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S025-214306

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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by

DER File No. S025-214306

Hardee County Board of
County Commissioners
Mr. James Harrison, Chairman
412 West Orange Street
Wauchula, Florida 33873-2867

OCT 18 1993

INTENT TO ISSUE

4025C3000/ W

The Department of Environmental Protection hereby gives notice of its Intent to Issue an operation permit (copy attached) for the proposed project as detailed in the application specified above. The Division is issuing this Intent To Issue for the reasons stated below.

The applicant, Mr. James Harrison, Commission Chairman, Hardee County Board of County Commissioners, applied on June 3, 1992, to the Department of Environmental Protection for a permit to operate a solid waste disposal facility, referred to as the Hardee County Solid Waste Disposal Facility, for solid waste management and disposal, near Airport Road and S.R. 64A, northeast of Wauchula, Hardee County, Florida.

The Department has permitting jurisdiction under 403.707 and 403.861, Florida Statutes, and Rules 17-4, 17-701, and 17-711, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that an operation permit is required for the proposed work.

The Department intends to issue this permit based on its belief that reasonable assurances have been provided to indicate that the proposed project will not adversely impact water quality and the proposed project will comply with the appropriate provisions of Chapters 17-3, 17-4, 17-25, 17-550, 17-701, and 17-711, subject to the specific conditions attached in the permit.

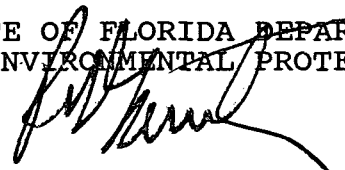
Pursuant to Section 403.815, F.S. and DER Rule 17-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Proposed Agency Action on permit application. The notice must be published one time only in a section of a major local newspaper of general circulation in the county in which the project is located and within thirty (30) days from receipt of this intent. Proof of publication must be provided to the Department within seven days of publication of the notice. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S. A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. Petitions must comply with the requirements of Florida Administrative Code Rule 17-103.155 (copy enclosed) and be filed with (received by) the Office of

General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant must be filed within fourteen (14) days of receipt of this intent. Petitions filed by other persons must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this intent, whichever first occurs. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes, concerning the subject permit application. Petitions which are not filed in accordance with the above provisions will be dismissed.

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Richard D. Garrity, Ph.D.
Director of District Management
of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619-8313

Attachment

cc: J. R. Prestridge, Hardee County
Steve Dutch, P.E., Wade-Trim
Doug Beason, OGC, Tallahassee
✓ Mary Jean Yon, FDEP Tallahassee
Robert Butera, P.E., FDEP Tampa
Kim Ford, P.E., FDEP Tampa
Allison Amram, P.G., FDEP Tampa
Steve Morgan, FDEP Tampa
Elected Officials Notification List

CERTIFICATE OF SERVICE

The undersigned duly designated deputy Clerk hereby certifies that this NOTICE OF INTENT TO ISSUE and all copies were mailed before the close of business on OCT 18 1993 to the listed persons.

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant
to §120.52(10), Florida
Statutes, with the designated
Department Clerk, receipt of
which is hereby acknowledged.

Jan Seiers
Clerk

10-18-93
Date

**State of Florida
Department of Environmental Protection
Notice of Proposed Agency Action on Permit Application**

The Department gives notice of its intent to issue a permit to the Hardee County Board of County Commissioners, represented by Mr. James Harrison, who applied on June 3, 1992, to the Department of Environmental Protection for a permit to operate a solid waste disposal facility, subject to the specific conditions attached, for solid waste management and disposal, near Airport Road and S.R. 64A, northeast of Wauchula, Hardee County, Florida.

Persons whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below, and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Failure to file a request for hearing within this time period shall constitute a waiver any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The petition shall contain the following information; (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of Department's action, or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by Petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department.

Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 17-103.155, F.A.C.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

RULES OF THE ADMINISTRATION COMMISSION, MODEL RULES OF PROCEDURE
CHAPTER 28-5, DECISIONS DETERMINING SUBSTANTIAL INTERESTS
PART II, FORMAL HEARINGS
A) PREHEARING PROCEDURES

28-5.201 Initiation of Formal Proceedings.

(1) Initiation of formal proceedings shall be made by petition to the Agency responsible for rendering final Agency action. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper of standard legal size. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced and indented.

(2) - All petitions filed under these rules should contain:

(a) The name and address of each Agency affected and each Agency's file or identification number, if known;

(b) The name and address of the petitioner or petitioners, and an explanation of how his/her substantial interests will be affected by the Agency determination;

(c) A statement of when and how petitioner received notice of the Agency decision of intent to render a decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;

(f) A demand for relief to which the petitioner deems himself entitled; and

(g) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the Agency shall either accept or deny the petition, and if accepted shall elect either to conduct the hearing itself through the Agency head, or member thereof, assign a person authorized by Subsection 120.57(1)(a) or other authority, or request that a Hearing Officer from the Division of Administrative Hearings be assigned to conduct the hearing.

(a) A petition may be denied if the petitioner does not state adequately a material factual allegation, such as a substantial interest in the Agency determination, or if the petition is untimely.

(b) The Agency shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(4) If the Agency elects to request that a Hearing Officer of the Division of Administrative Hearings be assigned to conduct the hearing, the Agency shall forward the petition, and all materials filed with the Agency, to the Division of Administrative hearings, and shall notify all parties of its action.

Specific Authority: 120.53(1), 120.54(10), F.S.

Law Implemented: 120.57, F.S.

