

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS APPLICATION FOR MINING SITE PLAN

LAKE COUNTY ZONING BOARD
January 4, 2012



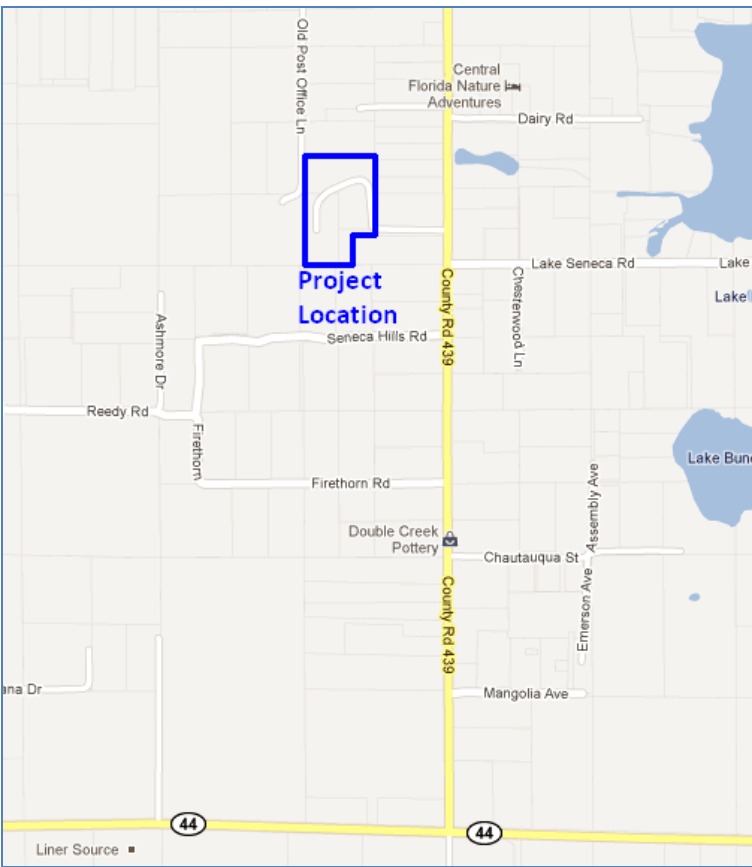
BOARD OF COUNTY COMMISSIONERS
January 24, 2012

MSP #12/1/1-4 Professional Dirt Service	Case Manager: Melving Isaac, Planner	Agenda Item #5
---	--	-----------------------

Applicant/Owner: Dan Cordle (the "Applicant/Owner")

Requested Action: The Applicant is requesting a conditional use permit to include mining of sand and fill in addition to the construction and demolition (C&D) debris landfill authorized under a 2002 Consent Agreement.

- Site Location & Information -



Size	13.73 +/- acres	
Location	Northwest of CR 439 and SR 44 intersection	
Alternate Key #	2698365, 1071062, 1123127	
Future Land Use	Rural	
	Existing	Proposed
Zoning District	A	No change
Density	1 du/5 ac	No change
Floor Area Ratio	.10	No change
Impervious Surface Ratio	.10	No change
Joint Planning Area	N/A	
Utility Area:	N/A	
Site Utilities	Bottled water and portable toilets	
Road Classification	CR 439 Rural Major Collector SR 44 – Rural Minor Arterial	
Flood Zone/ FIRM Panel	X/380	
Commissioner District	4 (Campione)	

Approximate site location outlined in Blue

Site Visit December 16, 2011
Sign Posted December 16, 2011 (2 posted)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Rural Residential	
South	Rural	Agriculture (A)	Rural Residential	
East	Rural	Agriculture (A), Agricultural Residential (AR)	Rural Residential	
West	Rural	Agriculture (A)	Rural Residential	

– Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of a mining site plan and conditional use, to expand the existing C&D Landfill operations to include mining of sand & fill, with conditions as specified in the proposed ordinance.

ZONING BOARD RECOMMENDATION:

– Summary of Analysis –

The Applicant is currently operating pursuant to a Consent Agreement approved in 2002 by the Code Enforcement Board (Attachment 1). The Applicant is requesting to continue the use of the site as a construction and demolition debris disposal facility pursuant to the Consent Agreement, to begin mining clean sand and fill, and to accept demolition debris from other businesses besides Professional Dirt Services. Currently, the Consent Agreement contains a limitation allowing only material from Professional Dirt Services to be deposited at the mine, which prevents demolition debris from other businesses from being accepted at the site. The Applicant is requesting approval of a Mining Site Plan (MSP) application to allow mining clean sand and fill in addition to the approved construction and demolition debris landfill. The Applicant states that acceptance of other demolition debris will accelerate the restoration of the site by using demolition material to replace fill material removed for other purposes on approximately 9.8 acres of the 13.73 acre property.

The property is zoned Agriculture and designated as Rural Future Land Use Category (FLUC). Mining activity is allowed in the Rural FLUC by Comprehensive Plan, Policy I-1.4.4 and Land Development Regulations (LDR) Table 3.01.03 with the issuance of a conditional use permit. The property is located within the Wekiva River Study Area, but outside of the Wekiva River Protection Area.

A borrow pit has existed on this property since the 1960's. Construction and Demolition Landfill operations began in the 1980's. In 2002, the Applicant entered into a Consent Agreement with Lake County that established limitations and conditions for the C&D Debris Disposal Facility solely for acceptance of C&D debris generated by Professional Dirt Service only, with mining being allowed under a Florida Department of Environmental Protection Permit.

This request was made by the Applicant in 2009 and was considered by the Zoning Board. At the 2009 Zoning Board public hearing, several comments and concerns related to the potential disposal of "Chinese Drywall" on the property were heard. Conditions have been included in the proposed ordinance to ensure these concerns are clearly addressed. Conditions have been included that specifically prohibit loads that predominantly contain drywall of any origin. The Applicant has agreed to this condition.

– STANDARDS OF REVIEW & ANALYSIS –

(Per Section 14.05.03 of the Land Development Regulations)

A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).

The proposed use is in compliance with the requirements and is consistent with the general purpose, goals, objectives and standards of the Comprehensive Plan and Land Development Regulations. Conditions have been established in the attached Ordinance for compliance with the requirements of the Objective I-3.4 Wekiva Study Area (WSA) and subsections of the Comprehensive Plan, and to ensure that the mining development and operation will be consistent with the purpose and intent of the section including but not limited to protection of natural resources.

Pursuant to LDR Table 3.1.03 *Schedule of Permitted and Conditional Uses*, landfills and mining may be undertaken within the Agriculture zoning district as conditional uses. Mining is recognized as an economically viable activity within Lake County as stated in LDR Section 6.06.01 B and 6.06.03. Both land development documents recognize the importance of protecting residential development and environmentally sensitive areas from the impacts of mining.

The proposed Mining Site Plan and conditional use of the property for sand mining and C&D landfill debris are consistent with Comprehensive Plan Policy I-1.4.4 that allows mining within the Rural FLUC. Additionally, by implementing the proposed conditions, the use will be more consistent with Objective III-3.5 Mining and Borrow Pits pertaining to the impacts from mining; although the surrounding residential activity has co-existed with the current landfill activity for an extended period of time.

B. Effect on Adjacent Properties.

1. The proposed Conditional Use will not have an undue adverse effect upon nearby property.

Section 6.06.02 C.1.a LDR requires a 200-foot setback from residentially zoned property and 100-foot setback from all other property lines. The Applicant seeks a waiver of these requirements to be consistent with the 2002 Consent Agreement approved by the Code Enforcement Board and the approved FDEP Permits. The Applicant proposes to maintain a 50-foot setback from all property lines as shown on the site plan included in the Department of Environmental Protection (DEP) Permit of October 2001 (Attachment 2) which is referenced in the 2002 Consent Agreement (Attachment 1). The 50-foot setback is also consistent with the issued and subsequent modifications of the DEP permit approved on August 2007 and October 2011 (see site plan on DEP Permit 2007-2011 - Attachment 3). The proposed ordinance includes a waiver to allow a 50-foot setback along all property lines. Existing encroachments into the 50-foot setback are required to be re-established and restored by placement of clean fill prior to initiation of Phase II and prior to closing of Phase I. This would also allow a 50-foot setback along the northern property line in the area proposed for excavation.

Additionally, the application proposes to limit the excavation to a minimum of five (5) feet above the seasonal high water table (SHWT). No undue adverse effects are anticipated, provided the conditions for impact mitigation in the attached ordinance are adhered to.

2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

The activity will be more compatible with the surrounding residential uses within this rural area with mitigation measures specified in the ordinance. The proposed ordinance provides conditions that would mitigate impacts related to noise, dust, and traffic on the residential uses in the area. The proposed use is not expected to adversely impact the agricultural activities existing to the northwest and southwest of the property.

3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.

The application proposes to maintain a 50-foot setback along all property lines. The applicant will be required to preserve and maintain the existing vegetation on the property lines to minimize any adverse effects on the immediate vicinity from the proposed operation through development design, landscaping, and screening.

4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.

The borrow pit activity has existed on the property since the 1960's. The construction and demolition (C&D) debris landfill activity began in the 1980's. The mining and the expanded C&D landfill use will be conducted outside of the setback area, but within the existing property boundary. The application indicates that vehicle trips associated with the proposed use are expected to be less than 50 vehicle trips per day.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, drainage, solid waste, and fire and emergency medical facilities. Impacts on sewage facilities and water supply capacities are not anticipated as bottled water will be used for drinking and portable toilets for sewage needs. Solid waste provisions will be in accordance with the requirements of the DEP.

D. Adequacy of Fire Protection.

The Applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

The subject parcel is approximately 3 miles from Lake County Fire Station 27 (closest fire station), located at 19212 State Road 44B, Eustis.

FINDINGS OF FACT: Staff has reviewed the application for the proposed mining site plan and found:

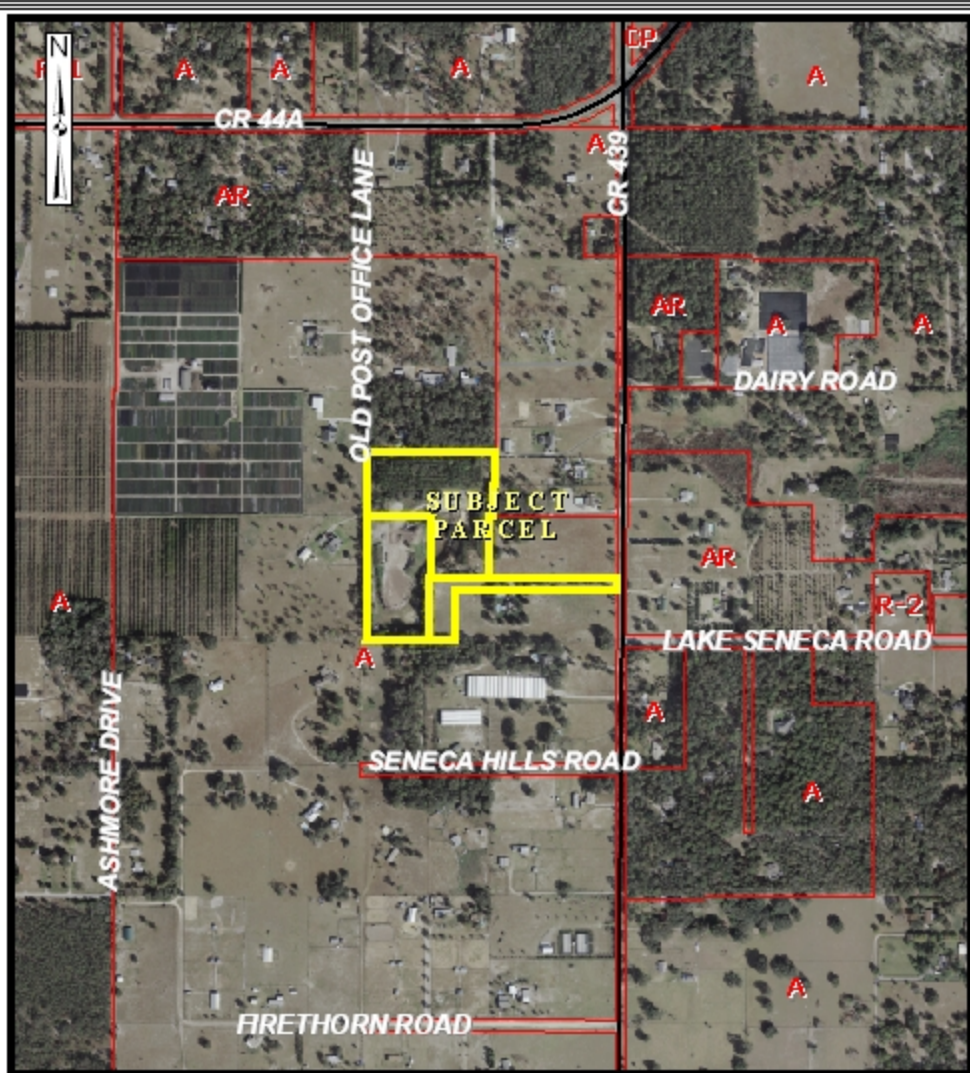
1. The application request is consistent with the Comprehensive Plan Policy I-1.4.4, which allows mining activities in the Rural FLUC with the issuance of a conditional use permit.
2. The application request is consistent with the Comprehensive Plan Policy I-7.5.10 *Natural Resource Extraction*, which allows mining with the issuance of a conditional use permit.
3. The application request is consistent with the Zoning District Regulations and Resource Protection Standards Chapters of the LDR, and specifically Table 3.01.03 and Sections 6.06.01 B., 6.06.02 B. 2, 6.06.02 C. 1.6.06.03 A., B., & C., and 14.05.00.
4. The application request is consistent with Comprehensive Plan Policy III-3.5.2, which allows expansion of existing mining activities within environmentally sensitive areas of the County subject to the provisions of the Lake County Code and the approval of the Board of County Commissioners.
5. The Wekiva Study Area (WSA) standards in the attached Ordinance are consistent with the purpose and intent of Objective I-3.4 and subsections of the Comprehensive Plan.

Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, as specified in the proposed ordinance.

