

*file*

# Buttrey Development III L.L.C.

December 5, 2000

Mr. James Bradner, P.E.  
FDEP Solid Waste  
Central District  
3319 Maguire Blvd., Ste. 232  
Orlando, Florida 32803-3767

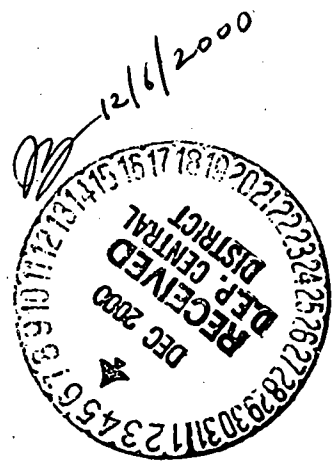
Subject: Proof of Publication- Intent to Grant Variance  
Application Nos. SC48-0165969-001 & SO48-0165969-002

Dear Mr. Bradner:

Attached is proof of publication as supplied by the Orlando Sentinel. The attached notice ran on November 30, 2000.

Sincerely,

*Ed Chesney*  
Ed Chesney, P.E.  
Project Engineer



C:\MyFiles\pit91L\proof.wpd

P.O. Box 1029 Clarcona, Florida 32710  
Telephone: (407) 296-0016; FAX: (407) 294-8090

State of Florida } S.S.  
COUNTY OF ORANGE

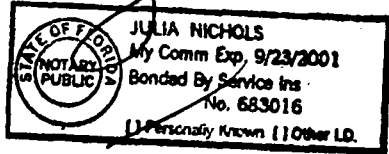
BEVERLY C. SIMMONS

Before the undersigned authority personally appeared \_\_\_\_\_, who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at ORLANDO in ORANGE County, Florida; that the attached copy of advertisement, being a STATE OF FLORIDA in the matter of BUTTREY DEVELOPMENT II, LLC in the ORANGE Court, was published in said newspaper in the issue; of 11/30/00

Affiant further says that the said Orlando Sentinel is a newspaper published at ORLANDO in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each Week Day and has been entered as second-class mail matter at the post office in ORLANDO in said ORANGE County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

The foregoing instrument was acknowledged before me this 30th day of NOVEMBER, 20 00, by BEVERLY C. SIMMONS who is personally known to me and who did take an oath.

(SEAL)



### 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 pursuant to Section 120.542, Florida Statutes (F.S.), to Buttre Development Two, LLC, 6239 Edgewater Drive, Suite D-1, Clearwater, Florida. The variance is from Rule 62-701.340(4)(c), Florida Administrative Code, which requires a minimum horizontal separation between waste deposits in a landfill and the landfill property boundary of 100 feet. This variance will allow Buttre Development to construct and operate a Class III landfill within 100 feet of the property boundary.

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 Sections 120.569 and 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, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 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 21 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 all material facts disputed by petitioner or a statement that there are no disputed facts;

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

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

(g) A statement of the relief sought by the petitioner, stating precisely the action the 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 21 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.

In accordance with Section 120.573, F.S., the Department advises that mediation is not available in this case as an alternative to filing a petition for an administrative determination.

State of Florida } S.S.  
COUNTY OF ORANGE

BEVERLY C. SIMMONS

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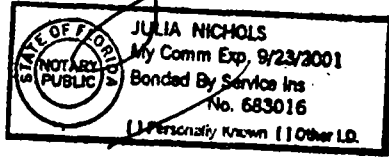
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