

Florida Department of Environmental Protection

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

AUG 2 5 2010]

AUG 26 2010

Charlie Crist Governor

Jeff Kottkamp Lt. Governor

Michael W. Sole Secretary

Waste Management Inc. of Florida c/o David McConnell, Vice President 6501 Greenland Road Jacksonville, FL 32258

Dear Mr. McConnell:

Enclosed is the Environmental Resource Permit, DEP Project No. 41-0297940-001, issued pursuant to Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code.

Appeal rights for you and for any affected third party are described in the text of the permit along with conditions that must be met when authorized activities are undertaken.

You, as the applicant, are responsible for all aspects of permit compliance. You should therefore review this permit document carefully to ensure compliance with the general and specific conditions contained herein.

Please be aware of permit specific condition number 2 which states this Conceptual Environmental Resource Permit (ERP) is issued under Chapter 62-343.060, Florida Administrative Code (F.A.C.), and **does not authorize** any of the construction or impacts to surface waters described herein. Any such authorization shall require submittal of an Individual or Standard General ERP application and subsequent issuance of an Individual or Standard General ERP by the Department.

If you have any questions about this document, please contact me at (813) 632-7600, ext. 286.

Thank you for your participation in the permit process and in managing the natural resources of the State of Florida.

Sincerely yours,

Kristina Evans

Environmental Specialist II

Bristina wans

Environmental Resource Management

Enc: Environmental Resource Permit with attachments (24 pages)



Florida Department of Environmental Protection

Southwest District Office 13051 North Telecom Parkway Temple Terrace, Florida 33637-0926 Charlie Crist Governor

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CONCEPTUAL ENVIRONMENTAL RESOURCE PERMIT

PERMITTEE/AUTHORIZED ENTITY:

Waste Management Inc. of Florida c/o David McConnell, Vice President 6501 Greenland Road Jacksonville, FL 32258

AGENT:

Geosyntec c/o Juan Quiroz, P.E. 14055 Riveredge Drive, Suite 300 Tampa, FL 33637 Permit/Authorization Number: 41-0297940-001

Date of Issue: AUG 2 5 2010

Expiration Date of Construction Phase:

AUG 2 5 2015

County: Manatee

Project: Construction of a Class III Solid Waste Disposal and Recycling Facility.

This project requires a Conceptual Environmental Resource Permit. The Department has the authority to issue this permit per the following references:

Part IV of Chapter 373, Florida Statutes (F.S.) Chapter 62-330 and 62-343, Florida Administrative Code (F.A.C.) Operating Agreements with the water management districts in Chapter 62-113, F.A.C.

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

This permit also constitutes certification of compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

As staff to the Board of Trustees, the Department has reviewed the activity described below, and has determined the activity is not on state-owned submerged lands. Therefore, your project is exempt from the further requirements of Chapter 253, F.S.

This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached 25 general conditions and 7 specific conditions, which are a binding part of this permit. You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor should also read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

SPGP REVIEW - NOT APPROVED

A copy of this authorization has also been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency.

ACTIVITY DESCRIPTION:

This project is conceptually authorizes a Class III Solid Waste Disposal and Recycling Facility. The facility will be constructed in five phases (see attached project drawings). The facility will impact 6.05 acres of surface waters (FLUCCS 510). In order to mitigate for the surface water impacts, the permittee will purchase 1.82 non-forested wetland credits from the Myakka Mitigation Bank (SWFWMD Permit No. 43003977.005) prior to construction authorized under subsequent permits.

The 208-acre site includes a 180-acre project area with 50 acres of impervious surface. The stormwater management system (SWMS) will be comprised of a wet detention pond and two dry detention ponds which will provide one inch of water quality treatment and peak discharge rate attenuation for an 8.5-inch, 25-year 24-hour storm. The two dry detention ponds (north and south) will receive runoff from the entrance area infrastructure and discharge via independent, skimmer-equipped, control structures to the wet detention pond. The 25-acre wet detention pond includes 4.3 acres of littoral zone, and will encircle and receive runoff from the landfill. Runoff from the constructed portions of the landfill will be conveyed to the wet detention pond by a system of "tack on" swales, a perimeter swale, and drop inlet structures. Discharge will be made from a single skimmer-equipped outfall, which will be fitted with an erosion control structure to prevent scouring downstream of the outfall. The facility is not located in a 100-year flood plain and flood plain compensation is not required.

ACTIVITY LOCATION:

The project is located at 14155 County Road 39, Duette, Sections 01 and 06, Township 33 South, Range 21 and 22 East, in Manatee County.

GENERAL CONDITIONS:

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.

