

MANATEE COUNTY
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→ FILE

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

4041C02025

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 15 1994

In the matter of an
Application for Permit by: DEP File No. SF41-211177

Manatee County Public Services
Mr. David Rothfuss, Interim Director
4501 66th Street West
Bradenton, FL 34210

INTENT TO ISSUE

The Department of Environmental Protection hereby gives notice of its Intent to Issue a closure permit (copy attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, Manatee County Public Works, Mr. Richard Wilford, Director, applied on March 31, 1992, to the Department of Environmental Protection for a permit to close part of Stage I and provide long-term maintenance and monitoring of the closed portion of the solid waste management facility referred to as the Manatee County Lena Road Landfill, located at 3333 Lena Road, Bradenton, Manatee County, Florida.

The Department has permitting jurisdiction under 403.707 and 403.861, Florida Statutes, and Rules 62.4 and 62.701 (formerly 17-4 and 17-701), Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a closure 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 appropriate provisions of Chapters 62.3, 62.4, 62.25, 62.550, and 62.701 (formerly 17-3, 17-4, 17-25, 17-550, and 17-701), F.A.C., subject to the specific conditions attached in the permit.

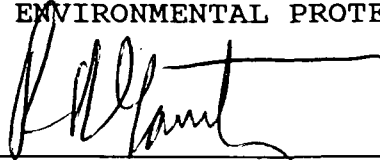
Pursuant to Section 403.815, Florida Statutes and Rule 17-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Proposed Agency Action on Permit Application. The notice must be published one time only within thirty (30) days of receipt of this intent in the legal ad section of a newspaper of general circulation in the area affected. Proof of publication must be provided to the Department within seven (7) 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 administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, Florida Statutes. 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 17-103.55 (copy 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 application 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.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

RDG/kbfb
Attachments

Copies furnished to:

Manatee County Elected Officials
Greg Yekaitis, Manatee County
Robert Hall, P.E., Manatee County
Doug Beason, OGC Tallahassee
Kathy Anderson, FDEP Tallahassee
Fred Wick, FDEP Tallahassee
Robert Butera, P.E., FDEP Tampa
Steve Morgan, FDEP Tampa

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF INTENT TO ISSUE and all copies were mailed before the close of business on NOV 15 1994 to the listed persons.

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.

Anna Blach
Clerk

NOV 15 1994
Date

RULES OF THE ADMINISTRATION COMMISSION, MODEL RULES OF PROCEDURE
CHAPTER 28-5; DECISIONS DETERMINING SUBSTANTIAL INTERESTS
PART II, FORMAL HEARINGS
A) PREHEARING PROCEDURES

28-5.201 Initiation of Formal Proceedings.

(1) Initiation of formal proceedings shall be made by petition to the Agency responsible for rendering final Agency action. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper of standard legal size. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced and indented.

(2) - All petitions filed under these rules should contain:

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

(b) The name and address of the petitioner or petitioners, and an explanation of how his/her substantial interests will be affected by the Agency determination;

(c) A statement of when and how petitioner received notice of the Agency decision of intent to render a 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, as well as the rules and statutes which entitle the petitioner to relief;

(f) A demand for relief to which the petitioner deems himself entitled; and

(g) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the Agency shall either accept or deny the petition, and if accepted shall elect either to conduct the hearing itself through the Agency head, or member thereof, assign a person authorized by Subsection 120.57(1)(a) or other authority, or request that a Hearing Officer from the Division of Administrative Hearings be assigned to conduct the hearing.

(a) A petition may be denied if the petitioner does not state adequately a material factual allegation, such as a substantial interest in the Agency determination, or if the petition is untimely.

(b) The Agency shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(4) If the Agency elects to request that a Hearing Officer of the Division of Administrative Hearings be assigned to conduct the hearing, the Agency shall forward the petition, and all materials filed with the Agency, to the Division of Administrative hearings, and shall notify all parties of its action.

Specific Authority: 120.53(1), 120.54(10), F.S.
Law Implemented: 120.57, F.S.
History: New 3-23-80

Section 17-103.155, Florida Administrative Code
Rules of Administrative Procedure
Final Agency Action (Non-Rulemaking) and Appeal

17-103.155 Petition for Administrative Hearing; Waiver of Right to Administrative Proceeding.

