

AGENDA ITEM SUMMARY

☒ Regular
☐ Public Hearing

Submitted For: ENVIRONMENTAL PUBLIC HEALTH

9/2/14
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	_____*	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No x_____

Budget Account Exp No: Fund _____ Department _____ Unit _____ Object _____
Rev No: Fund _____ Department _____ Unit _____ Object _____

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

*The increase in the Health Department's fee revenue provides no benefit or costs to the County. The anticipated increase in fee revenue of \$156,725 per year represents 1.7% of the total Division of Environmental Public Health (EPH) FY 2015 budget of \$9,413,424. Revenues are expected to increase approximately 2% every year.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Susan Neary 8/27/14 Mr. J. Jacobson 9/2/14
OFMB Contract Dev. and Control
8/26 8/27/14 8-28-14 B. Wheeler

B. Legal Sufficiency:

Randolph Eidell 9/2/14
Assistant County Attorney

C. Other Department Review:

Department Director

Background and Justification (Continued)

Section 11-20 provides for the permitting, licensing and approval of activities regulated under the ordinance. Changes include clarification of titles and descriptions of activities to be consistent with changes to Section 11-24 and with language contained in delegation agreements between the Palm Beach County Health Department, Division of Environmental Public Health (EPH) and the Florida Department of Environmental Protection (FDEP). Section 11-20(5) and (6) establishes the authority for EPH approval of asbestos renovation and demolition projects. Industrial wastewater treatment facilities remain under the jurisdiction of FDEP, so this activity is removed from 11-20(c)(6) and replaced with licensing of private wastewater collection systems, for which fee authority was granted in 2008.

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 Public Health, in the administration and enforcement of the provisions of this ordinance. Changes include the addition of new fees needed to address programmatic or delegation changes, as well as a few fees proposed for elimination due to changes in regulatory authority. Fees for renovation of asbestos containing structures currently are collected by FDEP, with 80% being transferred to the Division of EPH through the delegation agreement. The establishment of fees for asbestos renovation and demolition projects in Section 11-24(4)f. will allow the Division to collect and retain 100% of their own fees directly, while FDEP would cease collection of asbestos fees. In other categories such as solid waste and hazardous waste, groups of fees are being adjusted in order to address the increased time demands of certain types of facilities, or to supplement existing state fees that are not sufficient to support the level of services currently being provided. Attachment 3 provides a fiscal analysis of the proposed fee changes.

Upon approval, it is expected that the amended fee schedule will result in \$156,725 in additional fee revenue for the first full year.

ORDINANCE NO. 2014-_____

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 align revenue with program costs and offset other reductions in funding;

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

SECTION 1. AMENDMENT TO STATUTES, LAWS, RULES, ETC. INCORPORATED BY REFERENCE

Chapter 11, Article II, Section 11-19 of the Palm Beach County Code (§ 4, Ord. No. 78-5, as amended) is hereby amended as follows:

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

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

Chapter 381, Public Health;

Chapter 386, Particular Conditions Affecting Public Health;

Chapter 403, Environmental Control;

Chapter 500, Food Products;

Chapter 501, Hazardous Substances;

Chapter 513, Mobile Home and Recreational Vehicle Parks; and

Chapter 514, Public Swimming and Bathing Facilities.

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

Chapter 59-1698, Laws of Florida;

Chapter ~~75-473~~2001-331, Laws of Florida; and

Chapter 77-616, Laws of Florida.

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

All rules of the ~~d~~Department of ~~e~~Environmental ~~p~~Protection;

All rules of the ~~d~~Department of ~~h~~Health;

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

All rules of the ~~e~~Child ~~e~~Care ~~f~~Facilities ~~b~~Board (see Chapter 59-1698, Laws of Florida, as amended);

All rules, resolutions, and orders of the ~~s~~Solid ~~w~~Waste ~~a~~Authority (see Chapter ~~75-473~~2001-331, Laws of Florida, as amended);

Environmental Control Rule I;

1 Environmental Control Rule II;
2 ~~Solid Waste Management Permits Rule I;~~

3 Palm Beach County Biohazardous Waste Incineration Facility Ordinance.

4 (d) It shall be a violation of this section and Chapter 77-616, Laws of Florida as
5 amended, the Environmental Control Act ("act"), to violate any of the provisions
6 incorporated herein. Violations shall be subject to the penalties and enforcement powers
7 provided in the act.
8

9 **SECTION 2. AMENDMENT TO COUNTY HEALTH DEPARTMENT AND**
10 **SOLID WASTE AUTHORITY PERMITS, LICENSES AND APPROVALS**
11 **Chapter 11, Article II, Section 11-20 of the Palm Beach County Code (§ 4, Ord.**
12 **No. 78-5, as amended) is hereby amended as follows:**
13

14 **Sec. 11-20. County health department and ~~s~~Solid ~~w~~Waste ~~a~~Authority permits,**
15 **licenses and approvals.**

16 (a) Before any of the following activities may be commenced, written approval must
17 be obtained from the health department in accordance with subsection (d):
18 For the purpose of this ordinance the word "construction" shall include reconstruction
19 and renovation.

20 (1) Open burning for land clearing purposes.

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

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

24 (4) Initial operation of drinking water systems or distribution lines,
25 wastewater collection or transmission systems, or private lift stations.

26 (5) Renovation projects involving the removal of asbestos containing
27 material.

28 (6) Demolition of structures that require notification under the National
29 Emission Standards for Hazardous Air Pollutants (NESHAP), Code of Federal
30 Regulations, Title 40, Part 61, subpart M, as amended.
31

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

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

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

37 (3) Construction of water distribution systems.

