industrial waste treatment facilities
 31 shall be assessed an annual assessment
 32 fee

(b) Air Pollution Fees.

1. Fuel-Burning Equipment. Any article, machine, equipment or other contrivance in which fuel is burned, with the exception of incinerators, shall be assessed an annual assessment fee based on the design fuel consumption of the article, expressed in British Thermal Units (BTU) per hour, using gross heating values of fuel in accordance with the following schedule:

- | | | |
|----|---|----------|
| a. | Greater than 5,000,000 BTU, but less than 50,000,000 | \$25.00 |
| b. | Greater than 50,000,000 BTU, but less than 500,000,000 | \$50.00 |
| c. | Greater than 500,000,000 BTU | \$100.00 |

2. Incinerator Equipment - Any article, machine, equipment or other contrivance designed and used primarily to dispose of combustible refuse or pathological waste by reducing the volume thereof with incineration shall be assessed an annual assessment fee based on the following schedule or maximum design capacity of the unit in pounds per hour:

- | | | |
|----|--|---------|
| a. | Up to 100 pounds/hour | \$10.00 |
| b. | Greater than 100 pounds/hour but less than 1000 pounds/hour | \$25.00 |
| c. | Greater than 1000 pounds/hour | \$50.00 |

3. Miscellaneous Equipment - Any article, machine, equipment or other contrivance not covered in the above schedules, but considered a significant source of air pollution shall be assessed an assessment fee in accordance with the following schedule:

| | | |
|----|--|----------------|
| 1 | (a) <u>Environmental Sanitation Fees.</u> | |
| 2 | (1) Food Service | \$ 1.00 |
| 3 | (2) Food Processing Plants | \$25.00 |
| 4 | (3) Grocery and Meat Markets | \$20.00 |
| 5 | (4) Mobile Food Service | \$15.00/Vehicl |
| 6 | (5) Labor Camps: | |
| 7 | 15-25 persons | \$15.00 |
| 8 | 26-500 persons | \$25.00 |
| 9 | 51-100 persons | \$50.00 |
| 10 | Over 100 persons | \$100.00 |
| 11 | (6) Trailer Parks: | |
| 12 | 2-25 sites | \$15.00 |
| 13 | 26-50 sites | \$25.00 |
| 14 | 51-100 sites | <u>\$50.00</u> |
| 15 | ^{10'} 100-200 sites | \$75.00 |
| 16 | Over 200 sites | \$100.00 |
| 17 | (7) Bottled Water Plants | \$25.00 |
| 18 | (8) Frozen Dessert Manufacturing (Retail) | \$25.00 |
| 19 | (9) Nursing Homes: | |
| 20 | 1-25 beds | \$25.00 |
| 21 | 26-50 beds | \$50.00 |
| 22 | Over 50 beds | \$ 1.00 per be |
| 23 | (10) Septic Tank or Temporary Toilet Cleaning Service | \$25.00/vehicl |
| 24 | | |
| 25 | (11) Yard Trash Disposal Site | \$25.00 |
| 26 | (12) Solid Waste Disposal Site | \$25.00 |
| 27 | (13) Solid Waste Transfer Station | \$25.00 |
| 28 | | |
| 29 | | |
| 30 | | |
| 31 | | |
| 32 | | |

1 decision has been rendered, exhibits may be withdrawn at
2 the request of the party which submitted them, or his
3 counsel, after due notice to all parties, and upon order
4 of the Hearing Board.

5 (j) Judicial Notice. In reaching a decision, judicial
6 notice may be taken, either before or after submission of
7 the case for decisions of any fact which may be judicially
8 noticed by the Courts of Florida.

9 (k) Decision. The decision of the Hearing Board shall
10 be in writing and shall contain a brief statement of facts
11 found to be true, the determination of the issues presented
12 and the Order of the Hearing Board. A copy of the decision
13 shall be mailed or delivered to the Control Officer, Petitioner
14 Respondent, and to every person who filed an answer or who
15 appeared as a party at the hearing.

16 Section 6. JUDICIAL REVIEW.

17 Any person aggrieved by any action or decision of the
18 Hearing Board may seek appropriate judicial review.

19 Section 7. FEE SCHEDULE.

20
21 A. The following schedule of fees to be paid annually
22 is hereby adopted to cover costs of inspections and adminis-
23 tration of this Ordinance and the Environmental Control Act.
24 The owner of property on which any of the following businesses
25 or activities are conducted shall make timely payment of the
26 following fees when billed:
27
28
29
30
31

1 (g) Conduct of Hearings before Hearing Board.

2 1. All hearings of the Hearing Board shall be
3 open to the public.

4 2. Oral evidence shall be taken only on oath or
5 affirmation.

6 3. The Hearing Board shall give probative effect
7 to evidence which would be admissible in civil proceedings
8 in the courts of this State, but in receiving evidence, due
9 regard shall be given to the technical and highly compli-
10 cated subject matter the Control Officer must handle and
11 the exclusionary rules of evidence shall not be used to
12 prevent the receipt of evidence having substantial probative
13 effect. Otherwise, effect shall be given to the rules of
14 evidence recognized in the State of Florida.

15 (h) Rules of Order. Hearings shall begin with the pre-
16 sentation of Petitioner's case by the Environmental Control
17 Officer with the right of Respondent to cross examine wit-
18 nesses followed by presentation of Respondent's case, with
19 the Environmental Control Officer's right to cross examine
20 witnesses. Opening and closing arguments shall be allowed
21 unless waived.

22 (i) Record of Hearing. All proceedings of the Hearing
23 Board shall be recorded by a court reporter. Proceedings
24 will not be transcribed unless a request for transcription
25 is made to the Clerk by a party to the proceedings or a member
26 of the Hearing Board. In the event a copy of a transcript
27 is desired by a party to the proceedings, other than the
28 Control Officer, County Attorney, or a member of the Hearing
29 Board, the cost of transcription shall be paid by said
party. The Hearing Board shall not permit withdrawal of

1 (b) Service of Notice. Service of initial notice of
2 hearing shall be made in the same way as the Florida Rules
3 of Civil Procedure provide for Service of Process of initial
4 pleadings. Subsequent notices of hearing may be mailed.

5 (c) Content of Notice. Notice of hearing will specify
6 date, time, and exact place of hearing. Attached to the
7 notice shall be a copy of the Notice of Non-Compliance, Notice
8 of Environmental Damage Done or Public Health Threat Created
9 or Notice of Activity Conducted Without Permit.

10 (d) Interrogatories and Requests for Admissions. Either
11 party may serve written Interrogatories and Requests for
12 Admissions upon the other party. The Petitioner may serve
13 Interrogatories or Requests for Admissions on Respondent at
14 any time after service of the initial Notice of Hearing.
15 The Respondent may serve Interrogatories or Requests for
16 Admission on Petitioner any time after receiving a Notice to
17 Correct Violation. Answers and objections to Interrogatories
18 or Requests for Admissions shall be served within twenty (20)
19 days after service of the Interrogatories or Requests for
20 Admissions. The Chairman of the Hearing Board may grant a
21 shorter or longer time. Admissions shall have the effect
22 set out in Rule 1.370 (b) RCP. A matter is admitted unless
23 the party to whom a Request for Admissions is directed serves
24 upon the party requesting the admission a timely answer or
25 objection. In the event a party fails to make discovery,
26 the opposing party may motion the Hearing Board for an Order
27 Compelling Discovery.

28 (e) Depositions. The testimony of any witness may be
29 taken by deposition in the manner and for the purposes pro-
30 vided by the Florida Rules of Civil Procedure.

