

RECEIVED

MAY 15 1992

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

Dept. of Environmental Reg.
Office of General Counsel

In re:

Petition of CITY OF JACKSONVILLE
and TRAIL RIDGE LANDFILL, INC.,
for an Emergency Final Order

OGC CASE NO. 92-0851

EMERGENCY IMMEDIATE FINAL ORDER

Pursuant to Section 120.59(3), Florida Statutes (F.S.), the State of Florida Department of Environmental Regulation (the Department) enters the following Emergency Final Order to Petitioners City of Jacksonville (the City) and Trail Ridge Landfill, Inc., (Trail Ridge) allowing the City to continue to operate its North landfill Phase IIIB until Trail Ridge Landfill opens or until May 25, 1992, whichever occurs first, and allowing Trail Ridge to open a section of the Trail Ridge Landfill.

FINDINGS OF FACT

1. On May 8, 1992, the Department received a petition filed jointly by the City and Trail Ridge for an Emergency Final Order in which Petitioners sought authorization to continue to operate the City's North landfill Phase IIIB until seven days after Trail Ridge Landfill opens, and to open a section of the currently unbuilt Trail Ridge Landfill, which is currently under construction, ahead of schedule. (Exhibit A) Petitioners presented detailed facts and justifications and argued that such

an Order is necessary to avoid an immediate danger to the public health, safety and welfare.

2. The City currently disposes of approximately 2000 tons of solid waste per day in Phase IIIB of its North Landfill. This amount has been significantly reduced in the past several years through recycling, waste reduction and diversion, and it is unreasonable to expect that it can be further reduced in the immediate future.

3. Phase IIIB of the City's North Landfill is the only permitted Class I landfill currently accepting waste in Duval County. It is also the only lined landfill in the county.

4. Department Permit Number SC16-152966 allows the City to accept waste at Phase IIIB of the North Landfill only until its design elevation of 110 feet is reached.

5. The City estimates that even with every practical measure to reduce and compact waste, it will reach the design elevation of 110 feet on or around May 15, 1992. At that point, under its permit conditions, it is required to close.

6. Trail Ridge has received Department Permit Number SC16-184444 to construct and operate a new landfill, known as the Trail Ridge Landfill. Consistent with the plans and specifications made a part of such permit, Trail Ridge is to construct the landfill in phases with the construction of an 18 acre disposal area known as Phases IA and IB to be constructed and operated first within Phase I.

7. Trail Ridge Landfill is currently under construction and is scheduled to begin operation in August of 1992. While it is possible that construction in accordance with all permit conditions could be completed before then, the landfill cannot be constructed in accordance with all permit conditions and ready to accept waste by May 15, 1992, even with every practical measure to accelerate construction.

8. The City has investigated the possibilities of exporting its solid waste to another county. Such action would entail costs of several million dollars, and would require the use of equipment and transportation services which are not readily available.

9. The City has investigated the possibility of reopening portions of the North Landfill which do not currently receive waste, either for disposal or for temporary storage of solid waste. However, these portions are unlined, and such action would pose an unacceptable environmental risk due to the increased potential for groundwater contamination.

10. The City has also investigated the possibility of vertically expanding Phase IIIB of the North Landfill. The City's investigation has shown that a vertical expansion sufficient to accommodate the solid waste to be generated would require a final design elevation of approximately 172 feet. The weight of this much solid waste would pose an unacceptable risk to the integrity and functioning of the leachate collection system underlying Cells 1 and 2 of Phase IIIB.

11. If the City is forced to close its only landfill before the Trail Ridge Landfill is operational, the lack of a site to dispose of the approximately 2000 tons per day of solid waste generated can reasonably be expected to cause an environmental and public health emergency. Such a situation will result in both improper storage of large amounts of putrescible solid waste and uncontrolled dumping of solid waste throughout the county. If the collection service has nowhere to take the solid waste, no pick-up will occur, and raw garbage and other putrescible wastes will rapidly pile up at the generator's establishment in an uncontrolled manner, increasing the presence of disease vectors such as rats and insects and causing odors and other nuisances. Also, the lack of a proper site for disposal of the raw garbage and other wastes will result in uncontrolled open dumping throughout the county. As well as these public health problems, open dumping will cause environmental problems such as ground water and surface water contamination, air pollution as a result of open burning, and excessive litter.

12. If this Emergency Final Order is not issued, the City will be without a permitted, lined landfill for disposal of solid waste generated by all citizens of Duval County for up to three months.

13. Trail Ridge has developed an interim operation and stormwater control plan that would allow it to open a portion of Phase I of the Trail Ridge Landfill, known as Phase IA, sometime in May of 1992. This interim operation and stormwater control

plan is attached as Exhibit B and is incorporated herein. In order to implement this plan, certain conditions of Permit Number SC16-184444 must be superseded, on a temporary basis, by the terms of this Order. This Order does not authorize or create conditions likely to result in violations of any Department standards, and is not expected to lead to any adverse environmental or public health impacts.

14. Trail Ridge's construction permit authorizes it to accept up to 1800 tons per day (monthly average) of solid waste, in conformance with the plans submitted. Trail Ridge has requested a modification of these plans to accept up to 2600 tons per day (monthly average) of solid waste, with corresponding operation revisions, in order to accommodate all of the solid waste to be landfilled in the City. A final decision on this modification request has been delayed by pending administrative proceedings which have been initiated under Chapter 120, F.S. If Trail Ridge is not allowed to accept all of the City's solid waste, many of the problems set forth in paragraph 12 above will occur.

15. The City has applied for a closure permit for Phases I, II, and IIIA of the North Landfill but has not yet responded to the Department's outstanding request for additional information. Accordingly, these phases have not yet received a closure permit from the Department and have not yet been closed in accordance with applicable Department rules. In addition, these phases have exceeded their design height in violation of their permit

92-05-15-16-45
conditions. The City and the Department have entered into a Consent Order which requires the City to correct this problem at Phases I and II.

CONCLUSIONS OF LAW

The Department has the authority to issue an Emergency Final Order if it is found that an immediate danger to the public health, safety or welfare requires such an Order, pursuant to Section 120.59(3), F.S.

Based upon the Findings of Fact herein, it is determined that an immediate danger to the public health, safety and welfare will exist if the City closes the North Landfill when the design elevation is reached on or around May 15, and if Trail Ridge is not authorized to open a portion of Phase I earlier than is envisioned or allowed under its existing permit.

Based upon the Findings of Fact herein, it is determined that an immediate danger to the public health, safety and welfare will exist if Trail Ridge is not allowed to accept for disposal all of the solid waste currently landfilled in the City at the Trail Ridge Landfill.

Accordingly, it is ORDERED:

A. The City is authorized to continue to dispose of solid waste at Phase IIIB of the North Landfill, even though it may exceed the permitted design elevation, under the following schedule. The City may not dispose of solid waste above Cells 1 and 2 of Phase IIIB. The City will comply with all other permit conditions, including the permit conditions relating to ground

water monitoring and the ground water monitoring system, during and after this period. The City will also continue its recycling, waste reduction and diversion efforts at least at the current level to minimize the amount of solid waste that requires disposal in the North Landfill.

(1) The City may continue to dispose of all solid waste which is currently allowed under its existing permit until May 18, 1992, or until its design elevation of 110 feet is reached, whichever is later.

(2) To allow for a gradual startup period at the Trail Ridge Landfill, the City may continue, at Phase IIIB, to dispose of up to two-thirds of the amount of solid waste which is currently being disposed of until May 25, 1992. Daily records of the total solid waste tonnage accepted at the North Landfill will be submitted to the Department the following business day.

(3) The Director of District Management of the Department's Northeast District may extend either of these two dates for up to one week for good cause. Good cause shall mean an unavoidable delay in the completion and opening of Trail Ridge Landfill's Phase 1A due to weather conditions, mechanical breakdowns, or other reasonably unavoidable delays.

B. Trail Ridge is authorized to construct and begin operation of Phases 1A and 1B of the Trail Ridge Landfill. The following specific conditions of Permit Number SC16-184444 are superseded as follows during the interim operating period, which is defined as 120 days from the date of this Order. The interim

operation and stormwater control plan (Exhibit B) is incorporated into the permit during the interim operation period.

(1) Specific Condition #1. The first sentence is modified as follows:

Construction of the Trail Ridge "Plan A" Landfill shall be in conformance with plans, specifications, and contract drawings submitted in support of the application received July 27, 1990 and the additional information provided on September 12 and October 10 and 11, 1990, except as modified by the interim operation and stormwater control plan and this Order.

