

NOVEMBER 5, 1987

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Bradenton Financial Center, 1401 Manatee Avenue West, Bradenton, Florida, Thursday, November 5, 1987, at 10:35 a.m.

Present were Commissioners:

Edward W. Chance, Chairman
Kent G. Chetlain, Vice-Chairman
Westwood H. Fletcher, Jr.
Patricia M. Glass
James J. McGrath

Also present were:

Tedd N. Williams, Chief Assistant County Attorney, representing
H. Hamilton Rice, Jr., County Attorney
Mark P. Barnebey, Assistant County Attorney
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

The meeting was called to order by Chairman Chance.

All witnesses/staff giving testimony were duly sworn.

RAMCO RECYCLING SYSTEMS, INC. - SPECIAL PERMIT SP-86-55 (REVOCATION)

This hearing (continued from 8/19/87) was held to consider revocation of Special Permit SP-86-55 issued to Ramco Recycling Systems, Inc.

Mark Barnebey, Assistant County Attorney, summarized the case and actions taken by the Board to date.

Janet Reardon, Attorney representing Ramco, waived her right to make an opening statement, reserving her right for rebuttal and questioning of witnesses.

Burt Thomas, Code Enforcement Manager, reviewed a topographical survey and pointed out the location of the subject property.

(Depart Mr. McGrath)

Arthur Day, Registered Surveyor, Public Works Department, reviewed the survey pointing out boundary and setback lines, etc., and stated some materials had been placed within the setback lines.

(Enter Mr. McGrath)

He noted the volume calculations, allowable and actual storage conditions (Memo 11/2/87) to Burt Thomas, and stated the Special Permit had not been violated in total fill being placed on the property but possibly in placement of the fill.

Mr. Barnebey referred to letters of October 26, 1987, and October 30, 1987, from Burton Thomas, which list the violations found during an inspection on October 26, 1987, and a site survey on October 23, 1987, as follows:

1. Fencing as required has not been erected. This was to be completed within twenty days of the last hearing.
2. No permits have been obtained, specifically, an air pollution permit.
3. No proof of sales ability of the finished product has been supplied to Manatee County.
4. Although adjacent property disturbed by the operation appear to have been reasonably restored, no proof has been shown that the property owner, Mr. Baskins, has accepted the improvement.
5. Findings based on the survey indicate that a violation of the August 19, 1987, stipulations exist regarding the area of maximum storage space allowed for unprocessed materials. While some of the materials were necessary for fill for the site to allow the site to be usable, the original site plans approved by the Board made no allowance for fill materials.

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Cont'd

Mr. Thomas, Mr. Day, and Tom Larkin, Environmental Specialist, Pollution Control Department, commented on the violations.

Documents submitted into the record were:

1. Copy of Construction Permit No. P87102009 for the purpose of erecting a fence.
2. Letter of October 26, 1987, to Joe D. Ramsey, President, Ramco Recycling Systems, Inc., from the Department of Health and Rehabilitative Services (HRS), stating the initial determination by the Department of Environmental Regulation of permit applicability for air permits was incorrect and that an air permit application would have to be submitted.
3. Letter of August 1, 1986, to Mr. Ramsey, from the Department of Environmental Regulation (DER), stating the air pollution permit is not required.
4. Letter of September 8, 1987, to Mr. Ramsey, from HRS, stating that following an inspection by HRS and DER, it has been determined an Air Permit will be required.
5. Letter of November 2, 1987, to Mr. Ramsey, from DER, reiterating the fact that environmental air permits would be required.
6. Letter of August 20, 1987, to Brian Beals, U.S. Environmental Protection Agency (EPA), from DER, informing Mr. Beals of their opinion that the recycling of the building material waste may be allowed.
7. Letter of August 13, 1987, to Ed Palagyi, DER, from EPA, requesting an official EPA/DER determination whether or not the use of asbestos-containing asphalt roofing materials as a roadway material is prohibited under the roadway standard.
8. Copy of purchase order from Sarasota County for a commitment to purchase 1000 tons of the recycled product.

