

MF

Item Subject: New OGC Case Assignments

TO: Ernest Frey

FROM: Iris - OGC - Tallahassee

Received 1/03/91 request for an Administrative Hearing from Maurice T. & Cathy L. Samples against intent to issue three permits SC16-184444, 184445, and 184447, to Trail Ridge Landfill, Inc.

Received 1/03/91 request for an Administrative Hearing from Lambert L. Herring and Norma J. Herring against intent to issue three permits SC16-184444, 184445, and 184447, to Trail Ridge Landfill, Inc.

Received 1/03/91 request for an Administrative Hearing from John G. Herring against intent to issue three permits SC16-184444, 184445, and 184447, to Trail Ridge Landfill, Inc.

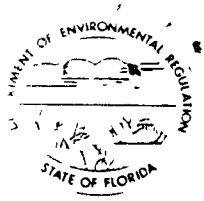
Received 1/11/91 request for an Administrative Hearing from Baker County Board of County Commissioners against intent to issue dredge and fill permit 16-182118-2 to Trail Ridge Landfill, Inc.

Received 1/10/91 request for an Administrative Hearing from Sylvia Webb -Thibault against intent to issue permit SC16-184444 to Trail Ridge Landfill, Inc.

Received 1/10/91 request for an Administrative Hearing from William Mark McCranie against intent to issue permit SC16-184444 to Trail Ridge Landfill, Inc.

Received 1/10/91 request for an Administrative Hearing from Myra O. Frasier against intent to issue permit SC16-184444 to Trail Ridge Landfill, Inc.

Received 1/10/91 request for an Administrative Hearing from Clarence J. Suggs against intent to issue permit SC16-184444 to Trail Ridge Landfill, Inc.



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

_____	Location _____
_____	Location _____
_____	Location _____
From _____	Date _____

Interoffice Memorandum

TO: Ernie Frey

FROM: Mary Nogas *MN*

DATE: January 17, 1991

SUBJECT: Response to "Process Concerns" listed in Representative Holzendorf's January 11, 1991 letter to Secretary Browner

The applications for Trail Ridge, Plan A, were received July 27, 1990. They were reviewed and additional information requested on August 23, 1990. Additional information was received on September 2, 1990. This information was reviewed and was determined to be incomplete. A request for the needed information was made on October 8, 1990. This information was received October 10, 1990, making the application complete on that date. The notice of intent to issue was completed on December 21, 1990; the applicant picked it up that same day.

Length of staff review time per submittal was slightly longer for this project than the average. However, the response time of the applicant to the Department's requests for additional information was half of the average, making the overall time from the date of application to the date of intent shorter than average, although not the shortest.

MN:ml *MN*



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To _____	Location _____
To _____	Location _____
To _____	Location _____
From _____	Date _____

Interoffice Memorandum

TO: Ernie Frey

FROM: Mary Nogas

DATE: January 18, 1991

SUBJECT: Response to "Timing of Issuance of Notice of Intent Concerns" listed in Representative Holzendorf's January 11, 1991 letter to Secretary Browner

The construction/operation and management of storage of surface waters applications for Trail Ridge, Plan A, were complete on October 10, 1990. FAC Chapter 17-4 requires that permit applications be approved or denied within 90 days of application being deemed complete.

It is Department policy to issue intents for permit applications as soon as ready, and not wait until day 90.

Copies of the intent were sent to 21 interested parties. The Department required notice to be published in both the Baker and Duval County newspapers, since the project is adjacent to Baker county.

The Department has received 13 petitions for administrative hearing concerning these applications.

MN:ml

NORTH SANITARY LANDFILL
DUVAL COUNTY
BACKGROUND INFORMATION

Owner/Operator: City of Jacksonville

Type: Class I

Size: \pm 203 acres

Tonnage: 1,350 tons/day

Capacity: 11 to 14 months, according to City estimates

Design: The existing landfill consists of three unlined phases (I, II, and IIIA) and one phase (IIIB) with a single 60 mil HDPE liner. Each phase is a "high-rise"; the permitted elevation of the unlined phases is 75 feet above MSL and the lined phase is 110 feet above MSL. Leachate is recirculated on the lined phase.

Disposal Activities: Unlined phases are inactive at the direction of the Department. The Department contends that these phases have reached capacity. Current disposal is limited to Phase IIIB. Waste tire processing activities occur on Phase II.

Permit Status: The existing permit (SC16-122205) for inactive unlined phases includes authorization of waste tire processing activities. The closure permit application for the unlined phases was received October 15, 1990. We are awaiting the applicant's response to the Department's November 13, 1990 request for additional information.

Permit modification SC16-152966 increasing the maximum height of the lined phase was issued February 14, 1990 after an administrative hearing which was requested by Representative Holzendorf and Robin and Geraldine Leigh. The Hearing Officer recommended issuance.

A permit application for a lined expansion of the landfill was received September 7, 1990. It is incomplete and we are awaiting the applicant's response to the Department's December 19, 1990 request for additional information.

Compliance/Enforcement Status: We are currently negotiating a Consent Order with the City to resolve operational violations of improper construction/demolition debris segregation, inadequate initial and intermediate cover, and inadequate leachate control. The final revised Consent Order is to be sent to the City for signature by January 25, 1991.

Unresolved Issues:

1. The Department contends that cover must be maintained at all times, even during routine storms. The City does not agree that initial and intermediate cover must be maintained at all times.

North Sanitary Landfill
Background Information
Page Two

2. The City does not agree that its history of noncompliance for the existing facility should be considered by the Department in reviewing the expansion permit application. The Department believes it is an appropriate consideration, pursuant to FAC Rule 17-701.030(2). The City has agreed to submit "reasonable assurances" that, in spite of noncompliance, the Department's rules will be followed. We are currently awaiting submittal of such information.
3. Permit modification SC16-152955 issued on February 14, 1990 includes an improved groundwater monitoring plan. New wells have been installed, but the first two data submittals were unacceptable due to quality control problems. The third set of samples was collected in mid November 1990. Results were due January 15, 1991, but the City now estimates submittal by January 31, 1991. A limited number of duplicate samples were taken by the Department in mid November; partial results indicate no groundwater quality problems.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

MYRA O. FRASIER,
Petitioner ,

vs.

OGC CASE NO. 90-0092

1/16/91

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.
_____ /

REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD

YOU ARE HEREBY NOTIFIED that the State of Florida Department of Environmental Regulation has received the attached Petition for Hearing in the above-styled case. Pursuant to Section 120.57(1)(b)3., Florida Statutes, the Secretary has decided not to act as hearing officer and requests that the Division of Administrative Hearings assign this matter to a hearing officer to conduct all necessary proceedings required by law and to submit a recommended order to the Department. The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding.

YOU ARE FURTHER NOTIFIED that the Department is responsible for preserving the record of any evidentiary hearings in this case in accordance with Florida Administrative Code Rule 17-103.205. Such a record may be preserved by a court reporter or by mechanical recording equipment. The Department will use mechanical recording

equipment unless one of the parties makes arrangements to provide a court reporter, including payment of the court reporter's fees. Any party arranging for the presence of a court reporter at hearing should notify the hearing officer and all parties prior to the hearing of the court reporter's name, mailing address, and telephone number.

Whenever a court reporter is used, Florida Administrative Code Rule 28-5.306 provides that the court reporter's recordation becomes the official transcript. The Department may tape a hearing for its own use even when a court reporter is present. If the Department tapes a proceeding which is also recorded by a court reporter, copies of the tapes can be made available to all parties upon request at cost of reproduction. However, parties should not assume in all instances that the Department will tape a proceeding.

If a party decides to file exceptions to any finding of fact made by the Department, the party will need to submit an official transcript of the proceeding. A transcript may be prepared, at the expense of the requesting party, from a court reporter's notes or, when no court reporter has been hired, from the tapes made by the Department.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been furnished to:

Thomas G. Tomasello, Esq.
Oertel, Hoffman, Fernandez
and Cole, P.A.
2700 Blair Stone Rd Ste C
Tallahassee FL 32301

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

MYRA O. FRASIER,

Petitioner,

vs.

TRAIL RIDGE LANDFILL, INC., and
STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL REGULATION,

Respondents.

RECEIVED
JAN 10 1981

Dept. of Environmental Reg.
Office of General Counsel

VERIFIED PETITION FOR A FORMAL HEARING
PURSUANT TO SECTION 120.57, FLORIDA STATUTES

Petitioner, MYRA O. FRASIER, files this Verified Petition for a Formal Hearing pursuant to Sections 120.57(1), and 400.412(5), Florida Statutes, and Rules 17-103.155, 22I-6.004 and 28-5.201, Florida Administrative Code.

1. The agency affected in this proceeding is the State of Florida, Department of Environmental Regulation ("DER" or "Department"), 2600 Blair Stone Road, Tallahassee, Florida 32301. The DER Permit Number in this proceeding is SC16-184444.

2. Respondent, Trail Ridge Landfill, Inc. ("Trail Ridge") is the permit applicant for DER Permit Number SC16-184444. Trail Ridge's address is Post Office Box 6987, Jacksonville, Florida 32236.

3. Petitioner, Myra O. Frasier's address is 3355 Claire Lane, #605, Jacksonville, Florida 32257.

4. By Intent to Issue dated December 21, 1990, DER proposes to issue a permit to Trail Ridge to construct and operate the Trail Ridge "Plan A" landfill with a total site area of 1,288 acres of which 148+ acres will be used for Class I solid waste disposal and 28 acres for Class III disposal. The proposed landfill project is located on the west side of Y. S. Highway 301 in Duval County, Florida approximately one mile North of Maxville.

5. Petitioner alleges that the proposed landfill will have the effect of impairing, polluting or otherwise injuring the air, water or natural resources of the state.

6. The Petitioner received notice of DER's Intent to Issue the Trail Ridge permit sometime during the last two weeks of December 1990.

7. The following are the disputed issues of fact:

(a) Whether the proposed landfill facility is the most economically feasible, cost-effective, and environmentally safe manner to dispose of solid waste;

(b) Whether the proposed landfill facility will be constructed and operated to enhance the quality of water and land resources;

(c) Whether the proposed landfill facility will be constructed and operated to provide efficient, environmentally acceptable solid waste management;

(d) Whether the applicant has provided DER with reasonable assurances that water quality standards or criteria will not be violated;

(e) Whether the applicant has demonstrated that the landfill facility design will meet all of the performance criteria and standards of Chapter 17-701, Florida Administrative Code;

(f) Whether site specific conditions override the presumption that a proposed landfill facility meets applicable performance standards if it meets the design standards of Chapter 17-701, Florida Administrative Code;

(g) Whether the proposed landfill project is prohibited pursuant to Rule 17-701.040, Florida Administrative Code;

(h) Whether the proposed wetland mitigation is adequate;

(i) Whether impacts to wetlands, and fish and wildlife habitat are acceptable;

(j) Whether gases originating from the proposed landfill will be adequately controlled to protect against objectionable odors and explosions, and other public and environmental hazards;

(k) Whether the groundwater and surface water monitoring programs are adequate to insure that the water quality standards will not be violated;

(l) Whether the closure plan and financial assurances for the proposed landfill are adequate;

(m) Whether the proposed surface water management system is adequate to insure that water quality standards will not be violated;

(n) Whether the transportation and disposal of solid waste at the facility will be conducted in a manner to protect human health, safety, welfare and the environment;

(o) Whether reasonable assurances have been provided that the proposed landfill facility will be constructed and operated in compliance with applicable statutes, rules and policies;

(p) Whether the proposed landfill facility site contains wetlands within DER's jurisdiction pursuant to Sections 403.91, et seq., Florida Statutes, and Chapter 17-312, Florida Administrative Code;

(q) Whether the applicant provided DER with reasonable assurances that the project is not contrary to the public interest;

(r) Whether the project will adversely affect the public health, safety, or welfare or the property of other;

(s) Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

(t) Whether the project will adversely affect the flow of water or cause harmful erosion or shoaling;

(u) Whether the project will adversely affect the fishing or recreational values in the vicinity of the project;

(v) Whether the project will be of temporary or permanent nature;

(w) Whether the project will adversely affect or will enhance significant historical and archaeological resources;

(x) Whether the project will adversely affect the current condition or relative value of functions being performed by areas affected by the proposed activity;

(y) Whether DER has asserted jurisdiction over all the wetlands to be affected by this project that are waters of the state;

(z) Whether the project adequately avoids adverse impacts to state waters and whether such impacts have been sufficiently minimized;

(a)(a) Whether the application demonstrates that Trail Ridge holds a sufficient interest in the land in which the proposed construction activities are to take place;

8. Petitioner is entitled to relief pursuant to Chapters 120, 403, Florida Statutes, Section 403.412(5), Florida Statutes, and Chapters 17-4 and 17-701, Florida Administrative Code.

9. Section 403.412(5), Florida Statutes, provides that any citizen of the state is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified petition asserting that the proposed activity will impair or pollute the natural resources of the State. Under this provision a citizen is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action. Booker Creek Preservation, Inc. v. Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986).

10. Petitioner demands that the application for Permit No. SC16-184444 be denied.

WHEREFORE, Petitioner respectfully requests that this matter be referred to a hearing officer of the Division of Administrative Hearings for commencement of formal proceedings pursuant to Section

(y) Whether DER has asserted jurisdiction over all the wetlands to be affected by this project that are waters of the state;

(z) Whether the project adequately avoids adverse impacts to state waters and whether such impacts have been sufficiently minimized;

(a)(a) Whether the application demonstrates that Trail Ridge holds a sufficient interest in the land in which the proposed construction activities are to take place;

8. Petitioner is entitled to relief pursuant to Chapters 120, 403, Florida Statutes, Section 403.412(5), Florida Statutes, and Chapters 17-4 and 17-701, Florida Administrative Code.

9. Section 403.412(5), Florida Statutes, provides that any citizen of the state is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified petition asserting that the proposed activity will impair or pollute the natural resources of the State. Under this provision a citizen is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action. Booker Creek Preservation, Inc. v. Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986).

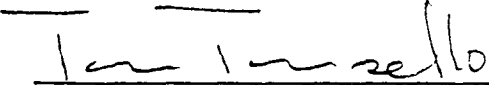
10. Petitioner demands that the application for Permit No. SC16-184444 be denied.

WHEREFORE, Petitioner respectfully requests that this matter be referred to a hearing officer of the Division of Administrative Hearings for commencement of formal proceedings pursuant to Section

120.57(1), Florida Statutes; that the hearing officer issue a recommended order recommending that the permit application be denied, and providing other relief including that DER issue a final order denying Permit No. SC16-184444.

Respectfully submitted this 10th day of January, 1991.

OERTEL, HOFFMAN, FERNANDEZ
& COLE, P.A.
2700 Blair Stone Road
Suite C
Tallahassee, FL 32301
(904) 877-0099



SEGUNDO J. FERNANDEZ
Fla. Bar ID: 218391

THOMAS G. TOMASELLO
Fla. Bar ID: 233587

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing have been furnished by hand-delivery for filing to the Agency Clerk, State of Florida Department of Environmental Regulation 2600 Blair Stone Road, Tallahassee, Florida 32301, this 10th day of January, 1991.



Attorney

VERIFICATION

STATE OF FLORIDA

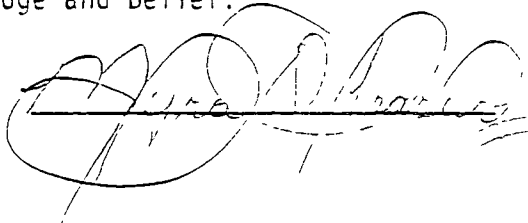
COUNTY OF DUVAL

BEFORE ME the undersigned authority personally appeared M. VERA FERRER, who, being by me first duly sworn, state the following

1 Section 403 412(5), Florida Statutes, provides that any citizen of the state is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified petition asserting that the proposed activity will impair or pollute the natural resources of the State Under this provision a citizen is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action Booker Creek Preservation, Inc. v. Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986). M. VERA FERRER is a citizen of the State of Florida.

2. That she believes and asserts that the activity proposed for permitting in this proceeding will have the effect of impairing, polluting and otherwise injuring the air and water, and natural resources of the state.

3 That the facts alleged in the foregoing Petition are true and correct to the best of her knowledge and belief.
FURTHER AFFIANT SAYETH NOT.



SWORN AND SUBSCRIBED before me this 5th day of January, 1991.

[Signature]
NOTARY PUBLIC State of Florida
My Commission Expires

NOTARY PUBLIC STATE OF FLORIDA
COM. ISSUED 12/25/88 EXPIRES Dec 25 1994
I AM ONE OF THE NOTARY PUBLIC UNDERWRITERS.

MN
ECR

Item Subject: New OGC Case Assignments

FITZ
NF

TO: Ernest Frey

FROM: Iris - OGC - Tallahassee

Received 1/04/91 request for an Administrative Hearing from Save Trail Ridge and the Environment against intent to issue three permits to Trail Ridge Landfill, Inc., permit numbers SC16-184444, 184445, 184447 (MSSW permit).

Received 1/04/91 request for an Administrative Hearing from Coastal Environmental Society, Inc. and St. Johns Preservation Assoc. Inc., against intent to issue three permits to Trail Ridge Landfill, Inc., permit numbers SC16-184444, 184445, 184447 (MSSW permit).

Received 1/07/91 request for an Administrative Hearing from Baldwin-Maxville Coalition, Inc., against intent to issue to Trail Ridge Landfill, Inc., permit SC16-184444.

Item Subject: New OGC Case Assignments

FITZ
MW
QCR
MF

TO: Ernest Frey

FROM: Iris - OGC - Tallahassee

Received 1/09/91 request for an Administrative Hearing from Baker County Board of County Commissioners against intent to issue permits SC16-184444, 184445, and MSSW permit 184447 to Trail Ridge Landfill, Inc.

