

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 404. OPERATING PERMITS

404.6. Yard Trash Processing Facilities

A. Intent and Purpose

It is the intent and purpose of this section to provide a safe, efficient, and economical method for the processing of vegetative matter resulting from landscaping, maintenance, or land clearing operations including materials such as tree and shrub trimming, grass clippings, palm fronds, trees and tree stumps, under certain operating procedures and practices.

A Yard Trash Processing Operating Permit is used to:

1. Evaluate in detail the proposed operating plans for a yard trash processing operation, and
2. Ensure that, if approved, a yard trash processing operation is conducted in a manner consistent with the requirements of this Code; the Comprehensive Plan; and in the best interest of the health, safety, and welfare of the County and its citizens.

B. Applicability

This section shall apply to the unincorporated area of the County where yard trash is proposed to be stored and/or processed.

C. Application Requirements

An application for a Yard Trash Processing Operating Permit shall be prepared by a Florida registered engineer. Applications for Yard Trash Processing Operating Permits shall include plans drawn at a readable scale, signed, and sealed by a Florida registered engineer. The application package shall include:

1. Applicant Information
 - a. Proof of ownership; i.e., copy of deed.
 - b. Agent of Record letter, if applicable.
 - c. Application fee.
2. General information to be shown on the site plan:
 - a. A legend, title, and number of revision; date of plan and revision(s); scale of plan; north arrow; acreage in the project; and names, mailing addresses, e-mail addresses, and

telephone numbers of the operator, owner, surveyor, and engineer.

- b. A legend, title, and number of revision(s); date of preliminary plan and revision(s); scale of plan; north arrow; acreage in the tract being subdivided; total number of lots; and names, mailing addresses, e-mail addresses, and telephone numbers of the operator, owner, surveyor, and engineer.
 - c. Phasing plan (if applicable) designating each phase by heavy line border at an appropriate scale.
3. Map information to be shown on the site plan:
- a. Location map showing the relationship between the subject property and surrounding properties, including a current aerial photograph with boundaries of development and roadway layout delineated. The location map shall show all major County roads within one (1) mile of the development boundary.
 - b. Show all existing and planned arterials and collectors (transportation corridor[s]) within the subject property and within one (1) mile of the subject property.
 - c. Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the proposed development and within 1,000 feet of the subject property.
4. Existing site information to be shown on the site plan:
- a. Legal description sufficient to describe the size and location of the tract.
 - b. Existing Streets. The name, location, right-of-way width, and pavement status; i.e., dirt, limerock, concrete, asphalt, etc., of all existing streets, platted or recorded easements, other rights-of-way, and platted streets within 200 feet of the subject property.
 - c. Existing platted or recorded easements or rights-of-way for drainage, pedestrian ways, bridle paths, or bicycle paths, etc., including location, width, design criteria, and purpose within 200 feet of the subject property.
 - d. Configuration of that portion of abutting developments within 200 feet with preliminary site plan approval, or if platted, with Plat Book and page number shown.

- e. Existing storm sewers, potable water facilities, and sewerage facilities on or abutting the tract within 200 feet.
- f. Other existing structures or uses on the tract with a statement as to its intended use.
- g. Existing contours at a maximum of two (2) foot intervals, based on the National Geodetic Vertical Datum of 1929, identifying the tract to be developed and, where practicable, extending a minimum 100 feet beyond the tract boundary. A note stating the basis of the vertical datum shall be shown on the drawing. After October 1, 2011, the submittal shall be based on the NAVD88.
- h. Present land use of the parcel proposed for development.
- i. Future Land Use (FLU) classification and zoning district of the parcel proposed for development and abutting land.
- j. Dates and reference numbers of rezonings, special exceptions, variances, conditional uses, or vested rights that have been granted, if applicable.
- k. Approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.
- l. Identify registered historic resources.
- m. Wetland Delineation/Identification. Provide documentation in the form of a survey, sketch, or aerial that delineates the location of the Category I, II, or III wetland areas, as defined in the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. CON 1.3.1, CON 1.3.2, CON 1.3.3, CON 1.3.4, and CON 1.3.5; and provide the acreage for each wetland classification type.
- n. Calculations. In addition to the wetland type and acreage information, provide the following:
 - (1) Cumulative acreage total for Category I, II, and III wetlands.
 - (2) Acreage total for water bodies.
 - (3) Acreage total for land with FLU Classification CON (Conservation Lands).
 - (4) Developable acreage.

