

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
SITTING AS THE ENVIROMENTAL CONTROL BOARD

AGENDA ITEM SUMMARY

Meeting Date: March 11, 2008

[] Consent

[XX] Regular

[] Ordinance

[] Public Hearing

Department

Submitted By: PALM BEACH COUNTY HEALTH DEPARTMENT

Submitted For: ENVIRONMENTAL HEALTH AND ENGINEERING

I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends a motion to approve: on preliminary reading and advertise for public hearing on April 15, 2008.** An Ordinance of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Environmental Control Board; amending Chapter 11, Article II, Section 11-19, Section 11-20, and Section 11-24 of the Palm Beach County Code; providing for statutes, laws, rules, etc. incorporated by reference; providing for County Health Department and Solid Waste Authority permits, licenses, and approvals; providing for a fee schedule; providing for applicability; providing for a savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances, and providing for an effective date.

SUMMARY: The Palm Beach County Environmental Control Act, Chapter 77-616, Laws of Florida, as amended, establishes the Palm Beach County Board of County Commissioners as the Palm Beach County Environmental Control Board and authorizes the Environmental Control Board to adopt revise and amend from time to time appropriate ordinances for the implementation, effective enforcement, administration and interpretation of the act. The Palm Beach County Environmental Control Ordinance No. 78-5, as amended, and codified in Chapter 11, Article II of the Palm Beach County Code was adopted for this purpose. The proposed ordinance will amend in Chapter 11, Article II of the Palm Beach County Code, the rules adopted by reference and the list of activities required to be approved, licensed or permitted as necessary due to changes in the laws and regulations of the state of Florida, and the fee schedule as necessary to keep pace with rising costs and current regulatory requirements.

Countywide (GB)

BACKGROUND AND JUSTIFICATION: Chapter 11, Article II of the Palm Beach County Code, the Environmental Control Ordinance No. 78-5, was last amended in 1997. Since then there have been numerous changes to environmental laws and regulations requiring that the ordinance to be updated. Section 11-24 provides for the laws and regulations adopted by reference in this ordinance. In this section, the adoption by reference of all regulations of the Department of Health & Rehabilitative Services has been removed because the agency has been dissolved.

ATTACHMENTS:

1. Proposed Ordinance
2. Fiscal Analysis of Proposed Revised Fees

Recommended By: Thomas Kane
for Department Director

Date

Approved By: Shannon G. [Signature]
Assistant County Administrator

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years 08 09 10 11 12
Capital Expenditures _____
Operating Costs _____
Operating Revenues _____
Is Item Included In Current Budget? Yes _____ No _____
Budget Account No: Fund _____ Department _____ Unit _____ Object _____
Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

III. Review Comments:

A. OFMB Fiscal and/or Contract Administration Comments:

The County will not receive revenue nor incur costs for this fee schedule change.

ad willhite 2-24-08
2/22/08 OFMB 2/26/08 CN 2/17/08 Contract Administration
Dr. J. Jacob 2/27/08
2/28/08

B. Legal Sufficiency:

[Signature] 3/5/08
Assistant County Attorney

C. Other Department Review:

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

BACKGROUND AND JUSTIFICATION (CONTINUED): Section 11-20 provides for the permitting, licensing and approval of activities regulated under the ordinance. Approvals for construction activities under Section 11-20 (a) were removed for several categories as they are now covered through permitting. Under Section 11-20(c)(10), the inspection fee for clean fill activity was removed because the requirement was repealed from the PBC ULDC.

Section 11.24 provides for a fee schedule. These fees are used to support the operating costs of the Palm Beach County Health Department, Division of Environmental Health & Engineering, in the administration and enforcement of the provisions of this ordinance. Major changes primarily involve an increase of approximately 20% of the existing fees to offset increases in operating costs since the last amendment in 1997. Also, some new fee categories have been added, and others have been deleted. Attachment 2 provides a fiscal analysis of the proposed fee changes. If the ordinance is approved, it is expected that the fee schedule will result in an increase of \$333,225 in fee revenue for the first year.

ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD, AMENDING CHAPTER 11, ARTICLE II, SECTION 11-19, SECTION 11-20 AND SECTION 11-24 OF THE PALM BEACH COUNTY CODE; PROVIDING FOR STATUTES, LAWS, RULES, ETC. INCORPORATED BY REFERENCE; PROVIDING FOR COUNTY HEALTH DEPARTMENT AND SOLID WASTE AUTHORITY PERMITS, LICENSES AND APPROVALS; PROVIDING FOR A FEE SCHEDULE; PROVIDING FOR APPLICABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 77-616, Laws of Florida, as amended establishes the Palm Beach County Board of County Commissioners as the Palm Beach County Environmental Control Board and authorizes the Environmental Control Board to adopt ordinances that will ensure sanitary practices and protect the environment from contaminants or synergistic agents injurious to human, plant, or animal life which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business; and

WHEREAS, the Board of County Commissioners sitting as the Environmental Control Board is specifically authorized to adopt, revise, and amend from time to time appropriate ordinances and rules necessary for the implementation and effective enforcement, administration and interpretation of the provisions of the Environmental Control Act; and