31 (f) Preliminary Matters - Continuances. Upon approval

1 Special Acts, Laws of Florida, and all rules of the Child
2 Care Facilities Board adopted pursuant to Chapters 59-1698,
3 74-113 and 77-620, Special Acts, Laws of Florida, are hereby
4 adopted and incorporated by reference as part of this
5 Ordinance to the same extent and to the same effect as if the
6 provisions of each such statute or rule had been set out in
7 full; provided, however, that Chapter 17-22, Florida Admini-
8 strative Code, as promulgated January 1, 1975, a copy of which
9 is attached hereto, is hereby adopted.

10 Section 3. DEFINITIONS.

11 (a) The definitions set out in the Palm Beach County
12 Environmental Control Act, Chapter 77-616, Special Acts,
13 Laws of Florida, are adopted by reference.

14 (b) Clerk shall mean the Clerk of the Palm Beach County
15 Environmental Control Hearing Board.

16 Section 4. PALM BEACH COUNTY HEALTH DEPARTMENT APPROVAL
17 REQUIRED.

18 Any activity which requires a Department of Environment
19 Regulation or Department of Health and Rehabilitative Services
20 permit and/or license under the general laws cited in
21 Section 2 above, except Chapter 161, shall also require
22 Palm Beach County Health Department approval, which may be
23 given by the County Health Director or his authorized agent
24 either signing or co-signing the DER or HRS permit issued.

25 Section 5. HEARINGS - PROCEDURES.

26 (a) Time for Notice of Hearing. Within ten (10) days
27 of filing with the Clerk of a Notice of Non-Compliance, Notice
28 of Environmental Damage done or Public Health Threat Created or
29 Notice of Activity Conducted without Permit, the Hearing Board
30 shall notice a hearing scheduled to be held within forty-five
31 days of the date of filing of the Notice of Non-Compliance, Notice of Environmental Damage done or Public Health Threat Created or Notice of Activity Conducted without Permit.

Section 1. TITLE, REPEAL OF LAWS AND AUTHORITY.

This Ordinance and Rule shall be known as the Palm Beach County Environmental Control Ordinance. Palm Beach County Ordinance No. 76-1 is hereby repealed. All actions brought pursuant to Palm Beach County Ordinance No. 76-1 pending on the effective date of this Ordinance and Rule shall continue as if Ordinance No. 76-1 had not been repealed. This Ordinance and Rule is adopted pursuant to Chapter 125, Florida Statutes, and the Palm Beach County Environmental Control Act, Chapter 77-616, Special Acts, Laws of Florida. All provisions of the Environmental Control Act shall apply in the administration of this Ordinance and the provisions of said Act are adopted by reference.

Section 2. ADOPTION BY REFERENCE.

Chapters 381 (Public Health), 386 (Nuisances Injurious to Health), 395 (Hospital Licensing and Regulations), 403 (Environmental Control), 482 (Pest Control), 500 (Foods, Drugs and Cosmetics), 501 (Hazardous Substances), 513 (Tourist Camps) and 514 (Public Bath Houses and Swimming or Bathing Places), Florida Statutes, ^{and all public amendments thereto} ~~1975, as amended,~~ and Special Acts, Chapters 77-620, 77-626, and 74-113, Special Acts, Laws of Florida, and all future amendments thereto, are hereby adopted and incorporated by reference as part of this Ordinance to the same extent and to the same effect as if the provisions of each statute or law had been set out in full. All rules of the Florida Department of Environmental Regulation, the Florida Department of Natural Resources and the Florida Department of Health and Rehabilitative Services adopted pursuant to such State laws, as the rules are from time to time amended, and all rules of the Palm Beach County Environmental Control Board adopted pursuant to Chapter 70-862 or 77-616, Special Acts, Laws of Florida and all rules of the Palm Beach County Environmental Control Board

ORDINANCE 78 - 5

1 AN ORDINANCE AND RULE ENTITLED THE PALM BEACH
2 COUNTY ENVIRONMENTAL CONTROL ORDINANCE;
3 REPEALING PALM BEACH COUNTY ORDINANCE NO. 76-1;
4 ADOPTING BY REFERENCE CHAPTERS 161, 381, 386, 39
5 403, 482,500, 513 AND 514, FLORIDA STATUTES
6 AND CHAPTERS 59-1698, 74-113, 77-620 AND
7 77-626, SPECIAL ACTS, LAWS OF FLORIDA, AND ALL
8 FUTURE AMENDMENTS THERETO AND RULES OF THE
9 FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION,
10 THE FLORIDA DEPARTMENT OF NATURAL RESOURCES
11 AND THE FLORIDA DEPARTMENT OF HEALTH AND
12 REHABILITATIVE SERVICES ADOPTED PURSUANT TO
13 SUCH GENERAL AND SPECIAL STATE LAWS: PROVIDING
14 FOR DEFINITIONS; PROVIDING FOR REQUIRED HEALTH
15 DEPARTMENT SIGN OFF ON DEPARTMENT OF ENVIRON-
16 MENT REGULATION AND DEPARTMENT OF HEALTH AND
17 REHABILITATIVE SERVICES PERMITS; PROVIDING FOR
18 PROCEDURES IN ENVIRONMENTAL CONTROL HEARING
19 BOARD HEARINGS; PROVIDING FOR JUDICIAL REVIEW:
20 PROVIDING FOR INSPECTION, ADMINISTRATION AND
21 PERMIT FEE SCHEDULE; PROVIDING FOR RELATION TO
22 OTHER LAWS; PROVIDING FOR PARTIES TO VIOLATION;
23 PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUS-
24 ION IN CODE; PROVIDING FOR EFFECTIVE DATE.

25 WHEREAS, the Palm Beach County Environmental Control
26 Act, Chapter 77-616, Special Acts, Laws of Florida, establish
27 the Palm Beach County Board of County Commissioners as the
28 Palm Beach County Environmental Control Board and authorizes
29 said Control Board to adopt, revise and amend appropriate
30 ordinances and rules necessary for the implementation and
31 effective enforcement, administration and interpretation
32 of the provisions of the Act; and

33 WHEREAS, in 1976, the Board of County Commissioners sit-
34 ting as the Environmental Control Board, pursuant to the
35 original Environmental Control Act, Chapter 70-862, Special
36 Acts, Laws of Florida, as amended, adopted the Palm Beach
37 County Environmental Control Ordinance, Ordinance No. 76-1;
38 and

39 WHEREAS, it is appropriate to make alterations to the
40 Palm Beach County Ordinance to reflect 1977 changes in the

ORDINANCE 78-5

AN ORDINANCE AND RULE ENTITLED THE PALM BEACH COUNTY ENVIRONMENTAL CONTROL ORDINANCE: REPEALING PALM BEACH COUNTY ORDINANCE NO. 76-1; ADOPTING BY REFERENCE CHAPTERS 161, 381, 386, 395, 403, 482, 500, 513 AND 514, FLORIDA STATUTES AND CHAPTERS 59-1698, 74-113, 77-620 AND 77-626, SPECIAL ACTS, LAWS OF FLORIDA, AND ALL FUTURE AMENDMENTS THERETO AND RULES OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION, THE FLORIDA DEPARTMENT OF NATURAL RESOURCES AND THE FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES ADOPTED PURSUANT TO SUCH GENERAL AND SPECIAL STATE LAWS: PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIRED HEALTH DEPARTMENT SIGN OFF ON DEPARTMENT OF ENVIRONMENTAL REGULATION AND DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES PERMITS; PROVIDING FOR PROCEDURES IN ENVIRONMENTAL CONTROL HEARING BOARD HEARINGS; PROVIDING FOR JUDICIAL REVIEW; PROVIDING FOR INSPECTION, ADMINISTRATION AND PERMIT FEE SCHEDULE; PROVIDING FOR RELATION TO OTHER LAWS; PROVIDING FOR PARTIES TO VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

also

AMENDMENT - ORDINANCE 79-15

AMENDMENT - ORDINANCE 85-25

AMENDMENT - ORDINANCE 85-43

AMENDMENT - ORDINANCE 87-22

AMENDMENT - ORDINANCE 89-14

1 (g) Conduct of Hearings before Hearing Board.

