

**Florida Department of Health
Palm Beach County
800 Clematis Street, West Palm Beach, FL 33401
Attendance Sign-In Sheet**

Monday, May 18, 2015

NAME	COMPANY	EMAIL ADDRESS
Jorge Patino	FDOH	jorge.patino@ flhealth.gov ^{flhealth.gov}
Emilio Perez	FOREVER Recycling LLC	TUIWAREHOUSE@YAHOO.COM
Emilio Perez	FOREVER Recycling LLC	TUIWAREHOUSE@YAHOO.COM
Laymana Tallam	FDOH	Laymana.Tallam@FLHEALTH.GOV.

NOTE: ⁵⁻¹⁸⁻¹⁵ WENT OVER EACH IZFI ITEM (IN DETAIL) AND RULE 62-711, ESPECIALLY 62-711.540 REQUIREMENTS.
Jorge Patino

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

May 18, 2015

HAND-DELIVERED/ELECTRONIC CORRESPONDENCE

tuiwarehouse@yahoo.com

Emilio Perez

Owner

Forever Recycling, LLC

246 East Main Street

Pahokee, FL 33476

Project No.: 333423-001-WT

COUNTY: Palm Beach

PROJECT: Permit Application

RE: Application for a Waste Tire Processing Facility Permit
Second Request for Information

Facility Location: 857½ Old Belle Glade Rd, Palm Beach County, Florida, 33476

Dear Mr. Perez:

The Florida Department of Health Palm Beach County (DOH) has reviewed the additional information and the revised permit application received on April 23, 2015. As discussed during the meeting at the Department of Health Palm Beach County on May 18, 2015, additional information is still needed to complete your application. Further evaluation of your proposed project will be on hold until all the information requested below has been received by the DOH. **In order to expedite the application review and avoid additional requests for information, please provide a detailed written response to each item below. If you believe an item does not apply, please state so and explain why. A copy of the request for information issued to the facility on April 02, 2015 is attached.**

Please provide the following information promptly in order to complete the review of your application pursuant to Chapters 120 and 403, Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Rules 62-4.055, 62-701, and 62-709.

1. Please submit written responses to the following questions/requests included in the Department's April 2, 2015 request for information:
 - a. During a site visit conducted by Mr. Jorge Patino on April 1, 2015, Mr. Emilio Perez indicated that the Applicant and owner of Forever Recycling, LLC is his son, Mr. Emilio Perez, Jr. The application submitted indicates Mr. Emilio Perez as the Applicant and was signed by Emilio Perez/Owner. Please revise the application to show the full legal name of the Applicant and signatory. Also, please describe Mr. Emilio Perez's (father of Mr. Emilio Perez, Jr.) role in Forever Recycling, LLC.
 - b. DOH is in receipt of correspondence dated February 5, 2015 signed by Mr. Daniel Casey and Mr. Emilio Perez, Jr. and witnessed by Ms. Sara Perez. According to this correspondence, Mr. Casey resigned as a member of Forever Recycling, LLC and Mr. Emilio Perez, Jr. is the new registered agent and managing member. A search of the Florida Department of State Division of Corporations website on April 2, 2015 showed Mr. Casey as the Registered Agent and Authorized Person. Please provide written documentation showing that a formal request has been made to update the corporation's records.
 - c. Question A.7 of the application regarding enforcement actions was answered no, indicating no "enforcement actions taken by the Department against applicant relating to the operation of any solid waste management facility in this state." DOH records indicate that the attached Orders were sent to Mr. Emilio Perez on March 12, 2015 as part of an ongoing enforcement (Case No. SW-01-15) against Forever Recycling, LLC. Please revise the application, if necessary, and provide an explanation of any and all ongoing and/or prior enforcement actions and associated resolutions or proposed actions to resolve ongoing violations.