History: New 3-23-80

Section 17-103.155, Florida Administrative Code
Rules of Administrative Procedure
Final Agency Action (Non-Rulemaking) and Appeal

17-103.155 Petition for Administrative Hearing; Waiver of Right to Administrative Proceeding.

(1)(a) Any person whose substantial interests may be affected by proposed or final agency action by the Department may file a petition for formal administrative hearing in accordance with this rule if the person disputes the material facts upon which the Department's action is based.

(b) Any person whose substantial interests may be affected by proposed or final action by the Department may file a petition for informal administrative hearing in accordance with this rule if the person objects to the Department's action but does not dispute the material facts upon which the Department's action is based.

(2) A petition for formal or informal administrative hearing pursuant to Section 120.57, F.S., shall contain the following information:

(a) The name, address, and telephone number of each petitioner. If the petitioner challenges a Department action or proposed action on a permit application, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed shall also be included;

(b) A statement of how and when each petitioner received notices of the Department action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of those material facts (i.e., those facts upon which the Department's action or proposal is based) is disputed by petitioner. If no facts are disputed, petitioner shall so state;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action;

(g) A statement of relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

(3)(a) A petition shall be in the form required by this rule and must be filed (received) in the Office of General Counsel of the Department within the following number of days after receipt or publication (whichever occurs first) of notice of proposed agency action or of notice of agency action:

1. Petitions concerning Department action or proposed action on applications for permits (except permits for hazardous waste facilities): 14 days;

2. Petitions concerning Department action or proposed action on applications for hazardous waste facility permits: 45 days;

3. Petitions concerning notices of violation when no informal conference is held: 20 days after receipt of the notice of violation;

4. Petitions concerning notices of violation when an informal conference is held: 10 days after receipt of notice of completion of the informal conference;

5. Petitions concerning other Department actions or proposed actions: 21 days. The petitioner shall also serve a copy of the petition on all other parties to the proceeding, as identified in the published notice, at the time of filing.

(b) Failure to timely file a petition within the applicable time period after receipt of notice of agency action or receipt of notice of proposed agency action, whichever notice first occurs, shall constitute a waiver if any right to request an administrative proceeding under Chapter 120, F.S.

(4) If a petition is filed that does not substantially comply with requirements of subsection (2) of this rule, the Department shall issue an order dismissing the petition with leave to file an amended petition complying with the requirements of this rule within 15 days of service of the order. An amended petition complying with this rule is not filed (received) with days of service of the order, the petitioner's right to a proceeding under Section 120.57, F.S., is waived.

(5) When there has been no publication of notice of agency action, notice of proposed agency action as prescribed in Rule 17-103.150, F.A.C., person who has actual knowledge of the agency action or has knowledge which would lead a reasonable person to conclude that the Department has taken agency action, has a duty to make further inquiry within 14 days of obtaining such knowledge by contacting the Department to ascertain whether action has occurred. The Department shall upon receipt of such an inquiry, if agency action has occurred, promptly provide the person with notice as prescribed Rule 17-103.150, F.A.C. Failure of the person to make inquiry with the Department within 14 days after obtaining such knowledge may stop the person from obtaining an administrative proceeding on the agency action.

(6)(a) "Receipt of notice of agency action" means receipt of written notice of final agency action, as prescribed by Department rule, or the publication, pursuant to Department rule, of notice of final agency action whichever first occurs.

(b) "Receipt of notice of proposed agency action" means receipt of written notice (such as a letter of intent) that the Department proposes to take certain action, or the publication pursuant to Department rule of notice of proposed agency action, whichever first occurs.

(7) Notwithstanding any other provision in this Chapter, should a substantially affected person who fails to timely request a hearing under Section 120.57, F.S., administratively appeal the final Department action order, the record on appeal shall be limited to:

(a) the application and accompanying documentation submitted by the applicant prior to the issuance of the agency's intent to issue or deny the requested permit;

(b) the materials and information relied upon by the agency in determining the final agency action or order;

(c) any notices issued or published; and

(d) the final agency action or order entered concerning the permit application.

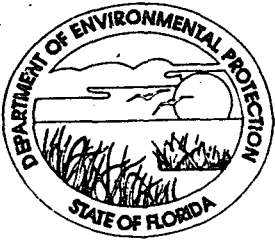
(8) In such cases where persons do not timely exercise their right accorded by Section 120.57(1), Florida Statutes, the allegations of fact contained in or incorporated by the final agency action shall be deemed uncontested and true, and appellants may not dispute the truth of such allegations upon subsequent appeal.

(9) Any applicant may challenge the Department's request for additional information by filing with the Office of General Counsel an appropriate petition for administrative proceeding pursuant to Section 120.60, F.S., following receipt by the applicant of the Department's notification pursuant to Section 403.0876, F.S., that additional information is required.

Specific Authority: 120.53, 403.0876, 403.815, F.S.

Law Implemented: 120.53, F.S.

History: New 9-20-79; Amended 4-28-81; Transferred from 17-1.62 and Amended 6-1-84; Amended 10-19-88.