(2) Specific Condition #3. The second sentence is modified as follows:

Proof that the financial assurance mechanism is funded in accordance with FAC Rule 17-701.076 shall be submitted to the Department by June 6, 1992. ~~sixty-(60)-days-prior-to-the acceptance-of-any-solid-waste-at-the-facility-(17-701-076(2))-~~

(3) Specific Condition #5. The third sentence is modified as follows:

The final design shall be implemented by Permittee prior to the end of the interim operating period. ~~during-construction, prior-to-the acceptance-of-any-waste-~~

(4) Specific Condition #6. The third sentence is modified as follows:

The final design of the berm system shall be implemented prior to the end of the interim operating period. ~~The-final design-shall-be-implemented-by-Permittee-during-construction, prior-to-the-acceptance-of-any-waste-~~

2010

(5) Specific Condition #11. The first sentence is modified as follows:

For each phase of the surface water management system, except for the stormwater control system described in the interim operation and stormwater control plan, the Permittee shall submit, within 30 days after completion of construction, a "Certification of Completion of Construction."

(6) Specific Condition #15. The first sentence is modified as follows:

Except for the control system described in the interim operation and stormwater control plan, the operation phase of the stormwater management system shall not become effective until the following criteria have been met:

(7) Specific Condition #19. The last sentence is modified as follows:

The facility shall not be operated or accept solid waste until the Department has notified the Permittee in writing that all applicable submissions required by ~~for~~ the permit and this Order, including financial responsibility documentation have been received and found acceptable.

(8) Specific Condition #20.

The facility shall not be operated or accept solid waste until the Department has notified the Permittee, in writing, that the applicable certification, attesting that the surface water management system has been constructed in accordance with the permitted design, has been received and approved. However,

during the interim operating period the Permittee may operate and accept solid waste using the control system described in the interim operation and stormwater control plan.

(9) Specific Condition #21.

Following notification that the Department has found the submittals acceptable, the Permittee shall operate the facility in conformance with the criteria contained in FAC Rule 17-701.050, any other applicable DER rules, any applicable permits, and the operation plan submitted with the permit application, except as specifically modified by the interim operation and stormwater control plan or this Order.

(10) Specific Condition #38(b)(1). The seventh paragraph is modified as follows:

Approval of the proposed additional wells to be utilized as part of the ground water monitoring plan, as needed, during Phase I of the facility's operation will be obtained from the Department. For wells required to be constructed, initial sampling, sample analysis and analysis results shall be submitted to the Department within 120 days of the Department's written request ~~thirty-(30)-days-prior-to-the-acceptance-of-waste-by-the facility.~~

(11) Specific Condition 48 I.(f).

The wetland stormwater discharge system shall be completed and operational prior to the end of the interim operation period.
~~excepting-any-waste-in-the-Phase-I,-Class-I-Landfill.~~

C. The superseding specific conditions set forth in paragraph B above are effective for not more than 120 days from the date of this Order. After such date, Trail Ridge shall comply with all conditions and provisions in Permit Number SC16-184444, unless modified by appropriate procedures. During this interim period and thereafter, Trail Ridge shall comply with all permit conditions not specifically superseded by this Order.

D. Trail Ridge is authorized to accept up to 2600 tons per day (monthly average) with peak individual days of up to 3000 tons per day of solid waste, with the corresponding operation revisions requested, until and unless the Department issues a subsequent Final Order denying the request to so modify the permit. Between the time Trail Ridge Landfill opens and the North Landfill ceases accepting waste, Trail Ridge will provide to the Department daily reports of the tonnage of solid waste accepted by the end of the following business day.

E. Within 15 days of the date of this Order, the City shall submit a complete response to the Department's request for additional information for its closure permit application for Phases I, II, and IIIA of the North Landfill. Within 30 days of the date of this Order, the City shall submit a closure permit application for Phase IIIB, and shall thereafter submit complete responses to any requests for additional information within 30 days of receipt. Upon obtaining each closure permit, the City shall initiate physical closure of the landfill within 30 days of

final issuance of the permit and shall expeditiously close the landfill in accordance with that permit.

F. The City shall, by December 30, 1992, reduce the height of Phases I, II, and IIIA of the North Landfill to a maximum elevation (sufficient to include final cover) not to exceed 75 feet NGVD. The reduction and regrading shall be performed in accordance with the construction procedures contained in the September 16, 1991, additional information submitted as part of the closure permit application for Phases I, II, and IIIA. Any excess solid waste that can not be redistributed within the existing footprint shall be disposed of in a lined, permitted Class I landfill. If the City wishes to modify this condition, it shall submit a draft amendment to the Consent Order referenced in paragraph 15 above to the Jacksonville City Counsel ^{Council} no later than June 23, 1992, which includes payment to the Department of a civil penalty and in-kind payments for the past exceedances of design elevations at Phases I, II, and IIIA of the North Landfill. If a final amendment to the Consent Order modifying this condition is not signed by the City by July 15, 1992, the City shall immediately begin the reduction and regrading process.

G. The City is required by specific condition 22 of Department Permit Number SC16-152966 to submit a closure permit application for Phase IIIB of the North Landfill at least 90 days before it stopped accepting waste. Under the terms of its permit and this Order, the City appears to have violated this condition. Entry of this Order does not limit the Department's authority to

92 05/15 18:50 4014
take appropriate enforcement action, which may include seeking civil penalties, for this apparent violation.

H. The City and Trail Ridge shall retain a copy of this Order and the interim operation plan at their respective landfills for at least 120 days from the date of this Order.

I. Those portions of this Order which require certain actions by either of the Petitioners shall not be construed as imposing any substantive requirements on the other Petitioner. The failure of either Petitioner to comply with any part of this Order shall not be considered a violation on the part of the other Petitioner.

J. All submittals required by this Order shall be submitted to the Waste Program Administrator in the Department's Northeast District Office, Suite B200, 7825 Baymeadows Way, Jacksonville, Florida 32256-7577.

NOTICE OF RIGHTS

A party who is adversely affected by this Emergency Final Order is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Environmental Regulation and a second copy, accompanied by filing fees prescribed by law, with the First District Court of Appeal or with the District Court of Appeal in the Appellate District where the party resides. The Notice of

Appeal must be filed within 30 days of rendition of the Order to be reviewed.

DONE AND ORDERED this 15 day of May, 1992, in Tallahassee, Florida.

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Jim A. Sullivan 5/15/92
Clerk Date

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Carol M. Browner
CAROL M. BROWNER, Secretary
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(904) 488-4805

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Emergency Final Order has been furnished this 15th day of May, 1992, by U.S. Mail to:

Allan E. Williams, P.E., Director
Department of Public Utilities
City of Jacksonville
219 Newnan Street
Jacksonville, Florida 32202

and by hand delivery to:

William D. Preston, Esquire
Hopping Boyd Green and Sams
P.O. Box 6526
123 South Calhoun Street
Tallahassee, Florida 32314

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

W. H. Congdon
WILLIAM H. CONGDON
Florida Bar No. 283606
Assistant General Counsel

Twin Towers Office Bldg
2600 Blair Stone Rd
Tallahassee FL 32399-2400
Telephone: 904/488-9730

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In re:

Petition of DUVAL COUNTY and
TRAIL RIDGE LANDFILL, INC., for
an Emergency Final Order

OGC CASE NO. 92-

EMERGENCY FINAL ORDER

Pursuant to Section 120.59(3), Florida Statutes (F.S.), the State of Florida Department of Environmental Regulation (the Department) enters the following Emergency Final Order to Petitioners Duval County and Trail Ridge Landfill, Inc., allowing Duval County to vertically expand its North landfill beyond its permitted design height, and allowing Trail Ridge Landfill, Inc., to open a section of the Trail Ridge Landfill.

FINDINGS OF FACT

1. On April , 1992, the Department received a petition filed jointly by Duval County and Trail Ridge Landfill, Inc., for an Emergency Final Order in which Petitioners sought authorization to vertically expand Duval County's existing North Landfill beyond its permitted design capacity, and to open a section of the currently unbuilt Trail Ridge Landfill ahead of schedule. Petitioners argued that such an Order is necessary to avoid an immediate danger to the public health, safety and welfare.

2. Duval County currently disposes of approximately 2000 tons of solid waste per day in its North Landfill. This amount has been significantly reduced in the past year through recycling, waste reduction and diversion, and it is unreasonable to expect that it can be further reduced in the immediate future.

