



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

SOUTH DISTRICT OFFICE  
P.O. BOX 2549  
FORT MYERS, FL 33902-2549

RICK SCOTT  
GOVERNOR

JENNIFER CARROLL  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

December 5, 2012

Garden Street Iron & Metal, Inc. of S.W. Florida  
c/o Rob Weber, President  
3350 Metro Parkway  
Fort Myers, FL 33902  
E-mailed to: [junkitrob@aol.com](mailto:junkitrob@aol.com)

Re: Lee County – WT  
Garden Street Iron & Metal (Waste Tire Processing Center)  
Application No. 0296251-002-WT/02, WACS ID No. 98386  
Closure Cost Estimate – Financial Assurance (Revised)

Dear Mr. Weber:

The Department hereby approves the closure cost estimate updated November 7, 2012, and received November 19, 2012 for the subject facility for the year 2012. A copy of the approved cost estimate is enclosed for your records. Please submit the re-calculated financial assurance documents (Escrow Account Audit Report, etc.) corresponding to the approved estimates to:

Solid Waste Financial Coordinator  
Attention: Tor Bejnar  
Florida Department of Environmental Protection  
2600 Blair Stone Road, Mail Station 4565  
Tallahassee, Florida 32399-2400

**The next closure cost estimates or inflation adjustment statement, as applicable, will be due between September 7 and November 7, 2013.**

Should you need further information, please call me at (239) 344-5636. Your cooperation in this matter is appreciated.

Sincerely,

Albert D. McLaurin, P.E.  
Assistant Director  
South District Office

Attachment  
ADM/se

E-mailed w/attachment: William T. Keene, P.E., Keene Engineering, Inc. [tim@keenefl.com](mailto:tim@keenefl.com)  
[solid.waste.financial.coordinator@dep.state.fl.us](mailto:solid.waste.financial.coordinator@dep.state.fl.us)  
Bill Krumbholz, DEP [bill.krumbholz@dep.state.fl.us](mailto:bill.krumbholz@dep.state.fl.us)  
Jay Standiford, DEP [james.standiford@dep.state.fl.us](mailto:james.standiford@dep.state.fl.us)



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Print Form

Reset Form

DEP Form # 62-701.900(28), F.A.C.

Form Title: Closure Cost Estimating Form  
For Solid Waste Facilities

Effective Date: January 6, 2010

Incorporated in Rule 62-701.630(3), F.A.C.

## CLOSURE COST ESTIMATING FORM FOR SOLID WASTE FACILITIES

Date of DEP Approval: \_\_\_\_\_

### I. GENERAL INFORMATION:

Facility Name: Garden Street Iron & Metal Waste Tire Processing Center WACS ID: 000098368  
Permit Application or Consent Order No.: 0296251-001-WT / 02 Expiration Date: 12/9/2014  
Facility Address: 3350 Metro Parkway, Fort Myers, FL. 33902  
Permittee or Owner/Operator: Rob Weber  
Mailing Address: 3350 Metro Parkway, Fort Myers, FL. 33902

Latitude: 26° 37' 4.4" Longitude: 81° 51' 13.8"  
Coordinate Method: \_\_\_\_\_ Datum: \_\_\_\_\_  
Collected by: \_\_\_\_\_ Company/Affiliation: \_\_\_\_\_

### Solid Waste Disposal Units Included in Estimate:

Phase / Cell	Acres	Date Unit Began Accepting Waste	Active Life of Unit From Date of Initial Receipt of Waste	If active: Remaining life of unit	If closed: Date last waste received	If closed: Official date of closing

Total disposal unit acreage included in this estimate: \_\_\_\_\_ Closure: \_\_\_\_\_ Long-Term Care: \_\_\_\_\_

Facility type: ☐ Class I ☐ Class III ☐ C&D Debris Disposal  
(Check all that apply) ☒ Other: Waste Tire Processing Facility

### II. TYPE OF FINANCIAL ASSURANCE DOCUMENT (Check type)

- ☒ Letter of Credit\* ☐ Insurance Certificate ☐ Escrow Account  
☐ Performance Bond\* ☐ Financial Test ☐ Form 29 (FA Defect)

\* - Indicates mechanisms that require the use of a Standby Trust Fund Agreement

Northwest District  
160 Government Center  
Pensacola, FL 32502-5794  
850-595-8360

Northeast District  
7825 Baymeadows Way, Ste. B200  
Jacksonville, FL 32256-7590  
904-807-3300

Central District  
3319 Maguire Blvd., Ste. 232  
Orlando, FL 32803-3767  
407-894-7555

Southwest District  
13051 N. Telecom Pkwy.  
Temple Terrace, FL 33637  
813-632-7600

South District  
2295 Victoria Ave., Ste. 364  
Fort Myers, FL 33901-3881  
239-332-6975

Southeast District  
400 N. Congress Ave., Ste. 200  
West Palm Beach, FL 33401  
561-681-6600

RECEIVED

NOV 13 2012

DEP, South District

### III. ESTIMATE ADJUSTMENT

40 CFR Part 264 Subpart H as adopted by reference in Rule 62-701.630, Florida Administrative Code, (F.A.C.) sets forth the method of annual cost estimate adjustment. Cost estimates may be adjusted by using an inflation factor or by recalculating the maximum costs of closure in current dollars. Select one of the methods of cost estimate adjustment below.

☐ (a) Inflation Factor Adjustment

☒ (b) Recalculated or New Cost Estimates

Inflation adjustment using an inflation factor may only be made when a Department approved closure cost estimate exists and no changes have occurred in the facility operation which would necessitate modification to the closure plan. The inflation factor is derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year. The inflation factor may also be obtained from the Solid Waste website [www.dep.state.fl.us/waste/categories/swfr](http://www.dep.state.fl.us/waste/categories/swfr) or call the Financial Coordinator at (850) 245-8706.

This adjustment is based on the Department approved closing cost estimate dated: \_\_\_\_\_

Latest Department Approved Closing Cost Estimate:	Current Year Inflation Factor, e.g. 1.02		Inflation Adjusted Closing Cost Estimate:
_____	_____	x	_____
		=	_____

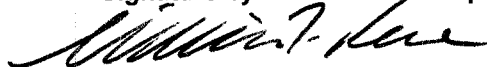
This adjustment is based on the Department approved long-term care cost estimate dated: \_\_\_\_\_

Latest Department Approved Annual Long-Term Care Cost Estimate:	Current Year Inflation Factor, e.g. 1.02		Inflation Adjusted Annual Long-Term Care Cost Estimate:
_____	_____	x	_____
		=	_____
Number of Years of Long Term Care Remaining:		x	_____
		=	_____
Inflation Adjusted Long-Term Care Cost Estimate:		=	_____

Signature by: ☐ Owner/Operator

☒ Engineer

(check what applies)



Signature

P.O. BOX 2770

Address

William T. Keene, P.E.

Name & Title

Fort Myers, FL. 33902

City, State, Zip Code

11/07/12

Date

tim@keenefl.com

E-Mail Address

239-939-0524

Telephone Number

#### IV. ESTIMATED CLOSING COST (check what applies)

☒ Recalculated Cost Estimate

☐ New Facility Cost Estimate

Notes: 1. Cost estimates for the time period when the extent and manner of landfill operation makes closing most exp

2. Cost estimate must be certified by a professional engineer.

3. Cost estimates based on third party suppliers of material, equipment and labor at fair market value.

4. In some cases, a price quote in support of individual item estimates may be required.

Description	Unit	Number of Units	Cost / Unit	Total Cost
<b>1. Proposed Monitoring Wells (Do not include wells already in existence.)</b>				
	EA			
Subtotal Proposed Monitoring Wells:				
<b>2. Slope and Fill (bedding layer between waste and barrier layer):</b>				
Excavation	CY			
Placement and Spreading	CY			
Compaction	CY			
Off-Site Material	CY			
Delivery	CY			
Subtotal Slope and Fill:				
<b>3. Cover Material (Barrier Layer):</b>				
Off-Site Clay	CY			
Synthetics - 40 mil	SY			
Synthetics - GCL	SY			
Synthetics - Geonet	SY			
Synthetics - Other (explain)				
Subtotal Cover Material:				
<b>4. Top Soil Cover:</b>				
Off-Site Material	CY			
Delivery	CY			
Spread	CY			
Subtotal Top Soil Cover:				
<b>5. Vegetative Layer</b>				
Sodding	SY			
Hydroseeding	AC			
Fertilizer	AC			
Mulch	AC			
Other (explain)				
Subtotal Vegetative Layer:				
<b>6. Stormwater Control System:</b>				
Earthwork	CY			
Grading	SY			
Piping	LF			
Ditches	LF			
Berms	LF			
Control Structures	EA			
Other (explain)				
Subtotal Stormwater Control System:				

Description	Unit	Number of Units	Cost / Unit	Total Cost
<b>7. Passive Gas Control:</b>				
Wells	EA	_____	_____	_____
Pipe and Fittings	LF	_____	_____	_____
Monitoring Probes	EA	_____	_____	_____
NSPS/Title V requirements	LS	1	_____	_____
Subtotal Passive Gas Control:				_____
<b>8. Active Gas Extraction Control:</b>				
Traps	EA	_____	_____	_____
Sumps	EA	_____	_____	_____
Flare Assembly	EA	_____	_____	_____
Flame Arrestor	EA	_____	_____	_____
Mist Eliminator	EA	_____	_____	_____
Flow Meter	EA	_____	_____	_____
Blowers	EA	_____	_____	_____
Collection System	LF	_____	_____	_____
Other (explain) _____	_____	_____	_____	_____
Subtotal Active Gas Extraction Control:				_____
<b>9. Security System:</b>				
Fencing	LF	_____	_____	_____
Gate(s)	EA	_____	_____	_____
Sign(s)	EA	_____	_____	_____
Subtotal Security System:				_____
<b>10. Engineering:</b>				
Closure Plan Report	LS	1	_____	_____
Certified Engineering Drawings	LS	1	_____	_____
NSPS/Title V Air Permit	LS	1	_____	_____
Final Survey	LS	1	_____	_____
Certification of Closure	LS	1	_____	_____
Other (explain) _____	_____	_____	_____	_____
Subtotal Engineering:				_____

Description	Hours	Cost / Hour	Hours	Cost / Hour	Total Cost
<b>11. Professional Services</b>					
	<u>Contract Management</u>		<u>Quality Assurance</u>		
P.E. Supervisor	_____	_____	_____	_____	_____
On-Site Engineer	_____	_____	_____	_____	_____
Office Engineer	_____	_____	_____	_____	_____
On-Site Technician	_____	_____	_____	_____	_____
Other (explain) _____	_____	_____	_____	_____	_____

Description	Unit	Number of Units	Cost / Unit	Total Cost
Quality Assurance Testing	LS	1	_____	_____
Subtotal Professional Services:				_____

Subtotal of 1-11 Above: \_\_\_\_\_

12. Contingency \_\_\_\_\_ % of Subtotal of 1-11 Above  
Subtotal Contingency: \_\_\_\_\_

Estimated Closing Cost Subtotal: \_\_\_\_\_

Description	Total Cost
13. Site Specific Costs	
Mobilization	_____
Waste Tire Facility	\$23,650.00
Materials Recovery Facility	_____
Special Wastes	_____
Leachate Management System Modification	_____
Other (explain) _____	_____
Subtotal Site Specific Costs:	\$23,650.00

TOTAL ESTIMATED CLOSING COSTS (\$): \$23,650.00

## V. ANNUAL COST FOR LONG-TERM CARE

See 62-701.600(1)a.1., 62-701.620(1), 62-701.630(3)a. and 62-701.730(11)b. F.A.C. for required term length. For landfills certified closed and Department accepted, enter the remaining long-term care length as "Other" and provide years remaining.

(Check Term Length) ☐ 5 Years ☐ 20 Years ☐ 30 Years ☐ Other, \_\_\_ Years

Notes: 1. Cost estimates must be certified by a professional engineer.

2. Cost estimates based on third party suppliers of material, equipment and labor at fair market value.

3. In some cases, a price quote in support of individual item estimates may be required.

**All items must be addressed.** Attach a detailed explanation for all entries left blank.

Description	Sampling Frequency (Events / Year)	Number of Wells	(Cost / Well) / Event	Annual Cost
<b>1. Groundwater Monitoring [62-701.510(6), and (8)(a)]</b>				
Monthly	12	_____	_____	_____
Quarterly	4	_____	_____	_____
Semi-Annually	2	_____	_____	_____
Annually	1	_____	_____	_____
Subtotal Groundwater Monitoring:				_____
<b>2. Surface Water Monitoring [62-701.510(4), and (8)(b)]</b>				
Monthly	12	_____	_____	_____
Quarterly	4	_____	_____	_____
Semi-Annually	2	_____	_____	_____
Annually	1	_____	_____	_____
Subtotal Surface Water Monitoring:				_____
<b>3. Gas Monitoring [62-701.400(10)]</b>				
Monthly	12	_____	_____	_____
Quarterly	4	_____	_____	_____
Semi-Annually	2	_____	_____	_____
Annually	1	_____	_____	_____
Subtotal Gas Monitoring:				_____
<b>4. Leachate Monitoring [62-701.510(5), (6)(b) and 62-701.510(8)c]</b>				
Monthly	12	_____	_____	_____
Quarterly	4	_____	_____	_____
Semi-Annually	2	_____	_____	_____
Annually	1	_____	_____	_____
Other (explain) _____	_____	_____	_____	_____
Subtotal Leachate Monitoring:				_____

Description	Unit	Number of Units / Year	Cost / Unit	Annual Cost
<b>5. Leachate Collection/Treatment Systems Maintenance</b>				
<u>Maintenance</u>				
Collection Pipes	LF	_____	_____	_____
Sumps, Traps	EA	_____	_____	_____
Lift Stations	EA	_____	_____	_____
Cleaning	LS	1	_____	_____
Tanks	EA	_____	_____	_____

Description	Unit	Number of Units / Year	Cost / Unit	Annual Cost
<b>5. (continued)</b>				
<u>Impoundments</u>				
Liner Repair	SY	_____	_____	_____
Sludge Removal	CY	_____	_____	_____
<u>Aeration Systems</u>				
Floating Aerators	EA	_____	_____	_____
Spray Aerators	EA	_____	_____	_____
<u>Disposal</u>				
Off-site (Includes transportation and disposal)	1000 gallon	_____	_____	_____
			Subtotal Leachate Collection / Treatment Systems Maintenance:	_____
<b>6. Groundwater Monitoring Well Maintenance</b>				
Monitoring Wells	LF	_____	_____	_____
Replacement	EA	_____	_____	_____
Abandonment	EA	_____	_____	_____
			Subtotal Groundwater Monitoring Well Maintenance:	_____
<b>7. Gas System Maintenance</b>				
Piping, Vents	LF	_____	_____	_____
Blowers	EA	_____	_____	_____
Flaring Units	EA	_____	_____	_____
Meters, Valves	EA	_____	_____	_____
Compressors	EA	_____	_____	_____
Flame Arrestors	EA	_____	_____	_____
Operation	LS	<u>1</u>	_____	_____
			Subtotal Gas System Maintenance:	_____
<b>8. Landscape Maintenance</b>				
Mowing	AC	_____	_____	_____
Fertilizer	AC	_____	_____	_____
			Subtotal Landscape Maintenance:	_____
<b>9. Erosion Control and Cover Maintenance</b>				
Sodding	SY	_____	_____	_____
Regrading	AC	_____	_____	_____
Liner Repair	SY	_____	_____	_____
Clay	CY	_____	_____	_____
			Subtotal Erosion Control and Cover Maintenance:	_____
<b>10. Storm Water Management System Maintenance</b>				
Conveyance Maintenance	LS	<u>1</u>	_____	_____
			Subtotal Storm Water Management System Maintenance:	_____
<b>11. Security System Maintenance</b>				
Fences	LS	<u>1</u>	_____	_____
Gate(s)	EA	_____	_____	_____
Sign(s)	EA	_____	_____	_____
			Subtotal Security System Maintenance:	_____



Description	Unit	Number of Units / Year	Cost / Unit	Annual Cost
12. Utilities	LS	1		

Subtotal Utilities: \_\_\_\_\_

### 13. Leachate Collection/Treatment Systems Operation

#### Operation

P.E. Supervisor	HR	_____	_____	_____
On-Site Engineer	HR	_____	_____	_____
Office Engineer	HR	_____	_____	_____
OnSite Technician	HR	_____	_____	_____
Materials	LS	1	_____	_____

Subtotal Leachate Collection/Treatment Systems Operation: \_\_\_\_\_

### 14. Administrative

P.E. Supervisor	HR	_____	_____	_____
On-Site Engineer	HR	_____	_____	_____
Office Engineer	HR	_____	_____	_____
OnSite Technician	HR	_____	_____	_____
Other _____	_____	_____	_____	_____

Subtotal Administrative: \_\_\_\_\_

Subtotal of 1-14 Above: \_\_\_\_\_

### 15. Contingency

\_\_\_\_\_ % of Subtotal of 1-14 Above

Subtotal Contingency: \_\_\_\_\_

Description	Unit	Number of Units / Year	Cost / Unit	Annual Cost
-------------	------	---------------------------	-------------	-------------

### 16. Site Specific Costs

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Subtotal Site Specific Costs: \_\_\_\_\_

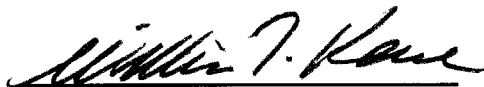
ANNUAL LONG-TERM CARE COST (\$ / YEAR): \_\_\_\_\_

Number of Years of Long-Term Care: \_\_\_\_\_

TOTAL LONG-TERM CARE COST (\$): \_\_\_\_\_

## VI. CERTIFICATION BY ENGINEER

This is to certify that the Cost Estimates pertaining to the engineering features of this solid waste management facility have been examined by me and found to conform to engineering principles applicable to such facilities. In my professional judgment, the Cost Estimates are a true, correct and complete representation of the financial liabilities for closing and/or long-term care of the facility and comply with the requirements of Rule 62-701.630 F.A.C. and all other Department of Environmental Protection rules, and statutes of the State of Florida. It is understood that the Cost Estimates shall be submitted to the Department annually, revised or adjusted as required by Rule 62-701.630(4), F.A.C.