Mr. Larkin stated EPA is awaiting a legal determination with regard to whether the materials which Ramco is proposing to recycle fall under Federal guidelines and regulations.

Ms. Reardon requested waiting for the determination from EPA as to whether they fall within any regulatory restrictions or whether a permit would be applicable before an submitting an application (for an air pollution permit).

Mr. Barnebey summarized actions taken by Ramco regarding the violations:

1. The fence has been installed.
2. Air pollution permits have not been obtained. The applicant appears to have done everything possible to date to come into compliance with that stipulation.
3. They have shown proof of the sales ability of the finished product.
4. The County and the adjacent property owner, Mr. Baskins, are satisfied with the improvements.
5. The fill material needs to be brought into compliance with the limitations.

Due to the fact Ramco appears to have made significant efforts to comply with the stipulations, and because Ramco and the County are still awaiting the determinations from EPA regarding the viability of the operation, Mr. Barnebey recommended this hearing be continued to 10:00 a.m., April 7, 1988, subject to conditions:

1. Stipulations 1 thru 5 placed on the Special Permit with the original approval shall remain in effect. Additional stipulations 1 thru 9 placed on the Special Permit at the August 19, 1987, hearing to consider revocation shall remain in effect. (Such additional stipulations shall be identified hereinafter as Stipulations A-1 thru A-9, respectively.)

- 2. Stipulation A-9 shall be amended to read in its entirety as follows:

In the event that the Planning and Development Department shall observe a material aggravation of Stipulations 1 thru 5, inclusive, and Stipulations A-1 thru A-10, inclusive, the Permit Holder shall have three business days from receipt thereof to correct such aggravation or violation. Upon failure of the Permit Holder to correct such aggravation or violation within the above time frame, then the Board can change and accelerate the date scheduled for the continuation of the public hearing to consider revocation of the Special Permit, provided that such hearing shall not be held with less than 72 hours notice of the time, place, and date of the hearing. Further, in the event that the United States Environmental Protection Agency or the Florida Department of Environmental Regulation determines the Ramco processed material cannot be used as road building materials, then the Board can change and accelerate the date scheduled for the continuation of the public hearing, provided that such hearing shall not be held with less than 72 hours notice of the time, place, and date of the hearing.

- 3. Stipulation A-10 shall be placed on the special permit which shall read as follows:

In those areas of the site which are not being used as storage yard space for unprocessed materials or storage yard space for recycled materials, unprocessed materials may be used as fill material for the site up to a maximum height of two feet above grade. All other unprocessed materials shall be placed within the storage yard space set forth in Stipulation A-1. This stipulation is subject to all other requirements of law, including, but not limited to the Manatee County Comprehensive Zoning and Land Development Code.

He corrected condition one to read "...with the original approval, as amended, shall..."

Ms. Reardon addressed concerns made during this hearing. She expressed concern with condition two, in the recommendation by Mr. Barnebey, regarding the scheduling of the hearing if EPA or DER determine the processed material cannot be used as road building materials, and requested that determination be a final determination.

Discussion: Continuance of the hearing; air pollution.

Based on the comments made at this hearing, the action taken by the permit holder to attempt to come into compliance with the stipulations placed on the special permit by this Board, and the fact that certain environmental approvals or permits have not been received as of the date of this hearing, Mrs. Glass moved to continue this public hearing to 10:00 a.m., Thursday, April 7, 1988, in these chambers, subject to the conditions (as listed earlier in the meeting) with the insertion of as amended after "...original approval..". Motion was seconded by Mr. Fletcher and carried unanimously.

Motion was made by Mrs. Glass, and seconded by Mr. Fletcher, to enter into the record a copy of the original and additional nine stipulations for SP-86-55. Motion carried unanimously.

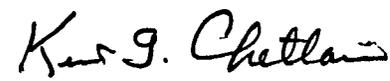
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


 Clerk


 Chairman 1/12/88

Adj: 11:48 a.m.