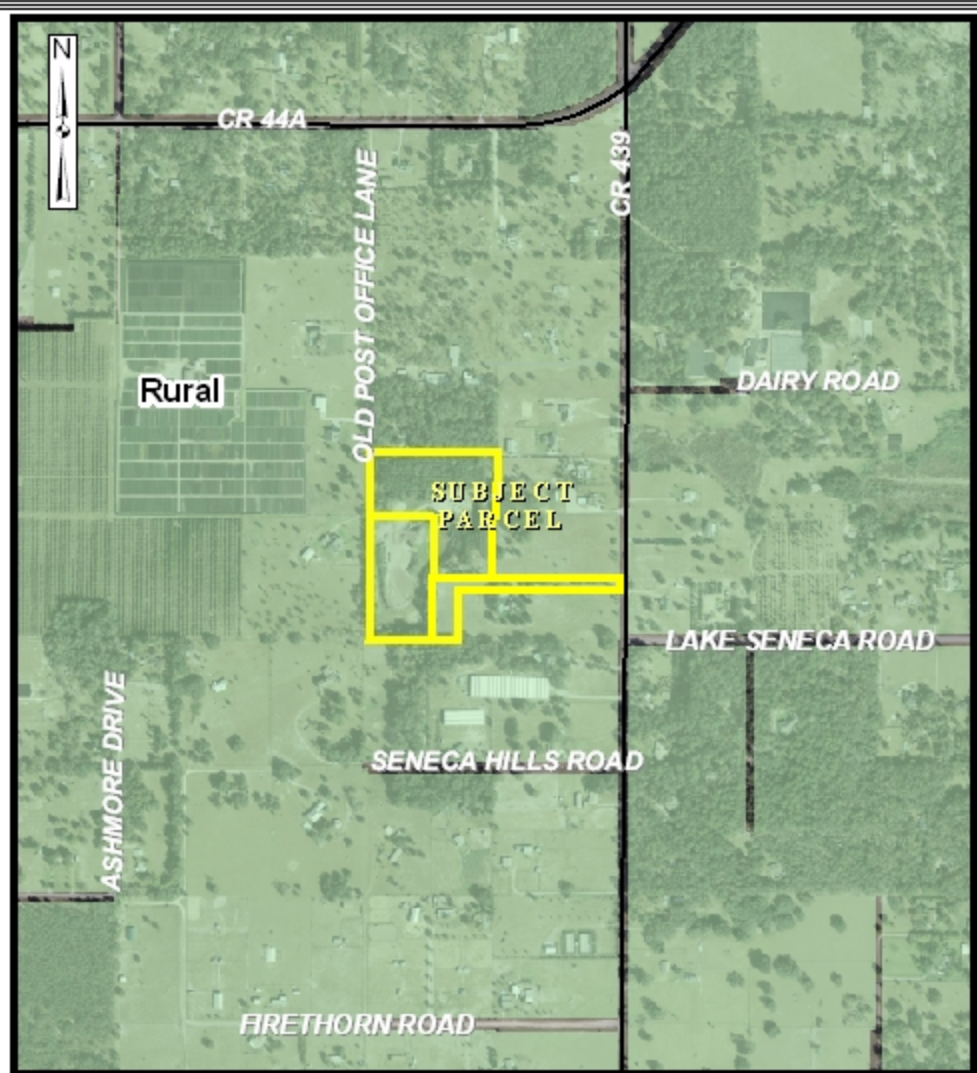
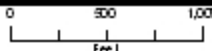
WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

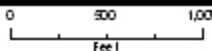
Opposition: -0-



CURRENT ZONING
AGRICULTURE (A)



ADOPTED FUTURE LAND USE
RURAL



**PROFESSIONAL
DIRT SERVICES, INC.**

CASE NO.
MSP# 12/1/1-4

CASE LOCATION:
S3, T19S, R27E

RE QUESTING:
Mining Site Plan for Dry Borrow Pit and
Construction and Demolition Landfill

ZONING

LAND USE

**SUBJECT
PARCEL**

DATA SOURCES:
Lake County GIS Department, Planmetrics, 2008 Aerial Image,
Data Completion and Map production compliments of the
Growth Management Department, Planning and Community Design.

The map product was prepared from a Geographic Information System
established by the Lake County Board of County Commissioners. Its
employees, agents and personnel, make no warranty as to its accuracy
and in particular its accuracy as to labeling, dimensions, contours, property
boundaries, or placement or location of any map features therein. The Lake
County Board of County Commissioners, its employees, agents and personnel
MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR
FITNESS OF USE FOR A PARTICULAR PURPOSE, EXPRESS OR IMPLIED
WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data
contained on this map product should be obtained by any user of this map.

MAP COMPOSITION
JANUARY, 2009

FOCUS AREA

**LAKE COUNTY
NATURAL**

1 **WHEREAS**, the Lake County Board of County Commissioners deems it necessary and desirable in
2 order to protect the public health, safety, and general welfare of the citizens of Lake County in accordance
3 with the purpose and intent of this Ordinance, to require compliance with the special conditions hereinafter
4 set forth; and

5 **WHEREAS**, this Conditional Use Permit MSP #12/1/1-4 was reviewed by the Zoning Board on
6 January 4, 2012 and by the Board of County Commissioners of Lake County, Florida on January 24, 2012;
7 and

8 **WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of
9 the Lake County Zoning Board, staff report and any comments, favorable or unfavorable, from the public
10 and surrounding property owners at a public hearing duly advertised; and

11 **WHEREAS**, upon review, certain terms and conditions pertaining to the development of the above
12 described property have been duly approved; and

13 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
14 Florida, that the Official Zoning Map of Lake County, Florida, be altered and amended as they pertain to the
15 above tract of land, as specified in Exhibit "A", subject to the following terms:

16 **Section 1.** Terms: The County Manager or designee shall amend the Lake County Zoning Maps to
17 reflect a Mining Site Plan (MSP) in the Agriculture (A) Zoning District in accordance with this
18 Permit. Permission is hereby granted to Permittee to utilize such property for:

- 19 1. Dry borrow pit for clean fill and sand, subject to this Mining Site Plan Conditional Use as
20 shown in EXHIBIT "A" – MINING SITE PLAN.
- 21 2. Construction & demolition Landfill subject to this Mining Site Plan Conditional Use as
22 shown in EXHIBIT "A" – MINING SITE PLAN.; and
- 23 3. All uses permitting with the Agricultural Zoning District.

24 Accessory uses and structures directly related to the above uses may be approved by the
25 County Manager or designee. Any other use of the site shall require approval of an
26 amendment to this Ordinance by the Board of County Commissioners.

27 **Section 2.** Conditions: Operation and Permit Requirement: Approval or amendment for mining and
28 disposal of approved Construction and Demolition Debris (C & D) materials shall require
29 approval of an Operation Permit that includes the following:

- 30 1. An Operation Plan;
- 31 2. Reclamation Plan Water Monitoring Plan; and
- 32 3. Noise Study.

33 The Operation Plan shall contain provisions in accordance with Florida Department of
34 Environmental Protection (FDEP) Rule 62-701.500(2) Florida Administrative Code (FAC), as
35 amended, as it pertains to C&D Landfill. No operations except those currently approved under
36 the Consent Agreement dated February 21, 2002, recorded at Book 2084, Page 2136, Official
37 Records of Lake County, shall take place until the County Manager or designee has approved
38 the Operation Permit.

- 1 **A. General Standards:**
- 2 1. **Permits and Approvals.** All appropriate Water Management District and Florida
- 3 Department of Environmental Protection permits shall be obtained prior to approval of the
- 4 Operating Permit and be kept current.
- 5 2. **Agency Approvals.** All mining and landfill activities shall be conducted in accordance
- 6 with all applicable federal, state, regional and local laws, ordinances, rules and
- 7 regulations, as amended.
- 8 3. **Consistency with Operating Permit.** All mining, landfill and other activities shall be
- 9 consistent with the Lake County Code, Land Development Regulations, the Lake County
- 10 Comprehensive Plan and the approved Operation Permit.
- 11 4. **Best Management Practices.** All construction and demolition disposal and operational
- 12 activities shall employ best management practices.
- 13 5. **Limitation on Material to be Accepted for Disposal.**
- 14 a. Only Construction and Demolition Debris as defined by Chapter 62-701.200 (27)
- 15 F.A.C., as amended, shall be accepted for disposal.
- 16 b. "CCA treated wood" meaning lumber, timber, or plywood treated with chromate copper
- 17 arsenate, drywall or gypsum wallboard shall not be accepted for disposal.
- 18 c. Loads containing primarily drywall shall not be accepted. The acceptance of "Chinese
- 19 Drywall" containing high levels of sulfur compounds is not permitted.
- 20 6. **Phasing.** Mining and landfill activities shall be conducted in phases as described in the
- 21 Operation Permit so as to expose the least amount of land surface practical at any time
- 22 during the mining operation.
- 23 7. **Pile Height.** Temporary spoil piles or storage of materials shall be limited to 20 feet in
- 24 height and shall be removed after 60 days.
- 25 8. **Ground Water Level.** Mining activities shall be at least five (5) feet above the maximum
- 26 ground water level at all times.
- 27 9. **Hours of operation.** Hours of operation shall be 7 a.m. to 5 p.m., Monday through Friday
- 28 and Saturday from 8 a.m. until noon. There shall be no mining or landfill activities
- 29 conducted on Sunday.
- 30 10. There shall be no blasting at any time.
- 31 **B. Setbacks:**
- 32 1. A 50-foot setback shall be established along all property lines as shown in EXHIBIT "A" –
- 33 MINING SITE PLAN.
- 34 2. Existing encroachments into the 50-foot setback shall be re-established and restored by
- 35 placement of clean fill prior to the initiation of Phase II and prior to closing of Phase I.
- 36 3. Setbacks shall be permanently marked in a manner acceptable to the County prior to the
- 37 initiation of any phase of excavation and shall remain in place until mining activities are
- 38 completed.
- 39 4. All setbacks shall be permanently marked in a manner that they will be clearly visible to
- 40 equipment operators.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

C. Reclamation Standards:

1. Reclamation Plan - A Reclamation Plan, conforming to the Reclamation Standards contained in Lake County Land Development Regulations, or approved alternate shall be filed with the Operating Permit. The reclamation plan shall fully describe the proposed site reclamation by both illustration and documentation, and including but not limited to:
 - a. A plan view with cross sections, final slopes/contours, vegetative plantings, stormwater retention areas, etc. shall be submitted.
 - b. All areas to be reclaimed by depicting and describing what man-made and natural features will exist when the reclamation plan is completed; and
 - c. A contour map and two (2) typical cross sections, generally oriented north to south and east to west, showing areas to be filled, backfilled, reconstructed, and reshaped.
 - d. Identification of the size, type, location, and planting schedule for all vegetation to be planted or seeded in accordance with the reclamation plan.
2. Timing. Regrading of final cover shall commence within ninety (90) days after completion of each phase of landfilling. In the event that mining or landfill operations cease for a period of three (3) years, reclamation shall commence and be completed within a five-year period from the date of cessation of operation.
3. Topography. Sloping and grading shall be conducted in such a manner as to minimize soil erosion and surface water runoff and to make the land surface suitable for revegetation. The final elevation of the landfill shall be similar to the natural land surface elevation prior to mining.
4. Mining activities shall not adversely impact the water levels or water quality of surface waters, the Floridan Aquifer, the surficial aquifer, or the wetlands beyond the boundaries of the mine.
5. Any trees, shrubs or grasses growing on this site that are listed as prohibited species in the Lake County LDRs, as amended, or are listed by other agencies as invasive non-native species, shall be destroyed prior to completion of reclamation.

D. Phasing:

1. Mining shall be conducted in phases, as shown in EXHIBIT "A" – MINING SITE PLAN, so as to expose the least amount of land surface practical at any time during the mining operation.
2. Reclamation of Phases 1, 2, and 3 shall be completed pursuant to the approved Operating Permit.

E. Protection of Water Resources:

1. The minimum distance between the bottom of the excavated and mined area and the top of the Floridan Aquifer Confining Unit, if present, shall be sufficient to protect the Florida Aquifer system and shall be subject to approval by the County. The final elevation shall be at even grade as specified in the approved reclamation plan.
2. The mining operation shall be completely self-contained and shall retain any waste materials or water generated by the mining process on site. The operation shall not utilize any surface water from lakes or ponds that are not entirely contained on the property, except as specifically approved in the Operation Plan.
3. Discharges of water or liquid wastes into waters of the County or State are prohibited unless the County and jurisdictional agency has granted a variance or other approval to

1 specifically allow the discharge. This shall not prevent discharges into water systems that
2 are self-contained on the mine property as approved in the Operating Permit.

3 4. Water Quality Monitoring:

4 a. A water quality monitoring plan that complies with Ch 62-701.730 (4) (b) FAC, as
5 amended, shall be submitted for approval. The plan shall be based on the findings of
6 hydrogeological report submitted with the Operation Plan. If geologic conditions
7 warrant, monitoring of the Floridan aquifer will also be required. Sampling shall be
8 conducted a minimum of semiannually. All water quality and water level data and
9 reports, including past data, shall be submitted to the county in an electronic format.

10 b. The County reserves the right to require monitoring conditions in the Operating Permit
11 that are more stringent than FDEP requires.

12 c. The plan shall follow the technical report provisions described in Ch. 62-701.510 (9)
13 (b) FAC, as amended, signed and sealed by a professional geologist or professional
14 engineer with experience in hydrogeologic investigations, to be submitted every two
15 years. The technical report shall summarize and interpret the water quality and
16 leachate monitoring results and water level measurements collected during the past
17 two years.

18 d. Evaluation Monitoring - If monitoring parameters are detected in monitoring wells in
19 concentrations which are significantly above background water quality, or which are at
20 levels above the FDEP water quality standards or criteria specified in Chapter 62-520
21 F.A.C., as amended, the permittee may resample the wells within 30 days after the
22 sampling data is received, to confirm the data. Should the permittee choose not to
23 resample, the County will consider the water quality analysis as representative of
24 current ground water conditions at the facility. If the data is confirmed, or if the
25 permittee chooses not to resample, the permittee shall notify the County in writing
26 within 14 days of this finding. Upon notification by the County, the permittee shall
27 initiate Evaluation Monitoring as described in Chapter 62-701.510 (7) FAC, as
28 amended.

29 The owner or operator may request a Contamination Evaluation Plan modification from
30 the County to delete specific monitoring parameters or field parameters from
31 evaluation analyses of monitoring wells. The County may grant such modification upon
32 a demonstration that these parameters are not reasonably expected to be in or derived
33 from the activities at this site.

34 The permittee shall not discontinue Evaluation Monitoring until authorized to do so by
35 the County. The County shall make this determination based upon the results of the
36 Contamination Evaluation Report and other relevant water quality.

37 **F. Wekiva Study Area (WSA) Protection of Karst Features:**

38 1. A hydrology study shall be submitted with the Operating Permit that identifies all karst
39 features within the property.

40 2. Karst features shall be avoided and protected from mining or any development activity,
41 and any future development of the property shall comply with the Wekiva Study Area
42 (WSA) requirements of the Lake County Comprehensive Plan and Land Development
43 Regulations, as amended.

44 3. Karst features shall be maintained in their natural function, integrity and structure.

- 1 4. Impervious development shall be set back from the boundary of karst features a minimum
2 of 100 feet. The setback shall consist of a buffer that retains all natural vegetation within
3 the setback area.

4 **G. Financial Responsibility:**

- 5 1. Before final approval of the Operation Permit and Reclamation Plan, the Applicant/Owner
6 must file with the County, a compliance and reclamation guarantee to ensure that the site
7 is operated and reclaimed in conformance with the Lake County Code and the approved
8 Operation and Reclamation Plans. Acceptable forms of the guarantee include cash,
9 certificates of deposit, irrevocable letters of credit, or surety bonds. In all cases, the form
10 of the guarantee shall be subject to approval by the County Attorney.
11 2. The total cost of reclamation shall be estimated by the applicant's consultant and
12 reviewed by the County. The estimated amount shall be established by calculations and
13 judgments based on acceptable industry standards and procedures. The final amount of
14 the guarantee shall be set by the Board of County Commissioners not less than one
15 hundred and ten percent (110%) of the estimated cost of reclamation, based upon the
16 phase that is being permitted.
17 3. The reclamation guarantee shall not be released by the County until the final reclamation
18 on all area subject to this approval have been approved.
19 4. If reclamation under the approved Reclamation Plan has not been successful after the
20 end of two (2) years, at the option of the County, a new Reclamation Plan shall be
21 required of and carried out by the applicant/property owner, or the reclamation guarantee
22 shall be forfeited and the site reclaimed by the County using the guarantee to fund it.
23 Additionally, if the site has been abandoned by the permittee, the reclamation guarantee
24 may be declared forfeited by the Board and the site reclaimed by the County using the
25 guarantee to fund it. The site shall be considered abandoned if no disposal or mining
26 activity has taken place for a period of six (6) months, or if reclamation has not been
27 instituted as required under this ordinance.

