



SOLID WASTE PROGRAM
SPECIFIC OPERATING AGREEMENT
BETWEEN THE
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
BROWARD COUNTY

BACKGROUND

- (1) General Agreements. On February 7, 1989, the Florida Department of Environmental Regulation (now the Florida Department of Environmental Protection or ("DEP")) and the Broward County Environmental Quality Control Board (now Broward County Environmental Protection and Growth Management Department, or EPGMD herein) entered into a General Agreement (GA). It updated previous Agreements dated June 18, 1976, July 22, 1981, and March 1, 1984. That Agreement was amended on January 9, 1991 to include Broward County, a political subdivision of the State of Florida, as a substitute party through its Board of County Commissioners (County). A copy of the GA is on file at the County's Records Division, the EPGMD, the DEP headquarters in Tallahassee, and the Southeast District DEP office in West Palm Beach.
- (2) Specific Operating Agreements. On December 1, 1998, the Florida Department of Environmental Protection and the County entered into a Specific Operating Agreement (SOA) that delegated some of the Department's Solid Waste Program responsibilities to the County. The SOA was revised on June 5, 2001. A copy of the current SOA is on file at the County's Records Division, the EPGMD, the DEP headquarters in Tallahassee, and the Southeast District DEP office in West Palm Beach.
- (3) Local Authorities. The powers and duties of the County established by the Florida Constitution, County Charter, related Special Acts, Code of Ordinances, and Administrative Code (collectively referred to herein as "local authorities") are incorporated herein by reference. Copies of the Charter and Special Acts are available at the County's Office of the County Attorney. Copies of the Code of Ordinances and the Administrative Code are available through the Municipal Code Corporation and its website, www.municode.com. For the purposes of this SOA, these local authorities and those specifically identified in **Attachment 1** hereto are within the meaning of "ordinance, regulation, or local law," as used in Section 403.182(1)(b), Florida Statutes (F.S.), "rule,

regulation, or order," as used in 403.182(7) and (8), F.S., and "rules, regulations, or orders" and "local pollution law, rule, regulation, or order," as used in 403.182(9), F.S.

- (4) **Objective.** The County currently has a DEP-approved Solid Waste Program administered by EPGMD, a part of the County's local pollution control program. This SOA supersedes all provisions related to solid waste management in any prior SOA. The intent of this SOA is to formally establish the basis upon which DEP and the County will work together to preserve and enhance the quality of air, water, and land resources of the County according to the provisions of Chapters 120 (except for Sections 120.53 through 120.55), and 403, Florida Statutes (F.S.), Rules 28-106, 62-4, 62-110, 62-160, 62-302, 62-520, 62-701, 62-709, 62-711, and 62-780, Florida Administrative Code (F.A.C.), and the local authorities described above, which are incorporated herein by reference. Copies are available at the above-mentioned offices or website. Citations of specific provisions of statutes, rules, and local authorities shall survive renumbering. This SOA is also intended to constitute DEP's renewed approval of EPGMD's solid waste program as adequate to meet the requirements of Chapter 403 and any applicable rules and regulations pursuant thereto, as provided in Section 403.182(1)(a), F.S.
- (5) **Delegation.** This SOA will define the provisions for delegation of the Solid Waste Program permitting, compliance, enforcement and exemption activities from DEP to the County, to be carried out by and through its EPGMD, or successor agency responsible for pollution control. The DEP and the County hereby enter into this SOA to delineate each party's responsibility for developing and implementing the program defined here under the State and local authorities referenced above. Nothing here or in the General Agreement is intended to limit DEP's or EPGMD's independent authority established by law.

For purposes of this SOA, "Division" refers to DEP's Division of Waste Management office located in Tallahassee; "District" refers to DEP's Southeast District office located in West Palm Beach; and "DEP Secretary" includes any person, which may include the Secretary, General Counsel, Director of the Division of Waste Management, or Director of District Management, authorized to act on behalf of the Secretary.

- (6) This agreement is intended to affect the duties and responsibilities of DEP and the County, and is not intended to create any requirements applicable to any other person, agency, or political subdivision of the State of Florida. It should not be cited as though it is a rule or standard.

PART I

ADMINISTRATION OF THIS SOLID WASTE SPECIFIC OPERATING AGREEMENT

- (1) **Commencement.** This SOA shall become effective on the date this document is executed by authorized representatives of both DEP and the County. EPGMD, as the agency responsible for environmental programs in the County (including the DEP-approved Local Solid Waste Program), will handle the administrative functions of this agreement for the County. Notwithstanding Section 9.01 of the GA, this SOA is executed by the DEP

Secretary and the Mayor of the Broward County Board of County Commissioners, both of whom have, or have been granted, the authority to execute this SOA and satisfy its terms and conditions.

- (2) **Modification.** This SOA may be modified in writing at any time by mutual consent of DEP and the County.
- (3) **Agreement Conflicts.** Where this SOA specifically conflicts with any part of the GA, then that part of the GA shall not apply to DEP or the County with respect to the solid waste program in the County.
- (4) **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 DEP and the County agree that the rights and duties of both parties contained in this SOA are not materially prejudiced, and if the intentions of the parties can continue to be effectively carried out.
- (5) **Approval of Local Authorities.** The County hereby certifies that its local authorities pertaining to its solid waste program, including Chapter 27, Articles I and VI, of the Broward County Code of Ordinances, Sections 27.170 and 40.23 of the Broward County Administrative Code, and orders issued pursuant to such Codes are compatible with, or stricter or more extensive than, and not in conflict with, those imposed by Chapter 403, F.S., and rules adopted thereunder. Such local authorities are identified in **Attachment 1**, affixed to this SOA. The DEP has determined such stricter or more extensive local authorities shall be enforced by DEP if it elects to exercise its jurisdiction over solid waste management within the County. This determination is not applicable to local authorities not identified in **Attachment 1**. This determination does not apply to any facility excepted from this delegation as listed in paragraph (1)(a) of Part III of this SOA. The County certifies the existing Remedies and Adjudicatory Procedures in Chapter 27, Article I, Division 3, "Hearing Examiner" and 4, "Adjudicatory Procedures, Liability and Remedies" of the Broward County Code of Ordinances are adequate to enforce the County's solid waste program provided it adheres to penalty assessment guidelines that are at least as strict as those of DEP. DEP remedies remain available to the County as alternatives to its own procedures.
- (6) **Future Local Authorities.** To clarify the intent of DEP and the County regarding the effect of Section 403.182(7), F.S., and Sections 3.02 and 8.02 of the GA, it is agreed by DEP and the County that if the County amends any existing ordinances or rules pertaining to solid waste management, or adopts any new rules, DEP will not enforce such amended or new rules unless and until DEP has been advised that such rules are compatible with, or stricter or more extensive than and not in conflict with those imposed by Chapter 403, F.S., and rules adopted thereunder. Prior to being advised as such, DEP is not obligated to enforce such rules if it asserts its jurisdiction. This determination does not apply to any facility excepted from this delegation as listed in paragraph (1)(a) of Part III.
- (7) **Termination.** If the GA is terminated according to Section 2.07 of the GA by either party without cause upon written notice to the other party at least 90 days prior to the effective

date of such termination, then this SOA shall be simultaneously terminated. The County or DEP may terminate this SOA without cause by providing written notice to the other party at least 90 days prior to the effective date of such termination. The DEP may terminate approval of the solid waste program portion of the County's local pollution control program for cause pursuant to Subsection 403.182(4), F.S.

- (8) **Applicability.** The permitting provisions of this agreement only apply to DEP-delegated permits and do not affect any County permits, licenses, or other approvals issued in accordance with local authorities and not covered by this agreement.

PART II

SOLID WASTE PROGRAM MANAGEMENT

- (1) **Adequate Staff.** The County will provide adequate and appropriate administrative, technical and legal staff, financial, computer, and other resources to effectively and efficiently carry out the solid waste program in a manner to prevent and control pollution and provide for enforcement of its requirements by appropriate administrative and judicial processes. EPGMD shall maintain an adequate solid waste permitting, monitoring, compliance and enforcement staff (hereinafter "staff") to satisfy the requirements of this SOA as modified from time to time. EPGMD will designate staff members that will carry out the duties of the Solid Waste Program, identify their areas of responsibility, and estimate the proportion of time each staff member will perform duties related to the program. EPGMD staff turnover shall be minimized. This may be done using the organizational chart (**Attachment 2**), which shall be periodically updated or supplemented by EPGMD as necessary when there are changes of key staff or organizational structure. An organizational chart and an alphabetical directory of EPGMD and DEP staff shall be exchanged by EPGMD and DEP upon request.
- (2) **Plans.** EPGMD shall prepare an annual work plan describing staffing (Full Time Equivalents) and equipment committed to the delegated solid waste 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 solid waste level of service (e.g., required number of inspections per facility per year). (Updates to the list of non-delegated facilities will be provided to the local program by the District as needed.) DEP District Program and EPGMD staff shall coordinate and annually exchange their respective work plans, and shall exchange data concerning all activities involving the preparation, review, and implementation of solid waste programs for those functions specified in the applicable DEP rules concerning local solid waste programs.
- (3) **Training.** EPGMD will ensure that staff has the requisite entry-level training and the subsequent training needed to allow its staff to properly accomplish their work assignments. EPGMD staff shall have the same minimum qualifications as the respective DEP District Program staff. EPGMD staff will attend DEP-sponsored Solid Waste Workshops. EPGMD staff will participate in DEP monthly Solid Waste teleconferences and webinars. DEP shall provide notification of teleconferences. In addition, EPGMD

will send members of its staff to individual training courses, and will allow participation in other DEP solid waste training activities, to the greatest extent practical.

- (4) Policy Coordination. EPGMD and DEP will coordinate their activities regarding operations and enforcement policies.
- (5) Program reports. DEP will send EPGMD a copy of any report submitted by DEP to the EPA or another agency on behalf of EPGMD.
- (6) Evaluations and Audits. DEP will periodically conduct both program performance evaluations and financial audits of EPGMD's implementation of the delegated solid waste program.
 - (a) Purpose of Evaluations. The purpose of the performance evaluations is to determine if permit application reviews, monitoring programs, compliance efforts, and enforcement actions are being effectively conducted in accordance with the provisions of Chapters 120, except for Sections 120.53 through 120.55, and 403, Florida Statutes (F.S.), and Rule 28-106, 62-4, 62-110, 62-160, 62-302, 62-520, 62-701, 62-709, 62-711, and 62-780, Florida Administrative Code (F.A.C.), and local authorities, and that appropriate records are being maintained for said activities. Records shall be maintained in accordance with DEP's approved Records Retention schedule. As stated in Section 7.01 of the GA, EPGMD will comply with the requirements of Chapter 119, F.S.
 - (b) Coordination. In instances when EPGMD is subject to audit by both a federal agency as well as the DEP, every effort will be made to fully coordinate the audits. EPGMD will have adequate time to complete any DEP preaudit surveys and to comment on draft DEP audit findings. Draft DEP audit findings will be provided to EPGMD solid waste program staff for review before releasing for general distribution.

PART III

AGENCY RESPONSIBILITIES

- (1) Delegation of Solid Waste Permitting. EPGMD will receive, process, and act on applications for state solid waste permits for which DEP has delegated the County solid waste permit issuance authority to the County in accordance with the following general procedures and specific conditions.
 - (a) Effective Date and Limitations. DEP delegates to the County the authority and EPGMD assumes the responsibility to receive, process, and take final agency action on solid waste permits within the County that otherwise would be administered by DEP, including the authority to make determinations of whether a facility is exempt under DEP's permitting and solid waste rules, except for the following permits, approvals, or categories of solid waste facilities or activities:

1. Waste-to-Energy and associated facilities authorized under the Florida Electrical Power Plant Siting Act, Part II of Chapter 403, F.S.;
2. Facilities owned or operated by the County or the County Commissioners.
3. Any other facilities listed in **Attachment 3** and not included above.
4. Other facilities with unique situations or conditions pursuant to Subsection 403.182(4)(d), F.S., if DEP has notified EPGMD that it intends to exercise its authority over such facilities.
5. Financial assurances review and approval.

Attachment 4 contains a summary of which agency provides the lead or support role for various kinds of solid waste program facilities or elements. Generally, EPGMD provides the lead role for delegated facilities, and DEP provides the lead role for facilities excepted from this delegation.

- (b) **Revocation.** In the event that the DEP Secretary determines that the County has failed to comply with the conditions of this delegation or any relevant part of this SOA, the County will have a reasonable period, not to exceed 90 days from receipt of notification referencing this section, to take corrective measures. If, in the judgment of the DEP Secretary, the County fails to take appropriate corrective measures within the time allowed, the DEP shall administer the regulatory provisions of the delegation. At that time, the DEP will immediately assume the responsibility for processing all permit applications affected by the delegation.
- (c) **Specific Condition of Delegation.** In addition to the other provisions of this SOA regarding solid waste permitting, the County shall comply with the following specific requirements as a condition of maintaining this delegation:
 1. The review of the permit applications and the drafting of the specific permit conditions shall be done under the supervision of a professional engineer or professional geologist licensed by the State of Florida, as appropriate.
 2. In its exercise of DEP-delegated Solid Waste permitting authority, the County shall comply with the applicable permitting requirements of Chapters 403 and 120, except for Sections 120.53 through 120.55, F.S., and Chapters 62-4, 62-110, 62-160, 62-302, 62-520, 62-701, 62-709, 62-711, and 62-780, F.A.C.
 3. EPGMD is encouraged to follow the written permitting procedures issued by the DEP Secretary and his/her legal and program directors.

4. EPGMD is not authorized to issue a variance from DEP rules under Sections 120.542 or 403.201, F.S., or to approve alternate procedures under Rule 62-701.310, F.A.C.
5. EPGMD shall use permitting forms adopted by DEP. The local solid waste program may affix its name and logo on the forms. The local program may request additional information required by local ordinance or policy. The local program has and may continue to develop unified forms that contain all information required by the DEP and the County and may use those forms in lieu of forms adopted by DEP upon approval of the DEP.

EPGMD shall issue permits using the format used by the DEP District Solid Waste Program. DEP will provide EPGMD with current model forms in use by the DEP District Solid Waste Program. The local program has and may continue to develop an alternate permit format compatible with the DEP format, and may use that format upon approval by the DEP.

6. EPGMD shall have access to DEP's computer information systems used for the Solid Waste Program, including Solid Waste Information Field Tracking (SWIFT), Water Assurance Compliance System (WACS), Permit Application (PA), OCULUS, and Compliance and Enforcement Tracking (COMET) (for new sites only in PA), and shall accurately and in a timely manner enter all permit-related data as permit applications are processed and as permits are issued or denied. For purposes of PA, a timely manner is within three working days. EPGMD shall not have access to confidential information maintained in DEP computer information systems related to facilities outside its delegated authority.
7. EPGMD shall ensure that water quality data from permitted facilities is submitted to DEP using Automated Data Processing Tool (ADaPT) software.
8. The County shall have the legal resources to defend EPGMD's permitting decisions if challenged under Chapter 120, F.S. To the extent that DEP's technical or rule interpretation or guidance is at issue, DEP will assist, EPGMD in such proceedings.
9. EPGMD shall have full authority to make determinations regarding the correct DEP fees for permit applications for delegated facilities. All determinations will be made pursuant to Section 403.087, F.S., Rules 62-4.050 and 62-701, F.A.C., and any written policy as issued by the DEP Secretary and his/her legal and program directors.
10. EPGMD will coordinate reviews with and seek comments from DEP's permitting section when reviewing permit applications for delegated solid waste management facilities.

(d) Distribution of Permit Fees.

1. EPGMD may maintain its own permit, license, or approval application fee schedule pursuant to its own local authorities to the extent allowed by law. In any event, EPGMD shall require permit applicants to remit at least the application fee required by the DEP's current fee schedule. However, to further good government, EPGMD agrees to charge a single fee for delegated permits.
2. DEP and the County agree that the County should receive specific financial compensation from DEP to cover the reasonable cost of acting on applications for state solid waste permits. Therefore, DEP shall allow the County to keep 100% of the fees authorized under Section 403.087, F.S., and Rules 62-4.050 and 62-701.315, F.A.C., for delegated permits.

(e) Permitting Reporting Requirements. EPGMD will report its state solid waste permitting activities to DEP by use of the following DEP reporting systems at the frequencies shown:

1. Update WACS for sources permitted by EPGMD. All such permit data (such as class codes, location information, facility information, test site information, etc.) will be entered into WACS prior to permit issuance.
2. Update PA for all applications received, permits processed, and issued or denied by EPGMD. All such information will be entered into PA within three working days of any solid waste permit action.

(f) Exchange of Information. All permits and supporting material in the possession of EPGMD shall be made available to DEP upon request or as otherwise specified in this SOA.

(2) Application Review Procedures.

(a) Delegated Permits

1. DEP Procedures.

- a. When DEP receives a permit application for a solid waste facility within the County for which permit issuance authority has been delegated, DEP will arrange for a transfer of the application and the associated fees to EPGMD. Because the permit application timeclock starts when DEP receives the application, DEP will arrange for a transfer of the application and fee within three working days of receipt of the application.

- b. For delegated facilities required to provide financial assurance, DEP's Solid Waste Section in Tallahassee will perform all permit and compliance reviews of financial assurance documentation, and provide written approval of the financial assurance mechanism to EPGMD and the applicant. Within 20 days of receipt of a permit application requiring financial assurance, DEP will provide EPGMD with any needed requests for additional information. DEP will also provide financial assurance specific conditions in a timely manner for inclusion in solid waste permits issued by EPGMD, and shall defend any challenges to those permit conditions if necessary.

2. EPGMD Procedures.

- a. EPGMD will ascertain whether the fees remitted are correct, and retain those for which permit delegation has been granted by DEP. Pursuant to Rule 62-4.050(5)(c), F.A.C., when the EPGMD receives the application and the proper fee made out to the EPGMD, the permit processing time requirements of Sections 120.60(1) and 403.0876, F.S., shall begin. If EPGMD receives a check for a permit application fee made out to DEP, it shall promptly return the check and notify the applicant that it must resubmit the check made out to the "Broward County Board of County Commissioners." The permit processing time requirements shall begin upon receipt of the original application and the proper fee.
- b. If the amount of submitted fee for such an application is not correct, EPGMD will promptly notify the applicant, and resolve the matter in accordance with DEP's permit fee rules (which may involve returning the application and any fee submitted to the applicant for correction and reapplication).
- c. When EPGMD determines that a fee is correct for an application that EPGMD is to process, EPGMD will promptly process the check.
- d. Within seven working days of receiving the application, EPGMD will insert the state solid waste permit application as received into OCULUS and will provide DEP with a link to where that document can be found in OCULUS. For delegated facilities required to provide financial assurance, EPGMD shall also provide DEP's Solid Waste Section in Tallahassee with the original financial documents and the OCULUS link to the electronic copy of the application and with within seven working days. EPGMD will review closure cost estimates and annual updates for compliance with DEP's rules within 30 days of receipt, and will forward its determination of adequacy to DEP's Financial Assurance Section within the

Division's Compliance Assistance Program at Mail Station 450,
2600 Blair Stone Rd. Tallahassee, Florida 32399.

- e. A copy of all correspondence related to a permit application will be kept on file by EPGMD in accordance with DEP Records Retention schedule. EPGMD will ensure that all related permit documents are inserted into OCULUS in a timely manner. EPGMD will email to DEP the OCULUS link for the document of its proposed agency action on such permit application at the same time that EPGMD mails or emails its intent to issue (or deny) to the applicant.
 - f. EPGMD will review each application for completeness within 30 days of receipt by either EPGMD or DEP of an application and proper fee. If the application is determined to be incomplete, a letter of incompleteness will be sent by certified mail, return receipt requested, or by email with receipt acknowledged to the applicant by EPGMD identifying and requesting the needed additional information. EPGMD will include all timely comments or questions provided by DEP in EPGMD's request for additional information. Letters of incompleteness and responses to them shall be inserted into OCULUS by EPGMD in a timely manner. EPGMD is encouraged to follow the DEP policy memo or equivalent for all requests for additional information, **Attachment 5**. The PA database is now capable of auto-generating application receipt emails and RAI reminder emails, which the Department encourages EPGMD to utilize. Examples are attached as **Attachment 6**.
 - g. When the application is determined to be complete, EPGMD will process the application as expeditiously as possible, and take final agency action on behalf of DEP on the complete application in accordance with the procedures and time frames that would apply to DEP, if DEP were taking final action on the application. When a complete copy of each solid waste permit issued or denied has been inserted into OCULUS, then EPGMD shall email DEP the OCULUS link where the document can be found.
3. Administrative Hearings and Final Agency Actions. All delegated solid waste applications will be received, processed, and acted upon by EPGMD on behalf of DEP in accordance with the applicable state laws, DEP rules, and local authorities. Each permit issued or denied by EPGMD shall include a Notice of Rights informing affected persons that any petition, or request for an extension of time to file a petition, must be submitted to EPGMD and must conform with the requirements of Rule 62-110.106, F.A.C.

- a. **Administrative Challenges to Permits.** All delegated solid waste permitting decisions made by EPGMD shall be subject to the provisions of the Florida Administrative Procedure Act, Chapter 120, F.S., as if these decisions had been made by DEP. Each timely petition for formal administrative hearing on a delegated permit application received by EPGMD shall be evaluated for compliance with Chapter 120, F.S. and Rules 28-106 and 62-110.106, F.A.C. If EPGMD determines that a petition has met these requirements, it shall send a copy of the petition to the District, and shall also send a copy of the petition and any other relevant documents to the DEP Agency Clerk in the Office of General Counsel at Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, with a request to refer the petition to the Division of Administrative Hearings (DOAH) for the assignment of an Administrative Law Judge. DEP shall have the right, if it so chooses, to intervene in the DOAH proceeding. For all hearings challenging agency action on delegated solid waste permits, EPGMD shall be responsible for preparation for the hearings, appearance at the hearings, and the preparation and submittal of the proposed recommended orders to the assigned act. Prior to all final hearings, a County attorney shall consult with DEP attorneys regarding issues related to the case to ensure DEP concerns are addressed. All recommended orders resulting from such DOAH proceedings shall be referred to the DEP Secretary for final agency action. Exceptions and responses to exceptions shall be filed with the DEP's Office of General Counsel within the times set forth in the applicable DEP rules. Appeals of final orders entered following an administrative hearing shall be the responsibility of DEP. EPGMD may join the appeal as a party.

- b. **Interpretation of Rules.** Legal interpretation of DEP rules shall be made by DEP's Office of General Counsel. Legal interpretation of local authorities shall be made by the Office of the County Attorney. If, in the course of processing solid waste permitting applications, the interpretation of a DEP rule becomes an issue, the EPGMD permit processor shall consult with DEP to determine the appropriate regulatory interpretation. If DEP is enforcing local authorities, then DEP shall consult with EPGMD (who will consult with Office of the County Attorney as needed) concerning the appropriate regulatory interpretation. In the event that there is litigation concerning the interpretation of DEP's rules, then DEP shall provide testimony concerning the interpretation of those rules. To the extent that litigation involves interpretation of local authorities, the County shall provide testimony concerning the interpretation of those local authorities.

- (b) **Non-Delegated Permits.** EPGMD will be given the opportunity to comment on the processing of applications for non-delegated state solid waste permits in accordance with the following general procedure.
1. **DEP's Application Review Procedures.** When DEP receives a solid waste permit application for a facility on which DEP is to take final agency action, DEP will (within three working days) email EPGMD the OCULUS link where the application can be found for review and comment by EPGMD. DEP will provide EPGMD with sufficient opportunity to comment on the completeness of each such permit application, as well as to recommend issuance or denial. All letters of incompleteness, intents to issue or deny, and any permits issued will be prepared and signed by DEP staff, and an email with the document's OCULUS link will be sent to EPGMD at the time the original is issued.
 2. **EPGMD's Application Review Procedures.**
 - a. When EPGMD receives an application for a non-delegated state solid waste permit for which DEP is to take final agency action, EPGMD will return the application and associated fees to the applicant within three working days of receipt, with instructions to resubmit the application to DEP, or, at the applicants request, EPGMD will forward the application and the associated fees to DEP.
 - b. Within 20 days of receipt of notice that the application was inserted and available by link in OCULUS, EPGMD may review the application for completeness and notify DEP of any additional information that EPGMD would like to see requested.
 3. **Conflict Resolution.** Although DEP has the responsibility for decisions on final agency action for all applications for non-delegated state solid waste permits, and for all delegated permits for which a state administrative hearing is held, an effort will be made to reach an acceptable agreement if a conflict arises between EPGMD and DEP with respect to permit issuance or denial.
- (3) **Solid Waste Management Facility Compliance and Enforcement.** DEP and EPGMD shall conduct solid waste compliance and enforcement activities as follows:
- (a) **Compliance Assistance.** DEP has adopted compliance assistance policies that are intended to provide opportunities for facilities with minor violations that do not result in any actual environmental harm to come into compliance without the need for formal enforcement activity. DEP acknowledges that EPGMD also provides compliance assistance opportunities built into its compliance effort. DEP and EPGMD agree, to the extent practical, they will provide compliance assistance

opportunities in a manner consistent with the State of Florida's compliance assistance memorandum dated November 16, 2011, **Attachment 7**.

- (b) **EPGMD's Authority.** Pursuant to the County's independent authority to regulate solid waste within the county, EPGMD may inspect the same facilities that DEP conducts compliance inspections for, and may conduct inspections of any solid waste facility more frequently than DEP. EPGMD may also conduct solid waste compliance inspections for DEP on a facility by facility basis when requested to do so by DEP. Consistent with the County's authority and Section 403.182(8), F.S., nothing in this Solid Waste SOA prevents EPGMD from enforcing its own local authorities. EPGMD will use the Remedies and Adjudicatory Procedures in Chapter 27, Article I, Broward County Code of Ordinances. DEP remedies remain available to the County as an alternative to its own procedures.
- (c) **Inspections and Enforcement by DEP.** Pursuant to Section 403.182(6), F.S., DEP may inspect any solid waste facility or initiate enforcement against any entity in the County. Unless circumstances make notice inappropriate, in the sole opinion of DEP, DEP will provide prior notification to EPGMD.
- (d) **EPGMD Enforcement Actions.** EPGMD may initiate solid waste enforcement actions to correct detected violations pursuant to the County's authority, or for DEP for those facilities delegated to EPGMD by DEP, or upon request.
- (e) **Exchange of Information.** All complaints, results of inspections, results of laboratory analyses and other such material in the possession of EPGMD shall be made available to DEP upon request or as otherwise specified in this Solid Waste SOA.
- (f) **Concurrent Action.** It is agreed that EPGMD will assume the enforcement lead for violations of state and local solid waste regulations within the County for delegated facilities. DEP will assume the lead for all enforcement at facilities excepted from delegation. EPGMD will routinely discuss its enforcement actions with DEP. If discussions with EPGMD reflect that EPGMD is resolving the violation in a timely and appropriate manner, DEP will continue to delegate enforcement to EPGMD. If EPGMD is unable to resolve the violation in a timely or appropriate manner, DEP will advise EPGMD of its intent to proceed with its own action. If DEP takes enforcement action against a delegated facility, it shall enforce any County regulations that are stricter or more stringent than DEP rules, in accordance with Section 403.182(6), F.S. EPGMD will continue to provide the necessary support for DEP's action as requested. A joint or consolidated enforcement action will be considered as an alternative to a unilateral DEP action, where feasible. If enforcement actions are initiated by DEP and EPGMD against the same source for the same violations, then the actions should be combined as a joint or consolidated enforcement action where possible. The County retains the right to resume an independent enforcement action should DEP fail to resolve the violation.

