



Interoffice Memorandum

AGENDA ITEM

August 10, 2017

TO:

Mayor Teresa Jacobs
- AND -
Board of County Commissioners

FROM:

Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

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

SUBJECT:

August 22, 2017 – Consent Item
Waste Management Inc. of Florida Request for Renewal of Solid
Waste Management Facility Permits for the Pine Ridge Recycling
and Disposal Facility - Class III Landfill (Closed) and Construction
and Demolition Debris Disposal Facility (Active)

Waste Management Inc. of Florida is requesting renewal of two solid waste management facility permits for the Pine Ridge Recycling and Disposal Facility – Class III Landfill (Closed) and Construction and Demolition Debris Disposal Facility (Active). Both facilities are on the same property that has a total area of approximately 223 acres located on the western side of Rex Drive (also called Rex Road), approximately ½ mile north of McKinney Road, at 5400 Rex Drive, Winter Garden, Orange County, Florida 34787. The Parcel ID numbers for the site are: 18-23-27-0000-00-002, 06-23-27-4292-06-080, and 06-23-27-4292-06-081. The subject property is located in District 1.

The site has been operated as a borrow pit since the 1930s. Solid waste operations on the site are divided into two areas: the southern portion and the northern portion. The combined two areas total approximately 135.7 disposal acres.

The southern portion of the site (~50 disposal acres) was operated as a Type III/Class III disposal facility from the year 1989 through 2002 when the site was closed by the operators. Class III waste includes combinations of yard trash and construction and demolition debris along with other debris such as paper, cardboard, asbestos, cloth, processed tires, glass, plastic, furniture other than appliances, and other materials approved by Florida Department of Environmental Protection (FDEP). As required, the 30-year post-closure maintenance and monitoring continues for this Class III area.

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Waste Management Inc. of Florida Request for Renewal of Solid Waste Management Facility Permits for the Pine Ridge Recycling and Disposal Facility

The northern portion of the site (~85.7 disposal acres) has been permitted as a construction and demolition (C and D) debris disposal facility since 1994. Construction and demolition debris is typically discarded materials including steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, lumber, clean cardboard, paper, plastic, wood, and metal scraps from the construction or destruction of a structure. In their most recent estimates, the permittee has estimated that up to 44 years of capacity remains; however, this is subject to a number of factors including recycling rates, compaction rates, and market demands.

On March 27, 2015, the Environmental Protection Division (EPD) received applications for permit renewals for both areas on behalf of Waste Management Inc. of Florida. Since its initial submittal, the applications for renewal of the permits have undergone a series of revisions in response to EPD's requests for additional information. These revisions were necessary to ensure that the application submittals were complete and to ensure compliance with relevant code requirements. The review is now complete.

There are currently no outstanding Notices of Violations for the closed Class III landfill or the C and D debris disposal facility. Over the past permit period, the facility operators have worked with EPD staff to resolve any issues that have arisen, including objectionable odors and elevated subsurface temperatures. Objectionable odors were addressed through the installation of additional gas collection vents and flares, and the elevated temperatures were controlled through limited water application.

As part of the permit renewal process, the applicant sampled groundwater for the approximately 70 parameters required by FDEP for this type of facility. As an added precaution, Orange County Code also requires sampling for the Florida Primary and Secondary Drinking Water Standards at the time of permit renewal. The applicant requested relief from evaluation of a small subset of the additional parameters and the use of alternate laboratory test methodologies for several others. This still resulted in screening for approximately 200 parameters beyond the FDEP requirements. Based upon an evaluation of the supporting documentation provided, the sampling history of the site, and the lower likelihood of these parameters being present in Class III waste or construction and demolition debris, EPD staff supported this request.

The Class III landfill (closed) permit is essential for the facility to continue its long-term care responsibilities of monitoring and maintenance. Approximately 16 years of long-term care remain. The current permit (No. 89-F13-9000) had an expiration date of June 28, 2015. In accordance with Orange County Code, Section 32-214(g), the facility has operated under an extension during the renewal application review period. Upon approval by the Board, the current permit renewal shall be valid for a period of five years.

