

Memorandum

Florida Department of
Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: X RICK GARRITY, DDM
 WILLIAM KUTASH, ENV. ADM.
 OGC, ATTN: _____

FROM/THROUGH:

WILLIAM KUTASH, DIVISION ADMINISTRATOR
ROBERT GUIDA RB 11/17/98, PROGRAM SUPERVISOR
STEVE MURBAN, SECTION SUPERVISOR
_____, ENG, ENV SPEC, GEOLOGIST

DATE: 11/17/98

FILE NAME: WEST PASCO CLASS I LF CASE #: 97-1679
PROGRAM: SW COUNTY: PASCO

TYPE OF DOCUMENT:

WARNING LETTER _____ FINAL ORDER _____ CASE REPORT _____
DRAFT _____ OR FINAL _____ NOV _____ SHORT CONSENT ORDER _____
PENALTY AUTHORIZATION _____ OTHER FORM _____
CASE CLOSURE LETTER

BRIEF DESCRIPTION OF VIOLATION: _____

PASCO COMPLETE IN-KNO PROJECT, BUT SOME QUESTIONS REGARDING VALIDITY
OF EXPANSION AND NO

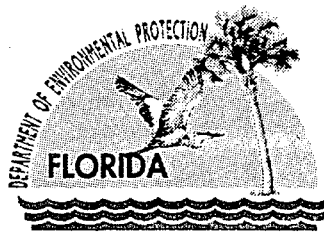
SUMMARY OF CORRECTIVE ACTIONS: _____

PENALTY SUMMARY:

EXTENT OF DEVIATION _____ POTENTIAL FOR HARM _____
MODIFIERS: _____

PENALTY AMOUNT: _____ COST AND EXPENSES: _____

TOTAL PENALTY AMOUNT: _____ APPROVED BY SECRETARY: _____



Lawton Chiles
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

November 19, 1998

Mr. John Gallagher County Administrator
Pasco County Board of County Commissioners
7530 Little Road
New Port Richey, FL 34654


Re: Audit of Moon Lake Clean-Up
In-Kind Settlement Project
Short Form Consent Order OGC Case # 97-1679

Dear Mr. Gallagher:

The Department has reviewed the County's August 20, 1998 response to the Department August 13, 1998 letter requesting further information on the specifics of expenses incurred during the above referenced in-kind project (copies attached). It was the intent of the in-kind project that Pasco County conduct an environmentally beneficial project with a value of \$15,000 in lieu of payment of a monetary settlement. Under the original in-kind proposal presented by the County, most of projected expenses were to be associated with activities and personnel directly involved with the cleanup (e.g., collection, transport, disposal costs). However, since the Moon Lake cleanup resulted in collecting significantly less waste than anticipated, it appears that the County has included in the expense audit the salaries of County employees whose indirect dealing with the Moon Lake project appear to be part of their normal job responsibilities and would not normally qualify as "in-kind" costs. The Department feels that this is not in keeping with the intent and spirit of the in-kind project concept.

Nevertheless, since there were no specifics in the approved proposal as to what County employee functions would qualify for use to justify the in-kind expenditure and the Department has no means to dispute that the individuals identified in the audit actually spent the time noted exclusively on this project, the Department is accepting the activities and expenses provided as meeting the terms of the Consent Order and is hereby closing the enforcement case on this matter. However, please be advised that in order to avoid such Department concerns in the future, in-kind project proposals will require much greater detail as to the specific activities of the project and the roles of personnel to be involved.

Sincerely,


Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

cc: Larry Morgan, OGC
Robert Butera, SW
Vincent Mannella, Pasco County



PASCO COUNTY, FLORIDA

DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (727) 856-0119
FAX (727) 856-0007

PASCO COUNTY SOLID WASTE
RESOURCE RECOVERY FACILITY
14230 HAYS ROAD
SPRING HILL, FL 34668

RECEIVED
SEP 10 1998

Department of Environmental Protection
SOUTHWEST DISTRICT
BY _____

August 20, 1998

Mr. Steven D. Morgan
Environmental Specialist III
Position of Waste Management
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619

RE: Audit of Moon Lake Clean Up
In Kind Project; Short Form
Consent Order - OGC Case # 97-1679

Dear Mr. Morgan:

I acknowledge receipt of your Certified Letter of August 13, 1998 regarding the above-mentioned subject. Your letter noted five questions which will be responded too as follows:

Question #1: The proposed cost of disposal anticipated the collection of approximately 150 tons of waste and a disposal cost of \$7,123.50. The actual amount of waste collected was 41.38 tons at a cost of disposal of \$1,964.19. While the amount collected is significantly below the anticipated, the calculation of cost is consistent with that outlined in the County's approved proposal and therefore is acceptable as part of satisfying the \$15,000 settlement amount.

Response: Pasco County also regrets that the total volume collected in the two-day period was considerably less than we anticipated. We do appreciate the Florida Department of Environmental Protection's (FDEP) approval of the material collected.

Question #2: The County's September 9, 1997-in-kind proposal contained no mention of advertisements or their associated costs as part satisfying the in-kind settlement

Mr. Steven D. Morgan
September 2, 1998

amount and thus was not previously approved. In addition, the Department's in-kind penalty policy requires that any sign and/or advertising conducted as part of an in-kind project specify that the project is being conducted as part of a settlement of a Department enforcement action. The advertisement conducted by the County did not conform to this requirement. Therefore, the cost of advertising as part of satisfying the settlement amount is not accepted.

Response: Pasco County is disappointed in the FDEP's refusal in accepting the advertising. Be advised that on April 27, 1998, by letter Mr. Butera received, our proposed advertising noted the wording that would be used on handbills passed out in the area. Newspapers carried the attached advertisement. Since Pasco County received no word to the contrary, Pasco County believed the advertisement was accepted by the FDEP's silence on this matter. (Letter and handbill attached for your convenience.)

Pasco County would hope the FDEP would reconsider their stand on this matter since the County acted in good faith

Question #3: The County's September 9, 1997 in-kind proposal contained no mention of the use of County Deputy Sheriffs and their associated cost as part of the project cost and this their costs were not previously approved. However, the Department recognizes their need in such a project and their costs of \$722.28 as part satisfying the settlement amount is accepted.

Response: Pasco County appreciates the FDEP's acceptance of the use of County Deputy Sheriffs for traffic control. The traffic volume and speed utilized on Moon Lake Road produces a dangerous situation. The FDEP's endorsement of this expense is most aprciated..

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Response: The Office of Management and Budget mark up in actual costs in the Public Works Department personnel costs is a routine charge for the transfer of funds from the Solid Waste Budget to the Public Works Budget. The Solid Waste Budget was expenced the charges plus the 41% as shown. This is routine accounting practice within Pasco County Office of Management & Budget.

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September 2, 1998

Question #5: In short summary of the Department understanding of the project, the in-kind project involved providing a roll-off container to the Moon Lake residents on May 1 & 2, 1998, where from 8 a.m. to 3 p.m. they could come and bring waste for free disposal. The roll-offs were monitored by County personnel during those times and at the conclusion, the County removed the roll-offs and their contents were disposed of at the County Solid Waste Management Facility. Please explain the role that each of the personnel listed in the Utilities Services Branch personnel expense report had in the above operation and justify the hour reported, especially those personnel reported to have spent between 26 to 60 hours on the project. Please note that the Department previously rejected including the expenses of County personnel working at the County Solid Waste Management Facility who would handle the Moon Lake waste as part of their normal jobs, as part of the in-kind project expense.

Response: *Mannella, Vincent* Work started on or about February 23 as Solid Waste/Resource Recovery Manager getting the project approved, coordinating and meeting with various Department heads, budget, correspondence and telephone conversations with FDEP and 20 hours on site May 1 & 2. All time listed true and accurate.

Walker, Ronald J As solid Waste Superintendent his work on this project started at the same time as Mr. Mannella's, selecting the site for the Clean Up, cleaning the site for the Clean Up, scheduling roll off arrivals, load trucks and man power, and twenty hours on May 1 & 2. All time listed is true and accurate.

John Milliner Solid Waste Attendant II - field supervisor for site preparation and spotting of roll off containers, securing and placing of traffic coverage and signs. General help to keep people and employees moving, both days. Twenty hours on May 1 & 2. All time noted is true and accurate

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Mr. Seven D. Morgan
September 2, 1998

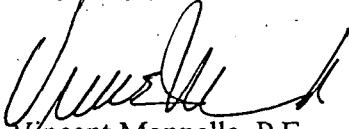
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Pasco County acknowledges all personnel working routinely at the Solid Waste Facility are ~~not~~ and were not included in the accounting summary.

Very truly yours,



Vincent Mannella, P.E.
Solid Waste Facility Manager

Enclosure

cc: Douglas S. Bramlett, Assistant County Administrator



Department of Environmental Protection

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Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 13, 1998

Mr. Douglas S. Bramlett, Assistant County Administrator
Pasco County Board of County Commissioners
7530 Little Road
New Port Richey, FL 34654

Re: Audit of Moon Lake Clean-up In-kind Project
Short Form Consent Order - OGC Case # 97-1679

Dear Mr. Bramlett:

The Department has received and reviewed the above referenced audit report of the Moon Lake In-kind project dated June 11, 1998. The Department regrets that a response to the report was delayed by a temporary misplacement of the report. The Department's review of the report comes to the following conclusions and raises the following questions which need to be clarified prior to the Department making a final determination as to whether the terms of the settlement were satisfied by the in-kind project:

1. The proposed cost of disposal anticipated the collection of approximately 150 tons of waste and a disposal cost of \$7,123.50. The actual amount of waste collected was 41.38 tons at a cost of disposal of \$1,964.19. While the amount collected is significantly below that anticipated, the calculation of cost is consistent with that outlined in the County's approved proposal and therefore is acceptable as part of satisfying the \$15,000 settlement amount.
2. The County's September 9, 1997 in-kind proposal contained no mention of advertisement or their associated costs as part satisfying the in-kind settlement amount and thus was not previously approved. In addition, the Department's in-kind penalty policy requires that any signage and/or advertising conducted as part of an in-kind project specify that the project is being conducted as part of a settlement of a Department enforcement action. The advertisement conducted by the County did not conform to this requirement. Therefore, the cost of advertising as part of the satisfying the settlement amount is not accepted.
3. The County's September 9, 1997 in-kind proposal contained no mention of the use of County sheriffs and their associated cost as part of the project cost and thus their costs were not previously approved. However, the Department recognizes their need in such a project and their costs of \$722.78 as part satisfying the settlement amount is accepted.

August 13, 1998

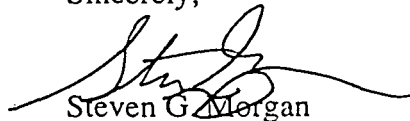
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5. In short summary of the Department understanding of the project, the in-kind project involved providing roll-off containers to the Moon Lake residents on May 1 & 2, 1998, where from 8 AM to 3 PM, they could come and bring waste for free disposal. The roll-offs were monitored by County personnel during those times and at the conclusion, the County removed the roll-offs and their contents were disposed of at the County solid waste management facility. Please explain the role that each of the personnel listed in the Utilities Services Branch personnel expense report had in the above operation and justify the hours reported, especially those personnel reported to have spent between 26 to 60 hours on the project. Please note that the Department previously rejected including the expenses of County personnel working at the County solid waste management facility who would handle the Moon Lake waste as part of their normal jobs, as part of the in-kind project expenses.

You are requested to provide the additional information requested above, along with any = comments, to the Department within 30 days of receipt of this letter in order that we may expedite conclusion of this matter. Your cooperation in this matter is appreciated.

Should you have any further questions in regard to this matter, please contact me at (813) 744-6100 ext. 385.