28 **H. Vegetation, Landscaping and Buffering:**

- 29 1. A Reclamation/Revegetation Plan shall be provided consistent with the mining
30 reclamation provisions specified in the LDR requirements, as amended. The perimeter
31 landscaped areas shall be reflected in the reclamation plan when submitted.
32 2. If approved (native) trees occur on the site, the Applicant, or any future owner(s) of said
33 property is required to submit a tree removal application and appropriate fee at prior to
34 removing any upland or wetland trees pursuant to the Lake County Land Development
35 Regulations, as amended.
36 3. Landscape Buffers:
37 a. Existing vegetation shall be maintained to the maximum extent feasible within the 50-
38 foot setback and buffer area maintained undisturbed to accommodate placement of
39 any needed stormwater facilities.
40 b. Any tree removal shall require a tree removal permit.
41 c. A minimum of 50% of the caliper inches of all removed trees shall be replaced on-site.

- 1 **I. Transportation:** The operation shall use CR 439 for access.
- 2 **J. Archeological Artifacts:** If any archeological artifacts are encountered during the mining
- 3 operation, the mining activities shall cease; and notification will be made to the County
- 4 Manager, or designee and the Florida Department of State, Division of Historical Resources.
- 5 **K. Inspections:** County staff, upon notification to the Applicant, shall have access to the project
- 6 site to inspect and observe permitted activities in order to determine compliance with the
- 7 terms of the Mining Site Plan.

8 **Section 3.** Additional conditions of this permit shall mean:

- 9 A. In the event of any breach in any of the terms or conditions of this permit or any default or
- 10 failure of the Permittee or his successor to: Fulfill development in substantial accordance with
- 11 the conceptual plan as submitted to the Zoning Board and the Board of County
- 12 Commissioners; comply with the codes of the governmental agencies having lawful and
- 13 appropriate jurisdiction thereon; or comply with any of the terms of the MSP; or this MSP is
- 14 found to become a nuisance or safety hazard, the permit may be revoked after due Public
- 15 Hearing before the Zoning Board and the Board of County Commissioners, or may be
- 16 rescinded upon annexation to a municipal jurisdiction.
- 17 B. This Permit shall inure to the benefit of, and shall constitute a covenant running with the land;
- 18 and the purpose, terms, and conditions contained herein shall be binding upon the Permittee
- 19 or any successor and his interest hereto.
- 20 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code
- 21 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
- 22 in this ordinance and to recommend that the ordinance be revoked.
- 23 D. If the mining activities commence within three (3) years of the date that the Board grants
- 24 mining site plan approval, the mining site plan and conditional use shall remain valid and in
- 25 force as long as the operator shall abide by this ordinance, the operating permit and the LDR
- 26 requirements. Should mining activities not commence within the specified period the applicant
- 27 shall submit a request for extension for review and approval by the Board of County
- 28 Commissioners.

1 Section 4. Effective Date. This Ordinance shall become effective as provided by law.

2 ENACTED this _____ day of _____, 2012.

3 FILED with the Secretary of State _____, 2012.

4 EFFECTIVE _____, 2012.

5 BOARD OF COUNTY COMMISSIONERS
6 LAKE COUNTY, FLORIDA

7 _____
8 Leslie Campione, Chairman

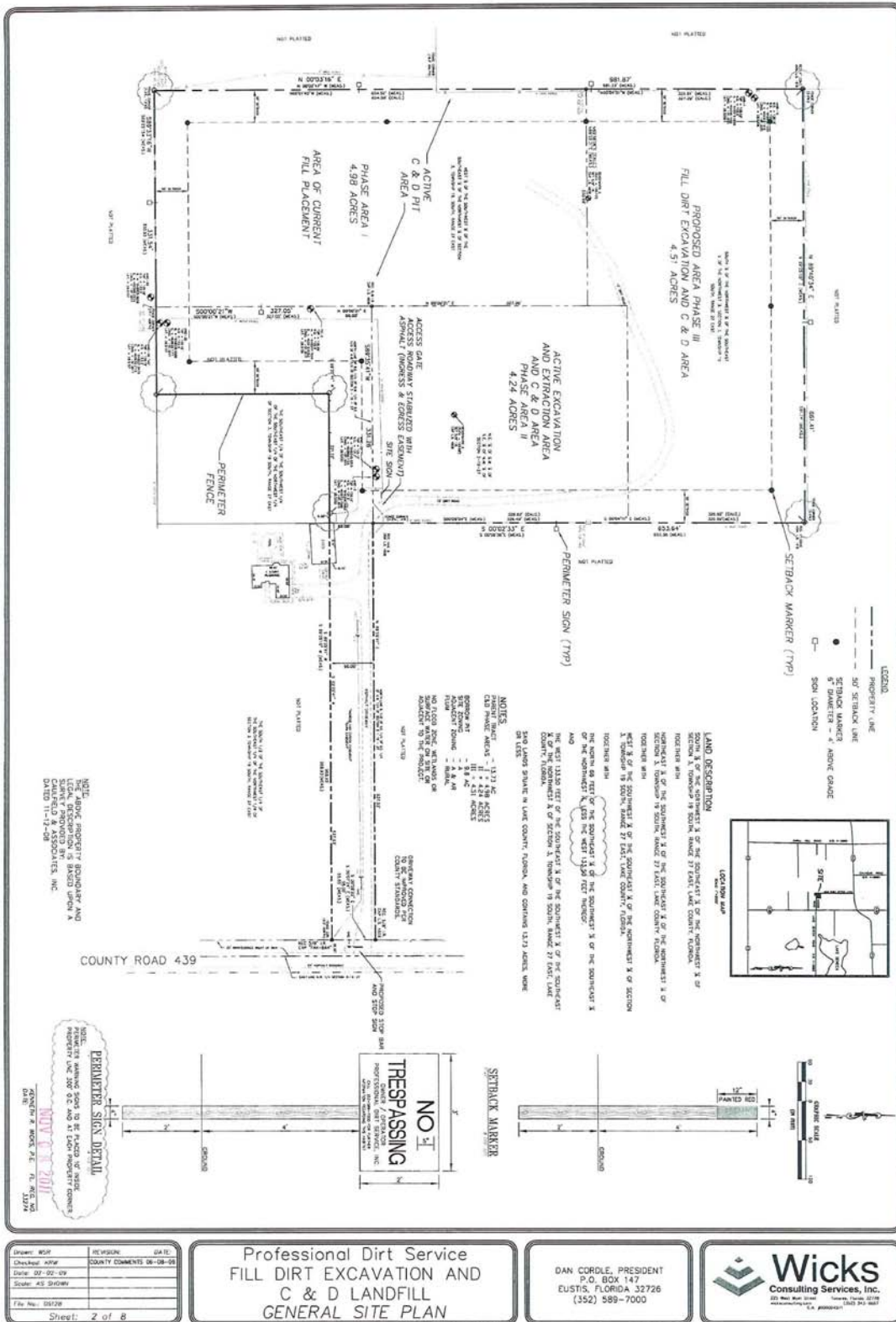
9 ATTEST:

10 _____
11 NEIL KELLY, Clerk of the
12 Board of County Commissioners
13 Lake County, Florida

14 APPROVED AS TO FORM AND LEGALITY

15 _____
16 SANFORD A. MINKOFF, County Attorney

EXHIBIT "A" - CONCEPTUAL PLAN



- b. The facility's boundaries shall be confined to the properties contained in Exhibit A. Filling beyond these boundaries will require appropriate County permits.
- c. All mining activities as defined in Section 6.06.00 through 6.06.05, Land Development Regulations, shall cease and desist, until such time as the applicable permits have been obtained.
- d. Those items requested in paragraph 1 of the Lake County Water Resource Division, Notice of Violation, dated September 10, 2001, have been furnished to Lake County.
- e. The Respondent shall continue to submit a copy to the County of all ground water monitoring results. Said results shall be submitted in the electronic format provided.
- f. This facility shall be for the sole use of Professional Dirt Services, Inc. only and receive C&D debris material generated from the business of Professional Dirt Services, Inc. only.
- g. Respondent shall maintain financial responsibility as required by the FDEP Permit and shall copy the County on all subsequent surety renewals.
- h. Within 30 days of the effective date of this Consent Agreement, Respondent shall pay the County \$2,500.00 as a penalty for violating the July 9, 1998 Consent Agreement.
- i. This Agreement shall supersede the Settlement Agreement, dated July 9, 1998.
- j. Respondent agrees that any future violation of this Consent Agreement shall terminate Respondent's legally non-conforming use.

3. **County's Covenants.** In consideration of the covenants made by the Respondent, the County hereby agrees to allow the Respondent to continue operation of the legally existing non-conforming construction and demolition debris disposal facility. Additionally, for and in consideration of the complete and timely performance of the obligations set forth in this Consent Agreement, the County agrees that said performance will dispose of the violations specifically cited in the September 10, 2001, Notice of Violation and as outlined herein.

4. **Future Violations.** The County expressly reserves the right to initiate appropriate action should any future violations of the Lake County Code be documented on the property. Any future mining violations shall be considered repeat violations that are irreversible or irreparable and will incur penalties upon the Respondent in the amount of five thousand dollars (\$5,000.00) per documented violation. Lake County further reserves the right to declare the Respondent's legally existing non-conforming use null and void if the terms and conditions of this Consent Agreement are not complied with by Respondent.

5. **Other Regulations.** Performance of this Consent Agreement does not relieve the Respondent of its legal responsibility to comply with all other applicable federal, state, or local laws, rules, ordinances, or permits.

6. **Recordation.** The County shall record this Consent Agreement in the Public Records of Lake County, Florida, immediately after its execution.

7. **Effective Date.** This Consent Agreement will become effective on the date that the Lake County Code Enforcement Board Chairman executes this Consent Agreement, which will occur after its execution by Respondent.

IN WITNESS THEREOF, the parties hereto have executed this Agreement as of the day and year first written.

WITNESSES:

Mary A Ludwig
Signature

Mary A. Ludwig
Print Name

Kathryn R. Powell
Signature

Kathryn R. Powell
Print Name

PROFESSIONAL DIRT SERVICES, Inc., a Florida Corporation

Dan Cordle
By: Dan Cordle

Its: President

Signed this 21 day of February 2002.

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 21 day of February, 2002, by Dan Cordle, as President of Professional Dirt Services, Inc., a Florida Corporation, on behalf of said Corporation, who is personally known to me or produced Florida Drivers License # _____ as identification.



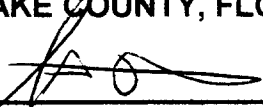
DeLaine M. Henderson
COMMISSION # CC713461 EXPIRES
May 1, 2002
BONDED THRU TROY FAIN INSURANCE, INC.

DeLaine M. Henderson

Notary Public
Printed Signature:
My Commission Expires:

DONE and ORDERED at Tavares, Lake County, Florida, this 13th day of ~~February~~, 2002.
March

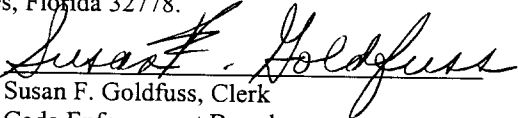
THE CODE ENFORCEMENT BOARD OF
LAKE COUNTY, FLORIDA

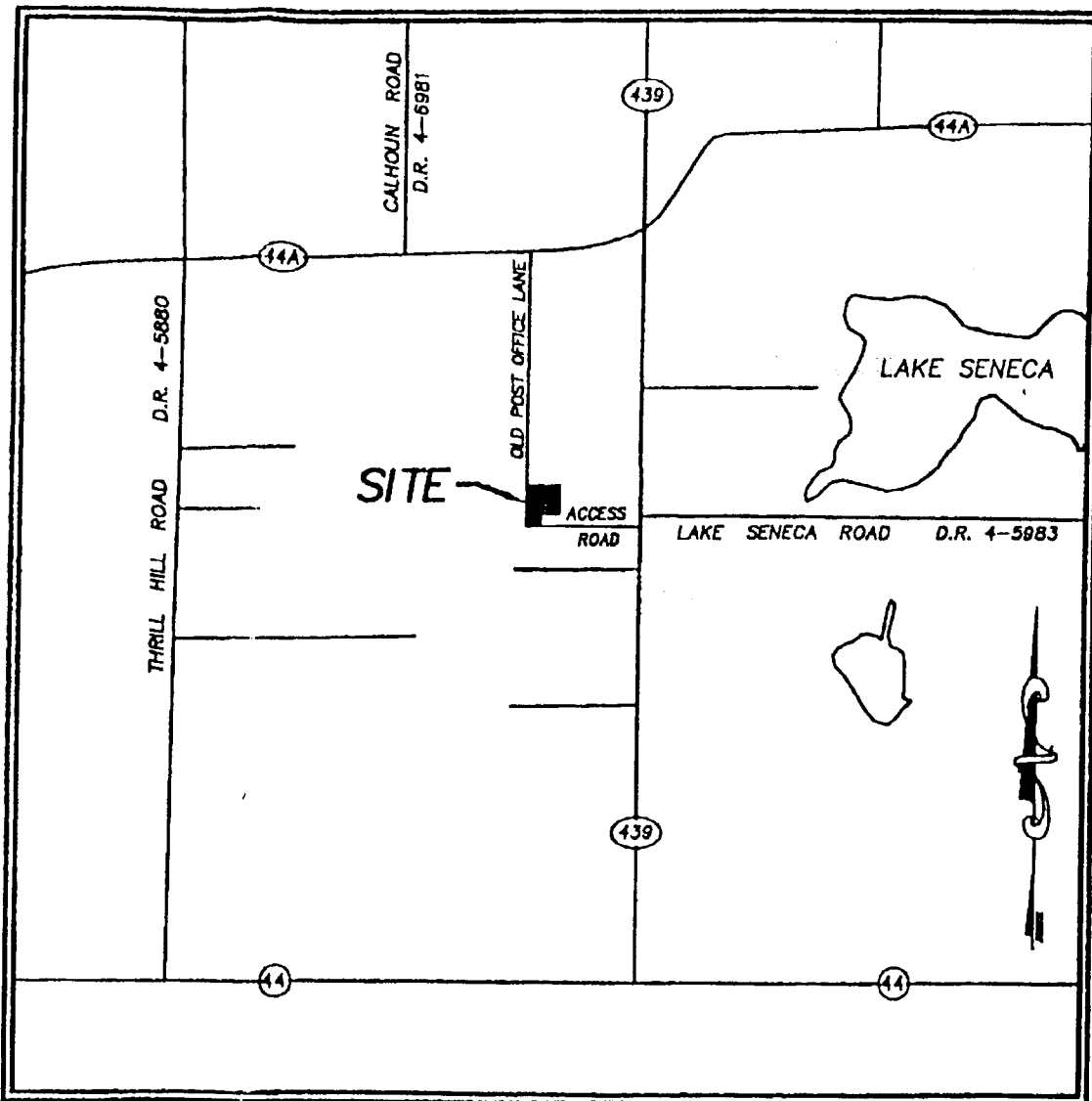

~~Bennie Reef, Chairman~~ Vice Chairman
Steve Rothschild,

Consent agreement/professional dirtsv

I HEREBY CERTIFY that the foregoing is a true and correct copy of an original Consent Agreement as filed in the office of the Lake County Code Enforcement Division, Tavares, Florida 32778.

