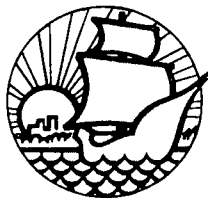


SWV 91-7



MANATEE COUNTY

BOARD OF COUNTY COMMISSIONERS

December 10, 1991

Mr. William Hinkley, Administrator  
Solid Waste Section  
Florida Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

RECEIVED  
ENVIRONMENTAL REGULATION  
NOV 11 1991  
TALLAHASSEE, FLORIDA

Re: Application for Variance from the January 1, 1992,  
Yard Trash Ban from Class I Landfills

Dear Mr. Hinkley:

Thank you for your response, dated October 2, 1991, to our request for an extension on the January 1, 1992, yard trash disposal ban.

As a result of your comments, Manatee County Government is hereby requesting a variance from the current statutory requirement regarding yard waste contained in Section 403.708(15)(c) of the Florida Statutes. The County does so on the grounds that our situation qualifies for a variance pursuant to Section 403.201 (b) F.S., specifically:

Compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which because of their extent or cost, must be spread over a considerable period of time.

A variance per this section requires a specific timetable for compliance which Manatee County is willing to establish with an integrated solid waste management program.

Manatee County currently does not have County-wide curbside recycling collection, a Class III landfill, a solid waste incinerator or a yard waste composting facility. The County does have County-wide mandatory solid waste collection and a permitted Class I Landfill with substantial remaining capacity. The County also has pilot curbside programs, drop-off centers and some material recovery at the landfill collectively indicating a 24.2% volume reduction as calculated for the 1991 Annual Report to FDER. There is a limited capacity, privately operated, wood waste recovery facility within the County.

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December 10, 1991  
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The County is in the process of selecting a vendor from proposals for a County-wide recycling/waste reduction program. The request for proposal asks the vendors to discuss how they will meet the requirements of the Solid Waste Management Act including 30 percent waste reduction by the end of 1994 and the yard waste ban from Class I landfills by January 1, 1992.

The choice of a technology/vendor and the implementation of this strategy are key elements of the County's Solid Waste Master Plan currently being updated.

In order to effect a diversion of all yard waste from the Lena Road Landfill by the deadline, Manatee County would have to (i) sidetrack its plan, (ii) negotiate separate yard waste collection with its two franchised haulers, and (iii) establish an interim yard waste holding facility. The County would then have to (iv) contract for/undertake the permitting and construction of a yard waste composting facility.

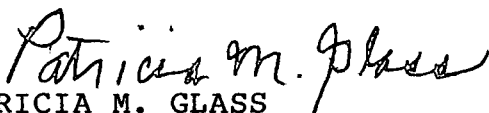
Other options, for which proposals have been received, that might be more advantageous to the County and better address all of the requirements of the Act are too extensive to implement immediately. These proposals can be implemented within a maximum time of 24 months after contract, which will meet the 1994 deadline for the 30 percent waste reduction goal. A more specific timetable would be agreed to after the vendor is selected and a contract has been negotiated.

The attachment to this letter responds point by point to the requirements of 17-103.100 F.A.C. for an application for a variance.

Thank you for your consideration of this matter. Please do not hesitate to call if you have any questions or require further information.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

  
PATRICIA M. GLASS  
Chairman

PMG/GAD/gbp

Attachment

**MANATEE COUNTY, FLORIDA**  
**APPLICATION FOR VARIANCE FROM YARD WASTE DISPOSAL BAN**  
**FACTORS TO BE INCLUDED per 17-103.100 F.A.C.**

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**[a] The statute or rule from which a variance is sought.**

403.708(15)(c)F.S. which states that, after January 1, 1992, no person shall knowingly dispose of yard trash in a landfill except in unlined landfills classified by Department of Environmental Regulation rule.

