



Florida Department of Environmental Protection

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February 18, 2011

Electronic Mail

lmarion@co.volusia.fl.us

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

OWL-SW-11-045

Volusia County - SW
Tomoka Farms Road Landfill WACS # 27540
Class I - Permit # S064-0078767-023
Non-compliance Letter

Dear Mr. Marion:

A field inspection was conducted on January 25, 2010, at the facility located at 1990 Tomoka Farms Road, Daytona Beach, Volusia County, Florida, (Latitude 29° 7' 43" North and Longitude 81° 4' 50" West). The inspection indicated that possible violations of Chapter 403, Florida Statutes, and Chapter 62-701, Florida Administrative Code may exist at the above-described location.

Section 403.161(1)(b), Florida Statutes and Chapter 62-701, F.A.C., requires each permittee to comply with any rule regulation, or permit adopted or issued by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above described states or rules must cease immediately.

The attached inspection report provides a brief description of the incident and the potential violations are listed in the "Summary of Non-Compliance Items and Recommended Corrective Actions." Additional comments are as follows:

1. Leachate seepage on the south side slopes has been a recurring issue and has been documented in multiple inspections. The seepage often occurs near landfill gas collection wells. Is there a reason? The facility must retain the services of a professional engineer to determine the cause of the side slope seepage and submit a corrective action plan (Plan) to eliminate current and future seepage of

leachate. The Plan must include a proposed schedule for the initiation and completion of all corrective actions that will be taken. The Plan must be approved by the Department prior to implementation.

2. The facility's operation plan must be updated to include procedures for addressing any future leachate seepage events. These procedures must include the notification of the Department when new seepage is discovered.

You are requested to contact Gloria-Jean DePradine or Brad Whidden of this office at (407) 893-3328 or by email GloriaJean.Depradine@dep.state.fl.us or Brad.Whidden@dep.state.fl.us within 10 days of receipt of this letter, to schedule a meeting to discuss this matter. The professional engineer responsible for drafting the Plan will be required to attend the meeting. Ideas for corrective actions and the proposed time line will be discussed.

Sincerely,



F. Thomas Lubozynski, P.E.
Waste Program Administrator

FTL/gd/bw

Attachment(s):

1. Inspection Report



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name: TOMOKA FARMS ROAD LANDFILL

On-Site Inspection Start Date: 01/24/2011

On-Site Inspection End Date: 01/24/2011

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: Brad Whidden, Inspector

Other Participants: Jennifer Stirk, Environmental Specialist; Chet Purves, Supervisor

INSPECTION TYPE:

Routine Operation Inspection for Landfill - Class I facility

Routine Operation Inspection for Landfill - Class III facility

Routine Long Term Care Inspection for Landfill - Class I facility

Routine Operation Inspection for Other Facilities - Source-Separated Organics (SOPF) 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

SECTION 3.0 - LANDFILL - CLOSED

Inspection Date: 01/24/2011

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 and C&D disposal facilities, does the facility have a current plan for the method and sequence of filling wastes? 62-701.500(2)(f) for landfills; 62-701.730(7)(a) for C&D debris sites	✓			
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK) <input type="checkbox"/> Waste reports (annually) 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)(c)	✓			
1.6	Is water quality sampling and testing performed according to standard procedures and at the required frequencies? 62-701.510(2) for landfills; 62-701.730(4)(b) and (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) and (4); 62-701.730(4)(c) and (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.			✓	
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? 62-701.600(6)(b), 62-701.730(9)(d)	✓			
1.9	Is financial assurance adequate? 62-701.630 for landfills; 62-701.710(7)(a) and (10)(a) for waste processing facilities; 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? 62-701.630(4) for landfills; 62-701.710(7)(b) and (10)(a) for waste processing facilities; 62-701.730(11)(b) and (c) for C&D debris facilities; 62-713.600(6)(b) and (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 facility 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: 01/24/2011

