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APR 21 2011  
DEP Central Dist.

April 20, 2011

ENV-11-128

Mr. Tom Lubozynski, P.E.  
Waste Administrator  
Florida Department of Environmental Protection  
Central District, 3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803-3767

**RE: "Notice of Proposed Agency Action" Proof of Publication  
Permit No. SF64-0078767-027  
Tomoka Farms Road Landfill Class I Closure**

Dear Mr. Lubozynski:

Enclosed please find the "Notice of Proposed Agency Action" published in the legal advertisement section of The News-Journal on April 13, 2011, and a copy of a certified letter confirming the publication. This is being submitted to you in accordance with 403.815 F.S.

If you have any questions or need additional information please contact me at 386-947-2952 or [jestirk@co.volusia.fl.us](mailto:jestirk@co.volusia.fl.us).

Sincerely,



Jennifer R. Stirk  
Environmental Specialist III

Enclosures

CC: Chet Purves, Construction Manager  
File

THE NEWS-JOURNAL

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia

Before the undersigned authority personally appeared

Kelley Meehan

who, on oath says that she is .....

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida; the
attached copy of advertisement, being a
.....

NOTICE OF PROPOSED AGENCY ACTION

L 929503

in the Court,
was published in said newspaper in the issues.....

APRIL 13, 2011

Affiant further says that The News-Journal is a newspaper
published at Daytona Beach, in said Volusia County, Florida,
and that the said newspaper has heretofore been continuously
published in said Volusia County, Florida, each day and
Sunday and has been entered as second-class mail matter at
the post office in Daytona Beach, in said Volusia County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant
further says that he 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

[Handwritten signature of Kelley Meehan]

Sworn to and subscribed before me

This 13TH of APRIL

A.D. 2011

[Handwritten signature of Rachael L. Smith]

49DUPLICATE



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DEP Central Dist.

Legal Notices

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

The Department of Environmental Protection gives notice of its intent to issue a permit modification to Volusia County Solid Waste Division / Leonard Marion, 3151 East New York Avenue, DeLand, FL 32724. The proposed work involves the replacement of the exposed geomembrane cap (EGC) on the south slope of the North Cell with a traditional Subtitle D final cover (that is, a geomembrane cover over the waste, a geocomposite drainage net on top of the geomembrane, and 24 inches of protective soil cover, including six inches of top soil capable of supporting vegetative growth). The proposed closure modification also incorporates an updated Fill Sequence Plan.

The facility is located at 1990 Tomoka Farms Road, south of Interstate 4 and west of Interstate 95, southwest of Daytona Beach, in Volusia County, FL.

The Department has assigned File No. SF64-0078767-027 to the project and intends to issue the permit as a modification to the existing Closure Permit No. SF64-0078767-020 which expires on February 15, 2012.

The Department will issue the permit modification unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

The application 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, 3319 Maguire Blvd., Suite 232, Orlando, FL 32803, telephone 407/893-3328.

Documents in this matter can also be accessed through the OCULUS electronic document management system. To view Documents in the Department's electronic document management system called OCULUS:

Go to website:
http://dwmmedms.dep.state.fl.us

/Oculus/servlet/login
Log in using the PUBLIC OCULUS LOGIN Button

Under Catalog - Highlight Solid Waste

Under Search by - Make Sure Profile is selected

Under Profile - Highlight Permitting Authorization

For Facility-Site ID - Enter 27540

For Document Date - Select the "Greater Than" Symbol (>) and enter 08-24-2010

Click on the Search Button

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 person other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of this notice or receipt of the written notice, whichever occurs first.

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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 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 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 facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which 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 of the Florida Administrative Code.

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 as an alternative to filing a petition for an administrative determination.

L929503, April 13, 2011 lt.