WHEREAS, the Board of County Commissioners is specifically authorized to provide for the effective and continuing control and regulation of the environment in the County within the framework of the Environmental Control Act; and

WHEREAS, the Board of County Commissioners has previously established the requirement that certain activities affecting the environment are required to be licensed and/or permitted, and the imposition of the fees are necessary; and

WHEREAS, due to changes in the Laws in Florida it is necessary from time to time to amend the list of activities required to be approved, licensed, or permitted and likewise to amend the schedule of fees in order to keep pace with inflation;

1 **NOW, THEREFORE**, be it ordained by the Board of County Commissioners of
2 Palm Beach County, Florida, sitting as the Environmental Control Board, that:

3
4 **SECTION 1. AMENDMENT TO STATUTES, LAWS, RULES, ETC.,**
5 **INCORPORATED BY REFERENCE**

6 **Chapter 11, Article II, Section 11-19 of the Palm Beach County Code (§ 2, Ord.**
7 **No. 78-5, as amended) is hereby amended as follows:**

8
9 **Sec. 11-19. Statutes, laws, rules, etc. incorporated by reference.**

10 (a) To the extent not inconsistent with this ordinance the following portions of the
11 Florida Statutes, in their current form and as subsequently amended, are hereby adopted
12 and incorporated by reference and shall be part of this chapter as if they were set out in
13 full:

14 Chapter 381, Public Health;

15 Chapter 386, Particular Conditions Affecting Public Health;

16 Chapter 403, Environmental Control;

17 Chapter 500, Food Products;

18 Chapter 501, Hazardous Substances;

19 Chapter 513, ~~Tourist Camps~~; Mobile Home & Recreational Vehicle Parks and

20 Chapter 514, Public Swimming and Bathing Facilities.

21
22 (b) To the extent not inconsistent with this ordinance the following Special Acts, as
23 currently and subsequently amended or replaced, are hereby adopted and incorporated
24 by reference and shall be part of this chapter as if the provisions of each were set out in
25 full:

26 Chapter 59-1698, Laws of Florida;

27 Chapter 75-473, Laws of Florida; and

28 Chapter 77-616, Laws of Florida.

29
30 (c) To the extent not inconsistent with this ordinance, the following rules, in their
31 current form and as subsequently amended or replaced, are hereby adopted and
32 incorporated by reference and shall be part of this chapter as if they were set out in full:

33 All rules of the Department of Environmental Protection;

34 All rules of the Department of Health;

35 All rules of the Environmental Control Board (see Chapter 77-616, Laws of
36 Florida, as amended);

37 All rules of the Child Care Facilities Board (see Chapter 59-1698, Laws of
38 Florida, as amended);

39 All rules, resolutions, and orders of the Solid Waste Authority (see Chapter 75-
40 473, Laws of Florida, as amended);

41 ~~All rules of the department of health and rehabilitative service, or its successor~~
42 ~~agencies, pertaining to regulation of the environment;~~

Environmental Control Rule I;
Environmental Control Rule II;
Solid Waste Management Permits Rule I;
Palm Beach County Biohazardous Waste Incineration Facility Ordinance.

(d) It shall be a violation of this ordinance and Chapter 77-616, Laws of Florida as amended, the Environmental Control Act ("act"), to violate any of the provisions incorporated herein. Violations shall be subject to the penalties and enforcement powers provided in the act.

**SECTION 2. AMENDMENT TO COUNTY HEALTH DEPARTMENT AND
SOLID WASTE AUTHORITY PERMITS, LICENSES AND APPROVALS**

Chapter 11, Article II, Section 11-20 of the Palm Beach County Code (§ 4, Ord. No. 78-5, as amended) is hereby amended as follows:

Sec. 11-20. County Health Department and Solid Waste Authority permits, licenses and approvals.

(a) Before any of the following activities may be commenced, written approval must be obtained from the health department in accordance with subsection (d):

For the purpose of this ordinance the word "construction" shall include reconstruction and renovation.

~~(1) Construction of community, noncommunity, and nontransient noncommunity wells.~~

~~(2) Construction of sewage treatment plants with capacity of 0.5 million gallons per day or more.~~

~~(3) Construction of industrial wastewater treatment systems.~~

~~(1)(4) Open burning for land clearing purposes.~~

~~(2)(5) Construction of solid and hazardous waste facilities.~~

(3) Utilization of on-site sewage treatment & disposal systems in subdivisions.

(b) Before any of the following activities may be commenced, permits must be obtained from the health department:

(1) Construction of on-site sewage treatment and disposal systems.

(2) Construction of community, noncommunity, and nontransient noncommunity water supply systems.

(3) Construction of water distribution systems.

(4) Construction of limited use community and limited use commercial water supply systems.

(5) Construction of all water wells, including limited use, private, ~~and nonpotable, and monitoring~~ wells.

(6) Construction of sewage collection systems.

(7) Construction of sewage treatment facilities with capacity of under 0.5 million gallons per day.

(8) Construction of biohazardous waste incinerator facilities.

(9) Construction of other air pollution facilities as delegated by the Florida Department of Environmental Protection.