- (g) Enforcement Guidelines. DEP's current penalty assessment guidelines will serve as the basis of EPGMD enforcement actions with respect to local, state, and federal solid waste requirements but scaled to a maximum penalty of \$15,000 per day per violation as allowed by local authorities in the County. EPGMD will maintain all penalty calculations for each enforcement action in the appropriate enforcement file, and will provide information regarding those calculations to DEP upon request. Should DEP determine that inconsistencies exist, EPGMD will review its guidelines and work with DEP to correct those inconsistencies.
 - (h) Coordination. Nothing in this agreement shall prohibit either DEP or EPGMD from taking enforcement action for violations of their respective rules. However, EPGMD must coordinate with DEP on any action it intends to pursue under Section 403.161, F.S., when such action is initiated against a delegated facility for violations of DEP rules or statutes.
 - (i) Compliance and Enforcement Reporting Requirements. EPGMD shall report its compliance activities at delegated facilities to DEP using SWIFT. EPGMD shall follow DEP policies and guidance documents in determining which activities should be entered into SWIFT. Activities entered into SWIFT shall be synchronized within five working days of each activity. EPGMD shall report its enforcement activities quarterly to DEP within 20 days following the end of each quarter (due by April 20, July 20, November 20 and January 20 of each year). This quarterly enforcement report shall include: (1) number of violations by type of violation and facility class code; (2) number of enforcement actions by type; (3) total dollar amount of fines assessed; and, (4) total dollar amount of fines collected.
- (4) Solid Waste Management Facility Compliance Monitoring Procedures. Compliance monitoring shall be done according to procedures established by applicable state statutes, rules, and guidelines at frequencies required therein or as specified in the appropriate facility permit. Associated quality assurance/quality control techniques shall be followed. The established inspection frequency will be specified in a written document agreed to by the parties involved.
- (5) Complaints. EPGMD will receive, respond to, and investigate all complaints from DEP and from citizens relating to solid waste management within the county, except complaints concerning facilities excepted from delegation. Complaints will be investigated in a timely fashion and shall be entered into WACS and SWIFT or an EPGMD database. Records will be kept of all complaints.
- (a) Referral of Complaints from DEP to EPGMD. DEP will refer any complaints that it receives about solid waste situations within the county to EPGMD for investigation, except complaints concerning facilities excepted from delegation. However, DEP reserves the right to investigate certain complaints at its own discretion but will provide notice to the EPGMD unless circumstances make notice inappropriate, in the sole opinion of DEP.

- (b) Response by EPGMD. If a violation of a local or state solid waste standard, rule, or permit condition is determined to have occurred, EPGMD will notify the responsible person, attempt to bring about compliance, and inform the complainant of the action taken. EPGMD may take enforcement action in accordance with this Solid Waste SOA.

PART IV

MISCELLANEOUS PROVISIONS

- (1) General Information Requests. EPGMD will answer telephone inquiries and written requests from individual citizens, the news media, and other organizations for general information about solid waste or about specific program activities or solid waste situations. As time and resources allow, EPGMD employees will speak to schools, civic groups, and other interested organizations when requested to do so. Inquiries about DEP solid waste rules which require interpretation and guidance will be referred to DEP for reply.
- (2) Solid Waste Program Computer Information Systems. EPGMD will access DEP's computer information systems and assure sufficient availability of on-line time to accomplish the various updates required under this Solid Waste SOA. EPGMD and DEP will each designate an individual to serve as the agency's computer information system contact and notify each other of such designations. EPGMD will be responsible for maintaining users' manuals, distributing information on revisions to all users in the agency, and notifying the computer information system coordinator in DEP of any systems-related problems or training needs that exist within the agency.
- (3) Interpretation of Laws, Ordinances, Rules and Regulations. The governmental agency responsible for promulgating the original law, ordinance, code, rule, or regulation will be the primary interpretative authority.
 - (a) DEP Rules. DEP will interpret the basic permitting rules, and the solid waste and related administrative rules adopted in Title 62, F.A.C., but will defer to the United States Environmental Protection Agency (EPA) for interpretations of federal regulations adopted verbatim or by reference.
 - (b) Local Authorities. The County Attorney will interpret locally adopted authorities, other than EPA regulations or DEP rules adopted verbatim by reference. If the County intends to apply an EPA regulation or DEP rule in a more stringent way than intended by the originating agency, the County must duly adopt the subject regulation or rule along with its intended interpretation as a local authority. After such adoption, the more stringent local authority must be submitted to DEP, as set forth in Section (6) of Part I, above.
 - (c) Requests for Interpretations. All requests for interpretation will be answered as expeditiously as possible by the originating agency. Requests for an interpretation of a DEP rule or related procedural or administrative rule are to be referred to DEP,


in writing. Requests for an interpretation of any local authority are to be referred to EPGMD (who will consult with the Office of the County Attorney as needed), in writing.

- (4) Natural Disasters. DEP and EPGMD agree to coordinate and cooperate with each other and with other agencies as appropriate to respond to natural disasters. In the event that DEP issues an Emergency Order for management of disaster debris, EPGMD will issue the necessary authorizations for disaster debris management sites and will conduct compliance and enforcement activities for such sites.
- (5) Inquiries. Inquiries from the Governor's Office, Cabinet, and members of the Legislature regarding EPGMD delegated facilities shall be forwarded, as applicable, to the EPGMD Director. EPGMD 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.
- (6) Whenever DEP or EPGMD are required to provide or mail copies of documents to each other, each agency shall provide such documents by electronic mail whenever possible and practical.
- (7) Effective Date and Modification Dates. This SOA is effective on the date it is fully executed by the parties. Subsequent modifications to this SOA shall not change the effective date.
- (8) Nothing herein is intended to serve as a waiver of sovereign immunity by any party nor shall anything included herein be construed as consent to be sued by third parties in any matter arising out of this SOA or any other contract. Each party is a state agency or political subdivision as defined in Chapter 768.28, Florida Statutes, and shall be fully responsible for the acts and omissions of its agents or employees to the extent permitted by law.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice-Mayor, authorized to execute same by Board action on the 3rd day of June, 2014 and FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, signing by and through its Director, Division of Waste Management, duly authorized to execute same.

COUNTY

ATTEST:



Broward County Administrator, as
Ex-officio Clerk of the Broward County
Board of County Commissioners

BROWARD COUNTY, by and through
its Board of County Commissioners

By 

Mayor

3rd day of June, 2014

Approved as to form by
Joni Armstrong Coffey
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641



By Michael C. Owens 3/12/14

Michael C. Owens (Date)
Senior Assistant County Attorney

By Maite Azcoitia 3/13/14

Maite Azcoitia (Date)
Deputy County Attorney

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By 

Jorge Caspary, Director
Division of Waste Management 3/5/2014

LIST OF ATTACHMENTS

1. EPGMD Local Authorities, Stricter or More Extensive Than DEP Rules
2. EPGMD Waste Management Section Organizational Chart
3. List of Non-delegated Facilities
4. Lead and Support Agency Assignments
5. DEP Policy Memo on RAIs dated March 22, 2011
6. Examples of PA Auto-generated Email
7. DEP Compliance Assistance Memo dated November 16, 2011

**Attachment 1 - EPGMD Local Authorities, Stricter or More Extensive
Than DEP Rules**

PART II - CODE OF ORDINANCES
Chapter 27 - POLLUTION CONTROL

ARTICLE I. NATURAL RESOURCE PROTECTION

ARTICLE I. NATURAL RESOURCE PROTECTION ^[2]

[DIVISION 1. - GENERALLY](#)

[DIVISION 2. - VARIANCE AND ADMINISTRATIVE REVIEW PROCEDURES](#)

[DIVISION 3. - HEARING EXAMINER](#)

[DIVISION 4. - ADJUDICATORY PROCEDURE, LIABILITY AND REMEDIES](#)

[DIVISION 5. - LICENSES](#)

[DIVISION 6. - APPROVALS](#)

[DIVISION 7. - LAND USE REVIEW](#)

FOOTNOTE(S):

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Editor's note— Ord. No. 2003-34, § 1, adopted Sept. 23, 2003, amended former Art. I, Divs. 1—7, §§ 27-2—27-67 in its entirety to read as herein set out. Former Art. I pertained to similar subject matter and derived from the following: ([Back](#))

Ord. No.	Section	Date
93-46	1	11-23-93)
94-3	1	1-11-94
94-17	1	3- 8-94
1999-55	1	10-12-99
2001-11	1	4-24-01
2003-15	1	5-13-03

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[Sec. 27-1. Short title.](#)

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[Sec. 27-3. Declaration of intent.](#)

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[Sec. 27-5. Construction of this chapter.](#)

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[Sec. 27-7. Appropriations.](#)

[Sec. 27-8. Right to inspect and access to property.](#)

[Sec. 27-9. Computation of time.](#)

Sec. 27-1. Short title.

This chapter shall be known and cited as the "Broward County Natural Resource Protection Code."

(Ord. No. 93-46, § 1, 11-23-93)

Sec. 27-2. Mission statement.

The Broward County Board of County Commissioners has determined and declares that the Environmental Protection and Growth Management Department (EPGMD) is to plan, develop and recommend policies and to be responsible for the identification, monitoring, enforcement and protection of natural resources and environmental quality with respect to air, surface water, groundwater, wastewater, soil, beach erosion, hazardous materials, biohazardous and solid waste management, wetlands, upland, coastal, and marine animal and plant life, and other activities associated with the enhancement and protection of the natural resources of Broward County which are necessary for the protection and preservation of the public health, safety and general welfare. EPGMD is to be proactive in ensuring a future in which the county's natural resources are preserved, protected, and enhanced in keeping with federal, state, regional and adopted Broward County Board of County Commissioners policies and guidelines.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-3. Declaration of intent.

The intent and purpose of the Natural Resource Protection Code (this chapter) is to provide and maintain, for the citizens of Broward County, standards which will help prevent air, water and noise pollution and beach erosion; will ensure that the purity of all waters remain suitable for the public health and for the public enjoyment thereof; will ensure the propagation and protection of wildlife, birds, fish and other aquatic life; will preserve atmospheric and aquifer purity and free the air, water and soil from contaminants, solid waste or synergistic agents injurious to human, plant or animal life or property, will prevent the unreasonable interference with the comfortable enjoyment of life or property, or the conduct

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of business; or will protect the environment. Activities, facilities and items regulated by this chapter that threaten the public health, safety and welfare of the citizens of Broward County and endanger the environment and natural resources are declared to be public nuisances that must comply with this chapter to ensure the protection of the public health, safety and welfare and of the environment and natural resources. While the impact of any one (1) of these activities, facilities or items may or may not be great, the cumulative impact of these activities, facilities or items causes great harm to the environment, natural resources, and public health, safety and welfare.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-4. Definitions.

Technical terms used in this chapter and in the rules and regulations adopted pursuant thereto are defined in accordance with the most recent version of the following publications: Glossary of Water and Sewage Control Engineering published jointly by the American Public Health Association, the American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation; The Condensed Chemical Dictionary, published by Van Nostrand and Reinhold Co.; and relevant chapters of the Florida Statutes, the Florida Administrative Code, and the Florida Building Code. As used in this chapter, the following words and phrases shall have the following meanings unless some other meaning is plainly indicated. However, there are other words, phrases and terms which apply to a particular section, division or article of this chapter; and these definitions for a specific section, division, or article shall control for that specific section, division, or article.

- (1) *Adjudicatory proceeding* means a quasi-judicial proceeding conducted by the hearing examiner that:
 - a. May result in the imposition of a civil penalty for a violation of this chapter.
 - b. Involves an administrative review of a final administrative decision.
 - c. Involves an application for a variance.
- (2) *Applicant* means any person that applies for a license issued pursuant to this chapter, for a license issued pursuant to any delegated or contracted program, for approval of building permits, or for conceptual review. "Applicant" shall also mean, but not be limited to any person's partner, joint venturer, corporate officer or director, employee, parent corporation, or stockholder.
- (3) *Board* means the Broward County Board of County Commissioners.
- (4) *Building permit* means an authorization or approval by a municipality or the county to proceed with construction, alteration, repair, installation or demolition at or on any facility or structure as set forth within the Florida Building Code. It is not an authorization to construct, alter, repair, install or demolish a facility that may be a source of pollution.
- (5) *CFR* means Code of Federal Regulations.
- (6) *Citation* means a notice assessing an administrative penalty for a violation of this chapter.
- (7) *Code* means the Natural Resource Protection Code, which is [chapter 27](#) of the Broward County Code of Ordinances.
- (8) *Commencement of construction* means the actual on-site, continuous and systematic activity of land surface alteration, construction and fabrication of a facility.
- (9) *Construction* means performing fabrication, erection, installation or modification of a source or facility, including, but not limited to, installation of foundations or building supports, laying of

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underground pipe work or electrical conduit; fabrication or installation of storage structures, component parts of a source or facility, associated support equipment, or utility connections; and land development activities, including site preparation.

- (10) *Construction license* means the authorization to construct, expand, modify or make alterations to any facility and to temporarily operate and test such new or modified facility.
- (11) *County* means Broward County, a political subdivision of the State of Florida.
- (12) *DEP* means the Florida Department of Environmental Protection.
- (13) *Discharge* means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, releasing or dumping of materials, into the air, onto or in the soil, into the groundwater or into the surface water or onto an impervious surface which has the potential to discharge into the water or onto the soil.
- (14) *Director* means the director of the EPGMD or his or her designee.
- (15) *Environmental review* approval means a written authorization, other than a EPGMD license, to proceed with the development, construction, or alteration of any real property, structure, or facility, when required by this chapter.
- (16) *EPA* means the United States Environmental Protection Agency.
- (17) *EPGMD* means the Broward County Environmental Protection and Growth Management Department.
- (18) *F.A.C.* means Florida Administrative Code.
- (19) *Facility* means:
- a. All contiguous land, structures, machinery and other appurtenances, and improvements used for production, manufacturing, treatment, handling, storing or disposing of materials. A facility may consist of several production, manufacturing, treatment, handling, storing or disposal operations.
 - b. Any land development activity or site.
 - c. Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft. (CERCLA 42 U.S.C.A. 9601)
- (20) *Habitual violator* means any person or responsible party who has been adjudicated to be in violation of this chapter, or who has entered into a settlement agreement for a violation of this chapter, two (2) times within one (1) year or five (5) times within five (5) years of the most recent violation.
- (21) *License* means:
- a. The authorization to engage in or conduct any construction, operation, modification or expansion of any facility or activity which will reasonably be expected to be a source of pollution or an agreement binding upon the licensee in which, in return for the privilege to conduct the licensed activities, the licensee accepts and agrees to operate in compliance with the conditions, standards and requirements of the license conditions, this chapter, and Florida and federal environmental laws and regulations.

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- b. The authorization to engage in or construct the remediation, abatement and/or mitigation of environmental damage or an environmental hazard pursuant to the requirements contained in this chapter.
- (22) *License condition* means a statement or stipulation issued with a license, compliance with which is mandatory for continued validity of the license and which shall survive the expiration of the license unless otherwise indicated in the license.
- (23) *Litter* means, but is not limited to, garbage, rubbish, trash, refuse, can, bottle, box, container, paper, tobacco product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.
- (24) *Modification* means a change in design or operation that increases or decreases capacity; affects emission, effluent, noise or discharge quantity or quality; increases or decreases environmental impact; or affects the potential for emission, effluent production, noise produced or discharge.
- (25) *Moral turpitude* shall mean a crime which is inherently immoral or dishonest including, but not limited to, fraud, extortion, blackmail or crimes against minors.
- (26) *Notice of violation (NOV)* means a notice alleging a violation of this chapter.
- (27) *Nuisance* means any emission, discharge, release, and/or placement of any substance into the atmosphere, waters or soil, or onto an impervious surface which has the potential to discharge into the water or onto the soil which may cause injury or detriment to the public, to any person or to the environment; which endangers the comfort, repose, health or safety of any person or the public; which endangers the environment or which causes or has a natural tendency to cause injury or damage.
- (28) *Operation license* means the authorization to operate or maintain any facility for a specified period of time.
- (29) *Person* means any natural person, individual, owner, operator, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, responsible party or any other entity whatsoever, or combination thereof, of whatever kind.
- (30) *Pollution* means the presence in the air, soil, waters or other natural resources of the county or on an impervious surface which has the potential to discharge into the water or onto the soil any substance, contaminant or combination of one (1) or more substances or contaminants, noise, or any artificially induced alteration of the chemical, physical, biological, or radiological integrity of the air, soil, or water in a quantity or at a level that is or may be potentially harmful or injurious to human health or welfare, animal or plant life, property or the environment or that unreasonably interferes with the enjoyment of life or property, including outdoor recreation.
- (31) *Pollution prevention (P2)* means the act of using materials, processes, or practices that:
- a. Reduce or eliminate the creation of pollution or wastes at the source; and
 - b. Protect the environment and reduce the hazards to public health associated with the discharge of pollutants or wastes. This includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, material substitution, on-site recycling/reuse, conservation of energy, water, and other natural resources, and improvements in housekeeping, maintenance, training, or inventory control.

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This does not include off-site recycling, waste treatment, concentrating hazardous or toxic constituents to reduce volume, diluting constituents to reduce hazard or toxicity, or transferring hazardous or toxic constituents from one environmental medium to another.

- (32) *Responsible party* is defined as any person, including any owner, property owner, corporate officer operator, landlord and/or tenant, that allows, causes, suffers, assists in, commits, directs, or is responsible for an activity that results in a violation of this chapter.
- (33) *Service* means notice by the same procedures as required for code enforcement boards pursuant to section 162.12, Florida Statutes, as amended, or as provided for in [section 27-39](#) of this chapter.
- (34) *Source* means the facility from which an effluent or discharge originates.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.02, 4-26-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-5. Construction of this chapter.

The provisions of this chapter shall be liberally construed in order to effectuate the intent of this chapter in the interest of public health, safety and general welfare. Where a Florida general law or a federal law addresses the same subject matter as a section of this chapter, this chapter shall be construed in (*pari materia*) a manner consistent with the decisions of the applicable federal or Florida law unless the section of this chapter manifests the intention of the Board to require a more stringent standard or interpretation. If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said section, sentence, clause or phrase is severable from the remainder of this chapter; and said holding shall in no way affect the validity of the remaining portions of this chapter.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-6. Confidential records.

- (a) Any information relating to secret processes, methods of manufacture or production which may be required, ascertained or discovered by inspection or investigation shall not be disclosed in public hearings and shall be kept confidential by any member, officer or employee of the county in accordance with section 403.111, Florida Statutes, as amended, and federal environmental protection laws, as amended.
- (b) Nothing herein shall be construed to prevent the use of such records in judicial or administrative proceedings when ordered to be produced by an appropriate subpoena or by order of the court or hearing examiner. No such subpoena or order of the court shall abridge or alter the rights or remedies of persons affected in the protection of trade secrets or secret processes, in the manner provided by law; and such persons affected may take any and all steps available by law to protect such trade secrets or processes.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-7. Appropriations.

The Board shall budget in each fiscal year such funds as it may deem necessary to meet the requirements of carrying out an adequate natural resource protection program in the county.

(Ord. No. 2003-34, § 1, 9-23-03)

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Sec. 27-8. Right to inspect and access to property.

- (a) When the owner, operator, or person in charge of any vehicle, real property, facility, premises or place consents, any authorized representative of EPGMD may, at any reasonable time, enter and inspect for the purpose of ascertaining the state of compliance with applicable environmental laws of Florida, regulations and rules of the DEP, or of this chapter, any such vehicle, real property, facility, premises or place for the purpose of determining whether:
 - (1) Any material, pollution source or activity is or may be located, operated, installed, constructed, stored, transported, disposed, produced, discharged, or conducted which may be a threat to the natural resources; or
 - (2) A violation of this chapter may be occurring; or
 - (3) Access may be necessary to conduct a complete investigation of a possible contamination or degradation of the environment.
- (b) Any person who has received a license shall allow immediate entry or access to any authorized representative of EPGMD who requests entry for the purpose of inspection or investigation and who presents appropriate credentials and such person shall not obstruct, hamper or interfere with any such inspection or investigation. Refusal to grant immediate entry or access may subject such person to applicable judicial and administrative remedies. Activities authorized during such an inspection include, but are not limited to, obtaining copies of pertinent documents and taking samples.
- (c) An inspection warrant may be obtained as provided by section 403.091(3), Florida Statutes, and sections 933.20 through 933.30, Florida Statutes, if any person refuses access or entry.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-9. Computation of time.

Where an act is required to be completed within seven (7) days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation. Where an act is required to be completed in a period greater than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be included in the computation. In computing any period of time prescribed or allowed by this chapter or a license, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. The day or portion thereof on which a violation occurs shall be included in the calculation of the number of days of violation as a whole day; and intervening Saturdays, Sundays and legal holidays shall also be included in the calculation of the number of days of violation.

(Ord. No. 2003-34, § 1, 9-23-03)

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DIVISION 2. VARIANCE AND ADMINISTRATIVE REVIEW PROCEDURES

[Sec. 27-10. Authority.](#)

[Sec. 27-11. Notification of variance and hearing.](#)

[Sec. 27-12. Application for variance.](#)

[Sec. 27-13. Requirements for variances.](#)

[Sec. 27-14. Administrative review of EPGMD determinations.](#)

[Secs. 27-15—27-19. Reserved.](#)

Sec. 27-10. Authority.

The hearing examiner shall have the authority to grant a variance from the provisions of this chapter when such variance will not be contrary to the public interest and when a literal enforcement of the provisions of this chapter would result in an unnecessary and undue hardship. In granting a variance, the hearing examiner may prescribe appropriate conditions and safeguards that are deemed necessary to protect the environment, health, safety and welfare. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-11. Notification of variance and hearing.

- (a) No variance shall be granted by the hearing examiner unless a quasi-judicial hearing on the variance has been held. The county shall schedule such quasi-judicial hearing within sixty (60) days of the receipt of a completed application for a variance, unless an extension of time to hold the hearing is agreed to between EPGMD and the applicant.
- (b) Notice of a hearing for a variance shall be published in a newspaper of general circulation in the county, reasonably calculated to give notice that a variance has been requested. Such publication must be made no later than ten (10) days prior to the scheduled hearing date. Costs of publication shall be paid by the applicant.
- (c) Quasi-judicial hearing procedures.
 - (1) The applicant/petitioner requesting the variance, any intervenor/petitioner and EPGMD shall have an opportunity to respond to and to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to be represented by counsel. Members of the general public who are not intervenors as set forth in [Section 27-14](#) of this chapter are not parties to the proceeding.
 - (2) When appropriate, the general public may be given an opportunity to present oral or written communications. If the hearing examiner proposes to consider such material, then all parties shall be given an opportunity to cross-examine, challenge or rebut it.
 - (3) The hearing shall be conducted in accordance with the provisions of [Section 27-37](#) of this chapter.

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- (d) The county shall cause to be made an official record of all hearings involving variances. Each party is responsible for the taking of its own verbatim transcript.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-12. Application for variance.

Application for a variance from any provision of this chapter shall be submitted to EPGMD. An application shall be completed and accompanied by the appropriate fee established by resolution of the Board. An application will not be accepted, if not accompanied by the appropriate fee. A completed application, at a minimum, shall include the following:

- (1) The sections of this chapter from which a variance is sought.
- (2) All relevant facts and reasons why the applicant believes the variance is justified based upon the criteria listed in [section 27-13\(f\)](#) of this chapter.
- (3) The length of time for which the variance is sought and the basis for requesting that particular length of time.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-13. Requirements for variances.

- (a) Any variance granted under the terms of this article shall be in the form of a final order issued by the hearing examiner.
- (b) Prior to receiving a variance, an applicant must make full payment of any outstanding EPGMD penalty or judgment and be in compliance with the terms and conditions of a final order or settlement agreement.
- (c) A variance shall be granted to the applicant only upon affirmatively providing reasonable assurance based on plans, test results, installation of pollution control equipment, or other information, that the construction, expansion, modification, operation, or activity granted by the variance will not discharge, emit, or cause pollution or otherwise damage the natural resources in contravention of this chapter or other environmental laws or regulations.
- (d) The hearing examiner may take into consideration an applicant's violation of this chapter and, when known, other environmental laws and regulations at any installation when determining whether the applicant has provided reasonable assurances that the natural resources will not be harmed. The hearing examiner may also consider the applicant's convictions for crimes of moral turpitude (malum in se crimes).
- (e) If, after review of the application and all the information, the hearing examiner determines that the applicant has not provided reasonable assurances that the construction, modification, expansion, activity, or operation of the facility will not harm the natural resources, the hearing examiner shall deny the variance.
- (f) No variance from the terms of this chapter shall be authorized unless the following facts and conditions exist:
 - (1) That there are unique and special circumstances or conditions in regard to the applicant or the applicant's situation which do not apply generally to other similarly regulated persons; and
 - (2) That strict application of the provisions of this chapter would cause the applicant undue hardship; and

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- (3) That any alleged hardship is not self created by the applicant and/or is not the result of mere disregard for, or ignorance of, the provisions of this chapter; and
 - (4) That the variance proposed is the minimum variance which alleviates the undue hardship; and
 - (5) That the granting of the variance will be in harmony with the general intent and purpose of this chapter; and
 - (6) That such a variance will not be injurious to the public welfare and to the environment; and
 - (7) That the variance is for the minimum time necessary to remedy the hardship and grants the minimum waiver of this chapter necessary to remedy the hardship; or
 - (8) The applicant for the variance proposes a demonstration project being conducted for the purpose of furthering an environmental goal, and that the demonstration project will not significantly negatively impact the environment; or
 - (9) Projects that are essential for the successful restoration of the Florida Everglades.
- (g) The applicant has the burden of proving that a requested variance from any provision or requirement of this chapter would not result in the granting of a variance that would be less stringent than a comparable state or federal provision or requirement.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-14. Administrative review of EPGMD determinations.

- (a) A person with a substantial interest may file a petition to request review of or to intervene in a review of a final administrative determination made pursuant to this chapter concerning:
- (1) The requirement that a facility or activity obtain a license or environmental review approval.
 - (2) Interpretations of license or environmental review approval conditions.
 - (3) Interpretations of variance conditions.
 - (4) The decision to suspend or revoke a license or environmental review approval.
 - (5) The requirement of certain license conditions.
 - (6) The issuance of a license or environmental review approval.
 - (7) The denial of a license or environmental review approval.
 - (8) The scope of a license or environmental review approval, geographic or otherwise.
 - (9) The scope of a variance, geographic or otherwise.
 - (10) The issuance of a stop work order.
 - (11) Similar final administrative determinations.

This administrative review procedure shall be the only means of review available for the above final administrative determinations by either the petitioner or the intervenor (the parties).

- (b) person may not obtain review by this procedure of:
- (1) The issuance or adjudication of or other matters involving a notice of violation or a citation.
 - (2) Internal policy decisions

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- (c) A person desiring a review of a staff determination made pursuant to this Chapter shall first bring the determination to the attention of the appropriate section supervisor to attempt to resolve the matter. If a resolution cannot be reached, then the decision shall be reviewed by successive supervisory levels until the issue is resolved or reaches the level of the director or his or her designee for the final determination.
- (d) A person desiring administrative review of a final determination made by the director or the designee shall file a petition with the director for review by the hearing examiner. The petition shall be filed within ten (10) days from the rendition of the action taken or of the decision made by the director. An entity whose license or approval is being challenged shall be a party to the action.
- (e) The review shall not be heard until the provisions of subsection (f) are met. Upon motion to the hearing examiner, an insufficient petition shall be dismissed with or without leave to refile. If a petition is determined to be insufficient by the hearing examiner and the petitioner has been given leave to refile by the hearing examiner, unless otherwise ordered by the hearing examiner, the petitioner must refile within ten (10) days of the rendition of the order of dismissal or the petition will be dismissed with prejudice.
- (f) A sufficient petition for review or petition for intervention in the review shall, at a minimum, contain the following information:
 - (1) The nature of the determination sought to be reviewed.
 - (2) A short, plain statement of the facts which form the subject matter upon which the determination was made as asserted by all parties of record at the time that the petition is filed; a statement of the material facts in dispute, if any. If any party is unable to state the matters in sufficient detail at the time initial petition is filed, the petition may be limited to a statement of the issues involved; and thereafter, upon timely written motion, a more definite and detailed statement shall be furnished not less than seven (7) days prior to the date set for the hearing.
 - (3) The specific determination for which the review is sought.
 - (4) The specific legal grounds upon which the parties seek review of the determination.
 - (5) A short statement of the petitioner's or the intervenor's substantial interest in the matter to be reviewed.
 - (6) The specific section of this chapter on which the decision is based, if known, and the specific section that the parties allege should control the decision, if known.
 - (7) A copy of the director's or the designee's written final determination.
 - (8) A statement of the relief requested stating precisely the action that the petitioner wants EPGMD to take with respect to the final determination.
- (g) All pleadings or other documents filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, the party's attorney or a party's qualified representative constitutes a certificate that he or she has read the pleading or other document and that to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not brought for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading or other document is signed in violation of these requirements, the hearing examiner, upon motion or his or her own initiative, shall dismiss the matter.
- (h) A petitioner or intervenor may request an emergency hearing to stay all activities or work conducted pursuant to the challenged license or approval. Such petitioner or intervenor has the burden of proof to show by a preponderance of the evidence that the continued activities would cause substantial

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pollution or degradation to the environment. An emergency hearing shall be scheduled by EPGMD and be held within five (5) days of said request or as soon thereafter as possible subject to the availability of the hearing examiner. The petitioner or intervenor shall comply with the notice provisions of [section 27-14\(j\)\(2\)a.](#) and c. and [section 27-14\(j\)\(3\)](#) and (4) of this chapter.