**[b] The facts which show that a variance should be granted because of one of the reasons set forth in Section 403.201, Florida Statutes.**

The facts which warrant this variance are, as follows:

Manatee County currently operates under an ordinance of mandatory solid waste collection. It has a 15-year contract with two waste haulers, Cedar Hammock Refuse Disposal/Waste Management, Inc. of Florida and Industrial Waste Service, Inc., to help implement the terms of this mandatory ordinance. All of the County's collected waste is disposed at the Lena Road Landfill, which has approximately 22 years of useful disposal life left. It has no waste-to-energy facility or other disposal facility other than its landfill. There is no County-wide recyclables collection; only three of the County's municipalities currently have any curbside recyclables collection. The County currently has in place pilot curbside and drop-off center programs for the collection of newspaper, aluminum, glass and plastic as well as collection of computer and high-grade office papers in all government offices. In addition, waste tires and white goods are segregated at the Landfill Facility for processing. The collective volume reduction from these pilot programs for Fiscal Year 1991 was 24.2%. The County is, however, able to separate pure yard waste loads from self-haulers. It is then processed at the County Landfill under contract with Resource Recovery Industries, Inc. Only four cities have municipal solid waste collection or currently collect yard trash as a separate collection and are therefore in a position to add or continue to separate yard trash pickup without changes to the contract.

The favorable terms of the County's franchises with these two haulers and the fact that the County's landfill has so many useful years left mean that the County residents currently pay one of the lowest solid waste fees in the State. Any alteration to the existing system, which would, of course, include the implementation of the State's yard waste ban, should therefore be carried out in such a way that will not upset the County's favorable situation.

For this reason, Manatee County Government has approached the task of implementing separate yard waste collection (and necessarily changing the existing franchise) with great caution. In July, 1991, the County issued a Request for Proposal ("RFP") for a County-wide Recycling/Waste Reduction Program. Ten firms responded to this RFP, and six shortlisted vendors are currently being evaluated by a selection committee. The shortlisted proposals include both separate collection of yard waste/recyclables and mixed waste processing. Of these six, only Cedar Hammock Refuse Disposal/Waste Management, Inc., has proposed to provide separate yard trash collection services on or soon after January 1, 1992. The price would represent about a 40 percent increase over the franchise price the County currently enjoys with this particular company. The price proposal assumes that the County will provide a yard waste management facility at the same tipping fee as the Landfill (currently \$18.00/ton).

It is Manatee County's position that, if it were compelled to choose a more expensive option solely on the basis of it being the only way it could meet the January 1, 1992, deadline, it would fail to meet another statutory requirement found at Section 403.7063 of the Florida Statutes, which specifically provides as follows:

[L]ocal governments and state agencies should use the most cost-effective means for the provision of services and are encouraged to contract with private persons for any or all of such services or programs in order to assure that such services are provided on the most cost-effective basis.

Thus, Manatee County Government, by choosing the most expensive yard trash collection option solely for the sake of immediacy, and compliance with the January 1, 1992, deadline, would not be in compliance with the statutory provision which encourages local governments to provide services through the most cost-effective means.

Yet, by delaying the process for less than 24 months, Manatee County Government would be able not only to comply with the yard waste separation mandate, but also with its obligation to provide the most cost-effective yard trash collection services to its residents.

**[c] The period of time for which the variance is sought, including the reasons and facts in support of the time period.**

This variance is being sought only for that period of time necessary to complete the planning and implementation phase of the County's comprehensive solid waste management program, which is proposed to be a maximum of 24 months from signing a contract with the selected vendor. The vendor selection and negotiation process is expected to be completed by March 1, 1992.

The reasons and facts in support of this particular time period have already been discussed above. Specifically, it took 2 months for Manatee County Government to develop its RFP. It took 1.5 months for proposing firms to prepare and submit their responses. It has taken 2 months thus far for the County to identify and evaluate the top six firms, and it is expected to take another 1 to 2 months for the County to make a final decision about which firm can offer the most cost-effective, comprehensive waste reduction program on a long-term basis.