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

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

42 (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.
- (10) Construction of solid waste 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 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~~ amount as a license fee and on an annual basis.

(3) Air pollution sources.

(4) Water supply systems.

(5) Sewage-Domestic wastewater and biosolids treatment facilities.

(6) ~~Industrial wastewater treatment~~ Private wastewater collection systems.

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

(8) Hazardous waste generators.

(9) ~~Septic tank manufacturers.~~ Facilities and entities subject to 64E-6.

(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.

(g) ~~The fee for an annual~~ Any license with an annual fee of more than \$125.00 that is issued to a new activity after June of a particular year within six months of its expiration date shall ~~behave the fee~~ be prorated on a quarterly basis.

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

(i) Solid ~~w~~Waste ~~a~~Authority of Palm Beach County permits, resolutions, and orders:

(1) Prohibitions:

a. No person shall operate, maintain, construct, expand, or modify any resource recovery and/or waste management facility without first having applied for and received a valid operating permit from the ~~s~~Solid ~~w~~Waste ~~a~~Authority of the county.

b. No person shall operate, maintain, construct, expand, or modify any resource recovery and/or waste management facility in violation of any resolutions, rules, or orders adopted by the ~~s~~Solid ~~w~~Waste ~~a~~Authority of the county.

c. No person shall collect solid waste in violation of any rule or resolution including rules or resolutions creating exclusive franchises.

(2) Enforcement procedure:

a. The ~~e~~Executive ~~d~~Director of the ~~s~~Solid ~~w~~Waste ~~a~~Authority of the county shall determine compliance with the provisions of subsection 101-20 (i)(1) of section 11-20. Upon determination that a violation of subsection 101-20(i)(1) has occurred, the ~~e~~Executive ~~d~~Director of the ~~s~~Solid ~~w~~Waste ~~a~~Authority of the county shall give the violator a reasonable time, by formal written notice, within which to correct such violation. Should the violation continue beyond the time specified for correction, the ~~e~~Executive ~~d~~Director of the ~~s~~Solid ~~w~~Waste ~~a~~Authority shall notify the ~~e~~Environmental ~~e~~Control ~~e~~Officer in writing of such failure to correct the violation.

b. Upon notification by the ~~e~~Executive ~~d~~Director of the ~~s~~Solid ~~w~~Waste ~~a~~Authority of the county that there is a violation of subsection 101-20 (i)(1) of section 11-20, which has not been corrected within the time specified by the ~~e~~Executive ~~d~~Director of the ~~s~~Solid ~~w~~Waste ~~a~~Authority, the ~~e~~Environmental ~~e~~Control ~~e~~Officer shall follow the procedures provided by Chapter 77-616, Special Acts, Laws of Florida, as amended, and Ordinance No. 78-5, as amended by Ordinance No 97-58, to bring the case for hearing before the ~~e~~Environmental ~~e~~Control ~~h~~Hearing ~~b~~Board.

1 (3) Public health threat violations:

2 a. Pursuant to Section 13 of Chapter ~~75-473~~2001-331, Special Acts,
3 Laws of Florida, as amended, the ~~e~~County ~~h~~Health ~~d~~Director shall
4 continue to determine compliance with the provisions of Chapter ~~75-~~
5 ~~473~~2001-331, Special Acts, Laws of Florida, as amended, which relate to
6 sanitary collection, storage, processing, and disposal of solid waste. If
7 the ~~e~~County ~~h~~Health ~~d~~Director determines that a health violation or
8 public health threat exists, the ~~h~~Health ~~d~~Director shall follow the
9 procedures provided for in Section 13, Chapter ~~75-473~~2001-331, Special
10 Acts, Laws of Florida, as amended, to obtain compliance by the violator,
11 or, if compliance is not obtained, to notify the ~~e~~Environmental ~~e~~Control
12 ~~e~~Officer so the ~~e~~Environmental ~~e~~Control ~~e~~Officer can cause the case to
13 be heard by the ~~e~~Environmental ~~e~~Control ~~h~~Hearing ~~b~~Board.
14

15 **SECTION 3. AMENDMENT TO FEE SCHEDULE**

16 Chapter 11, Article II, Section 11-24 of the Palm Beach County Code (§ 7, Ord.
17 No. 78-5, as amended) is hereby amended as follows:
18

19 **Sec. 11-24. Fee Schedule.**

20 The following fees are hereby adopted to supplement the costs of issuing permits,
21 licenses and approvals; performing inspections; reviewing plans and sites; and
22 performing other services in the administration of this article and the Environmental
23 Control Act [appendix G, § 11-21 et seq.]. These nonrefundable fees shall be paid to the
24 county health department. Fees for plan review, construction permits, site evaluation,
25 appeals and local written approval shall be paid at the time of application. Fees for
26 annual licenses shall be paid prior to the expiration of the existing license.
27

28 **(1) Annual license fees** -- *Operational activities relating to the following shall*
29 *require payment to the county health department of annual license fees:*
30

31 a. Reserved.