- (i) The petition for review will not stay environmental protection activities required for the remediation or mitigation of a site or facility, the protection of the environment or the health, safety and welfare of the citizens of Broward County, or the prevention of further environmental degradation. The person responsible for these activities must take all necessary steps to prevent environmental degradation and must conduct the remediation or mitigation activities required by this chapter. The director may allow these activities to be delayed until after the hearing examiner's decision by certifying to the hearing examiner that, by reason of facts stated in the certificate, a delay in the initiation or completion of these activities would not cause substantial environmental degradation or peril to life or property. The delay for conducting these activities may be subject to appropriate terms to ensure protection of the environment. The person responsible for these activities shall be responsible for any environmental damage or any violation of this chapter caused by the delay.
- (j) Notice and Scheduling Requirements:
 - (1) The hearing on the review shall be scheduled within a reasonable time. It shall be the responsibility of the petitioner to request through EPGMD that the hearing date be scheduled. It shall also be the responsibility of the petitioner to give notice in accordance with this section at least ten (10) days prior to the hearing.
 - (2) The petitioner shall give notice of the hearing by:
 - a. Giving personal notice to all proper parties; and
 - b. Publishing notice on two (2) days in a newspaper of general circulation in the county; and
 - c. Posting notice at a location determined by the Broward County Administrator's Office.
 - (3) The petitioner shall bear the cost of giving notice.
 - (4) The notice shall contain, at a minimum:
 - a. A description and location of the facility or the activity to be conducted by the petitioner; and
 - b. The time and place of the hearing.
- (k) The petitioner shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to all parties.
 - (l) The hearing shall be a quasi-judicial hearing.
 - (1) The applicant/petitioner requesting the administrative review, any intervenor/petitioner and EPGMD shall have an opportunity to respond to and to present witnesses, other evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to be represented by counsel. Members of the general public who are not intervenors as set forth in [Section 27-14](#) of this chapter are not parties to the proceeding.
 - (2) When appropriate, the general public may be given an opportunity to present oral or written communications. If the hearing examiner proposes to consider such material, then all parties shall be given an opportunity to cross-examine, challenge or rebut it.
- (m) Denial, protest of, revocation, or suspension of a license, environmental review approval, or any other approval:

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- (1) In regard to denial or protest of approval of a license and any other review of an administrative decision, notwithstanding (2) below, the petitioner shall have the burden of showing, by a preponderance of the evidence, that the determination of the director was an arbitrary and/or capricious abuse of discretion, not supported by competent, substantial evidence or not in conformance with the essential requirements of this chapter. The hearing examiner shall not substitute his or her judgment for that of EPGMD on an issue of discretion even though the hearing examiner may have reached a different conclusion based on the same facts.
- (2) In an action to revoke or suspend a valid license or approval, the burden shall be upon EPGMD to prove, by a preponderance of the evidence in an administrative hearing, the grounds for revocation or suspension. The license holder or approval recipient shall be provided notice of the hearing and a copy of the petition stating the grounds for revocation or suspension as provided in [section 27-63](#) of this chapter. The petition shall state with specificity the acts complained of in order to allow the license holder or approval recipient an opportunity to prepare a defense. The hearing shall be conducted in accordance with the provisions of [Section 27-37](#) of this chapter.
- (n) Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.
- (o) If the hearing examiner finds that the director or his or her designee has erroneously interpreted a provision and that a correct interpretation compels a particular action, he or she shall remand the case to the director or his or her designee for further action under a correct interpretation of the provision.
- (p) The hearing examiner shall complete and submit to the director and all parties a final order consisting of his or her findings of fact and conclusions of law.
- (q) A party to the hearing may obtain appellate review of the final order as provided by [section 27-42](#) of this chapter.
- (r) A petitioner or intervenor shall pay a filing fee at the time the application for review is filed. The amount of the filing fee shall be set by resolution of the Board.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.03, 4-26-05; Ord. No. 2009-56, § 1, 8-25-09)

Secs. 27-15—27-19. Reserved.

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DIVISION 3. HEARING EXAMINER

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[Secs. 27-24, 27-25. Reserved.](#)

Sec. 27-20. Hearing examiner.

There is hereby created for the purposes of this chapter the position of hearing examiner. The hearing examiner shall be a member in good standing of the Florida Bar. The hearing examiner shall conduct hearings in accordance with the rules and regulations set forth herein.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-21. Authority of the hearing examiner.

In addition to all other authority granted in this section and other sections of this division, the hearing examiner shall have the authority with regard to adjudicatory proceedings, to:

- (a) Issue notices of hearings.
- (b) Administer oaths and affirmations.
- (c) Issue subpoenas authorized by law, including those requiring the attendance of witnesses and the preservation and production of documents and other items which may be used as evidence.
- (d) Rule upon motions presented and offers of proof and receive relevant evidence.
- (e) Issue appropriate orders to effectuate discovery.
- (f) Regulate the course of the quasi-judicial hearing.
- (g) Dispose of procedural requests or similar matters.
- (h) Enter any order, consistent with his or her authority, to carry out the purposes of this chapter.
- (i) Make final orders and issue findings of fact and conclusions of law.
- (j) Upon motion by EPGMD, enter finalized settlements as final orders.
- (k) Enter final orders which require compliance with the standards, rules and provisions established by this chapter and with any license condition and may specify a reasonable time for such compliance.
- (l) Render unchallenged citations into final orders upon ex parte motion of EPGMD.
- (m) Enter orders resolving administrative review of final EPGMD decisions.
- (n) Render final orders as liens upon all real and personal property of the responsible party.

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- (o) Enter other orders and consider other issues as necessary for the exercise of the hearing examiner's jurisdiction.
- (p) Render final orders revoking or suspending licenses, environmental review approvals, or any other approvals.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.04, 4-26-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-22. Assessment of a civil penalty and order for correction of the violation and any environmental damage.

- (a) Upon the presentation of a preponderance of the evidence that the responsible party (alleged violator) has violated a provision of this chapter or of the laws or rules of the United States or of the state which EPGMD has, through delegation, been given the responsibility to enforce, the hearing examiner may order that the responsible party be assessed a civil penalty. The hearing examiner shall consider during the determination of a penalty, among other issues:
 - (1) The extent of environmental damage;
 - (2) The responsible party's cooperation with the EPGMD in taking remedial action to correct the violation and any environmental damage and/or to perform other mitigation prior to the hearing;
 - (3) The potential for environmental harm;
 - (4) The extent of deviation from the requirements of this chapter or the license requirements;
 - (5) History of noncompliance before and after the violation;
 - (6) Economic benefit of noncompliance;
 - (7) That the responsible party knew or should have known that it was not complying with this chapter; and/or
 - (8) The amount necessary to ensure immediate and continued compliance with this chapter.
- (b) In setting the penalty, the hearing examiner may not consider the amount of money or its equivalent expended by the responsible party to correct the violation or to come into compliance with this chapter.
- (c) At a notice of violation hearing, a civil penalty assessed against the responsible party shall be in an amount, determined by the hearing examiner, not to exceed fifteen thousand dollars (\$15,000.00) per violation.
- (d) During the hearing of an appeal of a citation, the hearing examiner may exceed the citation amount based upon aggravating circumstances and assess a civil penalty not to exceed five hundred dollars (\$500.00). The hearing examiner may not exceed the amount of penalty established in the schedule of civil penalties for citations merely because the responsible party has exercised its right to a hearing.
- (e) During the hearing of an appeal of a citation, the hearing examiner may remand the matter with instructions that the issuance of a notice of violation be considered when the violation is not identified in the schedule of civil penalties for citations, causes or may cause substantial pollution or degradation of the environment or is a substantial violation of this chapter.
- (f) In addition, the hearing examiner shall determine and assess against the responsible party reasonable costs incurred by the county in the enforcement of this chapter.
- (g) Each day a violation of this chapter occurs constitutes a separate violation.

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- (h) The hearing examiner shall order that the responsible party conduct appropriate actions as necessary to correct the violation, any environmental damage and to ensure compliance with this chapter. The hearing examiner may establish compliance requirements. Compliance requirements may be stated generally or, upon delegation by the hearing examiner, established by EPGMD staff. The responsible party's compliance activities shall be reviewed by EPGMD staff to ensure compliance with the hearing examiner's order and this chapter and shall be conducted in accordance with EPGMD requirements and/or pursuant to an appropriate EPGMD license. The hearing examiner shall retain jurisdiction until the compliance activities have been completed to ensure compliance with this chapter.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-23. Hearing examiner's final order for notices of violation and citations.

- (a) A hearing examiner shall, after a hearing open to the public concerning notices of violation or citations and within a reasonable time there-from, issue a final order, which shall include the following:
- (1) Title of proceeding;
 - (2) Time and place of the hearing;
 - (3) Appearances entered at the hearing;
 - (4) Relevant issues presented;
 - (5) Findings of fact and conclusions of law;
 - (6) Assessed penalty;
 - (7) Requirements to conduct appropriate actions to ensure compliance with this chapter.
- (b) Any failure to comply with the final order rendered by the hearing examiner shall be a violation of this chapter.

(Ord. No. 2003-34, § 1, 9-23-03)

Secs. 27-24, 27-25. Reserved.

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[Sec. 27-42. Judicial review.](#)

[Secs. 27-43—27-49. Reserved.](#)

Sec. 27-26. General.

- (a) Where there is cause to believe that any of the provisions of this chapter are being violated, enforcement proceedings may be initiated against the responsible party(ies). Any enforcement procedure authorized by this chapter or the laws of Florida may be used to enforce the provisions of this chapter.
- (b) Whenever two (2) or more persons pollute, damage or degrade the land, air, waters or other natural resources in the county in violation of this chapter, any lawful rule or regulation promulgated under this chapter or any requirement of the director, so that the damage is indivisible, each responsible party shall be jointly and severally liable for such damage, for any penalty and for the reasonable costs and expenses of the county incurred in tracing the source of discharge, in controlling and abating the source and the pollutants, and in restoring the land, air, waters, property, and other natural resources, including the animal, plant and aquatic life, in the county to their former condition or to the satisfaction of EPGMD.

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- (c) Any person who assists in, commits, directs, allows, or is otherwise responsible for an activity which results in a violation shall be strictly, jointly and severally liable for any penalty or environmental damage resulting from the violation.
- (d) Any person violating any provision of this chapter shall restore the air, water, soil, property and other natural resources, including but not limited to animal, plant, and aquatic life, affected by said violation to the condition existing prior to the violation or as required by EPGMD to correct the damage.
- (e) Violations of this chapter may also be prosecuted to assess penalties, obtain damages, obtain injunctions and other appropriate relief as provided by sections 125.69, 403.121, 403.131, 403.141, 403.161 and 403.182, Florida Statutes, as amended.
- (f) In addition to enforcement actions carried out by EPGMD, the provisions of this chapter may be enforced by any criminal law enforcement agency as violations of a county ordinance punishable as provided in sections 125.69 and 403.161, Florida Statutes and other laws of Florida, as amended.
- (g) An action taken pursuant to the authority granted by this chapter shall not preclude any other legal or administrative action lawfully pursued by another agency.
- (h) It shall not be a defense to or ground for dismissal of these administrative or judicial remedies for damages and civil penalties that the county has failed to exhaust its administrative remedies, has failed to serve a notice of violation or has failed to hold an administrative hearing prior to the institution of a civil action.
- (i) For each day, or portion thereof, that any ongoing violation of this chapter is occurring, a separate violation is committed and any responsible party shall be liable for any damage caused and civil penalties and/or fines up to fifteen thousand dollars (\$15,000.00) for each violation.
- (j) The county is without authority to bring a civil action or impose any penalty or fine on behalf of any person, other than a governmental entity.
- (k) Owners of real property, their successors, heirs and assigns, shall be liable for the remediation of and/or for the sums expended by the county to remediate any environmental damage when the violation of this chapter occurred or continued to exist or appeared imminent upon the real property aforesaid, regardless of fault and regardless of knowledge of the aforesaid violation.
- (l) If a responsible party fails to take timely and sufficient action necessary to correct or abate violations of, or noncompliance with, this Chapter, Broward County is hereby granted regulatory authority so that Broward County may initiate and complete any and all corrective actions, including partial completion of corrective actions necessary to restore essential public services, repair facilities, or abate an emergency without incurring the responsible party's obligations to complete corrective actions. Costs incurred by Broward County in the course of corrective actions are the obligation of the responsible party and, therefore, shall be reimbursed to Broward County by the responsible party. Broward County is authorized to maintain a judicial or administrative action against any and all responsible parties in a tribunal of competent jurisdiction to recover costs of corrective action. A resulting judgment or order shall become a lien on the real and personal property of the responsible party in favor of Broward County when a certified copy is recorded in the Public Records of Broward County. Additionally a responsible party will be subject to civil penalties up to fifteen thousand dollars (\$15,000.00) per violation per day for failing to perform its obligations under the provisions of this Chapter. This subsection shall have retroactive application.
- (m) The county attorney's office, with the concurrence of EPGMD, may bring an action in a court of competent jurisdiction to enforce the provisions of this chapter without prior Board approval. The county attorney's office shall notify the Board when an action has been filed.

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(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2008-27, § 1, 6-24-08;
Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-27. General violations and prohibitions.

- (a) *Violations:* It shall be a violation of this chapter for any person:
- (1) To cause pollution, except as otherwise provided in this chapter, so as to harm or injure or have the potential to cause harm or injury to human health or welfare, animal, plant, or aquatic life or property.
 - (2) To fail to obtain any license, environmental review approval, or any other approval required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, license, certification, environmental review approval, or any other approval adopted or issued by EPGMD pursuant to its lawful authority.
 - (3) To knowingly make any omission, false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under this chapter or by any license, rule, regulation, or order issued under this chapter.
 - (4) To fail to allow access for inspection.
 - (5) To fail to comply with the provisions of this chapter.
 - (6) To litter as prohibited by section 403.413, Florida Statutes, as amended.
 - (7) To fail to keep on site, maintain, make available, post or display records or documents required by a license or this chapter.
 - (8) To fail to prepare or submit a report or document required by a license or this chapter.
- (b) *General discharges or releases:* It shall be unlawful for any person to discharge or release any substance into the air, water or soil or onto impervious ground which has the potential to discharge into the soil or water or which will cause a nuisance as herein defined.
- (c) *Bypassing unlawful:* Where any pollution control device or system has been provided, it shall be unlawful to bypass the device or system or any part thereof, or to operate in such a manner as to discharge pollutants into the air, water or soil or onto an impervious surface which has the potential to discharge into the soil or water. In the event of an emergency, EPGMD may authorize a temporary bypass. Such authorization shall not relieve the owner from liability under this chapter.
- (d) *Circumvention:* No person shall build, erect, install or use any article, machine, equipment, device or other contrivance, the use of which will conceal a discharge which would otherwise constitute a violation of any of the provisions of this chapter.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.05, 4-26-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-28. Judicial remedies.

- (a) The county may institute a civil action in a court of competent jurisdiction to prevent injury to the air, water, soil, property, and/or other natural resources in the county:

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- (1) To establish liability and to recover damages for any injury to the air, water, soil, property and/or other natural resources in the county, including but not limited to animal, plant, bird, or aquatic life caused by any violation;
 - (2) To impose and recover a civil penalty for each violation in an amount not to exceed fifteen thousand dollars (\$15,000.00) per violation; and
 - (3) To seek injunctive relief to enforce compliance with this chapter or any rule, regulation, license, certification, approval or order; to enjoin any violation of this chapter or any rule or regulation adopted pursuant to this chapter and to seek injunctive relief for the prevention of injury to the air, water, property, and/or other natural resources in the county, including but not limited to animal, plant or aquatic life or the safety and welfare to the general public caused or threatened by any violation. Violations of this chapter which result in injury to the air, water, property, and/or other natural resources in the county are public nuisances.
- (b) Judgment for the amount of an assessment of a civil penalty, as determined by the hearing examiner, may be entered in any court of competent jurisdiction and may be enforced as any other judgment.
- (c) The County may institute a civil action in a court of competent jurisdiction pursuant to sections 403.182(9) and 403.121, Florida Statutes, to enforce the provisions of this Chapter for those violations which do not cause substantial pollution or degradation to the air, water, soil or natural resources, archaeological resources, or animal or plant life of Broward County.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-29. Administrative remedies.

- (a) Violations of this chapter may be prosecuted in a quasi-judicial administrative proceeding to assess a civil penalty not to exceed fifteen thousand dollars (\$15,000.00) per violation.
- (b) Violations that do not cause substantial pollution or degradation of the environment and/or are not substantial violations of this chapter may alternatively be enforced by the issuance of citations subject to the schedule of civil penalties for citations. The maximum civil penalty which may be levied pursuant to the issuance of a citation shall not exceed five hundred dollars (\$500.00) per violation.
- (c) All rules, regulations or orders of the hearing examiner, or any provision of this chapter, which require compliance with particular standards adopted therein, may specify a reasonable time for such compliance.
- (d) Prior to the payment of a citation, the citation may be rescinded by the County, and the violation may subsequently be prosecuted by a notice of violation as provided by this chapter.
- (e) The provisions of this section are an additional and supplemental means of enforcing this chapter. This section does not preclude the county from enforcing this chapter or portions of this chapter by any other means.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-30. Contents of a notice of violation.

A notice of violation shall contain the following information:

- (a) Name and address of the alleged responsible party;
- (b) Description of the violation;

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- (c) Location of violation;
- (d) Ordinance section alleged to have been violated;
- (e) Time, date and place of the hearing at which time the alleged responsible party must appear to contest the assessment of a civil penalty; and
- (f) The signature of the director or the director's designee.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-31. Continuance.

If EPGMD and the responsible party do not mutually agree to a continuance, the hearing examiner may at his or her discretion grant a continuance of a hearing. If EPGMD and the responsible party do not mutually agree to a continuance, a written motion for continuance of a hearing must be received by all parties not later than five (5) days prior to the scheduled hearing date. Continuances will be granted only for good and sufficient cause. Any motion not submitted within the specified time will not be considered except in cases of extreme emergency.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-32. Rights of the parties.

A responsible party in an adjudicatory proceeding shall have the right to:

- (a) Appear with and be represented by an attorney-at-law at his or her own expense;
- (b) Call and examine witnesses;
- (c) Introduce relevant evidence;
- (d) Cross-examine adverse witnesses on any relevant matter; and
- (e) Rebut evidence presented.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-33. Prehearing conference.

Whenever a party to a notice of violation so requests, and it is practicable to do so, a prehearing conference may be held between all parties for the purpose of formulating the issues more clearly and narrowing them to correspond with the disputed facts. Any requests for such a prehearing conference shall be made to EPGMD at least five (5) days prior to the scheduled hearing.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-34. Settlement.

- (a) At least five (5) working days prior to the date scheduled for an adjudicatory proceeding to assess a civil penalty, a party may request a conference with the director of EPGMD, or the director's designee. The purpose of such conference shall be to negotiate and settle the amount of said penalty to be assessed and to agree to appropriate mitigation, remediation, or other corrective actions which would re-establish compliance with this Chapter.

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- (b) In negotiating and settling the amount of said penalty, EPGMD may consider an alleged violator's financial hardship if the alleged violator is not a habitual violator, agrees to conduct corrective actions to remediate any pollution, nuisance condition, or other noncompliance, and has demonstrated financial hardship to the satisfaction of EPGMD. EPGMD is authorized to adopt and apply additional guidelines regarding consideration of financial hardship claims during settlement negotiations that are consistent with this subsection, including, but not limited to, types of claims that may qualify for financial hardship consideration, types of alleged violators that may qualify for financial hardship consideration, and methods for an alleged violator to demonstrate financial hardship. This financial hardship provision shall be subject to an annual sunset review by the Board of County Commissioners.
- (c) The County Attorney shall have the authority to settle claims as provided for in Subsection [1-51.3](#) of the Broward County Code of Ordinances. The County Attorney shall submit a monthly report of the settled claims to the Board of County Commissioners. Any agreement reached between the responsible party and the director of EPGMD, or the director's designee, must be approved by either the Board or the County Attorney as set forth above. The failure of a responsible party to comply with a settlement approved by the Board or the County Attorney shall result in the rendition of the settlement into a final order by the hearing examiner.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-70, § 1, 11-10-09)

Sec. 27-35. Default.

A party to an adjudicatory proceeding that fails to appear either by itself or through counsel, at the hearing for which the cause is scheduled, shall be deemed to be in default. Upon considering the matter, as completely as possible at the adjudicatory hearing, the hearing examiner may enter a final order, even if adverse to the party in default.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-36. Official record of hearing.

The county shall cause to be made an official record of all hearings involving notice of violation and citation adjudicatory proceedings. Each party is responsible for the taking of its own verbatim transcript.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-37. Adjudicatory hearing procedure for requests for variances, administrative review of EPGMD determinations, appeals of citations and notices of violation.

- (a) The hearing examiner shall call the hearing to order.
- (b) The hearing shall commence by the calling of the first listed cause on the docket and shall continue by disposing of, in orderly fashion, all other matters set forth therein.
- (c) Each cause heard before the hearing examiner shall be conducted in the following manner:
 - (1) The hearing examiner will entertain any motions prior to the taking of testimony.
 - (2) The hearing examiner shall, after disposing of any motions, hear the evidence presented by the parties.
 - (3) All persons testifying before the hearing examiner at the hearing shall first be sworn.

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- (4) Upon receiving all evidence, the hearing examiner shall render his or her order concerning the adjudicatory proceeding, which shall be based on the appropriate standard of evidence.
- (d) In any hearing before the hearing examiner, irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- (e) Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.
- (f) A party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record.
- (g) The rules of privilege shall be effective to the same extent that they are now or hereafter recognized in civil actions.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-38. Citations.

- (a) *Natural Resource Enforcement Officers (NREO)*: The director of EPGMD may designate certain employees as NREOs. The training and qualifications for that designation shall be determined by the director. Designation as an NREO allows the NREO to issue citations. Designation as an NREO does not provide the NREO with the power of arrest or subject the NREO to the provisions of sections 943.085 through 943.255, Florida Statutes.
- (b) The issuance of a citation shall not be a condition precedent to the issuance of a notice of violation.
- (c) Prior to payment, a citation may be rescinded by EPGMD and the violation may subsequently be prosecuted as a notice of violation, as provided by this chapter.
- (d) *Habitual Citation Violators*: Unless otherwise stated in the schedule of civil penalties for citations, habitual violators, that would otherwise be issued a citation, may instead be issued a notice of violation.
- (e) *Citation Issuance Procedure*:
 - (1) EPGMD may issue a citation in accordance with the schedule of violations and civil penalties set forth in this chapter if, based upon personal investigation, the NREO has reasonable grounds to believe that a violation has occurred. EPGMD shall not issue a citation and must issue a notice of violation when the violation is not identified in or does not satisfy the standards of [section 27-38\(h\)](#), "Schedule of Civil Penalties for Citation," of this chapter. The maximum civil penalty that may be levied pursuant to the issuance of a citation shall be as established in the schedule of penalties for citations, which shall be no more than five hundred dollars (\$500.00).
 - (2) However, before issuing a citation for a particular violation, EPGMD must provide the violator with one (1) initial warning notice identifying the violation of this chapter and establishing a reasonable time period within which the violation must be corrected. If, upon investigation, the violator has not corrected the violation within the time specified, a citation may be issued to the violator by EPGMD. Additional warning notices need not be provided to the violator for the same violation prior to the issuance of additional citations. If the violation is irreversible or irreparable, a warning notice need not be issued prior to the issuance of a citation.

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- (3) A citation must provide the following information and the following requirements shall apply:
- a. The time and date of issuance.
 - b. The name and address of the person to whom the citation is issued.
 - c. The date and time of the violation.
 - d. A brief description of the violation and the facts constituting reasonable cause, including the location of the violation.
 - e. The name of the NREO.
 - f. The procedure for the person cited to follow in order to pay the civil penalty or to contest the citation.
 - g. The applicable civil penalty if the person cited elects not to contest the citation.
 - h. The section of this chapter that is the subject of the violation.
 - i. Notice that additional citations may be issued for each day that the applicable violation is found to exist.
 - j. Notice that failure to request an administrative hearing within ten (10) days after service of the citation shall constitute a waiver of the violator's right to an administrative hearing before the hearing examiner, and that such waiver shall constitute an admission of violation.
 - k. Notice that the violator may be liable for the reasonable costs of the administrative hearing should the violator be found guilty of the violation.
 - l. Appropriate mitigation of and remedial action for the violation, such as obtaining the appropriate license or correction of the environmental damage. Failure of the enforcement officer to indicate that mitigation/remedial action must be conducted shall not relieve the violator from the obligation to conduct appropriate mitigation of, and remedial action for, the violation and any environmental damage.
 - m. That, if the violator does not elect to appeal the citation to the hearing examiner, the penalty must be paid within thirty (30) days.
 - n. That, if the violator does not elect to appeal the citation to the hearing examiner, fails to pay the civil penalty within the time allowed, or fails to appear to contest the citation, the violator shall be deemed to have waived its right to contest the citation and that, in such case, judgment shall be rendered ex parte, without notice to the violator, by the hearing examiner into a final order for an amount up to five hundred dollars (\$500.00).
 - o. That any person who willfully refuses to sign and accept a citation issued by an NREO shall be in violation of this chapter and shall be guilty of a misdemeanor of the second degree, punishable as provided in section 775.082, Florida Statutes or section 775.083, Florida Statutes.
- (f) *Effect of the Issuance of a Citation:*
- (1) *Options of persons cited:* A person who has been served with a citation shall elect either to:
 - a. Correct the violation, and pay the civil penalty in the manner indicated on the notice; or
 - b. Request an administrative hearing before a hearing examiner to appeal the decision of the NREO to issue the citation.

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- (2) If the responsible party does not elect to appeal the citation to the hearing examiner, fails to pay the civil penalty within the time allowed, or fails to appear to contest the citation, the responsible party shall be deemed to have waived its right to contest the citation and that, in such case, judgment shall be rendered ex parte, without notice to the responsible party, by the hearing examiner into a final order for an amount up to five hundred dollars (\$500.00). The penalty must be paid within thirty (30) days. Failure to pay the fine shall be a violation of this chapter.
 - (3) Any person who willfully refuses to sign and accept a citation shall be in violation of this chapter and shall be guilty of a misdemeanor of the second degree, punishable as provided in section 775.082, Florida Statutes or section 775.083, Florida Statutes.
 - (4) A person issued a citation pursuant to this section for a violation of this chapter is charged with a noncriminal infraction. This shall not preclude the prosecution of criminal violations arising from the same incident.
- (g) *Citation Appeal Procedure:*
- (1) Appeal by administrative hearing of the citation shall be accomplished by filing a request in writing to the address indicated on the notice, not later than ten (10) days after the service of the notice.
 - (2) Upon receipt of a timely request for an administrative hearing, the matter shall be set for hearing on the next regularly scheduled hearing or as soon thereafter as possible.
 - (3) The county shall serve a notice of hearing to the responsible party, which notice shall include, but not be limited to, the following:
 - a. Place, date and time of the hearing;
 - b. At responsible party's expense, the opportunity for responsible party to be represented by an attorney;
 - c. Right of the responsible party to present witnesses and evidence and conduct cross-examination; and
 - d. A conspicuous statement reflecting the requirements of Chapter 286, Florida Statutes that a person deciding to appeal a decision of a hearing examiner on a citation will need to ensure that a verbatim record of the proceedings is made.
- In lieu of providing a notice of hearing as provided above, the county may include a hearing date in the citation that will be scheduled if the responsible party requests an administrative hearing, provided that the citation includes the information required by this subsection.
- (4) If the hearing examiner finds that a violation occurred but determines that the time given for correction was not reasonable, the hearing examiner shall determine a reasonable time period and enter an order that the alleged responsible party comply with this chapter. If the hearing examiner finds that the citation was issued before the reasonable time expired, the hearing examiner shall enter an order finding that the violation occurred, but shall not assess the applicable civil penalty against the responsible party. However, if the hearing examiner finds that the alleged responsible party has not complied by the time of the hearing, the hearing examiner may choose to disregard the failure of the NREO to provide a reasonable time for the alleged responsible party to come into compliance and enter an appropriate civil penalty.
 - (5) The citation hearing shall be governed by the procedures established by [section 27-37](#) of this chapter.
- (h) *Schedule of Civil Penalties for Citations:* The following schedule sets forth violations for which a citation may be issued. This schedule contains violations that do not cause substantial pollution or

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degradation of the environment and/or are not substantial violations of this chapter. Should an NREO discover a violation identified on this schedule that causes substantial pollution or degradation of the environment and/or is a substantial violation of this chapter, the NREO may issue a notice of violation instead of a citation.