Signature

P.O Box 2770

Mailing Address

William T. Keene, P.E.

Name and Title (please type)

Fort Myers, FL 33902

City, State, Zip Code

11/07/12

Date

tim@keenefl.com

E-Mail address (if available)

45915

Florida Registration Number

(please affix seal)

239-939-0524

Telephone Number

## VII. SIGNATURE BY OWNER/OPERATOR



Signature of Applicant

3350 Metro Parkway

Mailing Address

Rob Weber, President

Name and Title (please type)

Fort Myers, FL 33916

City, State, Zip Code

rob@gsimrecycling.com

E-Mail address (if available)

239-337-5865

Telephone Number



Closing Cost Estimate  
for  
Garden Street Iron & Metal  
Waste Tire Processing Center  
WACS 00098386

**Facility:** Garden Street Iron & Metal  
3350 Metro Parkway  
Fort Myers, FL 33916

**Date:** November 17, 2012

<u>Description</u>	<u>Unit Cost</u>	<u>Units</u>	<u>Quant.</u>	<u>Total</u>
Mobilization (in and out)	\$ 500.00	Ea	2	\$ 1,000.00
<i>Load Tires</i>				
Loader Machine Time	\$ 125.00	Hr	16	\$ 2,000.00
Walking Floor Trailer	\$ 250.00	Load	12	\$ 3,000.00
<i>Tire Disposal (Lee County Resource Recovery Facility)</i>				
Passenger Tires	\$ 47.50	Ton	140	\$ 6,650.00
OTR Tires	\$ 110.00	Ton	100	\$ 11,000.00
<b>Total Estimate</b>				<b>\$ 23,650.00</b>

**Assumptions:**

- 1 Based on unit cost quote from Wherry Truck Lines
- 2 Total Tires Assumed
- 3 Updated Pricing from Lee County Solid Waste is attached to this estimate form.

Passenger Car Tires	14000	x	0.01	tons/tire =	140
OTR Tires	2000	x	0.05	tons/tire =	100
				<b>Total Tons</b>	<b>240</b>

Prepared by:

11-7-12  
date

William T. Keene, PE  
PE # 45915, CA 7578  
Keene Engineering, Inc.  
PO Box 2770, Fort Myers, FL 33902  
(239) 939-0524 ph, (239) 939-1968 fax

Owner

11-7-12  
date  
Robert Weber, President  
Garden Street Iron & Metal Inc. of S.W. Florida  
3350 Metro Parkway  
Fort Myers, FL 33916  
(239) 337-5865

**LEE COUNTY SOLID WASTE DIVISION**  
10550 Buckingham Road  
Fort Myers, FL 33905 239-533-8000

October, 2012

**HOURS OF OPERATION**

Monday – Wednesday: 6:30 AM – 6:00 PM  
Thursday – Friday: 6:30 AM – 5:00 PM  
Saturday: 6:30 AM – 12:00 NOON

Customers must weigh out no later than 15 minutes after closing time or pay \$10 per each 5 minutes.

**\*CONSTRUCTION AND DEMOLITION LOADS**

All construction and demolition loads will be classified as one of three categories: C&D, Class III, or MSW. Determination of this classification will be made by Solid Waste Division staff and all decisions are final. Please refer to the material descriptions below:

**Construction and Demolition Debris (C&D):** \$30.00/ton

Concrete, concrete block, brick, drywall, plaster, clay tiles, untreated lumber (includes painted demolition debris), plywood, pallets, asphalt, metal, building demolition components (doors, windows, etc.), rock and soil.

**Class III:** \$35.00/ton

Carpet and padding, cardboard, paper, glass, plastic, Styrofoam, furniture and treated lumber, telephone poles, etc.

**MSW:** \$37.74/ton

All other bagged waste and other waste materials.

Rates for C&D Debris and for Class III waste are only applicable for materials from a construction and/or demolition site. All other loads will be assessed the standard MSW rate. Solid Waste Division staff will base their classification on the proportions of material comprising the load and their decisions are final.

**\*HORTICULTURE/YARD WASTE:** \$22.00/ton

**\*TIRES:** \$47.50/ton **Off-Road Tires:** \$110.00/ton

**\*PAPER SHREDDING:** \$35/ton

**HAZARDOUS WASTE IS NOT ACCEPTED AT THIS SITE**

Please ask Scale House attendant for disposal information.

If you have any questions about this information, please contact us at (239) 533-8000.

All items subject to change.

**WHERRY**  
TRUCK LINES, INC.  
*Walking Floor Bulk Transport*

**Green Waste Disposal**  
Horticultural Waste Removal

June 16, 2009

Rob Weber  
Garden Street Iron & Metal Inc.  
3350 Metro Pkwy  
Fort Myers, FL 33916

Wherry Truck Lines will load, haul and dispose of used tires located at 3350 Metro Pkwy in Fort Myers for the following rates for approximately 8,000 car and truck tires:

- Mobilize loader in - \$350
- Mobilize loader out - \$350
- Loader - \$85/hr
- Tires hauled to Lee County Waste to Energy (incinerator) located at 10550 Buckingham Rd, Fort Myers - \$250 per 100 yard walking floor trailer load  
- Freight only
- Disposal rate for passenger tires - \$132.25 per ton
- Disposal rate for OTR tires - \$172.50 per ton

*Revised per  
current rate*


All agreements are contingent upon accidents or delays beyond our control.

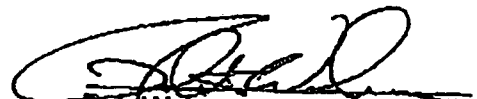
- Auto Liability Insurance of \$1,000,000.00
- Full Workman's Compensation is carried on all employees
- General Liability Insurance of \$2,000,000.00

Terms of Payment: Due upon receipt  
Federal Tax ID# 650339512

**ACCEPTANCE OF SERVICE AGREEMENT**

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. This quote will be valid for 1 year.

  
Kendell T. Wherry  
Wherry Truck Lines, Inc.

  
Rob Weber  
Garden Street Iron & Metal Inc.

P.O. Box 61008 - Fort Myers, Florida 33906-1008  
Phone 239-768-1293 Fax 239-768-6552

RECEIVED

NOV 13 2012

D.F.P. South District

DEP Form # 62-701.600(5)(a)  
Form Title SWM Fee, (Irrevocable Letter of Credit)  
Effective Date May 27, 2001  
DEP Application No. \_\_\_\_\_

**STATE OF FLORIDA  
SOLID WASTE MANAGEMENT FACILITY IRREVOCABLE LETTER OF CREDIT  
TO DEMONSTRATE FINANCIAL ASSURANCE  
FOR**

☒ Closing    ☐ Long-Term Care    ☐ Corrective Action  
(Check Appropriate Box(es))

Director, Division of Waste Management  
Florida Department of Environmental Protection  
Twin Towers Office Building  
2500 Blair Stone Road MS 4565  
Tallahassee, Florida 32399-2400

Busey Bank  
Name of Issuing Institution  
100 W University, Champaign IL 61820  
Address of Issuing Institution

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. 700148705  
In your favor, at the request and for the account of  
Garden Street Iron & Metal Inc. of S.W. Florida

3350 Metro Parkway, Ft Myers, FL 33916  
Owner's or Operator's Name and Address

up to the aggregate amount of Twenty Four Thousand Four Hundred Thirteen and 75/100  
In Words  
U.S. dollars \$ 24,413.75, available upon presentation of

- (1) your sight draft, bearing reference to this letter of credit No. 700148705, and
- (2) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to the requirements of Rule 62-701.630 or 62-711.500(3), F.A.C."

This letter of credit is effective as of October 23, 2009 and shall expire on  
October 23, 2010  
Date at Least One Year Later  
for a period of one year on October 23, 2010  
At Least One Year  
and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and Garden Street Iron & Metal Inc. of S.W. Florida by certified mail that we have  
Owner's or Operator's Name  
decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and Garden Street Iron & Metal Inc. of S.W. Florida as shown  
Owner's or Operator's Name  
on the signed return receipts.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of Garden Street Iron & Metal Inc. of S.W. Florida, in accordance with your instructions.  
Owner's or Operator's Name

The persons whose signatures appear below hereby certify that the wording of this letter of credit is identical to the wording as adopted and incorporated by reference in Rule 62-701.900 F.A.C.

 u.p.

Signature of Official of Issuing Institution

October 23, 2009

Date

Kent W. Poll

Type Name

Vice President

Title

238-688-7174

Telephone Number

This credit is subject to "The Uniform Customs and Practice for Documentary Credits, 2007 Revision,

The International Chamber of Commerce Publication No. 500."

Insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code."

RECEIVED

NOV 13 2009

DEF Form # 62-701.600(5)(a)  
Form Title SWM Fee, Irrevocable Letter of Credit  
Effective Date May 27, 2001  
DEF Application No. \_\_\_\_\_

STATE OF FLORIDA  
SOLID WASTE MANAGEMENT FACILITY IRREVOCABLE LETTER OF CREDIT  
TO DEMONSTRATE FINANCIAL ASSURANCE  
FOR

☒ Closing    ☐ Long-Term Care    ☐ Corrective Action  
[Check Appropriate Box(es)]

Director, Division of Waste Management  
Florida Department of Environmental Protection  
Twin Towers Office Building  
2500 Blair Stone Road MS 4565  
Tallahassee, Florida 32399-2400

Busey Bank  
Name of Issuing Institution  
100 W University, Champaign IL 61820  
Address of Issuing Institution

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. 700148705  
In your favor, at the request and for the account of  
Garden Street Iron & Metal Inc. of S.W. Florida

3360 Metro. Parkway, Ft Myers, FL 33916  
Owner's or Operator's Name and Address

up to the aggregate amount of Twenty Four Thousand Four Hundred Thirteen and 75/100  
In Words  
U.S. dollars \$ 24,413.75, available upon presentation of

- (1) your sight draft, bearing reference to this letter of credit No. 700148705, and  
(2) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to the requirements of Rule 62-701.630 or 62-711.500(3), F.A.C."

This letter of credit is effective as of October 23, 2009 and shall expire on  
October 23, 2010  
Date  
Date at Least One Year Later, but such expiration date shall be automatically extended  
for a period of one year on October 23, 2010  
At Least One Year Date

and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and Garden Street Iron & Metal Inc. of S.W. Florida by certified mail that we have  
Owner's or Operator's Name  
decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and Garden Street Iron & Metal Inc. of S.W. Florida as shown  
Owner's or Operator's Name  
on the signed return receipts.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of Garden Street Iron & Metal Inc. of S.W. Florida, in accordance with your instructions.  
Owner's or Operator's Name



The persons whose signatures appear below hereby certify that the wording of this letter of credit is identical to the wording as adopted and incorporated by reference in Rule 62-701.900 F.A.C.

 u.p.

Signature of Official of Issuing Institution

October 23, 2009

Date

Kent W. Poll

Type Name

Vice President

Title

239-689-7174

Telephone Number

This credit is subject to "The Uniform Customs and Practice for Documentary Credits, 2007 Revision,

The International Chamber of Commerce Publication No. 600."

Insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code."



# Florida Department of Environmental Protection

South District Office  
Post Office Box 2549  
Fort Myers, Florida 33902-2549

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Mimi A. Drew  
Secretary

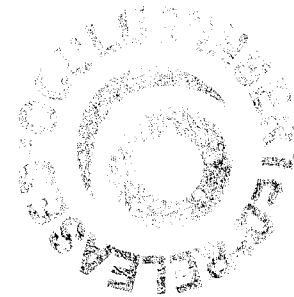
## NOTICE OF PERMIT ISSUANCE

CERTIFIED MAIL NO. 7008 0150 0003 1458 5632  
RETURN RECEIPT REQUESTED

In the Matter of an  
Application for Permit by:

C.L. Noonan Disposal, Inc.  
c/o John Stephens, Owner  
16272 Cutters Court  
Fort Myers, Florida 33908

Re: Lee County - SW  
C.L. Noonan Disposal, Inc.  
(Container to Container Transfer of  
Construction & Demolition "C&D" Debris)  
Permit No. 0302101-002-SO/30  
WACS ID No. 00098559



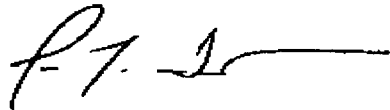
Enclosed is Permit No. 0302101-002-SO/30 to operate a Solid Waste Processing Facility (Container to Container Transfer of Construction & Demolition "C&D" Debris), specifically identified as C.L. Noonan Disposal, Inc., located at 3405 Canal Street, Fort Myers in Lee County, Florida, issued under Sections 403.061, 403.087 and 403.707 Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Rules 62-4, 62-160, 62-302, 62-522 and 62-701.

Any party to this order (permit) has the right to seek judicial review of the permit under Section 120.68 of the Florida Statutes, by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 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 thirty (30) days after this notice is filed with the Clerk of the Department.

C.L. Noonan Disposal, Inc.  
(Container to Container Transfer of C&D Debris)  
Permit No. 0302101-002-SO/30  
WACS ID No. 00098559

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart  
Director of District Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency Clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business on January 6, 2011, to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



(Clerk)

01-06-2011

(Date)

Enclosure  
JMI/ADM/MHR/se  
Copies furnished to:

The Honorable Randy Henderson Jr., City of Fort Myers [mayorhenderson@cityftmyers.com](mailto:mayorhenderson@cityftmyers.com)  
Richard Tedder, DEP [richard.tedder@dep.state.fl.us](mailto:richard.tedder@dep.state.fl.us)  
Chris McGuire, OGC DEP [chris.mcguire@dep.state.fl.us](mailto:chris.mcguire@dep.state.fl.us)  
Jack Chisolm, OGC DEP [jack.chisolm@dep.state.fl.us](mailto:jack.chisolm@dep.state.fl.us)  
Al McLaurin, DEP [albert.mclaurin@dep.state.fl.us](mailto:albert.mclaurin@dep.state.fl.us)  
Bill Krumbholz, DEP [bill.krumbholz@dep.state.fl.us](mailto:bill.krumbholz@dep.state.fl.us)



# Florida Department of Environmental Protection

South District Office  
Post Office Box 2549  
Fort Myers, Florida 33902-2549

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Mimi A. Drew  
Secretary

## PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens, Owner  
16272 Cutters Court  
Fort Myers, Florida 33908

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: January 6, 2011

Expiration Date: January 6, 2016

County: Lee

Latitude: 26° 37' 37"

Longitude: 81° 50' 37"

Section/Township/Range: 19/44S/25E

Project: C.L. Noonan Disposal, Inc.

Container to Container Transfer of Construction & Demolition (C&D) Debris

This Permit is issued pursuant to Sections 403.061, 403.087 and 403.707, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Rules 62-4, 62-160, 62-302, 62-522, and 62-701. The above-named Permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

to operate a Solid Waste Processing Facility (Container to Container Transfer of Construction & Demolition "C&D" Debris), specifically identified as C.L. Noonan Disposal, Inc., located at 3405 Canal Street, Fort Myers in Lee County, Florida.

**The Permit is subject to the following fifteen (15) General and twenty-four (24) Specific Conditions. An approved copy of the application package is enclosed for your records.**

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

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: January 6, 2011

Expiration Date: January 6, 2016

**GENERAL CONDITIONS:**

2. This Permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this Permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5) F.S., the issuance of this Permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This Permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the Permit.
4. This Permit conveys no title to land or water, does not constitute State recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This Permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source or from penalties therefore; nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by any order from the Department.
6. The Permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Permittee to achieve compliance with the conditions of this Permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the Permit and when required by Department rules.
7. The Permittee, by accepting this Permit, specifically agrees to allow authorized Department personnel, upon presentation of credential or other documents as

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: January 6, 2011

Expiration Date: January 6, 2016

GENERAL CONDITIONS:

may be required by law, and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- (a) Have access to and copy any records that must be kept under the conditions of the Permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this Permit; and
- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this Permit or Department rules.

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

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

- (a) A description of and cause of noncompliance; and
- (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or revocation of this Permit.

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

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: January 6, 2011

Expiration Date: January 6, 2016

**GENERAL CONDITIONS:**

10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This Permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C, as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
12. This Permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This Permit also constitutes:
  - (a) Determination of Best Available Control Technology (BACT)
  - (b) Determination of Prevention of Significant Deterioration (PSD)
  - (c) Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
  - (d) Compliance with New Source Performance Standards
14. The Permittee shall comply with the following:
  - (a) Upon request, the Permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically, unless otherwise stipulated by the Department.
  - (b) The Permittee shall hold at the facility or other location designated by this Permit, records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by this Permit, copies of

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: January 6, 2011

Expiration Date: January 6, 2016

**GENERAL CONDITIONS:**

all reports required by this Permit, and records of all data used to complete the application for this Permit.

(c) Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used;
6. the results of such analyses.

