



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Interim Secretary

August 5, 2021

Transmitted via email only to: john.phillip.arnold@gmail.com

In the Matter of an
Application for Permit by:

Angelo's Aggregate Materials, Ltd.
855 28th Street South
St. Petersburg, Florida 33712

Pasco County
WACS # 87895
Enterprise Class III Landfill

Attention: Mr. John Arnold, Authorized Representative

DEP File Nos.: 177982-032-SC/T3
& 177982-033-SO/T3

This is the Department's Intent to Issue Permit Nos. 177982-032-SC/T3 and 177982-033-SO/T3. Enclosed with the Intent to Issue is a Draft Permit for the project and file number noted above. Please contact the Southwest District, Solid Waste Permitting Program at 813-470-5700 if you have any questions or need further information.

INTENT TO ISSUE - PERMIT

The Department of Environmental Protection gives notice of its intent to issue a permit (copy attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, Angelo's Aggregate Materials, Ltd. applied on January 15, 2021 to the Department of Environmental Protection, for a permit to construct and operate a facility located at 41111 Enterprise Road, Dade City, Florida.

The Department has permitting jurisdiction under Section 403.707(1), Florida Statutes (F.S.) and Chapters 62-4 and 62-701, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a construction and operation permit is required.

Pursuant to Section 403.815, F.S., 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 following address or telephone number. You must provide proof of publication to the Department at the following address as soon as practical after publication. This address and phone number are: Department of Environmental Protection, Air & Solid Waste Permitting Section, 13051 North Telecom Parkway, Temple Terrace, Florida 33637, phone: 813-470-5700.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 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, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us.

Petitions by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. Petitions filed by other persons must be filed within 14 days of publication of the notice or receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.A.C., however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must 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 or will be affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner or a statement that there are no disputed facts;

(e) A statement of the ultimate facts alleged, including a statement of the specific facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

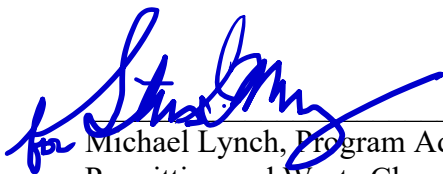
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In accordance with Section 120.573, F.S., the Department advises that mediation is not available in this case under the provisions of that statute. This does not prevent any interested parties from agreeing to other forms of alternate dispute resolution.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us 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 thirty days after this order is filed with the clerk of the Department.

Executed in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Michael Lynch, Program Administrator
Permitting and Waste Cleanup Program
Southwest District Office

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to Section 120.52, F.S. with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

August 5, 2021

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE – PERMIT and all copies were sent before the close of business on August 5, 2021 to the listed persons.



Clerk

Enclosures:

1. Text for “Notice of Proposed Agency Action”
2. Draft Permit Nos. 177982-032-SC/T3 & 177982-033-SO/T3

Copies furnished to:

John Locklear, P.G., Locklear & Associates, Inc., john@locklearconsulting.com

Lisa Baker, P.E., Locklear & Associates, Inc., lisa@locklearconsulting.com

Steve Morgan, DEP SWD Permitting, Steve.Morgan@FloridaDEP.gov

Emily Wargo, DEP SWD Permitting, Emily.Wargo@FloridaDEP.gov

Melissa Madden, DEP SWD Permitting, Melissa.Madden@FloridaDEP.gov

SWD_Waste@FloridaDEP.gov

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

The Department of Environmental Protection gives Notice of its Intent to issue a combined solid waste construction and operation permit to Angelo's Aggregate Materials, Ltd. This permit is an operation permit renewal and authorizes the vertical expansion of the existing landfill. The Department has assigned File Numbers 177982-032-SC/T3 and 177982-033-SO/T3 to this project.

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 Department of Environmental Protection, Solid Waste Section, 13051 N Telecom Parkway, Temple Terrace, Florida 33637, phone 813-470-5700. Documents are also available at the following link: http://appprod.dep.state.fl.us/WWW_WACS/REPORTS/SW_Facility_Docs.asp?wacsid=87895.

A person whose substantial interests are affected by the above proposed agency action may petition for an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of this notice or receipt of the written notice, whichever occurs first. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must 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 all material facts disputed by petitioner or a statement that there are no disputed facts;
- (e.) A statement of facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f.) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and

(g.) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301 of the Florida Administrative Code.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that 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 such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above

In accordance with Section 120.573, F.S., the Department advises that mediation is not available in this case as an alternative to filing a petition for an administrative determination.