32 **Editor's note:** The provisions of this section dealing with child care licenses have been
33 superseded by the provisions of Section ~~D~~F of Article IV of Chapter 1 of Appendix D to
34 the County Code, and the provisions dealing with family day care licenses have been
35 superseded by the provisions of Section F of Article IV of Chapter 2 of Appendix D to
36 the County Code. These provisions have been removed at the direction of the county.
37

38 b. Air pollution activities (excluding Title V sources as defined by the Florida
39 Department of Environmental Protection and facilities licensed as multimedia):
40

41 1. Fuel-burning equipment (excluding incinerators):

42 (a). Less than 100 million BTU per hour . . . 130.00

(b). 100 million BTU per hour or greater . . . 460.00

2. Incinerators 225.00
3. Asphaltic concrete batch plants . . . 340.00
4. Concrete batch and block plants . . . 200.00
5. ~~Gasoline dispensing facility with stage II vapor recovery~~
 - (a). ~~Facilities dispensing less than one million gallons per calendar year . . .~~
~~50.00~~
 - (b). ~~Facilities dispensing one million gallons or more per calendar year . . .~~
~~75.00~~
6. Minor permitted sources . . . 125.00
7. Other minor non-permitted sources . . . 75.00

c. Drinking water supply systems (excluding Limited Use Systems):

1. Up to and including 0.1 million gallons per day . . . 390.00
2. Over 0.1 million gallons per day up to and including 0.3 million gallons per day . . . 1200.00
3. Over 0.3 million gallons per day up to and including 1.0 million gallons per day . . . 1625.00
4. Over 1.0 million gallons per day up to and including 5.0 million gallons per day . . . 2275.00
5. Over 5.0 million gallons per day . . . 3250.00

d. Wastewater:

1. Private lift stations (facilities not owned or operated by a ~~public~~ DEP licensed wastewater utility; discharging to a collection system owned or operated by a DEP licensed wastewater 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). Up to and including 0.05 million gallons per day . . . 1225.00
 - (b). Over 0.05 million gallons per day up to and including 0.5 million gallons per day . . . 1550.00
 - (c). Over 0.5 million gallons per day up to and including 1.0 million gallons per day . . . 1,600.00
 - (d). Over 1.0 million gallons per day up to and including 3.0 million gallons per day . . . 1,800.00
 - (e). Over 3.0 million gallons per day . . . 2800.00
3. ~~Industrial wastewater treatment facilities . . . 325~~ Sludge/Biosolids disposal sites:
 - (a). Less than 50 acres . . . 4875.00
 - (b). 50 acres or greater . . . 4875.00 plus 2.50 for each acre over 50
4. Septage, portable restroom, or portable or stationary holding tank waste handling:

- (a). Septage stabilization facility . . . 400.00
 - (b). Service vehicle, per vehicle . . . 350.00
- e. Solid waste ~~related~~management facilities (~~excluding facilities licensed as multimedia~~):
1. Solid waste disposal sites (landfills):
 - (a). Class I . . . 3000.00
 - (b). Class II . . . ~~1625.00~~(discontinued)
 - (c). Class III . . . ~~750.00~~2000.00
 - (d). Construction and demolition debris landfill . . . 1000.00
 - (e). Yard trash and land clearing disposal sites . . . 1000.00
 2. Solid waste transfer station . . . 1050.00
 3. ~~Sludge disposal sites:~~
 - (a). ~~Less than 50 acres . . . 4875.00~~
 - (b). ~~50 acres or greater . . . 4875.00~~
 - (c). ~~Plus for each acre over 50 acres . . . 2.50~~
 - (d). ~~Permitted cCompost site . . . 2275.00~~
 4. Solid waste processing facilities
 - (a). Waste processing facilities . . . 2000.00
 - (b). Waste processing with recoverable screen material (RSM) production . . . 3000.00
 5. Waste tire facilities
 - (a). Waste tire collection center . . . 500.00
 - (b). Waste tire processing facility . . . 750.00
 6. Registered yard trash processing facilities . . . 125.00
 7. Container to container solid waste facilities . . . 125.00
 8. Other regulated solid waste management facilities . . . 200.00
- f. Hazardous waste generators (excluding facilities licensed as multimedia):
1. Greater than zero kilograms (zero pounds) per month but less than 25 kilograms (55 pounds) per month . . . 65.00
 2. 25 kilograms (55 pounds) to less than ~~1,000~~100 kilograms (2200 pounds) per month . . . 200.00
 3. 100 kilograms (220 pounds) to less than 500 kilograms (1100 pounds) per month . . . 450.00
 4. 500 kilograms (1100 pounds) to less than 1,000 kilograms (2200 pounds) per month . . . 550.00
 35. 1,000 kilograms (2200 pounds) per month or greater . . . 650.00
- g. Multimedia:
1. Air & Hazardous Waste:

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

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

~~2. Solid Waste & Air:~~

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

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

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

b. Family day care facilities . . . ~~25.00~~50.00

c. Private or charter schools - New / Remodeled . . . 100.00

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

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

f. Approval of building plans not specified in subparagraphs a--e above . . . 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 (OSTDS):

1. Application fee (in addition to fees required under Chapter 64E-6) for new, repaired, modified, or existing septic tank system . . . 50.00

2. Automatic dosing system construction:

(a). Residential . . . 75.00

(b). Commercial . . . 125.00

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

1. All potable water wells . . . ~~100.00~~150.00

2. Nonpotable water wells: ~~100.00~~

~~(a)~~3. Monitoring wells per site (maximum 8~~10~~ wells per permit) . . . 50.00

(b). All others . . . 100.00

43. Well abandonment when not associated with a replacement well, per site (maximum 8~~10~~ wells per permit) . . . 75.00

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

65. 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~~500.00

(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. Approval for use of permitted water system or distribution lines, per release (full or partial) . . . 50.00

b. Open burning site evaluation (land clearing debris generated on-site):

1. 2 acres or less . . . 25.00

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

3. 50 to 100 acres . . . 150.00

4. Greater than 100 acres . . . 200.00

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

c. Wastewater collection/transmission system release, per release (full or partial) . . . 50.00
~~Solid waste facility construction:~~

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

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

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

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

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

d. Utilization of on-site sewage treatment and disposal systems in subdivisions:

1. 3 -- 25 lots . . . 260.00

2. 26 -- 50 lots . . . 325.00

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

f. Fees for asbestos removal renovation and demolition of regulated structures for projects that submit notifications as required under the asbestos NESHAP rules. The appropriate fee shall be submitted with the required NESHAP notification.

