

PALM BEACH COUNTY
ENVIRONMENTAL CONTROL HEARING BOARD
West Palm Beach, Florida

FLORIDA DEPARTMENT OF HEALTH
IN PALM BEACH COUNTY,

Petitioner,

vs.

FOREVER RECYCLING, LLC,

Respondent.

Case No. SW-01-15

STIPULATION and ORDER

STIPULATION

Petitioner and Respondent stipulate as follows:

1. Respondent owns that certain Palm Beach County real property located at 857 1/2 Old Belle Glade Road 441, Pahokee, FL 33476, and did own said property on October 27, 2014, December 1, 2014 and February 19, 2015.
2. Respondent was alleged to have violated Chapter 77-616 Laws of Florida, as amended (the Environmental Control Act); Chapter 11 of the Palm Beach County Code, as amended (Ordinance 78-5, as amended); and more specifically, the following sections of the Florida Administrative Code governing Solid Waste:
62-701.300(1)(a) F.A.C., Prohibitions: (1) General prohibition. (a) No person shall store, process, or dispose of solid waste except as authorized at a permitted solid waste management facility or a facility exempt from permitting under this chapter; to wit: On October 27, 2014, December 1, 2014, and February 19, 2015. Health Department Inspectors observed solid waste being stored by Forever Recycling, LLC, at 857 1/2 Old Belle Glade Road 441, Pahokee, FL; and

62-709.320(2)(a)2, F.A.C., (2) Design and Operating Requirements. (a) The facility shall have the operational features and equipment necessary to maintain a clean and orderly operation. Unless otherwise specified in Rule 62-709.330 or 62-709.350, F.A.C., these provisions shall include: 2. Dust and litter control methods; to wit: On October 27, 2014 and December 1, 2014, Forever Recycling, LLC. failed to operate in a manner to control dust and litter: and

62-709.320(2)(a)3.a., F.A.C., (2) Design and Operating Requirements. (a) The facility shall have the operational features and equipment necessary to maintain a clean and orderly operation. Unless otherwise specified in Rule 62-709.330 or 62-709.350, F.A.C., these provisions shall include: 3. Fire protection and control provisions to deal with accidental burning of solid waste, including a. There shall be an all-weather access road, at least 20 feet wide, all around the perimeter of the site; to wit: On October 27, 2014 and December 1, 2014, Forever Recycling, LLC. failed to maintain a 20 ft all-weather access road all around the perimeter of its yard trash recycling site: and

62-709.320(2)(b), F.A.C., (2) Design and Operating Requirements....(b) The facility shall be operated in a manner to control vectors; to wit: On October 27, 2014 and December 1, 2014, Forever Recycling, LLC. failed to operate in a manner to control vectors: and

62-711.400(1), F.A.C., Waste Tire Prohibitions. (1) No person may maintain a waste tire site unless such site is an integral part of a permitted waste tire processing facility, except as provided in Rule 62-711.500, F.A.C. For the purpose of this rule, "an integral part of a waste tire processing facility" means the waste tire site is on the same property as the processing facility; to

wit: On February 19, 2015, a Health Department inspector observed more than 1500 waste tires being stored onsite at 857 1/2 Old Belle Glade Road 441, Pahokee, FL.

3. The Petitioner issued Respondent a Notice of the Violation on December 13, 2014 and March 2, 2015.
4. Respondent admits the violation(s) and agrees to the entry of the Order below, and further agrees:
 - (a) to correct the above referenced violations in compliance with the Florida Administrative Codes; and
 - (b) to pay a total civil penalty of \$2,500.00 by check payable to the order of "***Palm Beach County,***" to be received on or before **APRIL 10, 2015.**
5. Petitioner agrees to recommend that the Environmental Control Hearing Board enter an Order adopting this Stipulation. If approved, Petitioner shall seek no additional civil penalty for the above-referenced violation.
6. In the event this Stipulation is rejected by the Environmental Control Hearing Board, or if the stipulation is adopted and Respondent fails to comply with the terms of this Stipulation, this matter shall be heard by the Environmental Control Hearing Board on a date to be set.

Respondent shall be notified of such hearing by regular U.S. mail.

4/9/15
Date

4/14/15
Date

Respondent:
FOREVER RECYCLING, LLC

By: _____
Title: President/owner

Telsula C. Morgan, Esq.

Acting Environmental Control Officer
FL Department of Health in Palm Beach County

800 Clematis Street, Rm 546
West Palm Beach, Florida 33401

ORDER

This matter came before the Palm Beach County Environmental Control Hearing Board on April 23, 2015. The above terms stipulated to by the parties appearing to be fair and proper, the Hearing Board hereby adopts the terms as its Order. This Board finds the Respondent has committed the violation(s) and orders that the parties hereto shall comply with this Order.

4/23/15
Date



David Freudenberg, Chair
Palm Beach County Environmental
Control Hearing Board

Copies furnished to:

Environmental Control Officer
FL Department of Health in Palm Beach County
800 Clematis Street, Rm 546
West Palm Beach, Florida 33401

FL Department of Health in Palm Beach County
Environmental Public Health
800 Clematis Street
West Palm Beach FL 33401

Forever Recycling, LLC
Daniel Casey
915 Pompano Drive
Jupiter, FL 33458

FILED: <u>4/23/15</u> WITH THE PALM BEACH COUNTY ENVIRONMENTAL CONTROL HEARING BOARD
BY: <u>[Signature]</u> CLERK OF THE BOARD

EVERYDAY TIRE RECYCLING
246 E MAIN ST
PAHOKEE, FL 33476-1808

1023

63-751/631 10928
6246283680

DATE 3/31/15

PAY TO THE ORDER OF

Palm Beach County

\$ 2500.00

Two Thousand Five Hundred

DOLLARS

WELLS FARGO Wells Fargo Bank, N.A. Florida wellsfargo.com

FOR # SW-01-15

⑈0000001023⑈ ⑆063107513⑆ 6246283680⑈

BOARD OF COUNTY COMMISSIONERS - PALM BEACH COUNTY, FLORIDA

DATE 4/14 2015 BY ECO

RECEIVED OF Everyday Tire Recycling DEPARTMENT
Two thousand five hundred and ^{01/100} DOLLARS

(SHIP paid in full)

Case No. SW-01-15

CHECK CASH 634928

2500.00
AMOUNT RECEIVED
Pollution FUND

BANK

REVENUE CURRENT REFUND CASH TRANS OTHER

CHECK # 1023

CHECK DATE 3/31/15