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

NORTHEAST DISTRICT
RECEIVED
JAN 17 1991
RECEIVED
DER-JACKSONVILLE

ASSIGNMENT DATE: 1/14/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0091

TO: Bill Congdon
THROUGH: _____
FROM: Carol Gortman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: William Mark McCranie
v. Inail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(S): SW
DISTRICT: NED COUNTY: 16 - Duval
PERMIT/APPLICATION/FACILITY ID #: SC16-184444
Petition for Administrative Hearing Received: 1/10/91
Request for Extension of Time to File _____
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/14/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0090

TO: Bill Congdon
THROUGH: _____
FROM: Carol Fothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Sylvia Webb-Thibault
N. Trail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(S): SW1 1 1 1 1
DISTRICT: NED COUNTY: 16 - Duval
PERMIT/APPLICATION/FACILITY ID #: SC16-184444
Petition for Administrative Hearing Received: 1/10/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/14/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0089

TO: Bill Congdon
THROUGH:
FROM: Carol Frothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Baker County Board of Co Commissioners
vs Trail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(s): DF
DISTRICT: NED COUNTY: 16-Dural
PERMIT/APPLICATION/FACILITY ID #: 182118-2
Petition for Administrative Hearing Received: 1/11/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/14/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0092

TO: Bill Congdon
THROUGH: _____
FROM: Carol Fothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Myra R. Frasier
Paul Ridge Landfill, Inc.
MODE: T PROGRAM(S): SW | | | |
DISTRICT: NED COUNTY: 16-Duval
PERMIT/APPLICATION/FACILITY ID #: SC 16-184444

Petition for Administrative Hearing Received: 1/10/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/14/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0093

TO: Bill Congdor
THROUGH: _____
FROM: Cook Fothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Clarence J. Zuges
v. Trail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(s): 3W
DISTRICT: WED COUNTY: 16 - Annapolis
PERMIT/APPLICATION/FACILITY ID #: SC16-184444
Petition for Administrative Hearing Received: 1/10/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/04/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0079

TO: Bill Congdon
THROUGH: _____
FROM: Carol Fortman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Maurice J. & Cathy L. Damples
Trail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(s): BW
DISTRICT: NED COUNTY: 16 - Duval
PERMIT/APPLICATION/FACILITY ID #: SC16-184444
Petition for Administrative Hearing Received: 1/03/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/04/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0080

TO: Bill Congdon
THROUGH: _____
FROM: Carol Fortman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Maurice J. & Cathy L. Damples
N. Trail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(s): BW
DISTRICT: NED COUNTY: 16-Durand
PERMIT/APPLICATION/FACILITY ID #: SC 16-184445
Petition for Administrative Hearing Received: 1/03/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/04/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0082

TO: Bill Congdon
THROUGH: _____
FROM: Carol Fortman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Maurice J. & Cathy L. Damples
N. Trail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(S): MS
DISTRICT: NED COUNTY: 16-Durval
PERMIT/APPLICATION/FACILITY ID #: MSSW 184447
Petition for Administrative Hearing Received: 1/03/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/04/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0083

TO: Bill Congdon
THROUGH: _____
FROM: Carol Frothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Lambert L. Hessing & Norma J. Hessing v. Paul Ridge Landfill, Inc. & DER
MODE: T PROGRAM(S): 3W
DISTRICT: NED COUNTY: 16-Duval
PERMIT/APPLICATION/FACILITY ID #: 30 184444
Petition for Administrative Hearing Received: 1/03/91
Request for Extension of Time to File
Petition for Administrative Hearing Received _____
Draft Consent Order Received. _____
Draft N.O.V. Received. _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/04/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0084

TO: Bill Congdon
THROUGH: _____
FROM: Carol Frothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Lambert L. Herring & Norma J. Herring v. Chad Ridge Landfill, Inc. & DER
MODE: T PROGRAM(S): SW
DISTRICT: NED COUNTY: 16-Duval
PERMIT/APPLICATION/FACILITY ID #: SC16-184445

Petition for Administrative Hearing Received: 1/03/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/04/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0085

TO: Bill Congdon
THROUGH: _____
FROM: Carol Fothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Lambert L. Hessing & Norma J. Hessing v. Paul Ridge Landfill, Inc. & DER

MODE: T PROGRAM(S): MSI
DISTRICT: NED COUNTY: 16-Duval
PERMIT/APPLICATION/FACILITY ID #: MSSW 184447

Petition for Administrative Hearing Received. 1/03/91
Request for Extension of Time to File
Petition for Administrative Hearing Received _____
Draft Consent Order Received: _____
Draft N.O.V. Received _____
Case Report Received _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/04/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0086

TO: Bill Congdon
THROUGH: _____
FROM: Carol Rothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: John G. Herring
Trail Ridge Landfill, Inc. & DER 1
MODE: T PROGRAM(s): SW
DISTRICT: NED COUNTY: 16-Duval
PERMIT/APPLICATION/FACILITY ID # SC16-184444
Petition for Administrative Hearing Received: 1/03/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/04/91

DISTRICT DATE OPEN: _____

REASSIGNMENT DATE: _____

OGC FILE NUMBER: 91-0087

TO: Bill Congdon
THROUGH:
FROM: Carol Rothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: John G. Herring
vs. Paul Ridge Landfill, Inc. & DER 1

MODE: T PROGRAM(S): SW 1 1 1 1

DISTRICT: NED COUNTY: 16-Duval

PERMIT/APPLICATION/FACILITY ID #: SC16-184445

Petition for Administrative Hearing Received 1/03/91

Request for Extension of Time to File
Petition for Administrative Hearing Received _____

Draft Consent Order Received. _____

Draft N.O.V. Received: _____

Case Report Received: _____

Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/04/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0088

TO: Bill Congdon
THROUGH: _____
FROM: Carol Frothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: John J. Herring
vs. Trail Ridge Landfill, Inc. & DER 1
MODE: T PROGRAM(s): MS 1 1 1 1
DISTRICT: NED COUNTY: 16-Duval
PERMIT/APPLICATION/FACILITY ID #: MSSW 184447
Petition for Administrative Hearing Received: 1/03/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____



FITZ
JAN 15 1991

Florida House of Representatives

Betty S. Holzendorf
Representative, 16th District

Reply to

- Suite 60
5045 Soutel Drive
Jacksonville, FL 32206
(904) 765-5610
- 311 House Office Building
Tallahassee, FL 32399-1800
(904) 488-6893

Committees

Health & Rehabilitative Services,
Vice Chairman
Health, Mental Health & Substance Abuse,
Chairman
Public Transportation
Airports,
Chairman
Appropriations
Regulated Industries
Small Business & Economic Development

January 11, 1991

Mrs. Carol M. Browner, Secretary
Department of Environmental Regulation
Twin Tower, 2600 Blair Street
Tallahassee, Florida 32399-2400

Dear Secretary Browner,

Prior to your appointment, your predecessor signed a notice of intent to issue permit number SC16-184444 to Trail Ridge Landfill.

I am asking, that you withdraw the notice of intent until such time you can review the permit for the following reasons:

Resource Concerns:

- (1) Proposed landfill surrounded on three sides by wetlands;
- (2) Correctness of DER wetlands jurisdiction determination;
- (3) Wetlands adjacent to proposed site drain into:
 - (a) Upper Blackwater Creek tributary system which flows south through the Upper Blackwater Creek Conservation and Recreational Lands Project; and
 - (b) The Saint Mary's River, Outstanding Florida Water.

Process Concerns:

- (1) Rapid processing of application which was only filed on July 27, 1990.
- (2) Issuance of Notice of Intent on December 21, 1990, so that fourteen (14) day public appeal time period ran over Christmas and New Year holiday season.
- (3) Sufficiency of DER review of offsite impacts: St. Mary's River OFW and Upper Black Creek CARL Project.

Alternative Sites:

There are preferable environmentally acceptable alternative sites in Duval County.

I would appreciate your attention to this matter greatly.

Sincerely,

Betty S. Holzendorf

Betty S. Holzendorf

TO: Secretary Carol Browner
FROM: Ernie Frey
DATE: January 18, 1991
SUBJECT: Response to "Process Concerns" and "Resource Concerns"
listed in Representative Holzendorf's January 11, 1991
letter to Secretary Browner

As per the Operating agreement between the St. Johns River Water Management District (SJRWMD) and DER, signed January 4, 1988, the Wetlands Resource Management Section of the Water Management Program has reviewed the Management & Storage of Surface Waters (MSSW) permit application for the proposed Trail Ridge Landfill.

The review criteria are based upon two major standards established by Chapter 373 Florida Statutes:

A. The operation of a system will not be inconsistent with the overall objectives of the WMD.

B. The construction or operation of a system will not be harmful to the water resources of the WMD.

Specifically the wetlands resource management section makes a determination as to whether the applicant has given reasonable assurance that the project will not adversely affect natural resources, fish or wildlife and other hydrologically related environmental functions.

In the case of Trail Ridge Landfill, the applicant supplied all requested information to make this determination and five on-site inspections were made by the Northeast District staff.

Resource Concerns

Responses to the specific resource concerns described in the January 11, 1991 letter are as follows:

Item (1): It is recognized and confirmed by on-site inspection that the landfill is surrounded by jurisdictional wetlands, but these wetlands should not be impacted by landfill construction.

Secretary Carol Browner
Page Two
January 18, 1991

Item (2): The limit of jurisdiction was confirmed by on-site inspections.

Item (3): The adjacent wetlands do drain to

a. Long Branch, which is a tributary of the North fork of Black Creek and

b. Deep Creek, which is a tributary of the St. Marys River. The only portion of St. Marys River which is classified as Outstanding Florida Water (OFW) is that portion at its mouth which flows through that aquatic preserve surrounding Ft. Clinch State Park.

The facts were definitely taken into consideration in the formulation of the Department's intended action (i.e., issue the permit). Northeast District personnel will supply testimony to support this decision in the forthcoming administrative hearing.

Process Concerns

Item (1): The applications for Trail Ridge, Plan A, were received July 27, 1990. They were reviewed and additional information requested on August 23, 1990. Additional information was received on September 2, 1990. This information was reviewed and was determined to be incomplete. A request for the needed information was made on October 8, 1990. This information was received October 10, 1990, making the application complete on that date. The notice of intent to issue was completed on December 21, 1990; the applicant picked it up that same day.

Length of staff review time per submittal was slightly longer for this project than the average. However, the response time of the applicant to the Department's requests for additional information was half of the average, making the overall time from the date of application to the date of intent shorter than average, although not the shortest.

Item (2): The construction/operation and management of storage of surface waters applications for Trail Ridge, Plan A, were complete on October 10, 1990. FAC Chapter 17-4 requires that permit applications be approved or denied within 90 days of application being deemed complete.

It is Department policy to issue intents for permit applications as soon as ready, and not wait until day 90.

Secretary Carol Browner
Page Three
January 18, 1991

Copies of the intent were sent to 21 interested parties. The Department required notice to be published in both the Baker and Duval County newspapers, since the project is adjacent to Baker county.

The Department has received 13 petitions for administrative hearing concerning these applications.

Item (3): Please refer to Resource Concerns (3) (a) and (b)

DER is not responsible for site selection and Florida Statutes and rules do not provide DER with authority to consider alternate sites when reviewing permit applications for landfills.

TO: Ernest Frey
FROM: Iris - OGC - Tallahassee

MF
MN
ECR

Received 1/03/91 request for an Administrative Hearing from Maurice T. & Cathy L. Samples against intent to issue three permits SC16-184444, 184445, and 184447, to Trail Ridge Landfill, Inc.

Received 1/03/91 request for an Administrative Hearing from Lambert L. Herring and Norma J. Herring against intent to issue three permits SC16-184444, 184445, and 184447, to Trail Ridge Landfill, Inc.

Received 1/03/91 request for an Administrative Hearing from John G. Herring against intent to issue three permits SC16-184444, 184445, and 184447, to Trail Ridge Landfill, Inc.

Received 1/11/91 request for an Administrative Hearing from Baker County Board of County Commissioners against intent to issue dredge and fill permit 16-182118-2 to Trail Ridge Landfill, Inc.

Received 1/10/91 request for an Administrative Hearing from Sylvia Webb -Thibault against intent to issue permit SC16-184444 to Trail Ridge Landfill, Inc.

Received 1/10/91 request for an Administrative Hearing from William Mark McCranie against intent to issue permit SC16-184444 to Trail Ridge Landfill, Inc.

Received 1/10/91 request for an Administrative Hearing from Myra O. Frasier against intent to issue permit SC16-184444 to Trail Ridge Landfill, Inc.

Received 1/10/91 request for an Administrative Hearing from Clarence J. Suggs against intent to issue permit SC16-184444 to Trail Ridge Landfill, Inc.

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

NORTHEAST DISTRICT
DER-JACKSONVILLE
JAN 11 1991

ASSIGNMENT DATE: 1/08/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0048

TO: Bill Congdon
THROUGH: _____
FROM: Carol Fothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Coastal Environmental Society Inc. and St. Johns Preservation Assoc. Inc. v. Inlet Ridge Landfill
MODE: T PROGRAM(s): SW1 1 1 1 1 Inc. & DER
DISTRICT: NED COUNTY: 16 - Duval
PERMIT/APPLICATION/FACILITY ID #: SC16-184444
Petition for Administrative Hearing Received: 1/04/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/08/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0049

TO: Bill Congdon
THROUGH: _____
FROM: Carol Forthman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Coastal Environmental Society, Inc. and St. Johns Preservation Assoc. Inc. v. Inland Ridge Landfill
MODE: T PROGRAM(S): SW1 1 1 1 1 Inc. & DER
DISTRICT: NED COUNTY: 16-Duval
PERMIT/APPLICATION/FACILITY ID #: SC16-184445
Petition for Administrative Hearing Received: 1/04/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/08/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0050

TO: Bill Congdon
THROUGH: _____
FROM: Carol Forthman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Coastal Environmental Society, Inc. and St. Johns Preservation Assoc. Inc. v. Inland Ridge Landfill
MODE: T PROGRAM(s): MS, Inc. & DER
DISTRICT: NED COUNTY: 16 - Duval
PERMIT/APPLICATION/FACILITY ID #: MSSW 16-184447
Petition for Administrative Hearing Received: 1/04/91
Request for Extension of Time to File
Petition for Administrative Hearing Received. _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/08/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0051

TO: Bill Congdor
THROUGH: _____
FROM: Carol Fortman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Save Trail Ridge & the Environment
Inc. v. Trail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(s): SW, , , ,
DISTRICT: NED COUNTY: 16-Duval
PERMIT/APPLICATION/FACILITY ID #: SC 16-184444
Petition for Administrative Hearing Received: 1/04/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/08/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0052

TO: Bill Congdor
THROUGH: _____
FROM: Carol Fortman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Save Inail Ridge & the Environment
Inc. v. Inail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(S): SW
DISTRICT: NED COUNTY: 16-Durham
PERMIT/APPLICATION/FACILITY ID #: SC 16-184445
Petition for Administrative Hearing Received: 1/04/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/08/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0053

TO: Bill Congdor
THROUGH: _____
FROM: Carol Fortman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Save Trail Ridge & the Environment
Inc. v. Trail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(s): MS 1 1 1 1
DISTRICT: NED COUNTY: 16-Duval
PERMIT/APPLICATION/FACILITY ID #: MSSW 16-184447
Petition for Administrative Hearing Received: 1/04/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/08/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0061

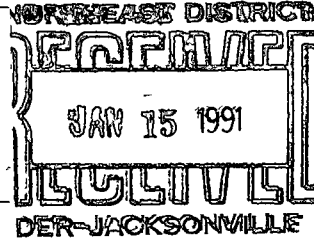
TO: Bill Congdon
THROUGH: _____
FROM: Carol Fortman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Baldwin - Maxwellle Coalition, Inc.
v. Trail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(s): SW
DISTRICT: NED COUNTY: 16 - Duval
PERMIT/APPLICATION/FACILITY ID #: SC16-184444
Petition for Administrative Hearing Received: 1/07/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY



ASSIGNMENT DATE: 1/08/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0068

TO: Bill Congdon
THROUGH:
FROM: Carol Forthman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Danell Sperry
v. Trail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(s): SCS 1 1 1 1
DISTRICT: NED COUNTY: 16-Duval
PERMIT/APPLICATION/FACILITY ID #: SC16-184444
Petition for Administrative Hearing Received: 1/07/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

THE EAST DISTRICT
PAPER
JAN 15 1991
15651750
DER-JACKSONVILLE

ASSIGNMENT DATE: 1/10/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0069

TO: Bill Congdon
THROUGH:
FROM: Carol Frohman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Baker County Board of Co. Commissioners
v. Trail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(s): SW
DISTRICT: NED COUNTY: 16 - Duval
PERMIT/APPLICATION/FACILITY ID #: 3C16-184444
Petition for Administrative Hearing Received: 1/09/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

NORTHEAST DISTRICT
REGISTRATION
JAN 15 1991
REGISTRATION
DER-JACKSONVILLE

ASSIGNMENT DATE: 4/10/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0070

TO: Bill Congdon
THROUGH:
FROM: Carol Frothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Baker County Board of Co. Commissioners
v. Trail Ridge Landfill, Inc. & DER
MODE: T PROGRAM(s): SW
DISTRICT: NED COUNTY: 16-Duval
PERMIT/APPLICATION/FACILITY ID #: SC16-184445
Petition for Administrative Hearing Received: 4/09/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received. _____
Draft N.O.V. Received. _____
Case Report Received: _____
Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

NORTHEAST DISTRICT
RECEIVED
JAN 15 1991
DER-JACKSONVILLE

ASSIGNMENT DATE: 1/10/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0071

TO: Bill Congdon
THROUGH:
FROM: Carol Fothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Baker County Board of Co. Commissioners
v. Trail Ridge Landfill, Inc. & DER

MODE: T PROGRAM(S) MSSW

DISTRICT. NED COUNTY. 16-Duval

PERMIT/APPLICATION/FACILITY ID #: MSSW/6-184447

Petition for Administrative Hearing Received: 1/09/91

Request for Extension of Time to File
Petition for Administrative Hearing Received: _____

Draft Consent Order Received: _____

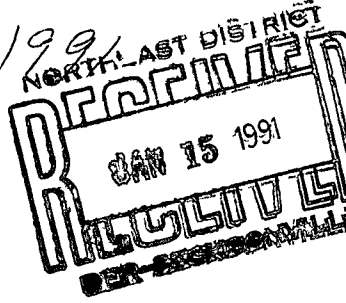
Draft N.O.V. Received: _____

Case Report Received: _____

Other: _____

Dept. of ENVIRONMENTAL REGULATION
Twin Tower
2600 BLAIR STONE ROAD
TALLAHASSEE, FL 32399

Rt 3 Box 1142 ECR
Macclenny, FL 32063
JANUARY 7, 1991



Dear DER

We AS CITIZENS of Baker County, are opposed to the TRAIL Ridge Landfill. We want to keep our environment clean and healthy. The Trail Ridge Landfill will endanger our WATER supply, CONTAMINATE our SOIL AND AIR -

Please do NOT issue any permits for the TRAIL Ridge Landfill. The entire operation is unhealthy and unsafe for the citizens of both today and tomorrow.

Thank you,
Mr. & Mrs. J. R. Jacobs

added a mailing list on Wang
ML

Item Subject: New OGC Case Assignments

FITZ
ME
MM

TO: Ernest Frey

FROM: Iris - OGC - Tallahassee

Received 1/03/91 petition for an Administrative Hearing from Ronnie E. & Laurie J. Hall concerning Trail Ridge Landfill's three permits SC16-184444, 184445, 184447.

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

NORTHEAST DISTRICT
RECEIVED
JAN 9 1991
RECEIVED
DER-JACKSONVILLE

ASSIGNMENT DATE: 1/04/90
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0019

TO: Bill Congdon
THROUGH: _____
FROM: Carol Fortman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Ronnie E. & Laurie J. Hall
v. Trail Ridge Landfill & DER
MODE: T PROGRAM(s): SW 1 1 1 1
DISTRICT: NED COUNTY: 16 - Duval
PERMIT/APPLICATION/FACILITY ID #: 3C 16 - 184444
Petition for Administrative Hearing Received: 1/03/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

RECEIVED
JAN 9 1991
RECEIVED
DER-JACKSONVILLE

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

ASSIGNMENT DATE: 1/04/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0020

TO: Bill Congdon
THROUGH: _____
FROM: Carol Fortman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Ronnie E. & Laurie J. Hall
v. Trail Ridge Landfill & DER

MODE: 1 PROGRAM(s): SW 1 1 1 1

DISTRICT: NED COUNTY: 16-Duval

PERMIT/APPLICATION/FACILITY ID #: SC16-184445

Petition for Administrative Hearing Received: 1/03/91

Request for Extension of Time to File
Petition for Administrative Hearing Received: _____

Draft Consent Order Received: _____

Draft N.O.V. Received: _____

Case Report Received: _____

Other: _____

OFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRY

NORTHEAST DISTRICT
RECEIVED
JAN 9 1991
RECEIVED
DER-JACKSONVILLE

ASSIGNMENT DATE: 1/04/91
DISTRICT DATE OPEN: _____
REASSIGNMENT DATE: _____
OGC FILE NUMBER: 91-0021

TO: Bill Congdon
THROUGH: _____
FROM: Carol Frothman

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU. PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL BE DIRECTED TO YOU.

cc: District Manager

CASE NAME: Ronnie E & Laurie J. Hall
v. Ingal Ridge Landfill & DER
MODE: T PROGRAM(s): SW 1 1 1 1 1
DISTRICT: NED COUNTY: 16-Duval
PERMIT/APPLICATION/FACILITY ID #: SC16-184447
Petition for Administrative Hearing Received: 1/03/91
Request for Extension of Time to File
Petition for Administrative Hearing Received: _____
Draft Consent Order Received: _____
Draft N.O.V. Received: _____
Case Report Received: _____
Other: _____

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

RECEIVED
JAN 4 1991

SAVE TRAIL RIDGE AND THE
ENVIRONMENT, INC.,

Dept. of Environmental Reg-
Office of General Counsel

Petitioner,

vs.

