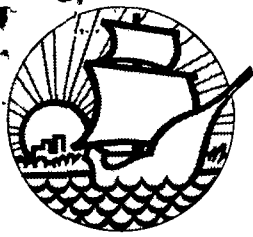


WASTE 17A



MANATEE COUNTY GOVERNMENT

OFFICE OF THE COUNTY ADMINISTRATOR

VIA FEDERAL EXPRESS

April 29, 1994

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Ms. Virginia Wetherell, Secretary
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

MAY 08 1994

OFFICE OF THE SECRETARY

Re: **Renewal of SWV 91-7**
CAO File No. 1144-061

Dear Secretary Wetherell:

Enclosed is Manatee County's Petition for Renewal of its variance from provisions of Section 403.708(14)(c), Florida Statutes, along with the fee required by Rule 17-4.050(4)(c)4., Florida Administrative Code. We received correspondence from the Division of Waste Management, dated April 15, 1994 in which it was stated that Manatee County had until May 2, 1994 to submit a complete application for renewal, together with the appropriate review fee.

In an effort to keep from duplicating documents which have already been submitted to the Department, either with the initial Petition for Variance or in the form of subsequent status reports, we have incorporated those documents by reference in this Petition. Should you or your staff require copies of these documents, or any additional information, please feel free to contact the Director of the Manatee County Public Works Department or me. Additionally, if your staff feels that a meeting to further discuss the renewal of the variance would be beneficial, we would be more than happy to attend such a meeting.

We appreciate the cooperation and assistance that you and your staff have provided Manatee County in the past, and look forward to a cooperative working relationship in the future.

Sincerely,

WILLIAM J. ESTABROOK,
County Administrator

WJE/sjg

cc: John M. Ruddell, Director, Division of Waste Management
Chris McGuire, Esq., Office of General Counsel
Richard A. Wilford, Director, Public Works
Jeffrey N. Steinsnyder, Senior Assistant County Attorney

• 1112 Manatee Ave. W. • Bradenton, Florida • (813) 748-4501 Ext. 3717 • FAX (813) 745-3790 •

69-069
131

No. 1076878

AMOUNT

00.00.00

CLEARING OF CHECKS BY THE
CITY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA
[Signature]

Board of County Commissioners
MANATEE COUNTY, FLORIDA

00 CENTS

DATE 07-28-98



DISBURSEMENT ACCOUNT

PAY TO
THE ORDER OF
3804 COCONUT PALM
DEPT. OF ENVIRONMENTAL PROTECTION
TAMPA, FLORIDA 33619

APPROVED IN OPEN SESSION

1076878

1076878

009844241718

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of a request)
for variance by:)

Board of County Commissioners)
Manatee County)
P.O. Box 1000)
Bradenton, Florida 34206)

File No. SWV 91-7
Manatee County

PETITION FOR RENEWAL OF VARIANCE
SWV 91-7 BY MANATEE COUNTY

COMES NOW, Manatee County, by and through its undersigned representative, pursuant to Section 403.201(1), Florida Statutes, and Rule 17-103.100(2), Florida Administrative Code and petitions the Secretary of the Department of Environmental Protection for renewal of its variance from the provisions of Section 403.708(14)(c), Florida Statutes, which prohibits the disposal of yard trash in lined landfills after January 1, 1992 and as grounds for said action, Manatee County states the following:

1. Manatee County is the owner and operator of a Class I lined landfill, hereinafter the Lena Road Landfill, which is permitted by the Department.

2. Manatee County received a variance from the provisions of Section 403.708(14)(c), Florida Statutes, from the Department from January 1, 1992 until April 17, 1994, a copy of which is attached as Exhibit "A".

3. Manatee County has experienced delays in the process of obtaining a vendor which are beyond its control.

4. Manatee County released a Request for Proposals for a vendor to conduct a recycling/waste reduction program for the County on June 18, 1991.

5. On October 13, 1992, the Board of County Commissioners approved the ranking of firms.

6. Pursuant to the provisions of the Manatee County Procurement Code, the second ranked firm protested to the Administrator and then the Board of County Commissioners.

7. Section 9-101 of the Procurement Code stays the County procurement process during a protest.

8. On January 19, 1993 the protest was resolved by the Board of County Commissioners and negotiations resumed.

9. Amerecycle, the number one ranked vendor, and the County have been in contract negotiations since January of 1993.

10. During the negotiation process the Department cited Amerecycle's facility in Sumter County. Citizen concern over newspaper accounts of these violations and prudent and detailed investigation by the County further delayed negotiations.

11. Governor Chiles issued a September 1993 order directing the Department to review composing rules.

12. The County attended the Department's Technical Advisory Committee workshop held in Tampa to determine what effect the rulemaking would have on contract negotiations.

13. Manatee County has attempted to minimize its non-compliance during the period it has been granted a variance.

14. Manatee County currently mulches all yard waste which arrives at the landfill segregated pursuant to a contract with Kentech Resource Recovery, Inc.

