

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.

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;

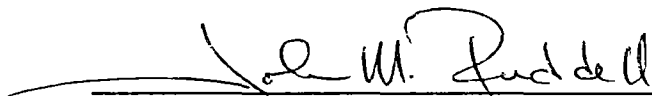
(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(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

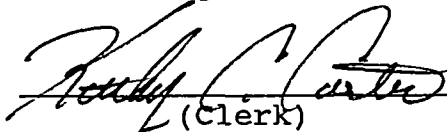

John M. Ruddell, Director
Division of Waste Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
904/487-3299

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;

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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

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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.

FEDERAL EXPRESS

QUESTIONS? CALL 800-238-5355 TOLL FREE.

**AIRBILL
PACKAGE
TRACKING NUMBER**

6932904090

6932904090

RECIPIENT'S COPY

Date:

2-26-93

From (Your Name) Please Print

Your Phone Number (Very Important)

To (Recipient's Name) Please Print

Recipient's Phone Number (Very Important)

Public Works/Solid Waste Div 9 813/792-8811

John M. Ruddell, Director 904/488-0300

Company

Department/Floor No.

Company

Department/Floor No.

MANATEE COUNTY COURTHOUSE

**FL Department of Environmental Regulation
Division of Waste Management**

Street Address

Exact Street Address (We Cannot Deliver to P.O. Boxes or P.O. Zip Codes.)

1111 MANATEE AVE WEST STE 537

2600 Blair Stone Road

City

State

ZIP Required

City

State

ZIP Required

BRADENTON FL

3 4 2 0 5

Tallahassee, Florida 32399-2400

YOUR INTERNAL BILLING REFERENCE INFORMATION (First 24 characters will appear on invoice.)

IF HOLD FOR PICK-UP, Print FEDEX Address Here

Street Address

City

State

ZIP Required

PAYMENT: Bill Sender Bill Recipient's FedEx Acct No Bill 3rd Party FedEx Acct. No Bill Credit Card

Cash

SERVICES
(Check only one box)

DELIVERY AND SPECIAL HANDLING

PACKAGES WEIGHT in Pounds Only YOUR DECLARED VALUE OVER SIZE

Priority Overnight Service (Delivery by next business morning)
Standard Overnight Service (Delivery by next business afternoon)

11 YOUR PACKAGING 51
16 FEDEX LETTER * 56 FEDEX LETTER *
12 FEDEX PAK 52 FEDEX PAK *
13 FEDEX BOX 53 FEDEX BOX
14 FEDEX TUBE 54 FEDEX TUBE

Economy Service (formerly Standard Air) (Delivery by second business day)
Heavyweight Service (for Extra Large or any package over 150 lbs)
70 HEAVYWEIGHT **

30 ECONOMY SERVICE 80 DEFERRED HEAVYWEIGHT **
*Delivery commitment may be later in some areas.
**Call for delivery schedule.

1 HOLD FOR PICK-UP (Fill in Box H)

2 DELIVER WEEKDAY

3 DELIVER SATURDAY (Extra charge) (Not available to all locations)

4 DANGEROUS GOODS (Extra charge) (CSS not available for Dangerous Goods Shipments)

5 CONSTANT SURVEILLANCE SVC. (CSS) (Extra charge) (Release Signature Not Applicable)

6 DRY ICE Lbs

7 OTHER SPECIAL SERVICE

8

9 SATURDAY PICK-UP (Extra charge)

10

11

12 HOLIDAY DELIVERY (if offered) (Extra charge)

Total Total Total

DIM SHIPMENT (Heavyweight Services Only)

lbs

Received At:

1 Regular Stop 3 Drop Box

4 BSC

2 On-Call Stop 5 Station

FedEx Emp. No.

Emp. No. Date Federal Express Use Base Charges

Cash Received

Return Shipment

Third Party Chg To Del Chg To Hold Declared Value Charge

Street Address Other 1

City State Zip Other 2

Received By: Total Charges

X

Date/Time Received FedEx Employee Number

REVISION DATE 11/89
PART #119501 FXEM 2,90
FORMAT #014

014

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PRINTED IN U.S.A.

5 Release Signature:

Date/Time

FEDERAL EXPRESS

QUESTIONS? CALL 800-238-5355 TOLL FREE.

AIRBILL PACKAGE TRACKING NUMBER

6932901

6932904086

RECIPIENT'S COPY

From (Your Name) Please Print Gus DiFonzo-Solid Waste		Your Phone Number (Very Important) (813) 79208811	To (Recipient's Name) Please Print John M. Ruddell	Recipient's Phone Number (Very Important) (904) 488-0300
Company MANATEE COUNTY COURTHOUSE		Department/Floor No.	Company Department of Environmental Regulation	Department/Floor No.
Street Address 2122 MANATEE AVE WEST STE 607				
City TALLAHASSEE		State FL	City Tallahassee, Florida	State FL
ZIP Required 32300		ZIP Required 32399-2500		

YOUR INTERNAL BILLING REFERENCE INFORMATION (First 24 characters will appear on invoice.)

