

DEC 06 2005



INTERLOCAL AGREEMENT RELATING TO THE
SOLID WASTE PROGRAM
FINANCIAL ASSURANCE MECHANISMS

between the
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
and
ORANGE COUNTY, FLORIDA

1. **Objective.** The objective of this Interlocal Agreement between the Florida Department of Environmental Protection ("FDEP") and Orange County, Florida ("County") is to formally establish the basis upon which the FDEP and the County will work cooperatively to assure that adequate resources are available to properly close solid waste management facilities without imposing undue financial burdens upon permittees. Currently, FDEP and the County require separate, and sometimes duplicative, financial assurance mechanisms for the closure of solid waste management facilities. Pursuant to section 403.707(13), Florida Statutes ("F.S."), FDEP and the County enter into this interlocal agreement that will allow the owner or operator to provide a single financial mechanism to cover the cost of closure. This Agreement does not create a local pollution control program under Section 403.182, F.S:

2. **Definitions.** For purposes of this Agreement:

a. **"Closure"** means the cessation of operation of a solid waste management facility and the act of securing such a facility so that it will pose no significant threat to human health or the environment. The term includes both closing and, when required by FDEP rule and/or County ordinance, also includes long-term care.

b. **"District"** means FDEP's Central District office located in Orlando, Florida.

c. **"Facility"** means a solid waste management facility located within unincorporated Orange County which is not owned or operated by Orange County, for which both FDEP and Orange County require solid waste management permits and financial assurance for closure.

d. **"Financial assurance"** means the establishment and maintenance of a financial mechanism to ensure the availability of financial resources for the proper closure of a solid waste management facility.

e. *"Solid Waste Financial Coordinator"* means FDEP's Tallahassee financial assurance subsection manager.

3. Administration of this Agreement.

a. *Commencement.* This Agreement shall become effective on the date this document is signed by both FDEP and the County.

b. *Expiration.* This Agreement shall be valid for one year but shall be automatically renewed annually unless terminated as provided below.

c. *Modification.* This Agreement may be modified in writing at any time by mutual consent of FDEP and the County.

d. *Severability.* If any part of this Agreement is found invalid or unenforceable by any Court, the remaining parts of this Agreement will not be affected if FDEP and the County, in writing, agree that the rights and duties of both parties contained in this Agreement are not materially prejudiced, and that the intentions of the parties can continue to be effective.

e. *County Regulations.* FDEP and the County agree that the County's existing ordinances pertaining to its solid waste financial assurance program, found in Chapter 32, Article V, Section 32-216(b)(25), Orange County Code (OCC), are compatible with and may be stricter or more extensive than, but not in conflict with those imposed by Chapter 403, F.S., and Florida Administrative Code ("FAC") rules promulgated thereunder. Such County ordinances are attached as Attachment 1.

f. *Termination.* The County or FDEP may terminate this Agreement without cause by providing written notice to the other party at least 90 days prior to the effective date of such termination. Termination of this Agreement by either party shall not affect the validity or enforceability of any actions taken by the County and/or FDEP under this Agreement.

4. Agreement. The local government will advise the applicant at the time of application submittal that an agreement exists with FDEP that would allow the applicant (permittee) to provide one financial assurance instrument to satisfy the financial assurance requirements of the local government and

FDEP. The local government will provide to the applicant a notification/agreement form to be included in the permit application package. This form will be created and approved by both parties within 30 days of execution of this Agreement. If the applicant elects to participate in this joint financial assurance program, the County will send a copy of the executed form to the FDEP Solid Waste Financial Coordinator, along with a copy of the permit application and copies of any closure cost estimates (including any updates and modifications) which are approved by the County. For an existing facility, permitted by both parties, a notification/agreement form can be executed with the local government at any time during the facility life. Once received by the FDEP Solid Waste Financial Coordinator, the facility will be eligible to provide replacement financial assurance under the terms of this agreement. Unless an executed notification/agreement form is received from the local government, separate financial assurance mechanisms will continue to be required as set forth in the ordinances and rules developed by Orange County and FDEP, respectively.

5. *Financial Assurance Mechanisms.*

a. *Generally.* An applicant for a solid waste permit from FDEP is allowed to use any of the financial assurance mechanisms identified in Rule 62-701.900(5), FAC. However, an applicant electing to participate in this joint financial assurance program may use only one of the following forms, in addition to the Standby Trust Fund Agreement (Form 62-701.900(5)(h)), as may be modified as provided in the notification/agreement form:

- i. Letter of Credit - Form 62-701.900(5)(a)
- ii. Insurance - Form 62-701.900(5)(d)
- iii. Performance Bond - Form 62-701.900(5)(c)

b. *Financial Obligation.* The closure plans and closure cost estimates for facilities shall be calculated and approved independently in accordance with each party's respective rules, ordinances, and regulations. If an applicant elects to participate in this joint financial assurance program, it may provide a single financial mechanism to FDEP which is adequate to cover the larger of the closure cost

estimates approved by the FDEP or the County. The permittee must submit financial assurance mechanisms acceptable under this agreement within the time guidelines of 40 CFR Part 264, Subpart H, as adopted by reference in Rule 62-701.630, F.A.C.

c. *Financial Assurance Administration.* The Solid Waste Financial Coordinator shall address all financial assurance issues including but not limited to: validating financial assurance mechanisms, monitoring on-going status of financial documents and responding to cancellation notices and replacement mechanisms, archiving and protecting originally signed documents, maintaining files and database management of financial assurance mechanisms, responding to both agencies' needs and questions concerning financial assurance, and providing inservice as needed for financial matters. A copy of all FDEP-approved financial documents for facilities governed under this Agreement shall be provided to the County at the address noted in paragraph 7.h. below.

6. *Closing and Long-term Care Procedures.*

a. *Termination of Financial Assurance.* The Solid Waste Financial Coordinator shall be responsible for authorizing the termination of financial assurance mechanisms.

b. *Closing of the Facility.* If a facility has not closed in accordance with the requirements of FDEP and/or the County, but instead has been improperly closed, abandoned, or fails to close by a date certain when directed by either the FDEP or the County, FDEP and the County may jointly or separately initiate an enforcement action or actions for the proper closure of the facility. The party first initiating the enforcement action shall provide required documentaion to the Solid Waste Financial Coordinator who will move to secure the funds covered by the financial assurance mechanisms making them available for proper closure of the facility. Unless agreed otherwise, the lead agency to effect facility closing will be the party who first takes final agency action. The lead agency agrees to effectuate a proper closing of the facility under the closure plan included in its permit. When the lead agency certifies the facility closed and if excess funds remain, then the other party hereto shall have the authority to utilize remaining closing funds to effectuate proper closing under the closure plan included in

its permit. Upon certification of closure by both agencies, the Solid Waste Financial Coordinator will process the release of residual closing funds.

c. *Long-term Care of the Facility.* If a facility has not performed long-term care in accordance with the requirements of FDEP and/or the County, or has been closed by either FDEP or the County, the lead agency will direct the long-term care of the facility, unless agreed otherwise. The lead agency agrees to effectuate proper long-term care of the facility under the closure plan included in its permit. When the lead agency determines long-term care is complete, then the other party hereto shall have the authority to utilize remaining long-term care funds to effectuate proper long-term care under the closure plan included in its permit. Upon the determination by both agencies that long-term care is complete, the Solid Waste Financial Coordinator will process the release of residual funds.

7. Miscellaneous Provisions.

a. *Effective Date and Modification Dates.* Subsequent approvals of modifications to this Agreement shall not change the effective date.

b. *Existing Facilities.* Owners and operators of existing, permitted facilities who have provided separate financial assurance instruments to FDEP and the County will be allowed to submit a new instrument to the Solid Waste Financial Coordinator in accordance with this Agreement. This new financial instrument must be consistent with the terms and provisions of this Agreement. Existing instruments shall remain in place until final approval of any replacement mechanisms by the Solid Waste Financial Coordinator. Replaced financial assurance shall be returned.

c. *Legal Challenge.* The actions taken by the County under this Agreement are in accordance with its home rule powers as a Charter County. The actions of the County under this Agreement are not subject to the provisions of the Florida Administrative Procedure Act, Chapter 120, F.S. No action taken by the County shall be construed as a final agency action of FDEP. No action taken by FDEP shall be construed as a final action of the County. FDEP and the County agree to cooperate in

defending any action brought in response to any action taken by the County or FDEP under this Agreement.

d. *Interpretation of Rules Regarding Financial Assurance.* Legal interpretation of FDEP rules shall be made by FDEP. Legal interpretation of County ordinances and rules shall be made by the County. In the event that there is litigation concerning the interpretation of FDEP's rules, then FDEP shall provide testimony concerning the interpretation of those rules. To the extent that litigation involves interpretation of County ordinances and/or rules, the County shall provide testimony concerning the interpretation of those rules.

e. *Authority.* Nothing herein is intended to limit FDEP's or the County's independent authority established by law.


f. *Renumbering.* Citations of specific provisions of statutes and rules mentioned in this Agreement shall survive renumbering.

g. *Compensation.* FDEP and Orange County agree that the Solid Waste Financial Coordinator should not receive specific financial compensation from Orange County to cover the cost of implementing this Agreement. The County may maintain its own permit application fee schedule pursuant to its own ordinances and regulations and enabling legislation to the extent allowed by law.

h. *Points of Contact.* Generally, review of financial assurance mechanisms is done by the Solid Waste Financial Coordinator, Florida Department of Environmental Protection, 2400 Blair Stone Road, MS 4565, Tallahassee, Florida 32399-2400. Review of state closure cost estimates is done at the FDEP Central District Office, Solid Waste Section, 3319 Maguire Boulevard, Orlando, Florida 32803-3767. Review of county closure cost estimates is done at the Orange County Environmental Protection Division, 800 Mercy Drive, Suite 4, Orlando, Florida, 32808.