(c) Operational activities pertaining to the following shall require payment of license or inspection fees payable to the health department.

(1) Family day care facilities.

(2) Child care facilities and substantial compliance programs.

Religiously affiliated child care programs may obtain an annual certificate of compliance in lieu of a license. A fee shall be paid in the same amount as a child care license fee. Preschool age programs for three- and four-year old children in nonpublic schools may elect to be in substantial compliance in lieu of obtaining a license. An inspection fee shall be paid in the same account as a license fee and on an annual basis.

(3) Air pollution sources.

(4) Water supply systems.

(5) Sewage treatment facilities.

(6) Industrial wastewater treatment systems.

(7) Solid waste facilities, sludge disposal sites, septage handling facilities, transfer stations, and waste management facilities.

(8) Hazardous waste generators.

(9) Septic tank manufacturers.

~~(10) Inspection of clean fill activity.~~

(d) No permit, license or approval shall be issued until the county health department determines that:

(1) The activity will not adversely affect human health and welfare, plant or animal life, and the reasonable enjoyment of life, property or the conduct of business; and

(2) The activity complies with the requirements contained in the applicable statutes, special acts and rules adopted in section 11-19. Compliance may be determined by the last recorded inspection.

(e) Unless otherwise provided by ordinance or rule or specified by the license, every license shall expire on December 31 of each year or on change of ownership and shall be renewable annually. Construction permits and written approvals shall be valid for the duration of the activity for which they are issued unless otherwise specified by the permit or approval.

(f) No permit, license or written approval shall be issued until all fees have been paid.

1 (g) The fee for an annual license issued to a new activity after June of a particular
2 year shall be prorated on a quarterly basis.

3
4 (h) Unless otherwise provided by ordinance or rule or specified by the permit, license
5 or approval, said permits, licenses and approvals are not transferable.

6
7 (i) Solid waste authority of Palm Beach County permits, resolutions, and orders:

8 (1) Prohibitions:

9 a. No person shall operate, maintain, construct, expand, or modify any
10 resource recovery and/or waste management facility without first having
11 applied for and received a valid operating permit from the solid waste
12 authority of the county.

13 b. No person shall operate, maintain, construct, expand, or modify any
14 resource recovery and/or waste management facility in violation of any
15 resolutions, rules, or orders adopted by the solid waste authority of the
16 county.

17 c. No person shall collect solid waste in violation of any resolution
18 including resolutions creating exclusive franchises.

19 (2) Enforcement procedure:

20 a. The executive director of the solid waste authority of the county shall
21 determine compliance with the provisions of subsection 10-20(i)(1) of
22 section 11-20. Upon determination that a violation of subsection 10-
23 20(i)(1) has occurred, the executive director of the solid waste authority
24 of the county shall give the violator a reasonable time, by formal written
25 notice, within which to correct such violation. Should the violation
26 continue beyond the time specified for correction, the executive director
27 of the solid waste authority shall notify the environmental control officer
28 in writing of such failure to correct the violation.

29 b. Upon notification by the executive director of the solid waste
30 authority of the county that there is a violation of subsection 10-20(i)(1)
31 of section 11-20, which has not been corrected within the time specified
32 by the executive director of the solid waste authority, the environmental
33 control officer shall follow the procedures provided by Chapter 77-616,
34 Special Acts, Laws of Florida, as amended, and Ordinance No. 78-5, as
35 amended by Ordinance No 97-58, to bring the case for hearing before the
36 environmental control hearing board.

37 (3) Public health threat violations:

38 a. Pursuant to Section 13 of Chapter 75-473, Special Acts, Laws of
39 Florida, as amended, the county health director shall continue to
40 determine compliance with the provisions of Chapter 75-473, Special
41 Acts, Laws of Florida, as amended, which relate to sanitary collection,
42 storage, processing, and disposal of solid waste. If the county health

1 director determines that a health violation or public health threat exists,
2 the health director shall follow the procedures provided for in Section 13,
3 Chapter 75-473, Special Acts, Laws of Florida, as amended, to obtain
4 compliance by the violator, or, if compliance is not obtained, to notify
5 the environmental control officer so the environmental control officer
6 can cause the case to be heard by the environmental control hearing
7 board.

8
9 **SECTION 3. AMENDMENT TO FEE SCHEDULE**

10 **Chapter 11, Article II, Section 11-24 of the Palm Beach County Code (§ 7, Ord.**
11 **No. 78-5, as amended) is hereby amended as follows:**

12
13 **Sec. 11-24. Fee Schedule.**

14 The following fees are hereby adopted to supplement the costs of issuing permits,
15 licenses and approvals; performing inspections; reviewing plans and sites; and
16 performing other services in the administration of this article and the Environmental
17 Control Act [appendix G, § 11-21 et seq.]. These nonrefundable fees shall be paid to the
18 county health department. Fees for plan review, construction permits, site evaluation,
19 appeals and local written approval shall be paid at the time of application. Fees for
20 annual licenses shall be paid prior to the expiration of the existing license.