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


Steven G. Morgan

Section Supervisor

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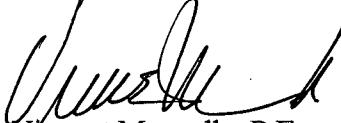
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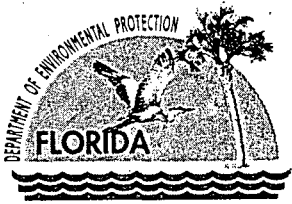
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Vincent Mannella, P.E.
Solid Waste Facility Manager

Enclosure

cc: Douglas S. Bramlett, Assistant County Administrator



Department of Environmental Protection

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3804 Coconut Palm Drive
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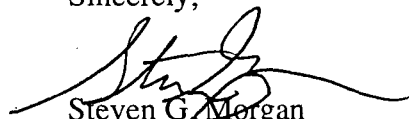
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Sincerely,



Steven G. Morgan

Section Supervisor

Solid Waste Compliance/Enforcement

Southwest District

cc: Robert Butera, SW

Richard D. Garrity Ph.D., District Director

Vincent Mannella, P.E., Solid Waste Facility Manager

P 520 310 441

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Doug Bramlett	
Street & Number	
Pasco County BCC	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
8-13-98	

PS Form 3800, April 1995



6/17
Bill K
Is this
yours?
(R6)

PASCO COUNTY, FLORIDA

DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (813) 847-8145
FAX (813) 847-8064

RECEIVED
JUN 15 1998
UTILITIES SERVICES BRANCH
POB. WKS./UTILITIES BLDG., S-213
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

June 11, 1998

Dr. Richard D. Garrity, Ph.D.
Director of District Management
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

RE: Short Form Consent Order #OGC97-1679

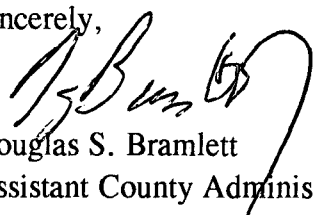
Dear Dr. Garrity:

In compliance with above-referenced Consent Order, the Moon Lake Clean-up was implemented on May 1 and 2, 1998. Pasco County was assessed alleged penalties in the amount of \$10,000.00; the County In-Kind Project was assessed at one and one-half of the alleged penalties.

Attached herewith please find an audit of the Moon Lake Clean-up prepared by Utilities Fiscal Services/Special Projects Department which indicates that the In-Kind Services for the Moon Clean-up amounted to \$15,019.27.

I trust you will bring this matter to a formal departmental conclusion.

Sincerely,


Douglas S. Bramlett
Assistant County Administrator
(Utilities Services)

DSB/VM/mvv/19/garr2

Enclosure

cc: John J. Gallagher, County Administrator
Robert J. Sigmond, Utilities Fiscal Services/Special Projects Director
Vincent Mannella, P.E., Solid Waste Facility Manager

MOON LAKE CLEANUP COST SUMMARY

Tonnages Collected:

Exhibit "A" 2.42 Tons

Exhibit "B" 38.94 Tons

41.36 Tons @ \$47.49 = \$1,964.19

Advertising:

Exhibit "C"	1,577.92
-------------	----------

Sheriff:

Exhibit "C" 722.78

Public Works:

Exhibit "D" 1,546.76

Utilities Personnel:

Exhibit "E" 9,207.62

Total: 15,019.27

EXHIBIT "A"

Great Florida Clean-Up (Sites)

		<u>Size</u>	<u>Tons</u>
Shady Hills (United Methodist Church Parking Lot) Green Glen/ Shady Hills Road	BFI	30 Yard	1.41
Land O'Lakes (Suntrust Bank - Highway 54)	BFI	30 Yard	.16
Wesley Chapel (Suntrust Bank - Highway 54 & 581) No info available	Waste Management	6 Yard	-
Dade City (Wal Mart Shopping Center Highway 301) No garbage collected	Waste Management	30 Yard	-
Zephyrhills - Residents cleaned up on their own) (2 tickets)	-----	-----	.15
Tires Collected	BFI	-----	<u>.70</u>
		TOTAL:	2.42

Per David West, Director, Keep Pasco Beautiful, Inc.

EXHIBIT "B"

Moon Lake Clean-Up

		<u>TONS</u>
5/1/98	Resource Recovery Scalehouse	8.43
5/2/98	Resource Recovery Scalehouse	27.46
5/1,2/98	West Pasco Class III	<u>8.05</u>
TOTAL:		38.94

EXHIBIT "C"

Advertising

St. Petersburg Times	\$1,088.08
Invoice # 01508005	

The Tampa Tribune	218.40
Reference # 99063801	

Sunbelt Newspapers	<u>271.44</u>
Reference # I0000000039604	

TOTAL: \$1,577.92

Sheriff

Pasco County Sheriff's Office	<u>\$722.78</u>
Traffic and Crowd Control	\$722.78

EXHIBIT "D"

Public Works

Special Equipment Operators

	<u>Rate</u>	<u>Reg.</u>	<u>OT</u>	<u>Reg. Wages</u>	<u>OT Wages</u>	<u>Total Wages</u>
Disipio, Lenny	10.12	20	20	202.40	303.60	506.00
Pickens, Shawn	8.32	8	8	66.56	99.84	166.40
Spakausky, Joe	11.18	8	8	89.44	134.16	<u>223.60</u>
						\$896.00

\$896.00 x 41% Office of Management and Budget markup	<u>367.36</u>
Total Wages	<u>\$1,263.36</u>

Vehicles

Tandem Dump Truck	#21679	20 Hours	\$10.31	\$206.20
Loader	#20136	20 Hours	\$ 3.86	<u>77.20</u>
Vehicle Total:				\$283.40

Public Works Charge: \$1,546.76

EXHIBIT "E"

UTILITIES SERVICES BRANCH

Job Code	Name	Hourly Rate	Regular Hours	O/T Hours	Regular Wages	O/T Wages	Total Wages	FICA 7.65%	Retirement 17.49%	Insurance .98585 hr.	Total Amount
7039	Sigmond, Robert	29.9748	40	0	1198.99	-	1198.99	91.72	209.7	39.43	1539.85
3012	Tambasco, Jackie	12.04	40	0	481.6	-	481.6	36.84	84.23	39.43	642.11
1498	Landi, Mike	16.4666	40	0	658.66	-	658.66	50.39	115.2	39.43	863.69
3004	Hummer, Carol	6.5	16	0	104	-	104	7.96	18.19	15.77	145.92
1500	Hainey, Mary	7.92	40	0	316.8	-	316.8	24.24	55.41	39.43	435.88
7011	Jancaitis, George	11.46	8	0	91.68	-	91.68	7.01	16.03	7.89	122.62
7011	Morgan, Fred	10.9	16	10	174.4	163.5	337.9	25.85	59.1	15.77	438.62
7015	Bradley, Christine	14.2245	32	0	455.18	-	455.18	34.82	79.61	31.55	601.16
7043	Mannella, Vincent	23.6894	32	0	758.06	-	758.06	57.99	132.58	31.55	980.18
3004	Campbell, Donna	6.5	8	0	52	-	52	3.98	9.09	7.89	72.96
7010	Sprigg, Linda Kay	9.639	8	8	77.11	115.67	192.78	14.75	33.72	7.89	249.13
7010	Ackerman, Gary	8.74	20	0	174.8	-	174.8	13.37	30.57	19.72	238.46
7020	Walker, Ronald	16.028	40	0	641.12	-	641.12	49.05	112.13	39.43	841.73
7052	Milliner, John	10.12	40	20	404.8	303.6	708.4	54.19	123.9	39.43	925.93
7019	Johns, Samuel	7.92	20	20	158.4	237.6	396	30.29	69.26	19.72	515.27
7052	Dradansky, Walter	9.18	20	20	183.6	275.4	459	35.11	80.28	19.72	594.11

Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Weherell
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 18, 1998

Mr. John Gallagher County Administrator
Pasco County Board of County Commissioners
7530 Little Road
New Port Richey, FL 34854

RECEIVED

FEB 19 1998

Re: Proposed Settlement by Short Form Consent Order in Case of COUNTY ADMINISTRATOR'S
OGC Case # 97-1879 OFFICE

Dear Mr. Gallagher:

The purpose of this letter is to complete the settlement of the violation(s) previously identified by the Department of Environmental Protection ("DEP") in Warning Letter #WL96-0006SW51SWD dated November 7, 1996, which is attached. While the matter of disposal of municipal solid waste ash in SW-1 has not been completely resolved by revision of your operation plan, the Department wishes to complete resolution of this matter. As the current circumstances at the landfill necessitate revising of your operation plan, you are instructed to address the outstanding issue of the bypass waste and procedures for handling it, in that submittal and review process. In order to complete settlement of the violations described in the attached Warning Letter, Pasco County was subject to payment of civil penalties to the Department in the amount of \$10,000. Pasco County has proposed to perform an in-kind project which costs one and one half times the amount of civil penalties for a total of \$15,000.

The clean-up of the Moon Lake area as described in Mr. Mannella's September 9, 1997 letter (copy attached) is approved for the in-kind project, except for the inclusion of \$2,250.00 for segregation of waste in the computation of costs for the project. Costs and expenses shall total at least \$15,000. Should the actual amount expended on the project be less than the amount proposed, a monetary payment of the balance shall be submitted to the Department within 30 days of completion of the project. Completion of the clean-up shall be performed by June 1, 1998. Documentation of costs/expenses for the project shall be submitted to the Department within 30 days of completion of the clean-up. Please also notify the Department at least 7 days in advance of the actual day the project will take place, so that Department personnel may be present if desired.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DEP's offer to settle this case on these terms. If you elect to sign this letter, please return



PASCO COUNTY, FLORIDA

RECEIVED
MAY 04 1998
Department of Environmental Protection
SOUTHWEST DISTRICT

DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (813) 856-0119
FAX (813) 856-0007

PASCO COUNTY SOLID WASTE
RESOURCE RECOVERY FACILITY
14230 HAYS ROAD
SPRING HILL, FL 34610

April 27, 1998

Mr. Robert J. Butera, P.E. III
Division of Waste Management
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

RE: Moon Lake Cleanup,
OGC Case # 97-1679

Dear Mr. Butera:

Please be advised that the Moon Lake Cleanup will be held on May 1 and May 2, 1998 from the hours of 8:00 a.m. through 3:00 p.m.. Pasco County has issued flyers of notification in the neighborhood and through the Civic Association Clubhouse. The newspapers carried the attached advertisement.

This letter is requirement of notification of the OGS Case # 97-1679.

Very truly yours,



Vincent Mannella, P.E.
Solid Waste Facility Manager

VM/drc

Enclosure

cc: Douglas S. Bramlett, Assistant County Administrator (Utilities Services)

MOON LAKE AREA CLEANUP

SPONSORED BY:

**PASCO COUNTY BOARD OF COUNTY
COMMISSIONERS
and the
MOON LAKE CIVIC ASSOCIATION**

MOON LAKE RESIDENTS ONLY! PLEASE!

PLEASE BRING YOUR TRASH IN CONTAINERS (BAGS, BOXES CANS, ETC.)

**THE COUNTY UTILITIES DEPARTMENT WILL PROVIDE ROLL-OFF
CONTAINERS TO DEPOSIT YOUR DISCARDED ITEMS INTO.**

CLEAN OUT YOUR GARAGES, AND CLEAN UP YOUR YARD!

DISPOSE OF DEBRIS FOR FREE

**FRIDAY - MAY 1, 1998
AND
SATURDAY - MAY 2, 1998**

**8:00 A.M. UNTIL 3:00 P.M
AT
MOON LAKE VOLUNTEER FIRE HALL**

Moon Lake Area

CLEANUP

Clean out your garages, and clean up your yard!