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.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(18)) Completed	Ok	Not Ok	Unk	N/A
2.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility. 62-701.300(1)(a)	✓			
2.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	✓			
2.2	Unauthorized storage or 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 from potable water wells (except on-site)? <input type="checkbox"/> 50 feet from water bodies?	✓			
2.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event.) 62-701.300(2)(d)	✓			
2.4	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet 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)(e)	✓			
2.5	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			
2.6	Are the following unauthorized 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"/> Regulated asbestos waste 62-701.520(3), 62-701.730(19) <input type="checkbox"/> Used oil and oily wastes, except as exempted 62-701.300(11) <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) <input type="checkbox"/> CCA treated wood 62-701.300(14)	✓			
2.7	Are only permitted waste types disposed at facility? 62-701.340(2), 62-701.500(6)(a), 62-701.500(2)(c)	✓			

Item No.	LANDFILL OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
2.8	Is there a trained operator on-site at Class I and III landfills when receiving wastes? 62-701.500(1)	✓			
2.9	Is there at least one trained spotter at each working face when receiving wastes at Class I and III landfills? 62-701.500(1)	✓			
2.10	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)	✓			

Inspection Date: 01/24/2011

Item No.	LANDFILL OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
2.10	<input type="checkbox"/> Load-checking program records 62-701.500(6)(a) <input type="checkbox"/> Training records 62-701.320(15)(a) <input type="checkbox"/> Operation record 62-701.500(3) <input type="checkbox"/> Quantity of leachate 62-701.500(8)(f)	✓			
2.11	Is the operation plan substantially followed? 62-701.500(2)	✓			
2.12	Is incoming waste weighed? 62-701.500(4)(a) and (2)(d)	✓			
2.13	Is the method and sequence of filling waste according to plans? 62-701.500(2)(f)	✓			
2.14	Is access properly controlled to prevent unauthorized waste disposal? 62-701.500(5)	✓			
2.15	Is waste compacted as required? 62-701.500(7)(a)	✓			
2.16	Are the working face and side slopes above ground graded to a slope no greater than 3 feet horizontal to 1 foot vertical rise? 62-701.500(7)(c)	✓			
2.17	Is a narrow working face practiced? 62-701.500(7)(d)	✓			
2.18	Is the frequency, amount and quality of initial cover, as required? 62-701.500(7)(e)	✓			
2.19	Is the frequency, amount and quality of intermediate cover, as required? 62-701.500(7)(f)	✓			
2.20	Is litter controlled and are litter control devices maintained? 62-701.500(7)(i) and (11)(f)	✓			
2.21	Is erosion control adequate? 62-701.500(7)(j)	✓			
2.22	Is the leachate collection and removal system maintained and operated as required? 62-701.500(2)(j), 62-701.500(8)(b) and (h)		✓		
2.23	Is leachate disposed of or treated as required? 62-701.500(8)(b), (c) and (d)	✓			
2.24	If leachate recirculation is practiced at the facility, is it done in accordance with Department requirements and the Operation Plan? 62-701.400(5)				✓
2.25	Is gas controlled to not cause objectionable odors beyond the property boundary? 62-701.530(3)(b)	✓			
2.26	Is gas controlled to not allow combustible gas concentrations to exceed specified limits? 62-701.530(3)(a)	✓			
2.27	Are gas vents intact and functioning properly? 62-701.500(9), 62-701.530(1)(a)3	✓			
2.28	Is mixing of leachate and stormwater prevented or minimized? 62-701.500(10), 62-701.400(9)(c)	✓			
2.29	Is stormwater management system maintained and operated as required? 62-701.500(10)	✓			
2.30	Is there sufficient operating equipment? 62-701.500(11)(a)	✓			
2.31	Is there sufficient reserve equipment (or other arrangements)? 62-701.500(11)(b)	✓			
2.32	Are communication facilities adequate? 62-701.500(11)(c)	✓			
2.33	Are approved dust control methods adequate? 62-701.500(11)(d)	✓			
2.34	Are fire protection and fire fighting capabilities adequate and operational? 62-701.500(11)(e)	✓			
2.35	Are there required signs for operational directions and public information? 62-701.500(11)(g)	✓			
2.36	Are all-weather access roads and inside perimeter roads properly maintained? 62-701.500(12)	✓			
2.37	Are ground water wells intact and properly maintained? 62-701.510(2)(b), 62-701.620(8)	✓			
2.38	Are all additional specific conditions (not otherwise addressed above) in the permit, Department order, or certification, if any, being followed? 62-701.320(1), 403.161, F.S.		✓		

Inspection Date: 01/24/2011

SECTION 3.0 - LANDFILL - CLOSED

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.

