



Jeb Bush
Governor

Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

David B. Struhs
Secretary

CERTIFIED

7099 3400 0010 0742 6374

Mr. John Buttrey
Buttrey Development Two, LLC
6239 Edgewater Drive, Suite D-1
Orlando, Florida 32810

OCD-SW-02-0029

Orange County - SW
Keene Road Disposal/
Buttrey Development, Class III Landfill
Revised Base Grade Elevation
Modification of Permit Nos. SC48-0165969-001
and SO48-0165969-002
Permit Application No. SO48-0165969-003

Dear Mr. Buttrey:

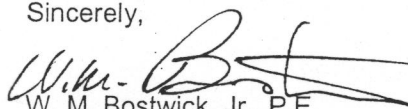
In response to the request submitted January 9, 2002, from Ed Chesney, P.E., Permit Nos. SC48-0165969-001 and SO48-0165969-002 are modified to establish the base grade elevation (lowest bottom elevation) of 66' NGVD on the west half of the landfill footprint, to conform with Orange County approval.

The information submitted January 7 and 9, 2002, on file at the Central District office, is made a part of the permits.

All other conditions of the subject permits remain unchanged, including Specific Condition 45, which states in part; "Proof that the financial mechanisms are established and funded in accordance with Rule 62-701-630, F.A.C. and 40 CFR Part 264 Subpart H as adopted by reference in Rule 62-701.630, F.A.C. shall be submitted to the Department sixty (60) days prior to the acceptance of any solid waste at the facility."

This letter must be attached to Permit Nos. SC48-0165969-001 and SO48-0165969-002 and becomes part of these permits.

Sincerely,


W. M. Bostwick, Jr., P.E.
Program Administrator
Waste Management

Date: JANUARY 29, 2002


WMB/gc/ew

cc: Richard Tedder, P.E. - DEP - Tallahassee
Ed Chesney, P.E.
James Becker - Orange County Utilities/Solid Waste Division
Orange County Environmental Protection Department


"More Protection, Less Process"

Printed on recycled paper.

Florida Department Of
Memorandum

Environmental Protection

CENTRAL DISTRICT

TO: Jim Bradner, P.E.
FROM:  Deborah Helle, P.G.
DATE: January 16, 2002
SUBJECT: Keene Road Modification Application Review

I have reviewed the referenced document and following is my comment:

1. The change of base grade elevation does not require any changes to the MPIS.

Buttrey Development Two L.L.C.

January 9, 2002

Mr. James Bradner, P.E.
FDEP Solid Waste
Central District
3319 Maguire Blvd., Ste. 232
Orlando, Florida 32803-3767

OK #
1165

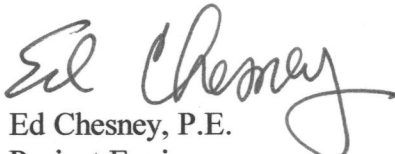
Subject: DEP File Nos. SC48-0165969-001 & SO48-0165969-002

Dear Mr. Bradner:

This letter is a follow up to our telephone conversation and a modification request submitted to your office dated January 7, 2002 (Attached as Exhibit A). Also attached are the related fees for the "minor modification" of the above referenced permit.

If you have any questions concerning this request please feel free to contact me at 407-296-0016.

Sincerely,


Ed Chesney, P.E.
Project Engineer

C:\MyFiles\pit911\FDEPmod2.WPD



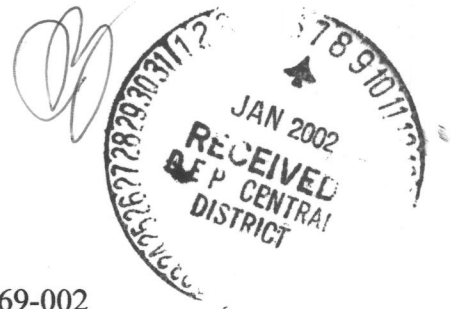
cc D. HELLE, P. G.
R. TEDDER, P. E
S. WESSON, P. E

P.O. Box 1029 Clarcona, Florida 32710
Telephone: (407) 296-0016; FAX: (407) 294-8090

Buttrey Development Two L.L.C.

January 7, 2002

Mr. James Bradner, P.E.
FDEP Solid Waste
Central District
3319 Maguire Blvd., Ste. 232
Orlando, Florida 32803-3767



Subject: DEP File Nos. SC48-0165969-001 & SO48-0165969-002

Dear Mr. Bradner:

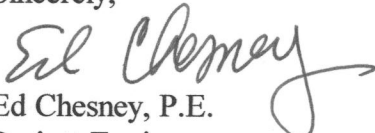
This correspondence is to serve as a request for a letter modification to the above referenced permit. As a specific condition from Orange County EPD, we are required to modify our FDEP Solid Waste Permit as not to conflict with our Orange County Solid Waste Permit. As it pertains to our FDEP permit, the difference is related to the base grade elevation (lowest bottom elevation) on the west half of the landfill footprint. Currently, our FDEP permits allow us to begin landfill operations at elevation 61' NGVD. The lowest base grade elevation approved by Orange County is 66' NGVD. Attached as Exhibit A is a revised Sheet 5 of 11 which contain the details of the of the revised base grades within each cell. Please review the minor changes to the bottom elevations and if agreeable, replace your record drawings with this revised Sheet 5 of 11.