(1)(a) Any person whose substantial interests may be affected by proposed or final agency action by the Department may file a petition for formal administrative hearing in accordance with this rule if the person disputes the material facts upon which the Department's action is based.

(b) Any person whose substantial interests may be affected by proposed or final action by the Department may file a petition for informal administrative hearing in accordance with this rule if the person objects to the Department's action but does not dispute the material facts upon which the Department's action is based.

(2) A petition for formal or informal administrative hearing pursuant to Section 120.57, F.S., shall contain the following information:

(a) The name, address, and telephone number of each petitioner. If the petitioner challenges a Department action or proposed action on a permit application, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed shall also be included;

(b) A statement of how and when each petitioner received notices of the Department 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 those material facts (i.e., those facts upon which the Department's action or proposal is based) is disputed by petitioner. If no facts are disputed, petitioner shall so state;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

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

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

(3)(a) A petition shall be in the form required by this rule and must be filed (received) in the Office of General Counsel of the Department within the following number of days after receipt or publication (whichever occurs first) of notice of proposed agency action or of notice of agency action:

1. Petitions concerning Department action or proposed action on applications for permits (except permits for hazardous waste facilities): 14 days;

2. Petitions concerning Department action or proposed action on applications for hazardous waste facility permits: 45 days;

3. Petitions concerning notices of violation when no informal conference is held: 20 days after receipt of the notice of violation;

4. Petitions concerning notices of violation when an informal conference is held: 10 days after receipt of notice of completion of the informal conference;

5. Petitions concerning other Department actions or proposed actions: 21 days. The petitioner shall also serve a copy of the petition on all other parties to the proceeding, as identified in the published notice, at the time of filing.

(b) Failure to timely file a petition within the applicable time period after receipt of notice of agency action or receipt of notice of proposed agency action, whichever notice first occurs, shall constitute a waiver if any right to request an administrative proceeding under Chapter 120, F.S.

(4) If a petition is filed that does not substantially comply with the requirements of subsection (2) of this rule, the Department shall issue an order dismissing the petition with leave to file an amended petition complying with the requirements of this rule within 15 days of service of the order. If an amended petition complying with this rule is not filed (received) within 15 days of service of the order, the petitioner's right to a proceeding under Section 120.57, F.S., is waived.

(5) When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 17-103.150, F.A.C., a person who has actual knowledge of the agency action or has knowledge which would lead a reasonable person to conclude that the Department has taken final agency action, has a duty to make further inquiry within 14 days of obtaining such knowledge by contacting the Department to ascertain whether action has occurred. The Department shall upon receipt of such an inquiry, if agency action has occurred, promptly provide the person with notice as prescribed by Rule 17-103.150, F.A.C. Failure of the person to make inquiry with the Department within 14 days after obtaining such knowledge may stop the person from obtaining an administrative proceeding on the agency action.

(6)(a) "Receipt of notice of agency action" means receipt of written notice of final agency action, as prescribed by Department rule, or the publication, pursuant to Department rule, of notice of final agency action, whichever first occurs.

(b) "Receipt of notice of proposed agency action" means receipt of written notice (such as a letter of intent) that the Department proposes to take certain action, or the publication pursuant to Department rule of notice of proposed agency action, whichever first occurs.

(7) Notwithstanding any other provision in this Chapter, should a substantially affected person who fails to timely request a hearing under Section 120.57, F.S., administratively appeal the final Department action or order, the record on appeal shall be limited to:

(a) the application and accompanying documentation submitted by the applicant prior to the issuance of the agency's intent to issue or deny the requested permit;

(b) the materials and information relied upon by the agency in determining the final agency action or order;

(c) any notices issued or published; and

(d) the final agency action or order entered concerning the permit application.

(8) In such cases where persons do not timely exercise their rights accorded by Section 120.57(1), Florida Statutes, the allegations of fact contained in or incorporated by the final agency action shall be deemed uncontested and true, and appellants may not dispute the truth of such allegations upon subsequent appeal.