DER File Nos.: 184444,
184445 and 184447
Duval County - Solid Waste

TRAIL RIDGE LANDFILL, INC., and
STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL REGULATION,

Respondents.

VERIFIED PETITION FOR A FORMAL HEARING
PURSUANT TO SECTION 120.57, FLORIDA STATUTES

Petitioner, Save Trail Ridge and the Environment, Inc., ("STRATE") files this Verified Petition for a Formal Hearing pursuant to Sections 120.57(1), and 403.412(5), Florida Statutes, and Rules 17-103.155, 22I-6.004 and 28-5.201, Florida Administrative Code.

1. The agency affected in this proceeding is the State of Florida, Department of Environmental Regulation ("DER" or "Department"), 2600 Blair Stone Road, Tallahassee, Florida, 32301. The DER Permit Number in this proceeding is SC16-184444.

2. Respondent, Trail Ridge Landfill, Inc. ("Trail Ridge") is the permit applicant for DER Permit Number SC16-184444. Trail Ridge's address is Post Office Box 6987, Jacksonville, Florida 32236.

3. Petitioner, STRATE, is a Florida not-for-profit corporation dedicated to the conservation, preservation, and wise use of the environment, natural resources, historical sites, and cultural resources of the Trail Ridge area of Duval County and adjacent counties. STRATE's address is 22002 Paul Coleman Road, Maxville, Florida 32234.

4. By Intent to Issue dated December 21, 1990, DER proposes to issue a permit to Trail Ridge to construct and operate the Trail Ridge "Plan A" landfill with a total site area of 1,288 acres of which 148 + acres will be used for Class I solid waste disposal and 28 acres for Class III disposal. The proposed landfill project is located on the west side of U. S. Highway 301 in Duval County, Florida approximately one mile north of Maxville.

5. Petitioner STRATE's substantial interests will be affected by the Department's proposed agency action. The primary purposes of STRATE are to promote the conservation, preservation and wise use of the natural and historical resources of Duval County. The landfill facility proposed for permitting by DER will impair, pollute and otherwise injure the water and natural resources of Duval County, will create a land blight and thus substantially and adversely affect the Petitioner.

6. The Petitioner received notice of DER's Intent to Issue the Trail Ridge permit on December 22, 1990.

7. The following are the disputed issues of fact:

(a) Whether the proposed landfill facility is the most economically feasible, cost-effective, and environmentally safe

manner to dispose of solid waste;

(b) Whether the proposed landfill facility will be constructed and operated to enhance the quality of water and land resources;

(c) Whether the proposed landfill facility will be constructed and operated to provide efficient, environmentally acceptable solid waste management;

(d) Whether the applicant has provided DER with reasonable assurances that water quality standards or criteria will not be violated;

(e) Whether the applicant has demonstrated that the landfill facility design will meet all of the performance criteria and standards of Chapter 17-701, Florida Administrative Code;

(f) Whether site specific conditions override the presumption that a proposed landfill facility meets applicable performance standards if it meets the design standards of Chapter 17-701, Florida Administrative Code;

(g) Whether the proposed landfill project is prohibited pursuant to Rule 17-701.040, Florida Administrative Code

(h) Whether the proposed wetland mitigation is adequate;

(i) Whether impacts to wetlands, and fish and wildlife habitat are acceptable;

(j) Whether gases originating from the proposed landfill will be adequately controlled to protect against objectionable odors and explosions, and other public and environmental hazards;

(k) Whether the ground water and surface water monitoring programs are adequate to insure that water quality standards will not be violated;

(l) Whether the closure plan and financial assurances for the proposed landfill are adequate;

(m) Whether the proposed surface water management system is adequate to insure that water quality standards will not be violated;

(n) Whether the transportation and disposal of solid waste at the facility will be conducted in a manner to protect human health, safety, welfare and the environment;

(o) Whether reasonable assurances have been provided that the proposed landfill facility will be constructed and operated in compliance with applicable statutes, rules and policies;

(p) Whether the proposed landfill facility site contains wetlands within DER's jurisdiction pursuant to Sections 403.91, et seq., Florida Statutes, and Chapter 17-312, Florida Administrative Code;

(q) Whether the applicant provided DER with reasonable assurances that the project is not contrary to the public interest;

(r) Whether the project will adversely affect the public health, safety, or welfare or the property of others;

(s) Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

(t) Whether the project will adversely affect the flow of water or cause harmful erosion or shoaling;

(u) Whether the project will adversely affect the fishing or recreational values in the vicinity of the project;

(v) Whether the project will be of a temporary or permanent nature;

(w) Whether the project will adversely affect or will enhance significant historical and archaeological resources;

(x) Whether the project will adversely affect the current condition or relative value of functions being performed by areas affected by the proposed activity;

(y) Whether DER has asserted jurisdiction over all the wetlands to be affected by this project that are waters of the state;

(z) Whether the project adequately avoids adverse impacts to state waters and whether such impacts have been sufficiently minimized;

(a)(a) Whether the application demonstrates that Trail Ridge holds a sufficient interest in the land in which the proposed construction activities are to take place.

8. Petitioners are entitled to relief pursuant to Chapters 120, 403, Florida Statutes, Section 403.412(5), Florida Statutes, and Chapters 17-4 and 17-701, Florida Administrative Code.

9. Section 403.412(5), Florida Statutes, provides that any citizen of the State is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified


petition asserting that the proposed activity will impair or pollute the natural resources of the State. Under this provision a citizen is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action. Booker Creek Preservation, Inc. v. Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986).

10. Petitioners demand that the application for Permit No. SC16-184444 be denied.

WHEREFORE, Petitioner respectfully requests that this matter be referred to a hearing officer of the Division of Administrative Hearings for commencement of formal proceedings pursuant to Section 120.57(1), Florida Statutes; that the hearing officer issue a recommended order recommending that the permit application be denied, and providing other relief including that DER issue a final order denying Permit No. SC16-184444.

Respectfully submitted this 4th day of January, 1991.

OERTEL, HOFFMAN, FERNANDEZ
& COLE, P.A.
2700 Blair Stone Road
Suite C
Tallahassee, Florida 32301
(904) 877-0099


SEGUNDO J. FERNANDEZ
Fla. Bar ID: 218391

THOMAS G. TOMASELLO
Fla. Bar ID: 233587

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing have been furnished by hand-delivery for filing to the Agency Clerk, State of Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32301, this 4th day of January, 1991.


Attorney

VERIFICATION

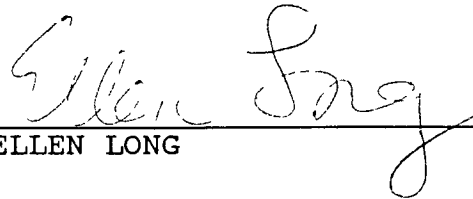
STATE OF FLORIDA

COUNTY OF DUVAL

BEFORE ME the undersigned authority personally appeared ELLEN LONG, who, being by me first duly sworn, stated the following:


1. That she is the authorized representative of Petitioner, STRATE, Inc., a Florida not-for-profit corporation.
2. That she believes and asserts that the activity proposed for permitting in this proceeding will have the effect of impairing, polluting and otherwise injuring the air and water, and natural resources of the state.
3. That the facts alleged in the foregoing Petition are true and correct to the best of her knowledge and belief.

FURTHER AFFIANT SAYETH NOT.



ELLEN LONG

SWORN TO AND SUBSCRIBED before
me this 2nd day of January,
1991.



NOTARY PUBLIC, State of Florida
at Large

My Commission Expires:

**NOTARY PUBLIC, STATE OF FLORIDA:
MY COMMISSION EXPIRES OCT. 01, 1992**

MW
Eck

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BAKER COUNTY BOARD OF COUNTY
COMMISSIONERS,

Petitioner,

vs.

OGC CASE NOS. 91-0069
91-0070
91-0071

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental
Regulation, pursuant to Rule 22I-6.005 gives notice that there are
related cases to the above styled case and they are styled as
follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,

vs.

DOAH CASE NO. 90-7295
OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

Respectfully submitted,

Carol A. Fortman, for
WILLIAM H. CONGDON
Assistant General Counsel

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to:

Baker County Board of County
Commissioners
Terence M. Brown
County Attorney
P O Box 40
Starke FL 32091

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BAKER COUNTY BOARD OF
COUNTY COMMISSIONERS,

Petitioner,

vs.

OGC CASE NO. 91-0089

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental Regulation, pursuant to Rule 22I-6.005 gives notice that there are related cases to the above styled case and they are styled as follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,

vs.

DOAH CASE NO. 90-7295
OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been furnished to:

Terrence M. Brown
County Attorney
P O Box 40
Starke FL 32091-0040

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SAVE TRAIL RIDGE AND THE
ENVIRONMENT, INC.,

Petitioner,

vs.

OGC Case No. 91-0051
91-0052

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental
Regulation, pursuant to Rule 22I-6.005 gives notice that there are
related cases to the above styled case and they are styled as
follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,


vs.

DOAH CASE NO. 90-7295
OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

Respectfully submitted,


WILLIAM H. CONGDON
Assistant General Counsel

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

Segundo J. Fernandez
Oertel, Hoffman, Fernandez
and Cole, P.A.
2700 Blair Stone Rd Ste C
Tallahassee FL 32301

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

RONNIE E. & LAURIE J. HALL

Petitioners,

vs.

OGC CASE NOS. 91-0019
91-0020
91-0021

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental Regulation, pursuant to Rule 22I-6.005 gives notice that there are related cases to the above styled case and they are styled as follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,

vs.

DOAH CASE NO. 90-7295
OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

Respectfully submitted,


WILLIAM H. CONGDON
Assistant General Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to:

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

Ronnie E. & Laurie J. Hall
7806 US Hwy 301 S
Baldwin FL 32234

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Carol A. Fortman, for
WILLIAM H. CONGDON

Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DARRELL SPERRY,

Petitioner,

vs.

OGC CASE NO. 91-0068

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental Regulation, pursuant to Rule 22I-6.005 gives notice that there are related cases to the above styled case and they are styled as follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,


vs.

DOAH CASE NO. 90-7295
OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

Respectfully submitted,


WILLIAM H. CONGDON
Assistant General Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to:

Darrell Sperry
505 Hwy 301
Jacksonville FL 32234

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Carol A. Fortman, for
WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BALDWIN-MAXVILLE COALITION, INC.,

Petitioner,

vs.

OGC CASE NO. 91-0061

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental Regulation, pursuant to Rule 22I-6.005 gives notice that there are related cases to the above styled case and they are styled as follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,


vs.

DOAH CASE NO. 90-7295
OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

Respectfully submitted,


WILLIAM H. CONGDON
Assistant General Counsel

CERTIFICATE OF SERVICE

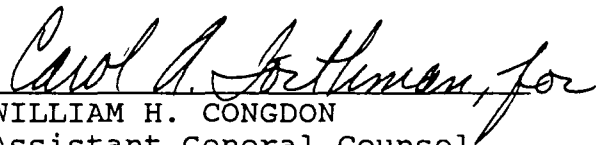
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to:

Baldwin-Maxville Coalition, Inc.
Robert B. Green, President
P O Box 46
Baldwin FL 32234

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SYLVIA WEBB-THIBAUT,

Petitioner,

vs.

OGC CASE NO. 91-0090

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental Regulation, pursuant to Rule 22I-6.005 gives notice that there are related cases to the above styled case and they are styled as follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,

vs.


DOAH CASE NO. 90-7295

OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been furnished to:

Thomas G. Tomasello, Esq.
Oertel, Hoffman, Fernandez
and Cole, P.A.
2700 Blair Stone Rd Ste C
Tallahassee FL 32301

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

WILLIAM MARK MCCRANIE,

Petitioner,

vs.

OGC CASE NO. 91-0091

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondent.

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental Regulation, pursuant to Rule 22I-6.005 gives notice that there are related cases to the above styled case and they are styled as follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,

vs.

DOAH CASE NO. 90-7295

OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Carol A. Fortman, for
WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

CERTIFICATE OF SERVICE

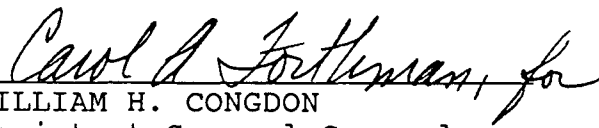
I HEREBY CERTIFY that a true copy hereof has been furnished to:

Thomas G. Tomasello, Esq.
Oertel, Hoffman, Fernandez
and Cole, P.A.
2700 Blair Stone Rd Ste C
Tallahassee FL 32301

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

LAMBERT L. HERRING,
AND NORMA J. HERRING,

Petitioners,

vs.

OGC CASE NOS. 91-0083
91-0084
91-0085

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.
_____ /

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental Regulation, pursuant to Rule 22I-6.005 gives notice that there are related cases to the above styled case and they are styled as follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,

vs.

DOAH CASE NO. 90-7295
OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.
_____ /

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Carol A. Fortman, for
WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to:

Lambert L. Herring
Norma J. Herring
7810 US Hwy 301 S
Baldwin FL 32234

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

COASTAL ENVIRONMENTAL SOCIETY,
INC., AND ST. JOHNS PRESERVATION
ASSOCIATION, INC.,

Petitioner,

vs.

OGC CASE Nos. 91-0048
91-0049
91-0050

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental
Regulation, pursuant to Rule 22I-6.005 gives notice that there are
related cases to the above styled case and they are styled as
follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,


vs.

DOAH CASE NO. 90-7295
OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

Segundo J. Fernandez, Esq.
Oertel, Hoffman, Fernandez & Cole, P.A.
2700 Blair Stone Rd, Ste C
Tallahassee FL 32301

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MYRA O. FRASIER,
Petitioner,

vs.

OGC CASE NO. 91-0092

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.
_____ /

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental Regulation, pursuant to Rule 22I-6.005 gives notice that there are related cases to the above styled case and they are styled as follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,

vs.

DOAH CASE NO. 90-7295
OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.
_____ /

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

Thomas G. Tomasello, Esq.
Oertel, Hoffman, Fernandez
and Cole, P.A.
2700 Blair Stone Rd Ste C
Tallahassee FL 32301

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CLARENCE J. SUGGS,
Petitioner ,

vs.

OGC CASE NO. 91-0093

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondent.
_____ /

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental Regulation, pursuant to Rule 22I-6.005 gives notice that there are related cases to the above styled case and they are styled as follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,


vs.

DOAH CASE NO. 90-7295
OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.
_____ /

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

Segundo J. Fernandez
Oertel, Hoffman, Fernandez
and Cole, P.A.
2700 Blair Stone Rd Ste C
Tallahassee FL 32301

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

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Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MAURICE T. AND CATHY
L. SAMPLES,

Petitioners,

vs.

OGC CASE NOS. 91-0079
91-0080
91-0082

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

NOTICE OF RELATED CASES

Respondent, State of Florida Department of Environmental Regulation, pursuant to Rule 22I-6.005 gives notice that there are related cases to the above styled case and they are styled as follows:

SAVE TRAIL RIDGE AND THE
ENVIRONMENT ASSOCIATION,
DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,

vs.

DOAH CASE NO. 90-7295
OGC CASE NO. 90-1635

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Carl A. Fortman, for
WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

Maurice T. & Cathy L. Samples
7814 US Hwy 301 S
Baldwin FL 32234

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

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Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

JOHN G. HERRING,

Petitioner,

vs.

OGC CASE NOS. 91-0086
91-0087
91-0088

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

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STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Carol A. Fortman, for
WILLIAM H. CONGDON
Assistant General Counsel

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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

MAURICE T. AND CATHY
L. SAMPLES,

Petitioners,

vs.

OGC CASE NOS. 91-0079
91-0080
91-0082

TRAIL RIDGE LANDRILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

**REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD**

YOU ARE HEREBY NOTIFIED that the State of Florida Department of Environmental Regulation has received the attached Petition for Hearing in the above-styled case. Pursuant to Section 120.57(1)(b)3., Florida Statutes, the Secretary has decided not to act as hearing officer and requests that the Division of Administrative Hearings assign this matter to a hearing officer to conduct all necessary proceedings required by law and to submit a recommended order to the Department. The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding.

YOU ARE FURTHER NOTIFIED that the Department is responsible for preserving the record of any evidentiary hearings in this case in accordance with Florida Administrative Code Rule 17-103.205. Such a record may be preserved by a court reporter or by mechanical recording equipment. The Department will use mechanical recording

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Baldwin FL 32234

William D. Preston, Esq.
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P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

January 2, 1991

RECEIVED
JAN 8 1991

Office of The General Council
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dept. of Environmental Reg.
Office of General Counsel

SUBJECT: Trail Ridge "Plan A" Landfill
Proposed Permit No. SC16-184444
DER File Nos. 184444, 184445, and 184447
Duval County - Solid Waste

Dear Sir:

I hereby petition the Department to restrain from permitting the Trail Ridge "Plan A" Landfill, for the following reasons, in accordance with the instructions as outlined in your INTENT TO ISSUE.

- (a) Maurice T. & Cathy L. Samples, 7814 U.S. Highway 301 South, Baldwin, Florida 32234, 904/289-9140; Proposed Permit No. SC16-184444; DER File Nos. 184444, 184445, and 184447; Duval County - Solid Waste.
- (b) I received the notice of The Department's Intent To Issue via Certified U. S. Postal Service, Baldwin, Florida Post Office December 24, 1990 at approximately 10:00 A.M.
- (c) My substantial interest are adversely affected by the extreme devaluation of my property, the potential health hazard to my family through pollution of the air, soil and water, and the highway safety problems created by the influx of waste transportation.

[CONTINUED]

b:fl-der

EXHIBIT 1

Office of The General Council
Department of Environmental Regulation
Trail Ridge "Plan A" Landfill
Page #2.

- (d) Extermination of the wetlands in the area; extermination of a colony of Wood Storks nesting in this area which are classed as an endangered specie protected by federal law, and the extermination of an ancient Indian Burial Ground located in this area.
- (e) See Item (d).
- (f) See Item (d).
- (g) Abolition of the Trail Ridge "Plan A" Landfill as this area is not suitable for a landfill because of the adverse effect on the environment now and in the future.