Florida Department of Environmental Protection

Southwest District

Lawton Chiles, Governor

3804 Coconut Palm Dr.

813-744-6100

Tampa, Florida 33619

Virginia Wetherell, Secretary

DRAFT

PERMITTEE

Hardee County Board of
County Commissioners
Mr. James Harrison
Chairman
412 West Orange Street
Wauchula, FL 33873-2867

PERMIT/CERTIFICATION

GMS ID No: 4025C30001
Permit No: S025-214306
Date of Issue:
Expiration Date 10/1/98
County: Hardee
Lat/Long: 27°34'10"
81°47'01"
Sec/Town/Rge: 35/33S/25E
Project: Hardee County
Solid Waste
Disposal Facility

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-3, 17-4, 17-25, 17-160, 17-522, 17-550, 17-701, and 17-711. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the department and made a part hereof and specifically described as follows:

To operate a solid waste Class I sanitary landfill and related facilities (approximately 95 acres), referred to as Hardee County Solid Waste Disposal Facility, subject to the specific conditions attached, disposing of solid waste, near Airport Road and S.R. 64A, northeast of Wauchula, Hardee County, Florida. The specific conditions attached are for the construction of:

1. Class I Landfill Disposal Facility
2. Construction and Demolition Debris Disposal Facility
3. Waste Tire Storage & Processing Facility

Replaces Permit No.: S025-096551

This permit contains compliance items summarized in Attachment 1 that shall be complied with and submitted to the Department by the dates noted. If the compliance dates are not met and submittals are not received by the Department on the dates noted, enforcement action will be initiated.

SPECIFIC CONDITIONS:

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1. This site includes operation of a Class I landfill, construction and demolition debris disposal facility, and waste tire storage and processing, and shall be operated in accordance with all applicable requirements of Chapters 17-4, 17-25, 17-522, 17-550 17-701, and 17-711, Florida Administrative Code. This permit is valid for operation of the Class I landfill and related facilities in accordance with the reports and other information, and the October 1993 plans submitted by Wade-Trim to the FDEP, and in accordance with all applicable requirements of Department rules. Site improvements approved as part of this permit shall be completed within sixty (60) days after issuance of this permit. Any construction not previously approved as part of this permit shall require a separate Department permit unless the Department determines a permit modification to be more appropriate.
2. Permits shall be modified in accordance with the requirements of Rule 17-4.080, F.A.C. A modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review by the Department is considered a substantial modification.
3. Within sixty (60) days after all specified construction has been completed and before use, the owner or operator shall submit to the Department a certification of construction completion, Form 17-701.900(2), signed and sealed by a professional engineer, and record drawings showing all modifications to verify conformance with the plans and specifications, and shall arrange for Department representatives to inspect the facility in the company of the permittee, the engineer, and the proposed facility operator. The new systems shall not be operated until the certification has been submitted and approved, all documentation required as a condition of the permit has been submitted, and a facility inspection by Department personnel has been conducted.
4. The prohibitions of the FAC Rule 17-701.300 shall not be violated.
5. Permits shall be renewed at least every five years. Applicants for permit renewal shall demonstrate how they will comply with any applicable new or revised laws or rules relating to construction, operation, or closure of landfills. Closure plans shall be updated at the time of permit renewal to reflect changes in closure design, long-term care requirements, and financial responsibility documentation. Facility information that was submitted to the Department to support the expiring permit, and which is still valid, does not need to be re-submitted for permit renewal. The permit renewal application shall list and reaffirm that the information is still valid.
6. A copy of the Department approved permit, revised construction drawings, operational plan, construction reports and record drawings, and supporting information shall be kept at the facility at all times for reference and inspections.

SPECIFIC CONDITIONS:

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7. Landfills shall be designed, constructed, operated, maintained, closed, and monitored throughout its design period to control the movement of waste and waste constituents into the environment so that ground water and surface water quality standards and criteria of Chapters 17-3 and 17-302, F.A.C., will not be violated.
8. Landfills or solid waste disposal units shall not be located in the 100-year floodplain where it will restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain unless compensating storage is provided, or result in a washout of solid waste.
9. All landfills shall be designed so that solid waste disposal units will be constructed and subsequently closed at planned intervals throughout the design period of the landfill.
10. All solid waste disposed of in the Class I disposal area must be covered with at least 6 inches of compacted earth or other suitable material, as approved by the Department, at the end of each working day. An intermediate cover of one (1) foot of compacted earth in addition to the six (6) inch initial cover shall be applied within seven (7) days of cell completion at all landfills if final cover or an additional lift is not to be applied within 180 days of cell completion. Top gradients of intermediate cover shall be designed to prevent ponding or low spots and minimize erosion. Portions of the landfill which have been filled with waste to the extent of designed dimensions shall be closed in accordance with all appropriate requirements of Department rules.
11. The Construction and Demolition Debris (C & D Debris) disposal area shall be limited to those items identified in F.A.C. Rule 17-701.200(17). The permittee shall not allow the disposal of "Garbage" in the C&D debris disposal area. The C & D Debris disposal area shall be operated in accordance with FAC Rules 17-701.730 and 17-701.803. Solid waste other than construction and demolition debris accepted at the Construction and Demolition Debris disposal area, shall be segregated, and recycled or disposed of in accordance with Department rules.
12. Waste tires and processed tires at the waste tire area shall be stored in accordance with the waste tire site requirements in Rule 17-711.510, F.A.C.
13. Storage at the waste tire area is limited to 1000 waste tires. At least 75 percent of both the waste tires and processed tires that are delivered to or are contained on the site of the waste tire area at the beginning of each calendar year must be removed for processing and disposal or recycling from the area during the year. An annual report summarizing these operations shall be submitted to the Department by March 1 of each year, pursuant to F.A.C. Rule 17-711.530(4).