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For the C and D debris disposal facility, the current permit (No. 94-F13-6000) had an expiration date of June 28, 2015. In accordance with Orange County Code, Section 32-214(g), the facility has operated under an extension during the renewal application review period. The applicant has updated the Site Plan and Operations Plan to reduce the disposal area footprint from approximately 85.7 to 82.4 disposal acres with no significant changes in elevation nor total waste volume. In conjunction with existing permit conditions, the revised Site Plan and Operating Plan satisfactorily addresses current code requirements. Upon approval by the Board, the current permit renewal shall be valid for a period of five years.

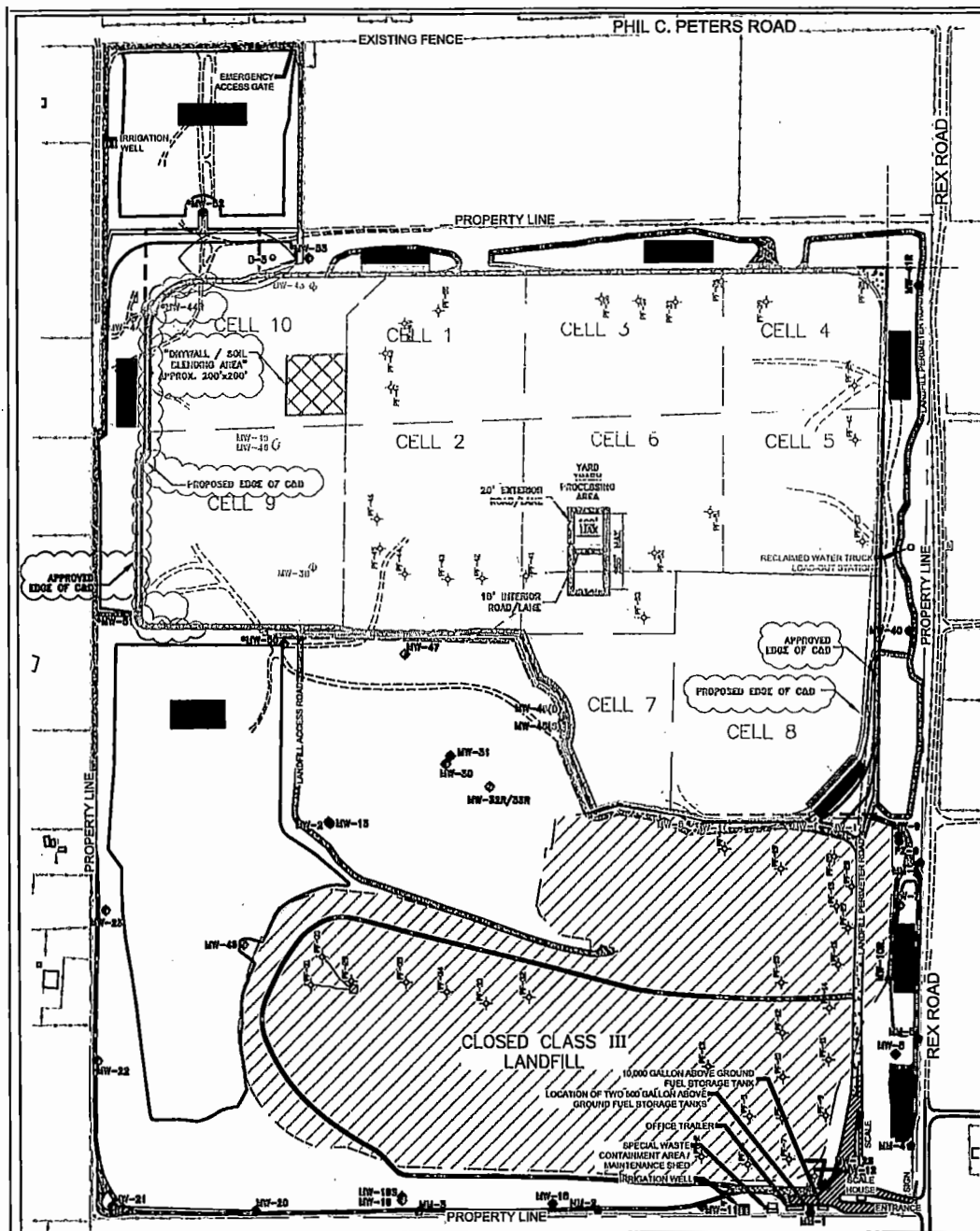
The complete application forms for both requests are available on file at EPD. The proposed updates to the existing Board conditions of approval are listed in Attachment C for the Class III landfill (closed) and in Attachment D for the active C and D debris disposal facility.

