

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

IN RE: CITRUS COUNTY
BOARD OF COUNTY COMMISSIONERS
REQUEST PURSUANT TO
FLORIDA ADMINISTRATIVE CODE
RULE 62-701.310

CASE NO. SWAP96-1

APPROVAL OF ALTERNATE PROCEDURES

This cause comes before me upon receipt of a request by Citrus County Division of Solid Waste Management on behalf of the Citrus County Commission for the approval of alternate procedures and requirements under Rule 62-701.310, Florida Administrative Code (F.A.C.), for use of an alternate landfill liner subbase material at the Citrus County Central Landfill in Citrus County. The applicant requests that an exception be granted from compliance with Rule 62-701.400(3)(c)1., F.A.C., which requires that the lower geomembrane of a double liner system for a landfill be placed directly on a subbase with a minimum thickness of six inches and a maximum saturated hydraulic conductivity of less than or equal to 1×10^{-5} cm/sec.

FINDINGS OF FACT

1. The applicant currently operates an existing Class I landfill under permit number S009-187229. This existing landfill is identified as Phase 1, has a disposal area of 15.6 acres and is lined with a single geomembrane liner. Future plans for this

site include three more phases, Phases 1A, 1B and 1C, which will increase the total disposal area of the landfill to approximately 32.5 acres. The applicant has applied for the Phase 1A expansion which is being processed under permit application number SC09-282375.

2. Phase 1A is an expansion of approximately 2.7 acres to the existing facility and is to be constructed with a double liner design. The applicant has proposed to install the liner system in accordance with Rule 62-701.400(3)(c)1., F.A.C., with the exception of using in situ soils for the side slopes in place of the six-inch subbase required by rule. The angles of the side slopes for Phase 1A range from 2:1 to 2.5:1, horizontal to vertical, and their total area is approximately 0.7 acres. The Request for Alternate Procedure only applies to the liner on the side slopes in Phase 1A.

3. The applicant has demonstrated that the proposed alternate design has a containment capability equal to or better than the established double liner design. Additionally, the applicant has demonstrated through calculations and proposed methods of operation that the proposed alternate design will be stable.

CONCLUSIONS OF LAW

Rule 62-701.310, F.A.C., authorizes the approval by the Department of alternate procedures and requirements concerning

solid waste management facilities. Based upon the above findings and the information contained in the Request for Alternate Procedures the Department concludes:

1. That the applicant has demonstrated a sufficient basis for the exception from the established requirements;
2. That the applicant has adequately demonstrated that the alternate procedures provide an equal degree of protection for the public and the environment as the established requirements; and,
3. That the alternate procedures are at least as effective as the established requirements.

Upon consideration of the foregoing it is therefore ORDERED that the request for alternate procedures for Rule 62-701.400(3)(c)1., F.A.C., is GRANTED, subject to the following conditions:

1. This alternate procedure does not authorize construction of any solid waste disposal unit until and unless permit number SC09-282375 is issued.
2. This alternate procedure applies only to the side slopes of Phase 1A. Should additional expansions of this landfill into Phases 1B and 1C be considered, Citrus County will make every reasonable effort to modify the side slopes in these expansion areas so additional requests for alternate procedures, to address the liner design on the side slopes, will not be required.

NOTICE OF RIGHTS

Pursuant to Section 403.815, F.S., and Rule 62-103.150, 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.

In the alternative, you may include the following language in the public notice for permit number SC09-282375 provided that that public notice allows 21 days for the filing of any petition:

The Department of Environmental Protection also gives Notice of its Intent to grant approval of alternate procedures pursuant to Rule 62-701.310, Florida

Administrative Code (F.A.C.), as part of the proposed permit, to Citrus County Board of County Commissioners for use of an alternate landfill liner subbase material on the side slopes of the Phase 1A expansion at the Citrus County Central Landfill in Citrus County. The applicant requests that an exception be granted from compliance with Rule 62-701.400(3)(c)1., F.A.C., which requires that the lower geomembrane of a double liner system for a landfill be placed directly on a subbase with a minimum thickness of six inches and a maximum saturated hydraulic conductivity of less than or equal to 1×10^{-5} cm/sec.

The Department's Intent to Grant Approval of Alternate Procedures 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 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 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the applicant must be filed within 21 days of receipt of this Notice. Petitions filed by other persons must be filed within 21 days of publication of the public notice or within 21 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;

(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.

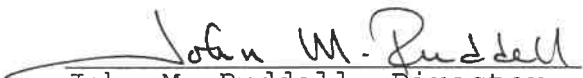
If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard 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 21 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 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.

When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the

applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the clerk of the Department.

DONE AND ORDERED this 27th day of June, 1996, in Tallahassee, Florida.

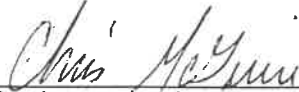
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


John M. Ruddell, Director
Division of Waste Management
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by United States Mail to Mr Brad Thorpe, Chairman, Citrus County Board of County Commissioners, Third Floor Masonic Building, 111 West Main Street, Inverness, Florida 34450, on this 28th day of June, 1996, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Chris McGuire
Assistant General Counsel
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Telephone: (904) 488-9730

FILING AND ACKNOWLEDGEMENT

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


(Clerk)

6/27/96
(date)

Copies furnished to:
Susan Metcalfe
Tawny H. Olore
Chris McGuire
Bob Butera
Richard Tedder

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PROPOSED AGENCY ACTION

The Department of Environmental Protection gives Notice of its Intent to grant approval of alternate procedures pursuant to Rule 62-701.310, Florida Administrative Code (F.A.C.), to Citrus County Board of County Commissioners for use of an alternate landfill liner subbase material at the Citrus County Central Landfill in Citrus County. The applicant requests that an exception be granted from compliance with Rule 62-701.400(3)(c)1., F.A.C., which requires that the lower geomembrane of a double liner system for a landfill be placed directly on a subbase with a minimum thickness of six inches and a maximum saturated hydraulic conductivity of less than or equal to 1×10^{-5} cm/sec.

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, Solid Waste Section, 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, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within 21 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 21 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to 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;

(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 21 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 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, Florida Administrative Code.