21
22 **(1) Annual license fees** -- *Operational activities relating to the following shall*
23 *require payment to the county health department of annual license fees:*

24
25 a. Reserved.

26 **Editor's note:** The provisions of this section dealing with ~~family day care~~/child care
27 licenses have been superseded by the provisions of Section D of Article IV of Chapter 1
28 of Appendix D to the County Code, and the provisions dealing with family day care
29 licenses have been superseded by the provisions of Section F of Article IV of Chapter 2
30 of Appendix D to the County Code. and These provisions have been removed at the
31 direction of the county.

32
33 b. Air pollution activities (excluding ~~major~~ Title V sources as defined by the Florida
34 Department of Environmental Protection and facilities licensed as multimedia):

- 35 1. Fuel-burning equipment (excluding incinerators):
36 (a) Less than 100 million BTU per hour . . . ~~400.00~~ 130.00
37 (b) 100 million BTU per hour or greater . . . ~~360.00~~ 460.00

- 38 2. ~~Biohazardous waste incinerator facility:~~
39 ~~Less than or equal to 300 lb/hr . . . 300.00~~
40 ~~Greater than 300 lb/hr and less than or equal to 1,000 lb/hr . . . 750.00~~
41 ~~Greater than 1,000 lb/hr . . . 1,000.00~~

- 42 23. Other Incinerators~~175.00~~ 225.00

34. Asphaltic concrete batch plants . . . ~~260.00~~ 340.00
 45. Concrete batch and block plants . . . ~~150.00~~ 200.00
 56. Gasoline dispensing facility with stage II vapor recovery:
 - (a)A. Facilities dispensing less than one million gallons per calendar year . . . 50.00
 - (b)B. Facilities dispensing one million gallons or more per calendar year . . . 75.00
 67. ~~Other significant~~ Minor permitted sources . . . ~~100.00~~ 125.00
 7. Other minor non-permitted sources . . . 75.00
- c. ~~W~~Drinking water supply systems (excluding Limited Use Systems):
1. Up to and including 0.1 million gallons per day . . . ~~300.00~~ 390.00
 2. Over 0.1 million gallons per day up to and including 0.3 million gallons per day . . . ~~950.00~~ 1200.00
 3. Over 0.3 million gallons per day up to and including 1.0 million gallons per day . . . ~~1,250.00~~ 1625.00
 4. Over 1.0 million gallons per day up to and including 5.0 million gallons per day . . . ~~1,750.00~~ 2275.00
 5. Over 5.0 million gallons per day . . . ~~2,500.00~~ 3250.00
- d. Wastewater: Sewage treatment facilities:
1. Private lift stations (facilities not owned or operated by a public utility; and, excluding systems utilized by one or two residential dwelling units)... 200.00
 2. Public Sewage Collection Systems and Treatment Systems with Capacities as follows:
 - (a)1. Up to and including 0.05 million gallons per day . . . ~~950.00~~ 1225.00
 - (b)2. Over 0.05 million gallons per day up to and including ~~0.3~~ 0.5 million gallons per day... ~~1,200.00~~ 1550.00
 - (c)3. Over ~~0.3~~ 0.5 million gallons per day up to and including 1.0 million gallons per day... 1,600.00
 - (d)4. Over 1.0 million gallons per day up to and including 3.0 million gallons per day... 1,800.00
 - (e)5. Over 3.0 million gallons per day . . . ~~2,150.00~~ 2800.00
 - e-3. Industrial wastewater treatment facilities . . . ~~250.00~~ 325.00
 4. Septage, portable restroom, or portable or stationary holding tank waste handling:
 - (a). Septage handling stabilization facility ~~300.00~~ 400.00
[moved from (1).e.4. below]
 - (b). Septage Service vehicle, per vehicle ~~300.00~~ 350.00
[moved from (1).e.5. below]

1 fe. Solid waste related facilities (excluding facilities licensed as multimedia):

2 1. Solid waste disposal sites (landfills):

3 (a). Class I . . . ~~2,300.00~~ 3000.00

4 (b). Class II . . . ~~1,250.00~~ 1625.00

5 (c). Class III . . . ~~575.00~~ 750.00

6 2. Solid waste transfer station . . . ~~800.00~~ 1050.00

7 3. Sludge disposal sites:

8 (a). Less than 50 acres . . . ~~3,750.00~~ 4875.00

9 (b). 50 acres or greater . . . ~~3,750.00~~ 4875.00

10 (c). Plus for each acre over 50 acres . . . ~~2.00~~ 2.50

11 (d). Compost site . . . ~~1,750.00~~ 2275.00

12 4. ~~Septage handling facility . . . 300.00~~ [moved to (1).d.4.a. above]

13 5. ~~Septage vehicle, per vehicle . . . 300.00~~ [moved to (1).d.4.b. above]

14
15 gf. Hazardous waste generators (excluding facilities licensed as multimedia):

16 1. Greater than zero kilograms (zero pounds) per month but less than 25
17 kilograms (55 pounds) per month . . . ~~50.00~~ 65.00

18 2. 25 kilograms (55 pounds) to less than 1,000 kilograms (2200 pounds) per
19 month . . . ~~150.00~~ 200.00