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

**SPECIFIC CONDITIONS:**

1. The facility is permitted to receive only construction and demolition (C&D) debris that is hauled by C.L. Noonan Disposal, Inc.
2. The facility is permitted to receive only C&D debris. The C&D material received at the site is consolidated from several containers into a single, larger container for transportation to a permitted solid waste disposal facility or waste processing facility. Recoverable materials and industrial byproducts are sometimes removed from the containers and offered for recycling. These recyclable materials are to be taken to an appropriate recycler. No waste, recovered material, or industrial byproduct is to be placed on the ground, at any time, during the operation of this facility.
3. The facility's operating capacity (container to container) cannot exceed 200 cubic yards per day, and no more than ten (10) mobile containers or vehicles containing waste shall be stored on the site at any one time. Containers holding clean debris, recovered materials, or industrial byproducts shall not be subject to



PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: January 6, 2011

Expiration Date: January 6, 2016

SPECIFIC CONDITIONS:

this restriction. The largest mobile container or vehicle on-site, used for consolidation and transfer, shall not hold more than 60 cubic yards.

4. Waste shall never remain on the property for more than seven (7) days.
5. A copy of the approved Operations Plan shall be kept at the facility and shall be accessible to facility operator(s) and made available for inspection by Department employees. All activities at the facility shall be performed in accordance with this Plan. The Plan shall be updated as operations change, but no less frequently than upon renewal of the Permit, and the Department shall be notified of changes
6. Access to the facility shall be controlled during the active life of the facility by fencing or other effective barriers to prevent illegal dumping.
7. A trained operator shall be on duty whenever the facility is operating.
8. At least one trained operator or trained spotter shall be on duty when transferring waste from one container to another, in order to inspect the incoming waste at all times.
9. Training of operator(s) and of spotter(s) shall be in accordance with F.A.C. Rule 62-701.320(15).
10. Any unauthorized non-hazardous waste [F.A.C. Rule 62-701.200(121)] identified during the container to container transfer shall be removed from the waste stream and placed into appropriate containers or placed into secure areas designated for transportation to a recycling or disposal facility authorized by the Department to receive such waste.
11. If any hazardous waste [F.A.C. Rule 62-701.200(47)] is identified (before or after transferring the load from container to container), the operator shall notify the Department before any further processing of waste and follow instructions from the Department. The operator shall record the name of the person responsible for placing the waste in the received container. The generator or hauler identified is responsible for cleanup, transportation, and disposal of the waste to

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: January 6, 2011

Expiration Date: January 6, 2016

**SPECIFIC CONDITIONS:**

a permitted hazardous waste management facility. If the generator or hauler cannot be identified, the facility operator is responsible for cleanup, transportation, and disposal of the waste to a permitted hazardous waste management facility.

12. A litter policing operations shall be employed to keep litter from leaving the working area of the facility. Litter outside the working area, but within the site boundaries, shall be picked up daily.
13. Reasonable precautions, pursuant to F.A.C. Rule 62-296.320(4)(c), shall be taken to control fugitive particulate/dust at the site from any activity; including truck loading and unloading, truck traffic, and all material processing.
14. The facility shall be operated to control objectionable odors in accordance with the methods described in the Operations Plan for compliance with F.A.C. Rule 62-701.710(4)(d).
15. Fuels, solvents, lubricants, and other maintenance materials shall be stored in secure areas separate from sorting areas.
16. Fire extinguishers/adequate fire control capabilities shall be available at the facility at all times.
17. Operations for transferring the incoming C&D debris and recyclable materials shall be conducted in the confines of the boundaries of the permitted facility
18. The leachate control system shall be properly maintained to prevent the discharge of leachate, mixing of leachate with stormwater, and to minimize the presence of standing water. Oversight for leachate control consists of the following:
  - (a) Storage containers used are covered with tarps overnight and prior to any rain events
  - (b) Leachate generated on the ground is removed at the time of occurrence
  - (c) An absorbent and/or wood mulch may be used to pick up any liquid and placed in a roll-off that is ready for dispatch to a permitted disposal facility

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: January 6, 2011

Expiration Date: January 6, 2016

**SPECIFIC CONDITIONS:**

19. **WASTE REPORTS:** Operational records as required by F.A.C. Rule 62-701.710(9)(a) shall be maintained to include a daily log of the quantity of solid waste received, processed, stored, and removed from the site for recycling or disposal, and the county of origin of the waste, if known. These records shall include each type of solid waste, recovered materials, residuals, and unacceptable waste which is processed, recycled, and disposed of. Such records shall be compiled on a monthly basis and be available for inspection by the Department. Records shall be maintained for three (3) years.
20. **STORMWATER MANAGEMENT:** A Multi-Sector Stormwater Discharge Permit issued by the City of Fort Myers shall be operated and maintained, as necessary; in accordance with the permit and in accordance with Part IV of Chapter 373, F.S.
21. **FINANCIAL ASSURANCE:** The facility is exempt from financial assurance requirements in accordance with item 2 (page 3) of the Alternate Procedures document in that the closing cost estimate is below \$5,000. The closing cost estimate submitted is \$1,500.
22. If a future proposed modification of this Permit demonstrates that engineering as defined in Chapter 471, F.S. is required, then that engineering must be performed by a professional engineer.
23. **CLOSURE:** At least ninety (90) days prior to the date when waste will no longer be accepted, the Permittee shall provide written notice to the Department pursuant to F.A.C. Rule 62-701.710(6). No waste shall be received by the facility after the closing date.

Within thirty (30) days after receiving the final solid waste shipment, the Permittee shall remove all solid waste or residue in accordance with the approved Closure Plan. Closure will include removal of all recovered materials from the site. Closure must be completed within one hundred and eighty (180) days after receiving the final waste quantity. When closure is completed, the Permittee shall certify in writing that the closure is complete pursuant to F.A.C. Rule 62-701.710(6)(d).

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: January 6, 2011

Expiration Date: January 6, 2016

**SPECIFIC CONDITIONS:**

24. All records and data relating to the physical operations of the facility shall be made available for inspection by Department employees during normal hours of operation.

These conditions do not exempt the Permittee from complying with requirements of other federal, state, municipal, county or regional pollution control rules, regulations, ordinances or codes.

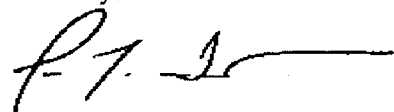
In the event the Permittee is temporarily unable to comply with any of the conditions of this Permit, Permittee shall notify the Department immediately. Notification shall include pertinent information as to the cause of the problem, and what corrective measures are being taken to prevent its reoccurrence.

This Permit is issued for a period of five (5) years and **expires January 6, 2016**. If a renewal is desired, the Permittee shall apply for a renewal by submitting the appropriate application form, along with the appropriate fee, **sixty (60) days** prior to the expiration date.

Should you need further information regarding the above, please call Mr. Albert D. McLaurin at (863) 314-5975, extension 101. You may also write to the letterhead address or through e-mail to [Albert.McLaurin@dep.state.fl.us](mailto:Albert.McLaurin@dep.state.fl.us).

**Note:** In the event of an emergency, the Permittee shall contact the Department by calling (850) 413-9911 or toll free at (800) 320-0519. During normal business hours, the Permittee shall call (239) 344-5600.

Sincerely,



Jon M. Iglehart  
Director of  
District Management

Enclosure  
JMI/ADM/MHR/se

## NEWS-PRESS

Published every morning - Daily and  
Sunday

Fort Myers, Florida

### Affidavit of Publication

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared

**Kathy Allebach**

who on oath says that he/she is the

**Legal Assistant**

of the News-Press, a daily newspaper, published at Fort Myers, In Lee County, Florida; that the attached copy of advertisement, being a

**Notice of Action**

In the matter of

**Intent to issue permit**

In the court was published in said newspaper in the  
issues of

**November 26, 2010**

Affiant further says that the said the News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Collier County; Florida, each week, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Kathy Allebach*

Sworn to and subscribed before me this

26th day of November 2010 by

**Kathy Allebach**

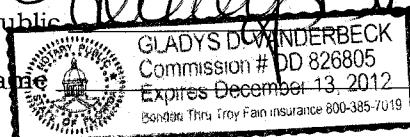
personally known to me or who has produced

as identification, and who did or did not take an  
oath.

Notary Public

Print Name

My commission Expires:



RECEIVED

DEC 03 2010

D.E.P. South District

WACS: 98559

Entered into

OCULUS

South District

#### STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives Notice of its intent to grant a solid waste Construction/Operation Permit (No. 0302101-002-50/30) for the proposed project as detailed in the application (No. 0302101-002-50/30) to the applicant, C.L. Noonan Disposal, Inc., do John Stephens, Owner, 16272 Cutters Court, Fort Myers, Florida 33908. The Permit, when issued, will allow the Permittee to operate:

A Solid Waste Processing Facility (Container to Container Transfer of Construction & Demolition "C&D" Debris), specifically identified as C.L. Noonan Disposal, Inc. located at 3405 Canal Street, Fort Myers in Lee County, Florida.

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 Florida Department of Environmental Protection, South District, 2295 Victoria Avenue, Suite 364, Fort Myers, Florida.

The Department will issue the permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57 of the Florida Statutes (F.S.); or all parties reach a written agreement on mediation as an alternative remedy under Section 120.573 ES. before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing, if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for pursuing mediation.

A person whose substantial interests are affected by the above proposed agency action may petition for an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within fourteen (14) days of publication of this notice or receipt of the written notice, whichever occurs first. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of

any person to file a petition: (Or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must 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 or will be affected by the Department's action or proposed action;

(d) A statement of all material facts disputed by petitioner or a statement that there are no disputed facts;

(e) A statement of the ultimate facts alleged, including a statement of the specific facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;

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

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

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that 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 such, final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by Rule 28-106.404 F.A.C. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within ten (10) days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing, if mediation does not result in a settlement.

The agreement to mediate must include the following:

(a) the names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) the name, address, and telephone number of the mediator selected by the parties, or a provision of selecting a mediator within a specified time;

(c) the agreed allocation of the costs and fees associated with the mediation;

(d) the agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) the date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) the name of each party's representative who shall have authority to settle or recommend settlement;

(g) either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action, address in this action or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and

(h) the signatures of all parties or their authorized representatives.

As provided in Section 120.573 of the Florida Statutes (F.S.), the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty (60) days of receipt of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties.

Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above and must, therefore, file their petitions within fourteen (14) days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under Sections 120.569 and 120.57 F.S. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing process under Sections 120.569 and 120.57 P.S. are resumed.

Nov 26 No. 1416836



# Florida Department of Environmental Protection

South District Office  
Post Office Box 2549  
Fort Myers, Florida 33902-2549

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Mimi A. Drew  
Secretary

CERTIFIED MAIL NO. 7008 0500 0000 7776 4375  
RETURN RECEIPT REQUESTED

In the Matter of an  
Application for Permit by:

C.L. Noonan Disposal, Inc.  
c/o John Stephens, Owner  
16272 Cutters Court  
Fort Myers, Florida 33908

Re: Lee County – SW  
C.L. Noonan Disposal, Inc.  
(Container to Container Transfer of  
Construction & Demolition "C&D" Debris)  
DEP File No. 0302101-002-SO/30  
WACS ID No. 00098559



## INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a Permit (No. 0302101-002-SO/30, Draft enclosed) for the proposed project as detailed in the application No. 0302101-002-SO/30, specified above, for the reasons stated below:

The applicant, C.L. Noonan Disposal, Inc., c/o John Stephens, Owner, 16272 Cutters Court, Venice, Florida 34293, applied on July 27, 2010, to the Department of Environmental Protection for a Permit to operate:

a Solid Waste Processing Facility (Container to Container Transfer of Construction & Demolition "C&D" Debris), specifically identified as C.L. Noonan Disposal, Inc., located at 3405 Canal Street, Fort Myers in Lee County, Florida.

The Department has permitting jurisdiction under Sections 403.061, 403.087 and 403.707 Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Rules 62-4, 62-160, 62-302, 62-522 and 62-701. The project is not exempt from permitting procedures. The

INTENT TO ISSUE

C.L. Noonan Disposal, Inc.

DEP File No. 0302101-002-SO/30

WACS ID No. 00098559

Department has determined that a **Construction/Operation Permit** is required for the proposed work.

The Department intends to issue this Permit, based on its belief that reasonable assurances have been provided to indicate that the project will comply with appropriate provisions of Florida Administrative Code (F.A.C.) Rules 62-4, 62-160, 62-302, 62-522, and 62-701, as long as the conditions of the Permit are adhered to.

**NOTICE OF RIGHTS**

Pursuant to Section 403.815, Florida Statutes (F.S.), you are required to publish at your own expense the enclosed Notice of Proposed Agency Action. The notice shall be published one time only within thirty (30) days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.001 and 40.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. You must provide proof of publication to the Department by mail at P.O. Box 2549, Fort Myers, Florida 33902-2549, or by delivery to 2295 Victoria Avenue, Suite 364, Fort Myers, Florida, as soon as practical after publication.

The Department will issue the Permit (0302101-002-SO/30, Draft enclosed), unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. Persons who have filed such a petition may seek to mediate the dispute, and choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for pursuing mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 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 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within **fourteen (14) days** of receipt of this written notice. Petitions filed by other persons must be filed

INTENT TO ISSUE

C.L. Noonan Disposal, Inc.

DEP File No. 0302101-002-SO/30

WACS ID No. 00098559

within **fourteen (14) days** of publication of the notice or receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.A.C., however, any person who asked the Department for notice of agency action may file a petition within **fourteen (14) days** of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must 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 or will be affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.



INTENT TO ISSUE

C.L. Noonan Disposal, Inc.

DEP File No. 0302101-002-SO/30

WACS ID No. 00098559

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that 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 such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by Rule 28-106.404, F.A.C. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **ten (10) days** after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing, if mediation does of result in a settlement.

The agreement to mediate must include the following:

- (a) the names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) the name, address, and telephone number of the mediator selected by the parties, or a provision of selecting a mediator within a specified time;
- (c) the agreed allocation of the costs and fees associated with the mediation;
- (d) the agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) the date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) the name of each party's representative who shall have authority to settle or recommend settlement;

INTENT TO ISSUE

C.L. Noonan Disposal, Inc.

DEP File No. 0302101-002-SO/30

WACS ID No. 00098559

- (g) either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this action or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and
- (h) the signatures of all parties or their authorized representatives.

As provided in Section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within **sixty (60) days** of receipt of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above and must, therefore, file their petitions within **fourteen (14) days** of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. are resumed.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing a Notice of Appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriated district court of appeal. The Notice of Appeal must be filed within **thirty (30) days** after this order is filed with the Clerk of the Department.

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
Jon M. Iglehart  
Director of District Management

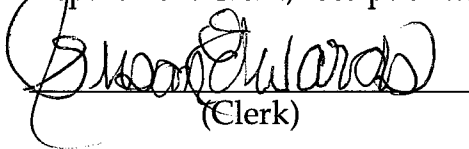
INTENT TO ISSUE  
C.L. Noonan Disposal, Inc.  
DEP File No. 0302101-002-SO/30  
WACS ID No. 00098559

## CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE, along with the NOTICE OF RIGHTS, and all copies were mailed before the close of business on November 18, 2010, to the listed persons.

## FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
(Clerk)

11-18-2010  
(Date)

Enclosure  
JMI/AM/MHR/se

Copies furnished to:

The Honorable Randy Henderson Jr., City of Fort Myers [mayorhenderson@cityftmyers.com](mailto:mayorhenderson@cityftmyers.com)  
Richard Tedder, DEP [richard.tedder@dep.state.fl.us](mailto:richard.tedder@dep.state.fl.us)  
Chris McGuire, OGC DEP [chris.mcguire@dep.state.fl.us](mailto:chris.mcguire@dep.state.fl.us)  
Jack Chisolm, OGC DEP [jack.chisolm@dep.state.fl.us](mailto:jack.chisolm@dep.state.fl.us)  
Al McLaurin, DEP [albert.mclaurin@dep.state.fl.us](mailto:albert.mclaurin@dep.state.fl.us)  
Bill Krumbholz, DEP [bill.krumbholz@dep.state.fl.us](mailto:bill.krumbholz@dep.state.fl.us)

**PUBLIC NOTICE OF INTENT TO ISSUE PERMIT  
TO BE PUBLISHED IN A NEWSPAPER**

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**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF INTENT TO ISSUE PERMIT**

The Department of Environmental Protection gives Notice of its Intent to grant a solid waste Construction/Operation Permit (No. 0302101-002-SO/30) for the proposed project as detailed in the application (No. 0302101-002-SO/30) to the applicant, C.L. Noonan Disposal, Inc., c/o John Stephens, Owner, 16272 Cutters Court, Venice, Florida 34293. The Permit, when issued, will allow the Permittee to operate:

a Solid Waste Processing Facility (Container to Container Transfer of Construction & Demolition "C&D" Debris), specifically identified as C.L. Noonan Disposal, Inc., located at 3405 Canal Street, Fort Myers in Lee County, Florida.

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 Florida Department of Environmental Protection, South District, 2295 Victoria Avenue, Suite 364, Fort Myers, Florida.

The Department will issue the permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57 of the Florida Statutes (F.S.), or all parties reach a written agreement on mediation as an alternative remedy under Section 120.573 F.S. before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing, if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for pursuing mediation.

A person whose substantial interests are affected by the above proposed agency action may petition for an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within **fourteen (14) days** of publication of this notice or receipt of the written notice, whichever occurs first. The petitioner shall mail a copy of the petition to the applicant

at the address indicated above at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must 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 or will be affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that 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 such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a

mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by Rule 28-106.404 F.A.C. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **ten (10) days** after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing, if mediation does not result in a settlement.