(9) Any applicant may challenge the Department's request for additional information by filing with the Office of General Counsel an appropriate petition for administrative proceeding pursuant to Section 120.60, F.S., following receipt by the applicant of the Department's notification pursuant to Section 403.0876, F.S., that additional information is required.

Specific Authority: 120.53, 403.0876, 403.815, F.S.

Law Implemented: 120.53, F.S.

History: New 9-20-79; Amended 4-28-81; Transferred from 17-1.62 and Amended 6-1-84; Amended 10-19-88.

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

The Department gives notice of its intent to issue a permit to Manatee County Public Services, Mr. David Rothfuss, Interim Director, who applied on March 31, 1992, to the Department of Environmental Protection for a permit to close part of Stage I, and provide the long-term maintenance and monitoring of the closed portion of the solid waste management facility referred to as the Manatee County Lena Road Landfill, located at 3333 Lena Road, Bradenton, Manatee County, Florida.

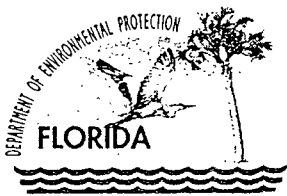
Persons whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120-57, Florida Statutes. The petition must contain the information set forth below, and must be filed (received) in the 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.

The petition shall contain the following information; (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of 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 the material facts disputed by Petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

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 14 days of publication of this notice in the Office of General Counsel at the above address of the Department.

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, Florida Statutes, 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 17-103.155, F.A.C.

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 holiday, at 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

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PERMITTEE

Manatee County Public Services
Mr. David Rothfuss, Interim Dir.
4501 66th Street West
Bradenton, FL 34210

PERMIT/CERTIFICATION

GMS ID No.: 4041C02025
Permit No.: SF4I-2II177
Date of Issue:
Expiration Date: 11/01/99
County: Manatee
Lat/Long: 27°28'00"N
82°27'00"W
Sec/Town/Rge: 1,6 & 31/34S/19E
Project: Manatee County
Lena Road Landfill
Phase I, Stage I
Closure

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-3, 62-4, 62-25, 62-522, 62-550, and 62-701 (formerly 17-3, 17-4, 17-25, 17-522, 17-550 and 17-701). 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 close part of Stage I and provide long-term maintenance and monitoring of the closed portion of the solid waste management facility referred to as the Manatee County Lena Road Landfill, located at 3333 Lena Road, Bradenton, Manatee County, Florida.

Replaces Permit No.: N/A, new

This permit contains compliance items summarized in Attachment 1 that shall be complied with and submitted to the Department by the dates noted. If the compliance dates are not met and submittals are not received by the Department on the dates noted, enforcement action will be initiated.

GENERAL CONDITIONS

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, 403.161, 403.727, or 403-859 through 403.861, Florida Statutes. 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.
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 this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment 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 an 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, are 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.

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Manatee County Public Services
Mr. David Rothfuss, Interim Director

PERMIT NO.: SF41-211177
Phase I, Stage I Closure

GENERAL CONDITIONS:

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 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 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 for 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.

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.

GENERAL CONDITIONS:

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300, Florida Administrative Code, 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 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 the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained 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:
 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.

GENERAL CONDITIONS:

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.

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SPECIFIC CONDITIONS:

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1. Permit Application Documentation. This permit is valid for the closure of Phase I of Stage I of the Class I disposal facility and the long term care, maintenance and monitoring of all closed portions of the site in accordance with the reports, plans and other information, submitted by Manatee County as follows:

October 1994 "Phase I Closure" plans by Manatee County, submitted on October 28, 1994;
August 1994 "Phase I Closure" contract documents, specifications, and CQA manual submitted on August 30, 1994;
and in accordance with all applicable requirements of Department rules.

Construction activities approved as part of this permit including the final cover, gas vents, stormwater management system, and related construction, shall be completed in segments, for closure of Phase I from Station 24 to 52 by **August 1, 1995** and for closure of Phase I from Station 52 to 65 by **January 1, 1996**.

2. A copy of the Department approved permit, engineering and final construction drawings, operational plan, construction reports and record drawings, and supporting information shall be kept at the facility at all times for reference and inspection.