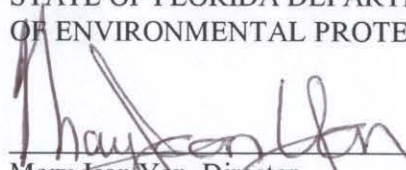
i. *Coordination.* Orange County and the FDEP District shall endeavor to coordinate permitting timeframes and deadlines so that permittees are not required to submit multiple cost estimates and updates thereto at different times of the year.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: 
Richard T. Crotty
Orange County Mayor
Administration Building, 5th Floor
201 S. Rosalind Avenue
Orlando, Florida 32801

Date: December 14, 2005

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Mary Jean Yon, Director
Division of Waste Management
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Date: January 5, 2006

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: 
Deputy Clerk

LIST OF ATTACHMENTS

Attachment 1: Chapter 32, Article V, Section 32-216, Orange County Code.

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Notification and Agreement

It is understood that the state of Florida Department of Environmental Protection (FDEP) and Orange County have entered into an interlocal agreement pursuant to Section 403.707(13), Florida Statutes, that allows an owner/operator to provide a single financial mechanism when demonstrating proof of closure financial assurance if the financial mechanism provided adequately covers the largest closure cost estimate approved by either the FDEP or Orange County.

Permittee/applicant has elected to participate in this joint financial assurance program and understands that only the following instruments have been approved for use:

- Letter of Credit with Standby Trust Fund Agreement
- Performance Bond with Standby Trust Fund Agreement
- Insurance

Permittee/applicant agrees to include a completed signed copy of this agreement as part of any application package to any institution they solicit in the process of obtaining a financial assurance instrument. Only the FDEP may be listed on the instrument as beneficiary or payee. The following statement must, by attachment, amendment, or rider, be made an integral part of the financial assurance instrument submitted.

For purposes of this document, the terms "required action," "permit," "rule," "regulation," "statute," or related terms shall include regulations, orders, and permit conditions established by the local government having jurisdiction over the facility.

Participants in this program agree that the FDEP financial coordinator will act in accordance with all applicable federal, state, and county solid waste rules and ordinances when determining what action to take involving the financial assurance mechanism.

Permittee/Applicant: _____
Company or Legal Entity Name as Listed on the Permit or Permit Application

Authorized Representative of Permittee: _____
Print or Type Name

Title: _____ Phone Number: () _____ E-mail _____

Signature: _____

Signature of Orange County Approving Authority: _____ Date _____

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
DEC 06 2005 *JW/gh*

ORDINANCE NO. 2005-16

AN ORDINANCE IN ORANGE COUNTY, FLORIDA, PERTAINING TO SOLID WASTE MANAGEMENT FACILITIES, ANCILLARY OPERATIONS, YARD WASTE AND LAND CLEARING DEBRIS FACILITIES, AND MATERIAL RECOVERY FACILITIES; AMENDING ARTICLE V OF CHAPTER 32 OF THE ORANGE COUNTY CODE; AMENDING SECTION 21-213, DEFINITIONS; AMENDING SECTION 32-214, PERMIT PROCEDURES; AMENDING SECTION 32-215 RELATING TO PERMIT APPLICATION REQUIREMENTS; AMENDING SECTION 32-216 RELATING TO TECHNICAL REQUIREMENTS AND PROVIDING FOR MANDATORY RECYCLING; AMENDING SECTION 32-217 RELATING TO ENFORCEMENT, PENALTIES, AND PERMIT REVOCATION; AMENDING SECTION 32-223 PROVIDING EXEMPTION FROM SETBACK AND STORMWATER MANAGEMENT REQUIREMENTS FOR LEGALLY EXISTING FACILITIES AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Amendments; In General. Throughout this ordinance, additions to the Orange County Code are shown by underline and deletions are shown by strike-through.

Section 2. Amendment to section 32-213. Section 32-213, Definitions, is amended to read as follows:

Sec. 32-213. Definitions.

This article adopts by reference the definitions contained in section 403.703, Florida Statutes (2005) and rule 62-701.200, F.A.C., as the rule exists on October 1, 2005, unless defined below, in which case the

definition included in this section governs. The following definitions apply for the purposes of this article only:

Applicant shall mean any person, group, contractor, corporation, business association, or other entity applying for a permit for a solid waste management facility.

BZA shall mean the board of zoning adjustment and appeals, Orange County, Florida.

Board shall mean the board of county commissioners, Orange County, Florida.

CFR shall mean the United States Code of Federal Regulations. ~~Citations to specific sections and chapters of the CFR include amendments or replacements of these sections.~~

Class I waste shall mean waste which is not hazardous waste, and which is not prohibited from disposal in a lined landfill under the rules of the Florida Department of Environmental Protection acceptable at a Class I solid waste management facility as defined herein.

~~*Class II waste* shall mean waste acceptable at a Class II solid waste management facility as defined herein.~~

Class III waste shall mean combinations of yard waste and construction and demolition debris along with other debris such as paper, cardboard, asbestos, cloth, cut tires, glass, plastic and other materials approved by FDEP that are not expected to produce leachate which poses

~~a threat to public health or the environment like matter which may be defined by FDEP to constitute Class III waste.~~ Mixing of Class III waste with other types of solid waste will cause the material to be classified as other than Class III waste.

Closing shall mean the time at which a solid waste management facility ceases to accept wastes, and includes those actions taken by the owner or operator of the facility to prepare the facility for any necessary monitoring and maintenance after closing.

Closure shall mean the cessation of operation of a solid waste management facility and the act of securing such a facility site so that it will not pose any no significant threat to human health or the environment. This definition shall include closing, long-term monitoring, maintenance and financial responsibility.

Closure plan shall mean written reports and/or engineering plans detailing those actions that will be taken by the owner or operator of a solid waste management facility to effect proper closure of that facility.

Composting facility shall mean a solid waste management facility where solid waste is processed using composting technology. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter. Simple exposure of solid waste with little or no mechanical handling that results in natural decay is not considered composting. Facilities handling solid waste in this way will be considered solid waste disposal facilities or landfills.

Construction and demolition debris shall mean materials generally considered to be not water-soluble and non-hazardous in nature including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation or ~~maintenance~~ of a structure. If the demolition project is from a structure where hazardous materials or hazardous waste are or were managed, the debris will be considered hazardous waste and will not be considered construction and demolition debris as defined in this article unless tested and the results show otherwise. The term includes rocks, soils, tree remains, trees, and other vegetative matter ~~which~~ that normally results from land clearing or land development operations for a construction project. This term also includes:

- (1) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;
- (2) Except as provided in section 403.707(12)(j), Florida Statutes (2005), unpainted, non-treated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, non-treated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize

the commingling of wood scraps or pallets with other solid wastes; and

- (3) De minimus amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

Regulated asbestos-containing materials as defined in 40 CFR § 61.141 are excluded from the construction and demolition debris definition. Mixing of construction and demolition debris with other types of solid waste, including material ~~which~~ that is not from the actual construction or destruction of a structure, will cause the waste to be classified as other than construction and demolition debris.

County shall mean Orange County, Florida, a political subdivision of the State of Florida.

Cover shall mean a layer of compacted earth or other suitable material as approved by the ~~department~~ Division, used to enclose a volume of fill material.

Department shall mean the Orange County ~~Growth Management and Environmental Resources~~ Community and Environmental Services Department.

Director shall mean ~~the individual retained by the board as head of the Orange County department of Growth Management and~~

~~Environmental Resources. The term director within this article may be either the director or his/her designated representative.~~

Division shall mean the Orange County Environmental Protection Division (EPD).

DRC shall mean the Development Review Committee, Orange County, Florida.

F.A.C. shall mean the Florida Administrative Code, Annotated Official Compilation of Rules and Regulations of the State of Florida, published by the secretary of state. ~~Citations to specific sections and chapters of the F.A.C. include amendments or replacements of these sections.~~

FDEP shall mean the State of Florida Department of Environmental Protection.

