



# Florida Department of Environmental Protection

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Mimi Drew  
Secretary

January 5, 2011

## **Electronic Mail**

[lmarion@co.volusia.fl.us](mailto:lmarion@co.volusia.fl.us)

Mr. Lenny Marion  
Solid Waste Director  
3151 East State Road 44  
DeLand, FL 32724

OWL-SW-11-002

Volusia County - SW  
Tomoka Farms Road Landfill  
Class I - Permit # S064-0078767-023  
WACS # 27540  
Unauthorized Discharge of Leachate  
Warning Letter

Dear Mr. Marion:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving this matter.

According to an incident report dated November 10, 2010, approximately 100,000 gallons of leachate was discharged from an open leachate force main from the facility's leachate impoundment pond.

The attached inspection report (Attachment 1) provides a brief description of the incident and the potential violations are listed in the "Summary of Non-Compliance Items and Recommended Corrective Actions"

Sections 403.161(1)(b), Florida Statutes, requires that each person shall comply with any rule, regulation, or permit issued by the Department. Any other activities at your facility that may be contributing to violations of statutes or rules must cease immediately.

Mr. Lenny Marion

Page #2

January 4, 2011

The Department has calculated penalties for the potential violations described in Attachment 1. The penalty worksheet is enclosed (Attachment 2). The penalty amount was calculated in accordance with Section 403.121, Florida Statutes, and the Department's Guidelines for Characterizing Solid Waste Violations.

You are requested to contact Janine Kraemer or Brad Whidden of this office at (407) 893-3328 or by email [Janine.Kraemer@dep.state.fl.us](mailto:Janine.Kraemer@dep.state.fl.us) or [Brad.Whidden@dep.state.fl.us](mailto:Brad.Whidden@dep.state.fl.us) within 10 days of receipt of this Warning Letter, to schedule a meeting to discuss this matter.

The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(5), Florida Statutes.

We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



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Vivian F. Garfein  
Director, Central District

VG/FTL/jk/bw

Attachment(s):

1. Inspection Report
2. Penalty Calculations



**Florida Department of  
Environmental Protection  
Inspection Checklist**

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**FACILITY INFORMATION:**

**Facility Name:** TOMOKA FARMS ROAD LANDFILL

**On-Site Inspection Start Date:** 12/23/2010

**On-Site Inspection End Date:** 12/23/2010

**WACS No.:** 27540

**Facility Street Address:** 1990 TOMOKA FARMS ROAD

**City:** DAYTONA BEACH

**County Name:** VOLUSIA

**Zip:** 32114

**INSPECTION PARTICIPANTS:**

(Include ALL Landfill and Department Personnel with Corresponding Titles)

**Principal Inspector:** Brad Whidden, Inspector

**Other Participants:** No Representative (File Review Inspection)

**ATTACHMENTS TO THE INSPECTION CHECK LIST:**

This Cover Page to the Inspection Checklist may include any or all of the following attachments as appropriate.

SECTION 2.0 - LANDFILL OPERATION AND MAINTENANCE

Inspection Date: 12/23/2010

**SECTION 2.0 - LANDFILL OPERATION AND MAINTENANCE**

## Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(18)) Completed	Ok	Not Ok	Unk	N/A
2.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility. 62-701.300(1)(a)				✓
2.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)				✓
2.2	Unauthorized storage or disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) <input type="checkbox"/> 100 feet from potable water wells (except on-site)? <input type="checkbox"/> 50 feet from water bodies?				✓
2.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event.) 62-701.300(2)(d)				✓
2.4	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e)				✓
2.5	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)				✓
2.6	Are the following unauthorized wastes or special wastes properly controlled, managed and disposed? (Check any that are Not OK) <input type="checkbox"/> Hazardous waste 62-701.300(4) <input type="checkbox"/> Biomedical waste 62-701.300(6) <input type="checkbox"/> Yard trash 62-701.300(8)(c) <input type="checkbox"/> Whole waste tires 62-701.300(8)(e) <input type="checkbox"/> Regulated asbestos waste 62-701.520(3), 62-701.730(19) <input type="checkbox"/> Used oil and oily wastes, except as exempted 62-701.300(11) <input type="checkbox"/> PCB wastes 62-701.300(5) <input type="checkbox"/> Lead-acid batteries 62-701.300(8)(a) <input type="checkbox"/> White goods 62-701.300(8)(d) <input type="checkbox"/> Liquids 62-701.300(10) <input type="checkbox"/> CCA treated wood 62-701.300(14)				✓
2.7	Are only permitted waste types disposed at facility? 62-701.340(2), 62-701.500(6)(a), 62-701.500(2)(c)				✓