3. Permit Modifications. Any construction not previously approved as part of this permit will require a separate Department permit unless the Department determines a permit modification to be more appropriate. Permits shall be modified in accordance with the requirements of 62-4.080, F.A.C. A modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review by the Department is considered a substantial modification.

4. Permit Renewal. As required by F.A.C. 62-4.090(1), no later than **sixty (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. Permits shall be renewed at least every five years as required by F.A.C. 62-701.330(3). Closure plans shall be updated at the time of permit renewal to reflect changes in closure design, long-term care requirements, and financial assurance documentation.

5. Control of Access. Access to, and use of, the facility shall be controlled as required by F.A.C. 62-701.600(5)(i).

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SPECIFIC CONDITIONS:

6. Pre-Construction Meeting Notification. Department Solid Waste Permitting staff shall be notified 72 hours before all pre-construction meetings with the contractor. Prior to initiating construction activities, the permittee shall make arrangements for the Engineer of Record to meet on site and discuss all plan changes with Department Solid Waste Permitting Staff of the Southwest District Office.

7. Construction Schedule and Progress Report. No later than **thirty (30) days** prior to construction, the owner or operator shall submit a construction schedule which includes estimated dates for closure items for each segment of the construction to the Department. The schedule shall not exceed the deadlines required in Specific Condition #1 for each segment. The Engineer of Record or another qualified professional engineer shall make periodic inspections during construction to ensure that design integrity is maintained. An updated construction schedule and progress chart shall be submitted to the Department **monthly**.

8. Certification of Construction Completion. Within **sixty (60) days** after each segment of all specified construction has been completed for Phase I, Station 24 to 52 and again for Phase I Station 52 to 65, the following activities shall be completed:

a. The owner or operator shall submit a Certification of Construction Completion, Form 17-701.900(2), signed and sealed by the professional engineer in charge of construction and quality assurance to the Department for approval, and shall arrange for Department representatives to inspect the construction in the company of the permittee, the engineer, and the facility operator.

b. The owner or operator shall submit Record Drawings showing all changes (i.e. all additions, deletions, revisions to the plans previously approved by the Department including site grades and elevations).

c. The owner or operator shall submit a narrative indicating all changes in plans and the cause of the deviations and certification by the design engineer to the Department.

d. The owner or operator shall submit a final survey report in accordance with F.A.C. 62-701.610(3) to the Department.

e. The professional engineer in charge of construction quality assurance shall submit to the Department a final report to verify conformance with the plans and specifications in accordance with F.A.C. 62-701.400(7) and (8).

SPECIFIC CONDITIONS:

9. Liner Quality Assurance. The final cover system shall be installed according to the construction quality assurance plan to provide personnel with adequate information to achieve continuous compliance with the construction requirements, in accordance with F.A.C. 62-701.400(7) and (8). Sampling and testing shall be conducted in the field by trained personnel during construction and after construction completion. Such personnel will be under the direction of the construction quality assurance professional engineer, to assure the liner system will comply with the standards. The engineer or his designee shall be on-site at all times during construction to monitor construction activities.

10. Laboratory and Field Testing Requirements. Field and laboratory testing during the final cover construction shall be conducted by a qualified testing laboratory, independent of the manufacturer or installer, representing the owner. A qualified field technician representing the owner shall provide full time, on-site inspection during construction. The field technician shall work under the supervision of a professional engineer registered in the State of Florida with experience in final cover construction.

11. Control of Nuisance Conditions. The permittee shall be responsible for the control of odors and fugitive particulates arising from this construction and operation. Such control shall minimize the creation of nuisance conditions on adjoining property. Complaints received from the general public, and confirmed by Department personnel upon site inspection, shall constitute a nuisance condition, and the permittee must take immediate corrective action to abate the nuisance. The owner or operator shall control disease vectors so as to protect the public health and welfare.

12. Leachate discharge to areas outside of the slurry wall or area surface water is not authorized by this permit and shall be considered a violation of this permit. The permittee shall immediately report any such discharge to the Southwest District Office of the Department of Environmental Protection.