The agreement to mediate must include the following:

- (a) the names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) the name, address, and telephone number of the mediator selected by the parties, or a provision of selecting a mediator within a specified time;
- (c) the agreed allocation of the costs and fees associated with the mediation;
- (d) the agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) the date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) the name of each party's representative who shall have authority to settle or recommend settlement;
- (g) either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this action or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and
- (h) the signatures of all parties or their authorized representatives.

As provided in Section 120.573 of the Florida Statutes (F.S.), the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within **sixty (60) days** of receipt of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above and must, therefore, file their petitions within **fourteen (14) days** of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under Sections 120.569 and 120.57 F.S. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. are resumed.



# Florida Department of Environmental Protection

South District Office  
Post Office Box 2549  
Fort Myers, Florida 33902-2549

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Mimi A. Drew  
Secretary

## PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens, Owner  
16272 Cutters Court  
Fort Myers, Florida 33908

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: **DRAFT**

Expiration Date: **DRAFT**

County: Lee

Latitude: 26° 37' 37"

Longitude: 81° 50' 37"

Section/Township/Range: 19/44S/25E

Project: C.L. Noonan Disposal, Inc.

Container to Container Transfer of Construction & Demolition (C&D) Debris

This Permit is issued pursuant to Sections 403.061, 403.087 and 403.707, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Rules 62-4, 62-160, 62-302, 62-522, and 62-701. The above-named Permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

to operate a Solid Waste Processing Facility (Container to Container Transfer of Construction & Demolition "C&D" Debris), specifically identified as C.L. Noonan Disposal, Inc., located at 3405 Canal Street, Fort Myers in Lee County, Florida.

**The Permit is subject to the following fifteen (15) General and twenty-three (23) Specific Conditions. An approved copy of the application package is enclosed for your records.**

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

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: **DRAFT**

Expiration Date: **DRAFT**

**GENERAL CONDITIONS:**

2. This Permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this Permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5) F.S., the issuance of this Permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This Permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the Permit.
4. This Permit conveys no title to land or water, does not constitute State recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This Permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source or from penalties therefore; nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by any order from the Department.
6. Permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Permittee to achieve compliance with the conditions of this Permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the Permit and when required by Department rules.
7. The Permittee, by accepting this Permit, specifically agrees to allow authorized Department personnel, upon presentation of credential or other documents as



PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: **DRAFT**

Expiration Date: **DRAFT**

**GENERAL CONDITIONS:**

may be required by law, and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- (a) Have access to and copy any records that must be kept under the conditions of the Permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this Permit; and
- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this Permit or Department rules.

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

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

- (a) A description of and cause of noncompliance; and
- (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or revocation of this Permit.

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

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: **DRAFT**

Expiration Date: **DRAFT**

**GENERAL CONDITIONS:**

10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This Permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C, as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
12. This Permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This Permit also constitutes:
  - (a) Determination of Best Available Control Technology (BACT)
  - (b) Determination of Prevention of Significant Deterioration (PSD)
  - (c) Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
  - (d) Compliance with New Source Performance Standards
14. The Permittee shall comply with the following:
  - (a) Upon request, the Permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically, unless otherwise stipulated by the Department.
  - (b) The Permittee shall hold at the facility or other location designated by this Permit, records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by this Permit, copies of

**PERMITTEE:**

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: **DRAFT**

Expiration Date: **DRAFT**

**GENERAL CONDITIONS:**

all reports required by this Permit, and records of all data used to complete the application for this Permit.

(c) Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used;
6. the results of such analyses.

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

**SPECIFIC CONDITIONS:**

1. The facility is permitted to receive only construction and demolition (C&D) debris that is hauled by C.L. Noonan Disposal, Inc.
2. The facility is permitted to receive only C&D debris. The C&D material received at the site is consolidated from several containers into a single, larger container for transportation to a permitted solid waste disposal facility or waste processing facility. Recoverable materials and industrial byproducts are sometimes removed from the containers and offered for recycling. These recyclable materials are to be taken to an appropriate recycler. No waste, recovered material, or industrial byproduct is to be placed on the ground, at any time, during the operation of this facility.
3. The facility's operating capacity (container to container) cannot exceed 200 cubic yards per day, and no more than ten (10) mobile containers or vehicles containing waste shall be stored on the site at any one time. Containers holding clean debris, recovered materials, or industrial byproducts shall not be subject to

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

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Expiration Date: **DRAFT**

**SPECIFIC CONDITIONS:**

this restriction. The largest mobile container or vehicle on-site, used for consolidation and transfer, shall not hold more than 60 cubic yards.

4. Waste shall never remain on the property for more than seven (7) days.
5. A copy of the approved Operations Plan shall be kept at the facility and shall be accessible to facility operator(s) and made available for inspection by Department employees. All activities at the facility shall be performed in accordance with this Plan. The Plan shall be updated as operations change, but no less frequently than upon renewal of the Permit, and the Department shall be notified of changes
6. Access to the facility shall be controlled during the active life of the facility by fencing or other effective barriers to prevent illegal dumping.
7. A trained operator shall be on duty whenever the facility is operating.
8. At least one trained operator or trained spotter shall be on duty when transferring waste from one container to another, in order to inspect the incoming waste at all times.
9. Training of operator(s) and of spotter(s) shall be in accordance with F.A.C. Rule 62-701.320(15).
10. Any unauthorized non-hazardous waste [F.A.C. Rule 62-701.200(121)] identified during the container to container transfer shall be removed from the waste stream and placed into appropriate containers or placed into secure areas designated for transportation to a recycling or disposal facility authorized by the Department to receive such waste.
11. If any hazardous waste [F.A.C. Rule 62-701.200(47)] is identified (before or after transferring the load from container to container), the operator shall notify the Department before any further processing of waste and follow instructions from the Department. The operator shall record the name of the person responsible for placing the waste in the received container. The generator or hauler identified is responsible for cleanup, transportation, and disposal of the waste to

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

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Expiration Date: **DRAFT**

**SPECIFIC CONDITIONS:**

a permitted hazardous waste management facility. If the generator or hauler cannot be identified, the facility operator is responsible for cleanup, transportation, and disposal of the waste to a permitted hazardous waste management facility.

12. A litter policing operations shall be employed to keep litter from leaving the working area of the facility. Litter outside the working area, but within the site boundaries, shall be picked up daily.
13. Reasonable precautions, pursuant to F.A.C. Rule 62-296.320(4)(c), shall be taken to control fugitive particulate/dust at the site from any activity; including truck loading and unloading, truck traffic, and all material processing.
14. The facility shall be operated to control objectionable odors in accordance with the methods described in the Operations Plan for compliance with F.A.C. Rule 62-701.710(4)(d).
15. Fuels, solvents, lubricants, and other maintenance materials shall be stored in secure areas separate from sorting areas.
16. Fire extinguishers/adequate fire control capabilities shall be available at the facility at all times.
17. Operations for transferring the incoming C&D debris and recyclable materials shall be conducted in the confines of the boundaries of the permitted facility
18. The leachate control system shall be properly maintained to prevent the discharge of leachate, mixing of leachate with stormwater, and to minimize the presence of standing water. Oversight for leachate control consists of the following:
  - (a) Storage containers used are covered with tarps overnight and prior to any rain events
  - (b) Leachate generated on the ground is removed at the time of occurrence
  - (c) An absorbent and/or wood mulch may be used to pick up any liquid and placed in a roll-off that is ready for dispatch to a permitted disposal facility

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: **DRAFT**

Expiration Date: **DRAFT**

**SPECIFIC CONDITIONS:**

19. **WASTE REPORTS:** Operational records as required by F.A.C. Rule 62-701.710(9)(a) shall be maintained to include a daily log of the quantity of solid waste received, processed, stored, and removed from the site for recycling or disposal, and the county of origin of the waste, if known. These records shall include each type of solid waste, recovered materials, residuals, and unacceptable waste which is processed, recycled, and disposed of. Such records shall be compiled on a monthly basis and be available for inspection by the Department. Records shall be maintained for three (3) years.
20. **STORMWATER MANAGEMENT:** A Multi-Sector Stormwater Discharge Permit issued by the City of Fort Myers shall be operated and maintained, as necessary; in accordance with the permit and in accordance with Part IV of Chapter 373, F.S.
21. **FINANCIAL ASSURANCE:** The facility is exempt from financial assurance requirements in accordance with item 2 (page 3) of the Alternate Procedures document in that the closing cost estimate is below \$5,000. The closing cost estimate submitted is \$1,500.
22. If a future proposed modification of this Permit demonstrates that engineering as defined in Chapter 471, F.S. is required, then that engineering must be performed by a professional engineer.
23. **CLOSURE:** At least ninety (90) days prior to the date when waste will no longer be accepted, the Permittee shall provide written notice to the Department pursuant to F.A.C. Rule 62-701.710(6). No waste shall be received by the facility after the closing date.

Within thirty (30) days after receiving the final solid waste shipment, the Permittee shall remove all solid waste or residue in accordance with the approved Closure Plan. Closure will include removal of all recovered materials from the site. Closure must be completed within one hundred and eighty (180) days after receiving the final waste quantity. When closure is completed, the Permittee shall certify in writing that the closure is complete pursuant to F.A.C. Rule 62-701.710(6)(d).

PERMITTEE:

C.L. Noonan Disposal, Inc.  
c/o John Stephens

WACS ID No. 00098559

Permit/Certification No. 0302101-002-SO/30

Date of Issue: **DRAFT**

Expiration Date: **DRAFT**

**SPECIFIC CONDITIONS:**

24. All records and data relating to the physical operations of the facility shall be made available for inspection by Department employees during normal hours of operation.

These conditions do not exempt the Permittee from complying with requirements of other federal, state, municipal, county or regional pollution control rules, regulations, ordinances or codes.

In the event the Permittee is temporarily unable to comply with any of the conditions of this Permit, Permittee shall notify the Department immediately. Notification shall include pertinent information as to the cause of the problem, and what corrective measures are being taken to prevent its reoccurrence.

This Permit is issued for a period of five (5) years and expires **DRAFT**. If a renewal is desired, the Permittee shall apply for a renewal by submitting the appropriate application form along with the appropriate fee, **sixty (60) days** prior to the expiration date.

Should you need further information regarding the above, please call Mr. Albert D. McLaurin at (863) 314-5975, extension 101. You may also write to the letterhead address or through e-mail to [Albert.McLaurin@dep.state.fl.us](mailto:Albert.McLaurin@dep.state.fl.us).

**Note: In the event of an emergency, the Permittee shall contact the Department by calling (850) 413-9911 or toll free at (800) 320-0519. During normal business hours, the Permittee shall call (239) 332-6975.**

Sincerely,

**DRAFT**

\_\_\_\_\_  
Jon M. Iglehart  
Director of  
District Management

Enclosure  
JMI/ADM/MHR/se



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

DEP Form #: 62-701.900(4), F.A.C.

Form Title: Application to Construct, Operate, or Modify  
a Waste Processing Facility

Effective Date: January 6, 2010

Incorporated in Rule: 62-701.710(2), F.A.C.

## APPLICATION TO CONSTRUCT, OPERATE, OR MODIFY A WASTE PROCESSING FACILITY

**GENERAL REQUIREMENT:** Solid Waste Management Facilities shall be permitted pursuant to Section 403.707, Florida Statutes (F.S.) and in accordance with Florida Administrative Code (F.A.C.) Chapter 62-701. A minimum of four copies of the application shall be submitted to the Department District Office having jurisdiction over the facility. The appropriate fee in accordance with Rule 62-701.315(4), F.A.C., shall be submitted with the application by check made payable to the Department of Environmental Protection (DEP). Complete appropriate sections for the type of facility for which application is made and include all additional information, drawings, and reports necessary to evaluate the facility.

Please Type or Print in Ink

### A. GENERAL INFORMATION

1. Type of facility (check all that apply):

☒ Transfer Station

☐ Materials Recovery Facility:

☒ C&D Recycling \*

☐ Class III MRF

☐ MSW MRF

\* ☒ Other Describe: Container To Container Transfer

☐ Other Facility That Processes But Does Not Dispose Of Solid Waste On-Site:

☐ Storage, Processing or Disposal for Combustion Facilities (not addressed in another permit)

☐ Other Describe: \_\_\_\_\_

NOTE: C&D Disposal facilities that also recycle C&D, shall apply on DEP FORM 62-701.900(6), F.A.C.

2. Type of application:

☒ Construction/Operation

☐ Operation without Additional Construction

3. Classification of application:

☒ New

☐ Renewal

☐ Substantial Modification

☐ Intermediate Modification

☐ Minor Modification

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4. Facility name: CL Noonan Disposal Inc

5. DEP ID number: 98559

County: LEE

6. Facility location (main entrance): 3405 Canal St

Fort Myers FL 33916

Northwest District  
160 Government Center  
Pensacola, FL 32501-5794  
850-595-8360

Northeast District  
7825 Baymeadows Way Ste 200B  
Jacksonville, FL 32256-7590  
904-807-3300

Central District  
3319 Maguire Blvd., Ste. 232  
Orlando, FL 32803-3767  
407-894-7555

Southwest District  
13051 N. Telecom Pky.  
Temple Terrace, FL  
813-632-7600

South District  
2295 Victoria Ave., Ste. 364  
Fort Myers, FL 33901-3881  
239-332-6975

Southeast District  
400 North Congress Ave.  
West Palm Beach, FL 33401  
561-681-6600



7. Location coordinates:  
Section: 19 Township: 44S Range: 25 E  
Latitude: 26 ° 37 ' 37 " Longitude: 81 ° 50 ' 37 "  
Datum: \_\_\_\_\_ Coordinate Method: GPS  
Collected by: John Stephens Company/Affiliation: CL Noonan Disposal
8. Applicant name (operating authority): John Stephens  
Mailing address: 16272 Cottens Ct Fort Myers FL 33908  
Street or P.O. Box City State Zip  
Contact person: John Stephens Telephone: (239) 693-3867  
Title: OWNER JSTEPHENS@JPNOONAN.COM  
E-Mail address (if available)
9. Authorized agent/Consultant: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Street or P.O. Box City State Zip  
Contact person: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_  
Title: \_\_\_\_\_  
E-Mail address (if available)
10. Landowner (if different than applicant): Snowbird Realty Trust  
Mailing address: 16272 Cottens Ct Ft Myers FL 33908  
Street or P.O. Box City State Zip  
Contact person: John Stephens Telephone: (239) 693-3867  
JSTEPHENS@JPNOONAN.COM  
E-Mail address (if available)
11. Cities, towns and areas to be served: LEE AND Collier County
12. Date site will be ready to be inspected for completion: Sept 2010
13. Estimated costs:  
Total Construction: \$ 2000.00 Closing Costs: \$ 1500.00
14. Anticipated construction starting and completion dates:  
From: \_\_\_\_\_ To: \_\_\_\_\_
15. Expected volume of waste to be received: 200 yds<sup>3</sup>/day 48 tons/day
16. Provide a brief description of the operations planned for this facility: \_\_\_\_\_

Containers will be brought in by roll off Truck. Placed along Fence line to be clawed. Containers that are not clawed will be covered at night or when it rains. Clawtruck will load larger containers to be hauled to CTD Landfill or Transfer Station.

**B. ADDITIONAL INFORMATION**

Please attach the following reports or documentation as required.

1. Provide a description of the solid waste that is proposed to be collected, stored, processed or disposed of by the facility, a projection of those waste types and quantities expected in future years, and the assumptions used to make the projections (Rule 62-701.710(2)(a), F.A.C.).
2. Attach a site plan, signed and sealed by a professional engineer registered under Chapter 471, F.S., with a scale not greater than 200 feet to the inch, which shows the facility location, total acreage of the site, and any other relevant features such as water bodies or wetlands on or within 200 feet of the site, potable water wells on or within 500 feet of the site (Rule 62-701.710(2)(b), F.A.C.).
3. Provide a description of the operation and functions of all processing equipment that will be used, with design criteria and expected performance. The description shall show the flow of solid waste and associated operations in detail, and shall include (Rule 62-701.710(2)(c), F.A.C.):
  - a. Regular facility operations as they are expected to occur;
  - b. Procedures for start up operations, and scheduled and unscheduled shut down operations; and
  - c. Potential safety hazards and control methods, including fire detection and control.
4. Provide a description of the loading, unloading, storage and processing areas (Rule 62-701.710(2)(d), F.A.C.).
5. Provide the identification and capacity of any on-site storage areas for recyclable materials, non-processable wastes, unauthorized wastes, and residues (Rule 62-701.710(2)(e), F.A.C.).
6. Provide a plan for disposal of unmarketable recyclable materials and residue, and for waste handling capability in the event of breakdowns in the operations or equipment (Rule 62-701.710(2)(f), F.A.C.).
7. Provide a boundary survey, legal description, and topographic survey of the property (Rule 62-701.710(2)(g), F.A.C.).
8. Provide a description of the design requirements for the facility which demonstrate how the applicant will comply with Rule 62-701.710(3), F.A.C.
9. Provide an operation plan which describes how the applicant will comply with Rule 62-701.710(4), F.A.C. (Rule 62-701.710(2)(h), F.A.C.).
10. Provide a closure plan which describes generally how the applicant will comply with Rule 62-701.710(6), F.A.C. (Rule 62-701.710(2)(i), F.A.C.).
11. Unless exempted by Rule 62-701.710(10)(a), F.A.C., provide the financial assurance documentation required by Rule 62-701.710(7), F.A.C. (Rule 62-701.710(2)(j), F.A.C.).
12. Provide documentation to show that stormwater will be controlled according to the requirements of Rule 62-701.710(8), F.A.C.
13. Provide documentation to show that the applicant will comply with the recordkeeping requirements of Rule 62-701.710(9), F.A.C.
14. Provide a history and description of any enforcement actions by the applicant described in subsection 62-701.320(3), F.A.C. relating to solid waste management facilities in Florida. (Rules 62-701.710(2), F.A.C. and 62-701.320(7)(i), F.A.C.)

