



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Decision Letter

Board of County Commissioners

Tuesday, September 24, 2019

2:00 PM

County Commission Chambers

19-1334

Borrow Pit

Bishop & Buttrey, Incorporated, Bishop & Buttrey Borrow Pit #164 Excavation Permit #07-E5-0717; District 5

Consideration: The applicant is seeking approval of a modification to Borrow Pit Excavation Permit No. 07-E5-0717 to allow the import of Type I and Type II fill materials to backfill the borrow pit known as Bishop & Buttrey Borrow Pit 164. The applicant is proposing to import approximately 100,000 cubic yards per year of Type I and Type II fill material from various approved Orange County project sites to backfill the borrow pit. The borrow pit will also continue to export approximately 100,000 cubic yards per year of clean fill material to various approved Orange County project sites.

Location: District 5; located north of East Colonial Drive and east of County Road 13, Orange County, Florida Parcel ID. No. 23-22-32-0000-00-004 (Legal property description on file).

Court Reporter: Lisa K. Workman, OrangeLegal

Agreed upon by the District Commissioner, County staff indicated that the applicant decided not to import Type II fill materials. The request is only the modification to allow the import of Type I fill materials to backfill the borrow pit.

Conditions of Approval #2, #8, #9 and #10 were modified as follows:

2. The approved haul route for the import of Type I ~~and Type II~~ fill materials to backfill the borrow pit will be from various approved project sites to E. Colonial Drive (SR 50), E. Colonial Drive east or west to the entrance to the of the borrow pit site.

8. Applicant shall submit a layering plan for the backfilling of the borrow pit to Public Works Development Engineering Division for review and approval prior to the issuance of the permit modification to import Type I ~~and Type II~~ fill materials and prior to starting the back filling of the borrow pit.

9. Applicant shall submit a Soil Quality Control Plan to Public Works Development Engineering Division for review and approval prior to the issuance of the permit modification to import Type I ~~and Type II~~ fill materials and prior to starting the back filling of the borrow pit.

10. The import of Type I ~~and Type II~~ fill materials and back filling of the borrow pit shall comply with the requirements Orange County Code Chapter 16 Excavations and Fills, Orange County Code Chapter 32 Solid Waste Management, and Solid Waste Management Facility Permit No. SW-19-03-001 for a Yard Trash Processing Facility.

New Conditions of Approval #15, #16, #17, #18, and #19 as follows:

15. The facility shall reject loads suspected of containing Type II fill materials. Any inadvertently accepted Type II fill materials shall not be used or deposited on-site but shall be sent off-site for disposal.

16. The facility shall be open to the County for the purpose of inspection during normal working hours of the facility and at any other time when work is in progress. During periods of inactivity, upon request, the County shall be provided access to the site within one business day.

17. If the County receives any noise complaints related to the soil tracking device related to the 130 foot long driveway, a noise study will be conducted at the permittee's expense with EPD present to observe, and any necessary changes will be made to bring the noise within the regulatory threshold of 60db.

18. If a violation of any of the permit conditions is discovered by the County at the facility, upon receipt of a notice of the violation, the permittee will be required to address the alleged violation(s) to the satisfaction of the County within the timeframe set forth by the County. Failure to do may result in civil penalties and/or closure of the facility operations as permitted until such time or unless the violations are corrected. The financial assurance provided by the permittee may be used by the County to remedy and cure violations if the permittee is non-responsive in doing so.

19. The applicant shall conduct annual water quality sampling at one up-gradient and one down-gradient groundwater monitoring wells at the excavation site for the same parameters as construction and demolition debris disposal facilities as listed in rule 62-701.730(8) F.A.C., in accordance with a water quality monitoring plan subject to EPD approval. In accordance with County Code Sec. 32-316(a)(24)f. EPD shall have the authority to collect samples. In addition, EPD may conduct one sampling event or split sampling annually at the owner's expense.

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to approve the special exception request Case #SE-19-05-039 subject to the Conditions of Approval with the Board of Zoning Adjustment recommendation; further, approve new Condition of Approval #12; further, approve for five years of Solid Waste Management Facility-Yard Trash Processing - Permit Application (SW-19-03-001), submitted by Bishop & Buttrey, Incorporated, subject to the waivers and Conditions of Approval listed in the Staff Report; further, modify Condition of Approval #16; further, approve new Condition of Approval #26; further, approve the request to modify the Bishop & Buttrey Borrow Pit #164 to allow the import of Type I fill materials to backfill the borrow pit and authorization to issue the modification to Excavation Permit No. 07-E5-0717, subject to the Conditions listed in the Staff Report; further, modify Conditions of Approval #2, #8, #9, and #10; and further, approve new Conditions of Approval #15, #16, #17, #18, and #19. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin



THE FOREGOING DECISION HAS BEEN FILED
WITH ME THIS 1ST DAY OF OCTOBER 2019.

Katie Smet

DEPUTY CLERK
BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA

Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.

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