

PETITION FOR WAIVER OF 62-701.300(2)(b)

FRIENDS RECYCLING, L.L.C.

Ocala, Marion County, Florida  
January 16, 2017



Prepared by:  
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I. PETITIONER

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II. QUALIFIED REPRESENTATIVE

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III. APPLICABLE RULE

Chapter 62-701 Solid Waste Management Facilities, Section 62-701.300 Prohibitions, Paragraph (2) Siting, Sub-paragraph (b). Shown underlined in bold red is the rule section for which this waiver is being applied.

“62-701.300 Prohibitions.

(1) General prohibition.

(a) No person shall store, process, or dispose of solid waste except as authorized at a permitted solid waste management facility or a facility exempt from permitting under this chapter.

(b) No person shall store, process, or dispose of solid waste in a manner or location that causes air quality standards to be violated or water quality standards or criteria of receiving waters to be violated.

(2) Siting. Unless authorized by a Department permit or site certification in effect on May 27, 2001, or unless specifically authorized by another Department rule or a Department license or site certification based upon site-specific geological, hydrogeological, design, or operational features, no person shall store or dispose of solid waste:

(a) In an area where geological formations or other subsurface features will not provide support for the solid waste;

**(b) Within 500 feet of an existing or approved potable water well unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the potable water well was in existence. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility;"**

IV. CITATION TO THE STATUTE THE RULE IS IMPLEMENTING

"Rulemaking Authority 403.704 FS. Law Implemented 403.704, 403.7045(3)(d), 403.707, 403.708, 403.751(1) FS. History—Formerly 10D-12.06, 10D-12.07, 10-1-74, Amended 5-24-79, 5-27-82, 12-10-85, Formerly 17-7.04, 17-7.040, Amended 6-25-90, Formerly 17-701.040, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.300, Amended 12-23-96, 5-27-01, 1-6-10, 8-12-12, 2-15-15."

V. TYPE OF ACTION REQUESTED

The petitioner respectfully requests that Friends Recycling, L.L.C., a Construction & Demolition Debris Disposal Facility, located in Ocala, Marion County, Florida, be granted a waiver from the 500-foot from an approved water well setback requirement along the west side of its property.

VI. SPECIFIC FACTS THAT DEMONSTRATE A SUBSTANTIAL HARDSHIP

Please refer to the attached Waiver Justification Report, dated January 16, 2017, prepared by Guerra Development Corp. For Friends Recycling, L.L.C.

VII. THE REASON WHY THE WAIVER REQUESTED WOULD SERVE THE PURPOSES OF THE UNDERLYING STATUTE

- I. The purpose of the underlying statute, more specifically, portions related to the requested waiver, is to protect the health, safety and welfare of the public. The potable water well setback set forth by the statute provides a reasonable expectation that water would be reasonably free of contaminants originating from the adjacent Construction & Demolition Debris facility.
- II. The attached Waiver Justification Report shows evidence that granting the well setback waiver will not have a negative impact to the related wells water quality, thus serving the purpose of the underlying statute.
- III. Furthermore, in the unlikely event that at a future date all studies and decades-long established subsurface water flow patterns are proven wrong and Friends-Recycling-originated chemicals are detected in the monitoring wells, connection to the City of Ocala central water system is a course of action readily available to ensure clean and safe potable water, thus serving the purpose of the underlying statute.
- IV. By providing avenues of relief such as Waiver or Variance petitions, the statute makes it clear that avoiding "substantial hardship" or a "violation of the principles of fairness" is also an underlying purpose. Therefore, acceptance of this waiver petition serves the purpose of the underlying statute.

VIII. STATEMENT ON WHETHER THE WAIVER REQUESTED IS PERMANENT OR TEMPORARY

This petition is requesting a permanent waiver.