Please consider this request to abolish this proposed landfill in this area for the above listed reasons.

Yours very truly,

Maurice T. Samples Jr. Cathy L. Samples

Maurice T. & Cathy L. Samples
7814 U.S. Hwy. 301 South
Baldwin, Florida 32234

b:fl-der1

Cy: Mr Dwayne Igou
Trail Ridge Landfill
Post Office Box 6987
Jacksonville FL 32236

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

LAMBERT L. HERRING
AND NORMA J. HERRING,

Petitioners,

vs.

OGC CASE NOS. 91-0083
91-0084
91-0085

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

**REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD**

YOU ARE HEREBY NOTIFIED that the State of Florida Department of Environmental Regulation has received the attached Petition for Hearing in the above-styled case. Pursuant to Section 120.57(1)(b)3., Florida Statutes, the Secretary has decided not to act as hearing officer and requests that the Division of Administrative Hearings assign this matter to a hearing officer to conduct all necessary proceedings required by law and to submit a recommended order to the Department. The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding.

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CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

Lambert L. Herring
Norma J. Herring
7810 US Hwy 301 S
Baldwin FL 32234

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

January 2, 1991

RECEIVED
JAN 8 1991

Office of The General Council
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dept. of Environmental Reg.
Office of General Counsel

SUBJECT: Trail Ridge "Plan A" Landfill
Proposed Permit No. SC16-184444
DER File Nos. 184444, 184445, and 184447
Duval County - Solid Waste

Dear Sir:

I hereby petition the Department to restrain from permitting the Trail Ridge "Plan A" Landfill, for the following reasons, in accordance with the instructions as outlined in your INTENT TO ISSUE.

- (a) Lambert L. Herring & Norma J. Herring, 7810 U.S. Highway 301 South, Baldwin, Florida 32234, 904/289-7196; Proposed Permit No. SC16-184444; DER File Nos. 184444, 184445, and 184447; Duval County - Solid Waste.
- (b) I received the notice of The Department's Intent To Issue via Certified U. S. Postal Service, Baldwin, Florida Post Office December 24, 1990 at approximately 10:00 A.M.
- (c) My substantial interest are adversely affected by the extreme devaluation of my property, the potential health hazard to my family through pollution of the air, soil and water, and the highway safety problems created by the influx of waste transportation.

[CONTINUED]

b:fl-der

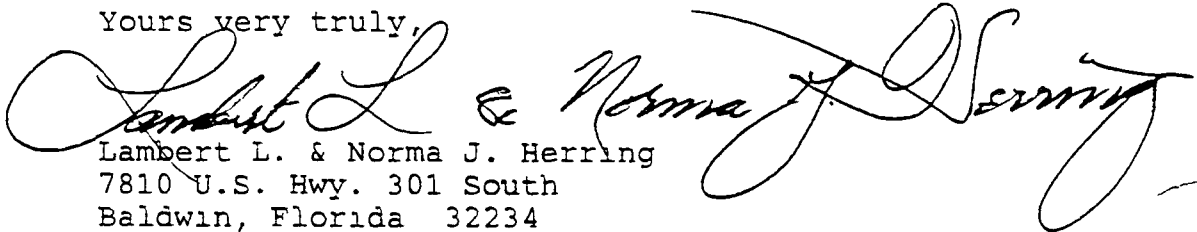
EXHIBIT 1

Office of The General Council
Department of Environmental Regulation
Trail Ridge "Plan A" Landfill
Page #2.

- (d) Extermination of the wetlands in the area; extermination of a colony of Wood Storks nesting in this area which are classed as an endangered specie protected by federal law, and the extermination of an ancient Indian Burial Ground located in this area.
- (e) See Item (d).
- (f) See Item (d).
- (g) Abolition of the Trail Ridge "Plan A" Landfill as this area is not suitable for a landfill because of the adverse effect on the environment now and in the future.

Please consider this request to abolish this proposed landfill in this area for the above listed reasons.

Yours very truly,


Lambert L. & Norma J. Herring
7810 U.S. Hwy. 301 South
Baldwin, Florida 32234

b:fl-der1

Cy:
Mr. Dwayne Igou
Trail Ridge Landfill
Post Office Box 6987
Jacksonville, FL 32236

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

JOHN G. HERRING,
Petitioner,

vs.

OGC CASE NOS. 91-0086
91-0087
91-0088

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

**REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD**

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CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

John G. Herring
7810 US Hwy 301 S
Baldwin FL 32234

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

January 2, 1991

RECEIVED
JAN 8 1991

Office of The General Council
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dept. of Environmental Reg.
Office of General Counsel

SUBJECT: Trail Ridge "Plan A" Landfill
Proposed Permit No. SC16-184444
DER File Nos. 184444, 184445, and 184447
Duval County - Solid Waste

Dear Sir:

I hereby petition the Department to restrain from permitting the Trail Ridge "Plan A" Landfill, for the following reasons, in accordance with the instructions as outlined in your INTENT TO ISSUE.

- (a) John G. Herring, 7810 U.S. Highway 301 South, Baldwin, Florida 32234, 904/289-7360; Proposed Permit No. SC16-184444; DER File Nos. 184444, 184445, and 184447; Duval County Solid Waste.
- (b) I received the notice of The Department's Intent To Issue via Certified U. S. Postal Service, Baldwin, Florida Post Office December 24, 1990 at approximately 10:00 A.M.
- (c) My substantial interest are adversely affected by the extreme devaluation of my property, the potential health hazard to my family through pollution of the air, soil and water, and the highway safety problems created by the influx of waste transportation.

[CONTINUED]

b:fl-der

EXHIBIT 1

Office of The General Council
Department of Environmental Regulation
Trail Ridge "Plan A" Landfill
Page #2.

- (d) Extermination of the wetlands in the area; extermination of a colony of Wood Storks nesting in this area which are classed as an endangered specie protected by federal law, and the extermination of an ancient Indian Burial Ground located in this area.
- (e) See Item (d).
- (f) See Item (d).
- (g) Abolition of the Trail Ridge "Plan A" Landfill as this area is not suitable for a landfill because of the adverse effect on the environment now and in the future.

Please consider this request to abolish this proposed landfill in this area for the above listed reasons.

Yours very truly,



John G. Herring
7810 U.S. Hwy. 301 South
Baldwin, Florida 32234

b:fl-der
Cy:

Mr. Dwayne Igou
Trail Ridge Landfill
Post Office Box 6987
Jacksonville, FL 32236

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

WILLIAM MARK MCCRANIE,

Petitioner,

vs.

OGC CASE NO. 91-0091

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

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STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
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Telephone: (904) 488-9730

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

WILLIAM MARK MCCRANIE,
Petitioner,

RECEIVED
JUN 10 1981

vs.

TRAIL RIDGE LANDFILL, INC., and
STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL REGULATION,

Dept. of Environmental Reg.
Office of General Counsel

Respondents.

VERIFIED PETITION FOR A FORMAL HEARING
PURSUANT TO SECTION 120.57, FLORIDA STATUTES

Petitioner, WILLIAM MARK MCCRANIE, files this Verified Petition for a Formal Hearing pursuant to Sections 120.57(1), and 403.412(5), Florida Statutes, and Rules 17-103.155, 22I-6.004 and 28-5.201, Florida Administrative Code.

1. The agency affected in this proceeding is the State of Florida, Department of Environmental Regulation ("DER" or "Department"), 2600 Blair Stone Road, Tallahassee, Florida 32301. The DER Permit Number in this proceeding is SC16-184444.

2. Respondent, Trail Ridge Landfill, Inc. ("Trail Ridge") is the permit applicant for DER Permit Number SC16-184444. Trail Ridge's address is Post Office Box 6987, Jacksonville, Florida 32236.

3. Petitioner, William Mark McCranie's address is 1400 Bretta Street, Jacksonville, Florida 32211.

4. By Intent to Issue dated December 21, 1990, DER proposes to issue a permit to Trail Ridge to construct and operate the Trail Ridge "Plan A" landfill with a total site area of 1,288 acres of which 148+ acres will be used for Class I solid waste disposal and 28 acres for Class III disposal. The proposed landfill project is located on the west side of Y. S. Highway 301 in Duval County, Florida approximately one mile North of Maxville.

5. Petitioner alleges that the proposed landfill will have the effect of impairing, polluting or otherwise injuring the air, water or natural resources of the state.

6. The Petitioner received notice of DER's Intent to Issue the Trail Ridge permit sometime during the last two weeks of December 1990.

7. The following are the disputed issues of fact:

(a) Whether the proposed landfill facility is the most economically feasible, cost-effective, and environmentally safe manner to dispose of solid waste;

(b) Whether the proposed landfill facility will be constructed and operated to enhance the quality of water and land resources;

(c) Whether the proposed landfill facility will be constructed and operated to provide efficient, environmentally acceptable solid waste management;

(d) Whether the applicant has provided DER with reasonable assurances that water quality standards or criteria will not be violated;

(e) Whether the applicant has demonstrated that the landfill facility design will meet all of the performance criteria and standards of Chapter 17-701, Florida Administrative Code;

(f) Whether site specific conditions override the presumption that a proposed landfill facility meets applicable performance standards if it meets the design standards of Chapter 17-701, Florida Administrative Code;

(g) Whether the proposed landfill project is prohibited pursuant to Rule 17-701.040, Florida Administrative Code;

(h) Whether the proposed wetland mitigation is adequate;

(i) Whether impacts to wetlands, and fish and wildlife habitat are acceptable;

(j) Whether gases originating from the proposed landfill will be adequately controlled to protect against objectionable odors and explosions, and other public and environmental hazards;

(k) Whether the groundwater and surface water monitoring programs are adequate to insure that the water quality standards will not be violated;

(l) Whether the closure plan and financial assurances for the proposed landfill are adequate;

(m) Whether the proposed surface water management system is adequate to insure that water quality standards will not be violated;

(n) Whether the transportation and disposal of solid waste at the facility will be conducted in a manner to protect human health, safety, welfare and the environment;

(o) Whether reasonable assurances have been provided that the proposed landfill facility will be constructed and operated in compliance with applicable statutes, rules and policies;

(p) Whether the proposed landfill facility site contains wetlands within DER's jurisdiction pursuant to Sections 403.91, et seq., Florida Statutes, and Chapter 17-312, Florida Administrative Code;

(q) Whether the applicant provided DER with reasonable assurances that the project is not contrary to the public interest;

(r) Whether the project will adversely affect the public health, safety, or welfare or the property of other;

(s) Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

(t) Whether the project will adversely affect the flow of water or cause harmful erosion or shoaling;

(u) Whether the project will adversely affect the fishing or recreational values in the vicinity of the project;

(v) Whether the project will be of temporary or permanent nature;

(w) Whether the project will adversely affect or will enhance significant historical and archaeological resources;

(x) Whether the project will adversely affect the current condition or relative value of functions being performed by areas affected by the proposed activity;

(y) Whether DER has asserted jurisdiction over all the wetlands to be affected by this project that are waters of the state;

(z) Whether the project adequately avoids adverse impacts to state waters and whether such impacts have been sufficiently minimized;

(a)(a) Whether the application demonstrates that Trail Ridge holds a sufficient interest in the land in which the proposed construction activities are to take place;

8. Petitioner is entitled to relief pursuant to Chapters 120, 403, Florida Statutes, Section 403.412(5), Florida Statutes, and Chapters 17-4 and 17-701, Florida Administrative Code.

9. Section 403.412(5), Florida Statutes, provides that any citizen of the state is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified petition asserting that the proposed activity will impair or pollute the natural resources of the State. Under this provision a citizen is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action. Booker Creek Preservation, Inc. v. Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986).

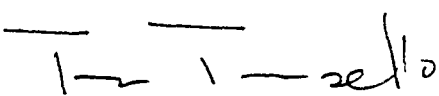
10. Petitioner demands that the application for Permit No. SC16-184444 be denied.

WHEREFORE, Petitioner respectfully requests that this matter be referred to a hearing officer of the Division of Administrative Hearings for commencement of formal proceedings pursuant to Section

120.57(1), Florida Statutes; that the hearing officer issue a recommended order recommending that the permit application be denied, and providing other relief including that DER issue a final order denying Permit No. SC16-184444.

Respectfully submitted this 10th day of January, 1991.

OERTEL, HOFFMAN, FERNANDEZ
& COLE, P.A.
2700 Blair Stone Road
Suite C
Tallahassee, FL 32301
(904) 877-0099



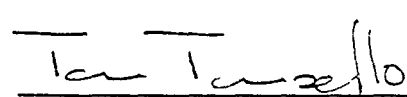
SEGUNDO J. FERNANDEZ
Fla. Bar ID: 218391

THOMAS G. TOMASELLO
Fla. Bar ID: 233587

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing have been furnished by hand-delivery for filing to the Agency Clerk, State of Florida Department of Environmental Regulation 2600 Blair Stone Road, Tallahassee, Florida 32301, this 10th day of January, 1991.



Attorney

VERIFICATION

STATE OF FLORIDA

COUNTY OF DUVAL

BEFORE ME the undersigned authority personally appeared William Mark McCranie, who, being by me first duly sworn, state the following:

1. Section 403.412(5), Florida Statutes, provides that any citizen of the state is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified petition asserting that the proposed activity will impair or pollute the natural resources of the State. Under this provision a citizen is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action. Booker Creek Preservation, Inc. v. Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986). WILLIAM MARK McCRANIE is a citizen of the State of Florida.

2. That he believes and asserts that the activity proposed for permitting in this proceeding will have the effect of impairing, polluting and otherwise injuring the air and water, and natural resources of the state.

3. That the facts alleged in the foregoing Petition are true and correct to the best of his knowledge and belief.
FURTHER AFFIANT SAYETH NOT.

William Mark McCranie

SWORN AND SUBSCRIBED before me this 23 day of January, 1991.

Mark Roman
NOTARY PUBLIC, State of Florida
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP JUNE 20, 1993
BONDED THRU GENERAL INS. UND.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

SYLVIA WEBB-THIBAUT,

Petitioner,

vs.

OGC CASE NO. 91-0090

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD

YOU ARE HEREBY NOTIFIED that the State of Florida Department of Environmental Regulation has received the attached Petition for Hearing in the above-styled case. Pursuant to Section 120.57(1)(b)3., Florida Statutes, the Secretary has decided not to act as hearing officer and requests that the Division of Administrative Hearings assign this matter to a hearing officer to conduct all necessary proceedings required by law and to submit a recommended order to the Department. The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding.

YOU ARE FURTHER NOTIFIED that the Department is responsible for preserving the record of any evidentiary hearings in this case in accordance with Florida Administrative Code Rule 17-103.205. Such a record may be preserved by a court reporter or by mechanical recording equipment. The Department will use mechanical recording

equipment unless one of the parties makes arrangements to provide a court reporter, including payment of the court reporter's fees. Any party arranging for the presence of a court reporter at hearing should notify the hearing officer and all parties prior to the hearing of the court reporter's name, mailing address, and telephone number.

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If a party decides to file exceptions to any finding of fact made by the Department, the party will need to submit an official transcript of the proceeding. A transcript may be prepared, at the expense of the requesting party, from a court reporter's notes or, when no court reporter has been hired, from the tapes made by the Department.

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

Thomas G. Tomasello, Esq.
Oertel, Hoffman, Fernandez
and Cole, P.A.
2700 Blair Stone Rd Ste C
Tallahassee FL 32301

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

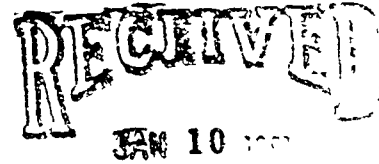
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

SYLVIA WEBB-THIBAUT,
Petitioner,

vs.

TRAIL RIDGE LANDFILL, INC., and
STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL REGULATION,

Respondents.



Dept. of Environmental Reg.
Office of General Counsel

VERIFIED PETITION FOR A FORMAL HEARING
PURSUANT TO SECTION 120.57, FLORIDA STATUTES

Petitioner, SYLVIA WEBB-THIBAUT, files this Verified Petition for a Formal Hearing pursuant to Sections 120.57(1), and 403.412(5), Florida Statutes, and Rules 17-103.155, 22I-6.004 and 28-5.201, Florida Administrative Code.

1. The agency affected in this proceeding is the State of Florida, Department of Environmental Regulation ("DER" or "Department"), 2600 Blair Stone Road, Tallahassee, Florida 32301. The DER Permit Number in this proceeding is SC16-184444.

2. Respondent, Trail Ridge Landfill, Inc. ("Trail Ridge") is the permit applicant for DER Permit Number SC16-184444. Trail Ridge's address is Post Office Box 6987, Jacksonville, Florida 32236.

3. Petitioner, Sylvia Webb-Thibault's address is 5568 LaMoya Avenue, #15, Jacksonville, Florida 32210. Petitioner is the President Pro-Tempore of the City of Jacksonville City Council and is Councilwoman for District 12 of the City of Jacksonville.

4. By Intent to Issue dated December 21, 1990, DER proposes to issue a permit to Trail Ridge to construct and operate the Trail Ridge "Plan A" landfill with a total site area of 1,288 acres of which 148+ acres will be used for Class I solid waste disposal and 28 acres for Class III disposal. The proposed landfill project is located on the west side of Y. S. Highway 301 in Duval County, Florida approximately one mile North of Maxville.

5. Petitioner alleges that the proposed landfill will have the effect of impairing, polluting or otherwise injuring the air, water or natural resources of the state.

6. The Petitioner received notice of DER's Intent to Issue the Trail Ridge permit sometime during the last two weeks of December 1990.

7. The following are the disputed issues of fact:

(a) Whether the proposed landfill facility is the most economically feasible, cost-effective, and environmentally safe manner to dispose of solid waste;

(b) Whether the proposed landfill facility will be constructed and operated to enhance the quality of water and land resources;

(c) Whether the proposed landfill facility will be constructed and operated to provide efficient, environmentally acceptable solid waste management;

(d) Whether the applicant has provided DER with reasonable assurances that water quality standards or criteria will not be violated;

(e) Whether the applicant has demonstrated that the landfill facility design will meet all of the performance criteria and standards of Chapter 17-701, Florida Administrative Code;

(f) Whether site specific conditions override the presumption that a proposed landfill facility meets applicable performance standards if it meets the design standards of Chapter 17-701, Florida Administrative Code;

(g) Whether the proposed landfill project is prohibited pursuant to Rule 17-701.040, Florida Administrative Code;

(h) Whether the proposed wetland mitigation is adequate;

(i) Whether impacts to wetlands, and fish and wildlife habitat are acceptable;

(j) Whether gases originating from the proposed landfill will be adequately controlled to protect against objectionable odors and explosions, and other public and environmental hazards;

(k) Whether the groundwater and surface water monitoring programs are adequate to insure that the water quality standards will not be violated;

(l) Whether the closure plan and financial assurances for the proposed landfill are adequate;

(m) Whether the proposed surface water management system is adequate to insure that water quality standards will not be violated;

(n) Whether the transportation and disposal of solid waste at the facility will be conducted in a manner to protect human health, safety, welfare and the environment;

(o) Whether reasonable assurances have been provided that the proposed landfill facility will be constructed and operated in compliance with applicable statutes, rules and policies;

(p) Whether the proposed landfill facility site contains wetlands within DER's jurisdiction pursuant to Sections 403.91, et seq., Florida Statutes, and Chapter 17-312, Florida Administrative Code;

(q) Whether the applicant provided DER with reasonable assurances that the project is not contrary to the public interest;

(r) Whether the project will adversely affect the public health, safety, or welfare or the property of other;

(s) Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

(t) Whether the project will adversely affect the flow of water or cause harmful erosion or shoaling;

(u) Whether the project will adversely affect the fishing or recreational values in the vicinity of the project;

(v) Whether the project will be of temporary or permanent nature;

(w) Whether the project will adversely affect or will enhance significant historical and archaeological resources;

(x) Whether the project will adversely affect the current condition or relative value of functions being performed by areas affected by the proposed activity;

(y) Whether DER has asserted jurisdiction over all the wetlands to be affected by this project that are waters of the state;

(z) Whether the project adequately avoids adverse impacts to state waters and whether such impacts have been sufficiently minimized;

(a)(a) Whether the application demonstrates that Trail Ridge holds a sufficient interest in the land in which the proposed construction activities are to take place;

8. Petitioner is entitled to relief pursuant to Chapters 120, 403, Florida Statutes, Section 403.412(5), Florida Statutes, and Chapters 17-4 and 17-701, Florida Administrative Code.