SPECIFIC CONDITIONS:

13. Facility Maintenance and Repair.

a. The site shall be properly maintained. The long-term care of this site includes erosion control, maintenance of grass cover, prevention of ponding, gas venting and monitoring systems repairs, groundwater monitoring system repairs, and repair and maintenance of leachate collection and removal systems.

b. In the event of damage to any portion of the landfill site facilities regulated by this permit or failure of any portion of the landfill systems such as the LCRS, pump stations, gas controls, and final cover system, the permittee shall **immediately** (within 24 hours) notify the DEP explaining such occurrence and remedial measures to be taken and time needed for repairs. Written detailed notification shall be submitted to the DEP within **seven (7) days** following the occurrence outlining the cause of the failure and action taken to prevent such failures from reoccurring. All routine maintenance and downtime shall be explained on daily records.

14. Gas Control and Leachate Management.

Gas control and leachate management systems shall be operated and maintained in accordance with the current operation permit.

15. Groundwater, Gas and Leachate Monitoring.

Groundwater, gas and leachate shall be monitored in accordance with the current operation permit.

16. Gas Remediation. If the Lower Explosive Limit (LEL) is greater than 25% inside structures both on or off of the landfill site, or greater than 100% at the property boundary, the owner shall submit to the Department within 7 days a remediation plan detailing the nature and extent of the problem and the proposed remedy. The remedy shall be completed **within 60 days of detection** unless otherwise approved by the Department.

17. Stormwater System Management. The landfill shall continue to have a surface water management system designed, constructed, operated, and maintained to prevent surface water from running on to waste filled areas, and a stormwater runoff control system designed, constructed, operated, and maintained to collect and control stormwater to meet the requirements of Chapter 62-25, F.A.C., and the requirements for management and storage of surface water in accordance with F.A.C. 62-701.500(10) to meet applicable standards of F.A.C. Chapters 62-3, 62-302, and 62-25.

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Manatee County Public Services
Mr. David Rothfuss, Interim Director

PERMIT NO.: SF41-211177
Phase I, Stage I Closure

SPECIFIC CONDITIONS:

18. Financial Assurance. The permittee shall provide financial assurance for this landfill site in accordance with F.A.C. Rule 17-701.630. All costs for closure and long-term care shall be adjusted and submitted **annually** to: Solid Waste Manager, Solid Waste Section, Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318. Proof that the financial assurance has been funded adequately shall be submitted **annually** to the DEP District Office and to: Financial Coordinator, Solid Waste Section, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

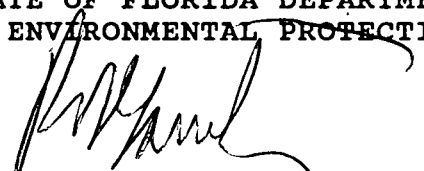
19. Professional Certification. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.), Florida Statutes, applicable portions of permit applications, modifications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

20. Permit Acceptance. By acceptance of this Permit, the permittee certifies that he/she has read and understands the obligations imposed by the Specific and General Conditions contained herein and also including date of permit expiration and renewal deadlines. It is a violation of this permit for failure to comply with all conditions and deadlines.

21. General Conditions. The permittee shall be aware of and operate under the "General Conditions". General Conditions are binding upon the permittee and enforceable pursuant to Chapter 403, Florida Statutes.

Executed in Tampa, Florida

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

DRAFT

ATTACHMENT 1

SPECIFIC CONDITION	SUBMITTAL DUE DATE	REQUIRED ITEM
1.	August 1, 1995	Closure construction complete Station 24 to 52
1.	January 1, 1996	Closure construction complete Station 52 to 65
4.	Prior to August 1, 1999 (60 days prior to expiration)	Apply for permit renewal
6.	72 hours prior to meeting	Notify Department of pre- construction meetings
7.	30 days prior to construction	Submit construction schedule
7.	Monthly	Update construction schedule
8.	Within 60 days after construction is complete	Submit Certification of Construction Completion, Arrange for inspection, submit Record Drawings, submit narrative describing all deviations, submit final survey, submit final report
18.	Annually	Updated cost estimates for closure and long-term care
18.	Annually	Proof of funding for financial assurance