- o. **Geotechnical Site Investigation.** The geotechnical site investigation shall be conducted by or under the supervision of a Florida registered engineer with experience in geotechnical engineering. The engineer shall define the engineering properties of the site that are necessary for the design, construction, and support of the yard trash processing facility and all installations of the facility, and shall:
 - (1) Identify and describe subsurface conditions, including soil stratigraphy and groundwater table conditions;
 - (2) Identify and address the presence of muck, previously filled areas (if any), soft ground, lineaments, and sinkholes; and
 - (3) Include estimates of the average and maximum high groundwater table across the site.

The geotechnical site investigation report shall describe the site subsurface conditions and shall include, at a minimum, the methods used in the investigation, all soil boring logs and laboratory results, analytical calculations, cross sections, interpretations, and conclusions.

- (4) The report and supporting documentation shall be signed and sealed by a Florida registered engineer.
- p. **Hydrogeological Investigation and Site Report.** The hydrogeological investigation and site report shall be conducted by or under the supervision of a professional geologist or professional engineer registered in the State of Florida with experience in hydrogeologic investigations, and shall:
 - (1) Define the site geology and hydrology and its relationship to the local and regional hydrogeologic patterns, including:
 - (a) Direction of groundwater flow, including seasonal variations;
 - (b) Background quality of groundwater and surface water for the parameters listed in this section of this Code.
 - (c) Any on-site hydraulic connections between aquifers;
 - (d) For all confining layers, semi-confining layers, and all aquifers below the site that may be affected by the processing operations and yard

trash, the porosity or effective porosity, horizontal and vertical permeabilities, and the depth to and lithology of the layers and aquifers; and

- (e) Topography, soil types, and characteristics.
- (2) An inventory of all the public and private wells within a one (1) mile radius of the proposed site. The inventory shall include, where available:
- (a) The approximate elevation of the top of the well casing and the depth of each well;
 - (b) The name of the owner, the age and usage of each well, and the estimated daily pumpage; and
 - (c) The stratigraphic unit screened, well construction technique, and static water levels of each well.
- (3) Identify and locate any existing, contaminated areas on the site. The site report and supporting information, including a detailed description of the methods, calculations, and interpretations used, shall be signed and sealed by the professional engineer or geologist.
- q. Stormwater Management Plan and Report prepared in accordance with this Code.
- r. A site plan, of a readable scale, which shows:
- (1) A legend indicating title and number of revisions; date of plan or revision; scale; north arrow; acreage of site; acreage of area proposed for processing operations and yard trash; and names, addresses, and telephone numbers of the surveyor and/or engineer.
 - (2) Location map which shows the relationship between the proposed facility, existing development, and land uses, including existing streets; utilities; rights-of-way; easements; drainage systems (natural or manmade); well fields; or water supplies, water bodies, and other natural features.
 - (3) Topography of the site and 200 feet beyond the site's property line.
 - (4) Proposed disposal area(s).

- (5) Total acreage of the site and proposed disposal area(s).
- (6) Setbacks of disposal area(s) from property boundaries.
- (7) Setbacks of disposal area(s) from adjoining residential areas.
- (8) Exact location of any existing or proposed structures, along with a statement of their use.
- (9) Access and traffic flow to and from the site.
- (10) Parking areas.
- (11) Existing and proposed screens, buffers, and fencing.
- (12) Conservation or preservation area (if applicable).
- (13) Storm drainage systems.
- (14) Access to utilities and points of hookup, if applicable.
- (15) Roads, utilities, and other improvements to be provided by the applicant.
- (16) Signs, if any.
- (17) Location of the entrance to disposal facility.
- (18) Location of operator and employee stations.
- (19) Location of any areas proposed for processing operations and yard trash which are subject to periodic flooding.
- (20) Location of any areas proposed for processing operations and yard trash which consists of a dewatered pit.
- (21) Location of any open sinkholes or areas where geologic foundation or subterranean features would not support a yard trash processing facility.
- (22) Tabulations showing total gross acreage of the site and the percentage to be devoted to processing operations and yard trash, various other uses, ground covered by structures, impervious surface coverage; and derivation of the number of off-street parking.