3. Duval County's North Landfill is the only permitted, lined landfill accepting waste in the county.

4. Department Permit Number SC16-152966 allows Duval County to accept waste at the North Landfill only until its design height of 110 feet is reached.

5. Duval estimates that even with every practical measure to reduce and compact waste, it will reach the design height by May 1, 1992.

6. Trail Ridge Landfill, Inc., has received Department Permit Number SC16-184444 to construct and operate a new landfill, known as the Trail Ridge Landfill.

7. This permit calls for the construction of an 18 acre disposal area known as Phase I to be constructed and operated first.

8. Trail Ridge estimates that even with every practical measure to accelerate construction, Phase I cannot be ready to accept waste before July 1. If all permit conditions are complied with.] May 1.

9. If this Emergency Final Order is not issued, Duval County

will be without a permitted, lined landfill for at least two months.

10. Duval County has investigated the possibilities of exporting its solid waste to another county. Such action would entail costs exceeding _____, and would require the use of large trucks which are not readily available. In addition, it is not certain that another county would be willing or able to accept all of Duval County's waste.

11. Duval County has investigated the possibility of reopening portions of the North Landfill which do not currently receive waste. However, these portions are unlined, and such action would pose an unacceptable environmental risk.

12. Duval County has investigated the possibility of vertically expanding the lined portion of North Landfill which is currently receiving waste. However, it has been determined that this action would result in a final height of approximately 172 feet, and that the weight of this much solid waste would pose an unacceptable risk to the integrity and functioning of the leachate collection system underlying the landfill.

13. If Duval County is forced to close its only landfill before the Trail Ridge Landfill is operational, the lack of a site to dispose of ~~the~~ 2000 tons per day of solid waste generated can reasonably be expected to cause an environmental and public health emergency. Such a situation will result in both improper storage of large amounts of putrescible solid waste and uncontrolled dumping of solid waste throughout the county. [Most residences, restaurants, business establishments, and other generators of solid waste in the county are served by a solid waste collection service with frequent pick-up, and thus have little storage capacity.] If the collection service has nowhere to take the solid waste, no pick-up will occur, and raw garbage and other putrescible wastes will rapidly pile up at the generator's establishment in an uncontrolled manner, increasing the presence of disease vectors such as rats and insects and causing odors and other nuisances. Also, the lack of a proper site to take the raw garbage and other wastes will result in uncontrolled open dumping throughout the county. As well as these public health problems, open dumping will cause environmental problems such as ground water and surface water contamination, air pollution as a result of open burning, and excessive litter. *delete*

14. Trail Ridge Landfill, Inc., has developed a plan which would allow it to open a portion of Phase I, known as Phase 1A, on an interim basis, as early as May 17, and to open another portion, known as Phase 1B, shortly thereafter. This plan would require Trail Ridge Landfill, Inc., to violate certain permit conditions, but is not expected to lead to any adverse environmental or public health impacts. *- need attachment map.*

15. In order to reduce the chances of damaging the liner, Trail Ridge Landfill, Inc., is required to lay down a first lift of selected residential wastes at Phase I. To do this, Trail Ridge Landfill must accept only residential waste for approximately the first week of operation. *Why in hurry on funding of fast.*

16. Those portions of the North Landfill which are not currently receiving waste have not yet been closed in accordance

with applicable Department rules. In addition, those portions have exceeded their design height in violation of their permit conditions. Duval County and the Department have entered into a Consent Order which required Duval County to correct this problem.

17. Trail Ridge Landfill's construction permit authorizes it to accept up to 1800 tons per day of solid waste, in conformance with the plans submitted. Trail Ridge Landfill, Inc. has requested a modification of these plans to accept up to ^{a daily max of 2600} 2600 tons ~~per day~~ of solid waste, in order to accomodate all of the solid waste to be landfilled in Duval County. A decision on this modification request has been delayed by administrative proceedings. If Trail Ridge Landfill, Inc., is not allowed to accept all of Duval County's solid waste, many of the problems set forth in paragraph 13 above will occur, although to a lesser degree.

-C.O.
addresses
only I + II
not IIIa

CONCLUSIONS OF LAW

1. The Department has the authority to issue an Emergency Final Order if it is found that an immediate danger to the public health, safety or welfare requires such an Order, pursuant to Section 120.59(3), F.S.

2. Based upon the Findings of Fact herein, it is determined that an immediate danger to the public health, safety and welfare will exist if Duval County closes the North Landfill when the design height is reached, and if Trail Ridge Landfill, Inc., is not authorized to open a portion of Phase I earlier than is envisioned or allowed under its existing permit.

3. Based upon the Findings of Fact herein, it is determined that an immediate danger to the public health, safety and welfare will exist if Trail Ridge Landfill, Inc., is not allowed to accept for disposal all of the solid waste currently landfilled in Duval County at the Trail Ridge Landfill.

Accordingly, it is ORDERED:

1. Duval County is authorized to continue to dispose of solid waste at the North Landfill, even though it will exceed the permitted design height, under the following schedule:

a. Duval County may continue to dispose of all solid waste which is currently allowed under its existing permit until May 17, 1992.

To allow for a startup period for Trail Ridge,
b. Duval County may continue to dispose of non-residential ^{3/3 of} waste ~~which is currently allowed under its existing permit~~ until May 24, 1992.

c. The Director of District Management of the Department's Northeast District may extend either of these two dates for up to a week for good cause. Good cause shall mean an unavoidable delay in the completion of Trail Ridge Landfill's Phase 1A due to weather conditions, mechanical breakdowns, or other similar delays.

2. Trail Ridge Landfill, Inc., is authorized to construct and begin operation of Phases 1A and 1B of the Trail Ridge Landfill. The following specific conditions of Permit Number SC16-184444 are modified as follows during the interim operation of these phases:

- Except as otherwise modified in this Order.*
2. Duval County shall comply with SC 16 — MS 16 — all conditions of permits
3. *Except as otherwise modified in this Order,*
Trail Ridge Landfill, Inc., shall comply with all conditions of permit SC 16-184444.

in accordance with the plans, specifications, and contract drawings submitted, as specified in this Order.

b. Condition #2, which requires submittal of a Quality Control/Quality Assurance Plan (QC/QAP) for the entire landfill liner and leachate holding basin liner. Instead, a QC/QAP and Certificate of Completion shall be submitted for approval for Phases 1A and 1B as they are completed prior to operation.

not needed delete

c. Condition #3, which requires that a financial assurance mechanism for closure of the landfill be established and funded 60 days prior to acceptance of waste, *by date certain*.

d. Condition #5, which requires an oil and grease skimmer for the stormwater control areas. Instead, a temporary boom shall be installed to prevent contamination of the stormwater retention area.

e. Condition #6, which requires a berm system surrounding the leachate truck loading area. Instead, a temporary earthen berm shall be constructed around this area.

f. Conditions #7, #11, and #20, which require construction and approval of surface water runoff and/or diversion controls described in the application prior to construction. Instead, stormwater discharge shall be prevented by use of the construction stormwater system.

g. Conditions #15 and #19, which require submittal of a certification of construction completion by a registered engineer. Instead, a certification of construction completion for Phases 1A and 1B, as specified in this Order, will be submitted.

h. Condition #21, to the extent it requires operation of the facility in conformance with the permit and operation plan. Instead, the facility will be operated in accordance with applicable rules, and with the permit and operation plan as specified in this Order.

need to accept cert of construction

i. Condition #38, which requires and details the ground water monitoring system. Instead, those portions of the system designed to monitor Phases 1A and 1B of the landfill shall be operational before any waste is accepted. *Change 30 days to 14 days prior to acceptance*

j. Condition #57, which requires submittal of the final version of the Department approved operations plan for the landfill. Instead, an interim operations plan for Phases 1A and 1B shall be submitted to and approved by the Department prior to acceptance of waste. This interim operating plan may include, among other things:

attach if waste as Exhibit

a. The use of temporary scales.

b. Storage and transport of leachate in tanker trucks.

c. Installation of a temporary leachate piping system.

d. Construction of temporary staging areas and by-pass roads.

3. The conditions set forth in paragraph 2 above are effective for not more than 120 days from the date of this Order. After such date, Trail Ridge Landfill, Inc., shall comply with all conditions in Permit Number SC16-184444, except as may be modified by appropriate procedures.

3000 4. Trail Ridge Landfill, Inc., is authorized to accept up to 2600 tons per day of solid waste generated in Duval County, until and unless the Department issues a subsequent Final Order denying the request to so modify the permit.