9. Section 403.412(5), Florida Statutes, provides that any citizen of the state is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified petition asserting that the proposed activity will impair or pollute the natural resources of the State. Under this provision a citizen is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action. Booker Creek Preservation, Inc. v. Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986).


10. Petitioner demands that the application for Permit No. SC16-184444 be denied.

WHEREFORE, Petitioner respectfully requests that this matter be referred to a hearing officer of the Division of Administrative Hearings for commencement of formal proceedings pursuant to Section

120.57(1), Florida Statutes; that the hearing officer issue a recommended order recommending that the permit application be denied, and providing other relief including that DER issue a final order denying Permit No. SC16-184444.

Respectfully submitted this 10th day of January, 1991.

OERTEL, HOFFMAN, FERNANDEZ
& COLE, P.A.
2700 Blair Stone Road
Suite C
Tallahassee, FL 32301
(904) 877-0099



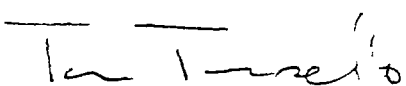
SEGUNDO J. FERNANDEZ
Fla. Bar ID: 218391

THOMAS G. TOMASELLO
Fla. Bar ID: 233587

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing have been furnished by hand-delivery for filing to the Agency Clerk, State of Florida Department of Environmental Regulation 2600 Blair Stone Road, Tallahassee, Florida 32301, this 10th day of January, 1991.



Attorney

VERIFICATION

STATE OF FLORIDA

COUNTY OF DUVAL

BEFORE ME the undersigned authority personally appeared Sylvia Webb-Thibault, who, being by me first duly sworn, state the following:

1. Section 403.412(5), Florida Statutes, provides that any citizen of the state is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified petition asserting that the proposed activity will impair or pollute the natural resources of the State. Under this provision a citizen is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action. Booker Creek Preservation, Inc. v. Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986). Sylvia Webb-Thibault is a citizen of the State of Florida.

2. That she believes and asserts that the activity proposed for permitting in this proceeding will have the effect of impairing, polluting and otherwise injuring the air and water, and natural resources of the state.

3. That the facts alleged in the foregoing Petition are true and correct to the best of her knowledge and belief.
FURTHER AFFIANT SAYETH NOT.

Sylvia Webb-Thibault

SWORN AND SUBSCRIBED before me this 7th day of January, 1991.

Barbara S. Wilson
NOTARY PUBLIC, State of Florida
My Commission Expires: 5/4/91

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

BALDWIN-MAXVILLE COALITION, INC.,

Petitioner,

vs.

OGC CASE NO. 91-0061

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

**REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD**

YOU ARE HEREBY NOTIFIED that the State of Florida Department of Environmental Regulation has received the attached Petition for Hearing in the above-styled case. Pursuant to Section 120.57(1)(b)3., Florida Statutes, the Secretary has decided not to act as hearing officer and requests that the Division of Administrative Hearings assign this matter to a hearing officer to conduct all necessary proceedings required by law and to submit a recommended order to the Department. The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding.

YOU ARE FURTHER NOTIFIED that the Department is responsible for preserving the record of any evidentiary hearings in this case in accordance with Florida Administrative Code Rule 17-103.205. Such a record may be preserved by a court reporter or by mechanical recording equipment. The Department will use mechanical recording

equipment unless one of the parties makes arrangements to provide a court reporter, including payment of the court reporter's fees. Any party arranging for the presence of a court reporter at hearing should notify the hearing officer and all parties prior to the hearing of the court reporter's name, mailing address, and telephone number.

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CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

Baldwin-Maxville Coalition, Inc.
Robert B. Green, President
P O Box 46
Baldwin FL 32234

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the Matter of an
Application for Permit by

I.D. No. GMS3116P03090
Permit/Cert. No SC16-184444

Trail Ridge Landfill, Inc.
Post Office Box 6987
Jacksonville, Florida 32236

RECEIVED
JAN 7 1991

PETITION FOR FORMAL HEARING

Dept. of Environmental Reg.
Office of General Counsel

Petitioners, Baldwin-Maxville Coalition, Inc.

Pursuant to Rules 17-103.155 and 28-5.201, Florida Administrative Code and Chapter 403.412 Florida Statutes, Petition the Department of Environmental Regulation (DER) to conduct a formal administrative hearing pursuant to Section 120.57, Florida Statutes, "to determine whether DER should issue a permit to Trail Ridge Landfill, Inc. for the construction and operation of Trail Ridge "Plan A" Landfill, which will serve as a Class I (approximately 148 acres) and Class III (approximately 28 acres) landfill within a 1288± acre site located approximately 1.0 mile north of Maxville on the west side of U.S. Highway 301 in Duval County. The DER Permit File Number is SC16-184444. In support of this petition, the petitioners state the following

1. The Name and Address of the affected agency are
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
2. The Petitioners' Names and Addresses are
Baldwin-Maxville Coalition, Inc. 904-289-7812
Post Office Box 46
Baldwin, Florida 32234 Duval County
3. The Petitioners were notified by U.S. Mail on December 24 1990
4. The Petitioners' substantial interests will be affected by the DER's above-referenced proposed permitting decision as follows
 - a.) Petitioners have a title interest in property in close proximity

(1) [REDACTED]

to the proposed landfill site,

- b.) Petitioners obtain their residential drinking water from surficial and other aquifers located below the proposed landfill,
- c.) Petitioners are citizens of the State of Florida for the purposes of Sub-section 403.412(5), Florida Statutes, and is therefore entitled to intervene in this licensing proceeding for the purpose of requesting an administrative hearing pursuant to section 120.57, Florida Statutes,
- d.) The Trail Ridge proposed landfill facility encompasses a portion of the headwaters of Long Branch Creek which ultimately flows into Black Creek and the St. Johns River,
- e.) Operation of the proposed landfill facility may adversely affect the water quality in Long Branch Creek and the surficial rock aquifers. Ultimately, operation of the proposed landfill could adversely affect the Floridan Aquifer, and
- f.) The construction and operation of the proposed landfill will adversely affect
 - (1) The air quality over petitioners' property by the release of noxious and offensive odors,
 - (2) The quiet enjoyment of petitioners' property through the substantial noise emanating from garbage truck traffic, bulldozers, and other vehicles used in the landfill construction and operation,
 - (3) The Petitioners' property through the attraction of nuisance species such as seagulls and rodents, to the vicinity,
 - (4) Wetlands situated on the proposed landfill site,
 - (5) The Wildlife on the proposed landfill property and adjacent properties pursuant to subparagraphs (1)-(4) above and through the elimination of the access corridor presently

utilized by wildlife through Long Branch Creek and adjacent wetlands.

(6) The Roads and Highways via the trucks carrying solid waste to and leachate from the proposed landfill by excessive road deterioration, offensive noise levels, environmental hazards, pollution and litter.

5. The disputed issues of material fact are

- a.) Whether Trail Ridge Landfill has given reasonable assurances that water quality standards contained in Chapter 17-3 Florida Administrative Code, will be met, for both groundwater and surface water during the construction and operation of the proposed landfill,
- b.) Whether adequate geologic investigation has taken place on the site to provide reasonable assurances that important drinking water aquifers would not be adversely impacted by the construction and operation of the proposed landfill,
- c.) Whether the proposed groundwater monitoring system for the landfill is adequate to ensure that water quality standards will not be violated as defined in Part IV Water Quality Criteria-Ground Water Chapter 17-3, Florida Administrative Code,
- d.) Whether the proposed Class I landfill liners construction and installation is in accordance with methods and procedures outlined in Lining of Waste Impoundment and Disposal Facilities, EPA publication SW870, March, 1983,
- e.) Whether the proposed Class I Landfill liners will be
 - (1) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure

gradients, physical contact with the waste or leachate to which they are exposed, climatic conditions, and the stress of installation and daily operation,

(2) Installed upon a sufficient base, or on a Hydrogeological setting capable of providing support to the liner and resistant to pressure gradients above and below the liners to prevent failure of the liners due to settlement, compression, or uplift; and

(3) Installed to cover all surrounding soil likely to be in contact with the waste or leachate,

- f) Whether a liner should be required for a Class III landfill in order to comply with Section 17-3 402 Minimum Criteria for Ground Water, Florida Administrative Code and whether the Class III proposed landfill should be exempt from the rules of 17-7 050, F A C , based upon the sites specific hydrogeology, types of waste, and proposed control methods for this class of landfill,
- g) Whether the Stormwater Management System at the landfill will be constructed and operated in a manner that will prevent the contamination of ground and surface waters on or near the site,
- h) Whether the proposed leachate collection and storage system is adequate to ensure that leachate will not contaminate soils and waters on or near the site,
- i) Whether the proposed landfill is easily accessible by collection vehicles, automobiles, and transfer vehicles and whether the proposed landfill traffic, in addition to the existing railway traffic will create traffic hazard
- j) Whether the landfill has an adequate quantity of acceptable earth cover available;
- k.) Whether the cover material proposed to be used is easily workable and compactible;
- l.) Whether the proposed landfill will adequately safeguard against water pollution originating from disposal of solid waste,

- m.) Whether the proposed monitoring wells will be sufficient to detect contaminated groundwater emanating from the landfill,
- n.) Whether the operation of the landfill will be adequate to prevent non-indigenous nuisance species or objectionable odors off sites,
- o.) Whether discharges in groundwater from the landfill will cause a hazard to the environment or the public through contamination of drinking water supplies or surface water,
- p.) Whether Trail Ridge Landfill, Inc. has effectively demonstrated that the landfill's groundwater discharge will not impair the designated uses of contiguous waters outside the zone of discharge,
- q.) Whether the landfill will discharge into groundwater, either directly or indirectly, any contaminant that causes a violation of water quality standards or criteria for the receiving groundwater, as addressed in Chapter 17-3 Part IV, F.A.C.,
- r.) Whether transportation and disposal of solid wastes into or across county or municipal boundaries will degrade the environment, create a physical or aesthetic nuisance, or endanger or impair the public health and welfare,
- s.) Whether Trail Ridge Landfill, Inc. has provided reasonable assurances that the landfill will be constructed and operated in compliance with the requirements of the applicable DER Statutes, Rules and Policies, including but not necessarily limited to Chapters 17-2, 17-3, 17-4, 17-7 and 17-12, F.A.C.,
- t.) Whether the proposed landfill is the most economically feasible, cost effective, and environmentally safe manner of handling and disposing of solid waste,
- u.) Whether the proposed landfill will be constructed and operated in a manner which will enhance the environment,
- v.) Whether the proposed landfill will be constructed and operated in a manner which provides for efficient

and environmentally acceptable methods of resource recovery and management,

- w) Whether impacts of the construction and operation of the landfill will materially degrade fish or wildlife resources in Long Branch Creek and Duval County,
- x) Whether the proposed gas control system at the landfill will be sufficient to protect against explosions, objectionable odors, and other hazards to the public and environment,
- y.) Whether any zone of discharge should be approved for the landfill,
- z) Whether the proposed location for the landfill is in an area where geological formations or subterranean features would not provide support for a landfill,
- aa.) Whether more frequent coverage than what is currently proposed should be required at the Class III landfill site, in order to prevent health and environmental problems;
- ab.) Whether secondary impacts of dredge and fill activities necessary for the use and operation of the proposed landfill will violate Department Rules, Laws or Policies pursuant to Chapter 403 F.S and Title 17 F A C ,
- ac.) Whether the landfill site conforms with the proper zoning, and
- ad) Whether a zone or discharge smaller than 100 feet from the site boundary is necessary to protect the use of contiguous waters.

6. The facts which petitioners contend warrant reversal of D E R 's proposed action are:

- a) The Applicant has not provided reasonable assurances that important drinking water aquifers would not be adversely impacted by the construction and operation of the proposed landfill;
- b) The proposed landfill is located in an environmentally sensitive area of Duval County and Northeast Florida and may cause contamination to air, soil, groundwater, surface water, and the Floridan aquifer,

- c) Discharges to the groundwater from the landfill will cause an imminent hazard to the public or the environment through contamination of drinking water supplies and surface waters;
- d) Stormwater and leachate from the proposed landfill will be harmful to the surrounding creeks, wetlands and wildlife,
- e) The proposed landfill does not enhance the environment for the people of the State of Florida;
- f) The applicant has not provided reasonable assurances that water quality standards of 17-3, F A C., will be met,
- g.) The proposed landfill will attract and support vermin and non-indigenous wildlife that will be harmful and a nuisance to resident populations of wildlife and humans in the surrounding area;
- h.) The existence and operation of the proposed facility will subject nearby residents to objectionable odors which will be harmful to the public welfare,
- i.) The inadequacy of the applicant's geologic investigations for the proposed site to demonstrate that the site can support the liners and be resistant to pressure gradients above and below the liners to prevent failure of the liners due to settlement, compression, or uplift,
- j.) That a liner should be required for a Class III landfill and borrow pits adjacent to landfills in order to comply with Chapter 17-3 402, F.A.C.;
- k.) The proposed landfill is not the most economically feasible, cost effective, and environmentally safe manner for the storage, collection, transport, separation, processing, recycling, and disposal of solid waste in order to protect the public safety, health and welfare;
- l.) The proposed monitoring wells are not sufficient to detect contaminated ground water emanating from the landfill; and
- m) The transportation of solid waste in and across county boundaries will degrade the environment, create a physical and aesthetic nuisance, and impair the public's health, safety, and welfare.

7. The Petitioners contend that Trail Ridge Landfill, Inc. has not provided reasonable assurances that the construction and operation of the proposed landfill will comply with all applicable D.E.R. Statutes, Rules and Policies, including the provisions of Chapter 17-2, 17-3, 17-4, 17-7 and 17-12, Florida Administrative Code.

8. The Petitioners are entitled to relief in a formal Administrative Hearing pursuant to sections 120-57 (1) and 403-412(5), Florida Statutes.

Wherefore; the Petitioners request the D.E.R. to conduct a formal hearing as to whether the proposed permit should be issued to the applicant for the construction and operation of the Trail Ridge Landfill, issue as order denying the requested permit, and grant such other relief as may be appropriate.

Dated this 5th day of January 1991.

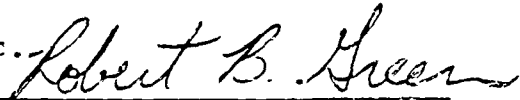
Baldwin-Maxville Coalition, Inc.

Robert B. Green, President

Post Office Box 46

Baldwin, Florida 32234


Duval County 904-289-7812



State of Florida
County of Duval

I hereby certify that on this day before me personally
appeared the above mentioned petitioners known to be the
persons who executed the foregoing petition and acknowledged
before me that they executed the same.

Witness my hand and official seal in the County and State
last aforesaid this 5th day of January 1991.



Notary Public

Notary Public
State of Florida at Large
My Commission Expires April 20, 1992

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

DARRELL SPERRY,
Petitioner,

vs.

OGC CASE NO. 91-0068

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

**REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD**

YOU ARE HEREBY NOTIFIED that the State of Florida Department of Environmental Regulation has received the attached Petition for Hearing in the above-styled case. Pursuant to Section 120.57(1)(b)3., Florida Statutes, the Secretary has decided not to act as hearing officer and requests that the Division of Administrative Hearings assign this matter to a hearing officer to conduct all necessary proceedings required by law and to submit a recommended order to the Department. The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding.

YOU ARE FURTHER NOTIFIED that the Department is responsible for preserving the record of any evidentiary hearings in this case in accordance with Florida Administrative Code Rule 17-103.205. Such a record may be preserved by a court reporter or by mechanical recording equipment. The Department will use mechanical recording

equipment unless one of the parties makes arrangements to provide a court reporter, including payment of the court reporter's fees. Any party arranging for the presence of a court reporter at hearing should notify the hearing officer and all parties prior to the hearing of the court reporter's name, mailing address, and telephone number.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been furnished to:

Darrell Sperry
505 Hwy 301
Jacksonville FL 32234

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

the proposed landfill site,

- b.) Petitioner obtains his residential drinking water from surficial and other aquifers located below the proposed landfill,
- c.) Petitioner is a citizen of the State of Florida for the purposes of Sub-section 403.412(5), Florida Statutes, and is therefore entitled to intervene in this licensing proceeding for the purpose of requesting an administrative hearing pursuant to section 120.57, Florida Statutes,
- d.) The Trail Ridge proposed landfill facility encompasses a portion of the headwaters of Long Branch Creek which ultimately flows into Black Creek and the St. Johns River,
- e.) Operation of the proposed landfill facility may adversely affect the water quality in Long Branch Creek and the surficial rock aquifers. Ultimately, operation of the proposed landfill could adversely affect the Floridan Aquifer, and
- f.) The construction and operation of the proposed landfill will adversely affect:
 - (1) The air quality over petitioner's property by the release of noxious and offensive odors,
 - (2) The quiet enjoyment of petitioner's property through the substantial noise emanating from garbage truck traffic, bulldozers, and other vehicles used in the landfill construction and operation,
 - (3) The Petitioner's property through the attraction of nuisance species such as seagulls and rodents, to the vicinity,
 - (4) Wetlands situated on the proposed landfill site,
 - (5) The Wildlife on the proposed landfill property and adjacent properties pursuant to subparagraphs (1)-(4) above, and through the elimination of the access corridor presently

utilized by wildlife through Long Branch Creek and adjacent wetlands,

(6) The Roads and Highways via the trucks carrying solid waste to and leachate from the proposed landfill by excessive road deterioration, offensive noise levels, environmental hazards, pollution and litter.