- (23) Tree data meeting the requirements of this Code.
 - (24) Such additional data as may be required for the yard trash processing facility.
 - (25) Reclamation plan showing proposed elevations.
 - (26) Existing and proposed cross sections at intervals sufficient to determine volume.
- s. Closure plans and cross section details of the final cover. The closure plan shall describe provisions for cover material for the long-term care of erosion control and general maintenance of the facility, and specify the anticipated source and amount of material necessary for proper closure of the facility.
5. Other Required Submittals
- a. Listed Species Site Survey: If the site is shown on Map 3-1 in the Comprehensive Plan, as a potential location for known listed species habitat.
 - b. A narrative meeting the requirements of Section 809, Historic and Cultural Resources.
 - c. Geotechnical/geological engineering report.
 - d. Traffic Impact Study pursuant to Section 901.5.
 - e. Substandard Road Analysis pursuant to Section 901.4.
 - f. Access Management Application pursuant to Section 901.3.
 - g. Erosion and Sediment Control Plan:
 - (1) Narrative.
 - (2) Map/site plan.
 - (3) Construction details.
 - (4) Calculations.
 - h. Financial security document; evidence of financial responsibilities described in this Code.

D. Public Hearing Required

Prior to commencing operations as a yard trash processing facility for the storing and processing of yard trash, a Yard Trash Processing Operating Permit application must be reviewed and approved by the Board of County Commissioners (BCC) after a public hearing held in conjunction with a Conditional Use Permit.

E. Notice

Notice shall be as required pursuant to this Code, Section 304.2, and the provisions of Chapter 125.66, Florida Statutes.

F. Standards for Approval

The County Administrator or designee, the Planning Commission (PC), and the BCC shall review and consider the following criteria and standards in regard to the advisability of issuing an Operating Permit for a yard trash processing facility:

1. Requirements of the land use and zoning classification applicable to the subject property.
2. Compliance with the technical requirements of this Code.
3. Provision of design features which assure the protection of the public health, safety, and welfare.
4. Consistency with the Goals, Objectives, and Policies set forth in the Comprehensive Plan.
5. Provision of necessary public improvements or facilities.
6. Concurrency requirements established by this Code.

G. Operating Permit Review

1. Staff Review

The County Administrator or designee, after consideration of the above standards, shall present a recommendation to both the PC and BCC. The said recommendation shall specify provisions, standards, conditions, or design specifications which must be met in order to ensure compliance with this Code and the Comprehensive Plan.

2. PC Review

After receipt of the written recommendation of the County Administrator or designee, the PC shall consider the application and make a recommendation to the BCC.

3. BCC Hearing and Action

- a. Upon receipt of the recommendation, the BCC shall hold a separate public hearing on the proposed Yard Trash Processing Operating Permit.
- b. At the conclusion of the public hearing, the BCC may:
 - (1) Refer the application back for further study if further information is required in order to make a final decision;
 - (2) Deny the application;
 - (3) Approve the permit application as presented; or
 - (4) Approve the permit application with such conditions as necessary to ensure compliance with this Code; the Comprehensive Plan; and to protect the health, safety, and welfare of the citizens of Pasco County.

All or any portion of the operations for which a permit is sought may be approved subject to whatever additional conditions the BCC may deem necessary and appropriate for the fulfillment of the purposes of this Code. Such additional conditions of approval shall be stated on the face of the Operating Permit or may be incorporated therein by stated reference to any document which shall be made a part thereof.

The BCC may impose reasonable, additional conditions where necessary to protect the public health, safety, and welfare including, but not limited to, conditions requiring lining of the disposal facility pursuant to Section 403.707(9)(b), Florida Statutes, or other leach prevention measures; installation of stormwater management facilities; sound and/or visual buffering; hours of operation; surface water and groundwater monitoring; and that the owner or operator will take out and maintain insurance covering damage, destruction, unsafe, dangerous, or unhealthful conditions which may result from the use of the property as a yard trash processing facility.

