

PASCO COUNTY, FLORIDA

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April 10, 1991

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

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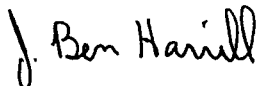
yard trash, it must be recognized that the statute exempts unlined landfills from the prohibition of yard trash disposal. Pasco County would submit that its facility, designed and dedicated to yard trash disposal, is a better-available control technology actually posing a lesser threat of pollution to 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
County Attorney

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cc: Douglas Bramlett, Assistant County Administrator Utilities
Services
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