

**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

July 13, 2015

**ELECTRONIC CORRESPONDENCE**

[tuiwarehouse@yahoo.com](mailto:tuiwarehouse@yahoo.com)

Emilio Perez  
Owner  
Forever Recycling, LLC  
Pahokee, FL 33476

Project No.: 333423-001-WT  
COUNTY: Palm Beach  
PROJECT: Permit Application

RE: Approval of 90 day Extension - Request for Additional Information  
Forever Recycling Waste Tire Processing Facility Permit Application

**Dear Mr. Perez:**

We reviewed your request (attached), dated July 9, 2015 for additional 90 days to provide response to the Department's second request for information sent on May 18, 2015 (attached).

**Pursuant to Rule 62-4.055(1), F.A.C., your request for additional 90 days is approved and the response to the Department's request is due November 16, 2015.**

Please note that the Rule 6204.055(1), F.A.C. states that "additional extensions shall be granted for good cause shown by the applicant. A showing that the applicant is making a diligent effort to obtain the requested additional information shall constitute good cause. 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 or assistance, please contact me or Mr. Jorge Patino at 561-837-5900. When referring to this project, please use the project number indicated.

Sincerely,

For the Director  
Division of Environmental Public Health

Laxmana Tallam, P.E.  
Air & Waste Section  
Division of Environmental Public Health

cc: Amede Dimonnay, FDEP/SED  
Richard Tedder, FDEP/TAL

email  
email

[amede.dimonnay@dep.state.fl.us](mailto:amede.dimonnay@dep.state.fl.us)  
[Richard.Tedder@dep.state.fl.us](mailto:Richard.Tedder@dep.state.fl.us)

## Patino, Jorge R

---

**From:** Emilio Perez <tuiwarehouse@yahoo.com>  
**Sent:** Thursday, July 09, 2015 1:16 PM  
**To:** Patino, Jorge R  
**Subject:** Re: WACS Facility ID/ Name: 102298 / FOREVER RECYCLING

Good morning Mr. patino .yes at this time we are requesting a 90 day extension. thank you

Sent from my iPhone

On Jul 9, 2015, at 11:16 AM, Patino, Jorge R <[Jorge.Patino@flhealth.gov](mailto:Jorge.Patino@flhealth.gov)> wrote:

Mr. Perez,

Thank you for the response. If you need a 90-day extension, please let us know via email.

Thanks,

Jorge Patino, P.E.  
Air & Solid Waste Permitting and Compliance  
Department of Health Palm Beach County  
800 Clematis Street, 4th Floor  
West Palm Beach, FL 33401  
Office: (561) 837-5974  
FAX: (561) 837-5295  
[www.pbchd.com](http://www.pbchd.com)

---

**From:** Emilio Perez [<mailto:tuiwarehouse@yahoo.com>]  
**Sent:** Monday, June 22, 2015 4:51 PM  
**To:** Patino, Jorge R  
**Subject:** Re: WACS Facility ID/ Name: 102298 / FOREVER RECYCLING

Good afternoon sir the engineer is working on it should have the paperwork back by the middle part of next week thank you

Sent from my iPhone

On Jun 22, 2015, at 11:33 AM, Patino, Jorge R <[Jorge.Patino@flhealth.gov](mailto:Jorge.Patino@flhealth.gov)> wrote:

Good Morning Mr. Perez,

Can you please let us know the status of the response to the attached request for additional information (RAI) discussed during our meeting on May 18, 2015?

Thank you,

Jorge Patino, P.E.  
Air & Solid Waste Permitting and Compliance

Department of Health Palm Beach County  
800 Clematis Street, 4th Floor  
West Palm Beach, FL 33401  
Office: (561) 837-5974  
FAX: (561) 837-5295  
[www.pbchd.com](http://www.pbchd.com)

---

**From:** Tallam, Laxmana  
**Sent:** Monday, June 22, 2015 9:03 AM  
**To:** Patino, Jorge R  
**Subject:** FW: WACS Facility ID/ Name: 102298 / FOREVER RECYCLING

System generated email...

~Laxmana

---

-----Original Message-----

From: [EPOST\\_SWM@dep.state.fl.us](mailto:EPOST_SWM@dep.state.fl.us) [[mailto:EPOST\\_SWM@dep.state.fl.us](mailto:EPOST_SWM@dep.state.fl.us)]  
Sent: Sunday, June 21, 2015 5:19 AM  
To: [tuiwarehouse@yahoo.com](mailto:tuiwarehouse@yahoo.com)  
Cc: Tallam, Laxmana; [EPOST\\_SWM@dep.state.fl.us](mailto:EPOST_SWM@dep.state.fl.us); [Richard.Tedder@dep.state.fl.us](mailto:Richard.Tedder@dep.state.fl.us);  
[Lee.Martin@dep.state.fl.us](mailto:Lee.Martin@dep.state.fl.us)  
Subject: WACS Facility ID/ Name: 102298 / FOREVER RECYCLING

Applicant Name: EMILIO PEREZ  
Applicant Company: FOREVER RECYCLING  
Permit File Number: 0333423-001-WT  
WACS/ME ID: 102298  
Application Received Date: 03/03/2015  
Project Name/Description: WASTE TIRE PROCESSING PERMIT/Initial Waste tire  
processing facility permit

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 - LAXMANA TALLAM at Laxmana.Tallam@flhealth.gov or by phone at 561-837-5900.