~~*Infectious/Medical waste* shall mean any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals listed in paragraphs (1) through (7) of this definition.~~

~~(1) Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.~~

~~(2) Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.~~

~~(3) Human blood and blood products including:~~

~~(i)a. Liquid waste human blood;~~

~~(ii)b. Products of blood;~~

~~(iii)c. Items saturated and/or dripping with human blood;~~

~~or~~

~~(iv)d. Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.~~

~~(4) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of the presence of infectious agents). Also included are other types of broken or unbroken glassware that have been in contact with infectious agents, such as used slides and cover slips.~~

~~(5) Animal waste including contaminated animal carcasses, body parts, and bedding of animals known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.~~

~~(6) Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.~~

~~(7) Unused sharps, including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.~~

~~The definition of infectious/medical waste does not include:~~

~~(i) Hazardous waste identified or listed under the regulations in part 40 CFR § 261;~~

~~(ii) Household waste, as defined in 40 CFR § 261.4(b)(1);~~

~~(iii) Ash from incineration of medical/infectious waste, once the incineration process has been completed;~~

~~(iv) Human corpses, remains, and anatomical parts that are intended for interment or cremation; and~~

~~(v) Domestic sewage materials identified in 40 CFR § 261.4(a)(1).~~

Landfill shall mean any solid waste management facility which is the final resting or disposal place for solid waste, ~~or is the site of solid waste storage, the majority (more than fifty percent) of which the owner or operator cannot clearly demonstrate has been recycled within the last 180 days.~~ The following sites are not included in this definition of landfill:

- ~~(1) A landspreading site;~~
- ~~(2) An injection well;~~
- ~~(3) A surface impoundment; or~~
- ~~(4) An excavation and fill operation, properly permitted per chapter 16 of the Orange County Code and otherwise in compliance with application regulations.~~

Landfills shall be classified into four (4) different classes based on the amount and type of waste received. There are varying requirements throughout this article depending upon class of landfills. The classifications of landfills are as follows:

- (1) Class I landfills are those ~~which~~ that receive an average of twenty (20) tons or more of Class I solid waste per day, ~~as defined herein.~~
- (2) Class II landfills are those ~~which~~ that receive an average of less than twenty (20) tons of Class I solid waste per day, ~~as defined herein.~~
- (3) Class III landfills are those ~~which~~ that receive only class III waste, ~~as defined herein, regardless of the amount.~~ Class III landfills shall not accept putrescible household waste.

(4) Construction and demolition debris landfills are those ~~which that~~ receive only construction and demolition debris, ~~as defined herein, regardless of the amount.~~

Lined Landfill shall mean a landfill constructed with a liner made of synthetic materials, low-permeability soils or a combination of these materials, which has been permitted by Orange County, and which meets the landfill design criteria specified herein.

Manager shall mean the individual retained by the board as the Environmental Protection Officer (EPO) and is the head of the Environmental Protection Division (EPD).

Materials recovery facility shall mean a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Recovered materials shall mean metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

Recycling shall mean any process by which solid waste, or material that would otherwise become solid waste, is collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Site shall mean the lot(s) or parcel(s) of property whereon a solid waste management facility is located or proposed to be located.

Solid waste shall mean sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from waste treatment work or water supply treatment plant or air pollution control facility, or garbage, rubbish, refuse, special waste, yard waste, construction and demolition debris, grade I domestic wastewater sludge or grade II domestic wastewater sludge (subject to the terms and conditions of the Orange County Domestic Wastewater Residual Management ordinance), or other discarded material including solid, liquid, semi-solid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations. This term does not include infectious/medical waste as defined herein, or hazardous waste as defined in F.A.C. rule 62-730, or recovered materials.

Solid waste management facility shall mean any solid waste disposal area; volume reduction plant; transfer station; materials recovery facility; or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. This term does

not include recovered materials processing facilities that meet the requirements of section 403.7046, Florida Statutes, except the portion of such facilities, if any that is used for the management of solid waste.

Yard waste shall mean vegetative matter resulting from landscaping maintenance operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps and other vegetation ~~that has likely been exposed to fertilizers, pesticides or herbicides.~~

Section 3. Amendment to section 32-214. Section 32-214, Permit procedures, is amended to read as follows:

Sec. 32-214. Permit procedures.

(a) (1) *Permits required.* It shall be unlawful to operate a solid waste management facility in those areas of Orange County which are not in any municipality and in areas within any municipality that, by ordinance or interlocal agreement, provides for the regulation of solid waste management facilities by Orange County in accordance with the provisions of this article, without a valid Orange County permit, ~~which permit shall not be issued without the review and recommendations of the Orange County development review committee (DRC) and a special exception allowing the solid waste management facility being recommended by the Orange County board of zoning adjustment and appeals (BZA). Applicant shall also obtain a permit from the Florida Department of Environmental Protection (FDEP) for the construction or~~

~~operation of a solid waste management facility prior to initiating operations and shall keep said FDEP permit in force.~~

(2) DRC review required.

a. Prior to issuance of recommendations by the BZA for a special exception for the solid waste management facility, a conceptual plan for the solid waste management facility must be reviewed by the DRC. The DRC shall make a recommendation as to whether the proposed solid waste management facility will (i) be compatible with the surrounding land uses, and (ii) serve the public interest. At a minimum, the conceptual solid waste management facility plan shall comply with the applicable portions of the development plan submittal requirements included in Section 38-1206.

b. The Division shall verify the conceptual solid waste management facility plan for sufficiency within ten (10) days. Upon a determination by the manager that the DRC conceptual plan materials are complete, the Division shall schedule the matter before the DRC.

(3) Special Exception required. A special exception authorizing a solid waste management facility is required. A solid waste management permit application shall receive a recommendation by the Division prior to the consideration by the BZA of any application for special exception. A solid waste management permit application and an application for a special exception shall be considered by the Board of County Commissioners at the same public hearing.

(24) *Activities governed by other ordinances.*

(i)a. The landspreading of domestic wastewater residuals shall be governed by the Orange County "Domestic Wastewater Residual Management Ordinance" and not this article.

(ii)b. The applications for excavation permits and fill permits for type I or type II material as defined in ~~this Code~~, chapter 16, shall be made at the county engineer's office, public works department, pursuant to the requirements of Orange County Code chapter 16, known as the "excavation and fill ordinance", and not this article. Should any excavation become or intend to become a landfill, as defined by section 32-213, then the operation shall comply with any and all requirements of this article prior to issuance of an excavation and fill permit. Setbacks and depths of excavation as required by this article shall control over a solid waste landfill operation.

(b) Applications for permits to construct, operate, close and conduct post-closure care of solid waste management facilities and ancillary operations shall be made at the ~~director's~~Division office, ~~growth management and environmental resources department, according to the provisions of this article.~~

(c) The following types of solid waste management facilities shall submit an application pursuant to the requirements of this article:

- (1) Class I landfills;
- (2) Class II landfills;

- (3) Class III landfills;
- (4) Construction and demolition debris landfills;
- (5) Composting facilities (excluding those located at permitted landfills);
- (6) Used oil recycling facilities;
- (7) Waste tire processing facilities;
- ~~(8) Infectious/Medical Waste treatment or storage facilities;~~
- (9) Incinerators, if the facility is also storing or disposing of solid waste on the site;

(10) Solid Waste Transfer Stations;

(11) Yard waste and land clearing debris recycling facilities having at any time a cumulative volume of solid waste, yard waste, land clearing debris, compost, mulch, and other recycled product of 200 cubic yards or greater;

(12) Materials recovery facilities; and

~~(13)~~ Any other facility that the Orange County board of commissioners may consider to meet the definition of solid waste management facility and/or may present any threat to human health or the environment.

~~(d)~~ All applications shall be submitted ~~on a form approved by the Orange County board of county commissioners~~ and shall be signed and sealed by a professional engineer registered in the State of Florida. Application form(s) shall state owner's name, firm performing work,

source of materials, estimated yearly fill quantity, and disposal capacity of site (for solid waste disposal facilities), owner's consent (if application is made by person other than property owner), proposed haul route, and whether the solid waste management facility will be for private or public use. All supporting documentation required in this article shall accompany application form(s).

(ee) No permit shall be issued until the application fees (which shall be established by the board by separate resolution) have been paid and financial responsibility documentation (as detailed in section 32-216(wb)(23) herein) has been reviewed and approved by the county.

(df) Permits shall be valid for a maximum period of five (5) years from the date of approval of the permit application or renewal.

(eg) Application for renewal of a permit, with required supporting documentation, shall be submitted at least ninety (90) days in advance of expiration date of the existing permit. It is the permittee's responsibility to ensure renewal applications are submitted in accordance with this requirement. Requests for further information from the county shall be responded to in a diligent fashion and within the period of time established by the county at the time of the request. The ~~director~~ Division shall make a determination when the application is deemed complete and shall inform the applicant in writing within thirty (30) days. During and after the ninety-day period following the submittal of a completed application, the applicant/operator has the right to continue operations if final action has

not been taken by the county until such time as the county takes final action; provided the permit has been extended by the county in writing and that such completed application is submitted prior to the expiration of the existing permit.

(fh) Permits shall be displayed in a prominent place at the solid waste management facility at all times.

(gi) Permits may be transferred only upon approval of the board and payment of a service charge as prescribed by the board. The term "transferred" includes, but is not limited to, change of ownership, the current permit holder being acquired by a parent company or any type of legal acquisition.

(hj) Permit review and approval procedure.

(1) Once the ~~director~~ Division has given written notice to the applicant that the application is complete, the ~~director~~ Division shall review the application and notify the applicant of apparent deficiencies in the application and additional information needed within thirty (30) days of receipt of the complete application. ~~All county comments and questions relative to the permit application shall be signed and sealed by the professional engineer registered in the State of Florida responsible for the review.~~ Diligent responses to the county's request for additional information or corrections of deficiencies shall be provided within the period of time established by the county at the time of the request. Within thirty (30) days after receipt of such additional information, the county

shall review ~~it~~ the additional information and may request only that information needed to clarify such additional information or to answer new questions raised by or related to such additional information. Failure to respond within the established time or not diligently addressing the requests of the county will cause the application to be denied.