5. The disputed issues of material fact are

- a.) Whether Trail Ridge Landfill has given reasonable assurances that water quality standards contained in Chapter 17-3 Florida Administrative Code, will be met, for both groundwater and surface water during the construction and operation of the proposed landfill,
- b.) Whether adequate geologic investigation has taken place on the site to provide reasonable assurances that important drinking water aquifers would not be adversely impacted by the construction and operation of the proposed landfill,
- c.) Whether the proposed groundwater monitoring system for the landfill is adequate to ensure that water quality standards will not be violated as defined in Part IV Water Quality Criteria-Ground Water Chapter 17-3, Florida Administrative Code,
- d.) Whether the proposed Class I landfill liners construction and installation is in accordance with methods and procedures outlined in Lining of Waste Impoundment and Disposal Facilities, EPA publication SW870, March, 1983,
- e.) Whether the proposed Class I Landfill liners will be
 - (1) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure

gradients, physical contact with the waste or leachate to which they are exposed, climatic conditions, and the stress of installation and daily operation;

(2) Installed upon a sufficient base, or on a Hydrogeological setting capable of providing support to the liner and resistant to pressure gradients above and below the liners to prevent failure of the liners due to settlement, compression, or uplift; and

(3) Installed to cover all surrounding soil likely to be in contact with the waste or leachate;

- f) Whether a liner should be required for a Class III landfill in order to comply with Section 17-3 402 Minimum Criteria for Ground Water, Florida Administrative Code and whether the Class III proposed landfill should be exempt from the rules of 17-7.050, F.A.C., based upon the sites specific hydrogeology, types of waste, and proposed control methods for this class of landfill;
- g) Whether the Stormwater Management System at the landfill will be constructed and operated in a manner that will prevent the contamination of ground and surface waters on or near the site;
- h.) Whether the proposed leachate collection and storage system is adequate to ensure that leachate will not contaminate soils and waters on or near the site,
- i) Whether the proposed landfill is easily accessible by collection vehicles, automobiles, and transfer vehicles and whether the proposed landfill traffic, in addition to the existing railway traffic will create traffic hazard
- j) Whether the landfill has an adequate quantity of acceptable earth cover available;
- k) Whether the cover material proposed to be used is easily workable and compactible;
- l.) Whether the proposed landfill will adequately safeguard against water pollution originating from disposal of solid waste,

- m.) Whether the proposed monitoring wells will be sufficient to detect contaminated groundwater emanating from the landfill,
- n.) Whether the operation of the landfill will be adequate to prevent non-indigenous nuisance species or objectionable odors off sites,
- o.) Whether discharges in groundwater from the landfill will cause a hazard to the environment or the public through contamination of drinking water supplies or surface water,
- p.) Whether Trail Ridge Landfill, Inc. has effectively demonstrated that the landfill's groundwater discharge will not impair the designated uses of contiguous waters outside the zone of discharge,
- q.) Whether the landfill will discharge into groundwater, either directly or indirectly, any contaminant that causes a violation of water quality standards or criteria for the receiving groundwater, as addressed in Chapter 17-3 Part IV, F.A.C.,
- r.) Whether transportation and disposal of solid wastes into or across county or municipal boundaries will degrade the environment, create a physical or aesthetic nuisance, or endanger or impair the public health and welfare,
- s.) Whether Trail Ridge Landfill, Inc. has provided reasonable assurances that the landfill will be constructed and operated in compliance with the requirements of the applicable DER Statutes, Rules and Policies, including but not necessarily limited to Chapters 17-2, 17-3, 17-4, 17-7 and 17-12, F.A.C.,
- t.) Whether the proposed landfill is the most economically feasible, cost effective, and environmentally safe manner of handling and disposing of solid waste,
- u.) Whether the proposed landfill will be constructed and operated in a manner which will enhance the environment,
- v.) Whether the proposed landfill will be constructed and operated in a manner which provides for efficient

and environmentally acceptable methods of resource recovery and management,

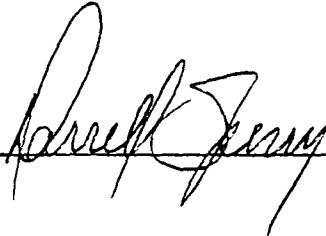
- w) Whether impacts of the construction and operation of the landfill will materially degrade fish or wildlife resources in Long Branch Creek and Duval County,
 - x) Whether the proposed gas control system at the landfill will be sufficient to protect against explosions, objectionable odors, and other hazards to the public and environment,
 - y.) Whether any zone of discharge should be approved for the landfill,
 - z) Whether the proposed location for the landfill is in an area where geological formations or subterranean features would not provide support for a landfill,
 - aa) Whether more frequent coverage than what is currently proposed should be required at the Class III landfill site, in order to prevent health and environmental problems,
 - ab) Whether secondary impacts of dredge and fill activities necessary for the use and operation of the proposed landfill will violate Department Rules, Laws or Policies pursuant to Chapter 403 F.S and Title 17 F A C ,
 - ac.) Whether the landfill site conforms with the proper zoning; and
 - ad.) Whether a zone or discharge smaller than 100 feet from the site boundary is necessary to protect the use of contiguous waters.
6. The facts which petitioners contend warrant reversal of D E R 's proposed action are.
- a.) The Applicant has not provided reasonable assurances that important drinking water aquifers would not be adversely impacted by the construction and operation of the proposed landfill;
 - b) The proposed landfill is located in an environmentally sensitive area of Duval County and Northeast Florida and may cause contamination to air, soil, groundwater, surface water, and the Floridan aquifer,

- c) Discharges to the groundwater from the landfill will cause an imminent hazard to the public or the environment through contamination of drinking water supplies and surface waters,
- d) Stormwater and leachate from the proposed landfill will be harmful to the surrounding creeks, wetlands and wildlife,
- e) The proposed landfill does not enhance the environment for the people of the State of Florida;
- f) The applicant has not provided reasonable assurances that water quality standards of 17-3, F.A.C., will be met,
- g) The proposed landfill will attract and support vermin and non-indigenous wildlife that will be harmful and a nuisance to resident populations of wildlife and humans in the surrounding area;
- h) The existence and operation of the proposed facility will subject nearby residents to objectionable odors which will be harmful to the public welfare,
- i.) The inadequacy of the applicant's geologic investigations for the proposed site to demonstrate that the site can support the liners and be resistant to pressure gradients above and below the liners to prevent failure of the liners due to settlement, compression, or uplift,
- j.) That a liner^{is} should be required for a Class III landfill and borrow pits adjacent to landfills in order to comply with Chapter 17-3.402, F.A.C.;
- k.) The proposed landfill is not the most economically feasible, cost effective, and environmentally safe manner for the storage, collection, transport, separation, processing, recycling, and disposal of solid waste in order to protect the public safety, health and welfare;
- l.) The proposed monitoring wells are not sufficient to detect contaminated ground water emanating from the landfill, and
- m) The transportation of solid waste in and across county boundaries will degrade the environment, create a physical and aesthetic nuisance, and impair the public's health, safety, and welfare

7. The Petitioner contends that Trail Ridge Landfill, Inc. has not provided reasonable assurances that the construction and operation of the proposed landfill will comply with all applicable D.E.R. Statutes, Rules and Policies, including the provisions of Chapters 17-2, 17-3, 17-4, 17-7 and 17-12, Florida Administrative Code.
8. The Petitioner is entitled to relief in a formal Administrative Hearing pursuant to sections 120-57 (1) and 403-412(5), Florida Statutes.
Wherefore; the Petitioner requests the D.E.R. to conduct a formal hearing as to whether the proposed permit should be issued to the applicant for the construction and operation of the Trail Ridge Landfill, issue an order denying the requested permit, and grant such other relief as may be appropriate.

Dated the 5th Day of January 1991.

Darrell Sperry
505 Highway 301 South
Jacksonville, Florida 32234
DUVAL COUNTY
PHONE: 904-289-7649



State of Florida
County of Duval

I hereby certify that on this day before me personally
appeared the above mentioned petitioner known to be the
person who executed the foregoing petition and acknowledged
before me that he executed the same.

Witness my hand and official seal in the County and State
last aforesaid this 5th day of January 1991.


~~NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES JAN 4, 1992.~~
Notary Public ~~THRU NOTARY PUBLIC UNDERWRITERS~~

1/5/91

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SAVE TRAIL RIDGE AND THE
ENVIRONMENT, INC.,

Petitioner,

vs.

OGC Case No. 91-0051
91-0052

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

**REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD**

YOU ARE HEREBY NOTIFIED that the State of Florida Department of Environmental Regulation has received the attached Petition for Hearing in the above-styled case. Pursuant to Section 120.57(1)(b)3., Florida Statutes, the Secretary has decided not to act as hearing officer and requests that the Division of Administrative Hearings assign this matter to a hearing officer to conduct all necessary proceedings required by law and to submit a recommended order to the Department. The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding.

YOU ARE FURTHER NOTIFIED that the Department is responsible for preserving the record of any evidentiary hearings in this case in accordance with Florida Administrative Code Rule 17-103.205. Such a record may be preserved by a court reporter or by mechanical recording equipment. The Department will use mechanical recording

equipment unless one of the parties makes arrangements to provide a court reporter, including payment of the court reporter's fees. Any party arranging for the presence of a court reporter at hearing should notify the hearing officer and all parties prior to the hearing of the court reporter's name, mailing address, and telephone number.

Whenever a court reporter is used, Florida Administrative Code Rule 28-5.306 provides that the court reporter's recordation becomes the official transcript. The Department may tape a hearing for its own use even when a court reporter is present. If the Department tapes a proceeding which is also recorded by a court reporter, copies of the tapes can be made available to all parties upon request at cost of reproduction. However, parties should not assume in all instances that the Department will tape a proceeding.

If a party decides to file exceptions to any finding of fact made by the Department, the party will need to submit an official transcript of the proceeding. A transcript may be prepared, at the expense of the requesting party, from a court reporter's notes or, when no court reporter has been hired, from the tapes made by the Department.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been furnished to:

Segundo J. Fernandez
Oertel, Hoffman, Fernandez
and Cole, P.A.
2700 Blair Stone Rd Ste C
Tallahassee FL 32301

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

RECEIVED
JAN 4 1991

SAVE TRAIL RIDGE AND THE
ENVIRONMENT, INC.,

Dept. of Environmental Reg.
Office of General Counsel

Petitioner,

vs.

DER File Nos.: 184444,
184445 and 184447
Duval County - Solid Waste

TRAIL RIDGE LANDFILL, INC., and
STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL REGULATION,

Respondents.

VERIFIED PETITION FOR A FORMAL HEARING
PURSUANT TO SECTION 120.57, FLORIDA STATUTES

Petitioner, Save Trail Ridge and the Environment, Inc., ("STRATE") files this Verified Petition for a Formal Hearing pursuant to Sections 120.57(1), and 403.412(5), Florida Statutes, and Rules 17-103.155, 22I-6.004 and 28-5.201, Florida Administrative Code.

1. The agency affected in this proceeding is the State of Florida, Department of Environmental Regulation ("DER" or "Department"), 2600 Blair Stone Road, Tallahassee, Florida, 32301. The DER Permit Number in this proceeding is SC16-184444.

2. Respondent, Trail Ridge Landfill, Inc. ("Trail Ridge") is the permit applicant for DER Permit Number SC16-184444. Trail Ridge's address is Post Office Box 6987, Jacksonville, Florida 32236.

3. Petitioner, STRATE, is a Florida not-for-profit corporation dedicated to the conservation, preservation, and wise use of the environment, natural resources, historical sites, and cultural resources of the Trail Ridge area of Duval County and adjacent counties. STRATE's address is 22002 Paul Coleman Road, Maxville, Florida 32234.

4. By Intent to Issue dated December 21, 1990, DER proposes to issue a permit to Trail Ridge to construct and operate the Trail Ridge "Plan A" landfill with a total site area of 1,288 acres of which 148 + acres will be used for Class I solid waste disposal and 28 acres for Class III disposal. The proposed landfill project is located on the west side of U. S. Highway 301 in Duval County, Florida approximately one mile north of Maxville.

5. Petitioner STRATE's substantial interests will be affected by the Department's proposed agency action. The primary purposes of STRATE are to promote the conservation, preservation and wise use of the natural and historical resources of Duval County. The landfill facility proposed for permitting by DER will impair, pollute and otherwise injure the water and natural resources of Duval County, will create a land blight and thus substantially and adversely affect the Petitioner.

6. The Petitioner received notice of DER's Intent to Issue the Trail Ridge permit on December 22, 1990.

7. The following are the disputed issues of fact:

(a) Whether the proposed landfill facility is the most economically feasible, cost-effective, and environmentally safe

manner to dispose of solid waste;

(b) Whether the proposed landfill facility will be constructed and operated to enhance the quality of water and land resources;

(c) Whether the proposed landfill facility will be constructed and operated to provide efficient, environmentally acceptable solid waste management;

(d) Whether the applicant has provided DER with reasonable assurances that water quality standards or criteria will not be violated;

(e) Whether the applicant has demonstrated that the landfill facility design will meet all of the performance criteria and standards of Chapter 17-701, Florida Administrative Code;

(f) Whether site specific conditions override the presumption that a proposed landfill facility meets applicable performance standards if it meets the design standards of Chapter 17-701, Florida Administrative Code;

(g) Whether the proposed landfill project is prohibited pursuant to Rule 17-701.040, Florida Administrative Code

(h) Whether the proposed wetland mitigation is adequate;

(i) Whether impacts to wetlands, and fish and wildlife habitat are acceptable;

(j) Whether gases originating from the proposed landfill will be adequately controlled to protect against objectionable odors and explosions, and other public and environmental hazards;

(k) Whether the ground water and surface water monitoring programs are adequate to insure that water quality standards will not be violated;

(l) Whether the closure plan and financial assurances for the proposed landfill are adequate;

(m) Whether the proposed surface water management system is adequate to insure that water quality standards will not be violated;

(n) Whether the transportation and disposal of solid waste at the facility will be conducted in a manner to protect human health, safety, welfare and the environment;

(o) Whether reasonable assurances have been provided that the proposed landfill facility will be constructed and operated in compliance with applicable statutes, rules and policies;

(p) Whether the proposed landfill facility site contains wetlands within DER's jurisdiction pursuant to Sections 403.91, et seq., Florida Statutes, and Chapter 17-312, Florida Administrative Code;

(q) Whether the applicant provided DER with reasonable assurances that the project is not contrary to the public interest;

(r) Whether the project will adversely affect the public health, safety, or welfare or the property of others;

(s) Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

(t) Whether the project will adversely affect the flow of water or cause harmful erosion or shoaling;

(u) Whether the project will adversely affect the fishing or recreational values in the vicinity of the project;

(v) Whether the project will be of a temporary or permanent nature;

(w) Whether the project will adversely affect or will enhance significant historical and archaeological resources;

(x) Whether the project will adversely affect the current condition or relative value of functions being performed by areas affected by the proposed activity;

(y) Whether DER has asserted jurisdiction over all the wetlands to be affected by this project that are waters of the state;

(z) Whether the project adequately avoids adverse impacts to state waters and whether such impacts have been sufficiently minimized;

(a)(a) Whether the application demonstrates that Trail Ridge holds a sufficient interest in the land in which the proposed construction activities are to take place.

8. Petitioners are entitled to relief pursuant to Chapters 120, 403, Florida Statutes, Section 403.412(5), Florida Statutes, and Chapters 17-4 and 17-701, Florida Administrative Code.

9. Section 403.412(5), Florida Statutes, provides that any citizen of the State is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified


petition asserting that the proposed activity will impair or pollute the natural resources of the State. Under this provision a citizen is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action. Booker Creek Preservation, Inc. v. Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986).

10. Petitioners demand that the application for Permit No. SC16-184444 be denied.

WHEREFORE, Petitioner respectfully requests that this matter be referred to a hearing officer of the Division of Administrative Hearings for commencement of formal proceedings pursuant to Section 120.57(1), Florida Statutes; that the hearing officer issue a recommended order recommending that the permit application be denied, and providing other relief including that DER issue a final order denying Permit No. SC16-184444.

Respectfully submitted this 4th day of January, 1991.

OERTEL, HOFFMAN, FERNANDEZ
& COLE, P.A.
2700 Blair Stone Road
Suite C
Tallahassee, Florida 32301
(904) 877-0099


SEGUNDO J. FERNANDEZ
Fla. Bar ID: 218391

THOMAS G. TOMASELLO
Fla. Bar ID: 233587

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing have been furnished by hand-delivery for filing to the Agency Clerk, State of Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32301, this 4th day of January, 1991.


Attorney

VERIFICATION

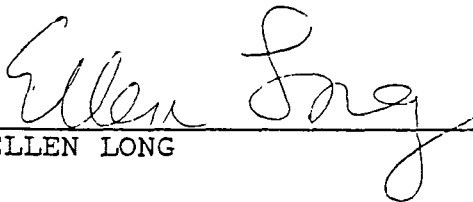
STATE OF FLORIDA

COUNTY OF DUVAL

BEFORE ME the undersigned authority personally appeared ELLEN LONG, who, being by me first duly sworn, stated the following:

1. That she is the authorized representative of Petitioner, STRATE, Inc., a Florida not-for-profit corporation.
2. That she believes and asserts that the activity proposed for permitting in this proceeding will have the effect of impairing, polluting and otherwise injuring the air and water, and natural resources of the state.
3. That the facts alleged in the foregoing Petition are true and correct to the best of her knowledge and belief.

FURTHER AFFIANT SAYETH NOT.



ELLEN LONG

SWORN TO AND SUBSCRIBED before
me this 2nd day of January,
1991.



NOTARY PUBLIC, State of Florida
at Large

My Commission Expires:
**NOTARY PUBLIC, STATE OF FLORIDA:
MY COMMISSION EXPIRES OCT. 01, 1992**

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

BAKER COUNTY BOARD OF
COUNTY COMMISSIONERS,

Petitioner,

vs.

OGC CASE NO. 91-0089

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

**REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD**

YOU ARE HEREBY NOTIFIED that the State of Florida Department of Environmental Regulation has received the attached Petition for Hearing in the above-styled case. Pursuant to Section 120.57(1)(b)3., Florida Statutes, the Secretary has decided not to act as hearing officer and requests that the Division of Administrative Hearings assign this matter to a hearing officer to conduct all necessary proceedings required by law and to submit a recommended order to the Department. The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding.

YOU ARE FURTHER NOTIFIED that the Department is responsible for preserving the record of any evidentiary hearings in this case in accordance with Florida Administrative Code Rule 17-103.205. Such a record may be preserved by a court reporter or by mechanical recording equipment. The Department will use mechanical recording

equipment unless one of the parties makes arrangements to provide a court reporter, including payment of the court reporter's fees. Any party arranging for the presence of a court reporter at hearing should notify the hearing officer and all parties prior to the hearing of the court reporter's name, mailing address, and telephone number.

Whenever a court reporter is used, Florida Administrative Code Rule 28-5.306 provides that the court reporter's recordation becomes the official transcript. The Department may tape a hearing for its own use even when a court reporter is present. If the Department tapes a proceeding which is also recorded by a court reporter, copies of the tapes can be made available to all parties upon request at cost of reproduction. However, parties should not assume in all instances that the Department will tape a proceeding.

If a party decides to file exceptions to any finding of fact made by the Department, the party will need to submit an official transcript of the proceeding. A transcript may be prepared, at the expense of the requesting party, from a court reporter's notes or, when no court reporter has been hired, from the tapes made by the Department.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been furnished to:

Terrence M. Brown
County Attorney
P O Box 40
Starke FL 32091-0040

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SAVE TRAIL RIDGE AND THE ENVIRONMENT,
INC., DAVID PHILLIPS, ELLEN LONG,
AND SOLLIE SOLOMONS,

Petitioners,

and

BOARD OF COUNTY COMMISSIONERS, BAKER
COUNTY,

Intervenor,

vs.