Florida Department of Health

Palm Beach County, Division of Environmental Public Health
P.O. Box 29, 800 Clematis Street, West Palm Beach, FL 33402
PHONE: 561-837-5900 • FAX : 561-837-5294

www.FloridasHealth.com

TWITTER:HealthyFLA
FACEBOOK:FLDepartmentofHealth
YOUTUBE: fldoh

5-18-15
Hand-delivered
Emilio Perez

- d. Please provide all information requested in Part III-Attachments, subparts A through F of the application form in accordance with the specified requirements (see below).

Part III – Attachments:

A. Facility design

*NOTE: All maps, plan sheets, drawings, isometrics, cross sections, or aerial photographs shall be legible; be **signed and sealed by a registered professional engineer** responsible for their preparation; be of **appropriate scale** to show clearly all required details; be numbered, referenced to narrative, titled, have a legend of symbols used, contain horizontal and vertical scales (where applicable), and specify drafting or origination dates; and use uniform scales as much as possible, contain a north arrow and use NGVD for all elevations.*

1. A topographic or section map of the facility, including the surrounding area for one mile, no more than one year old, showing land use and zoning within one mile of the facility
2. A plot plan of the facility on a scale of not less than one inch equals 200 feet. At a minimum, the plot plan shall include. **(The plan submitted must be drawn to scale and signed and sealed by a professional engineer.)**
 - a. The facility design, including the location and size of all storage and processing areas for used tires, unprocessed waste tires, processed waste tires, and waste tire processing residuals. **(Please note that dimensions of storage areas must comply with the requirements of 62.711.540)**
 - b. All wetlands and water bodies within the facility or within 200 feet of any storage area;
 - c. Stormwater control measures, including ditches, dikes, and other structures;
 - d. Boundaries of the facility, legal boundaries of the land containing the facility, and any easements or rights of way that are within the facility or within 200 feet of any storage area;
 - e. Location, size, and depth of all wells within the facility or within 200 feet of any storage area;
 - f. All structures and buildings that are, or will be, constructed at the facility; include those used in storage and processing operations;
 - g. All areas used for loading and unloading;
 - h. All access roads and internal roads, including fire lanes;
 - i. Location of all fences, gates, and other access control measures; and
 - j. Location of all disposal areas within the facility.

B. Facility operation. (The following items have not been submitted or require additional details)

2. A description of the equipment used for processing tires. This description shall include the **make, model, and hourly capacity of each piece of equipment.**
5. A description of how the operator will maintain compliance with each of the storage requirements of Rule 62-711.540, F.A.C.
7. A copy of the fire safety survey
8. A description of how 75% of the annual accumulation of waste tires will be removed for disposal or recycling.

D. Attach proof of financial responsibility as requirement by Rule 62-711.500(3) OR a calculation showing that financial assurance documents, currently on file with the Department, are sufficient to assure closing of the waste tire site as well as any other solid waste management facility at that location. (Pursuant to Rule 62-711.500(3), the cost estimate shall be the amount that would be expended to remove, process, and dispose of waste tires on the site and to close the site. The costs shall be based on a third party, who is not a subsidiary or parent company, performing the work, reported on a per unit basis. Quantity estimates shall be certified by a Professional Engineer.) Please contact Mr. Tor Belnar of the Department of Environmental Protection (DEP) at 850-245-8743 regarding financial instrument. Please submit the cost estimates to our office using the attached form.

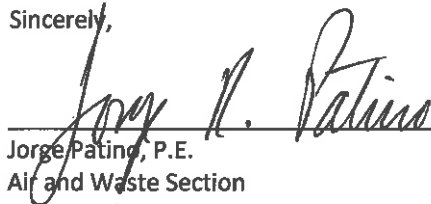
E. A letter from the land owner (if different from applicant) authorizing use of the land as a waste tire processing facility.

Note that all submittals must be signed and sealed by a professional engineer (as required), licensed in the State of Florida.

The Health Department must receive a response from you within ninety (90) days of receipt of this letter, unless you (the applicant) request additional time under Rule 62-4.055(1), F.A.C. Failure of an applicant to provide the timely requested information by the applicable deadline shall result in denial of the application.

If you have any questions, please contact me at 561-837-5936. When referring to this project, please use the project number indicated.