ACTION REQUESTED: Approval of the renewal of Solid Waste Management Facility Permit No. 89-F13-9000 for the closed Class III landfill and Permit No. 94-F13-6000 for the active Construction and Demolition Debris disposal facility as requested by Waste Management Inc. of Florida for the Pine Ridge Recycling and Disposal Facility, subject to the conditions of approval. District 1

DB/AM/DJ/JVW: mg

Attachments: Attachment A - Site Plan for the Class III Landfill (closed)
Attachment B - Site Plan for the Construction and Demolition Debris Disposal Facility (active)
Attachment C - Updated Permit Conditions for the Class III Landfill (closed)
Attachment D - Updated Permit Conditions for the Construction and Demolition Debris Disposal Facility (active)

Attachment A – Site Plan for the Class III Landfill (Closed)

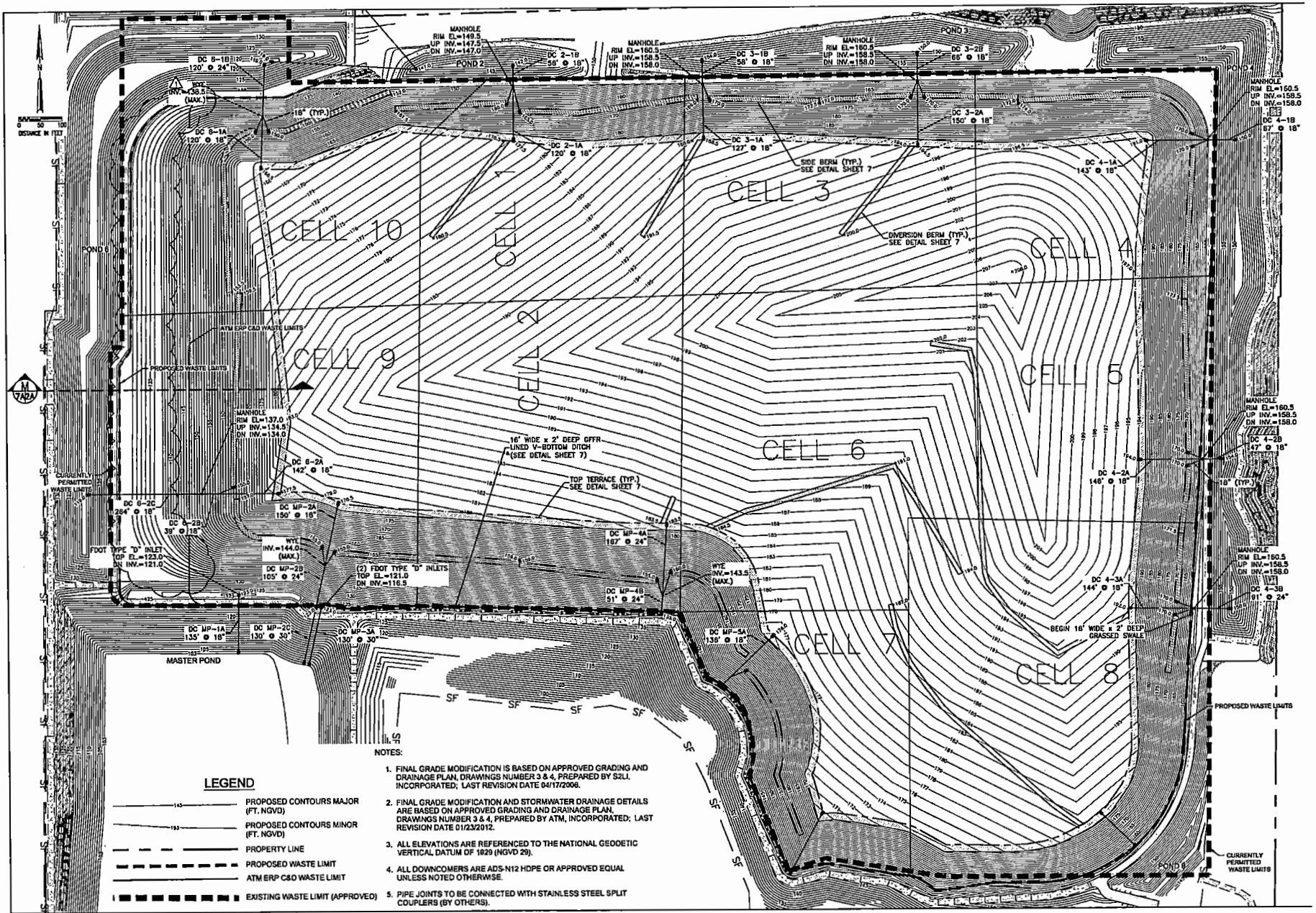


LEGEND

- CELL OUTLINE
- EXISTING EDGE OF C&D
- PROPOSED EDGE OF C&D
- PROPERTY BOUNDARY
- EXISTING FENCE
- PERIMETER ROAD
- APPROXIMATE C&D LANOFILLED AREA
- CLOSED CLASS III LANDFILL
- PERMITTED C&D DEBRIS LANDFILL
- EXISTING MONITORING WELL LOCATIONS
- PASSIVE FLARE
- GAS PROBES
- EXISTING MONITORING WELL (TO BE ABANDONED)
- PROPOSED MONITORING WELL LOCATION (TO BE INSTALLED PRIOR TO FILLING CELLS 9 AND 10)

BASE PLAN SOURCE: S2L, 2006 AND SCS ENGINEERS, 2009

Attachment B – Site Plan for the Construction and Demolition Debris Disposal Facility (Active)



Attachment C

Updated Permit Conditions for the Class III Landfill (closed) Permit No. 89-F13-9000

1. Post closure care shall conform to the Pine Ridge Recycling and Disposal Facility Application for Permit Renewal for a Class III Landfill, Orange County, Florida, dated ~~August 11, 2009~~ March 27, 2015, and to the following conditions of approval. Development based upon this approval shall comply with all other applicable Federal, State, and County Laws Ordinances and Regulations, which are incorporated herein by reference, except to the extent (the applicable Laws, Ordinances and Regulations) are expressly waived or modified by these conditions or action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.
2. Post closure care started October 14, 2003, and shall be conducted for a period of 30 years in accordance with the County Solid Waste Ordinance (Chapter 32, Article V, Orange County Code), the approved application prepared by William J. Edwards, PE, S2L Incorporated, dated October 26, 2004, and all applicable Florida Department of Environmental Protection regulations.
3. Only McKinney Road and Rex Road will be used to access the site from Highway 545. No traffic will be allowed on Phil C. Peters Road.
4. Post closure care operation hours will be as follows:

Monday through Friday: 7:00 AM to 5:30 PM
Saturday: 7:00 AM to 1:00 PM
5. Financial responsibility in the amount of the latest EPD approved cost estimate will be provided using an approved mechanism and updated annually.
6. The "Notice of Prior Use as a Landfill" form was executed and recorded on February 26, 1999, prior to permit issuance.
7. All monitoring wells shall be maintained as per the approved Groundwater Monitoring Plan. A Groundwater Monitoring Report, sealed by a Florida Registered Professional Engineer or Professional Geologist, is to be submitted semi-annually with each sampling event to the Environmental Protection Division (EPD). Permittee must notify EPD 10 days prior to a sampling event. Split samples may be requested. Keys for monitoring wells must be available on site at all times. EPD may sample wells at any time.
8. The closed site shall not be disturbed in any way, other than general maintenance and repair, without prior written approval from Orange County. Any activity that may compromise the design of the closed landfill cap, groundwater monitoring wells, landfill gas monitoring/management, stormwater management or any other post closure operation must first be approved in writing by EPD. A topographic survey is to be updated annually.
9. Any transfer of rights, ownership, possession, operation or permit must first be approved in writing by EPD.
10. Odor control is a requirement of this permit. Odor shall be controlled from anywhere on site. The county reserves the right to conduct any independent air monitoring it deems necessary and the applicant agrees to give EPD ten days notice of each air monitoring event for the purpose of allowing adequate time to conduct any parallel air monitoring EPD deems necessary.
11. All plans, reports and other supporting documents submitted with the permit renewal 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. The previously approved (closed) Class III permit renewal application, dated October 26, 2004, prepared by William J. Edwards, PE, S2L Incorporated.
 - b. Permit Renewal Application for Pine Ridge Recycling and Disposal Facility, dated August 2009, prepared by Raymond J. Chewning, P.E.
 - c. (Supplemental) Groundwater Monitoring Analytical Results for Pine Ridge Recycling and Disposal Facility, dated October 2, 2009.
 - d. Environmental Protection Division (EPD) Request for Additional Information 1, dated January 27, 2010.
 - e. Response to Request for Additional Information #1, dated March 29, 2010 prepared by Raymond J. Chewning, P.E.
 - f. Permit Renewal Water Quality Monitoring Report, dated March 29, 2010, prepared by SCS Engineers (Robert L. Westly, P.G.)
 - g. Email correspondence: PRRDF – renewal app (informal RAI), dated April 15, 2010 from Orange County EPD.
 - h. Email correspondence: RE: PRRDF - renewal app (response to informal RAI), dated April 26, 2010, from Raymond J. Chewning, P.E.
 - i. Email correspondence: PRRDF – renewal app – 09206014.05 (response to informal RAI), dated April 26, 2010, from SCS Engineers (Ken Guilbeault, LEP)
 - j. Long-Term Care Permit Renewal (application), dated March 2015, prepared by William F. Huffman, P.E. and James E. Golden, P.G., HSA Golden
 - k. Permit Application – Completeness Review 1 – Response, dated June 21, 2017, prepared by James T. Show, P.E. and James Golden, P.G., Grove Scientific and Engineering Company.
12. 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, the applicant shall obtain all other applicable state or federal permits before commencement of development.

- End of Conditions -

Attachment D

Updated Permit Conditions for the Construction and Demolition Debris Disposal Facility (active) Permit No. 94-F13-6000

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. Landfill Permit Modification Application for Vertical and Lateral Expansion of a Construction and Demolition Debris Disposal Facility: dated November 2005 and submitted by Robert E. Mackey, P.E., S2L Inc, Maitland, FL.
 - b. EPD Request for Additional Information: dated January 23, 2006.
 - c. Response to OCEPD and revised application: dated April 2006 and submitted by Robert E. Mackey, P.E., S2L Inc, Maitland, FL.
 - d. EPD Request for Additional Information: dated June 2, 2006.
 - e. Response to OCEPD and revised application: dated August 2006 and submitted by Robert E. Mackey, P.E., S2L Inc, Maitland, FL.
 - f. Permit Renewal Application for Pine Ridge Recycling and Disposal Facility, dated August 2009, prepared by Raymond J. Chewning, P.E.
 - g. (Supplemental) Groundwater Monitoring Analytical Results for Pine Ridge Recycling and Disposal Facility, dated October 2, 2009.
 - h. Environmental Protection Division (EPD) Request for Additional Information 1, dated January 27, 2010.
 - i. Response to Request for Additional Information #1, dated March 29, 2010 prepared by Raymond J. Chewning, P.E.
 - j. Permit Renewal Water Quality Monitoring Report, dated March 29, 2010, prepared by SCS Engineers (Robert L. Westly, P.G.)
 - k. Email correspondence: PRRDF – renewal app (informal RAI), dated April 15, 2010 from Orange County EPD.
 - l. Email correspondence: RE: PRRDF - renewal app (response to informal RAI), dated April 26, 2010, from Raymond J. Chewning, P.E.
 - m. Email correspondence: PRRDF – renewal app – 09206014.05 (response to informal RAI), dated April 26, 2010, from SCS Engineers (Ken Guilbeault, LEP)
 - n. Permit Renewal (application), dated March 27, 2015, prepared by William F. Huffman, P.E. and James E. Golden, P.G., HSA Golden.
 - o. Permit Renewal Application – Technical Review (response), dated March 22, 2017, prepared by James T. Show, P.E. and James Golden, P.G., Grove Scientific and Engineering Company.
 - p. Permit Renewal Application – Technical Review 2 - Response, dated June 21, 2017, prepared by James T. Show, P.E. and James Golden, P.G., Grove Scientific and Engineering Company
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. Cost estimates for financial assurance shall be revised at least annually and also whenever changes in operation would cause a revised cost estimate to exceed the amount available through the financial assurance mechanism. Cost estimates shall be based upon the time period in the facility operation when the extent and manner of its operation make closing most expensive, subject to Environmental Protection Division (EPD) approval.

