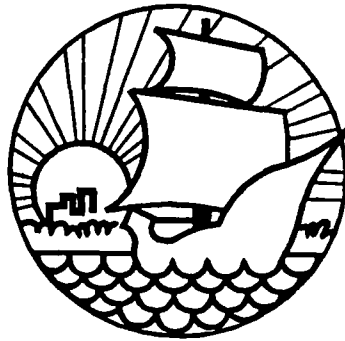


**Manatee County's Commitment to Compliance with
the Yard Waste Provisions of the Solid Waste
Management Act**

**Petition in Support of Variance
Manatee County, Florida**



Submitted to

**Manatee County Government
Public Works Department
and
Florida Department of Environmental Regulation**

by

**R.W. BECK
AND ASSOCIATES**

***June 29, 1992
Presentation to DER***



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Recycled Paper***

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MANATEE COUNTY'S COMMITMENT TO COMPLIANCE WITH THE YARD WASTE PROVISIONS OF THE SOLID WASTE MANAGEMENT ACT

PURPOSE

The purpose of this report is to demonstrate that Manatee County has been and is working diligently to come into compliance with the ban on landfilling yard waste in lined landfills [Section 403.708(15)(c), Florida Statutes] per the Solid Waste Management Act.

The demonstration is based on the efforts undertaken to date by the County and R. W. Beck and Associates ("Beck") as the County's solid waste planning consultant. This report also presents the proposed timeline for compliance and the County's financial capacity to implement the program.

STEPS TAKEN BY THE COUNTY TO SELECT A SOLID WASTE MANAGEMENT SYSTEM

Beck was retained by Manatee County to update the Manatee County Solid Waste Master Plan. Our Agreement with the County for this project was effective April 2, 1991. The primary objective of Beck's scope of work was:

"... to identify the solid waste management system that will best enable the COUNTY to meet the recycling and other requirements of the Solid Waste Management Act (SB 1192) and provide dependable, economical solid waste services."

Our work plan included an evaluation of technology options to come into compliance with the requirements of the Act and recommendations for a preferred solid waste management system.

In the latter part of April of 1991 the scope was modified by the County, with Beck's concurrence, to provide an evaluation of actual vendor proposals rather than a generic assessment of possible technologies. This approach has been followed. With Board of County Commissioners' authorization on June 18, the County issued Request for Proposal ("RFP") #919022 for a waste reduction/recycling program and related facilities in July 1991 and included a specific requirement to address the 1992 yard waste ban. Ten proposals were received before the September 3, 1991 deadline. They covered a wide range of technologies and approaches.

The vendor selection process has progressed steadily from that time with Beck's assistance and involvement including the following milestones:

- On September 16, 1991 the County's Selection Committee met to shortlist vendors for this project with Beck on hand as an advisor. Firms were shortlisted by the

Manatee County's Commitment to Compliance with Yard Waste Regulations

Committee subject to a review by Beck of the viability of the firms to provide the services requested.

- This review, completed by September 25, recommended that six firms be invited to present further.
- Beck conducted a thorough review of the six proposals in anticipation of presentations that were made by the vendors on October 23 and 24. We were present at the presentations/interviews to ask questions. Several of the vendors provided written responses/clarifications, which we reviewed.
- On October 28, Beck sent a letter to William Hinkley requesting clarification of whether certain items from the vendors' proposals would be counted toward recycling goals. A response was sent on November 20.
- Beck prepared tables summarizing and comparing the proposals and made a preliminary review presentation to the County's Public Works Department and Solid Waste Advisory Board on November 14.
- After analyzing the proposals and adjusting costs and other items to a consistent basis, Beck finalized the comparison tables and made initial recommendations in a letter to the Board of County Commissioners dated January 3, 1992. This information was presented to the Board in a working session on January 29. The Board requested additional information at this working session.
- A second working session with the Board was held on February 26 at which we presented the additional information requested on January 29 including reference checks for the vendors and information on other Florida counties' programs and costs.
- At the request of the County, Beck prepared an information package for a potential tour of vendor reference facilities and provided it to the County on April 11.
- Four of the six shortlisted vendors made oral presentations to the Board on June 4. Two of the vendors—ARK Energy, Inc. and Industrial Waste Service ("IWS")—declined and thereby withdrew from consideration. Beck was on hand to review the presentations and answer questions. The Board asked staff for a recommendation as to how to proceed to a decision. The timeline for the selection of a vendor was discussed at this meeting.
- Staff and Beck met on June 15 to formulate how to proceed to a recommendation. A committee including a representative of Beck was selected to tour the facilities, the process for questions to be asked of vendors was discussed and a timetable and responsibilities for the decision process were established.

The remaining steps in the vendor selection process are described below.

Manatee County's Commitment to Compliance with Yard Waste Regulations

THE WASTE REDUCTION/RECYCLING RFP VIS A VIS THE YARD WASTE BAN

Manatee County's Solid Waste Management Plan is proposed to be implemented primarily by the vendor selected through the RFP process, continuation of existing programs and maximization of the capacity (air space) and facilities at the existing Lena Road Class I Landfill. The selected proposal, in conjunction with existing County and city programs and private activities, is intended to meet all the requirements of and achieve the goals of the 1988 Florida Solid Waste Management Act, including the diversion of yard waste from lined landfills. The County's plan is to address these requirements collectively rather than individually. This is based on providing services in the most cost-effective manner as required (Section 403.7063, F.S.).

The vendors remaining under consideration meet the yard waste requirements in various ways and at different costs to the County. Amerecycle and Bedminster Bioconversion Corporation propose to incorporate yard waste with other MSW in the composting process. XL Disposal Corporation proposes to separate yard waste, wood waste and smaller amounts of other "compostables" for composting. Waste Management proposes separate yard waste collection and delivery to a yard waste management facility to be provided by the County. The separate collection option is substantially more costly and requires the County to arrange for the processing facility. In addition, this method is expected to be less effective because it relies on individuals to properly separate yard waste.

A summary of the four proposals and their approaches to and costs for yard waste management is provided in the following table:

YARD WASTE COST PROPOSAL COMPARISON

VENDOR	TECHNOLOGY	YARD WASTE MANAGEMENT		
		Handling Approach	Cost Proposal	1992 Cost ⁽¹⁾
Amerecycle (Primary Proposal)	Mixed MSW Recycling/Size Reduction/Windrow Composting (Open)	Composting with Other MSW	\$49.00/ton less 50% share of compost revenues after 5 years	\$866,700
Bedminster Bioconversion Corporation	MSW Co-Composting with Sewage Sludge (Enclosed)	Composting with Other MSW	\$42.50/ton less 50% share of compost revenues	\$751,700
Waste Management Inc.	Curbside Collection/ Sorting of Recyclables; MRF; Curbside Yard Waste Collection	Separate Collection to County Yard Waste Facility at Lena Road Landfill	\$2.35/HH/month plus processing cost greater than \$18/ton	\$1,705,800
XL Disposal Corporation	"Automated" Mixed Waste Processing/ NRT Rotary Material Separator ("RMS")	Separation from Mixed Waste with Wood Waste, etc. for Composting	\$32.50/ton less \$16/ton for residue disposal	\$574,900

⁽¹⁾ Based on 56,100 single-family households and 52.5 lb/HH/month of yard waste (24% of Residential waste). Residue disposal and compost revenues are not included.

Manatee County's Commitment to Compliance with Yard Waste Regulations

Amerecycle operates an MSW composting facility for Sumter County which complies with the yard waste requirement and achieves the highest recycling rate in the state. (The facility proposed for Manatee County is an improved, scaled-up version of the Sumter County facility.) Bedminster Bioconversion Corporation has applied for a permit to DER for an Okeechobee County facility, which was never constructed. XL Disposal Corporation operates a successful mixed waste processing facility in Crestwood, Illinois. The County has a reasonable expectation that these vendors can comply with the requirements of the Act.

Based on the assumptions in the table, the separate collection of yard waste (as represented by Waste Management's proposal) will cost the County an additional \$839,000 to \$1,131,000 per year. This is a difference of \$14.96 to \$20.16 per household per year or an increase of 19.6 to 26.5 percent over current average rates of \$76.20/household/year. In addition, the proposal as presented also includes curbside collection of recyclables at \$1.92/HH/month—another substantial increase.

STATUS OF THE VENDOR SELECTION PROCESS

The various documents provided by Beck as part of the vendor selection process (Task 7 of our scope of work) are provided herewith under separate cover. Our recommendations to date have preferred the MSW composting vendors—Amerecycle and Bedminster Bioconversion Corporation—because of the specific advantages of their specific proposals to Manatee County and because of the recycling credits given for composted MSW, if the compost is sold/constructively used. XL Disposal Corporation had a strong proposal, particularly regarding front-end separation, but their composting approach was incomplete and required clarification to be properly evaluated. Also, fuel cubes as they proposed are not currently credited as recycling. Waste Management did not demonstrate that their proposal would meet the waste reduction goals of the Act and the RFP.