2 1. All hearings of the Hearing Board shall be
3 open to the public.

4 2. Oral evidence shall be taken only on oath or
5 affirmation.

6 3. The Hearing Board shall give probative effect
7 to evidence which would be admissible in civil proceedings
8 in the courts of this State, but in receiving evidence; due
9 regard shall be given to the technical and highly compli-
10 cated subject matter the Control Officer must handle and
11 the exclusionary rules of evidence shall not be used to
12 prevent the receipt of evidence having substantial probative
13 effect. Otherwise, effect shall be given to the rules of
14 evidence recognized in the State of Florida.

15 (h) Rules of Order. Hearings shall begin with the pre-
16 sentation of Petitioner's case by the Environmental Control
17 Officer with the right of Respondent to cross examine wit-
18 nesses followed by presentation of Respondent's case, with
19 the Environmental Control Officer's right to cross examine
20 witnesses. Opening and closing arguments shall be allowed
21 unless waived.

22 (i) Record of Hearing. All proceedings of the Hearing
23 Board shall be recorded by a court reporter. Proceedings
24 will not be transcribed unless a request for transcription
25 is made to the Clerk by a party to the proceedings or a member
26 of the Hearing Board. In the event a copy of a transcript
27 is desired by a party to the proceedings, other than the
28 Control Officer, County Attorney, or a member of the Hearing
29 Board, the cost of transcription shall be paid by said

1 (b) Service of Notice. Service of initial notice of
2 hearing shall be made in the same way as the Florida Rules
3 of Civil Procedure provide for Service of Process of initial
4 pleadings. Subsequent notices of hearing may be mailed.

5 (c) Content of Notice. Notice of hearing will specify
6 date, time, and exact place of hearing. Attached to the
7 notice shall be a copy of the Notice of Non-Compliance, Notice
8 of Environmental Damage Done or Public Health Threat Created
9 or Notice of Activity Conducted Without Permit.

10 (d) Interrogatories and Requests for Admissions. Either
11 party may serve written Interrogatories and Requests for
12 Admissions upon the other party. The Petitioner may serve
13 Interrogatories or Requests for Admissions on Respondent at
14 any time after service of the initial Notice of Hearing.
15 The Respondent may serve Interrogatories or Requests for
16 Admission on Petitioner any time after receiving a Notice to
17 Correct Violation. Answers and objections to Interrogatories
18 or Requests for Admissions shall be served within twenty (20)
19 days after service of the Interrogatories or Requests for
20 Admissions. The Chairman of the Hearing Board may grant a
21 shorter or longer time. Admissions shall have the effect
22 set out in Rule 1.370 (b) RCP. A matter is admitted unless
23 the party to whom a Request for Admissions is directed serves
24 upon the party requesting the admission a timely answer or
25 objection. In the event a party fails to make discovery,
26 the opposing party may motion the Hearing Board for an Order
27 Compelling Discovery.

28 (e) Depositions. The testimony of any witness may be
29 taken by deposition in the manner and for the purposes pro-
30 vided by the Florida Rules of Civil Procedure.

31 (f) Preliminary Matters - Continuances. Upon approval
of a majority of the Hearing Board, a continuance may be

State of Florida



Department of State Division of Elections

I, JIM SMITH, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Chapter 90-432, Laws of Florida, Acts of 1990, as shown by the records of this office.

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
6th day of September,



1 Section 21. Powers of the Palm Beach County Public
2 Health Unit.--Nothing in this act shall limit or reduce the
3 powers of the Palm Beach County Public Health Unit pursuant to
4 interlocal agreement, general or special law, or any other
5 source of authority.

6 Section 5. This act shall take effect upon becoming a
7 law.

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Became a law without the Governor's approval JUL 7 1990
Filed in Office Secretary of State JUL 3 1990

1 health or welfare, animal or plant life, or property, or 1
2 unreasonably interfere with the enjoyment of life or property. 1.

3 (i) "Rule" means the whole or a part of the board's 1.
4 statement of general or particular applicability and future 1.
5 effect designed to implement, interpret, or prescribe law or
6 policy, or describing the organization, procedure, or practice 1.
7 requirements of the board.

8 (j) "Violation of this act" shall mean violation of 1.
9 the terms of this act, or violation of any county ordinance 1.
10 regarding environmental control, or rule or ordinance of the
11 Environmental Control Board promulgated hereunder, or 1.
12 violation of any law of the state or rule of a state agency 1.
13 including the Department of Environmental Regulation, the
14 Department of Health and Rehabilitative Services, and the 1.
15 Department of Natural Resources pertaining to environmental
16 control, or violation of a hearing board order. 1.

17 Section 3. Subsection (a) of section 7 of chapter 77- 1.
18 616, as amended, is amended to read as follows: 1.

19 Section 7. Environmental control officer; duties and 1.
20 powers.--The duties, functions, powers and responsibilities of 1.
21 the environmental control officer shall include the following:

22 (a) In cooperation with the county health director 1.
23 enforcing the provisions of this act and county ordinances 1.
24 adopting enforcement procedures provided herein, and rules 1.
25 promulgated, and all laws of the state and rules of state 1.6
26 agencies including the Department of Environmental Regulation, 1.6
27 the Department of Health and Rehabilitative Services, and the
28 Department of Natural Resources pertaining to environmental 1.6
29 control.

30 Section 4. Section 21 of chapter 77-616, Laws of 1.6

1 Section 2. Section 3 of chapter 77-616, Laws of
2 Florida, as amended, is amended to read as follows:

3 Section 3. Definitions.--The following words as used
4 in this act shall have the following meanings:

5 (a) "Board" shall mean the Palm Beach County
6 Environmental Control Board.

7 (b) "Contaminant" is any substance which is harmful to
8 plant, animal, or human life.

9 (c) "County health director" means the director of the
10 Palm Beach County Public Health Unit or his duly authorized
11 representative, which may include the director of the Palm
12 Beach County Department of Environmental Resources Management
13 or his duly authorized representative.

14 (d) "Environment" shall include, but not be limited
15 to, man's surroundings which affect human health and welfare,
16 plant or animal life, and the reasonable enjoyment of life or
17 property, or the conduct of business.

18 (e) "Hearing board" means the Palm Beach County
19 Environmental Control Hearing Board.

20 (f) "Natural resources" means land, air, water, ground
21 water, drinking water supplies, fish and their habitats,
22 wildlife and their habitats, biota, and other such resources.

23 (g) "Persons" shall be construed to include any
24 natural person, individual, public or private corporation,
25 firm, association, joint venture, partnership, municipality,
26 governmental agency, political subdivision, public officer, or
27 any other entity whatsoever, or any combination of such,
28 jointly or severally.

29 (h) "Pollution" is the presence in the environment of

CHAPTER

208-150-2-0

90-432 HB 3217, First Engrossed/ntc

House Bill No. 3217

1 A bill to be entitled 1

2 An act relating to Palm Beach County; amending 1

3 chapter 77-616, Laws of Florida, as amended;

4 providing for the protection of human health 1.