IF HOLD FOR PICK-UP, Print FEDEX Address Here

PAYMENT 1 <input type="checkbox"/> Bill Sender 2 <input type="checkbox"/> Bill Recipient's FedEx Acct. No 3 <input type="checkbox"/> Bill 3rd Party FedEx Acct. No 4 <input type="checkbox"/> Bill Credit Card 5 <input type="checkbox"/> Cash				Street Address City _____ State _____ ZIP Required _____
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SERVICES (Check only one box) Priority Overnight Service (Delivery by next business morning) Standard Overnight Service (Delivery by next business afternoon) 11 <input type="checkbox"/> YOUR PACKAGING 51 <input type="checkbox"/> 16 <input checked="" type="checkbox"/> FEDEX LETTER * 56 <input type="checkbox"/> FEDEX LETTER * 12 <input type="checkbox"/> FEDEX PAK * 52 <input type="checkbox"/> FEDEX PAK * 13 <input type="checkbox"/> FEDEX BOX 53 <input type="checkbox"/> FEDEX BOX 14 <input type="checkbox"/> FEDEX TUBE 54 <input type="checkbox"/> FEDEX TUBE Economy Service (formerly Standard Air) (Delivery by second business day) Heavyweight Service (for Extra Large or any package over 150 lbs.) 30 <input type="checkbox"/> ECONOMY SERVICE 70 <input type="checkbox"/> HEAVYWEIGHT ** 80 <input type="checkbox"/> DEFERRED HEAVYWEIGHT ** *Declared Value Limit \$100. **Call for delivery schedule.		DELIVERY AND SPECIAL HANDLING 1 <input type="checkbox"/> HOLD FOR PICK-UP (Fill in Box H) 2 <input type="checkbox"/> DELIVER WEEKDAY 3 <input type="checkbox"/> DELIVER SATURDAY (Extra charge) (Not available for all locations) 4 <input type="checkbox"/> DANGEROUS GOODS (Extra charge) (CSS not available for Dangerous Goods Shipments) 5 <input type="checkbox"/> CONSTANT SURVEILLANCE SVC. (CSS) (Extra charge) (Release Signature Not Applicable) 6 <input type="checkbox"/> DRY ICE Lbs. 7 <input type="checkbox"/> OTHER SPECIAL SERVICE 8 <input type="checkbox"/> 9 <input type="checkbox"/> SATURDAY PICK-UP (Extra charge) 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> HOLIDAY DELIVERY (if offered) (Extra charge)		<table border="1"> <tr> <th>PACKAGES</th> <th>WEIGHT in Pounds Only</th> <th>YOUR DECLARED VALUE</th> <th>OVER SIZE</th> </tr> <tr> <td>Total</td> <td>Total</td> <td>Total</td> <td></td> </tr> </table>		PACKAGES	WEIGHT in Pounds Only	YOUR DECLARED VALUE	OVER SIZE	Total	Total	Total		<table border="1"> <tr> <td>Emp. No.</td> <td>Date</td> <td>Federal Express Use</td> </tr> <tr> <td><input type="checkbox"/> Cash Received</td> <td></td> <td>Base Charges</td> </tr> <tr> <td><input type="checkbox"/> Return Shipment</td> <td></td> <td>Declared Value Charge</td> </tr> <tr> <td><input type="checkbox"/> Third Party <input type="checkbox"/> Chg. To Del. <input type="checkbox"/> Chg. To Hold</td> <td></td> <td>Other 1</td> </tr> <tr> <td>Street Address</td> <td></td> <td>Other 2</td> </tr> <tr> <td>City State Zip</td> <td></td> <td>Total Charges</td> </tr> <tr> <td>Received By:</td> <td></td> <td>REVISION DATE 11/89</td> </tr> <tr> <td>X</td> <td></td> <td>PART #119501 FXEM 2/90</td> </tr> <tr> <td>Date/Time Received</td> <td>FedEx Employee Number</td> <td>FORMAT #014</td> </tr> <tr> <td></td> <td></td> <td>014</td> </tr> <tr> <td></td> <td></td> <td>* 1989 F.E.C. PRINTED IN U.S.A.</td> </tr> </table>		Emp. No.	Date	Federal Express Use	<input type="checkbox"/> Cash Received		Base Charges	<input type="checkbox"/> Return Shipment		Declared Value Charge	<input type="checkbox"/> Third Party <input type="checkbox"/> Chg. To Del. <input type="checkbox"/> Chg. To Hold		Other 1	Street Address		Other 2	City State Zip		Total Charges	Received By:		REVISION DATE 11/89	X		PART #119501 FXEM 2/90	Date/Time Received	FedEx Employee Number	FORMAT #014			014			* 1989 F.E.C. PRINTED IN U.S.A.
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MULTIPLE PACKAGE SERVICE

**IF YOU ARE
MAKING AN MPS
SHIPMENT, APPLY
THE SELF ADHESIVE
MPS COPY HERE**

DEFINITIONS

On this Airbill, we, our and us refer to Federal Express Corporation, its employees and agents. You and your refer to the sender, its employees and agents.

