




Interoffice Memorandum

TO: File: Keene Road/Buttrey Development Class III Landfill Expansion (BD4)

FROM: James N. Bradner, P.E. 

DATE: July 29, 2005

SUBJECT: Intent to Issue – Permit Numbers: SC48-0165969-008 & SO48-0165969-009

The Notice of Proposed Agency Action was published in the *Orlando Sentinel* on July 13, 2005. A search of the Legal Case Tracking System on July 29, 2005, revealed that no petition had been received by the Department, as of this date, for the permit number noted above.

/jnb.

Buttrey Development Four, L.L.C.

RECEIVED
JUL 21 2005
Central Dist - DEP

July 19, 2005

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

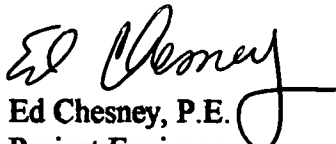
Subject: Proof of Publication
Permit Application Nos. SC48-0165969-008 & SO48-0165969-009

Dear Mr. Bradner:

Attached is proof of publication for the above referenced subject as supplied by the Orlando Sentinel.

Please feel free to call on me at 407-296-0016 if you have any questions.

Sincerely,


Ed Chesney, P.E.
Project Engineer

C:\MyFiles\pit125\application\proof2.wpd

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

Orlando Sentinel

Published Daily

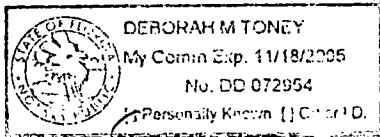
State of Florida } S.S.
COUNTY OF ORANGE

Before the undersigned authority personally appeared BEVERLY C. SIMMONS, 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 SC048-0165969-008 and S048-0165969-009 in the ORANGE Court, was published in said newspaper in the issue; of 07/13/05

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 14 day of JULY, 2005, 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 INTENT TO ISSUE PERMIT FOR MODIFIED PROJECT

The Department of Environmental Protection gives notice of its intent to issue a permit modification to Waste Management, Inc. of Florida/Charles J. Campagna, 255 W. Keene Rd., Apopka, FL 32703, to modify the existing Class III landfill permit to incorporate the expansion of the Class III landfill from 110 acres to 150 acres. The landfill is located at 230 West Keene Rd., Apopka, FL, in Section 26, Township 21 South, Range 28 East, in Orange County, FL.

The Department has assigned File Nos. SC48-0165969-008 and S048-0165969-009 to the project and intends to issue the permit as a modification to the existing Permit No. SC48-0165969-007 for the landfill which expires on January 22, 2006.

The Department will issue the permit modification unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mall Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department permit identification number and the county in which the subject matter or activity is located;
- A statement of how and when each petitioner received notice of the Department action;
- A statement of how each petitioner's substantial interests are affected by the Department action;
- A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that 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 such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 3319 Maguire Blvd., Suite 232, Orlando, FL 32803, telephone 407/893-3328. COR 6268105 7/13/05

CERTIFICATION

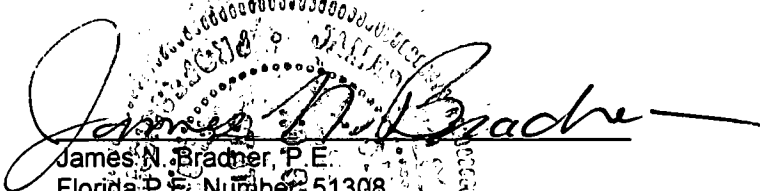
Keene Road Disposal/Buttrey Development, Class III, Landfill Expansion (BD4)

Modification of Permit No. SC48-0165969-007

Permit Application Nos. SC48-0165969-008 & SO48-0165969-009

I HEREBY CERTIFY that the engineering features described in the referenced application for a landfill permit modification provide reasonable assurance of compliance with the applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Title 62. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geological features).

This review was conducted by George Cheryan working under my direct supervision.


James N. Bradner, P.E.
Florida P.E. Number: 51308
Date: 7/8/2005

