



# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## **ELECTONIC MAIL**

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

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

OCD-SW-09-0145

Volusia County - SW  
Tomoka Farms Road Landfill  
Class I - Permit # S064-0078767-016  
Non-Compliance Letter

Dear Mr. Marion:

On April 2, 2009, a representative of the Florida Department of Environmental Protection conducted an inspection at the above referenced facility to determine the status of compliance with the solid waste regulations.

At the time of the inspections, the following was noted:

1. Leachate seepage continues to be an issue on the south side of the Class I infill area, east of the landfill access road. It appears that the leachate seepage is staying within the lined landfill.
2. Leachate is ponding around the lateral gas tie-in on the south side of the landfill, west of the access road. It appears that the leachate is staying within the lined landfill.
3. Litter was excessive on the west side of the Class I, Phase II landfill.

On April 14 and 15, 2009, the facility submitted pictures showing the corrective actions that were implemented since the date of inspection. The Department has reviewed and approves of the temporary system installed to collect the seeping leachate. However, a more permanent fix will need to be designed and submitted to the Department for approval; this may require a permit modification.

The Department would like to hold a meeting to discuss this matter. Please contact Jeff Waters or Gloria-Jean De Pradine by phone at (407) 893-3328 or email at [Jeff.T.Waters@dep.state.fl.us](mailto:Jeff.T.Waters@dep.state.fl.us) or [Gloria.Depradine@dep.state.fl.us](mailto:Gloria.Depradine@dep.state.fl.us) within 10 days of receipt of this letter. We look forward to your cooperation in completing the resolution of this matter.

Sincerely,



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Gloria Jean DePradine  
Compliance & Enforcement Supervisor  
Solid Waste

Date: May 5, 2009

GJD/jtw

Attachments:

Inspection Reports: Class I & Class III

cc: Jennifer Stirk, Volusia County, [jstirk@co.volusia.fl.us](mailto:jstirk@co.volusia.fl.us)  
Darrell Abrahamson, Volusia County, [dabrahamson@co.volusia.fl.us](mailto:dabrahamson@co.volusia.fl.us)



Florida Department of  
Environmental Protection  
Inspection Checklist

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**FACILITY INFORMATION:**

**Facility Name:** TOMOKA FARMS ROAD LANDFILL

**On-Site Inspection Start Date:** 04/02/2009

**On-Site Inspection End Date:** 04/02/2009

**WACS No.:** 27540

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

**City:** DAYTONA BEACH

**County Name:** VOLUSIA

**Zip:** 32114

**INSPECTION PARTICIPANTS:**

(Include ALL Landfill and Department Personnel with Corresponding Titles)