(2) The ~~director~~ manager shall submit ~~his~~ the Division's recommendations and the recommendations of the DRC and BZA to the board for approval or denial of the permit. A public hearing by the board to consider the permit shall be held within ninety (90) days after receipt of a complete application or after receipt of the last item of timely requested additional material, whichever occurs last.

(3) The board may approve or deny the permit application and may include any conditions of approval necessary to assure compliance with the regulations contained in this article or any other applicable regulation. The board shall determine whether the proposed facility will serve the public interest and provide a needed service to the citizens of Orange County, considering the recommendations of the ~~director~~, DRC, Division and BZA, and also based on the following:

- a. Capacity of existing permitted solid waste management facilities;
- b. Capacity of the proposed solid waste management facility;

- c. Quantity of solid waste generated in the county requiring disposal or management;
- d. Potential sites best suited to serve the county;
- e. Need for disposal or other kinds of waste management capacity; and
- f. Board policies.

If the board determines that the facility would not serve the public interest and or would not provide a needed service to the citizens of Orange County, the board may deny the permit. The board may also approve or deny the permit application based on its consideration of the appropriateness of the type and method of disposal or management of the solid waste, including the potential for adverse groundwater, surface water, air pollution, noise, odor, nuisance, and health risks, consistency of the proposed facility with the Orange County comprehensive policy plan, refuse disposal facilities plan, county capital improvement programs, county policies, rules, regulations and ordinances.

(4) Any applicant may seek review of a board decision on a permit application by certiorari filed in the circuit court in and for Orange County.

(ik) *Waivers.* Upon written application, which may be included with permit applications, the board may grant waivers from the regulations contained in this article. The applicant for any waiver shall demonstrate

and the board shall consider any one (1) or more of the following factors with respect to any application for waiver:

- (1) Location of real property;
 - (2) Distance of the proposed solid waste management facility from improvements on adjoining real property;
 - (3) Effect of the proposed waiver on adjoining property;
 - (4) Current physical conditions on the real property whereon the solid waste management facility is proposed to be located;
 - (5) Whether the waiver would be contrary to the public health, safety and welfare and/or adopted plans, policies or ordinances of the county;
 - (6) Any special conditions applicable to the real property whereon the solid waste management facility is proposed to be located;
- and
- (7) Whether the waiver would nullify the intent and the purpose of this article.

(j) *Adoption of rules, regulations and fees.*

- (1) The board may from time to time, by resolution, adopt such rules, regulations, and policies, as it deems necessary to implement and enforce this article. Such rules may include, without limitation, requirements for letters of credit or other security to assure proper performance of permitted activities.

(2) The board may from time to time, by resolution, establish fees to be applicable to all permits or other regulatory activities authorized by this article.

(3) The board may, by resolution, establish designated areas within Orange County, which are not within the boundaries of any municipality, where solid waste management facilities may be located.

(km) *Ancillary operations.* All ancillary operations shall be described in the permit application. Actual or potential impacts from the ancillary operation on air quality, water quality, and abutting property owners (especially in regard to noise level, odors and visual impacts) shall be described and compared to levels described by this Code, where applicable. Appropriate permits must be obtained from local, state and federal agencies for the ancillary operations. A demonstration of need for the operation must be submitted to the county. If a permittee intends to initiate any ancillary operations at a permitted site, plans or a description of the proposed operation must be submitted to the ~~director~~ manager for review. If the ~~director~~ manager determines the ancillary operations will create additional substantial impact on the surrounding area, the ~~director~~ manager shall forward the request to the board for ~~review and approval~~ its consideration.

(ln) In the case of permit renewals or changes to existing permits, neither review by DRC, review by BZA nor a public hearing shall be required unless the ~~director~~ manager determines that there has been a

substantial deviation from the terms and conditions of the permit. Vertical and horizontal expansions of fill area or an increase in the quantity of fill (for solid waste disposal facilities), a need to remediate existing deficiencies, increase in the intensity of the land use of the site or a waiver request shall be among those circumstances considered to result in a substantial deviation. Applicant shall have ten (10) days to submit to the Division a notice of appeal the ~~director's~~ manager's finding of substantial deviation. The appeal before ~~to~~ the board ~~and a hearing~~ shall be held within forty-five (45) days of the submittal of the notice of appeal. A permit found to be a substantial deviation shall be required to be processed further in the same manner as an application for an original permit, which process is further described herein.

(~~mo~~) The board may, by resolution, suspend issuance of new permits for a period of time if the board determines that adequate capacity exists within the county for any type of solid waste management facility.

(~~np~~) Permits will not be issued for a solid waste management facility operation within a permitted excavation site to anyone other than the operator of such excavation site.

Section 4. Amendment to section 32-215. Section 32-215, Required submittals, is amended to read as follows:

Sec. 32-215. Required submittals.

~~Six (6)~~ Four (4) copies of the following documents and information shall be submitted for review as part of the permit application. All submittals must be

signed and sealed by a professional registered (State of Florida) engineer, geologist or land surveyor, as appropriate, and shall include the following:

(a) *For solid waste disposal facilities: Class I and Class II landfills.*

~~(1) DRC review and recommendations;~~

~~(2) BZA special exception evaluation and recommendations;~~

~~(31) Completed Application form described in section 32-214~~

herein.

~~(42)~~ Certified, current topographical survey. For purpose of this article, a current survey shall mean a survey which that has been certified within ~~six (6)~~ twelve (12) months of the date of submittal of a complete application. The survey shall utilize a minimum of ~~five (5)~~ foot contour intervals to clearly show ground surface shape, shall extend one hundred ~~fifty (150)~~ (100) feet beyond the property line of the proposed facility and shall include all improvements within this area. A topographical survey shall be submitted annually to the ~~director~~ Division. This annual survey may cover only the area disturbed since the original survey if it is accompanied by a letter, sealed by a Florida registered land surveyor, certifying that areas not covered are the same topographically as shown on the survey submitted with the original application.

~~(53)~~ Certified boundary survey and legal description. The boundary survey and legal description shall be updated at permit renewal or whenever the site boundaries or legal description changes.

~~(64)~~ Proof of ownership of property.

(75) Engineering plans indicating the following:

- a. Liner and liner system design and specifications in accordance with section 32-216;
- b. Leachate collection and removal system design in accordance with section 32-216;
- c. Leachate treatment system design or contract with an offsite wastewater treatment plant to treat the leachate, with proof of capacity to treat such type of liquid waste;
- d. Proposed final grade at one-(1) foot contour intervals;
- e. Design of ancillary facilities/ operations;
- f. *Stormwater management plan*. The site stormwater management system shall follow the county subdivision regulations. ~~with the following exceptions:~~ However, landfill facilities shall be subject to the following additional requirements:

1. Full retention of onsite runoff resulting from the 100-year storm event is required. Furthermore, offsite runoff resulting from the 100-year storm event must be diverted around the site, fully retained onsite or bypassed through the site such that intermixing with onsite stormwater or groundwater will not occur. The discharge character of the diverted or bypassed flow shall be the same as the pre-development character of the offsite runoff.

2. Since the site shall have in place a six (6) feet perimeter fence which is maintained during operation and post-closure, slopes between 2H:1V and 5H:1V for dry ponds maybe accepted to accomplish the retention of the 100-year design storm event. The operator shall reestablish the 5H:1V slopes within the original setbacks at the end of the post-closure period and shall include the necessary amount of money in the financial assurance for the county to reestablish such slopes. ~~As an alternative to reestablishing the slopes, the stormwater management permit shall include as a condition, to maintain the fence for perpetuity after the post-closure period.~~ The stormwater management plan approved by the county and any modification must be the same as submitted to the water management district or applicable state agency;

- g. Zoning of property and adjacent properties;
- h. Landscape buffer plan;
- i. Reclamation plan;
- j. Setbacks and access control;
- k. Final closure plan;
- l. Description of proposed final use of landfill property; and
- m. Plans for long-term care of the site.

(86) *Processing fee.*

(97) Soil boring logs and reports indicating soils types present on the site.

(~~108~~) Hydrogeological assessment of the site and proposed groundwater monitoring plan in accordance with section 32-216(~~ub~~)(21) herein.

(~~119~~) Proposed fee schedule for use of the solid waste management facility by third parties.

(~~1210~~) Proposed hours of operation.

(~~1311~~) Proposed method of quantifying wastes.

(~~1412~~) Proposed source of cover materials.

(~~1513~~) A map or aerial photograph of the area showing land use and zoning within one (1) mile of the boundaries of the site. This map, or photograph (which shall be taken within one (1) year of the permit application), shall be of sufficient scale to show all residences, industrial buildings, watercourses, roads and other details. These features shall be labeled on the map or photograph. Applicant shall show approximate location of all possible potable water wells within one (1) mile and shall indicate distances to the adjacent (excluding easements) potable water wells, residences and businesses, and shall indicate the number of residences, businesses, and all possible potable water wells within one (1) mile of the boundaries of the site.

(~~1614~~) Evidence of financial responsibility in accordance with section 32-216(~~wb~~)(23) herein.

(~~1715~~) Litter control plan.

(1816) Waste stream quality control plan as described in section 32-216(kb)(11) herein.

(1917) Gas monitoring and control plan as specified in section 32-216(vb)(22) herein.

(2018) Demonstration of need for the proposed solid waste management facility. The source of the waste, quantity of waste anticipated to be received on a yearly basis, delivery method and ability of other permitted facilities in the area to manage the solid waste must be described. Demonstration of need must also be submitted in writing for any proposed operations ancillary to solid waste disposal operations when applicable.