Please bring your trash in containers (Bags, boxes cans, etc.)

The County Utilities Department will provide roll-off containers to deposit your discarded items into. **Dispose of debris for free!**

MOON LAKE RESIDENTS ONLY PLEASE

FRIDAY - MAY 1 - 1998 (Fri) SATURDAY - MAY 2 - 1998

8a.m. until 3p.m. at Moon Lake Volunteer Fire Hall

Sponsored by

**PASCO COUNTY BOARD OF COUNTY COMMISSIONERS
AND THE MOON LAKE CIVIC ASSOCIATION.**

06/23/98 10:54 T1114 TRIPLINE DADE CITY + 28518

NO. 9805 P02



PASCO COUNTY, FLORIDA

DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (813) 856-0119
FAX (813) 856-0007

PASCO COUNTY SOLID WASTE
RESOURCE RECOVERY FACILITY
14230 HAYS ROAD
SPRING HILL, FL 34610

April 27, 1998

Mr. Robert J. Butera, P.E. III
Division of Waste Management
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318


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OGC Case # 97-1679

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Very truly yours,


Vincent Mannella, P.E.
Solid Waste Facility Manager

VM/drc

Enclosure

cc: Douglas S. Bramlett, Assistant County Administrator (Utilities Services)

Post-It® Fax Note	7671	Date	4/29/98	# of pages	3
To	Bob Butera	From	Vince Mannella		
Co./Dept.	FOEP	Co.			
Phone #		Phone #	813-856-0119		
Fax #	744-6125	Fax #	813-856-0007		

MOON LAKE AREA CLEANUP

SPONSORED BY:

**PASCO COUNTY BOARD OF COUNTY
COMMISSIONERS
and the
MOON LAKE CIVIC ASSOCIATION**

MOON LAKE RESIDENTS ONLY! PLEASE!

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**THE COUNTY UTILITIES DEPARTMENT WILL PROVIDE ROLL-OFF
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DISPOSE OF DEBRIS FOR FREE

**FRIDAY - MAY 1, 1998
AND
SATURDAY - MAY 2, 1998**

**8:00 A.M. UNTIL 3:00 P.M
AT
MOON LAKE VOLUNTEER FIRE HALL**

04/23/98 MOON LAKE 5/23/98 0:58 AM Page 1 ** PASCO COUNTY **

Moon Lake Area

CLEANUP

Clean out your garages, and clean up your yard!

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MOON LAKE RESIDENTS ONLY PLEASE

FRIDAY - MAY 1, 1998 (Fri) SATURDAY - MAY 2, 1998

8a.m. until 3p.m. at Moon Lake Volunteer Fire Hall

Sponsored by

**PASCO COUNTY BOARD OF COUNTY COMMISSIONERS
AND THE MOON LAKE CIVIC ASSOCIATION.**

18137446125 P.03

TO

APR-27-1998 14:55 FROM

04/23/98 10:54 T3324 TRIBUNE DANCE CITY - 20618

NO.003 P02

20 P. TOTAL
4-22-1998 11:16AM FROM MUNICIPAL DISC UNIT

Memorandum

Florida Department of
Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO

W
TO: ☒ RICK GARRITY, DDM
_____ WILLIAM KUTASH, ENV. ADM.
_____ OGC, ATTN: _____

FROM/THROUGH:

Bill Kutash, DIVISION ADMINISTRATOR

Bob Butera, PROGRAM SUPERVISOR *in FB RB 3/19*

Steve Morgan, SECTION SUPERVISOR *in 3/19*

Danielle Nichols, ENG, ENV SPEC, GEOLOGIST *in 3/18*

DATE: 3/18/98

FILE NAME: West Pasco CIs 1 LF CASE #: 97-1679
PROGRAM: SW COUNTY: PASCO

TYPE OF DOCUMENT:

WARNING LETTER _____ FINAL ORDER _____ CASE REPORT _____
DRAFT _____ OR FINAL ☒ NOV _____ ☒ SF CONSENT ORDER ☒
PENALTY AUTHORIZATION _____ OTHER _____

BRIEF DESCRIPTION OF VIOLATION: Operational deficiencies

SUMMARY OF CORRECTIVE ACTIONS:

PENALTY SUMMARY:

EXTENT OF DEVIATION _____ POTENTIAL FOR HARM _____
MODIFIERS: _____

PENALTY AMOUNT: \$10,000 x 1.5 COST AND EXPENSES: _____

TOTAL PENALTY AMOUNT: _____ APPROVED BY SECRETARY: _____

↓
\$15,000



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

March 19, 1998

Mr. John Gallagher, County Administrator
Pasco County Board of County Commissioners
7530 Little Road
New Port Richey, Florida 34654

Re: Executed Short Form Consent Order
OGC Case #97-1679

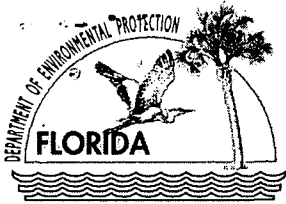
Dear Mr. Gallagher:

Enclosed please find a copy of the executed Short Form Consent Order for the above-referenced case. As it states, completion of the in-kind project shall be performed by June 1, 1998 with the submittal of documentation of costs/expenses to follow 30 days after project completion. If you have any questions, please contact Steve Morgan at 813/744-6100, extension 385.

Sincerely,

William Kutash
Program Administrator
Waste Management
Southwest District

cc: Larry Morgan, OGC
Robert Butera



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 18, 1998

Mr. John Gallagher County Administrator
Pasco County Board of County Commissioners
7530 Little Road
New Port Richey, FL 34654

RECEIVED

FEB 19 1998

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OGC Case # 97-1679 OFFICE

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"Protect, Conserve and Manage Florida's Environment and Natural Resources"

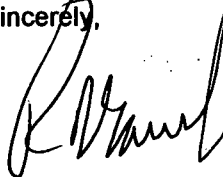
Printed on recycled paper.

February 18, 1998

it to the DEP at the address above. The DEP will then countersign the letter and file it with the Clerk of the DEP. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DEP, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes.

The signature and return of this letter to the Department at the District address above shall occur within 30 days of receipt of this letter, or the Department will assume that you are not interested in settling this matter under the above-described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department clerk.

Sincerely,



Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For Pasco County:

By:


John Gallagher
County Administrator
Pasco County

Date:

3/10/98
BCL Approved

For the DEP:



Richard D. Garrity, Ph.D.
Director of District Management
State of Florida Department of Environmental Protection

RDG/
Attachments

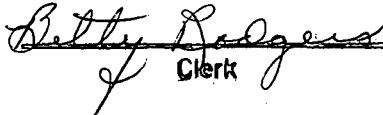
Copies furnished to:

Office of General Counsel
Department of Environmental Protection
3000 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

ENTERED this 18 day
of March, 1998 in
Tampa, Florida

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52
Florida Statutes, with the designated Department
Clerk, receipt of which is hereby acknowledged.


Clerk

3-19-98
Date



PASCO COUNTY, FLORIDA

DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (813) 847-8145
FAX (813) 847-8064

RECEIVED
MAR 12 1998
D E P
UTILITIES SERVICES BRANCH
PUB. WKS./UTILITIES BLDG., S-213
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

March 11, 1998

Dr. Richard D. Garrity, Ph. D.
Director of District Management
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

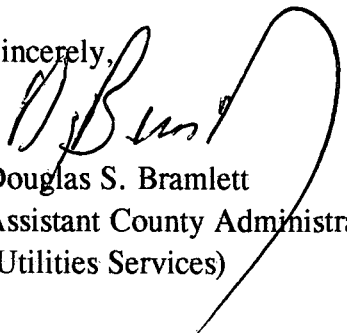
RE: Proposed Settlement by Short Form Consent
Order in Case of OGC Case #97-1679

Dear Dr. Garrity:

Enclosed please find above-referenced Consent Order duly signed by our County Administrator. Please sign same and submit a copy to us.

Thank you for your assistance.

Sincerely,


Douglas S. Bramlett
Assistant County Administrator
(Utilities Services)

DSB/mvv\19\garrity

Enclosure

cc: John J. Gallagher, County Administrator

Memorandum

Florida Department of
Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: ☒ RICK GARRITY, DDM
☐ WILLIAM KUTASH, ENV. ADM.
☐ OGC, ATTN: _____

FROM/THROUGH: MQ

Bill Kutash DIVISION ADMINISTRATOR
Bob Butera EA 2/10/98 PROGRAM SUPERVISOR
Steve Morgan SA 2/10/98 SECTION SUPERVISOR
Danielle Nichols PA 2/10 ENG, ENV SPEC, GEOLOGIST

DATE: 2/10/97FILE NAME: West Pasco Cks 1 LFPROGRAM: SW

CASE #:

COUNTY: PASCO

TYPE OF DOCUMENT:

WARNING LETTER _____ FINAL ORDER _____ CASE REPORT _____
DRAFT ☒ OR FINAL _____ NOV _____ SF CONSENT ORDER ☒
PENALTY AUTHORIZATION _____ OTHER _____

BRIEF DESCRIPTION OF VIOLATION: Several operational deficiencies -
LCS, cover, improper disposal, etc.

SUMMARY OF CORRECTIVE ACTIONS:

PENALTY SUMMARY:

EXTENT OF DEVIATION _____ POTENTIAL FOR HARM _____
MODIFIERS: negotiated down to _____

PENALTY AMOUNT: 10,000 COST AND EXPENSES: _____TOTAL PENALTY AMOUNT: 10,000 APPROVED BY SECRETARY: _____

in-kind → 15,000



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

February 18, 1998

Mr. John Gallagher County Administrator
Pasco County Board of County Commissioners
7530 Little Road
New Port Richey, FL 34654

Re: Proposed Settlement by Short Form Consent Order in Case of
OGC Case # 97-1679

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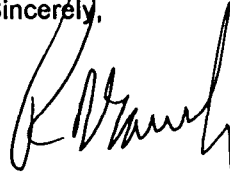
Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DEP's offer to settle this case on these terms. If you elect to sign this letter, please return

February 18, 1998

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Sincerely,



Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For Pasco County:

For the DEP:

By: _____
John Gallagher
County Administrator
Pasco County

Richard D. Garrity, Ph.D.
Director of District Management
State of Florida Department of Environmental Protection

Date: _____

ENTERED this _____ day
of _____, 1998 in
Tampa, Florida

RDG/
Attachments

Copies furnished to:

Office of General Counsel
Department of Environmental Protection
3000 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

P 520 310 317

US Postal Service

Receipt for Certified Mail

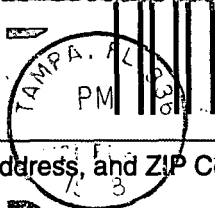
No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

PS Form 3800, April 1995

Sent to <i>John Gallagher</i>	
Street & Number <i>Rose County Bce</i>	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>2-18-98</i>	

UNITED STATES POSTAL SERVICE

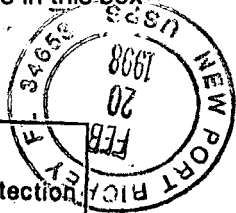


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

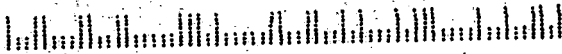
• Print your name, address, and ZIP Code in this box •

RECEIVED
FEB 23 1998
P

State of Florida
Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619-8318



Danielle Nichols - Solid Waste



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

John Gallagher County Adm
Tasco County Box
7530 Little Rd
New Port Richey, FL 34654

4a. Article Number

P520310317

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee or Agent)

X



PASCO COUNTY, FLORIDA

RECEIVED
SEP 15 1997

D E P

DADE CITY (904) 521-4274
LAND O'LAKES (813) 996-7341
NEW PORT RICHEY (813) 847-8040
FAX (813) 847-8064

UTILITIES CONSTRUCTION AND
CONTRACT MANAGEMENT DEPARTMENT
PUB. WKS./UTILITIES BLDG., S-205
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

September 9, 1997

Mr. Bob Butera, P.E.
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

RE: Warning Letter WL 96-0006SW51SWD

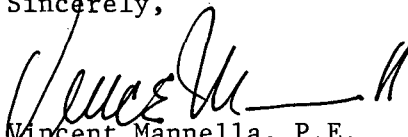
Dear Mr. Butera:

Discussions with your staff personnel today brought to my attention that penalties relate to 1.5 times the fine or \$10,000 fine; \$15,000 in-kind service. In view of the foregoing and Mr. John Gallagher's letter of September 2, 1997, the tipping fee on the estimated 15 loads of clean up material was not factored into the cost.