C. CERTIFICATION BY APPLICANT AND ENGINEER OR PUBLIC OFFICER

1. Applicant:

The undersigned applicant or authorized representative of CL Noonan Disposal Inc  
is aware that statements made in this form and attached information are an application for a Transfer Station

\_\_\_\_\_ Permit from the Florida Department of Environmental Protection and certifies that the information in this application is true, correct and complete to the best of his/her knowledge and belief. Further, the undersigned agrees to comply with the provisions of Chapter 403, Florida Statutes, and all rules and regulations of the Department. It is understood that the Permit is not transferable, and the Department will be notified prior to the sale or legal transfer of the permitted facility.

John Stephens  
Signature of Applicant or Agent

John Stephens Owner  
Name and Title (please type)

JStephens@JPNoonan.com  
E-Mail address (if available)

16272 Cutters Ct  
Mailing Address

Font Myers FL 33908  
City, State, Zip Code

(339) 693-3867  
Telephone Number

7-27-10  
Date

Attach letter of authorization if agent is not a governmental official, owner, or corporate officer.

2. Professional Engineer registered in Florida (or Public Officer if authorized under Sections 403.707 and 403.7075, Florida Statutes):

This is to certify that the engineering features of this waste processing facility have been designed/examined by me and found to conform to engineering principles applicable to such facilities. In my professional judgment, this facility, when properly maintained and operated, will comply with all applicable statutes of the State of Florida and rules of the Department. It is agreed that the undersigned will provide the applicant with a set of instructions of proper maintenance and operation of the facility.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title (please type)

\_\_\_\_\_  
Florida Registration Number  
(please affix seal)

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
E-Mail address (if available)

( ) \_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Date

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JUL 27 2010  
D.E.P. South District

**CERTIFIED TO:**  
Snowbird Realty Trust, Inc.  
Florida Community Bank, Its'  
successors and/or assigns

Date: 01/09/08

Job #: 13666

**Date of Signature:** 11/30/09

**Lots 13 thru 19, Block 16, City View Park No.3, a subdivision according to the plat thereof on file and recorded in Plat Book 6, Page 32, of the Public Records of Lee County, Florida**

  
R. L. Schumann, RLS

12. Survey valid for 90 days from last field update.

1. Description as furnished by Client. No search of the Public Records was
2. Conducted by this Firm.
3. Elevations as shown are based on N.G.V.D. 1929 Datum unless otherwise Stated.
4. Bearings are based on Canal Street, bearing being East.
5. Unless otherwise listed all bearings are both plat and measured.
6. There may be other easements not shown hereon recorded in the Public Record
7. of Governing County.
8. No Determination of Hazardous Waste Materials have been made by this Firm.
9. Signor limits liability only up to the cost of the Survey.
10. This Survey is protected by Copyright and All Rights are Reserved.
11. Not Valid without signature and Railed Seal.
12. This Sketch Does Not Reflect or Determine Ownership. This Sketch is Not an
13. ALTA/CASCM Land Title Survey. Photocopying Forbidden. Copyrighted Material.
14. No copies shall be made without written Authorization. Possession of any such
15. document is an offense against Intellectual Property as outlined within Chapter
16. 815.04 & 815.045 Florida Statutes. Authorization by signed and sealed letter
17. is required prior to possession of any Copyrighted documents. Failure to do so
18. could result, if convicted, in a felony record.
19. Survey valid for 90 days from last field update.

A/C	=	Air Conditioner	Main	=	Main Floor
B.M.	=	Benchmark	P	=	Plat
C	=	Calculated	P.C.	=	Point of Curve
C.B.	=	Catch Basin	P.I.	=	Point of Intersection
C.B.S.	=	Catch Block	P.P.	=	Power Pole
		Structure	P.U.E.	=	Public Utility Easement
Conc.	=	Concrete	R/W	=	Right of Way
D	=	Deed	S/W	=	Sidewalk
D.E.	=	Drainage Easement	T. PED	=	Telephone Pedestal
D/W	=	Driveway	V.G.	=	Valley Gutter
E.O.P.	=	Edge of Pavement	W.M.	=	Water Meter
Gar.	=	Garage Floor		=	1/2" Iron Pin/Cap Set
G.W.	=	Guy Wire & Anchor		=	1/2" Iron Rod Found
N.G.V.D.	=	National Geodetic Vertical Datum (1929)		=	PK & Disk Set
				=	PK & Disk Found
M	=	Measured		=	Conc. Monument Found
-	=	Centerline of R/W		=	12" Hub & Tack
V	=	Overhead Powerline			
-	=	Chainlink Fence			

**S & H Land Survey Company, Inc.**  
**21430 Palm Beach Boulevard**  
**Alva, Florida 33920**  
**LB#: 1057**  
**Phone: (239) 481-2366**  
**Fax: (239) 481-2437**

11/12/10

Re: Lee County – SW  
CL Noonan Disposal, Inc.  
Transfer Station (Container to Container)  
**Application No. 0302101-002-SO/30**  
WACS ID No. 00098559  
Request for Additional Information (RAI) No. 2

Please find enclosed four copies of the following :

Response to RAI No 2

Operational Plan

Site Plans

Storm Water Permit

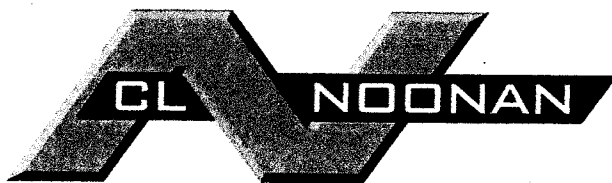
Storm Water Flow

Pictures of Claw Truck

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NOV 12 2010

D.E.R. South District

Entered into  
 OCULUS  
South District



DISPOSAL, INC. FORT MYERS, FL

## RE: CL Noonan Disposal

### Container to Container Transfer

Physical Address :

CL Noonan Disposal  
3405 Canal St.  
Fort Myers Fl 33908  
Ph # 239-693-3867

Mailing Address :

CL Noonan Disposal  
16272 Cutters Ct  
Fort Myers Fl 33908

Owners: of CL Noonan Disposal and Snowbird Realty Trust

Peter Noonan Sr.  
Chris Noonan  
John Stephens  
Email : jstephens@jpnoonan.com

Property owners :

Snowbird Realty Trust  
16272 Cutters Ct  
Fort Myers Fl 33908

John Stephens:

Date : 11-15-10

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NOV 17 2010  
D.E.P. South District

## **Reinhart, Mel**

---

**From:** Reinhart, Mel  
**Sent:** Wednesday, November 03, 2010 11:02 AM  
**To:** 'jstephens@jpnoonan.com'  
**Cc:** McLaurin, Albert  
**Subject:** Re: CL Noonan "Draft" RAI #2 Review

John,

My comments and Al's are noted below. As discussed over the phone, the contingency plan and closure plan are to be brief and geared to your operations. If you have any questions give me call at 332-6975 x104.

Regards

Mel

### **Mel's Comments**

#### **Part B: Additional Information**

B. 3: The equipment list for processing, storage and handling of material should reflect the quantity and capacity of the storage units, etc. shown on the site plan and their functional use.

B 10: Please address closure requirements as outlined in F.A.C. Rule 62-701.710(6) and provide an abbreviated common sense reply and incorporate the text as a section in the Operation Plan.

B 12: Please provide a copy of the City of Fort Myers' "Multi-Sector Storm Water Discharge Permit".

#### **Operations Plan**

Page 2, 1<sup>st</sup> paragraph: Please change the County name from Collier to Hendry in that the Lee/Hendry County landfill is located in Hendry County.

Page 2, 3<sup>rd</sup> paragraph: A Contingency Plan needs to be incorporated as a section in the Operations Plan that addresses the requirements [an abbreviated common sense reply] as noted in F.A.C. Rule 62-701.320(16)(a)1, Person responsible for implementation of plan (a)2, Notification of appropriate emergency response agencies for the emergency at hand (a)3, describe any procedures that may be initiated by employees to contain the emergency or to wait for emergency responder to handle the incident. (c) for fires or an explosion the Department is to be notified.

Page 2, 6<sup>th</sup> paragraph: Please reference F.A.C. Rule 62-701.710(4)(g) and incorporate some of the language of the rule in this paragraph. The rule reflects the immediacy of contacting the Department and of cordoning off the waste to prevent public access. Instructions from the Department are advised before handling the material.

#### **Al's Comments**

1. The pictures of the grapple truck operation should be made part of Mr. Stephens submittal response to comment B.2 to visually demonstrate his operation.
2. A fixed date should be included in the "B.3.A" response such as "No later than December 31, 2010 trained personnel will be available at the facility as operators."

3. Any place within the RAI #2 response that the words "recyclable material" are used should be changed to "Recovered material(s)". Based on the definition of recovered material in Rule 62-701, FAC once the recovered material is removed from the solid waste stream it is no longer considered as solid waste. Therefore this should solve Mr. Stephens problem concerning be able to store metal on site up to 30 days.
4. The new site drawing Mr. Stephens sent over looks real good. He just has to add a note indicating that the 34 or 40 CY container can be either on the ground or on the back of the grapple truck. In addition he should add the sprinkler system and water control valve along the north fence line the length of the five containers. There is a small typo on the drawing: In front of the 5 containers along the north fence line there is the callout "Incoming C&P" it should be "Incoming C&D".
5. Mr. Stephens will need to add in the 1<sup>st</sup> paragraph of the B.3 Response: That the 34 or 40 CY containers used to consolidate the C&D material for disposal can be located either on the ground or the grapple truck.
6. Mr. Stephens should add to the end of the Operational Plan a list of the emergency contacts (state, county & local) and their respective telephone numbers, so that they are easily accessible by the other operators
7. The site stormwater flow arrow plan will need to be submitted for review and comment as referenced in response B.7.
8. Mr. Stephens should add an additional sentence after sentence number 2 in his B.8 response that indicates that all litter picked up will be placed in a container going to either the Lee County Incinerator or Lee/Hendry landfill that day.





# Florida Department of Environmental Protection

South District Office  
Post Office Box 2549  
Fort Myers, Florida 33902-2549

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Mimi A. Drew  
Secretary



October 13, 2010

CL Noonan Disposal, Inc.  
c/o John Stephens  
E-mailed to: [jstephens@jpnoonan.com](mailto:jstephens@jpnoonan.com)  
16272 Cutters Court  
Fort Myers, Florida 33908

Re: Lee County - SW  
CL Noonan Disposal, Inc.  
Transfer Station (Container to Container)  
**Application No. 0302101-002-SO/30**  
WACS ID No. 00098559  
Request for Additional Information (RAI) No. 2

Dear Mr. Stephens:

The Department has reviewed your response received September 14, 2010 to Department's Request for Additional Information (RAI No. 1) dated August 25, 2010 for above referenced site. The review revealed that the submitted information is not complete. Please submit additional information as addressed below to complete the application.

## APPLICATION

### PART B: ADDITIONAL INFORMATION

B.1: The text of the response is ambiguous in relation to the "Finding of Facts" in the "Alternate Procedure" where it is noted that "the containers are taken to Petitioner's facility at 3405 Canal Street where they are stored for up to five days before being taken to a permitted landfill or transfer station". It is noted in the response that "the C&D will not remain on site more than seven days". Also noted is that "Concrete and metal and wood will be stored in separate 20 yard containers for recycling, it may remain on site longer than seven days". Please note whether any other type of recyclable materials will be stored on site. Please provide the number and size of storage containers [F.A.C. Rule 62-701.710(2)(a)]. The storage of materials on site is not consistent with the language noted in the "Finding of Facts" from the *Order Granting Approval of Alternate Procedure*. Please

CL Noonan Disposal, Inc.  
Application No. 0302101-002-SO/30  
WACS ID No. 00098559  
RAI No. 2

clarify and be specific as to the length of time recycled materials and transferred materials are stored on site.

- B.2: Site Plan provided; however, further detail is needed to demonstrate the operation and placement of roll offs during the transfer of materials from the dropped off container to the one taking material to the landfill or transfer station to the containers being used to store recyclable materials such as wood, metal, and concrete. The Site Plan is not to scale [F.A.C. Rule 62-701.320(7)(f) 1].
- B.3: Please provide a list describing the functions and respective capacities for all processing, storage and hauling equipment being used at the facility in its container to container operation process. The list shall be in the form of a table outlining all equipment, along with the number, capacity, and function; rather than a text description [F.A.C. Rule 62-701.710(2) (c)].

The Site Plan shows only two containers for storage of concrete and metals. Is there a container to store wood recyclable materials on site? Please indicate the storage location for empty roll offs not being used.

It is noted that as containers are emptied they will be placed elsewhere on the property. Please indicate where they will be placed on the Site Plan. Also, please note where the wood storage recyclable rolls off will be stored. Please indicate how CCA treated wood is handled. It may take 4 to 5 days to fill recyclable roll offs. Please indicate how long recyclable roll offs will remain on site. Please explain the sequence followed when removing the roll off containers once emptied. Please note whether roll offs are filled to their maximum height when retrieved from the construction site.

- B.3, A: Your operation is considered to be on the same level of service as a transfer station, even though you are taking materials to a location where operators or spotters review it. You are bringing materials into a site that is surrounded by other property owners, and you are transferring waste from one container to another for consolidation purposes. For the protection of yourself and the surrounding neighbors, you and your operator should be cognizant of waste categorizations during the process.

CL Noonan Disposal, Inc.  
Application No. 0302101-002-SO/30  
WACS ID No. 00098559  
RAI No. 2

Operators can serve as spotters. Training of all personnel in dealing with waste in the manner you are is required under the regulation (even though you are approved for an alternate procedure) and is an important aspect of providing a safe environment for operating personnel and the neighborhood. Therefore, please provide that a licensed operator is on duty whenever this facility is open for operations. Also, please indicate that a licensed spotter is on duty and/or the licensed operator will serve as the spotter when transferring waste from container to container [F.A.C. Rule 62-701.710(2) (c) 1].

B.3, C: Please provide an outline for the referenced site safety orientation and the safety training courses that will be required of employees and what the continuing training courses will consist of that shall be designed to meet OSHA and DOT requirements [F.A.C. Rule 62-701.710(2)(c)3].

It is noted that "if leachate is released from a container it will be controlled and picked up with oil dry." Please provide where the oil dry is stored before and after it is used to absorb leachate. Please note whether fire extinguishers are also used to control and abate fires [F.A.C. Rule 62-701.710(3)(b)].

B.4: Items B.2 and B.3 need additional information and need to be on a Site Plan that is to scale.

The Site Plan needs to be cleaned up. A clear representation of the operation on the Site Plan will need to be submitted. The processing area for the container to container operation needs to demonstrate the positions of the containers used to accept C&D waste and recycled material (wood, concrete, and metals) or their location on the site if they are permanently placed and the grapple equipment moves to their location. Also, it needs to demonstrate how the roll offs are removed from the lineup after they are emptied [F.A.C. Rule 62-701.710(2) (c) and (e)].

B.5: Please show where non-processible waste roll offs are stored until being hauled to a landfill or transfer station, or note whether they are hauled immediately to the areas after being filled. Please indicate whether there is an on-site storage area for batteries, tires, motor oil, TVs, computers, etc., until time for hauling to a landfill [F.A.C. Rule 62-701.710(2)(e)].

CL Noonan Disposal, Inc.  
Application No. 0302101-002-SO/30  
WACS ID No. 00098559  
RAI No. 2

- B.7: The topographic map is referenced to a topographic survey of the property. Please provide a topographic survey of the property, as soon as available [F.A.C. Rules 62-701.710(2)(g) and 62-701.320(7)(f)1].
- B.8: Please provide how litter will be controlled [F.A.C. Rule 62-701.710(3)(a)]. Please provide how leachate generation will be controlled and dealt with "when and if" it is generated [F.A.C. Rule 62-701.710(3) (b)].
- B.9: The Operations Plan needs to be expanded to address the following, as outlined in F.A.C. Rule 62-701.710(4). These items need to be reviewed and addressed according to their applicability, based on your operation. Even though you are a container to container operation, and you are dealing with only your containers which are utilized by many different customers, you still have a responsibility to be alert and cognizant of regulatory standards. The same items that were designed to provide the environmental standards necessary to protect public safety and health are also applicable to your operations. The Contingency Plan outlined in F.A.C. Rule 62-701.320(16) needs to be evaluated also, and applicable items need to be addressed [F.A.C. Rules 62-701.320(7)(e)1, 2, & (16) and 62-701.320 62-701.710(4)].

Please reference page 1 of the Operational Plan, paragraphs 3 and 4. Please note the reference to Hendry County Landfill should be Lee/Hendry County landfill. It is also located in Hendry County instead of Collier County. Also, in paragraph 3, it is noted that "those (recyclable metal, concrete, and wood) containers would be dumped on an as needed basis." Please provide what this means in terms of turnover time or length of time the materials would be stored on site.

- B.10: Please follow the outline presented in F.A.C. Rule 62-701.710(6) for the "Closure requirements" and state that "owner or operator shall, etc." and resubmit by addressing each item as noted.
- B.12: Please provide a copy of the City of Fort Myers' *Multi-Sector Storm Water Discharge Permit* [F.A.C. Rule 62-701.710(8)].
- B.13: Please incorporate the language of F.A.C. Rule 62-701.710(9) into the text of B.13 and also place this same language in the Operations Plan.