(2119) Operations plan for the solid waste management facility and all ancillary operations when applicable.

(2220) A written description of how the facility will comply ~~or will be in accordance with the~~ mandatory recycling included in section 32-216(b)27 state and county recycling goals and policies.

(2321) A fire fighting agreement signed by the solid waste management facility operator and the Orange County Fire Chief, which covers the line of responsibility for fighting fires at the site. The agreement is to include methods to be used to extinguish flames that minimize the potential adverse impact on the environment, but still adequately address an emergency. The use of alternatives to water in

landfills or other facilities that can produce leachate shall be considered to minimize the impact of the leachate on groundwater.

(b) *For solid waste disposal facilities: Class III and construction and demolition debris landfills.*

(4) The same requirements included in section 32-215(a), excluding (75)a., (75)b., and (75)c if the applicant demonstrates, and the ~~director~~ manager agrees, that leachate control is not necessary. For construction and demolition debris facilities, leachate control is not required unless the county demonstrates that such control is needed for the protection of the citizens or the environment. That determination shall be based on such things as the types of waste, methods to control the types of waste disposed of, the proximity of groundwater and surface water, and the results of the hydrogeological and geological investigation submitted with the application.

(c) *Composting facilities (excludes facilities located at permitted landfills).*

(1) The same requirements included in section 32-215(a), excluding (75)a., (75)b., (75)c., (5)d., (75)i., (5)k., (75)l., (75)m., (97), (108), (1412), (1917), (18), and (20).

(2) For composting facilities which process solid waste other than only yard waste or manure, a design of the receiving, storage and processing areas demonstrating the leachate migration controls and the

requirements included in section 32-215(a)(75)b. and section 32-215(a)(75)c. are in place, if the leachate will not be reused in the process.

(d) *Used oil recycling facilities and waste tire processing facilities.*

(1) The same requirements included in section 32-215(a), excluding (42), (75)a., (75)b., (75)c., (75)d., (75)i., (5)k., (75)l., (75)m., (97), (108), (1412), (13), (1917), and (18).

~~(e) Infectious/Medical Waste treatment or storage facilities~~

~~(1) The same requirements included in section 32-215(a), excluding (4), (7)a., (7)b., (7)c., (7)d., (7)i., (7)l., (7)m., (9), (10), (14), and (19).~~

~~(2) Detailed explanation of the process and applicant's experience with the proposed system.~~

~~(3) Any additional requirements included in the "Incinerator Management Ordinance of Orange County, Florida" if the facility utilizes an incinerator.~~

~~(4) Post-treatment waste management plan including a letter of commitment to accept and be responsible for the proper disposal of the material from the solid waste disposal facility that will be used as the final disposal site.~~

~~(fe) Incinerators.~~

(1) The same requirements included in section 32-215(a), excluding (42), (75)a., (75)b., (75)c., (75)d., (75)i., (5)k., (75)l., (75)m., (97), (108), (1412), (13), (1917), and (18).

(2) Detailed explanation of the process and applicant's experience with the proposed system.

(3) If the facility will dispose solid waste on-site, it shall comply with all the requirements of Class I and Class II landfills.

(4) If the facility will dispose solid waste off-site, post-treatment waste management plan including a letter of commitment to accept and be responsible for the proper disposal of the material from the solid waste disposal facility that will be used as the final disposal site for the refuse or the ashes generated by the process.

(gf) Transfer Stations.

(1) The same requirements included in rules 62-701.801710(2)(a) through 62-701.801710 (6), rules 62-701.801710 (2)(a) through 62-701.801710 (6) are hereby adopted by reference.

(2) The same requirements included in section 32-215(a), excluding (2), (5)a., (5)b., (5)c., (5)d., (5)i., (5)k., (5)l., (5)m., (7), (8), (12), (13), (17), (18), and (20).

(g) Yard waste and land clearing debris recycling facilities and materials recovery facilities.

(1) The same requirements included in section 32-215(a), excluding (2), (5)a., (5)b., (5)c., (5)d., (5)i., (5)k., (5)l., (5)m., (7), (8), (12), (13), (17), (18), and (20); and

(2) A plan documenting maximum capacity and site plan showing location and maximum dimensions of temporary storage piles.

(h) Any other facility that the ~~Orange County~~ board of ~~county commissioners~~ may consider to meet the definition of solid waste management facility and/or may present any threat to human health or the environment.

(1) —The board shall determine, with the recommendations of the ~~director~~ Division, the requirements depending on the type of facility.

Section 5. Amendment to section 32-216. Section 32-216, Technical requirements, is amended to read as follows:

Sec. 32-216. Technical requirements.

(a) The minimum construction requirements for solid waste disposal facilities are those indicated in F.A.C. ~~ch. rule~~ 62-701.400. Those requirements apply for Class I and Class II landfills as well as Class III ~~sites~~ landfills when a liner and a leachate collection system are required. Construction and demolition debris landfills may not have to comply with the requirements in F.A.C. ~~ch. rule~~ 62-701.400 if the ~~director~~ Division determines, using the information provided by the applicant, that the facility will not cause any leachate release that may contaminate the groundwater or any other situation that may need the use of liner and leachate control system. Section 62-701.400(1211) of F.A.C. is excluded from this article. The bottom of the landfill shall be a minimum of five (5) feet above the estimated seasonal high water table. Said five (5) feet layer shall be capable of impeding the flow of leachate from the site. Alternatives to the five (5) feet layer maybe allowed as a waiver providing that equivalent performance

criteria is met. The applicant shall comply with section 32-214 (ik) to apply for this waiver.

(b)(1) The following requirements shall apply for solid waste disposal facilities:

(1)a. The solid waste management 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. The division inspectors shall participate in applicable training courses conducted or sponsored by FDEP for its landfill inspectors.

(2)b. Any solid waste management facility operation that will exceed ninety (90) days duration shall abut a paved, public roadway, which will provide access to the property for which the permit is applied. Paved access shall be provided by the applicant prior to commencing operations for which a permit has been issued. Paving improvements shall be installed by applicant in accordance with Orange County road construction standards. Solid waste management facility operations which will not exceed ninety (90) days may utilize access by unpaved roads. The applicant shall continuously maintain such unpaved roads at applicant's sole expense in a condition satisfactory to the county engineer. No permit for an operation not exceeding ninety (90) days may be renewed or extended unless the applicant provides paved access. The proposed ingress to and egress from the site will be reviewed with Orange County engineering department. The applicant may be required to construct improvements (such as the addition of turning lanes) to public roads used

for site access if the county engineer or his/her designee determines that the proposed solid waste management facility will significantly impede the flow of traffic on the public roads used for site access.

(3)e. As each section is completed or upon completion of the operation as stipulated in the permit, the applicant shall be required to institute the approved plan of reclamation and closure. The operator shall submit a closure permit application ninety (90) days before the projected closure date, which includes an update of the previously approved closure plan. This permit application shall be reviewed and approved by the ~~director~~ manager before commencement of the closure. All closure activities shall be performed in accordance with the requirements of F.A.C. ~~ch.~~ rule 62-701 and all the requirements herein. As a minimum, the plan shall include the placement of a minimum of two (2) feet of compacted soil and the establishment of a dense stand of grass on all disturbed areas. The site is to be restored to a condition similar to the condition existing prior to the installation of the solid waste management facility.

(4)d. No permit shall be issued for any area determined by Orange County to constitute a conservation area, according to the standards established by the Orange County comprehensive policy plan, ordinances, rules or resolutions, nor shall any permit be issued for any area determined to be environmentally sensitive, including, but not limited to,

areas protected by the Orange County conservation ordinance or the Orange County Econlockhatchee River Basin ordinance.

(5)e. Nothing herein shall be construed as regulating dredging or filling, as defined in F.S. § 403.911.

(6)f. Issuance of a county 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.

(7)g. Permits issued after July 7, 1992, may only be issued upon board approval and only for sites zoned agricultural (A1 and A2 - excluding any agricultural/residential zoning category) or heavy industrial (I-4), which abuts only properties zoned agricultural (excluding any agricultural/residential zoning category) or heavy industrial. For purpose of this article, "abutting, adjoining or adjacent property" shall be property ~~which~~ that touches the boundary line of the site. Provided, however, that the requirements contained in this subparagraph (g) shall not apply to any renewal or change to an existing permit, if such renewal or change has been determined by the ~~director~~ manager not to effect a substantial deviation.