This 14th day of March, 2002


Susan F. Goldfuss, Clerk
Code Enforcement Board
Lake County, Florida



LOCATION MAP

SCALE: 1"=2000'

DESCRIPTION:

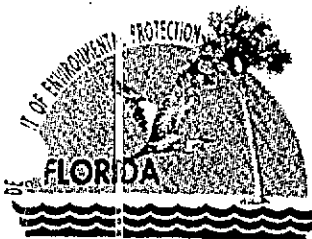
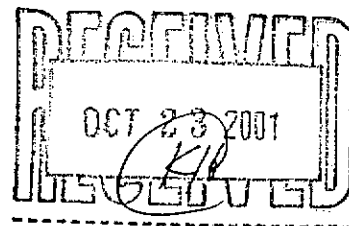
89° 23' 36" WEST

FROM THE CENTER OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA; RUN THENCE NORTH 89°56'27" WEST 994.92 FEET TO THE POINT OF BEGINNING THENCE RUN NORTH ~~89°23'36" WEST~~ 330.98 FEET; THENCE NORTH 00°11'36" EAST 982.69 FEET; THENCE SOUTH 89°17'05" EAST 661.53 FEET; THENCE SOUTH 00°09'43" WEST 654.05 FEET; THENCE NORTH 89°18'57" WEST 331.30 FEET; THENCE SOUTH 00°10'49" WEST 327.30 FEET TO THE POINT OF BEGINNING AND END OF DESCRIPTION.

The quality of this image is equivalent to the quality of the original document.

Attachment 2

Department of Environmental Protection



Jeb Bush
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767
NOTICE OF PERMIT

David B. Struhs
Secretary

CERTIFIED

7000 1530 0002 1948 4921

In the matter of an
Application for Permit
by:

Mr. Dan Cordle
Professional Dirt Service, Inc.
P. O. Box 147
Eustis, Florida 32327-0147

Lake County - SW
Professional Dirt Service, Inc. - C&D Disposal
Permit Application No. SO35-0022012-003

Dear Mr. Cordle:

Enclosed is Permit Number SO35-0022012-003, to operate the Professional Dirt Service, Inc. Landfill for C&D Disposal, issued under Section(s) 403.061(14) and 403.707, of the Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit under section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this notice is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

A handwritten signature in black ink, appearing to read "Vivian F. Garfein".


Vivian F. Garfein
Director of District Management
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803
407/894-7555

Date: OCTOBER 19, 2001

WILLIAM M. BOSTWICK, JR., P.E.

FILING AND ACKNOWLEDGMENT

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

 10/22/2001
[Clerk] [Date]

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT
and all copies were mailed before the close of business on OCT 22 2001 to the listed persons.


VFG/gcl/ew

Enclosure

Copies furnished to:

Richard Tedder - DEP - Tallahassee

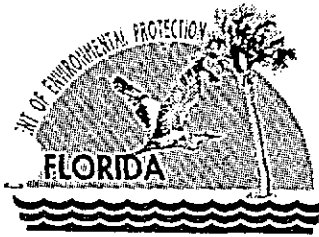
Fred Wick - DEP - Tallahassee (w/o attachments)

Kenneth R. Wicks, P.E. - Wicks Consulting Service, Inc.

B. W. Gilley - Lake County Department of Solid Waste Management Services

Lake County Department of Environmental Services

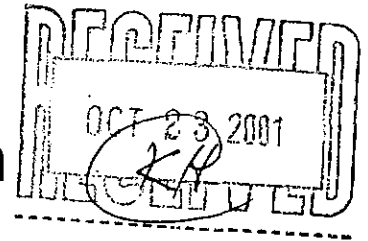
Allan B. Hewitt, Manager - Water Resources



Jeb Bush
Governor

Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767



David B. Struhs
Secretary

Permittee:

Professional Dirt Service, Inc.
P. O. Box 147
Eustis, Florida 32727-0147

Attention: Mr. Dan Cordle

I.D. Number:

Permit/Certification Number:

SO35-0022012-003

Date of Issue:

Expiration Date: 9/10/2006

Section/Township/Range:

3/ 19 South/27 East

Latitude/Longitude:

28°51'52"/81°36'00"

Project: Professional Dirt Service, Inc. -C&D Disposal.

This permit is issued under the provisions of Chapter(s) 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-4 and 62-701. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

To operate the Professional Dirt Service, Inc. Landfill for C&D Disposal.

The source and type of solid waste received at the facility is derived from Professional Dirt Service, Inc. construction and demolition projects and consists of concrete, masonry items, wood, asphalt, roofing and building demolition debris, land clearing debris and soil from excavation projects.

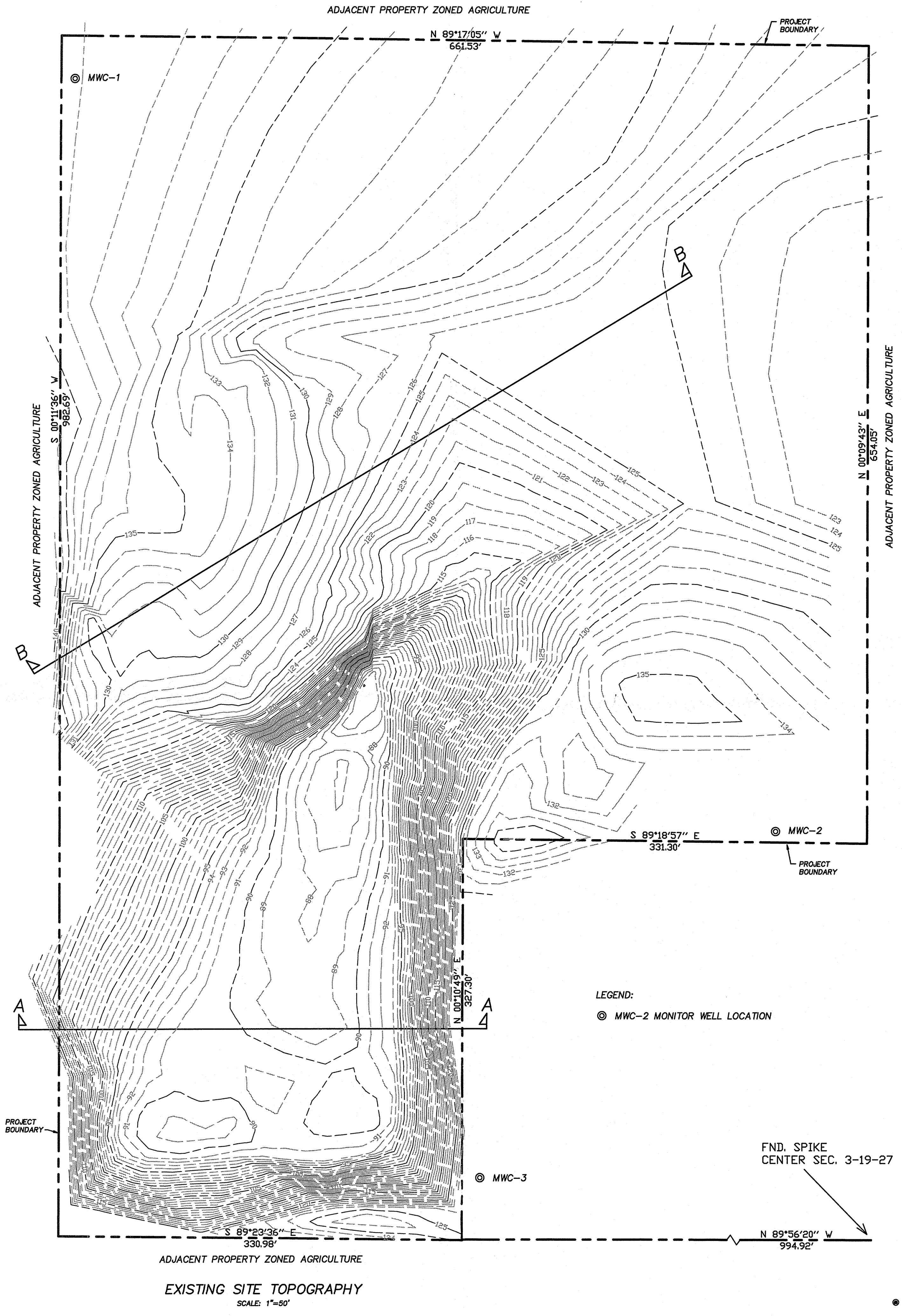
The Phase I disposal area is approximately 3.0 acres within a property boundary area of approximately 12.42 acres.

The project incorporates an approved ground water monitoring plan.

LOCATION: The facility is located at County Road 44-A South, 1/4 mile west of County Road 439, in Section 3, Township 19 South, Range 27 East, in Lake County, Florida.

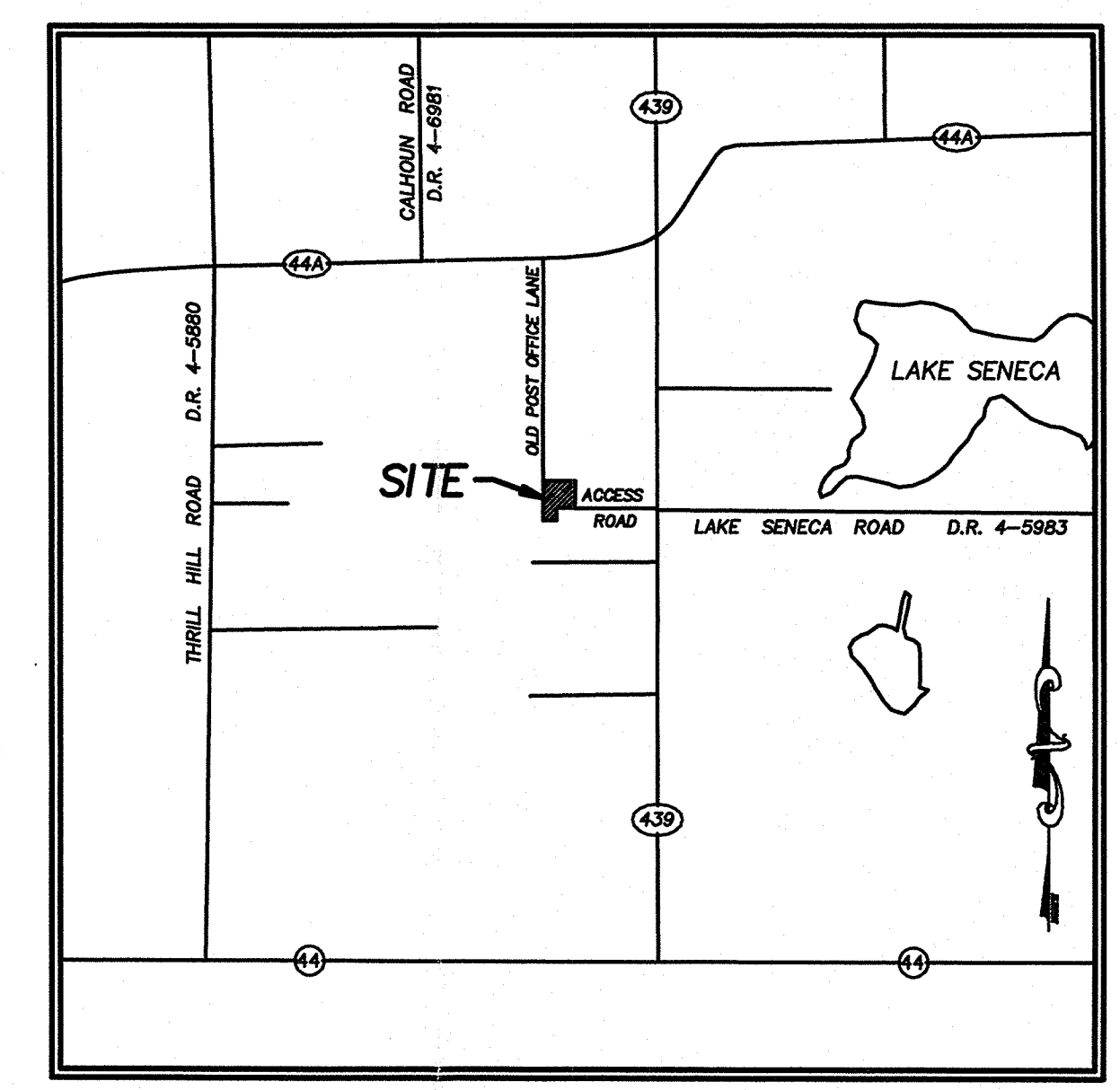
General Conditions are attached to be distributed to the permittee only.

DEP FORM 62-1 201(5) Effective November 30, 1982 Page 1 of 7.



