

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

February 27, 2015

Hand Delivered:

Date: 3/2/2015

By: JAIME FORCES, ESTE

Received By: Emil Per...
(Printed Name and Recipient Initials)

Mr. Daniel Casey
Manager and Registered Agent
Forever Recycling, LLC
915 Pompano Drive
Jupiter, FL 33458

Notice of Violation
SW-15-01

Re: Solid Waste Violation(s) Occurring at the Forever Recycling, LLC, Facility Located at 857-1/2 Belle Glade Road, Pahokee, Florida—WACS #00101313.

Dear Mr. Casey:

This letter constitutes a formal Notice of Violation of Chapter 77-616, Laws of Florida, as Amended (Environmental Control Act); Section 11-19, Palm Beach County Code (Ordinance 78-5, as amended); Chapter 403, Florida Statutes (2015), Chapter 62-701, 62-709 and 62-711 of Florida Administrative Code, and Florida Department of Environmental Protection (FDEP) Yard Trash Recycling Registration WACS #00101313. Also, violations previously addressed in Notice of Violation #SW-14-21 (issued December 11, 2014) continue to be uncorrected based on the following, referenced photographic evidence.

The following violations were observed and photographically recorded during routine compliance inspection conducted by a Palm Beach County Solid Waste Authority inspector on February 19, 2015:

- Accepting, storing and processing yard trash comingled with household and other solid waste including: bedding, painted, treated and untreated lumber, plywood, pallets, plastics, children's toys, carpeting, furniture, tire pieces and whole tires (baled and unbaled, in excess of 1500 tires in photographic evidence shared with the Florida Department of Health Palm Beach County (Health Department) on February 19, 2015).

By having these specific condition deficiencies, the *Health Department* finds that *Forever Recycling, LLC*, is operating in violation of the following rules and regulations:

Florida Statutes, Chapter 403 – Environmental Control – Part I – Pollution Control

Section 403.161(1) – Prohibitions, violation, penalty, intent – It shall be a violation of this chapter, and it shall be prohibited for any person:

- (b) To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority.

Florida Administrative Code, Chapter 62-701 - Solid Waste Management Facilities

62-701.300 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.

Florida Administrative Code, Chapter 62-709 – Criteria for Organics Processing and Recycling Facilities

62-709.330 Specific Criteria for Registration of Yard Trash Processing Facilities.

- (3) Only yard trash, and bags used to collect yard trash, shall be accepted at the yard trash processing facility. Any other material shall be containerized.

Florida Administrative Code, Chapter 62-711 – Criteria for Organics Processing and Recycling Facilities

62-711.300 Waste Tire Permit Requirements.

- (2) Waste tire processing facilities shall obtain a permit and shall meet the requirements for waste tire processing facilities in Rule 62-711.530, F.A.C.

62-711.400 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.

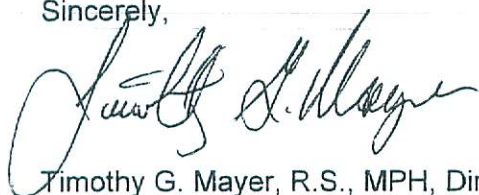
CORRECTIVE ACTIONS – *Forever Recycling, LLC*, must take immediate corrective action to comply with the rules or regulations referenced above.

Additionally, you are subject to civil penalties of up to \$500.00 for each day you create a public health threat, or conduct an activity which results in environmental damage, or conduct an activity without or in violation of a required permit. The Environmental Control Officer shall present the facts of this case to the Environmental Control Hearing Board and request a show cause order requiring you to appear before the Board and show cause why you should not be required to pay civil penalties.

Please contact Mr. Thomas Tittle at telephone (561) 837-5979, if we can be of assistance to help you expedite compliance with the above conditions, or if you have any questions regarding this Notice of Violation.

Please refer to the Notice of Violation number SW-15-01 in any correspondence.

Sincerely,



Timothy G. Mayer, R.S., MPH, Director
Division of Environmental Public Health

cc: Telsula C. Morgan, Esq.
Ken Berg, Solid Waste Authority
Michael F. Tyson, Env Programs Coord, SWA

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