

Landfill, Transfer Station & Community Update *June 2009*

Transfer Station Status:

Petition for Writ of Centiorari & Civil Action Suit: The Judge denied our Petition to overrule the Hearing Examiner's decision to issue Waste Management Inc. (WMI) the Special Exception Permit for the Transfer Station. Our Attorney has appealed this decision to the Second District Court. There is also an active parallel Civil Case against WMI and Lee County which asserts that the operation of a Transfer Station violates the Lee County 1992 Resolution that no solid waste disposal operations would occur at the site after the landfill is closed.

Storm Water Permit Appeal: The South Florida Water Management District (SFWMD) has denied our requests to reject the stormwater permit application by WMI based on leachate discharge. The SFWMD is trying to defer the issue of leachate discharge to the FDEP Permit. Gateway Services Community Development District (GSCDD) has filed an Amended Motion to the 4th District Court of Appeals to refute the SFWMD position.

DEP Operating Permit: One Petition was filed March 2, 2009 by GSCDD and another by Sherry Allan Bucar (Stoneybrook) and Paul Fish (Pelican Preserve). The DEP requested that the case be heard by an Administrative Law judge and that the two cases be combined. WMI filed two Petitions to dismiss the case. Unfortunately, after a settlement conference, filing of interrogatories and depositions, the Administrative Law Judge has ruled that Bucar/Fish do not have "standing", meaning that in our initial Petition we did not "prove that we would suffer an injury affecting our enjoyment of air, water or natural resources. We are considering filing an amended Petition within the required 10 days. The GSCDD Petition stands. **The good news** is that WMI did verbally agree to modify their operating plan to dump all the incoming waste (which includes C&D) inside the proposed building. The Draft Permit's Operating Plan allowed dumping of "clean" C&D on the outside pad where there was no leachate containment. This was one of our key concerns with the proposed Draft DEP Permit

Lee County Development Order (DO): WMI cannot proceed with the building of the transfer station until the DO is issued. To date this has been denied pending the resolution of the Lee County Stormwater Permit Petition. It is unclear as to whether the DO will be held up until all the Petitions have been resolved. The traffic portion of the DO has also been reopened due to additional information provided by GSCDD Traffic Consultant.

Hampton Park Loop Update

Installation of the irrigation line was scheduled to begin May 25th, contingent on the delivery of required valves and other components. The contractor will install the irrigation line first with a July 3rd target date for completion. The entire project (irrigation and potable lines) is scheduled to be completed August 7th. This will improve to water pressure to Stoneybrook.