



# Florida Department of Environmental Protection

Southwest District Office  
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Secretary

September 30, 2008

CERTIFIED MAIL 7007 2680 0000 5032 7412  
RETURN RECEIPT REQUESTED

Hillsborough County Solid Waste Management Department  
Mr. Barry Boldissar, Director  
P.O. Box 1110  
Tampa, FL 33601

RE: Warning Letter # WL08-0013SW29SWD  
Hillsborough County Southeast Class I Landfill  
Permit No. 35435-007-SO  
Hillsborough County

Dear Mr. Boldissar:

The purpose of this letter is to advise the Hillsborough County Solid Waste Management Department (the County) of possible violations of law for which the County may be responsible and to seek the County's cooperation in resolving the matter. An August 26, 2008 inspection of the Hillsborough County Southeast Class I Landfill indicates that violations of Florida Statutes and Rules may exist at the facility as follows:

- 1) During the inspection, a leachate discharge was discovered at temporary pumping station TPS-6. Leachate was observed flowing over the side of the containment wall and outside of the lined landfill footprint into the stormwater ditch and onto the access road on the north side of the pumping station. Leachate had been flowing over the containment wall for an undetermined amount of time prior to discovery by Department and County staff. The discharge appeared to be caused by an open drain valve.

On August 26, 2008, County staff provided to the Department a Leachate Spill Report that indicated that a County employee who started the pump had inadvertently opened the drain valve for the priming tank, causing approximately 2,200 gallons of leachate to spill into the containment area. County staff estimated that 1,600 gallons were contained and 600 gallons spilled over the containment wall into a portion of the stormwater ditch and onto the western perimeter shell road. This is contrary to Rule 62-701.500(8)(b), Florida Administrative Code (F.A.C.) and Specific Conditions 7.b. and 16.a. of Permit No. 35435-007-SO.

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Rule 62-701.500(8)(b), F.A.C. states, "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." Specific Condition 7.b. of Permit No. 35435-007-SO states, "Leachate shall not be deposited, injected, dumped, spilled, leaked, or discharged in any manner to soils, surface water or groundwater outside the liner and leachate management systems at any time." Specific Condition 16.a. of Permit No. 35435-007-SO states, "Leachate shall be managed in accordance with the requirements of Rule 62-701, F.A.C., the Operations Plan, and other applicable Department rules."

Rule 62-4.160(1), F.A.C., states, "The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are 'permit conditions' and are binding and enforceable pursuant to Section 403.141, 403.727, or 403.859, F.S." Rule 62-4.160(2), F.A.C. states, "This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department."

The deficiencies noted above and any other activities at your facility that may be contributing to violations of State rules and statutes should be ceased. 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 typically Department policy to initiate enforcement action and seek civil penalties of **\$3,500** for conditions such as those described above.

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 County is requested to contact Ms. Stephanie Watson of this office at telephone number (813) 632-7600, extension 451, within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts the County may have that will assist in determining whether any violations have occurred. The County may bring anyone to the meeting that the County feels could help resolve this matter. We look forward to the County's cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Deborah A. Getzoff  
District Director  
Southwest District

dag/sw

cc: Patricia Berry, same address as above  
Larry Ruiz, same address as above  
Ron Cope, HCEPC  
William Kutash, FDEP SWD  
Susan Pelz, FDEP SWD  
Steve Morgan, FDEP SWD  
Melissa Madden, FDEP SWD