



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

March 28, 2012

By E-Mail  
[Imarion@co.volusia.fl.us](mailto:Imarion@co.volusia.fl.us)

In the Matter of an  
Application for Permit by:  
Volusia County Solid Waste Division  
3151 East New York Avenue  
DeLand, Florida 32724

OCD-SW-12-121  
Volusia County – SW WACS No. 27540  
Tomoka Farms Road Landfill Class I  
Closure of North Cell Phase I  
& Post-Closure Care of South Cell

Attention: Leonard Marion

DEP File No. SF64-0078767-028

This is the Department's Intent to Issue Permit No. SF64-0078767-028. Enclosed are the "Notice of Proposed Agency Action" and Draft Permit for the project and file number noted above. Please contact the Central District's Solid Waste Program, Ms. Laxsamee Levin, at 407-897-4304 if you have questions or need further information.

## INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit (copy of conditions attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, Volusia County – Solid Waste Division/Leonard Marion, applied on December 6, 2011 to the Department of Environmental Protection, for renewal of the closure permit to continue closure of the North Cell Phase I & Post-Closure Care of South Cell at the Tomoka Farms Road Landfill Class I in Volusia County, Florida.

The Department has permitting jurisdiction under Section 403.707(1), F.S. and Chapters 62-4, and 62-701, F.A.C. The project is not exempt from permitting procedures. The Department has determined that a closure permit is required.

Pursuant to Section 403.815, F.S., you are required to publish at your own expense the enclosed Notice of Proposed Agency Action. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of

Mr. Leonard Marion  
Tomoka Farms Road Landfill Class I  
Closure of North Cell Phase I  
& Post-closure Care of South Cell  
March 28, 2012

general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. You must provide proof of publication to the Department at the address listed below as soon as practical after publication: Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803, telephone (407) 897-4304. The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. Petitions filed by other persons must be filed within 14 days of publication of the notice or receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;

Mr. Leonard Marion  
Tomoka Farms Road Landfill Class I  
Closure of North Cell Phase I  
& Post-closure Care of South Cell  
March 28, 2012

- (d) A statement of all material facts disputed by petitioner or a statement that there are no disputed facts;
  - (e) A statement of the ultimate facts alleged, including a statement of the specific facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;
  - (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
  - (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.
- A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

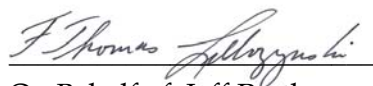
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

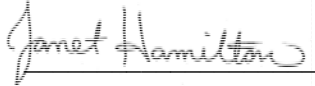


On Behalf of: Jeff Prather  
Director, Central District

Mr. Leonard Marion  
Tomoka Farms Road Landfill Class I  
Closure of North Cell Phase I  
& Post-closure Care of South Cell  
March 28, 2012

#### FILING AND ACKNOWLEDGMENT

FILED, March 28, 2012, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



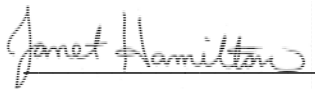
**Clerk**

March 28, 2012

**Date**

#### CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were sent before the close of business on March 28, 2012 to the listed persons.



**Clerk**

JP/tl/ll

Enclosures

1. Wording for "Notice of Proposed Agency Action"
2. Draft Permit No. SF64-0078767-028

Copies furnished to:

Richard Tedder, P.E. - DEP - Tallahassee, [Richard.Tedder@dep.state.fl.us](mailto:Richard.Tedder@dep.state.fl.us)

FDEP Solid Waste Financial Coordinator, [Solid.Waste.Financial.Coordinator@dep.state.fl.us](mailto:Solid.Waste.Financial.Coordinator@dep.state.fl.us)

Jennifer Stirk, Volusia County Solid Waste Division, [jstirk@co.volusia.fl.us](mailto:jstirk@co.volusia.fl.us)

Kanishka Perera, P.E., HDR Engineering, Inc., [Kanishka.Perera@hdrinc.com](mailto:Kanishka.Perera@hdrinc.com)

Carlo Lebron, P.E., HDR Engineering, Inc., [carlo.lebron@hdrinc.com](mailto:carlo.lebron@hdrinc.com)

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF PROPOSED AGENCY ACTION

The Department of Environmental Protection gives Notice of its intent to issue the renewal of the closure permit to continue closure of the North Cell Phase I & Post-Closure Care of the South Cell at the Tomoka Farms Road Landfill Class I, in Volusia County, Florida. The permit will be issued to Volusia County Solid Waste Division /Leonard Marion, 3151 East New York Avenue, DeLand, Florida 32724. The facility is located at 1990 Tomoka Farms Road, Port Orange, Volusia County, Florida in Sections 9, Township 16 South, Range 32 East, Volusia County, Florida.

The Department has assigned File Number SF64-0078767-028 to the project and considered the effects of this facility on groundwater.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Central District office, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803, Telephone 407/897-4304.

