STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ANGELO'S AGGREGATE MATERIALS, LTD,
d/b/a ANGELO'S RECYCLED MATERIALS,

Petitioner,

vs.

DOAH Case No. 09-1543

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent,

and

CRYSTAL SPRINGS PRESERVE, INC.,
CITY OF TAMPA, and CITY OF
ZEPHYRHILLS,

Intervenors.

_____________________________/  

CARL ROTH, JOHN FLOYD, LOUIS POTENZIANO,
and MARVIN HALL,

Petitioners,

vs.

DOAH Case No. 09-1544

ANGELO'S AGGREGATE MATERIALS, LTD.,
d/b/a ANGELO'S RECYCLED MATERIALS,
and STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondents.

_____________________________/  

Filed June 29, 2012 4:18 PM Division of Administrative Hearings
ANGELO'S AGGREGATE MATERIALS, LTD., d/b/a ANGELO'S RECYCLED MATERIALS, and STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondents

NESTLE WATERS NORTH AMERICA, INC.

Petitioner,

vs.

DOAH Case No. 09-1545

ANGELO'S AGGREGATE MATERIALS, LTD., d/b/a ANGELO'S RECYCLED MATERIALS, and STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondents.

NESTLE WATERS NORTH AMERICA, INC.

Petitioner,

vs.

DOAH Case No. 09-1546

ANGELO'S AGGREGATE MATERIALS, LTD., d/b/a ANGELO'S RECYCLED MATERIALS, and STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondents.

ANGELO'S AGGREGATES MATERIALS, LTD.'S SECOND REQUEST FOR ADMISSIONS TO STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Angelo's Aggregate Materials, Ltd., d/b/a Angelo’s Recycled Materials (“Angelo’s”) hereby files this Second Request for Admissions to State of Florida Department of Environmental Protection (“DEP”) as set forth below. These requests relate to Angelo’s DEP Permit Applications to construct and operate a Class I landfill in Pasco County, DEP file numbers 22913-001-SC/01 and 22913-002-SO/01.
REQUESTED ADMISSIONS

1. You are not aware of any subsurface studies within 500 feet of the boundaries of the proposed landfill site other than those that were conducted by Angelo’s.
2. The proposed landfill site is not located within the Crystal Springs springshed.

3. The proposed landfill site is not located within the Green Swamp Area of Critical State Concern that is designated in Section 380.0551, Florida Statutes.

4. The proposed landfill site is not located within the Green Swamp Area of Critical State Concern, as designated in Rule Chapter 22F-5, Florida Administrative Code.

5. No portion of Pasco County is located within the Green Swamp Area of Critical State Concern that is designated under the authority in Section 380.0551, Florida Statutes.

6. No portion of Pasco County is located within the Green Swamp Area of Critical State Concern, as designated in Rule Chapter 22F-5, Florida Administrative Code.

7. You are not aware of any potentiometric maps, data, or other documents that demonstrate that leachate discharged by the proposed landfill will travel into the aquifer underlying the Green Swamp Area of Critical State Concern that is designated in Section 380.0551, Florida Statutes.

8. You are not aware of any existing potable water well that lies within 500 feet of any portion of the proposed landfill site.

9. You are not aware of any proposed potable water well that lies within 500 feet of any portion of the proposed landfill site.

10. You are not aware of any natural waterbody located on the proposed landfill site.

11. You are not aware of any artificial waterbody located on the proposed landfill site.

12. You are not aware of any natural waterbody located within 200 feet of any portion of the proposed landfill site.
13. You are not aware of any artificial waterbody located within 200 feet of any portion of the proposed landfill site.

14. You are not aware of the presence of any DEP jurisdictional wetland on the proposed landfill site.

15. You are not aware of the presence of any DEP jurisdictional wetland within 200 feet of any portion of the proposed landfill site.

16. You are not aware of any airport notification requirements set forth in Rule 62-701.320(13), Florida Administrative Code, with which Angelo’s did not comply.

17. The design for the proposed landfill does not propose the storage, processing or disposal of solid waste in groundwater.

18. A stormwater management system facility to serve the proposed Class I landfill is the subject of a separate permit application, to wit, an environmental resource permit application.

19. A Class I landfill construction permit may be issued before an environmental resource permit is issued for a stormwater management system facility to serve the proposed Class I landfill.

20. No DEP rule or statute in Chapter 403, Florida Statutes, prohibits DEP approval of a proposed location for a Class I landfill if that site includes one or more existing sinkholes.

21. No DEP rule or statute in Chapter 403, Florida Statutes, requires denial of a Class I landfill construction permit application if the proposed site’s subsurface includes loose sands.

22. No DEP rule or statute in Chapter 403, Florida Statutes, requires denial of a Class I landfill operation permit application if the proposed site’s subsurface includes loose sands.
23. No DEP rule or statute in Chapter 403, Florida Statutes, requires denial of a Class I landfill construction permit application if the proposed site’s subsurface includes one or more sinkholes.

24. No DEP rule or statute in Chapter 403, Florida Statutes, requires denial of a Class I landfill operation permit application if the proposed site’s subsurface includes one or more sinkholes.

