

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 404. USE PERMITS

404.5. Land Spreading Operating Permits

A. Intent and Purpose

It is the intent and purpose of this section to regulate and control activities which are causing or may reasonably be expected to cause pollution or contamination of water and soil and to regulate the storage, collection, transport, separation, processing, recycling, disposal, and land spreading of sludge, septage, or animal waste in the County.

A Land Spreading Operating Permit is used to:

1. Evaluate in detail the proposed operating plans for a land spreading operation; and
2. Ensure that, if approved, a land spreading 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.

All persons seeking to engage in the business of hauling, storing, manufacturing, installing, repairing, maintaining, disposing of, or spreading food service sludge within the County shall first obtain a valid Site Permit from either the Florida Department of Environmental Protection (FDEP) or the Pasco County Health Department, whichever is appropriate. All requirements of Rule 62-640, Florida Administrative Code (F.A.C.), which are not in conflict with this Code, are expressly incorporated into this Code.

C. Application Requirements

An application for a Land Spreading Operating Permit shall be prepared by a Florida registered engineer. The application for a Land Spreading Operating Permit 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
- 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, addresses, e-mail addresses, and telephone numbers of the developer, owner, surveyor, and engineer.
 - b. The legal description of and the nature of the applicant's legal interest in any and all lands upon which any operations are proposed, and a metes and bounds boundary survey certified by a Land Surveyor registered in the State of Florida, of all or any part of the boundary of the applicant's property.
3. Map Information
- The location map showing the relationship between the site proposed for excavation and surrounding properties, including a current aerial photograph. The aerial shall not be older than that available at the County Property Appraiser's Office and shall have the boundaries of the site delineated. The location map shall show all major County roads within one (1) mile of the site.
4. Narrative. A description of overall operation including a statement of where and how the material excavated will be disposed.
5. Site Plan
- a. Show the property and location of the areas to be excavated, including all setbacks.
 - b. A cross section of the proposed pond (hole) showing the proposed slopes, proposed depth of the excavated area, and the approximate volume to be excavated.
 - c. Show the placement or disposition of excavated material.

D. Application Processing

- 1. An application for a Land Spreading Operating Permit shall be reviewed by all appropriate agencies as specified in the Development Manual or determined by the County Administrator or designee.
- 2. The County Administrator or designee shall prepare a recommendation to the Planning Commission (PC). The recommendation may include conditions necessary to ensure compliance with the provisions of this Code.

3. The PC shall consider the Land Spreading Operating Permit application and staff recommendation. The PC may:
 - a. Recommend approval as presented,
 - b. Recommend approval with modifications,
 - c. Recommend denial of the application, or
 - d. Continue the matter for further deliberations.
4. The application for a Land Spreading Operating Permit and recommendation of the PC shall be considered by the Board of County Commissioners (BCC) at the same hearing where the Land Spreading Conditional Use application is considered. The BCC may:
 - a. Approve the application as recommended,
 - b. Approve the application with modifications,
 - c. Deny the application,
 - d. Continue the hearing on the application, or
 - e. Remand the application for further consideration by the PC.

E. Terms of Permit and Effect of Approval

1. The effective date of any Operating Permit shall be the date of issuance or other date as specified by the BCC.
2. The Operating Permit shall be valid for twelve (12) months.
3. A permit may be issued only in the name of the applicant and may be transferred only when the interests of the permittee in the lands that are the subject of the permit are to be transferred. Transfer of the permit requires notification to the County prior to the transfer. All terms and conditions of the permit shall run with the permit as well as with the land.
4. The scope of operations to be permitted under any Land Spreading Operating Permit shall only be specified in the Land Spreading Operating 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 condition thereon imposed by any County department or public agency.
5. The permittee shall allow designated representatives of the County Administrator or designee access to the premises of any operations

conducted thereunder during the hours of operation for the purpose of monitoring compliance with the terms and conditions of the permit; this Code; and rules and regulations adopted hereunder; or any applicable Federal, State, or local regulation.

6. Representatives of the County shall have the right of entry upon twenty-four (24) hours notice and at all reasonable times upon property covered by a permit for purposes of inspection. Designated representatives of the permittee, if available on the premises, shall have the right to accompany any County representative during inspection.
7. Any permit shall be subject to suspension or termination in whole or in part at any time upon a finding by the County Administrator or designee of noncompliance with any of the terms of this Code, the permit, or with Rule 62-640, F.A.C., as amended. When a permit or any part thereof is under suspension, no operations authorized by the suspended portion shall be carried out. A suspension may be terminated in whole or in part upon a finding by the County Administrator or designee that necessary steps have been taken to correct the noncompliance.
8. The permittee(s) and the fee simple owner(s) shall be subject to absolute liability to the County to complete any reclamation of lands and to conduct the land excavation operations as required by the Land Spreading Operating Permit, this Code, and any other applicable rules or regulations.
9. Issuance of a permit shall entitle the applicant to begin waste disposal and/or land spreading operations in accordance with the terms of this Code and the Land Spreading Operating Permit.
10. All permits must be kept at the disposal site and be readily available for inspection by local enforcement personnel upon request.