5. Within 90 days of the date of this Order, Duval County shall submit a complete closure permit application for the proper closure of all of North Landfill. This application shall also address those conditions of Consent Order Number _____ which have not yet been completed or resolved. If Duval County wishes to modify any conditions of that Consent Order, it must request such modifications within ~~45~~ ¹⁵ days of the date of this Order.

NOTICE OF RIGHTS

A party who is adversely affected by this Emergency Final Order is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Environmental Regulation and a second copy, accompanied by filing fees prescribed by law, with the First District Court of Appeal or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

DONE AND ORDERED this ____ day of April, 1992, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

CAROL M. BROWNER, Secretary
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(904) 488-4805

*Either - take down + transport to TR + close
or - leave in place - close + pay economic benefit*

Penalties for height exceedance:

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In re:)	
)	
Petition of CITY OF JACKSONVILLE)	
and TRAIL RIDGE LANDFILL, INC.,)	OGC CASE NO. 92-
for an Emergency Final Order)	
_____)	

EMERGENCY FINAL ORDER

Pursuant to Section 120.59(3), Florida Statutes (F.S.), the State of Florida Department of Environmental Regulation (the Department) enters the following Emergency Final Order to Petitioners City of Jacksonville (the City) and Trail Ridge Landfill, Inc., (Trail Ridge) allowing the City to continue to operate its North landfill Phase IIIB until Trail Ridge Landfill opens or until May 25, 1992, whichever occurs first, and allowing Trail Ridge to open a section of the Trail Ridge Landfill.

FINDINGS OF FACT

1. On ____ 1992, the Department received a petition filed jointly by the City and Trail Ridge for an Emergency Final Order in which Petitioners sought authorization to continue to operate the City's North landfill Phase IIIB until Trail Ridge Landfill opens or until May 25, 1992, whichever occurs first and to open a section of the currently unbuilt TrailRidge Landfill ahead of schedule. (Exhibit A) Petitioners presented detailed facts and justifications and argued that such an Order is necessary to avoid an immediate danger to the public health, safety and

welfare.

2. The City currently disposes of approximately 2000 tons of solid waste per day in Phase IIIB of its North Landfill. This amount has been significantly reduced in the past several years through recycling, waste reduction and diversion, and it is unreasonable to expect that it can be further reduced in the immediate future.

3. Phase IIIB of the City's North Landfill is the only permitted Class I landfill currently accepting waste in Duval County. It is also the only lined landfill in the county.

4. Department Permit Number SC16-152966 allows the City to accept waste at Phase IIIB of the North Landfill only until its design height of 110 feet is reached.

5. The City estimates that even with every practical measure to reduce and compact waste, it will reach the design height of 110 feet on or around May 25, 1992. At that point, under its permit conditions, it is required to close.

6. Trail Ridge has received Department Permit Number SC16-184444 to construct and operate a new landfill, known as the Trail Ridge Landfill. Consistent with the plans and specifications made a part of such permit, Trail Ridge is to construct the landfill in phases with the construction of an 18 acre disposal area known as Phases IA and IB to be constructed and operated first within Phase I.

7. Trail Ridge Landfill is currently under construction and is scheduled to begin operation on or around August 5, 1992. While it is possible that construction in accordance with all permit conditions could be completed before then, the landfill

cannot be constructed in accordance with all permit conditions

and ready to accept waste by May 25, 1992, even with every practical measure to accelerate construction.

8. The City has investigated the possibilities of exporting its solid waste to another county. Such action would entail costs of several million dollars, and would require the use of equipment and transportation services which are not readily available.

9. The City has investigated the possibility of reopening portions of the North Landfill which do not currently receive waste, either for disposal or for temporary storage of solid waste. However, these portions are unlined, and such action would pose an unacceptable environmental risk due to the increased potential for groundwater contamination.

10. The City has also investigated the possibility of vertically expanding Phase IIIB of the North Landfill. The City's investigation has shown that a vertical expansion sufficient to accommodate the solid waste to be generated would require a final design height of approximately 172 feet. The weight of this much solid waste would pose an unacceptable risk to the integrity and functioning of the leachate collection system underlying Cells 1 and 2 of Phase IIIB.

11. If the City is forced to close its only landfill before the Trail Ridge Landfill is operational, the lack of a site to dispose of the approximately 2000 tons per day of solid waste generated can reasonably be expected to cause an environmental and public health emergency. Such a situation will result in both improper storage of large amounts of putrescible solid waste

and uncontrolled dumping of solid waste throughout the county.

If the collection service has nowhere to take the solid waste, no pick-up will occur, and raw garbage and other putrescible wastes will rapidly pile up at the generator's establishment in an uncontrolled manner, increasing the presence of disease vectors such as rats and insects and causing odors and other nuisances. Also, the lack of a proper site for disposal of the raw garbage and other wastes will result in uncontrolled open dumping throughout the county. As well as these public health problems, open dumping will cause environmental problems such as ground water and surface water contamination, air pollution as a result of open burning, and excessive litter.

12. If this Emergency Final Order is not issued, the City will be without a permitted, lined landfill for disposal of solid waste generated by all citizens of Duval County for up to three months.

13. Trail Ridge has developed an interim operation and stormwater control plan that would allow it to open a portion of Phase I of the Trail Ridge Landfill, known as Phase IA, on approximately May 17, 1992. This interim operation and stormwater control plan is attached as Exhibit B and is incorporated herein. In order to implement this plan, certain conditions of Permit Number SC16-184444 must be superseded, on a temporary basis, by the terms of this Order. This Order does not authorize or create conditions likely to result in violations of any Department standards, and is not expected to lead to any adverse environmental or public health impacts.

14. Trail Ridge's construction permit authorizes it to

accept up to 1800 tons per day (monthly average) of solid waste,

in conformance with the plans submitted. Trail Ridge has requested a modification of these plans to accept up to 2600 tons per day (monthly average) of solid waste, in order to accommodate all of the solid waste to be landfilled in the City. A final decision on this modification request has been delayed by pending administrative proceedings which have been initiated under Chapter 120, F.S. If Trail Ridge is not allowed to accept all of the City's solid waste, many of the problems set forth in paragraph 12 above will occur.

15. The City has applied for a closure permit for Phases I, II, and IIIA of the North Landfill but has not yet responded to the Department's outstanding request for additional information. Accordingly, these phases have not yet received a closure permit from the Department and have not yet been closed in accordance with applicable Department rules. In addition, these phases have exceeded their design height in violation of their permit conditions. The City and the Department have entered into a Consent Order which requires the City to correct this problem at Phases I and II.

CONCLUSIONS OF LAW

The Department has the authority to issue an Emergency Final Order if it is found that an immediate danger to the public health, safety or welfare requires such an Order, pursuant to Section 120.59(3), F.S.

Based upon the Findings of Fact herein, it is determined that an immediate danger to the public health, safety and welfare

will exist if the City closes the North Landfill when the design

height is reached on or around May 1, and if Trail Ridge is not authorized to open a portion of Phase I earlier than is envisioned or allowed under its existing permit.

Based upon the Findings of Fact herein, it is determined that an immediate danger to the public health, safety and welfare will exist if Trail Ridge is not allowed to accept for disposal all of the solid waste currently landfilled in the City at the Trail Ridge Landfill.

Accordingly, it is ORDERED:

A. The City is authorized to continue to dispose of solid waste at Phase IIIB of the North Landfill, even though it may exceed the permitted design height, under the following schedule. The City may not dispose of solid waste above Cells 1 and 2 of Phase IIIB. The City will comply with all other permit conditions, including the permit conditions relating to ground water monitoring and the ground water monitoring system, during and after this period. The City will also continue its recycling, waste reduction and diversion efforts at least at the current level to minimize the amount of solid waste that requires disposal in the North Landfill.

(1) The City may continue to dispose of all solid waste which is currently allowed under its existing permit until May 18, 1992.

(2) To allow for a gradual startup period at the Trail Ridge Landfill, the City may continue to dispose of up to two-thirds of the amount of solid waste which is currently being disposed of until May 25, 1992. Daily records of the total solid

waste tonnage accepted at the North Landfill will be submitted to the Department ^{Not} the following business day.

(3) The Director of District Management of the Department's Northeast District may extend either of these two dates for up to one week for good cause. Good cause shall mean an unavoidable delay in the completion and opening of Trail Ridge Landfill's Phase 1A due to weather conditions, mechanical breakdowns, or other reasonably unavoidable delays.

