

ARTICLE XVII. WASTE TRANSPORTERS

Sec. 27-434. Declaration of intent.

In order to protect the air, waters, soils, and other natural resources of Broward County, as well as to protect the health, safety, and welfare of its citizens, the Board declares that certain discarded hazardous material, sludge, and biomedical waste transportation activities must be regulated. Furthermore, the Board finds that improper storage, handling, and disposal of discarded hazardous material, sludge, and biomedical waste results in or contributes to air and water pollution, land blight, and nuisance conditions. It is the intent of the Board to require certain discarded hazardous material, sludge, and biomedical waste activities to be managed to eliminate deleterious effects upon the quality of air, waters, soils, and human health. It is also the intent of the Board to encourage recycling and recovery of resources that have a potential for further use. The Board recognizes that other federal, state, municipal, and county agencies have adopted rules for the regulation or management of discarded hazardous material, sludge, and biomedical waste. These include, but are not limited to, the generation, flow, transportation, control, collection, storage, and unauthorized dumping of discarded hazardous material, sludge, and biomedical waste within Broward County and are administered by the applicable governing body. This article regulates discarded hazardous material, sludge, and biomedical waste transportation to, from, and within Broward County. The Department of Planning and Environmental Protection (DPEP) is responsible for enforcing the provisions of this article unless otherwise specified. (Ord. No. 1999-52, § 3, 9-28-99)

Sec. 27-435. Applicability.

This article applies to all persons conducting activities within geographic boundaries of Broward County, which transport discarded hazardous material, sludge, or biomedical waste to, from, and within Broward County. (Ord. No. 1999-52, § 3, 9-28-99)

Sec. 27-436. Definitions.

When used in this article, the following words, phrases and terms shall have the indicated meanings:

Biomedical waste means any solid or liquid waste which may present a threat of infection to humans. Examples include non-liquid tissue and body parts from humans and other primates; laboratory and veterinary waste which may contain human disease-causing agents; discarded sharps; and blood, blood products and body fluids from humans and other primates. The following are also included:

- (a) Used, absorbent materials saturated with blood, body fluids, or excretions or secretions contaminated with blood and absorbent materials saturated with blood or blood products that have dried. Absorbent material includes items such as bandages, gauzes, and sponges.
- (b) Non-absorbent disposable devices that have been contaminated with blood, body fluids or blood contaminated secretions or excretions and have not been sterilized or disinfected by an approved method.

(c) Other contaminated solid waste materials which represent a significant risk of infection because they are generated in medical facilities which care for persons suffering from diseases requiring Strict Isolation Criteria and used by the U.S. Department of Health and Human Services, Centers for Disease Control, CDC Guideline for Isolation Precautions in Hospitals, July/August 1983.

Discarded hazardous material means any hazardous material which has served its original intended purpose and has been or is in the process of being rejected, disposed of or recycled, or is being stored or accumulated in order to be eventually rejected, disposed of or recycled. Such material may include, but is not limited to, hazardous waste, used oil, used oil filters, waste radiator fluid, industrial wastewater, petroleum contaminated media and water, contaminated soils, waste fuel, leachate, or waste photographic fixer.

Hazardous waste means any substance defined or identified as a hazardous waste in 40 CFR parts 260-265 and appendices, promulgated pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq., as amended and rule 62-730, F.A.C., as amended.

Owner or operator means as any person or entity who owns or operates a facility, activity, vehicle or property subject to the regulations pursuant to this article.

Person has the same meaning given it in Article I, Section 4, of the Code, as amended.

Release means the unauthorized spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, seeping, leaching, dumping and disposing of any discarded hazardous material, sludge, or biomedical waste (including abandoning or discarding barrels, containers, or other closed receptacles) to the air, waters, soils or other natural resources of Broward County.

Responsible party has the meaning given it in Chapter 27, Article I, Section 4, of the Code, as amended.

Sludge means a solid waste pollution control residual which is generated by any industrial or domestic wastewater treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilet or related operation, or any other such waste having similar characteristics. Sludge may be a solid, liquid, or semisolid waste but does not include the treated effluent from a wastewater treatment plant.

Used oil means any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become contaminated and unsuitable for its original purpose due to the presence of impurities or loss of original properties.

Waste transporter means any person or entity who at any time carries, conveys, bears, or transports discarded hazardous material, sludge, or biomedical waste for commercial purposes. Waste transporter license means an authorization issued by DPEP to transport discarded hazardous material, sludge, or biomedical waste to, from, and within Broward County.

(Ord. No. 1999-52, § 3, 9-28-99)

Sec. 27-437. Prohibitions.

(a) No person shall cause, permit, suffer, or allow the usage, storage, abandonment or disposal of discarded hazardous material, sludge, or biomedical waste.

(1) In a manner which violates a provision of any federal, state, or local government regulation; or

(2) In a manner which causes, or may cause, an unauthorized release of discarded material.

(b) Unless otherwise authorized by the Code, no person shall transport discarded hazardous material, sludge, or biomedical waste except with a licensed waste transporter. (Ord. No. 1999-52, § 3, 9-28-99)

Sec. 27-438. Exemptions.