In addition to a raised base grade elevation, we are required by Orange County EPD to adhere to their "Confinement Restoration Criteria". This criteria was developed by EPD for sites which fail to meet "County criteria" for a bottom liner exemption. As a result, two areas identified within the landfill footprint as unconfined will be restored using on site clays. While restoration of these areas is not a requirement or condition of our FDEP permit, it is required by Orange County EPD.


While a change in base grade elevations such as this would typically be shown on As-Built surveys, we request the change/modification become part of our FDEP record drawings at this time. Additionally for your file, we are acknowledging our intent to comply with the County's Confinement Restoration Criteria within the landfill footprint.

If you have any questions concerning this request please feel free to contact me at 407-296-0016. Should the above mentioned actions meet with your approval, please provide FDEP acknowledgment for our files.

Sincerely,


Ed Chesney, P.E.
Project Engineer

C:\MyFiles\pit911\FDEPmod.WPD

1/8/2002 1:50 pm. E6
Chesney will submit a \$250-
permit modification fee and
cover letter. 

P.O. Box 1029 Clarcona, Florida 32710
Telephone: (407) 296-0016; FAX: (407) 294-8090

EXHIBIT A



COUNTY ATTORNEY'S OFFICE
THOMAS J. WILKES, County Attorney
201 South Rosalind Avenue - 3rd Floor
Reply To: Post Office Box 1393
Orlando, Florida 32802-1393
407-836-7320 • Fax 407-836-5888
www.onetgov.net

Orange County SW
Keene Road / Buttrey II LF

January 2, 2002



Cecelia Bonifay
Akerman Senterfitt
Attorneys at Law
Post Office Box 231
Orlando, Florida 32802-0231

**Re: Notice of Change of Beneficial Owner of Keene Road
Class III Landfill**

Dear Cecelia:

Since our last exchange of letters, I have learned the Orange County Environmental Protection Division (EPD) has not issued the Solid Waste Management permit for the above-mentioned project. The County has not issued the permit because your client, Buttrey Development Two, LLC (BDT), has not satisfied the terms of the Orange County Board of County Commissioners' approval of the BDT landfill application. Specifically, BDT has not satisfied Conditions of Approval 3, 4, 6, and 11. For your information, I am enclosing a letter dated October 12, 2001, from Jim McDonald, P.E., to Ed Chesney, P.E. The enclosed letter indicates the conditions BDT must complete prior to permit issuance. The transfer of ownership will be scheduled for consideration by the Board of County Commissioners after BDT has fulfilled its obligations and EPD has issued the permit.

Upon reviewing the Specific Conditions of Approval, I also noted that Specific Condition 1 requires the permit applicant to obtain a formal modification of Florida Department of Environmental Protection permits numbered SC48-0165969-001 and SO48-0165969-002 prior to initiating construction and operation of the landfill. If your client has received the required modifications, please forward copies of the modified permits to Jim McDonald and me.

With kindest regards, I remain

Sincerely yours,

Anthony J. Cotter
Assistant County Attorney

ACJ/mjn

cc: Bruce McClendon, Director, Growth Management & Environmental Resources
Bruce Eastman, Interim Manager, Environmental Protection Division
Jim McDonald, Supervisor, Environmental Protection Division
✓ William M. Bostwick, Jr., P.E., FDEP

S:\ACotter\CORRESP\bonifay on buttrey landfill transfer 2.wpd

Deputy County Attorney

Jeffrey J. Newton

Senior Assistant County Attorneys

Joseph L. Passiatore

Joel D. Prinsell

Assistant County Attorneys

Linda S. Akins

Linda Brehmer Lanosa

Richard Coaxum, Jr.

Anthony J. Cotter

George L. Dorsett

Wanzo Galloway, Jr.

Gary M. Glassman

Robert D. Guthrie

Charles J. Hawkins, II

Alan Lawson

John P. Lowndes

Lila I. McHenry

Vivien J. Monaco

James A. Moreland

Marc D. Peltzman

Lynn P. Porter-Carlton

Woody Rodriguez

Legal Administrative Supervisor

James W. Ross, Jr.