- 2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
- 3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
- 4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.
- 5. Department staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the Department as a permit prior to the dewatering event as a permit modification. The permittee is advised that the rules of the Southwest Florida Water Management District state that a water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
- 6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.
- 7. Off site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through

- structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.
- The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
- 9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
 - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
 - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
- 10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
- 11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.
- 12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
- 13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.), and "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343-900(7), F.A.C.). Additionally, if deviations from the approved drawings are discovered

- during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
- 14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
- 15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Until a transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.
- 16. Should any other regulatory agency require changes to the permitted system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
- 17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
- 18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.
- 19. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for

- obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
- 20. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
- Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
- 22. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
- 23. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.
- 24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.
- 25. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIFIC CONDITIONS:

- 1. The permittee shall be aware of and operate under the 25 aforementioned General Conditions. The General Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes (F.S.).
- 2. This Conceptual Environmental Resource Permit (ERP) is issued under Chapter 62-343.060, Florida Administrative Code (F.A.C.), and <u>does not authorize</u> any of the construction or impacts to surface waters described herein. Any such authorization shall require submittal of an Individual or Standard General ERP application and subsequent issuance of an Individual or Standard General ERP by the Department.
- 3. The Department hereby conceptually approves the work shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit is binding on the issuance of future

construction permits only to the extent that adequate data has been submitted for review by the applicant during the review process. Any activities that exceed the scope of activities covered herein or any deviations from the proposed design are not conceptually authorized by this permit.

- 4. This permit does not provide conceptual approval of activities, which may occur in, on, or over wetlands or other surface water not specifically described in the attached application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof.
- 5. The applicant shall conduct a pre-application meeting with a representative of the Environmental Resource Management permitting staff prior to submittal of each application.
- 6. Unless revoked, extended or otherwise modified, the duration of a Conceptual ERP issued under Chapter 62-343.110, F.A.C., is twenty years from the date of issuance of the Conceptual ERP, provided that an Individual or Standard General ERP to construct the initial phase of construction is obtained, and construction of the initial phase has commenced within two years of the issuance of the Conceptual ERP.
- 7. The Department's issuance of this Conceptual ERP provides the conceptual approval permit holder with assurance that the concepts upon which the engineering and environmental designs are based are capable of providing for systems which meet Department rule criteria within the level of detail provided in the submitted plans and designs. A Conceptual ERP does not assure that a specific application for a construction permit will be granted. The issuance of this Conceptual ERP does not prevent the Department from requesting additional information during subsequent processing of construction applications. Future approvals shall be authorized only to the extent they are consistent with that information and the conditions of this Conceptual ERP.

END OF SPECIFIC CONDITIONS

RIGHTS OF AFFECTED PARTIES

This permit is hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Mediation is not available.

A person whose substantial interests are affected by the Department's action 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.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted 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.

In accordance with rule 62-110.106(3), Florida Administrative Code, petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 21 days of publication of the notice or within 21 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 21 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 for an administrative hearing 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.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision:
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's 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.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This permit constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, 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 when the order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a) or 373.4275 of the Florida Statutes, may also seek appellate review of the order before the Land and Water Adjudicatory Commission under section 373.114(1) or 373.4275 of the Florida Statutes. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

Executed in Temple Terrace, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff District Director Southwest District

DAG/(ke)

Copies furnished to:

Susan Pelz, P.E., FDEP Solid Waste Section, Susan.Pelz@dep.state.fl.us
Ray Chewning, P.E., Engineering Consultant, rchewning1@tampabay.rr.com
Karen Stewart, Economic Development Program Manager for Manatee County, karen.stewart@mymanatee.org

DEP, Office of General Counsel U.S. Army Corps of Engineers File

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit, including all copies, was mailed before the close of business on 22510, to the above listed persons.

FILING AND ACKNOWLEDGMENT

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

Attachments:

Application for Transfer of an Environmental Resource Permit/62-343.900(8), 1 page Project Location Map, 1 page Project Drawings, 12 pages



APPLICATION FOR TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT AND NOTIFICATION OF SALE OF A FACILITY OR SURFACE WATER MANAGEMENT SYSTEM

Permit No	Date Issued		Date Expires	
FROM (Name of Current Permit Holder)	-			
Mailing Address				
City	State	_ Zip	Code	
Telephone: ()				
Identification or Name of Facility/Surface Water Management System:				
Phase of Facility/Surface Water Management System (if applicable): The undersigned hereby notifies the Department of the sale or legal transfer of this facility, or surface-water management system, and further agrees to assign all rights and obligations as permittee to the applicant in the event the Department agrees to the transfer of permit.				
Signature of the current permittee:				
Title (if any):			Date:	
TO (Name of Proposed Permit Transferee):				
Mailing Address:				
City:	Star	te:	Zip Code:	
Telephone: ()				
The undersigned hereby notifies the Department of having acquired the title to this facility, or surface-water management system. The undersigned also states he or she has examined the application and documents submitted by the current permittee, the basis of which the permit was issued by the Department, and states they accurately and completely describe the permitted activity or project. The undersigned further attests to being familiar with the permit, agrees to comply with its terms and with its conditions, and agrees to assume the rights and liabilities contained in the permit. The undersigned also agrees to promptly notify the Department of any future changes in ownership of, or responsibility for, the permitted activity or project.				
Signature of the applicant (Transferee):				
Title (if any):			Date:	
Project Engineer Name (if applicable)				
Mailing Address:				
Telephone: ()				

