Type of Cover: Geosynthetic Cap

Closure/Final Cover Date: 12/17/2003

Post-Closure Utilization: None

Surrounding Land Use: Existing Landfill

Date Long-Term Care Began: 12/17/2003

Item No.	LANDFILL - CLOSED Completed	Ok	Not Ok	Unk	N/A
3.1	Is site access controlled to prevent any unauthorized dumping? 62-701.600(3)(i)	✓			
3.2	Are any unauthorized wastes stored or disposed at the site? 62-701.600(3)(i)	✓			
3.3	Is stormwater management system maintained and operated as required? 62-701.600(3)(h)	✓			
3.4	Is the final cover properly vegetated? 62-701.600(3)(f)2	✓			
3.5	Are there any signs of erosion of the final cover? 62-701.620(1)	✓			
3.6	Is there any evidence of damage to the barrier layer of the final cover? 62-701.620(1)	✓			
3.7	Are areas of differential settlement being properly filled? 62-701.600(3)(f)4	✓			
3.8	Are there any areas of ponding water on the final cover? 62-701.600(3)(f)3	✓			
3.9	Is the leachate collection and removal system maintained and operated as required? 62-701.500(2)(j), 62-701.500(8)(b) and (h)	✓			
3.10	Is leachate disposed of or treated as required? 62-701.500(8)(b), (c) and (d)	✓			
3.11	Are there any signs of leachate seeps at the closed landfill? 62-701.500(8)(b), 62-701.620(1)	✓			
3.12	Condition of the ground water monitoring wells in accordance with the ground water monitoring plan. 62-701.620(1) (Check any that are Not OK) <input type="checkbox"/> Access to monitoring wells <input type="checkbox"/> Damage to monitoring wells <input type="checkbox"/> Monitoring wells protected, secured and labeled.	✓			
3.13	Are the wells for gas monitoring and detection intact and operable? 62-701.620(5)	✓			
3.14	Is the gas collection system (active or passive) operating and maintained? 62-701.620(5) <input type="checkbox"/> Signs of stressed vegetation <input type="checkbox"/> Odors or foul smells	✓			
3.15	Is gas monitoring being conducted as required? 62-701.620(5)	✓			
3.16	Is there any evidence that gas pressure is interfering with or causing failure of the final cover? 62-701.530(1)(a)4	✓			
3.17	If required, are survey monuments properly installed? 62-701.600(6)	✓			
3.18	Is there a potential hazard to public health and the environment resulting from the post-closure utilization of the solid waste disposal facilities or surrounding land-use changes? 62-701.610(1)	✓			
3.19	If waste is being relocated, is this performed according to the Department's requirements? 62-701.610(2)				✓
3.20	Are all additional specific conditions (not otherwise addressed above) in the closure or permit for long-term care, Department order, or certification, if any, being followed? 62-701.620(2), 403.161, F.S.	✓			

Inspection Date: 01/24/2011

Item No.	LANDFILL - CLOSED Completed	Ok	Not Ok	Unk	N/A
3.20		✓			

Inspection Date: 01/24/2011

Current Violations:

Rule: 403.161, 62-701.320(1)

Question Number: 2.38

Explanation: Summary of Non-Compliance Items and Recommended Corrective Actions

1. Regulation: Section 403.161 (1)(b), F.S.; Rule 62-701.320(1) Florida Administrative Code (F.A.C.); Permit # S064-0078767-023, Specific Conditions #8, #48.

Permit Specific Conditions Not Followed:

Specific Condition #8: Effluent Discharge. There shall be no discharge of liquid effluents, leachate, or contaminated runoff to surface or ground water without prior approval from the Department:

Leachate from south side slope seepage is collected along a toe berm which flows eastward and pools within a bermed area. The pooled area of leachate extended approximately 2 feet beyond an "edge of liner" marker in one section of the toe berm area. The leachate appears to be contained within the toe berm, but there is no reasonable assurance that all leachate beyond the marker is collected in the leachate collection system.

