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.

________________________________________
Angelo’s Aggregate Materials, Ltd., d/b/a Angelo’s Recycled Materials ("Angelo’s") hereby files this First Request for Admissions to Nestle Waters North America, Inc. ("Nestle") 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.
DEFINITIONS AND INSTRUCTIONS

1. The term “Angelo’s” shall mean Angelo’s Aggregate Materials, Ltd., d/b/a Angelo’s Recycled Materials, and its consultants, agents, contractors, or any other persons acting on its behalf.

3. The term “proposed landfill” refers to the proposed landfill that is the subject of Angelo’s applications to construct and operate a Class I landfill in Pasco County, DEP file numbers 22913-001-SC/01 and 22913-002-SO/01.

4. The term “proposed landfill site” refers to the approximately 30-acre site that currently is proposed for the location of the proposed landfill that is the subject of DEP file numbers 22913-001 SC/01 and 22913-002-001 SO/01, and includes Cells 1 and 2 and their associated leachate management infrastructure.

5. The term “OCULUS” refers to a web-based electronic document management system maintained by DEP. OCULUS is accessible to members of the public through the DEP website. Anyone with an internet connection can access DEP Division of Waste Management public records and documents associated with permitted facilities and activities, including landfills.

6. Exhibit “A” is a table that includes information obtained from OCULUS, a web-based electronic document management system maintained by DEP. OCULUS is accessible to members of the public and can be consulted for purposes of responding to the admissions requested herein regarding Exhibit “A.”

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 I 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.

[Signature]

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Tallahassee, Florida 32301  
Telephone: (850) 681-0411  
Facsimile: (850) 681-6036

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.

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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
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