20 3. 1,000 kilograms (2200 pounds) per month or greater . . . ~~500.00~~ 650.00

21
22 g. Multimedia

23 1. Air & Hazardous Waste:

24 (a) Dry cleaning facilities producing less than 25 kilograms (55
25 pounds) per month of hazardous waste ... 125.00

26 (b) Dry cleaning facilities producing 25 kilograms (55 pounds) per
27 month but less than 1,000 kilograms (2200 pounds) per month of
28 hazardous waste ... 275.00

29 2. Solid Waste & Air:

30 (a) Construction and demolition debris recycling facilities ... 350.00

31
32 (2) Plan review fees--*Plan reviews performed by the county health department shall*
33 *require payment of the fees provided below:*

34
35 a. Child care facilities: - New, remodeled, or change of ownership . . . 250.00

36
37 1. ~~New/Remodeled change of ownership . . . 150.00~~

38 2. ~~Remodeled Change of Ownership. . . 50.00~~

39
40 b. Family day care facilities with water hazard . . . ~~10.00~~ \$25.00

41
42 c. Private schools: - New/Remodeled . . . 100.00

1. ~~New~~ . . . 75.00

2. ~~Remodeled~~ . . . 50.00

d. Migrant labor camps and residential migrant housing . . . ~~50.00~~ 100.00

e. Mobile home and recreational vehicle parks . . . ~~50.00~~ 100.00

f. Approval of building plans not specified in subparagraphs a--e above . . . ~~10.00~~
50.00

(3) Permit fees--*The activities and facilities below shall require payment to the county health department of the fees indicated:*

a. Permits for construction and repair of on-site sewage treatment and disposal systems:

1. Application fee for new, repaired, modified, or existing Sseptic tank system construction . . . ~~150.00~~ 50.00 (additional to state fee)

2. Automatic dosing system construction:

(a). Residential . . . ~~50.00~~ 75.00

(b). Commercial . . . ~~100.00~~ 125.00

3. ~~System repair~~

~~With site evaluation provided by permittee~~ . . . 55.00

~~with site evaluation conducted by health department~~ . . . 150.00

b. Permits for construction of wells, monitoring wells (as defined in F.A.C. 40E-3.021(19)), and water supply systems:

1. ~~Limited use well. All potable water wells~~ . . . ~~50.00~~ 100.00

2. ~~Private well~~ . . . 50.00

3-2. Nonpotable water well . . . ~~40.00~~ 100.00

3. Monitoring wells per site (maximum 8 wells per permit) . . . 100.00

4. Well abandonment when not associated with a replacement well, per site (maximum 8 wells per permit) . . . 75.00

5. Sanitary survey for each new community, non-transient non-community, and transient non-community water well . . . 125.00

6. Construction permit for water distribution lines requiring PBCHD approval only (refers to lines requiring approval under Environmental Control Rule II, Sect. 11B.5 and exempted from DEP permits) . . . 250.00

(4) Fees for local written approval -- *Written approval of the activities below shall require payment to the county health department of the fees indicated:*

~~a. Site evaluation for new community, noncommunity, and nontransient
noncommunity wells . . . 125~~

~~Plus, for each additional well that is part of the same application . . . 25.00~~

a. Approval for use of permitted water system or distribution lines . . . 50.00

b. Open burning site evaluation (~~fees will be waived if air curtain incinerator is
employed for all open burning.~~) (land clearing debris generated on-site):

1. 2 acres or less . . . ~~20.00~~ 25.00

2. Greater than 2 acres but less than 50 acres . . . ~~60.00~~ 75.00

3. 50 to 100 acres . . . ~~100.00~~ 150.00

4. Greater than 100 acres . . . ~~150.00~~ 200.00

Note: Open burning activities that are conducted off-site shall likewise be so
assessed for each parcel of land that is cleared.

c. Solid waste facility construction:

1. Resource recovery plant . . . ~~250.00~~ 325.00

2. Class I landfill . . . ~~150.00~~ 200.00

3. Class II landfill . . . ~~150.00~~ 200.00

4. Class III landfill . . . ~~100.00~~ 130.00

5. Transfer station . . . ~~100.00~~ 130.00

~~d. Hazardous waste facility construction . . . 150.00~~

~~ed.~~ Analysis for utilization of on-site sewage treatment and disposal systems in
subdivisions:

1. 3 -- 25 lots . . . ~~200.00~~ 260.00

2. 26 -- 50 lots . . . ~~250.00~~ 325.00

3. ~~51 or more lots . . . 300.00~~

e. Construction inspection and approval of permitted private wastewater lift station
. . . 100.00

(5) Fees for miscellaneous services -- The following services performed by the
county health department shall require payment of the fees indicated:

a. Approval of temporary events i.e., carnivals, circus, festivals, cook-outs, revivals,
etc. . . . ~~25.00~~ 50.00

b. Appeals from Environmental Control Rule I [app. C, art. II, div. 2]:

1. Single-family residence . . . 100.00

2. All others, including, but not limited to multiple-family, commercial, or
subdivisions . . . 125.00

- 1
2 c. Appeals from Environmental Control Rule II [app. C, art. III, div. 3] . . . 100.00
3 d. ~~Reinspection of construction which fails to comply with initial inspection . . .~~
4 ~~35.00 Fee~~ Facility reinspection fee for any reinspections after the first reinspection . . .
5 50.00
6
7 e. Reissuance of transferable licenses pursuant to change of ownership . . . 25.00
8
9 f. ~~Certification to a lending institution . . . 10.00~~
10
11 fg. Inspection of private schools:
12 1. 1 to 49 children . . . ~~105.00~~ 150.00
13 2. 50 children and more . . . ~~210.00~~ 300.00
14
15 g. Late fee for payments received 30 days or more after the due date 35.00
16 ~~Inspection of clean fill activity . . . 25.00~~
17

18 SECTION 4. APPLICABILITY

19

20 This Ordinance shall be applicable in the unincorporated areas of Palm Beach County,
21 Fl.
22

23 SECTION 5. SAVINGS CLAUSE

24

25 Notwithstanding anything to the contrary, all provisions of Chapter 11, Article II,
26 Section 11-19, Section 11-20, and Section 11-24 of the Palm Beach County Code,
27 codifying Ordinance No. 78-5, as amended, are specifically preserved and remain in full
28 force and effect for the limited purpose of enforcing any alleged violations of said
29 Code, which occurred prior to its amendment.
30

31 SECTION 6. REPEAL OF LAWS IN CONFLICT

32

33 All local laws and ordinances in conflict with any provision of the Ordinance are hereby
34 repealed to the extent of such conflict.
35

36 SECTION 7. SEVERABILITY

37

38 If any section, paragraph, sentence, clause phrase, or word of this Ordinance is for any
39 reason held by the Court to be unconstitutional, inoperative, or void, such holding shall
40 not affect the remainder of this Ordinance. Further, if any provision of this Ordinance
41 is found to be in conflict with the Florida Building Code, the Florida Building Code
42 shall prevail as to that specific provision.

1
2 **SECTION 8. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**
3

4 The provisions of this Ordinance shall become and be made part of the Code of Laws
5 and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be
6 renumbered or re-lettered to accomplish such, and the word "ordinance" may be
7 changed to "section," "article," or other appropriate word.
8

9 **SECTION 9. EFFECTIVE DATE**
10

11 The provisions of this Ordinance shall become effective upon filing with the Secretary
12 of State.
13

14
15 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
16 County, Florida, sitting as the Environmental Control Board, on this the _____ day
17 of _____, 2008.
18
19

20 SHARON BOCK,	PALM BEACH COUNTY, FLORIDA,
21 CLERK AND COMPTROLLER	BY ITS
22 Board of County Commissioners	BOARD OF COUNTY COMMISSIONERS
23	Sitting as the Environmental Control Board
24	

25 By: _____	By: _____
26 Deputy Clerk	Addie Greene, Chairperson
27	
28	

29 APPROVED AS TO FORM AND
30 LEGAL SUFFICIENCY
31

32 By: _____
33 County Attorney
34
35

36 Filed with the Department of State on the _____ day of _____, 2008
37
38

Attachment 2

Fiscal Analysis of Proposed Revised Fees – Environmental Health & Engineering

Amendment to Chapter 11, Article II, Section 11-24 of the Palm Beach County Code

The Palm Beach County Health Department (PBCHD), Division of Environmental Health and Engineering (EH&E) collects fees for certain annual licenses, plan reviews, permits, written approvals and other miscellaneous services. Collection of these fees supports regulatory activities which protect the public from disease-causing agents in the environment. Palm Beach County Code Chapter 11, Article II, Section 11-24 authorizes fees for programs and services that the county has directed the PBCHD to carry out, but for which fees are not established by state statute. Currently, these county-authorized fees provide approximately \$800,000 of revenue annually, out of EH&E's annual \$10.2 million dollar budget (8%). An additional 1.5 million comes from state authorized fees, meaning approximately 23% of the cost of delivering services is supported by fees.

The county fee ordinance for County Health Department Licenses and Approvals was last updated in 1997. The current amendment proposes to increase many of the current fees to meet the increased cost of providing services; however some fees are being eliminated or combined to reduce the regulatory burden on facilities with multiple licenses. There are also a few proposed new fees, which either provide funding for currently unfunded activities or supplement existing state fees that are not sufficient to support the level of services currently being provided in this county. Although overall fees are being increased, a few programs are experiencing a dramatic reduction in total fee collection due to the slowing of new residential housing construction. The combined anticipated impact to the bottom line for the next budget year is as follows:

	Projection used for 07-08 budget	Updated fee projection using current fee amt	Updated fee projection using proposed fee amt	\$ Increase	% Increase
Exist. County fees	\$832,106	\$711,437	\$847,887	\$136,450	19%
New County fees	\$ 0	\$ 0	\$195,775	\$195,775	n/a
All County Fees	\$832,106	\$711,437	\$1,043,662	\$333,225	47%

Anticipated **net increase** for 08-09 over 07-08 budgeted amount = 25%, or \$211,556 in additional county fee revenue.

