

By E-Mail
jgrusauskas@co.volusia.fl.us

In the Matter of an
Application for Permit by:
Mr. Josef Grusauskas
Volusia County Solid Waste Division
3151 East New York Avenue
DeLand, Florida 32724

Volusia County SW
Tomoka Farms Road Landfill, North Cell – Class I
Landfill Gas Collection and Control System
Modification of Permit No. SO64-0078767-016
Permit Application No. SO64-0078767-018

INTENT TO ISSUE PERMIT FOR MODIFIED PROJECT

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

The applicant, Volusia County Solid Waste Division/Josef Grusauskas, 3151 East New York Avenue, Deland, Florida 32724, applied on July 8, 2002 to the Department of Environmental Protection for a permit to operate the Tomoka Farms Road Landfill, North Cell – Class I, in Volusia County, Florida. An Intent to Issue was filed on September 27, 2002, with publication of that Intent on October 6, 2002. Since then, the project has been substantially modified thereby requiring additional public notice under Rule 62-103.150(2)(a)5 of the Florida Administrative Code. The Department has permitting jurisdiction under Section 403.707(1), Florida Statutes, and Chapters 62-4, 62-701 and 62-711, Florida Administrative Code. The project is not exempt from permitting. The Department has determined that a modification to the existing operation permit is required for the proposed work, which involves the construction and operation of the landfill gas collection and control system at the Tomoka Farms Road Landfill, North Cell.

Under section 403.815 of the Florida Statutes and Rule 62-103.150 of the Florida Administrative Code, you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Permit for Modified Project. The notice must 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 of the Florida Statutes, 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 should 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. The applicant must provide proof of publication to the Department, at the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803, telephone 407/893-3328, within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

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 of the Florida Statutes 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 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within fourteen days of receipt of this written notice. 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 fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has 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 of the Florida Statutes. 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 name, address, and telephone number of the petitioner's representative, if any; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

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.

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.

Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



F. Thomas Lubozynski for

Vivian F. Garfein
Director, Central District
3319 Maguire Boulevard, Suite 232
Orlando, FL 32803
407/893-3328

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



12/18/03

Clerk

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE PERMIT FOR MODIFIED PROJECT and all copies were mailed before the close of business on December 19, 2003 to the listed persons.



Clerk

VFG/gc/ew

Copies furnished to:

Richard Tedder, P.E. – DEP – Tallahassee

Fred Wick – DEP – Tallahassee

David Penoyer, P.E. – SCS Engineers

dpenoyer@scsengineers.com

L. Kozlov, P.E. – Air Program Administrator – DEP – Central District

Volusia County Environmental Management

skintner@co.volusia.fl.us

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE PERMIT FOR MODIFIED PROJECT

The Department of Environmental Protection gives notice of its intent to issue a permit modification to Volusia County Solid Waste Division/Josef Grusauskas, 3151 East New York Avenue, DeLand, FL 32724 which involves the construction and operation of the landfill gas collection and control system for the Tomoka Farms Road Landfill, North Cell – Class I, in Volusia County, Florida. The facility is located at 1990 Tomoka Farms Road, south of Interstate 4 and west of Interstate 95, southwest of Daytona Beach, in Volusia County, FL.

The Department has assigned File No. SO64-0078767-018 to the project and intends to issue the permit as a modification to the existing operation permit No. SO64-0078767-016 for the landfill, which expires September 25, 2007.

The Department will issue the permit modification unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes 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 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

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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.

Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

The application 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, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803, telephone 407/893-3328.