



Interoffice Memorandum

May 7, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department

A handwritten signature in black ink, appearing to read "Jon V. Weiss".

**CONTACT PERSON: David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1405**

SUBJECT: June 8, 2021 – Consent Item
Request to Renew Solid Waste Management Facility Permit No. SW-192228-MRF-10/1511 for Russo and Sons, LLC; and Request to Transfer Permit to Hubbard Construction Company

The applicant, Russo and Sons, LLC, is requesting renewal of Solid Waste Management Facility Permit No. SW-192228-MRF-10/1511 for an existing Materials Recovery Facility. In addition, it has been requested to transfer the permit from Russo and Sons, LLC to Hubbard Construction Company. County Code Section 32-214(i) requires that permits may only be transferred upon approval of the Board.

The subject property is approximately 4.1 acres located at 320 Enterprise Street, approximately 750 feet west of Maguire Road, within the city limits of the City of Ocoee. The parcel ID is 19-22-28-9151-00-140.

On September 22, 2015, the Board approved renewal of this solid waste management facility permit. On April 26, 2016, the Board approved transfer of this permit from American Recycling Group LLC to Russo Waste Services, Inc, and on August 22, 2017, approved transfer from Russo Waste Services, Inc to the present Russo and Sons, LLC.

This facility is approved by Orange County to receive and process Class III solid waste, including construction and demolition debris. Class III waste does not include putrescible household (Class I) waste. Recyclable materials are separated out and residual waste is sent offsite for disposal. No disposal occurs at this site.

On August 10, 2020, Environmental Protection Division (EPD) received application No. SW-20-08-001 requesting renewal of Solid Waste Management Facility Permit No. SW-192228-MRF-10/1511. Pursuant to County Code Chapter 32, Article V, staff has evaluated the permit renewal application and required documentation. There are currently no outstanding Notices of Violation for the facility. The current permit had an expiration date of November 8, 2020. In accordance with County Code Section 32-214(g), the facility has operated under an extension during the permit renewal application review period.

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review included requests for additional information and subsequent responses and is now complete.

The operator has proposed an adjustment to their Hours of Operation as follows:

	Current	Proposed
Mon – Fri	7:00 a.m. – 9:00 p.m.	6:00 a.m. – 6:00 p.m.
Sat	7:00 a.m. – 12:00 p.m. (noon)	6:00 a.m. – 4:00 p.m.

There is an existing waiver, condition of approval # 47, regarding the Hours of Operation. The proposed hours are consistent with the waiver and EPD has received an email from the City of Ocoee Development Services Department approving the hours.

EPD has also received the Request to Transfer Solid Waste Management Permit from Russo and Sons, LLC to Hubbard Construction Company. Hubbard Construction Company has experience operating other solid waste management facilities in Florida, including a Class III landfill located in Orange County. In 2016, that Class III landfill was the subject of a consent order from the Florida Department of Environmental Protection (FDEP) related to a delay in implementing new operational requirements. This was resolved and there have been no formal enforcement actions since that time.

As required by County Code, the facility currently has in place a financial assurance instrument to ensure proper closure of the site. This is a joint instrument shared with the FDEP that administers it by agreement. Upon Board approval of the transfer of permit, and in accordance with County Code Section 32-214(e), the new permittee, Hubbard Construction Company, will be required to provide appropriate financial assurance prior to permit issuance by the EPD.

In accordance with County Code Section 32-214(f), the Board may approve permit applications for a maximum period of five years. Upon approval, the permit shall be renewed for a period of five years with a new expiration date of June 7, 2026, and transferred to Hubbard Construction Company. The complete application forms are available on file at EPD. The proposed updates to the Board conditions of approval are attached, and include updates to reflect the latest submittals. The waivers included as conditions 46 through 50 were previously approved by the Board and no new waivers are proposed as part of this permit renewal.

ACTION REQUESTED: Approval of a five year renewal for Solid Waste Management Facility – Materials Recovery Facility Permit No. SW-192228-MRF-10/1511 for Russo and Sons, LLC, subject to the waivers and conditions of approval; and transfer of the permit from Russo and Sons, LLC to Hubbard Construction Company. District 2