5 and natural resources; providing for the

6 participation of the Palm Beach County 1.

7 Department of Environmental Resources

8 management in the administration and

9 enforcement of this act; providing an effective 1.

10 date.

11

12 Be It Enacted by the Legislature of the State of Florida: 1:

13

14 Section 1. Section 2 of chapter 77-616, Laws of 1.

15 Florida, as amended, is amended to read: 1.

16 Section 2. Declaration of legislative Intent.--The 1.

17 Legislature finds and declares that the reasonable control of 1.

18 activities which are causing or may cause pollution or

19 contamination of the environment is necessary for the 1.1

20 protection and preservation of the public health, natural 1.1

21 resources, safety and general welfare.

22 It is the intent and purpose of this act to authorize 1.1

23 the Board of County Commissioners of Palm Beach County sitting 1.1

24 as the Palm Beach County Environmental Control Board to

25 provide and maintain for the citizens and visitors of said 1.1

26 county standards which will insure sanitary practice, 1.1

27 protection and preservation of the environment, and freedom of

28 the environment from contaminants, or synergistic agents 1.1

29 injurious to human, plant, or animal life, or which

30 unreasonably interfere with the comfortable enjoyment of life 1.1

unreasonably interfere with the comfortable enjoyment of life 1.1

HB 3217, First Engrossed/ntc

CHAPTER 90-432

HOUSE BILL NO. 1813

EFFECTIVE DATE: JULY 7, 1990

State of Florida



Department of State

J. George Firestone Secretary of State of the State of Florida,
do hereby certify that the above and foregoing is a true and correct copy of
Chapter 79-544, Laws of Florida, Acts of 1979, as shown by the records of
this office.

*Given under my hand and the Great Seal of
the State of Florida at Tallahassee, the Capital,
this, the 11th day of March
A. D. 19 80.*



[Handwritten Signature]

Secretary of State

1 Section 17. Violations; Civil Penalties.--Any person 1.1
2 found by the Hearing Board or Circuit Court to be or have been 1.1
3 in violation of this act may have imposed against him a civil 1.1
4 penalty not to exceed five hundred dollars (\$500.00) for each
5 day of violation. In determining the amount of such civil 1.1
6 penalty, the Hearing Board or Circuit Court shall consider the
7 nature, duration, and environmental impact of such violation. 1.1
8 The Hearing Board or Court shall incorporate the amount of the 1.1
9 penalty imposed on its final decision and order finding such 1.1
10 person in violation. All civil penalties collected under this 1.4
11 section shall be paid into the general fund of Palm Beach
12 County.

13 Section 5. Effective Date. This act shall take effect 1.4
14 thirty (30) days after becoming law.

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18 Becomes a law without the Governor's approval.

19 Filed in Office Secretary of State MAY 24 1979

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1 (c) Upon the County Health Director's notice of a 1.17
 2 failure to correct violation or notice of an activity 1.18
 3 conducted without or in violation of a required permit or an
 4 unlawful activity which resulted in environmental damage or a 1.19
 5 public health threat, the Environmental Control Officer shall
 6 either file a Complaint in Circuit Court or notify the Hearing 1.20
 7 Board which shall, within forty-five (45) days of such notice,
 8 order the violator to appear before it to show cause why he 1.21
 9 should not be required to correct the violation and pay civil
 10 penalties. Any Hearing Board hearing shall be conducted in 1.22
 11 accordance with Section 10 of this act.

12 Section 3. Section 15 of Chapter 77-616, Laws of 1.23
 13 Florida, is amended to read as follows:

14 Section 15. Circuit Court Actions. ~~Enforcement of~~ 1.24
 15 ~~Hearing Board Orders and Injunctive Relief. If preventive or~~ 1.25
 16 ~~corrective measures are not taken or any other penalty imposed~~
 17 ~~is not forfeited in accordance with any order of the Hearing~~ 1.26
 18 ~~Board or if the Environmental Control Officer finds that a~~
 19 ~~violation of the provisions of this act exists so as to create~~ 1.27
 20 ~~an emergency requiring immediate action to protect human~~
 21 ~~health or welfare, or to prevent irreparable environmental~~
 22 damage, The Environmental Control Officer may institute 1.28
 23 proceedings in the Circuit Court for Palm Beach County to
 24 abate and prosecute violations of this act or enforce orders 1.29
 25 of the Hearing Board. Such relief may include both temporary 1.30
 26 and permanent injunctions and civil fines up to \$500.00 per
 27 day for violations. Any proceedings initiated under this 1.31
 28 section shall be brought for and in the name of Palm Beach
 29 County.

30 Section 4. Section 17 of Chapter 77-616, Laws of 1.32

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A bill to be entitled

An Act amending the Palm Beach County Environmental Control Act, Chapter 77-616, Special Acts, Laws of Florida, as amended by Chapter 78-583, Special Acts, Laws of Florida; amending Section 12 to make hearing board orders reviewable in the Circuit Court instead of the District Court of Appeals; amending Sections 14, 15, and 17 to allow the Environmental Control Officer to file enforcement actions in either Circuit Court or before the Palm Beach County Environmental Control Hearing Board; providing for effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 12 of Chapter 77-616, Laws of Florida, is amended to read as follows:

Section 12. Judicial Review. Any aggrieved party, including Palm Beach County, may seek review of a ruling or order of the Hearing Board by certiorari in the Circuit Court of Palm Beach County. ~~The Environmental Control Officer or any person aggrieved by any action or decision of the Hearing Board may seek judicial review as provided by s. 120.68, Florida Statutes. No action shall be taken to collect fines imposed for violation of this act until judgment becomes final.~~

Section 2. Subsection (c) of Section 14 of Chapter 77-

HB1165, First Engrossed

CHAPTER 79- 544 ENROLLED

AS PASSED BY THE 1979 LEGISLATURE

House Bill No. 1165

| | | |
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| 1 | A bill to be entitled | 1: b1 |
| 2 | An Act amending the Palm Beach County | 1.3, |
| 3 | Environmental Control Act, Chapter 77-616, | |
| 4 | Special Acts, Laws of Florida, as amended by | 1.3, |
| 5 | Chapter 78-583, Special Acts, Laws of Florida; | |
| 6 | amending Section 12 to make hearing board | |
| 7 | orders reviewable in the Circuit Court instead | 1.3, |
| 8 | of the District Court of Appeals; amending | |
| 9 | Sections 14, 15, and 17 to allow the | |
| 10 | Environmental Control Officer to file | 1.3, |
| 11 | enforcement actions in either Circuit Court or | |
| 12 | before the Palm Beach County Environmental | |
| 13 | Control Hearing Board; providing for effective | 1.3, |
| 14 | date. | |
| 15 | | |

HB1165, First Engrossed CHAPT 79- 544 ENROLLED

AS PASSED BY THE 1979 LEGISLATURE
House Bill No. 1165

State of Florida



Department of State

J. George Firestone Secretary of State of the State of Florida,
do hereby certify that the above and foregoing is a true and correct copy of
Chapter 78-583, Laws of Florida, Acts of 1978, as shown by the records of this
office.

*Given under my hand and the Great Seal of
the State of Florida, at Tallahassee, the Capital,
this the 11th day of March
A. D. 19 80.*



[Signature]
Secretary of State

Staff 78- 583 ENROLLED

AS PASSED BY THE 1978 LEGISLATURE

House Bill No. 1813

1 A bill to be entitled 1

2 An act relating to The Palm Beach County 1

3 Environmental Control Act; amending section 18

4 of chapter 77-616, Laws of Florida, to provide 1.