Sincerely,



Jorge Patino, P.E.
Air and Waste Section
Division of Environmental Public Health

Attachment

cc:

Amede Dimonnay, FDEP/SED
Richard Tedder, FDEP/TAL
Mike Tyson, PB SWA

email
email
email

amede.dimonnay@dep.state.fl.us
Richard.Tedder@dep.state.fl.us
mtyson@swa.org

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

April 2, 2015

ELECTRONIC CORRESPONDENCE

tuiwarehouse@yahoo.com

Emilio Perez

Owner

Forever Recycling, LLC

246 East Main Street

Pahokee, FL 33476

Project No.: 333423-001-WT

COUNTY: Palm Beach

PROJECT: Permit Application

RE: Application for a Waste Tire Processing Facility Permit

Facility Location: 857½ Old Belle Glade Rd, Palm Beach County, Florida, 33476

Dear Mr. Perez:

The Florida Department of Health Palm Beach County (DOH) has reviewed the referenced permit application, received on 03/01/2015 (correct fee received 03/18/2015), and have determined that additional information is needed to complete your application. Further evaluation of your proposed project will be on hold until all the information requested below has been received by the DOH.

Please provide the following information promptly in order to complete the review of your application pursuant to Chapters 120 and 403, Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Rules 62-4.055, 62-701, and 62-709.

1. During a site visit conducted by Mr. Jorge Patino on April 1, 2015, Mr. Emilio Perez indicated that the Applicant and owner of Forever Recycling, LLC is his son, Mr. Emilio Perez, Jr. The application submitted indicates Mr. Emilio Perez as the Applicant and was signed by Emilio Perez/Owner. Please revise the application to show the full legal name of the Applicant and signatory. Also, please describe Mr. Emilio Perez's (father of Mr. Emilio Perez, Jr.) role in Forever Recycling, LLC.
2. DOH is in receipt of correspondence dated February 5, 2015 signed by Mr. Daniel Casey and Mr. Emilio Perez, Jr. and witnessed by Ms. Sara Perez. According to this correspondence, Mr. Casey resigned as a member of Forever Recycling, LLC and Mr. Emilio Perez, Jr. is the new registered agent and managing member. A search of the Florida Department of State Division of Corporations website on April 2, 2015 showed Mr. Casey as the Registered Agent and Authorized Person. Please provide written documentation showing that a formal request has been made to update the corporation's records.
3. Question A.7 of the application regarding enforcement actions was answered no, indicating no "enforcement actions taken by the Department against applicant relating to the operation of any solid waste management facility in this state." DOH records indicate that the attached Orders were sent to Mr. Emilio Perez on March 12, 2015 as part of an ongoing enforcement (Case No. SW-01-15) against Forever Recycling, LLC. Please revise the application, if necessary, and provide an explanation of any and all ongoing and/or prior enforcement actions and associated resolutions or proposed actions to resolve ongoing violations.
4. Please provide all information requested in Part III-Attachments, subparts A through F of the application form in accordance with the specified requirements (see below).

Florida Department of Health

Palm Beach County, Division of Environmental Public Health
P.O. Box 29, 800 Clematis Street, West Palm Beach, FL 33402
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Part III – Attachments:

A. Facility design

NOTE: All maps, plan sheets, drawings, isometrics, cross sections, or aerial photographs shall be legible; be signed and sealed by a registered professional engineer responsible for their preparation; be of appropriate scale to show clearly all required details; be numbered, referenced to narrative, titled, have a legend of symbols used, contain horizontal and vertical scales (where applicable), and specify drafting or origination dates; and use uniform scales as much as possible, contain a north arrow and use NGVD for all elevations.