Schedule of Civil Penalties for Citation

	Violation	Civil Penalty	
		First Violation	Repeat Violation
(1)	Failure to submit a complete license renewal application and appropriate fee prior to expiration. [Subsection 27-27(a)(2) , and Sections 27-53 , 27-54 and 27-60	\$250.00	escalates to NOV
(2)	Failure to submit a complete source removal report, site assessment report, site remediation report, remedial action plan, or any progress report or any document required pursuant to an environmental assessment and remediation license when there has been appropriate and demonstrated progress in achieving the required remediation. [Subsections 27-27(a)(2) , 27-58(c) , 27-356(d)(4)(b) , and 27-356(d)(4)(i)]	500.00	escalates to NOV
(3)	Operating without an EPGMD license. [Subsections 27-27(a)(2) , and Sections 27-53 and 27-54	500.00	escalates to NOV
(4)	Failure to keep on site, maintain, make available, post or display records or documents required by license or this chapter, such as logs, monitoring data, manifests, operating instructions, licenses, license tags or other documents required by the license. [Subsections 27-27(a)(2) , 27-27(a)(7) , and 27-58(c)]	1 st 250.00	escalates to NOV
	Penalty amount for second violation if within one year of first violation.	2 nd 500.00	
(5)	Failure to prepare or submit reports or documents required by a license or this chapter other than those required by an Environmental Assessment and Remediation License. [Subsections 27-27(a)(2) , 27-27(a)(8) , and 27-58(c)]	1 st 250.00	escalates to NOV

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	Penalty amount for second violation if within one year of first violation.	2 nd 500.00	
(6)	Creating a noise disturbance in excess of allowable standards. [Sections 27-233 , 27-235	1 st 250.00	escalates to NOV
	Penalty amount for second violation if within one year of first violation.	2 nd 500.00	
(7)	Open burning without an EPGMD open burn license. [Section 27-284	500.00	escalates to NOV
(8)	Operating a mobile source which generates excess visible emissions in violation of this chapter. [Subsection 27-175(j)]	1 st 100.00	escalates to Nov
	Penalty amount for second violation if within one year of first violation.	2 nd 200.00	
(9)	Failure to comply with the latest edition of the "EPGMD Minimum Criteria for Monitoring Wells and Sampling." [Subsections 27-58(c) and 27-356(d)(4)(d)]	500.00	escalates to NOV
(10)	Failure of the new owner of a licensed facility or project to transfer a license. [Subsection 27-58(b)(8) and Section 27-61	250.00	escalates to NOV
(11)	Encroaching, excavating, or changing the natural grade within the drip line of a tree. [Subsection 27-405(d)]	1 st 250.00	escalates to NOV
	Penalty amount for second violation if within one year of first violation.	2 nd 500.00	
(12)	Hand clearing or operating heavy equipment in the vicinity of a tree without placing and maintaining a conspicuous protective barrier around the drip line of the tree. [Subsection 27-405(e)]	1 st 250.00	escalates to NOV
	Penalty amount for second violation if within one year of first violation.	2 nd 500.00	

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(13)	Failure to replace trees required by license. [Subsection 27-408(i)]	500.00	escalates to NOV
(14)	Failure to obtain or comply with the requirements of a general environmental resource license. [Section 27-336 , Subsections 27-27(a)(2) and 27-58(c)]	1 st 250.00	escalates to NOV
	Penalty amount for second violation if within one year of first violation.	2 nd 500.00	
(15)	The removal of five (5) or fewer non-native trees less than ten inches in diameter breast height. [Subsection 27-405(b)]	100.00 per tree	escalates to NOV
(16)	Tree abuse of five (5) or fewer non-native trees less than ten inches in diameter breast height. [Subsection 27-405(c)]	100.00 per tree	escalates to NOV

(Ord. No. 2004-57, § 1, 12-14-04; Ord. No. 2005-08, § 2.05, 4-26-05; Ord. No. 2009-14, § 6, 3-24-09; Ord. No. 2009-56, § 1, 8-25-09; Ord. No. 2010-18, § 1, 6-18-10)

Sec. 27-39. Service of notices of violation and citations.

- (a) Upon receiving evidence that a violation of any of the provisions of this chapter has occurred, the county shall cause to be served upon the alleged responsible party a citation or a notice of violation to give notice of hearing to assess a civil penalty, as follows:
- (1) Certified mail, return receipt requested;
 - (2) Hand delivery by the sheriff or other law enforcement officer, an NREO, a person designated by the director or other person designated by the local governing body;
 - (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or
 - (4) Leaving the notice at the violator's place of business with the manager or other person in charge.
- (b) Should the county be unable to obtain service using any one (1) of the methods found in subsection (a) of this section, then notice may be provided by publication or posting, as follows:
- (1) Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in Broward County. The newspaper shall meet such requirements as are prescribed under Chapter 50, Florida Statutes

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for legal and official advertisements. Proof of publication shall be made as provided in sections 50.041, 50.051, Florida Statutes.

- (2) In lieu of publication as described in paragraph (1), notice shall be posted for at least ten (10) days at the designated space for posting at the Broward County Courthouse or the main Broward County Governmental Center. In addition, if the violation is for an activity which took place on a particular parcel of property, such notice shall also be posted at the property upon which the violation is alleged to exist. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
 - (3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a).
 - (4) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged responsible party actually received such notice.
- (c) If service was perfected upon an individual or business organization, all subsequent process or service shall be sufficient if mailed by regular mail to such individual or business organization at the address where service was originally perfected.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-40. Collection and recovery of civil penalties.

- (a) The county administrator shall provide by administrative order the appropriate guidelines and procedures for the administration, collection, record keeping, reporting, and accountability of civil penalties assessed under this chapter.
- (b) The county may institute proceedings in a court of competent jurisdiction to compel payment of civil penalties.
- (c) When the hearing examiner finds that a violation exists and assesses a civil penalty for a notice of violation or a citation by the entry of a final order, the final order shall constitute a lien once a certified copy is recorded in the public records of Broward County and may be enforced as a judgment. If a responsible party does not contest a citation as provided under this chapter, and/or the responsible party fails to pay the applicable civil penalty, the hearing examiner may enter an order imposing the civil penalties previously set. A certified copy of an order imposing a civil penalty may be recorded in the public records and thereafter shall constitute a lien against the real and personal property of the responsible party. The county may choose to exclude from the lien certain environmentally contaminated property owned by the responsible party. The order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three (3) months from the filing of any such lien which remains unpaid, the county may foreclose or otherwise execute on the lien.

(Ord. No. 2003-34, § 1, 9-23-03)

Sec. 27-41. Pollution prevention and recovery fund.

- (a) Any civil penalty recovered by the county in an action against any person, pursuant to this chapter, shall be deposited in a fund to be known as the pollution prevention and recovery fund.

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- (b) There is created a pollution prevention and recovery fund which is to be supervised and utilized by the county to restore polluted areas of the county, as defined by the county, to the condition they were in before pollution occurred, or for any purpose deemed necessary for pollution control. The fund shall consist of all monies collected from enforcement action. The money shall be dispensed to pay all amounts necessary to restore the polluted areas which are the subject of county actions if such restoration is feasible and/or to fund mitigation projects approved by the Board. Any monies remaining in the fund after the necessary restoration work and/or mitigation work may be utilized by EPGMD, as it requires, to pay for administrative functions associated with natural resource protection, including but not limited to the following:
- (1) The purchase of equipment/supplies used for monitoring or enforcing natural resource protection measures in accordance with the Broward County Procurement Code.
 - (2) The payment of the costs of conducting administrative hearings, such as court reporter and witness fees, used to enforce the natural resources protection provisions of this chapter.
 - (3) The payment of expenses and fees for special projects or litigation related to this chapter.
 - (4) Expenditures authorized by the director of EPGMD for educational activities or small projects resulting in enhancement of the environment in accordance with established county procedures.
 - (5) Expenditures for pickup of abandoned drums/containers and for cleanup of chemical spills in accordance with the Broward County Administrative Code, which shall be recovered from violators when possible.
 - (6) The payment of monetary rewards to members of the general public whose reporting of environmental crimes or pollution incidents results in the assessment and collection of civil penalties from said violators. Guidelines for said monetary rewards should be established by resolution of the Board and shall not exceed five hundred dollars (\$500.00) per reported incident.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-42. Judicial review.

Review of any final order concerning an administrative review, variance, notice of violation or citation shall be made by filing a petition for writ of certiorari to the circuit court of the Seventeenth Judicial Circuit in and for Broward County within thirty (30) days of the date of rendition of the decision of the hearing examiner as provided by and in accordance with the Florida Rules of Appellate Procedure. For the purposes of this Chapter, an order is rendered when a signed, written order is filed with the clerk of the hearing examiner. The final order shall include the date the final order was filed with the clerk of the hearing examiner. However, if an order has been entered and a motion for rehearing has been filed, the final order shall not be deemed rendered until the filing of a signed written order disposing of the motion for rehearing. A petitioner and/or alleged responsible party shall not have the remedy of other extraordinary writs or other judicial remedy or process until all administrative remedies have been exhausted.

(Ord. No. 2003-34, § 1, 9-23-03)

Secs. 27-43—27-49. Reserved.

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Sec. 27-50. Scope.

- (a) This division provides the general requirements and procedures for the issuance, denial, renewal, extension, transfer, modification, suspension, and revocation of any license required by this chapter. Additional specific requirements may exist in individual sections of this chapter.
- (b) EPGMD is authorized to charge fees for licenses, including extensions, renewals, modifications and for any other approvals which are required pursuant to this chapter, including late fees. Such fees shall be established by resolution of the Board and set forth in the Administrative Code.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-51. Consultation.

Any person may consult with the director concerning the operation, construction, expansion or modification of any facility, the required pollution control devices or system, the efficiency of such devices or system, or the pollution problems related to the facility. A consultation shall not relieve any person from its responsibility for the proper design of the project or facility. Any consultation shall not be construed to relieve any person from meeting the requirements of this chapter.

(Ord. No. 2003-34, § 1, 9-23-03)

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Sec. 27-52. Combined EPGMD/state licenses.

When a State of Florida program is delegated to EPGMD, a license applicant may receive a combined EPGMD/state license. Where a delegated program requires EPGMD to be governed by provisions of the Florida Administrative Code and Florida Statutes generally applicable to the delegated program, those specific portions of the Florida Administrative Code and Florida Statutes required by the delegated program shall apply only to the state provisions of the combined license. EPGMD portions of the combined license shall be governed by this chapter.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-53. Prohibitions.

Any activity, facility or installation which will reasonably be expected to be a source of pollution shall not be conducted, operated, maintained, constructed, expanded, or modified without the appropriate and valid licenses issued by EPGMD. EPGMD may issue a license only after it receives reasonable assurance that the installation will not cause pollution in violation of this chapter. A licensed activity, facility or installation may only be conducted, operated, maintained, constructed, expanded or modified in a manner that is consistent with the terms and conditions of the license.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-54. Licenses required.

Prior to the commencement of construction, modification, alteration, replacement or operation of any facility or the commencement of any activity that may cause or be a source of pollution, or that may impact, eliminate, reduce or control pollution of the air, ground, groundwaters, surface waters or other natural or biological resources, the owner and/or operator shall obtain a EPGMD license and pay required fees as established by resolution of the Board. The director may establish, by policy, de minimis development, construction, operation, or alteration activities that either by themselves or in combination with other activities, do not adversely affect the environment or human health. Those activities designated as de minimis do not require a EPGMD license.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-55. Standards for issuing or denying licenses.

- (a) A license shall be issued to the applicant upon such conditions as EPGMD may direct, only if the applicant affirmatively provides EPGMD with reasonable assurance based on plans, test results, installation of pollution control equipment, or other information, that the construction, expansion, alteration, modification, operation, or activity of the installation will not discharge, emit, or cause pollution or otherwise damage the natural resources in contravention of this chapter or other environmental laws or regulations.
- (b) EPGMD may take into consideration an applicant's previous and current violations of this chapter and, when known, other environmental laws and regulations at any installation when determining whether the applicant has provided reasonable assurances that this chapter's and EPGMD's standards will be met. EPGMD may also consider, when known, the applicant's convictions for crimes of moral turpitude (malum in se crimes).

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- (c) If, after review of the application and all the information, EPGMD determines that the applicant has not provided reasonable assurances that the construction, modification, expansion, or operation of the installation will be in accord with this chapter and applicable laws and regulations, EPGMD shall deny the license.
- (d) EPGMD licenses may be denied for the following reasons:
- (1) The applicant has violated, is in violation, or has not resolved a violation of the provisions of this chapter or state or federal environmental laws or regulations; but a license may be granted if the applicant is proceeding to correct the alleged violation on a schedule approved by the jurisdictional regulating agency.
 - (2) The license is for construction of a proposed facility whose design violates the provisions of this chapter.
 - (3) The license is for the operation of a facility that has not been constructed in accordance with a EPGMD license.
 - (4) A license shall be denied if the applicant does not submit a complete application, requested information needed to evaluate the facility's or project's ability to comply with the provisions of this chapter, or required fees within sixty (60) days of EPGMD request.
 - (5) The license is for the operation of a facility, construction of a project, or the conducting of an activity which would be in violation of federal, state, or local laws and the violation is known by EPGMD.
 - (6) The applicant has failed to pay a penalty or comply with all actions required by a settlement agreement, final order or judgment resulting from an enforcement action by EPGMD against the applicant.
 - (7) The applicant or a responsible party is a habitual violator as defined herein.
 - (8) The license is for construction that would be on a contaminated site.
 - (9) The applicant fails to pay all fees.
 - (10) For any reason that a license could be suspended or revoked.
 - (11) If any county or municipal agency has advised EPGMD in writing that the issuance of a license would not be consistent with the Broward County Comprehensive Plan or the applicable municipal comprehensive plan in Broward County.
- (e) The license applicant shall be notified in writing of any license denial and the reasons therefor. Service of this notification shall be made in accordance with [section 27-39](#) of this chapter. No further license applications for the facility involved will be accepted unless the applicant has satisfied the objections specified in the denial notification.
- (f) An applicant whose license has been denied may obtain administrative review as provided for by this chapter. Failure to appeal shall be deemed a waiver of the right to the hearing.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-56. License applications.

A license application shall:

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- (1) Be on the form provided by EPGMD and be accompanied by documents and drawings if required, that describe the proposed facility in sufficient detail to clearly identify all potential impacts on the environment.
- (2) Be sworn to and affirmed that all information contained therein is true and correct, signed by the owner, operator and/or authorized agent, and signed and sealed by a professional engineer registered in the State of Florida where required by law.
- (3) Be accompanied by the filing fee, when required.
- (4) Provide, in the case of construction activity, a time schedule and a rationale for the time schedule, to construct the proposed facility.
- (5) Provide additional information as may be necessary for proper evaluation.
- (6) Provide other specific information or data as required by other sections of this chapter.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-57. Action on license application.

Action shall be taken within a reasonable time on any application for a license to construct or operate, and EPGMD shall notify the applicant in writing of approval or denial within ninety (90) days of receipt of a complete application. If changes to the application are required or additional information or documents needed, they shall be requested within thirty (30) days of the receipt of the original application or revised applications. Failure to review a license within an applicable time period shall not mandate the issuance of a license.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-58. License requirements.

- (a) A license shall reference the license application and its supporting drawings and documents, all of which become part of the license.
- (b) A licensee must comply with the following conditions, and all EPGMD licenses shall contain the following general conditions as part of the license:
 - (1) The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and must be completed by the licensee and are enforceable by EPGMD pursuant to this chapter. EPGMD will review this license periodically and may revoke or suspend the license, and initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives.
 - (2) This license is valid only for the specific uses set forth in the license application and any deviation from the approved uses may constitute grounds for revocation, suspension, and/or enforcement action by EPGMD.
 - (3) In the event the licensee is temporarily unable to comply with any of the conditions of the license or with this chapter, the licensee shall notify EPGMD within eight (8) hours or as stated in the specific section of this chapter. Within three (3) working days of the event, the licensee shall submit a written report to EPGMD that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention regarding the repair, replacement and reconstruction of destroyed facilities and a schedule of events leading toward operation with the license condition.

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- (4) The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violation of federal, state or local laws or regulations.
 - (5) This license must be available for inspection on the licensee's premises during the entire life of the license.
 - (6) By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this licensed facility or activity, that are submitted to the county, may be used by the county as evidence in any enforcement proceeding arising under this chapter, except where such use is prohibited by section 403.111, Florida Statutes.
 - (7) The licensee agrees to comply and shall comply with all provisions of the most current version of this chapter.
 - (8) Any new owner or operator of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for and is granted a transfer of license. The transferee shall be liable for any violation of this chapter that results from the transferee's activities. The transferee shall comply with the transferor's original license conditions when the transferee has failed to obtain its own license.
 - (9) The licensee, by acceptance of this license, specifically agrees to allow access and shall allow access to the licensed source, activity or facility at times to EPGMD personnel for the purposes of inspection and testing to determine compliance with this license and this chapter.
 - (10) This license does not constitute a waiver or approval of any other license, approval, or regulatory requirement by this or any other governmental agency that may be required.
 - (11) Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPGMD, and any forbearance on behalf of EPGMD to exercise its rights hereunder in the event of any breach by the licensee, shall not be deemed or construed to be a waiver of EPGMD's rights hereunder.
- (c) In addition to the general conditions set forth above, each license issued by EPGMD shall contain general conditions, specific conditions, and operating requirements to ensure compliance with this chapter. The licensee agrees that general conditions and specific conditions are enforceable by the county for any violation thereof.
 - (d) The licensee shall notify EPGMD in the event it moves its facility or changes its licensed operation.
 - (e) General and specific license conditions and operating requirements must be complied with at all times the licensed activity occurs even though the license may have expired, been suspended, or been revoked.
 - (f) A license shall be issued for a specific period of time not to exceed five (5) years, or as otherwise provided in this chapter, and, in the case of construction activity, specify a completion schedule for the facility licensed and an appropriate period of time to operate and meet the conditions of the license unless otherwise provided.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

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Sec. 27-59. Special license conditions.

EPGMD is vested with the authority to require special license conditions to ensure the protection of the environment and compliance with this chapter.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-60. Renewal and extension of licenses.

- (a) A license for construction activity shall be extended upon receipt of a written request for extension by the licensee and payment of the fee set forth in the current fee schedule adopted by the Board, provided the license to be extended has not expired and provided no federal, state, county or municipal ordinances, regulations, rules or laws would be violated. Such extensions shall be for no longer than a reasonable time to complete the construction and for EPGMD to determine compliance.
- (b) A license to operate shall be renewed upon receipt of a renewal application and payment of the fee set forth in the current fee schedule adopted by the Board, provided that the facility, the licensee and associated responsible parties are in compliance with all provisions of this chapter.
- (c) A renewal shall be subject to review for compliance with new standards of this chapter and EPGMD may require the licensee to comply with new license conditions.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-61. Change in owner of a licensed facility or project.

The new owner of a licensed facility or project must apply for a transfer of the license by application within thirty (30) days after sale or legal transfer. Until the new owner notifies EPGMD of the transfer and the name of the transferee, the transferor will remain liable for performance in accord with the license and will be liable for the violations caused by the transferee's activities until the transferee obtains a transfer of license and is operating in conformance with this chapter. The transferee will also be responsible for any violations of this chapter that result from the transferee's activities. The transferee shall comply with the transferor's original license conditions when the transferee has failed to obtain its own license.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-62. Acceptance of license conditions.

- (a) Commencement of construction of a facility or operation of a facility or activity under a EPGMD license shall be deemed acceptance of all conditions specified in EPGMD license.
- (b) License conditions shall also be deemed to be accepted if they are not objected to in writing and received by EPGMD within fourteen (14) calendar days of receipt of the license by the applicant.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-63. Suspension and revocation.

- (a) Licenses shall be effective unless suspended, revoked, surrendered or expired.
- (b) The license may be revoked or suspended if it is found that the license holder or its agent:

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- (1) Submitted false or inaccurate information in the application or operational reports.
 - (2) Has violated this chapter or license conditions.
 - (3) Has failed to submit operational reports or other information required by this chapter and license conditions.
 - (4) Has refused lawful inspection or sampling as required by this chapter.
 - (5) Has failed to pay a penalty or comply with all actions required by a settlement agreement, final order or judgment resulting from an enforcement action, including a citation, by EPGMD against the applicant.
 - (6) Is a habitual violator.
 - (7) Has failed to comply with this chapter, license conditions, state pollution control laws or regulations, and/or federal pollution control laws or regulations.
 - (8) Has failed to pay required fees.
- (c) A suspension or revocation shall become effective as provided in this Chapter.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-64. Financial responsibility.

EPGMD may require an applicant to submit proof of financial responsibility and may require the applicant to post appropriate security to guarantee compliance with this chapter. If the applicant cannot establish sufficient financial security, the license application may be denied. Failure to pay a penalty owed to EPGMD may be proof of inadequate financial responsibility. Sufficient financial security shall mean the financial capability of the applicant or licensee to cure any environmental damage caused by the applicant's or licensee's activity, to ensure that the project is constructed in accordance with the plans submitted with the license application, and/or to ensure that all required license activities, conditions, or other requirements necessary for compliance with this chapter are properly performed and completed. Any security must be approved by Broward County Risk Management Division. The form of the security must meet the approval of the County Attorney's Office.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-65. Reserved.

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DIVISION 6. APPROVALS

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[Sec. 27-66. Environmental review approvals required prior to application for a county or municipal building permit.](#)

Sec. 27-66. Environmental review approvals required prior to application for a county or municipal building permit.

- (a) Prior to applying for a county or municipal building permit to develop, construct or alter any real property, structure or facility, that person shall obtain environmental review approval that the development, construction or alteration is in compliance with this chapter.
- (b) In accordance with and pursuant to the Florida Building Code, no county or municipal agency shall issue a permit or approval to develop, construct or alter any real property, structure or facility without evidence of an environmental review approval that the development, construction or alteration is in compliance with this chapter.
- (c) An Environmental review approval becomes invalid if the approval to develop, construct or alter is not submitted to a municipal or county agency within thirty (30) days of the issuance of the environmental review approval. In the case where the municipal or county building approval or permit expires or is revoked or otherwise terminated, a new environmental review approval must be secured and appropriate fees paid prior to any county or municipal agency issuing, reissuing or renewing an approval or permit to develop, construct or alter.
- (d) The director may establish, by policy, de minimis development, construction or alteration activities that either by themselves or in combination with other activities do not adversely affect the environment or human health. Those activities designated as de minimis do not require an environmental review approval prior to obtaining a permit or approval from the county or municipal agency.
- (e) The county and municipal agencies responsible for the issuance of a building permit and certificate of occupancy shall notify the agency issuing the environmental review approval within ten (10) working days after issuance of a building permit, a certificate of occupancy, a temporary certificate of occupancy, certificate of completion, final inspection or any other action that allows occupancy of the building or facility.
- (f) In the case where an environmental review approval is sought to develop, construct or alter a structure or facility that is to be connected to an existing sanitary sewer collection, transmission, treatment or disposal system and where additional flow to the sanitary sewer system is prohibited, pursuant to Article V of this chapter, trade-off flows may be used for all or part of the anticipated flow from the proposed structure or facility. The existing buildings shall be connected to the sanitary sewage system at the time the trade-off approval is sought and shall have flowed wastewater to the sanitary sewage collection system within the six-month period prior to applying for an environmental review approval. The design flows specified in Article V of this chapter shall be used to estimate both the existing flow and the proposed flow.
- (g) EPGMD may determine that some of the activities associated with plans or an application submitted for an environmental review approval may be performed without creating an impact to other licensing requirements needed for the entire set of activities associated with those plans or application. In such cases, conditional environmental review approval of the plans or application may be issued. The conditional environmental review approval will indicate what limitations apply to the activities that

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may be performed, and what outstanding requirements must be met by the applicant in order for the remaining activities to be performed. The conditions indicated in the conditional environmental review approval will be deemed accepted by the applicant when the plans or application having received the conditional environmental review approval are used to obtain from the county or any municipality, a building permit to develop, construct or alter any real property, structure or facility. No final, partial, or temporary certificate of occupancy, certificate of completion, final inspection or any other action which allows occupancy of the building or facility shall be issued by the county or any municipality for a project which has obtained a conditional environmental review approval, nor shall any development, structure or facility which has received a conditional environmental review approval be occupied or commence operation, until EPGMD has issued final approval that the development, construction or alteration of any real property, structure or facility has been completed in compliance with all conditions of the conditional environmental review approval.

- (h) For any site that overlies or contains potential or actual sources of pollution to ground or groundwater, environmental review approval of an application for a building permit or approval to develop, construct or alter shall not be granted until EPGMD is satisfied that the development, construction or alteration will not interfere with the cleanup of the contaminants on the site.
- (i) No environmental review approval to develop, construct or alter any real property, structure or facility will be granted when any county or municipal agency responsible for issuing building permits has advised EPGMD or the issuing agency in writing that the building permit for the real property, structure or facility would be denied by that agency. An environmental review approval will not be granted until the county or municipal agency advises EPGMD or the issuing agency in writing that the building permit can be issued.
- (j) Any county or municipal agency which has issued an approval or building permit to develop, construct or alter any facility at any site requiring closure because it overlies or contains actual or potential sources of pollution to ground or groundwater shall suspend the building permit or approval if requested by EPGMD prior to the completion of the permitted or approved development, construction or alteration. The building permit or approval shall remain suspended until EPGMD is satisfied that the building or structure will not interfere with the monitoring, cleanup or the terms of a No Further Action with Condition Order regarding the contaminants at the site.
- (k) Environmental review approvals: Any proposed or existing project for which environmental review approval is required as a prerequisite to a building permit shall be assessed an application review fee in accordance with the fee schedule as passed by resolution of the Board.
- (l) Environmental review approvals may be denied, revoked or suspended for any reason that a EPGMD license may be denied, revoked or suspended.
- (m) Environmental review approvals shall not be issued without evidence that all required impact fees have been paid to the Broward County Development Management Division.
- (n) Environmental review approvals shall not be issued without evidence that any required Transportation Concurrency Satisfaction Certificate has been issued by the Broward County Development Management Division.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2004-04, § 2, 2-10-04; Ord. No. 2005-08, § 2.06, 4-26-05; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

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DIVISION 7. LAND USE REVIEW

DIVISION 7. LAND USE REVIEW

[Sec. 27-67. Land development.](#)

[Secs. 27-68—27-170. Reserved.](#)

Sec. 27-67. Land development.

- (a) *Land Development Code*: EPGMD shall review and comment on development orders as provided for in the Broward County Land Development Code and collect fees for such reviews in accordance with the fee schedule as passed by resolution of the Board.
- (b) *Local Comprehensive Plan*: EPGMD shall review and provide comments on proposed changes to the Broward County Comprehensive Plan.
- (c) *Conceptual Wetlands Reviews*: EPGMD shall conduct conceptual wetlands reviews prior to the issuance of any development order by local government as provided for in [section 27-333](#) of this chapter.
- (d) *Environmentally Sensitive Lands*: EPGMD shall coordinate environmental impact reports as provided for under the provisions of the land development code when a proposed development includes all or any part of any lands identified as a site recommended for inclusion in the urban wilderness inventory pursuant to [chapter 25½](#), Broward County Code of Ordinances; or a site designated as a Native Vegetative Communities Category Local Area of Particular Concern within the Broward County Land Use Plan; or subject to notice of a public hearing regarding designation as a Native Vegetative Communities Category Local Area of Particular Concern; or inclusion in the Urban Wilderness Inventory. The environmental impact report is to be completed within six (6) months of the date the application for a development permit is accepted by the director of the development management division. The report shall include a discussion of the unique natural qualities and resources of the area and identify projected effects the proposal may have on the area and include strategies to protect the resources or compensate for unavoidable impacts.
- (e) *Other Land Reviews*: As part of its responsibilities to protect the environment of Broward County, EPGMD shall review land use proposals by and from federal, state, and/or local agencies, and others.
- (f) In accordance with the Broward County Land Development Code, the director shall participate in the county development review process and shall provide recommendations and conditions for approval of proposed county development orders.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Secs. 27-68—27-170. Reserved.