CASE NO. : 90-7295

TRAIL RIDGE LANDFILL, INC., and
STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL REGULATION,

Respondents.

RECEIVED

JAN 11 1991

Dept. of Environmental Reg.
Office of General Counsel

VERIFIED PETITION OF THE BAKER COUNTY
BOARD OF COUNTY COMMISSIONERS'
TO INTERVENE AS A FULL PARTY

COMES NOW the Baker County Board of County Commissioners, pursuant to Rule 28-5.207, Florida Administrative Code, and Section 403.412(5), Florida Statutes, and petitions to intervene in this proceeding in opposition to to the proposed agency action of the Department of Environmental Regulation and in support thereof, states:

1. The agency affected in this proceeding is the State of Florida, Department of Environmental Regulation ("DER" or "Department"), 2600 Blair Stone Road, Tallahassee, Florida 32301. The DER Permit Number in this proceeding is 161821182.

2. Baker County's address, for the purpose of this proceeding shall be that of its county attorney: Terence M. Brown, Post Office Box 40, Starke, Florida 32091-0040.

3. By Intent to Issue dated October 11, 1990, DER proposes to issue a dredge and fill permit to Trail Ridge Landfill, Inc. ("Trail Ridge") to fill approximately 1.61 acres of state waters to widen a road to provide access to a proposed solid waste facility. The project is located approximately 1.14 miles north of State Road 228 on the West side of U.S. Highway 301 in Duval County, Florida near Maxville.

4. Baker County has standing, as a party, to contest the issuance of the dredge and fill permit at issue in this proceeding because its substantial interest will be affected by the Department's proposed agency action, as follows:

(a) The dredge and fill permit at issue in this proceeding would authorize Trail Ridge to make improvements to a road that would provide access to a proposed solid waste facility that is intended to be located immediately adjacent to the boundary between Duval and Baker Counties.

(b) In responding to the Initial Order to this proceeding, the parties have requested that this proceeding be consolidated with the proceedings that will be initiated once the Department of Environmental Regulation has released

its Notice of Intent regarding Trail Ridge's pending application for construction of the solid waste facility to be served by the access road at issue in this case.

(c) The entire solid waste facility proposed by Trail Ridge, including the proposed landfill and access road will have a significant adverse impact on Baker County. The proposed landfill and access road will adversely affect the health, safety and welfare of persons residing in Baker County, will contribute to air pollution and water pollution in Baker County, and will cause a blight on the land that will adversely affect Baker County.

5. Baker County asserts that the project at issue in this proceeding will impair, pollute and injure the air, water or natural resources of the State. (See Verification attached hereto and incorporated herein by reference).

6. The following are the disputed issues of fact:

(a) Whether the applicant has provided the Department with reasonable assurances that water quality standards will not be violated;

(b) Whether the applicant provided the Department with reasonable assurances that the project is not contrary to the public interest;

(c) Whether the project will adversely affect the public health, safety, or welfare or the property of others;

(d) Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

(e) Whether the project will adversely affect the flow of water or cause harmful erosion or shoaling;

(f) Whether the project will adversely affect the fishing or recreational values in the vicinity of the project;

(g) Whether the project will be of a temporary or permanent nature,

(h) Whether the project will adversely affect or endanger significant historical and archaeological resources;

(i) The current condition and relative value of functions being performed by areas affected by the proposed activity;

(j) Whether the Department adequately considered the cumulative impact of this project and related projects;

(k) Whether the project adequately avoids adverse impacts of state waters and whether such impacts have been sufficiently minimized;

(l) Whether the proposed mitigation is sufficient; and

(m) Whether the application demonstrates that Trail Ridge holds a sufficient interest in the land on which the proposed construction activities are to take place.

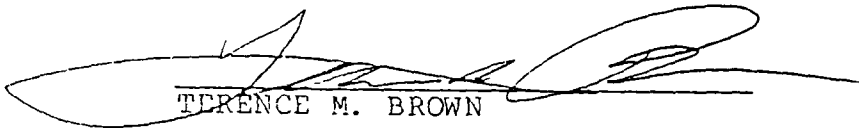
7. Baker County is entitled to relief pursuant to Chapters 120 and 403, Florida Statutes, Section 403.412(5), Florida Statutes, and Chapters 17-4 and 17-103, Florida Administrative Code.

8. Section 403.412(5), Florida Statutes, provides that any political subdivision of the State is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified petition asserting that the proposed activity will impair or pollute the natural resources of the State. The Baker County Board of County Commissioners is such a political subdivision.

9. Baker County demands that Permit Application No. 161821182 be denied.

WHEREFORE, Intervenor, Baker County respectfully requests that it be granted intervention in this proceeding as a full party.

Respectfully submitted this 8th day of January, 1991.



TERENCE M. BROWN
County Attorney for
Baker County, Florida
Post Office Box 40
Starke, Florida 32091-0040
Fla. Bar No.: 0289612
Attorney for Intervenor:
BAKER COUNTY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States mail to:

WILLIAM D. PRESTON
Post Office Box 6526
Tallahassee, FL 32314

THOMAS G. TOMASELLO
Oertel, Hoffman, Fernandez & Cole
Post Office Box 6507
Tallahassee, FL 32314-6507

WILLIAM CONGDON
Office of General Counsel
Department of Environmental Regulation
2600 Blair Stone Road, Room 672
Tallahassee, Florida 32399-2400

this 8th day of January, 1991.


Terence M. Brown

VERIFICATION


STATE OF FLORIDA)

COUNTY OF BAKER)

BEFORE ME, the undersigned authority, personally appeared Steve Kennedy, who, being by me first duly sworn, stated the following:

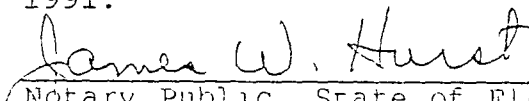
1. That he is the Chairman of the Baker County Board of County Commissioners and is the authorized representative of Intervenor, BAKER COUNTY, a unit of government of the State of Florida.
2. That he believes and asserts that the activity proposed for permitting in this proceeding will have the effect of impairing, polluting and otherwise injuring the air, waters or natural resources of the State and of Baker County, Florida, in particular.
3. That the facts alleged in the foregoing Petition are true and correct to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.



 STEVE KENNEDY
 Chairman Baker County Board
 of County Commissioners

Sworn to and subscribed before me this 8th day of January, 1991.



 Notary Public, State of Florida
 NOTARY PUBLIC STATE OF FLORIDA
 My Commission Expires - MY COMMISSION EXP. AUG. 22, 1992

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

BAKER COUNTY BOARD OF COUNTY
COMMISSIONERS,

Petitioner,

vs.

OGC CASE NOS. 91-0069
91-0070
91-0071

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

**REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD**

YOU ARE HEREBY NOTIFIED that the State of Florida Department of Environmental Regulation has received the attached Petition for Hearing in the above-styled case. Pursuant to Section 120.57(1)(b)3., Florida Statutes, the Secretary has decided not to act as hearing officer and requests that the Division of Administrative Hearings assign this matter to a hearing officer to conduct all necessary proceedings required by law and to submit a recommended order to the Department. The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding.

YOU ARE FURTHER NOTIFIED that the Department is responsible for preserving the record of any evidentiary hearings in this case in accordance with Florida Administrative Code Rule 17-103.205. Such a record may be preserved by a court reporter or by mechanical recording equipment. The Department will use mechanical recording

equipment unless one of the parties makes arrangements to provide a court reporter, including payment of the court reporter's fees. Any party arranging for the presence of a court reporter at hearing should notify the hearing officer and all parties prior to the hearing of the court reporter's name, mailing address, and telephone number.

Whenever a court reporter is used, Florida Administrative Code Rule 28-5.306 provides that the court reporter's recordation becomes the official transcript. The Department may tape a hearing for its own use even when a court reporter is present. If the Department tapes a proceeding which is also recorded by a court reporter, copies of the tapes can be made available to all parties upon request at cost of reproduction. However, parties should not assume in all instances that the Department will tape a proceeding.

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CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

Baker County Board of County
Commissioners
Terence M. Brown
County Attorney
P O Box 40
Starke FL 32091

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

RECEIVED
JAN 9 1991

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION *Dept. of Environmental Reg.
Office of General Counsel*

BAKER COUNTY BOARD OF COUNTY
COMMISSIONERS,

Petitioners,

D.E.R. File Nos.: 184444,
184445, and 184447

vs.

Duval County-Solid Waste

TRAIL RIDGE LANDFILL, INC., and
STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL REGULATION,

Respondents.

**VERIFIED PETITION OF BAKER COUNTY BOARD OF
COUNTY COMMISSIONERS FOR A FORMAL HEARING
PURSUANT TO SECTION 120.57, FLORIDA STATUTES**

COMES NOW the Petitioner, BAKER COUNTY BOARD OF COUNTY
COMMISSIONERS ("Baker County"), and files this Verified
Petition for a formal administrative hearing pursuant to
Sections 120.57(1), and 403.412(5), Florida Statutes, and
Rules 17-103.155, 22I-6.004 and 28-5.201, Florida
Administrative Code, and states as follows:

1. The agency affected in this proceeding is the State
of Florida, Department of Environmental Regulation ("DER") or
"Department"), 2600 Blair Stone Road, Tallahassee, Florida
32301. The DER permit Number in this proceeding is SC16-184444.

2. Respondent, Trail Ridge Landfill, Inc. ("Trail
Ridge") is the permit applicant for DER Permit Number
SC16-184444. Trail Ridge's address is Post Office Box 6987,
Jacksonville, Florida 32236.

3. Baker County's address for the purpose of this proceeding shall be that of it's County Attorney, Terence M. Brown, Post Office Box 40, Starke, Florida 32091.

4. By intent to Issue dated December 21, 1990, DER proposes to issue a permit to Trail Ridge to construct and operate the rail Ridge "Plan A: landfill with a total site area of 1,288 acres of which 148 + acres will be used for Class I solid waste disposal and 28 acres for Class III disposal. The proposed landfill project is located on the West side of U.S. Highway 301 in Duval County, Florida, approximately one mile North of Maxville.

5. The Petitioner received notice of DER's Intent to Issue the Trail Ridge permit by notice of publication.

6. Petitioner's substantial interests will be affected by DER's proposed agency action as follows:

(a) The landfill at issue in this proceeding is located immediately adjacent to the boundary between Duval and Baker Counties;

(b) The landfill will have an adverse impact on Baker County. It will adversely affect the health, safety and welfare of persons residing in Baker County, will contribute to air and water pollution in Baker County and will cause a blight on the land that will adversely affect Baker County. The primary purposes of the Petitioner is to promote the conservation, preservation and wise use of the environmental,

natural resources, historical and archaeological resources of Baker County. The landfill facility proposed for permitting by DER will impair, pollute and otherwise injure the water and natural resources, water and environment of Baker County, including wetlands, flora and fauna, and will adversely affect historical and archaeological resources, and thus substantially and adversely affect the Petitioner.

7. Baker County asserts that the landfill will impair, pollute and injure the air, water or natural resources of the State. (See Verification attached hereto and incorporated herein by reference).

8. The following are the disputed issues of fact:

a. Whether the proposed landfill facility is the most economically feasible, cost-effective, and environmentally safe manner to dispose of solid waste;

b. Whether the proposed landfill facility will be constructed and operated to enhance the quality of water and land resources;

c. Whether the proposed landfill facility will be constructed and operated to provide efficient, environmentally acceptable solid waste management;

d. Whether the applicant has provided DER with reasonable assurances that water quality standards or criteria will not be violated;

e. Whether the applicant has demonstrated that the landfill facility design will meet all of the performance criteria and standards of Chapter 17-701, Florida Administrative Code;

f. Whether site specific conditions override the presumption that a proposed landfill facility meets applicable performance standards if it meets the design standards of Chapter 17-701, Florida Administrative Code;

g. Whether the proposed landfill project is prohibited pursuant to Rule 17-701.040, Florida Administrative Code;

h. Whether the proposed wetland mitigation is adequate;

i. Whether impacts to wetlands, and fish and wildlife habitat are acceptable;

j. Whether gases originating from the proposed landfill will be adequately controlled to protect against objectionable odors and explosions, and other public and environmental hazards;

k. Whether the ground water and surface water quality standards will not be violated;

l. Whether the closure plan and financial assurances for the proposed landfill facility are adequate;

m. Whether the proposed surface water management system is adequate to insure that water quality standards will not be violated;

n. Whether the transportation and disposal of solid waste at the facility will be conducted in a manner to protect human health, safety, welfare and the environment;

o. Whether reasonable assurances have been provided that the proposed landfill facility will be constructed and operated in compliance with applicable statutes, rules and policies;

p. Whether the proposed landfill facility site contains wetlands within DER's jurisdiction pursuant to Sections 403.91, et seq., Florida Statutes, and Chapter 17-312, Florida Administrative Code;

q. Whether the applicant provided DER with reasonable assurances that the project is not contrary to the public interest;

r. Whether the project will adversely affect the public health, safety, or welfare or the property of others;

s. Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

t. Whether the project will adversely affect the flow of water or cause harmful erosion or shoaling;

u. Whether the project will adversely affect the fishing or recreational values in the vicinity of the project;

v. Whether the project will be of a temporary or permanent nature;

w. Whether the project will adversely affect or will enhance significant historical and archaeological resources;

x. Whether the project will adversely affect the current condition or relative value of functions being performed by areas affected by the proposed activity;

y. Whether DER has asserted jurisdiction over all the wetlands to be affected by this project that are waters of the state;

z. Whether the project adequately avoids adverse impacts to state waters and whether such impacts have been sufficiently minimized;

aa. Whether the application demonstrates that Trail Ridge holds a sufficient interest in the land on which the proposed construction activities are to take place.

9. Petitioners are entitled to relief pursuant to Chapters 120, 403, Florida Statutes, Section 403.412(5), Florida Statutes, and Chapters 17-4 and 17-701, Florida Administrative Code.


10. Section 403.412(5), Florida Statutes, provides that any political subdivision of the State is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a certified petition asserting that the proposed activity will impair or pollute the natural resources of the State. Baker County, Florida is such a

political subdivision. Under this provision a political subdivision is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action. Booker Creek Preservation, Inc. v. Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986).

11. Petitioner demands that the application for Permit No. SC16-184444 be denied.

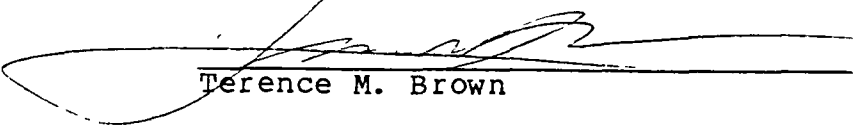
WHEREFORE, Petitioner respectfully requests that this matter be referred to a hearing officer of the Division of Administrative Hearing for commencement of formal proceedings pursuant to Section 120.57(1), Florida Statutes; that the hearing officer issue a recommended order recommending that the permit application be denied, and providing other relief including that DER issue a final order denying Permit No. SC16-184444.

Respectfully submitted this 9th, day of January, 1991.


TERENCE M. BROWN
TERENCE M. BROWN, P.A.
Post Office Box 40
Starke, Florida 32091
(904) 964-8272
Fla. Bar No. 0289612
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing have been furnished by Hand-Delivery to the Agency Clerk, State of Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32301, this 9th day of January, 1991.


Terence M. Brown

VERIFICATION

STATE OF FLORIDA)
COUNTY OF BAKER)

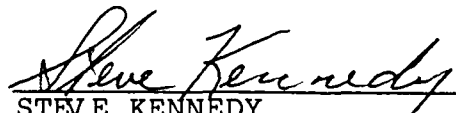
BEFORE ME, the undersigned authority, personally appeared Steve Kennedy, who, being by me first duly sworn, stated the following:

1. That he is the Chairman of the Baker County Board of County Commissioners and is the authorized representative of Intervenor, BAKER COUNTY, a unit of government of the State of Florida.

2. That he believes and asserts that the activity proposed for permitting in this proceeding will have the effect of impairing, polluting and otherwise injuring the air, waters or natural resources of the State and of Baker County, Florida, in particular.

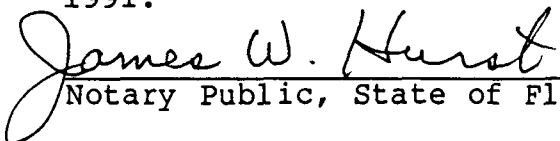
3. That the facts alleged in the foregoing Petition are true and correct to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.



STEVE KENNEDY
Chairman Baker County Board
of County Commissioners

Sworn to and subscribed before
me this 8th day of January,
1991.



Notary Public, State of Florida

My Commission Expires:

(S E A L)

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. AUG.18,1992
BONDED THRU GENERAL INS. UNO.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

CLARENCE J. SUGGS,

Petitioner ,

vs.

OGC CASE NO. 91-0093

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD

YOU ARE HEREBY NOTIFIED that the State of Florida Department of Environmental Regulation has received the attached Petition for Hearing in the above-styled case. Pursuant to Section 120.57(1)(b)3., Florida Statutes, the Secretary has decided not to act as hearing officer and requests that the Division of Administrative Hearings assign this matter to a hearing officer to conduct all necessary proceedings required by law and to submit a recommended order to the Department. The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding.

YOU ARE FURTHER NOTIFIED that the Department is responsible for preserving the record of any evidentiary hearings in this case in accordance with Florida Administrative Code Rule 17-103.205. Such a record may be preserved by a court reporter or by mechanical recording equipment. The Department will use mechanical recording

equipment unless one of the parties makes arrangements to provide a court reporter, including payment of the court reporter's fees. Any party arranging for the presence of a court reporter at hearing should notify the hearing officer and all parties prior to the hearing of the court reporter's name, mailing address, and telephone number.

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CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

Segundo J. Fernandez
Oertel, Hoffman, Fernandez
and Cole, P.A.
2700 Blair Stone Rd Ste C
Tallahassee FL 32301

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

CLARENCE J. SUGGS,

Petitioner,

vs.

TRAIL RIDGE LANDFILL, INC., and
STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL REGULATION,

Respondents.

RECEIVED
JAN 10 1988

Dept. of Environmental Reg.
Office of General Counsel

VERIFIED PETITION FOR A FORMAL HEARING
PURSUANT TO SECTION 120.57, FLORIDA STATUTES

Petitioner, CLARENCE J. SUGGS, files this Verified Petition for a Formal Hearing pursuant to Sections 120.57(1), and 403.412(5), Florida Statutes, and Rules 17-103.155, 22I-6.004 and 28-5.201, Florida Administrative Code.

1. The agency affected in this proceeding is the State of Florida, Department of Environmental Regulation ("DER" or "Department"), 2600 Blair Stone Road, Tallahassee, Florida 32301. The DER Permit Number in this proceeding is SC16-184444.

2. Respondent, Trail Ridge Landfill, Inc. ("Trail Ridge") is the permit applicant for DER Permit Number SC16-184444. Trail Ridge's address is Post Office Box 6987, Jacksonville, Florida 32236.

3. Petitioner, Clarence J. Suggs' address is 5136 Solonika Lane, Jacksonville, Florida 32210. Petitioner is a member of the City of Jacksonville City Council for District 13. The proposed landfill is in his district.