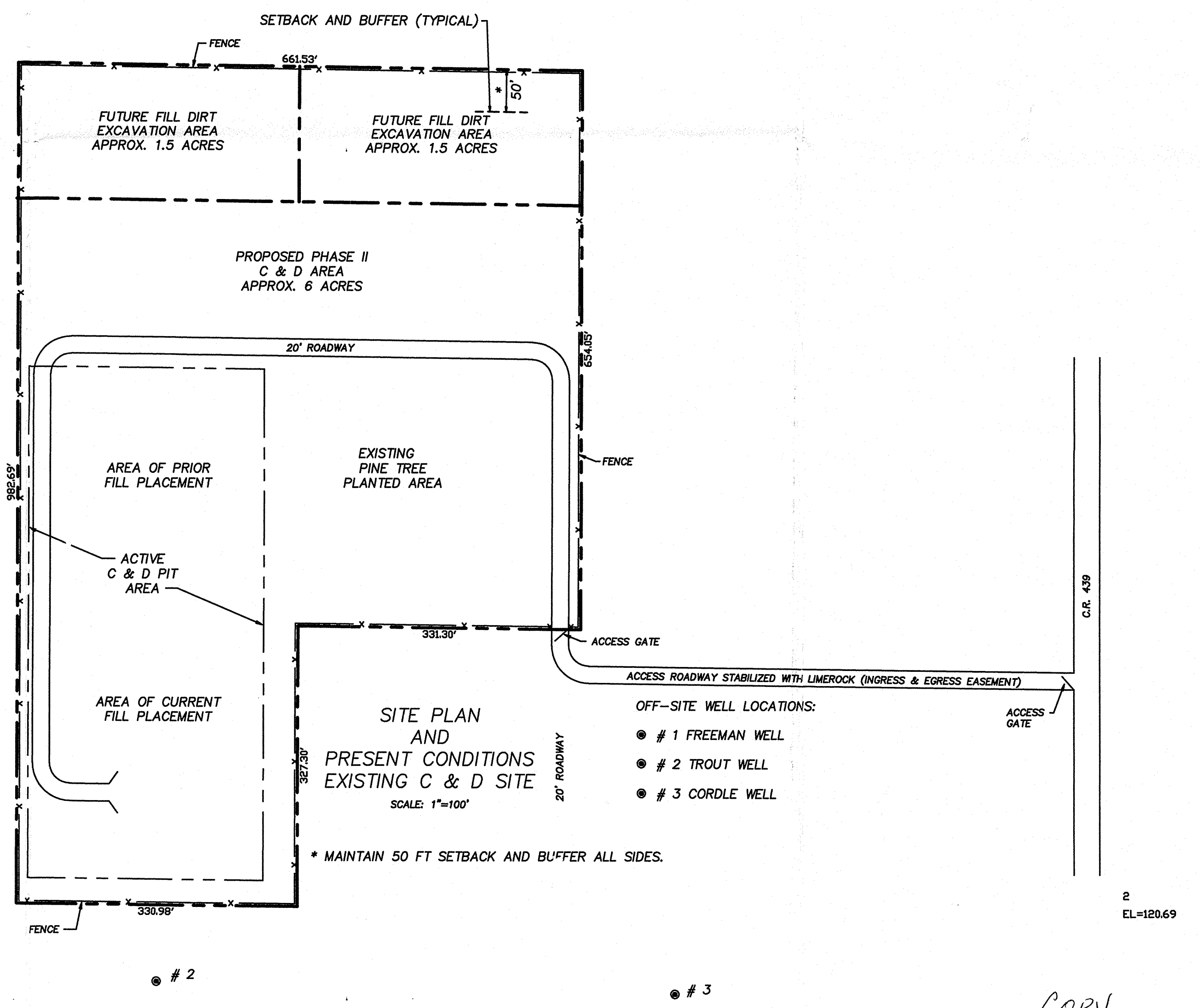
EXISTING SITE TOPOGRAPHY
SCALE: 1"=50'

- NOTES:
- 1) ELEVATIONS BASED ON USC&G'S NGVD 1929 DATUM (ADJUSTED) B.M. 3-SKS ELEV. 149.88 MSL
 - 2) TOPOGRAPHY BY RICHARD W. SNYDER REGISTERED LAND SURVEYOR DRAWING NO. 120395.DWG
 - 3) TOTAL PROJECT AREA - 12.42 ACRES
 - 4) EXISTING TREES AND VEGETATION TO REMAIN IN PROPERTY LINE SETBACK AREAS.
 - 5) EXCAVATION DEPTH WILL BE TO ELEVATION 86 MSL IN ALL PHASES, APPROXIMATELY 50' OF VERTICAL DEPTH.
 - 6) THERE IS TO BE NO EXCAVATION BELOW THE ESTIMATED GROUNDWATER ELEVATION OF 81.0' NGVD
 - 7) ALL C & D AREAS TO BE GRADED TO MATCH EXISTING ADJACENT PROPERTY ELEVATIONS UPON COMPLETION OF WORK AREA PHASE.
 - 8) ALL COMPLETED AREAS TO BE COVERED WITH A MINIMUM OF 2" OF TOPSOIL, SEEDED AND MULCHED, SLOPED AREAS ARE TO BE SODDED IF NECESSARY.
 - 9) ACTIVE FILL PLACEMENT AREA (SOUTHWEST CORNER) WAS TOPO - SURVEYED BY RICHARD SNYDDER SURVEYING 9/98. THIS DRAWING UPDATED ACCORDINGLY - PER FDEP REQUIREMENTS.
- MWC-3 GROUNDWATER MONITOR WELL TAKEN FROM ANDREYEV ENGINEERING REPORT, DATED 7-7-99, FIGURE 2



LOCATION MAP
SCALE: 1"=2000'

DESCRIPTION:
FROM THE CENTER OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA; RUN THENCE NORTH 89°56'27" WEST 994.92 FEET TO THE POINT OF BEGINNING THENCE RUN NORTH 89°23'36" WEST 330.98 FEET; THENCE NORTH 00°11'36" EAST 982.69 FEET; THENCE SOUTH 89°17'05" EAST 661.53 FEET; THENCE SOUTH 00°09'43" WEST 654.05 FEET; THENCE NORTH 89°18'57" WEST 331.30 FEET; THENCE SOUTH 00°10'49" WEST 327.30 FEET TO THE POINT OF BEGINNING AND END OF DESCRIPTION.



- OFF-SITE WELL LOCATIONS:
- # 1 FREEMAN WELL
 - # 2 TROUT WELL
 - # 3 CORDLE WELL

COPY
KENNETH R. WICKS, P.E. FL. REG. NO. 33274
DATE:

WICKS CONSULTING SERVICES, INC.
107 West High Street, Tallahassee, Florida 32309-3809
(904) 343-8887
Environmental, Sanitary & Water & Resource Engineering

DAN CORDLE, PRESIDENT
10 W. LAKEVIEW AV.
EUSTIS, FLORIDA 32726
(352) 589-7000

C AND D PIT
LAKE SENECA ROAD SITE
PROFESSIONAL DIRT SERVICE

Drawn: JFS	REVISION:	DATE:
Checked: RL	FILL PLACEMENT NOTES	6-28-09
Date: 1-25-96	R. SNYDDER TOPO AREA	10-19-98
Scale: 1"=50'	GROUND WATER MONITORING	8-27-99
File No.: 11196-01	WELL LOCATIONS	10-5-01
	ACCESS RD LOCATION	

Sheet: 1 Of: 2



Attachment 3

Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

October 7, 2011

NOTICE OF PERMIT

By-Email

professionaldirt@earthlink.net

In the matter of an
Application for Permit
By:

Mr. Dan Cordle
Professional Dirt Service, Inc.
Post Office Box 147
Eustis, FL 32727-0147

OCD-SW-11-331

Lake County - SW WACS # 20043
Professional Dirt Service C&D Facility - C&D Disposal
Financial Deferral of Phases II and III - Minor Modification
Modification of Permit No. SO35-0022012-004
DEP File No. SO35-0022012-005

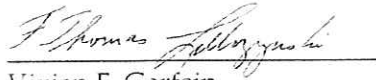
Dear Mr. Cordle:

Enclosed is the approval of Permit Number SO35-0022012-005 (modification of Permit No. SO35-0022012-004) to financially defer Phases II and III. This permit is issued under Sections 403.061(14) and 403.707, Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit under section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this notice is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Vivian F. Garfein
Director, Central District

FILING AND ACKNOWLEDGMENT

FILED, October 7, 2011, pursuant to Section 120.52, F. S., with the designated Department Clerk,
receipt of which is hereby acknowledged.



Clerk

October 7, 2011
Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were sent before the close of business on October 7, 2011 to the listed persons.



Clerk

VFG/kr

Enclosure
Permit No. SO35-0022012-005

Copies furnished to:

Richard Tedder, P.E. - DEP - Tallahassee, Richard.Tedder@dep.state.fl.us

Fred Wick - DEP - Tallahassee, Fred.Wick@dep.state.fl.us

Frank Hornbrook, DEP, frank.hornbrook@dep.state.fl.us

Ted Wicks, P.E. - Wicks Consulting Services, inc., admin@wicksconsulting.com



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

October 7, 2011

NOTICE OF PERMIT

By-Email

ProfessionalDirt@earthlink.net

Mr. Dan Cordle
Professional Dirt Services, Inc.
Post Office Box 147
Eustis, FL 32727-0147

OCD-SW-11-331

Lake County - SW WACS # 20043
Professional Dirt Service C&D Facility - C&D Disposal
Financial Deferral of Phases II and III - Minor Modification
Modification of Permit No. SO35-0022012-004
As revised by Permit No. SO35-0022012-005

Dear Mr. Cordle:

Permit application number SO35-0022012-005 submitted on August 10, 2011 by Kenneth Wicks, P.E., of Wicks Consulting Services, Inc., is approved. Permit Number SO35-0022012-004 is modified for the financial deferral of Phases II and III.

The information submitted in support of this modification is on file at the Central District office and is made part of the subject permit. The information submitted includes the permit application and supporting documentation, dated August 9, 2011, received August 10, 2011. The package included a permit application, Operation Plan Addendum, a drawing depicting the delineation of Phases I, II and III, and detailed cost estimates for Phases I, II and III. The Department approves the cost estimates for Phases I, II and III.

Specific Conditions # 39 and 40 are added to Permit No. SO35-0022012-004. All other conditions of the subject permit remain unchanged.

39. Financial Deferral: This permit authorizes the disposal of waste in Phase I only. The permittee shall apply for a minor permit modification prior to disposal of waste in Phase II or III. The modification must include updated closure and long term care cost estimates and financial assurance that meet the requirements of Rule 62-701.630, F.A.C. The permit modification must be issued and the approved cost estimate must be funded prior to placement of waste in either Phase II or III.
40. Delineation of Phases II and III: Phases II and III must be delineated within 30 days of the Permit Issue date of this permit, SO35-0022012-005, to visually mark the separation between Phases. Visible markers must be installed for the landfill workers to be able to easily distinguish the edge of each phase. Delineation shall be accomplished per the drawing

titled "Professional Dirt Services C&D Disposal Facility Phased Operations Plan" dated August 8, 2011 and per the Operation Plan Addendum dated August 4, 2011.

This letter must be attached to Permit No. SO35-0022012-004 and becomes part of that permit. The permit expiration date is not changed; it is January 22, 2012.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



F. Thomas Lubozyński, P.E. for
Vivian F. Garfein
Director, Central District

FILING AND ACKNOWLEDGMENT

FILED, October 7, 2011, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

October 7, 2011
Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT MODIFICATION and all copies were sent before the close of business on October 7, 2011 to the listed persons.



Clerk

VFG/kr

Copies furnished to:

Richard Tedder, P.E. - DEP - Tallahassee, Richard.Tedder@dep.state.fl.us

Frank Hornbrook, DEP, Tallahassee, frank.hornbrook@dep.state.fl.us

Fred Wick - DEP - Tallahassee, fred.wick@dep.state.fl.us

Ted Wicks, P.E. - Wicks Consulting Services, inc., admin@wicksconsulting.com



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

NOTICE OF PERMIT

By E-Mail

professionaldirt@earthlink.net

In the matter of an
Application for Permit

by:

Mr. Dan Cordle
Professional Dirt Services, Inc.
P. O. Box 147
Eustis, FL 32327-0147

OCD-SW-07-0091

Lake County – SW
Professional Dirt Services, Inc. – C&D Disposal
Permit Application No. SO35-0022012-004

Dear Mr. Cordle:

Enclosed is Permit Number SO35-0022012-004, to operate the Professional Dirt Services, Inc. Landfill for C&D Disposal, issued under Section(s) 403.061(14) and 403.707, of the Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit under section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this notice is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Vivian F. Garfein
Director, Central District
3319 Maguire Boulevard, Suite 232
Orlando, FL 32803
407/894-7555

Date: August 6, 2007

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

E. Williams

Aug. 6, 2007

Clerk

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were sent electronically before the close of business on August 6, 2007 to the listed persons.

E. Williams

Clerk

VFG/gc/ew

Enclosure

Copies furnished to:

Richard Tedder, P.E. – DEP – Tallahassee

Fred Wick – DEP – Tallahassee

Frank Hornbrook – DEP – Tallahassee

Kenneth R. Wicks, P.E. – Wicks Consulting Service, Inc. admin@wicksconsulting.com

Gary Debo – Lake County Dept. of Environmental Services GDebo@co.lake.fl.us



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Permittee:

Professional Dirt Services, Inc.
P. O. Box 147
Eustis, Florida 32727-0147

Attention: Mr. Dan Cordle

WACS Facility: 20043

Permit/Certification Number:

SO35-0022012-004

Expiration Date: 01/22/2012

Section 3, Township 19 South, Range 27 East

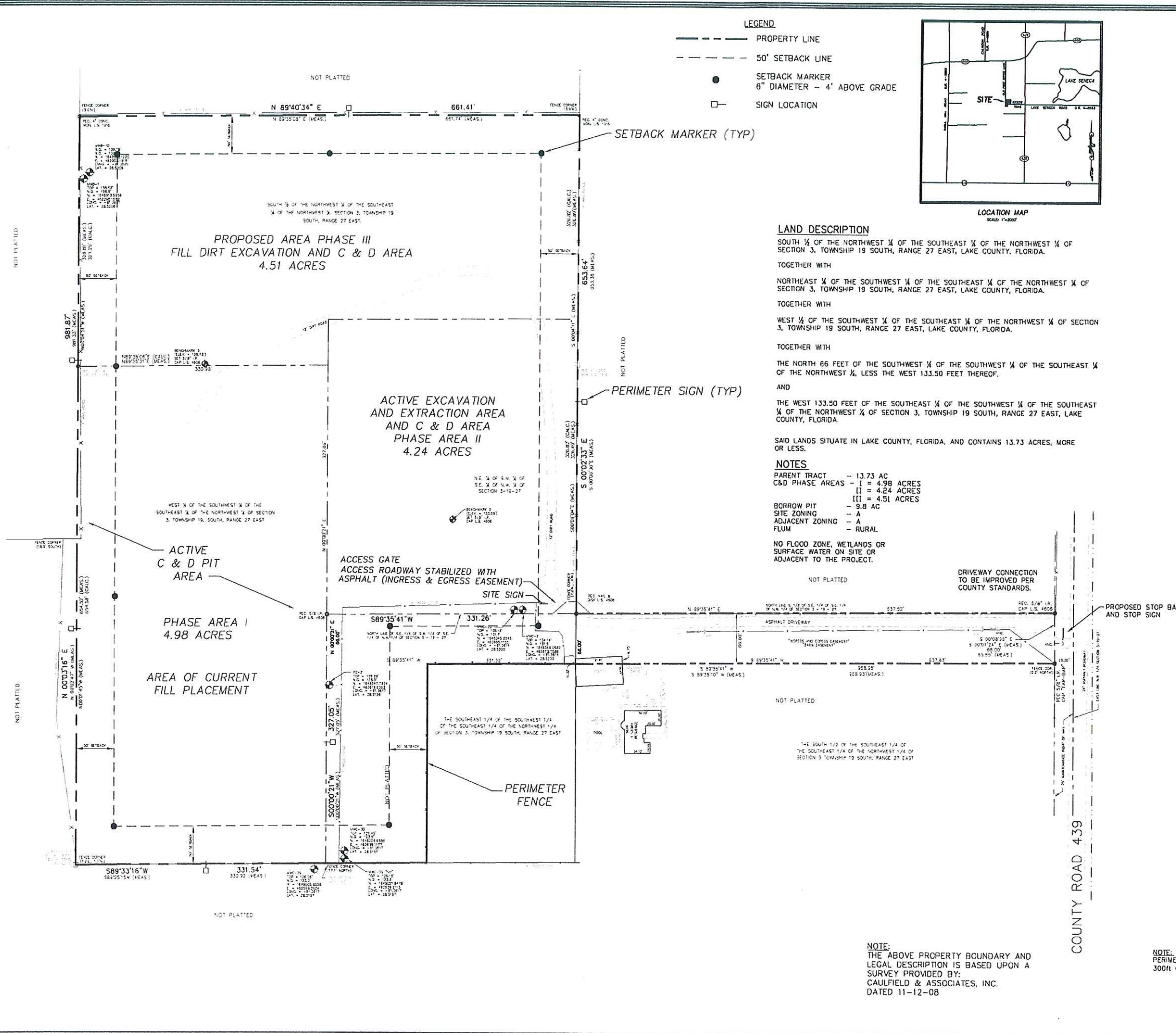
Latitude 28°51'52", Longitude 81°36'00"

Project: Professional Dirt Services, Inc. -C&D Disposal

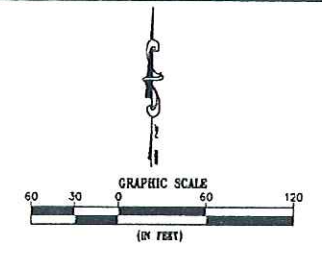
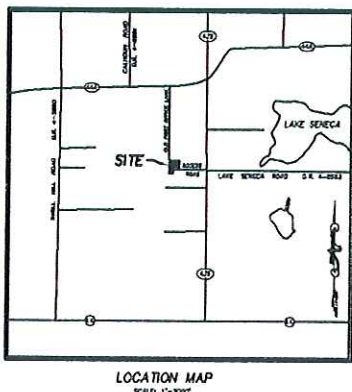
This permit is issued under the provisions of Chapter(s) 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-4 and 62-701. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

- To operate the Professional Dirt Services, Inc. Landfill for C&D Disposal.
- The source and type of solid waste received at the facility is derived from Professional Dirt Services, Inc.'s construction and demolition projects and consists of concrete, masonry items, wood, asphalt, roofing and building demolition debris, land clearing debris and soil from excavation projects.
- The total permitted disposal area is approximately 8.21 acres within a property boundary area of approximately 12.43 acres. Current operation is in the Phase I area, which has a disposal area of 3.8 acres.
- The project incorporates an approved ground water monitoring plan.