1. Projects involving removal of regulated asbestos containing materials¹.

(a). 160 to 420 square feet . . . 200.00

(b). 260 to 420 linear feet . . . 200.00

- (c). 421 to 3,000 square feet or linear feet . . . 400.00
- (d). 3,001 to 5,500 square feet or linear feet . . . 600.00
- (e). 5,501 to 8,000 square feet or linear feet . . . 800.00
- (f). Greater than 8,000 square feet or linear feet . . . 1,000.00
- (g). 35 to 45 cubic feet . . . 200.00
- (h). 46 to 54 cubic feet . . . 500.00
- (i). 55 to 64 cubic feet . . . 800.00
- (j). Greater than 64 cubic feet . . . 1,000.00

¹ Linear feet applies to piping. Cubic feet based on amount of asbestos containing material removed when linear feet or square feet cannot be determined.

2. Projects involving demolition of structures with the following square footage¹:

- (a). Less than 30,001 square feet . . . 250.00
- (b). 30,001 to 50,000 square feet . . . 500.00
- (c). 50,001 to 70,000 square feet . . . 750.00
- (d). Greater than 70,000 square feet . . . 1,000.00
- (e). Mobile homes (per unit) . . . 50.00*

*not to exceed 1,000.00 per demolition phase

¹ Demolition fee may be waived if project was inspected under an asbestos removal renovation notification.

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

- a. Approval of sanitary facilities for temporary events i.e., carnivals, circus, festivals, cook-outs, revivals, etc. . . . 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
- c. Appeals from Environmental Control Rule II [app. C, art. III, div. 3] . . . 100.00
- d. Facility reinspection fee for any reinspections after the first reinspection . . . 50.00
- e. Reissuance of transferable licenses pursuant to change of ownership . . . 25.00
- f. Sanitation and safety inspection of private or charter schools:
 1. 1 to 49 children . . . ~~150.00~~ 175.00

- 1 2. 50 children and more . . . ~~300.00~~400.00
- 2
- 3 g. Foster home inspection (per request) . . . 50.00
- 4
- 5 h. Site visit for facilities not listed above (per request) . . . 85.00
- 6
- 7 i. Community environmental health class, per person . . . 20.00
- 8
- 9 gi. Late fee for payments received 30 days or more after the due date . . . 35.00
- 10

11 **SECTION 4. APPLICABILITY**

12

13 This Ordinance shall be applicable in the incorporated and unincorporated areas of Palm

14 Beach County, Florida.

15

16 **SECTION 5. SAVINGS CLAUSE**

17

18 Notwithstanding anything to the contrary, all provisions of Chapter 11, Article II,

19 Section 11-20 and Section 11-24 of the Palm Beach County Code, codifying Ordinance

20 No. 78-5, as amended, are specifically preserved and remain in full force and effect for

21 the limited purpose of enforcing any alleged violations of said Code, which occurred

22 prior to its amendment.

23

24 **SECTION 6. REPEAL OF LAWS IN CONFLICT**

25

26 All local laws and ordinances in conflict with any provision of the Ordinance are hereby

27 repealed to the extent of such conflict.

28

29 **SECTION 7. SEVERABILITY**

30

31 If any section, paragraph, sentence, clause phrase, or word of this Ordinance is for any

32 reason held by the Court to be unconstitutional, inoperative, or void, such holding shall

33 not affect the remainder of this Ordinance. Further, if any provision of this Ordinance

34 is found to be in conflict with the Florida Building Code, the Florida Building Code

35 shall prevail as to that specific provision.

36

37 **SECTION 8. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

38

39 The provisions of this Ordinance shall become and be made part of the Code of Laws

40 and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be

41 renumbered or re-lettered to accomplish such, and the word "ordinance" may be

42 changed to "section," "article," or other appropriate word.

1
2 **SECTION 9. EFFECTIVE DATE**
3

4 The provisions of this Ordinance shall become effective upon filing with the Secretary
5 of State but no sooner than twenty (20) days after this ordinance has been filed with the
6 Clerk & Comptroller of the Board of County Commissioners.
7

8
9 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
10 County, Florida, sitting as the Environmental Control Board, on this the _____ day
11 of _____, 2014.
12

13 SHARON R. BOCK, PALM BEACH COUNTY, FLORIDA,
14 CLERK & COMPTROLLER BY ITS
15 Board of County Commissioners BOARD OF COUNTY COMMISSIONERS
16 Sitting as the Environmental Control Board
17

18 By: _____ By: _____
19 Deputy Clerk Priscilla A Taylor, Mayor
20

21 APPROVED AS TO FORM AND
22 LEGAL SUFFICIENCY
23

24 By: _____
25 County Attorney
26

27 Filed with the Clerk & Comptroller of the Board of County Commissioners on the
28 _____ day of _____, 2014
29

30 Filed with the Secretary of State on the _____ day of _____, 2014

ORDINANCE NO. 2014-_____

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

1 likewise to amend the schedule of fees in order to align revenue with program costs and
2 offset other reductions in funding;
3