Paralegals

Stephanie L. Cross, CLA

John P. Dougherty

Katherine M. Lockett



ENVIRONMENTAL PROTECTION DIVISION

BRUCE R. EASTMAN, *Interim Manager*

Leeds Commerce Center
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896
407-836-1400 • Fax 407-836-1499
www.onetgov.net

TONY COTTER
65888

October 12, 2001

Mr. Ed Chesney, PE
Buttrey Development Two, L.L.C.
6239 Edgewater Drive, Suite D-1
Orlando, Florida 32810 - 4747

RE: Keene Road Disposal Class III Landfill
Orange County Permit No. 01-F24-3400

Dear Mr. Chesney:

The Orange County Board of County Commissioners voted to issue the above referenced permit on October 2, 2001, subject to twenty-one conditions.

Permit Specific Condition No. 21 was added as a result of the Board action during the October 2, 2001 Public Hearing. Condition No. 21 requires the applicant to pay for the costs associated with the service connection for the McQueen Road residents if and when either Orange County or the City of Apopka extends a water line main to the area.

The following conditions require action on the applicant's part after the Board's affirmative vote and prior to permit issuance. Please respond to the permit conditions below at your earliest convenience so that your permit may be issued.

3. Please provide proof that the Financial Assurance in the amount of \$17,089,784.12 is in force.
4. Please provide proof that the Title Commitment Insurance for the Boundary Survey is in force.
6. Please provide proof that the Title for the Property covered by the permit is held by the applicant, Buttrey Development Two, LLC.
6. Please Provide proof that the *Notice of Prior Use as a Landfill* form has been executed and recorded in the name of the applicant, Buttrey Development Two, LLC.
11. Please provide a cashiers check in the amount of \$79,431.00, made payable to the Board of County Commissioners.

Please forward the above items to my attention at the letterhead address for review. Upon acceptance, the permit will be issued.

If you have any questions, please contact the undersigned at (407) 836-1411.

Sincerely,

Jim McDonald

Jim McDonald, P.E.
Supervisor, Waste Management Section

(2)JM^D/BRE:bk

C: Susan Henry, Administrative Specialist, Environmental Protection Division

N 1/4 CORNER, SECTION 28-21-28
FND. 8" X 6" CM
NO. 1

NW CORNER, E 1/2, NW 1/4, NE 1/4, SECTION 28-21-28

SITE BENCHMARK #2
1" IN. N. S. SIDE POWER POLE
ELEVATION = 66.04'

KEENE ROAD (60' R/W)

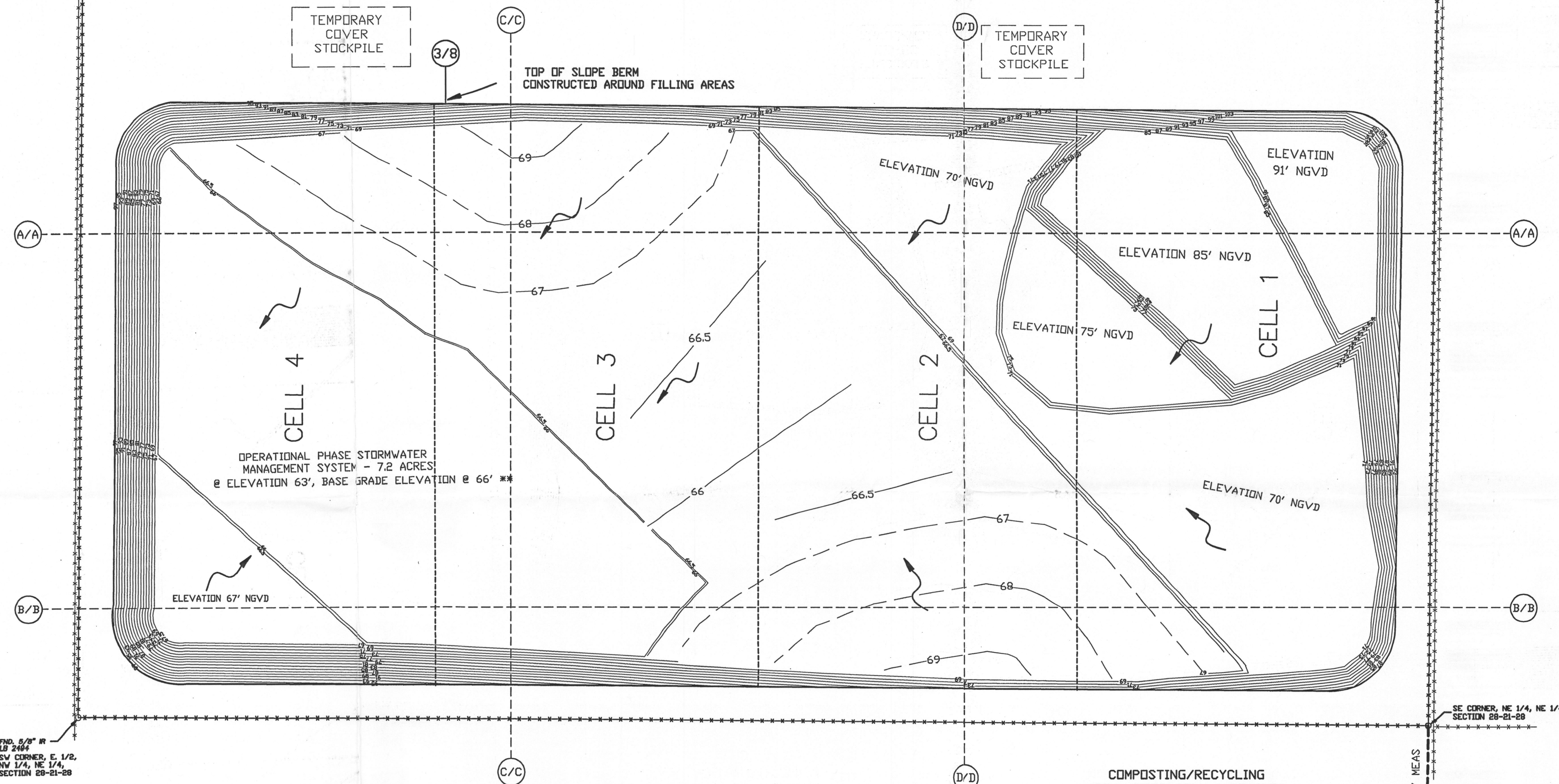
NE CORNER, SECTION 28-21-28
FND. 1" IN. S. SIDE POWER POLE
LB 4747