1. *A topographic or section map of the facility, including the surrounding area for one mile, no more than one year old, showing land use and zoning within one mile of the facility*
2. *A plot plan of the facility on a scale of not less than one inch equals 200 feet. At a minimum, the plot plan shall include.*
 - a. *The facility design, including the location and size of all storage and processing areas for used tires, unprocessed waste tires, processed waste tires, and waste tire processing residuals;*
 - b. *All wetlands and water bodies within the facility or within 200 feet of any storage area;*
 - c. *Stormwater control measures, including ditches, dikes, and other structures;*
 - d. *Boundaries of the facility, legal boundaries of the land containing the facility, and any easements or rights of way that are within the facility or within 200 feet of any storage area;*
 - e. *Location, size, and depth of all wells within the facility or within 200 feet of any storage area;*
 - f. *All structures and buildings that are, or will be, constructed at the facility; include those used in storage and processing operations;*
 - g. *All areas used for loading and unloading;*
 - h. *All access roads and internal roads, including fire lanes;*
 - i. *Location of all fences, gates, and other access control measures; and*
 - j. *Location of all disposal areas within the facility.*

B. Facility operation.

3. *A description of the facility's operation, process and products including how waste tires will be received and stored.*
4. *A description of the equipment used for processing tires. This description shall include the make, model, and hourly capacity of each piece of equipment.*
5. *Description of the waste from the process, the amount of waste expected and how and where this waste will be disposed of.*
6. *Statement of the maximum daily throughput and the planned daily and annual throughput.*
7. *A description of how the operator will maintain compliance with each of the storage requirements of Rule 62-711.540, F.A.C.*
8. *A copy of the emergency preparedness manual for the facility with a statement of the on site and off site locations where that manual will be maintained.*
9. *A copy of the fire safety survey*
10. *A description of how 75% of the annual accumulation of waste tires will be removed for disposal or recycling.*

C. Completed closing plan for the facility as required by Rule 62-711.700(2) and (3), F.A.C.

- D. *Attach proof of financial responsibility as requirement by Rule 62-711.500(3) OR a calculation showing that financial assurance documents, currently on file with the Department, are sufficient to assure closing of the waste tire site as well as any other solid waste management facility at that location.*
- E. *A letter from the land owner (if different from applicant) authorizing use of the land as a waste tire processing facility.*
- F. *If waste tires will be consumed or disposed of at the facility, attach a description of the other environmental permits that the applicant has for this use, including, permit number, date of issue, and name of issuing agency.*

Note that all submittals must be signed and sealed by a professional engineer (as required), licensed in the State of Florida.

The Health Department must receive a response from you within ninety (90) days of receipt of this letter, unless you (the applicant) request additional time under Rule 62-4.055(1), F.A.C. Failure of an applicant to provide the timely requested information by the applicable deadline shall result in denial of the application.

If you have any questions, please contact me at 561-837-5936. When referring to this project, please use the project number indicated.

Sincerely,



Jorge Patino, P.E.
Air and Waste Section
Division of Environmental Public Health

Attachment

cc: Laxmana Tallam, FDOH
Amede Dimonnay, FDEP/SED
Richard Tedder, FDEP/TAL
Mike Tyson, PB SWA

email
email
email
email

Laxmana.tallam@flhealth.gov
amede.dimonnay@dep.state.fl.us
Richard.Tedder@dep.state.fl.us
mtyson@swa.org

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Limited Liability Company
FOREVER RECYCLING LLC

Filing Information

Document Number L19000132831
FEVERN Number N/A
Date Filed 08/18/2013
State FL
Status ACTIVE

Principal Address
246 EAST MAIN ST.
PAHOKEE, FL 33476

Mailing Address
246 EAST MAIN ST.
PAHOKEE, FL 33476

Registered Agent Name & Address
CASEY, DANIEL
915 POMPANO DR
JUPITER, FL 33458

Authorized Person(s) Detail

Name & Address

Title MGRM

CASEY, DANIEL
915 POMPANO DR.
JUPITER, FL 33458

Annual Reports

Report Year	Filed Date
2014	04/25/2014

Document Images

04/25/2014 -- ANNUAL REPORT	View image in PDF format
08/18/2013 -- Florida Limited Liability	View image in PDF format

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



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

Vision: To be the Healthiest State in the Nation

INTEROFFICE COMMUNICATION

DATE: March 12, 2015

TO: Palm Beach County Sheriff's Department
Civil Division
Palm Beach County Courthouse
West Palm Beach, Florida 33041