4 **NOW, THEREFORE**, be it ordained by the Board of County Commissioners of
5 Palm Beach County, Florida, sitting as the Environmental Control Board, that:
6

7 **SECTION 1. AMENDMENT TO STATUTES, LAWS, RULES, ETC.**
8 **INCORPORATED BY REFERENCE**

9 **Chapter 11, Article II, Section 11-19 of the Palm Beach County Code (§ 4, Ord.**
10 **No. 78-5, as amended) is hereby amended as follows:**
11

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

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

17 Chapter 381, Public Health;

18 Chapter 386, Particular Conditions Affecting Public Health;

19 Chapter 403, Environmental Control;

20 Chapter 500, Food Products;

21 Chapter 501, Hazardous Substances;

22 Chapter 513, Mobile Home and Recreational Vehicle Parks; and

23 Chapter 514, Public Swimming and Bathing Facilities.

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

28 Chapter 59-1698, Laws of Florida;

29 Chapter 2001-331, Laws of Florida; and

30 Chapter 77-616, Laws of Florida.

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

34 All rules of the Department of Environmental Protection;

35 All rules of the Department of Health;

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

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

40 All rules, resolutions, and orders of the Solid Waste Authority (see Chapter
41 2001-331, Laws of Florida, as amended);

42 Environmental Control Rule I;

Environmental Control Rule II;

Palm Beach County Biohazardous Waste Incineration Facility Ordinance.

(d) It shall be a violation of this section 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) Open burning for land clearing purposes.

(2) Construction of hazardous waste facilities.

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

(4) Initial operation of drinking water systems or distribution lines, wastewater collection or transmission systems, or private lift stations.

(5) Renovation projects involving the removal of asbestos containing material.

(6) Demolition of structures that require notification under the National Emission Standards for Hazardous Air Pollutants (NESHAP), Code of Federal Regulations, Title 40, Part 61, subpart M, as amended.

(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, 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.
- (10) Construction of solid waste 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 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 amount as a license fee and on an annual basis.

(3) Air pollution sources.

(4) Water supply systems.

(5) Domestic wastewater and biosolids treatment facilities.

(6) Private wastewater collection systems.

(7) Solid waste management facilities.

(8) Hazardous waste generators.

(9) Facilities and entities subject to 64E-6.

(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
2 (g) Any license with an annual fee of more than \$125.00 that is issued to a new
3 activity within six months of its expiration date shall have the fee prorated on a
4 quarterly basis.
5

6 (h) Unless otherwise provided by ordinance or rule or specified by the permit, license
7 or approval, said permits, licenses and approvals are not transferable.
8

9 (i) Solid Waste Authority of Palm Beach County permits, resolutions, and orders:
10

11 (1) Prohibitions:

12 a. No person shall operate, maintain, construct, expand, or modify any
13 resource recovery and/or waste management facility without first having
14 applied for and received a valid operating permit from the Solid Waste
15 Authority of the county.

16 b. No person shall operate, maintain, construct, expand, or modify any
17 resource recovery and/or waste management facility in violation of any
18 resolutions, rules, or orders adopted by the Solid Waste Authority of the
19 county.

20 c. No person shall collect solid waste in violation of any rule or
21 resolution including rules or resolutions creating exclusive franchises.

22 (2) Enforcement procedure:

23 a. The Executive Director of the Solid Waste Authority of the county
24 shall determine compliance with the provisions of subsection 11-20
25 (i)(1) of section 11-20. Upon determination that a violation of subsection
26 11-20(i)(1) has occurred, the Executive Director of the Solid Waste
27 Authority of the county shall give the violator a reasonable time, by
28 formal written notice, within which to correct such violation. Should the
29 violation continue beyond the time specified for correction, the
30 Executive Director of the Solid Waste Authority shall notify the
31 Environmental Control Officer in writing of such failure to correct the
32 violation.

33 b. Upon notification by the Executive Director of the Solid Waste
34 Authority of the county that there is a violation of subsection 11-20 (i)(1)
35 of section 11-20, which has not been corrected within the time specified
36 by the Executive Director of the Solid Waste Authority, the
37 Environmental Control Officer shall follow the procedures provided by
38 Chapter 77-616, Special Acts, Laws of Florida, as amended, and
39 Ordinance No. 78-5, as amended by Ordinance No 97-58, to bring the
40 case for hearing before the Environmental Control Hearing Board.

41 (3) Public health threat violations:

42 a. Pursuant to Section 13 of Chapter 2001-331, Special Acts, Laws of
Florida, as amended, the County Health Director shall continue to

determine compliance with the provisions of Chapter 2001-331, Special Acts, Laws of Florida, as amended, which relate to sanitary collection, storage, processing, and disposal of solid waste. If the County Health Director determines that a health violation or public health threat exists, the Health Director shall follow the procedures provided for in Section 13, Chapter 2001-331, Special Acts, Laws of Florida, as amended, to obtain compliance by the violator, or, if compliance is not obtained, to notify the Environmental Control Officer so the Environmental Control Officer can cause the case to be heard by the Environmental Control Hearing Board.

SECTION 3. AMENDMENT TO FEE SCHEDULE

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

Sec. 11-24. Fee Schedule.

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

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

a. Reserved.