To view Documents in the Department's electronic filing system called Oculus:

Go to website: <http://dwmedms.dep.state.fl.us/Oculus/servlet/login>

Log in using the PUBLIC OCULUS LOGIN Button

Under Catalog - Highlight Solid Waste

Under Search by - Make Sure Profile is selected

Under Profile- Highlight Permitting Authorization

For Facility-Site ID - Enter 27540

For Document Date - Select the "Greater Than" Symbol (>) and enter 12-05-2011

Click on the Search Button

A person whose substantial interests are affected by the above proposed agency action may petition for an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of this notice or receipt of the written notice, whichever occurs first. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any

subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner or a statement that there are no disputed facts;
- (e) A statement of facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301 of the Florida Administrative Code.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that 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 such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In accordance with Section 120.573, F.S., the Department advises that mediation is not available in this case as an alternative to filing a petition for an administrative determination.



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

Xx/xx, 2012

## NOTICE OF PERMIT

By-Email

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

In the matter of an  
Application for Permit By:

Leonard Marion  
Volusia County Solid Waste Division  
3151 East New York Avenue  
DeLand, Florida 32724

OCD-SW-12-xxx

Volusia County - SW WACS No. 27540  
Tomoka Farms Road Landfill Class I  
Closure of the North Cell Phase I & Post-Closure Care of the South Cell  
Renewal of Closure Permit  
DEP File No. SF64-0078767-028

Dear Mr. Marion:

Enclosed is Permit Number SF64-0078767-028 for closure of the North Cell Phase I and post-closure care of the South Cell, issued under Sections 403.061(14) and 403.707, of the Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit under section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this notice is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Jeff Prather  
Director, Central District

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

\_\_\_\_\_  
**Clerk**

\_\_\_\_\_  
**Date**

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were sent before the close of business on xxxx , 2012 to the listed persons.

\_\_\_\_\_  
**Clerk**

JP/tl/ll

Enclosure  
Permit No. SF64-0078767-028

Copies furnished to:

Richard Tedder, P.E. - DEP - Tallahassee, [Richard.Tedder@dep.state.fl.us](mailto:Richard.Tedder@dep.state.fl.us)  
Jennifer Stirk, Volusia County Solid Waste Division, [jstirk@co.volusia.fl.us](mailto:jstirk@co.volusia.fl.us)  
Kanishka Perera, P.E., HDR Engineering, Inc., [Kanishka.Perera@hdrinc.com](mailto:Kanishka.Perera@hdrinc.com)  
Carlo Lebron, P.E., HDR Engineering, Inc., [carlo.lebron@hdrinc.com](mailto:carlo.lebron@hdrinc.com)  
[Solid.Waste.Financial.Coordinator@dep.state.fl.us](mailto:Solid.Waste.Financial.Coordinator@dep.state.fl.us)





# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

Permit Issued to:

Volusia County Solid Waste Division  
3151 East New York Avenue  
DeLand, Florida 32724  
(386) 943-7889

Facility WACS ID No.: 27540  
Tomoka Farms Road Landfill Class I  
Closure of the North Cell Phase I & Post-Closure Care of the South Cell  
Location: 1990 Tomoka Farms Road,  
Port Orange, Volusia County, Florida  
Contact Person:  
Leonard Marion  
Solid Waste Director  
3151 East New York Avenue, DeLand, Florida 32724  
(386) 943-7889

**Solid Waste Renewal Closure Permit**  
**Tomoka Farms Road Landfill Class I**  
**Closure of the North Cell Phase I & Post-Closure Care of the South Cell**  
Permit No. SF64-0078767-028  
Replaces Permit No. SF64-0078767-020

Permit Issued: xx/xx/2012  
Permit Renewal Application Due Date: 01/17/2017  
Permit Expires: 03/19/2017

## **Permitting Authority**

Florida Department of Environmental Protection  
Central District Office  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803  
(407) 897-4304

## SECTION 1 - SUMMARY INFORMATION

### A. Authorization

The permittee is hereby authorized to close the North Cell and perform post-closure activity at the South Cell in accordance with the specific and general conditions of this permit and any documents attached to this permit or specifically referenced in this permit and made a part of this permit.

This solid waste closure permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-701.

This permit does not relieve the permittee from complying with any other appropriate local zoning or land use ordinances or with any other laws, rules or ordinances. Receipt of any permit from the Department does not relieve the applicant from obtaining other federal, state, and local permits and/or modifications required by law, including those from other sections within the Department or of the Water Management District.

### B. Facility Location

Tomoka Farms Road Landfill Class I  
Closure of the North Cell Phase I & Post-Closure Care of the South Cell  
Location: 1990 Tomoka Farms Road,  
Port Orange, Volusia County, Florida  
Sections 9, Township 16 South, Range 32 East  
Latitude 29° 7' 42.27"N and Longitude 81° 4' 54.49"W

### C. Facility Description

The closure permit SF64-0078767-020 (Reference No. 5 - Appendix 2) was to close the combined North and East Cells Class I, as portions of those cells reach permitted final grade, and to provide post-closure care to South Cell Class I. The North and East Cells have been combined and designated as North Cell, Phase I. This permit is for the closure of the North Cell Phase I (65.64 acres) as shown in Figure 1 (Reference No. 2 - Appendix 2) and for post-closure care of the South Cell (114 acres).