Security and Site Access Conditions

6. 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, such as during post-closure, upon request the County shall be provided access to the site within one business day.

7. The hours of operation are limited to:

| | |
|-----------------|----------------------------------|
| Monday -Friday: | 7:00 a.m. – 5:30 p.m. (each day) |
| Saturday: | 7:00 a.m. – 1:00 p.m. |
| Sunday: | Closed |

Receipt or shipment of waste, and waste processing, are limited to within the hours of operation.

8. Site access shall be controlled by a locking gate and an at least 6-foot-high security chain link fence around the perimeter of the site, or equivalent EPD approved method. Fences or walls shall comply with Section 38-1408, Orange County Code.
9. Warning signs shall be posted in accordance with Section 32-216(b)(10)c. (a)(13)c. and Chapter 31.5 (Orange County Sign Ordinance) Orange County Code.

Waste Quality Control

10. This facility may receive for disposal onsite: up to 1,100 tons (4,000 cubic yards) per day, annual average, of construction and demolition debris materials.
11. Each shipment of incoming waste must be inspected by a spotter, or interim spotter, trained and performing duties in accordance with Rule 62-701.320(15), Florida Administrative Code. 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 have the unauthorized material removed and segregated for proper off-site management. In all instances when it can be determined, 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.
12. The operator shall inform the County immediately of the 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 permittee shall notify ~~State Warning Point~~ the Florida State Watch Office (1-800-320-0519).

13. The permittee shall implement a plan designed to minimize the amount of Chromated Copper Arsenate (CCA) treated wood that is delivered to the facility, or to separate CCA treated wood from other wastes at the facility to the greatest degree practicable prior to disposal. CCA treated wood that is temporarily stored at the facility shall be managed so as to minimize any potential release of leachate to the environment, which may include storage in containers, in buildings, on a lined area, or under a secured tarp. CCA treated wood that is separated from other wastes at the facility shall not be disposed of at an unlined solid waste disposal facility.

Ancillary Operations Conditions

14. The site may perform ancillary operations for the recycling of yard waste and land clearing debris as proposed. Any other ancillary operations may not be performed without prior EPD approval.
15. Stockpiling of materials to be recycled longer than 6 months is not permitted.
16. The majority of Rrecovered materials must be shipped out within 1 year of processing.

Community Issues

17. The only permitted haul routes (for vehicular travel to and from the site) are:
 - a. From CR 545 to McKinney Road to Rex Drive (Rex Road) to the site.
 - b. From Hwy 50 south on CR 545.
 - c. From Hwy 192 north on CR 545.
 - d. From SR 429 to New Independence Parkway to CR 545.

No vehicular access to and from the site is allowed on:

- e. Phil C. Peters Road.
- f. Cork Street.
- g. Alps Street.
- h. Red Bird Road.
- i. Old Country Lane.
- j. Beta Avenue.
- k. Unpaved portions of McKinney Road and Rex Drive (Rex Road).

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.