FLOOD ZONE C
(AREA OF MINIMAL FLOODING)
PER FEMA "FIRM" MAP
PANEL NO. 120179 0100 B
12/1/81

SITE BENCHMARK #1
1" IN. CUT ON CURB @ INLET
ELEVATION = 106.74'

BISHOP &
BUTTREY, INC.

01/01/02
NOT VALID WITHOUT RAISED SEAL



** THE BASE GRADE ELEVATION LOW (66') WILL BE REALIZED PRIOR TO LANDFILL IN CELLS 3 & 4.
REFER TO SHEET 8 OF 11 FOR CROSS SECTIONS OF TYPICAL LIFT DETAILS
REFER TO SECTION XII OF APPLICATION FOR CONFINEMENT RESTORATION DETAILS
REFER TO SECTION IX OF APPLICATION FOR BASE GRADE MAP DETAILS

NOTE: COVER MATERIAL LEFT IN SIDE SLOPES FOR EXCAVATION AS NEEDED DURING CELL PROGRESSION.
EXISTING SIDE SLOPES CUT FROM 5:1 TO 2:1

CONFINEMENT RESTORATION CROSS SECTION DETAIL
OPERATIONAL PHASE STORMWATER CONTROL
INTERNAL ROUTING DIRECTION

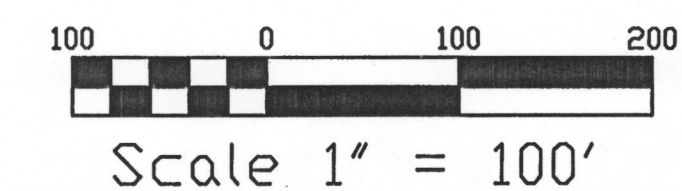
CELL NO.	AREA (ACRES)	VOLUME (CYDS)	CELL LIFE (YRS)
1	9.17	724,050	~2.8
2	9.35	977,642	~2.5
3	9.25	969,763	~1.9
4	9.23	728,495	~1.5
TOTALS	~37	~3,400,000	~8.7

NOTE: CELL VOLUMES & LIFE BASED ON ESTIMATES PREPARED BY CHRIS KOHL CONSULTING SERVICES AS PART OF THE DEMONSTRATION OF NEED PREPARED FOR ORANGE COUNTY.
REFER TO EXHIBIT H, SECTION II OF THE ORANGE COUNTY PERMIT APPLICATION FOR SPECIFIC DETAILS AND JUSTIFICATION FOR THESE VALUES.

NOTES: ALL AREAS WHERE SLOPES ARE REWORKED FROM 5:1 TO 2:1 WILL NOT EXCEED A WIDTH OF 100 FEET.

DEBRIS WILL BE PLACED CONCURRENTLY WITH THE SLOPE REDUCTION.

THE ACTIVE WORKING WORKING FACE WITH TYPICALLY BE MAINTAINED AT A WIDTH OF 75'



JOB NO.	
DATE	
SCALE	
DRAWN BY	EC
CHKD BY	EC
REVISIONS	
1	07/17/00
2	12/27/00
3	02/06/01
4	03/07/01
5	04/20/01
6	
DRAWING DESCRIPTION	CELL LAYOUT
DRAWING NO.	SHEET 5 OF 11