

Morris, John R.

From: Brown, Jeffrey
Sent: Monday, July 18, 2016 1:24 PM
To: Morris, John R.
Cc: Vazquez, Pamala; Morgan, Steve
Subject: [exempt, work product] RE: Pleasant Grove LF, Hillsborough County, Agreement for Long-Term Care and Monitoring, OGC File #15-0386 [COM_65124, WACS 94587]

It would be reasonable to interpret rule 62-701.600(7) so that the term “property on which the landfill is located” refers to the seven-acre area within the larger parcel. Thus, if the County is able to provide a legal description with a survey showing the seven-acre area (or some other way to confirm the location matching up with the recorded legal description on the notice), it would be unnecessary for the notice to encumber the entire 1100-acre parcel.

The rule could be interpreted reasonably either way. My research did not indicate the Department taking any fixed interpretation on the issue, at least in litigation or a final order. It should be noted that the consent order refers to the “facility” as the seven-acre area (paragraph 5), so if I were to choose between which answer more closely matches the rule, I would probably say that the notice should cover the seven-acre area within the larger parcel.

So, I would suggest that interpretation, which I would say is reasonable and defensible.

Also, as I indicated, we should have a three-way agreement or some means of access provided directly from the WMD.

Thanks for your patience, sorry I did not have the answer ready to go this morning.

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From: Morris, John R.
Sent: Thursday, July 14, 2016 4:13 PM
To: Brown, Jeffrey <Jeffrey.Brown@dep.state.fl.us>
Cc: Vazquez, Pamala <Pamala.Vazquez@dep.state.fl.us>; Morgan, Steve <Steve.Morgan@dep.state.fl.us>
Subject: Pleasant Grove LF, Hillsborough County, Agreement for Long-Term Care and Monitoring, OGC File #15-0386 [COM_65124, WACS 94587]

Jeff:

Good afternoon. It was a pleasure to meet you yesterday. This message has been prepared as a follow up to our discussion to provide the information presented to Hillsborough County regarding the draft “Agreement for Long-Term Care and Monitoring” and several of the associated attachments for the referenced facility.

I'm sending along a separate meeting invitation for Monday, July 18 @ 9 to 10 a.m. Alternately, two time slots are available on Tuesday @ 8:30 to 9:30 a.m., and @ 3:30 to 4:30 p.m. Please let me know if either slot on Tuesday is preferred. We'll plan to call your office unless an alternate number is appropriate.

Please find the following items attached:

1 – Site map showing the 1160-acre Medard Park parcel owned by the Southwest Florida Water Management District; Pleasant Grove LF is in the northwest corner of this parcel

- 2 – Site map of the 7-acre Pleasant Grove LF
- 3 – Draft “Agreement for Long-Term Care and Monitoring”
- 4 – Draft “Site Access Agreement” [Attachment B to the Agreement]
- 5 – Draft “Long-Term Care Plan” [Attachment C to the Agreement]
- 6 – Medard Park Management Agreement

Access Agreement

Based on the County’s preliminary review of the draft Agreement, it was requested that the existing Medard Park Management Agreement (item #6 above) between the Water Management District and Hillsborough County and be used as Attachment B to the Agreement. It is my recollection that Alissa was concerned that DEP was not identified in the existing Access Agreement and that it was appropriate for a new 3-party access agreement to be executed (item #4 above).

Declaration to the Public

The second issue to be resolved is the Declaration to the Public that is intended to be Attachment A of the Agreement. The requirements for the Declaration to the Public are presented in Rule 62-701.600(7), F.A.C., as excerpted below:

(7) Declaration to the public. Once closure construction has been completed, the landfill owner or operator shall file a declaration to the public in the deed records in the office of the county clerk of the county in which the landfill is located. The declaration shall include a legal description of the property on which the landfill is located and a site plan specifying the area actually filled with solid waste. The declaration shall also include a notice that any future owner or user of the site should consult with the Department prior to planning or initiating any activity involving the disturbance of the landfill cover, monitoring system or other control structures. A certified copy of the declaration shall be filed with the Department.

The Hillsborough County Property Appraiser’s web site indicates the Medard Park property owned by the Water Management District is one parcel. The required “legal description of the property on which the landfill is located” in the above-cited rule is an issue to be discussed with the Water Management District. I am looking for guidance if we can prepare the Declaration to the Public for the 7-acre landfill area or if we need to include a description of the landfill area within the entire 1100-acre property. My contact with Hillsborough County indicated that he planned to pose this question to Ms. Colleen Kruk, in the Land Use and Protection Section of the Water Management District. It is my recollection that Alissa did not have a strong opinion about the 7-acre or 1100-acre issue, but that she wanted the Declaration to the Public to be filed so that a certified copy was available for use as Attachment A of the Agreement.

Your assistance is appreciated. Looking forward to talking next week.

John



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Permitting Consistency Initiative: The Florida Department of Environmental Protection is committed to providing efficient, consistent and quality service to the citizens of Florida. In keeping with these objectives, we are pleased to announce ongoing improvements to our permitting process by standardizing and simplifying our documents. During the fall of this year, the Department will begin issuing permitting correspondence formatted consistently throughout all programs. Although the document formatting will look different from past correspondence, please be assured that the content continues to be driven by applicable Rule and Statute. As always, if you have any questions, please contact your local DEP District office.