



# Florida Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

**October 1, 2009**

**Certified Mail Return Receipt No. 7008 0150 0003 4894 0827**

Citrus County Public Works, Division of Solid Waste Management  
c/o Ms. Susan Metcalfe, P.G., Director  
P.O. Box 340  
Lecanto, Florida 34460

**SUBJECT:** Proposed Settlement of Warning Letter # WL09-013SW09SWD  
OGC File No.: 09-3600

Dear Ms. Metcalfe:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated July 23, 2009, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are 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, you are assessed civil penalties in the amount of \$3,000.00, along with \$500.00 to reimburse the Department costs, for a total of \$3,500.00.

The civil penalties are apportioned as follows: \$3,000.00 for violation of Rule 62-701.500(7)(e), Florida Administrative Code (F.A.C.).

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's 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 30 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect 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 you do not sign and return this letter to the Department at the District address within 15 days of your receipt of this letter, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,

  
Deborah A. Getzoff  
District Director  
Southwest District

**FOR THE RESPONDENT:**

I, Susan Metcalfe, Director of the Citrus County Public Works Division of Solid Waste Management, on behalf of the Citrus County Board of County Commissioners **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

.....  
**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 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

\_\_\_\_\_  
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 Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order; (d) A statement of when and how the petitioner received notice of the Consent Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes 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.



# Florida Department of Environmental Protection

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Temple Terrace, Florida 33637-0926  
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Charlie Crist  
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Michael W. Sole  
Secretary

July 23, 2009

Certified Mail Return Receipt No. 7008 3230 0002 7195 9046

Ms. Susan Metcalfe, P.G.  
Citrus County Solid Waste Management Division  
PO Box 340  
Lecanto, FL 34460

RE: Warning Letter #WL09-013SW09SWD  
Citrus County Central Class I Landfill  
WACS No. 39859, Permit No. 21375-008-SO  
Citrus County

Dear Ms. Metcalfe:

The purpose of this letter is to advise the Citrus County Solid Waste Management Division (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. A Florida Department of Environmental Protection (Department) inspection conducted on May 6, 2009, of the Citrus County Central Class I Landfill ("facility") indicated that violations of Florida Statutes and Rules may exist:

- 1) During the inspection, Department staff observed a large area of exposed waste adjacent to the active working face. There was not adequate initial cover. The facility operator stated this area as being the active working face the previous week. These conditions are contrary to Rules 62-701.500(7)(e) and 62-701.200 (59), Florida Administrative Code ("F.A.C."), Specific Conditions C.11.a and C.11.a.1) of Permit No. 21375-008-S ("permit"), and the facility's approved Operations Plan, Section 7.5.

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, Florida Statutes." 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."

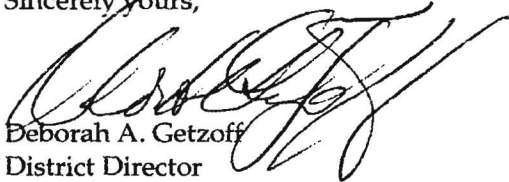
Rule 62-701.500(7)(e) F.A.C., states, "Initial cover shall be applied and maintained at landfills in order to minimize any adverse environmental, safety, or health effects such as those resulting from birds, unauthorized wastes, blowing litter, odors, disease vectors, or fires. The minimum frequency for applying cover is: 1. For Class I and II landfills, at the end of each working day." Rule 62-701.200(59), F.A.C., defines initial cover as "...a 6-inch layer of compacted earth, used to cover an area of solid waste before placement of additional waste, intermediate cover, or final cover."

Specific Condition C.11.a. of the permit states, "Initial cover shall be applied and maintained at the end of each working day in the Class I landfill in accordance with Rule 62-701.500 (7)(e), F.A.C., so as to protect the public health and welfare [ref. SC#A.2.a.(1),Section 7.5]. Further, Specific Condition C.11.a.1) states, "All solid waste disposed of in the Class I landfill must be covered with at least 6 inches of compacted earth or other suitable material as approved by the Department (in writing), at the end of each working day. The facility's approved Operations Plan, Section 7.5 states, "Daily cover will be placed over the waste at the end of each working day. Daily cover will consist of six inches of compacted soils, a yard waste/soil mix, synthetic material such as tarps and geomembranes, or a spray on slurry of polymer and recycled paper fibers, as approved by the FDEP".

The deficiencies noted above and any other activities at your facility that may be contributing to violations of the above rules 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 \$3,000.00 and \$500.00 in Department costs 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(5), Florida Statutes. You are requested to contact Ms. Dinah Frazier at (813) 632-7600, extension 382, 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 you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Deborah A. Getzoff  
District Director  
Southwest District

DAG/dlf

cc: William Kutash, P.G., FDEP SWD  
Susan Pelz, P.E., FDEP SWD  
Stephanie Watson, FDEP SWD  
Melissa Madden, FDEP SWD  
Dinah Frazier, FDEP SWD