

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

In the matter of a request  
for approval of alternate procedures by:

Sarasota County Board of County Commissioners  
Public Utilities Solid Waste Division  
4000 Knights Trail Road  
Nokomis, Florida 34275

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Case No.: SWAP 20-1

APPROVAL OF ALTERNATE PROCEDURES

This cause comes before me upon receipt of a request by the Sarasota County Board of County Commissioners Public Utilities Solid Waste Division (“Petitioner”), for the approval of alternate procedures and requirements under Rule 62-701.310, Florida Administrative Code (F.A.C.). Petitioner owns and operates the Sarasota Central County Solid Waste Disposal Complex (The CCSWDC ) in Sarasota County, Florida, and requests that an exception be granted from compliance with subparagraph 62-701.600(3)(g)4., F.A.C., which generally requires a final cover of a landfill having a geomembrane component in the bottom liner to consist of a geomembrane overlain by a stabilized 24-inch thick protective soil layer. Specifically, Petitioner requests varying from the prescribed final cover, (i.e., traditional closure), by delaying installation of the stabilized 24-inch thick protective soil layer from the closure system until the material strength half-life of the proposed exposed geomembrane cover (EGC) has been reached.

FINDINGS OF FACT

1. Petitioner currently constructs and operates a lined Class I landfill on this site under permit number 0130542-022-SO-01 which expires on January 6, 2034. The CCSWDC is a 4,000-acre property with a 550-acre facility for solid waste disposal and processing. The lined Class I facility currently occupies approximately 114 acres (Phase II – 53.8-acre active disposal area, Phase I – 60.3 acres closed). The Class I landfill is located in Sections 1-4 and 9-16 of T38S and

R19E near Nokomis, Florida in Sarasota County. The facility has been assigned WACS ID # 51614. The landfill is a regional facility and currently serves unincorporated areas of Sarasota County and the Cities of Sarasota, Venice and Northport in Sarasota County. The 2020 population of the service area is estimated to be 415,923.

2. The Petitioner is requesting to deploy an exposed geomembrane cover (EGC) as the barrier layer for the final cover system on Phases II, III, and future Phases of the lined Class I landfill (approximately 211 acres). Phase II consists of 53 acres currently operating as an active disposal unit. Phase III will consist of approximately 53 acres, Phase IV will consist of approximately 66 acres, and Phase V will consist of approximately 20 acres.

3. The Phase II liner system consists (top to bottom) of a geocomposite over a 60 mil HDPE geomembrane over a geocomposite over a 60 mil HDPE geomembrane and a geosynthetic clay layer over the subgrade. Phase II leachate collection is accomplished through drainage sand over a double-sided geocomposite collection/detection layer which drains by gravity to a duplex leachate pump station located to the north of Phase II. The pump station, in turn, are connected to a header that discharges into the storage tank.

4. The Phase II cells and future Class I cells will utilize geomembranes in their liner systems. Subparagraph 62-701.600(3)(g)4., F.A.C., requires the final covers over those cells when they are closed to have a geomembrane overlain by a stabilized 24-inch thick protective soil layer.

5. On January 31, 2020, Petitioner submitted a request for approval of an alternate procedure to use an EGC as final cover until the material strength half-life of the proposed EGC has been reached. Petitioner provided information indicating the EGC, when properly constructed and maintained, is expected to perform as well or better than the final cover design required by rule as long as the material strength of the proposed EGC is sufficient. Petitioner has proposed that the stabilized 24-inch thick protective soil layer required by rule will be installed when the material strength half-life of the EGC has been reached and that closure funds will be accumulated to accomplish this conversion to traditional closure before the end of the 30-year long-term care (LTC) period of the landfill. The 30-year LTC period will begin once the Class I Landfill reaches

full design capacity for the entire disposal area of approximately 255 acres and upon completion of EGC installation for the approximately 211 acres of EGC final cover.

#### CONCLUSIONS OF LAW

Rule 62-701.310, F.A.C., authorizes the approval by the Department of alternate procedures and requirements concerning solid waste management facilities. Based upon the above findings and the information contained in the Request for Alternate Procedures, the Department concludes:

1. That Petitioner has demonstrated a sufficient basis for the exception from the established requirements;
2. That Petitioner has adequately demonstrated that the alternate procedures provide an equal degree of protection for the public and the environment as the established requirements; and,
3. That the alternate procedures are at least as effective as the established requirements.

Upon consideration of the foregoing it is therefore ORDERED that the request for alternate procedures and requirements from subparagraph 62-701.600(3)(g)4., F.A.C., are GRANTED, subject to the following conditions.

#### CONDITIONS

1. This Order does not authorize use of the EGC for closure of any cells other than the lined Class I Cells at Sarasota County Central County Solid Waste Disposal Complex until the facility's permit number 0130542-022-SO-01 is modified to incorporate the closure changes allowed by this Order into the landfill's closure design plan, closure operation plan, and long-term care plan, and a conversion soil cover fund has been established for the purpose of installing the stabilized 24-inch thick protective soil layer required by rule when the material strength half-life of the EGC has been reached.