(8)h. Setback: distances and area.

a. Setbacks from any boundary line of a site shall be as follows:

1. Two hundred (200) feet from the right-of-way of any arterial or collector highway;

2. One hundred fifty (150) feet from the right-of-way of any other public street, road or highway, or abutting property;

3. A minimum of two hundred fifty (250) feet from any off-site structure ~~that which~~ is the subject of a certificate of occupancy.

b. Notwithstanding the forgoing setbacks required in paragraph 32-216(b)(8)a., if the landfill site was formerly, or is currently, a properly permitted excavation site, waste may be placed in the excavation area, within the setbacks required by the subject excavation permit, up to the natural grade existing prior to the initiation of excavation. All above grade waste must be placed according to setbacks listed in subsections (1) through (3) paragraph 32-216(b)(8)a. above.

c. A solid waste management facility other than a landfill facility may request a waiver to the required setbacks as described in section 32-214(k).

d. Setback area shall be landscaped to provide a visual buffer from adjacent properties. Landscaping shall be designed to minimize visual impacts of both the fill operation and the final closed landfill from surrounding properties and roads. As a minimum, landscaping shall include a dense stand of grass and shade trees as defined in Section ~~section~~ 21-5 of the Orange Code. Trees shall be a minimum of ten (10) feet tall, fifteen (15) gallon and two and a half (2½) inches caliper six (6) inches

above the root ball. Tree spacing shall be forty (40) feet along any street and sixty (60) feet on other sides. Well-landscaped post closure retention ponds are permitted in the setback. Structures, such as offices, scales, spare parts storage and similar facilities maybe constructed within the setback if fully concealed with a visual type A opaque buffer as defined in chapter 24 of ~~this Code~~ or a berm in addition to the landscaping requirement included in ~~Section~~ this paragraph 32-216(h). Maintenance facilities maybe included if noise, odor and other nuisances are addressed to the county's satisfaction.

~~(9)i~~ *Slopes.* Slope of working face shall not exceed three (3) to one (1) horizontal to vertical. In order to prevent erosion, final slope shall not exceed four (4) to one (1). Maximum working face lift height shall not exceed twenty (20) feet for construction and demolition debris and Class III landfills. Maximum lift height for Class I and Class II landfills shall be as specified in F.A.C. ~~ch.~~ rule 62-701. Alternate designs with final side slopes of a maximum of three (3) to one (1) may be proposed provided adequate erosion control facilities are provided.

~~(10)j~~ *Security and litter.*

~~a.1~~ Access to the sites shall be controlled via installation of a security chain link fence around the perimeter of the site which shall be a minimum of six (6) feet high with locking gates. Gates shall be locked when the site is not open for business. Gates and fences shall be maintained at all times by the permittee.

b.2. An scalehouse or gate attendant equipped with radio contact to other landfill employees shall be present at all times when the site is open for business. The scalehouse shall be positioned to allow observation of all incoming and exiting traffic.

c.3. Warning signs at least three (3) feet square shall be posted at each corner of the fence and not more than five hundred (500) feet apart along the fence line. Signs shall be positioned behind the fence and visible from offsite. On the sign shall be printed in letters of not less than five (5) inches in height the words "No Trespassing" or other approved appropriate warning.

d.4. The permittee shall have a county-approved litter control plan which shall minimize litter from the site as well as litter from vehicles hauling materials on and off site. The permittee shall be responsible for cleanup of all litter from permittee's operation or from vehicles going to and from the site.

(11)k. A waste stream quality control plan shall be submitted. This plan shall include or provide for the following as a minimum:

a.1. A procedure to ensure that only properly permitted wastes are accepted. Such procedures may include or be a combination of a manifest system, surcharges, contractual agreements with transporters, random load inspections or other acceptable means.

b.2. A procedure for removal of waste not allowed by the subject permit to an approved disposal facility. This procedure must

specify the means to be used for removal of non-permitted solid wastes or hazardous wastes illegally dumped at the site. The operator shall inform the county immediately of the presence of the hazardous waste in the facility and provide a written plan within five (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 five (5) days. All other non-permitted solid waste shall be removed from the site and shall be disposed of properly upon accumulation of twenty (20) cubic yards (one (1) dumpster).

c.3. An attendant must be present at the working face of the site at all times to inspect each load dumped at the site. The employee shall have the authority and responsibility to reject unauthorized loads, have unauthorized materials removed by the transporter and/or assess appropriate surcharges and have the unauthorized material removed by on-site personnel.

d. A sign must be posted at the entrance to the site listing waste materials acceptable at the site.

e.4. In addition to the inspection required in subsection ~~(3)~~ above paragraph 32-216(b)(11)c., the facility operator shall be responsible for examining at least three (3) random loads of solid waste delivered to the site each week. The selected load shall be unloaded in a separate area and a trained inspector shall perform a detailed inspection. The inspector

shall examine the solid waste for any unauthorized material. In order to perform the mentioned detail inspection, the operator must break apart and spread all the solid waste using the necessary equipment to allow for thorough inspection. If any unauthorized waste is identified during the inspection, the responsible inspector must have the authority to reload the solid waste into the customer's vehicle for removal from the site or to use the site personnel to perform the removal of the unauthorized waste as per ~~subsection (2)~~ paragraph 32-216(b)(11)b. above. The transporter and generator of the unauthorized solid waste must be notified to prevent future occurrences. The operator shall keep at the site a current logbook with the original inspection forms, which shall include the signature of the responsible inspector.

~~(12)~~ For any ancillary operation in combination with disposal activities (such as composting, recycling, etc.), a separate operations procedure shall be submitted. Such procedure shall include methods for disposal of unacceptable or unprocessed waste from such alternate use.

~~(13)~~ Vehicular access to and from the site shall be designated by the board at the time of the permit approval. Unless specifically permitted by the board, no vehicular travel to or from the site shall be allowed though a street, the primary purpose of which is to serve residential dwellings, in a platted residential subdivision; however, the board may permit such travel when a residential subdivision street provides the only reasonable access or when such street is a collector or arterial street. In

areas of restricted travel on county roads, the county shall post signs indicating restrictions.

a. This provision shall be enforced as follows:

i. Upon notification that a vehicle or vehicles are accessing the site via any non-approved street, the county may send an inspector to the site of the alleged violation. Upon observing a vehicle on a non-approved street, the inspector shall issue a citation to the waste hauler. One copy of the citation shall be hand-delivered to the driver of the vehicle and one copy each shall be mailed to the waste hauling business operating the truck and to the permittee. The permittee shall send a notice to the waste hauling business, with a copy to the division, notifying it that if two additional citations are issued for violations of this section, whether such violations are caused by the same or different vehicles or drivers, the waste hauling business will no longer be permitted to deliver to the permittee's solid waste management facility.

ii-2. The second time a citation is issued to the same waste hauling business delivering to the same solid waste management facility, copies shall be distributed as in ~~the previous~~ paragraph 32-216(b)(13)a.1., along with a letter to both the waste hauling business and the permittee notifying them that the accompanying citation is a second violation, and that a third

violation will cause the waste hauling business to lose their right to use the specified solid waste management facility.

iii-3. The third time a citation is issued to the same waste hauling business delivering to the same solid waste management facility, copies shall be distributed as in ~~the previous paragraph~~ 32-216(b)(13)a.3., along with a letter to both the waste hauling business and the permittee notifying them that the accompanying citation is a third violation, and that the waste hauling business may no longer use the specified solid waste management facility. Any further delivery to the solid waste management facility by the waste hauling business shall be a violation of the permittee's permit conditions.

b. Administrative regulations to implement this section of the ordinance are to be enacted by the manager or ~~his/her~~ designee.

~~(14)n.~~ Within one hundred eighty (180) days after completion of the closure operation, a certified topographic survey shall be submitted showing the finished grades. The county shall inspect the site within thirty (30) days to verify satisfactory compliance with the final grading plan and reclamation plan in conformance with this article and any special permit conditions. After satisfactory completion and inspection, a certificate of completion will be issued.

~~(15)e.~~ Solid waste management operations shall not obstruct or materially interfere with natural watercourses, water management or

control plans, road system or right-of-way, or cause flooding on adjacent properties.

(16)p- Hours of operation for the solid waste management facility shall be set by the board, and in no case shall be earlier than 7:00 a.m. nor later than 7:00 p.m. unless properly waived by the board.

(17)q- Solid waste cannot be placed in any natural or artificial body of water, including groundwater.

(18)r- Owner shall execute and record a notice that runs with the land which shall state that the land was used as a solid waste disposal site and that materials buried on the property may render the property unsuitable for conventional development.

(19)s- A truck scale is required at all solid waste disposal sites larger than ten (10) acres. Accurate records of the amount of waste received (in tons for landfills with scales) or cubic yards (for landfills without scales) must be maintained and submitted to the county quarterly. Excavated volume, compaction ratio, volume of waste stream recycled and any other information needed to track landfill airspace shall be reported. For landfills without scales, the proposed method of quantifying waste shall be submitted to the county for review and approval prior to initiating disposal operation. If recycling or composting operations occur at the site, the quantity, method, and use of materials recycled shall be reported to the county monthly. A flat fee may be charged for small vehicles (pickup trucks, cars and vans). Quantities from vehicles charged a

flat fee shall be estimated using an approved conversion rate. Truck scales shall be calibrated, as a minimum, every twelve (12) months and the certificate of calibration shall be displayed at the scale house or gate house at all times.

(20)†. Waste handling and cover requirements.

a. 1. All solid waste at Class I and Class II landfills shall be spread in layers of approximately two (2) feet in thickness and compacted to approximately one (1) foot in thickness or as thin a layer as practical before the next layer is applied. Solid waste at all Class III and construction and demolition debris sites shall be spread in layers and compacted at least once every week using suitable heavy equipment. Bulky materials that are not easily compacted should be worked into other materials as much as practical. The first layer of waste placed above the liner and leachate collection system (for those landfills with liner and leachate collection systems) shall be a minimum of four (4) feet in compacted thickness and consist of selected wastes containing no large rigid objects that may damage the liner or leachate collection system.