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

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

1. Fuel-burning equipment (excluding incinerators):
 - (a). Less than 100 million BTU per hour . . . 130.00
 - (b). 100 million BTU per hour or greater . . . 460.00
2. Incinerators 225.00
3. Asphaltic concrete batch plants . . . 340.00
4. Concrete batch and block plants . . . 200.00

5. Minor permitted sources . . . 125.00
 6. Other minor non-permitted sources . . . 75.00
- c. Drinking water supply systems (excluding Limited Use Systems):
1. Up to and including 0.1 million gallons per day . . . 390.00
 2. Over 0.1 million gallons per day up to and including 0.3 million gallons per day . . . 1200.00
 3. Over 0.3 million gallons per day up to and including 1.0 million gallons per day . . . 1625.00
 4. Over 1.0 million gallons per day up to and including 5.0 million gallons per day . . . 2275.00
 5. Over 5.0 million gallons per day . . . 3250.00
- d. Wastewater:
1. Private lift stations (facilities not owned or operated by a DEP licensed wastewater utility; discharging to a collection system owned or operated by a DEP licensed wastewater 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). Up to and including 0.05 million gallons per day . . . 1225.00
 - (b). Over 0.05 million gallons per day up to and including 0.5 million gallons per day . . . 1550.00
 - (c). Over 0.5 million gallons per day up to and including 1.0 million gallons per day . . . 1,600.00
 - (d). Over 1.0 million gallons per day up to and including 3.0 million gallons per day . . . 1,800.00
 - (e). Over 3.0 million gallons per day . . . 2800.00
 3. Sludge/Biosolids disposal sites:
 - (a). Less than 50 acres . . . 4875.00
 - (b). 50 acres or greater . . . 4875.00 plus 2.50 for each acre over 50
 4. Septage, portable restroom, or portable or stationary holding tank waste handling:
 - (a). Septage stabilization facility . . . 400.00
 - (b). Service vehicle, per vehicle . . . 350.00
- e. Solid waste management facilities:
1. Solid waste disposal sites (landfills):
 - (a). Class I . . . 3000.00
 - (b). Class II . . . (discontinued)
 - (c). Class III . . . 2000.00
 - (d). Construction and demolition debris landfill . . . 1000.00

- (e). Yard trash and land clearing disposal sites . . . 1000.00
2. Solid waste transfer station . . . 1050.00
3. Permitted compost site . . . 2275.00
4. Solid waste processing facilities
 - (a). Waste processing facilities . . . 2000.00
 - (b). Waste processing with recoverable screen material (RSM) production . . . 3000.00
5. Waste tire facilities
 - (a). Waste tire collection center . . . 500.00
 - (b). Waste tire processing facility . . . 750.00
6. Registered yard trash processing facilities . . . 125.00
7. Container to container solid waste facilities . . . 125.00
8. Other regulated solid waste management facilities . . . 200.00
- f. Hazardous waste generators (excluding facilities licensed as multimedia):
 1. Greater than zero kilograms (zero pounds) per month but less than 25 kilograms (55 pounds) per month . . . 65.00
 2. 25 kilograms (55 pounds) to less than 100 kilograms (220 pounds) per month . . . 200.00
 3. 100 kilograms (220 pounds) to less than 500 kilograms (1100 pounds) per month . . . 450.00
 4. 500 kilograms (1100 pounds) to less than 1,000 kilograms (2200 pounds) per month . . . 550.00
 35. 1,000 kilograms (2200 pounds) per month or greater . . . 650.00
- g. Multimedia:
 1. Air & Hazardous Waste:
 - (a). Dry cleaning facilities producing less than 25 kilograms (55 pounds) per month of hazardous waste . . . 125.00
 - (b). Dry cleaning facilities producing 25 kilograms (55 pounds) per month but less than 1,000 kilograms (2200 pounds) per month of hazardous waste . . . 275.00
- (2) *Plan review fees--Plan reviews performed by the county health department shall require payment of the fees provided below:*
 - a. Child care facilities - New, remodeled, or change of ownership . . . 250.00
 - b. Family day care facilities . . . 50.00
 - c. Private or charter schools - New / Remodeled . . . 100.00

- d. Migrant labor camps and residential migrant housing . . . 100.00
- e. Mobile home and recreational vehicle parks . . . 100.00
- f. Approval of building plans not specified in subparagraphs a--e above . . . 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 (OSTDS):

- 1. Application fee (in addition to fees required under Chapter 64E-6) for new, repaired, modified, or existing septic tank system . . . 50.00
- 2. Automatic dosing system construction:
 - (a). Residential . . . 75.00
 - (b). Commercial . . . 125.00

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

- 1. All potable water wells . . . 150.00
- 2. Non-potable water wells:
 - (a). Monitoring wells per site (maximum 10 wells per permit) . . . 50.00
 - (b). All others . . . 100.00
- 3. Well abandonment when not associated with a replacement well, per site (maximum 10 wells per permit) . . . 75.00
- 4. Sanitary survey for each new community, non-transient non-community, and transient non-community water well . . . 125.00
- 5. 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) . . . 500.00

(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. Approval for use of permitted water system or distribution lines, per release (full or partial) . . . 50.00
- b. Open burning site evaluation (land clearing debris generated on-site):
 - 1. 2 acres or less . . . 25.00
 - 2. Greater than 2 acres but less than 50 acres . . . 75.00
 - 3. 50 to 100 acres . . . 150.00
 - 4. Greater than 100 acres . . . 200.00

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

c. Wastewater collection/transmission system release, per release (full or partial) . . . 50.00

d. Utilization of on-site sewage treatment and disposal systems in subdivisions:

1. 3 -- 25 lots . . . 260.00

2. 26 -- 50 lots . . . 325.00

e. Private wastewater lift station release . . . 100.00

f. Fees for asbestos removal renovation and demolition of regulated structures for projects that submit notifications as required under the asbestos NESHAP rules. The appropriate fee shall be submitted with the required NESHAP notification.