**Principal Inspector:** Jeff Waters, Environmental Specialist

**Other Participants:** Jennifer Stirk, Environmental Specialist

**INSPECTION TYPE:**

Routine Operation Inspection for Landfill - Class I facility

Routine Operation Inspection for Landfill - Class III facility

**ATTACHMENTS TO THE INSPECTION CHECK LIST:**

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

SECTION 1.0 - FILE REVIEW

SECTION 2.0 - LANDFILL OPERATION AND MAINTENANCE

Inspection Date: 04/02/2009

**SECTION 1.0 - FILE REVIEW****Requirements:**

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

Item No.	FILE REVIEW (Pre- or Post-Inspection, as appropriate.) Completed	Ok	Not Ok	Unk	N/A
1.1	For landfills, is the method and sequence of filling wastes according to plans? 62-701.500(2)(f)		✓		
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK.) <input type="checkbox"/> Waste reports (quarterly) 62-701.500(4) <input type="checkbox"/> Annual estimate of remaining life 62-701.500(13)(c)	✓			
1.3	Is leachate sampled, tested and disposed as required? 62-701.500(8)(a) & 62-701.510(6)(c)	✓			
1.4	Is gas monitoring being performed as required by the permit? 62-701.500(9) & 62-701.530(2)	✓			
1.5	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)	✓			
1.6	Is water quality sampling and testing performed according to standard procedures and at the required frequencies? See 62-701.510(2) for landfills; 62-701.730(4)(b) & (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.	✓			
1.7	Do the results of the water quality testing suggest there may be adverse impacts to water quality from the operation of the solid waste facility? 62-701.510(3) & (4)			✓	
1.8	For closed landfills and C&D disposal facilities with final elevations higher than 20 feet above grade, has a final survey report verifying the final elevations and contours of the facility been submitted to the Department? 62-701.610(3) & 62-701.730(9)(c)	✓			
1.9	Is financial assurance adequate? See 62-701.630 for landfills; 62-710(7)(a) & (10)(a) for WPFs; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(a) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities. NOTE: The Solid Waste Financial Coordinator in Tallahassee can assist with this information.	✓			
1.10	Are cost estimates current and adjusted every year? See 62-701.630(4) for landfills; 62-701.710(7)(b) & (10)(a) for WPFs; 62-701.730(11)(b) for C&D debris facilities; 62-713.600(6)(b) & (c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.	✓			
1.11	For C&D debris disposal and disposal with recycling facilities, is an Annual Report submitted to the Department for the disposal operation by April 1st of each year? 62-701.730(12)				✓
1.12	For C&D recycling facilities with no disposal, is an Annual Report for the recycling operation submitted to the Department by April 1st of each year? 62-701.710(9)(b)				✓
1.13	For compost facilities, has the compost product been sampled and analyzed every 20,000 tons or every 3 months (whichever is sooner)? 62-709.530(1)				✓
1.14	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)				✓

Inspection Date: 04/02/2009

**SECTION 2.0 - LANDFILL OPERATION AND MAINTENANCE****Requirements:**

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

Item No.	<b>SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(16)) Completed</b>	Ok	Not Ok	Unk	N/A
2.1	Unauthorized disposal/storage prohibited, except yard trash, within 500' of a potable water well? 62-701.300(2)(b)	✓			
2.2	Unauthorized disposal/storage prohibited, except yard trash, within 1000' of a potable water well serving a community water system? 62-701.300(2)(h)	✓			
2.3	Unauthorized storage/disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) <input type="checkbox"/> 100 feet for potable water wells (except on-site)? <input type="checkbox"/> 50 feet for water bodies? <input type="checkbox"/> 200 feet for community water supply wells?	✓			
2.4	Unauthorized disposal/storage prohibited in an area subject to frequent and periodic flooding unless flood protection measures in place? 62-701.300(2)(d)	✓			
2.5	Unauthorized disposal/storage prohibited in any natural or artificial body of water including ground water? 62-701.300(2)(e)	✓			
2.6	Unauthorized disposal/storage prohibited, except yard trash, within 200' of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(f)	✓			
2.7	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			
2.8	Are the following prohibited wastes or special wastes properly controlled, managed and disposed? (Check any that are Not OK) <input type="checkbox"/> Hazardous waste 62-701.300(4) <input type="checkbox"/> Biomedical waste 62-701.300(6) <input type="checkbox"/> Yard trash 62-701.300(8)(c) <input type="checkbox"/> Whole waste tires 62-701.300(8)(e) <input type="checkbox"/> Used oil, except as exempted 62-701.300(11) <input type="checkbox"/> Lead-acid batteries, mercury-containing switches and lamps in WTEs 62- <input type="checkbox"/> PCB wastes 62-701.300(5) <input type="checkbox"/> Lead-acid batteries 62-701.300(8)(a) <input type="checkbox"/> White goods 62-701.300(8)(d) <input type="checkbox"/> Liquids 62-701.300(10)	✓			
2.9	Are only permitted waste types disposed at facility? 62-701.340(3), 62-701.500(6)(a)&(2)(c)	✓			

Item No.	<b>LANDFILL OPERATION AND MAINTENANCE Completed</b>	Ok	Not Ok	Unk	N/A
2.10	Is there a trained operator on-site at Class I and III landfills when receiving wastes? 62-701.500(1)	✓			
2.11	Is there at least one spotter at each working face when receiving wastes at Class I and III landfills? 62-701.500(1)	✓			
2.12	Are the following records or plans current and available on-site? (Check any that are Not OK.) <input type="checkbox"/> Training Plan 62-701.320(15)(a) <input type="checkbox"/> Operating Plan 62-701.500(2) <input type="checkbox"/> Waste weight records 62-701.500(4) <input type="checkbox"/> Precipitation records 62-701.500(8)(g) <input type="checkbox"/> Load-checking program records 62-701.500(6)(a) <input type="checkbox"/> Training records 62-701.320(15)(a)	✓			

Inspection Date: 04/02/2009

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

Inspection Date: 04/02/2009

**Pre-existing Potential Violations:**

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

Question Number: 2.24

Explanation: Leachate seepage continues to be an issue on the south side of the Class I infill area, east of the landfill access road. Since the previous FDEP inspection the facility dug out the area and backfilled it with gravel to act as a drain. The gravel extends down to the toe of the south slope and connects to HDPE piping. The piping runs east along phase II of the east cell and discharges the leachate at the toe of the slope on the east side slope. Along the piping run, leachate is collecting outside of the pipe but within the area below grade and constructed for the piping.

