

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the matter of a request
for variance by:

J. Ben Harrill, County Attorney
Pasco County
7530 Little Road
New Port Richey, Florida 34654

File No. SWV 91-2
Pasco County

NOTICE OF INTENT TO GRANT VARIANCE

The Department has reviewed a petition for variance filed on behalf of Pasco County, pursuant to Chapter 403.201(1)(c), 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. The Department hereby gives notice of its intent to grant a variance for Pasco County's Class III 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 for a period of 2 years. During this time the Petitioner shall complete construction of a yard trash composting facility. When the facility is completed, the Petitioner shall cease disposal of yard trash in the Class III facility.

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2. The Petitioner shall attempt to separate yard trash from other trash prior to disposal so that the yard trash is amenable to recovery for composting in the future.

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

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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;

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(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.

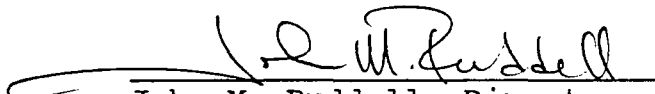
If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard 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

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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 _____ day of July, 1991 to J. Ben Harrill, 7530 Little Road, New Port Richey, Florida 34654.

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)

7.15.91
(date)

Copies furnished to:
Chris McGuire
Bill Hinkley
John Reese
Clabe Polk

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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 Pasco County for a Class III 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, 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.

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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

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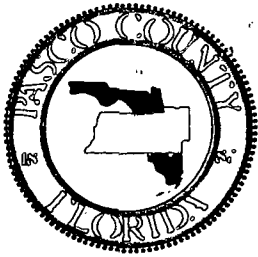
(received) within 14 days of publication of this notice in the Office of General Counsel of the Department at the above address. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a 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.

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PASCO COUNTY, FLORIDA

DADE CITY (904) 521-4274
NEW PORT RICHEY (813) 847-8145

UTILITIES SERVICES BRANCH
PASCO COUNTY GOVT. COMPLEX
7536 STATE STREET
NEW PORT RICHEY, FL 34654

July 22, 1991

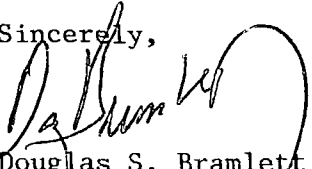
Mr. John M. Ruddell, Director
Division of Waste Management
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RE: Variance - File No. SWV91-2
Pasco County

Dear Mr. Ruddell:

Pursuant to the requirements of the above-listed variance, please find enclosed the proof of publication which was published in the St. Petersburg Times on Monday, July 22, 1991. By copy of this letter and the proof of publication to the Office of General Council, we are advising them of this matter.

Sincerely,


Douglas S. Bramlett
Assistant County Administrator
(Utilities Services)

DSB/b072204:ltr

Enclosure

cc: Dan Thompson, Office of General Council, 2600 Blair Stone Road, Tallahassee,
FL 32399-2400
John J. Gallagher, County Administrator
Karla A. Stetter, Chief Assistant County Attorney

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Dept. of Environmental Reg.
Office of General Council

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JUL 25 1991

DIVISION OF
WASTE MANAGEMENT

91-2000548



STATE OF FLORIDA i S.S.
COUNTY OF PASCO)

Published Daily
Port Richey, Pasco County, Florida

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

The Department of Environmental Regulation gives notice of its proposed agency action pursuant to Section 203.201, Florida Statutes (F.S.), to Pasco County for a variance from Section 403.708(15)(c), F.S., which prohibits disposal of yard waste 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, 2600 Blair Stone Road Tallahassee, Florida 32399-2400.

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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 the 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.

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(912000548) 7/22

Before the undersigned authority personally appeared Gianusso who on oath says that he is a class of sales representatives of the Pasco Times a daily newspaper published at Port Richey, in Pasco County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter Notice of Proposed Agency Action in the Court was published in said newspaper in the issues of 11/22/91.

Affiant further says the said Pasco Times is a newspaper published at Port Richey, in said Pasco County, Florida, and that the said newspaper has heretofore been continuously published in said Pasco County, Florida, each day and has been entered as second class mail matter at the post office in New Port Richey, in said Pasco 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 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.

Witness my hand and seal this 22th day of November 1991.

Notary Public
My Commission Expires 11/19/91

OF

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