SPECIFIC CONDITIONS:

DRAFT

14. This facility shall have at least one trained operator at the landfill during all times when the landfill receives waste. Trained operators are those who have satisfied the requirements of Chapter 17-703, F.A.C. All landfills shall have at least one spotter at each working face at all times when the landfill receives waste to detect unauthorized wastes. The owner or operator shall implement a load checking program to detect and discourage attempts to dispose of unauthorized wastes at the landfill. The load checking program shall consist of the minimum requirements specified in FDER Rule 17-701.500(6) which includes examining at least three random loads of solid waste received each week by the landfill operator.

15. The landfill owner or operator shall have an operational plan that provides written, detailed instructions for the daily operation of the landfill. The operation plan shall be kept at or near the landfill facility and shall be accessible to landfill operators. The operation plan shall be revised if operational procedures change. The plan shall include procedures for all the items listed in FDER Rule 17-701.500(2). A schedule for routine maintenance of the leachate collection and removal system shall be established to ensure operation of the system. The maintenance schedule shall be a part of the facility operation plan. Operating records shall be maintained as required by FDER Rule 17-701.500(3).

16. The owner or operator of the facility shall weigh all solid waste as it is received. Landfill operators shall record, in tons per day, the amount of solid waste received and shall estimate the amount of wastes listed in FDER Rule 17-701.500(4)(b). Waste reports shall be compiled monthly, and copies shall be submitted to the Department **quarterly**.

17. The landfill operator is responsible for leachate level monitoring, sampling, analysis of the landfill leachate, and for providing copies of the leachate analysis to the Department. The landfill operator shall have a prepared contingency plan to handle leachate collection, removal, and treatment problems such as those caused by interruptions of discharges to a treatment plant. Quantities of leachate collected by the leachate collection and removal system shall be recorded in gallons per day before on-site treatment or transport off-site. A rain gauge shall be installed, operated, and maintained to record daily precipitation at the landfill. All rain amounts greater than one tenth of an inch shall be recorded. Daily volumes of leachate pumped from the dewatering ditch will be recorded. Daily rainfall and leachate pump volume data will be submitted to the Department **monthly**. Complete yearly leachate/water balance data to demonstrate continuous compliance with Department rules shall be submitted to the Department **annually**.

18. The operating authority shall be responsible for the control of odors and fugitive particulates arising from this operation. Such control shall minimize the creation of these nuisance conditions on nearby property. Complaints received from the general public and confirmed by Department personnel upon site inspection shall constitute a nuisance condition and the permittee must take immediate corrective action to abate the nuisance.

SPECIFIC CONDITIONS:

19. Landfills that receive biodegradable wastes shall have a gas monitoring and control system designed to prevent explosions and fires, and to minimize off-site odors and damage to vegetation. The owners or operators shall implement a routine gas monitoring program to ensure that the standards of FDER Rule 17-701.400(10) are met. All monitoring points shall be sampled and the results reported to the Department **quarterly**. If methane gas levels exceed the lower explosive limits specified in FDER Rule 17-701.400(10)(a), the owner or operator shall:

- a. Immediately take all necessary steps to ensure protection of human health and notify the Department;
- b. Within 7 days of detection, submit to the Department for approval a remediation plan for the methane gas releases. The plan shall describe the nature and extent of the problem and the proposed remedy. The remedy shall be completed within 60 days of detection unless otherwise approved by the Department.

20. The permittee shall not accept hazardous waste or any hazardous substance at this site. Hazardous waste is a solid waste identified by the Department as a hazardous waste in Chapter 17-730, Florida Administrative Code. Hazardous substances are those defined in Section 403.703, Florida Statute or in any other applicable state or federal law or administrative rule.

21. The disposal or control of any "special wastes" at the site shall be in accordance with FAC Rules 17-701.300 and 17-701.520, and any other applicable Department rules, to protect the public safety, health and welfare. "Special Wastes" means solid wastes that can require special handling and management, including but not limited to white goods, waste tires, used oil, mattresses, furniture, lead-acid batteries, asbestos, and biological wastes.

22. The permittee shall maintain a program which prohibits the disposal of bulk industrial wastes which operation personnel reasonably believe to either be or contain hazardous waste, without first obtaining a chemical analysis of the material showing the waste to be non-hazardous. The chemical analysis of any such material so placed in the landfill, along with the customers name and date of disposal, shall be kept on file by the permittee on-site.

23. Open burning of solid waste is prohibited except in accordance with Rule 17-701.520(2), F.A.C. Controlled burning of solid waste is prohibited at this site except for clean vegetative and wood wastes which may be burned in a permitted air curtain incinerator in accordance with Rule 17-2.500(1)(e), F.A.C. Any accidental fires which require longer than one (1) hour to extinguish must be promptly reported to the Department of Environmental Protection.

SPECIFIC CONDITIONS:

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24. All solid waste, recovered materials or residues handled at the facility shall be stored in a manner so as not to constitute a fire or safety hazard or a sanitary nuisance, and shall comply with all applicable local and state regulations. Recovered resources resulting from the facility and which may be offered for sale shall comply with applicable regulations of all appropriate state agencies.

25. Yard trash that is delivered to the site of the yard trash mulching area shall be processed within thirty (30) days and removed for disposal or recycling from the area within twelve (12) months of date delivered. A report summarizing these operations shall be submitted annually by March 1 of each year to the Solid Waste Section, Southwest District Office. Quarterly reports of yard waste are also acceptable to the Department.

26. The owner or operator shall control mosquitoes and rodents or request such control measures from the local mosquito control office, so as to protect the public health and welfare.

27. The permittee shall properly maintain the site. This includes erosion control, maintenance of grass cover, and prevention of ponding, leachate control system maintenance, and gas venting system repairs.