15 Loads at 10 Tons (estimated) at \$47.49 =	\$ 7,123.50
Data covered in Mr. Gallagher's letter of 9/2/97 =	<u>10,050.00</u>
Estimated Total Cost-----	\$17,173.50

I would appreciate your additional consideration of this communication in the preparation of your draft consent agreement.

Sincerely,


Vincent Mannella, P.E.
Solid Waste Facility Manager

VM/ap

cc: John J. Gallagher, County Administrator
Douglas S. Bramlett, Assistant County Administrator (Utilities Services)
 Ronald J. Walker, Solid Waste Superintendent



PASCO COUNTY, FLORIDA

RECEIVED

SEP 05 1997

Department of Environmental Protection
SOUTHWEST DISTRICT
BY _____

COUNTY ADMINISTRATOR'S OFFICE
WEST PASCO GOVERNMENT CENTER, S-340
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

DADE CITY (904) 521-4120
LAND O'LAKES (813) 996-7341
WEST PASCO (813) 847-8115
FAX (813) 847-8021

September 2, 1997

Mr. Bob Butera, P.E.
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

RE: Warning Letter WL 96-0006SW51SWD

Dear Mr. Butera:

In response to your rejection of our proposal on "in-kind services" expansion of the Citizen Drop-Off Area, would you consider the following:

- General cleanup of Moon Lake area in Pasco County.
- General collection area Moon Lake Park.
- Previous Moon Lake cleanup wages, loader and supervision cost, \$5,700.00.
- In lieu of hauler boxes and gratuitous hauler pulling of boxes, Pasco County will use their own boxes and truck for making the 40 cubic yard box pulls. Estimate 15 pulls at \$140.00/pull, \$2,100.00.
- Pasco employees on tipping floor segregating the mixed loads brought in from Moon Lake Park, 15 loads segregation at \$150.00/load, \$2,250.00.
- Total cost estimated at \$10,050.00.

We request that you accept this proposal for in-kind services and provide a draft modified consent agreement for review.

Sincerely,


John J. Gallagher
County Administrator

JJG/VM/ltr/s090210

cc: Douglas S. Bramlett, Assistant County Administrator (Utilities Services)
Vincent Mannella, P.E., Solid Waste Facility Manager
Ronald J. Walker, Solid Waste Superintendent

Wast



PASCO COUNTY, FLORIDA

DADE CITY (904) 521-4120
LAND O' LAKES (813) 996-7341
WEST PASCO (813) 847-8115
FAX (813) 847-8021

RECEIVED

JUL 03 1997

Department of Environmental Protection
SOUTHWEST DISTRICT

BY _____

COUNTY ADMINISTRATOR'S OFFICE
WEST PASCO GOVERNMENT CENTER, S-340
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

June 27, 1997

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

RE: Warning Letter No. WL96-0006SW51-SWD
Your Letter Dated June 18, 1997

Dear Dr. Garrity:

In response to your referenced letter, which in summary rejected our proposal to expand our citizens drop-off area as in-kind services to offset penalties for the referenced warning notice, we object to your analysis that something identified as "necessary" is not acceptable for in-kind services.

I believe that all previous in-kind service agreements negotiated with your office have identified the following "needed" projects:

1. Abandonment of the Shady Oaks Wastewater Treatment Plant (WWTP).
2. Abandonment of the Forest Hills WWTP.
3. Abandonment of the Timber Lake Estates WWTP.
4. Abandonment of the Land O' Lakes Village Apartments WWTP scheduled for disconnect by December 1, 1997.
5. Public Education Booth, 1997 Pasco County Fair.

In each of these five projects, the "need" was clearly detailed and accepted by your staff, and in each event, Pasco County had not established a capital line item for funding. Our proposal to expand the citizens drop-off area is identical to the above-listed projects in that we are allocating funds not anticipated as part of our Capital Improvements Plan (CIP).

Richard D. Garrity, Ph.D.
June 27, 1997

We request that you reconsider your position in this matter and accept our proposal as outlined in my previous letter to you dated May 16, 1997.

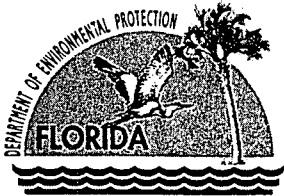
Sincerely,



John J. Gallagher
County Administrator

JJG/DSB/n:/ltr/s062706

cc: Douglas S. Bramlett, Assistant County Administrator (Utilities Services)
Vincent Mannella, P.E., Solid Waste Facility Manager



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

JUN 18 1997

Mr. John J. Gallagher
County Administrator, Pasco County
West Pasco Government Center, S-340
7530 Little Road
New Port Richey, FL 34654

RE: Proposed in-kind for Warning Letter #WL96-0006SW51SWD

Dear Mr. Gallagher:

The Department has received your May 16, 1997 letter proposing the design, permitting and construction of a citizen drop-off center as an in-kind to resolve the penalties in the Warning Letter referenced above. As your letter states, the project which you have proposed is one that is a necessity for Pasco County. For that reason it is not an acceptable in-kind project.

If the County would like the Department to consider a different in-kind proposal, it shall be submitted to the Department for approval *within 20 days of receipt of this letter*. For example, clean-up of a particular vacant property where illegal dumping has occurred would most likely be acceptable, given the expenditures incurred are adequate to cover the penalties. Please be advised that if the Department has not received an *acceptable* in-kind project proposal at that time we will be forced to initiate additional enforcement action.

If you have any questions please contact Steve Morgan at 813/744-6100, ext. 385.

Very truly yours,

Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

Robert Butera

P 344 402 945

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <i>John J. Gallagher</i>	
Street & Number <i>County Adm - Pasco County</i>	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>6-18-97</i>	

PS Form 3800, April 1995

WL 96-0006SW5(SW)

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

*John J. Gallagher
County Adm, Pasco County
West Pasco Community Center
S-340
3530 Little Road
New Port Richey, FL 34655*

4a. Article Number

P 344 402 945

4b. Service Type

- | | |
|--|---|
| <input checked="" type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input checked="" type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |
| Date of Delivery | |

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

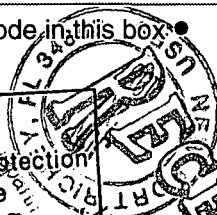
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

State of Florida
Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619-8318



RECEIVED
JUN 23 1997
U.S. DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHWEST DISTRICT

Danielle Nichols

Sally M. Porter



Beep K



PASCO COUNTY, FLORIDA

DADE CITY (904) 521-4120
LAND O'LAKES (813) 996-7341
WEST PASCO (813) 847-8115
FAX (813) 847-8021

D.E.P.

MAY 19 1997

SOUTHERN REGION
TAMPA

COUNTY ADMINISTRATOR'S OFFICE
WEST PASCO GOVERNMENT CENTER, S-340
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

May 16, 1997

Richard D. Garrity, Ph.D.
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

RE: West Pasco Class I Landfill - Warning Letter No. WL96-0006SW51-SWD

Dear Dr. Garrity:

In response to the referenced warning letter and your letter dated March 12, 1997, Pasco County would like to offer an "in-kind services" project in lieu of any penalties as outlined in the warning letter, your response letter, and the proposed consent agreement.

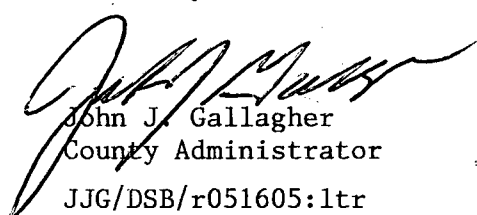
We are currently experiencing an extremely high volume of traffic at our West Pasco citizen drop-off site adjacent to the Resource Recovery Facility on Hayes Road. Even though we have not bonded or established a specific cost center in our capital improvement plan, this drop-off site needs to be expanded immediately. We are certain that, because of the backup at this facility on weekends, citizens are dumping solid waste along roadsides and on vacant property in Pasco County.

Our proposal is to provide immediate design, permitting, and construction of this citizen drop-off center to double the current capacity of the site. Our estimated costs are as follows:

Design	\$ 18,000
Permitting	5,000
Construction	<u>185,000</u>
Total	\$208,000

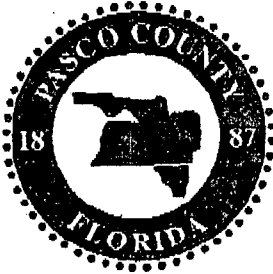
We request that you accept this proposal for in-kind services and provide a draft modified consent agreement for review.

Sincerely,


John J. Gallagher
County Administrator

JJG/DSB/r051605:1tr

cc: Douglas S. Bramlett, Assistant County Administrator (Utilities Services)
Vincent Mannella, P.E., Solid Waste Facility Manager



PASCO COUNTY, FLORIDA

5/21

A.I. to
Bullk
2 wks
fb

DADE CITY (904) 521-4120
 LAND O' LAKES (813) 996-7341
 WEST PASCO (813) 847-8115
 FAX (813) 847-8021

COUNTY ADMINISTRATOR'S OFFICE
 WEST PASCO GOVERNMENT CENTER, S-340
 7530 LITTLE ROAD
 NEW PORT RICHEY, FL 34654

May 16, 1997

Richard D. Garrity, Ph.D.
 Florida Department of
 Environmental Protection
 3804 Coconut Palm Drive
 Tampa, FL 33619-8318

RE: West Pasco Class I Landfill - Warning Letter No. WL96-0006SW51-SWD

Dear Dr. Garrity:

In response to the referenced warning letter and your letter dated March 12, 1997, Pasco County would like to offer an "in-kind services" project in lieu of any penalties as outlined in the warning letter, your response letter, and the proposed consent agreement.

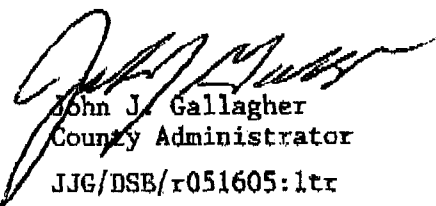
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Our proposal is to provide immediate design, permitting, and construction of this citizen drop-off center to double the current capacity of the site. Our estimated costs are as follows:

Design	\$ 18,000
Permitting	5,000
Construction	<u>185,000</u>
Total	\$208,000

We request that you accept this proposal for in-kind services and provide a draft modified consent agreement for review.