18. The permittee shall be responsible for clean-up of all litter generated from the permittee's operation per Section 32-113 and 32-216(b)(10)(a)(13), Orange County Code. In addition, on an as needed basis, but not less than once per week while operating, the permittee shall be responsible for clean-up of customer generated litter from:
 - a. CR 545 between Lake Ingram Road and Tilden Road.
 - b. McKinney Road between Rex Drive (Rex Road) and CR 545.
 - c. Rex Drive (Rex Road) between McKinney Road and the site.

Clean-up shall take place along publicly accessible right-of-ways and with all necessary safety precautions.

19. The facility shall be operated to control objectionable odors in accordance with Chapter 15 and Section ~~32-215(a)(22)~~ 32-216(a)(26), Orange County Code, and Section 62-701.730(7)(e), Florida Administrative Code.
20. Excessive growth of grass, weeds, and brush on property shall be minimized in accordance with Chapter 28, Article II, Orange County Code.
21. In areas not approved for processing of wastes, storage of recovered materials, or disposal, the accumulation of trash, junk, debris, and nonliving plant material shall be minimized in accordance with Chapter 28, Article II, Orange County Code.
22. Vectors and pests shall be controlled through the appropriate use of pesticides and other approved methods to minimize impact on adjacent properties.
23. Fugitive dust emissions shall be controlled per Chapter 15, Orange County Code and Section 62-296.320, Florida Administrative Code.
24. Visual buffer shall be maintained in place at all times. Perimeter landscaping adjacent to private residences, including those residences at the other side of Rex Road, will be maintained to provide 100 percent opacity for a minimum height of eight (8) feet.
25. Prior to earth work or construction in the newly permitted areas, a habitat survey report identifying any wildlife or plants listed as threatened, endangered, or species of concern found onsite or determined to use the site, and relevant copies of correspondence with the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC) will be provided to EPD.

Site Monitoring/Stormwater Conditions

26. All monitoring wells shall be maintained as per the approved Groundwater Monitoring Plan. A Groundwater Monitoring Report, sealed by a Florida Registered Professional Engineer or Professional Geologist, is to be submitted with each sampling event to the EPD. Permittee must notify EPD 10 days prior to a sampling event. Split samples may be requested. Keys for monitoring wells must be available onsite at all times. EPD may sample wells at any time.
27. Prior to accepting waste, the landfill floor must be graded in accordance with, or higher than, base grade elevations shown on the approved plans. Ponding of water at the pit floor is not allowed, except in appropriate Operation Phase ponds; it must be graded progressively to cause stormwater runoff to flow away from the debris.
28. Slopes of the working face shall not exceed 3:1 slope. Final slope shall not exceed 4:1 slope. Working face should be minimized.

Reporting and Record Keeping Conditions

29. The following items shall be made available for review during inspections at the facility:
 - a. A copy of the complete permit including plans, reports, and other supporting documents.
30. The following items shall be retained for a period of at least 3 years and made available for review during inspections at the facility:
 - a. Copies of unauthorized-waste receipt logs maintained in an unauthorized-waste receipt logbook;
 - b. Copies of manifests for any hazardous waste, universal waste, or regulated non-hazardous waste, shipped offsite;

- c. Copies of credentials and training records for operators and spotters.
31. The following items shall be submitted to the EPD on a quarterly basis and made available for review during inspections at the facility:
- 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, used as raw material or disposed;
 - b. A report of inspections and any repairs performed to site access control structures (e.g. gate, fence, signs, etc.);
 - c. A report of inspections and any repairs performed to environmental protection measures such as the landfill cover, drainage, liners, monitoring system, as well as stormwater controls.
32. The following items shall be submitted to the EPD on an annual basis:
- a. Certified topographic survey in accordance with Section 32-215(a)(2) Orange County Code.
 - b. An estimate of remaining volume (airspace).
 - c. Current cost estimates for closure and post-closure activities and proof of financial assurance in accordance with Section 32-216~~(b)(23)~~(a)(27) Orange County Code.

Fires

33. Burning of solid waste is prohibited.
34. The operator shall inform the EPD immediately of any fires that persist longer than one hour.