LOCATION: The facility is located at County Road 44-A South, 1/4 mile west of County Road 439, in Section 3, Township 19 South, Range 27 East, in Lake County, Florida.



- LEGEND**
- PROPERTY LINE
 - - - 50' SETBACK LINE
 - SETBACK MARKER
6" DIAMETER - 4" ABOVE GRADE
 - SIGN LOCATION



LAND DESCRIPTION

SOUTH 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA.

TOGETHER WITH

NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA.

TOGETHER WITH

WEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA.

TOGETHER WITH

THE NORTH 66 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA.

AND

THE WEST 133.50 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA.

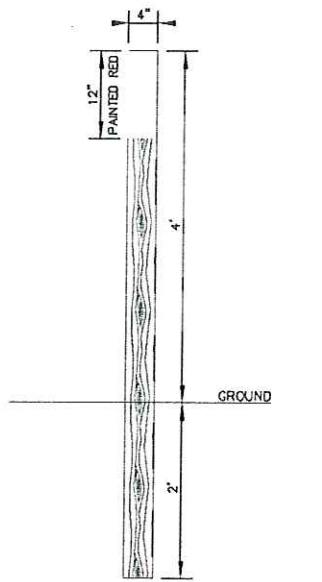
SAID LANDS SITUATE IN LAKE COUNTY, FLORIDA, AND CONTAINS 13.73 ACRES, MORE OR LESS.

NOTES

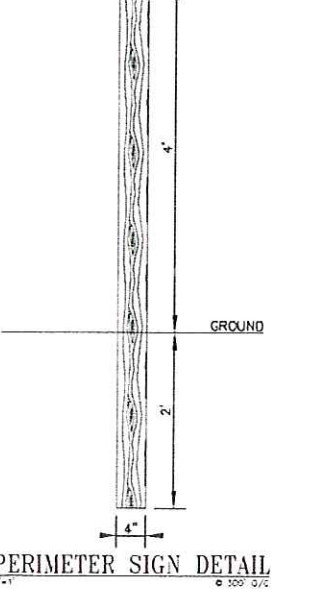
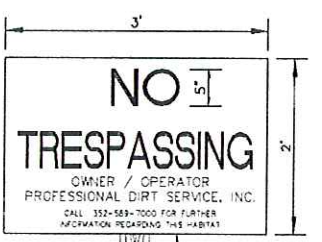
PARENT TRACT - 13.73 AC
 C&D PHASE AREAS - I = 4.98 ACRES
 II = 4.24 ACRES
 III = 4.51 ACRES

BORROW PIT - 9.8 AC
 SITE ZONING - A
 ADJACENT ZONING - A
 FLUM - RURAL

NO FLOOD ZONE, WETLANDS OR SURFACE WATER ON SITE OR ADJACENT TO THE PROJECT.



SETBACK MARKER
1" = 1' @ 200' O/C



PERIMETER SIGN DETAIL
1" = 1' @ 300' O/C

NOTE:
 THE ABOVE PROPERTY BOUNDARY AND LEGAL DESCRIPTION IS BASED UPON A SURVEY PROVIDED BY:
 CAULFIELD & ASSOCIATES, INC.
 DATED 11-12-08

NOTE:
 PERIMETER SIGNS TO BE PLACED 10ft INSIDE PROPERTY LINE
 300ft O/C

OCT 28 2011

KENNETH R. WICKS, P.E. FL. REG. NO. 33274
 DATE:

Wicks Consulting Services, Inc.
 225 West Main Street
 Tallahassee, Florida 32310
 (352) 242-0627

DAN CORDLE, PRESIDENT
 P.O. BOX 147
 EUSTIS, FLORIDA 32726
 (352) 589-7000

Professional Dirt Service
 FILL DIRT EXCAVATION AND
 C & D LANDFILL
 GENERAL SITE PLAN

Drawn: WSK	DATE:
Checked: KRW	REVISION:
Date: 02-02-09	
Scale: AS SHOWN	
File No: 02128	
Sheet: 2 of 8	

ATTACHMENT 4
LETTERS OF OPPOSITION FROM 2009

From: WSR210@aol.com [mailto:WSR210@aol.com]
Sent: Wednesday, October 14, 2009 5:17 PM
To: Cadwell, Welton
Subject: MSP # 09/7/2-5

Mr. Cadwell,

RE: MSP# 09/7/2-5 west of CR 429 , south of CR 44A

We are nearby residents of the property in question, whose property owner is requesting a permit and approval to dump and bury construction debris from various projects and locations.

We strongly OPPOSE this approval on many levels, the uppermost reason being the question of potential health issues of this "construction debris" contaminating the aquifer , being in the Wekiva River Basin Study area. Also, there is a question of toxins from some of the debris, like drywall, that could be released into the air, and affect our air quality.

I think this particular location is so inappropriate for this "business" which is really what it is. Too many homes will be affected. Homes and properties have many people and animals that could be put in harms way, not to mention the noise pollution from the trucks coming and going. Many of the homeowners have been in this area long before this gentleman began this "pit" and it is upsetting to imagine that this kind of disruption can now come into this neighborhood and ultimately negatively influence the property values. This is a question of quality of life for this neighborhood.

We urge you to decline this request.

We appreciate your thoughtful consideration in this matter.

Bill & Sue Ray

From: Darlene Fritzke [star32726@yahoo.com]
Sent: Wednesday, October 14, 2009 5:55 PM
To: Hill, Jennifer; Conner, Jimmy; Cadwell, Welton; Renick, Elaine; Stewart, Linda; County Manager
Subject: Cordle Dump

Please note:

My family will be directly effected by this enviromental disaster. Please put me on the agenda for your meeting in October.

Darlene Fritzke
Consultant
Integrity Health Care Systems
352-636-1421

From: Ernest Booth [mailto:drernestbooth@yahoo.com]
Sent: Friday, October 09, 2009 2:30 PM
To: Renick, Elaine
Subject: Help with a pressing environmental problem

My wife Beverley and I reside at 35621 CR 439, Eustis and we are having a problem that is causing us to lose sleep. The well-water we use is in danger of contamination from an unlined pit directly behind our property that is being used as a landfill for drywall and other toxic materials trucked in from building sites. This danger is now about to be escalated by a petition to your commission to expand the operation. We have been advised that in time noxious fumes with the smell of rotten eggs will constantly fill the air that we'll breathe. The thought of this is almost too painful to contemplate. The high cost of water reclamation continues to be a topic of discussion in Florida and here we have an opportunity save money by nipping in the bud a project that is bent on contaminating our water supply by dumping drywall and other poisonous material in an unlined landfill. Thank you for your kind attention and help with this burdensome problem. Tel 352 589-5184

From: [Ross, Sherie](#)
To: [King, Amye](#); [Sheahan, Brian](#); [Greene, Steve](#); [Isaac, Melving](#)
Subject: FW: 439 Landfill
Date: Monday, October 26, 2009 10:02:37 AM

From: Hanson, Jodine **On Behalf Of** Stewart, Linda
Sent: Monday, October 26, 2009 8:48 AM
To: Ross, Sherie
Cc: Stewart, Linda
Subject: FW: 439 Landfill

For the zoning file.

Jodi Hanson
Commissioner's Aide
Lake County Board of County Commissioners
Phone: 352-343-9850
FAX: 352-343-9495
E-Mail: jhanson@lakecountyfl.gov

Please Note: Florida has a very broad public records law. Most written communication to or from government officials regarding government/public business is public record available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

From: LINDA M GALBRAITH [<mailto:flivet@embarqmail.com>]
Sent: Sunday, October 25, 2009 1:22 PM
To: Stewart, Linda
Subject: 439 Landfill

October 25, 2009

RE: 439 Land fill

To whom it may concern:

As a resident and land owner in Lake county, specifically on Hwy 44 and CR 439 I must strongly express my objections to the purposed land fill on CR439 requested by the applicant Danny Cordle. This is a residential neighborhood and in my opinion, and obviously many others as indicated by the signatures on the related petition, that the 439 location is NO PLACE for this type of land use.

It is my greatest hope, as one our local Representatives, that you strongly consider this opinion while reviewing all information and making your decision.

Thank you for your time and service,

Linda Galbraith
36707 CR 439
Eustis, FL 32736

From: [Ross, Sherie](#)
To: [King, Amye](#); [Sheahan, Brian](#); [Greene, Steve](#); [Isaac, Melving](#)
Subject: FW: 439 Landfill
Date: Monday, October 26, 2009 10:09:45 AM

From: Hanson, Jodine **On Behalf Of** Stewart, Linda
Sent: Monday, October 26, 2009 8:51 AM
To: Ross, Sherie
Cc: Stewart, Linda
Subject: FW: 439 Landfill

Sherie, please place in the zoning file.

Jodi Hanson
Commissioner's Aide
Lake County Board of County Commissioners
Phone: 352-343-9850
FAX: 352-343-9495
E-Mail: jhanson@lakecountyfl.gov

Please Note: Florida has a very broad public records law. Most written communication to or from government officials regarding government/public business is public record available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

From: Marcia Pease [<mailto:pmarcia1@wildblue.net>]
Sent: Saturday, October 24, 2009 4:25 PM
To: Stewart, Linda
Subject: 439 Landfill

Hi Linda:

I appreciate all that you have done to slow the development of out-of-control growth in the county. I hope that the proposed Landfill on 439 is also something that you will stand against. I just signed the petition today.

Thanks

Marcia Pease

From: [Ross, Sherie](#)
To: [King, Amye](#); [Sheahan, Brian](#); [Greene, Steve](#); [Isaac, Melving](#)
Subject: FW: 439 Proposed Landfill - No! No! No!
Date: Monday, October 26, 2009 10:00:36 AM

-----Original Message-----

From: Hanson, Jodine On Behalf Of Stewart, Linda
Sent: Monday, October 26, 2009 8:44 AM
To: Ross, Sherie
Cc: Stewart, Linda
Subject: FW: 439 Proposed Landfill - No! No! No!

For the zoning file.

Jodi Hanson
Commissioner's Aide
Lake County Board of County Commissioners
Phone: 352-343-9850
FAX: 352-343-9495
E-Mail: jhanson@lakecountyfl.gov

Please Note: Florida has a very broad public records law. Most written communication to or from government officials regarding government/public business is public record available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

-----Original Message-----

From: landkmoorehead@usa2net.net [<mailto:landkmoorehead@usa2net.net>]
Sent: Sunday, October 25, 2009 7:35 PM
To: Stewart, Linda
Subject: 439 Proposed Landfill - No! No! No!

The proposed landfill on County Road 439 cannot be allowed. We have lived here for over 17 years and are tired of our elected officials allowing the minority to have their way. Do your job and represent the citizens of Lake County who do not, I repeat, do not want a construction and debris landfill in their neighborhood. This proposed landfill will be a detriment to the water supply in the ensuing years.

This catastrophe has already occurred in Osceola County where the potentially toxic/hazardous conditions are now surfacing, not to mention the horrendous smell. If Mr. Cordle wants a landfill, suggest that he move to Montana where he will have hundreds upon hundreds of miles to do so.

Kathy and Lee Moorehead
39113 County Road 439
Umatilla, FL 32784
352-669-9466

This message was sent using IMP, the Internet Messaging Program.

From: [Sheahan, Brian](#)
To: [Ross, Sherie](#)
Cc: [Greene, Steve](#)
Subject: FW: County Road 439 Proposed Landfill
Date: Monday, October 26, 2009 12:38:42 PM

Brian T. Sheahan, AICP Director
Division of Planning & Community Design
Department of Growth Management
Lake County Board of County Commissioners
P.O. Box 7800
315 West Main Street
Tavares, FL 32778-7800
Email: bsheahan@lakecountyfl.gov
Voice: 352-343-9672
Fax: 352-343-9595



Go Green: Please do not print this e-mail unless you really need to.

Please note: Florida has a very broad public records law. Most written communication to or from government officials regarding government/public business is public record available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

From: Renick, Elaine
Sent: Monday, October 26, 2009 12:29 PM
To: Sheahan, Brian
Subject: FW: County Road 439 Proposed Landfill

Another opposition letter

From: Mid Florida Marine John & Lauri Cole [<mailto:midfloridamarine@earthlink.net>]
Sent: Monday, October 26, 2009 11:17 AM
To: Renick, Elaine
Subject: County Road 439 Proposed Landfill

We are property owners on County Road 439 and OPPOSE the use of a debris landfill near our home. I ask that you do not agree to a change of use for a debris landfill,

John & Laura Cole
39038 County Road 439
Umatilla, FL 32784

Also own 38633 Deerwood Dr.
Eustis, FL 32727 (Off County Road 439)

From: [Ross, Sherie](#)
To: [King, Amye](#); [Sheahan, Brian](#); [Greene, Steve](#); [Isaac, Melving](#)
Subject: FW: CR 439 landfill
Date: Monday, October 26, 2009 10:05:01 AM
Attachments: [Landfill letter.wps](#)

From: Hanson, Jodine **On Behalf Of** Stewart, Linda
Sent: Monday, October 26, 2009 8:49 AM
To: Ross, Sherie
Cc: Stewart, Linda
Subject: FW: CR 439 landfill

For the zoning file.