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ARTICLE VI. SOLID WASTE

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[Sec. 27-211. Declaration of intent.](#)

[Sec. 27-212. Applicability.](#)

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[Sec. 27-214. Definitions.](#)

[Sec. 27-215. General prohibitions.](#)

[Sec. 27-216. Solid waste management license requirements and standards.](#)

[Secs. 27-217—27-230. Reserved.](#)

Sec. 27-211. Declaration of intent.

In order to protect the quality of air, water, soil, and other natural resources of Broward County, as well as the health, safety, and welfare of its citizens, the Board declares that certain solid waste activities and facilities must be regulated. The Board finds that improper disposal and management of solid waste results in or contributes to air and water pollution, land blight, and nuisance conditions. It is the intent of the Board to require that certain solid waste activities and facilities be managed to eliminate deleterious effects upon the quality of air, water, soil, animal, environmental and human health. It is also the intent of the Board to encourage recycling and the recovery of resources that have a potential for further use. The Board recognizes that other federal, state, municipal, and county agencies have adopted rules for the regulation or management of solid waste. These include, but are not limited to, the generation, flow, transportation, control, collection, storage, removal, abandonment and unauthorized dumping of solid waste and litter within Broward County, and are administered by the applicable governing body. This article regulates solid waste management facilities within Broward County. The Environmental Protection and Growth Management Department ("EPGMD") is responsible for enforcing the provisions of this article unless otherwise specified.

(Ord. No. 1999-16, § 1, 4-13-99; Ord. No. 1999-55, § 1, 10-12-99; Ord. No. 2005-11, § 9, 5-24-05;
Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-212. Applicability.

This article applies to all persons operating or maintaining facilities or conducting activities within the geographic boundaries of Broward County, which recover, dispose, recycle, process, or store solid waste.

(Ord. No. 1999-16, § 1, 4-13-99)

Sec. 27-213. Documents incorporated by reference.

Documents listed in Chapter 62-701.210, Florida Administrative Code ("F.A.C."), as amended, are adopted as standards and are incorporated into this article by reference.

(Ord. No. 1999-16, § 1, 4-13-99)

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Sec. 27-214. Definitions.

When a word, term, or phrase is not defined herein, the definitions set forth in Chapters 62-701, 62-709 and 62-711, F.A.C., as amended, are adopted and incorporated into this article by reference. The following words, phrases, and terms when used in this article shall have the indicated meanings:

Agricultural waste means solid waste resulting from normal farming operations, the raising and slaughtering of animals, and the processing of animal products, orchard and field crops, which are stored, transported, or disposed of as an unwanted waste material.

Backyard composting means the composting of organic solid waste, such as grass clippings, leaves, or food waste generated by a homeowner or tenant of a single or multi-family residential unit where composting occurs at that dwelling unit.

Biohazardous waste (see Biomedical waste).

Biomedical waste means any solid or liquid waste which may present a threat of infection to humans. Examples include non-liquid tissue and body parts from humans and other primates; laboratory and veterinary waste which may contain human disease-causing agents; discarded sharps; and blood, blood products and body fluids from humans and other primates. The following are also included:

- (a) Used, absorbent materials saturated with blood, body fluids, or excretions or secretions contaminated with blood and absorbent materials saturated with blood or blood products that have dried. Absorbent material includes items such as bandages, gauzes, and sponges.
- (b) Non-absorbent disposable devices that have been contaminated with blood, body fluids or blood contaminated secretions or excretions and have not been sterilized or disinfected by an approved method.
- (c) Other contaminated solid waste materials which represent a significant risk of infection because they are generated in medical facilities which care for persons suffering from diseases requiring Strict Isolation Criteria and used by the U.S. Department of Health and Human Services, Centers for Disease Control, CDC Guideline for Isolation Precautions in Hospitals, July/August 1983.

Borrow pit means a regulated aquatic resource created by excavation of land.

Borrow pit reclamation means the process of reclaiming a borrow pit back to land by filling with fill material.

Borrow pit reclamation area means the specific surface water area where fill material is or has been deposited.

Bulky waste means items whose large size or weight precludes or complicates their handling by normal collection, processing, or disposal methods.

Cell means a volume of solid waste received since the last previous application of initial cover. The compacted waste and subsequent initial cover constitute a cell which usually contains wastes deposited in one day.

Class I Landfill means a solid waste management facility which receives an average of 20 tons or more of solid waste per day.

Class II Landfill means a solid waste management facility which receives an average of less than 20 tons of solid waste per day.

Class III Landfill means a solid waste management facility which receives only vegetative debris, construction and demolition debris, waste tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, or other materials approved by EPGMD which are not expected to produce leachate which poses a threat to public health or the environment.

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Clean debris means any solid waste which is virtually inert, which is not a pollution threat to ground water or surface waters, is not a fire hazard, and is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes brick, glass, ceramics, and uncontaminated concrete including embedded pipe or steel. Clean debris used as fill material is not solid waste.

Clean wood means wood or lumber which is free of paint, pentachlorophenol, creosote, tar, asphalt, or other wood preservatives. This does not include vegetative debris.

Closing means the time at which a solid waste management facility ceases to accept wastes, and includes those actions taken by the owner or operator of the facility to prepare the facility for any necessary monitoring and maintenance after closing.

Closure means the cessation of operation of a solid waste management facility and the act of securing such a facility so that it will pose no significant threat to human health or the environment.

Commercial waste means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities excluding household and industrial waste.

Compost means solid waste which has undergone biological decomposition of organic matter, and has been disinfected using composting or similar technologies, and has been stabilized to a degree which is potentially beneficial to plant growth and which is used or sold for use as a soil supplement, artificial top soil, or other similar uses.

Compost area means a site or discrete area of land or a facility where solid waste is processed using composting technology.

Composting means the process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can be easily and safely stored, handled, and used. The presence of anaerobic zones within the composting material will not cause the process to be classified as other than composting. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter. Simple exposure of solid waste under uncontrolled conditions resulting in natural decay is not composting except as specified in Chapter 62-709, F.A.C., as amended.

COMPQAP means Florida Department of Environmental Protection Approved Comprehensive Quality Assurance Project Plan.

Construction and demolition debris means discarded materials generally considered to be not water soluble and non-hazardous in nature including, but not limited to, steel, glass, brick, concrete, asphalt material, gypsum wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees and other vegetative debris which normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood, and metal scraps from a construction project; effective January 1, 1997, except as provided in § 403.707(12)(j), F.S., as amended, unpainted, non-treated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, non-treated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and de minimis amounts of other nonhazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

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Construction and demolition debris disposal area means an area of land where construction and demolition debris is or has been placed for disposal.

Contaminated material means material contaminated with hazardous materials that are not a hazardous waste as defined in [Chapter 27](#), Article XII, [Section 27-352](#) of the Code, as amended. Such material may include, but is not limited to, contaminated soils, industrial solid waste, and ash residue.

Curing area means an area where organic material that has undergone the rapid initial stage of composting is further stabilized into a humus-like material.

Design period means the operating life of a solid waste management facility plus any long-term post closure period.

Disease vectors means any rodents, flies, mosquitoes, or other animals including insects, capable of transmitting disease to humans.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or upon any land or water so that such solid waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including ground waters, or otherwise enter the environment.

Engineer of record means a professional engineer registered in the State of Florida in accordance with provisions of Chapter 471, F.S., as amended, who is appointed by the owner or operator of the solid waste management facility.

Facility has the meaning given it in [Chapter 27](#), Article 1, [Section 27-4](#) of the Code, as amended.

Fill material means material that is likely to retain its physical and chemical structure, and that will not leach contaminants when deposited into water. Fill material includes soil, rock, and clean debris.

Final cover means the materials used to cover the top and sides of a landfill when fill operations cease.

Garbage means all kitchen and table food waste, and animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials.

Generation means the act or process of producing solid waste.

Ground water has the meaning given it in [Chapter 27](#), Article V, [Section 27-192](#) of the Code, as amended.

Hazardous material has the meaning given it in [Chapter 27](#), Article XII, [Section 27-352](#), of the Code, as amended.

Hazardous waste has the meaning given it in [Chapter 27](#), Article XII, [Section 27-352](#), of the Code, as amended.

Household waste means any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households, including single and multi-family residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

Industrial solid waste means non-hazardous solid waste generated by manufacturing or industrial processes.

Initial cover means a 6-inch layer of compacted earth used to cover an area of solid waste before placement of additional waste, intermediate cover, or final cover. The term also includes other material or thickness, approved by EPGMD, that minimizes disease vector breeding, animal attraction, and moisture infiltration, minimizes fire potential, prevents blowing litter, controls odors, and improves landfill appearance.

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Intermediate cover means a layer of compacted earth at least one foot in depth applied to a solid waste disposal area. The term also includes other material or thickness, approved by EPGMD, that minimizes disease vectors, objectionable odors, and fire, and is consistent with the leachate control design of the landfill.

Land clearing debris means uprooted or cleared vegetative debris resulting from land clearing operations and includes materials such as trees and tree stumps.

Land clearing operation means the uprooting or clearing of vegetation in connection with construction of buildings, rights-of-way, residential, commercial or industrial development, mineral operations, control of weeds or the initial clearing of vegetation to enhance property value.

Landfill means a site, facility, or an area of land where wastes are or have been placed for final disposal.

Leachate means liquid that has passed through or emerged from solid waste and may contain soluble, suspended, or miscible materials.

Lift means a completed horizontal series of cells.

Lined landfill means a landfill constructed with a liner made of synthetic materials, low-permeability soils, or a combination of these materials, which has been approved by EPGMD, and which has met EPGMD's landfill design criteria at the time of licensing.

Liner means a continuous layer of low-permeability natural or synthetic materials, under the bottom and sides of a landfill, solid waste disposal area, or leachate surface impoundment, which controls or prevents the downward or lateral escape of waste constituents or leachate.

Liner system means a system of leachate collection and liner layers comprised of natural or synthetic materials installed between the subgrade and the waste for the purpose of containing the waste and collecting and removing leachate.

Liquid waste means any waste material that is determined to contain free liquids as defined by Method 9095 (Paint Filter Liquids Test), as described in Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods (EPA Pub. No. SW-846).

Manure means a solid waste composed of excreta of animals and residual materials that have been used for bedding, sanitary, or feeding purposes for such animals.

Material recovery means any process by which one or more of the various components in solid waste is separated and concentrated for reuse.

Material recovery area means a site or a discrete area of land or a facility that is used for the extraction from solid waste of recyclable materials, processing of vegetative debris into mulch, materials suitable for use as a fuel or soil supplement, or any combination of such materials.

Modify means any deviation, expansion, or alteration of the licensed design and operation of a facility.

Motor vehicle means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, moped, or farm tractors and trailers.

Mulch means a protective vegetative soil covering, spread or left on the ground, to help retain moisture in the soil by retarding evaporation, discouraging weed growth, helping to maintain a constant winter and summer temperature by insulating the soil, or discouraging water runoff and soil erosion by shielding the soil surface from water abrasion and promoting water absorption and retention. Mulch is produced by mechanically reducing the size of materials such as clean wood and vegetative debris.

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NTU means Nephelometric Turbidity Unit.

Normal farming operations means the customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in during the production and preparation for market of poultry, livestock, and associated farm products; and in the production, harvesting, or packaging of agricultural crops which include agronomic, horticultural, and silvicultural crops. Included is the management, collection, storage, composting, transportation, and utilization of organic agricultural waste, manure, and materials solely derived from agricultural crops.

Nuisance has the meaning given it in [Chapter 27](#), Article I, [Section 27-4](#), of the Code, as amended.

Objectionable odor has the meaning given it in [Chapter 27](#), Article IV, [Section 27-172](#), of the Code, as amended.

On-site means on the same or geographically or contiguous property under common ownership and control.

Open burning has the meaning given it in [Chapter 27](#), Article IX, [Section 27-282](#), of the Code, as amended.

Owner or operator means any person or entity who owns or operates a facility, activity, vehicle, or property subject to the regulations of the Code.

Person has the meaning given it in [Chapter 27](#), Article I, [Section 27-4](#), of the Code, as amended.

Processing means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport, amenable to recovery, storage or recycling, safe for disposal, or reduced in volume or concentration.

Prohibited materials means used oil, hazardous waste, biomedical waste, or any other material that is not allowed to be processed on-site.

Recovered materials means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted or source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

Recovered materials processing facility means a facility engaged solely in the storage, processing, resale, or reuse of source separated recovered materials.

Recyclable material means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

Recycling means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Regulated aquatic and wetland resources has the meaning given it in [Chapter 27](#), Article XI, [Section 27-332](#), of the Code, as amended.

Resource recovery means the process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission.

Sludge has the meaning given it in [Chapter 27](#), Article XII, [Section 27-352](#), of the Code, as amended.

Solid waste means sludge unregulated under the Federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained

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gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Materials not regulated as solid waste pursuant to this article are recovered materials, as defined herein; nuclear source or byproduct materials regulated under Chapter 404, F.S. or under the Federal Atomic Energy Act of 1954, as amended; suspended or dissolved materials in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; regulated air emissions; and fluids or wastes associated with natural gas or crude oil exploration or production.

Solid waste disposal area means a discrete area of land used for the disposal of solid waste.

Solid waste management means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way, according to an orderly, purposeful, and planned program.

Solid waste management facility means any landfill, solid waste disposal area, borrow pit reclamation area, compost area, material recovery area, volume reduction plant, transfer station, waste tire processing or collection area, or other facility, the purpose of which is recovery, disposal, recycling, depositing, processing, or storage of solid waste and fill material. The term does not include recovered materials processing facilities.

Solid waste management license means an authorization issued by EPGMD to construct, operate, or modify a solid waste management facility.

Special wastes means solid wastes that can require special handling and management, including, but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, vegetative debris, biomedical wastes, contaminated materials, and land clearing debris.

Stabilized means that biological and chemical decomposition of the waste has ceased or diminished to a level such that the decomposition no longer poses a threat to the public water or environment.

Storage means the holding of solid waste for any period of time prior to processing, treatment, disposal or storage elsewhere.

Surface waters has the meaning given it in [Chapter 27](#), Article V, [Section 27-192](#), of the Code, as amended.

Temporary storage means storage for a period of time not to exceed 180 days unless otherwise specified in this article.

Transfer station means a site which stores or holds solid waste for transport to a processing or disposal facility.

Vegetative debris means plants, trees, grass, or weeds that have been cut down as a result of landscaping maintenance or land clearing operations and includes materials such as severed or uprooted trees and tree trunks, tree and shrub trimmings, grass clippings, palm fronds, or green leaf clippings.

Volume reduction plant means an incinerator, pulverizer, compactor, shredding and baling plant, compost area, or other plant which accepts and processes solid waste for recycling or disposal.

Waste tire means a tire that has been removed from a motor vehicle and has not been retreaded or regrooved. The definition of waste tire includes used tires and processed tires.

Waste tire collection area means a site where waste tires are collected from the public prior to being offered for recycling and where greater than 1,000 tires are kept on-site on any given day.

Waste tire processing area means a site where equipment is used to recapture reusable by-products from waste tires or to cut, burn or otherwise alter waste tires so that they are no longer whole. The term includes mobile waste tire processing equipment.

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Waste tire residuals means any liquids, sludge, metals, fabric, or by-products resulting from the processing or storage of tires.

White goods means inoperative or discarded refrigerators, ranges, washers, water heaters, freezers, and other similar domestic and commercial large appliances.

Working face means that portion of a landfill or a construction and demolition debris disposal area where waste is deposited, spread, and compacted before placement of initial cover.

Yard trash means vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, tree and tree stumps.

(Ord. No. 1999-16, § 1, 4-13-99; Ord. No. 1999-55, § 1, 10-12-99; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Sec. 27-215. General prohibitions.

- (a) Unless otherwise authorized by the Code, no person shall throw, discard, place, maintain, or deposit on or beneath the land surface or in regulated aquatic and wetland resources, or suffer or allow to be thrown, discarded, placed, maintained, or deposited on or beneath the land surface or in regulated aquatic and wetland resources any solid waste in any amount.
- (b) Unless otherwise authorized by the Code, no person shall store, process, or dispose of solid waste except at a licensed solid waste management facility.
- (c) No person shall burn solid waste within the geographic boundaries of Broward County for the purpose of disposal, except:
 - (1) At a licensed resource recovery facility designed to convert solid waste to energy.
 - (2) Solid waste generated from normal, on-site farming operations.
- (d) No person shall dispose of hazardous waste at a solid waste management facility.
- (e) No person shall dispose of biomedical waste at a solid waste management facility.

Sec. 27-216. Solid waste management license requirements and standards.

(a) *License Requirements:*

- (1) Unless otherwise exempted by this article, prior to any person constructing, operating, or modifying a solid waste management facility, that person shall first obtain a solid waste management license.
- (2) Unless otherwise prohibited by the Code, the following activities or facilities are exempted from the licensing requirement provided that no nuisance or any condition is created that adversely affects the environment or public health and provided that the activity or facility does not violate any provisions of the Code, or federal, state, or local government regulations:
 - a. Backyard composting;
 - b. The on-site storage, processing, disposal, and open burning of solid waste from normal, on-site farming activities;
 - c. The storage of solid waste in containers on property which is owned, rented or leased by the persons who generated the stored waste from their own on-site activities;

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- d. Facilities authorized by a site certification issued under Chapter 403, pt. II, F.S. (§ 403.501, F.S. et seq.), Electrical Power Plant Siting;
 - e. The on-site temporary storage of construction and demolition debris, provided that the debris is generated from on-site activities.
- (b) *License Application Requirements and Standards:*
- (1) Application forms: A license application for a solid waste management facility shall be submitted on approved EPGMD application form(s) by an owner or operator or authorized agent and must be accompanied by the required fee(s) as established by the Board, in Chapter 41 of the Broward County Code of Ordinances, as amended.
 - (2) Required application data: The license application must be accompanied by documents and drawings as required by EPGMD that describe the proposed facility and activities to be performed on-site in sufficient detail to meet the standards for solid waste management activities in this article and to clearly identify all potential impacts to the environment and public health. All engineering drawings shall be signed and sealed by a professional engineer registered with the State of Florida. Application data required shall include, but is not limited to:
 - a. A vicinity map or aerial photograph current within one year. This map shall show all airports located within five (5) miles, and the current and future land use and zoning category within one (1) mile of the facility;
 - b. A site plan showing dimensions and details of the proposed areas for receiving, processing, production, storage, and disposal;
 - c. Topographic maps showing contour interval used, original elevations and proposed final contours, general outline of facility area, access roads, grades required for proper drainage, any special drainage devices, and all other pertinent information;
 - d. Designed capacity (volumetric) of the proposed facility, including the receiving, processing, storage, and disposal areas;
 - e. Anticipated type, quantity, and source of material to be received;
 - f. Detailed engineering drawings of the site that indicate location of roads, buildings, equipment to be installed or used, fences and gates, landscaping, sewer and water lines, fire lanes, storm water system, and monitoring wells, if required. The drawings shall show final grade contours, as applicable;
 - g. A copy of permit applications or permit(s) for storm water control issued by the appropriate federal, state, regional, or local agencies, or documentation that no such permit is required;
 - h. Documentation that the applicant either owns the property or notarized authorization from the property owner to use the land and conduct long term care, as applicable, for the activity proposed in the application. Such authorization shall include proof of ownership;
 - i. Documentation from the local zoning authority stating that the facility is in conformance with local zoning requirements; and
 - j. An operation plan which includes at a minimum:
 - 1. Designation of persons responsible for operation, control and maintenance of the facility;
 - 2. Proposed equipment and manufacturers specifications;
 - 3. Description of the facility's in-house training program to operate the facility and to identify any hazardous or prohibited materials received at the facility.

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4. Inspection procedures for controlling waste at the facility;
 5. Number and location of spotters and procedures to be followed if prohibited wastes are discovered;
 6. Vehicle traffic control and unloading;
 7. An emergency plan which shall contain, at minimum, the following elements:
 - a) A list of names and telephone numbers of persons to be contacted in the event of a fire, flood, or other emergency;
 - b) A list of the emergency response equipment at the site, its location, and how it should be used in the event of a fire or other emergency; and
 - c) A description of the procedures that should be followed in the event of a fire, including procedures to contain and dispose of the material generated as a result of the fire; and
 8. Contingency operations, including reserve or alternate equipment, or alternate waste handling and disposal methods in case of emergency such as a natural disaster, equipment failure or receipt of prohibited materials.
- (3) Action on license application shall be in accordance with the provisions in [Chapter 27](#), Article I of the Code, as amended.
- (4) Standards for issuing or denying a license: Licenses shall be issued or denied in accordance with the provisions in [Chapter 27](#), Article I of the Code, as amended.
- (c) *Standards for Solid Waste Management Activities:*
- (1) *Borrow pit reclamation utilizing clean debris as fill material.*
 - a. General requirements: Any person conducting borrow pit reclamation activities utilizing clean debris as fill material shall comply with the requirements set forth in this section, in the license conditions, and with all applicable sections of the Code.
 - b. Prohibitions: No person shall dispose of the following materials in a borrow pit reclamation area:
 1. Solid waste;
 2. Any form of metal except if the metal is embedded in concrete and does not protrude more than six inches from the concrete;
 3. Vinyl materials;
 4. Hazardous materials;
 5. Compost made from solid waste;
 6. Putrescible or deleterious materials or materials that leach contaminants or will not retain their physical or chemical structure under expected conditions of disposal;
 7. Vegetative debris;
 8. Mulch; and
 9. Any other material which is determined by EPGMD to pose any threat or risk to water supplies, the environment or public health and safety.
 - c. Exemptions: Any person conducting fill activities in compliance with an Environmental Resource License issued pursuant to [Chapter 27](#), Article XI of the Code, as amended, shall not be required to obtain a solid waste management license.

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- d. Design criteria: The owner or operator of a borrow pit reclamation area shall:
1. Provide fencing or other effective barriers on-site to control access to the site, secure the borrow pit reclamation area and prevent disposal of waste or materials other than fill material;
 2. Install equipment such as screens, booms, and curtains to maintain water quality standards in accordance with [Chapter 27](#), Article V of the Code, as amended;
 3. Permanently post sign(s) in a conspicuous location clearly visible to the general public indicating the name of the operating authority, contact person and telephone number in case of emergency, hours of operation, and list of prohibited materials;
 4. Construct a minimum of four monitoring wells on-site. Two monitoring wells shall be installed hydraulically up gradient from the area to be filled. One well shall be installed to a depth equal to that of the subject surface water being filled, and one shall be a shallow well installed to a depth of ten (10) feet below the water table. Two monitoring wells shall be installed hydraulically down gradient. One well shall be installed to a depth equal to that of the subject surface water being filled, and one shall be a shallow well installed to a depth of ten (10) feet below the water table. Monitoring well construction specification must be in compliance with Chapter 62-532, F.A.C., as amended. No monitoring well is required if the borrow pit is less than a quarter of an acre in size; and
 5. EPGMD may impose additional monitoring requirements as may be deemed necessary to ensure environmental protection in accordance with the provisions of the Code, as amended.
- e. Operation criteria: The owner or operator of a borrow pit reclamation area shall:
1. Receive and deposit only fill material in the borrow pit reclamation area;
 2. Maintain, at minimum, one (1) spotter on-site at all times during operational hours to inspect all loads of fill material received on-site. The spotter shall identify and remove any prohibited materials which may have been inadvertently included in the load prior to placement in the borrow pit reclamation area;
 3. Ensure all personnel on-site are properly trained to operate the facility and to identify and properly manage any prohibited materials received at the facility;
 4. Remove all metal embedded in concrete, which protrudes from concrete in excess of six inches, prior to placement in the borrow pit reclamation area;
 5. Maintain appropriate containers or secure storage areas on-site. Deposit prohibited materials removed from the fill material in the containers or secured storage areas;
 6. Remove and properly dispose of all prohibited materials stored on-site within seven (7) days of receipt;
 7. Ensure surface water quality is maintained at the standards set forth in [Chapter 27](#), Article V of the Code, as amended; and
 8. Finish slopes resulting from fill activity at a minimum of 4:1 (horizontal to vertical) between the control elevation out to a depth of two (2) feet below the average dry season water table elevation and stabilize with vegetation within ninety (90) days of slope completion; and
 9. Where fill materials are stored within one thousand (1,000) feet of residentially zoned district(s), ensure that open air storage of said materials shall not exceed thirty (30) consecutive days. Fill materials shall be deemed to be stored within one thousand

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(1,000) feet of a residentially zoned district if any part of the fill material is within one thousand (1,000) feet of the district boundary line of a residentially zoned district, as measured by an actual or imaginary straight line upon the ground or in the air. In the event the United States Weather Bureau declares a hurricane watch for Broward County, and before the advent of the storm, ensure that all fill materials and unsecured items shall be stored in buildings, removed, properly disposed of or otherwise secured.

- f. Notification: Required notifications include those specified in this section, in the license conditions and within all applicable sections of the Code, as amended. In addition, the owner or operator shall notify EPGMD of the following:
1. Commencement of borrow pit reclamation activity: Written notice shall be required for the purpose of inspection at least two (2) working days prior to the start of the borrow pit reclamation activity.
 2. Ground water sampling: Written notice shall be required five (5) working days prior to all sampling events so that EPGMD may collect split samples.
 3. Water Quality: If monitoring parameters are detected in monitoring wells in concentrations above those water quality levels established as background for the site, or which are at levels above the standards set forth in [Chapter 27](#), Article V of the Code, as amended, the owner or operator shall immediately cease borrow pit reclamation activities and provide written notice to EPGMD of the exceedance(s) within twenty-four (24) hours of detection. Within five (5) working days of detection of the exceedance(s), the owner or operator shall submit to EPGMD a written action plan to correct the exceedance(s). The plan shall describe the nature and extent of the problem, including copies of laboratory reports, a map of the sample location(s) and a description of the sampling procedures used and the proposed remedy including, as applicable, a time schedule which includes a justification for the proposed time schedule. No borrow pit reclamation activities shall take place until the owner or operator can demonstrate to EPGMD that the exceedance(s) have been corrected and water quality parameters are in compliance with the Code, as amended.
 4. Closure: The owner or operator of a borrow pit reclamation area shall give written notice to EPGMD within thirty (30) days of the completion of closure.
- g. Monitoring: The owner or operator shall adhere to the monitoring requirements specified in this section, in the license conditions and with all applicable sections of the Code, as amended. All sampling and analysis must be performed in accordance with the most current version of EPGMD Guidelines for Monitoring Wells and Sampling. Sampling and analysis of parameters must be in accordance with the COMPQAP. The owner or operator shall be responsible for the following monitoring requirements:
1. Ground water sampling:
 - a) Prior to commencement of any borrow pit reclamation activity utilizing clean debris as fill material, all monitoring wells shall be sampled and analyzed for the parameters listed in [Chapter 27](#), Article VI, [Section 27-216\(c\)\(1\)g.2.a](#) and b), of the Code, as amended. The water quality information shall be submitted to EPGMD within thirty (30) days of sampling; and
 - b) After commencement of borrow pit reclamation activity, monitoring wells shall be sampled and analyzed on an annual basis, in January of each year, for the parameters listed in [Chapter 27](#), Article VI, [Section 27-216\(c\)\(1\)g.2.](#), of the Code, as amended. Results shall be reported in accordance with [Chapter 27](#), Article VI, [Section 27-216\(c\)\(1\)i.3.](#), of the Code, as amended.