B. Trail Ridge is authorized to construct and begin operation of Phases 1A and 1B of the Trail Ridge Landfill. The following specific conditions of Permit Number SC16-184444 are superseded as follows during the interim operating period, which is defined as 120 days from the date of this Order. The interim operation and stormwater control plan (Exhibit 1) is incorporated into the permit during the interim operation period.

(1) Specific Condition #3. The second sentence is modified as follows:

Proof that the financial assurance mechanism is funded in accordance with FAC Rule 17-701.076 shall be submitted to the Department by June 6, 1992. ~~sixty-(60)-days-prior-to-the acceptance-of-any-solid-waste-at-the-facility-{17-701.076(2)}-~~

(2) Specific Condition #5. The third sentence is modified as follows:

The oil and grease skimmers shall be in place for each stormwater management area before the stormwater management pond for that area is put into service. ~~The-final-design-shall-be implemented-by-Permittee-during-construction,-prior-to-the~~

acceptance-of-any-waste-

(3) Specific Condition #6. The third sentence is modified as follows:

The final design of the berm system shall be implemented prior to the end of the interim operating period. ~~The final design shall be implemented by Permittee during construction, prior to the acceptance of any waste.~~

(4) Specific Condition #11. The first sentence is modified as follows:

For each phase of the surface water management system, except for the stormwater control system described in the interim operation and stormwater control plan, the Permittee shall submit, within 30 days after completion of construction, a "Certification of Completion of Construction."

(5) Specific Condition #15. The first sentence is modified as follows:

Except for the control system described in the interim operation and stormwater control plan, the operation phase of the stormwater management system shall not become effective until the following criteria have been met:

(6) Specific Condition #20.

The facility shall not be operated or accept solid waste until the Department has notified the Permittee, in writing, that the applicable certification, attesting that the surface water management system has been constructed in accordance with the permitted design, has been received and approved. However, during the interim operating period the Permittee may operate and accept solid waste using the control system described in the

interim operation and stormwater control plan.

(7) Specific Condition #21.

Following notification that the Department has found the submittals acceptable, the Permittee shall operate the facility in conformance with the criteria contained in FAC Rule 17-701.050, any other applicable DER rules, any applicable permits, and the operation plan submitted with the permit application, except as specifically modified by the interim operation and stormwater control plan or this Order.

(8) Specific Condition #38(b)(1). The seventh paragraph is modified as follows:

Approval of the proposed additional wells to be utilized as part of the ground water monitoring plan, as needed, during Phase I of the facility's operation will be obtained from the Department. For wells required to be constructed, initial sampling, sample analysis^h and analysis^h results shall be submitted to the Department fourteen (14) ~~thirty~~ (30) days prior to the acceptance of waste by the facility. ✓

(9) Specific Condition 48 I.(f).

The wetland stormwater discharge system shall be completed and operational prior to the end of the interim operation period.
~~excepting any waste in the Phase I, Class I Landfill.~~

(10) Specific Condition #1. The first sentence is modified as follows:

Construction of the Trail Ridge "Plan A" Landfill shall be in conformance with plans, specifications, and contract drawings submitted in support of the application received July 27, 1990 and the additional information provided on September 12 and

October 10 and 11, 1990, except as modified by the interim operation and stormwater control plan and this Order.

D. The superseding specific conditions set forth in paragraph C above are effective for not more than 120 days from the date of this Order. After such date, Trail Ridge shall comply with all conditions and provisions in Permit Number SC16-184444, unless modified by appropriate procedures. During this interim period and thereafter, Trail Ridge shall comply with all permit conditions not specifically superseded by this Order.

E. Trail Ridge is authorized to accept up to 2600 tons per day (monthly average) with peak individual days of up to 3000 tons per day of solid waste, until and unless the Department issues a subsequent Final Order denying the request to so modify the permit. Between the time Trail Ridge Landfill opens and the North Landfill ceases accepting waste, Trail Ridge will provide *to Dept NED* daily reports of the tonnage of solid waste accepted by the following business day.

F. Within 15 days of the date of this Order, the City shall submit a complete response to the Department's request for additional information for its closure permit application for Phases I, II, and IIIA of the North Landfill. Within 30 days of the date of this Order, the City shall submit a closure permit application for Phase IIIB, and shall thereafter submit complete responses to any requests for additional information within 30 days of receipt. Upon obtaining each closure permit, the City shall expeditiously close the landfill in accordance with that permit.

G. The City shall, by December 30, 1992, reduce the height of Phases I, II, and IIIA of the North Landfill to a maximum elevation (sufficient to include final cover) not to exceed 75 feet NGVD. The reduction and regrading shall be performed in accordance with the construction procedures contained in the September 16, 1991 additional information submitted as part of the closure permit application for Phases I, II, and IIIA. Any excess solid waste that can not be redistributed within the existing footprint shall be disposed of in a lined, permitted Class I sanitary landfill. If the City wishes to modify this condition, it must submit, ^{to DEP/NEC} by May 15, 1992, a modification request that includes a computation of the economic benefit [?] gained from the violations. *including tipping costs etc.*

H. In the event of failure on the part of the City to comply with Paragraph G above, the City shall pay the Department a penalty of \$2600 for each day after December 31, 1992, that the height of Phases I, II, and IIIA of the North Landfill are not reduced to the maximum elevation described in Paragraph G above.

I. The City is required by specific condition 22 of Department Permit Number SC16-152966 to submit a closure permit application for Phase IIIB of the North Landfill at least 90 days before it stopped accepting waste. Under the terms of its permit and this Order, the City appears to have violated this condition. Entry of this Order does not limit the Department's authority to take appropriate enforcement action, which may include seeking civil penalties, for this apparent violation.

10. The City and Trail Ridge shall retain a copy of this Order and the interim operation plan at their respective landfills for at least 120 days from the date of this Order.

NOTICE OF RIGHTS

A party who is adversely affected by this Emergency Final Order is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Environmental Regulation and a second copy, accompanied by filing fees prescribed by law, with the First District Court of Appeal or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

DONE AND ORDERED this ____ day of May, 1992, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

CAROL M. BROWNER, Secretary
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(904) 488-4805

ACKNOWLEDGED AND ACCEPTED BY:

(name)
(title)

(name)
(title)

City of Jacksonville

Trail Ridge Landfill, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Emergency Final Order has been furnished by U.S. Mail to:

Allan E. Williams, P.E., Director
Department of Public Utilities
City of Jacksonville
219 Newnan Street
Jacksonville, Florida 32202

and by hand delivery to:

William D. Preston, Attorney
Hopping Boyd Green and Sams
P.O. Box 6526
123 South Calhoun Street
Tallahassee, Florida 32314

this _____ day of May, 1992.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

WILLIAM H. CONGDON
Florida Bar No. 283606
Assistant General Counsel

Twin Towers Office Bldg
2600 Blair Stone Rd
Tallahassee FL 32399-2400
Telephone: 904/488-9730

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In re:)
)
Petition of CITY OF JACKSONVILLE)
and TRAIL RIDGE LANDFILL, INC.,) OGC CASE NO. 92-
for an Emergency Final Order)
_____)

EMERGENCY FINAL ORDER

Pursuant to Section 120.59(3), Florida Statutes (F.S.), the State of Florida Department of Environmental Regulation (the Department) enters the following Emergency Final Order to Petitioners City of Jacksonville (the City) and Trail Ridge Landfill, Inc., (Trail Ridge) allowing the City to vertically expand its North landfill beyond its permitted design height, and allowing Trail Ridge to open a section of the Trail Ridge Landfill.

FINDINGS OF FACT

1. On _____ 1992, the Department received a petition filed jointly by the City and Trail Ridge for an Emergency Final Order in which Petitioners sought authorization to vertically expand the City's existing North Landfill beyond its permitted design capacity, and to open a section of the currently unbuilt Trail Ridge Landfill ahead of schedule. (Exhibit A) Petitioners presented detailed facts and justifications and argued that such an Order is necessary to avoid an immediate danger to the public health, safety and welfare.

2. The City currently disposes of approximately 2000 tons of solid waste per day in Phase IIIB of its North Landfill. This amount has been significantly reduced in the past several years through recycling, waste reduction and diversion, and it is unreasonable to expect that it can be further reduced in the immediate future.

3. Phase IIIB of the City's North Landfill is the only permitted Class I landfill currently accepting waste in Duval County. It is also the only lined landfill in the county.

4. Department Permit Number SC16-152966 allows the City to accept waste at Phase IIIB of the North Landfill only until its design height of 110 feet is reached.

5. The City estimates that even with every practical measure to reduce and compact waste, it will reach the design height of 110 feet on or around May 1, 1992. At that point, under its permit conditions, it is required to close.