5 for delinquent assessment fees to be liens;

6 providing an effective date.

8 Be It Enacted by the Legislature of the State of Florida: 1:

10 Section 1. Section 18 of chapter 77-616, Laws of 1.

11 Florida, is amended to read:

12 Section 18. Civil Fines and Delinquent Service Fees to 1.

13 be Liens.--Any fine imposed by order of the Hearing Board

14 shall, upon expiration of the time for appeal and the filing 1.

15 of said order with the Clerk of the Circuit Court, become a

16 statutory lien against any and all property of the respondent. 1.

17 In addition, any service fee authorized by Section 5(b) of

18 this Act, upon becoming delinquent and upon the filing of a 1.

19 Notice of Lien by Palm Beach County, said notice to be filed

20 with the owner of the property ten (10) days prior to the lien 1.

21 taking effect, shall become a lien against the property for

22 which the inspection service fee was assessed.

23 Section 2. This act shall take effect thirty (30) days 1.7

24 after becoming a law.

26 Became a law without the Governor's approval.

27 Filed in Office Secretary of State JUN 29 1978

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HB 1813, First Engrossed

Bill 78- 583 ENROLLED

AS PASSED BY THE 1978 LEGISLATURE

House Bill No. 1813

| | | |
|---|--|-------|
| 1 | A bill to be entitled | 1:btc |
| 2 | An act relating to The Palm Beach County | 1.2/1 |
| 3 | Environmental Control Act; amending section 18 | |
| 4 | of chapter 77-616, Laws of Florida, to provide | 1.5 |
| 5 | for delinquent assessment fees to be liens; | |
| 6 | providing an effective date. | |

HB 1813, First Engrossed

CHAPT 78- 583 ENROLLED

AS PASSED BY THE 1978 LEGISLATURE

House Bill No. 1813

State of Florida



Department of State

J. George Firestone *Secretary of State of the State of Florida*
do hereby certify that the above and foregoing is a true and correct copy of
Chapter 77-616, Laws of Florida, Acts of 1977, as shown by the records of this
office.

Given under my hand and the Great Seal, of
the State of Florida, at Tallahassee, the Capital,
this the 11th *day of* March
A. D. 19 80.



A large, stylized handwritten signature in black ink, appearing to read "J. George Firestone".

Secretary of State

1 invalid provision or application, and to this end the
2 provisions of this act are declared severable.

1.

3 Section 24. This act shall take effect thirty (30)
4 days after becoming a law.

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Became a law without the Governor's approval.

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Filed in Office Secretary of State ~~JUN 30 1977~~

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1 (a) It is the purpose of this act to provide 1.15/345
 2 additional cumulative remedies to control the environment of 1.15/346
 3 this County. Nothing contained herein shall be construed to 1.15/347
 4 abridge or alter rights of action or remedies in equity under
 5 the common law or statutory law, criminal or civil, nor shall 1.15/348
 6 any provisions of this act, or any act done by virtue thereof, 1.15/349
 7 be construed as estopping the state or any municipality or 1.15/350
 8 person affected by environmental pollution, in the exercise of 1.15/351
 9 its or his rights in equity or under common law or statutory
 10 law to suppress nuisances or to abate environmental pollution. 1.15/352

11 (b) The provisions of this act do not prohibit the 1.15/353
 12 enactment or enforcement by any municipality of any local 1.15/354
 13 ordinance stricter than or identical to this act and the
 14 ordinances and rules adopted pursuant to this act, which local 1.15/355
 15 ordinance prohibits, regulates or controls environmental 1.15/356
 16 pollution.

all revised

17 Section 21. Powers of Health Department. ~~Nothing in~~ 1.15/357
 18 this act shall limit or reduce the powers of the Palm Beach
 19 County Health Department pursuant to interlocal agreement, 1.15/358
 20 general or special law or any other source of authority. 1.15/359

21 Section 22. Chapter 70-862, Laws of Florida; chapter 1.15/359
 22 74-563, Laws of Florida; chapter 75-466, Laws of Florida, and 1.15/360
 23 chapter 76-458, Laws of Florida, are hereby repealed. All 1.15/361
 24 actions brought pursuant to chapter 70-862, Laws of Florida, 1.15/362
 25 as amended, pending on the effective date of this act, shall 1.15/363
 26 continue under the authority of this act.

27 Section 23. If any provisions of this act or the 1.15/364
 28 application thereof to any persons or circumstances, is held 1.15/365
 29 invalid, such invalidity shall not affect other provisions or
 30 applications of the act which can be given effect without the 1.15/366

| | | |
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| 1 | All civil penalties collected under this section shall be paid | 1.1 |
| 2 | into the general fund of Palm Beach County. | |
| 3 | Section 18. Civil Fines to be Liens.--Any fine imposed | 1.1 |
| 4 | by order of the Hearing Board shall, upon expiration of the | 1.1 |
| 5 | time for appeal and the filing of said order with the Clerk of | 1.1 |
| 6 | the Circuit Court, become a statutory lien against any and all | 1.1 |
| 7 | property of the respondent. | |
| 8 | Section 19. Refusal to Obey Subpeona Issued by the | 1.1 |
| 9 | Hearing Board.-- | |
| 10 | (a) Whenever any person duly subpoenaed to appear and | 1.1 |
| 11 | give evidence or to produce any books and papers before the | |
| 12 | Hearing Board neglects or refuses to appear, or to produce any | 1.1 |
| 13 | books or papers, as required by the subpoena, or refuses to | 1.1 |
| 14 | testify or to answer any question which the Hearing Board | 1.1 |
| 15 | decides is proper and pertinent, he shall be deemed in | |
| 16 | contempt, and the Hearing Board shall report the fact to the | 1.1 |
| 17 | judge of the circuit court of the district in which the person | 1.1 |
| 18 | resides. | |
| 19 | (b) Upon receipt of the report, the judge of the | 1.1 |
| 20 | circuit court shall issue an order directed to the sheriff of | 1.1 |
| 21 | Palm Beach County commanding the sheriff to forthwith bring | |
| 22 | such person before the judge who entered the order. | 1.1 |
| 23 | (c) On the return of the order and the production of | 1.1 |
| 24 | the body of the defendant, the judge has jurisdiction of the | |
| 25 | matter. The person charged may purge himself of contempt in | 1.1 |
| 26 | the same way and the same proceedings shall be had, and the | 1.1 |
| 27 | same penalties may be imposed, and the same punishment | 1.1 |
| 28 | inflicted as in the case of a witness subpoenaed to appear and | 1.1 |
| 29 | give evidence on the trial of a civil cause before a circuit | |
| 30 | court of the state. | 1.1 |