Jodi Hanson
Commissioner's Aide
Lake County Board of County Commissioners
Phone: 352-343-9850
FAX: 352-343-9495
E-Mail: jhanson@lakecountyfl.gov

Please Note: Florida has a very broad public records law. Most written communication to or from government officials regarding government/public business is public record available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

From: George Gizelt [<mailto:georgegizelt@gmail.com>]
Sent: Saturday, October 24, 2009 6:16 PM
To: Stewart, Linda
Subject: CR 439 landfill

Madam,

Please refer to the attached letter for my opposition to the proposed landfill on CR 439.

October 24, 2009

Dear Sir or Madam,

The purpose of this letter is to express my vehement opposition to the proposal to grant a conditional use permit for a construction debris landfill west of CR 439 and south of CR 44A. I have been a resident of this area since 1988. The wishes of the residents and the zoning decisions of previous and current county governments have resulted in a highly desirable, low density residential area. The city of Eustis recently went to great lengths, including imposing a moratorium, to preserve the rural nature of the surrounding area.

There are many locations in northern Lake county where a landfill would have virtually no impact but this is not one of those. Whatever happened to all the benefits we were to derive from the Covanta operation in Okahumpka. With construction as slow as it is now, I question the need for additional landfill capacity.

I generally adopt a live and let live policy when it comes to how my neighbors utilize their land and I realize that you , as commissioners, struggle with the NIMBY phenomenon when considering these proposals, especially with something as odious as a landfill. I implore you , however, to deny this request and preserve the rural, bucolic nature of this part of northern Lake.

Thank you for taking the time to consider my input on this issue. I cannot attend the meeting on Oct. 27, but I will be following the debate in the press and hope that you take note of my opposition.

Sincerely,

George Gizelt

21715 Rollingwood trail

Eustis, Fl 32736

From: [Ross, Sherie](#)
To: [King, Amye](#); [Sheahan, Brian](#); [Greene, Steve](#); [Isaac, Melving](#)
Subject: FW: MSP#09/7/2-5 NO NO NO
Date: Monday, October 26, 2009 9:07:45 AM

From: Hanson, Jodine **On Behalf Of** Stewart, Linda
Sent: Monday, October 26, 2009 8:43 AM
To: Ross, Sherie
Cc: Hanson, Jodine
Subject: FW: MSP#09/7/2-5 NO NO NO

For the zoning file.

Jodi Hanson
Commissioner's Aide
Lake County Board of County Commissioners
Phone: 352-343-9850
FAX: 352-343-9495
E-Mail: jhanson@lakecountyfl.gov

Please Note: Florida has a very broad public records law. Most written communication to or from government officials regarding government/public business is public record available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

From: Reuben and Connie Nichols [<mailto:hopsing@embarqmail.com>]
Sent: Sunday, October 25, 2009 9:13 PM
To: Hill, Jennifer; Renick, Elaine; Conner, Jimmy; Stewart, Linda; Cadwell, Welton; County Manager
Subject: MSP#09/7/2-5 NO NO NO

We as two citizens of Lake County wish to voice our concerns and state clearly that MSP#09/7/2-5 should be turned down cold! All kinds of red flags are going up when consideration is give to this type of use or MIS-use of our land. The current situation is non-compliant regarding use of the site , and yet nothing is being done to end that; instead the owner wishes to further rape the land. Please vote this request OUT!

Reuben Nichols
Constance J. Nichols
35105 Thrill Hill Road
Eustis FL 32736

From: [Ross, Sherie](#)
To: [King, Amye](#); [Sheahan, Brian](#); [Greene, Steve](#); [Isaac, Melving](#)
Subject: FW: STOP - Land Fill to go in on Country Road 439
Date: Monday, October 26, 2009 10:12:28 AM
Importance: High

From: Hanson, Jodine **On Behalf Of** Stewart, Linda
Sent: Monday, October 26, 2009 8:51 AM
To: Ross, Sherie
Cc: Stewart, Linda
Subject: FW: STOP - Land Fill to go in on Country Road 439
Importance: High

Sherie, please place in the zoning file.

Jodi Hanson
Commissioner's Aide
Lake County Board of County Commissioners
Phone: 352-343-9850
FAX: 352-343-9495
E-Mail: jhanson@lakecountyfl.gov

Please Note: Florida has a very broad public records law. Most written communication to or from government officials regarding government/public business is public record available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

From: Sandra Ceballos-Ojeda [<mailto:ceballossandra@hotmail.com>]
Sent: Saturday, October 24, 2009 4:15 PM
To: shughes@sjrwmd.com; lwood@sjrwmd.com; hhuffman@sjrwmd.com; htanzler@sjrwmd.com; dbournique@sjrwmd.com; mertel@sjrwmd.com; mghyabi@sjrwmd.com; rhamann@sjrwmd.com; ajumper@sjrwmd.com; jhill@lakecountfl.gov; Conner, Jimmy; Cadwell, Welton; Renick, Elaine; Stewart, Linda; County Manager; madhaines@hmail.com; Sandy steifeld; mandy frerking; roo@mpinet.net; valrory@earthlink.net; rmranch@gmail.com; altoona19@mpinet.net; pastimne@aol.com; marandy@vivaccess.com; tsidell@cfl.rr.com; trailheadranch@gmail.com
Subject: STOP - Land Fill to go in on Country Road 439
Importance: High

We respectfully request our County Commissioners and St. John's River Management to vote against the approval of the CR 439 Landfill Operations.

The land fill is a non-conforming use. The Lake County Code prohibits expansion of non-conforming uses. Their Attorney Steve Ritchie has acknowledged that the approval would result in intensification of the landfill operations.

The beautiful area that we live in sits above the Wekiva Basin, this landfill will potentially pollute our water, natural springs and the

Wekiva River Basin. It has been proven that Landfills in northwest Florida have experienced severe hydrogen sulfide orders. In some cases, the concentration of hydrogen sulfide was a health concern to residents living near those facilities. **What will this do to our already declining property values?** Lets not forget all the dump trucks coming in and out all day and 1/2 days on Saturday, **it won't be safe for our children when they are waiting and coming off buses and can really cause havoc for horse riders .**

Signs have only recently been put up so many residents are not aware of this, please pass the e-mail to everyone in our area that you know! The Rollingwood Trail Riders, the Altoona Trail Riders and all other groups you may know.

The hearing will be held before the board on Tuesday, October 27th at 9:00 a.m. in Tavares City Hall (the round building).

Stop and think what will this do our health, to our horses and pets.

PROTECT OUR WATER, SPRINGS AND THE WEKIVA RIVER BASIN!

We ask that everyone show up to the hearing wearing **RED** in support of stopping the CR 439 Landfill and to protect GOD'S country and the fragrant smell our small town.

SEE YOU THERE

"Live with Integrity"

Sandra Ceballos Ojeda

From: [Sheahan, Brian](#)
To: [Ross, Sherie](#)
Cc: [Greene, Steve](#)
Subject: FW: Stop 439 Landfill
Date: Monday, October 26, 2009 12:38:34 PM

Brian T. Sheahan, AICP Director
Division of Planning & Community Design
Department of Growth Management
Lake County Board of County Commissioners
P.O. Box 7800
315 West Main Street
Tavares, FL 32778-7800
Email: bsheahan@lakecountyfl.gov
Voice: 352-343-9672
Fax: 352-343-9595



Go Green: Please do not print this e-mail unless you really need to.

Please note: Florida has a very broad public records law. Most written communication to or from government officials regarding government/public business is public record available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

From: Renick, Elaine
Sent: Monday, October 26, 2009 12:30 PM
To: Sheahan, Brian
Subject: FW: Stop 439 Landfill

From: Spmommahen1710@aol.com [<mailto:Spmommahen1710@aol.com>]
Sent: Monday, October 26, 2009 10:43 AM
To: Renick, Elaine
Cc: Spmommahen1710@aol.com
Subject: Stop 439 Landfill

Please stop the proposed 439 Landfill.

XC Sherie Ross
For zoning file

Commissioner Welton Cadwell
Lake County Board of Commissioners
PO Box 7800
Tavares, FL 32778-7800

FILE COPY

OCT 16 2009

RECEIVED
BCC OFFICE

Dear Commissioner Cadwell

Please accept this letter as my opposition to the request for re-zoning of the construction and Demolition landfill on my road, CR439. (MSP#09/7/2-5).

I stand with my other neighbors in the opinion that this is a hazard to our community. It is not conducive to our current neighborhood of family homes, livestock and road usage. The environmental risks are too great at a time when we need to make every effort to protect the air, water and land around us.

We personally leased property on Ponkan road in Orange county for the last 14 years that was within a quarter mile of the demolition dump site on Golden Gem road. We saw first hand the daily debris flying off the dump trucks and littering the side of the road. Also, unfortunately, dump truck drivers that are paid by the load have little regard for the posted speed limit or the safety of the people, school children or pets that live in the area. Additionally, the smell of rotting drywall makes spending quality time in your yard a challenge.

While we understand the need for such sites exists, we truly feel that the proposed site in our community would do much more harm than good.

Please do not approve this request by Dan Cordle/Steven J. Richey, Esq/Professional Dirt.

Sincerely,

Gilbert and Joyce Kalloo
35213 CR 439
Eustis, FL. 32736

From: John Wood [mailto:Jandpattiw@yahoo.com]
Sent: Saturday, October 10, 2009 10:11 PM
To: Cadwell, Welton
Subject: Request for conditional use

Commissioner Cadwell, I am writing to voice my opposition with regard to the Application for Mining Site Plan on County Rd 439 in Eustis, MSP # 09/7/2-5. I live in the area and my main concern is the fact that the people requesting this have already violated the conditions of the permit they now have. They are going to allow anyone to dump on this site with only the owner to inspect what is being dumped. Sort of like the fox watching the hen house I think. I am very concerned with hydrogen sulfide gas being given off drywall and other wastes when they decompose. My question is, would you want something with these ramifications in your own neighborhood? Please help me keep it out of mine. We the neighbors close to this dump are very concerned with the decision you make. I appreciate your consideration with this matter, John and Patti Wood

From: Wayne Bailey [mailto:wcbgata@yahoo.com]

Sent: Thursday, October 08, 2009 5:59 AM

To: Butch Blanchard; Jimmy Conner; donna/greg shamrock; Ernest Booth; Gary Borders; Nancy & Rob Grill; John and Patti Wood; Jenny Boyd; john roberts; ken laroe; Marie Len; Larry Lindsey; Stewart, Linda; Marianne & Dudley Haines; Pam Nielsen; Bryan Ferguson; Gina Lindsey; Sandy Riley; Ray Taylor; Tracy Baumann; dean/teresa simmons; Rodney Richmond; Glenn & Robin Schulte; Paula Tishken; Yana Gregory

Subject: Fw: Mining and request for land fill

--- On **Wed, 10/7/09**, John Wood <jandpattiw@yahoo.com> wrote:

From: John Wood <jandpattiw@yahoo.com>

Subject: Mining and request for land fill

To: "Carey Baker" <baker.carey.web@flsenate.gov>, "Wayne Bailey" <wcbgata@yahoo.com>, "Ernest Booth" <dernestbooth@yahoo.com>, "jenny Boyd" <Jenny@learSearch.com>, "Yana Gregory" <gpmi1@aol.com>, "Marianne & Dudley Haines" <Madhaines@gmail.com>, "Ken LaRoe" <Klaroe1007@aol.com>, "Bill & Sue Ray" <wsr210@aol.com>, "rodney richmond" <tosaveonpostage@gmail.com>, "Paula Tishken" <welshponytishken@aol.com>

Date: Wednesday, October 7, 2009, 3:35 PM

Senator Baker,

I would like to bring a situation to you that is happening in your district. There is an existing sand mining operation in our neighborhood that is asking the county for approval for conditional use of the property as a open land fill for construction debris. Located between CR44 & 44A, West of CR439. In my opinion they have already violated their agreement with the county by exceeding the set back rules on a buffer zone and also by allowing dumping of items that could cause hydrogen sulfide gas.

We have formed a group of approximately thirty families that are opposed to this happening in our neighborhood. If there is anything that you could do to be of assistance, it would be greatly appreciated. Like meet with us at the commission meeting on the 27th. of Oct.

Attached is a list of some of our concerns and a letter to the Water Authority.

The land fill is a non-conforming use and their attorney, Steve Ritchie acknowledged that the approval would result in intensification of the landfill operations. The Lake County code prohibits expansion of non-conforming uses. Reducing the 100 foot buffer to 50 feet, as proposed, is an expansion of a non-conforming use in violation of the code. It appears that the notice requirement was not met as the signs apparently went up just a couple of days before the hearing. That is moot now that we have a continuance but it sure points to shenanigans. The Florida Statutes of Construction and Demolition debris includes drywall. The Florida Department of Environmental Protection issued a memorandum that says that Chinese drywall is toxic including hydrogen sulfide. Land fills in northwest Florida have experienced severe hydrogen sulfide odors. In some cases, the concentrations of hydrogen sulfide were a potential health concern to residents living near those facilities. If approved this landfill could accept garbage from anywhere in the

world. Stuff could easily be trucked here from Georgia as an example. Lake Seneca is fed from numerous small springs that seep in from the ground or hillsides. This dump is unlined. The applicant, Danny Cordle, has a history of violations including one on this property where he was issued a Notice of Violation in 1998. The applicant claims this has been a land fill since the 1960's. That is not the case. It was a borrow pit for fill. The proposed use will have an entrance on 439 almost directly across from Lake Seneca Rd. The proposed hours of operation will be 7 am to 5 pm and half day on Saturday. Trucks will run all day up and down 439 creating a hazardous condition. This is a residential area. The Wekiva River Basin is a sensitive area that should continue to be protected from contamination, particularly the water supply.

Hello Welton,

I am writing to voice my opposition with regard to the Application for Mining Site Plan on County Rd 439 in Eustis, MSP # 09/7/2-5. I live in the area and my main concern is the fact that the pit isn't lined and the debris, that can be brought in from any area, has the potential to contaminate not only our drinking water which we get from a well but also the fact that the site sits at the top of the Wekiva River Basin and has the potential to contaminate much more than just our drinking water. Should the materials not be cared for properly there could be toxins that will be released in the air such as the hydrogen sulfide which is known to have effects on the eyes, lungs and nervous system. This information came from the Fall 2008 issue of the Florida Journal of Environmental Health. Below is additional information that supports my decision to oppose the site. Attached is information on the Wekiva River Basin area and further reasons why we should protect this area. My question is, would you want something with these ramifications in your own neighborhood? Please help me keep it out of mine.

I appreciate your consideration with this matter,
Jenny Boyd

My wife and I were at your last town hall meeting in Tavares and wish you well with your future plans.

John and Patti Wood
21706 Lake Seneca Road
Eustis, Fl. 32736
352-357-3260

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

From: Marianne & Dudley Haines [madhaines@gmail.com]
Sent: Saturday, October 10, 2009 1:13 PM
To: Renick, Elaine
Subject: I am against the re zone for the property on 439

I am against the re zone for the property on 439 - for expanding the land fill and allowing sand mining.

I don't feel the request reduce the buffer to 50 feet is in the interest of anyone except to correct the current property owners existing violations. Granting permission to a current offender should not be allowed. If there was not conformity from the property owner prior and we continue to grant to violators... where will the cycle end?