15. During calendar year 1993 approximately 21,586 tons of mulch were produced at the Lena Road Landfill.

16. The Board of County Commissioners has begun a program of recycling this mulch, by its donation to non-profit and governmental entities for its reuse. A marketing program for resale of the mulch is also contemplated.

17. Manatee County would suffer a hardship if it were required to segregate residential yard waste prior to the start of the County's recycling/waste reduction program being implemented.

18. Preliminary estimates to segregate this yard waste would cause a thirty-two (32) percent increase in citizen's solid waste bills.

19. Manatee County is still intent on having a County-wide Recycling/Waste Reduction Program which would not require segregation of residential yard waste.

20. Manatee County therefore submits that interim segregation to comply with Section 403.708(14)(c), Florida Statutes, would be of debatable benefit, from a social or environmental standpoint, at an extreme economic cost to the citizens of Manatee County.

21. The sole disadvantage of granting the variance is that lined landfill space will be lost. The estimated life expectancy of the Lena Road Landfill is twenty-eight (28) years.

22. Manatee County estimates, based on the available data, that continued introduction of yard waste into the landfill during the period of this variance renewal would only shorten the life of the landfill by seven (7) months.

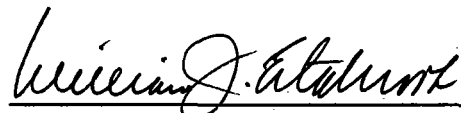
23. The information submitted by Manatee County in its original petition for variance from the provisions of Section 403.708(14)(c), Florida Statutes, together with the supplemental materials supplied to the Department and the status reports filed by Manatee County continues to be valid, is incorporated by reference hereto and should be considered by the Department in its review of this request for renewal of SWV 91-7.

24. Manatee County has a revised timeline for compliance which is attached hereto as Exhibit "B".

WHEREFORE, Manatee County, respectfully requests that:

a. the Secretary grant renewal of SWV 91-7 for a period of two (2) years.

b. in the event that the Secretary determines not to renew SWV 91-7, the County would request a ninety (90) day extension of time from the Secretary's decision to implement a program for separation and collection of wood/yard waste.



WILLIAM J. ESTABROOK
County Administrator
1112 Manatee Avenue West
Bradenton, FL 34205
(813) 745-3717

cc: John M. Ruddell
Chris McGuire, Esq.
Richard A. Wilford, Director, Public Works

**ESTIMATED
PROJECT TIME LINE**

1994												1995												1996		
A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A		
Contract Negotiations									Facility Permitting/Design						Facility Construction					Startup/Testing						

RECEIVED

SEP 3 1992 KAS

Board of County Commissioners
Manatee County

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the matter of a request
for variance by:

~~Patricia M. Glass~~, 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 GRANT VARIANCE

The Department has reviewed a petition for variance 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(15)(c), F.S., which prohibits the disposal of yard trash in lined landfills after January 1, 1992. On April 17, 1992, the Department issued an order denying the variance. Manatee County thereafter filed a motion for extension of time, which was granted, and provided the Department with additional information regarding its variance request. As a result of this additional information the Department reconsidered the request and hereby modifies its prior notice and gives notice of its intent to grant a 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 and subsequent correspondence. This variance will allow Manatee County to continue to dispose of the unsegregated portion of its yard trash in a lined landfill while it constructs a waste reduction/recycling facility.

RECEIVE

SEP 03 1992

COUNTY ATTORNEY

EXHIBIT "A"

The variance is subject to the following conditions:

1. This variance is valid until April 17, 1993, one year from the date the Department's initial order in this case was issued. During this time the Petitioner shall select a vendor, finalize the design of the waste reduction/recycling facility, and begin construction of the facility. By March 1, 1993, the Petitioner shall submit a progress report to the Department. If the Petitioner is in substantial compliance with its proposed timeframe for completion of the facilities, this variance shall be extended for another year. When the facilities are completed, the Petitioner shall cease disposal of yard trash in the Class I facility.

2. If the waste reduction/recycling facility is not completed by April 17, 1993, or by April 17, 1994 if the variance has been extended, the Petitioner shall either apply for a renewal of this variance or shall cease disposal of yard trash in the Class I facilities. A renewal of the variance will require additional public notice as well as an application fee.

Pursuant to Section 403.815, F.S., and DER Rule 17-103.150, 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 REGULATION



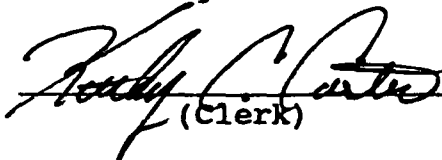
John M. Ruddell, Director
Division of Waste Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
904/487-3299

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 28th day of August 1992, to Patricia M. Glass, Chairman, Board of County Commissioners, P.O. 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.



(Clerk)

8-28-92
(date)

Copies furnished to:
Chris McGuire
Mary Jean Yon
Bill Kutash

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

The Department of Environmental Regulation gives Notice of its Intent to grant a variance 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(15)(c), F.S., which prohibits disposal of yard trash in lined landfills after January 1, 1992.

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;

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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.