The following activities are exempted from the licensing requirements:

- (a) The transportation of discarded hazardous material from a residential unit to a household hazardous waste collection center by the general public;
- (b) The on-site transportation of discarded hazardous material, sludge, or biomedical waste to a spot or location within the boundaries of a given facility, property or site;
- (c) The transportation of fully containerized and hermetically sealed receptacles which are approved by DOT provided said transport is passing through Broward County and provided Broward County is not the point of origin, final destination, or place of disposal;
- (d) The transportation of discarded hazardous material, sludge, or biomedical waste in quantities less than twenty-five (25) gallons liquid or an equivalent dry volume (the pounds are to be converted to an equivalent volume in gallons by dividing the units of pounds by ten (10); the resulting number would then be used to determine whether the quantity falls within the criteria for the exemption);
- (e) The transportation of used oil in quantities less than fifty-five (55) gallons at one time that is stored in tightly closed containers which are secured in a totally enclosed section of the transport vehicle; and
- (f) The transportation of used oil by persons who generated the used oil at their own non-contiguous operations to their own central collection facility for storage or processing. However, such persons shall comply with applicable federal or state regulations.

(Ord. No. 1999-52, § 3, 9-28-99)

Sec. 27-439. Waste transporter license requirements and standards.

- (a) *License Requirements:* Unless otherwise exempted by this article, prior to any person transporting to, from, and within Broward County any discarded hazardous material, sludge, or biomedical waste, that person shall first obtain a waste transporter license.
- (b) *License Application Requirements and Standards:* A license application for a waste transporter shall be submitted on an approved DPEP application form by an owner, operator, or authorized agent and shall provide all information as requested therein. Applications shall be accompanied by required fee(s) as established by the Board in Chapter 41 of the Broward County Code of Ordinances, as amended.
- (c) *Action on license application:* Action on license applications shall be taken in accordance with the provisions in Chapter 27, Article I of the Code, as amended.
- (d) *Standards for issuing or denying a license:* Licenses shall be issued or denied in accordance with the provisions in Chapter 27, Article I of the Code, as amended.
- (e) *Operating requirements:*
 - (1) General requirements: The owner or operator shall comply with all of the general license conditions set forth in Article I, Sections 27 through 58 of the Code.

(2) All waste transport vehicles shall be designed to effectively contain any release of discarded hazardous material, sludge, or biomedical waste during transport. Routine maintenance to ensure the integrity of transport vehicles shall be performed by the owner or operator.

(3) The owner or operator shall, upon request of DPEP, provide to DPEP the licensed vehicle for inspection for compliance with the provisions of this section at any reasonable time, interval, or location.

(4) The owner or operator shall obtain an identification tag from DPEP prior to utilizing a vehicle for hauling discarded hazardous material, sludge, or biomedical waste. The identification tag must be clearly displayed on the rear of the hauling vehicle at all times. If the tag is lost or destroyed, the owner or operator must apply for a new tag accompanied by the appropriate replacement fee. This section does not apply to vehicles which solely transport hazardous waste.

(5) All transport vehicles shall be identified with the business name of the licensed transporter and a twenty-four (24) hour emergency telephone number in accordance with applicable federal and state regulations.

(6) The owner or operator shall be responsible for requiring that all drivers and other appropriate personnel successfully complete a program of classroom instruction and/or on-the-job training that ensures compliance with federal and state regulations.

(7) Effluent from the cleaning of vehicles shall be collected and properly disposed in accordance with all applicable federal, state, and local regulations.

(8) In case of an emergency situation, including mechanical failure, waste may be transferred to another waste transport vehicle, including a rental vehicle. The transfer shall be conducted in accordance with all applicable federal and state regulations.

(f) *Notification:*

(1) The owner or operator shall report any unintentional releases during transportation to the local emergency operator (911) immediately upon learning of the release in accordance with federal and state regulations. All other releases shall be reported to the DPEP in accordance with the requirements set forth in Section 27-355(a)(1) of the Code, as amended.

(2) If a rental vehicle is used due to an emergency situation, the owner or operator shall notify the DPEP of its use on the first working day after the emergency.

(g) *Record keeping and reports:* The owner or operator shall:

(1) Maintain reports, and records, including waste manifests, bills of lading, or other equivalent manifesting for all discarded hazardous material, sludge, and biomedical waste disposal. Reports and records shall be maintained for three (3) years, and shall be available upon request for inspection by DPEP. The records, at minimum, must identify the generator's name and address, type and quantity of waste, the shipping date of the waste.

(2) Submit a monthly report to DPEP no later than the fifteenth (15) day of the succeeding month. If no waste is transported during the reporting month, the owner or operator shall send in a report stating such. The report shall include:

- a. The waste transporter name and license number;
- b. The month covered by the report;
- c. The total quantity of material picked up by type;

- d. The total quantity of material delivered, by type, to a licensed disposal facility and identify the disposal location(s); and
- e. In addition to the requirements specified in a. through d. above, waste transporters which solely transport hazardous waste shall include in the monthly report the generator's name and address, type and quantity of waste, and the date the waste was collected.
(Ord. No. 1999-52, § 3, 9-28-99)