28. In the event of damage to any portion of the landfill site facilities regulated by this permit or failure of any portion of the landfill systems, the permittee shall immediately (within 24 hours) notify the Department of Environmental Protection explaining such occurrence and remedial measures to be taken and time needed for repairs. Written detailed notification shall be submitted to the Department within seven (7) days following the occurrence.

29. A trained supervisor or foreman shall be responsible for maintaining the facility in an orderly, safe, and sanitary manner. Sufficient personnel shall be employed to adequately operate the facility in compliance with this permit.

30. The site shall continue to have a surface water management system designed, constructed, operated, and maintained to prevent surface water from running on to waste filled areas, and a stormwater runoff control system designed, constructed, operated, and maintained to collect and control stormwater to meet the requirements of Chapter 17-25, F.A.C., and the requirements for management and storage of surface water in accordance with Chapter 373, F.S.

31. Stormwater management systems shall be designed to avoid mixing of stormwater with leachate. Stormwater or other surface water which comes into contact with the landfilled solid waste or mixes with leachate shall be considered leachate.

SPECIFIC CONDITIONS:

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32. To prevent unauthorized waste disposal, access to and use of the facility shall be controlled by fencing, gates, or other barriers, as well as signs and facility personnel.

33. In addition to records and reporting required, the landfill owner or operator shall keep records of all information used to develop or support the permit applications and any supplemental information pertaining to construction of the landfill throughout the design period. Records pertaining to the operation of the landfill shall be kept for the design period of the landfill. Records of all monitoring information, including calibration and maintenance records, all original chart recordings for continuous monitoring instrumentation, and copies of all reports required by permit, shall be kept for at least ten years. Background water quality records shall be kept for the design period of the landfill.

34. Within ninety (90) days after issuance of this permit, the water quality monitoring system shall be installed in accordance with the Wade-Trim/Mevers & Associates Water Quality & Leachate Monitoring Plan dated July 21, 1993. All sampling and analysis activities shall be performed by organizations that have Comprehensive Quality Assurance Plans approved in accordance with Rule 17-160.300(8), F.A.C.

35. The groundwater monitoring wells are located as per 3/25/87 submittal, as follows:

Well Number	Aquifer	Location
MW-1	Surficial	As per Permit Figure 1
MW-2	Surficial	As per Permit Figure 1
MW-3	Surficial	As per Permit Figure 1
MW-4	Surficial (background)	As per Permit Figure 1
MW-5	Surficial	As per Permit Figure 1
MW-6	Surficial	As per Permit Figure 1
MW-7	Surficial	As per Permit Figure 1

All wells are to be clearly labelled and easily visible at all times. All wells are considered to be detection wells, with the exception of the background well, MW-4.

Water levels shall be measured quarterly in all site piezometers, P1 through P14, for evaluation of the leachate/groundwater elevations in the landfill and leachate sprayfield. The locations of these piezometers are on Wade-Trim's August 2, 1993 Improvement Site Plan, Sheet 4 of 6. A reduced portion of this plan is presented as Figure 2 of this permit.

SPECIFIC CONDITIONS:

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36. Pursuant to F.A.C. Rule 17-522.410, the zone of discharge shall extend horizontally to the property line or one hundred (100) feet beyond the waste management area, whichever is less, and vertically to the base of the surficial aquifer. The permittee shall ensure that the water quality standards for Class G-II groundwaters will not be exceeded at the boundary of the zone of discharge according to Rules 17-520.400 and 17-520.420, F.A.C.

37. Leachate shall be sampled from the leachate collection system prior to entering the dewatering ditch and analyzed **quarterly** for the indicator parameters listed as follows:

Leachate indicator parameters:

Field parameters

Specific conductivity
pH
Dissolved oxygen
Colors, sheens

Laboratory parameters

Ammonium (NH₄)
Arsenic
Bicarbonate
Cadmium
Chlorides
Chromium
Iron
Lead
Mercury
Nitrate
Sodium
Total dissolved solids (TDS)
Total organic carbon (TOC)
EPA 601/602 Analytes

In addition, leachate shall be sampled and analyzed **annually** for the parameters listed in 40 CFR Part 258, Appendix II. Analytical results shall be submitted to the Solid Waste Section, Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318 by the 15th of the month immediately following the end of the quarter. For landfills which are receiving waste, if this annual analysis indicates that a contaminant listed in 40 CFR 261.24 exceeds the regulatory level listed therein, the permittee shall initiate a monthly sampling and analysis program. If in any three consecutive months the same listed contaminant exceeds the regulatory level, the permittee shall, within 90 days, initiate a program designed to identify the source and reduce the presence of the contaminant in the leachate so that it no longer exceeds the regulatory level. This program may include additional monitoring of waste received and additional up-front separation of waste materials. Any leachate which is not recirculated or taken to a permitted domestic wastewater treatment facility shall be treated or managed so that no contaminant exceeds the regulatory level. If in any three consecutive months no listed contaminant is found to exceed the regulatory level, the permittee may discontinue the monthly sampling and analysis and return to a routine sampling schedule.