FROM: Barbara L. Sullivan, Administrative Assistant
Environmental Control Office

RE: SERVICE OF DOCUMENTS

NAME: FLORIDA DEPARTMENT OF HEALTH IN PALM BEACH COUNTY
v. FOREVER RECYCLING, LLC
CASE NO. SW-01-15

Please serve the following documents:

1. ORDER SETTING PREHEARING CONFERENCE
2. ORDER TO SHOW CAUSE and NOTICE OF HEARING

ON: Emilio Perez, Registered Agent
246 East Main Street
Pahokee, FL 33476

And, return the originals to this office by INTEROFFICE MAIL, FL Dept. of Health in Palm Beach County, Barbara Sullivan, Legal Office, 800 Clematis Street, Rm 546, West Palm Beach FL 33401.

These documents are relative to Hearings scheduled for April 16, 2015 and April 23, 2015 before the Environmental Control Hearing Board.

SERVICE SHOULD BE OBTAINED BY: APRIL 3, 2015. IF SERVICE IS UNOBTAINABLE, PLEASE RETURN ALL DOCUMENTS TO OUR OFFICE.

TYPE OF SERVICE: Registered Agent

If you need to contact our office, please call 671-4007.

Handwritten signature of Barbara L. Sullivan in cursive script.

Barbara L. Sullivan, as Clerk of the
Environmental Control Hearing Board
800 Clematis Street, Rm 546
West Palm Beach FL 33401

\$00.00 IS ATTACHED TO COVER COST OF SERVICE

OTHER: None

Mission:

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Rick Scott
Governor

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

Vision: To be the Healthiest State in the Nation

INTEROFFICE COMMUNICATION

DATE: March 12, 2015
TO: Palm Beach County Sheriff's Department
Civil Division
Palm Beach County Courthouse
West Palm Beach, Florida 33041
FROM: Barbara L. Sullivan, Administrative Assistant
Environmental Control Office
RE: SERVICE OF DOCUMENTS
NAME: FLORIDA DEPARTMENT OF HEALTH IN PALM BEACH COUNTY
v. FOREVER RECYCLING, LLC
CASE NO. SW-01-15

Please serve the following documents:

1. ORDER SETTING PREHEARING CONFERENCE
2. ORDER TO SHOW CAUSE and NOTICE OF HEARING

ON: Daniel Casey, Registered Agent
915 Pompano Drive
Jupiter, FL 33458

And, return the originals to this office by INTEROFFICE MAIL, FL Dept. of Health in Palm Beach County, Barbara Sullivan, Legal Office, 800 Clematis Street, Rm 546, West Palm Beach FL 33401.

These documents are relative to Hearings scheduled for April 16, 2015 and April 23, 2015 before the Environmental Control Hearing Board.

SERVICE SHOULD BE OBTAINED BY: APRIL 3, 2015 IF SERVICE IS UNOBTAINABLE, PLEASE RETURN ALL DOCUMENTS TO OUR OFFICE.

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Barbara L. Sullivan, as Clerk of the
Environmental Control Hearing Board
800 Clematis Street, Rm 546
West Palm Beach FL 33401

\$00.00 IS ATTACHED TO COVER COST OF SERVICE

OTHER: None

Florida Department of Health
Palm Beach County • Legal Office
P.O. Box 28, 800 Clematis Street, West Palm Beach, FL 33402
PHONE: 561-871-4007 • FAX 561-837-5195

www.FloridaHealth.com
www.pbchd.com
TWITTER: HealthyFLA
FACEBOOK: FLDepartmentofHealth
YOUTUBE: fdoh

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

FLORIDA DEPARTMENT OF HEALTH
IN PALM BEACH COUNTY

Petitioner,

vs.

Case No. SW-01-15

FOREVER RECYCLING, LLC,

Respondent.

ORDER SETTING PREHEARING CONFERENCE

This cause is set for Prehearing Conference on Thursday, April 16, 2015 at 9:00 a.m. at the Florida Department of Health in Palm Beach County, 800 Clematis Street, Conference Room 112, West Palm Beach, Florida.