25. You are not aware of any federal or state notice of violation filed against Angelo’s on the basis that Angelo’s allegedly improperly operated a solid waste management facility in the State of Florida.

26. You are not aware of any federal or state judicial action or administrative proceeding initiated by a state or federal agency against Angelo’s on the basis that Angelo’s allegedly improperly operated a solid waste management facility in the State of Florida.

27. You are not aware of any federal or state criminal prosecution against Angelo’s on the basis that Angelo’s allegedly improperly operated a solid waste management facility in the State of Florida.

28. You are not aware of any material facts that support a finding that Angelo’s is an “irresponsible” applicant within the meaning of Rule 62-701.320(3), Florida Administrative Code.

29. No portion of the proposed landfill site is located within a 100 year floodplain.

30. Pursuant to Rule 62-701.100, Florida Administrative Code, the intent of Rule Chapters 62-701 through 62-722, Florida Administrative Code, is establish standards for the construction, operation, and closure of solid waste management facilities to minimize their threat to public health and to the environment.
31. A Class I landfill construction and operation application that meets all of the applicable requirements of Rules 62-701 through 62-722, Florida Administrative Code, addresses and reduces threats to public health that are associated with solid waste.

32. Earl Singletary does not own any portion of the real property that is the subject of the proposed landfill site.

33. You are not aware of any experts who have expressed the opinion that one or more zoonotic diseases are likely to result from the construction and operation of a Class I landfill in accordance with all applicable Department of Environmental Protection rules.

34. The information in attached “Exhibit A” regarding Cells 1 and 2 of the proposed Angelo’s Class I landfill accurately describes information obtained from OCULUS regarding that landfill application.

35. The information in attached “Exhibit A” regarding Cell A-4 of the West Pasco Resource Recovery Facility Class I landfill, which is located in Pasco County, accurately describes information obtained from OCULUS regarding that landfill application.

36. The information in attached “Exhibit A” regarding Cell 3 of the Hernando Northwest Class I landfill, which is located in Hernando County, accurately describes information obtained from OCULUS regarding that landfill application.

37. The information in attached “Exhibit A” regarding Cells 5-12 of the Cedar Trail Class I landfill, which is located in Polk County, accurately describes information obtained from OCULUS regarding that landfill application.

38. The information in attached “Exhibit A” regarding Cells 1-4 of the ACMS Class 1 landfill, which is located in Sumter County, accurately describes information obtained from OCULUS regarding that landfill application.
39. The information in attached “Exhibit A” regarding the Phase 3 expansion of the Citrus Central Class 1 landfill, which is located in Citrus County, accurately describes information obtained from OCULUS regarding that landfill application.

40. Angelo's owns the property that is the site of the proposed landfill

Dated this 29th day of June, 2012.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to those listed on the following service list by E-Mail Only, on this 29th day of June, 2012.

Doug Manson, Esq.
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Spokesperson for Protector’s of Florida’s Legacy

Christopher M. Kise, Esq.
Thomas K. Maurer, Esq.
Foley & Lardner
106 E. College Ave., Suite 900
Karen A. Brodeen
### Table 5. Comparison of Recently Reviewed Class I Facilities FDEP Southwest District