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| 1 | or to prevent irreparable environmental damage, the | 1.15/30 |
| 2 | Environmental Control Officer may institute proceedings in the | 1.15/30 |
| 3 | circuit court for Palm Beach County to abate and prosecute | |
| 4 | violations of this act or enforce orders of the Hearing Board. | 1.15/30 |
| 5 | Such relief may include both temporary and permanent | 1.15/30 |
| 6 | injunctions. Any proceedings initiated under this section | 1.15/30 |
| 7 | shall be brought for and in the name of Palm Beach County. | |
| 8 | Section 16. Violations; Criminal Penalties.-- | 1.15/30 |
| 9 | (a) It is unlawful to violate this act or the | 1.15/30 |
| 10 | ordinances or rules duly adopted pursuant to it. Such | |
| 11 | violation of any provision of this act is declared to be a | 1.15/30 |
| 12 | criminal offense and misdemeanor within the meaning of s. | 1.15/31 |
| 13 | 775.08, Florida Statutes, and shall be punishable as provided | 1.15/31 |
| 14 | by law. Each day during any portion of which such violation | 1.15/31 |
| 15 | occurs constitutes a separate offense. | |
| 16 | (b) It is unlawful to violate any duly constituted | 1.15/31 |
| 17 | order of the Hearing Board. Such violation is declared to be | 1.15/31 |
| 18 | a criminal offense and misdemeanor within the meaning of | |
| 19 | Section 775.08, Florida Statutes, and shall be punishable as | 1.15/31 |
| 20 | provided by law. Each day during any portion of which | 1.15/31 |
| 21 | violation occurs constitutes a separate offense. | |
| 22 | Section 17. Violations; Civil Penalties.--Any person | 1.15/31 |
| 23 | found by the Hearing Board to be or have been in violation of | 1.15/31 |
| 24 | this act may have imposed against him a civil penalty not to | 1.15/31 |
| 25 | exceed five hundred dollars (\$500.00) for each day of | |
| 26 | violation. In determining the amount of such civil penalty, | 1.15/32 |
| 27 | the Hearing Board shall consider the nature, duration, and | 1.15/32 |
| 28 | environmental impact of such violation. The Hearing Board | 1.15/32 |
| 29 | shall incorporate the amount of the penalty imposed on its | |
| 30 | final decision and order finding such person in violation. | 1.15/32 |

1 failure to correct the violation. If any person has been in 1.
2 violation of this act for conducting an activity without 1.
3 benefit of or in violation of the terms of a required permit 1.
4 or has been in violation of this act for conducting an
5 activity which resulted in environmental damage or a public 1.
6 health threat, the County Health Director in lieu of or in 1.
7 addition to the above procedure for formal notice may notify 1.
8 the Environmental Control Officer in writing of the violation.

9 (c) Upon the County Health Director's notice of a 1.1
10 failure to correct violation or notice of an activity 1.1
11 conducted without or in violation of a required permit or an
12 unlawful activity which resulted in environmental damage or a 1.1
13 public health threat, the Environmental Control Officer shall 1.1
14 notify the Hearing Board which shall, within forty-five (45) 1.1
15 days of such notice order the violator to appear before it to 1.1
16 show cause why he should not be required to correct the
17 violation and pay civil penalties. Any hearing shall be 1.1
18 conducted in accordance with Section 10 of this act. 1.1

19 (d) If after due process hearing, the Hearing Board 1.1
20 upholds the violation, the Hearing Board shall reach a 1.1
21 decision setting forth findings of fact and such conclusions 1.1
22 of law as are required in view of the issues submitted. Such 1.1
23 decisions shall be rendered in accordance with Sections 10 and 1.1
24 17 of this act.

25 Section 15. Enforcement of Hearing Board Orders and 1.1
26 Injunctive Relief.--If preventive or corrective measures are
27 not taken or any civil penalty imposed is not forfeited in 1.1
28 accordance with any order of the Hearing Board, or if the 1.1
29 Environmental Control Officer finds that a violation of the 1.1
30 provisions of this act have occurred, the County Health Director

| | | |
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| 1 | cause notice thereof to be served upon the appellant and the | 1.15/2 |
| 2 | Environmental Control Office. | |
| 3 | Section 12. Judicial review.--The Environmental | 1.15/2 |
| 4 | Control Office or any person aggrieved by any action or | 1.15/2 |
| 5 | decision of the Hearing Board may seek judicial review as | |
| 6 | provided by s. 120.68, Florida Statutes. No action shall be | 1.15/2 |
| 7 | taken to collect fines imposed for violation of this act until | |
| 8 | judgment becomes final. | 1.15/2 |
| 9 | Section 13. Criminal Enforcement; procedure.-- | 1.15/2 |
| 10 | (a) Whenever the Environmental Control Officer has | 1.15/2 |
| 11 | received or obtained evidence that a specific violation of | |
| 12 | this act or any rules or regulations adopted pursuant to this | 1.15/26 |
| 13 | act has been committed, the Environmental Control Officer may | 1.15/26 |
| 14 | notify the state attorney of Palm Beach County of such | 1.15/26 |
| 15 | violation. Such notice shall contain a description of the | |
| 16 | violation, the date of the violation, the location of the | 1.15/26 |
| 17 | violation and the name and address of the violator. | 1.15/26 |
| 18 | (b) Upon receipt of such notice, the state attorney | 1.15/26 |
| 19 | shall institute proceedings in the criminal court of record | 1.15/27 |
| 20 | for prosecution of the violation. | 1.15/27 |
| 21 | Section 14. Civil Enforcement; Procedure.-- | 1.15/27 |
| 22 | (a) It shall be the duty of the County Health | 1.15/27 |
| 23 | Director, with the advice and assistance of the Environmental | 1.15/27 |
| 24 | Control Officer to determine compliance with the terms of this | 1.15/27 |
| 25 | act. | |
| 26 | (b) If any person is in violation of the provisions of | 1.15/27 |
| 27 | this act, the County Health Director may give the violator | 1.15/27 |
| 28 | reasonable time by formal notice, within which to correct such | 1.15/27 |
| 29 | violation. Should the violation continue beyond the time | 1.15/27 |
| 30 | specified for correction, the County Health Director shall | 1.15/27 |
| 31 | notify the Board of Health of the violation. | 1.15/27 |

1 framed in the manner of a writ of injunction requiring the 1.
2 violator to conform with either or both of the following 1.
3 requirements:
4 (1) To refrain from committing, creating, maintaining, 1.
5 or permitting the violations.
6 (2) To take such affirmative action as the Hearing 1.
7 Board deems necessary and reasonable under the circumstances 1.
8 to correct such violation.
9 (e) To issue orders imposing civil penalties of up to 1.1
10 \$500.00 for each day of violation against persons found to 1.1
11 have violated this act.
12 (f) To issue subpoenas to command the appearance of 1.1
13 any person before a hearing at a specified time and place to
14 be examined as a witness. Such subpoenas may require such 1.1
15 person to produce all books, papers and documents in his 1.1
16 possession or under his control, material to such hearings. 1.1
17 (g) To administer oaths to any or all persons who are 1.1
18 to testify before the Hearing Board. 1.1
19 (h) To adopt rules for the conduct of its hearings not 1.1
20 inconsistent with the provisions of this act.
21 Section 11. Appeals from actions or decisions of 1.1
22 Environmental Control Officer; procedure.--Any persons 1.1
23 aggrieved by an action or decision of the Environmental
24 Control Officer not already referred to the State Attorney for 1.1
25 criminal prosecution may appeal to the Hearing Board by filing 1.1
26 within ten (10) days after the date of the action or decision 1.1
27 complained of, a written notice of appeal which shall set 1.1
28 forth concisely the action or decision appealed from and the
29 reasons of grounds for the appeal. The Hearing Board shall 1.1
30 set such appeal for hearing at the earliest possible date.

1 authorized by the Board. The chairman may call hearings by 1.15/21
 2 the Hearing Board and hearings may be called by written notice 1.15/21
 3 signed by at least three (3) members of the Hearing Board and
 4 the Hearing Board at any hearing may fix and call a hearing on 1.15/21
 5 a future date. The Hearing Board shall convene no less 1.15/21
 6 frequently than every forty-five (45) days. Minutes shall be 1.15/21
 7 kept of all hearings by the Hearing Board. All hearings shall
 8 be public. The Board of County Commissioners shall provide 1.15/21
 9 adequate and competent clerical and administrative personnel 1.15/21
 10 as may be reasonably required by the Hearing Board for the 1.15/21
 11 proper performance of its duties.