Parties shall comply with the attached Prehearing Conference Procedures.

ORDERED at West Palm Beach, Florida, this 12th day of March, 2015.



David Freidenberg, Chair
Palm Beach County Environmental
Control Hearing Board

FILED: 3/12/15 WITH THE PALM BEACH COUNTY
ENVIRONMENTAL CONTROL HEARING BOARD

BY: Barbara J. Sullivan

CLERK OF THE BOARD

Person(s) needing special accommodations in order to participate in this proceeding, should contact Barbara Sullivan, Clerk of the Board at (561) 671-4007, so appropriate arrangements can be made

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

PREHEARING CONFERENCE PROCEDURES

The following procedures shall be followed in all matters set to be heard by the Palm Beach County Environmental Control Hearing Board:

- A. Parties are encouraged to communicate prior to the date of the Prehearing Conference to:
 - 1. Discuss compliance.
 - 2. Discuss settlement/stipulation and civil fines.

- B. The Prehearing Conference is held one week prior to Hearing to:
 - 1. Discuss, simplify, and stipulate to as many facts and issues as possible, including:
 - (a) Ownership or control of the subject property.
 - (b) Codes alleged to have been violated.
 - (c) All stipulated facts.
 - (d) Facts at issue.
 - (e) Issues as to the application and interpretation of laws cited.
 - 2. Discuss possible prehearing settlement/stipulation.

- C. Absent stipulation, disclosure of the following shall be made at the Prehearing Conference:
 - 1. Physical evidence to be used in the Hearing and objections, if any, of opposing party.
 - 2. Any and all witnesses to be presented and give testimony at the Hearing.

- D. Unless otherwise mutually agreed to by both parties, at the Hearing parties shall be limited to exhibits produced, objections reserved, and witnesses disclosed pursuant to Paragraph C, above.

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

FLORIDA DEPARTMENT OF HEALTH)	
IN PALM BEACH COUNTY)	
)	
Petitioner,)	
)	
vs.)	Case No. SW-01-15
)	
FOREVER RECYCLING, LLC,)	
)	
Respondent.)	
<hr/>		

ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING

The Acting Environmental Control Officer having filed a Notice of Failure To Comply With A Notice Of Violation, the Palm Beach County Environmental Control Hearing Board hereby orders, **FOREVER RECYCLING, LLC**, ("Respondent"), owner of the property located at 857 1/2 Old Belle Glade Road 441, Pahokee, FL 33476, to appear before it at 800 Clematis Street, Conference Room 112, West Palm Beach, Florida at 9:00 a.m., on Thursday, April 23, 2015 to show cause why it should not be held in violation of Chapter 77-616, Laws of Florida, as amended, ("The Environmental Control Act"); Chapter 11 of the Palm Beach County Code (Ordinance 78-5, as amended); and, more specifically, the following section(s) of the Florida Administrative Code governing Solid Waste for the violation(s) cited below and as set forth in the attached Notice of Failure To Comply With A Notice Of Violation, and further to show cause why it should not be ordered to pay civil fines and take such preventive or corrective action as this Board may deem just and proper:

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

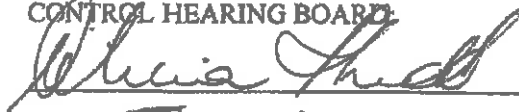
62-711.400(1), F.A.C., Waste Tire Prohibitions. (1) No person may maintain a waste tire site unless such site is an integral part of a permitted waste tire processing facility, except as provided in Rule 62-711.500, F.A.C. For the purpose of this rule, "an integral part of a waste tire processing facility"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

A copy of the Notice of Failure To Comply With A Notice Of Violation is attached hereto and made a part hereof.

The proceeding is and shall be governed by Palm Beach County Code Section 11-21, as amended (Ordinance No. 78-5, as amended) and the Environmental Control Act.

ORDERED at West Palm Beach, Florida, this 12th day of March, 2015.

