

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

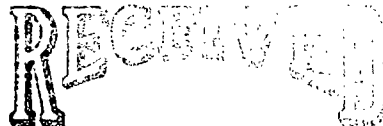
FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department clerk, receipt of which is hereby acknowledged.



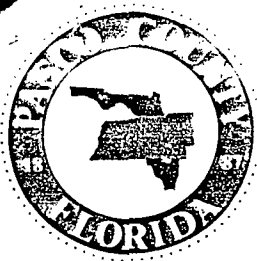
(Clerk)

7.15.91
(date)

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



JUL 15 1991



PASCO COUNTY, FLORIDA

Office Of The County Attorney

J. Ben Harrill, Esq.
County Attorney

Karla A. Stetter, Esq.
Brent E. Simon, Esq.
Roy K. Payne, Esq.
Eileen M. McGlinchey, Esq.

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APR 16 1991

April 10, 1991

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Dept. of Environmental Reg.
Office of General Counsel

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APR 15 1991

The Honorable Carol Browner, Secretary
Department of Environmental Regulation
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32399-2400

Office of the Secretary

Re: Variance request for yard trash disposal

Dear Secretary Browner:

This letter is written pursuant to Section 403.201, Florida Statutes, and Rule 17-103.100, Florida Administrative Code, requesting a variance from the requirements of Section 403.708(15)(c), Florida Statutes, which prohibits the disposal of yard trash in landfills, except unlined landfills, after January 1, 1992.

Approximately two (2) years ago Pasco County received a permit from the Department of Environmental Regulation for the construction of a Class III landfill for yard trash disposal to be located upon the County's Resource Recovery and Solid Waste Management Site along Hayes Road just north of State Road 52. Although the rules and regulations of the Department allowed the use of an unlined facility for the disposal of yard trash, the County made a conscious decision to construct an environmentally sound disposal system consisting of a 60 mil synthetic liner and a leachate collection system for the Class III landfill in order to provide a better system of control against groundwater contamination.

The facility was completed in May of 1990 and it is the County's ultimate goal to mono-fill yard trash separately in a dedicated cell and recover the material in the future upon completion of our yard trash composting operations. It is anticipated that the composting facilities will be completed and available within approximately twenty-four (24) months.

While we have been advised by Assistant General Counsel for the Department, pursuant to the attached correspondence, that the intent of the statute was to encourage composting and recycling of

The Honorable Carol Browner, Secretary
Department of Environmental Regulation
April 10, 1991
Page Two (2)

yard trash, it must be recognized that the statute exempts unlined landfills from the prohibition of yard trash disposal. Pasco County would submit that its facility, designed and dedicated to yard trash disposal, is a better-available control technology actually posing a lesser threat of pollution to underlying groundwater. The County has taken great pride in the fact that its Solid Waste Management Facility was designed not only for effective waste disposal but also effective control of potential pollution hazards.

The denial of the County's request would require either the construction of a new unlined facility, removal of the liner at the existing facility, or the burning of the yard trash in the County's Resource Recovery Facility. Each of these options would add additional, unnecessary costs for waste management, provide less environmental safeguards, and eliminate the County's ability to recover previously deposited yard trash upon completion of its composting operations.

It is indeed somewhat ironic that by designing and constructing a facility with a higher degree of protection than that required by the Department's rules, we now find ourself requesting this specific variance. However, we believe that substantial environmental benefits may be obtained by the continued utilization of the dedicated, lined Class III Facility in conjunction with our proposed yard trash composting operations, as opposed to disposing of such materials in an unlined facility. Obviously, the unlined facility poses a greater threat to the County's extensive groundwater resources than would our current operations.

I would appreciate any assistance you may be able to provide in this matter and in the event the Department needs any additional information in order to fully evaluate this variance request please do not hesitate to contact me.

Sincerely,

J. Ben Harrill

J. Ben Harrill
County Attorney

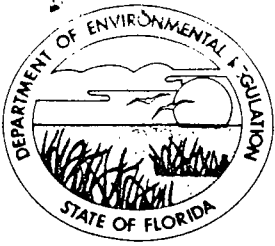
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cc: Douglas Bramlett, Assistant County Administrator Utilities
Services
a:\letter\der

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Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

PASCO COUNTY UTILITIES

March 14, 1991

MAR 22 1991

Douglas S. Bramlett
Assistant County Administrator
Utilities Services Branch
Pasco County Government Complex
7536 State Street
New Port Richey, Florida 34654

Re: Yard Trash Disposal

Dear Mr. Bramlett:

In your letter of February 12, you asked whether Pasco County could continue to landfill yard trash in a lined Class III landfill after January 1, 1992.

Section 403.708(15)(c), F.S., prohibits the disposal of yard trash in landfills "except in unlined landfills classified by Department rule." The law does not distinguish between Class I and Class III landfills, and the Department does not intend to interpret the statute to create such a distinction. The purpose of the law is to encourage composting and recycling of yard trash, which purpose the Department fully supports.

Your letter mentioned that Pasco County was planning a yard trash composting operation in the future. If you wish to seek relief from the statutory requirement for a limited time while the composting operation is completed, you may file a request for a variance pursuant to Section 403.201, F.S., and Rule 17-103.100, F.A.C.

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March 14, 1991

If I can be of any further assistance, please feel free
to call me at (904) 488-9730.

Sincerely,



Chris McGuire
Assistant General Counsel

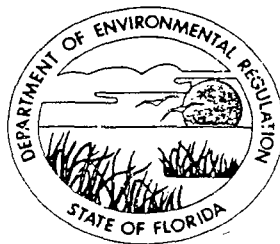
CDM/rb

cc: Clabe Polk, Southwest District
Rick Wilkins
Barry Swihart
Bill Hinkley

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Guidelines for
Assessment and Remediation
of
Petroleum Contaminated
Soils



Prepared by

Florida Department of Environmental Regulation

Office of Technical Support

Bureau of Waste Cleanup

Division of Waste Management

January 1989

5.6 Remedial Measures

5.6.1 Initial Remedial Action

Section 17-70.006, F.A.C. provides authorization for Initial Remedial Actions at petroleum sites where free product or excess soil contamination is present. This authorization is not intended to allow responsible parties to begin long-term remedial actions without Department approval. Rather, it allows limited immediate actions to be taken to eliminate the source, while detailed assessment and remedial action plans are being developed to address the entire contamination problem. Two exceptions to the requirement that excess soil contamination be present may be allowed on a case-by-case basis. Soils may be removed under the direction or authorization of a Department representative. Removal of small amounts (10 cubic yards per tank, not to exceed 30 cubic yards per site) of soil in conjunction with a tank removal/replacement based on odor or appearance is also allowed. The following guidelines are recommended to insure these measures do not spread the contamination problem, while remediating the site in a timely manner.

1. As required in Section 17-70.006(6), the responsible party must verbally notify the Bureau of Waste Cleanup within 24 hours and provide written confirmation within 3 days of initiation of the IRA.
 - a. The notification and confirmation may be submitted to the District Office instead of the Bureau of Waste Cleanup. The District will then need to notify the Bureau as soon as possible. The written confirmation should include:
 - the estimated volume of soil and type of product in it,

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.

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