H. Approval Form, Permit Time Limits, and Activities Required Prior to Commencement

- 1. The BCC approval shall be in written form and shall constitute a permit for operation of a yard trash processing facility subject to the requirements of this Code and the specific requirements, limitations, conditions, and prohibitions contained in the Operating Permit.

2. Permits for operation of a yard trash processing facility are not limited in duration and shall correspond to the permittee's approved disposal volume with an annual review for compliance.
3. The effective date of any Yard Trash Processing Operating Permit shall be the date of issuance by the BCC.
4. A permit shall be valid for the volume capacity specified in the Yard Trash Processing Operating Permit.
5. A permit may be issued only in the name of the applicant. Transfer of the permit requires notification to the County prior to the transfer. All terms, conditions, and financial responsibilities shall run with the permit as well as with the land.
6. The Scope of Operations to be permitted under any permit shall only be as specified in the permit (which may incorporate by reference the whole or any part of any plan of operations submitted as a portion of the application for the permit), or any recommendation thereon submitted to and accepted by the BCC by any County department, public or private agency, or individual. A copy of any incorporated recommendation or pertinent part thereof shall be attached to and considered a part thereof.
7. A permittee may seek an amendment of any permit in order to vary or expand the scope or method of its operations at any time by filing an application that follows the procedures outlined for the original application. An amendment deemed necessary in the public interest may be proposed by any member of the BCC; PC; County Administrator or designee; or any applicable Federal, State, or local regulatory body.
8. Prior to the issuance of a permit, the applicant shall furnish financial security as required by this section.
9. Following approval of an application by the BCC, the County Administrator or designee shall, upon request, issue a permit to the applicant or his authorized agent, provided that the required financial security has been submitted to the County.
10. Prior to the initiation of storage or disposal activities authorized by the permit, the applicant shall erect signs alerting motorists to the haul traffic entering the roadway. Such signs shall be erected to County or Florida Department of Transportation standards.
11. The applicant shall obtain all necessary permits from the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection (FDEP), and other regulatory agencies, as appropriate, prior to commencing operations. These agencies' permits shall be provided to the County. All applicable

statutes, regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Where an applicable statute or regulation of another agency is more stringent, that regulation shall apply.

12. A minimum of one (1) up-gradient and one (1) down-gradient monitoring well shall be installed prior to commencement of operations. Installation and sampling of this well will be in accordance with Chapter 62-709, F.A.C.
13. Background water quality for a disposal facility shall be determined by analysis, prior to any disposal of debris, of at least one (1) sample taken from each monitoring well that was installed and each surface water location. All surface water bodies which may be affected by a contaminant release from the disposal facility shall be monitored.

I. Prior to Processing Activity

1. Prior to the initiation of processing activities authorized by the Operating Permit, the applicant shall erect signs alerting motorists to haul traffic entering the roadway. Such signs shall be erected to County standards.
2. The applicant shall obtain all necessary permits from the SWFWMD, the FDEP, and other regulatory agencies, as appropriate, prior to commencing operations under the Operating Permit. These agencies' permits shall be provided to the County. All regulations, rules, and orders of Federal, State, and local agencies are made a part of these conditions of operations. Should an applicable regulation of another agency be more stringent than the requirements herein, the more stringent shall apply.
3. The owner or operator shall submit to the County evidence of financial responsibility in the form of a performance assurance document sufficient to cover 125 percent of an engineer's certified cost estimate of the costs of closure of the processing facility. The performance assurance document and the cost estimate must be reviewed by the County Attorney's Office, the County Administrator or designee, and accepted by the BCC. The performance assurance document shall be kept in force at all times until closure has been completed in accordance with this Code.

J. Site Standards

1. The proposed storage and disposal area shall not be permitted within:
 - a. 500 feet of a park, library, or school boundary.
 - b. 500 feet of the property line of an adjacent residential use or lands zoned for residential use.