DB/AM/DDJ/JVW: dj
Attachments

Attachment - Updated Permit Conditions

General

1. In the case of any conflict among these conditions, or between these conditions and applicable laws, the more extensive and restrictive requirements shall apply.
2. All plans, reports and other supporting documents submitted with the permit application, as approved, are incorporated as part of this permit, and operation shall proceed in accordance with these documents and the permit conditions. This permit includes, at a minimum, the following documents:
 - a. Permit Application dated June 4, 2010, prepared by Robert C Kany, P.E.
 - b. EPD Completeness Review 1 (CR1) dated July 12, 2010
 - c. Response to CR1 received August 31, 2010 and September 16, 2010.
 - d. EPD Completeness Review 2 dated September 23, 2010.
 - e. Response to CR2 received (September 21, 2010 and) October 5, 2010.
 - f. Specific Project Expenditure Report dated October 1, 2010.
 - g. Permit Renewal Application dated October 27, 2014, prepared by Ronald F. DeBattista, P.E., F.ASCE, Barrons Environmental Engineering, Inc.
 - h. Amended Renewal Application dated May 15, 2015, prepared by Ronald F. DeBattista, P.E., F.ASCE, Barrons Environmental Engineering, Inc.
 - i. Permit Renewal Application, dated August 10, 2020, prepared by Samuel B. Levin, P.E. and Robert E. Mackey, P.E., S2L Incorporated.
 - j. Permit Renewal Application CR1 Response, dated January 29, 2021, prepared by Robert E. Mackey, P.E., S2L Incorporated
 - k. Permit Renewal Application, Response to Request for Additional Information [TR 1], dated April 5, 2021, prepared by Robert E. Mackey P.E., S2L Incorporated
3. Facility construction and operations based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
4. Facility construction and operations shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or his or her authorized agent) to the BCC at the public hearing where this permit was approved, where such promise or representation, whether oral or written, was relied upon by the BCC in approving the permit, could have reasonably been expected to have been relied upon by the BCC in approving the permit, or could have reasonably induced or otherwise influenced the BCC to approve the permit. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the BCC by the applicant (or his or her authorized agent) if it was expressly made to the BCC at a public hearing where the permit was considered or approved.

5. Any modifications to or deviations from this permit must be submitted to the EPD for review. The EPD shall determine if the modification or deviation is minor, or is major or substantial. The EPD may approve or deny minor modifications or deviations. Only the BCC may approve substantial deviations from, or major modifications to, this permit.
6. ~~This permit does not relieve the permittee from the responsibility of obtaining and maintaining any/all other applicable federal, state, or local permits and renewals thereto required for the site. The permittee is required to maintain current and valid, any permit(s) required in Sections 62-701 through 62-722, Florida Administrative Code (FAC).~~

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Pursuant to Section 125.022, Florida Statutes, the applicant shall obtain all other applicable state or federal permits before commencement of development.

7. No solid waste may be stored, processed, or disposed of in a manner or location that will cause air quality, water quality, or receiving water standards to be violated.
8. The permittee shall maintain and provide to the EPD evidence of financial responsibility, and financial assurance, using an approved method, in an amount equivalent to the County's total cost of closure for the facility for the period of time when the extent and manner of operation make the closing most expensive.
9. After all proposed construction has been completed, and before acceptance of any solid waste in the proposed construction area, the engineer of record shall certify to the EPD that the permitted construction is complete and that it was done in accordance with the plans submitted to the EPD except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefore enumerated. The permittee shall provide at least 14 days advance notice to the EPD prior to accepting solid waste in the proposed construction area so that the EPD has the opportunity to inspect the site.
10. All activities at the facility shall be performed in accordance with the operation and maintenance manual and plans for the facility. Manuals and plans shall be updated whenever relevant operations change.

Security and Site Access Conditions

11. 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.
12. The Hours of Operation, as approved by the BCC, are:

Mon – Fri	7:00 a.m. – 9:00 p.m. 6:00 a.m. – 6:00 p.m.
Sat	7:00 a.m. – 12:00 p.m. (noon) 6:00 a.m. – 4:00 p.m.
Sunday:	None

[See related waiver for Hours of Operation in condition 47 below.]

Receipt or shipment of waste and waste processing, are limited to within the Hours of Operation. Activities such as maintenance and cleaning are not considered operation and may be scheduled at the facility's discretion.

13. A sign listing the approved Hours of Operation shall be posted and maintained in a manner that is clearly visible upon approach to the main entrance(s) to the facility.
14. Site access shall be controlled by at least a 6-foot-high security chain link fence, or equivalent method approved. Site access control shall be inspected at least quarterly and maintained at all times by the permittee. Gates shall be locked when the site is not open for business.

Waste Quality Control

15. The facility may receive, extract recyclable materials from, and temporarily store or hold, but not dispose of onsite, up to a weekly average of 3,500 cubic yards per day of Construction and Demolition Debris within the approved tipping floor(s).