6. Trail Ridge has received Department Permit Number SC16-184444 to construct and operate a new landfill, known as the Trail Ridge Landfill. Consistent with the plans and specifications made a part of such permit, Trail Ridge is to construct the landfill in phases with the construction of an 18 acre disposal area known as

Phases IA and IB to be constructed and operated first within Phase I.

7. Trail Ridge Landfill is currently under construction and is scheduled to begin operation on or around August 5, 1992. While it is possible that construction in accordance with all permit conditions could be completed before then, the landfill cannot be ready to accept waste by May __, even with every practical measure to accelerate construction.

8. The City has investigated the possibilities of exporting its solid waste to another county. Such action would entail costs of several million dollars, and would require the use of equipment and transportation services which are not readily available. It would also result in consumption of fuel that would not otherwise be consumed and production of vehicle emissions that would not otherwise be produced. [Is this factually correct? In addition, it is not certain that another county would be willing or able to accept all of the City's waste.]

9. The City has investigated the possibility of reopening portions of the North Landfill which do not currently receive waste, either for disposal or for temporary storage of solid waste. However, these portions are unlined, and such action would pose an unacceptable environmental risk due to the increased potential for ground water contamination.

10. The City has also investigated the possibility of vertically expanding Phase IIIB of the North Landfill. The City's investigation has shown that a vertical expansion sufficient to accomodate the solid waste to be generated would require a final design height of approximately 172 feet. The weight of this much solid waste would pose an unacceptable risk to the integrity and functioning of the leachate collection system underlaying Cells 1 and 2 of Phase IIIB.

11. If the City is forced to close its only landfill before the Trail Ridge Landfill is operational, the lack of a site to dispose of the approximately 2000 tons per day of solid waste generated can reasonably be expected to cause an environmental and public health emergency. Such a situation will result in both improper storage of large amounts of putrescible solid waste and uncontrolled dumping of solid waste throughout the county. If the collection service has nowhere to take the solid waste, no pick-up will occur, and raw garbage and other putrescible wastes will rapidly pile up at the generator's establishment in an uncontrolled manner, increasing the presence of disease vectors such as rats and insects and causing odors and other nuisances. Also, the lack of a proper site for disposal of the raw garbage and other wastes will result in uncontrolled open dumping throughout the county. As well as these public health problems, open dumping will cause environmental problems such as ground water and surface water contamination, air pollution as a result of open burning, and excessive litter.

12. If this Emergency Final Order is not issued, the City will be without a permitted, lined landfill for disposal of solid waste generated by all citizens of Duval County for up to three months.

13. Trail Ridge has developed an interim operation and stormwater control plan that would allow it to open a portion of

Phase I of the Trail Ridge Landfill, known as Phase IA, on approximately May 17, 1992. This interim operation and stormwater control plan is attached as Exhibit B and is incorporated herein. In order to implement this plan, certain conditions of Permit Number SC16-184444 must be superceeded, on a temporary basis, by the terms of this Order. This Order does not authorize or create conditions likely to result in violations of any Department standards, and is not expected to lead to any adverse environmental or public health impacts.

14. Trail Ridge's construction permit authorizes it to accept up to 1800 tons per day (monthly average) of solid waste, in conformance with the plans submitted. Trail Ridge has requested a modification of these plans to accept up to 2600 tons per day (monthly average) of solid waste, in order to accomodate all of the solid waste to be landfilled in the City. A final decision on this modification request has been delayed by pending administrative proceedings which have been initiated under Chapter 120, F.S. If Trail Ridge is not allowed to accept all of the City's solid waste, many of the problems set forth in paragraph 12 above will occur.

15. The City has applied for a closure permit for Phases I, II, and IIIA of the North Landfill but has not yet responded to the Department's outstanding request for additional information. Accordingly, these phases have not yet received a closure permit from the Department and have not yet been closed in accordance with applicable Department rules. In addition, these phases have exceeded their design height in violation of their permit conditions. The City and the Department have entered into a Consent Order which requires the City to correct this problem at Phases I and II.

CONCLUSIONS OF LAW

The Department has the authority to issue an Emergency Final Order if it is found that an immediate danger to the public health, safety or welfare requires such an Order, pursuant to Section 120.59(3), F.S.

Based upon the Findings of Fact herein, it is determined that an immediate danger to the public health, safety and welfare will exist if the City closes the North Landfill when the design height is reached on or around May 1, and if Trail Ridge is not authorized to open a portion of Phase I earlier than is envisioned or allowed under its existing permit.

Based upon the Findings of Fact herein, it is determined that an immediate danger to the public health, safety and welfare will exist if Trail Ridge is not allowed to accept for disposal all of the solid waste currently landfilled in the City at the Trail Ridge Landfill.

Accordingly, it is ORDERED:

A. The City is authorized to continue to dispose of solid waste at Phase IIIB of the North Landfill, even though it will exceed the permitted design height, under the following schedule. The City may not dispose of solid waste above Cells 1 and 2 of Phase IIIB. The City will comply with all other permit conditions, including its ground water monitoring system, during and after this period. The City will also continue its recycling, waste reduction

and diversion efforts at the current level to minimize the amount of solid waste that requires disposal in the North Landfill.

(1) The City may continue to dispose of all solid waste which is currently allowed under its existing permit until May 18, 1992.

(2) To allow for a gradual startup period at the Trail Ridge Landfill, the City may continue to dispose of up to two-thirds of the amount of solid waste which is currently being disposed of until May 25, 1992. Daily records of the total solid waste tonnage accepted at the North Landfill will be submitted to the Department the following business day.

(3) The Director of District Management of the Department's Northeast District may extend either of these two dates for up to one week for good cause. Good cause shall mean an unavoidable delay in the completion and opening of Trail Ridge Landfill's Phase 1A due to weather conditions, mechanical breakdowns, or other reasonably unavoidable delays.

B. Trail Ridge is authorized to construct and begin operation of Phases 1A and 1B of the Trail Ridge Landfill. The following specific conditions of Permit Number SC16-184444 are superceeded as follows during the interim operating period, which is defined as 120 days from the date of this Order. The interim operation and stormwater control plan (Exhibit 1) is incorporated into the permit during the interim operation period.

(1) Specific Condition #3. The second sentence is modified as follows:

Proof that the financial assurance mechanism is funded in accordance with FAC Rule 17-701.076 shall be submitted to the Department by June 6, 1992 sixty (60) days prior to the acceptance of any solid waste at the facility [17-701.076(2)].

(2) Specific Condition #5. The third sentence is modified as follows:

The oil and grease skimmers shall be in place for each stormwater management area before the stormwater management pond for that area is put into service. The final design shall be implemented by Permittee during construction, prior to the acceptance of any waste.

(3) Specific Condition #6. The third sentence is modified as follows:

The final design of the berm system shall be implemented prior to the end of the interim operating period. The final design shall be implemented by Permittee during construction, prior to the acceptance of any waste.

(4) Specific Condition #11. The first sentence is modified as follows:

For each phase of the surface water management system, except for the stormwater control system described in the interim operation and stormwater control plan, the Permittee shall submit, within 30 days after completion of construction, a "Certification of Completion of Construction."

(5) Specific Condition #15. The first sentence is modified as follows:

Except for the control system described in the interim operation and stormwater control plan, the operation phase of the stormwater management system shall not become effective until the

following criteria have been met:

(6) Specific Condition #20.

The facility shall not be operated or accept solid waste until the Department has notified the Permittee, in writing, that the applicable certification, attesting that the surface water management system has been constructed in accordance with the permitted design, has been received and approved. However, during the interim operating period the Permittee may operate and accept solid waste using the control system described in the interim operation and stormwater control plan.

(7) Specific Condition #21.

Following notification that the Department has found the submittals acceptable, the Permittee shall operate the facility in conformance with the criteria contained in FAC Rule 17-701.050, any other applicable DER rules, any applicable permits, and the operation plan submitted with the permit application, except as specifically modified by the interim operation and stormwater control plan or this Order.

(8) Specific Condition #38(b)(1). The seventh paragraph is modified as follows:

Approval of the proposed additional wells to be utilized as part of the ground water monitoring plan, as needed, during Phase I of the facility's operation will be obtained from the Department. For wells required be constructed, initial sampling conducted, samples analyzed and results shall be submitted to the Department fourteen (14) thirty (30) days prior to the acceptance of waste by the facility.

(9) Specific Condition 48 I.(f).

The wetland stormwater discharge system shall be completed and operational prior to the end of the interim operation period excepting any waste in the Phase I, Class I Landfill.