Beck's recommendations based on our initial review of the proposals are provided in our January 3, 1992 letter to the Board. Subsequent information and presentations have partially addressed our principal comments about odor relative to Amerecycle's open windrow composting and Bedminster's lack of front-end separation/recycling. These and other concerns will be pursued in the completion of the vendor selection process.

Beck's recommendations focused on the County's priorities: (i) meeting the requirements of the Act and the RFP, and (ii) minimizing cost to the citizens of Manatee County. The proposals and their costs, insofar as was possible, were adjusted to consistent assumptions to create a level playing field for comparison. The proposals that have been favorably rated are those that meet the requirements economically. The vendor selection process, in effect, evaluated curbside separation (including separate yard waste collection), against mixed waste processing.

FINANCIAL CAPACITY OF THE COUNTY

Manatee County has substantial capacity to fund, manage and operate public works projects. Through its Public Works Department the County operates three wastewater treatment plants, a water supply facility, various recycling programs and a Class I landfill. The RFP for the waste

Manatee County's Commitment to Compliance with Yard Waste Regulations

reduction/recycling program seeks a privately financed facility to be located on County-owned property at the Lena Road Landfill. Therefore the bonding capacity of the County is not an issue for this project. The County has required that the proposers demonstrate financial and technical capability to construct and operate the facilities.

The County has the capacity to sign a contract with any of the proposers based on mandatory solid waste collection and payment through utility bills for the unincorporated area of the County. The County can adjust rates by resolution based on the existing contracts and prescribed procedures. The incorporated areas would customarily participate in the County's disposal facility based on location/distance and the lack of available, attractive alternatives.

The County has the landfill capacity for residue disposal, stormwater and leachate treatment facilities and the administrative and technical capacity for interacting with the vendor and meeting all stipulated County responsibilities. The County's responsibilities per each proposal have been reviewed.

The County's Agreement with Beck provides for the necessary consultant support through negotiating a contract.

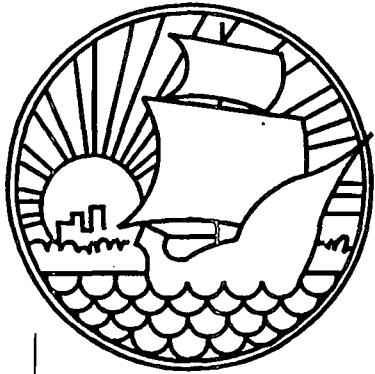
TIMELINE TO RENDER A DECISION AND IMPLEMENT THE FACILITY

The projected time to complete the vendor selection process and permit, design, construct and start up the waste reduction/recycling facility is shown for the three leading vendors in the following figure. The schedule is based on the fast-track approach using times supplied by the respective vendors. We have planned that a preferred vendor will have been selected by the first week in September and that permitting and design activities will start October 1, 1992. Ideally, a contract will have been signed by that date. Potentially, finalizing contract negotiations might take an additional month. The substantive contract issues will have to be resolved by October 1 and possibly an interim agreement will be necessary to authorize compensation for permitting and design activities by the vendor prior to the contract being signed.

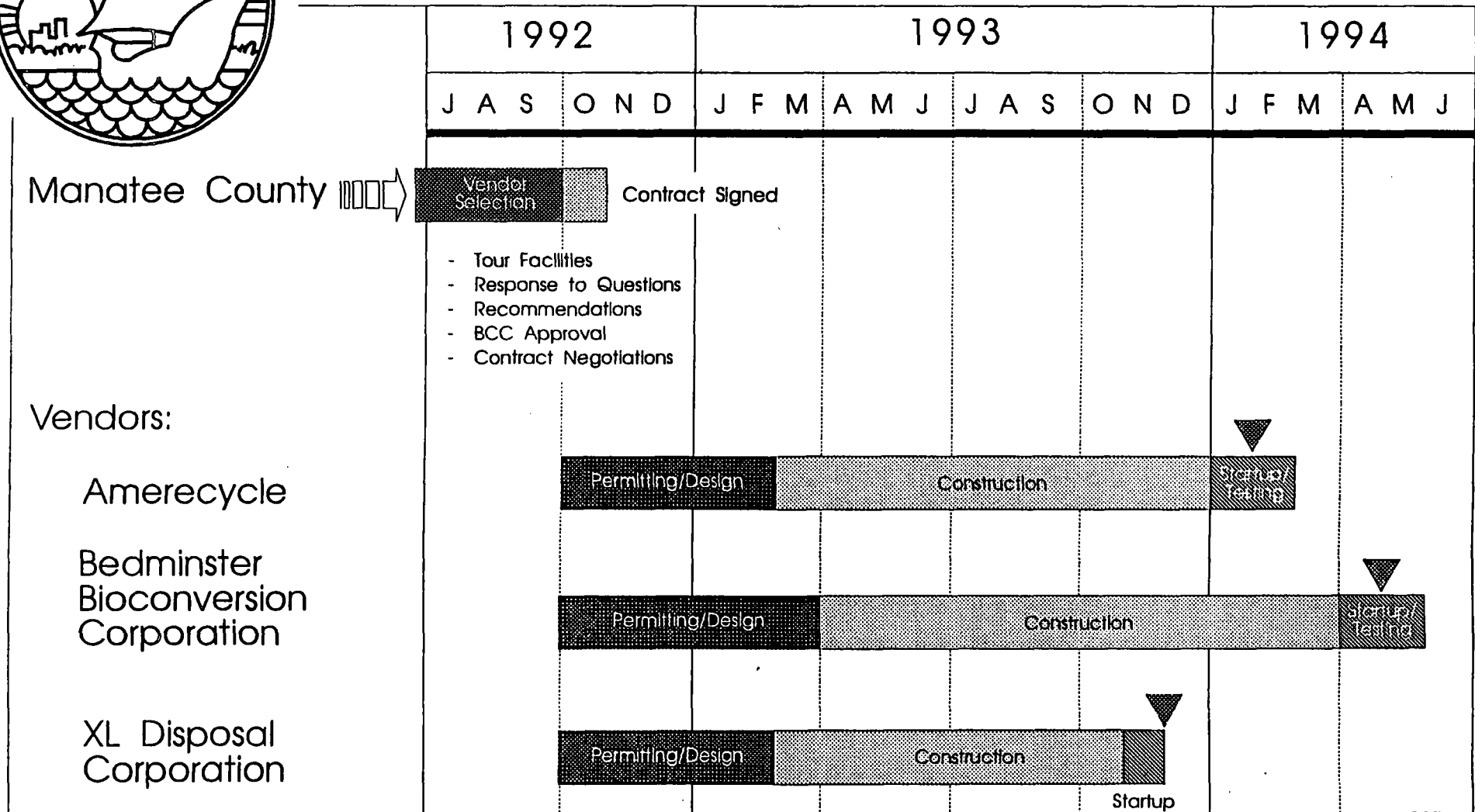
The projected timeline shows an operation date of the facility from December 1, 1993 to June 1, 1994, depending on which vendor is selected. The facility might be available one month earlier but would be undergoing acceptance testing and shakedown during that period. For facilities producing compost, a period of up to 3 months after completion of construction would be required to produce and test the first batch for acceptability per the Compost Rule.

The decision process has been ongoing since September 3, 1991 because of the magnitude and complexity of the decision. Remaining activities that need to be completed in order to select the vendor with which to negotiate are:

- ***Tour Vendor Reference Facilities.*** A three-person team has been assigned to visit facilities in Florida, Illinois and Arizona and potentially in Tennessee.
- ***Obtain Responses to Questions.*** A list of questions from the Board of County Commissioners, the Selection Committee, the Solid Waste Advisory Board, staff



Projected Timeline for Manatee County Waste Reduction/Recycling Facility



NOTE: These timelines represent the fast-track options based on the vendor proposals. The contract could be signed as early as October 1, 1992.

Manatee County's Commitment to Compliance with Yard Waste Regulations

and Beck is being compiled. Formal responses will be obtained during and subsequent to the tours and will be distributed to the above parties.

- ***Recommend a Preferred Vendor/Option.*** Beck will work with staff, the Selection Committee, and the Solid Waste Advisory Board to reach a consensus and make a final recommendation to the Board.
- ***Board of County Commissioners Approval.*** The recommendation will be presented to the Board for conceptual approval and authorization to negotiate.

These activities are proposed to be completed in 2 months. Following Board approval, 1 to 2 months are allowed for contract negotiations.

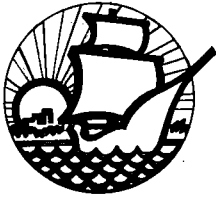
Beck is of the opinion that this schedule is achievable based on commitments by the County and the vendors and the progress made to date.

CONCLUSIONS

Manatee County is in the process of implementing a comprehensive solid waste management plan that responds to the needs of its residents and the regulatory requirements of the State of Florida. In seeking the most cost-effective solution, the County has considered mixed waste processing and other technologies that simultaneously address several objectives including avoiding landfilling yard waste and meeting the State-mandated overall 30 percent waste reduction goal. These processes achieve cost savings by avoiding separate collection of yard waste and recyclables. They are also potentially more effective at waste reduction/recycling because they address the entire municipal waste stream regardless of participation in recycling by individual households and businesses.