2. Solid waste shall be formed into cells to construct horizontal lifts. The working face of the cell, and side grades above land surface, shall be at a slope no greater than three (3)-feet horizontal to one (1)-foot vertical rise. Lift depth should normally

not exceed ten (10) feet but may be deeper, up to twenty (20) feet, depending on specific operations, daily volume of waste, width of working face, and good safety practices. The working face shall be only wide enough to accommodate vehicles discharging waste, to minimize the exposed area and unnecessary use of cover material.

3. Initial cover shall be applied and maintained at landfills in order to minimize any adverse environmental, safety, or health effects such as those resulting from birds, blowing litter, odors, disease vectors, or fires. The minimum frequency for applying cover shall be at the end of each working day for Class I and Class II landfills. However, for those areas where solid waste will be deposited on the working face within eighteen (18) hours, initial cover may consist of a temporary cover, such as a tarpaulin, which may be removed prior to deposition of additional waste. For Class III landfills, cover shall be applied at the end of each work week. An intermediate cover in addition to the six (6)-inch initial cover shall be applied and maintained within seven (7) days of cell completion if additional solid waste will not be deposited within one hundred eighty (180) days of cell completion. The landfill operator may remove all or part of the intermediate cover before placing additional waste or installing final cover. The minimum cover requirement for C&D sites shall be at the time of the landfill

closure. A more frequent cover maybe required to control odor or nuisance problems.

4. Solid waste disposal units which have been filled to design dimensions (as approved by the county) shall receive final cover within one hundred eighty (180) days after attaining final elevation or in accordance with the schedule included in the approved closure plan for the landfill.

5. Uncontrolled and un-authorized scavenging shall not be permitted at any landfill site. The landfill operator may permit controlled salvaging for recycling. A litter policing operation shall be employed to keep litter from leaving the working area of the landfill. Litter outside the working area shall be picked up within twenty-four (24) hours.

6. Erosion control measures shall be employed to correct any erosion which exposes waste or causes malfunction of the stormwater management system or reduces the cover below the required thickness.

b.2. More frequent cover may be required if necessary to prevent health and environmental problems. In particular, the ~~director~~ manager shall consider the proximity to nearby residences, evidence of dumping of unauthorized wastes, unlawful fires, littering of nearby property, odor problems, presence of vectors,

and any other demonstrable potential or existing problems at such sites when making this determination.

c. 1.3. Final cover shall be designed to minimized infiltration. Landfills shall have a final cover designed to minimize infiltration and erosion, which shall include a barrier layer consisting of a low permeability soil layer, a geomembrane, or a combination of a geomembrane with a low-permeability material. For lined Class I and Class II landfills, the barrier layer shall have a permeability which is substantially equivalent to, or less than, the permeability of the bottom liner system. If the landfill uses a geomembrane in the bottom liner system, the barrier layer shall also incorporate a geomembrane.

2. For unlined Class I and Class II landfills, the barrier layer shall have a permeability of 1×10^{-7} cm/sec or less. For Class III, the barrier layer shall have a permeability of 1×10^{-5} cm/sec or less. If the barrier layer consists only of soil, it shall be at least eighteen (18) inches thick after compaction, emplaced in 6-inch thick compacted lifts, and shall have a final, 18-inch thick layer of soil that will sustain a good stand of grass to control erosion placed on top of the barrier layer.

3. For a construction and demolition debris landfill, the soil barrier layer shall be at least eighteen (18) inches thick after compaction, emplaced in 6-inch thick compacted lifts, and

shall have a final, 6-inch thick layer of soil that will sustain a good stand of grass.

4. If a geomembrane is used in the barrier layer, it shall be a semi-crystalline thermoplastic at least forty (40) mils thick or a noncrystalline thermoplastic at least thirty (30) mils thick with a maximum water vapor transmission rate of 2.4 g/(m² per day), have chemical and physical resistance to materials it may come in contact with, and withstand exposure to the natural environmental stresses and forces throughout the installation, seaming process, and settlement of the waste during the closure and long-term care period. A protective soil layer at least twenty-four (24) inches thick shall be put on top of the geomembrane. Material specifications, installation methods, and compaction specifications shall be adequate to protect the barrier layer from root penetration, resist erosion, and remain stable on the final design slopes of the landfill. This layer shall include six (6) inches of topsoil as defined by Florida Department of Transportation (FDOT) or soils that will develop a good stand of grass. In some cases, a drainage layer may be required between the cap (soil and geomembrane layer) and the topsoil layer. The applicant may submit an alternate design of the final cover in the closure plan for review and approval by the ~~director~~ manager.

(21)u. Groundwater monitoring.

a. Waste shall be disposed of only in disposal sites where a groundwater monitoring plan, including a hydrogeological survey, has been completed. The hydrogeological survey shall include a foundation analysis to determine the structural integrity of the subgrade to support the loads and stresses imposed by the proposed landfill. Monitoring is intended to allow a predictive evaluation of the movement and composition of discharge from the site. Using part or all of the following listed subsections ~~(1) through (4)~~ paragraphs 32-216(b)(23)b.1 through b.4 below, the applicant shall provide the ~~director~~ division with a plan containing findings, recommendations and plans for groundwater monitoring derived from site specific information. The Groundwater Monitoring Plan shall show the location(s) of the proposed unaffected natural background and downgradient monitor well(s) and a water sampling and chemical analysis protocol which can determine background quality of the groundwater in the vicinity of the site and any deviations in the receiving quality of the groundwater in the downgradient monitor well(s).

~~The applicant shall submit for review and acceptance the FDEP approved Laboratory Comprehensive Quality Assurance Plan (CompQAP) with the permit application and shall keep a current copy on file with Orange County at all times. All the approved procedures for the field and sampling activities must be included in the CompQAP as per DER-QA-001/92, and for approved analytical methods as per DER-QA001/90 and DER-QA001/92, including all the quality control requirements for the field and laboratory activities. The CompQAP also must include the sample preservation methods and sample handling methods including~~

~~Chain of Custody procedures. If the operator wishes to change laboratories at any time during the operation or post-closure phases, a new FDEP approved CompQAP, including all the requirements indicated in this section, shall first be submitted to the county.~~

b. A method for determining background or natural background quality of the ground water must be presented as part of the Groundwater Monitoring Plan ~~as per Rule~~ pursuant to F.A.C. rule 62-522.600. The following hydrogeological, physical and chemical data for the site is the type generally required for assessment of the monitoring plan:

1. Direction and rate of groundwater flow, and background groundwater quality;
2. Porosity, horizontal and vertical permeability for the aquifer(s) and the depth to, and lithology of, the first confining bed(s);
3. Vertical permeability, thickness, extent of any confining beds and hydraulic interconnections;
4. Topography, soil information and surface water drainage system surrounding the site.

c. At a minimum, one (1) background (upgradient) well and two (2) downgradient wells will be required. More wells may be required due to site size or hydrogeological conditions. The required hydrogeological survey shall provide technical justification for the location, depths, and number of background and down gradient wells. For new sites, wells must be installed prior to acceptance of waste. Installation of wells at existing sites must be initiated within ninety (90)

days of issuance of a permit renewal. The ~~director~~ manager shall ~~recomm~~ provide a recommendation regarding the acceptability of the Groundwater Monitoring Plan, and the board will determine the acceptability of the proposed Groundwater Monitoring Plan including parameters to be monitored and frequency of monitoring at the time of permit issuance. At a minimum, the wells shall be analyzed semi-annually for all the parameters included in F.A.C. rule 62-701.510 (8)(a).

d. A report of each sampling event, prepared and sealed by a Professional Engineer or Professional Geologist, shall be submitted to the ~~county~~ division. This report shall clearly indicate, but not be limited to, the findings, explanation of ~~exceedences~~ exceedences, correlation between related parameters, discussion of erratic and/or poorly correlated data, recommended action, site sketch, groundwater contours with flow direction arrows, copies of the monitoring well evacuation and stabilization field data sheets, preservation of samples, type of containers, Chain of Custody Records and laboratory reports with the signature of the person taking responsibility of the reported data.

e. For virgin landfill sites, the applicant shall perform a background evaluation of each well installed during the hydrogeological investigation at the site that will remain as part of the Groundwater Monitoring Plan. The parameters for the background evaluation shall be the Florida Primary and Secondary Drinking Water parameters, and those listed in Appendix I and II of 40 CFR 258. During the first semi-annual monitoring event, the applicant shall include the Florida Primary and Secondary Drinking Water parameters detected, during the

background monitoring event, at or above the maximum contaminant level (MCL) as per F.A.C. rule 62-550 F.A.C. For a permit renewal, the applicant shall monitor for the same parameters indicated for background determination during the last monitoring event performed before the permit renewal application. ~~All related field and laboratory activities shall be performed by the laboratory whose CompQAP has been submitted to the county with the permit application.~~ If any of the parameters are detected in concentrations which, in the opinion of the ~~director~~ manager, are significantly above the background water quality or above the maximum concentration level, the operator of the landfill shall comply with the provisions of F.A.C. Rule 62-701.510(7) and shall also monitor for the Primary and Secondary Drinking Water parameters during the first assessment monitoring event and will continue monitoring those over the MCL as part of the assessment monitoring.

f. The facility operator shall inform the county of the next sampling, ten (10) working days prior to the sampling, and be prepared to submit a split sample to the county's representative. The county shall have the authority to perform any sampling activities it deems appropriate in its sole discretion, at any of the monitoring wells, at any time during normal operating hours, without prior notice to the operator. Keys for the monitoring wells locks shall be available at the site all times. Violations of groundwater quality standards may result in revocation of the permit.