1. Projects involving removal of regulated asbestos containing materials¹.

(a). 160 to 420 square feet . . . 200.00

(b). 260 to 420 linear feet . . . 200.00

(c). 421 to 3,000 square feet or linear feet . . . 400.00

(d). 3,001 to 5,500 square feet or linear feet . . . 600.00

(e). 5,501 to 8,000 square feet or linear feet . . . 800.00

(f). Greater than 8,000 square feet or linear feet . . . 1,000.00

(g). 35 to 45 cubic feet . . . 200.00

(h). 46 to 54 cubic feet . . . 500.00

(i). 55 to 64 cubic feet . . . 800.00

(j). Greater than 64 cubic feet . . . 1,000.00

¹ Linear feet applies to piping. Cubic feet based on amount of asbestos containing material removed when linear feet or square feet cannot be determined.

2. Projects involving demolition of structures with the following square footage¹:

(a). Less than 30,001 square feet . . . 250.00

(b). 30,001 to 50,000 square feet . . . 500.00

(c). 50,001 to 70,000 square feet . . . 750.00

(d). Greater than 70,000 square feet . . . 1,000.00

(e). Mobile homes (per unit) . . . 50.00*

*not to exceed 1,000.00 per demolition phase

¹ Demolition fee may be waived if project was inspected under an asbestos removal renovation notification.

1 **(5) Fees for miscellaneous services** -- *The following services performed by the*
2 *county health department shall require payment of the fees indicated:*
3

4 a. Approval of sanitary facilities for temporary events i.e., carnivals, circus, festivals,
5 cook-outs, revivals, etc. . . . 50.00
6

7 b. Appeals from Environmental Control Rule I [app. C, art. II, div. 2]:
8

9 1. Single-family residence . . . 100.00

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

12 c. Appeals from Environmental Control Rule II [app. C, art. III, div. 3] . . . 100.00
13

14 d. Facility reinspection fee for any reinspections after the first reinspection . . . 50.00
15

16 e. Reissuance of transferable licenses pursuant to change of ownership . . . 25.00
17

18 f. Sanitation and safety inspection of private or charter schools:
19

20 1. 1 to 49 children . . . 175.00

21 2. 50 children and more . . . 400.00

22 g. Foster home inspection (per request) . . . 50.00
23

24 h. Site visit for facilities not listed above (per request) . . . 85.00
25

26 i. Community environmental health class, per person . . . 20.00
27

28 j. Late fee for payments received 30 days or more after the due date . . . 35.00
29

30 **SECTION 4. APPLICABILITY** 31

32 This Ordinance shall be applicable in the incorporated and unincorporated areas of Palm
33 Beach County, Florida.
34

35 **SECTION 5. SAVINGS CLAUSE** 36

37 Notwithstanding anything to the contrary, all provisions of Chapter 11, Article II,
38 Section 11-20 and Section 11-24 of the Palm Beach County Code, codifying Ordinance
39 No. 78-5, as amended, are specifically preserved and remain in full force and effect for
40 the limited purpose of enforcing any alleged violations of said Code, which occurred
41 prior to its amendment.
42

1 **SECTION 6. REPEAL OF LAWS IN CONFLICT**

2
3 All local laws and ordinances in conflict with any provision of the Ordinance are hereby
4 repealed to the extent of such conflict.
5

6 **SECTION 7. SEVERABILITY**

7
8 If any section, paragraph, sentence, clause phrase, or word of this Ordinance is for any
9 reason held by the Court to be unconstitutional, inoperative, or void, such holding shall
10 not affect the remainder of this Ordinance. Further, if any provision of this Ordinance
11 is found to be in conflict with the Florida Building Code, the Florida Building Code
12 shall prevail as to that specific provision.
13

14 **SECTION 8. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

15
16 The provisions of this Ordinance shall become and be made part of the Code of Laws
17 and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be
18 renumbered or re-lettered to accomplish such, and the word "ordinance" may be
19 changed to "section," "article," or other appropriate word.
20

21 **SECTION 9. EFFECTIVE DATE**

22
23 The provisions of this Ordinance shall become effective upon filing with the Secretary
24 of State but no sooner than twenty (20) days after this ordinance has been filed with the
25 Clerk & Comptroller of the Board of County Commissioners.
26

27 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
28 County, Florida, sitting as the Environmental Control Board, on this the _____ day
29 of _____, 2014.
30

31 SHARON R. BOCK, PALM BEACH COUNTY, FLORIDA,
32 CLERK & COMPTROLLER BY ITS
33 Board of County Commissioners BOARD OF COUNTY COMMISSIONERS
34 Sitting as the Environmental Control Board
35

36 By: _____ By: _____
37 Deputy Clerk Priscilla A Taylor, Mayor
38

39 APPROVED AS TO FORM AND
40 LEGAL SUFFICIENCY

41 By: _____
42 County Attorney

1
2
3
4
5

Filed with the Clerk & Comptroller of the Board of County Commissioners on the _____ day of _____, 2014

Filed with the Secretary of State on the _____ day of _____, 2014

ATTACHMENT 3

Fiscal Analysis of Proposed Revised Fees – Environmental Public Health Amendment to Chapter 11, Article II, Section 11-24 of the Palm Beach County Code

The Division of Environmental Public Health (EPH) of the Florida Department of Health - Palm Beach County 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 Division to carry out, but for which fees are not established by state statute. Currently, these county-authorized fees provide approximately \$981,200 of revenue annually, out of EPH's annual \$9.6 million dollar budget (10%). An additional \$1.4 million comes from state authorized fees, meaning approximately 25% of the cost of delivering services is supported by fees. The remaining funding comes from State General Revenue (36%), categorical funds such as state and federal grants (17%), and County Ad Valorem funding (22%).