Subject to written approval by both the City of Ocoee, and the Florida Department of Environmental Protection, an equivalent volume of Class III waste, instead of Construction and Demolition Debris, may be received for processing.
16. Wastes shall only be unloaded or loaded within the approved tipping floors. Temporary storage of wastes onsite shall not exceed the quantities covered in latest approved Financial Assurance mechanism.
17. A sign listing waste materials acceptable to the site shall be posted and maintained in a manner that is clearly visible upon approach to the main entrance(s) to the facility.
18. Each shipment of incoming waste must be inspected by a spotter, or interim spotter, trained and performing duties in accordance with FAC 62-701. Spotters shall perform their duties from a location where they can thoroughly inspect each shipment of waste for prohibited materials. The spotter(s) shall have the authority and responsibility to reject unauthorized loads. If unauthorized waste is identified during or after unloading, the spotter(s) shall have the authority and responsibility to reload the customer's vehicle for removal from the site. Finally, if reloading is not feasible, the spotter(s) shall have the authority and responsibility to assess appropriate surcharges and have the unauthorized material removed by on-site personnel. In all instances, the transporter and generator of the unauthorized solid waste must be notified to prevent future occurrences, and a log of all such unauthorized waste shipments shall be maintained at the site.
19. Hazardous wastes, universal wastes, and regulated nonhazardous wastes are unauthorized and if inadvertently received shall be managed in accordance with Resource Conservation and Recovery Act and the FAC, as appropriate. Manifests for the shipment of all such wastes must be maintained onsite.
20. The operator shall inform the County immediately of the inadvertent receipt of any shipment containing greater than 25 gallons or 220 pounds of hazardous waste, or of the greater than de minimis discharge of any hazardous waste in the facility, and provide a written plan within 5 days advising the date of discovery and how the hazardous waste was properly disposed. If laboratory confirmation is needed, the laboratory results shall be provided to the County. Once waste is confirmed to be hazardous, it shall be properly managed within 5 days. In the case of release or discharge above threshold quantities, the State Warning Point (1-800-320-0519) shall be notified.

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21. Lumber that has been pressure treated with chromated copper arsenate (CCA) or creosote will not be recovered from the waste stream for chipping or mulching, but will be transported offsite for proper disposal.
22. All putrescible wastes shall be removed from the facility within 48 hours.
23. Rejected wastes must be promptly removed and shipped offsite for management at an appropriate facility. Rejected waste must be removed within 1 week.
24. Recovered materials must be shipped out within 1 year of processing.

Ancillary Operations Conditions

25. Any future ancillary operations are subject to review by the EPD.

Community Issues

26. The only permitted haul routes for vehicular access to and from the site are those approved by the BCC. Those are:
 - a. State Road 50
 - b. Maguire Road
 - c. Enterprise Street
27. At least once per quarter, the permittee shall notify customers of routes that are approved and not approved, and of their obligations under this permit and Section 32-111 "Loads on vehicles," Orange County Code (OCC).
28. The permittee shall be responsible for cleanup of all litter generated from the permittee's operation per Sections 32-113 and 32-216(a)(13), OCC. In addition, on an as needed basis, but not less than once per week, the permittee shall be responsible for cleanup of customer-generated litter from Enterprise Street.

Cleanup shall take place along publicly accessible rights-of-way and with all necessary safety precautions.
29. Driveways, streets, and facilities for routing traffic shall be designed in such a manner that entrances and exits to public streets are not hazardous and that traffic congestion is minimized in accordance with Section 32-216(a)(18).
30. Excessive growth of grass, weeds, and brush on property shall be minimized.
31. In areas not approved for processing of wastes or storage of recovered materials, accumulation of trash, junk, debris, and nonliving plant material shall be minimized.
32. Vectors and pests shall be controlled through the appropriate use of pesticides or other approved methods to minimize impact on adjacent properties.
33. Fugitive dust emissions shall be controlled per Chapter 15, Article III, of OCC.
34. Recovered materials may only be stored within approved storage areas. Storage of recovered materials is limited to the quantities covered in latest approved Financial Assurance mechanism.
35. The permittee shall conduct weekly inspections of the stormwater management system, and any required maintenance or repairs will be conducted within 7 days or other EPD approved schedule.

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Reporting and Record Keeping Conditions

36. The following items shall be maintained and available for review at the facility:
 - a. A copy of the complete permit including plans, reports, and other supporting documents
37. The following items shall be maintained and available for review at the facility for a period of at least 3 years:
 - a. Unauthorized waste receipt logs maintained in an unauthorized waste receipt logbook
 - b. Manifests and/or receipts for leachate tank pump-out
 - c. Manifests for any hazardous waste, universal waste, or regulated nonhazardous waste, shipped offsite
 - d. Credentials for operators and spotters
 - e. A list of customers notified about haul routes and restrictions
 - f. A record of stormwater management system inspections and any repairs
 - g. A record of site access control (gate and fence) inspections and any repairs
38. The following items shall be submitted to the EPD on an annual basis:
 - a. A report of solid waste type and quantity managed at the facility, including the amount and destination of treated, recycled, or recovered materials leaving the site for reuse, use as raw material, or disposal.
 - b. Cost estimates and proof of financial assurance shall be updated and submitted to the department for review whenever relevant operations change, or annually at a minimum. This cost estimate should be accompanied by an estimate of the volume of waste and recovered/recycled materials currently stored onsite.
 - c. A report of annual leachate collection system and tank inspections and any repairs. This should also include a log of all leachate tank pump-out events.
39. Orange County shall be copied on all related correspondence with the Florida Department of Environmental Protection.

