



**Public Works Department
Solid Waste Division**

RECEIVED

DEC 04 2009

DEP Central Dist.

December 1, 2009

ENV-09-194

Mr. Tom Lubozynski, P.E.
Waste Administrator
Florida Department of Environmental Protection
Central District, 3319 Maguire Boulevard, Suite 232
Orlando, FL 32803-3767

**RE: "Notice of Proposed Agency Action" Proof of Publication
Permit No. SC64-0078767-026
Tomoka Farms Road Landfill – Class III**

Dear Mr. Lubozynski:

Enclosed please find the "Notice of Proposed Agency Action" published in the legal advertisement section of The News-Journal on November 20, 2009, and a copy of a certified letter confirming the publication. This is being submitted to you in accordance with 403.815 F.S.

Also, please find attached an email to the Department with Volusia County's comments to the Draft Permit. If you have any questions, you may contact me at 386-947-2952 or jestirk@co.volusia.fl.us.

Sincerely,



Jennifer R. Stirk
Environmental Specialist III

Enclosures

CC: Chet Purves, Construction Manager
file

The News-Journal

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

**State of Florida,
County of Volusia:**

Before the undersigned authority personally appeared

Stacy W. Montoya

who, on oath says that she is

Classified Advertising Manager
of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida,
the attached copy of advertisement, being a

NOTICE OF PROPOSED AGENCY ACTION

In the matter of L844123
in the Court
was published in said newspaper in the issues
NOVEMBER 20, 2009

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Stacy W. Montoya

Sworn to and subscribed before me

this 20TH day of NOVEMBER
A.D. 2009

Deborah L. Keesee



DEBORAH L. KEESEE
Notary Public, State of Florida
My Comm. Expires July 15, 2013
Commission No. DD 908344

Legal Notices

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

The Department of Environmental Protection gives Notice of its intent to issue an operation permit to Volusia County Solid Waste Division/Leonard Marion, 3151 East State Road 44, DeLand, FL 32724 to continue operation of the Tomoka Farms Road Landfill, Class III, in Volusia County, FL. The landfill is located at 1990 Tomoka Farms Road, south of Interstate 4, west of Interstate 95, and southwest of Daytona Beach, in Volusia County, FL. The Department has assigned File Number SO64-0078767-026 to the project and has considered the effects of this Class III landfill on ground water and surface water. 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, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803, Telephone 407/893-3328.

Documents in this matter can also be accessed through the OCULUS electronic document management system at: www.dep.state.fl.us. Once at the DEP home page, click on Programs, then click on Waste Management, and then click on OCULUS.

Login as netuser and password: netuser. Click the login button. Under Catalog select Solid Waste and under Profile select Permitting Authorizations. Enter 27540 in the Facility ID field & hit the tab button. Click the Search button.

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. 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.

RECEIVED

DEC 04 2009

DEP Central Dist.

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 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.

L844123, Nov. 20, 2009 It.

From: Jennifer Stirk
To: George.Cheryan@dep.state.fl.us; Tom.Lubozynski@dep.state.fl.us
Date: 11/19/2009 9:54:37 AM
Subject: Tomoka Farms Road Landfill, Class III Draft Permit

RECEIVED

DEC 04 2009

DEP Central Dist.

Tom & George,

I have a few requested changes to the draft permit in order to stay consist with our Class I Operations Permit:

1. Specific Condition 28 - Gas Management System & 38 - Waste Report. Could the 15th be changed to 20th as required by the Class I Operation Permit?

Appendix B

2. Specific Condition 13 - Water Quality Reporting. Under the "Due Date" column I believe it should read specific condition #13 instead of #12.

3. As requested above - Specific Condition 28 - Gas Management System & 38 - Waste Report. Could the 15th be changed to 20th as required by the Class I Operation Permit?

Thanks in advance for your consideration in the matter. If you have any questions or need additional information please let me know.

Sincerely,
Jennifer

Jennifer R. Stirk
Environmental Specialist III
Volusia County Solid Waste Division
phone: 386-947-2952
fax: 386-947-2955

CC: Marion, Leonard; Purves, Chester