Item No.	LANDFILL OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
2.8	Is there a trained operator on-site at Class I and III landfills when receiving wastes? 62-701.500(1)				✓
2.9	Is there at least one trained spotter at each working face when receiving wastes at Class I and III landfills? 62-701.500(1)				✓
2.10	Are the following records or plans current and available on-site? (Check any that are Not OK) <input type="checkbox"/> Training Plan 62-701.320(15)(a) <input type="checkbox"/> Operating Plan 62-701.500(2) <input type="checkbox"/> Waste weight records 62-701.500(4) <input type="checkbox"/> Precipitation records 62-701.500(8)(g)				✓

Inspection Date: 12/23/2010

Item No.	LANDFILL OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
2.10	<input type="checkbox"/> Load-checking program records 62-701.500(6)(a) <input type="checkbox"/> Training records 62-701.320(15)(a) <input type="checkbox"/> Operation record 62-701.500(3) <input type="checkbox"/> Quantity of leachate 62-701.500(8)(f)				✓
2.11	Is the operation plan substantially followed? 62-701.500(2)				✓
2.12	Is incoming waste weighed? 62-701.500(4)(a) and (2)(d)				✓
2.13	Is the method and sequence of filling waste according to plans? 62-701.500(2)(f)				✓
2.14	Is access properly controlled to prevent unauthorized waste disposal? 62-701.500(5)				✓
2.15	Is waste compacted as required? 62-701.500(7)(a)				✓
2.16	Are the working face and side slopes above ground graded to a slope no greater than 3 feet horizontal to 1 foot vertical rise? 62-701.500(7)(c)				✓
2.17	Is a narrow working face practiced? 62-701.500(7)(d)				✓
2.18	Is the frequency, amount and quality of initial cover, as required? 62-701.500(7)(e)				✓
2.19	Is the frequency, amount and quality of intermediate cover, as required? 62-701.500(7)(f)				✓
2.20	Is litter controlled and are litter control devices maintained? 62-701.500(7)(i) and (11)(f)				✓
2.21	Is erosion control adequate? 62-701.500(7)(j)				✓
2.22	Is the leachate collection and removal system maintained and operated as required? 62-701.500(2)(j), 62-701.500(8)(b) and (h)		✓		
2.23	Is leachate disposed of or treated as required? 62-701.500(8)(b), (c) and (d)				✓
2.24	If leachate recirculation is practiced at the facility, is it done in accordance with Department requirements and the Operation Plan? 62-701.400(5)				✓
2.25	Is gas controlled to not cause objectionable odors beyond the property boundary? 62-701.530(3)(b)				✓
2.26	Is gas controlled to not allow combustible gas concentrations to exceed specified limits? 62-701.530(3)(a)				✓
2.27	Are gas vents intact and functioning properly? 62-701.500(9), 62-701.530(1)(a)3				✓
2.28	Is mixing of leachate and stormwater prevented or minimized? 62-701.500(10), 62-701.400(9)(c)				✓
2.29	Is stormwater management system maintained and operated as required? 62-701.500(10)				✓
2.30	Is there sufficient operating equipment? 62-701.500(11)(a)				✓
2.31	Is there sufficient reserve equipment (or other arrangements)? 62-701.500(11)(b)				✓
2.32	Are communication facilities adequate? 62-701.500(11)(c)				✓
2.33	Are approved dust control methods adequate? 62-701.500(11)(d)				✓
2.34	Are fire protection and fire fighting capabilities adequate and operational? 62-701.500(11)(e)				✓
2.35	Are there required signs for operational directions and public information? 62-701.500(11)(g)				✓
2.36	Are all-weather access roads and inside perimeter roads properly maintained? 62-701.500(12)				✓
2.37	Are ground water wells intact and properly maintained? 62-701.510(2)(b), 62-701.620(8)				✓
2.38	Are all additional specific conditions (not otherwise addressed above) in the permit, Department order, or certification, if any, being followed? 62-701.320(1), 403.161, F.S.				✓

Inspection Date: 12/23/2010

**Current Violations:**

Rule: 62-701.500(8)(h), 62-701.500(2)(j), 62-701.500(8)(b)

Question Number: 2.22

Explanation: Summary of Potential Noncompliance Items and Recommended Corrective Actions

1. Regulation: Section 403.161 (1)(b), F.S.; Rule 62-701.500(2)(j), 62-701.500(8)(b) and (h) Florida Administrative Code (F.A.C.); Permit # S064-0078767-023, Specific Conditions #8, #16.