Specific Condition #48: Substantial Changes or Revisions: The Department shall be notified and approval obtained prior to executing any substantial changes or revisions to the operation authorized by this permit:

The toe berm used to collect leachate from the side slope seepage has not been approved by the Department as a permanent part of the leachate collection system.

Corrective Action: After a meeting with the Department, the facility must submit a response detailing the following items:

1. Submit a response to the following questions:
 - a. How was the recently installed toe berm designed to retain leachate within the area of the leachate collection system?
 - b. What is the basis for the opinion that the liner in the area of pooled leachate extends outward past the edge of liner markers?
 - c. How can you be sure that leachate accumulated in the trench was collected into the leachate collection system?
 - d. Did any of the accumulated leachate overflow from the bermed area during any previous storm events?
2. The facility understands that any future modifications intended to control leachate must be approved by the Department.
3. The facility shall retain the services of a professional engineer or other licensed professional with appropriate qualifications and experience to evaluate and design a fix to the leachate seepage problem. The evaluation must determine why the landfill is having this problem and propose recommendations. One concern is the seepage often occurs near landfill gas collection wells. Is there a reason? After a meeting with the Department, the facility must submit a detailed corrective action plan (see attached letter).

Inspection Date: 01/24/2011

Pre-existing Areas Of Concern:

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

Question Number: 2.22

Explanation: There were leachate seepage areas on the south side slopes. Chet Purves said that these resulted after heavy equipment use during grading activities. The leachate accumulates on a side slope berm and appears to remain in the lined area of the landfill.

Corrective Action: The facility must continue to take action to prevent leachate seepage in this area.

COMMENTS:

01/24/2011

Class I Landfill:

Disposal is located on the topmost tier of the landfill surface.

The seepage areas on the south side slopes noted in previous inspections are still present. Leachate that seeps down the side slopes is collected along a toe berm which flows towards the east where it pools (along with collected rainwater). The berm at the easternmost section of pooled leachate appeared to be degraded and that maintenance would be soon be required to prevent any overflow in case of a heavy storm event. The leachate appears to be contained within the bermed area.

Approximately midway across the length of the North Cell, the cell's lined area follows a jog which shifts a few feet towards the north. The toe berm does not appear to follow the jog which caused an area of pooled leachate to extend approximately 2 feet beyond an "edge of liner" marker. Chet Purves pointed out that the liner in this area extends outward past these markers. He indicated the markers refer to the boundary of the side slope liner system and not this extended portion. However, it is unclear that leachate beyond these markers is collected in the leachate collection system.

During the inspection, work was started to increase the size of the toe berm in the area of the pooled leachate. The ditch was further excavated to the west to allow more volume for leachate accumulation and to direct leachate away from the area near the marker. During the inspection, these efforts appeared to be making progress directing leachate volume away from the marker area. The toe berm was increased in height and pushed towards the side slopes.

Class III Landfill and Yard Trash Area:

The working face is now located at the southeast area of the cell. Access is at ground level and waste is being deposited along the side slopes in that area. The landfill surface is only being used for yard trash. Previously, a separate area was used for shingles disposal, but now all class III waste is disposed of in the same area.

ATTACHMENTS:

Inspection Date: 01/24/2011

Class I Overview



Class I Working Face



South Side Slope Leachate Seepage



Pooled Leachate Along Toe Berm



Leachate in Liner "Jog" Area



Reworking of Toe Berm



Inspection Date: 01/24/2011

Signed:

Brad Whidden

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE*Brad Whidden***PRINCIPAL INSPECTOR SIGNATURE**

FDEP

ORGANIZATION

1/26/2011

DATE

Jennifer Stirk

INSPECTOR NAME

Environmental Specialist

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

Volusia County

ORGANIZATION

Chet Purves

REPRESENTATIVE NAME

Supervisor

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

Volusia 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.