Sincerely,


 John J. Gallagher
 County Administrator
 JJG/DSB/r051605:ltr

Post-it® Fax Note	7671	Date	5/16	# of pages	1
To	BOB BUTERA	From	D. BRAMLETT		
Co./Dept.	FDEP	Co.			
Phone #		Phone #	847-8145		
Fax #	744-6084	Fax #			

cc: Douglas S. Bramlett, Assistant County Administrator (Utilities Services)
 Vincent Mannella, P.E., Solid Waste Facility Manager



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

March 12, 1997

Mr. Vincent Mannella, P.E.
Pasco County Utilities Services
Utilities Bldg., S-213
7530 Little Road
New Port Richey, FL 34654

**Re: Amended Operations Plan
Waste Pasco Class I Landfill
Certification #PA-87-23, Pasco County**

Dear Mr. Mannella:

The amended operations plan with revised date of January 14, 1997 was received with your January 28, 1997 cover letter on January 31, 1997. Upon review of the amended plan, staff found many deletions to the operations plan previously approved by the Department on June 5, 1995 as part of the Conditions of Clarification. These conditions reference Section 8.0 (Revised January 4, 1995) of the Engineering Report by Law Engineering as the approved plan. The version you submitted on January 28, 1997 amended a June 28, 1994 version that was revised on November 16 and December 21, 1994 and finally on January 4, 1995 prior to Department approval.

Attached is the entire Section 8.0, the approved operations plan for your use and revisions. As suggested in the Department's January 23, 1997 letter, Sections 8.2.6 and 8.2.7 may be revised and resubmitted as replacement pages. The Department requests future amendments be submitted with a list of the sections revised with a brief description for each revision.

On all future correspondence, please include Robert Butera on distribution. If you have any questions you may call me at (813) 744-6100, extension 382.

Sincerely,

Kim B. Ford, P.E.
Solid Waste Section
Division of Waste Management

KBF/ab
Attachment

cc: John Gallagher, Pasco County
Douglas Bramlett, Pasco County, w/attachment
AS Robert Butera, P.E., Solid Waste, FDEP Tampa
Steve Morgan, FDEP Tampa

"Protect, Conserve and Manage Florida's Environment and Natural Resources"



PASCO COUNTY, FLORIDA

DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (813) 847-8145
FAX (813) 847-8064

D.E.P.
JAN 31 1997
SOUTHWEST DISTRICT
TAMPA

UTILITIES OPERATIONS AND
MAINTENANCE DEPARTMENT
PUB. WKS./UTILITIES BLDG., S-205
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

January 29, 1997

Mr. Steve Morgan
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

RE: West Pasco Class I Landfill WL96-00065W515WD -
Your Letter of January 14, 1997

Dear Mr. Morgan:

This letter contains a brief summary of our telephone conversation on January 16, 1997, regarding three items that apparently were not clearly defined in my letter of January 19, 1997. In our telephone conversation, I believed these matters were resolved as follows:

1. The apparent problem lies in two applications of base RRP ash in SW-1. The first was approved prior to placing for sound engineering reasons. The second application of base RRP ash, the extension was placed without FDEP prior approval. On this, we agree.
 - a. Removal of MSW - Tonnage and schedule sent to the Department covering requested data on January 19, 1997. Department has not received the letter as of this date.
 - b. Addendum to operations plan typed and in staff review and will be sent under separate cover the week of January 27, 1997.
2. Cover of inventoried MSW in SW-1 will be by tire chips daily, and stockpile of tire chips will be on hand in SW-1 at all times. Currently, there are 166 tons of tire chips on hand in SW-1. Pasco County has stockpiled an additional 1,200 plus tons of tire chips in inventory.
3. Letter of proposal on in-kind project is in preparation by higher authority and will be forthcoming shortly.

I believe this covers our discussions rather briefly but completely. Thank you for your cooperation in this matter.

Sincerely,



Vincent Mannella, P.E.
Solid Waste Facility Manager

VM/s012809:ltr

cc: Bob Butera, P.E., Florida Department of Environmental Protection, 3804 Coconut
Palm Drive, Tampa, FL 33619-8318
Kim Ford, P.E., Florida Department of Environmental Protection, 3804 Coconut
Palm Drive, Tampa, FL 33619-8318
Ms. Nichols, Florida Department of Environmental Protection, 3804 Coconut Palm
Drive, Tampa, FL 33619-8318
John J. Gallagher, County Administrator
Douglas S. Bramlett, Assistant County Administrator (Utilities Services)
Ronald J. Walker, Solid Waste Superintendent



PASCO COUNTY, FLORIDA

PASCO COUNTY UTILITIES

JAN 24 1997

DADE CITY (904) 521-4120
 LAND O' LAKES (813) 996-7341
 WEST PASCO (813) 847-8115
 FAX (813) 847-8021

COUNTY ADMINISTRATOR'S OFFICE
 WEST PASCO GOVERNMENT CENTER, S-340
 7530 LITTLE ROAD
 NEW PORT RICHEY, FL 34654

January 21, 1997

Richard D. Garrity, Ph.D.
 Director of District Management
 Florida Department of
 Environmental Protection
 3804 Coconut Palm Drive
 Tampa, FL 33619-8318

Post-It™ brand fax transmittal memo 7671		# of pages: 2
To: Steve Morgan	From: Vince	
Co. DEP	Co. Pasco	
Dept. 744-6100	Phone # 856-0119	
Fax # 813-744-6125	Fax # 856-0007	

RE: West Pasco Class I Landfill; No. WL96-0006 SW51SWD - Pasco County

Dear Dr. Garrity:

This letter is written in response to the referenced warning letter and my meeting with your staff on December 6, 1996, relative to several alleged noncompliance issues which resulted from Hurricane Josephina.

During the time between October 1, 1996, and our meeting with your staff, Pasco County and Ogden Martin had scheduled our five-year, three-week outages for our Resource Recovery Facility. We had reduced the pit capacity over the summer months to ensure that minimal bypassing of solid waste to Cell SW-1 would occur. During this same period of time, Hurricane Josephine caused extensive damage to our coastal communities, which resulted in approximately 8,000 tons of solid waste which were collected at curbside by our public works crews.

As a result of this unforeseen event, additional solid waste was bypassed to Cell SW-1. To properly manage this enormous volume of waste, the lay-down area of clean ash was expanded in the bottom of SW-1 to ensure that the double liner in SW-1 would not be damaged. We also experienced a short time period of inadequate cover due to the storm event tonnage.

Your staff has now taken a very hard line and approach to this minor problem which, by the way, did not cause any environmental problems whatsoever relative to odors, birds, or other environmental matters. In direct conflict with the new "user-friendly agency" policy, your staff now wants to impose a \$10,000.00 penalty for this storm event problem which was corrected within a six-week period. Your staff admitted in our meeting that other counties experienced similar problems but no enforcement action was taken because the other counties called your office to advise of their problems. If the lack of telephone notices results in a \$10,000.00 penalty, I must seriously question the department's policies and matrix!

JAN-28-1997 14:03 FI

OGDEN MARTIN SYSTEMS

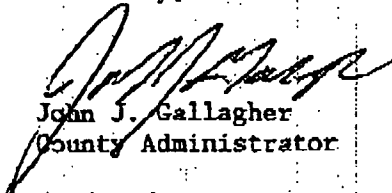
TO

18137446125 P.02

Richard D. Garrity, Ph.D.
January 21, 1997

In summary, Pasco County managed this storm event problem in a very professional and environmentally safe manner which resulted in absolutely NO environmental problems. Pasco County will continue to operate our solid waste management systems as in the past, and I am positive that, after your review of this matter, you will continue to have 100 percent confidence in our ability to comply with all solid waste rules and regulations.

Sincerely,



John J. Gallagher
County Administrator

JJG/DSB/r011401:ltr

cc: Douglas S. Bramlett, Assistant County Administrator (Utilities Services) ✓

FDEP

3804 Coconut Palm Drive, Tampa, FL 33619-8318

FAX

FAXED

Date: 1/14/97

Number of pages including cover sheet: 2

To:

John Gallagher

Phone:

Fax phone: 847-8064

CC:

From:

Steve Morgan

Phone: (813) 744-6100 X385

Fax phone: (813) 744-6125

REMARKS:

☐ Urgent

☐ For your review

☐ Reply ASAP

☐ Please comment

1-14 letter to John Gallagher

Transmit Confirmation Report

No. : 001
Receiver : 818138478064
Transmitter : WASTE MGT TAMPA SWDIST
Date : Jan 14 97 10:06
Time : 01'23
Mode : Norm
Pages : 02
Result : OK

FDEP

3804 Coconut Palm Drive, Tampa, FL 33619-8318

FAX

FAXED

FAXED

Date: 1/14/97

Number of pages including cover sheet: 2

To:

Vince Mannella

Phone:

Fax phone: 847-8901

CC:

From:

Steve Morgan

Phone: (813) 744-6100 x385

Fax phone: (813) 744-6125

REMARKS:

☐ Urgent

☐ For your review

☐ Reply ASAP

☐ Please comment

1/14 letter to John Gallagher

Transmit Confirmation Report

No. : 002
Receiver : 818138478901
Transmitter : WASTE MGT TAMPA SWDIST
Date : Jan 14 97 10:11
Time : 01'06
Mode : Norm
Pages : 02
Result : OK

Transmit Confirmation Report

No. : 004
Receiver : 818138478901
Transmitter : WASTE MGT TAMPA SWDIST
Date : Jan 14 97 12:03
Time : 01'08
Mode : Norm
Pages : 02
Result : OK



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

Mr. John Gallagher, County Administrator
Pasco County
7530 Little Road
New Port Richey, FL 34654

Tuesday, January 14, 1997

RE: West Pasco Class I Landfill
#WL96-0006SW51SWD

Dear Mr. Gallagher:

The Department has received Mr. Mannella's recent letter to Mr. Butera dated January 8, 1997. In response to that letter, as well as Mr. Mannella's December 18, 1996 response to the Department's December 11, 1996 meeting summary please note the following:

1) The fourth bullet in the Jan. 8 letter states: **There is no disposal of ash and MSW in SW-1. The Department has given permission for an ash base in the cell to support bypassing of MSW. Bypassing is in compliance with the operating plan by Law and approved by the Department.** The Department is very disappointed that there continues to be a misunderstanding regarding this matter. For the Department's purposes, the stockpiling/by-passing activity that goes on in SW-1 is disposal of Class I waste and must be treated as such. (Please refer to our April 18, 1995 letter to Mr. Mannella.) The Department did not give the County permission to place an ash base in SW-1 and in fact, that is one of the violations that was cited in the Warning Letter. The Department did ask the County to leave the existing ash base in place due to concerns for damaging the liner. Finally, there is reference to bypassing of waste in the operating plan by Law; however, there is no mention of removal of this waste from SW-1. It's the Department's impression that the ash base is actually to aid *removal* efforts.

2) Because the County did not explicitly state so in either of the responses, please be aware that initial cover at the SW-1 cell shall be in accordance with 62-701.500(7)(e) and 62-701.200(40) which specify frequency, amount and quality.

3) To date the Department has not received a proposal for an in-kind project. Should the Department not receive a proposal by the end of this week, we will proceed with drafting of documents to reflect a monetary payment settlement.

If you have any questions, please feel free to call me at 813/744-6100, extension 385.

Sincerely,

Steven G. Morgan
Compliance / Enforcement Supervisor
Solid Waste

cc: Vince Mannella
Robert Butera
Kim Ford



PASCO COUNTY, FLORIDA

D.E.P.
JAN 10 1997
SOUTHWEST DIVISION
TAMPA

pu
rb lb

DADE CITY (904) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (813) 847-8145
FAX (813) 847-8064

UTILITIES SERVICES BRANCH
PUB. WKS./UTILITIES BLDG., S-213
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

January 8, 1997

Mr. Robert Butera, P.E.
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

RE: Summary of Meeting of December 6, 1996
Response to Letter Dated December 11, 1996

Dear Mr. Butera:

Pursuant to Ms. Nichols letter to Mr. John Gallagher of December 11, 1996, the following response is respectfully submitted.

- Statements understood and will be adhered to.
- Agreed.
- Please review letter to Mr. Kim Ford, P.E. of December 17, 1996 for proposed remedial action.
- There is no disposal of ash and MSW in SW-1. The Department has given permission for an ash base in the cell to support bypassing of MSW. Bypassing is in compliance with the operating plan by Law and approved by the Department.
- Financial assurance has been submitted, reviewed, commented on and resubmitted.