The following standards, together with requirements set forth in 40 CFR, § 503, and Rule 62-640 and Rule 64-E-6.010, F.A.C., as amended, shall apply to all land application areas or disposal sites governed by this section, including all sludge land application areas; and property where animal waste material is disposed of or land applied, except as specifically exempted by an interlocal agreement with a municipality located within the County for land application areas located within the geographical limits of the municipality.

F. Site Standards

1. No waste material may be land applied or disposed of within 300 feet of an occupied building. For the purposes of this section, "occupied building" includes any residential, commercial, or agricultural structure inhabited or used by humans, but shall not include such structures

within the property lines of a permitted land spreading site. These latter structures; however, must still comply with the setback requirements of 40 CFR, § 503, and Rule 62-640, F.A.C., as amended.

2. On unvegetated soil, where waste material exceeds a thickness of three (3) percent solids, the material must be tilled into the soil or must be land spread so that complete dryness occurs within twenty-four (24) hours or otherwise disposed of in a manner approved by the Pasco County Health Department.

G. Operational Standards

1. Reports detailing limits of actual application areas, application rates, compliance with zoning or permit conditions, and any required test or analysis reports shall be submitted annually at least sixty (60) days prior to each anniversary of the permit approval.
2. Permanent written records of actual application areas, application rates, and the permits must be maintained for a period of five (5) years and must be available for inspection upon request by the County.
3. All waste material shall be transported to the disposal site in such a manner so as to preclude leakage, spillage, or the creation of a nuisance.
4. No land spreading disposal operations, including delivery to the site, shall be allowed except between the hours of 7:00 a.m. and 5:00 p.m., on weekdays only.
5. Prior to land spreading in the County, the sludge shall be processed using the most stringent standards, concentrations, and requirements specified in 40 CFR, § 503, and Rule 62-640, F.A.C.

H. General Prohibitions

1. No person shall cause, suffer, allow, or permit the discharge of animal waste material or sludge which causes or contributes to an objectionable odor.
2. No person shall cause, suffer, allow, or permit the discharge of animal waste material, septage, or sludge which causes a nuisance.
3. No person shall cause, suffer, allow, or permit the storage or stockpiling of sludge or animal waste on lands used for disposal for a period in excess of twelve (12) hours. Stockpiling or storage of animal waste shall be prohibited.

4. No sludge or animal waste material applied to the land in a solid or semisolid form shall be applied at a rate of thickness of greater than one (1) inch in any given area.
5. No industrial sludges, hazardous wastes, or untreated food-service sludges may be land spread in the County. These excluded wastes shall be handled and disposed of pursuant to appropriate FDEP rules and Federal regulations.
6. Owners of land application areas in the County shall not allow any person, firm, or corporation to dispose of any sludge on their property unless such person, firm, or corporation has all required Federal, State, and local permits.
7. It shall be unlawful to dispose of animal waste material, septage, or sludge in a manner prohibited by this section.
8. Failure of any waste disposal or land spreading operation resulting in degradation of the quality of any waters outside the applicant's property may subject the applicant to a civil penalty to be paid to the County in an amount equal to the cost of restoration of water quality of the area, all costs of cleanup, administrative cost, and reasonable attorneys' fees in addition to any other fines and penalties that may apply.
9. The County's Uniform Fine Schedule, as provided for in Sections 1-11 of the Pasco County Code of Ordinances and as may be amended, is incorporated herein.
10. The County reserves the right to require submittal of sludge analysis of sludge delivered to the County for processing. The standards, concentrations, and requirements shall be applicable upon full-scale operation of the County central sludge processing facility, or April 1, 1994, whichever occurs later.

I. Wastewater Facility Sludge

All domestic wastewater facility sludge generated in the County shall be transported to the County central sludge processing facility, located on Hays Road, north of S.R. 52, or to another facility properly permitted by all applicable regulatory and governmental entities. The generator of the sludge, residuals, or biosolids delivered to the County facility shall pay such processing fees and charges as established from time to time by the BCC.