



# Aucilla Area Solid Waste Administration

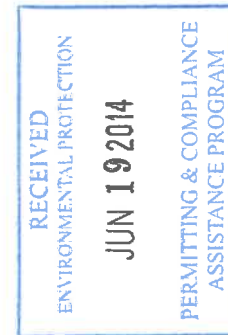
P.O. Box 629 – Greenville FL 32331 – Phone (850) 948 – 4875 – E-mail [auclf@aol.com](mailto:auclf@aol.com)

June 11, 2014

Mr. Richard Tedder  
Department of Environmental Protection  
2600 Blair Stone Road  
STOP 4565  
Tallahassee, FL 32399-2400



RE: Aucilla Area Solid Waste Facility  
Petition for Waiver  
Petitioner: Aucilla Area Solid Waste Association  
WACS ID Number: 37095  
FDEP File Numbers: 9721-008-SC



Dear Mr. Tedder:

As you know, the Aucilla Area Solid Waste Association (AASWA) owns and operates the Aucilla Area Solid Waste Facility in Greenville, Florida. The AASWA is comprised of four very small Florida counties including Madison, Jefferson, Dixie and Taylor. The AASWA is requesting a variance from the requirement to place initial cover on daily basis at the Class I Aucilla Landfill. The AASWA would like to place initial cover on a weekly basis. This request is to make the variance permanent.

The current cover requirements for operation of the Class I and Class III disposal cells are provided in Specific Condition #33 of the above referenced permit Specific Condition #33 reads, in part, as follows:

*Cover Requirements. The following cover requirements shall be met and maintained in order to minimize adverse environmental, health, and safety effects that could result from birds, vectors, blowing litter, odors, or fires:*

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- a. *Initial Cover. Initial cover shall be applied on the working face of the Class I Landfill at the end of each working day, and on the working face of the Class III Landfill at the end of each week.*
  1. *Standard Initial Cover. Standard Initial Cover shall consist of six inches of clean, compacted soil.....*
  2. *Tarpaulins. For those areas where waste will be deposited within 18 hours, geotextile materials (tarpaulins) such as a Fabrene Product G618 may be placed as a temporary cover at the end of the work day and removed prior to disposing of additional waste.....*
  3. *Contaminated Soil.....*
  4. *Other Alternative Covers.....*
  
- b. *Intermediate Cover. The Permittee shall apply and maintain an intermediate cover system consisting from top to bottom of: vegetative cover, a minimum of 12 inches of intermediate soil cover, and a minimum of six inches of initial cover.....*

The Landfill currently places six inches of soil material over Class I waste at the end of each working day as required by Specific Condition #33. The practice of placing 6 inches of daily cover soil presents several substantial problems for the facility, including:

- Available soils at the facility consist of low permeability clays. Sand and sandy clay are not available on-site, nor in appreciable quantities at any nearby sites. Utilizing the low permeability clay as daily cover results in:
  - Increased horizontal leachate flow between daily lifts, which result in leachate seeps on the landfill side slopes; and
  - Decreased effectiveness of the future landfill gas extraction system;
- Due to the low daily volume of waste material (typically less than 200 tons per day), installing 6 inches of daily cover consumes a significant portion of the facility's valuable airspace.

*Tarps*  
 The facility has evaluated the use of tarpaulins and found their use to be difficult and their effectiveness to be limited. In early 2008 the staff used tarpaulins and had difficulty placing and rolling the material, given the fact that we have few employees working on top of the cell and the inmate labor could not be used for this purpose. Because of the lack of manpower necessary to effectively deploy the tarpaulins, the staff gave up the use and it was not being used anyway, so we were back to square one. It all comes down to limited resources for a small volume landfill. The cost of each dollar spent has to be divided by a few tons of material received, thereby making the issue financial hardship than anything else.

Obtaining off-site soils is not economically viable. The nearest location of sandy soils is 50 miles away in Taylor County. We have direct knowledge of the costs as we had to pay the contractor to use the sands for protective cover on top of the liner during construction of Cell 3.

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Approval of and requirements for alternate procedures are regulated by Chapter 62-701.310 of the Florida Administrative Code, which reads in part (underline added for emphasis):

*(5) Other relief mechanisms. Requests for variances from specific statutory or rule requirements may be made pursuant to Section 403.201, F.S., and Rule 62-110.104, F.A.C. Requests for variances or waivers from rule requirements may also be made pursuant to Section 120.542, F.S., and Rule 28-104.002, F.A.C.*

Section 120.542 of the Florida Statutes reads as follows (underline added for emphasis):

*120.542 Variances and waivers.—*

*(1) Strict application of uniformly applicable rule requirements can lead to unreasonable, unfair, and unintended results in particular instances. The Legislature finds that it is appropriate in such cases to adopt a procedure for agencies to provide relief to persons subject to regulation. A public employee is not a person subject to regulation under this section for the purpose of petitioning for a variance or waiver to a rule that affects that public employee in his or her capacity as a public employee. Agencies are authorized to grant variances and waivers to requirements of their rules consistent with this section and with rules adopted under the authority of this section. An agency may limit the duration of any grant of a variance or waiver or otherwise impose conditions on the grant only to the extent necessary for the purpose of the underlying statute to be achieved. This section does not authorize agencies to grant variances or waivers to statutes or to rules required by the Federal Government for the agency's implementation or retention of any federally approved or delegated program, except as allowed by the program or when the variance or waiver is also approved by the appropriate agency of the Federal Government. This section is supplemental to, and does not abrogate, the variance and waiver provisions in any other statute.*