AGREEMENT TO TERMS

By giving us your package to deliver, you agree to all the terms on this Airbill and in our current Service Guide, which is available on request. If there is a conflict between the current Service Guide and this Airbill, the Service Guide will control. No one is authorized to alter or modify the terms of our Agreement.

RESPONSIBILITY FOR PACKAGING AND COMPLETING AIRBILL

You are responsible for adequately packaging your goods and for properly filling out this Airbill. Omission of the number of packages and weight per package from this Airbill will result in a billing based on our best estimate of the number of packages received from you and an estimated "default" weight per package, as determined and periodically adjusted by us.

AIR TRANSPORTATION TAX INCLUDED

Our basic rate includes a federal tax required by Internal Revenue Code Section 4271 on the air transportation portion of this service.

LIMITATIONS ON OUR LIABILITY AND LIABILITIES NOT ASSUMED

Our liability for loss or damage to your package is limited to your actual damages or \$100, whichever is less, unless you pay for and declare a higher authorized value. We do not provide cargo liability insurance, but you may pay an additional charge for each additional \$100 of declared value. If you declare a higher value and pay the additional charge, our liability will be the lesser of your declared value or the actual value of your package.

In any event we will not be liable for any damages, whether direct, incidental, special or consequential in excess of the declared value of a shipment, whether or not Federal Express had knowledge that such damages might be incurred including, but not limited to, loss of income or profits.

We won't be liable for your acts or omissions, including but not limited to improper or insufficient packing, securing, marking or addressing, or for the acts or omissions of the recipient or anyone else with an interest in the package. Also, we won't be liable if you or the recipient violates any of the terms of our agreement. We won't be liable for loss of or damage to shipments of cash, currency or other prohibited items.

We won't be liable for loss, damage or delay caused by events we cannot control, including but not limited to acts of God, perils of the air, weather conditions, mechanical delays, acts of public enemies, war, strikes, civil commotions, or acts or omissions of public authorities (including customs and quarantine officials) with actual or apparent authority.

DECLARED VALUE LIMITS

The highest declared value we allow for FedEx Letter and FedEx Pak shipments is \$100. For other shipments, the highest declared value we allow is \$25,000 unless your package contains items of "extraordinary value," in which case the highest declared value we allow is \$500. Items of "extraordinary value," include artwork, jewelry, furs, money, precious metals

TERMS AND CONDITIONS

negotiable instruments, and other items listed in our current Service Guide. If you send more than one package on this Airbill, you may fill in the total declared value for all packages, not to exceed the \$100, \$500 or \$25,000 per package limit described above. (Example: 5 packages can have a total declared value of up to \$125,000.)

If more than one package is shipped on this airbill, our liability for loss or damage will be limited to the actual value of the package(s) lost or damaged (not to exceed the lesser of the total declared value or the per package limits described above). You have the responsibility of proving the actual loss or damage.

FILING A CLAIM

ALL CLAIMS MUST BE MADE BY YOU IN WRITING: You must notify us of your claim within strict time limits. See current Service Guide.

We'll consider your claim filed if you call and notify our Customer Service Department at 800-238-5355 and notify us in writing as soon as possible.

Within 90 days after you notify us of your claim, you must send us all relevant information about it. We are not obligated to act on any claim until you have paid all transportation charges, and you may not deduct the amount of your claim from those charges.

If the recipient accepts your package without noting any damage on the delivery record, we will assume that the package was delivered in good condition. In order for us to process your claim, you must, to the extent possible, make the original shipping cartons and packing available for inspection.

RIGHT TO INSPECT

We may, at our option, open and inspect your packages prior to or after you give them to us to deliver.

NO C.O.D. SERVICES

We don't provide C.O.D. services.

RESPONSIBILITY FOR PAYMENT

Even if you give us different payment instructions, you will always be primarily responsible for all delivery costs, as well as any costs we may incur in either returning your package to you or warehousing it pending disposition.

QUALIFIED ACCEPTANCE

We reserve the right to reject a shipment at any time, when such shipment would be likely to cause damage or delay to other shipments, equipment or personnel, or if the transportation of which is prohibited by law or is in violation of any rules contained in this Airbill or our Service Guide.

MONEY-BACK GUARANTEE

In the event of untimely delivery, Federal Express will at your request and with some limitations, refund or credit all transportation charges. See current Service Guide for further information.