4. By Intent to Issue dated December 21, 1990, DER proposes to issue a permit to Trail Ridge to construct and operate the Trail Ridge "Plan A" landfill with a total site area of 1,288 acres of which 148+ acres will be used for Class I solid waste disposal and 28 acres for Class III disposal. The proposed landfill project is located on the west side of Y. S. Highway 301 in Duval County, Florida approximately one mile North of Maxville.

5. Petitioner alleges that the proposed landfill will have the effect of impairing, polluting or otherwise injuring the air, water or natural resources of the state.

6. The Petitioner received notice of DER's Intent to Issue the Trail Ridge permit sometime during the last two weeks of December 1990.

7. The following are the disputed issues of fact:

(a) Whether the proposed landfill facility is the most economically feasible, cost-effective, and environmentally safe manner to dispose of solid waste;

(b) Whether the proposed landfill facility will be constructed and operated to enhance the quality of water and land resources;

(c) Whether the proposed landfill facility will be constructed and operated to provide efficient, environmentally acceptable solid waste management;

(d) Whether the applicant has provided DER with reasonable assurances that water quality standards or criteria will not be violated;

(e) Whether the applicant has demonstrated that the landfill facility design will meet all of the performance criteria and standards of Chapter 17-701, Florida Administrative Code;

(f) Whether site specific conditions override the presumption that a proposed landfill facility meets applicable performance standards if it meets the design standards of Chapter 17-701, Florida Administrative Code;

(g) Whether the proposed landfill project is prohibited pursuant to Rule 17-701.040, Florida Administrative Code;

(h) Whether the proposed wetland mitigation is adequate;

(i) Whether impacts to wetlands, and fish and wildlife habitat are acceptable;

(j) Whether gases originating from the proposed landfill will be adequately controlled to protect against objectionable odors and explosions, and other public and environmental hazards;

(k) Whether the groundwater and surface water monitoring programs are adequate to insure that the water quality standards will not be violated;

(l) Whether the closure plan and financial assurances for the proposed landfill are adequate;

(m) Whether the proposed surface water management system is adequate to insure that water quality standards will not be violated;

(n) Whether the transportation and disposal of solid waste at the facility will be conducted in a manner to protect human health, safety, welfare and the environment;

(o) Whether reasonable assurances have been provided that the proposed landfill facility will be constructed and operated in compliance with applicable statutes, rules and policies;

(p) Whether the proposed landfill facility site contains wetlands within DER's jurisdiction pursuant to Sections 403.91, et seq., Florida Statutes, and Chapter 17-312, Florida Administrative Code;

(q) Whether the applicant provided DER with reasonable assurances that the project is not contrary to the public interest;

(r) Whether the project will adversely affect the public health, safety, or welfare or the property of other;

(s) Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

(t) Whether the project will adversely affect the flow of water or cause harmful erosion or shoaling;

(u) Whether the project will adversely affect the fishing or recreational values in the vicinity of the project;

(v) Whether the project will be of temporary or permanent nature;

(w) Whether the project will adversely affect or will enhance significant historical and archaeological resources;

(x) Whether the project will adversely affect the current condition or relative value of functions being performed by areas affected by the proposed activity;

(y) Whether DER has asserted jurisdiction over all the wetlands to be affected by this project that are waters of the state;

(z) Whether the project adequately avoids adverse impacts to state waters and whether such impacts have been sufficiently minimized;

(a)(a) Whether the application demonstrates that Trail Ridge holds a sufficient interest in the land in which the proposed construction activities are to take place;

8. Petitioner is entitled to relief pursuant to Chapters 120, 403, Florida Statutes, Section 403.412(5), Florida Statutes, and Chapters 17-4 and 17-701, Florida Administrative Code.

9. Section 403.412(5), Florida Statutes, provides that any citizen of the state is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified petition asserting that the proposed activity will impair or pollute the natural resources of the State. Under this provision a citizen is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action. Booker Creek Preservation, Inc. v. Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986).

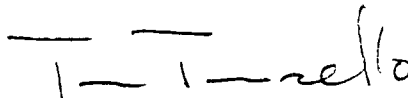
10. Petitioner demands that the application for Permit No. SC16-184444 be denied.

WHEREFORE, Petitioner respectfully requests that this matter be referred to a hearing officer of the Division of Administrative Hearings for commencement of formal proceedings pursuant to Section

120.57(1), Florida Statutes; that the hearing officer issue a recommended order recommending that the permit application be denied, and providing other relief including that DER issue a final order denying Permit No. SC16-184444.

Respectfully submitted this 10th day of January, 1991.

OERTEL, HOFFMAN, FERNANDEZ
& COLE, P.A.
2700 Blair Stone Road
Suite C
Tallahassee, FL 32301
(904) 877-0099




SEGUNDO J. FERNANDEZ
Fla. Bar ID: 218391

THOMAS G. TOMASELLO
Fla. Bar ID: 233587

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing have been furnished by hand-delivery for filing to the Agency Clerk, State of Florida Department of Environmental Regulation 2600 Blair Stone Road, Tallahassee, Florida 32301, this 10th day of January, 1991.



Attorney

VERIFICATION

STATE OF FLORIDA .

COUNTY OF DUVAL

BEFORE ME the undersigned authority personally appeared William D. [Signature], who, being by me first duly sworn, state the following:

1. Section 403.412(5), Florida Statutes, provides that any citizen of the state is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified petition asserting that the proposed activity will impair or pollute the natural resources of the State. Under this provision a citizen is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action. Booker Creek Preservation, Inc. v. Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986).

[Signature] is a citizen of the State of Florida.

2. That He believes and asserts that the activity proposed for permitting in this proceeding will have the effect of impairing, polluting and otherwise injuring the air and water, and natural resources of the state.

3. That the facts alleged in the foregoing Petition are true and correct to the best of his knowledge and belief.
FURTHER AFFIANT SAYETH NOT.

[Signature]

SWORN AND SUBSCRIBED before me this 7th day of January, 1991.

[Signature]
NOTARY PUBLIC, State of Florida
My Commission Expires:

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

RONNIE E. & LAURIE J. HALL,

Petitioners,

vs.

OGC CASE NOS. 91-0019
91-0020
91-0021

TRAIL RIDGE LANDFILL, INC., AND
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

**REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD**

YOU ARE HEREBY NOTIFIED that the State of Florida Department of Environmental Regulation has received the attached Petition for Hearing in the above-styled case. Pursuant to Section 120.57(1)(b)3., Florida Statutes, the Secretary has decided not to act as hearing officer and requests that the Division of Administrative Hearings assign this matter to a hearing officer to conduct all necessary proceedings required by law and to submit a recommended order to the Department. The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding.

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equipment unless one of the parties makes arrangements to provide a court reporter, including payment of the court reporter's fees. Any party arranging for the presence of a court reporter at hearing should notify the hearing officer and all parties prior to the hearing of the court reporter's name, mailing address, and telephone number.

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CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

Ronnie E. & Laurie J. Hall
7806 US Hwy 301 S
Baldwin FL 32234

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904) 488-9730

January 2, 1991

RECEIVED

JAN 3 1991

Office of The General Council
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dept. of Environmental Reg.
Office of General Counsel

SUBJECT: Trail Ridge "Plan A" Landfill
Proposed Permit No. SC16-184444
DER File Nos. 184444, 184445, and 184447
Duval County - Solid Waste

Dear Sir:

I hereby petition the Department to restrain from permitting the Trail Ridge "Plan A" Landfill, for the following reasons, in accordance with the instructions as outlined in your INTENT TO ISSUE.

- (a) Ronnie E. & Laurie J. Hall, 7806 U.S. Highway 301 South, Baldwin, Florida 32234, 904/289-7360; Proposed Permit No. SC16-184444; DER File Nos. 184444, 184445, and 184447; Duval County Solid Waste.
- (b) I received the notice of The Department's Intent To Issue via Certified U. S. Postal Service, Baldwin, Florida Post Office December 24, 1990 at approximately 10:00 A.M.
- (c) My substantial interest are adversely affected by the extreme devaluation of my property, the potential health hazard to my family through pollution of the air, soil and water, and the highway safety problems created by the influx of waste transportation.

[CONTINUED]

b:fl-der

EXHIBIT 1

Office of The General Council
Department of Environmental Regulation
Trail Ridge "Plan A" Landfill
Page #2.

- (d) Extermination of the wetlands in the area; extermination of a colony of Wood Storks nesting in this area which are classed as an endangered specie protected by federal law, and the extermination of an ancient Indian Burial Ground located in this area.
- (e) See Item (d).
- (f) See Item (d).
- (g) Abolition of the Trail Ridge "Plan A" Landfill as this area is not suitable for a landfill because of the adverse effect on the environment now and in the future.

Please consider this request to abolish this proposed landfill in this area for the above listed reasons.

Yours very truly,

Ronnie E. & Laurie J. Hall

Ronnie E. & Laurie J. Hall
7806 U.S. Hwy. 301 South
Baldwin, Florida 32234

b:fl-der

Cy:
Mr. Dwayne Igou
Trail Ridge Landfill
Post Office Box 6987
Jacksonville, FL 32236

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

COASTAL ENVIRONMENTAL SOCIETY,
INC., AND ST. JOHNS PRESERVATION
ASSOCIATION, INC.,

Petitioners

vs.

OGC CASE Nos. 91-0048
91-0049
91-0050

TRAIL RIDGE LANDFILL, INC.,
AND STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

REQUEST FOR ASSIGNMENT OF HEARING OFFICER
AND NOTICE OF PRESERVATION OF RECORD

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CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy hereof has been furnished to:

Segundo J. Fernandez, Esq.
Oertel, Hoffman, Fernandez & Cole, P.A.
2700 Blair Stone Rd Ste C
Tallahassee FL 32301

William D. Preston, Esq.
Hopping Boyd Green & Sams
P O Box 6526
Tallahassee FL 32314

by U.S. Mail on this 16th day of January, 1991.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


WILLIAM H. CONGDON
Assistant General Counsel

2600 Blair Stone Road
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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

RECEIVED
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COASTAL ENVIRONMENTAL SOCIETY, INC.
and ST. JOHNS PRESERVATION
ASSOCIATION, INC.,

Dept. of Environmental Reg.
Office of General Counsel

Petitioners,

vs.

DER File Nos.: 184444,
184445 and 184447
Duval County - Solid Waste

TRAIL RIDGE LANDFILL, INC., and
STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL REGULATION,

Respondents.

PETITIONERS, COASTAL ENVIRONMENTAL SOCIETY, INC.
and ST. JOHNS PRESERVATION ASSOCIATION, INC.,
VERIFIED PETITION FOR A FORMAL HEARING
PURSUANT TO SECTION 120.57, FLORIDA STATUTES

Petitioners, Coastal Environmental Society, Inc. ("CESI") and St. Johns Preservation Association, Inc. ("SJPAI") file this Verified Petition for a formal administrative hearing pursuant to Sections 120.57(1), and 403.412(5), Florida Statutes, and Rules 17-103.155, 22I-6.004 and 28-5.201, Florida Administrative Code.

1. The agency affected in this proceeding is the State of Florida, Department of Environmental Regulation ("DER" or "Department"), 2600 Blair Stone Road, Tallahassee, Florida, 32301. The DER Permit Number in this proceeding is SC16-184444.

2. Respondent, Trail Ridge Landfill, Inc. ("Trail Ridge") is the permit applicant for DER Permit Number SC16-184444. Trail Ridge's address is Post Office Box 6987, Jacksonville, Florida 32236.

3. Petitioner, CESI, is a Florida not-for-profit corporation created pursuant to Chapter 617, Florida Statutes. CESI has approximately 250 members that live in the Duval County area. Many of these members reside in the Trail Ridge area of Duval County. CESI is dedicated to the conservation, preservation and wise use of the environment and natural resources, including waters, wetlands, flora and fauna, of Duval County, including the Trail Ridge area. CESI's address is P. O. Box 26061, Jacksonville, Florida 32218.

4. Petitioner, SJPAI, is a not-for-profit corporation created pursuant to Chapter 617, Florida Statutes. SJPAI has approximately 150 members that live in the Duval County area. Many of these members live in the Trail Ridge area of Duval County. SJPAI is dedicated to the conservation, preservation and wise use of the environment, natural resources, and historical and archaeological resources of Duval County, including the Trail Ridge area. SJPAI's address is 4330 Irving Road, Jacksonville, Florida 32226.

5. By Intent to Issue dated December 21, 1990, DER proposes to issue a permit to Trail Ridge to construct and operate the Trail Ridge "Plan A" landfill with a total site area of 1,288 acres of which 148+ acres will be used for Class I solid waste disposal and 28 acres for Class III disposal. The proposed landfill project is located on the west side of U. S. Highway 301 in Duval County, Florida approximately one mile north of Maxville.

6. CESI received notice of DER's Intent to Issue the Trail Ridge permit on December 22, 1990. SJPAI did not receive written notice.

7. Petitioners' substantial interests will be affected by the Department's proposed agency action. The primary purposes of the Petitioners are to promote the conservation, preservation and wise use of the environmental, natural resources, historical and archaeological resources of Duval County. The landfill facility proposed for permitting by DER will impair, pollute and otherwise injure the water and natural resources, water and environment of Duval County, including wetlands, flora and fauna and will adversely affect historical and archaeological resources, will create a land blight, and thus substantially and adversely affect the Petitioners.

8. The following are the disputed issues of fact:

(a) Whether the proposed landfill facility is the most economically feasible, cost-effective, and environmentally safe manner to dispose of solid waste;

(b) Whether the proposed landfill facility will be constructed and operated to enhance the quality of water and land resources;

(c) Whether the proposed landfill facility will be constructed and operated to provide efficient, environmentally acceptable solid waste management;

(d) Whether the applicant has provided DER with reasonable assurances that water quality standards or criteria will not be violated;

(e) Whether the applicant has demonstrated that the landfill facility design will meet all of the performance criteria

and standards of Chapter 17-701, Florida Administrative Code;

(f) Whether site specific conditions override the presumption that a proposed landfill facility meets applicable performance standards if it meets the design standards of Chapter 17-701, Florida Administrative Code;

(g) Whether the proposed landfill project is prohibited pursuant to Rule 17-701.040, Florida Administrative Code;

(h) Whether the proposed wetland mitigation is adequate;

(i) Whether impacts to wetlands, and fish and wildlife habitat are acceptable;

(j) Whether gases originating from the proposed landfill will be adequately controlled to protect against objectionable odors and explosions, and other public and environmental hazards;

(k) Whether the ground water and surface water monitoring programs are adequate to insure that water quality standards will not be violated;

(l) Whether the closure plan and financial assurances for the proposed landfill facility are adequate;

(m) Whether the proposed surface water management system is adequate to insure that water quality standards will not be violated;

(n) Whether the transportation and disposal of solid waste at the facility will be conducted in a manner to protect human health, safety, welfare and the environment;

(o) Whether reasonable assurances have been provided that the proposed landfill facility will be constructed and

operated in compliance with applicable statutes, rules and policies;

(p) Whether the proposed landfill facility site contains wetlands within DER's jurisdiction pursuant to Sections 403.91, et seq., Florida Statutes, and Chapter 17-312, Florida Administrative Code.

(q) Whether the applicant provided DER with reasonable assurances that the project is not contrary to the public interest;

(r) Whether the project will adversely affect the public health, safety, or welfare or the property of others;

(s) Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

(t) Whether the project will adversely affect the flow of water or cause harmful erosion or shoaling;

(u) Whether the project will adversely affect the fishing or recreational values in the vicinity of the project;

(v) Whether the project will be of a temporary or permanent nature; //

(w) Whether the project will adversely affect or will enhance significant historical and archaeological resources;

(x) Whether the project will adversely affect the current condition or relative value of functions being performed by areas affected by the proposed activity;

(y) Whether DER has asserted jurisdiction over all the wetlands to be affected by this project that are waters of the

state;

(z) Whether the project adequately avoids adverse impacts to state waters and whether such impacts have been sufficiently minimized;

(a)(a) Whether the application demonstrates that Trail Ridge holds a sufficient interest in the land on which the proposed construction activities are to take place.

9. Petitioners are entitled to relief pursuant to Chapters 120, 403, Florida Statutes, Section 403.412(5), Florida Statutes, and Chapters 17-4 and 17-701, Florida Administrative Code.

10. Section 403.412(5), Florida Statutes, provides that any citizen of the State is entitled to intervene in any ongoing environmental permitting proceeding upon the filing of a verified petition asserting that the proposed activity will impair or pollute the natural resources of the State. Under this provision a citizen is entitled to initiate a Section 120.57, Florida Statutes, proceeding to contest a proposed agency permit action. Booker Creek Preservation, Inc v Mobil Chemical Co., 481 So.2d 10 (Fla. 1st DCA 1986).

11. Petitioners demand that the application for Permit No. SC16-184444 be denied.

WHEREFORE, Petitioner respectfully requests that this matter be referred to a hearing officer of the Division of Administrative Hearings for commencement of formal proceedings pursuant to Section 120.57(1), Florida Statutes; that the hearing officer issue a recommended order recommending that the permit application be

denied, and providing other relief including that DER issue a final order denying Permit No. SC16-184444.

Respectfully submitted this 4th day of January, 1991.

OERTEL, HOFFMAN, FERNANDEZ
& COLE, P.A.
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SEGUNDO J. FERNANDEZ
Fla. Bar ID: 218391

THOMAS G. TOMASELLO
Fla. Bar ID: 233587

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing have been furnished by hand-delivery for filing to the Agency Clerk, State of Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32301, this 4th day of January, 1991.


Attorney

VERIFICATION

STATE OF FLORIDA

COUNTY OF DUVAL

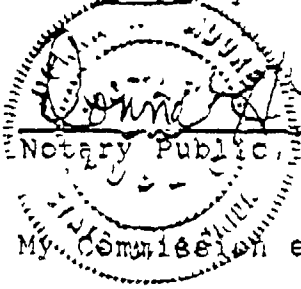
BEFORE ME, the undersigned authority personally appeared JANICE LANGENFELD, who, being by me first duly sworn, stated the following:

- 1. That she is the authorized representative of Petitioner, CES, Inc., a Florida not-for-profit corporation.
- 2. That she believes and asserts that the activity proposed for permitting in this proceeding will have the effect of impairing polluting and otherwise injuring the air, and natural resources of the state.
- 3. That the facts alleged in the foregoing Petition are true and correct to the best of her knowledge and belief.

Janice Langenfeld

 Janice Langenfeld

SWORN TO AND SUBSCRIBED before me, this 3rd day of January, 1991.



Donald A. Moore
Notary Public, State of Florida

NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires Feb. 22, 1994

My Commission expires: Bonded thru Notary Public Underwriting

VERIFICATION

STATE OF FLORIDA

COUNTY OF DUVAL

BEFORE ME the undersigned authority personally appeared ANITA JAMES, who, being by me first duly sworn, stated the following:

1. That she is the authorized representative of Petitioner, St. Johns Preservation Association, Inc., a Florida not-for-profit corporation.

2. That she believes and asserts that the activity proposed for permitting in this proceeding will have the effect of impairing, polluting and otherwise injuring the air and water, and natural resources of the state.

3. That the facts alleged in the foregoing Petition are true and correct to the best of her knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Anita James
ANITA JAMES

SWORN TO AND SUBSCRIBED before
me this 4th day of January
1991

Joseph T. Johnson
NOTARY PUBLIC, State of Florida
at Large

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Jan. 28, 1993
Bonded thru Tray Fain - Insurance Inc.