The County's preferred approach is to follow the vendor selection process, in which it has invested considerable time and money, to its conclusion and thereby determine the County's long-range program for management of municipal solid waste. Yard waste management is integral to this decision. Handling yard waste separately outside of this process on a short-term basis conflicts with sound planning and reduces the chances of success of the overall long-term program. In addition, it introduces an additional financial burden on the County on the order of \$1 million per year, which is avoidable.

The County was not able to comply with the January 1, 1992 ban on landfilling yard waste. The County did apply for a variance prior to that date. The County has established a schedule for an overall solid waste program which, in our opinion, is achievable. Per the vendors' proposed timelines, the County would meet the yard waste mandate no later than June 1, 1994. We are convinced that the County is committed to this course of action, to promptly completing the vendor selection process and to negotiating a contract that calls for diversion of yard waste at the earliest feasible date. Beck will do our best to meet this commitment.



MANATEE COUNTY

BOARD OF COUNTY COMMISSIONERS

HAND DELIVERED

June 28, 1992

Mr. John M. Ruddell, Director
Division of Waste Management
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

**RE: Supplemental Information for Manatee County's Petition for
a Variance from the January 1, 1992, Yard Trash Ban from
Class I Landfills**

Dear Mr. Ruddell:

The information included in this letter and the reports submitted herewith are intended to clarify the County's position and what we believe to be sound reasons for granting the variance, which have not been accepted by the Department of Environmental Regulation. Manatee County's attorneys have filed a Motion for Reconsideration and we are meeting with the Department on June 29 to present this additional information.

As indicated in our Application for the Variance dated December 10, 1991, the County is in the process of selecting a vendor that will enable the County to comply with all requirements of the Solid Waste Management Act, including the yard waste ban. The County's long-range Solid Waste Master Plan is based on the facilities to be constructed by this vendor as the primary technology for compliance. Our solid waste planning consultant, R. W. Beck and Associates, documents the progress of this effort and the projected date this facility will be available in their report. They also show the costly implications of selecting a short-term approach that only addresses the yard waste requirements.

In his accompanying report, Mr. Gus DiFonzo, our Solid Waste Division Manager, shows that Manatee County has a history of compliance with the dates and requirements of the Solid Waste Management Act. The County has partially complied with the requirement to divert yard waste insofar as it would not conflict with our long-term overall strategy and require separate yard waste collection.

In addition to the information presented in these two reports, Manatee County respectfully requests that you consider the current economic conditions in the County and the hardship that adding costly new services at this time will place on our residents.

As you know, the United States has been in a serious recession and neither Florida nor Manatee County has been spared. Our economy has been hard hit in terms of unemployment, business closings, and reductions in labor force. The construction industry and tourism are important parts of our economy which have experienced a significant decline in the past several years.

The following statistics and economic indicators give some sense of how serious the situation is in Manatee County:

Unemployment

- ° In March, 1992, 7,425 people were unemployed in Manatee County, the largest number in our history. Further, the February, 1992, unemployment rate was the highest since April, 1983.

Business Closings/Reductions

- ° In the past 18 months the following businesses have either gone out of business or had serious reductions in labor force:

Wellcraft Marine - Reduction of 1,000 jobs
Tropicana Products - Reduction of 200 jobs
Donzi Marine - Merged with Chris-Craft, loss
of 450 jobs
Piney Point Phosphates, Inc. - Plant closed,
loss of 171 jobs
As well as other smaller business closings

Construction

- ° Residential building permits show a reduction of 33.2 percent in new permitted units. Because of this drop in construction, permit fees and charges are off over \$300,000 and threaten the loss of positions in the County's Building Department.
- ° Over the past 12 months, the construction industry has lost 200 jobs.

Tourism

- ° Tourism is down 5 percent or 40,000 visitors from last year. This is equivalent to a loss of \$15,610,000 in taxable sales.
- ° Passenger traffic at the Sarasota/Bradenton Airport is down 16.6 percent from 1991 and 19 percent from 1990 indicating a downturn in tourism and less business travel.

General

- ° New car/truck sales, the greatest contributor to taxable sales, are down 7.5 percent from 1991 and 26.2 percent from 1990 over 1,000 units.
- ° Appraised property valuation is virtually flattened out for the first time in 10 years.
- ° Over the past 12 months, Wholesale and Retail Trade lost 100 jobs and Finance, Insurance, and Real Estate lost 200 jobs.
- ° Manatee County business parks have an 18.2 percent vacancy rate (509,450 square feet). There are also 433,300 square feet of retail space and 148,650 square feet of office space empty.

The Acting County Administrator has recently informed all employees that cost cutting measures will be instituted to keep from laying off employees. Some of these measures include: no requests for new equipment will be made for the next fiscal year; only those vacant, essential positions will be filled during the remainder of this fiscal year; and, a one year moratorium on in-lieu vacation payments. The Board of County Commissioners is considering reducing all employees' hours by two hours per employee weekly and closing County Departments/offices one or two days without pay during the year. In addition, no merit increases have been given to any County employee during the present fiscal year or are anticipated for the next fiscal year.

The Board of County Commissioners has taken the position that in order to stimulate the local economy, it would privatize many of the Public Works construction projects which had previously been done in-house by the Public Works Department. This action was a recognition by the Board of the hardship that was currently being

Mr. John M. Ruddell, Director
Division of Waste Management
Page 4
June 28, 1992

faced by local contractors and their desire to help out this local industry; however, this action resulted in the elimination of a number of Public Works vacant positions during reorganization last fall.

While we realize that the amount of money to be spent on separate yard waste collection (which our consultant estimates at \$1.7 million) will not by itself rescue the County's economy, we believe that it is our responsibility to do what we can to hold the line on costs and to provide all our public works services as economically as possible. The amount of money is significant and this expenditure can be avoided without substantially reducing the life span of the existing landfill by taking the approach Manatee County proposes.

We ask you to consider (i) possible economic hardship to the County, (ii) our past compliance record, our proven commitment to sound solid waste management planning and (iii) our intention to comply with the yard waste ban in a timely manner while partially complying in the interim. Based on these considerations, we request that the Department grant the variance for a time period adequate to complete the process in progress. In no event is Manatee County requesting a variance for longer than twenty-four months, at this time. The County is willing to agree to periodic progress reports and achievement of specific milestones as a condition for continuing or extending the variance.

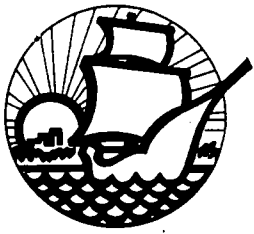
Sincerely,



KATHY SNELL
Chairman

KS:JNS:rm

cc: H. Hamilton Rice, Jr., County Attorney
Richard A. Wilford, Public Works Director
Daniel T. Gray, Deputy Director of Operations
Gus A. DiFonzo, Solid Waste Division Manager



MANATEE COUNTY GOVERNMENT

Public Works Department

RECYCLING/WASTE REDUCTION PROGRAM

JUNE 29, 1992

The purpose of this report is to demonstrate Manatee County (population 215,130) has met the provisions of The Solid Waste Management Act (The Act), F.S. 403.201, Chapter 88-130. Specifically, this report will demonstrate what measures have been taken by Manatee County Government (the County) to address the requirements of the comprehensive legislation of the Solid Waste Management Act, adopted October 1, 1988.

The Act required implementation of a recycling/waste reduction program by October 1, 1989, to address the majority of newspaper, aluminum cans, glass, and plastic bottles. In addition, the Act set prohibitions for disposal in lined landfills of the following items:

PROHIBITED DATE	MATERIAL
July 1, 1989	Construction Debris
January 1, 1989	Lead-Acid Batteries
October 1, 1988	Waste Oil
July 1, 1989	Waste Tires
January 1, 1990	White Goods
January 1, 1992	Yard Waste

Manatee County has met the statutory time frames regarding disposal for construction debris, lead-acid batteries, waste oil, waste tires and white goods.

Manatee County has moved as expeditiously as possible to comply with all of the provisions of the Act. However, a number of factors have caused the County to move cautiously in implementing a comprehensive recycling program.

The County has wanted to meet the spirit, as well as the intent, of the Act. This required a careful study of the options available, including the effectiveness and cost of those options. Further, the potential costs to the County and the citizens of Manatee County were a significant concern to the Board of County Commissioners, particularly in extremely difficult economic times.

Neighboring Sarasota County has received extensive criticism for jumping to an ill conceived, ineffective, and extremely expensive recycling program. Manatee County did not want to make those same mistakes.

1.

In October, 1985, Manatee County initiated mandatory solid waste collection for all residential/commercial entities within its confines (exempting a residential rural area in eastern segments of the County). Mandatory collection was implemented to insure proper solid waste disposal, litter control, and as an aide in prevention of illegal dumping. This program has effectively served the citizens of this County with efficiency, positive environmental results, and little economic impact.

STEPS TAKEN TO MEET THE MATERIALS SEPARATION REQUIREMENTS OF THE ACT:

In January, 1989, the County created a Recycling Office within the Public Works Solid Waste Division consisting of a Recycling Coordinator, Program Specialist, and Field Technician. This newly created office officially opened on May 1, 1989.