(10) Specific Condition #1. The first sentence is modified as follows:

Construction of the Trail Ridge "Plan A" Landfill shall be in conformance with plans, specifications, and contract drawings submitted in support of the application received July 27, 1990 and the additional information provided on September 12 and October 10 and 11, 1990, except as modified by the interim operation and stormwater control plan and this Order.

D. The superceding specific conditions set forth in paragraph C above are effective for not more than 120 days from the date of this Order. After such date, Trail Ridge shall comply with all conditions and provisions in Permit Number SC16-184444, unless modified by appropriate procedures. During this interim period and thereafter, Trail Ridge shall comply with all permit conditions not specifically superceded by this Order.

E. Trail Ridge is authorized to accept up to 2600 tons per day (monthly average) with peak individual days of up to 3000 tons per day of solid waste, until and unless the Department issues a subsequent Final Order denying the request to so modify the permit. Between the time Trail Ridge Landfill opens and the North Landfill ceases accepting waste, Trail Ridge will provide daily reports of the tonnage of solid waste accepted by the following business day.

F. Within 15 days of the date of this Order, the City shall

submit a complete response to the Department's request for additional information for its closure permit application for Phases I, II, and IIIA of the North Landfill. Within 30 days of the date of this Order, the City shall submit a closure permit application for Phase IIIB, and shall thereafter submit complete responses to any requests for additional information within 30 days of receipt. Upon obtaining each closure permit, the City shall expeditiously close the landfill in accordance with that permit.

G. The City shall, by December 30, 1992, reduce the height of Phases I, II, and IIIA of the North Landfill to a maximum elevation (sufficient to include final cover) not to exceed 75 feet NGVD. The reduction and regrading shall be performed in accordance with the construction procedures contained in the September 16, 1991 additional information submitted as part of the closure permit application for Phases I, II, and IIIA. Any excess solid waste that can not be redistributed within the existing footprint shall be disposed of in a lined, permitted Class I sanitary landfill. If the City wishes to modify this condition, they must submit a request that includes penalties for the economic benefit gained from the violations by no later than May 15, 1992.

H. In the event of failure on the part of the City to comply with Paragraph G above, the City shall pay the Department a penalty of \$2600 for each day after December 31, 1992, that the height of Phases I, II, and IIIA of the North Landfill are not reduced to the maximum elevation described in Paragraph G above.

I. The City is required by specific condition 22 of Department Permit Number SC16-152966 to submit a closure permit application for Phase IIIB of the North Landfill at least 90 days before it stopped accepting waste. Under the terms of its permit and this Order, the City appears to have violated this condition. Entry of this Order does not limit the Department's authority to take appropriate enforcement action, which may include seeking civil penalties, for this apparent violation.

10. The City and Trail Ridge shall retain a copy of this Order and the interim operation plan at their respective landfills for at least 120 days from the date of this Order.

NOTICE OF RIGHTS

A party who is adversely affected by this Emergency Final Order is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Environmental Regulation and a second copy, accompanied by filing fees prescribed by law, with the First District Court of Appeal or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

DONE AND ORDERED this ____ day of April, 1992, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

CAROL M. BROWNER, Secretary
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(904) 488-4805

ACKNOWLEDGED AND ACCEPTED BY:

(name)
(title)
City of Jacksonville

(name)
(title)
Trail Ridge Landfill, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Emergency Final Order has been furnished by U.S. Mail to Allan E. Williams, P.E., Director, Department of Public Utilities, City of Jacksonville, 219 Newnan Street, Jacksonville, Florida 32202, and by hand delivery to William D. Preston, Attorney for Trail Ridge Landfill, Inc., Hopping Boyd Green and Sams, P.O. Box 6526, 123 South Calhoun Street, Tallahassee, Florida 32314, this _____ day of April, 1992.

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In re:

Petition of CITY OF JACKSONVILLE
and TRAIL RIDGE LANDFILL, INC.,
for an Emergency Final Order

OGC CASE NO. 92-

EMERGENCY FINAL ORDER

Pursuant to Section 120.59(3), Florida Statutes (F.S.), the State of Florida Department of Environmental Regulation (the Department) enters the following Emergency Final Order to Petitioners City of Jacksonville (the City) and Trail Ridge Landfill, Inc., (Trail Ridge) allowing the City to vertically expand its North landfill beyond its permitted design height, and allowing Trail Ridge to open a section of the Trail Ridge Landfill.

FINDINGS OF FACT

1. On April 27, 1992, the Department received a petition filed jointly by the City and Trail Ridge for an Emergency Final Order in which Petitioners sought authorization to vertically expand the City's existing North Landfill beyond its permitted design capacity, and to open a section of the currently unbuilt Trail Ridge Landfill ahead of schedule. Petitioners presented detailed facts and justifications and argued that such an Order is necessary to avoid an immediate danger to the public health, safety and welfare.

2. The City currently disposes of approximately 2000 tons of solid waste per day in Phase IIIB of its North Landfill. This amount has been significantly reduced in the past several years

through recycling, waste reduction and diversion, and it is unreasonable to expect that it can be further reduced in the immediate future.

3. The City's North Landfill is the only permitted Class I landfill currently accepting waste in Duval County. Phase IIIB of the North Landfill is also the only lined landfill in the county.

4. Department Permit Number SC16-152966 allows the City to accept waste at Phase IIIB of the North Landfill only until its design height of 110 feet is reached.

5. The City estimates that even with every practical measure to reduce and compact waste, it will reach the design height of 110 feet on or around May 1, 1992. At that point, under its permit conditions, it will be required to close.

6. Trail Ridge has received Department Permit Number SC16-184444 to construct and operate a new landfill, known as the Trail Ridge Landfill. Consistent with the plans and specifications made a part of such permit, Trail Ridge will construct the landfill in phases with the construction of an 18 acre disposal area known as Phases IA and IB to be constructed and operated first within Phase I.

7. Trail Ridge Landfill is currently under construction and is scheduled to begin operation on or around August 5, 1992. While it is possible that construction could be completed before then in accordance with all permit conditions, the landfill cannot be ready to accept waste before May 1 even with every practical measure to accelerate construction.

move to after #12

8. If this Emergency Final Order is not issued, the City will be without a permitted, lined landfill for disposal of solid waste generated by all citizens of Duval County for up to three months.

9. The City has investigated the possibilities of exporting its solid waste to another county. Such action would entail costs of several million dollars, and would require the use of equipment and transportation services which are not readily available. In addition, it is not certain that another county would be willing or able to accept all of the City's waste.

10. The City has investigated the possibility of reopening portions of the North Landfill which do not currently receive waste, either for disposal or for temporary storage of solid waste. However, these portions are unlined, and such action would pose an unacceptable environmental risk due to the increased potential for ground water contamination and the necessity for transferring thousands of truck loads of solid waste in various stages of decomposition to the Trail Ridge Landfill.

11. The City has also investigated the possibility of vertically expanding the lined portion of North Landfill (Phase IIIB) which is currently receiving solid waste. The City's investigation showed that this would require a final design height of approximately 172 feet, and it was determined that the weight of this much solid waste would pose an unacceptable risk to the integrity and functioning of the leachate collection system underlying Sections 1 and 2 of Phase IIIB.

12. If the City is forced to close its only landfill before

the Trail Ridge Landfill is operational, the lack of a site to dispose of the approximately 2000 tons per day of solid waste generated can reasonably be expected to cause an environmental and public health emergency. Such a situation will result in both improper storage of large amounts of putrescible solid waste and uncontrolled dumping of solid waste throughout the county. If the collection service has nowhere to take the solid waste, no pick-up will occur, and raw garbage and other putrescible wastes will rapidly pile up at the generator's establishment in an uncontrolled manner, increasing the presence of disease vectors such as rats and insects and causing odors and other nuisances. Also, the lack of a proper site for disposal of the raw garbage and other wastes will result in uncontrolled open dumping throughout the county. As well as these public health problems, open dumping will cause environmental problems such as ground water and surface water contamination, air pollution as a result of open burning, and excessive litter.

13. Trail Ridge has developed a plan which would allow it to open a portion of Phase I of the Trail Ridge Landfill, known as Phase IA, [on an interim basis] on or around May 17, 1992. ^{an} This ~~interim~~ ^{operation & stormwater control} plan (Attachment 1) is incorporated herein. In order to implement this plan, certain conditions of Permit Number SC16-184444 must be modified on a temporary basis. Such modifications will not authorize or create conditions likely to result in violations of any Department standards, and are not expected to lead to any adverse environmental or public health impacts.