If your neighbor was in violation, would you want the county to just accept and continue to allow the neighbor to misuse the land?

If this was your neighbor, would you want the risk of water contamination to your children? Your parents? Your animals?

If this was your neighbor, would you want to risk the air quality for those that have reduced immunity to allergens and hazardous hydrogen sulfides?

Many other points are listed below...

We are against the re-zone

Marianne Haines, Dudley Haines, Stockwell Haines, Ian Haines

* The land fill is a non-conforming use and their attorney, Steve Ritchie acknowledged that the approval would result in intensification of the landfill operations. The Lake County code prohibits expansion of non-conforming uses.

* Reducing the 100 foot buffer to 50 feet, as proposed, is an expansion of a non-conforming use in violation of the code.

* It appears that the notice requirement was not met as the signs apparently went up just a couple of days before the hearing. That is moot now that we have a continuance but it sure points to shenanigans.

* The Florida Statutes of Construction and Demolition debris includes drywall.

* The Florida Department of Environmental Protection issued a memorandum that says that Chinese drywall is toxic including hydrogen sulfide. Land fills in northwest Florida have experienced severe hydrogen sulfide odors. In some cases, the concentrations of hydrogen sulfide were a potential health concern to residents living near those facilities.

* If approved this landfill could accept garbage from anywhere in the world. Stuff could easily be trucked here from Georgia as an example.

* Lake Seneca is fed from numerous small springs that seep in from the ground or hillsides. This dump is unlined.

* The applicant, Danny Cordle, has a history of violations including one on this property where he was issued a Notice of Violation in 1998.

* The applicant claims this has been a land fill since the 1960's. That is not the case. It was a borrow pit for fill.

* The proposed use will have an entrance on 439 almost directly across from Lake Seneca Rd.

* The proposed hours of operation will be 7 am to 5 pm and half day on Saturday. Trucks will run all day up and down 439 creating a hazardous condition.

* This is a residential area.

* The Wekiva River Basin is a sensitive area that should continue to be protected from contamination, particularly the water supply.

- for expanding the land fill and allowing sand mining.

From: Jenny Boyd [mailto:Jenny@LearSearch.com]
Sent: Monday, October 05, 2009 10:58 AM
To: Renick, Elaine
Subject: Application for Mining Site Plan on County Rd 439 in Eustis, MSP # 09/7/2-5 -Opposition
Importance: High

Good Morning Elaine,

I am writing to voice my opposition with regard to the Application for Mining Site Plan on County Rd 439 in Eustis, MSP # 09/7/2-5. I live in the area and my main concern is the fact that the pit isn't lined and the debris, that can be brought in from any area, has the potential to contaminate not only our drinking water which we get from a well but also the fact that the site sits at the top of the Wekiva River Basin and has the potential to contaminate much more than just our drinking water. Should the materials not be cared for properly there could be toxins that will be released in the air such as the hydrogen sulfide which is known to have effects on the eyes, lungs and nervous system. This information came from the Fall 2008 issue of the Florida Journal of Environmental Health. Below is additional information that supports my decision to oppose the site. Attached is information on the Wekiva River Basin area and further reasons why we should protect this area. My question is, would you want something with these ramifications in your own neighborhood? Please help me keep it out of mine.

I appreciate your consideration with this matter,

Jenny Boyd

- The land fill is a non-conforming use and their attorney, Steve Ritchie acknowledged that the approval would result in intensification of the landfill operations. The Lake County code prohibits expansion of non-conforming uses.
- Reducing the 100 foot buffer to 50 feet, as proposed, is an expansion of a non-conforming use in violation of the code.
- It appears that the notice requirement was not met as the signs apparently went up just a couple of days before the hearing. That is moot now that we have a continuance but it sure points to shenanigans.
- The Florida Statutes of Construction and Demolition debris includes drywall.
- The Florida Department of Environmental Protection issued a memorandum that says that Chinese drywall is toxic including hydrogen sulfide. Land fills in northwest Florida have experienced severe hydrogen sulfide odors. In some cases, the concentrations of hydrogen sulfide were a potential health concern to residents living near those facilities.
- If approved this landfill could accept garbage from anywhere in the world. Stuff could easily be trucked here from Georgia as an example.
- Lake Seneca is fed from numerous small springs that seep in from the ground or hillsides. This dump is unlined.
- The applicant, Danny Cordle, has a history of violations including one on this property where he was issued a Notice of Violation in 1998.
- The applicant claims this has been a land fill since the 1960's. That is not the case. It was a borrow pit for fill.

- The proposed use will have an entrance on 439 almost directly across from Lake Seneca Rd.
- The proposed hours of operation will be 7 am to 5 pm and half day on Saturday. Trucks will run all day up and down 439 creating a hazardous condition.
- This is a residential area.
- The Wekiva River Basin is a sensitive area that should continue to be protected from contamination, particularly the water supply.

From: Rodney Richmond [mailto:tosaveonpostage@gmail.com]
Sent: Monday, October 05, 2009 8:31 PM
To: Stewart, Linda
Subject: Objection to Mining Expansion CR 439

10/5/09 Dear Commissioner, This letter is to voice my family's opposition to the proposed mining expansion on County Road 439 in Eustis. This proposed expansion is being discussed on docket number MSP# 09/07/2-5. I live in the area and I am deeply concerned that the expansion may result in a contamination of the ground water as well as airborne particles and toxins. This area is residential and agricultural and our main source of water for both homes and livestock is well water. We do not have a treatment plant, chlorine, or treated water. This is straight from the ground. We are deeply concerned that if you fail to stop this expansion we will be put at risk as well as all surrounding neighbors. We were unaware of this potentially dangerous hazard until recently when we saw the notice on the roadside. The fact that this is an unlined location, which will allow seepage to the area springs, wells, and would be harmful to all wildlife. As outlined in the Wekiva River Basin Policies: Objective 5.1: "Regardless of the land use designation or zoning classification assigned to any parcel of property located within the Wekiva River Protection Area, no development may be approved upon parcels so located unless the proposed development conforms to the provisions of the Wekiva River Protection Act and the requirements and performance standards adopted pursuant to this Plan". I would like to also call to attention the Wekiva River Basin Policy: Objective 5.2.5: "POLICY 5.2.5 PRIORITY FOR OPEN SPACE WITHIN THE WSA "Priority for preservation and dedication of open space shall be given to the following resources: Most Effective Recharge Areas, wetlands, springs, spring runs, sinkholes, surface and subsurface caves, and karst features with a direct connection to the aquifer as well as sensitive natural habitats including long leaf pine, sand hill, xeric oak scrub, and sand pine scrub vegetative communities." We know that there are existing sinkholes in this parcel, which means there is a direct connection to the aquifer. There is no doubt that natural vegetation is being destroyed. This is not acceptable within this protected area of the Wekiva River Basin. We also know that the applicant does not have the best track record. He has been cited in the past and was issued a Notice of Violation in 1998. Obviously he has little regard for the use of this land or those who govern it. There is also misleading information in regard to past use as this property. It has been stated it was a Dumping area since 1960. The truth is that its main use was as a borrow pit for fill. This land use is non-conforming as stated by the applicants' attorney. By allowing this expansion, you will be allowing the possibility of Chinese drywall, a known toxic agent that is already causing issues for many Florida homebuyers who unknowingly purchased homes with this product used. There will be no control over how far deliveries may be made and oversight will be limited by the overstretched budget that our county is facing. This will be put all of us in Lake County in danger, as the water resources are a shared resource for all by virtue of the aquifer. We implore you not to allow this expansion to go forward. In closing, I ask you to put yourself in the shoes of the residents, many who are uninformed or are unaware, that live in this area of our county. If this was your neighborhood and your children growing up in this area would you want this to be allowed? Please do the right thing and stop it before it has a chance to harm all of us.

Regards, Rodney Richmond

cc: Sherry Ross
for Zoning File

FILE COPY

October 2, 2009

RECEIVED

OCT 20 2009

B.C.C. OFFICE

Commissioner Elaine Renick
Lake County Board of Commissioners
PO Box 7800
Tavares, FL 32778-7800

Dear Commissioner Renick,

Please accept this letter as my opposition to the request for re-zoning of the construction and demolition landfill on my road, CR 439. (MSP#09/7/2-5).

I stand with my other neighbors in the opinion that this is a hazard to our community. It is not conducive to our current neighborhood of family homes, livestock and road usage. The environmental risks are too great at a time when we need to make every effort to protect the air, water and land around us.

Please do not approve this request by Dan Cordle/Steven J. Richey, Esq/Professional Dirt Services.

Sincerely,



Ron Smith
35218 CR 439
Eustis, FL 32736

xc Merie Ross
for zoning file

FILE COPY RECEIVED

OCT 09 2009

BCC OFFICE

October 5, 2009

Commissioner Welton Cadwell
Lake County Board of Commissioners
PO Box 7800
Tavares, FL 32778-7800

Dear Commissioner Cadwell,

This letter is to express **opposition** to the request for re-zoning of the construction and demolition landfill/sand mining on my road, CR 439. (MSP#09/7/2-5).

This landfill is a hazard for many environmental reasons. The dump traffic and noise is not something that should be in what is now a residential neighborhood with family and livestock. We need to make every effort this basin area.

**Please do not approve this request by Dan Cordle/Steven J. Richey,
Esq/Professional Dirt Services.**

Sincerely,



Russell Battin
35244 CR 439
Eustis, FL 32736

From: SANDEAVOR@aol.com [mailto:SANDEAVOR@aol.com]
Sent: Tuesday, October 13, 2009 8:00 AM
To: Hill, Jennifer; Conner, Jimmy; Cadwell, Welton; Renick, Elaine; Stewart, Linda
Subject: Fwd: Neighborhood meeting

In a message dated 10/12/2009 6:26:37 P.M. Eastern Daylight Time, madhaines@gmail.com writes:

Please check the web link below. Please do not let this happen in our own backyards.

Tom & Cheryl Gifford

35649 CR 439

Eustis, Fl 32736

352-483-3187

<http://www.wftv.com/news/21276073/detail.html>

From: SANDEAVOR@aol.com [mailto:SANDEAVOR@aol.com]

Sent: Monday, October 05, 2009 4:24 PM

To: Hill, Jennifer; Conner, Jimmy; Cadwell, Welton; Renick, Elaine; LStewart@lakecounttyfl.gov; Jenn@learsearch.com

Subject: application for mining site plan

Re: application for mining site plan, MSP# 09/7/2-5, west of CR 429 and south of CR 44A

It is our understanding the property noted above is requesting a permit and approval to dump and bury construction debris from various projects and locations. I have been in the construction business for 32 years and to this day I have never witnessed only construction debris being dropped into construction dumpsters and containers. There is always food trash, paint, home garbage, etc. Even in this environment with so called "green" construction and recycling there still is no evidence that precautions are being taken to protect our environment. It seems the expense it would take to supervise the proper use of "construction" dumping would outweigh the cost to take the construction debris to a currently utilized facility. We are strongly against this approval and permit.

Thomas & Cheryl Gifford
35649 CR 439
Eustis, FL 32736

FILE COPY RECEIVED

X² Sherrie Ross
for zoning file

OCT 01 2009

BCC OFFICE

— Welton G. Caldwell
Lake County BCC
315 West Main Street
PO Box 7800
Tavares, FL 32778

RE: Dirt Service – MSP#09/7/2-5

Dear Sir,

I am the property owner on the south border of the Professional Dirt Services operation.

I'm sorry that after attending two sessions at which the matter was postponed to later sessions, I have a schedule conflict that prevents me from attending the meeting in October. Since I can't attend in person I would like it to be known to the LCC that I would request that the permit for further expansion to an additional site be **denied**, and that Dirt Services be **required** to take such action is necessary to prevent further cave ins and erosion that would impact my property.

What is decided with regard to allowing D & C materials from outside parties is of no real consequence because it is the common perception that prohibited materials will continue to be buried there regardless. According to Mr. Steve Greene (Chief Planner, LC P & C), it's apparently up to the local residents to monitor and report any violations to Code Enforcement. It's hard to report what's already buried.

My continuing concern is that the edge of the pit continues to erode and cave in to the point where I expect portions of my fence to fall into the pit in the next few months, as I stressed in my original letter to the Commission in June. That would present a clear danger to both animals and children.

I am also uncomfortable with that the operators of the pit are apparently allowed an unlimited number of violations without any real penalty or any direct effect on the pending matter before the BCC. It is my understanding that Mr. Cordle has been caught with violations on several of his dirt operations. I personally called Code Enforcement (Scott) regarding an abandoned vehicle in the pit. That vehicle is an obvious violation and didn't get there on its own. Several of us have been aware of prohibited materials such as appliances being dumped there, and I saw them too. By the time anyone could report the situation to Code Enforcement, it's all buried and gone from sight.

I don't know how many violations it takes before the operation can be shut down and we can't rely on the County to monitor what goes in, so it's not a good idea to grant another pit in the same area.

Sincerely,


Tim Trott

21247 Seneca Hills Road, Eustis, FL
Mail: 3628 Seminole Lane, Marianna, FL 32448

Lake County Zoning Board
Lake County, FL
RE: MSP#097/2-5

Dear Sirs:

As residents and owners of the property on the south boundary of the property being considered for a change in the mining site plan, we have several concerns which we would like to bring to your attention.

First of all, (item 4) the language contained in the application which we were provided appears to include asbestos and processed tires as "Material to be Accepted for Disposal". We have been promised that this language will be revised such that it is clear that such hazardous materials are NOT acceptable for disposal at that site.

That same paragraph indicates that "plywood treated with chromate copper arsenate shall not be accepted". The problem with that is that it is common knowledge that the demolition materials from the Lake County Hospital in Eustis were disposed in this property, but it is uncertain whether such materials were removed prior to the demolition of that building. Add to that our personal observation of automobiles and appliances being dumped at that site. We invited Scott Catusus this past week to view the site from our property in person and pointed out the automobiles and other items contained on the site. Obviously the County is not in a position to monitor what goes into this pit 24/7 but the existence of automobiles and other questionable materials indicates that there may be no monitoring at all or that the County is relying on residents to monitor and report questionable materials or activities.

When we purchased the property 20 years ago we were told that the pit would be filled within a few years with "only clean materials". It hasn't been a "few years" and it has not been "clean materials", so from past behavior of the management of this property it would appear to be poor judgment for the County to allow any new application to proceed before they are required to fully comply with past agreements and requirements, particularly in view of past fines for non-compliance.

The new 50 foot setback for Exhibit "B" do nothing to alleviate the situation on our property line, at which we have seen the edge of the pit go from an average of 30 feet when we purchased the property to a matter of a few inches today, with obvious indications that our fence will fall into the pit within a very short time. And then what? This new proposal says nothing with regard to protecting our property or remedies for the impending damage if nothing further is required of the mine operators.

We have endured waking up to the sound of bull dozers and slamming dump truck tail gates for two decades, trusting the County to enforce the rules and agreements. Now it appears that our trust may have been misplaced.

Therefore, as owners of the adjacent property we are in **opposition** to any further development of the subject project until or unless there has been satisfactory completion of the Phase 1 reclamation.

Tim and Marianne Trott
21247 Seneca Hills Road
email: tim@webicity.com

850 579 0795