2. This Order authorizes the creation of a closure estimate for (1) closing with an EGC including soil conversion as a Site Specific Cost in item number IV.13 of DEP Form 62-701.900(28), F.A.C., and (2) thirty years long-term care including annual inspections of the EGC, an estimate for liner repair, liner testing, maintenance of the soil cover, and all other traditional LTC items. The EGC closure estimate will be covered by the existing escrow account and escrow agreement (or an alternate financial assurance instrument that meets the requirements of Section 62-701.630, F.A.C.).

3. Areas of the landfill that are closed with the EGC shall be converted to traditional closure no later than when the material strength half-life of the EGC has been reached in those closed areas.

4. The LTC period post EGC closure shall be a minimum of 30 years. Following conversion to traditional closure in accordance with subparagraph 62-701.600(3)(g)4., F.A.C., the protective soils and vegetative cover shall be maintained for a minimum of 5 years to assure stabilization. The Department reserves the right to extend the LTC period if the closure design or closure operation plan is found to be ineffective, or if Petitioner has not performed all required monitoring and maintenance in accordance with subsection 62-701.620(1) F.A.C.

5. If the LTC period is extended, the facility is subject to the provisions specified in subsection 62-701.630(10) F.A.C. regarding continued financial assurance.

6. Unless the Department takes affirmative action to revoke or modify this Order, it will have unlimited duration.

#### NOTICE OF RIGHTS

Pursuant to Section 403.815, F.S., and Rule 62-110.107, F.A.C., 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 30 days in the legal ad section of a newspaper of general circulation in the area(s) 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 50.011 and 50.031, 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 at the address listed below as soon as practical after publication. The Department's Order Granting Approval of Alternate Procedures and Requirements 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, or by electronic mail at [Agency\\_Clerk@DEP.state.fl.us](mailto:Agency_Clerk@DEP.state.fl.us).

Petitions by the applicant or any of the parties listed below, or requests to extend the time in which to petition, must be filed within twenty-one days of receipt of this written notice. Petitions filed by other persons must be filed within twenty-one days of publication of the 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 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 be in accordance with Rule 28-106.201, F.A.C., and 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, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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, 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 30 days after this order is filed with the Clerk of the Department.

DONE AND ORDERED this 9<sup>th</sup> day of April, 2020, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Kimberly A. Walker, Program Administrator  
Permitting and Compliance Assistance Program  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically mailed to Lois Rose, Solid Waste Operations Manager, Sarasota County Public Works Solid Waste Division, 4000 Knights Trail Road, Nokomis, Florida, 34275, at [lerose@scgov.net](mailto:lerose@scgov.net) and to the below listed persons on this 9<sup>th</sup> day of April, 2020, in Tallahassee, Florida.

**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.

Tamela Starling  
(Clerk)

4/9/2020  
(date)

Copies furnished to:

Jason Timmons, P.E., Sarasota County [jtimmons@scgov.net](mailto:jtimmons@scgov.net)  
Tobin McKnight, P.E., Jones Edmunds, [tmcknight@jonesedmunds.com](mailto:tmcknight@jonesedmunds.com)  
Ashanti McBride, OGC, [Ashanti.McBride@dep.state.fl.us](mailto:Ashanti.McBride@dep.state.fl.us)  
El Kromhout, P.G. DEP Tallahassee, [Elizabeth.Kromhout@FloridaDEP.gov](mailto:Elizabeth.Kromhout@FloridaDEP.gov)



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

The Department of Environmental Protection gives Notice of its Intent to grant approval of alternate procedures pursuant to Rule 62-701.310, Florida Administrative Code (F.A.C.), to the Sarasota County Board of County Commissioners Public Utilities Solid Waste Division for use of an exposed geomembrane cover (EGC) as final cover for 211 acres of the disposal area identified as Phases II through V at the Sarasota County Central County Solid Waste Disposal Complex, in Nokomis, Sarasota County, Florida. The applicant requests that an exception be granted from compliance with subparagraph 62-701.600(3)(g)4., F.A.C., which generally requires that that final cover of a landfill having a geomembrane component in the bottom liner consist of a geomembrane overlain by a stabilized 24-inch thick protective soil layer. Prior to the end of long term care the EGC would overlain by a stabilized 24-inch thick protective soil layer prescribed by subparagraph 62-701.600(3)(g)4., F.A.C.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Division of Waste Management, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Persons whose substantial interests are affected by the above proposed agency action have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.), to petition for an administrative determination (hearing) on the proposed action. The petition must contain the information set forth below, pursuant to Rule 28-106.201, F.A.C., and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. A copy of the Petition must also be mailed at the time of filing to the applicant at the address indicated. Failure to file a petition within 21 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to 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/identification number;
- (b) The name, address, e-mail address, facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, 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 each petitioner received notice of the Department's 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 Department's decision;

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

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of publication of this notice in the Office of General Counsel of the Department at the above address. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

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.