- c. 200 feet of an existing right-of-way or public or private easement for drainage, utility, or road purposes.
 - d. 200 feet of permittee's property line.
 - e. 100 feet of any wetland jurisdictional line or water body, natural or manmade. This does not include ponds, ditches, or other structures that are part of a permitted stormwater management system or water bodies contained totally within facility boundaries that do not discharge from the site to surface waters.
 - f. 100 feet of off-site wells or 1,000 feet of a potable community supply well.
2. There shall be an all weather access road, at least twenty (20) feet wide, around the perimeter of the site and fifteen (15) foot wide interior access ways so that all processed or unprocessed material is within fifty (50) feet of access by motorized firefighting equipment.
 3. Storage of processed or unprocessed material shall be stacked no higher than the buffer.
 4. Fire protection shall be provided.

K. Operational Standards

1. The storage and processing areas of the facility shall be fenced and gated or otherwise secured to prevent unauthorized or uncontrolled access.
2. Unless otherwise allowed, the hours of operation shall be limited to daylight hours between 7:00 a.m. and 7:00 p.m., only. No processing activities shall be conducted on Sundays and County designated holidays.
3. The operator or employee must be present at the site during all hours of operation.
4. The applicant shall be responsible for the control of fugitive dust particulate arising from the facility. Such control shall prevent the creation of nuisance conditions on adjoining property.
5. No open burning or burying is allowed.
6. The storage, disposal, or processing of any potentially hazardous or toxic material shall be prohibited. The storage, disposal, or processing of any material other than yard trash is prohibited.

7. Yard trash received at the processing facility must be processed timely as follows:
 - a. Any yard trash received at the facility shall be size reduced or removed within six (6) months. To be considered processed material, it must pass a six (6) inch sieve. However, logs with a diameter of six (6) inches or greater may be stored for up to twelve (12) months before they are size-reduced or removed, provided the logs are separated and stored apart from other materials on site.
 - b. Processed material shall be removed from the facility within eighteen (18) months (first in/first out) in accordance with the FDEP regulations.
 - c. When operations cease, all yard trash shall be removed from the site and recycled or disposed of at a permitted facility within eighteen (18) months.

8. Record Keeping

The operator or his employees shall:

- a. Keep and maintain a daily log indicating the date and time of all disposals and rejections; the name and address of the disposer, including disposer whose material was rejected; and the license or vehicle identification number of the disposer's vehicle.
 - b. Complete a ticket reflecting the following information:
 - (1) The name of the driver and the owner of the vehicle.
 - (2) The license number.
 - (3) Customer number.
 - (4) The estimated cubic yards of yard trash accepted or rejected for disposal.
 - (5) Location where yard trash originated.
9. Owners and Operators Responsibilities

The fee simple owner of the land and the operator/permittee of a yard trash processing facility shall be responsible for compliance with these rules and all other applicable Federal, State, and local laws, rules, and regulations. Any person violating the provisions of such laws, rules, or regulations, and causing damage, destruction, or unsafe, dangerous, or unhealthful conditions shall be responsible for:

- a. Correcting such conditions.
- b. In the event the owner and operator fail to correct such condition within a reasonable period of time after notice thereof, permitting the County to correct such conditions and reimbursing the County for the costs of correcting such conditions.
- c. Indemnifying the County for any liability for damages caused by such violation.
- d. The permittee and the fee simple owner(s) shall be subject to absolute liability resulting from failure of the permittee to complete any reclamation of lands or to conduct the operation as required by this Code and any permit issued. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

10. Annual Reports

Each year, within thirty (30) days following the anniversary date of the Operating Permit, the operator/permittee shall provide an annual report with the County Administrator or designee. The annual report shall contain a summary of the total quantity of solid waste disposed of and rejected by month, a copy of the log required to be maintained pursuant to this Code, and a projection of the quantity of yard trash expected to be disposed of during the next year. The report shall be made available for public inspection. The annual report shall be reviewed and any comments or recommendations shall be presented to the BCC by the County Administrator or designee in the form of an annual review of compliance, a copy of which shall be provided to the operator/permittee and the fee simple owner of the land, if different than the permittee/operator. Failure to file the annual report in a timely manner may be grounds for suspension or revocation of the permit and is a violation of this Code. An extension of time may be granted by the BCC upon request and for reasonable cause.