PALM BEACH COUNTY ENVIRONMENTAL
CONTROL HEARING BOARD









Copies furnished to:

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

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

Emilio Perez, Jr., Registered Agent
246 East Main Street
Pahokee, FL 33476

FILED: 3/12/15 WITH THE PALM BEACH COUNTY
ENVIRONMENTAL CONTROL HEARING BOARD
BY: Barbara J. Sullivan
CLERK OF THE BOARD

If A Person Decides To Appeal Any Decision Made By The Special Master With Respect To Any Matter Considered At This Meeting Or Hearing, He Or She Will Need A Record Of The Proceedings, And That, For Such Purpose, He Or She May Need To Ensure That A Verbatim Record Of The Proceedings Is Made, Which Record Includes The Testimony And Evidence Upon Which The Appeal Is To Be Based.

Person(s) needing special accommodations in order to participate in this proceeding, should contact Barbara Sullivan, Clerk of the Board at (561) 671-4007 so appropriate arrangements can be made

**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

NOTICE OF FAILURE TO COMPLY WITH A NOTICE OF VIOLATION

Pursuant to Chapter 77-616, Laws of Florida, as amended ("The Environmental Control Act"), this notice is filed with the Palm Beach County Environmental Control Hearing Board ("Hearing Board") to invoke its jurisdiction over Respondent, **FOREVER RECYCLING, LLC**, owner of the property located at 857 1/2 Old Belle Glade Road 441, Pahokee, FL 33476, and in support thereof the Acting Environmental Control Officer of the Florida Department of Health in Palm Beach County states:

1. Respondent has violated the Environmental Control Act; Chapter 11 of the Palm Beach County Code (Ordinance 78-5, as amended); and, more specifically, the following section(s) of the Florida Administrative Code governing Solid Waste for the violation(s) cited below and as set forth in the attached copy of a Notice issued by an authorized representative of the Florida Department of Health in Palm Beach County. Said Notice is hereby made and shall be considered a part hereof:

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

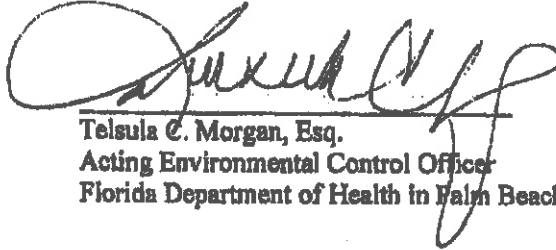
62-711.400(1), F.A.C., Waste Tire Prohibitions. (1) No person may maintain a waste tire site unless such site is an integral part of a permitted waste tire processing facility, except as provided in Rule 62-711.500, F.A.C. For the purpose of this rule, "an integral part of a waste tire processing facility"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

2. The violation described herein constitutes failure to comply with a Notice of Violation and may result in a fine of up to \$500.00 per day for each day of the violation.

The undersigned Acting Environmental Control Officer respectfully requests the Hearing Board issue an order setting a hearing for the Board's next scheduled meeting date.

DATED this 9th day of March, 2015.



Telsula C. Morgan, Esq.
Acting Environmental Control Officer
Florida Department of Health in Palm Beach County

Copies furnished to:

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

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

Emilio Perez, Jr., Registered Agent
246 East Main Street
Pahokee, FL 33476

FILED: 3/12/15 WITH THE PALM BEACH COUNTY
ENVIRONMENTAL CONTROL HEARING BOARD
BY: Barbara L. Sullivan
CLERK OF THE BOARD

If A Person Decides To Appeal Any Decision Made By The Special Master With Respect To Any Matter Considered At This Meeting Or Hearing, He Or She Will Need A Record Of The Proceedings, And That, For Such Purpose, He Or She May Need To Ensure That A Verbatim Record Of The Proceedings Is Made, Which Record Includes The Testimony And Evidence Upon Which The Appeal Is To Be Based.

Person(s) needing special accommodations in order to participate in this proceeding, should contact Barbara Sullivan, Clerk of the Board at (561) 671-4007 so appropriate arrangements can be made