



# Florida Department of Environmental Protection

Northeast District  
7825 Baymeadows Way, Suite 200B  
Jacksonville, Florida 32256

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard, Jr.  
Secretary

January 20, 2011

Eric Parker, Environmental Manager  
Trail Ridge Landfill, Inc.  
5110 US Highway 301  
Baldwin, Florida 32234

**Re: Pond #2 Surface Water Quality Analysis Data  
Review Comments  
Permit No. 0013493-017-SO  
WACS Facility ID No. 33628  
Duval County – Solid Waste**

Dear Mr. Parker:

The Florida Department of Environmental Protection (DEP) Northeast District Solid Waste staff has finished reviewing the December 9, 2010, HDR document entitled "Pond #2 Surface Water Quality Analytical Data." The document was generated in response to DEP Warning Letter No. WL10-010SW16NED regarding significant erosion into the storm water management system.

The report indicates that surface water standards for lead is exceeded at each of the three sampling sites within the storm water treatment pond with values of 15.4, 14.8, and 17.7ug/L (vs. standards of 5.5, 5.6, and 5.4 µg/L, respectively).

Permit Specific Condition (PSC) 46.d. provides that "Additional sampling sites and parameters may be required based on the analysis." PSC 46.e. provides that, "The Permittee shall ensure that the surface water discharged shall not exceed quality standards for drinking water or surface water. If at any time water standards and/or criteria are exceeded, the Permittee shall immediately notify DEP by telephone whenever a serious problem occurs at this Facility. Within seven days of telephone notification, the Permittee shall submit to DEP a written report explaining the extent of the problem, its cause, and what actions have been or will be taken to correct the problem."

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DEP recommends the following actions be taken in response to this issue:

1. Sample storm water treatment pond #2 quarterly and submit the analytical data to DEP's Northeast District Solid Waste Section, attention Brian Durden, until such time as two consecutive sampling quarters indicate that water quality within the storm water treatment pond meets surface water standards.
2. Temporarily cease discharging from storm water treatment pond #2 through the Irrigation System for Wetlands until such time as the conditions of item 1, above, have been satisfied and acknowledged by written correspondence from DEP. Please note, however, the Permittee shall use another source of water to maintain the Hydro period of the wetlands in accordance with the permit.
3. Until such time as the conditions of item 1, above, have been met, any discharges out of the storm water treatment system pond #2 shall be sampled and analyzed for lead. This is to ensure DEP has the necessary information to adequately evaluate any potential impacts to the environment as a result of any discharges of storm water from treatment pond #2 that does not meet surface water standards.

Should you have any questions concerning this letter, you may contact me at the letterhead address, [Brian.Durden@dep.state.fl.us](mailto:Brian.Durden@dep.state.fl.us) or 904.256.1575.

Sincerely,



Brian Durden  
Environmental Consultant  
Northeast District Solid Waste Section

enclosure  
/rk

### NOTICE OF RIGHTS

1. This agency action shall become final unless a petition for an administrative hearing is filed under Sections 120.569 and 120.57 Florida Statutes within 21 days of receipt of this agency action.
2. A person whose substantial interests are affected by DEP's agency action may petition for an administrative proceeding ("hearing") under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.
3. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request a hearing under Sections 120.569 and 120.57, Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Fla. Admin. Code.
4. A petition that disputes the material facts on which DEP's action is based must contain the following information:
  - (a) The name and address of each agency affected and each agency's file or identification number, if known;
  - (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
  - (c) A statement of when and how the petitioner received notice of the agency decision;
  - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
  - (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
  - (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
  - (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition is filed when it is received by DEP's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000.

5. A petition that does not dispute the material facts on which DEP's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Fla. Admin. Code.
6. In accordance with Section 120.573, F.S., DEP advises that mediation is not available in this case under the provisions of that statute. This does not prevent any interested parties from agreeing to other forms of alternate dispute resolution.
7. Any party to this agency action has the right to seek judicial review of it under Section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of DEP in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of DEP.
8. Copies of any Department statutes and rules referenced in the determination or this notice of rights may be examined at any DEP office or may be obtained by written request to Brian Durden as noted in the cover letter. DEP rules are also available online at <http://www.dep.state.fl.us/legal/Rules/mainrulelist.htm>.