In order to proceed in an timely, effective, yet cost efficient manner, staff thoroughly reviewed The Act to determine the spirit, requirements, and intent of the law in order to attain its directives prior to December 31, 1994. A carefully planned three-phase approach was plotted in order to:

- a. Identify and study current market availability.
- b. Evaluate costs of various programs/operations.
- c. Research collection methods and innovative reduction technologies.
- d. Monitor progression of legislation.

Prudently, and with concern for the environment as well as our citizens, staff began implementation of a three phase program.

An aggressive public education and awareness program was instituted to educate our citizens as to the importance of the up-coming programs and continue as part of the total solid waste management program. Tom Armstrong graciously granted the Recycling Office permission to utilize his nationally know comic strip character "Marvin" as the central theme for our promotional efforts. The Recycling Office has responded to over 100 requests for speaking engagements, participated in several community fairs and civic events with a booth, informational speakers, handouts, and facts sheets for Manatee County and Florida as a whole. A public school educational tour of our landfill including verbal/visual aide support has been conducted for all 4th grade students since 1988. The 4-R's educational program has been distributed to all Manatee County Schools.

Plans for Phase I began with requests to each homeowner association, mobile home park, and other cohesive residential neighborhood to participate in the curbside program. Phase I, implemented October 1, 1989, consisted of a voluntary source-separation curbside recycling program for 3,000 households. Three containers were distributed to each household for the collection of newspaper, clear glass, and aluminum at no cost to the participants.

With Phase I in operation, plans began for implementation of Phase II with requests to the communities of a like nature to Phase I.

This Phase utilized a co-mingled container for newspaper, aluminum and clear glass for curbside separation by the collector/hauler, and was implemented for an additional 4,000 households in November, 1990. To compliment the curbside recycling and reach those not served at curbside, drop-off collection centers were sited in eight locations throughout the County. These centers accommodated the collection of newspaper, aluminum, plastic, and clear, green, and brown glass.

As Manatee County has now gathered useful information as to programs that might best serve the environmental and economic needs of its citizens, final planning stages are under way for Phase III - implementation of a county-wide waste reduction program. This program is being tailored to address the majority of not only those required materials but also will include other highly visible materials such as cardboard, tin cans, and styrofoam.

STEPS TAKEN TO MEET THE "SPECIAL WASTE ITEMS" REQUIREMENT OF THE ACT:

Manatee County no longer accepts waste oil at its facility as of October, 1988, and all citizens were originally referred to the State Waste Oil Hot-Line. As time progressed, private enterprise within the county has set up programs for the collection and processing of waste oil. At this time, there are a minimum of twelve sites for the residential collection of waste oil at no cost to the citizens of this County. Waste Oil will also be collected as part of the Household Hazardous Waste Collection Events that will be conducted twice each year.

Commencing with October, 1988, the County has refused all lead-acid batteries for burial at its landfill facility. Those persons requiring disposal were directed to several businesses throughout the County who acted as buy-back centers. For those citizens who requested alternative options, and to reinforce sound environmental recycling methods, lead-acid battery disposal is offered at the landfill's household hazardous waste storage facility as a free service.

Manatee County began segregation and reuse of construction debris received at its landfill facility July 1, 1989.

In addition, a Florida Department of Environmental Regulation permitted site was constructed at the landfill facility for waste tire storage, shredding and reuse. A contract was approved with Geo-Tech, Inc. for the shredding of tires on a quarterly basis. The processed waste tire material is utilized as a mixing agent with dirt for use throughout the landfill.

In January, 1990, the County set in place a program for the segregation of all white goods brought to its landfill facility. White goods are collected on a bi-weekly basis for processing by a scrap metal broker. A requirement of the contract between the County and the broker is special attention to the containment and disposal of all capacitors that could release CFC's or PCB's into the environment.

A contract was executed with Resource Recovery Industries, Inc. in April, 1991, to address processing of yard waste within our County. Implementation of a program for chipping and mulching of all yard waste entering the landfill was initiated. All yard waste entering the landfill facility must be in clean loads and is directed to the mulching area. However, yard waste collected curbside from residential areas as part of the mandatory solid waste collection system is not being separated at this time. Lawn Maintenance and Tree Service companies have been advised that they may not leave debris at their residential/commercial customers site but bring it either to the landfill or a private processing company for disposal. The County is in the process of implementation of a two-fold program for use of its graded mulch produced at the landfill facility. The yard waste recycling/waste reduction program will allow for donation of mulch to non-profit organizations and County agencies. The remainder of mulch produced will be purchased by a private vendor for resale.

A request for an Update to our Solid Waste Master Plan was approved by the Board of County Commissioners, and a contract executed April 2, 1991, with R. W. Beck & Associates, Inc. to initiate work on the several tasks outlined in their Scope of Services (see attached).

In addition, the County has implemented the following waste reduction programs since October 1, 1989:

Christmas Tree Recycling	December, 1989
Office Paper Recycling	April, 1990
Telephone Book Recycling	July, 1990
Household Hazardous Waste Collection	March, 1991
Litter Prevention:	
Adopt-A-Highway*	Adopt-A-Road* March, 1992*
Adopt-A-Shore*	Operation Facelift August, 1990

*In conjunction with Keep Manatee Beautiful, Inc., an affiliate of Keep America Beautiful, Inc.

In support of the County's waste reduction efforts, each of our six municipalities has implemented recycling/waste reduction programs as follows:

CITY	POPULATION	PROGRAM
Anna Maria	1,764	Drop-off sites
Bradenton	44,554	Curbside collection
Bradenton Beach	1,653	Drop-off sites
Holmes Beach	4,868	Drop-off sites
Longboat Key(part)	2,571	Curbside collection
Palmetto	9,274	Drop-off sites

The municipalities also participate in annual County events such as Christmas tree recycling, telephone book recycling, etc.

In conclusion, Manatee County's response to the requirements and prohibitions set forth in Florida Statute 403.201, Chapter 88-130, has been timely and effective in waste reduction entering the landfill. The County has been able to meet the statutory requirements in the following areas:

- Construction Debris
- Waste Oil
- White Goods
- Lead-Acid Batteries
- Waste Tires
- Yard Waste - partial compliance

The County has carefully monitored all landfilled and recycled tonnage materials within the geographical confines of our County. Annual reports to the Florida Department of Environmental Regulation have been submitted beginning with Fiscal Year 1989. The following indicates progress made thus far in our County:

FISCAL YEAR 1989	REDUCTION RATE
1989	3 %
1990	11 %
1991	21 %

The County has adopted a successful format for implementation of a county-wide total waste reduction program that has been developed under a concept that is environmentally conscious and economically sound. This prudent approach has brought Manatee County to the 12th most responsive County in the State (see Recycling Performance Chart attached) issued by the Florida Department of Environmental Regulation for each fiscal year.

TABLE B.1
MANATEE COUNTY, FLORIDA
Update of Solid Waste Master Plan
Proposed Tasks/Subtasks

TASK	DESCRIPTION
1	Describe the Study Area
1.1	Research demography
1.2	Review planning documents/maps
1.3	Write report section
2	Determine Waste Quantities and Characteristics
2.1	Review waste composition studies
2.2	Identify and survey major generators
2.3	Project solid waste quantities/composition
3	Evaluate Waste Acquisition/Flow Control Techniques
3.1	Review existing solid waste and recycling collection systems
3.2	Review regulations, ordinances and agreements
3.3	Propose improvements
4	Evaluate Existing Facilities and Operations
4.1	Visit, inventory and appraise facilities
4.2	Analyze landfill site capacity/project life
4.3	Determine cover material availability
4.4	Assess site expansion/additional facilities
4.5	Review compliance history
4.6	Recommend capital improvements
4.7	Suggest revised operational procedures
5	Update Energy and Fuel Markets
5.1	Review existing market surveys
5.2	Survey energy and RDF markets
5.3	Survey landfill gas markets
5.4	Project costs of facilities
6	Estimate Recoverable Materials and Survey Markets
6.1	Analyze existing source separation programs
6.2	Evaluate waste processing facility (MRF)
6.3	Survey markets for various grades of materials

TABLE B.1 (CONTINUED)
MANATEE COUNTY, FLORIDA
Update of Solid Waste Master Plan
Proposed Tasks/Subtasks

TASK	DESCRIPTION
7	Evaluate Alternative Solid Waste Processing/Disposal/Waste Reduction System Proposals
7.1	Identify processing/disposal technologies for consideration
7.2	Identify waste diversion/materials recovery options
7.3	Combine technologies/develop system concepts
7.4	Formulate criteria for comparison
7.5	Compare costs considering risk
7.6	Compare and rank alternatives
7.7	Recommend preferred programs/systems/facilities
7.8	Review/recommend future sitings
7.9	Estimate costs of siting
8	Identify Permitting Requirements
8.1	Review regulations
8.2	List required permits
8.3	Develop timelines and permitting costs
9	Evaluate Ownership, Management and Financing Options/Assist with Procurement
9.1	Assist with procurement
9.2	Evaluate financing options
9.3	Evaluate ownership/management options
10	Plan Budgets/Solid Waste Rate Structures
10.1	Review existing rate structure/rates
10.2	Develop implementation structure
10.3	Develop landfill operations budget forecast
10.4	Develop recycling operations budget forecast
10.5	Project revenue requirements and rates
11	Review Comprehensive Plan
11.1	Review existing plan
11.2	Review ordinances and franchises
11.3	Suggest modifications
11.4	Modify/rewrite solid waste management element