CL Noonan Disposal, Inc.  
Application No. 0302101-002-SO/30  
WACS ID No. 00098559  
RAI No. 2

Please submit four (4) copies of your response and supporting data to this office.

Should you have any questions, please feel free to call Mr. Albert McLaurin at (863) 314-5975, extension 101; or by e-mail to [Albert.McLaurin@dep.state.fl.us](mailto:Albert.McLaurin@dep.state.fl.us) or to Mr. Mel Reinhart at (239) 332-6975, extension 104, or by e-mail to [Mel.Reinhart@dep.state.fl.us](mailto:Mel.Reinhart@dep.state.fl.us). Please contact either Messrs. McLaurin or Reinhart to arrange for a time and date to visit your facility to see the proposed operation and site. Your cooperation in this matter is appreciated.

Sincerely,



Charles Emery III  
Environmental Administrator

CE/AM/MHR/se

cc: Albert D. McLaurin, FDEP, Sebring  
Jack D. Myers, FDEP, Fort Myers  
Bill Krumbholz, FDEP, Fort Myers  
Mel Reinhart, FDEP, Fort Myers

## Edwards, Susan

---

**From:** Edwards, Susan  
**Sent:** Wednesday, October 13, 2010 9:17 AM  
**To:** 'jstephens@jpnoonan.com'  
**Cc:** McLaurin, Albert; Myers, Jack D.; Krumbholz, Bill; Reinhart, Mel  
**Subject:** CL Noonan Disposal Inc - RAI 2  
**Attachments:** Oct13 CL Noonan-RAI2.pdf

Dear Mr. Stephens:

For your review and response, please see attached a **Request for Additional Information No. 2** for...

**CL Noonan Disposal, Inc.**  
**Application No. 0302101-002-SO/30**  
**WACS ID No. 98559**

Thank you—

*Susan Edwards*

Administrative Assistant I  
FDEP – South District  
(239) 332-6975, extension 133



**Edwards, Susan**

---

**To:** McLaurin, Albert  
**Cc:** Krumbholz, Bill; Reinhart, Mel  
**Subject:** CL Noonan Disposal-Response To RAI1

For your review and comments, I have placed a copy on your desk of a **Response to RAI 1** for...

**CL Noonan Disposal, Inc.**  
**Application No. 0302101-002-SO/30**  
**WACS ID No. 98559**  
**Received September 14, 2010**



Please e-mail your comments to **Al McLaurin** by **Thursday, September 30, 2010**.

Thank you—

*Susan Edwards*

Administrative Assistant I  
FDEP – South District  
(239) 332-6975, extension 133



DISPOSAL, INC. FORT MYERS, FL

Part A: General Information

CL Noonan Disposal, Inc.  
Application No. 0302101-002-SO/30  
WACS ID No. 00098559  
RAI No. 1

A 1: Please provide an asterisk (\*) for this Item and footnote at the bottom of Page 1 indicating that this facility is a "Container to Container" operation.

*I have enclosed a new page with the changes.*

A.2: Please check the block "Construction/Operation" for the "Type of Operation" as ordered under Item 5, Page 3 of the Consent Order, OGC Case No. 10-0609-36-SW [F.A.C. Rule 62-701.900(4)].

*I have enclosed a new page with the changes.*

A.10: For this Item it is noted that the landowner is different than the applicant. Please provide documentation that the applicant has legal authorization from the property owner to use the site for a solid waste management facility [F.A.C. Rule 62-701.320(7)(g)].

*I have enclosed copies of our incorporation paperwork and owner of record from the Lee County property appraiser showing that Peter Noonan and John Stephens (Snowbird Realty) are the same owners of the property at 3405 Canal St and CL Noonan Disposal.*

RECEIVED

SEP 14 2010

South District





# Florida Department of Environmental Protection

South District  
P.O. Box 2549  
Fort Myers, FL 33902-2549

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

August 25, 2010

CL Noonan Disposal, Inc.  
c/o John Stephens  
E-mailed to: [jstephens@jpnoonan.com](mailto:jstephens@jpnoonan.com)  
16272 Cutters Court  
Fort Myers, Florida 33908

Re: Lee County - SW  
CL Noonan Disposal, Inc.  
Transfer Station (Container to Container)  
**Application No. 0302101-002-SO/30**  
WACS ID No. 00098559  
Request for Additional Information (RAI) No. 1

Dear Mr. Stephens:

The Department has reviewed the application package (dated July 27, 2010 and received by the Department July 27, 2010) to construct and operate a Waste Processing Facility at the above referenced site in accordance with the approved "Alternate Procedures" submitted by you. The review revealed that the submitted information is not complete. Please submit additional information as addressed below to complete the application.

#### General Comment:

Although the facility is being reviewed under "Alternate Procedures", the regulatory criteria for Florida Administrative Code (F.A.C.) Rule 62-701.710, Waste Processing Facilities, should be addressed. The need to provide documentation to support its operation is imperative. Also, the text, site plan and other supported drawings shall reasonably represent the transfer of waste occurring on site.

#### APPLICATION

##### PART A: GENERAL INFORMATION

A.1: Please provide an asterisk (\*) for this Item and footnote at the bottom of Page 1 indicating that this facility is a "Container to Container" operation.

CL Noonan Disposal, Inc.  
Application No. 0302101-002-SO/30  
WACS ID No. 00098559  
RAI No. 1

- A.2: Please check the block "Construction/Operation" for the "Type of Operation" as ordered under Item 5, Page 3 of the Consent Order, OGC Case No. 10-0609-36-SW [F.A.C. Rule 62-701.900(4)].
- A.10: For this Item it is noted that the landowner is different than the applicant. Please provide documentation that the applicant has legal authorization from the property owner to use the site for a solid waste management facility [F.A.C. Rule 62-701.320(7)(g)].

#### **PART B: ADDITIONAL INFORMATION**

- B.1: Please provide an overview of the type of C&D wastes that have been received in the past and are expected to be received in the future using F.A.C. Rule 62-701.200(24) which defines "Construction and Demolition Debris". It is noted that concrete and metals will be stored on site longer than seven days. Please note whether any other type of recyclable materials will be stored on site. Please provide the number and size of storage containers [F.A.C. Rule 62-701.710(2)(a)].
- B.2: Please provide the Site Plan on a drawing 22 inches x 34 inches or 24 inches x 36 inches [F.A.C. Rule 62-701.320(7)(f)1.].
- B.3: Please provide a list, describing the functions and their respective capacities of all processing, storage and hauling equipment being used at the facility in its container to container operation process [F.A.C. Rule 62-701.710(2)(c)].

On the Site Plan, please show the location of storage containers (and their capacities), as well as the location of containers used to haul C&D waste materials to the disposal facilities (and their capacities).

Please indicate on the Site Plan where the incoming containers are deposited, to be unloaded by the claw truck. Please indicate the location of containers for the material not being recycled, which will then be transported to C&D debris disposal facilities. Please provide the type of ground surface where the transfer of wastes is being accomplished. Please provide the flow path of vehicles (incoming dumpsters and outgoing waste hauling trailers) in and out of the facility [F.A.C. Rule 62-701.710(2)(c)].

- B.3, A: Please provide the operational hours for this facility and who will be using this facility. Please provide whether a licensed operator is on duty whenever this facility is open for operations. Also, please indicate whether a licensed

CL Noonan Disposal, Inc.  
Application No. 0302101-002-SO/30  
WACS ID No. 00098559  
RAI No. 1

spotter is on duty and/or the licensed operator will serve as the spotter when transferring waste from container to container [F.A.C. Rule 62-701.710(2)(c)1].

B.3, B: Please provide how waste is dealt with if the existing equipment for transferring waste from container to container breaks down, or if the volume of waste being transferred exceeds 200 cubic yards on a daily basis [F.A.C. Rule 62-701.710(2)(c)2].

B.3, C: Please provide the type of safety hazards that can be encountered in the transfer of wastes from one container to another. Please make note of the precautions being implemented to prevent personal injury to employees working in the immediate area [F.A.C. Rule 62-701.710(2)(c)3].

Please provide how the sprinklers along the fence are controlled to prevent dust and fires. Please indicate if water may be released from the containers during the sprinkling, potentially creating leachate. If leachate is created, how will it be handled [F.A.C. Rule 62-701.710(3)(b)]?

B.4: Please provide on the Site Plan the layout for the loading, unloading, storage and processing areas. Clearly label the containers being used to store recycled materials and those that are being loaded to send waste to the landfill.

Please provide on the Site Plan the processing area for the container to container operation and the position of the claw truck to access both the incoming waste container and the waste containers being used to dispose of waste to the landfill, and those being used to store recycled material. Please use arrows to show the flow of containers in and out of the site, as noted above [F.A.C. Rules 62-701.710(2)(c) & (e)].

B.5: Please provide the identity of any on site storage dumpsters for recyclable materials, non-processable wastes, unauthorized wastes, and residues. Please describe the types of waste that are considered non-processable, unauthorized (hazardous and non-hazardous) wastes and residue [F.A.C. Rule 62-701.710(2)(e)].

B. 7: Please provide a Site Plan on a 22 inches x 34 inches or 24 inches x 36 inches drawing. Please submit a topographic map as soon as available [F.A.C. Rules 62-701.710(2)(g) and 62-701.320(7)(f)1].

CL Noonan Disposal, Inc.  
Application No. 0302101-002-SO/30  
WACS ID No. 00098559  
RAI No. 1

- B.8: Please provide how litter will be controlled [F.A.C. Rule 62-701.710(3)(a)]. Please provide how leachate generation will be controlled and dealt with "when and if" it is generated [F.A.C. Rule 62-701.710(3)(b)].
- B.9: Please provide an Operation Plan for this facility. Please provide documentation and text that addresses how this facility shall comply with the requirements of F.A.C. Rules 62-701.320(7)(e)1, 2 & (16) and 62-701.320 62-701.710(4).
- B.10: For the Closure Plan, please follow the outline presented in F.A.C. Rule 62-701.710(6) and resubmit.
- B.12: The memo from William Foley notes that the project would qualify for a "No Notice Environmental Resource Permit for the surface water management system". "These types of permits do not require the property owner to receive authorization from the District". However, "the local government (Lee County or City of Fort Myers) would be the permitting authority". Please provide what the local permitting authority requires for the stormwater issue, if anything. Please provide a copy of your permit and/or correspondence that states no permit is required [F.A.C. Rule 62-701.710(8)].
- B.13: Please incorporate the language of F.A.C. Rule 62-701.710(13) for this Item and place into the Operations Manual.

**Please submit four (4) copies of your response and supporting data to this office.**

Should you have any questions, please feel free to call Mr. Albert McLaurin at (863) 314-5975, extension 101, or by e-mail to [Albert.McLaurin@dep.state.fl.us](mailto:Albert.McLaurin@dep.state.fl.us). or Mr. Mel Reinhart at (239) 332-6975, extension 104, or by e-mail to [Mel.Reinhart@dep.state.fl.us](mailto:Mel.Reinhart@dep.state.fl.us). Your cooperation in this matter is appreciated.

Sincerely,



Charles Emery III  
Environmental Administrator

CE/AM/MHR/se

cc: Albert D. McLaurin, FDEP, Sebring  
Jack D. Myers, FDEP, Fort Myers  
Bill Krumbholz, FDEP, Fort Myers  
Mel Reinhart, FDEP, Fort Myers

## Reinhart, Mel

---

**From:** McLaurin, Albert  
**Sent:** Monday, August 09, 2010 3:53 PM  
**To:** Krumbholz, Bill  
**Cc:** Reinhart, Mel; Edwards, Susan; Emery, Charles  
**Subject:** RE: CL Noonan Waste Processing Facility Application with Alternative Procedure Approval  
**Attachments:** CLNoonan Disposal SFWMD.pdf

Bill,

Thanks for the comments. The following is applicable:

1. I will ask him to include your comments in his Operations Plan
2. Attached is the email response from SFWMD. Basically, the stormwater would be permitted through the local government (City or County) when the facility received its site or building permit.
3. The submitted site plan indicates that the recycling is taking place in the northeast corner of the site. There are what looks like 2 mobile homes and a shed on the other side of the fence. There is the potential for noise, dust, litter and odor complaints. Reading the original complaint report from September 2, 2009 it appears that the anonymous complainant mentioned the residents of Katherine Street which is the street just north of Canal Street and the street that the mobile homes and shed are located on. I will mention that he may want to relocate the recycling operation away from the homes in my response.

Regards,

Albert D. McLaurin, PE  
PE Administrator  
Florida Department of Environmental Protection  
South District, Sebring Office  
2812 Kenilworth Blvd.  
P.O. Box 1239  
Sebring, FL 33871  
Phone: 863-314-5975  
Fax: 863-314-5979



*Please Note: Florida has broad public records laws. Most written communication to or from state officials regarding state business are public records available to the public and media upon request. Your email is communications and may therefore be subject to public disclosure. However, if this communication contains confidential and privileged information any unauthorized review, use, disclosure or distribution is prohibited.*

---

**From:** Krumbholz, Bill  
**Sent:** Monday, August 09, 2010 2:51 PM  
**To:** McLaurin, Albert  
**Cc:** Reinhart, Mel; Edwards, Susan; Emery, Charles  
**Subject:** CL Noonan Waste Processing Facility Application with Alternative Procedure Approval

Al,

The application has been reviewed and the following comments are offered:

### Additional Information

1. The applications does not make future waste projections. However, unlike normal WPFs this facility cannot operate if it receives more than 200 cubic yards a day. [This will be required in the specific conditions of the permit.]

The application affirms, in numerous places that they will not receive more than this amount per day. Therefore, the requirement is satisfied; 62-701.710(2)(a). ✓

2) In accordance with Alternative Procedure No. 2 (page 3), applicant does not have to have the application signed and sealed by a P.E. There is nothing in the actual application that demonstrates the need for a P.E. It is stated, and will be required in the specific conditions of the permit, that waste will not remain on the property for more than 7 days. ✓

Therefore, in accordance with F.A.C. Rule 62-701.300(17), the Prohibitions pertaining to siting stated in 62-701.300(2) will not apply to this facility.

7) The boundary topographic map is on hold? 62-701.710(2)(g).

An operation plan/manual is needed; 62-701.710(2)(h) and (4)(a) 1. [This plan could be very brief... but we need something.]

8) The application needs to address litter control; 62-701.710(3)(a). The application needs to address leachate control; 62-701.710(3)(b). [Leachate control (prevention) – eg. use of tarps or lids on containers, storage indoors, the quick turnover of the dumpsters, and (abatement) accidental leachate spill clean-up such as the use of “oil dry” or wood mulch to pick up the liquid and place it back into one of the dumpsters.] ✓

9) Within the mentioned operation plan (see Item 7), handling unauthorized waste should be addressed; 62-701.710(4)(a) 2. [A contingency plan is addressed in No. 6.B.6.] A trained operator and trained spotter are required for this facility. This must be discussed; 62-701.710(4)(c) 1&2.

Objectionable odor control needs to be discussed; 62-701.710(4)(d). ✓

Fire protection needs to be discussed; 62-701.710(4)(e). ✓

Facility access needs to be discussed: 62-701.710(4)(f). ✓

The handling of improperly deposited hazardous waste needs to be discussed: 62-701.710(4)(g). ✓

11) The facility is exempt from financial assurance requirements in accordance with Item 2. (page 3) of the Alternative Procedures document if the cost estimate is beneath \$5,000. The accepted estimate is \$1500... so the facility is exempt.

12) [I couldn't find the “enclosed email” from William Foley concerning stormwater?]

## Reinhart, Mel

---

**From:** Krumbholz, Bill  
**Sent:** Monday, August 09, 2010 2:51 PM  
**To:** McLaurin, Albert  
**Cc:** Reinhart, Mel; Edwards, Susan; Emery, Charles  
**Subject:** CL Noonan Waste Processing Facility Application with Alternative Procedure Approval

Al,

The application has been reviewed and the following comments are offered:

### Additional Information

1. The applications does not make future waste projections. However, unlike normal WPFs this facility cannot operate if it receives more than 200 cubic yards a day. [This will be required in the specific conditions of the permit.]

The application affirms ,in numerous places that they will not receive more than this amount per day. Therefore, the requirement is satisfied; 62-701.710(2)(a).

2) In accordance with Alternative Procedure No. 2 (page 3), applicant does not have to have the application signed and sealed by a P.E. There is nothing in the actual application that demonstrates the need for a P.E. It is stated, and will be required in the specific conditions of the permit, that waste will not remain on the property for more than 7 days. Therefore, in accordance with F.A.C. Rule 62-701.300(17), the Prohibitions pertaining to siting stated in 62-701.300(2) will not apply to this facility.

7) The boundary topographic map is on hold? 62-701.710(2)(g).

An operation plan/manual is needed; 62-701.710(2)(h) and (4)(a) 1. [This plan could be very brief... but we need something.]

8) The application needs to address litter control; 62-701.710(3)(a). The application needs to address leachate control; 62-701.710(3)(b). [Leachate control (prevention) – eg. use of tarps or lids on containers, storage indoors, the quick turnover of the dumpsters, and (abatement) accidental leachate spill clean-up such as the use of “oil dry” or wood mulch to pick up the liquid and place it back into one of the dumpsters.]

9) Within the mentioned operation plan (see Item 7), handling unauthorized waste should be addressed; 62-701.710(4)(a) 2. [A contingency plan is addressed in No. 6.B.6.] A trained operator and trained spotter are required for this facility. This must be discussed; 62-707.710(4)(c ) 1&2.

Objectionable odor control needs to be discussed; 62-701.710(4)(d).