14. Trail Ridge's construction permit authorizes it to accept up to 1800 tons per day (monthly average) of solid waste, in conformance with the plans submitted. Trail Ridge has requested a modification of these plans to accept up to 2600 tons per day (monthly average) of solid waste, in order to accomodate all of the solid waste to be landfilled in the City. A final decision on this modification request has been delayed by pending administrative proceedings which have been initiated under Chapter 120, F.S. If Trail Ridge is not allowed to accept all of the City's solid waste, many of the problems set forth in paragraph 12 above will occur.

15. Phases I, II, and IIIA of the North Landfill have not yet been closed in accordance with applicable Department rules, and have not yet received a closure permit from the Department. In addition, those phases have exceeded their design height in violation of their permit conditions. The City and the Department have entered into a Consent Order which required[§] the City to correct this problem at Phases I and II.

CONCLUSIONS OF LAW

1. The Department has the authority to issue an Emergency Final Order if it is found that an immediate danger to the public health, safety or welfare requires such an Order, pursuant to Section 120.59(3), F.S.

2. Based upon the Findings of Fact herein, it is determined that an immediate danger to the public health, safety and welfare will exist if the City closes the North Landfill when the design height is reached on or around May 1, and if Trail Ridge is not

authorized to open a portion of Phase I earlier than is envisioned or allowed under its existing permit.

3. Based upon the Findings of Fact herein, it is determined that an immediate danger to the public health, safety and welfare will exist if Trail Ridge is not allowed to accept for disposal all of the solid waste currently landfilled in the City at the Trail Ridge Landfill.

Accordingly, it is ORDERED:

Continue efforts to reduce amt of waste

1. The City is authorized to continue to dispose of solid waste at Phase IIIB of the North Landfill, even though it will exceed the permitted design height, under the following schedule. The City ~~[may fill in the existing access road and construct another one, but]~~ may not dispose of solid waste above ^{Cells} Sections 1 and 2 of Phase IIIB. The City will comply with all other permit conditions, including its ground water monitoring system, during ^{after} ~~this~~ period.

Need Attachment?

need attachment

a. The City may continue to dispose of all solid waste which is currently allowed under its existing permit until May 17, 1992.

b. To allow for a gradual startup period at the Trail Ridge Landfill, the City may continue to dispose of up to two-thirds of all solid waste which is currently ^{being disposed of} allowed under its existing permit until May 24, 1992.
 [3800]

?

c. The Director of District Management of the Department's Northeast District may extend either of these two dates for up to one week for good cause. Good cause shall mean an unavoidable delay in the completion and opening of Trail Ridge Landfill's Phase 1A due to weather conditions, mechanical breakdowns, or other

reasonably unavoidable delays.

*insert revised
add #4 here*

2. Trail Ridge is authorized to construct and begin operation of Phases 1A and 1B of the Trail Ridge Landfill. The following specific conditions of Permit Number SC16-184444 require certain actions to be taken before acceptance of solid waste. These permit conditions are modified to delete this requirement, and replace it with the requirement that these actions be taken by August 5, 1992, the scheduled opening date of the landfill, unless a different date is specified below.

a. Specific Condition #3, which requires that a financial assurance mechanism for closure of the landfill be established and funded 60 days prior to acceptance of waste. Instead, the financial assurance mechanism shall be established by the permittee and funded at least 60 days prior to August 5, 1992 *(i.e. June 6, 1992)*.

b. Specific Condition #5, which requires an oil and grease skimmer for the stormwater control areas. *120 days*

c. Specific Condition #6, which requires a berm system surrounding the leachate truck loading area. *120 days*

d. Specific Conditions #7, #11, #15, #20, and #48 I.(f), which require construction, certification of completion, and approval of surface water runoff and/or diversion controls described in the application prior to construction.

not needed
e. Specific Condition ~~#57~~, which requires submittal of the final version of the ~~Department~~ approved operations plan for the landfill.

f. Specific Condition #38(b)(1), which requires submittal of

certain parts of the ground water monitoring plan to the Department for approval 30 days prior to acceptance of waste by the facility. Instead, the permittee shall submit this information at least 14 days prior to acceptance of waste at Phase IA of the landfill.

3. Specific Conditions #1 and #21 of permit number SC16-184444 require compliance with the plans, specifications and drawings submitted with the application. These conditions are modified to require compliance with the plans, specifications and drawings submitted with the application except as modified by this Order, as well as with the interim operation plan.

Revise
4. The following specific conditions are added to Trail Ridge Landfill's permit for the interim period.

is attached
a. An interim operation plan for Phases 1A and 1B shall be submitted to and approved by the Department prior to acceptance of waste. This interim operating plan may include, among other things:

- (1) The use of temporary scales.
- (2) Storage and transport of leachate in tanker trucks.
- (3) Installation of a temporary leachate piping system.
- (4) Construction of temporary staging areas and by-pass roads.

b. A temporary boom shall be installed to prevent contamination of the stormwater retention area by oils and greases.

c. A temporary earthen berm shall be constructed around the area where trucks are loaded with leachate during the interim period.

d. Stormwater discharge shall be prevented by use of the

construction stormwater system, as described in the interim operating plan.

e. A Quality Control/Quality Assurance Plan and Certificate of Completion shall be submitted for approval for Phases 1A and 1B as they are completed prior to operation.

f. A certification of construction completion for Phases 1A and 1B, as specified in this Order, will be submitted.

5. The specific conditions set forth in paragraph 4 above are effective for not more than 120 days from the date of this Order. After such date, Trail Ridge shall comply with all conditions and provisions in Permit Number SC16-184444, except as may be modified by appropriate procedures. During this interim period, Trail Ridge shall comply with all permit conditions not specifically modified by this Order.

6. Trail Ridge is authorized to accept up to 2600 tons per day (monthly average) with peak individual days of up to 3000 tons per day of solid waste, until and unless the Department issues a subsequent Final Order denying the request to so modify the permit.

7. Within 15 days of the date of this Order, the City shall submit a complete response to the Department's request for additional information for ^{its} ~~their~~ closure permit application for Phases I, II, and IIIA of the North Landfill. Within 30 days of the date of this Order, the City shall submit a closure permit application for Phase IIIB, and shall thereafter submit complete responses to any requests for additional information within 30 days of receipt.

waste needs to go to permitted, lined facility.

8. The City shall, by August 30, 1992, reduce the height of Phases I, II, and IIIA of the North Landfill to 75 feet (including final cover), in accordance with ^{its} ~~their~~ closure permit application. If the City wishes to modify this condition, ^{it} ~~they~~ must submit a request which includes penalties for the economic benefit gained from the violations no later than May 15, 1992; however, if the Department has not modified this condition by May 30, 1992, the City must begin to reduce the height of those phases immediately.

9. Due to the emergency nature of this situation, the City is being allowed to violate a permit condition by exceeding ^{its} ~~their~~ design height at Phase IIIB of the North Landfill. Nonetheless, the City shall pay a penalty for this violation in the amount of \$2600 for each day Phase III^B accepts waste while it exceeds its design height.

10. The City was required by specific condition 22 of Department Permit Number SC16-152966 to submit a closure ^{permit appl} ~~plan~~ for Phase IIIB of the North Landfill at least 90 days before it stopped accepting waste. Under the terms of ^{its} ~~their~~ permit and this Order, the City has violated this condition. The City shall pay a penalty of \$2600 for each day from the date of this Order until a closure ^{permit} ~~plan~~ meeting the requirements of ^{its} ~~their permit~~ is submitted.

11. The City and Trail Ridge shall retain a copy of this Order and the interim operation plan at their respective landfills for at least 120 days from the date of this Order.

NOTICE OF RIGHTS

A party who is adversely affected by this Emergency Final

Order is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Environmental Regulation and a second copy, accompanied by filing fees prescribed by law, with the First District Court of Appeal or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

DONE AND ORDERED this ____ day of April, 1992, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

CAROL M. BROWNER, Secretary
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(904)488-4805

ACKNOWLEDGED AND ACCEPTED BY:

(name)
(title)
City of Jacksonville

(name)
(title)
Trail Ridge Landfill, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Emergency Final Order has been furnished by U.S. Mail to Allan E. Williams, P.E., Director, Department of Public Utilities, City of Jacksonville, 219 Newnan Street, Jacksonville, Florida 32202, and by hand delivery to William D. Preston, Attorney for Trail Ridge Landfill, Inc., Hopping Boyd Green and Sams, P.O. Box 6526, 123