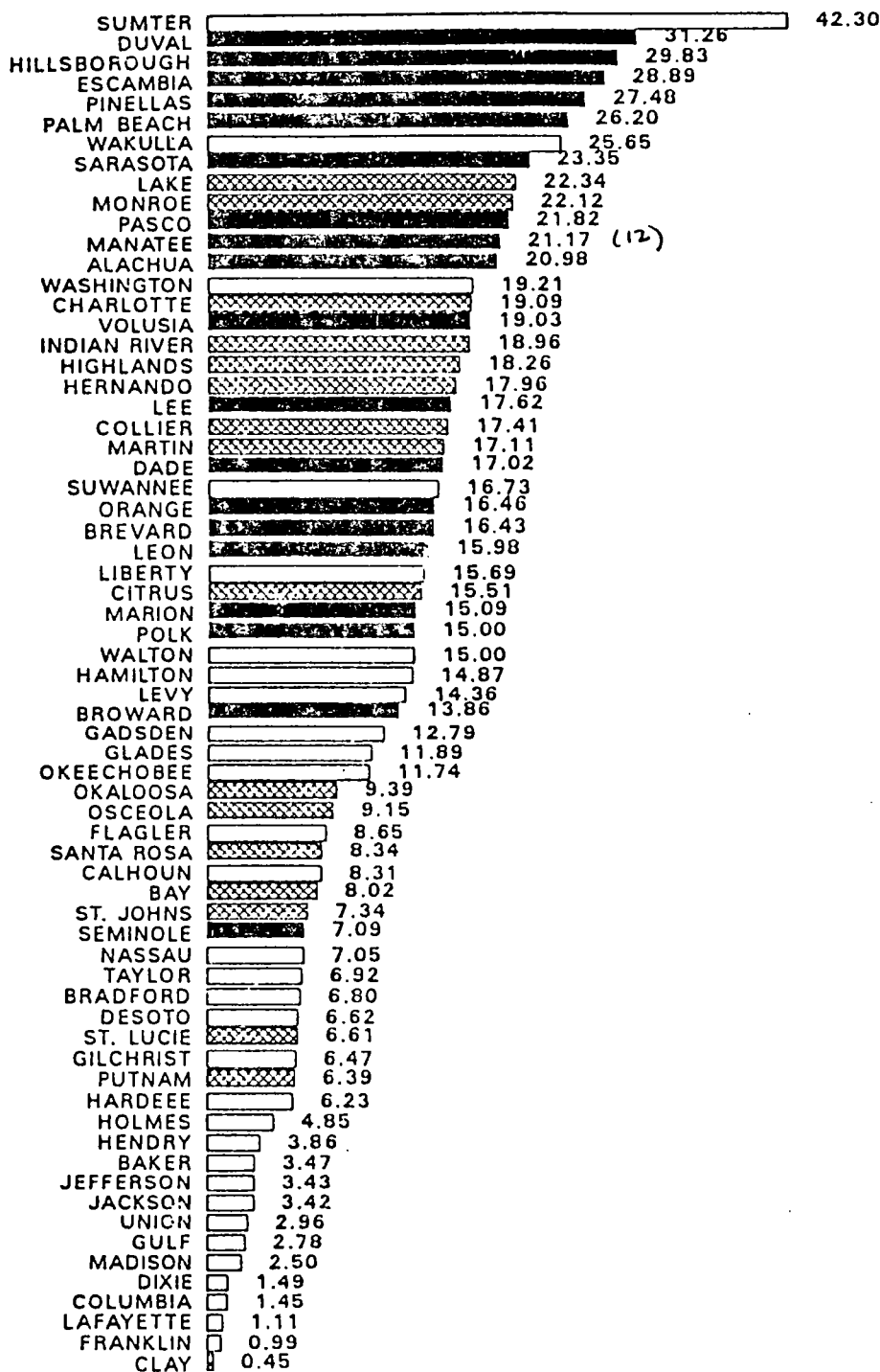
TABLE B.1 (CONTINUED)
 MANATEE COUNTY, FLORIDA
 Update of Solid Waste Master Plan
 Proposed Tasks/Subtasks

TASK	DESCRIPTION
12	Prepare Final Summary Report and Present Detailed Recommendation
12.1	Write draft report
12.2	Respond to comments
12.3	Write final report
12.4	Present final report/recommendation

COUNTY ADJUSTED RECYCLING RATES (PERCENT)

BY DECREASING ADJUSTED RECYCLING RATES

(JULY 1, 1990 - JUNE 30, 1991)

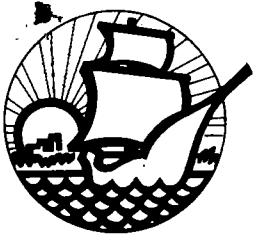


POPULATION

■ 175,000 +

▨ 50,000-175,000

□ 0-50,000



MANATEE COUNTY GOVERNMENT

Public Works Department

YARD WASTE REDUCTION PROGRAM

JUNE 29, 1992

Prior to the Solid Waste Management Act (The Act), Manatee County (the County) operated a Florida Department of Environmental Regulation permitted air curtain incinerator at its landfill facility for disposal of clean wood and yard debris. In response to the requirements and intent of The Act, the County executed a contract and implemented a mulching program with Resource Recovery Industries on April 2, 1991. Due to Manatee County's desire to utilize those systems that are environmentally friendly, the air curtain incinerator has been dismantled.

The initial program was for a basic grinding of the mulch for use within the confines of the landfill facility as a cover mixing agent and bank erosion.

As we progressed, this program has been expanded to allow for more effective usage of the material received. Currently, Resource Recovery Industries is operating a full-scale, Grade A mulching program at the landfill facility.

All commercial yard waste is received in clean loads. The commercial yard waste is directed to the "mulching area" for processing by employees stationed at the landfill on a full-time basis by Resource Recovery Industries. At that site, commercial yard debris is separated and graded accordingly. This debris is then ground and processed to create two variables of mulch. Manatee County is processing approximately 18,600 tons of yard debris per year with its current mulching program.

This operation has been fine tuned, and County staff is in the process of a two-fold plan for an environmentally effective, cost-efficient program of mulch utilization. Staff is preparing a request to the Board of County Commissioners for approval to donate mulch to interested non-profit organizations and County departments. Approval of this program will allow for effective use of a good product and assist in beautification projects throughout Manatee County. In addition to the obvious aide to beautification projects is the spin-off benefit of public awareness regarding reuse of products and the need for litter prevention.

The Agriculture Department for Manatee County provides several educational tools for the general public that emphasizes the need for sound management of our natural resources. Widely publicized and included in the agricultural information for our citizens is encouragement of the use of mulching equipment for processing of tree products. In particular, this agency recommends that grass clippings not be removed after cutting but left on the ground as a natural method of fertilization. Utilization of

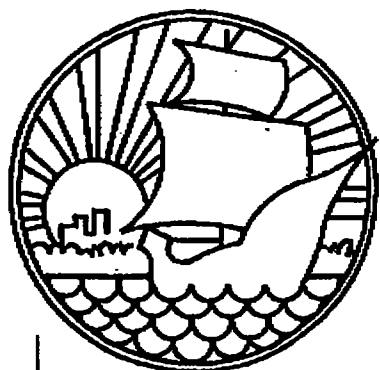
ADMINISTRATION • 4501 • 66th Street West, Bradenton, Florida 34210 • (813) 792-8811 • FAX (813) 795-3490

this lawn maintenance practice encourages an environmentally sound method of eliminating unnecessary chemical use as well as provides a waste reduction benefit to our landfill facility.