SPECIFIC CONDITIONS:

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38. All piezometers listed in Specific Condition #36 shall be constructed in accordance with the construction procedures of the July 21, 1993 Water Quality & Leachate Monitoring Plan submitted July 21, 1993 to the Department, and in accordance with best geological practices. In addition, all piezometers shall have an impermeable barrier at or near ground surface to prevent surface water infiltration to the piezometer. Within ninety (90) days after piezometer installation, the following information shall be submitted to the Solid Waste Section of the Southwest District Office of the Department:

Piezometer identification	Lithologic Log
Latitude/Longitude	Total depth of piezometer
Screen Type and slot size	Casing diameter
Screen length	Casing type and length
Piezometer seal type and thickness	
Elevation at top of piezometer	
Elevation at land surface	

39. Within ninety (90) days after piezometer installation, a surveyed drawing shall be submitted showing the location of all monitor wells (active and abandoned) and piezometers in degrees, minutes and seconds of latitude and longitude, and the elevation of the top of the well casing to the nearest .01 foot, National Geodetic Vertical Datum. All surface water monitoring stations shall be surveyed in degrees, minutes and seconds of latitude and longitude. The surveyed drawing shall include the monitor well and piezometer identification number, location and elevation of all permanent benchmark(s) and/or corner monument marker(s) at the site. The survey shall be conducted by a registered Florida land surveyor.

40. All field and laboratory work done in connection with groundwater monitoring shall be conducted by a firm possessing a Generic Quality Assurance Plan or a Comprehensive Quality Assurance Plan approved by the Department in accordance with Chapter 17-160, F.A.C. The Quality Assurance Plan must specifically address the sampling and analytical work that is required by the permit. Documentation of an approved Quality Assurance Plan shall be submitted to the Department annually with the 1st quarterly groundwater sampling report for each year. Documentation shall include the completed signature page and the table of contents of the approved plan. The approved Quality Assurance Plan shall be followed by all persons collecting or analyzing samples related to this permit.

SPECIFIC CONDITIONS:

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41. All detection wells and background wells shall be sampled and analyzed **quarterly** for the ground water indicator parameters listed in 17-701.510(8)(a) as follows:

Ground water indicator parameters:

Field parameters

Static water level in wells
before purging
Specific conductivity
pH
Dissolved oxygen
Turbidity
Colors, sheens
Temperature

Laboratory parameters

Ammonium (NH₄)
Arsenic
Bicarbonate
Cadmium
Chlorides
Chromium
Iron
Lead
Mercury
Nitrate
Sodium
Total dissolved solids (TDS)
Total organic carbon (TOC)
EPA 601/602 Analytes

Compliance with groundwater standards and/or criteria shall be determined by analysis of unfiltered groundwater samples. Additional samples, wells, and parameters may be required based upon subsequent analysis.

42. In accordance with 17-701.510(7), if at any time background groundwater standards are exceeded in the detection wells, the permittee has **fifteen (15) days** after the sampling data is received in which to resample the monitor well(s) to verify the original analysis. Should the permittee choose not to resample, the Department will consider the water quality analysis as representative of current groundwater conditions at the facility. If the exceedance of groundwater standards in the detection wells is confirmed, then assessment monitoring shall be initiated as detailed in 17-701.510(7).

43. If any monitoring well becomes damaged or inoperable, the permittee shall notify the Department of Environmental Protection **immediately** (within 24 hours). A detailed written report shall follow within **seven (7) days**. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent the recurrence. All monitoring well design and replacement shall be approved by the Department prior to installation and may require a permit modification.

SPECIFIC CONDITIONS:

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44. The field testing, sample collection and preservation and laboratory testing, including quality control procedures, shall be in accordance with methods approved by the Department in accordance with Chapters 17-4.246 and 17-3.401, F.A.C. Approved methods are published by the Department or as published in Standards Methods, A.S.T.M., or EPA methods shall be used. Approved methods for chemical analyses are summarized in the Federal Register, December 1, 1976 (41FR52780) except that turbidity shall be measured by the Nephelometric Method.

45. All groundwater monitoring analysis shall be reported on the Department Quarterly Report on Groundwater Monitoring Form 17-1.216(2). The permittee shall submit to the Department the results of the groundwater monitoring well water quality analysis no later than the fifteenth (15) day of the month immediately following the end of each quarter. The results of the piezometer groundwater measurements shall be included in this report. The results shall be sent to the Solid Waste Section, Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-8313.

46. Annually and prior to ninety (90) days before the expiration of the Department Permit, the permittee shall submit an evaluation of the Groundwater Monitoring Plan as per F.A.C. Rule 17-701.510(9)(b). The evaluation shall include all applicable information as required by F.A.C. Rule 17-701.510(9), and shall include an assessment of the effectiveness of the existing landfill design and operation as related to the prevention of groundwater contamination. Any groundwater contamination that may exist, shall be addressed as part of a groundwater investigation for the landfill assessment. The Groundwater Monitoring Plan shall be adequate to monitor any modifications to the existing landfill site including but not limited to closure.

47. The permittee shall provide financial assurance for this landfill site in accordance with F.A.C. Rule 17-701.630. All cost estimates for closure and long-term care shall be adjusted and submitted annually to: Solid Waste Manager, Solid Waste Section, Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318. Proof that the financial assurance has been funded adequately shall be submitted annually to the FDEP District Office and to: Financial Coordinator, Solid Waste Section, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

48. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.), Florida Statutes, applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

PERMITTEE: Hardee County BCC
Hardee County Solid Waste Disposal Facility

PERMIT NO.: S025-214306

SPECIFIC CONDITIONS:

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49. A closure permit application shall be required ninety (90) days prior to final acceptance of waste for each landfill portion of the site. The final cover shall be placed over the entire surface of each completed portion of the filled areas within one hundred and eighty (180) days after final waste deposit date for each area.

