

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the Matter of an  
Application for Permit by

DER File No. SC25-131609

Samuel L. Rawls, Chairman  
Hardee County Board of County Commissioners  
Room A-204, Courthouse Annex  
412 West Orange Street  
Wauchula, Florida 33873-2867

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40612

INTENT TO ISSUE

The Department of Environmental Regulation hereby gives notice of its Intent to Issue a construction permit (copy attached) for the proposed project as detailed in the application specified above. The Division is issuing this Intent of Issue for the reasons stated below.

The applicant, Mr. Samuel L. Rawls, Hardee County Board of County Commissioners, applied on March 11, 1988, to the Department of Environmental Regulation for a permit to construct a solid waste volume reduction facility (approximately 10 acres), referred to as Hardee County Class III Volume Reduction Facility, subject to the specific conditions attached, storing and incinerating solid waste, near Airport Road and S.R. 64A, northeast of Wauchula, Hardee County, Florida.

The Department has permitting jurisdiction under 403.861, Florida Statutes, and Rules 17-4.07, 17-7.030, and 17-7.090, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a construction 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 proposed project will not adversely impact water quality and the proposed project will comply with the appropriate provisions of Chapters 17-3, 17-4, 17-7, and 17-25, subject to the specific conditions attached in the permit.

Pursuant to Section 403.815, F.S. and DER Rule 17-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Proposed Agency Action on permit application. The notice must be published one time only in a section of a major local newspaper of general circulation in the county in which the project is located and within thirty (30) days from receipt of this intent. Proof of publication must be provided to the Department within seven days of publication of the notice. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S. A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. Petitions must comply with the requirements of Florida Administrative Code Rule 17-7.103.155 and 28-5.201 (copies enclosed) and be filed with (received by) the Office of General Counsel of the Department

at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.  
Petitions filed by the permit applicant must be filed within  
fourteen (14) days of receipt of this intent. Petitions filed  
by other persons must be filed within fourteen (14) days of  
publication of the public notice or within fourteen (14) days  
of receipt of this intent, whichever first occurs. Failure to  
file a petition within this time period shall constitute a  
waiver of any right such person may have to request an  
administrative determination (hearing) under Section 120.57,  
Florida Statutes, concerning the subject permit application.  
Petitions which are not filed in accordance with the above  
provisions will be dismissed.

Executed in Tampa, Florida.

Issued this 3 day of August, 1988

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION



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Richard D. Garrity, Ph.D.  
Deputy Assistant Secretary  
of Environmental Regulation  
4520 Oak Fair Boulevard  
Tampa, Florida 33610-7347

Attachment

cc: H. L. Bennett, P.E.  
John Reese, DER Tallahassee

CERTIFICATE OF SERVICE

The undersigned duly designated deputy Clerk hereby certifies that this NOTICE OF INTENT TO ISSUE and all copies were mailed before the close of business on Aug 4, 1988 to the listed persons.

FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant to  
§120.52(10), Florida Statutes, with  
the designated Department Clerk,  
receipt of which is hereby  
acknowledged.

Anna Blank  
Clerk

8/4/88  
Date

State of Florida  
Department of Environmental Regulation  
Notice of Proposed Agency Action on Permit Application

The Department gives notice of its intent issue a permit to Mr. Samuel L. Rawls, Hardee County Board of County Commissioners to construct a solid waste volume reduction facility (approximately 10 acres), referred to as Hardee County Class III Volume Reduction Facility, subject to the specific conditions attached, storing and incinerating solid waste, near Airport Road and S.R. 64A, northeast of Wauchula, Hardee County, Florida.

Persons whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must conform to the requirements of Chapters 17-103 and 28-5, Florida Administrative Code, and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Failure to file a request for hearing within this time period shall constitute a waiver any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

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 preliminary statement. Therefore, persons who may not object to the proposed agency action may wish to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207 at least five (5) days before the final hearing and be filed with the hearing officer if one has been assigned at the Division of Administrative Hearings, Department of Administration, 2009 Apalachee Parkway, Tallahassee, Florida 32301. If no hearing officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes.

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 4520 Oak Fair Boulevard, Tampa, Florida 33610-7347.