Anticipated budget shortfall if increases are not implemented = \$120,669, or a 15% shortage in county fee revenue.

The attached spreadsheets give an itemized accounting of each fee, showing the current and proposed amounts, along with the number of facilities affected. The current and projected revenue are also shown, along with the dollar increase and percent increase. Existing fee schedule items are shown together, followed by the proposed new fee items. Fee amounts that are increasing are highlighted.

EH County Fee Schedule (proposed) Existing Fees Only

Bill Code	DESCRIPTION	Current Fee	Fee Calc.	New Fee	# of Facilities	w/ Current fees	Proposed fees	\$\$ Increase	% Increase
ANNUAL LICENSE FEES									
Appendix D Day Care Licensing		varies		no changes	665	171,212.00	192,977.00	0.00	0%
371A	Fuel Burning Equip	100.00		130.00	10	1,000.00	1,300.00	300.00	30%
371B	Fuel Burning >100M	360.00		460.00	0	0.00	0.00	0.00	0%
371C	Incinerators	175.00		225.00	13	2,275.00	2,925.00	650.00	29%
371D	Asphalt Concrete Bat	260.00		340.00	5	1,300.00	1,700.00	400.00	31%
371E	Concrete Batch-Block	150.00		200.00	30	4,500.00	6,000.00	1,500.00	33%
371L	Stage II Vapor Rec <1 mill gal/y	50.00		50.00	119	5,950.00	5,950.00	0.00	0%
371M	Stage II Vapor Rec ≥1 mill gal/y	75.00		75.00	222	16,650.00	16,650.00	0.00	0%
371F	Minor Permitted Sources	100.00		125.00	50	5,000.00	6,250.00	1,250.00	25%
358A	Water ≤.1mgd	300.00		390.00	69	20,700.00	26,910.00	6,210.00	30%
358B	Water ≥.1-≤.3mgd	950.00		1200.00	3	2,850.00	3,600.00	750.00	26%
358C	Water ≥.3-≤1mgd	1250.00		1625.00	4	5,000.00	6,500.00	1,500.00	30%
358D	Water ≥1-≤5mgd	1750.00		2275.00	12	21,000.00	27,300.00	6,300.00	30%
358E	Water ≥5mgd	2500.00		3250.00	16	40,000.00	52,000.00	12,000.00	30%
358F	Water System - Exempt	0.00		0.00	2	0.00	0.00	0.00	0%
362A	Waste Water Size 1	950.00		1225.00	26	24,700.00	31,850.00	7,150.00	29%
362B	Waste Water Size 2	1200.00		1550.00	13	15,600.00	20,150.00	4,550.00	29%
362C	Waste Water Size 3	1600.00		1600.00	0	0.00	0.00	0.00	0%
362D	Waste Water Size 4	1800.00		1800.00	4	7,200.00	7,200.00	0.00	0%
362E	Waste Water Size 5	2150.00		2800.00	7	15,050.00	19,600.00	4,550.00	30%
362F	Waste Water Exempt	0.00		0.00	3	0.00	0.00	0.00	0%
370A	Indust. Wastewater Treatment	250.00		325.00	14	3,500.00	4,550.00	1,050.00	30%
361TF	Septage Stabilization Fac.	300.00	\$300 per	400.00	1	300.00	400.00	100.00	33%
361PT	Septage Service Vehicle	300.00	\$300 per	350.00	86	25,800.00	30,100.00	4,300.00	17%
363A	Solid Waste Class I	2300.00		3000.00	2	4,600.00	6,000.00	1,400.00	30%
363B	Solid Waste Class II	1250.00		1625.00	2	2,500.00	3,250.00	750.00	0%
363C	Solid Waste Class III	575.00		750.00	4	2,300.00	3,000.00	700.00	30%
363D	Solid Waste Trans Sta	800.00		1050.00	6	4,800.00	6,300.00	1,500.00	31%
	Sludge Disposal Site <50	3750.00		4875.00	0	0.00	0.00	0.00	0%
	Sludge Disposal Site >50		* \$3750 plus \$2.50 per acre over 50		0	0.00	0.00	0.00	0%
363E	Solid Waste Comp Sit	1750.00		2275.00	3	5,250.00	6,825.00	1,575.00	30%