50. Prior to 90 days before the expiration of the Department Permit, the permittee shall apply for a renewal of a permit on forms and in a manner prescribed by the Department, in order to assure conformance with all applicable Department rules.

51. The permittee shall be aware of and operate under the attached "General Conditions". General Conditions are binding upon the permittee and enforceable pursuant to Chapter 403, Florida Statutes.

52. By acceptance of this Permit, the permittee certifies that he/she has read and understands the obligations imposed by the Specific and General Conditions contained herein and also including date of permit expiration and renewal deadlines. It is a violation of this permit for failure to comply with all conditions and deadlines.

Executed in Tampa, Florida

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

ATTACHMENT 1

PERMITTEE: HARDEE COUNTY BOARD OF COUNTY COMMISSIONERS
HARDEE COUNTY SOLID WASTE DISPOSAL FACILITY
PERMIT NO.: S025-214306

DRAFT

SPECIFIC CONDITION	SUBMITTAL DUE DATE	REQUIRED ITEM
1.	60 days after issuance of permit	Site improvements completed
3.	60 days following construction	Certification and record drawings
13.	March 1/Annually	Waste tire report
16.	Quarterly	Waste quantity report
17.	Monthly	Rainfall and leachate volume data
17.	Annually	Leachate/water balance data
19	Quarterly	Gas monitoring results
25.	Annually	Yard trash report
34.	90 days after issuance of permit	Water quality monitoring system installed
37.	Quarterly	Leachate sampled/analyzed
37.	Annually	Leachate sampled/analyzed 40 CFR Part 258, Appendix II
38.	90 days after installation	Piezometer construction data
39.	90 days after installation	Survey of wells and piezometers
40.	Annually with 1st quarterly report	Documentation of QA plan approval
41.	Quarterly	Wells sampled/analyzed
45.	Quarterly	Analysis results
46.	Annually & 90 days prior to permit expiration	Evaluation of GWM Plan

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**SPECIFIC
CONDITION**

**SUBMITTAL
DUE DATE**

**REQUIRED
ITEM**

47.	Annually	Updated cost estimates for closure and long-term care
47.	Annually	Proof of funding for financial assurance
49.	90 days prior to final acceptance of waste	Closure Permit Application
50.	90 days prior to permit expiration	Apply for permit renewal

Permit Figure 1.

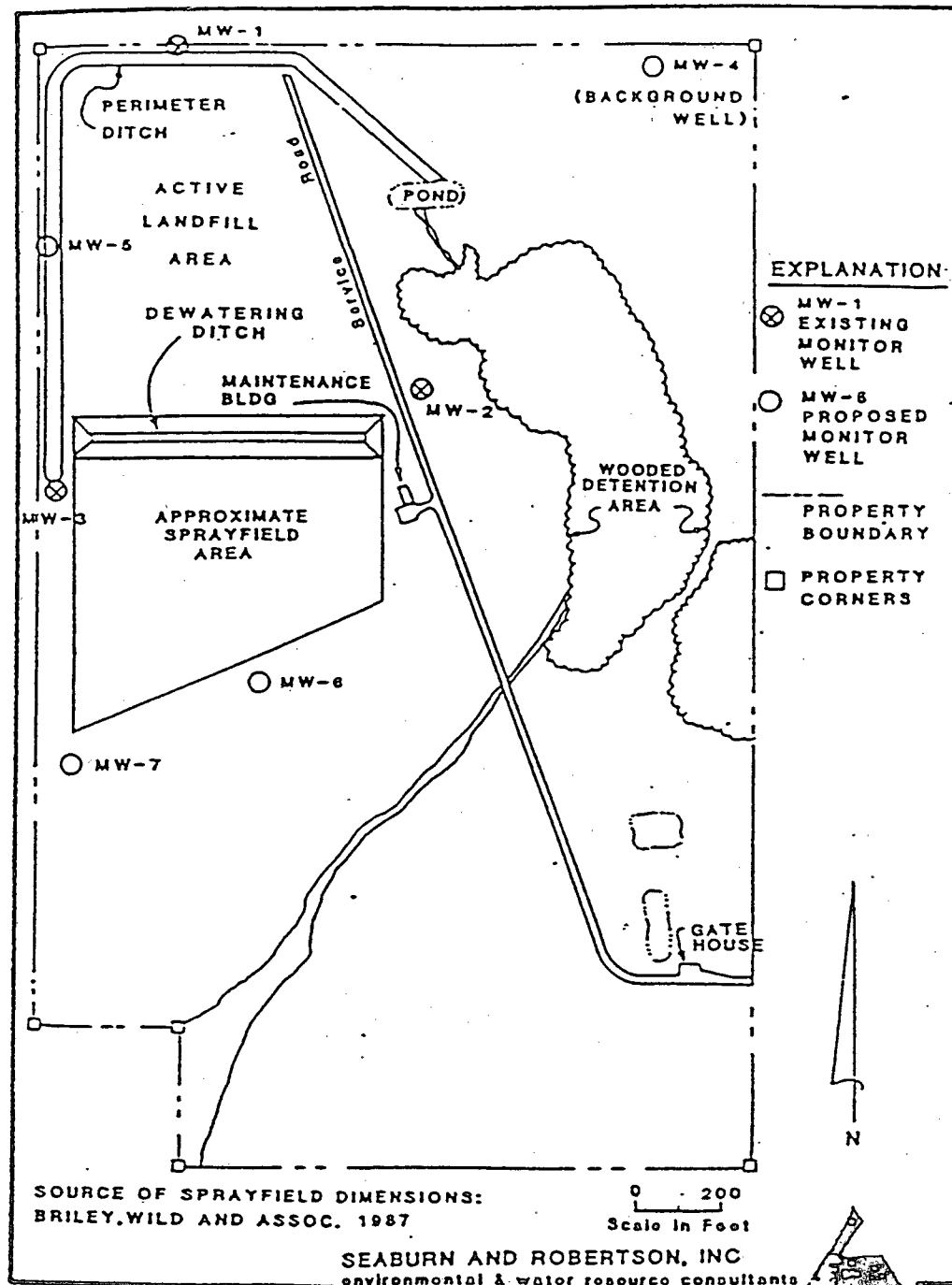


FIGURE 1.- LOCATION OF MONITOR WELLS.