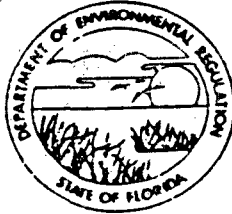
STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

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SOUTHWEST DISTRICT

4520 OAK FAIR BLVD.  
TAMPA, FLORIDA 33610-9544

813-623-5561  
SunCom—552-7612



BOB MARTINEZ  
GOVERNOR

DALE TWACHTMANN  
SECRETARY

DR. RICHARD D. GARRITY  
DEPUTY ASSISTANT SECRETARY

PERMITTEE

Mr. Samuel L. Rawls, Chairman  
Hardee County Board of  
County Commissioners  
Room A-204, Courthouse Annex  
412 West Orange Street  
Wauchula, Florida 33873-2867

PERMIT/CERTIFICATION

GMS ID No: 4025C30001  
Permit No: SC25-131609  
Date of Issue:  
Expiration Date: 8/1/89  
County: Hardee  
Lat/Long: 27°34'10"  
81°47'01"  
Sec/Town/Rge: 35/33S/25E  
Project: Hardee County  
Class III Volume  
Reduction Facility

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-3, 17-4, 17-7 and 17-25. 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 department and made a part hereof and specifically described as follows:

To construct a solid waste volume reduction facility (approximately 10 acres), referred to as Hardee County Class III Volume Reduction Facility, subject to the specific conditions attached, storing and incinerating solid waste, near Airport Road and S.R. 64A, northeast of Wauchula, Hardee County, Florida.

Replaces Permit No.: N/A (new)

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SPECIFIC CONDITIONS:

1. This facility and site is classified as a solid waste volume reduction facility, and shall be constructed and operated in accordance with all applicable requirements of Chapters 17-2, 17-3, 17-4, 17-7 and 17-25, Florida Administrative Code.
2. The facility shall be constructed in accordance with plans and information submitted July 5, 1988, by Aim Engineering, and information submitted July 6, 1988, by Hardee County Public Works Department, and in accordance with all applicable requirements of Department rules.
3. The facility shall have a surface water management system designed, constructed, operated, and maintained to prevent surface water flow onto storage areas, and a stormwater runoff control system designed, constructed, operated, and maintained to collect and control stormwater to meet requirements of Florida Administrative Code Rule 17-25, and requirements of the respective water management district. The facility owner or operator shall design and construct these systems within 180 days following issuance of this permit. The facility owner or operator should receive approvals of the design as necessary prior to construction of systems. After construction has been completed, the engineer or authorized public officer shall complete a Certification of Construction Completion, Department Form 17-7.130(2). "As-Built" drawings should be submitted to the Department.
4. Solid Waste stored longer than twelve months at the volume reduction facility shall be disposed of properly in the Hardee County Class I Sanitary landfill.
5. The air curtain incinerator shall be designed and operated to meet all applicable rules of the Department including F.A.C. Chapters 17-2 and 17-3. This permit is valid for the construction/ installation, and subsequent operation of the air curtain incinerator, subject to issuance of an air pollution source permit as necessary.
6. All solid waste, recovered materials or residues handled at the air curtain incinerator shall be stored in a manner so as not to constitute a fire or safety hazard or a sanitary nuisance, and shall comply with all applicable local and state regulations. Recovered resources resulting from the air curtain incinerator and which may be offered for sale shall comply with applicable regulations of all appropriate state agencies.

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SPECIFIC CONDITIONS (cont'd)

7. At least 10 days prior to each week designated for incineration, the permittee shall notify the Solid Waste Section of this office of the week designated for incineration.
8. After all significant construction of any phase of the facility has been completed and prior to operation or acceptance of any solid waste, the engineer or the authorized public officer shall complete an Application to Operate Only Resource Recovery and Management Facility-Certification of Construction Completion, Department Form 17-7.130(2).
9. Prior to 60 days before the expiration of the Department Permit, the permittee shall apply for a renewal of a permit on forms and in a manner prescribed by the Department, in order to assure conformance with all applicable Department rules.
10. The permittee shall be aware of and operate under the attached "General Conditions". General Conditions are binding upon the permittee and enforceable pursuant to Chapter 403, Florida Statutes.

Issued this \_\_\_\_ day of \_\_\_\_\_, 19\_\_

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

Richard D. Garrity, Ph.D.  
Deputy Assistant Secretary



GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate the enforcement action for any violation of the "Permit Conditions" by the permittee, its agent, employees, servants or representatives.
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), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor 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 does not constitute 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, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, 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 at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or 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 credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purposes of:
  - a. Having access to and copying any records that must be kept under the conditions of the permit:

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GENERAL CONDITIONS (cont):

- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sampling or monitoring 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 notify and provide the department with the following information:

- (a) a description of and cause of non-compliance; and
- (b) the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

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 arising under the Florida Statutes or department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes.

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.

11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes:

( ) Determination of Best Available Control Technology (BACT)

( ) Determination of Prevention of Significant Deterioration (PSD)

GENERAL CONDITIONS (cont'd):

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- ( ) Certification of Compliance with State Water Quality Standards (Section 401. PL 92-500)
- ( ) Compliance with New Source Performance Standards

14. The permittee shall comply with the following monitoring and record keeping requirements:

a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.

b. The permittee shall retain 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), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurement;
- the person responsible for performing the sampling or measurements;
- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- 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 that 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 submitted or corrected promptly.