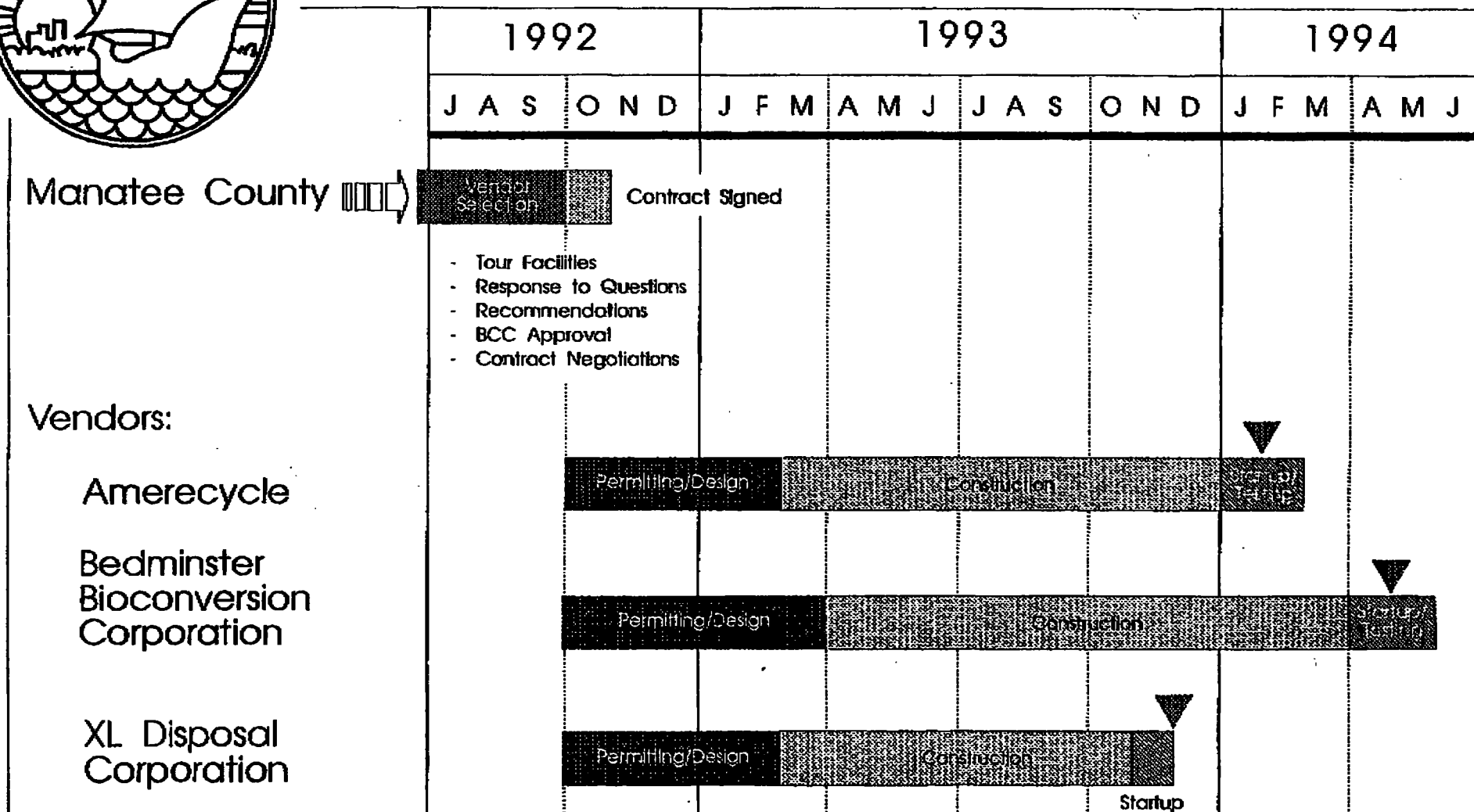
The second part of the plan provides for sale of the product to a private vendor for resale throughout the community. A Request for Bid is currently being reviewed by staff prior to submittal to our Purchasing Department for selection of a qualified vendor. In part, the contract for purchase will require removal of mulch produced at the landfill facility on a weekly basis. This segment of the total mulching program will insure adequate working space at the landfill, disposal of mulch outside the confines of the landfill in an approved manner, and provide revenue to the County to aide in off-setting the cost of the mulching operations. Currently, Manatee County's expenditure for mulching of yard waste received at the landfill exceeds \$38,000 per month. This expenditure covers only the invoices submitted to the County by our contracted vendor and is based on cost per ton processed. Additional costs incurred through use of landfill equipment, personnel and space needs have not been calculated at this time.

Manatee County's goal is to achieve 100% compliance with the yard waste disposal requirement of the Solid Waste Management Act. Curbside collection does not appear to achieve this level of compliance. Upon definition of our county-wide waste reduction program, yard waste will be collected at the site of generation from all of those households and commercial entities wishing to dispose of their debris outside of personal or private composting projects.

In conclusion, Manatee County has addressed its yard waste disposal in a manner that is based on the most environmentally effective use of the material at this time, the economic condition of the County, the provisions within our contracts for the mandatory collection of solid waste, and meets the intent of the Solid Waste Management Act.



Projected Timeline for Manatee County Waste Reduction/Recycling Facility



NOTE: These timelines represent the fast-track options based on the vendor proposals. The contract could be signed as early as October 1, 1992.

MANATEE COUNTY'S COMMITMENT TO COMPLIANCE WITH THE YARD WASTE PROVISIONS OF THE SOLID WASTE MANAGEMENT ACT

PURPOSE

The purpose of this report is to demonstrate that Manatee County has been and is working diligently to come into compliance with the ban on landfilling yard waste in lined landfills [Section 403.708(15)(c), Florida Statutes] per the Solid Waste Management Act.

The demonstration is based on the efforts undertaken to date by the County and R. W. Beck and Associates ("Beck") as the County's solid waste planning consultant. This report also presents the proposed timeline for compliance and the County's financial capacity to implement the program.

STEPS TAKEN BY THE COUNTY TO SELECT A SOLID WASTE MANAGEMENT SYSTEM

Beck was retained by Manatee County to update the Manatee County Solid Waste Master Plan. Our Agreement with the County for this project was effective April 2, 1991. The primary objective of Beck's scope of work was:

"... to identify the solid waste management system that will best enable the COUNTY to meet the recycling and other requirements of the Solid Waste Management Act (SB 1192) and provide dependable, economical solid waste services."

Our work plan included an evaluation of technology options to come into compliance with the requirements of the Act and recommendations for a preferred solid waste management system.

In the latter part of April of 1991 the scope was modified by the County, with Beck's concurrence, to provide an evaluation of actual vendor proposals rather than a generic assessment of possible technologies. This approach has been followed. With Board of County Commissioners' authorization on June 18, the County issued Request for Proposal ("RFP") #919022 for a waste reduction/recycling program and related facilities in July 1991 and included a specific requirement to address the 1992 yard waste ban. Ten proposals were received before the September 3, 1991 deadline. They covered a wide range of technologies and approaches.

The vendor selection process has progressed steadily from that time with Beck's assistance and involvement including the following milestones:

- On September 16, 1991 the County's Selection Committee met to shortlist vendors for this project with Beck on hand as an advisor. Firms were shortlisted by the

Manatee County's Commitment to Compliance with Yard Waste Regulations

Committee subject to a review by Beck of the viability of the firms to provide the services requested.

- This review, completed by September 25, recommended that six firms be invited to present further.
- Beck conducted a thorough review of the six proposals in anticipation of presentations that were made by the vendors on October 23 and 24. We were present at the presentations/interviews to ask questions. Several of the vendors provided written responses/clarifications, which we reviewed.
- On October 28, Beck sent a letter to William Hinkley requesting clarification of whether certain items from the vendors' proposals would be counted toward recycling goals. A response was sent on November 20.
- Beck prepared tables summarizing and comparing the proposals and made a preliminary review presentation to the County's Public Works Department and Solid Waste Advisory Board on November 14.
- After analyzing the proposals and adjusting costs and other items to a consistent basis, Beck finalized the comparison tables and made initial recommendations in a letter to the Board of County Commissioners dated January 3, 1992. This information was presented to the Board in a working session on January 29. The Board requested additional information at this working session.
- A second working session with the Board was held on February 26 at which we presented the additional information requested on January 29 including reference checks for the vendors and information on other Florida counties' programs and costs.
- At the request of the County, Beck prepared an information package for a potential tour of vendor reference facilities and provided it to the County on April 11.
- Four of the six shortlisted vendors made oral presentations to the Board on June 4. Two of the vendors—ARK Energy, Inc. and Industrial Waste Service ("IWS")—declined and thereby withdrew from consideration. Beck was on hand to review the presentations and answer questions. The Board asked staff for a recommendation as to how to proceed to a decision. The timeline for the selection of a vendor was discussed at this meeting.
- Staff and Beck met on June 15 to formulate how to proceed to a recommendation. A committee including a representative of Beck was selected to tour the facilities, the process for questions to be asked of vendors was discussed and a timetable and responsibilities for the decision process were established.

The remaining steps in the vendor selection process are described below.

Manatee County's Commitment to Compliance with Yard Waste Regulations

THE WASTE REDUCTION/RECYCLING RFP VIS A VIS THE YARD WASTE BAN

Manatee County's Solid Waste Management Plan is proposed to be implemented primarily by the vendor selected through the RFP process, continuation of existing programs and maximization of the capacity (air space) and facilities at the existing Lena Road Class I Landfill. The selected proposal, in conjunction with existing County and city programs and private activities, is intended to meet all the requirements of and achieve the goals of the 1988 Florida Solid Waste Management Act, including the diversion of yard waste from lined landfills. The County's plan is to address these requirements collectively rather than individually. This is based on providing services in the most cost-effective manner as required (Section 403.7063, F.S.).

The vendors remaining under consideration meet the yard waste requirements in various ways and at different costs to the County. Amerecycle and Bedminster Bioconversion Corporation propose to incorporate yard waste with other MSW in the composting process. XL Disposal Corporation proposes to separate yard waste, wood waste and smaller amounts of other "compostables" for composting. Waste Management proposes separate yard waste collection and delivery to a yard waste management facility to be provided by the County. The separate collection option is substantially more costly and requires the County to arrange for the processing facility. In addition, this method is expected to be less effective because it relies on individuals to properly separate yard waste.