EH County Fee Schedule (proposed) Existing Fees Only

Bill Code	DESCRIPTION	Current Fee	Fee Calc.	New Fee	# of Facilities	w/ Current fees	Proposed fees	\$\$ Increase	% Increase
373A	Haz Was <25KG	50.00		65.00	1087	54,350.00	68,770.00	14,420.00	27%
373B	Haz Was 25-<1000KG	150.00		200.00	371	55,650.00	57,800.00	2,150.00	4%
373C	Haz Was =>1000KG	500.00		650.00	10	5,000.00	6,500.00	1,500.00	30%
PLAN REVIEW FEES									
PR	CC New/Remodeled/Change O	150.00		250.00	30	4,500.00	7,500.00	3,000.00	67%
PR	Fam Day w/Water Hazard	10.00		25.00	20	200.00	500.00	300.00	150%
PR	New/Remodeled Priv Sch	75.00		100.00	2	150.00	200.00	50.00	33%
PR	Migrant Labor Plan Review	50.00		100.00	2	100.00	200.00	100.00	100%
PR	MHP/RV Plan Review	50.00		100.00	1	50.00	100.00	50.00	100%
PR	Other Building Plan Review	10.00		50.00	566	5,660.00	28,300.00	22,640.00	400%
PERMIT FEES									
Perm	Dosing System Res.	50.00		75.00	45	2,250.00	3,375.00	1,125.00	50%
Perm	Dosing System Comm.	100.00		125.00	21	2,100.00	2,625.00	525.00	25%
Perm	Potable Water Well Constr.	50.00	\$100 per 40E-1.607(2)	100.00	700	70,000.00	70,000.00	0.00	0%
Perm	Non-potable Well Constr.	40.00	\$100 per 40E-1.607(2)	100.00	700	70,000.00	70,000.00	0.00	0%
Perm	Sanitary Survey for Comm, NTI	125.00		125.00	30	3,750.00	3,750.00	0.00	0%
FEES for LOCAL WRITTEN APPROVAL									
LocalApp	Open Burn. Site < 2 acres	20.00		25.00	7	140.00	175.00	35.00	25%
LocalApp	Open Burn. Site >2 but <50 acr	60.00		75.00	4	240.00	300.00	60.00	25%
LocalApp	Open Burn. Site >50 but <100 a	100.00		150.00	2	200.00	300.00	100.00	50%
LocalApp	Open Burn. Site >100 acres	150.00		200.00	0	0.00	0.00	0.00	0%
LocalApp	Resource Recov. Plant	250.00		325.00	1	250.00	325.00	75.00	30%
LocalApp	Class I Landfill	150.00		200.00	1	150.00	200.00	50.00	33%
LocalApp	Class II Landfill	150.00		200.00	1	150.00	200.00	50.00	33%
LocalApp	Class III Landfill	100.00		130.00	1	100.00	130.00	30.00	30%
LocalApp	Transfer Station	100.00		130.00	1	100.00	130.00	30.00	30%

EH County Fee Schedule (proposed) Existing Fees Only

Bill Code	DESCRIPTION	Current Fee	Fee Calc.	New Fee	# of Facilities	w/ Current fees	Proposed fees	\$\$ Increase	% Increase
LocalApp	Subdiv Analysis 3-25 lots	200.00		260.00	2	400.00	520.00	120.00	30%
LocalApp	Subdiv Analysis 26-50 lots	250.00		325.00	2	500.00	650.00	150.00	30%
FEES for MISC. SERVICES									
Misc	Approv of Temp Events	25.00		50.00	10	250.00	500.00	250.00	100%
Misc	Appeals ECR I - SFR	100.00		100.00	25	2,500.00	2500.00	0.00	0%
Misc	Appeals ECR I - non SFR	125.00		125.00	5	625.00	625.00	0.00	0%
Misc	Appeals ECR II	100.00		100.00	5	500.00	500.00	0.00	0%
Misc	Reinspection	35.00		50.00	20	700.00	1,000.00	300.00	43%
Misc	Lic. Transfer of Ownership	25.00		25.00	25	625.00	625.00	0.00	0%
351K	Private School <=50	105.00		150.00	46	4,830.00	6,900.00	2,070.00	43%
351P	Private School >50	210.00		300.00	78	16,380.00	23,400.00	7,020.00	43%
						711,437.00	847,887.00	136,450.00	19%

* variable based on # of units

** first year estimate only - projected to increase to 1000 facilities by 2010

signifies increased fee

EH County Fee Schedule (proposed) New Fees Only

Bill Code	DESCRIPTION	Current Fee	Fee Calc.	New Fee	# of Facilities	Current fees	Proposed fees	\$ Increase	% Increase
371(?)	Other minor non-perm sources	new		75.00	5	0.00	375.00	375.00	n/a
362(?)	Private Lift Stations	new		200.00	300	0.00	60,000.00	60,000.00	n/a
	MultiMedia Dry Cleaning <25k/month	new		125.00	29	0.00	3,625.00	3,625.00	n/a
	MultiMedia Dry Cleaning 25k to <1000k/mc	new		275.00	82	0.00	22,550.00	22,550.00	n/a
	MultiMedia C&D Recycling Facilities	new		350.00	6	0.00	2,100.00	2,100.00	n/a
Perm	Appl for OSTDS construction	new		50.00	500	0.00	25,000.00	25,000.00	n/a
Perm	Water Distr. Line Constr.	new		250.00	250	0.00	62,500.00	62,500.00	n/a
Perm	Well Abandonment	new		75.00	75	0.00	5,625.00	5,625.00	n/a
LocalApp	Approval for use of dist. system	new		50.00	190	0.00	9,500.00	9,500.00	n/a
LocalApp	Private Lift Station Const.	new		100.00	10	0.00	1,000.00	1,000.00	n/a
Misc	Late Fee >30 days past due	new		35.00	100	0.00	3,500.00	3,500.00	n/a
							195,775.00	195,775.00	