<table>
<thead>
<tr>
<th>Facility</th>
<th>Southwest District</th>
<th>Hernando Northwest Class I Landfill</th>
<th>Polk County, Cedar Trail Landfill</th>
<th>ACREM Class I Landfill, Sumter County</th>
<th>Citrus Central Landfill, Citrus County</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FDEP Review Period</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial Submittal</td>
<td>31-Oct-06</td>
<td>15-May-06</td>
<td>21-May-09</td>
<td>30-Jun-09</td>
<td>8-Jun-10</td>
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<tr>
<td>Permit Determination</td>
<td>12-Feb-09</td>
<td>24-Aug-09</td>
<td>8-Apr-09</td>
<td>23-Dec-10</td>
<td>21-Dec-10</td>
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<tr>
<td>Permit Decision</td>
<td>Under Review</td>
<td>Approved</td>
<td>Approved</td>
<td>Approved</td>
<td>Approved</td>
</tr>
<tr>
<td>Soil Borings1 within approximately 100' of cell footprint</td>
<td>20.0</td>
<td>20.0</td>
<td>25.4</td>
<td>72.9</td>
<td>58.8</td>
</tr>
<tr>
<td>Footprint Area (acres)</td>
<td>20.0</td>
<td>16.0</td>
<td>62.0</td>
<td>95.0</td>
<td>177</td>
</tr>
<tr>
<td>Boreings and CPTs</td>
<td>2.7</td>
<td>0.8</td>
<td>2.4</td>
<td>1.3</td>
<td>3.0</td>
</tr>
<tr>
<td>Boreings/Acre</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>GPR Investigations</strong></td>
<td>51,200</td>
<td>2,560</td>
<td>36,850</td>
<td>0</td>
<td>140,000</td>
</tr>
<tr>
<td>GPR linear feet per acre</td>
<td>1,707</td>
<td>128</td>
<td>1,550</td>
<td>0</td>
<td>2,300</td>
</tr>
<tr>
<td>Multiple Electrode Resistivity (MER, linear feet)</td>
<td>89,250</td>
<td>0</td>
<td>0</td>
<td>35,000</td>
<td>0</td>
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<tr>
<td>MER linear feet per acre</td>
<td>2,975</td>
<td>0</td>
<td>460</td>
<td>0</td>
<td>0</td>
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<tr>
<td><strong>Sinkholes</strong></td>
<td>0</td>
<td><em>Numerous</em></td>
<td>21</td>
<td>Unknown</td>
<td>0</td>
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<tr>
<td>All FDEP Database sinkholes # within 1 mile</td>
<td>0</td>
<td>2</td>
<td>5</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>All FDEP Database sinkholes # within 5 miles</td>
<td>6</td>
<td>21</td>
<td>17</td>
<td>50</td>
<td>21</td>
</tr>
<tr>
<td>Sinkholes used in Basis of Design Calculation</td>
<td>7</td>
<td>21.5</td>
<td>31.5</td>
<td>6.5</td>
<td>18</td>
</tr>
<tr>
<td>Maximum feature diameter</td>
<td>15 ft</td>
<td>37.5 ft</td>
<td>29.8</td>
<td>200 ft</td>
<td>20</td>
</tr>
<tr>
<td>95% Upper Confidence Interval (same method)</td>
<td>1.6 ft</td>
<td>10.1 ft</td>
<td>9.2 ft</td>
<td>56.8 ft</td>
<td>20 ft</td>
</tr>
<tr>
<td><strong>Top</strong></td>
<td>2-foot protective sand layer</td>
<td>2-foot protective sand layer</td>
<td>2-foot protective sand layer</td>
<td>2-foot protective sand layer</td>
<td>2-foot protective sand layer</td>
</tr>
<tr>
<td>HDPE Drainage Net Geocomposite</td>
<td>HDPE Drainage Net Geocomposite</td>
<td>HDPE Drainage Net Geocomposite</td>
<td>HDPE Drainage Net Geocomposite</td>
<td>HDPE Drainage Net Geocomposite</td>
<td></td>
</tr>
<tr>
<td>60 mil HDPE geomembrane</td>
<td>60 mil HDPE geomembrane</td>
<td>60 mil HDPE geomembrane</td>
<td>60 mil HDPE geomembrane</td>
<td>60 mil HDPE geomembrane</td>
<td></td>
</tr>
<tr>
<td><strong>Bottom</strong></td>
<td>Geosynthetic clay liner</td>
<td>None</td>
<td>Geosynthetic clay liner</td>
<td>Geosynthetic clay liner</td>
<td>Geosynthetic clay liner</td>
</tr>
<tr>
<td>Geosynthetic Reinforcement</td>
<td>High-Strength Geotextile (MD at Ultimate=22,500 lb/ft)</td>
<td>None</td>
<td>High-Strength Geotextile (MD at Ultimate=4,500 lb/ft)</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td><strong>Subgrade</strong></td>
<td>None</td>
<td>High-Strength Geotextile (MD at Ultimate=4,500 lb/ft)</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>In-situ subgrade compaction 16 passes with 50,000lb vibratory roller</td>
<td>None</td>
<td>Prepared subgrade (minimum 2 passes of compaction equipment)</td>
<td>None</td>
<td>In-situ compacted subgrade (minimum 4 passes with 20,000lb vibratory roller)</td>
<td></td>
</tr>
<tr>
<td>Compaction grouting of delineated areas</td>
<td>Natural Subgrade</td>
<td>Compaction grouting of delineated areas</td>
<td>None</td>
<td>Compaction grouting of delineated areas</td>
<td></td>
</tr>
<tr>
<td><strong>Layers Considered</strong></td>
<td>GeoGrid only</td>
<td>2 geomembranes &amp; 2 geonet cores</td>
<td>Geotextile &amp; 2 geomembranes</td>
<td>No Calculation Submitted</td>
<td></td>
</tr>
<tr>
<td><strong>Method</strong></td>
<td>Glueless</td>
<td>Glueless</td>
<td>Glueless</td>
<td>Glueless</td>
<td>Glueless</td>
</tr>
<tr>
<td><strong>Reinforcement Calculation</strong></td>
<td>7.11%</td>
<td>8.38%</td>
<td>6.80%</td>
<td>12%</td>
<td>12%</td>
</tr>
<tr>
<td>Material Yield (Gross)</td>
<td>12%</td>
<td>12%</td>
<td>12%</td>
<td>12%</td>
<td>12%</td>
</tr>
<tr>
<td>Tc (liner with sinkhole)</td>
<td>10.50%</td>
<td>0</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Comparisons</td>
<td>7.11% &gt; 10.50%</td>
<td>6.80% &lt; 12%</td>
<td>0.8% &lt; 12%</td>
<td>No Calculation Submitted</td>
<td></td>
</tr>
<tr>
<td>Factor of Safety:</td>
<td>1.48</td>
<td>1.43</td>
<td>1.76</td>
<td>1.43</td>
<td>1.76</td>
</tr>
</tbody>
</table>