*(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.*

*(3) The Governor and Cabinet, sitting as the Administration Commission, shall adopt uniform rules of procedure pursuant to the requirements of s. 120.54(5) establishing procedures for granting or denying petitions for variances and waivers. The uniform rules shall include procedures for the granting, denying, or revoking of emergency and temporary variances and waivers. Such provisions may provide for expedited timeframes,*

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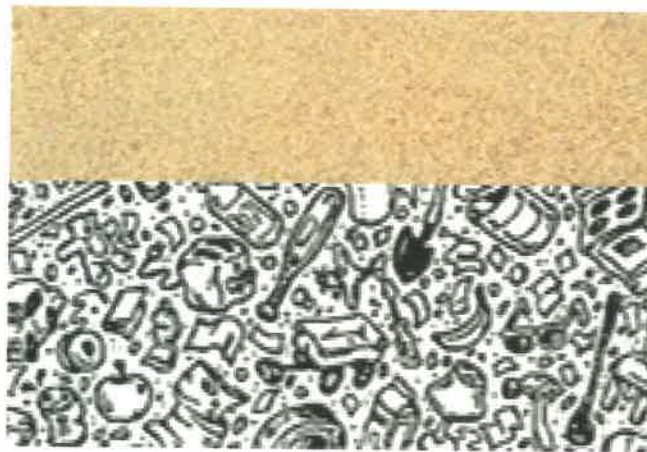
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- A. Purchasing and hauling suitable off-site sands creates a constant economic hardship for the Petitioner. As suitable material are unavailable at the landfill site.
- B. Continued placement of six inches of daily cover will consume approximately 33% of the facility's airspace with non-solid waste material. The low daily waste volume results in a typical daily waste lift of approximately 12 inches. As shown below, placement of 6 inches of daily soil cover results in 33% of the cell volume being consumed by something other than solid waste. The facility currently charges its member counties \$43 per ton of solid waste. Assuming an in-place waste density of 1,963 pounds per cubic yard (2011 Title V Design Capacity Report), this equates to a value of approximately \$43.81 per cubic yard of airspace. The total remaining volume of permitted and constructed Class I airspace (Cells 1-3) is 638,912 cubic yards (2013 Financial Assurance Cost Estimates). Therefore, consuming 210,840 cubic yards (33% of total remaining airspace) by placing daily cover results in a loss of airspace worth approximately \$9,200,000.



**Daily Cover  
6 inches**

**Daily Waste  
12 inches**

- C. Attached Table A shows the magnitude and impact of the Financial cost and Economic impact on this small locally owned and operated Solid waste Facility.

**2. Environmental Issues**

- A. Available soils at the facility consist of low permeability clays. Sand and sandy clay are not available on-site, nor in appreciable quantities at any nearby sites. Utilizing the low permeability clay as daily cover results in increased horizontal leachate flow between daily lifts, which result in leachate seeps on

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the landfill side slopes.

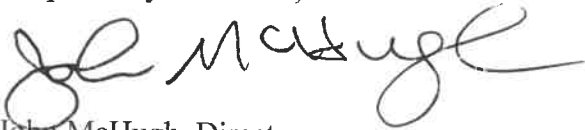
- B. Placement of low permeability clays in six-inch lifts on every day of operations results in barriers to vertical landfill gas migration. This will result in a significant decrease in the effectiveness of the landfill gas extraction system which will be installed in the future. It also results in an increased likelihood of horizontal landfill gas migration prior to and after landfill final closure.**

(d) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.

The requested frequency waiver will eliminate the economic "substantial hardship" placed on the Petitioner by the requirements of Chapter 62-701.500(7)(e), F.A.C. Approval of the waiver will not result in any adverse environmental, safety, or health effects. The facility is located in a very remote local setting with no neighbors. In fact, given the limited amount of material and the counties being rural and agricultural in nature, we have very limited food waste delivered to the landfill that would cause the odor and vectors.

In addition to section 120.542, F.S., variances and waivers are subject to the requirements in Rule 28-104.002, F.A.C. There are two requirements of this rule that I think we also need to address. They are: (1) the citation to the statute the rule is implementing (paragraph 28-104.002(2)(e)); and, (2) a statement whether the variance or waiver is permanent or temporary (paragraph 28-104.002(2)(i)). For the first requirement, I believe the statute is Section 403.707, F.S. Regarding the second requirement, our variance request is intended to be permanent.

Respectfully submitted,



John McHugh, Director  
Aucilla Area Solid Waste Management Administration

CC: Frank Darabi, P.E.  
Malcolm Page, Chairman

*also commissioner at Taylor County*

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