



# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wetherell  
Secretary

September 7, 1994

Mr. Stan E. Stephens  
Chairman, Manatee County Board  
of County Commissioners  
Post Office Box 1000  
Bradenton, Florida 34206-1000

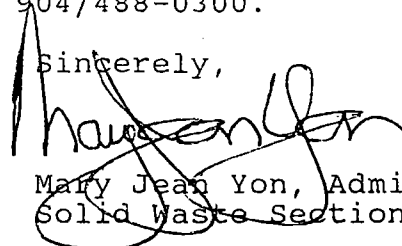
Dear Commissioner Stephens:

Enclosed is the Department's Notice of Intent To Renew Variance which will allow Manatee County to dispose of the unsegregated portion of its yard trash at the Lena Road Class I landfill until November 1, 1994. It is our understanding that the County intends to implement a program to segregate and mulch residential yard trash prior to November 1 which will render you in compliance with Section 403.708 (14)(c), Florida Statutes.

I encourage you to stay in close communication with our Southwest District office as you implement this separate yard trash collection. In addition, please forward proof of publication of the Notice that is included with the variance to my office at the letterhead address within seven days of publication. Detailed instructions concerning the Notice are included in the variance.

If you have any questions concerning this variance, please feel free to call me at 904/488-0300.

Sincerely,



Mary Jean Yon, Administrator  
Solid Waste Section

MJY/lr  
Enclosure  
cc: Jeffrey N. Steinsnyder  
Virginia Knowles  
Bill Kutash

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of a request  
for variance by:

Honorable Stan E. Stephens, Chairman  
Board of County Commissioners  
Manatee County  
P.O. Box 1000  
Bradenton, Florida 34206

File No. SWV 91-7  
Manatee County

NOTICE OF INTENT TO RENEW VARIANCE

The Department has reviewed a petition for renewal of Variance SWV 91-7 filed on behalf of Manatee County, pursuant to Chapter 403.201(1), Florida Statutes (F.S.). The petitioner seeks a variance from the provision of Section 403.708(14)(c), F.S., which prohibits the disposal of yard trash in lined landfills after January 1, 1992. The Department hereby gives notice of its intent to renew this variance for Manatee County's Lena Road Class I landfill. The Department finds that a variance is necessary to prevent undue hardship to the petitioner, for the reasons stated in the petition.

The variance is subject to the following conditions:

1. This variance is valid until November 1, 1994, during which time the petitioner may continue to dispose of the unsegregated portion of its yard trash in a lined landfill. No later than November 1, 1994, the petitioner shall implement a program to segregate and mulch residential yard trash. When this program is established, the Petitioner shall cease disposal of yard trash in the Class I facility.

Pursuant to Section 403.815, F.S., and Rule 62-103.150, Florida Administrative Code (F.A.C.), you are required to publish at your own expense the enclosed Notice of Proposed Agency Action. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the department at the address or telephone number listed below. You must provide proof of publication to the Department at the address listed below within seven days of publication.

The Department's Intent to Grant Variance will become final unless a petition for an administrative proceeding is filed pursuant to the provisions of Section 120.57, F.S. A person whose substantial interests are affected by the Department's proposed action may petition for an administrative proceeding (hearing) in accordance with Section 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the applicant must be filed within 14 days of

receipt of this Notice. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of receipt of this notice, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The petition shall contain the following information;

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by petitioner, if any;

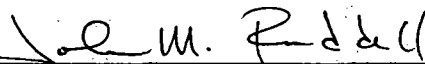
(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

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

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

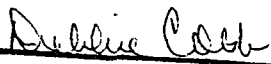
If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel of the Department at the above address. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



John M. Ruddell, Director  
Division of Waste Management  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
904/487-3299

FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant to S120.52  
Florida Statutes, with the designated Depart-  
ment Clerk, receipt of which is hereby acknow-  
ledged.



Clerk

9-8-94

Date

CERTIFICATE OF SERVICE

The undersigned duly designated agency clerk hereby certifies that this Intent to Grant Variance and all copies were mailed before the close of business this 9-9-94 day of ~~August~~ 1994, to Jeffrey N. Steinsnyder, Manatee County Office of the County Attorney, P.O. Box 1000, Bradenton, Florida 34206, and Honorable Stan E. Stephens, Chairman, Board of County Commissioners, Manatee County, Post Office Box 1000, Bradenton, Florida 34206.

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department clerk, receipt of which is hereby acknowledged.

Debbie Cobb  
(Clerk)

9-8-94  
(date)

Copies furnished to:  
Chris McGuire  
Mary Jean Yon  
Bill Kutash

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

The Department of Environmental Protection gives Notice of its Intent to grant a variance renewal pursuant to Section 403.201, Florida Statutes (F.S.), to Manatee County for the Lena Road Class I landfill. The variance is from Section 403.708(14)(c), F.S., which prohibits disposal of yard trash in lined landfills after January 1, 1992. This variance will expire no later than November 1, 1994.

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

Persons whose substantial interests are affected by the above proposed agency action have a right, pursuant to Section 120.57, F.S., to petition for an administrative determination (hearing) on the proposed action. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of publication of this notice. A copy of the Petition must also be mailed at the time of filing to the applicant at the address indicated. Failure to file a petition within 14 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

The Petition shall contain the following information;

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

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

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

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

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel of the Department at the above address. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, Florida Administrative Code.