



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

June 27, 1991

Mr. Chris McGuire
Assistant General Counsel
Florida Department of
Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

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JUL 1 1991

Dept. of Environmental Reg.
Office of General Counsel

RE: Variance Request for Yard Trash Disposal

Dear Mr. McGuire:

I have enclosed correspondence relative to our most recent request for a variance pursuant to requirements of Section 403.708(15)(c), Florida Statutes, which prohibits the disposal of yard trash in lined landfills after January 1, 1992. Our variance request letter dated April 10, 1991, fully explains our position, and we would hope a satisfactory response will be forthcoming in the near future.

Your earliest review of this matter and the anticipated variance approval would be greatly appreciated.

Sincerely,

Douglas S. Bramlett
Assistant County Administrator
(Utilities Services)

DSB/r062707:wp

Enclosure

cc: John J. Gallagher, County Administrator
J. Benjamin Harrill, County Attorney

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JUL 16 1991

SOLID WASTE

Day B



PASCO COUNTY, FLORIDA

Office Of The County Attorney

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JUL 16 1991

J. Ben Harrill, Esq.
County Attorney

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

April 10, 1991

SOLID WASTE

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

PASCO COUNTY UTILITIES

APR 12 1991

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

JBH:cs

cc: Douglas Bramlett, Assistant County Administrator Utilities Services
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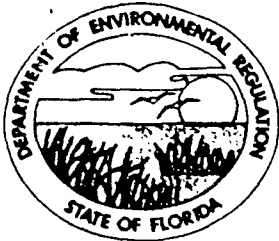
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PASCO COUNTY UTILITIES

APR 14 1991



Florida Department of Environmental Regulation

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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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PASCO COUNTY UTILITIES

APR 12 1991

SOLID WASTE

Page Two
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

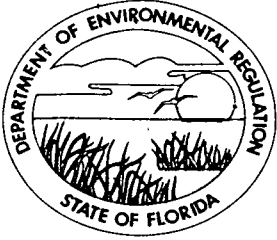
CDM/rb

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

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APR 12 1991

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Florida Department of Environmental Regulation

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Lawton Chiles, Governor

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PASCO COUNTY UTILITIES

March 14, 1991

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Utilities Services Branch
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Page Two
March 14, 1991

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Sincerely,

Chris McGuire

Chris McGuire
Assistant General Counsel

CDM/rb

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

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JUL 16 1991

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PASCO COUNTY, FLORIDA

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NEW PORT RICHEY (813) 847-8145

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

February 12, 1991

Mr. Chris McGuire, Esquire
Office of the General Counsel
Florida Dept. of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32301

RE: Yard Trash Segregation - Section 403.708(15)(c), Florida Statutes

Dear Mr. McGuire:

Our telephone tag has not resulted in any progress over the past few weeks; therefore, I am writing this letter requesting clarification of the FDER interpretation of the referenced subject and statute.

Basically, my question is:

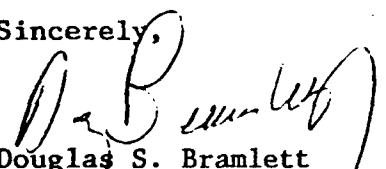
1. Can Pasco County continue to landfill yard trash after January 1, 1992, in our lined, Class III Landfill?

Pasco County elected to provide a single 60 mil synthetic liner and leachate collection system for the Class III Landfill on Hayes Road north of S.R. 52. This facility was completed in May 1990 and became operational in June 1990.

It is our understanding that the prohibition of yard waste in lined landfills applies to Class I Landfills only. Our ultimate goal within our Class III Lined Landfill is to mono-fill yard trash separately in a dedicated cell and recover the material in the future when our yard trash composting operations are completed.

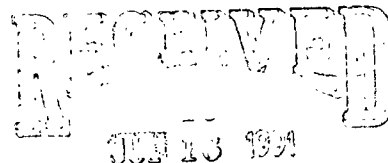
Your earliest response to my query is appreciated.

Sincerely,


Douglas S. Bramlett
Assistant County Administrator
(Utilities Services)

DSB/g021202:wp

cc: J. Benjamin Harrill, County Attorney



SOLID WASTE