Mr. Robert Butera, P.E.

January 8, 1997

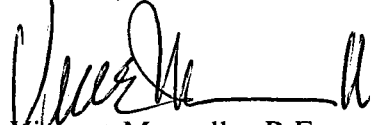
Page 2 of 2

Pasco County will maintain a stockpile of ~~tree~~ chips in SW-1 of 100 tons and at all times which will assure adequate cover of MSW. Please refer to my letter of December 17, 1996 regarding explanation of LCS.

converts to ~ 200 yd³ of chips

I shall await for your response to my recommended solutions.

Sincerely,



Vincent Mannella, P.E.

Solid Waste Facility Manager

VM/mvv

cc: John J. Gallagher, County Administrator
Douglas S. Bramlett, Assistant County Administrator (Utilities Services)

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHWEST DISTRICT

CONVERSATION RECORD

Date 1/7/97 Subject WPAACO SW-1
Time 3:15 Permit No. _____
County DALCO
M Vince Manna Telephone No. _____
Representing DALCO CO
☒ Phoned Me ☐ Was Called ☐ Scheduled Meeting ☐ Unscheduled Meeting
Other Individuals Involved in Conversation/Meeting _____

Summary of Conversation/Meeting

Jim called to say he is working on a
Response to my 12/5/96 letter on
OPERATIONS REVISION (REMOVAL OF MSW FROM SW-1
w/ 3-18 cy trucks AND 600 TNS/WK TO WTE WILL
TAKE 7-9 MONTHS TO REMOVE MSW FROM SW-1,
WRITTEN RESPONSE WILL BE COMING.

I ASKED FOR CLARIFICATION ON SW-1 CORRECTION
ACTIONS - ① EQUIPMENT - GRABBER?, ② GRAB CONTROL
TO PROTECT UNDER 1' ASH?, ③ PERMISSIBLE SPILL
RATE FOR ASH SANDS - SKID?, ④ SLOW RATE OF DISCHARGE
AHEAD SW-1 TO PREVENT PONDING SW-1

Jim will respond with letter of clarification
to supplement his 12/17/96 letter

(continue on another
sheet, if necessary)

Signature [Signature]

Title _____



West Pasco Class I
Cell SW-1
DN

West Pasco Class I
SE corner of SW-1
DN 12-27-96

West Pasco Class I
in SE Corner of SW-1
DN 12-27-96

Nichols



PASCO COUNTY, FLORIDA

DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (813) 847-8145
FAX (813) 847-8064

UTILITIES OPERATIONS AND
MAINTENANCE DEPARTMENT
PUB. WKS./UTILITIES BLDG., S-205
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

December 18, 1996

RECEIVED
DEC 23 1996
Department of Environmental Protection
SOUTHWEST DISTRICT
BY _____

Mr. Robert Butera, P.E.
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

RE: FDEP Letter of December 11, 1996, WL96-00065W51SWD

Dear Mr. Butera:

In compliance with Ms. Nichols, Environmental Specialist Compliance/Enforcement, letter of December 11, 1996, the following is submitted for your consideration:

I was looking for a statement that they will ensure it in the future & that they realize we mean sufficient initial cover not a little YT scattered around

Inquiry: How the County will ensure adequate cover at all times in the future.

Response: Pasco County has requested and received permission from the Department to store an adequate supply of tire chips in SW-1 to provide for future inventory removal. Be advised, I have placed in SW-1 166.34 tons of tire chips to cover the working face when inventory removal starts.

what's adequate op plan says 1 week

Inquiry: How, specifically, the assessment of the leachate control system will take place and when.


Response: Please refer to my letter to Kim Ford, P.E., dated December 17, 1996, regarding investigation of the problem, header pipe visual inspection via TV camera and high-pressure water blow-out, excavation of header, and sand (filter media) determination.

It was agreed by Department personnel to prepare sketch and letter of proposed remediation, submitting same to the Department for review and hold all further remediation work until plan is approved by the Department.


Inquiry: Response to Mr. Ford, P.E., letter of December 5, 1996.

Response: Mr. Ford, at a Leachate Management Facility Construction Coordination meeting, was advised verbally that I was collecting bids from waste haulers and Pasco County's Road and Bridge Department to determine costs for inventory removal. I assured Mr. Ford a full report on inventory removal would be forthcoming, along with a revised operations plan, early in 1997. I was advised this was acceptable.

Sincerely,


Vincent Mannella, P.E.
Solid Waste Facility Manager

VM/sl21803:ltr

cc: Kim Ford, P.E., Florida Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, FL 33619-8318
Ms. Nichols, Environmental Specialist, Florida Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, FL 33619-8318
John J. Gallagher, County Administrator
 Douglas S. Bramlett, Assistant County Administrator (Utilities Services)
Ronald J. Walker, Solid Waste Superintendent



PASCO COUNTY, FLORIDA

DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (813) 847-8145
FAX (813) 847-8064

UTILITIES OPERATIONS AND
MAINTENANCE DEPARTMENT
PUB. WKS./UTILITIES BLDG., S-205
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

December 17, 1996

Mr. Kim Ford, P.E.
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

RECEIVED
DEC 23 1996

Department of Environmental Protection
SOUTHWEST DISTRICT

RE: Pasco County Class I Landfill SW-1

Dear Mr. Ford:

Pursuant to our meeting yesterday, the following short summary is sent for your records and comment. The construction coordination meeting and field inspection that followed resulted in the conclusion, all matters, construction and design, were in compliance. It appears that construction completion will not be December 31, 1996, but, hopefully, January 31, 1997. I was requested to keep you advised of any completion date changes. Further, we agreed, upon chrom tank certification and all valves being closed to the leachate management plant, Pasco County could receive permission to start filling the 2,000,000-gallon tank. The leachate storage in the tank prior to the plant's completion would help remediate leachate conditions in SW-1 and permit complete remediation in the dry.

Remediation, as per discussion, is outlined below:

Remediation Work on SW-1

- Item: Pasco will disconnect the A-1 leachate discharge outlet pipe in SW-1.
- Item: Pasco will hay bale and sand support hay bales as shown on the attached sketch.
- Item: The sand (filter media) in the southeast corner of SW-1 has been reduced in filter efficiency by material carried in either the ash base or the tire chips.
- Item: Pasco County has uncovered the header pipe in the southeast corner of SW-1 and found the filter cloth clean and dry.

Item: Pasco County has, via high-pressure water, found the header clean for 600 feet east of the leachate holding tank/pumping station.

Item: In uncovering the header, it was found that the filter media (sand) had been compromised to approximately 50 percent of its depth, or approximately 1.0 feet..

Resolution

Item: Get southeast corner dry as practical by disconnection of A-1 leachate discharge pipe.

Item: Hay bales backed with sand will limit leachate discharge directly above the header (as shown on sketch), resulting in a relatively dry southeast corner.

Item: Pasco County will start remediation over the distressed area by removing inoperative filter media and immediately replacing with sand with permeability greater than 1×10^{-3} . Pasco County will use the sand previously approved by the Department for A-2 filter media.

Item: This process will continue until all inoperative filter media has been removed and replaced.

Item: Pasco County will remove hay bales and sand backing placed around header pipe as shown on sketch after remediation is completed.

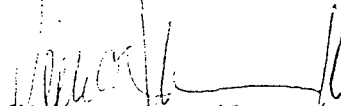
Item: Pasco County will place a hay bale silt barrier backed by sand to stop and retard surface runoff from both ash and tire chips.

Item: Pasco County will clean silt screen as required.

I believe this covers all the data discussed on site. Pasco County will not start this work until permission is received from the Department.

I will meet with the Department to discuss this matter further if the Department believes additional discussion is required. Please call me direct at 861-3053 or 845-0119 should you have any questions.

Sincerely,



Vincent Mannella, P.E.
Solid Waste Facility Manager

VM/s121705:ltr

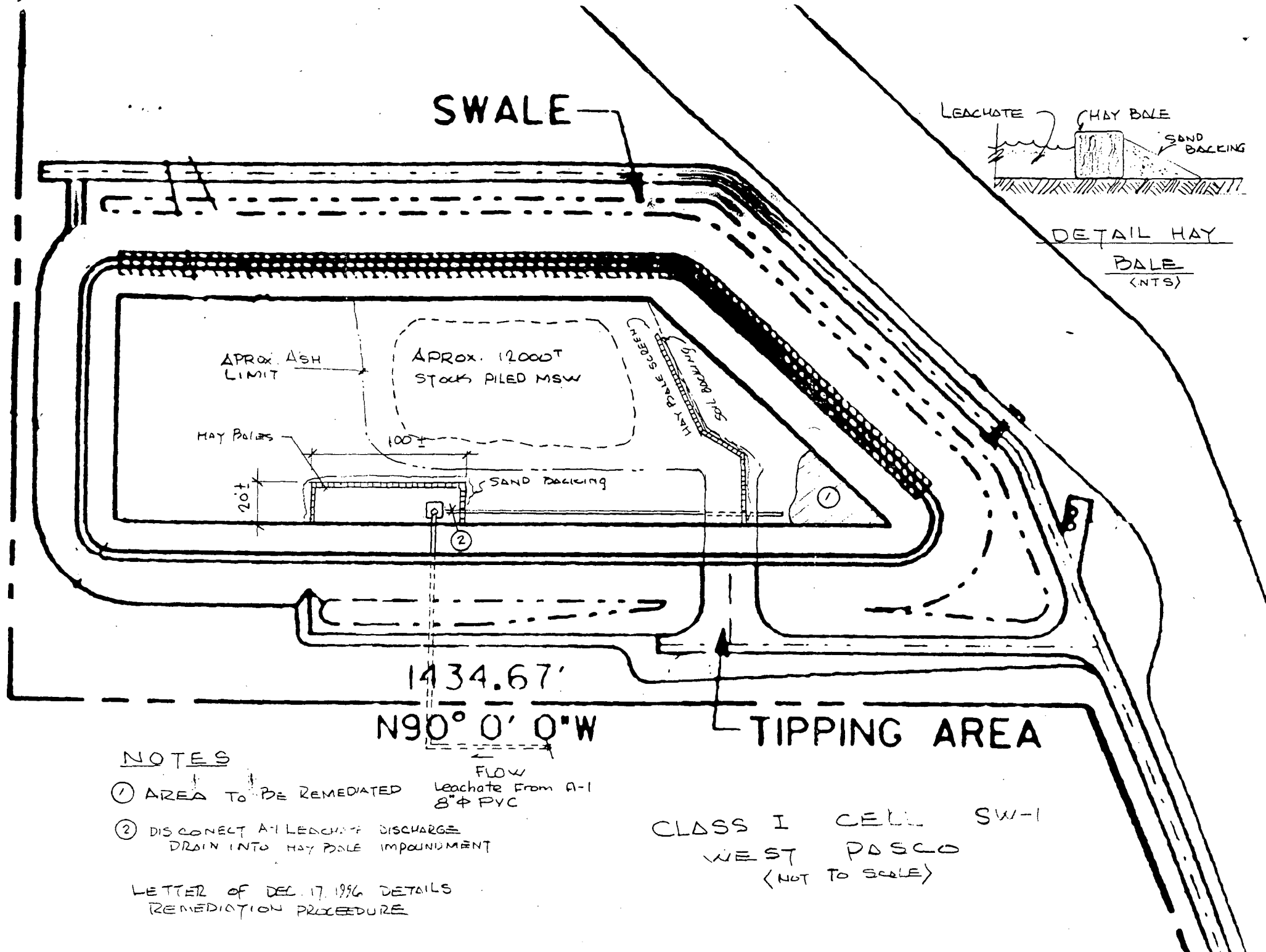
cc: Douglas S. Bramlett, Assistant County Administrator (Utilities Services)



SWALE



DETAIL HAY
BALE
(NTS)



NOTES

- ① AREA TO BE REMEDIATED FLOW
Leachate from A-1
8" PVC
- ② DISCONNECT ALL LEACHATE DISCHARGE
DRAIN INTO HAY BALE IMPOUNDMENT

LETTER OF DEC. 17, 1996 DETAILS
REMEDATION PROCEDURE

CLASS I CELL SW-1
WEST PASCO
(NOT TO SCALE)

As AS
Dance on

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHWEST DISTRICT

CONVERSATION RECORD

Date 12/12/96

Time 2:15

Subject E AND W PASCO LANDFILL

Permit No. _____

County PASCO

M Vince Martin

Telephone No. (813) 847 8040

Representing PASCO

☒ Phoned Me ☐ Was Called ☐ Scheduled Meeting ☐ Unscheduled Meeting

Other Individuals Involved in Conversation/Meeting _____

Summary of Conversation/Meeting _____

EAST PASCO :

Will write letter explaining sideslope
will mark EXISTING AND CROSS SECTIONS
AND SCHEDULE

WPALES :

Will write letter on result of
INSPECTION, ② prepare and ③ Outing
Contract for corrective action to protect
liner

By TOS on Wed, will FAX

(continue on another
sheet, if necessary)

Signature [Signature]

Title _____

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHWEST DISTRICT

CONVERSATION RECORD

Date 12-12-96

Subject WEST PASCO / EAST PASCO

Time 10:15 A.M.