12 Section 10. Hearing Board; Duties and Powers.--The 1.15/21
 13 Hearing Board shall have the following duties, functions,
 14 powers and responsibilities: 1.15/21

15 (a) To hear appeals by persons aggrieved by actions or 1.15/21
 16 decisions of the Environmental Control Officer not already
 17 referred to the State Attorney for criminal prosecution. 1.15/21
 18 Consider the facts material to such appeals, and render a 1.15/21
 19 decision promptly. Such decision may affirm, reverse or 1.15/21
 20 modify the action or decision appealed from, provided that
 21 such decision shall not be in conflict with the provisions of 1.15/21
 22 this act.

23 (b) To conduct due process hearings into the merits of 1.15/21
 24 alleged violations of this act.

25 (c) To issue, after due process hearing, injunctive 1.15/21
 26 orders, including orders providing for affirmative relief, 1.15/21
 27 against persons found in violation of this act.

28 (d) After due public hearing upholding a violation, to 1.15/21
 29 reach a decision setting forth such findings of fact and 1.15/21
 30 conclusions of law as are required in view of the issues 1.15/21

1 which shall have the following qualifications and terms of 1.
2 office: 1.

3 (a) Members of the Hearing Board shall be residents of 1.
4 the County. Members of the Hearing Board, while serving, 1.
5 shall not become candidates for the election to any public
6 office, nor hold any other appointive office or position under 1.
7 federal, state, county or municipal government, except for an 1.
8 office or position on a governmental board having advisory 1.
9 powers only. Appointments shall be made by the Board on the 1.
10 basis of experience of interest in the field of environmental
11 control. The composition and representative membership of the 1.
12 Hearing Board shall be as follows: 1.

13 (1) One (1) member shall be a lawyer, recommended to 1.
14 the Board by a representative of the County Bar Association. 1.

15 (2) One (1) member shall be a medical doctor, 1.
16 recommended to the Board by the County Medical Society. 1.

17 (3) One (1) member shall be an engineer, recommended 1.
18 to the Board by the local chapter of the Florida Engineering 1.
19 Society. 1.

20 (4) Two (2) members shall be citizens not holding 1.
21 elective office. 1.

22 (b) Members appointed to the Palm Beach County 1.
23 Environmental Control Hearing Board under Chapter 70-862, as 1.
24 amended, shall continue to serve on the Hearing Board but all 1.
25 Hearing Board members shall serve at the pleasure of the
26 Board. 1.

27 (c) The members of the Hearing Board shall elect a 1.
28 chairman. The presence of three (3) or more shall constitute 1.
29 a quorum of the Hearing Board. Members shall serve without 1.

| | | |
|----|---|--------|
| 1 | Section 8. Exemptions.--The provisions of this act do | 1.15/1 |
| 2 | not apply to: | 1.15/1 |
| 3 | (a) Agricultural operations in the growing, harvesting | 1.15/1 |
| 4 | or processing of crops and the raising of fowls or animals. | 1.15/1 |
| 5 | (b) Use of equipment in the performance of such | 1.15/1 |
| 6 | agricultural operations. | |
| 7 | (c) Barbecue equipment or outdoor fireplaces used for | 1.15/1 |
| 8 | noncommercial purpose. | |
| 9 | (d) Agricultural land clearing operations or | 1.15/1 |
| 10 | agricultural land grading. | |
| 11 | (e) Incinerators and heating equipment in or used in | 1.15/1 |
| 12 | connection with residences used exclusively as dwellings for | 1.15/1 |
| 13 | not more than four (4) families. | |
| 14 | (f) Fires set or permitted by any public officer, | 1.15/1 |
| 15 | board, council or commission when such fire is set or | 1.15/1 |
| 16 | permission given in the performance of such duty of the | |
| 17 | officer for the purpose of weed abatement, the prevention or | 1.15/1 |
| 18 | elimination of the fire hazard, or the instruction of | 1.15/1 |
| 19 | employees in the methods of fire fighting which is in the | 1.15/1 |
| 20 | opinion of such officer necessary, or from fires set pursuant | |
| 21 | to permit for purpose of instruction of employees of private | 1.15/1 |
| 22 | industrial concerns in methods of fire fighting, or for civil | 1.15/1 |
| 23 | defense instruction. | |
| 24 | (g) The use of an orchard or citrus grove heater which | 1.15/1 |
| 25 | does not produce unconsumed solid carbonaceous matter at a | 1.15/1 |
| 26 | rate in excess of one (1) gram per minute. | |
| 27 | (h) Odors emanating from agricultural operations in | 1.15/1 |
| 28 | the growing, harvesting or processing of crops or raising of | 1.15/1 |
| 29 | fowls or animals. | |
| 30 | Section 9. Hearing board; organization.--The Board | 1.15/1 |

1 and the Department of Health and Rehabilitative Services, 1
2 pertaining to environmental control. 1
3 (b) Providing for legal assistance and representation 1
4 to the Board and the County Health Director in matters 1
5 pertaining to this law, or rules adopted pursuant hereto, or
6 County Ordinances enforceable hereunder. 1
7 (c) Conducting investigations and instituting legal 1
8 proceedings to abate violations of this act and all rules
9 promulgated hereunder in accordance with the law of the State 1
10 of Florida and the provisions of this act. 1
11 (d) Cooperating with industry, business, institutions, 1
12 governmental agencies and other interested parties in
13 accomplishing effective environmental control. 1
14 (e) Publicizing and disseminating information to the 1
15 public concerning the environment and recommending methods for 1
16 its control. 1
17 (f) Enlisting and encouraging public support, and the 1
18 assistance of civic, technical, scientific and educational
19 organizations, and the cooperation of industrial and business 1
20 enterprises and organizations. 1
21 (g) Making periodic reports concerning the status of 1
22 the environment in Palm Beach County and the enforcement of 1
23 the provisions of this act and recommendations concerning the 1
24 improvement of environmental control. Such reports shall be
25 filed with the Board and be made available to other 1
26 governmental agencies which may be interested. 1
27 (h) Performing such other administrative duties as may 1
28 be assigned by the Board. 1
29 (i) Exercising additional powers to be described 1

1 (c) The Board shall make continuing studies and 1.15/130
2 periodic reports and recommendations for the improvements of 1.15/130
3 environmental control in the County, establish air, water and 1.15/130
4 environmental quality standards in the County, and work in
5 cooperation with the appropriate State and Federal agencies 1.15/130
6 interested in the field of environmental control. 1.15/130

7 (d) The Board may adopt a seal and alter it. 1.15/130

8 (e) The Board shall perform such other duties, 1.15/130
9 functions and responsibilities as may become necessary to 1.15/130
10 contribute to improvement in the control of the environment in
11 Palm Beach County. 1.15/140

12 Section 6. Environmental Control Officer; 1.15/140

13 Appointment.--The Board shall appoint an Environmental Control 1.15/141
14 Officer. In so doing the Board shall consider the 1.15/142
15 recommendation of the County Health Director. The Board shall 1.15/143
16 select said Environmental Control Officer from among those 1.15/144
17 applicants who are either lawyers or engineers duly licensed
18 to practice in the state. The Board shall give due 1.15/145
19 consideration to the qualifications and experience of said 1.15/146
20 applicant in the field of environmental control. The
21 Environmental Control Officer, following appointment by the 1.15/147
22 Board, shall be an employee of Palm Beach County. 1.15/148