If the State authorizes Manatee County Government's preferred timetable, the schedule is anticipated to proceed as follows:

Present-January 31, 1992	Continuing review and comparison of waste reduction proposals
February 1, 1992	Selection of vendor
February 2-March 1, 1992	Negotiations with selected firm; firm begins permitting process with respect to facility
May 1, 1992-?	12 to 24 months for facility permitting and development depending on the technology/vendor

**[d] The requirements which the petitioner can meet, including the date and time when the requirements will be met.**

Manatee County's Public Works Department currently diverts annually 12,500 tons of pure loads of yard waste from the scale at the Lena Road Landfill to a separate area where it is processed at the landfill site under contract with Resource Recovery Industries, Inc. Resource Recovery Industries also operates a private yard wood waste facility in Palmetto. The County will make provision for increased space on the working face of the Landfill to further accommodate the separation of yard trash by private commercial haulers. Four municipalities-Bradenton, Bradenton Beach, Longboat Key and Palmetto-are in a position to offer separate trash collection to their residents because they provide their own collection service or have yard trash collection as an established part of their solid waste management. In these ways, Manatee County Government can, at least in part, meet the January 1, 1992, requirements for yard trash diversion from the Landfill.

Within 24 months, the time period that has been discussed throughout this document, Manatee County Government will have been able to secure an appropriate arrangement that will divert yard waste from the landfill as required by Florida Solid Waste Management Act, and, at the same time, provide Manatee County residents with the best all-around, most cost-effective hauling, waste reduction and disposal service possible.

**[e] The steps or measures the petitioner is taking to meet the requirements from which the variance is sought. If the request is pursuant to Section 403.201(1)(b), Florida Statutes, the petitioner shall include a schedule when compliance will be achieved.**

At this time, as discussed above, Manatee County Government is conducting an extensive review of the six proposals in order to determine the one which best meets the requirements of the County's residents. County staff does not expect to be able to complete this thorough review and identify the best program for another 2 months. Then, after the selection process, including negotiations, is completed, the selected vendor will have to be allowed sufficient time to order and receive any and all necessary equipment, and too permit and develop the facility.

If the State authorizes Manatee County Government's preferred timetable, the schedule is anticipated to proceed as follows:

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**[f] The social, economic and environmental impacts on the applicant, residents of the area and of the state if the variance is granted.**

If the variance is granted, it will provide a positive social impact for the residents of Manatee County by fostering a situation where they can participate in an open decision-making process structured to select a well-designed solid waste management program.

The positive economic impact on Manatee County's residents, if this variance is granted, will be considerable and far-reaching. The County Government will be able to negotiate the best deal for its citizens, whereby they can continue to enjoy one of the State's most cost-effective waste disposal systems, which meets all of the waste reduction requirements of the Act and also deals with the yard waste ban.

The environmental impact on Manatee County's residents of granting this variance will be relatively minor. The ban on landfilling yard waste in Class I landfills is not based on the potential for pollution or environmental degradation but rather on using the resources of these more secure landfills wisely by diverting yard waste to other facilities and ideally to productive uses. While County-wide yard waste diversion from

landfilling will be delayed for up to 24 months beyond March 1, 1992, the eventual program will be more comprehensive and better organized than one which went into effect on January 1, 1992, on the pretext of meeting the current legal requirements.

The approval of this variance, because it is so localized and specific to the needs of Manatee County's residents, will not cause any perceptible social, environmental, or economic effects to the region or to the residents of the State as a whole.

**[g] The social, economic and environmental impacts on the applicant, residents of the area and of the state if the variance is denied.**

If the variance is denied, the social impact on the residents of Manatee County will be disruption created by going to an interim collection system which competes with the best long-term solution. The economic impact will be a more costly solid waste management system for at least an interim period of 3 to 5 years and possibly longer if the RFP process is delayed. The short-term environmental impact would potentially be greater if the County had to implement an interim "minimal technology" yard waste composting facility which may maximize the use of this waste component.

The denial of this variance, because it is so localized and specific to the needs of Manatee County's residents, will not cause any perceptible social, environmental, or economic effects to the region or to the other residents of the State as a whole.

gbp