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2. Ground water monitoring parameters:

a) Field parameters:

pH

Temperature

Conductivity

Dissolved Oxygen

Water elevations

Colors and Sheens (by observation)

b) Laboratory parameters:

Total Aluminum

Chlorides

Nitrate

Sulfate

Total Dissolved Solids

Turbidity

Total Iron

Sodium

Total Arsenic

Total Cadmium

Total Chromium

Total Lead

Total Mercury

Ammonia

Phenols

Those parameters listed in EPA Method 624, or the most current technology available.

h. Closure: The owner or operator of a borrow pit reclamation area shall:

1. Abandon monitoring wells, in accordance with the most current version of EPGMD Guidelines for Monitoring Wells and Sampling and with Chapter 62-532.500(4), F.A.C., as amended; and

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2. Finish lake slopes at a minimum of 4:1 (horizontal to vertical) between the control elevation out to a depth of two (2) feet below the average dry season water table elevation and stabilize all slopes with vegetation within ninety (90) days of completion of slope construction.
- i. Record keeping and reporting: The owner or operator of a borrow pit reclamation area shall:
 1. Maintain a record on-site recording daily, in cubic yards, the following:
 - a) The total quantity of fill material received on site;
 - b) The total quantity of fill material deposited in the borrow pit reclamation area; and
 - c) The total quantity of prohibited material removed, by type, and the final disposal location(s) for the prohibited wastes including facility name, location and telephone number.
 2. Submit to EPGMD a monthly report no later than the fifteenth (15th) day of the succeeding month. The report shall include:
 - a) The facility name, address and license number;
 - b) The month covered by the report; and
 - c) A summary of the daily information collected in accordance with [Chapter 27](#), Article VI, [Section 27-216\(c\)\(1\)i.1](#).
 3. Submit water quality analytical results to EPGMD as required in [Chapter 27](#), Article VI, [Section 27-216\(c\)\(1\)g.1.a](#) and b), of the Code, as amended, within thirty (30) days of sampling, summarized in letter form which includes date(s) of samples, laboratory report(s), a map showing the monitoring well location(s), a description of the sampling procedure(s), field sheets and chain of custody form(s).
 4. Submit the following documentation to EPGMD within thirty (30) days after project completion or expiration of the license period, whichever occurs first:
 - a) A survey of the borrow pit reclamation area including lake slopes under seal by a professional land surveyor registered with the State of Florida; and
 - b) The total acreage filled.
 5. EPGMD may require additional reports as deemed necessary to ensure environmental compliance.
- (2) *Landfill.*
- a. General Requirements: Any person constructing, operating or modifying a Class I, Class II, or Class III landfill shall comply with the following:
 1. Requirements set forth in this section;
 2. License conditions;
 3. The Code, as amended; and
 4. Chapter 62-701, F.A.C., as amended.
 - b. Prohibitions: No person shall allow the following to be disposed of in a landfill:
 1. Materials that exhibit any of the characteristics of a hazardous waste or containing any listed chemical as defined in 40 CFR, Part 261;
 2. Lead-acid batteries;

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3. Used oil;
 4. Yard trash, except in unlined landfills classified by Florida Department of Environmental Protection in Chapter 62-701, as amended;
 5. White goods;
 6. Whole waste tire, except as otherwise provided in this article;
 7. Contaminated materials, except at a Class I landfill;
 8. Material containing total polychlorinated biphenyl (PCB) in excess of 50 ppm;
 9. Non-containerized liquid waste unless:
 - a) The waste is household waste other than septic waste; or
 - b) The waste is leachate or gas condensate derived from the solid waste disposal unit and the landfill is designed in accordance with Chapter 62-701, F.A.C., as amended.
 10. Containers holding liquid waste unless:
 - a) The container is a small container similar in size to that normally found in household waste and not larger than five (5) gallons;
 - b) The container is designed to hold liquids for use other than storage; or
 - c) The waste is household waste.
 11. Containers or tanks twenty (20) gallons or larger in capacity unless the container or tank has one end removed or cut open, or has a series of punctures around the bottom to ensure the container is empty and free of residue. The empty container or tank shall be compacted to its smallest practical volume for disposal.
- c. Exemptions: Any person conducting landfill activities at a facility authorized by a site certification issued under Chapter 403, Pt. II, F.S. (§ 403.501, F.S. et seq.), Electrical Power Plant Siting shall not be required to obtain a solid waste management license.
 - d. Design Criteria: The owner or operator shall construct a landfill in accordance with all applicable sections of the Code, with license conditions and with provisions of Chapter 62-701, F.A.C., as amended.
 - e. Operation Criteria: The owner or operator shall operate a landfill in accordance with all applicable sections of the Code, with license conditions and with provisions of Chapter 62-701, F.A.C., as amended.
 - f. Notification: Required notifications include those specified in this section, in the license conditions, and within all applicable sections of the Code. In addition, the owner or operator shall notify EPGMD, with a written notice, five (5) working days prior to any well drilling or sampling event, so that EPGMD may observe the drilling or sampling or collect split samples.
 - g. Monitoring: The owner or operator shall adhere to the monitoring requirements specified in this section, in the license conditions and within all applicable sections of the Code. All sampling and analysis must be performed in accordance with EPGMD guidelines for monitoring wells and sampling. Sampling and analysis of parameters must be in accordance with the COMPQAP. Ground water, surface water and leachate shall be sampled and analyzed for the parameters listed in Chapter 62-701, F.A.C., as amended.

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- h. Closure: The owner or operator shall close a landfill in accordance with all applicable sections of the Code, as amended, with license conditions and with provisions of Chapter 62-701, F.A.C., as amended.
- i. Record keeping and reporting: The owner or operator of a landfill shall:
 - 1. Maintain a record on-site recording daily the amount of solid waste received and shall estimate the amount of wastes listed below in tons.
 - a) Types of waste received:
 - 1) Household waste
 - 2) Commercial waste
 - 3) Ash residue
 - 4) Incinerator by-pass
 - 5) Construction and demolition debris
 - 6) Treated biomedical waste
 - 7) Agricultural waste
 - 8) Yard trash
 - 9) Industrial solid waste
 - 10) Sludge
 - 11) Contaminated materials including transporter name and EPGMD transporter decal number.
 - 12) Prohibited materials including the final disposal location facility name, location and telephone number.
 - 2. Submit to EPGMD a quarterly operating report no later than the fifteenth (15th) day of the first month following a quarter. The report shall include:
 - a) The facility name, address and license number;
 - b) The months covered by the report; and
 - c) A summary of the daily information collected in accordance with [Chapter 27](#), Article VI, [Section 27-216\(c\)\(6\)i.1](#).
 - 3. Maintain on-site all records, reports and analytical results as required by the Code, which shall be made available for inspection by EPGMD personnel upon request.
 - 4. Submit ground water, surface water, and leachate analytical results to EPGMD on a semi-annual basis.
 - 5. Submit to EPGMD a written technical report under seal by a professional engineer or professional geologist registered with the State of Florida, that includes the following:
 - a) Summary and interpretation of the water quality data and water level measurements collected during the past two years;
 - b) Tabular and graphical displays of any data, which show that a monitoring parameter has been detected, including hydrographs for all monitoring wells;
 - c) Trend analysis of any monitoring parameters detected;
 - d) Comparisons among shallow, middle and deep zone wells;

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- e) Comparisons between up gradient and down gradient wells;
 - f) Correlations between related parameters such as total dissolved solids and conductivity;
 - g) Discussion of erratic and/or poorly correlated data;
 - h) An interpretation of the ground water contour maps, including an evaluation of ground water flow rates; and
 - i) An evaluation of the adequacy of the water quality monitoring frequency and sampling locations based upon site conditions. The technical report shall be submitted every two (2) years and at the time of application for a license renewal. The initial report shall be due two (2) years from the date of license issuance.
6. Submit to EPGMD, on or before January 31 of each year, an annual elevation survey of the site under seal by a professional land surveyor registered in the State of Florida. This survey shall clearly show the horizontal and vertical dimensions of the landfill areas. Along with this survey, the owner or operator shall estimate the remaining life and capacity in cubic yards of the existing landfill. The annual estimate shall be based upon a summary of the heights, lengths, and widths of the landfill.
7. EPGMD may require additional reports as deemed necessary to ensure environmental compliance.
- (3) *Material Recovery Area or Transfer Station.*
- a. General Requirements: Any person constructing, operating, modifying or closing a material recovery area or transfer station shall comply with the requirements set forth in this section, in the license conditions, with all applicable sections of the Code, and with the provisions of Chapter 62-701, F.A.C., as amended. Existing material recovery areas or transfer stations shall meet the requirements of this article by January 1, 2000, or at the time of renewal of their solid waste management license, whichever occurs first.
 - b. Prohibitions:
 - 1. No person shall dispose of hazardous materials in a material recovery area or transfer station.
 - 2. No person shall dispose of biomedical waste in a material recovery area or transfer station.
 - c. Exemptions:
 - 1. Any person operating a recovered material processing facility shall not be required to obtain a solid waste management license; provided that no nuisance or any condition is created that adversely affects the environment or public health and provided that the activity or facility does not violate any provisions of the Code, or federal, state or local government regulations.
 - 2. Transfer stations which solely receive bulky wastes from households are exempt from the roofing, leachate collection system, monitoring well, record keeping and reporting requirements of this section.
 - d. Design Criteria: The owner or operator of a material recovery area or transfer station shall:
 - 1. Provide paved roads and driveways to minimize the generation of dust and the tracking of material onto adjacent public roads. Such roads shall allow vehicles all-weather access at the facility;

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2. Provide fencing or other effective barriers on-site to control access to the site, secure the material recovery area or transfer station and prevent disposal of waste or materials other than approved material;
 3. Permanently post sign(s) in a conspicuous location clearly visible to the general public indicating the name of the operating authority, contact person and telephone number in case of emergency, hours of operation, and list of prohibited materials;
 4. In addition to the requirements specified in [Chapter 27](#), Article VI, [Section 27-216\(c\)\(3\)d.1.](#) through [Chapter 27](#), Article VI, [Section 27-216\(c\)\(3\)d.3.](#), material recovery areas or transfer stations which receive solid waste other than construction and demolition debris, vegetative debris, and bulky wastes from households shall:
 - a) Provide leachate collection systems, constructed, maintained and operated to collect and remove leachate from the waste receiving, storage, wash down and processing areas. Storm water coming into contact with solid waste in these areas shall be considered leachate.
 - b) Provide a roof to cover the waste receiving, processing, and storage areas.
 5. In addition to the requirements in [Chapter 27](#), Article VI, [Section 27-216\(c\)\(3\)d.1.](#) through [Chapter 27](#), Article VI, [Section 27-216\(c\)\(3\)d.3.](#), material recovery areas or transfer stations which receive construction and demolition debris shall:
 - a) Provide concrete surfaces for the waste receiving, storage, and processing areas. The surfaces shall be capable of withstanding wear and tear from normal operations; and
 - b) Comply with the requirements of [Chapter 27](#), Article VI, [Section 27-216\(c\)\(3\)d.4.a\)](#) or construct a minimum of three monitoring wells on-site. One monitoring well shall be installed hydraulically up gradient and two monitoring wells shall be installed hydraulically down gradient from the material recovery area or transfer station.
 6. In addition to the requirements in [Chapter 27](#), Article VI, [Section 27-216\(c\)\(3\)d.1.](#) through [Chapter 27](#), Article VI, [Section 27-216\(c\)\(3\)d.3.](#), transfer stations which solely receive bulky waste from households shall provide concrete surfaces for the waste receiving and storage areas. The surfaces shall be capable of withstanding wear and tear from normal operations.
- e. Operating Criteria: The owner or operator of a material recovery area or transfer station shall:
1. Ensure all personnel on-site are properly trained to operate the facility with emphasis on proper identification and proper management of prohibited materials, safety, health, environmental controls, and emergency procedures;
 2. Maintain an attendant on duty whenever the facility is operating;
 3. Prohibited material which inadvertently enters the facility shall be separated from the incoming waste stream within forty-eight (48) hours from receipt on site;
 4. Complete sorting of incoming materials within seven (7) working days of receipt of material;
 5. Unless otherwise authorized in this section, immediately deposit sorted material in appropriate storage containers or a secure storage area, which shall be a covered structure with an impermeable floor.

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6. Process or otherwise store sorted materials on-site in accordance with the following time schedule. No material shall remain on-site longer than the established time period for processing or storage as specified below. Within that time period, the owner or operator shall remove and properly dispose of the stored material at an appropriately licensed recycling or disposal facility.
 - a) Recyclable material: Thirty (30) days from receipt of material;
 - b) Prohibited material: Forty-eight (48) hours from receipt of material;
 - c) Vegetative debris and clean wood: Ninety (90) days from receipt of the material. Vegetative debris and clean wood material (processed or unprocessed) may be stockpiled on the ground on-site for ninety (90) days from receipt; however, each stockpile shall not exceed the following maximum dimensions:
 - 1) Width: Fifty (50) feet.
 - 2) Area: 10,000 square feet.
 - 3) Height: Twenty (20) feet.There shall be sufficient space around the perimeter of each stockpile to allow vehicle and equipment access. Unobstructed access for emergency vehicles shall be maintained at all times.
 - d) All other materials: Seven (7) working days from date of receipt of the material.
7. At all times, control litter, fugitive particulate matter, insects, objectionable odors, noise, and disease vectors to prevent a nuisance condition and unsightly appearance.
8. Maintain an emergency plan on-site at all times. The plan shall be updated upon changes in operation at the site. The plan shall include, at minimum, the following:
 - a) A list of names and telephone numbers of persons to be contacted in the event of a fire, flood, or other emergency;
 - b) A list of the emergency response equipment at the site, its location, and how it should be used in the event of a fire or other emergency; and
 - c) A description of the procedures that should be followed in the event of a fire, including procedures to contain and dispose of the material generated as a result of the fire.
- f. Notification: The owner or operator shall give written notice to EPGMD within five (5) days of the completion of closure.
- g. Monitoring: The owner or operator shall adhere to the monitoring requirements specified in this section, with license conditions, with all applicable sections of the Code, and with provisions of Chapter 62-701, F.A.C., as amended. All sampling and analysis must be performed in accordance with the most current version of EPGMD guidelines for monitoring wells and sampling. Analysis of parameters must be in accordance with the COMPQAP. Ground water shall be sampled and analyzed for the parameters listed in Chapter 62-701.730, F.A.C., as amended.
- h. Closure: The owner or operator shall remove or otherwise dispose of all solid waste and recyclable materials prior to closure.
- i. Record keeping and reporting: The owner or operator of a material recovery area or transfer station shall:
 1. Maintain a record on-site, recording daily, in cubic yards, the following:

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- a) The quantity of solid waste received and processed characterized by:
 - 1) Construction and demolition debris.
 - 2) Commercial waste.
 - 3) Household waste.
 - 4) Vegetative material.
 - 5) Prohibited materials including the final disposal location facility name, address, and telephone number.
 - b) The quantity of recyclable material recovered, by type;
 - c) The quantity of recyclable material marketed, by type; and
 - d) The quantity of solid waste disposed of and identify the final disposal location(s);
 2. Submit a monthly report to EPGMD no later than the fifteenth (15th) day of the succeeding month. The report shall include:
 - a) The facility name, address and license number;
 - b) The month covered by the report;
 - c) A summary of the daily information specified in [Chapter 27](#), Article VI, [Section 27-216\(c\)\(3\)i.1](#).
 3. Submit ground water results to EPGMD on a semi-annual basis.
 4. Maintain on-site all records, reports, and analytical results as required by the Code, which shall be made available for inspection by EPGMD personnel upon request.
 5. EPGMD may require additional reports, as deemed necessary, to ensure environmental compliance.
 - j. Financial Assurance: The owner or operator of a material recovery area shall provide EPGMD proof of financial assurance issued in favor of the State of Florida in the amount of the closing cost estimates for the area. Proof of financial assurance which meets state requirements along with the closing cost estimates shall be submitted to EPGMD as part of the license application for the site.
- (4) *Compost area.*
- a. General Requirements: Any person constructing, operating, modifying or closing a compost area shall comply with the requirements set forth in this section, with the license conditions, with all applicable sections of the Code and with the provisions of Chapter 62-709, F.A.C., as amended. Existing compost areas shall meet the requirements of this article by January 1, 2000, or at the time of Solid Waste Management License renewal, whichever occurs first.
 - b. Exemptions: Any person conducting the following activities shall not be required to obtain a Solid Waste Management License provided that no nuisance or any condition is created that adversely affects the environment or public health and provided that the activity or facility does not violate any provisions of the Code, or federal, state, or local government regulations.
 1. Backyard composting;
 2. The on-site storage, processing and disposal of solid waste generated from normal on-site farming operations.

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- c. Design Criteria: The owner or operator of a compost area shall:
1. Provide paved roads and driveways to minimize the generation of dust and the tracking of material onto adjacent public roads. Such roads shall allow vehicles all-weather access at the facility;
 2. Provide fencing or other effective barriers on-site to control access to the site, secure the compost area and prevent disposal of waste or materials other than approved material;
 3. Permanently post sign(s) in a conspicuous location clearly visible to the general public indicating the name of the operating authority, contact person and telephone number in case of emergency, hours of operation, and list of prohibited materials;
 4. In addition to the requirements specified in [Chapter 27](#), Article VI, [Section 27-216\(c\)\(4\)c.1.](#) through [Chapter 27](#), Article VI, [Section 27-216\(c\)\(4\)c.3.](#), a compost area which processes solid waste, sludge, or manure shall:
 - a) Provide a roof to cover the waste receiving, processing, storage, production and curing areas;
 - b) Provide asphalt or concrete surfaces for the waste receiving and storage areas, and the processing and curing areas, to minimize release of leachate into the ground water. The surfaces shall be capable of withstanding wear and tear from normal operations;
 - c) Provide leachate collection systems, constructed, maintained and operated to collect and remove leachate from the waste receiving, storage, processing, wash down, production and curing areas. Storm water coming into contact with solid waste in these areas will be considered leachate.
- d. Operating Criteria: The owner or operator of a compost area shall:
1. Ensure all personnel on-site are properly trained to operate the facility with emphasis on proper identification and proper management of prohibited materials, safety, health, environmental controls, and emergency procedures;
 2. Maintain an attendant on duty whenever the compost area is receiving materials;
 3. Prohibited material which inadvertently enters the facility shall be separated from the incoming waste stream within forty-eight (48) hours from receipt on site;
 4. Complete processing of incoming materials by the end of every working day;
 5. Unless otherwise authorized in this section, immediately deposit sorted material in appropriate storage containers or a secure storage area, which shall be a covered structure with an impermeable floor;
 6. Process or otherwise store sorted materials on-site in accordance with the following time schedule. No material shall remain on-site longer than the established time period for processing or storage as specified below. Within that time period, the owner or operator shall remove and properly dispose of the stored material at an appropriately licensed recycling or disposal facility;
 - a) Recyclable material: Thirty (30) days from receipt of material;
 - b) Prohibited material: Forty-eight (48) hours from receipt of material;
 - c) Processed material:

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- 1) Vegetative debris processed for composting may be stockpiled on the ground on-site; however, each stockpile shall not exceed the following maximum dimensions:
 - aa) Width: Fifty (50) feet.
 - bb) Area: 10,000 square feet
 - cc) Height: Twenty (20) feet
- 2) Solid waste or manure: Solid waste, sludge, or manure processed for composting may be stored on site; however, the compost material stored shall not exceed the design storage capacity of the facility.
- 3) There shall be sufficient space around the perimeter of each stockpile to allow vehicle and equipment access. Unobstructed access for emergency vehicles shall be maintained at all times.
 - d) All other materials: Seven (7) working days from date of receipt of the material.
7. Conduct temperature monitoring at a depth of two feet into the pile on a daily basis during the initial week of composting and then on a weekly basis until the finished compost is produced;
8. At all times, control litter, fugitive particulate matter, insects, objectionable odors, noise, and disease vectors to prevent a nuisance condition and unsightly appearance; and
9. Maintain an emergency plan on-site at all times. The plan shall be updated upon changes in operation at the site. The plan shall include, at minimum, the following:
 - a) A list of names and telephone numbers of persons to be contacted in the event of a fire, flood, or other emergency;
 - b) A list of the emergency response equipment at the site, its location, and how it should be used in the event of a fire or other emergency; and
 - c) A description of the procedures that should be followed in the event of a fire, including procedures to contain and dispose of the material generated as a result of the fire.
- e. Notification: The owner or operator shall give written notice to EPGMD, within thirty (30) days of the completion of closure.
- f. Closure: The owner or operator shall remove or otherwise properly dispose of all compost, solid waste and recyclable materials prior to closure.
- g. Record keeping and reporting: The owner or operator of the compost area shall:
 1. Maintain a record on-site recording daily the following:
 - a) Analytical results on compost testing;
 - b) For composting facilities processing solid waste, temperature monitoring of the composting solid waste piles;
 - c) The quantity of waste received, by type, in cubic yards;
 - d) The quantity of waste processed into compost, by type, in cubic yards;
 - e) The quantity of compost in cubic yards, produced by compost classification as specified in [Chapter 27](#), Article VI, [Section 27-216\(c\)\(4\)i.](#), of the Code, as amended;

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- f) The quantity of compost removed for use or disposal, by compost classification, in cubic yards, to a permitted disposal facility and identify the disposal location(s);
 - g) The quantity of recovered materials removed off-site, in cubic yards; and
 - 2. Submit to EPGMD a monthly report no later than the fifteenth (15th) day of the succeeding month. The report shall include:
 - a) Facility name, address, and license number;
 - b) The month covered by the report; and
 - c) A summary of the daily information specified in [Chapter 27](#), Article VI, [Section 27-216\(c\)\(5\)h.1.](#) of this section.
 - 3. EPGMD may require additional reports, as deemed necessary, to ensure environmental compliance.
 - h. Testing requirements: The owner or operator shall test compost in accordance with the provisions of Chapter 62-709, F.A.C., as amended.
 - i. Classification of compost: The owner or operator shall classify compost in accordance with the provisions of Chapter 62-709, F.A.C., as amended.
- (5) *Waste Tire Processing or Waste Tire Collection Area:*
- a. General Requirements: Any person constructing, operating, modifying or closing a waste tire processing or collection area shall comply with the requirements set forth in this section, in the license conditions, within all applicable sections of the Code, as amended, and with the provisions of Chapter 62-711, F.A.C., as amended. Existing waste tire processing or collection area(s) shall meet the requirements of this article by January 1, 2000, or at the time of renewal of their solid waste management license, whichever comes first.
 - b. Exemptions: Any person conducting the following activities shall not be required to obtain a Solid Waste Management License provided that no nuisance or any condition is created that adversely affects the environment or public health and provided that the activity or facility does not violate any provisions of the Code, or federal, state, or local government regulations:
 - 1. A tire retreading business, unless 1,000 or more waste tires are stored on the business premises;
 - 2. A single facility that, in the ordinary course of business, removes tires from motor vehicles, unless 1,000 or more waste tires are stored on the business premises; or
 - 3. A retail tire-selling business which is serving as a waste tire collection center, unless 1,000 or more waste tires are stored on the business premises.
 - c. Design Criteria: The owner or operator shall construct a waste tire processing or collection area in accordance with the license conditions, within all applicable sections of the Code and with the provisions of Chapter 62-711, F.A.C., as amended.
 - d. Operation criteria: The owner or operator of a waste tire processing or waste tire collection area shall:
 - 1. Maintain an attendant on duty whenever the tire processing or collection area is receiving waste tires.

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2. Comply with the following technical and operational standards and storage requirements for all waste tire processing or collection areas which store waste tires or processed tires indoors.
 - a) An indoor waste tire pile or processed tire pile shall be fifty (50) feet or less in width, except piles along a wall shall be twenty-five (25) feet or less in width.
 - b) The width of aisles between tire piles shall be eight (8) feet or more.
 - c) The clearance from the top of the tire pile to sprinkler deflector or roof structures shall be three (3) feet or more.
 - d) The clearance in any direction from unit heaters, radiant space heaters, duct furnaces and flues shall be three (3) feet or more.
 - e) When waste tires are stored up to fifteen (15) feet high, walls between manufacturing and warehouse areas shall have a fire rating of six (6) hours or more and steel columns shall have one-hour fireproofing. If the top of the tire pile exceeds twenty (20) feet in height, two-hour fireproofing shall be provided for the column and its connections with other structural members.
 - f) In addition to the requirement specified in (a) through (e) of this section, an indoor waste tire processing or collection area shall meet the conditions in The Standard for Storage of Rubber Tires, NFPA 231D-1986 edition, published by the National Fire Protection Association, Battery March Park, Quincy, Massachusetts, as updated.
3. Comply with the following technical and operational standards and storage requirements for all waste tire processing or collection areas which store waste tires or processed tires outdoors.
 - a) The site shall be managed in such a way as to divert storm water or flood waters away from the storage piles.
 - b) Each outdoor waste tire pile or processed tire pile shall have no greater than the following maximum dimensions:
 - 1) Width: Fifty (50) feet;
 - 2) Area: 10,000 square feet; and
 - 3) Height: Fifteen (15) feet;
 - c) A fifty (50) foot wide fire lane shall be placed around the perimeter of each waste tire pile. Access to the fire lane for emergency vehicles must be unobstructed at all times;
 - d) Mosquitoes, rodents, and other vermin shall be controlled to protect the public health and welfare;
 - e) Permanently post sign(s) in a conspicuous location clearly visible to the general public indicating the name of the operating authority, contact person and telephone number in case of emergency, hours of operation, and list of prohibited materials;
 - f) No operations involving the use of open flames shall be conducted within twenty-five (25) feet of a waste tire pile;
 - g) An approach and access road to the site shall be kept passable for any motor vehicle at all times;

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- h) Access to the site shall be controlled through the use of fences, gates, natural barriers, or other means approved by EPGMD;
 - i) The site shall be bermed or given other adequate protection, if necessary, to keep liquid runoff from a potential tire fire from entering surface waters;
 - j) Communication equipment shall be maintained at the site to assure that the site operator can contact local fire protection authorities in case of a fire;
 - k) The site shall be kept free of grass, underbrush, and other potentially flammable vegetation at all times; and
4. Maintain an emergency plan on-site at all times. The plan shall be updated upon changes in operations at the site. The manual shall contain the following elements:
- a) A list of names and telephone numbers of persons to be contacted in the event of a fire, flood, or other emergency;
 - b) A list of the emergency response equipment at the site, its location, and how it should be used in the event of a fire or other emergency; and
 - c) A description of the procedures that should be followed in the event of a fire, including procedures to contain and dispose of the material generated as a result of the fire; and
5. Manage any waste tire processing residuals so as to be contained on-site. Residual waste shall be contained on-site and disposed of in a permitted solid waste and material management facility or properly recycled.
- e. Notification: The owner or operator of a waste tire processing or waste tire collection area shall:
- 1. Notify EPGMD in the event of a fire or any other emergency within seven (7) days. The owner or operator shall submit a written report to EPGMD. This report shall describe the origins of the emergency, the actions that were taken to deal with the emergency, the results of the actions that were taken, and an analysis of the success or failure of the actions;
 - 2. Notify EPGMD, in writing, one hundred eighty (180) days before the waste tire processing or collection area is expected to close; and
 - 3. Within thirty (30) days after closure of the facility, submit a written notice that the closure is completed.
- f. Monitoring: The owner or operator shall monitor the temperature of any above-ground piles of compacted, processed tires over eight (8) feet high for temperature, not to exceed 300 degrees Fahrenheit and shall institute temperature control measures so that pile temperatures do not exceed 300 degrees Fahrenheit. Temperature monitoring and controls are not required for processed tires disposed of in permitted landfills.
- g. Closure: The owner or operator of a waste tire processing or waste tire collection area shall:
- 1. Post a notice indicating that the waste tire processing or collection area is closed and giving the telephone number of the Broward County Office of Integrated Waste Management; and
 - 2. Remove all waste tires and residuals to a solid waste management facility authorized to accept waste tires or a legitimate user of waste tires within thirty (30) days after receiving the final waste tire shipment.