Site Closure Conditions

35. The permittee 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.
36. The permittee shall provide a certification of closure construction completion to the EPD within 30 days after closing, covering, and seeding the disposal unit. The owner or operator shall also provide a final survey report done by a professional surveyor and meet the requirements of Section 32-215(a)(2). Orange County Code.
37. The permittee shall continue to monitor and maintain the facility for five years from the date of closing. This time period shall be extended if assessment monitoring or corrective action has been initiated or if site-specific conditions make it likely that any contamination which may emanate from the disposal area would not be detected within five years.
38. For the final groundwater sampling event, prior to the end of the post-closure period, wells shall be sampled for all of the parameters specified for well background evaluation in Section 32-216~~(b)(21)~~e(a)(24)c. Orange County Code.
39. Closed landfill areas, if disturbed, are a potential hazard to public health, ground water and the environment. The EPD retains regulatory control over any activities which may affect the integrity of the environmental protection measures such as the landfill cover, drainage, liners, monitoring system, or leachate and stormwater controls. Consultation with the EPD is required prior to conducting activities at the closed landfill areas.

Waivers

40. A waiver is granted for elevations of up to 30 feet above grade as indicated on the approved plans.

Board of Zoning Adjustment

41. Development in accordance with site plan dated Received August 15, 2007 and all other applicable regulations and the findings and conditions of the Development Review Committee of July 11, 2007. Any deviations, changes, or modifications to the special exception approval are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
42. Operation shall be in accordance with Chapter 32, Orange County Code and the permit approved by the Board of County Commissioners (BCC). Any changes, deviations or modifications to the permit are subject to the Environmental Protection Division Manager's approval;
43. Access, drainage, roadway improvements and concurrency management shall be determined by the Public Works Department;
44. Landscaping shall be in accordance with landscape plan dated Received August 15, 2007 and Chapter, 24, Orange County Code;
45. Each month, the applicant shall deposit \$1,000 (indexed to the CPI [Consumer Price Index]) into a fund to be managed by Orange County to be used for additional law enforcement service for traffic control in the vicinity of the landfill;
46. Construction plans shall be submitted within 3 years or this approval becomes null and void.

Development Review Committee

47. Development shall conform to the Pine Ridge C & D Recycling and Disposal Facility Landfill Expansion Special Site Plan dated "Received August 15, 2007", and shall comply with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities and intensities described in such Land Use Plan, subject to those uses, densities and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities or intensities, the County is not under any obligations to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities or intensities. In the event of a conflict of inconsistency between a condition of approval of this zoning and the land use plan dated "Received August 15, 2007", the condition of approval shall control to the extent of such conflict or inconsistency.
48. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.
49. Prior to earthwork or construction, an incidental take or relocation permit for gopher tortoises shall be obtained from the Florida Fish and Wildlife Conservation Commission and a copy provided to the EPD. Note that the incidental taking options may no longer be available at the time of application submittal due to the recent legislative decisions.

50. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the EPD NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
51. A waiver from Sec. 32-216~~(b)~~(a)(30) is granted to allow a maximum elevation of 30 feet above grade.
52. The following previous applicable Conditions of Approval shall apply:
 - a. Operating hours will be as follows:
Monday through Friday: 7:00 a.m. to 5:30 p.m.
Saturday: 7:00 a.m. to 1:00 p.m.
 - b. Landfill operation cannot begin north of Malcolm Road until the vacation of Malcolm Road is complete.

Other

53. The applicant's expert [Steve Clarke, R.G., Director, Groundwater Protection, Waste Management, Inc.] represented at the January 15, 2008, public hearing that he has reviewed the Health Department's groundwater sampling results and did not find any areas of concern that would be or are attributable to the operation of the existing Pine Ridge Landfill and the Board has relied on that representation in approving the permit.
54. The water quality monitoring program for this construction and demolition debris disposal facility has been combined with the water quality monitoring program for the Class III Landfill (Orange County permit # 89F13-9000). The approved water quality monitoring program must continue until the long-term care period for the C&D facility or Class III facility is complete, whichever is later.
55. 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, the applicant shall obtain all other applicable state or federal permits before commencement of development.

- End of Conditions -