The leachate collection and removal system shall be maintained and operated as required.

Potential Violation(s):

According to the incident report dated November 10, 2010, approximately 100,000 gallons of leachate was discharged from an open leachate force main from the leachate impoundment pond. According to the report, a flow meter was being installed and the line was left open overnight when the discharge occurred. The report stated that a surge valve failed or an undetermined valve was left open resulting in a backflow.

The report stated that the leachate discharged was treated leachate being stored in the leachate impoundment to supplement the flow of untreated leachate from the landfill to the on-site leachate treatment plant. However, the Department considers the incident a violation of the aforementioned regulations since the incident involves components of the leachate collection and removal system.

Corrective Action: According to the incident report, discharged leachate accumulated in a swale. Areas of the impacted stormwater pond were vacuumed. Saturated soil was excavated and disposed in the class I landfill. The facility has submitted detailed analytical results from stormwater pond sampling performed the day after the discharge.

The facility must submit to the Department a revision to the facility's operation plan detailing revised procedures for any repairs and maintenance to the leachate collection and removal system. Furthermore, the incident report and the analytical results submittal did not reveal the exact cause of the release. This information must be conveyed to the Department if the exact cause has since been determined.

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**Pre-existing Areas Of Concern:**

Rule: 62-701.500(8)(b), 62-701.500(2)(j), 62-701.500(8)(h)

Question Number: 2.22

Explanation: There were leachate seepage areas on the south side slopes. Chet Purves said that these resulted after heavy equipment use during grading activities. The leachate accumulates on a side slope berm and appears to remain in the lined area of the landfill.

Corrective Action: The facility must continue to take action to prevent leachate seepage in this area.

Inspection Date: 12/23/2010

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**COMMENTS:**

12/23/2010

Not an on-site inspection. Non-applicable checklist items marked N/A.

Inspection Date: 12/23/2010

**Signed:**

Brad Whidden  
\_\_\_\_\_  
**PRINCIPAL INSPECTOR NAME**

Inspector  
\_\_\_\_\_  
**PRINCIPAL INSPECTOR TITLE**

*Brad Whidden*  
\_\_\_\_\_  
**PRINCIPAL INSPECTOR SIGNATURE**

FDEP  
\_\_\_\_\_  
**ORGANIZATION**

1/3/2011  
\_\_\_\_\_  
**DATE**

No Representative (File Review Inspection)  
\_\_\_\_\_  
**REPRESENTATIVE NAME**

NO SIGNATURE  
\_\_\_\_\_  
**REPRESENTATIVE SIGNATURE**

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.

PENALTY COMPUTATION WORKSHEET

Violator's Name: Volusia County Division of Solid Waste

Identify Violator's Facility: Tomoka Farms Road Landfill, 1990 Tomoka Farms Road, Port Orange, FL

Name of Staff Responsible for the Penalty Computations: Brad Whidden

Date: December 22, 2010.

<u>Violation Type</u>	<u>ELRA Penalty Amount</u>	<u>Multi-Day</u>	<u>Adjustment</u>	<u>Total</u>
1) <u>Florida Statute (F.S.) 403.121(3)(e); Rule 62- 701.500(8)(b), F.A.C. - Failure to Properly Maintain Leachate Control</u>	\$3,000 SW-10	0	\$0	\$3,000

Total Penalties for all violations: \$ 3,000.00

Cost and Expenses Incurred by the Department: \$ 500.00

TOTAL: \$ 3,500.00

The penalties calculated were based on the Guidelines for the Characterization of Solid Waste Violations. Neither economic benefit nor multi-day penalty was calculated.

Prepared by:

*Brad Whidden*

*Vivian F. Garfein*

Brad Whidden

Vivian F. Garfein

Environmental Specialist

Director, Central District

Date: January 4, 2011

Date: January 4, 2011