Permit No. —

County PALCO

M. R. VINCE MANUEL

Telephone No. —

Representing —

☒ Phoned Me ☐ Was Called ☐ Scheduled Meeting ☐ Unscheduled Meeting

Other Individuals Involved in Conversation/Meeting —

Summary of Conversation/Meeting —

(1) REQUESTED APPROVAL OF COMMENCING WITH GRADING THE WEST SLOPE AT EAST PASCO TO CORRECT EROSION AND CURRENT GRADING. WILL SOO SLOPE WITH 12,000 SQ.YDS. WILL KEEP US INFORMED ON STATUS - HAS TO GO TO BID FOR SOO. I TOLD HIM THIS IS AN ON-GOING MAINTENANCE ISSUE AND FDEP APPROVES.

(2) VINCE THANKS THE FILTER FABRIC IS CLOGGED IN WAY OF A 30' SECTION OF THE PERFORATED PIPE IN SW-1. AN VIDEO INSPECTION SHOWED THE PIPE IS CLEAR. APPROXIMATELY 1/2 BUCKET OF SILE WAS REMOVED. VINCE REQUESTED APPROVAL TO REMOVE THE DRAINAGE LAYER IN WAY OF THE LGS TO INSPECT FABRIC AND REPLACE. I SUGGESTED HE MAKE SURE THE PERMEABILITY OF THE DRAINAGE LAYER IS 10⁻³ OR BETTER. I INFORMED HIM THAT KIM FORD WOULD GET BACK TO HIM ASAP.

(continue on another
sheet, if necessary)

Signature Robert J. Antea

Title P.E. III

PA-01
1/96
pap

VINCE WILL FOLLOW UP WITH A LETTER FROM FDEP AUTHORIZATION/SUGGESTIONS ARE IMPLEMENTED.



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

December 11, 1996

Mr. John Gallagher
County Administrator, Pasco County
7530 Little Road
New Port Richey, Florida 34654

RE: Summary of meeting on December 6, 1996
#WL96-0006SW51SWD, Pasco County

Dear Mr. Gallagher:

The purpose of this letter is to summarize the meeting held between the Department and the County regarding violations noted on an October 15, 1996 inspection of the West Pasco Class I Landfill.

- The County did not dispute the inadequacy of initial cover on the date of the inspection. It was also pointed out that the approved operations plan for the facility states that a week's worth of cover material will be stockpiled near the working face (which was not present). Additionally, use of an alternative cover (such as a mixture of mulched yard trash and soil) must be approved by the Department prior to use at the facility.
- The County was not penalized for litter control. While the litter observed was a considerable distance from the active face, it was within the lined cell and litter fencing. The County asserted that it was picked up by 5:30 P.M. that day.
- Ponding of leachate in the SE corner of Cell SW-1 was discussed. The leachate control system shall be maintained as designed to ensure no more than one foot of head over the liner. The County agreed to pump the leachate down, inspect the system and make any necessary changes to ensure its effectiveness (for example adjusting the float levels).
- The next issue was the disposal of MSW ash in SW-1. The approved operating plan specifically states that there will be no co-disposal of solid waste and MSW ash. The County has placed a layer of ash as a base in the SW-1 Cell (which is designated for solid waste). The County was again instructed not to dispose of ash in that cell. Additionally it was clarified that all operations must be in accordance with the engineering report and supporting documents prepared by Law Environmental dated October 1994 (and subsequent revisions) as well as the Conditions of Certification PA 87-23. If the County wishes to deviate from the approved operating plan, this modification must be proposed to and approved by the Department prior to implementation.
- Finally financial assurance for the facility has not been resolved. The County indicated that they would be submitting information shortly.

*Note: The County requested that all future compliance/enforcement correspondence be addressed to Mr. Gallagher.

✓
The Department requests a written response to this letter by *January 6, 1997*. You are asked to address 1) how the County will ensure adequate cover at all times in the future and 2) how, specifically, the assessment of the LCS will take place and when, in your written response.

Additionally, as was discussed at the meeting (and also requested in a December 5, 1996 letter from Mr. Ford), the Department would like Pasco County to submit specific procedures for the placement and removal of by-passed waste in Cell SW-1 including intentions (or not) to use ash as a base for this activity. Upon approval by the Department, this supplement shall be incorporated into the operations plan (Section 8 of the above-referenced Engineering Report). You are asked to submit this information *within 40 days of receipt of this letter*. Should the County feel more time is needed, please contact Danielle Nichols ASAP to mutually agree upon a schedule for submittal. ~1/25

Finally, after reconsideration of all relevant factors, the Department has determined a penalty in the amount of \$10,000 is appropriate in settlement of the case. If the County would like to perform an in-kind project in lieu of monetary penalties, a proposal for the project should be submitted for approval *within 30 days of receipt of this letter*. If you have any questions, please contact Steve Morgan or Danielle Nichols at 813/744-6100, extensions 385 or 375 respectively. ~1/15

Sincerely,

Danielle Nichols

Danielle Nichols
Environmental Specialist
Compliance / Enforcement

cc: Douglas Bramlett
Vincent Mannella, P.E.
Steve Morgan
Robert Butera, P.E.
PB



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

December 5, 1996

Mr. Vince Mannella, P.E.
Solid Waste Management
Pasco County Public Works
Utilities Bldg., S-205
7530 Little Road
New Port Richey, FL 34654

Re: MSW Mining (Stockpiling) and Daily Cover
West Pasco Class I Landfill
Case No.: PA87-23, Pasco County

Dear Mr. Mannella:

In response to your October 7, 1996 letter, the following information is requested for clarification:

1. A detailed description for placement, covering and removal of MSW from SW-1 including a list of all equipment and methods for loading and hauling (the Department suggests "stockpiling" rather than mining since the waste will be removed within 12 months and has not substantially decomposed, nor received intermediate or final cover);
2. An explanation and supporting calculations to demonstrate that all stockpiled MSW and shredded tires will be removed and burned in the W-T-E facility within 12 months of the date placed in SW-1 as proposed (Has any MSW been stockpiled in SW-1 for longer than 12 months? When was the earliest date MSW was received in SW-1 that has not been removed?); and
3. A detailed description for cover made of yard trash and soil mixed including yard trash maximum particle size and percent passing 3/4 inch screen, and method of mixing the yard trash with soil.


Please submit this information as a supplement to the current operation plan, Section 8.0 of the Engineering Report by Law Engineering received on January 17, 1995.

Mr. Vince Mannella, P.E.
Solid Waste Management

December 5, 1996
Page Two

On all future correspondence, please include Robert Butera on distribution. If you have any questions, you may call me at (813) 744-6100, extension 382.

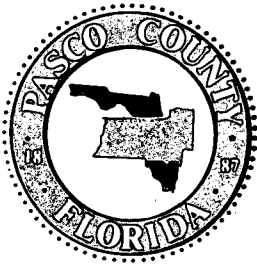
Sincerely,

A handwritten signature in black ink, appearing to read 'KBF', with a stylized flourish at the end.

Kim B. Ford, P.E.
Solid Waste Section
Division of Waste Management

KBF/ab

cc: Douglas Bramlett, Pasco County
lb Robert Butera, P.E., FDEP Tampa
Steve Morgan, FDEP Tampa
Danielle Nichols, FDEP Tampa



PASCO COUNTY, FLORIDA

NOV 19 1996

SOUTHWEST DISTRICT
TAMPA

DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (813) 847-8145
FAX (813) 847-8064

UTILITIES SERVICES BRANCH
PUB. WKS./UTILITIES BLDG., S-213
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654

November 15, 1996

Richard Garrity, Ph.D.
Director of District Management
Southwest District
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

RE: Warning Letter No. WL96-0066 SW5/SWD
Pasco County PA-87-23

Dear Dr. Garrity:

I herewith acknowledge receipt of your warning letter referenced above dated November 7, 1996. I am pleased to respond and appreciate your suggestion to seek our (Pasco County's) cooperation in the resolution of this matter. May I assure you we will cooperate for a resolution in compliance with your request.

I. Alleged Violation of FAC Rule 62-701.500(7)(e) - Failure to provide adequate initial cover

Response: FAC 62-701.500(7)(e) reads:

"Initial cover shall be applied and maintained at landfills in order to minimize any adverse environmental, safety, or health effects such as those resulting from birds, unauthorized wastes, blowing litter, odors, disease vectors, or fires. The minimum frequency for applying cover is:

1. For Class I and II landfills, at the end of each working day. However, for those areas where solid waste will be deposited on the working face within 18 hours, initial cover may consist of a temporary cover, such as a tarpaulin, which may be removed prior to deposition of additional waste; and"

Pasco County respectfully disagrees a violation of FAC 62-701.500(7)(e) exists. Initial cover was applied and maintained; further, there were NO ADVERSE environmental, safety, or health effects resulting therefrom. Birds, there were and are none;

unauthorized wastes, there are none; blowing litter, please refer to FAC 62-701.500(7)(e). All litter was confined to the working cell, restrained by a wind screen erected by Pasco County. **NO** litter was outside of the wind screen. Further, the wind screen area is policed and picked up each day between 1600 hours and 1730 hours. There were and are no offensive odors. Nor are there, to my knowledge, any disease vectors or fires. Daily cover was applied consisting of mulched yard clippings and/or tire chips.

Pasco County respectfully asserts that there is no violation of FAC 62-701.500(7)(e) and would appreciate the department's reconsideration of the alleged violation.

II. Alleged Violation of Rule FAC 62-701.330(4)(e)4 - Source and type of cover material

Response: FAC 62-701.330(4)(e)4 reads:

"(e) A report on the:

4. Source and type of cover material."

The FAC regulations noted in 62-701.330(4)(e)4 do not state and fail to identify any requirement for adequate quantity of cover material. The regulation is clear, and it is also clear there is no violation of FAC 62-701.330(4)(e)4. A report on the source and type of material was filed with the department in November 1987 with the application to the Governor and Cabinet, and an approval was given via the power plant siting procedure.

It is respectfully asserted that there is no violation of FAC 62-701.330(4)(e)4, and Pasco County would appreciate the department's reconsideration of the alleged violation.

