

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of a request
for variance by:

New River Solid Waste Association
New River Regional Landfill
P.O. Box 647
Raiford, Florida 32308

OGC No.: 18-1288
SWVA No.: 18-02

ORDER GRANTING VARIANCE

The Department hereby gives notice that it is granting a variance to the New River Solid Waste Association (Petitioner) pursuant to section 403.201, Florida Statutes (F.S.), for the New River Regional Landfill in Union County, Florida. The Petitioner has requested a variance from section 403.717(3)(c), F.S., which prohibits the disposal of whole waste tires in landfills.

FINDINGS OF FACT

1. The New River Regional Landfill is a permitted disposal facility located east of State Road 121, 2.5 miles north of Raiford, Florida. The facility includes a Class I landfill and a Class III landfill. The facility is also a designated waste tire collection center limited to storing no more than 500 tires at a time. The landfill is owned and operated by the New River Solid Waste Association, an association of Baker, Bradford, and Union counties and has been assigned WACS Number 39815 by the Department.

2. In 2007 the Petitioner received an Innovative Waste Reduction and Recycling Grant (IG8-04) for \$72,000 from the Department to conduct a research study on an innovative technique to beneficially reuse whole waste tires at the landfill. The purpose of the research was to test whether whole tires can effectively serve as a bedding media (a geoconduit) for liquids addition at landfills. The Petitioner contracted with the University of

Florida to assist with this evaluation. Professor Timothy Townsend, PhD, P.E., was the principal investigator for the research.

3. The Department previously issued variances on December 14, 2009, November 5, 2013, and October 13, 2016 to the Petitioner that allowed the use of whole waste tires as geoconduits in the New River Landfill as part of Department solid waste permits. Each variance was issued for a period of 24 months, beginning on the date the Petitioner received the necessary permit modification to proceed with the project.

4. The Petitioner has indicated that the research during the three 24-month periods that began in March 2010 was completed with no environmental harm and that nearly 2.8 million gallons of leachate were recirculated through the geoconduits during the project phases. The results indicate that the whole waste tire geoconduits show strong potential as a more sustainable method of adding and distributing liquids in landfilled waste.

5. On September 13, 2018, Professor Townsend submitted a petition for variance to the Department on behalf of the Petitioner for a new research project to determine if whole used tires can be used as part of a Septage Injection research project. The proposed research project includes evaluation of three proposed septage injection systems that discharge septage into a municipal solid waste landfill. The research project will test three different configurations that are designed to reduce solids binding and determine the useful life of each configuration. Whole waste tires will be utilized as geoconduits in each proposed septage injection system in some manner.

6. The three proposed septage injection systems include 1) a horizontal injection system; 2) a vertical injection system; and 3) a gravity drainage pit system. Two horizontal septage injection systems will be installed in the lined Cell 2 landfill area, two vertical septage injection systems will be also installed in the lined Cell 2 landfill area,

and two gravity drainage pit systems will be installed in the lined Cell 3 landfill area.

7. The Petitioner has indicated that septage injection into a landfill will provide better chemistry for biological processes, thereby increasing decomposition rates and landfill gas generation, thus providing a more sustainable landfill. The Petitioner has also indicated that the use of whole tire geoconduits for liquids addition, liquids redistribution, and gas extraction provides a more sustainable use of materials and supports a more sustainable means of operating a landfill.

8. The Petitioner has indicated that the proposed activity is not expected to result in any whole tire exposure at the surface of the landfill, and that the research conducted to date has not resulted in any whole tire exposure at the surface of the landfill. In addition, the Petitioner has indicated that the proposed activity is not expected to consume any landfill volume beyond that expected from the installation of the septage injection pits.

9. On September 26, 2018, the Department requested that additional information be provided by the Petitioner. This request included providing additional specific information regarding the use of waste tires as part of the proposed septage injection systems. On November 30, 2018, the Petitioner submitted the additional information requested by the Department, and on December 3, 2018, the Department determined that the additional information was acceptable.

10. This petition has demonstrated that research is needed to validate and develop the proposed technology and that the Petitioner will suffer a substantial hardship if it is prevented from completing this project. The petition has also demonstrated that the project is not expected to have any adverse environmental consequences and that it may in fact produce research results that could improve solid waste management practices in Florida.

11. The Department published a Notice of Intent to Grant in the Florida Administrative Register on January 17, 2019, and the Petitioner published a Notice of Intent to Grant in a newspaper of general circulation in the area affected on January 24, 2019. No request for hearing was filed within the requisite timeframe.

12. The Petitioner and interested parties having been advised of their rights under Chapter 120, F.S., and having failed or declined to file a Petition pursuant to Sections 120.569 and 120.57, F.S., are hereby deemed to have waived those rights. Acceptance of the variance constitutes notice and agreement that the Department will periodically review this variance for compliance, including site inspections where applicable, and may initiate enforcement action for violation of the conditions and requirements thereof.

CONCLUSIONS OF LAW

1. Section 403.201(1)(c), F.S., authorizes the Department to grant a variance from the provisions of Chapter 403 and the rules promulgated thereunder if necessary to relieve or prevent hardship.

2. Rule 62-110.104(1), Florida Administrative Code, requires that a person seeking a variance under section 403.201, F.S., must demonstrate that any hardship asserted as a basis of the need for a variance is peculiar to the affected property and not self-imposed and that the grant of a variance will be consistent with the general intent and purpose of Chapter 403.

3. The Department concludes that the Petitioner has demonstrated that a variance from the provisions of section 403.717(3)(c), F.S. is warranted, that the hardship asserted as a basis for the variance is peculiar to the affected property and not self-imposed, and that the grant of the variance will be consistent with the general intent and purpose of Chapter 403.

4. This variance, by itself, does not constitute authorization for the Petitioner to proceed with the proposed project. This facility shall operate only in accordance with the appropriate permits issued by the Department's Tallahassee Office.

For these reasons, the Petition for Variance is GRANTED, subject to the following conditions.

CONDITIONS

1. This variance is issued for a period not to exceed 24 months, beginning on the date that the Petitioner receives any necessary permit or permit modifications to proceed with the project. After the variance has expired, the Petitioner may leave the septage injection geoconduits in place but may not add any new whole tires as part of a septage injection system to the landfill.

2. The Petitioner shall only use whole waste tires as injection geoconduits as part of the Septage Injection research project. Whole waste tires may be used to construct injection geoconduits of differing configurations, and are not to be located within 100 feet of an existing landfill side slope or within 25 feet of a landfill gas collection device.

3. This variance will remain valid even if some of the details of the project change, provided that such changes are in accordance with any applicable permit conditions and rules.

4. The issuance of this variance does not relieve the Petitioner from the need to comply with all other conditions of the solid waste permit, or from any requirements of other federal, state, or local agencies.

NOTICE OF RIGHTS

Any party to this order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, 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 thirty days after this order is filed with the clerk of the Department.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Digitally signed by

Tim J. Bahr Tim J. Bahr
Date: 2019.03.04
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Tim Bahr, P.G. Director
Division of Waste Management
2600 Blair Stone Road
Tallahassee, FL 32399-2400

CERTIFICATE OF SERVICE

I, the undersigned designated Department clerk, HEREBY CERTIFY that a true and correct copy of the foregoing has been foregoing has been electronically mailed to Perry Kent, New River Solid Waste Association, P.O. Box 647, Raiford, Florida 32083, and to the listed persons below on this 4th day of March, 2019, in Tallahassee, Florida.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department clerk, receipt of which is hereby acknowledged.



(Clerk)

03/04/2019

(date)

Copies furnished to:

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