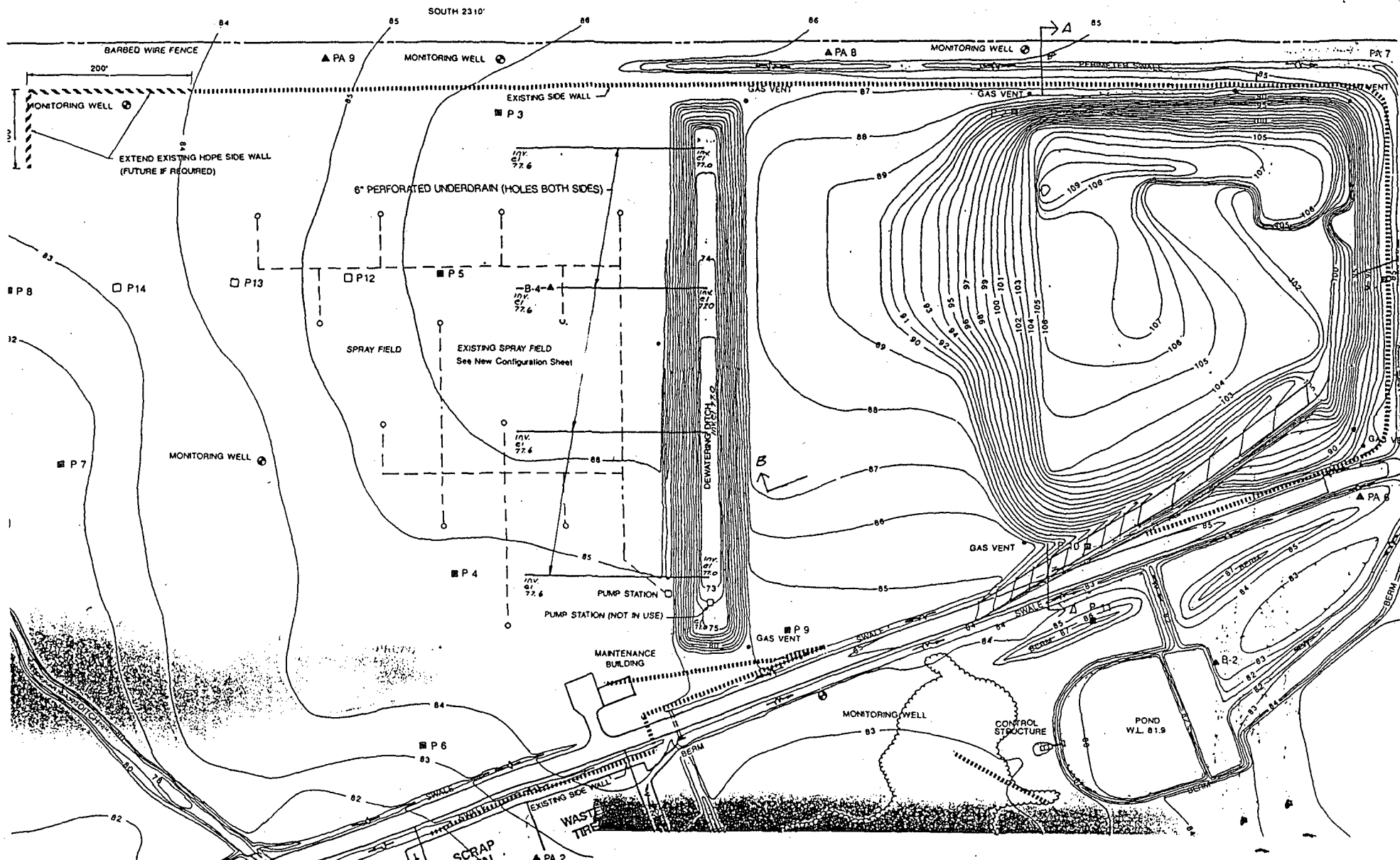


Figure 2. Improvement Site Plan (per 8/2/93 Wade-Trim Sheet 4/6)

ATTACHMENT - GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, State, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- (a) Have access to and copy any records that must be kept under conditions of the permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- (a) A description of and cause of noncompliance; and
- (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rule 17-4.120 and 17-730.300, Florida Administrative Code, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

- () Determination of Best Available Control Technology (BACT)
- () Determination of Prevention of Significant Deterioration (PSD)
- () Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
- () Compliance with New Source Performance Standards

14. The permittee shall comply with the following:

- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- (c) Records of monitoring information shall include:
 - 1. the date, exact place, and time of sampling or measurements;
 - 2. the person responsible for performing the sampling or measurements;
 - 3. the dates analyses were performed;
 - 4. the person responsible for performing the analyses;
 - 5. the analytical techniques or methods used;
 - 6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.