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- h. Record keeping and reporting: The owner or operator of a waste tire processing or waste tire collection area shall:
 - 1. Maintain a record on-site, recording daily, the following:
 - a) The name and waste tire collector identification number of the waste tire collector who accepted the waste tires or processed tires for transport, and the quantity of waste tires or processed tires shipped by that collector;
 - b) If the waste tires were shipped with a person who is not a waste tire collector, the number of tires shipped, the person's name, address and telephone number and the place where the waste tires or processed tires were deposited;
 - c) The name of the waste tire collector, the Florida Department of Environmental Protection registration number of the collector who delivered the waste tires or processed tires to the facility, and the quantity of waste tires or processed tires received from that collector;
 - d) If more than twenty-five (25) waste tires were delivered by a person who is not a Florida Department of Environmental Protection registered waste tire collector, the number of tires delivered and the person's name, address and telephone number; and
 - e) The quantity of waste tires removed, by tire type, and the name and location of the retreading facility receiving the waste tires.
 - 2. Submit a monthly report to EPGMD no later than the fifteenth (15th) day of the succeeding month. The report shall include:
 - a) The facility name, address, and license number;
 - b) The month covered by the report; and
 - c) A summary of the daily information specified in [Chapter 27](#), Article VI, [Section 27-216\(c\)\(5\)h.1](#).
 - 3. EPGMD may require additional reports, as deemed necessary, to ensure environmental compliance.
 - i. Financial Assurance: The owner or operator of a waste tire processing area shall provide EPGMD with proof of financial assurance issued in favor of the State of Florida in the amount of the closing and long-term care cost estimates for the area. Proof of financial assurance which meets state requirements, along with the closing and long-term care cost estimates, shall be submitted to EPGMD as part of the license application for the site.
- (6) *Construction and Demolition Debris Disposal Area.*
- a. General requirements: Any person constructing, operating or modifying a construction and demolition debris disposal area shall comply with the following:
 - 1. Requirements set forth in this section;
 - 2. License conditions;
 - 3. The Code, as amended; and
 - 4. Chapter 62-701, F.A.C., as amended.
 - b. Prohibitions: No person shall allow the following to be disposed of in a construction and demolition debris disposal area:
 - 1. Solid waste other than construction and demolition debris;

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2. Gypsum wallboard or gypsum-containing waste material, except in construction and demolition debris disposal areas with gas control systems designed according to the provisions of Rule 62-701.400(10), F.A.C., as amended; and
 3. Asbestos-containing waste materials regulated pursuant to 40 CFR, Part 61, Subpart M, as amended.
- c. Exemptions: Any person storing construction and demolition debris on his or her own property shall not be required to obtain a solid waste management license, provided that the debris is generated from on-site activities and the storage time does not exceed one hundred eighty (180) days.
- d. Design Criteria: The owner or operator shall construct a construction and demolition debris disposal area in accordance with all applicable sections of the Code, with license conditions and with provisions of Chapter 62-701, F.A.C., as amended. Construction and demolition debris disposal areas that receive gypsum wallboard or gypsum-containing waste material shall have a gas control system designed according to the provisions of Rule 62-701.400(10), F.A.C., as amended.
- e. Operation Criteria: The owner or operator of a construction and demolition debris disposal area shall:
1. Provide an adequate number of qualified personnel to staff the facility and deal effectively and promptly with matters of operation, maintenance, environmental controls, records, emergencies, health and safety, and compliance with all applicable sections of the Code, license conditions and with provisions of Chapter 62-701, F.A.C., as amended;
 2. Ensure all personnel on-site are properly trained to operate the facility with emphasis on proper identification and proper management of prohibited materials, safety health environmental controls, and emergency procedures.
 3. Maintain a spotter at the working face to inspect the incoming waste at all times waste is being accepted at the site.
 4. Inspect waste after it is removed from the transport vehicle and prior to placement for final disposal.
 5. Maintain appropriate containers or secure storage areas on-site to deposit prohibited materials removed from the waste stream.
 6. Remove and properly dispose of all prohibited materials stored on-site within forty-eight (48) hours from receipt of the material.
 7. At all times, control litter, fugitive particulate matter, insects, odors, noise, and disease vectors to prevent a nuisance condition and unsightly appearance.
 8. Maintain an emergency plan on-site at all times. The plan shall be updated upon changes in operation at the site. The plan shall include, at minimum, the following:
 - a) A list of names and telephone numbers of persons to be contacted in the event of a fire, flood, or other emergency;
 - b) A list of the emergency response equipment at the site, its location, and how it should be used in the event of a fire or other emergency; and
 - c) A description of the procedures that should be followed in the event of a fire, including procedures to contain and dispose of the material generated as a result of the fire.

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- f. Notification: Required notifications include those specified in this section, in the license conditions, within all applicable sections of the Code, as amended, and with provisions of Chapter 62-701, F.A.C., as amended. In addition, the owner or operator shall provide a written notice five (5) working days prior to any well drilling or sampling event so that EPGMD may observe the drilling or sampling or collect split samples;
- g. Monitoring: The owner or operator shall adhere to the monitoring requirements specified in this section, with license conditions, with all applicable sections of the Code, and with provisions of Chapter 62-701, F.A.C., as amended. All sampling and analysis must be performed in accordance with the most current version of EPGMD guidelines for monitoring wells and sampling. Analysis of parameters must be in accordance with the COMPQAP. Ground water shall be sampled and analyzed for the parameters listed in Chapter 62-701, F.A.C., as amended.
- h. Closure: The owner or operator shall close a construction and demolition debris disposal area in accordance with all applicable sections of the Code, with license conditions and with provisions of Chapter 62-701, F.A.C., as amended.
- i. Record keeping and reporting: The owner or operator of a construction and demolition disposal area shall:
 - 1. Maintain a record on-site, recording daily the amount of construction and demolition debris received and shall estimate the amount of wastes listed below in tons. Types of waste received:
 - a) Construction and demolition debris; and
 - b) Prohibited materials including the final disposal location facility name, location, and telephone number.
 - 2. Submit to EPGMD a monthly report no later than the fifteenth (15th) day of the succeeding month.
 - a) The facility name, address, and license number;
 - b) The month covered by the report; and
 - c) A summary of the daily information collected in accordance with [Chapter 27](#), Article VI, [Section 27-216\(c\)\(6\)i.1](#).
 - 3. Submit ground water results to EPGMD on a semi-annual basis.
 - 4. Maintain on-site all records, reports, and analytical results as required by the Code, which shall be made available for inspection by EPGMD personnel upon request.
- j. Financial Assurance: The owner or operator of a construction and demolition debris disposal area shall provide EPGMD proof of financial assurance issued in favor of the State of Florida in the amount of the closing cost estimates for the area. Proof of financial assurance which meets state requirements along with the closing cost estimates, shall be submitted to EPGMD as part of the license application for the site.

(Ord. No. 1999-16, § 1, 4-13-99; Ord. No. 1999-55, § 1, 10-12-99; Ord. No. 2000-18, § 1, 5-9-00; Ord. No. 2001-03, § 1, 1-9-01; Ord. No. 2005-11, § 9, 5-24-05; Ord. No. 2009-56, § 1, 8-25-09)

Secs. 27-217—27-230. Reserved.

PART II - CODE OF ORDINANCES
Chapter 27 - POLLUTION CONTROL

ARTICLE VI. SOLID WASTE

FOOTNOTE(S):

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Editor's note— Ord. No. 1999-16, § 1, adopted April 13, 1999, repealed former Art. VI, §§ 27-211—27-217, in its entirety and enacted new provisions as herein set out. Former Art. VI pertained to similar subject matter and derived from Ord. No. 90-49, § 1, 12-18-90; Ord. No. 93-46, §§ 4, 5, 10, 11-23-93; Ord. No. 94-8, § 1, 2-22-94. ([Back](#))

PART XXIX. SIGNIFICANT ENVIRONMENTAL IMPACT FACILITIES

PART XXIX. SIGNIFICANT ENVIRONMENTAL IMPACT FACILITIES

[27.170. Public Notice of Licensing Significant Environmental Impact Facilities.](#)

27.170. Public Notice of Licensing Significant Environmental Impact Facilities.

Applicants for a license required under Chapter 27 of the Broward County Code of Ordinances to construct, operate, or make a major modification to a Significant Environmental Impact Facility, as defined in this section, shall provide the public notices required herein in addition to any other federal, state, or local notice requirements.

- a. "Significant Environmental Impact Facility" means:
 1. A parking facility, as defined in Section 27-176(a)(2) of the Code of Ordinances, that has more than seven hundred fifty (750) parking spaces;
 2. An electrical power plant as defined in Section 403.503, Florida Statutes, unless the applicant for such a facility elects to apply for certification pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501 - 403.518, Florida Statutes;
 3. A Major Source of air pollution as defined in Section 27-174 of the Code of Ordinances;
 4. A wastewater treatment plant or non-domestic wastewater discharge that requires a license under Section 27-198 of the Code of Ordinances;
 5. A solid waste management facility that requires a license under Section 27-216 of the Code of Ordinances;
 6. A storage tank facility with at least one (1) storage tank with a capacity greater than thirty thousand (30,000) gallons which is used to store pollutants or hazardous materials that require a license under Section 27-306 of the Code of Ordinances, or that require registration under Chapter 62-761 or 62-762, Florida Administrative Code;
 7. A hazardous material transfer facility that requires a license under Section 27-356 of the Code of Ordinances;
 8. A hazardous material wellfield facility that requires a license under Section 27-382 of the Code of Ordinances, if the facility is located in Zone 1, as defined in Section 27-376 of the Code of Ordinances; or
 9. A facility that is a generator of hazardous waste determined to be a large quantity generator, as described in the Resource Conservation and Recovery Act regulations at Title 40, Part 262, Section 262.34(a) or (b), Code of Federal Regulations.
- b. The applicant shall provide the notices by regular first class mail to the following persons:
 1. The mayor, each city commissioner or council member, and the city administrator or city manager of any municipality within a radius of five hundred (500) feet from the perimeter of the facility property boundary;
 2. The mayor, each county commissioner, and the county administrator or county manager of any unincorporated area within a radius of five hundred (500) feet from the perimeter of the facility property boundary; and

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3. All owners of property within five hundred (500) feet from the perimeter of the facility property boundary.

Property owners, names and addresses for notice purpose shall be determined in accordance with the current tax roll of Broward County, Florida, unless the applicant has actual knowledge of a different property owner. In the event the notification area includes land declared to be a condominium under Chapter 718, Florida Statutes, notice shall be sufficient if provided to the condominium association of record for the property.

- c. Notices shall include:

1. The location, description, and name of the subject facility;
2. The full and correct legal name of the applicant;
3. The type of license applied for;
4. The license number (if any); and
5. The address of the facility where the application, license, or intent to issue a license is on file for examination or copying, and a phone number for EPGMD where more information may be obtained.

- d. The applicant shall mail the notices:

1. Within nine (9) days after the filing of an application for licensing of a Significant Environmental Impact Facility; and
2. Within nine (9) days after receipt of a license or intent to issue a license.

However, no applicant shall mail notice on or within five (5) days prior to a federal, state, or Broward County legal holiday. If a federal, state, or Broward County legal holiday exists within the mailing period, notice shall be mailed either at least six (6) days before the holiday or on the next business day following the holiday.

- e. Within seven (7) days after mailing each notice, the applicant shall submit to EPGMD proof of notice by providing electronic copies of all notices sent, together with an affidavit that the notices were mailed on the date indicated on the notice.

- f. The following license applications, licenses, and intent to issue licenses shall not be subject to the notice requirements of this section:

1. license renewals that do not include a major modification to the licensed facility or activity; and
2. licenses issued pursuant to declaration of emergency by the Governor of Florida.

(2013-380, § 1, 4-23-13)

PART V. FEE SCHEDULE

PART V. FEE SCHEDULE ^[3]

[40.23. Environmental Protection Fee Schedule.](#)

[40.24—40.26. Reserved.](#)

40.23. Environmental Protection Fee Schedule.

The following fees for Chapter 27 of the Broward County Code of Ordinances and for any program(s) delegated to, contracted to, or carried out by the Environmental Protection and Growth Management Department pursuant to federal or State statute, rule, or regulation are established:

Fee

- a. The Fee Schedule for Section 27-13, "Application for Variance" is\$250.00
- b. The Fee Schedule for Section 27-66, "Approval of Municipal and County Building Permits" is as follows:
 1. "Residencies" per home unit50.00
 2. "Hotels and Motels" per unit bedroom50.00
 3. "Equivalent Residential Connection" (ERC) design flow per each structure50.00
 4. Minimum "Approval Fee" per structure50.00
- c. The Fee Schedule for Subsection 27-67(a) "Land Development Code," is as follows:

Site plan (conceptual, preliminary or final)72.00
- d. The Fee Schedule for Subsection 27-176(c)(1) is as follows:
 1. Air License, per emission unit180.00
 2. Parking Facility License1,200.00
 3. Air License transfer100.00
- e. The Fee Schedule for Section 27-201, "Authorization" for Article V Water Resource Management is as follows:
 1. For Subsection 27-201(a), "Domestic Wastewater," for Subsection 27-201(a)(2), "License Transfer Fee"100.00
 2. For Subsection 27-201(a)(4), "Sanitary Sewers Fee," at a minimum fee of210.00
 - (a) Gravity and force mains:
 - (1) Per running foot0.30
 - (2) Per underground utility access portal50.00
 - (b) Pump Stations and Lift Stations:
 - (1) Per well170.00
 - (2) Plus the following fees based on horsepower:

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Horsepower Fee

- a) Up to and including 5\$140.00
 - b) Greater than 5, but less than 15260.00
 - c) 15 or greater, but less than 45420.00
 - d) 45 or greater, but less than 65530.00
 - e) 65 or greater, but less than 125700.00
 - f) 125 or greater, but less than 200800.00
 - g) 200 or greater1,060.00
- (c) Record Drawing Review Fee100.00
- (d) License Extension Fee210.00
3. For Subsection 27-201(a)(5), "Wastewater Treatment Plants Fee":
- (a) Proposed Wastewater Treatment Plants Construction Phase License Fee:
 - (1) Per gallon of design capacity0.05
 - (2) Minimum fee shall not be less than500.00
 - (3) Maximum fee no more than8,200.00
 - (b) Proposed Modifications License Fee:
 - (1) Proposed modification or revision that does not change design capacity900.00
 - (2) Modification to Advanced Wastewater Treatment or Spray Irrigation:
 - a) Per gallon of design capacity (17 mills)0.017
 - b) This fee shall not be less than165.00
 - c) Nor more than3,280.00
 - (c) "Renewals" of Operating or Construction Phase of License2,500.00
 - (d) Operating Phase of License for Wastewater Treatment Plants1,900.00
4. For Subsection 27-201 (a)(6), "Plat and Site Plan Application Review Fees"70.00
5. For Subsection 27-201(a)(7), "Reuse Application Systems," at a minimum of \$210.00, is as follows:
- (a) Distribution systems and reuse force mains:
 - (1) Per running foot0.30
 - (2) Per underground utility access portal50.00
 - (b) Pump stations (the following fees are based on horsepower):
 - (1) Up to and including 5170.00
 - (2) Greater than 5, but less than 15260.00
 - (3) Greater than 15, but less than 45420.00
 - (4) Greater than 45, but less than 65530.00

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- (5) Greater than 65, but less than 125700.00
- (6) Greater than 125, but less than 200800.00
- (7) Greater than 2001,060.00
- (c) Record Drawing review fee100.00
- (d) Extensions and Renewals of licenses210.00
- 6. The Fee Schedule for Subsection 27-201(b), "Nondomestic Wastewater," is as follows (License Fee based on designed wastewater flows, gallons per day):
 - (a) Up to and including 5,000450.00
 - (b) 5,001 to 10,0001,025.00
 - (c) 10,001 to 25,0001,775.00
 - (d) Greater than 25,0002,375.00
- f. The Fee Schedule for Subsection 27-216(b)(1), "Solid Waste Management," is as follows:
 - 1. Construction/Operation License Fee for solid waste management facilities except for the following: borrow pit reclamation areas and government-owned or operated transfer stations which solely receive bulky wastes and vegetative debris from households.
 - (a) License Fee (5 years)\$6,000.00
 - (b) License minor modifications250.00
 - (c) License intermediate modifications1,500.00
 - (d) License substantial modifications3,000.00
 - 2. Construction/Operation License fee for government owned and operated transfer stations which solely receive bulky wastes from households and vegetative and clean wood processing facilities.
 - (a) License Fee (5 years)3,000.00
 - (b) License minor modifications250.00
 - (c) License intermediate modifications500.00
 - (d) License substantial modifications1,000.00
 - 3. Construction/Operation License fee for borrow pit reclamation areas.
 - (a) Projects equal to or less than 1,000 cubic yards of fill material (5 years)1,000.00
 - (b) Projects with 1,001 to 10,000 cubic yards of fill material (5 years)2,000.00
 - (c) Projects with 10,001 to 100,000 cubic yards of fill material (5 years)3,000.00
 - (d) Projects with greater than 100,000 cubic yards of fill material (5 years)6,000.00
 - (e) License modifications250.00
 - 4. Transfer of License100.00
- g. The Fee Schedule for Subsection 27-284(f)(2) "Land Clearing Open Burn License," is as follows:
 - 1. Basic Fee115.00
 - 2. Plus per acre6.00

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- h. The Fee Schedule for Subsection 27-306(b)(4), "Storage Tanks," is as follows:
1. The annual fee to operate or maintain an out-of-service status for a hazardous material storage tank facility shall be 65 percent of the amount calculated from the schedule in Subsection h.4. below based on the number and capacity of tank systems to be operated or maintained in an out-of-service status at the facility, but shall not be less than \$90.00.
 2. The fee to construct or modify a hazardous material storage tank facility shall be 100 percent of the amount calculated from the schedule in Subsection h.4. below based on the number of tank systems to be constructed or modified at the facility, but shall not be less than \$155.00.
 3. The fee to close a hazardous material storage tank facility shall be 185 percent of the amount calculated from the schedule in Subsection h.4. below based on the number and capacity of tank systems to be closed at the facility, but shall not be less than \$90.00.
 4. Storage Tank System Fee schedule:
Tank Capacity (Gallons) Fee per Tank
 - (a) 0 to 1,000\$ 25.00
 - (b) 1,001 to 5,00035.00
 - (c) 5,001 to 7,50075.00
 - (d) 7,501 to 10,000115.00
 - (e) 10,001 to 75,000270.00
 - (f) 75,001 to 150,000385.00
 - (g) 150,001 to 350,000540.00
 - (h) Greater than 350,000775.00
 5. The fee to transfer a hazardous material storage tank facility license shall be100.00
 6. The annual fee to operate a Stage II Vapor Recovery System at a hazardous material storage tank facility, per gasoline tank55.00
- i. The Fee Schedule for Article XI "Aquatic and Wetland Resources License" fees is as follows:
1. For Section 27-336, "General Licenses"100.00
 2. For items (3) through (7), if project contains wetlands or other aquatic resources, add 100 percent to license fee.
 3. For Section 27-334, Maintenance dredging or projects equal to or less than 100 cubic yards250.00
 4. For Section 27-334, Projects equal to or less than 1,000 cubic yards of dredged or fill material: marina or dockage facility less than or equal to 10,000 square feet in water surface area; seawall less than or equal to 200 feet total length; installation of buoys or aids to navigation; installation of subaqueous transmission or distribution lines with less than 1,000 cubic yards of dredge or fill material400.00
 5. For Section 27-334, Projects with 1,001 to 10,000 cubic yards of dredged or fill material: marina or dockage facility with greater than 10,000 square feet of water surface area; seawall greater than 200 feet in total length800.00
 6. For Section 27-334, Projects with 10,001 to 100,000 cubic yards of dredged or fill material2,000.00

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7. For Section 27-334, Projects with greater than 100,000 cubic yards of dredged or fill material4,000.00
8. For Section 27-334, "Request for License Transfer"100.00
9. For Section 27-334, "Request for License Modification"100.00
10. For Section 27-334, "Mitigation Monitoring Fee," the annual fee shall be 40 percent of the initial license fee and shall be submitted prior to license issuance. ⁴¹
11. For Section 27-334, "Wetland Jurisdiction Determinations" will be performed subsequent to the receipt of a written request accompanied by the following processing fees:
 - (a) For parcels less than or equal to 2 acres35.00
 - (b) Every additional acre or portion thereof, over 2 acres30.00
- j. The Fee Schedule for Sections 27-401 through 27-414, "Tree Preservation and Abuse," is as follows:
 1. "Tree Removal License" fee:

	Developed Single Family or Duplex Residential Property	All Other Developed Residential Occupied Property	All Other Property
(a) For the Initial Tree Removal License	75.00	100.00	150.00
(b) Plus, for each tree proposed to be removed or relocated, less than 18" dbh	25.00	25.00	25.00
(c) Plus, for each tree proposed to be removed or relocated 18" dbh and over	50.00	50.00	50.00
(d) Plus, for each tree removed or relocated prior to obtaining a Tree Removal License having a dbh less than 18"	50.00	50.00	50.00
(e) Plus, for each tree removed or relocated prior to obtaining a Tree Removal License having a dbh of 18" or greater.	100.00	100.00	100.00

2. "Tree Removal License Modification" fee:
 - (a) For a modification of a license75.00
 - (b) Plus, for each additional tree proposed to be removed or relocated:

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	Developed Single Family or Duplex Residential Property	All Other Developed Residential Occupied Property	All Other Property
(1) Less than 18" dbh	25.00	25.00	25.00
(2) 18" dbh and over	50.00	50.00	50.00
(3) Each tree removed or relocated prior to obtaining a Tree Removal License Modification having a dbh less than 18"	50.00	50.00	50.00
(4) Each tree removed or relocated prior to obtaining a Tree Removal License Modification having a dbh of 18" or greater	100.00	100.00	100.00

k. The Schedule of Fees for Article XII, "Hazardous Material" is as follows:

1. For all Section 27-356, "Initial License Application"85.00
2. For all Section 27-356, "License Transfer Requests"100.00
3. For all Section 27-356, "License Modification Requests"95.00
4. For Section 27-356(b), "Hazardous Material Facility Operating License":

(a) Source Category Initial Fees (Annual):

Source Category	Initial Fee	Renewal Fee
(1) Category One-A	\$285.00	\$160.00
(2) Category One-B	345.00	220.00
(3) Category One-C	405.00	285.00
(4) Category Two-A	380.00	255.00
(5) Category Two-B	440.00	315.00

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(6) Category Two-C	505.00	380.00
(7) Category Three-A	475.00	345.00
(8) Category Three-B	535.00	405.00
(9) Category Three-C	600.00	475.00
(10) Category Four-A	565.00	440.00
(11) Category Four-B	625.00	505.00
(12) Category Four-C	695.00	565.00

(b) Source Category Classifications:

(1) Category One Classification:

- a) The Category One intensity of operations shall be established by the number of employees as follows:
 - 1) Category One-A—Less or equal to 10 employees.
 - 2) Category One-B—Greater than 10, less than or equal to 30 employees.
 - 3) Category One-C—Greater than 30 employees.
- b) The following operations and similar operations shall be in the Category One Classification:
 - 1) Body Shops—no painting or priming.
 - 2) Chemical Storage and Distribution—Prepackaged and drummed chemicals, no mixing or priming.
 - 3) Dry Cleaners.
 - 4) Funeral Homes.
 - 5) Furniture Refinishing—Manufacturing with no painting.
 - 6) Mechanical Repair—Minor repairs.
 - 7) One-Hour Photo Labs and Small Tray Developing Facilities.
 - 8) Printers—no camera work.
 - 9) Veterinarian Offices.
 - 10) Doctor Offices.

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- 11) Facilities storing or using hazardous materials generating more than 25 gallons and less than 100 gallons of discarded hazardous materials or hazardous wastes per year and not otherwise included in a specific category.
- (2) Category Two Classification:
- a) The Category Two intensity of operations shall be established by the number of employees as follows:
 - 1) Category Two-A—Less or equal to 10 employees.
 - 2) Category Two-B—Greater than 10, less than or equal to 30 employees.
 - 3) Category Two-C—Greater than 30 employees.
 - b) The following operations and similar operations shall be in the Category Two classification:
 - 1) Analytical Laboratories.
 - 2) Aircraft Maintenance and Repair—Without plating facilities.
 - 3) Auto and Truck Repair—No fleet operations.
 - 4) Boat Maintenance and Repair—No manufacturing.
 - 5) Construction Industries—Road construction and paving, cement plants.
 - 6) Electric Motor Repair.
 - 7) Engine Repair.
 - 8) Jewelry Manufacturing.
 - 9) Machine Shops.
 - 10) Medical Laboratories.
 - 11) Paint Distributors and Product Testing Labs.
 - 12) Paint and Body Shops.
 - 13) Pest Control, less than 10 vehicles.
 - 14) Photo Processing.
 - 15) Plastics Manufacturing.
 - 16) Printers with Camera Work.
 - 17) Radiator Repairs.
 - 18) Silk Screening and Screen Printing.
 - 19) Miscellaneous not otherwise categorized.
 - 20) Facilities generating more than 100 gallons and less than 1,000 gallons of discarded hazardous materials or hazardous wastes per year and not otherwise included in a specific category.
- (3) Category Three Classification:
- a) The Category Three intensity of operations shall be established by the number of employees as follows:

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- 1) Category Three-A—Less or equal to 10 employees.
- 2) Category Three-B—Greater than 10, less than or equal to 30 employees.
- 3) Category Three-C—Greater than 30 employees.
- b) The following operations and similar operations that are not included or would be more appropriately located in another category shall be in the Category Three classification:
 - 1) Aircraft Maintenance and Repair—With plating facility.
 - 2) Anodizing Shops.
 - 3) Battery Manufacturers and Reclaimers.
 - 4) Boat Manufacturers.
 - 5) Chemical Manufacturers.
 - 6) Fleet Maintenance Operations.
 - 7) Hospitals.
 - 8) Paint Manufacturing.
 - 9) Pest Control, ten vehicles or more.
 - 10) Facilities generating greater than 1,000 gallons and less than or equal to 2,500 gallons of discarded hazardous materials or hazardous wastes per year and not otherwise included in a specific category.
- (4) Category Four Classification:
 - a) The Category Four intensity of operations shall be established by the number of employees as follows:
 - 1) Category Four-A—less or equal to 2 employees.
 - 2) Category Four-B—Greater than 2, less than or equal to 8 employees.
 - 3) Category Four-C—greater than 8 employees.
 - b) The following operations and similar operations shall be in the Category Four classification:
 - 1) Asphalt plants.
 - 2) Junk yards.
 - 3) Recycling centers.
 - 4) Facilities generating greater than 2,500 gallons of discarded hazardous materials or hazardous wastes per year and not otherwise included in this category.
5. For Subsection 27-356(c), "Licenses for Sludge, Discarded Hazardous Material and Biomedical Waste Transfer Stations":

Fee

 - (a) Construction License Fee\$500.00
 - (b) Operation License520.00

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6. For Section 27-439, "Waste Transporters License Requirements and Standards":
 - (a) Application fee55.00
 - (b) Renewal fee ⁵⁹25.00
 - (c) Operating License fees:
 - (1) Used oil, radiator fluid, and nonhazardous industrial waste, per gallon0.002
After October 1, 20050.004
After October 1, 20070.006
 - (2) Sludge, per gallon0.003
 - (3) Hazardous waste and waste photo chemical, per gallon0.033
 - (4) Dry sludge, per short ton1.07
 - (5) Contaminated soils, per short ton0.72
 - (6) Medical waste and nonhazardous industrial waste0.72
7. For Subsection 27-356(d), "Environmental Assessment and Remediation Licenses":
 - (a) For nonresidential facilities2,000.00
 - (b) For residential facilities390.00
8. For Subsection 27-356(4)(f), "Public Used Oil Collection Facility Regulation"NO FEE
9. For Subsection 27-356(e)(1), "Utility Electrical Equipment Special License" the annual fee shall be13,000.00
10. For subsection 27-356(e)(2), "Telecommunication Utility VRLA Battery Special License" the annual per facility fee shall be55.00
- i. The Schedule of Annual Fees for Article XIII, "Hazardous Material Wellfield License" is as follows:
 1. For all of Sections 27-382 through 27-384, "Initial License Applications"90.00
 2. For all of Sections 27-382 through 27-384, "License Transfer Requests"100.00
 3. For all of Sections 27-382 through 27-384, "License Modification Requests"90.00
 4. For all Subsection 27-384(b), "Hazardous Material Wellfield License Fee" is as follows:
(same schedule of fees as for Section 27-356 above.)
 5. For Subsection 27-384(c), "Hazardous Material Wellfield Closure Fee"405.00
 6. For Closure License of the type in Subsection 27-382(a) (1), the fee shall be one quarter of the operating license fee specified for Subsection 27-384(b) licenses.
 7. For Subsection 27-384(d) "Special Exemption Fee"140.00
- m. The Fee Schedule for Subsection 27-201(c), "Surface Water Management License," is as follows:
 1. For Subsection 27-201(c)(1), "Surface Water Management License and Letter of Conceptual Approval Fees":

Project Size (Acres) Application Fee

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- (a) 40 or less\$1,500.00
 - (b) Greater than 40 but less than 1003,840.00
 - (c) Greater than 1005,530.00
2. For Subsection 27-201(c)(1), "Modification of Surface Water Management License and Modification of Letter of Conceptual Approval Fees":

Project Size (Acres) Application Fee

- (a) 40 or less1,000.00
 - (b) Greater than 40 but less than 1002,530.00
 - (c) Greater than 1003,650.00
3. For Subsection 27-201(c)(2), "License Renewal Fees," 50% of initial application fee:

Project Size (Acres) Application Fee

- (a) But not less than750.00
 - (b) Maximum renewal fee2,000.00
4. For Subsection 27-201(c)(3), "General License Fee," including application fee250.00
5. For Subsection 27-201(c)(4), "Plan Review Fees":
- (a) With drive35.00
 - (b) Without drive15.00
6. For Subsection 27-201(c)(5), "Transfer of License Fee"100.00
7. For Subsection 27-201(c)(6), "License Extension Fee"100.00
8. For Subsection 27-201(c)(7), "Partial/Phase Certification Fee"100.00
9. For Subsection 27-201(c)(8), "Reinspection Fee"100.00
- n. Applicable fees, as set forth in this section may be waived or reduced as provided by Section 27.237 of this Code for the development of affordable housing.
- o. The Fee Schedule for Subsection 27-180(b)(2) is as follows:

There are separate fees for asbestos removal projects and demolition projects.