Fire protection needs to be discussed; 62-701.710(4)(e).

Facility access needs to be discussed: 62-701.710(4)(f).

The handling of improperly deposited hazardous waste needs to be discussed: 62-701.710(4)(g).

11) The facility is exempt from financial assurance requirements in accordance with Item 2. ( page 3) of the Alternative Procedures document if the cost estimate is beneath \$5,000. The accepted estimate is \$1500... so the facility is exempt.

12) [I couldn't find the “enclosed email” from William Foley concerning stormwater?]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WASTE MANAGEMENT PERMIT DATA ENTRY FORM**

*This form must be completed and returned to the data processing team within three (3) business days from the date the check was received.*

WACS ID No. 98559

Processor: MARTIN - LAL McLAURIN

Received Date: 7/27/10

Log No. \_\_\_\_\_

Suspense Date: 7/30/10

**SITE INFORMATION**

Program Area: ☒ SW  
☐ SB  
☐ WT  
☐ HW

Application Action: ☐ NEW  
☐ MOD  
☐ RENEWAL

NEW PA Site Number? ☐ YES  
☐ NO

County: ☐ COLLIER (11) ☐ CHARLOTTE (08) ☐ GLADES (22) ☐ HENDRY (26)  
☐ HIGHLANDS (28) ☒ LEE (36) ☐ MONROE (44) ☐ PALM BEACH COUNTY (50)

Site Name: CL NOONAN DISPOSAL INC

Project Name: NOONAN C&D RECYCLING

Permit Application No.: 0302101-002-50/30

Facility Type: C&D Debris Recycling

**CASH RECEIVING INFORMATION**

Check No. 1309

Amount Received: \$ 2,000.00

Date Received: 7/27/10

Check No. 711073

Amount Received: \$ \_\_\_\_\_

Date Received: \_\_\_\_\_

Receipt No. 711073

SysPay No. 1029207

CRA No. 356394

**CODE INFORMATION**

**FEE INFORMATION**

**OVERIDE**

Type: 50

Correct Fee: \$ 2000.00

OVERRIDE? ☐ YES

Subtype: 30

Fee Received: \$ \_\_\_\_\_

☐ NO

General Permit: \_\_\_\_\_

Fee Refunded: \$ \_\_\_\_\_

Reason: \_\_\_\_\_

-002 = Operation Permit **PROJECT INFORMATION**

Project Description: CONTAINER TO CONTAINER ALTERNATE PROCEDURE (-001)

Project Location: CL NOONAN DISPOSAL INC, 3405 CANAL ST. FORT MYERS, FL 33916

Coordinates: Latitude: 26° 37' 37" Longitude: 81° 50' 37"

Applicant Name: JOHN STEPHENS

Title: OWNER

Company Name: CL NOONAN DISPOSAL INC

Mailing Address: 16272 CUTTERS CT, FORT MYERS, FL 33908

Phone: (239) 693-3867

Fax: \_\_\_\_\_

E-mail: JSTEPHENS@JPNNOONAN.COM

Engineer Name: N/A

Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**PROCESSING FLOW**

**RECEIVED (Please Initial & Date)**

**COMPLETED (Please Initial & Date)**

Mailroom Processor (Stamping, Suspense Dating & Sorting):

Mail Picked up by: \_\_\_\_\_

Permit Processor (Fee Verification & Coding):

Data Processor (Project Creation/Money Linking):

Permit Processor

GF 8/2/10

MHR 8/2/10

GF 8/3/10

Comments: \_\_\_\_\_



July 28, 2010

Cl Noonan  
415 West Street  
West Bridgewater Ma 02379

Dear Sir or Madam:

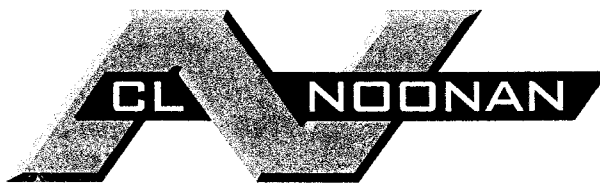
RE: Receipt Number 711073

Your remittance, check number 1309 in the amount of \$2,000.00, was received by the Department of Environmental Protection on July 27, 2010. Any future inquiries regarding this payment should reference the above receipt number.

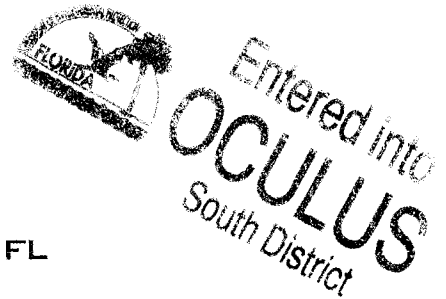
Sincerely,

Yvonne Figueroa, Administration  
Department of Environmental Protection

yf



DISPOSAL, INC. FORT MYERS, FL



July 27, 2010

Albert D. Mc Laurin, P.E.  
Florida Department of Environmental Protection  
South District Office  
2295 Victoria Ave. Ste 364  
P.O. Box 2549  
Fort Myers, FL 33902-2549

Re: CL Noonan Disposal, Inc  
16272 Cutters Ct  
Fort Myers, FL 33908

Application for Waste Processing Facility  
With Alternate Procedures  
OGC No: 10-1496  
SWVA No: SWAP 09-2

Dear Al,

Please find enclosed four copies of my application for a Waste Processing Facility located at 3405 Canal St Fort Myers, FL. Also I enclosed the orders granting approval of alternate procedures and a check for 2000.00 for the application fee.

I have not enclosed a topographic map of the property for I am having trouble locating one. I spoke to Craig Herrera, CFE with the city of Fort Myers mapping department, he said at this time the maps they had were out at a company being put on discs so they could be entered into the city's mapping system. He was not positive the area my property is in was topped. I spoke to Charles Emery, he thought a person in your office might have access to the DEP's maps if that is the case I would greatly appreciate it.

If you have any questions or find anything I may have missed please email me at [jstephens@jppnoonan.com](mailto:jstephens@jppnoonan.com) I will take care of the matter asap.

Thank you,  
John Stephens

A handwritten signature in cursive script that reads "John Stephens".

**RECEIVED**  
JUL 27 2010  
D.E.P. South District



Additional Information :

1. Provide a description of the solid waste that is proposed to be collected, stored, processed or disposed of by the facility, a projection of those waste types and quantities expected in the future years, and the assumptions used to make the projections ( Rule 62-701.710 (2)(a), (F.A.C.)

*The solid waste is C&D from various jobsites. The C&D will remain in containers until it is clawed in to a larger container to be hauled to an approved landfill or incinerator for disposal. The C&D will not remain on site no more than seven days I will use first in first out procedure. Some concrete and metal will stored in separate containers for recycling it may remain on site longer than seven days. The quantities will vary from day to day not to exceed 200 yds.*

2). B 2. (Rule 62-701.710(2)(b), (F.A.C.) Attach a site plan, signed and sealed by a professional engineer registered under Chapter 471, F.S., with a scale not greater than 200 ft to the inch, which shows the facility location, total acreage of the site, and other relevant features such as bodies of water or wetlands on or within 200 ft of the site, potable water wells on or within 500 ft of the site.

*Please see enclosed approval of alternate procedures # 2  
Enclosed is a site plan signed and sealed by a registered Land Surveyor of the property. I also have a email from South Florida Water Management District stating that there are no water wells in the area and that my property is not in the wetlands and there are no ponds within 500 ft of the property.*

3.) B.3 Provide a description of the operation and functions of all processing equipment that will be used, with design criteria and expected performance. The description shall show the flow of the solid waste associated operations in detail, and shall include (Rule 62-701.710(2) (c), F.A.C.)

*Loaded trucks will enter off of Canal St and place loaded containers along the fence line at the rear of the property. A claw truck will then transfer C&D into a larger container to be hauled to an approved land fill. Recyclable material (concrete, metal and wood will be placed in different container to be recycled at an approved facility.*

A. Regular facility operations as they are expected to occur.

*Loaded containers will be brought in yard and place along the fence line for clawing. Concrete and metal and wood will be placed in separate containers for recycle. At the end of the day the operator will rake clean the area of and debris that may have fallen in the course of trans loading.*

B. Procedures for start up operations, and scheduled and unscheduled shut down operation.

*There is no start up or shut down containers will be clawed on an as need basis.*

C. Potential safety hazards and methods, including fire detection and control.

*The primary means of fire detection will be visual observation by the claw truck operator. There are sprinklers along fence line they will spray over each container to minimize dust and fire hazard. Fire protection will be provided by the City of Fort Myers Fire Dept. by calling 911.*

4.) B.4 Provide a description of the loading, unloading, storage and processing areas (Rule 62-701.710(2) (d), (F.A.C.)

*The loading and unloading area will be along the fence line to the rear of property and would not consist of more than 5 C&D containers at a time. Concrete and metal would be put into a separate container for recycling. The C&D would be lifted out of one container and placed into a larger container. Nothing would be stored on site or on the ground.*

5. B.5 Provide the identification and capacity of any on site storage areas for recyclable materials, non-processable wastes, and residues (Rule 62-701.710(2) (e), (F.A.C.)

*There will be no permanent storage on site 20 and 30 yard containers will be used for recyclable material. Non processable waste and residues will be hauled to approved landfill or incinerator.*

6. B.6 Provide a plan for disposal of unmarketable recycle material and residue, and for waste handling capability in the event of breakdowns in the operation or equipment. 62-701.710(2) (f), (F.A.C.)

*Unmarketable recycle material will be hauled to Lee County Incinerator or approved landfill.*

*In the event of equipment breakdown all loads will not be brought to Canal St they will be hauled to Lee County Incinerator or approved landfill until equipment is repaired.*

7. B7. Provide a boundary survey, legal description survey, and topographic survey of the property. Rule 62-701.710 (2) (g), F.A.C.)

*See enclosed site plan. The topographic site map will be provided as soon as the City of Fort Myers has theirs returned from the company that has them they are being loaded on to discs or if your dept has them.*

8. B8. Provide a description of the design requirements for the facility which demonstrate how the applicant will comply with (Rule 62-701.710(3), F.A.C

*The amount of incoming C&D will not exceed 200 yds. Loaded containers will be placed along the fence line at the rear of the property. Daily operation records will be maintained at the office.*

9. B 9. Provide an operation plan which describes how the applicant will comply with Rule (62-701.710(4), F.A.C

*The site plan included with this application shows the property layout of where the loaded containers will be placed. The claw truck will park alongside the loaded containers to be off loaded. Water from the sprinklers will be used to control dust and minimize fire danger when needed. Loaded containers will be covered at night or if there is a chance of rain. Any material that falls on the ground during the off loading will be raked up before the claw truck driver leaves the site. No more than 200 yds of C&D will be in the yard at one time.*

10. B 10 Provide a closure plan which describes generally how the applicant will comply with (Rule 62-701.710(6), F.A.C

*We will notify the FDEP in writing 180 days prior to ceasing operation. We will dispose of all containers on site to an approved landfill or incinerator. We will notify FDEP for a final inspection.*

11. B 11. (Rule 62-701.710(10), provide the financial assurance documentation required by F.A.C. (Rule 62-701.710 (2) (j), F.A.C.)

*A closure cost estimate would not exceed \$1500.00. There would be no more than (5) 30 yd containers that would be on site at one time so to close it would only mean picking up the containers and dumping them at a permitted landfill or transfer station at a cost of \$187.50 per container at the Hendry County Landfill.*

12. B 12 Provide documentation to show that storm water will be controlled according to the requirements. (Rule 62-701.710(8), F.A.C.

*Please see the enclosed email from William Foley stating this project would not qualify for a No Notice Environmental Resource Permit.*

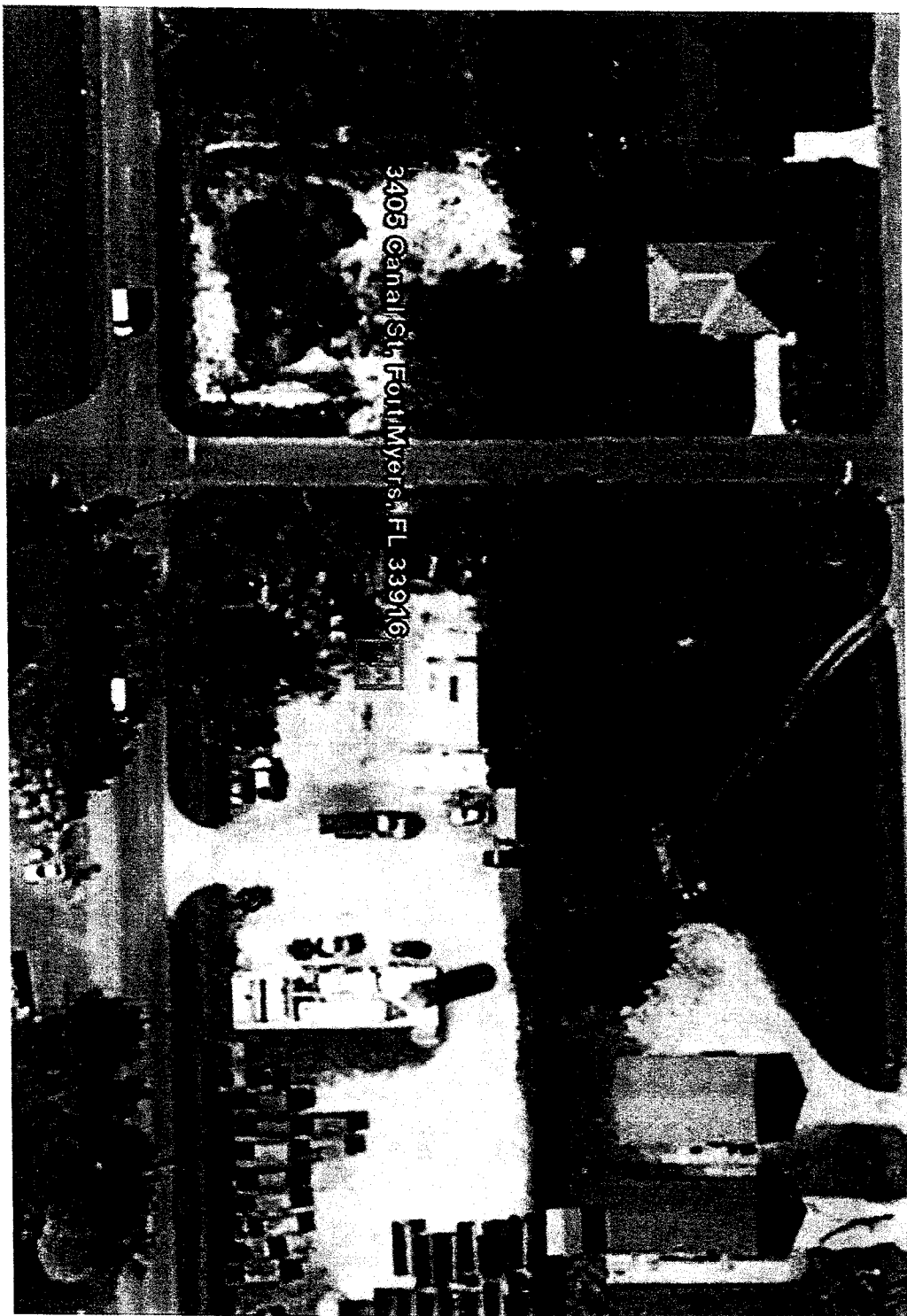
13. B 13 Provide documentation to show that the applicant will comply with the recordkeeping requirements of (Rule 62-701.710(9), F.A.C.

*All records will be maintained at 3405 Canal St. and will be available for inspection by the FDEP. Weight and volume records for all loaded containers shall be recorded daily. Records shall be compiled on a monthly basis and shall be retained for three years with disposal weight tickets.*


14. B 14. Provide a history and description of any enforcement actions by the applicant in subsection 62-701.320(3) F.A.C. relating to solid waste management facilities in Florida. (Rules 62-701.710(2) F.A.C and 62-701.302(7)(i).

*The only complaint was in September 2009 that there was trash on the ground. James Leavor with your department came out and stated everything was fine. Please see his email dated September 9 2009 to Charles Emery and Bill Krumbholz. Resulting in me applying for this application. Case No 10-0609-36-SW.*

*I was operating because back on Feb 2009 Richard Tedder held a meeting in Orlando regarding to container to container transfer at that meeting he stated that small companies could continue to operate for one year as the DEP was looking into the law. He emailed me for additional information after the meeting asking questions about my operation. I was never instructed to shut down or the law would be changing. I was not cited and the DEP let me operate until my Approval of Alternate Procedures was granted.*



3405 Canal St. Fort Myers, FL 33916

 You replied on 7/19/2010 8:55 AM.

**John Stephens**

**From:** Superchi, Ann Marie [asuperch@sfwmd.gov]  
**To:** John Stephens; Foley, William  
**Cc:**  
**Subject:** FW: CL Noonan Disposal  
**Attachments:**

**Sent:** Mon 7/19/2010 7:14 AM

Hi John,

Please see the email from William Foley, just below.

Thanks,

Ann Marie Superchi

Water Well Permitting / Water Well Contractor Licensing

Water Use Regulation Division

South Florida Water Management District

[asuperch@sfwmd.gov](mailto:asuperch@sfwmd.gov)

561-682-6929

**From:** Foley, William  
**Sent:** Friday, July 16, 2010 4:24 PM  
**To:** Superchi, Ann Marie  
**Subject:** RE: CL Noonan Disposal

**RECEIVED**  
JUL 27 2010

**D.E.P. South District**

Ann Marie,

Based on our discussion yesterday and a review of the property it appears this project would qualify for a No Notice Environmental Resource Permit for the surface water management system. These types of permits do

<http://mail.ipnoonan.com/exchange/JStephens/Inbox/DEP/FW:%20CL%20Noonan%20Di...> 7/27/2010



not require the property owner to receive authorization from the District. The local government (Lee County or City of Fort Myers) would be the permitting authority.