If you feel you have received this email in error, please contact LAXMANA TALLAM at Laxmana.Tallam@flhealth.gov.

[Dep Customer

Survey]<[http://survey.dep.state.fl.us/?refemail=EPOST\\_SWM@dep.state.fl.us](http://survey.dep.state.fl.us/?refemail=EPOST_SWM@dep.state.fl.us)>

<333423-001-WT\_Forever Recycling\_2nd RFI.pdf>

**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@ <del>flhealth.gov</del> <sup>flhealth.gov</sup>
Emilio PEREZ	FOREVER Recycling LLC	TUIWAREHOUSE@YAHOO.COM
Emilio PEREZ	FOREVER Recycling LLC	TUIWAREHOUSE@YAHOO.COM
Laymana Tallam	FDOH	Laymana.Tallam@FLHEALTH.GOV.

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

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State Surgeon General & Secretary

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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.**

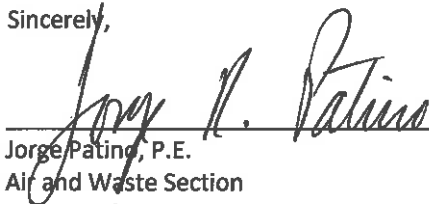
*E. A letter from the land owner (if different from applicant) authorizing use of the land as a waste tire processing facility.*

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](mailto:amede.dimonnay@dep.state.fl.us)  
[Richard.Tedder@dep.state.fl.us](mailto:Richard.Tedder@dep.state.fl.us)  
[mtyson@swa.org](mailto:mtyson@swa.org)





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**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  
PHONE: 561-837-5900 • FAX: 561-837-5294

**www.FloridasHealth.com**

TWITTER:HealthyFLA

FACEBOOK:FLDepartmentofHealth

YOUTUBE: fldoh

**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](mailto:Laxmana.tallam@flhealth.gov)  
[amede.dimonnay@dep.state.fl.us](mailto:amede.dimonnay@dep.state.fl.us)  
[Richard.Tedder@dep.state.fl.us](mailto:Richard.Tedder@dep.state.fl.us)  
[mtyson@swa.org](mailto: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
FEVER 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**

<a href="#">04/25/2014 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">08/18/2013 -- Florida Limited Liability</a>	<a href="#">View image in PDF format</a>

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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

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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.**

**TYPE OF SERVICE:** Registered Agent

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

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](http://www.FloridaHealth.com)  
[www.pbchd.com](http://www.pbchd.com)  
TWITTER: HealthyFLA  
FACEBOOK: FLDepartmentofHealth  
YOUTUBE: fhdoh

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 12<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
David Freudenberg, 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.	)	
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**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**

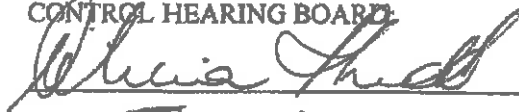
**62-711.400(1), F.A.C., Waste Tire Prohibitions. (1) No person may maintain a waste tire site unless such site is an integral part of a permitted waste tire processing facility, except as provided in Rule 62-711.500, F.A.C. For the purpose of this rule, "an integral part of a waste tire processing facility"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

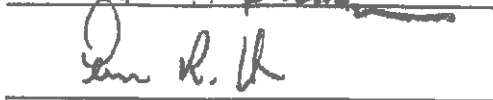
The proceeding is and shall be governed by Palm Beach County Code Section 11-21, as amended (Ordinance No. 78-5, as amended) and the Environmental Control Act.

ORDERED at West Palm Beach, Florida, this 12<sup>th</sup> 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.**

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**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**

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**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**

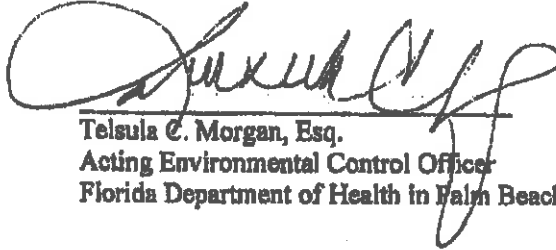
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wit: On February 19, 2015, a Health Department inspector observed more than 1500 waste tires being stored onsite at 857 1/2 Old Belle Glade Road 441, Pahokee, FL.

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 9<sup>th</sup> 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

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