Transfer of Permit/Closing

40. This permit may be transferred only upon approval by the BCC as outlined in Section 32-214(i).
41. If the facility temporarily ceases accepting waste, the EPD shall be notified, and all solid waste (unprocessed, rejected, etc.) shall be removed within 1 week or other EPD approved schedule.
42. If the facility permanently ceases accepting waste prior to the expiration of this permit, it shall close in accordance with the provisions of this permit. Closure shall take place as documented in the application and:
 - a. The owner or operator shall notify the EPD in writing prior to ceasing operations, and shall specify a closing date. No waste shall be received by the facility after the closing date.

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- b. Within 30 days after receiving the final solid waste shipment, the owner or operator shall remove or otherwise dispose of all solid waste or residue in accordance with the approved closure plan.
- c. Closure must be completed within 180 days after receiving the final solid waste shipment. Closure will include removal of all recovered materials from the site.
- d. Regardless of any financial assurance, the permittee is responsible for all costs to properly close operations at the facility.

Fires, Emergency Preparedness, and Continuity of Operations

- 43. Burning of solid waste is prohibited.
- 44. The operator shall inform the EPD immediately of any fires that persist longer than 1 hour.
- 45. Once approved recovered materials storage limits are reached, no additional recovery of that item can occur. No wastes shall be accepted at any time there is a reasonable anticipation that the lesser of either approved tipping floor space or available processing capacity for that waste will be exceeded.

Waivers

- 46. A waiver has been approved to allow a reduction of setback from the required 150 feet, provided they remain in compliance with any City of Ocoee requirements.
- 47. A waiver has been approved to allow Hours of Operation outside of 7:00 a.m. – 7:00 p.m., provided they remain in compliance with any City of Ocoee requirements.
- 48. A waiver has been approved to allow reduced landscaped buffering, provided landscaping remains in compliance with any City of Ocoee requirements.
- 49. A waiver has been approved to allow a stormwater management system design that discharges a portion of stormwater off-site within the City, provided the system remains in compliance with any City of Ocoee requirements.
- 50. A waiver has been approved to not require a signed fire fighting agreement, provided the facility remains in compliance with any City of Ocoee requirements.

– End of Conditions –

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APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

Attachment

BCC Mtg. Date: June 8, 2021

Request to Transfer Solid Waste Management Permit

I, P. Frederick O'Dea, as the authorized representative of Hubbard Construction Company, a Florida corporation, am requesting that Orange County Permit No. SW-192228-MRF-10/1511, currently issued to Russo and Sons, LLC, a Bobcat Disposal of Sarasota, LLC company d/b/a Orion Waste Solutions be transferred to Hubbard Construction Company (the corporation) under section 32-214(i) of the County Code. I do hereby acknowledge, by my signature below, that I have thoroughly reviewed all permit conditions and applicable ordinances, and that I am familiar with all field aspects of the site required to conduct a safe operation in compliance with the County's solid waste management ordinance. Hubbard Construction Company (the corporation) agrees to comply with the terms and conditions of solid waste management Permit No. SW-192228-MRF-10/1511 and the Orange County solid waste management ordinance and to operate the site in full accordance with all present and future requirements imposed by Orange County.

Furthermore, I acknowledge that the permit shall not be transferred to Hubbard Construction Company (the corporation) until: (1) the transfer has been approved by the Orange County Board of County Commissioners; (2) the County has approved all financial assurance documents required under the ordinance; and (3) all necessary and pre-approved financial assurance documents have been submitted to the Orange County Environmental Protection Officer.

P. Frederick O'Dea
P. Frederick O'Dea

(Name)
Vice President
(Title)
P.O. Box 547217
(Address line 1)
Orlando, Florida 32854-7217
(Address line 2)

(Address line 3)

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 3 day of May, 2021, by P. Frederick O'Dea as V.P. (title) of _____ a Florida corporation, who is personally known to me, or has produced _____ as identification and did/did not (circle one) take an oath.

(NOTARY SEAL)



[Signature]
Notary Public, State of Florida
Printed Name: _____
Notary Commission No. _____
My Commission Expires: _____