Therefore, they will not need to apply to the District for a permit.

If you have additional questions please feel free to contact me.

Bill

---

**From:** Superchi, Ann Marie  
**Sent:** Thursday, July 15, 2010 9:47 AM  
**To:** Foley, William  
**Subject:** FW: CL Noonan Disposal

Hi Bill,

Please see the email below. Would John need a permit from the SFWMD for a container to container operation? The project site is 3405 Canal St. in Fort Myers.

Ann Marie Superchi  
Water Well Permitting / Water Well Contractor Licensing  
Water Use Regulation Division  
South Florida Water Management District  
[asuperch@sfwmd.gov](mailto:asuperch@sfwmd.gov)  
561-682-6929

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of a request  
for approval of alternate procedures by:  
C.L. Noonan Disposal, Inc.  
3405 Canal Street  
Fort Myers, Florida 33916

---

OGC No.: 10-1496  
SWVA No.: SWAP 09-2

ORDER GRANTING APPROVAL OF ALTERNATE PROCEDURES

The Department hereby gives notice that it is approving a request for alternate procedures to C.L. Noonan Disposal, Inc. (Petitioner) pursuant to Rule 62-701.310, Florida Administrative Code (F.A.C.), for its waste processing facility in Lee County, Florida. The Petitioner has requested approval of alternate procedures from several provisions in Rule 62-701.710, F.A.C., which establishes requirements for the construction and operation of waste processing facilities.

FINDINGS OF FACT

1. The Petitioner owns and operates a business that collects roll-off containers from various job sites. These roll-offs contain only construction and demolition (C&D) debris that is hauled by the Petitioner. The Petitioner does not accept any C&D debris from any other company or from the public. The containers are taken to Petitioner's facility at 3405 Canal Street, Fort Myers, Florida, where they stored for up to five days before being taken to a permitted landfill or transfer station. Sometimes the waste is consolidated from several containers into a single container for transport, but waste is never stored on the ground. Waste is sometimes removed from the containers and offered for recycling. The facility does not have a Department permit to operate.

2. In September of 2009, Department personnel inspected Petitioner's facility and informed him that a permit would be required to operate in accordance with Rule

62-701.710, F.A.C. At that time the Department was in the process of amending Chapter 62-701, F.A.C., and was considering the possibility of exempting small facilities like the Petitioner's from the requirement to obtain a permit. However, when the rule was adopted in January of 2010, this exemption was not included.

3. On November 19, 2009, Petitioner filed a Request for Approval of Alternate Procedures with the Department. Petitioner has continued to operate the facility, and the Department has thus far refrained from taking any actions to stop Petitioner from operating.

4. In the Request, Petitioner expresses a desire to apply for a permit to operate, but asserts that it is impractical and unnecessary for it to meet all of the requirements for a waste processing facility under Rule 62-701.710, F.A.C. Petitioner has requested exemption from the following provisions of that rule:

a. Rule 62-701.710(2), F.A.C., which requires that the application be signed and sealed by a professional engineer. Petitioner asserts that he has a site plan signed and sealed by a registered land surveyor, but that due to the small size of its operation it is not economically feasible to hire a professional engineer.

b. Rule 62-701.710(2)(d), F.A.C., which requires a description of the loading, unloading, storage, and processing area.

c. Rule 62-701.710(7), F.A.C., which requires that the owner or operator provide proof of financial assurance for closure of the facility. Petitioner asserts that the closure cost estimate will not exceed \$1500, and that it would be economically unfeasible to provide a bond, insurance policy, or other mechanism to demonstrate financial assurance.

d. Rule 62-701.710(8), F.A.C., which requires that a copy of a permit for stormwater control issued by the Department, or documentation that no such permit is required, be submitted as part of the permit application. Petitioner asserts that its containers are covered with tarps when not being emptied or loaded, and that stormwater runoff will not be an issue at this facility.

#### CONCLUSIONS OF LAW

1. Rule 62-701.310, F.A.C., authorizes the Department to approve alternate procedures and requirements from the provisions of Chapter 62-701, F.A.C., if the applicant can demonstrate that the alternate procedure or requirement would provide an equal degree of protection for the public and the environment as would compliance with the applicable rules.

2. The Department concludes that the Petitioner has demonstrated that the provisions of Rule 62-701.710(2), F.A.C., requiring that the application be signed and sealed by a professional engineer, and Rule 62-701.710(7), F.A.C., requiring proof of financial assurance for closure, should not be required as part of the initial application for a waste processing facility permit.

3. The Department concludes that the Petitioner has not demonstrated that the provisions of Rule 62-701.710(2)(d), F.A.C. requiring a description of the loading, unloading, storage and processing area should not be required. Petitioner in fact included such a description with the Request, and there is no reason such a description could not also be included in the permit application.

4. The Department concludes that the Petitioner has not demonstrated that the provisions of Rule 62-701.710(8), F.A.C. requiring a demonstration that a stormwater permit has either been issued or is not required, should not apply. If Petitioner is correct

that stormwater runoff will not be an issue, it should be able to get documentation that no stormwater permit is required. If runoff does turn out to be an issue, and a stormwater permit is required, the Department has no authority under Rule 62-701.310, F.A.C. to waive this requirement.

4. This approval, by itself, does not constitute authorization for the Petitioner to continue to operate the facility. This facility shall operate only in accordance with the appropriate permits issued by the Department's South District Office.

For these reasons, the Request for Approval of Alternate Procedures is GRANTED, subject to the following conditions.

#### CONDITIONS

1. Petitioner is required to file a complete application for a permit to operate a waste processing facility with the Department's South District Office. The application may be accepted even though it is not signed and sealed by a Florida registered professional engineer. However, if the application demonstrates that engineering as defined in Chapter 471, Florida Statutes, is required at this facility, then the engineering must be performed by a professional engineer.

2. The application may be accepted even though it does not include proof of financial assurance for closure. The application must include a closure cost estimate, and as long as the approved cost estimate does not exceed \$5000, no proof of financial assurance for closure will be required as a condition of permit issuance.

3. The issuance of this approval does not relieve the Petitioner from the need to comply with all other conditions of the solid waste permit, or from any requirements of other federal, state, or local agencies.

### NOTICE OF RIGHTS

The Department's Order Granting Approval of Alternate Procedures will be considered final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed agency action may petition for an administrative proceeding (hearing) under Sections 120.569 and 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 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. Petitions filed by other persons must be filed within 14 days of publication of the notice or receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

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

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

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

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

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

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that 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 such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In accordance with Section 120.573, F.S., the Department advises that mediation is not available in this case under the provisions of that statute. This does not prevent any interested parties from agreeing to other forms of alternate dispute resolution.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, 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 thirty days after this order is filed with the clerk of the Department.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



---

Charles F. Goddard, Chief  
Bureau of Solid and Hazardous Waste  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400



CERTIFICATE OF SERVICE

I, the undersigned designated Department clerk, HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by United States Mail to John Stevens, C.L. Noonan Disposal, 3405 Canal Street, Fort Myers, Florida 33916, on this 17th day of June, 2010.

FILING AND ACKNOWLEDGMENT

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



6/17/2010

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(date)

Copies furnished to:

Chris McGuire, OGC

Richard Tedder, Solid Waste Section

Charles Emery, South District



# Florida Department of Environmental Protection

South District  
P.O. Box 2549  
Fort Myers, FL 33902-2549

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

July 6, 2010

**VIA ELECTRONIC AND CERTIFIED MAIL NO. 7008 0500 0000 7776 2999**  
**RETURN RECEIPT REQUESTED**

John Stephens, Owner  
[jStephens@jpmnoonan.com](mailto:jStephens@jpmnoonan.com)  
CL Noonan Disposal Inc  
16272 Cutter Court  
Fort Myers, Florida 33908




Re: Lee County - SW  
CL Noonan Disposal Inc  
3405 Canal Street  
Fort Myers, Florida 33916  
WACS ID No. 98559  
OGC Case No. 10-0609-36-SW

Dear Mr. Stephens:

Attached is the signed and entered Consent Order to resolve the above referenced case. This copy is for your records. Upon satisfactory completion of all conditions of the Order, we will close this case and place it in our inactive file.

If you have any questions regarding the Order, you may contact Bill Krumbholz ([Bill.Krumbholz@dep.state.fl.us](mailto:Bill.Krumbholz@dep.state.fl.us)) or Charles Emery ([Charles.Emery@dep.state.fl.us](mailto:Charles.Emery@dep.state.fl.us)) via e-mail, call (239) 332-6975 (respective extensions 155 and 150), or you may write to the letterhead address. We prefer correspondence via e-mail. Your cooperation in this matter is appreciated.

Sincerely,

 for  
Jon M. Aglehart  
Director of District Management

Attachment  
JMI/BK/CE/rcd

cc: Lea Crandall, OGC

**RECEIVED**

JUL 27 2010

D.E.P. South District



# Florida Department of Environmental Protection

South District  
P.O. Box 2549  
Fort Myers, Florida 33902-2549

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

June 30, 2010

## VIA ELECTRONIC MAIL



John Stephens, Owner  
E-mail: [jStephens@jpnoonan.com](mailto:jStephens@jpnoonan.com)  
CL Noonan Disposal, Inc.  
3405 Canal Street  
Fort Myers, Florida 33916

RE: Lee County - SW  
CL Noonan Disposal, Inc.  
3405 Canal Street  
Fort Myers, Florida 33916  
WACS ID No. 98559

Dear Mr. Stephens:

Attached is the final copy of the Consent Order for OGC Case No. 10-0609-36-SW to resolve violations noted during our site inspection.

Please sign the original and return it to this office within twenty (20) days of receipt of the Consent Order. After it has been executed by the Department ("DEP"), your copy will be returned to you. If you do not sign and return this Consent Order to this office within the specified time frame formal enforcement action may be taken against you. Please return this entire document, including attachments, to the Department. A complete copy of this document will be forwarded to you upon execution of the Order.

If you have any questions, please contact Bill Krumbholz ([Bill.Krumbholz@dep.state.fl.us](mailto:Bill.Krumbholz@dep.state.fl.us)) or myself ([Charles.Emery@dep.state.fl.us](mailto:Charles.Emery@dep.state.fl.us)) via e-mail, phone number (239) 332-6975, or write to the letterhead address. Your cooperation in this matter is appreciated.

Sincerely,

Charles Emery III  
Environmental Administrator

Attachment  
CE/BK/rcd



# Florida Department of Environmental Protection

South District  
P.O. Box 2549  
Fort Myers, FL 33902-2549

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## BEFORE THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION,	)	SOUTH DISTRICT
	)	
Complainant,	)	OGC FILE NO. 10-0609-36-SW
	)	
vs.	)	
	)	
CL NOONAN DISPOSAL, INC.	)	
Respondent.	)	
_____	/	

### CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Protection ("Department") and CL Noonan Disposal, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to administer and enforce the provisions of the Florida Resource Recovery and Management Act, Sections 403.702, et seq., Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a "person" within the meaning of Sections 403.031(5) and 403.703(22), F.S.
3. Respondent is an active Florida Corporation which operates a waste removal company on property at 3405 Canal Street, Fort Myers, Lee County, Florida, 33916 identified by Lee County Parcel No. 19-44-25-P3-00916.0130 ("Property"). The Property is owned by Peter J. Noonan and John Stephens for Snowbird Realty Trust Company. The Department's Solid Waste Facility ID Number assigned to this property is WACS 98559.
4. Based on conversation with Respondent, the Department determined on October 14, 2009 that the Respondent was operating a waste processing facility ("Facility") without a permit on the Property in violation of Rule 62-701.710(1)(b), F.A.C. During the normal course of business, Respondent consolidates construction and demolition (C&D) debris from smaller roll-off containers into a larger roll-off container for economic purposes. This container-to-container type of transfer activity requires a solid waste permit from the Department. Respondent made a request for "Approval of Alternative Procedures" to our Tallahassee Main Office on November 17, 2009, as it pertains to the requirements in F.A.C. Rule 62-701.710.

Having reached a resolution of the matter, Department and Respondent mutually agree and it is

**ORDERED:**

5. A solid waste permit application to construct/operate a waste processing facility on the Property shall be submitted to the Department within thirty (30) days of receipt of the Departments determination related to the Request for Approval of Alternate Procedures, or Respondent shall cease all container-to-container waste transfer operations. The permit application shall be complete within 180 days of the date when the permit application is received by the Department, or Respondent shall cease all container-to-container waste transfer operations.
6. Until Respondent obtains a permit in accordance with Paragraph 5. above, it shall comply with the following operational requirements:
  - a. Only C&D debris or Class III solid waste shall be accepted at the Facility;
  - b. Waste may be stored only in mobile containers or vehicles, but shall never be stored on the ground, in a permanent immobile container or structure, or on a tipping floor;
  - c. Waste shall not remain on the Property for more than seven (7) days;
  - d. The largest mobile container or vehicle on-site, used for consolidation and transfer shall not hold more than 60 cubic yards;
  - e. No more than ten (10) mobile containers or vehicles containing waste, and no more than 200 cubic yards of waste, shall be stored on the site at any one time. Containers holding clean debris, recovered materials, or industrial byproducts shall not be subject to this restriction;
  - f. Each mobile container or vehicle stored at the facility shall be owned by the operator of the facility;

- g. Leachate production shall be minimized either by covering mobile containers overnight and prior to any rain events, or by storing mobile containers only inside buildings;
  - h. Leachate discharge to the environment shall be minimized by maintaining containers in good condition and immediately picking up and properly disposing of any spills of solid waste or liquids;
  - i. A litter policing operation shall be employed to keep litter from leaving the working area of the Facility, and litter shall be picked up within twenty-four (24) hours;
  - j. Dust and other fugitive particulates must be controlled;
  - k. Adequate fire protection shall be available at all times;
  - l. The facility shall be operated to control objectionable odors in accordance with subsection 62-296.320(2), F.A.C.;
  - m. The facility shall make arrangements or shall have equipment for temporary storage, handling, and transport to an authorized disposal or recycling facility for any unauthorized solid waste that is inadvertently accepted by the facility. Such solid waste shall be segregated and disposed of in accordance with provisions of Chapter 62-730, F.A.C.; and
  - n. Access to the facility shall be controlled to prevent disposal of unauthorized solid waste;
7. Respondent shall keep records verifying proper transfer of waste to a Department permitted solid waste management facility and records verifying

waste through-put on-site, and shall further make such records available to the Department upon request. Records shall be retained at the Facility for three years.

8. If Respondent receives a Department permit to construct and operate a waste processing facility, the requirements set forth in Paragraphs 6 and 7, above, will be superceded by any applicable permit conditions once the Facility is constructed. Respondent shall be allowed to continue to operate under the requirements set forth in Paragraphs 6 and 7 following issuance of a Department permit, but only until construction of the Facility is complete. If the Department takes final action to deny the permit application described in Paragraph 5, above, Respondent shall immediately cease all container-to-container waste transfer operations at the Property.
9. Within thirty (30) days of the effective date of this Order, Respondent shall pay the Department \$500.00 in settlement of the regulatory matters addressed in this order. This amount is for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order.
10. Respondent shall make all payments required by this Order by cashier's check or money order. Payment instruments shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund."



11. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Charles Emery III, Environmental Administrator, Department of Environmental Protection, South District Office, P.O. Box 2549, Fort Myers, Florida 33902-2549.
12. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.
13. In the event of a sale or conveyance of the facility or of the property upon which the facility is located, if all of the requirements of this Consent Order have not been fully satisfied, Respondent shall, at least thirty (30) days prior to the sale or conveyance of the property or facility:
  - a. notify the Department of such sale or conveyance;
  - b. provide the name and address of the purchaser, or operator, or person(s) in control of the facility; and
  - c. provide a copy of this Consent Order with all attachments to the new owner.The sale or conveyance of the facility, or the property upon which the facility is located shall not relieve the Respondent of the obligations imposed in this Consent Order.
14. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall

have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

15. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for alleged violations up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.
16. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.
17. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.
18. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.
19. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

20. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.
21. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.
22. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.
23. Respondent shall publish the following notice in a newspaper of daily circulation in Lee County, Florida. The notice shall be published one time only within 10 days of the effective date of the Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with Insert Respondent's Name pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the waste handling activities at 3405 Canal Street, Fort Myers, Lee County, Florida,

33916. The Consent Order 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 Department of Environmental Protection, South District, 2295 Victoria Avenue, Suite 364-W, Fort Myers, Florida 33901.

24. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;

- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the South District Office, P.O. Box 2549, Fort Myers, Florida 33902-2549 District Office. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.


25. Rules referenced in this Order are available at

<http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm>

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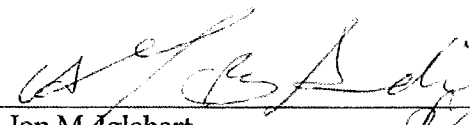
FOR THE RESPONDENT:

6-30-10  
DATE

  
JOHN STEPHENS, OWNER  
CL NOONAN DISPOSAL, INC.


DONE AND ORDERED this 6th day of July, 2010, in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Jon M. Iglehart  
Director of District Management

Filed, on this date, pursuant to Section 120.52, F.S., with the designated  
Department Clerk, receipt of which is hereby acknowledged.

7/6/2010  
Date

  
Clerk

JMI/CE/BK/JAL/rcd

Copies furnished to Lea Crandall, Agency Clerk