III. Alleged Violation of FAC 62-701.500(7)(i)

Response: FAC 62-701.500(7)(i) reads:

"A litter policing operation shall be employed to keep litter from leaving the working area of the landfill. Litter outside the working area shall be picked up within 24 hours. Some litter may be exposed through the initial cover if it is in traffic areas and away from public view."

Please be advised Pasco County is in compliance with Rule FAC 62-701.500(7)(i) regarding a litter policing operation. The rule does not specify litter within the working area but only of litter leaving the working area. The SW-1 cell has erected all around its periphery a wind screen which has collected all of the windblown trash of the day's 1,000± tons delivered to SW-1. In full compliance with FAC 62-701.500(7)(i), a police litter patrol is daily in operation from 1600 hours to 1730 hours in compliance with the rule. The litter observed was a one-day's blow from 1,000 tons of MSW delivered on a very windy day and was picked up by 1730 hours that day.

It is respectfully asserted that there is no violation of FAC 62-701.500(7)(i), and Pasco County would appreciate the department's reconsideration of the alleged violation.

IV. Alleged Violation of Rule FAC 62-701.500(8)(b) - Failure to maintain the leachate collection and removal system as designed

Response: FAC 62-701.500(8)(b) reads:

"The landfill operator is responsible for the operation of the leachate collection and removal system and for maintaining the system as designed for the design period. Leachate shall be collected and treated as necessary to meet surface and ground water quality standards of Chapter 62-3 and 62-302, F.A.C. If the leachate is classified as a hazardous waste, it shall be managed in accordance with Rule 62-730, F.A.C."

Pasco County assumes full responsibility for the operation and maintenance of the leachate collection and removal system, and the system has been maintained as designed. The system works and operates as designed. The leachate ponding at the southeast corner of the cell is the low elevation in the cell. The lines feed to the wet well from the lowest elevation point in the cell and are open and free flowing. As the leachate drains via gravity to the wet well, I have observed a 90-percent full, flowing influent pipe. As the water rises in the wet well, the pressure head increases and reduces the elevation head on the gravity line, restricting volume. The system has operated this way since the department's approval of the system in 1991.

This system operates per approved department design and has been and is properly maintained.

It is respectfully asserted that there is **NO** violation of FAC 62-701.500(8)(b), and Pasco County would appreciate the department's reconsideration of the alleged violation.

V. Alleged Violation of FAC 62-701.500(2)(f) - Landfill be operated in accordance with the approved operating plan

Response: FAC 62-701.500(2)(f) reads:

"Method and sequence of filling waste;"

Pasco County is confused regarding this alleged violation of operations plan. Pasco County submitted to the department in November 1987 an operations plan that was approved by the department. Pasco County maintains all other significant parts of FAC 62-701.500(2) are in compliance. Further, we question the FAC 62-701.500(2)(f) alleged violation; further clarification is needed for a proper response. Pasco County believes the method and sequence of the filling of MSW in SW-1 was proper and in compliance with the approved operations plan.

It is respectfully asserted that there is NO violation of FAC 62-701.500(2)(f), and Pasco County would appreciate the department's reconsideration of the alleged violation.

VI. Alleged Violation of Florida Statute 403.708(1)(a) - Store or dispose of solid waste in a manner approved by the department

Response: Florida Statute 403.708(1)(a) reads:

"403.708 Prohibition; penalty.--

(1) No person shall:

- (a) Place or deposit any solid waste in or on the land or waters located within the state except in a manner approved by the department and consistent with applicable approved programs of counties or municipalities. However, nothing in this act shall be construed to prohibit the disposal of solid waste without a permit as provided in s. 403.707(2)."

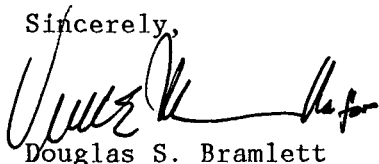
Pasco County objects to this alleged violation and firmly insists that Cell SW-1 is an approved area and has the department's approved permit to place MSW in Cell SW-1 as inventory for future withdrawal. Please refer to the FDEP'S letter of May 1, 1995, expressing no objection to the storage and removal of MSW from SW-1. The department, by certified mail on June 15, 1995, advised that the ash base in SW-1 "should not be removed", that the liner protection was of significant importance, and the ash base was an acceptable solution.

Pasco County respectfully asserts that there is no violation of Florida Statute 403.708 and would appreciate the department's reconsideration of the alleged violation.

We thank you for the opportunity to respond and are in agreement for a meeting to discuss these matters further. I am respectfully suggesting the first week in December 1996, permitting me to have senior staff clear their calendars.

Please be assured of Pasco County's "cooperation in completing the investigation and resolution of this matter".

Sincerely,



Douglas S. Bramlett
Assistant County Administrator
(Utilities Services)

DSB/VM/r111501:ltr

cc: John J. Gallagher, County Administrator
Bernard Telatovich, Esquire
Vincent Mannella, P.E., Acting Util. Construction and Contract Mgmt. Director

Certified Mail: P 143 954 836



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

Interoffice Memorandum

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: ☒ RICK GARRITY, DDM
☐ WILLIAM KUTASH, ENV. ADM.
☐ OGC, ATTN: _____

FROM/THROUGH:

Bill Kutash *RM 10/31/96*, DIVISION ADMINISTRATOR
Robert Butera *RM 10/29*, PROGRAM SUPERVISOR
Steve Morgan, SECTION SUPERVISOR *RM 10/29*
Danielle Nichols *RM 10/28/96*, ENG, ENV SPEC, GEOLOGIST

DATE: 10/28/96

FILE NAME: West Pasco ~~Restoration~~ ^{Class I} Recovery CASE #: WL96-0006SW51SWD
PROGRAM: SW COUNTY: PASCO

TYPE OF DOCUMENT:

WARNING LETTER ☒ FINAL ORDER _____ CASE REPORT _____
DRAFT _____ OR FINAL _____ NOV _____ CONSENT ORDER _____
PENALTY AUTHORIZATION _____ OTHER _____

BRIEF DESCRIPTION OF VIOLATION: not operating in accordance w/plan, no cover, litter, ponded leachate

SUMMARY OF CORRECTIVE ACTIONS:

PENALTY SUMMARY:

EXTENT OF DEVIATION Major POTENTIAL FOR HARM Mod.
MODIFIERS: \$ 1100 for lack of good faith effort & multi day for repeated disposal of ash in MSW cell

PENALTY AMOUNT: 12,500 COST AND EXPENSES: _____

TOTAL PENALTY AMOUNT: 12,500 APPROVED BY SECRETARY: _____



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

NOV 07 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Gallagher
County Administrator, Pasco County
7530 Little Road
New Port Richey, FL 34654

WARNING LETTER #WL96-0006SW51SWD

RE: West Pasco Class I Landfill, Cell SW-1
PA87-23, Pasco County

Dear Mr. Gallagher:

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 the matter. A field inspection conducted on October 15, 1996 of the West Pasco Class I Landfill indicates that violations of Florida Statutes and Rules may exist at the above-referenced facility. Department of Environmental Protection personnel observed the following at the facility:

1. A significant quantity (approximately a week's worth) of Class I waste was observed without any initial cover. Attempts to cover a small portion of this waste were apparent, however not adequate, and were with mulched yard trash which has not been approved for cover at this facility to date.
2. Extensive litter, mostly blown plastic bags, was observed in SW-1.
3. An area of ponded leachate was observed in SW-1.
4. On-going disposal of municipal solid waste combustor ash in SW-1 was observed, contrary to the facility's approved operating plan and notification by the Department to discontinue such practice on the April 7, 1996 inspection report.

It is a violation of Florida Administrative Code (F.A.C.) Rule 62-701.500 (7)(e) to fail to provide adequate initial cover. It is a violation of F.A.C. Rule 62-701.330(4)(e)4 to fail to maintain an adequate quantity of acceptable cover material as stated in the facility permit application. Failure to control litter is a violation of F.A.C. Rule 62-701.500(7)(i). It is a violation of F.A.C. Rule 62-701.500(8)(b) to fail to maintain the leachate collection and removal system as designed. F.A.C. Rule 62-701.500(2)(f) requires that the landfill

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be operated in accordance with the approved operating plan. It is a violation of Section 403.708(1)(a), Florida Statutes (F.S.) to store or dispose of solid waste except in a manner approved by the Department. Failure to comply with Department rules or a permit issued by the Department pursuant to its lawful authority is a violation of Section 403.161(1)(b), F.S.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should cease immediately. The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. It is the Department's policy to typically initiate enforcement action and seek civil penalties for the above described violations. The decision to initiate enforcement action is made and penalties calculated based on: good faith efforts (or lack thereof) to comply with Department rules, the severity of violations, the length of time the violation continues, and the responsiveness or non-responsiveness of the Respondent in correction of the violation. The penalty amount for conditions such as those outlined above is \$12,500.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. Please contact Danielle Nichols within 5 days of receipt of this letter at 813/744-6100, ext. 375 to arrange for a convenient time. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

cc: Douglas Bramlett, Pasco County
Vincent Mannella, P.E., Pasco County
Robert J. Butera, P.E., FDEP
Hamilton Oven, P.E., FDEP Tallahassee

P 079 946 418

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

PS Form 3800, June 1985

Sent to <i>John Gallagher</i>	
County <i>Almon</i> , <i>Pasco Co.</i>	
Street and No. <i>7530 Little Rd</i>	
P.O. <i>New Port Richey</i> , <i>FL 34654</i>	
Postage	S
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	S
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. John Gallagher
County Administrator, Pasco Co.
7530 Little Rd
New Port Richey, FL 34654

4a. Article Number

P-079-946-418

4b. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input checked="" type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PENALTY COMPUTATION WORKSHEET

Violator's Name: PASCO COUNTY

Identify Violator's Facility: WEST PASCO CLASS I

Name of Department Staff Responsible for the Penalty Computations: _____

Date: 10/21/96

PART I - Class B (no penalty) Determination

Rationale for Class B determination: _____

PART II - Class A Penalty Determinations

Violation Type	Potential for Harm	Extent of Dev.	Matrix Amount	Multi-day	Adjustments	Total
1. <u>Cover</u>	<u>Mod</u>	<u>Maj</u>	<u>3900</u> ✓		<u>1100</u>	<u>5000</u>
2. <u>Litter</u>	<u>Min.</u>	<u>Min.</u>	<u>150</u>			
3. <u>Ponded Leachate</u>	<u>Mod</u>	<u>Min.</u>	<u>11500</u> ✓			<u>1500</u>
4. <u>Operations</u>	<u>Min</u>	<u>Min</u>	<u>150</u>			
5. <u>Ash in MSW cell</u>	<u>Mod.</u>	<u>Mod</u>	<u>3000</u> ²⁵⁰⁰ <u>2000</u>	<u>X 2</u>	<u>2000</u>	<u>16,500</u> ⁵⁰⁰⁰
6. _____	_____	_____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____	_____	_____
9. _____	_____	_____	_____	_____	_____	_____

Total Penalties for all Violations:

12,500

(Attach Part III for each violation for which an adjustment on multi-day penalty is determined.)

PENALTY COMPUTATION WORKSHEET

Part III - Multi-day Penalties and Adjustments

ADJUSTMENTS

Dollar Amount

Good faith/Lack of good faith prior to discovery: _____

Justification: _____

Good faith/Lack of good faith after discovery: _____

Justification: _____

History of non-compliance: _____

Justification: _____

Economic benefit of non-compliance: _____

Justification: _____

Ability to pay: _____

Justification: _____

Total Adjustments: _____

MULTI-DAY PENALTIES

Dollar Amount

Number of days adjustment factor(s) to be applied: _____

Justification: _____

Or

Number of days matrix amount is to be multiplied: _____

Justification: _____