A summary of the four proposals and their approaches to and costs for yard waste management is provided in the following table:

YARD WASTE COST PROPOSAL COMPARISON

VENDOR	TECHNOLOGY	YARD WASTE MANAGEMENT		
		Handling Approach	Cost Proposal	1992 Cost ⁽¹⁾
Amerecycle (Primary Proposal)	Mixed MSW Recycling/Size Reduction/Window Composting (Open)	Composting with Other MSW	\$49.00/ton less 50% share of compost revenues after 5 years	\$866,700
Bedminster Bioconversion Corporation	MSW Co-Composting with Sewage Sludge (Enclosed)	Composting with Other MSW	\$42.50/ton less 50% share of compost revenues	\$751,700
Waste Management Inc.	Curbside Collection/ Sorting of Recyclables; MRF; Curbside Yard Waste Collection	Separate Collection to County Yard Waste Facility at Lena Road Landfill	\$2.35/HH/month plus processing cost greater than \$18/ton	\$1,705,800
XL Disposal Corporation	"Automated" Mixed Waste Processing/ NRT Rotary Material Separator ("RMS")	Separation from Mixed Waste with Wood Waste, etc. for Composting	\$32.50/ton less \$16/ton for residue disposal	\$574,900

⁽¹⁾ Based on 56,100 single-family households and 52.5 lb/HH/month of yard waste (24% of Residential waste). Residue disposal and compost revenues are not included.

Manatee County's Commitment to Compliance with Yard Waste Regulations

Amerecycle operates an MSW Composting facility for Sumter County which complies with the yard waste requirement and achieves the highest recycling rate in the state. (The facility proposed for Manatee County is an improved, scaled-up version of the Sumter County facility.) Bedminster Bioconversion Corporation has applied for a permit to DER for an Okeechobee County facility, which was never constructed. XL Disposal Corporation operates a successful mixed waste processing facility in Crestwood, Illinois. The County has a reasonable expectation that these vendors can comply with the requirements of the Act.

Based on the assumptions in the table, the separate collection of yard waste (as represented by Waste Management's proposal) will cost the County an additional \$839,000 to \$1,131,000 per year. This is a difference of \$14.96 to \$20.16 per household per year or an increase of 19.6 to 26.5 percent over current average rates of \$76.20/household/year. In addition, the proposal as presented also includes curbside collection of recyclables at \$1.92/HH/month—another substantial increase.

STATUS OF THE VENDOR SELECTION PROCESS

The various documents provided by Beck as part of the vendor selection process (Task 7 of our scope of work) are provided herewith under separate cover. Our recommendations to date have preferred the MSW composting vendors—Amerecycle and Bedminster Bioconversion Corporation—because of the specific advantages of their specific proposals to Manatee County and because of the recycling credits given for composted MSW, if the compost is sold/constructively used. XL Disposal Corporation had a strong proposal, particularly regarding front-end separation, but their composting approach was incomplete and required clarification to be properly evaluated. Also, fuel cubes as they proposed are not currently credited as recycling. Waste Management did not demonstrate that their proposal would meet the waste reduction goals of the Act and the RFP.

Beck's recommendations based on our initial review of the proposals are provided in our January 3, 1992 letter to the Board. Subsequent information and presentations have partially addressed our principal comments about odor relative to Amerecycle's open windrow composting and Bedminster's lack of front-end separation/recycling. These and other concerns will be pursued in the completion of the vendor selection process.

Beck's recommendations focused on the County's priorities: (i) meeting the requirements of the Act and the RFP, and (ii) minimizing cost to the citizens of Manatee County. The proposals and their costs, insofar as was possible, were adjusted to consistent assumptions to create a level playing field for comparison. The proposals that have been favorably rated are those that meet the requirements economically. The vendor selection process, in effect, evaluated curbside separation (including separate yard waste collection), against mixed waste processing.

FINANCIAL CAPACITY OF THE COUNTY

Manatee County has substantial capacity to fund, manage and operate public works projects. Through its Public Works Department the County operates three wastewater treatment plants, a water supply facility, various recycling programs and a Class I landfill. The RFP for the waste reduction/recycling program seeks a privately financed facility to be located on County-owned property at the Lena Road Landfill. Therefore the bonding capacity of the County is not an issue for this project. The County has required that the proposers demonstrate financial and technical capability to construct and operate the facilities.

Manatee County's Commitment to Compliance with Yard Waste Regulations

The County has the capacity to sign a contract with any of the proposers based on mandatory solid waste collection and payment through utility bills for the unincorporated area of the County. The County can adjust rates by resolution based on the existing contracts and prescribed procedures. The incorporated areas would customarily participate in the County's disposal facility based on location/distance and the lack of available, attractive alternatives.

The County has the landfill capacity for residue disposal, stormwater and leachate treatment facilities and the administrative and technical capacity for interacting with the vendor and meeting all stipulated County responsibilities. The County's responsibilities per each proposal have been reviewed.

The County's Agreement with Beck provides for the necessary consultant support through negotiating a contract.

TIMELINE TO RENDER A DECISION AND IMPLEMENT THE FACILITY

The projected time to complete the vendor selection process and permit, design, construct and start up the waste reduction/recycling facility is shown for the three leading vendors in the following figure. The schedule is based on the fast-track approach using times supplied by the respective vendors. We have planned that a preferred vendor will have been selected by the first week in September and that permitting and design activities will start October 1, 1992. Ideally, a contract will have been signed by that date. Potentially, finalizing contract negotiations might take an additional month. The substantive contract issues will have to be resolved by October 1 and possibly an interim agreement will be necessary to authorize compensation for permitting and design activities by the vendor prior to the contract being signed.

The projected timeline shows an operation date of the facility from December 1, 1993 to June 1, 1994, depending on which vendor is selected. The facility might be available one month earlier but would be undergoing acceptance testing and shakedown during that period. For facilities producing compost, a period of up to 3 months after completion of construction would be required to produce and test the first batch for acceptability per the Compost Rule.

The decision process has been ongoing since September 3, 1991 because of the magnitude and complexity of the decision. Remaining activities that need to be completed in order to select the vendor with which to negotiate are:

- **Tour Vendor Reference Facilities.** A three-person team has been assigned to visit facilities in Florida, Illinois and Arizona and potentially in Tennessee.
- **Obtain Responses to Questions.** A list of questions from the Board of County Commissioners, the Selection Committee, the Solid Waste Advisory Board, staff and Beck is being compiled. Formal responses will be obtained during and subsequent to the tours and will be distributed to the above parties.

Manatee County's Commitment to Compliance with Yard Waste Regulations

- ***Recommend a Preferred Vendor/Option.*** Beck will work with staff, the Selection Committee, and the Solid Waste Advisory Board to reach a consensus and make a final recommendation to the Board.
- ***Board of County Commissioners Approval.*** The recommendation will be presented to the Board for conceptual approval and authorization to negotiate.

These activities are proposed to be completed in 2 months. Following Board approval, 1 to 2 months are allowed for contract negotiations.

Beck is of the opinion that this schedule is achievable based on commitments by the County and the vendors and the progress made to date.

CONCLUSIONS

Manatee County is in the process of implementing a comprehensive solid waste management plan that responds to the needs of its residents and the regulatory requirements of the State of Florida. In seeking the most cost-effective solution, the County has considered mixed waste processing and other technologies that simultaneously address several objectives including avoiding landfilling yard waste and meeting the State-mandated overall 30 percent waste reduction goal. These processes achieve cost savings by avoiding separate collection of yard waste and recyclables. They are also potentially more effective at waste reduction/recycling because they address the entire municipal waste stream regardless of participation in recycling by individual households and businesses.

The County's preferred approach is to follow the vendor selection process, in which it has invested considerable time and money, to its conclusion and thereby determine the County's long-range program for management of municipal solid waste. Yard waste management is integral to this decision. Handling yard waste separately outside of this process on a short-term basis conflicts with sound planning and reduces the chances of success of the overall long-term program. In addition, it introduces an additional financial burden on the County on the order of \$1 million per year, which is avoidable.

The County was not able to comply with the January 1, 1992 ban on landfilling yard waste. The County did apply for a variance prior to that date. The County has established a schedule for an overall solid waste program which, in our opinion, is achievable. Per the vendors' proposed timelines, the County would meet the yard waste mandate no later than June 1, 1994. We are convinced that the County is committed to this course of action, to promptly completing the vendor selection process and to negotiating a contract that calls for diversion of yard waste at the earliest feasible date. Beck will do our best to meet this commitment.