23 Section 7. Environmental Control Officer; Duties and 1.15/149

24 Powers.--The duties, functions, powers and responsibilities of 1.15/150
25 the Environmental Control Officer shall include the following:

26 (a) In cooperation with the County Health Director, 1.15/151
27 enforcing the provisions of this act and county ordinances 1.15/152
28 adopting enforcement procedures provided herein, and rules 1.15/153
29 promulgated, and all laws of the State and rules of State
30 agencies including the Department of Environmental Regulation 1.15/154

1 (8) The proposed ordinance or rule shall be adopted on 1.1
 2 being filed with the Clerk and become effective 20 days after 1.1
 3 being filed or on a later date specified in the ordinance or 1.1
 4 rule. After the notice required in Section 5(a)(1) of this
 5 act and prior to adoption, the Board may withdraw the 1.1
 6 ordinance or rule by publishing a notice in a newspaper of 1.1
 7 general circulation, and may make such changes in the 1.1
 8 ordinance or rule as are supported by the record of public
 9 hearings held on the ordinance or rule and technical changes 1.1
 10 which do not affect the substance of the ordinance or rule. 1.1
 11 Changes supported by the record of a hearing may include 1.1
 12 withdrawal of the ordinance or rule in whole or in part.
 13 After an ordinance or rule has been adopted, it may be 1.1
 14 repealed or amended only through regular rulemaking 1.1
 15 procedures; provided, however, that the Palm Beach County
 16 Environmental Control Ordinance, Ordinance No. 76-1, as 1.1
 17 amended, and the Palm Beach County Environmental Control Rule 1.1
 18 I-1976 shall remain in full force and effect without
 19 readoption, but any amendment or reenactment to Palm Beach 1.1
 20 County Environmental Control Rule I-1976 shall be made in 1.1
 21 compliance with this act.

22 (b) The Board shall adopt a budget and shall accept 1.1
 23 County or State appropriations, loans and grants from the 1.1
 24 Federal government and from other sources, public or private, 1.1
 25 and monetary gifts, all of which shall be expended for the
 26 purposes of this act. The Board shall establish a schedule of 1.1
 27 fees and special budget category to cover the costs of issuing 1.1
 28 permits, performing inspections, issuing variances and similar 1.1
 29 services. Moneys accumulated from such fees shall be expended 1.1
 30 for the purposes of this act and for no other purpose

1 materials so recognized and any evidence presented shall be
2 incorporated into the record of the proceeding. The Board, in 1.15/
3 rulemaking proceedings, shall not be bound by strict rules of 1.15/
4 evidence and procedure; however, minimal due process shall be 1.15/
5 observed and met. All interested persons shall upon request
6 be provided a list of any materials upon which the Board 1.15/
7 intends to rely in any rulemaking proceeding or which has been 1.15/
8 presented to the Board in conjunction with any rulemaking 1.15/
9 proceeding and given a reasonable opportunity to examine them 1.15/
10 and offer written comments thereon or written rebuttal
11 thereto.

12 (5) Each ordinance or rule adopted shall contain only 1.15/
13 one subject and shall be preceded by a concise statement of 1.15/
14 the purpose of the ordinance or rule and reference to the 1.15/
15 ordinances or rules repealed or amended. No ordinance or rule
16 shall be amended by reference only. Amendments shall set out 1.15/
17 the amended ordinance or rule in full in the same manner as 1.15/
18 required by the constitution for laws.

19 (6) The Board shall comply with the rules of procedure 1.15/
20 of the County Commission unless other rules are adopted to 1.15/
21 govern proceedings.

22 (7) Not less than 21 days or more than 45 days after 1.15/
23 the notice required by Section 5(a)(1) hereof, or not more 1.15/
24 than 10 days after the conclusion of the final public hearing,
25 if the hearing extends beyond the 45 days, the Board shall 1.15/
26 file one copy of the proposed ordinance or rule, a summary of 1.15/
27 the ordinance or rule, a complete record of the rulemaking 1.15/
28 proceeding, and a detailed written statement of the facts and
29 circumstances justifying the ordinance or rule with the Clerk 1.15/
30 of the Board of County Commissioners, all of which shall be 1.15/

1 the location where the text of the proposed ordinance or rule 1.1
 2 can be obtained if such text is not included in the notice. 1.1
 3 The notice shall be mailed to persons who have made requests
 4 of the Board for advance notice of its proceedings at least 14 1.1
 5 days prior to such mailing. Notice shall be given by 1.1
 6 publication at least once in a newspaper of general
 7 circulation in the County. 1.1

8 (2) If the intended action concerns any ordinance or 1.1
 9 rule other than one relating exclusively to organization,
 10 procedure or practice, the Board shall, on the request of any 1.1
 11 affected person received within 14 days after the date of 1.1
 12 publication of the notice, give affected persons an 1.1
 13 opportunity to present evidence and argument on all issues
 14 under consideration appropriate to inform it of their 1.1
 15 contentions. 1.1

16 (3) Any person regulated by the Board or having a 1.1
 17 substantial interest in a Board ordinance or rule may petition 1.1
 18 the Board to adopt, amend or repeal an ordinance or rule. The
 19 petition shall specify the proposed ordinance or rule and 1.1
 20 action requested. Not later than thirty calendar days after 1.1
 21 the date of filing a petition, the Board shall initiate 1.1
 22 rulemaking proceedings under this act, otherwise comply with
 23 the requested action, or deny the petition with a written 1.1
 24 statement of its reasons for the denial. In addition, the 1.1
 25 Board shall require from those proposing a rule or change an 1.1
 26 estimate of the economic impact of the proposed rule on all
 27 persons affected by it. 1.1

28 (4) The Board shall keep a complete record of all 1.1
 29 rulemaking proceedings. In such proceedings, the Board may 1.1

1 (b) The presence of three (3) members of the Board 1.15/4
 2 shall constitute a quorum necessary to hold a meeting and take 1.15/4
 3 any action. A majority vote of the quorum present shall be 1.15/4
 4 necessary to take any action. The members of the Board shall
 5 annually elect a chairman who shall serve at the will of the 1.15/4
 6 Board. The chairman may call meetings of the Board, and 1.15/4
 7 meetings may be called by written notice signed by three (3) 1.15/4
 8 members, and the Board at any meeting may fix and call a
 9 meeting on a future date. Meetings will be held no less 1.15/5
 10 frequently than every ninety (90) days. Minutes shall be kept 1.15/5
 11 of all meetings of the Board. All meetings shall be public. 1.15/5

12 Section 5. Environmental Control Board; Duties and 1.15/5
 13 Powers.--The Board shall have the following duties, functions, 1.15/5
 14 powers and responsibilities: 1.15/5

15 (a) The Board shall adopt, revise and amend from time 1.15/5
 16 to time appropriate ordinances and rules necessary for the
 17 implementation and effective enforcement, administration and 1.15/5
 18 interpretation of the provisions of this act, and shall 1.15/5
 19 provide for the effective and continuing control and
 20 regulation of the environment in the County within the 1.15/5
 21 framework of this act. When approved by the Board and filed 1.15/5
 22 with the Clerk of the County Commissioners, and adopted as per 1.15/6
 23 the following, such ordinances and rules shall have the force
 24 and effect of law: 1.15/6

25 (1) Prior to the adoption, amendment, or repeal of any 1.15/6
 26 such ordinance or rule, the Board shall give public notice of
 27 its intended action, setting forth a short and plain 1.15/6
 28 explanation of the purpose and effect of the proposed 1.15/6
 29 ordinance or rule, a summary of the proposed ordinance or rule
 30 and shall cite this act as specific legal authority under 1.15/6