~~(22)~~v. Gas monitoring and control plan. The applicant shall present a gas control and monitoring plan for review. If applicable, the board may require

monitoring, collection, treatment, venting or flaring. Off-site gas migration may result in revocation of the permit.

(23)~~w~~. Financial responsibility.

a. Applicant shall estimate the county's total cost of closure and post-closure care of the landfill using a third party. The written estimate shall be for the time period in the landfill operation when the extent and manner of its operation make closing most expensive. The applicant shall submit the written cost estimates, together with all necessary justifications, to the ~~director~~ manager for review.

b. Applicant shall establish financial assurance to the satisfaction of the ~~director~~ manager for the cost of closure and post-closure care using one (1) of the following methods:

1. Providing a surety bond guaranteeing performance;
2. Providing a letter of credit; or
3. Providing insurance.

c. The mechanism used to demonstrate financial assurance must ensure that funds necessary to meet the costs of closure and long-term care are available whenever needed and that the funds are accessible to the county to allow the county to close or remediate the site in the event that the site is abandoned or operations at the site are halted because permits are denied or revoked. Regardless, the permittee is responsible for all costs to properly close the landfill and ancillary operations.

(24)x- All plans, reports and other supporting documents submitted with a permit application which is approved shall become part of the permit and operation shall proceed in accordance with these documents.

(25)y- The board reserves the right to require additional landscaping or increase setbacks if needed to ensure that the site is compatible with surrounding land uses.

(26)z- Final elevation at time of closure of the disposal site, including a minimum of two (2) feet of final cover material, shall not exceed the original elevation of the site. The original elevation of the site shall mean the elevation prior to any excavation or fill activities ~~which~~ that have occurred at the site. Top gradients of the final cover on landfill areas shall be graded to maximize runoff and minimize erosion, considering total fill height and expected subsidence caused by decomposing waste; and shall be designed to prevent ponding or low spots. Therefore, final cover material may be placed above the original elevation, but only to the extent necessary to create the appropriate final grade. The board may waive this requirement and allow solid waste to be placed to an elevation of up to fifty (50) feet above original elevation of the site if the applicant affirmatively demonstrates that a public need for this disposal capacity exists, that the proposed aboveground landfill is in the public interest, and is compatible with the surrounding properties and land uses. A waiver to this requirement must be specifically requested in accordance with section 32-214(ik) hereinat the time of the submittal of the original solid waste management permit application. In no case may final elevation exceed fifty (50) feet above original elevation of the site.

(27) Mandatory recycling. All solid waste disposal facilities shall use best efforts to recover and recycle a minimum of twenty percent (20 %) of all waste, as measured by volume, imported to the facility. Applicants shall submit to the Division a materials recycling plan. Annually, within thirty (30) days following the anniversary date of the permit, permit holders shall submit a materials recovery and recycling report to the Division. The report shall identify the types and volumes of waste material recovered, storage volumes, the amount recycled, and the vendors that have accepted the recycled materials.

(c)(2) The following requirements shall apply for solid waste management facilities other than Class I, Class II, Class III and construction and demolition debris landfills:

(1)a. The same requirements included in section 32-216(Ab)(a1), (Ab)(b2), (Ab)(d4), (Ab)(f6), (Ab)(h8)(1a.) to (3.), (Ab)(j10) to (m13), (Ab)(o15) to (r17), and (Ab)(w23) to (y25).

(2)b. Shall comply with any other requirements included in F.A.C. chapters 62-701 through 62-722.

(3)e. Setback area shall be landscaped to provide a visual buffer from adjacent properties. Landscaping shall be designed to minimize visual impacts of both the operation and the final closed facility from surrounding properties and roads and shall be consistent with the Orange County Landscape Ordinance as codified in chapter 24 of the Orange County Code and described herein.

(4)d. A closure plan shall be submitted to the county for review and approval.

(5)e. Record of solid waste type and quantity managed at the facility shall be submitted to the county division quarterly, including the amount and destination of treated, recycled or recovered materials leaving the site for reuse, used as raw material or disposed.

Section 6. Amendment to section 32-217. Section 32-217, Revocation of permits; grounds; violations, penalties, revocations, is amended to read as follows:

Sec. 32-217. Revocation of permits; grounds; violations, penalties, revocations.

(a) All permits issued under this article shall be revocable at any stage of the operation of the solid waste management facility upon the following grounds:

- (1) The permit was issued by mistake of law or fact;
- (2) The permit is for operations ~~which~~ that violate the provisions of this article;
- (3) The permit was issued upon ~~negligent or intentional~~ any misrepresentation by the applicant;
- (4) The operation of the solid waste management facility violates any ordinance of the county;
- (5) The operation of the solid waste management facility is not being performed in accordance with the provisions of this article;
- (6) The operation of the solid waste management facility is not being performed in accordance with the terms and conditions of the county permit or any other permit for the solid waste management facility;

(7) The permittee is not sufficiently funding the solid waste management facility operation, closure or post closure.

(b) The ~~director~~ manager may revoke any permit upon finding that one (1) or more of the grounds stated above exist. With respect to the violations described in paragraphs (4), (5) and (6) above, the ~~director~~ manager shall deliver written notice to the permit holder, which shall indicate a due date to correct the violations noted in the notice before revocation takes effect. Notwithstanding ~~for~~ the foregoing, the ~~director~~ manager shall have the authority to revoke a permit and order that all operations pursuant thereto immediately cease and desist in the event that the ~~director~~ manager determines that continuing operation under the permit will result in an imminent threat to the public health, safety and welfare.

(c) Any permit holder adversely affected by revocation may appeal to the board. Any appeal shall be filed in writing with the ~~director~~ manager within ten (10) days after the date of permit revocation. The board shall provide an appeal hearing during any regular session of the board within twenty (20) working days after receipt of written notice of appeal by a permit holder.

(ed) *Violations, penalties and remedies.*

(1) Violations of this article shall be prosecuted according to general law.

(2) Orange County may avail itself of any other legal or equitable remedy available to it, including, without limitation, injunctive relief or revocation of any permit involved, or requiring the permittee to begin closure of site, including specifying use of mechanisms for funding closure and remediation of any contamination from the site.

(3) Any person violating this article shall be liable for costs incurred by Orange County in connection with the enforcement hereof, including, without limitation, attorney's fees. Fees will be charged for reinspections necessary to verify correction of a violation.

(4) Subject to the provisions on Section 32.217(a) and (b), the ~~Director or his/her designee~~ manager will notify the operator of any violation(s) to this article and will indicate a due date to correct the violation(s). If the operator fails to correct the violation(s) by the due date, the site will be closed for business until the corrections are made to the county's satisfaction. The site will be declared abandoned ninety (90) days after such closure if the operator fails to correct the violation(s). After the site has been declared abandoned, the financial assurance will be claimed and the county will close the site.

(5) The board may deny the renewal of a permit based on a history of repeated violations or noncompliance with this article.

Section 7. Amendment to section 32-223. Section 32-223, Effective Date, is amended to read as follows:

Sec. 32-223. Effective date.

~~This article shall become effective pursuant to general law. Notwithstanding the foregoing, a solid waste management facility properly permitted and in compliance with all permit conditions on the effective date of this article shall not be required to comply with the regulations contained herein until the renewal date of any such permits unless any such permit is the subject of a substantial deviation change to the existing permit. This Ordinance shall apply to all solid waste management facilities on the effective date of this Ordinance. All existing yard waste and land clearing debris recycling facilities and materials recovery facilities shall apply for a solid waste management permit pursuant to the provisions of this Ordinance within ninety (90) days of the effective date of this Ordinance. All solid waste management facilities, legally existing and in full compliance with all federal, state, and local laws, ordinances, rules and regulations, shall not have to comply with the setback requirements set forth in this Ordinance until an increase in the intensity of use occurs or a change in use of the facility occurs. All such legally existing facilities shall comply with the setback requirements existing immediately prior to the effective date of this Ordinance. Additionally, all solid waste management facilities, legally existing and in full compliance with all federal, state, and local laws, ordinances, rules and regulations, shall not have to comply with the increased stormwater management requirements set forth in this Ordinance until an increase in the intensity of use occurs or a change in use of the facility occurs. All such legally existing facilities shall comply with the stormwater management requirements existing immediately prior to the effective date of this Ordinance. The lawful use of any building, structure, or land existing at the time of adoption of this Article, or amendment to this Article, that was not required to obtain a special exception prior to the adoption of this Article or any amendment to this Article may be continued without~~

obtaining a special exception approval so long as the conditions set forth in Article III of Chapter 38 are met.

Section 8. Effective Date. This ordinance shall become effective pursuant to general law.

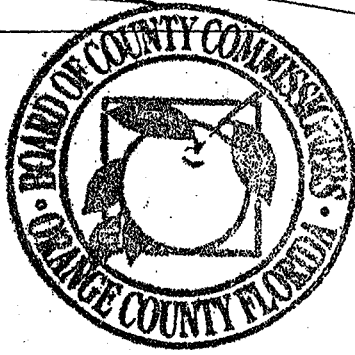
ADOPTED this 6th day of December, 2005.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Richard T. Crotty*
Richard T. Crotty
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: *Martha O. Haynie*
Deputy Clerk



FILING AND ACKNOWLEDGEMENT

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

Debbie Cole
Deputy Clerk

1/5/06
Date