MANATEE COUNTY

OFFICE OF THE COUNTY ATTORNEY

BY FEDERAL EXPRESS

May 5, 1992

Dan Thompson, Esq.
General Counsel
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399

H. Hamilton Rice, Jr., County Attorney
Tedd N. Williams, Chief Assistant County Attorney
Paul G. Bangel, Assistant County Attorney
Mark P. Barnebey, Senior Assistant County Attorney
Joseph G. Jarret, Assistant County Attorney/Claims Manager
Patricia McVoy, Senior Assistant County Attorney
Mitchell O. Palmer, Senior Assistant County Attorney
Jeffrey N. Steinsnyder, Assistant County Attorney

**RE: Motion for Reconsideration of a Request for
Variance by Manatee County**

Dear Dan:

Attached please find our Motion for Reconsideration or, in the Alternative, an Extension of Time to file a Petition for a Section 120.57(1), Florida Statutes, review of the Final Order issued by the Department of Environmental Regulation on April 22, 1992. This pleading is being filed with you, as General Counsel of the Department, in accordance with Rule 17-103.050, Florida Administrative Code.

Manatee County believes that it possesses information which would lead the Department to granting a variance to allow Manatee County to comply with the Solid Waste Management Act.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Jeffrey N. Steinsnyder
JEFFREY N. STEINSNYDER
Assistant County Attorney

JNS:rm
Enclosure

cc: Board of County Commissioners
H. Hamilton Rice, Jr., County Attorney
Gus A. Di Fonzo, Solid Waste Division Manager
John M. Ruddell, Director, Division of Waste Management
Department of Environmental Regulation
Chris McGuire, Esq., Office of General Counsel, Department
of Environmental Regulation

RECEIVED
MAY 7 1992

**DIVISION OF
WASTE MANAGEMENT**

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION**

IN THE MATTER OF A)	
REQUEST FOR VARIANCE BY:)	
PATRICIA M. GLASS, CHAIRMAN,)	
BOARD OF COUNTY COMMISSIONERS)	File No. SWV 91-7
MANATEE COUNTY)	Manatee County
P. O. BOX 1000)	
BRADENTON, FLORIDA 34206)	
)	

**MOTION FOR RECONSIDERATION OR, IN THE
ALTERNATIVE, AN EXTENSION OF TIME**

COMES NOW, MANATEE COUNTY, by and through its undersigned attorney, and petitions the Secretary of the Department of Environmental Regulation to reconsider the Department's Final Order in this case or, in the alternative, grant MANATEE COUNTY, an extension of time to file a petition for a Section 120.57(1), Florida Statutes, hearing pursuant to Rule 17-103.070, Florida Administrative Code, and as grounds for said action, MANATEE COUNTY, states the following:

1. MANATEE COUNTY received the Department's Final Order on April 22, 1992.

2. The County Attorney was advised of the Department's action on April 27, 1992 and had not been involved in the request for variance until that time.

3. After a brief review of the request, MANATEE COUNTY, now believes that information is available which was not provided or fully explained to the Department in its original variance application, and that if this information had been presented to the Department, the Department would have acted favorably on the request.

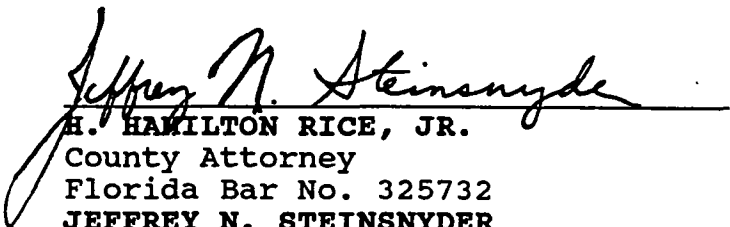
4. Neither the Department nor **MANATEE COUNTY** will be best served by the initiation of a Section 120.57(1), Florida Statutes, proceeding.

5. **MANATEE COUNTY** is willing to pay any reasonable application fees necessary to obtain this reconsideration of its application.

6. At this time there is no opposing party in this proposed application for variance proceeding.

WHEREFORE, **MANATEE COUNTY** requests that it be able to submit additional information in support of its variance and have its application for variance reconsidered or, in the alternative, be granted an extension of time to file a petition for a hearing pursuant to Section 120.57(1), Florida Statutes.

Respectfully submitted,



H. HAMILTON RICE, JR.
County Attorney
Florida Bar No. 325732
JEFFREY N. STEINSNYDER
Assistant County Attorney
Florida Bar No. 614210
P. O. Box 1000
Bradenton, FL 34206
(813) 745-3750

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the matter of a request
for variance by:

Patricia M. Glass, Chairman
Board of County Commissioners
Manatee County
P.O. Box 1000
Bradenton, Florida 34206

File No. SWV 91-7
Manatee County

FINAL ORDER DENYING PETITION FOR VARIANCE

The Department has reviewed a petition for variance filed on behalf of Manatee County, pursuant to Chapter 403.201(1)(b), Florida Statutes (F.S.). The petitioner seeks a variance from the provision of Section 403.708(15)(c), F.S., which prohibits the disposal of yard trash in lined landfills after January 1, 1992, for Manatee County's Lena Road Landfill. The petition for variance is being denied for the following reasons:

1. Section 403.201(1)(b), F.S., authorizes the Department to grant a variance when compliance "will necessitate the taking of measures which because of their extent or cost, must be spread over a considerable period of time." It is the Department's position that this section does not authorize a variance in this case. The recycling programs described in the petition are not a requirement for compliance with the statutory prohibition, and the cost of such programs is therefore peripheral.

2. Section 403.201(1)(c), F.S., authorizes the Department to grant a variance "to relieve or prevent hardship." This section has been used to grant variances from this particular prohibition. However, it is the Department's position that such hardship must be of a kind different or more extreme than that suffered by the regulated community as a whole. The mere fact that compliance will involve economic costs, without more, does not constitute hardship.

3. The petitioner has not documented how compliance with the requirements of law will involve economic costs. Moreover, the petitioner has not demonstrated how these costs are different or more extreme than those suffered by the regulated community as a whole.

4. Section 403.201(1)(c), F.S., authorizes a variance for a period of two years. The petitioner has failed to demonstrate that it will be able to comply with the law within two years. While such a demonstration is not a prerequisite to the granting of a variance, it is a factor which the Department considers.

5. Section 403.708(15)(c), F.S., has been effective since October, 1988. The petitioner has not demonstrated what measures have been taken since then to attempt to meet the requirements of the statute, nor has the petitioner demonstrated that it is currently planning to come into compliance.

If you initiate an administrative proceeding with regard to this denial, the attached public notice will be placed in the Florida Administrative Weekly by the Department, and a copy of this public notice must be placed by you in a newspaper of general circulation in Manatee County. Notice of publication shall be submitted to the Office of the Director of the Division of Waste Management, Department of Environmental Regulation. The notice shall be published either:

a. Within fifteen days after your petition for administrative proceeding has been forwarded to the Division of Administrative Hearings;

b. Within fifteen days after the initiation of an administrative proceeding before the Department pursuant to Subsection 120.57(1) or (2), F.S.; or

c. At your option, when you have filed a request for an extension of time in which to file a petition for an administrative proceeding.

This Order is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with this paragraph or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Florida Administrative Code Rule 17-103.070. Upon timely filing of a petition or a request for an extension of time this Order will not be effective until further Order of the

Department. A person whose substantial interests are affected by the Department's proposed action may petition for an administrative proceeding (hearing) in accordance with Section 120.57, F.S. 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, Tallahassee, Florida 32399-2400. Petitions filed by the applicant must be filed within 14 days of receipt of this Notice. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of receipt of this notice, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

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 File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the 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

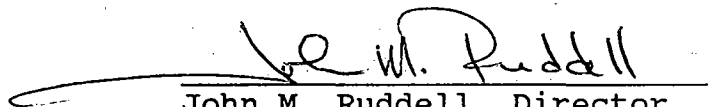
(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

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 of the Department at the above address. 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, F.S., 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 28-5.207, F.A.C.

When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



John M. Ruddell, Director
Division of Waste Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(904) 487-3299

CERTIFICATE OF SERVICE

The undersigned duly designated agency clerk hereby certifies that this Order and all copies were delivered by Certified mail this 20TH day of April, 1992, to Patricia M. Glass, P.O. Box 1000, Bradenton, Florida 34206.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to
§120.52(11), F.S., with the
designated Department clerk, receipt
of which is hereby acknowledged.


(Clerk)

4.17.92
(date)

Copies furnished to:

Chris McGuire

✓ Mary Jean Yon

William Kutash

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION
NOTICE OF PROPOSED AGENCY ACTION

The Department of Environmental Regulation gives Notice of its Intent to deny a variance pursuant to Section 403.201, Florida Statutes (F.S.), to Manatee County for the Lena Road Landfill. The petition requested a variance from Section 403.708(15)(c), F.S., which prohibits disposal of yard trash in lined landfills after January 1, 1992.

The Department's file on this matter 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 the Division of Waste Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Persons whose substantial interests are affected by the above proposed agency action have a right, pursuant to Section 120.57, F.S., to petition for an administrative determination (hearing) on the proposed action. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of publication of this notice. A copy of the Petition must also be mailed at the time of filing to the applicant at the address indicated. Failure to file a petition within 14 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

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 File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the 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 of the Department at the above address. 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, F.S., 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 28-5.207, Florida Administrative Code.