The county fee ordinance for County Health Department Licenses and Approvals was last updated in 2008. That revision added fees for new programs, increased about half of the existing fees, and eliminated or consolidated fees where possible to reduce the regulatory burden on facilities with multiple licenses. The focus of the current amendment is the addition of new fees needed to address programmatic changes, as well as a few fees proposed for elimination due to changes in regulatory authority. Certain existing fees will be raised to meet the increased cost of providing services, or to supplement existing state fees that are not sufficient to support the level of services currently being provided in this county. Fees that are new, deleted or increased are listed below. The combined anticipated impact to the bottom line for the next budget year is as follows:

New Fees	Ann. or Onetime	Current Fee	New Rate	Increase/Decrease	Count	Net Change
C&D Debris Landfill	A	New	\$1,000		0	0
Yard Trash & Land Clearing Disp. Site	A	New	\$1,000		0	0
Waste Tire Collection Center	A	New	\$500		0	0
Waste Tire Processing	A	New	\$750		2	\$1,500
Registered Yard Trash Processing Facilities	A	New	\$125		17	\$2,125
Container to Container Solid Waste	A	New	\$125		2	\$250
Other Regulated Solid Waste Management	A	New	\$200		0	0
Release of Wastewater System (full or partial)	O	New	\$50		100	\$5,000
Asbestos Removal	O	Collected by DEP	Varies (\$200 to \$1,000)	DEP now retains 20%; this allows collection of 100%	35	\$1,400
Asbestos Demolition	O	New	Varies (\$100 to \$1,000)		150	\$56,250
Foster Homes	A	New	\$50		277	\$13,850
Requested Site Visit	O	New	\$85		25	\$2,125
Community EH Class	O	New	\$20/person		1700	\$34,000

Deleted Fees		Current Fee	New Rate	Increase/Decrease	Count	Net Change
Stage II Vapor Recov.	A	\$50-\$75	deleted	deleted	240	-\$14,375
Indust. Wastewater	A	\$325	deleted	deleted	18	-\$5,850
Class II Solid Waste	A	\$1625	deleted	deleted	0	0

Increased Fees	Ann. or Onetime	Current Fee	New Rate	Increase/Decrease	Count	Net Change
i. Class III Solid Waste Disposal Site (landfill)	A	\$750	\$2,000	\$1,250	3	\$3,750
ii. Solid Waste Processing Facilities	A	\$350	\$2,000	\$1,650	3	\$4,950
iii. Solid Waste Processing with RSM	A	\$350	\$3,000	\$2,650	1	\$2,650
iv. Hazardous Waste 100 - <500 kg / month	A	\$200	\$450	\$250	91	\$22,750
v. Hazardous Waste 500 - <1000 kg / month	A	\$200	\$550	\$350	14	\$4,900
vi. FDC Plan Review	O	\$25	\$50	\$25	50	\$1,250
vii. Potable Wells	O	\$100	\$150	\$50	680	\$34,000
viii. Monitoring Wells	O	\$100	\$50	-\$50	610	-\$30,500
ix. Water Dist. Lines	O	\$250	\$500	\$250	20	\$5,000
x. Inspection of Private or Charter Schools (1-49 children)	A	\$150	\$175	\$25	36	\$900
xi. Inspection of Private or Charter Schools (50+ children)	A	\$300	\$400	\$100	108	\$10,800
Est. Annual Revenue						\$156,725

Fee Increase Justifications:

i. **Class III Solid Waste Disposal Site (landfill)** - Fee is increased from \$750 to \$2,000 to account for additional workload in monitoring, including groundwater.

ii. **Solid Waste Processing Facilities** - These sources require frequent monitoring and often generate complaints. The current fee is \$350; proposed fee is \$2,000 which is consistent with the minimum fee charged in Miami-Dade County for this type of facility.

iii. **Solid Waste Processing with RSM** - Some Construction and Demolition (C & D) facilities produce recoverable screen material (RSM) that can be used as fill and cover for residential and commercial properties provided certain criteria is met. These facilities necessitate additional compliance monitoring because the RSM requires weekly and quarterly laboratory testing and tracking of offsite disposal.

iv., v. **Hazardous Waste** - Facilities are categorized based on volume of waste generated; current Category 2 (25 kg/month to less than 1000 kg/month waste generated) is being split into three levels to account for the additional time required by the larger facilities within this range. Generators at the low end of this category (25 kg/month to <100 kg/month) remain at \$200.

vi. **Family Day Care Plan Review** - Fee increased to address the amount of time spent on plan reviews.

vii. **Potable Wells** - Fee increase addresses the increased number of potable wells at locations that require individual inspections. In the past, the majority of wells were associated with new construction and a single site visit to inspect both the newly installed septic system and well allowed for a cost savings.

viii. **Monitoring Wells** - Fee reduction addresses the reduced level of effort associated with the inspection of monitoring well which involves only visual verification of the well and its location.

ix. **Water Distribution Lines (Local Permit)** - The proposed increase reflects the level of effort associated with the review and issuance of permits for private drinking water systems. These systems are permitted and tracked to ensure the drinking water is safe prior to release to the public.

x., xi. **Inspection of Private or Charter Schools** - Inspections of private schools require 2-4 hours of professional staff time. Charter schools are publicly funded, but these facilities are not inspected or maintained by the public school district, resulting in more challenging safety and sanitation issues.