



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

February 27, 2009

Pasco County Board of County Commissioners
West Pasco Government Center
c/o Mr. John Power
7530 Little Road
New Port Richey, Florida 34654

RE: Consent Order, OGC File No.: 08-2942
Pasco County Resource Recovery Facility
Conditions of Certification # PA 87-23B
Pasco County

Dear Mr. Power:

A review of Department files confirms that all the terms and conditions of the above-referenced Short Form Consent Order have been complied with and, therefore, the Department is closing its case on the matter.

Your efforts in resolution of this case are appreciated.

Sincerely,

William Kutash
Program Administrator
Division of Waste Management
Southwest District

wk/sw

Enclosure:

ec:

Copy of referenced executed Short Form Consent Order
Susan Pelz, P.E., FDEP SWD – Solid Waste
Melissa Madden, FDEP SWD – Solid Waste



Florida Department of Environmental Protection

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CERTIFIED MAIL 7008 0150 0003 4893 5106
RETURN RECEIPT REQUESTED

February 4, 2009

Pasco County Board of County Commissioners
West Pasco Government Center
c/o Mr. John Power
7530 Little Road
New Port Richey, Florida 34654

RE: Proposed Settlement of Warning Letter # WL08-0014SW51SWD
Pasco County Resource Recovery Facility
Conditions of Certification # PA 87-23B
OGC File No.: 08-2942

Dear Mr. Power:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated October 8, 2008, a copy of which is attached. The corrective actions required to bring the facility into compliance have been performed. The Department finds that the County is in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, the County is assessed civil penalties in the amount of \$3,000, along with \$500 to reimburse the Department costs, for a total of \$3,500.

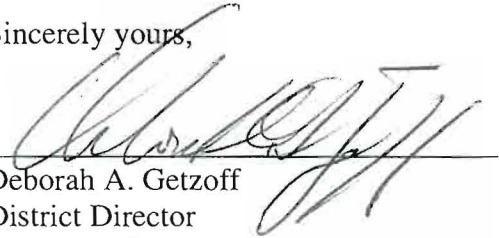
The civil penalty in this case includes one violation of \$2,000.00 or more.

The Department acknowledges that the payment of these civil penalties by the County does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by County check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Attn: Sandra Wilson, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926, within thirty (30) days of the signing of this letter.

Signing this letter constitutes the County's acceptance of the Department's offer to resolve this matter on these terms. If the County elects to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If the County does not sign and return this letter to the Department at the District address within fifteen (15) days of receipt of this letter, the Department will assume that the County is not interested in settling this matter on the above described terms, and will proceed accordingly. None of the County's rights or substantial interests are determined by this letter unless the County signs it and it is filed with the Department Clerk.

Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

FOR THE RESPONDENT:

COVANTA responsible for fee via SERVICE Agreement between County & Covanta of Pasco. 10

I, John Power, Pasco County Solid Waste Facility Manager, on behalf of the Pasco County Board of County Commissioners, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

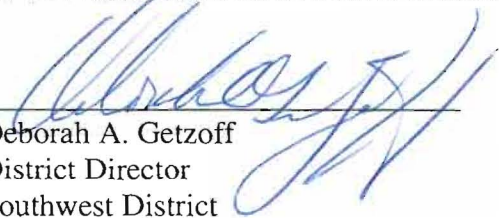

John Power

2/9/09
Date

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 26th day of February, 2009.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Deborah A. Getzoff
District Director
Southwest District

FILING AND ACKNOWLEDGMENT

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


Clerk

2/27/2009
Date

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

Dept. of Environmental
Protection
FEB 10 2009
Southwest District



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926
October 8, 2008

CERTIFIED MAIL 7008 0150 0003 4893 7094
RETURN RECEIPT REQUESTED

Pasco County Board of County Commissioners
West Pasco Government Center
c/o Mr. John Power
7530 Little Road
New Port Richey, Florida 34654

RE: Warning Letter # WL08-0014SW51SWD
Pasco County Resource Recovery Facility
Conditions of Certification # PA 87-23B
Pasco County

Dear Mr. Power:

The purpose of this letter is to advise the Pasco County Board of County Commissioners (County) of possible violations of law for which the County may be responsible and to seek the County's cooperation in resolving the matter. A July 29, 2008 Department inspection conducted at the Pasco County Resource Recovery Facility indicates that violations of Florida Statutes and Rules may exist:

- 1) Leachate was not properly managed at the Pasco County Resource Recovery Facility (facility). Department staff observed leachate mixing with stormwater in several areas of the facility, as described below:

The ash conveyor that connects the grizzly scalper area to the Ash Building had not been operating for several days prior to the inspection. Ash was being transported between the grizzly scalper and Ash Building with a loader. A facility employee was washing the driveway area between the two buildings where ash had fallen on the ground. Department staff observed leachate, which was created by water contacting ash, flowing toward the stormwater culvert located under the tipping floor exit ramp. During the inspection, facility staff placed sandbags about 25 feet from the culvert to prevent contact water from reaching it.

In the grizzly scalper area, Department staff observed that the containment curb was damaged (concrete had worn away in one section and only rebar remained). Department staff noted that the automatic sump pump was not operating properly in this area. A facility employee tried to manually override the sump pump, but was not successful. During the inspection, a heavy rain fell and filled the sump with leachate, which flowed past the damaged containment curb and into the driveway (non-contact stormwater area). Department staff

followed the flow of leachate and observed that it flowed past the sandbags to the stormwater culvert.

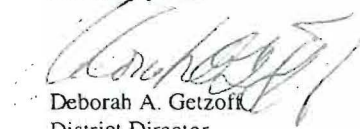
The Ash Building contained a significant amount of leachate due to pressure cleaning of the ceiling and equipment. The sump pump located at the entrance to the Ash Building was not operating properly and efforts to manually override it during the inspection were not successful. Evidence that leachate had flowed beyond the ash building's leachate collection area into the grass located at the western edge of the driveway was observed. The gravity sump located at the exit of the Ash Building also appeared to be clogged with sediment/ash, which caused leachate to back up into the exit driveway area.

Conditions of Certification PA 87-23B, issued August 24, 1988, Section XIV.D.16 states, "Stormwater shall be managed as required by F.A.C. 62-701.400(9). The system shall...avoid the mixing of stormwater with leachate." Conditions of Certification PA 87-23B, Section XIV.H.4 states, "All liquids from residuals shall be contained." The facility's approved Ash Management Plan, dated May 1997 states, "Each residue discharger is equipped with an emergency bypass transfer chute to permit uninterrupted removal of residue if any component of the ash conveying system becomes inoperative. The transfer chutes are designed to provide emergency bypass of the main vibrating conveyor by directing residue directly to a dumpster. The dumpster is transported to the ash building via a forklift."

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 **\$3,700** 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 fifteen (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:

Cindy Mulkey, Slings Office, Tallahassee (email)
William Kutash, P.G., FDEP SWD (email)
Susan Pelz, P.E., FDEP SWD (email)
Steve Morgan, FDEP SWD (email)
Melissa Madden, FDEP SWD (email)