The lateral gas tie-in on the south side of the landfill and west of the access road is holding leachate. Lateral gas collection lines were placed in the area and tie into the southern tie-in. These lateral gas lines were installed in February 2009. This piping could be contributing to the leachate seepage in this area.

It appears that all the leachate is staying within the lined landfill.

Corrective Action: I discussed the leachate issue with Jennifer Stirk and Chet Purves; we agreed that the leachate would be collected and pumped directly into the leachate collection system via the leachate clean out number five and one, respectively.

On April 3, 2009 Leonard Marion, Chet Purves and I discussed the leachate issue on the telephone. Mr. Marion agreed that directing the leachate directly back into the collection system would suffice for a temporary fix. The facility will prepare a permanent solution to fix the issue. Additionally, he insured me that the leachate has remained within the lined landfill.

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**Pre-existing Area Of Concern:**

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

Question Number: 2.24

Explanation: The haul road that runs between the east and west portions of the Phase I Class I Landfill is acting as a pathway for seeping leachate to flow aboveground down to the southern toe of the landfill on the east side of the roadway. A lesser amount of leachate is seeping and ponding on the west side of the haul road where it intersects with the East Cell haul road. It appeared that all leachate is staying within the lined landfill. Birds and deer tracks were noted along the leachate flow at the time of inspection.

Corrective Action: It is not acceptable for the seeping leachate to flow as it is currently. Submit a plan as to how the leachate seeps corrected within 15 days of receipt of this inspection report.

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Rule: 62-701.500(2)(f)

Question Number: 1.1

Explanation: The facility is not filling the Class I landfill in accordance with the Updated Operation Plan & Fill Sequence Plan dated September 5, 2008.

Corrective Action: Provide the Department with the actual fill sequence plan.

Inspection Date: 04/02/2009

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Rule: 62-701.500(7)(i), 62-701.500(11)(f)  
Question Number: 2.22  
Explanation: Litter is excessive on east and south side of the phase II east cell.  
Corrective Action: Take measures to reduce the amount of wind blown litter throughout the Class I facility.

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**COMMENTS:**

04/02/2009

**Class III-**

Landfill in good order, working face is small. The working face is moving north and in general the waste is being filled to the east side of the landfill. The facility is using dirt for cover and has not used alternative cover from GEL Corp. in sometime. GEL has reduced the amount of alternative cover it brings to the facility.

**HHW-**

The area is in good order; EQ is on site to remove waste.

**Class I-**

Leachate seepage continues to be an issue on the south side of the infill and east of the landfill access road.

The lateral gas tie-in on the south side of the landfill and west of the access road is holding leachate.

Litter is excessive on east and south side of the phase II east cell.

**Leachate Ponds-**

The north pond's top liner was repaired in December of 2008 because its interstitial space was collecting leachate. The north pond is holding 1.5 feet and the south pond is holding 4 feet. Construction of the pre-treatment waste water plant should begin within the month of April.

**File Review-**

The facility is not filling the Class I landfill in accordance with the fill sequence plan dated September 5, 2008.

**ATTACHMENTS:**

Class III working face



Leachate seep east of access road





Inspection Date: 04/02/2009

Seep east of road, looking east



Seep east of road & inside liner



Seep east of road, end of HDPE



Leachate west of access road



Leachate west of access road #2



Litter on west side of Phase II



Inspection Date: 04/02/2009

**Signed:**

Jeff Waters

**PRINCIPAL INSPECTOR NAME**

Environmental Specialist

**PRINCIPAL INSPECTOR TITLE****PRINCIPAL INSPECTOR SIGNATURE**

FDEP

**ORGANIZATION**

4/2/2009

**DATE**

Jennifer Stirk

**REPRESENTATIVE NAME**

Environmental Specialist

**REPRESENTATIVE TITLE**

NO SIGNATURE

**REPRESENTATIVE SIGNATURE**

Brevard County

**ORGANIZATION**

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