L. Financial Responsibility

1. Closure of the Yard Trash Processing Facility

Prior to operation of the yard trash processing facility, the owner or operator shall submit to the County evidence of financial responsibility in the form of a performance assurance document sufficient to cover 125 percent of an engineer's certified cost estimate of the costs of closure of the yard trash processing facility. This document may be for phases. The performance assurance document and the cost estimate must be reviewed by the County Attorney's Office, the County Administrator or designee, and be accepted by the BCC. The

performance assurance document shall be kept in force at all times until closure of the cell(s) has been completed in conformance with the closure plan and this Code.

2. Long-Term Maintenance

- a. As a condition for the issuance of a permit, the applicant shall establish a self insurance fund to ensure that the yard trash processing facility is operated in accordance with applicable County regulations and to ensure long-term maintenance of the yard trash processing facility.
- b. The applicant shall charge a fee per cubic yard of yard trash to fund this self insurance fund and shall report quarterly to the County on the status of the fund.
- c. The fund shall remain in effect for ten (10) years after final closure of the site or until the County establishes and administers its own environmental fund, whichever is earlier. The County shall have the right of access to this fund to address any violations of County regulations pursuant to a written agreement with the applicant, the form of which shall be approved by the County Attorney's Office.
- d. For the purposes of determining the amount that is required for long-term maintenance, the owner or operator shall estimate the total cost for a ten (10) year period. The owner or operator shall submit the estimates, together with all necessary justification, to the County for review and approval accompanied by proof of financial responsibility. The costs shall be estimated by a professional engineer for a third party performing the work, on a per unit basis, in conformance with the guidelines approved by the County.
- e. Long-term maintenance costs shall include land surface care; surface water and groundwater monitoring, collection, and analysis; and any other costs of compliance with this Code.
- f. Annual Cost Adjustments
 - (1) Every owner or operator of a yard trash processing facility shall submit to the County an annual cost adjustment statement certified by a Florida registered engineer.
 - (2) The owner or operator shall revise the cost estimate for inflation and changes in the long-term maintenance plan. Such revisions shall be made annually.

M. Prohibitions

1. Disposal of yard trash shall be subject to the prohibitions set forth in Rule 62-709, F.A.C., as may be amended.
2. No solid wastes other than approved yard trash shall be stored at or processed in a yard trash processing facility.
3. Except for exempt activities, storage and/or processing of yard trash is prohibited except within the scope of a valid Yard Trash Processing Operating Permit issued by the BCC.

N. Suspension, Modification, or Revocation of Permit

Failure to comply with the County, State, or Federal statutes, rules, or regulations governing processing of yard trash may constitute grounds for suspension or revocation of the Yard Trash Processing Operating Permit. Upon a determination of noncompliance, the County Administrator or designee shall notify the owner and operator/permittee of the nature of the noncompliance and order corrective action. If the owner and operator fail to comply or take the ordered corrective action, the County Administrator or designee may notify the BCC, who may schedule a public hearing to consider suspension or revocation of the Operating Permit. After due public notice, of the said hearing, the BCC shall conduct the said hearing giving all interested persons the opportunity to be heard, present testimony and evidence, and cross-examine witnesses. If, after consideration of the testimony and evidence, the BCC determines that grounds for suspension exist, the BCC shall take one (1) or more of the following steps:

1. Order appropriate corrective action.
2. Modify the existing conditions of or impose additional, more stringent conditions on the permit.
3. Suspend the permit until appropriate, corrective action is taken, or additional or modified conditions are complied with. Any Yard Trash Processing Operating Permit shall be subject to suspension or revocation in whole or in part upon a finding of noncompliance with the terms of the said permit, this Code, or applicable status, rules, and regulations. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected. While a permit or any part of a permit is suspended, no operations authorized by the suspended portion of the Operating Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.
4. Revoke the permit. Copies of all notices and orders sent to the permittee by the County Administrator or designee as well as reports of compliance or appeals to the BCC from the permittee shall be sent by the County Administrator or designee to any agency involved in the permit process.

O. Enforcement/Violations

In addition to suspension, modification, or revocation of the Operating Permit, violation of this section may be addressed through any of the enforcement methods in this Code, Section 108.