Asbestos Removal Projects: Fee

- 160 to 420 Square Feet\$200.00
- 260 to 420 Linear Feet200.00
- 421 to 3,000 Square Feet or Linear Feet400.00
- 3,001 to 5,500 Square Feet or Linear Feet600.00
- 5,501 to 8,000 Square Feet or Linear Feet800.00
- Greater than 8,000 Square Feet or Linear Feet1,000.00
- 35 to 45 Cubic Feet200.00

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- 46 to 54 Cubic Feet500.00
- 55 to 64 Cubic Feet800.00
- Greater than 64 Cubic Feet1,000.00

Asbestos Roofing Removal Projects:

- Less Than Ten Thousand 10,000 Square Feet100.00
- Built-up Roofing Removal Equal to or Greater Than Five Thousand Five Hundred Eighty (5,580) Square Feet if Using a Rotating Blade Roof Cutter or Other Equipment that Sands, Grinds, Cuts or Abrades200.00

Demolition Projects:

- Less Than 30,001 Square Feet250.00
- 30,001—50,000 Square Feet500.00
- 50,001—70,000 Square Feet750.00
- Greater than 70,000 Square Feet1,000.00
- Mobile Homes (Per Unit)100.00
- Mobile Homes (maximum per demolition phase)1,000.00

- p. The fee schedule for environmental sampling and analytical services provided by the Environmental Monitoring Laboratory to other governmental or quasi-governmental agencies is as follows:

Procedure and Method Fee

Standard Analysis

1. Ammonia EPA 351.1\$18.00
2. Apparent Color SM 2120B NC10.00
3. Biochemical Oxygen Demand SM 5210B26.00
4. Carbonaceous Biochemical Oxygen Demand SM 5210B26.00
5. Chemical Oxygen Demand EPA 410.423.00
6. Chloride By Titration SM4500CL-C15.00
7. Chloride By Titration (Solid) SW 846 9252A NC18.00
8. Chlorine SM4500CL-F20.00
9. Chlorophyll-A, Fluorometric SM 10200H58.00
10. Chlorophyll YSI PROBE7.00
11. Conductivity, Salinity SM 2510B/EPA 120.19.00
12. Cyanide, Total EPA 335.368.00
13. Dissolved Solids SM 2540C17.00

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14. Fecal Coliform SM 9222D NC25.00
15. Fecal Coliform SM 9222D46.00
16. Flash Point EPA 1010 NC22.00
17. Fluoride EPA 340.2 NC 16.00
18. Methylene Blue Active Substance SM 5540C39.00
(Surfactants)
19. Microscopic Identification MICROSCOPY67.00
20. Nitrite + Nitrate EPA 353.216.00
(Upon request Nitrate calculation is included if Nitrite is also analyzed.)
21. Nitrite EPA 353.216.00
22. Nitrite — Manual SM4500NO2-B19.00
23. Nitrogen, Ammonia EPA 350.118.00
24. O-Phosphate EPA 365.114.00
25. O-Phosphate EPA 365.1LL14.00
26. O-Phosphate — Manual SM4500P-E20.00
27. Oil And Grease TRPH-HEM (Solid) EPA 1664A NC93.00
28. Oil And Grease, Gravimetric EPA 1664A51.00
29. Oxygen, Dissolved, Probe SM4500O-G12.00
30. Percent Solid SM2540G17.00
31. pH, Probe SM4500H+B7.00
32. pH (Soil) SW 846 9045D9.00
33. Phenol EPA 420.247.00
34. Pheophytin-A, Fluorometric SM 10200H NC26.00
35. Secci Depth EPA 842-B-93-0046.00
36. Sulfate ASTM D516-0217.00
37. Sulfate (Solid) SW 846 9038 NC19.00
38. Sulfide EPA 376.140.00
39. Suspended Solids SM 2540D14.00
40. Temperature SM 2550B8.00
41. Total Alkalinity SM 2320B16.00
42. Total Coliform SM 9222B NC19.00
43. Total Coliform SM 9222B46.00
44. Total Kjeldahl Nitrogen EPA 351.224.00
(upon request Total Nitrogen calculation is included if Nitrite + Nitrate is also analyzed)

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(upon request Organic Nitrogen calculation is included if Ammonia is also analyzed)

- 45. Total Organic Carbon SM5310B27.00
- 46. Total Petroleum Hydrocarbons EPA166451.00
- 47. Total Phosphorus EPA 365.424.00
- 48. Total Solids SM2540B17.00
- 49. Turbidity EPA 180.112.00
- 50. Turbidity YSI PROBE7.00
- 51. Volatile Solids (Solid) SM 2540G NC18.00
- 52. Volatile Solids (Liquid) EPA 160.418.00
- 53. Water Level From Top Of Casing WATER LEVEL INDICATOR7.00
- 54. Water Table Depth MEASURED7.00

Sample Preparation

- 55. Alumina Cleanup—Petroleum Waste SW 846 361060.00
- 56. Florisil Cleanup—Pesticides SW 846 362091.00
- 57. Gel-Permeation Cleanup SW 846 364060.00
- 58. Macroinvertebrate Preparation SM 18 10500 C.24.00
- 59. Metals Extraction By Solid Phase SPE17.00
- 60. Microwave HF/Boric Digestion SW 846 305217.00
- 61. Silica Gel Cleanup—PAHs SW 846 363060.00
- 62. Soil Elutriate EPA ELUTRIATE60.00
- 63. TCLP Extraction SW 846 131160.00

Metals Analysis

- 64. Aluminum-ICP/MS EPA 200.8/SW 846 6020A25.00
- 65. Aluminum-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 66. Antimony-ICP/MS EPA 200.8/SW 846 6020A25.00
- 67. Arsenic-ICP/MS EPA 200.8/SW 846 6020A25.00
- 68. Arsenic-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 69. Barium-ICP/MS EPA 200.8/SW 846 6020A25.00
- 70. Barium-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 71. Beryllium-ICP/MS EPA 200.8/SW 846 6020A25.00
- 72. Beryllium-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 73. Cadmium-ICP/MS EPA 200.8/SW 846 6020A25.00
- 74. Cadmium-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 75. Calcium-ICP/MS SW 846 6020A25.00

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(Upon request Calcium Hardness calculation is included)

- 76. Calcium-ICP/MS (Solid) SW 846 6020A NC25.00
- 77. Calcium-ICP/MS (Solid) SW 846 6020A33.00
- 78. Chromium-ICP/MS EPA 200.8/SW 846 6020A25.00
- 79. Chromium-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 80. Cobalt-ICP/MS EPA 200.8/SW 846 6020A25.00
- 81. Copper-ICP/MS EPA 200.8/SW 846 6020A25.00
- 82. Copper-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 83. Copper-ICP/MS (saltwater) EPA 200.8 SPE/SW 846 6020A SPE33.00
- 84. ICP/MS Metals Single Element EPA 200.8/SW 846 6020A25.00
- 85. Iron-ICP/MS SW 846 6020A25.00
- 86. Iron-ICP/MS (Solid) SW 846 6020A25.00
- 87. Iron-ICP/MS (saltwater) SW 846 6020A SPE33.00
- 88. Lead-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 89. Lead-ICP/MS EPA 200.8/SW 846 6020A25.00
- 90. Magnesium-ICP/MS SW 846 6020A25.00

(Upon request Total Hardness calculation is included if Calcium is also analyzed.)

- 91. Magnesium-ICP/MS (Solid) SW 846 6020A NC25.00
- 92. Magnesium-ICP/MS (Solid) SW 846 6020A33.00
- 93. Manganese-ICP/MS EPA 200.8/SW 846 6020A25.00
- 94. Manganese-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 95. Mercury-ICP/MS EPA 200.8/SW 846 6020A25.00
- 96. Mercury-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 97. Molybdenum-ICP/MS EPA 200.825.00
- 98. Molybdenum-ICP/MS (Solid) EPA 200.8 NC25.00
- 99. Molybdenum-ICP/MS (Solid) EPA 200.833.00
- 100. Nickel-ICP/MS EPA 200.8/SW 846 6020A25.00
- 101. Nickel-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 102. Potassium-ICP/MS (Solid) SW 846 6020A NC25.00
- 103. Potassium-ICP/MS (Solid) SW 846 6020A33.00
- 104. Potassium-ICP/MS SW 846 6020A25.00
- 105. Selenium-ICP/MS EPA 200.8/SW 846 6020A25.00
- 106. Selenium-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 107. Silver-ICP/MS EPA 200.8/SW 846 6020A25.00

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- 108. Silver-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 109. Sodium-ICP/MS SW 846 6020A25.00
- 110. Sodium-ICP/MS (Solid) SW 846 6020A NC25.00
- 111. Sodium-ICP/MS (Solid) SW 846 6020A33.00
- 112. Thallium-ICP/MS EPA 200.8/SW 846 6020A25.00
- 113. Thallium-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 114. Tin-ICP/MS EPA 200.8 NC25.00
- 115. Tin-ICP/MS EPA 200.825.00
- 116. Vanadium-ICP/MS EPA 200.8/SW 846 6020A25.00
- 117. Vanadium-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- 118. Zinc-ICP/MS EPA 200.8/SW 846 6020A25.00
- 119. Zinc-ICP/MS (Solid) EPA 200.8/SW 846 6020A25.00
- Gas and Liquid Chromatography*
- 120. Chlorinated Herbicides SW 846 8151220.00
- 121. Organochlorine Pesticides SW 846 8081 NC121.00
- 122. Organochlorine Pesticides SW 846 8081178.00
- 123. Organochlorine Pesticides (Solids) SW 846 8081 NC121.00
- 124. Organochlorine Pesticides (Solids) SW 846 8081189.00
- 125. Organophosphorous Pesticides SW 846 8141190.00
- 126. Organophosphorous Pesticides SW 846 8141 NC145.00
- 127. Organophosphorous Pesticides (Solid) SW 846 8141210.00
- 128. Organophosphorous Pesticides (Solid) SW 846 8141 NC145.00
- 129. PCBs By Gas Chromatograph SW 846 8082 NC121.00
- 130. PCBs By Gas Chromatograph SW 846 808294.00
- 131. PCBs By Gas Chromatograph (Solid) SW 846 8082 NC121.00
- 132. PCBs In Oil By Waste Dilution/GC SW 846 8082 NC79.00
- 133. Polynuclear Aromatic Hydrocarbons SW8468270PAH125.00
- 134. Semivolatile Organics By GC/MS SW 846 8270346.00
- 135. Semivolatile Organics By GC/MS+Library Search SW 846 8270436.00
- 136. Semivolatile Organics By GC/MS (Solid) SW 846 8270346.00
- 137. Total Petroleum Hydrocarbons By FI- Pro FL-PRO103.00
- 138. VOCs - EDB & DBCP Only By GC EPA 504/801184.00
- 139. VOCs - BTEX & MTBE Only By GC/MS SW 846 826090.00
- 140. VOCs - Full List By GC/MS SW 846 8260171.00

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141. VOCs By Purge & Trap Capillary GC MS (Solid Low Level) SW 846 8260LL286.00

142. VOCs By Purge & Trap Capillary GC/MS (Solid High Level) SW 846 8260171.00

Air Quality Procedures

143. Lead-ICP/MS-Air EQL-0995-110 NC33.00

144. Particulate Matter, Pm-10 EPA 062NC110.00

145. VOCs In Air By Summa Cannister-GC/MS EPA TO-15 NC336.00

Field Sampling

146. Field Services Time75.00/Hr

(Includes travel expenses, sampling, and consumables.)

147. Boat Rental200.00/Day or \$100.00/Half Day

148. Groundwater Pump100.00/Day or \$50.00/Half Day

149. Sediment Dredge50.00/Day or \$25.00/Half Day

150. Autosampler75.00/Day

(Set up and sampling not included.)

151. YSI Long Term Deployment75.00/Day

Additional fees:

All fees include extraction and digestion for aqueous matrix.

A surcharge of 15% will be added for solid or waste preparation.

For any turn-around requests of 5 days or less, an additional surcharge of 25% will be added to each parameter.

NOTE: NC indicates that this parameter is not certified by the NELAC Institute.

For the purposes of bulk sampling or analysis requests, the above rates may be modified by the Environmental Protection and Growth Management Department up to plus or minus 10%. Any revised rate fee must cover the cost to the County for the provision of such services.

q. The Fee Schedule for Section 27-14, "Administrative review of EPGMD determinations." is \$300.

(1995-0777, 8-23-95; 1995-0821, 9-12-95; 1996-0520, 6-11-96; 1997-1076, 10-7-97; 1998-0764, 8-18-98; 1999-0599, 4-13-99; 2001-424, 5-8-01; 2001-1034, 10-9-01; 2001-1189, 12-4-01; 2003-481, 6-24-03; 2003-1013, 12-9-03; 2007-512, 8-28-07; 2007-678, 9-25-07; 2008-736, 9-23-08; 2008-754, 10-14-08; 2009-353, 5-12-09; 2009-533, 8-25-09; 2010-335, 5-25-10; 2011-696, 11-8-11)

40.24—40.26. Reserved.

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FOOTNOTE(S):

--- (3) ---

Editor's note— Formerly numbered as Part VIII; renumbered as Part V by Res. No. 2004-491, § 16, adopted May 25, 2004. ([Back](#))

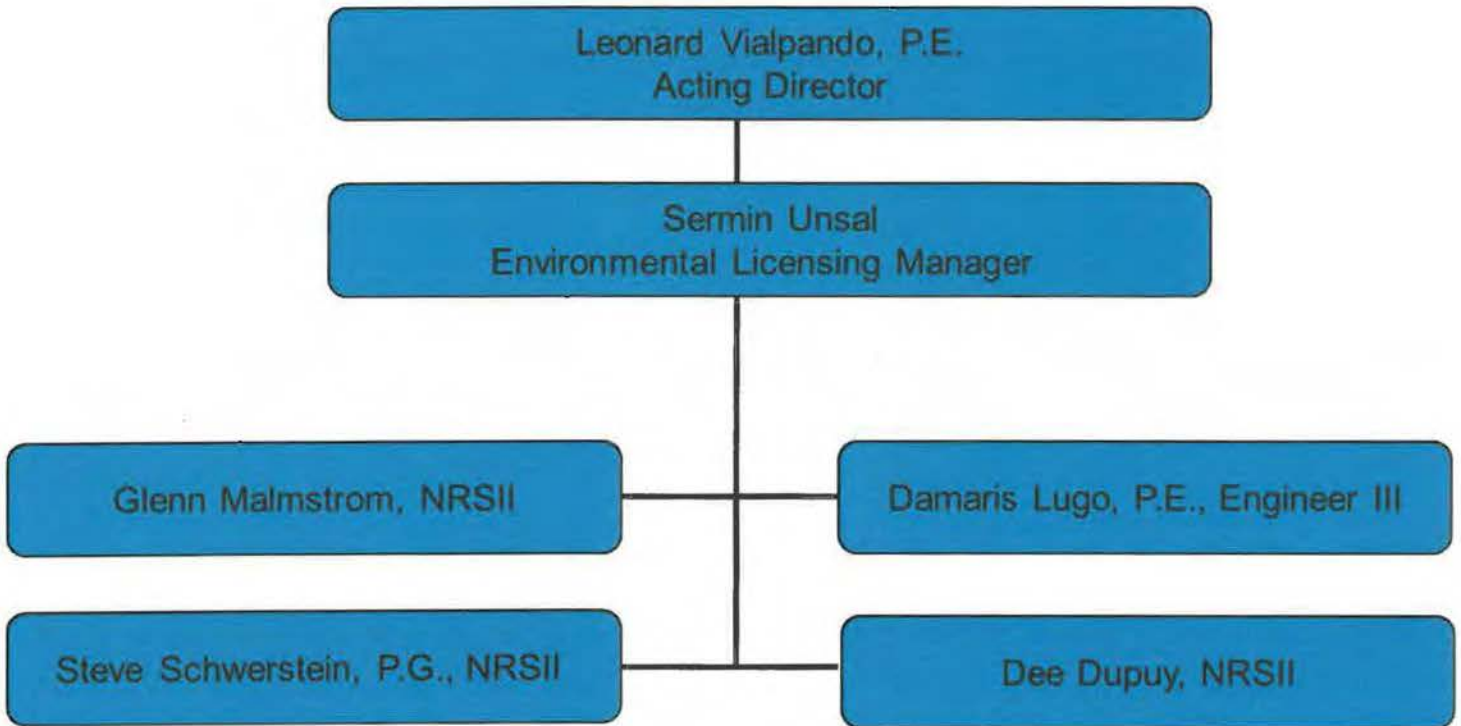
--- (4) ---

Mitigation projects in the monitoring phase that have not previously paid the fee are subject to this fee for the remainder of their monitoring period. ([Back](#))

--- (5) ---

Fee to be waved if no violations of Chapter 27 occur in the preceding license year. ([Back](#))

Attachment 2 - EPGMD Waste Management Section Organizational Chart



Attachment 3 - List of Non-delegated Facilities

1. BCSW Regional Landfill, Ft. Lauderdale
2. Broward County Sanitary Landfill (Superfund)
3. Wheelabrator, N. Broward RRF, Pompano Beach
4. Wheelabrator, S. Broward RRF, Ft. Lauderdale
5. Wingate Road Landfill (NPL), Ft. Lauderdale

Attachment 4 - Lead and Support Agency Assignments

For Permitting, Compliance and Enforcement Activities

Program or Program Element Assignment	Agency EPGMD	DEP
Solid Waste Program		
1. All County Owned or Operated Facilities	Support	Lead
2. Class I and III Landfills	Lead	Support
3. Waste-To-Energy ash landfills under Power Plant Siting Act	Support	Lead
4. Compost Facilities	Lead	Support
5. Waste Processing Facilities	Lead	Support
6. Off-Site Construction and Demolition Debris Disposal Facility	Lead	Support
7. Waste Tire Collection Centers and Processing Facilities	Lead	Support
8. Variances, Alternate Procedures	Support	Lead
9. Off-site Land Clearing Debris Disposal Facility	Lead	Support
10. Landfills Closed Before 1985	Lead	Support
11. Disaster Debris Management Site (DDMS)	Lead	Support

NOTE: If a delegated facility becomes a Superfund site or is listed on the NPL and the County is determined to be a potentially responsible party; then the Department will become the lead for that facility.

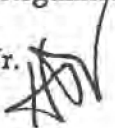
Attachment 5 - DEP Policy Memo on RAIs dated March 22, 2011

Florida Department of Environmental Protection

Memorandum

TO: Regulatory Division Directors
Regulatory District Directors

CC: Jeff Littlejohn, P.E.
Deputy Secretary for Regulatory Programs

FROM: Herschel T. Vinyard Jr. 
Secretary

DATE: March 22, 2011

SUBJECT: Policy for Requests for Additional Information (RAI)

To ensure that the Department is reviewing permit applications in a timely fashion, I am establishing a formal policy for the review and management of Requests for Additional Information (RAI) in the permitting process. I understand that the regulatory divisions and districts currently have management review procedures in place, and this new regulatory-wide policy will be more rigorous and will ensure consistency across the divisions and district offices.

Effective immediately, the following policy will apply to RAIs:

1st RAI – Will require a mandatory review by the permitting supervisor. The RAI can be signed by the permit processor or the permitting supervisor.

2nd RAI – Must be signed by the program administrator.

3rd RAI – Must be signed by the district director (districts) or bureau chief (divisions). In addition, each district and division must submit a monthly report through the Deputy Secretary for Regulatory Programs of the 3rd RAIs issued and an explanation of why the RAI was issued.

4th RAI or more – Will require my approval prior to issuing the 4th or more RAI.

In addition, all RAIs should be sent to the project owner, not only consultants and agents, so that the owner is aware of the application's status.

Attachment 6 - Examples of PA Auto-generated Email

Example of Notice of Receipt of Application Email

Applicant Name: [name]
Applicant Company: [name]
Permit File Number: [permit number]
WACS ID: [number]
Application Received Date: [date]
Project Name/Description: [description]

Dear Applicant:

Thank you for the recent Permit Application regarding the above referenced facility. We value your time and wanted you to know that the Department is working on identifying ways to streamline its review process. We would like to reduce the number of requests for additional information (RAIs), as well as the overall time we each need to complete the review. We appreciate your effort to assist us in providing a timely review by ensuring that the response to any RAI you may receive is thorough and complete. We also encourage communication with our permit processor if there are questions which may help with any RAI you may receive.

If you have any questions regarding this Permitting Application, please contact the Permitting Processor - [name] at [email address] or by phone at [number].

If you feel you have received this email in error, please contact [permit processor] at [email address].

Example of RAI Reminder Email

Applicant Name: [name]
Applicant Company: [name]
Permit File Number: [permit number]
WACS ID: [number]
Application Received Date: [date]
Project Name/Description: [description]

Dear Applicant:

This email was auto generated as a courtesy to remind you that it has been 34 days since the Department requested additional information (RAI) associated with your application referenced above. If you have already submitted the information, or have made other arrangements with the Permitting Processor, please disregard this courtesy notification.

We recognize that additional time may be needed to provide the requested information, and encourage you to contact us if you feel that additional discussions may facilitate the preparation of the response, or our understanding of the application. If you believe an additional extension is warranted, we are willing to work with you to review the circumstances for the requested extension.

It is the goal of this letter to better assist you and to facilitate the active processing of your permit application. Where a permit application is not completed by an extended deadline without good cause, the Department may propose an agency action to deny the permit.

If you have any questions regarding this Permitting Application, please contact the Permitting Processor - [name] at [email address] or by phone at [number].

If you feel you have received this email in error, please contact [permit processor] at [email address].

Attachment 7 - DEP Compliance Assistance Memo dated November 16, 2011



Florida Department of
Environmental Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T.
Vinyard Jr.
Secretary

TO: Regulatory Directors
FROM: Jeff Littlejohn, Deputy Secretary, Regulatory Programs *JML*
DATE: November 16, 2011
SUBJECT: Regulatory Compliance

Thank you all for the good discussions about compliance assistance and enforcement at the Secretary's strategic planning meeting and our subsequent directors meeting in July. I appreciate your collective experience and the careful thought you continue to give these issues. Based on your continuing input and further reflection, I intend the regulatory programs to move forward under the following guidance.

Compliance Assistance

Keep uppermost in your mind that the department's primary *regulatory* objective is compliance with Florida's environmental laws. As such, compliance assistance must be integral and fundamental to our work.

Please expand your outreach, education and technical assistance efforts to help your constituents avoid violations. Reach out to local small business organizations, trade groups, homeowners associations, contractors, local governments, and similar groups to arrange regular and continuing educational meetings, Q&A sessions, permitting and compliance guidance workshops, etc. You provided Carla with examples of the kind of outreach assistance you undertake (attached). We need to actively transfer effective strategies across District and Division boundaries – and we will discuss how best to do so at our upcoming directors meeting. Compliance assistance must be integral and fundamental to your work. I expect the districts and divisions to work together to develop and implement well thought out programs with specific compliance objectives.

I also want to make sure we routinely offer the opportunity for pre-application meetings. These are particularly important for applicants with limited access to

consulting resources. They are also valuable for projects you believe are likely to prove controversial, in order to make sure the ground rules are clear up front and to understand the applicant's objectives.

Pre-application and compliance assistance is hard work and takes time. It is essential, then, to track it in terms of time and effort—and results. What's the pay off? Do our actions improve compliance over time and, if so, to what measurable degree? Can we determine which actions are most effective? Can we use the information to adapt and better target strategies? Cause and effect relationships may be difficult to establish, but we will work on that problem collectively over time. We also must have data systems to account for the time, effort and results; and we have to transfer knowledge—successful models should be expanded, unsuccessful ones dropped.

Formal assistance is essential, but your day-to-day encounters with regulated interests and the general public are the best opportunity we have to gain good will, trust and responsiveness—all of which will improve compliance and environmental stewardship. Build good relationships every day. Every phone call, every drop-in visitor, every inspection, every meeting of any sort is a forum for positive interaction. That does not mean your answer is always "yes"—it does mean that every transaction must be professional, respectful and helpful.

Inspections and Enforcement

One tool for delivering compliance assistance is, of course, field inspections. Inspections are not only a means of detecting violations and making responsible decisions about enforcement, they also are a gauge by which to identify patterns and trends in environmental behavior in order to target compliance assistance. Patterns may involve a single actor over time, a type of activity, an area, or an industry sector, for example. While they may identify those who warrant meaningful enforcement, patterns may also reflect confusing regulatory requirements or inconsistencies in our application of requirements, both of which we need to fix. Understanding patterns requires attention and analysis. The results should be factored into future actions—so we can adapt and improve.

Where noncompliance occurs, despite your best efforts at education and outreach, your first consideration should be whether you can bring about a return to compliance without enforcement. The department's longstanding practice, explicitly set forth in the Enforcement Manual, recognizes that if compliance can be achieved without enforcement, the outcome is usually timelier and less costly than formal measures, especially legal proceedings, and allows the focus to be on fixing the problem, achieving positive environmental results, and moving forward.

Compliance without enforcement is certainly not appropriate in all situations, but it is the right approach when a violation is limited in scope, the violator is unaware or genuinely confused about the requirements and is cooperative and willing to rectify the situation and restore any damage. (Consideration must always be given to federal delegation agreements, which may prescribe an enforcement response.) Such situations typically can be resolved by informal agreement or letter, with agency follow-up to make sure the issue is resolved. If corrective actions are complicated and time consuming, a consent order making everyone's responsibilities clear may be a better choice.

In some instances, parties report on themselves when they discover an inadvertent violation. The department should encourage this behavior, which shows good faith on the part of the reporter and helps us quickly reach a positive environmental result. These situations may be handled without enforcement as well if the violation is limited in scope and the violator is not a chronic offender (unlikely for a self-reporter) and is willing to fix the problem and restore any damage. Again, if corrective actions are simple, the situation can be resolved by informal agreement or letter, with agency follow-up. If corrective actions are complicated, a consent order may prove necessary. (And, again, federal delegation agreement requirements must be considered.)

Determining whether achieving compliance without enforcement is the right approach is not always straightforward. Determining the right penalties when formal enforcement becomes necessary. The direction provided by the Enforcement Manual, including the specific guidelines for characterizing different types of violations, is essential to promoting consistent practices. The division offices and the Office of General Counsel are positioned to help make these judgments and review outcomes to assure that we are consistent. With that in mind, I will be asking the divisions and OGC to make recommendations to me on reviewing penalties and other compliance and enforcement practices.