The North and South Cells are located within the 3,500-acre Volusia County's Tomoka Farms Road Landfill (TFRL) solid waste management facility. The North Cell Phase I has a double liner system with leachate collection and detection systems. The South Cell does not have a bottom liner because it was not required when the cell was built in 1978. DEP approved the closure construction for the South Cell on 12/17/2003. The 30-year long-term care period has not yet begun because the South Cell does not have its own water quality zone of discharge that can be monitored separately. The 30-year Long Term Care period will not begin until the official closing date for the TFRL has been established by FDEP.

There is one water quality monitoring plan (called the Monitoring Plan Implementation Schedule) for the entire TFRL solid waste management facility. The new version (dated 3/12/2012) is included as Appendix 3. It is made a part of this permit and all other permits for the TFRL solid waste management facility.

**D. Appendices Made Part of This Permit**

APPENDIX 1 - General Conditions

APPENDIX 2 - Approved Application Documents

APPENDIX 3 - Water Quality Monitoring Plan Implementation Schedule (3/12/2012)

**E. For Informational Purposes Only**

**List of Previous Permit Activity**

Permit	Permit Sub-Type	Issued Date	Expiration Date	Comments
Closure	SF64-0078767-011	3/8/2001	1/30/2006	Closure of the South Cell (114 acres)
Closure	SF64-0078767-020	5/30/2007	2/15/2012	Closure of North Cell Phase I and South Cell (115 acres)
Closure Renewal	SF64-0078767-028	TBD	TBD	Renewal permit application received 12/7/2011 to replace -020

## SECTION 2 - SPECIFIC CONDITIONS

### A. Administrative Requirements

1. Documents Part of This Permit. The permit application as revised, replaced or amended in response to the Department's Request for Additional Information are contained in the Department's files and are made a part of this permit. Those documents that make up the complete permit application are listed in APPENDIX 2.
2. Permit Modification. Any change to construction, monitoring or closure requirements of this permit may require a modification to this permit, in accordance with the provisions of Rule 62-701.320(4), F.A.C.
3. Permit Renewal. In order to ensure uninterrupted closure operations for this facility, a timely and sufficient permit renewal application must be submitted to the Department in accordance with Rule 62-701.320(10), F.A.C. A permit application submitted at least 61 days prior to the expiration of this permit is considered timely and sufficient.
4. Transfer of Permit or Name Change. In accordance with Rule 62-701.320(11), F.A.C., the Department must be notified by submitting Form 62-701.900(8) within 30 days: (a) of any sale or conveyance of the facility; (b) if a new or different person takes ownership or control of the facility; or (c) if the facility name or permittee's legal name is changed.
5. Air Construction Permit Requirements. The Tomoka Farms Road Landfill (TFRL) solid waste management facility has an Air Title V Operation Permit. The landfill owner or operator must determine whether the closure activities authorized by this solid waste permit require any notifications or modifications of the air permit.

### B. Construction Requirements

This permit does not authorize construction of any new disposal areas. It does authorize construction activities related to the closure of the North Cell Phase I. (See Section 2.G)

### C. Operation Requirements

This permit does not authorize any operation activities. Permit SO64-0078767-023 (expiration date 3/3/2013) authorizes the disposal operations in the North Cell Phase I.

### D. Water Quality Monitoring Requirements

1. Zone of Discharge (ZOD). There is one zone of discharge for the entire Tomoka Farms Road Landfill (TFRL) facility (both Class I and Class III landfills). This permit does not change the ZOD specified in Permit SO64-0078767-026.

The ZOD shall be a three dimensional volume, defined in the vertical plane as extending from the top of the ground to the bottom of the screen of the lower surficial monitoring wells (that is, Zone 4), and defined in the horizontal plane as extending 100 feet from the footprint of the waste disposal area or to the property boundary, whichever is less. The permittee shall ensure that Class G-II water quality standards will not be exceeded at the boundary of the zone of discharge, per Rule 62-520.420, F.A.C., and that ground water minimum criteria will not be exceeded outside the boundary of the zone of discharge, per Rule 62-701.320(17), F.A.C.

2. Electronic Reporting. Required water quality monitoring reports and all ground water, surface water and leachate analytical results shall be submitted as one electronic copy and one paper copy. Electronic submittals of water quality monitoring reports shall be in Adobe pdf format. The water quality data Electronic Data Deliverable (EDD) shall be provided to the Department in an electronic format only consistent with requirements for importing the data into the Department's databases. Water quality monitoring reports shall be signed and sealed by a Florida registered professional geologist or professional engineer with experience in hydrogeological investigations and shall include the following:

- a) Cover letter;
- b) Summary of exceedances and sampling problems, if any (e.g., variation from SOP field criteria);
- c) Conclusions and recommendations;
- d) Ground water contour maps;
- e) Chain of custody forms;
- f) Water levels, water elevation table;

- g) Ground Water Monitoring Report Certification, using the appropriate Department form;
- h) Appropriate sampling information on Form FD 9000-24 (DEP-SOP-001/01); and,
- i) Laboratory and Field EDDs and error logs, as applicable.

All submittals in response to this specific condition shall be sent to:

(paper and electronic)  
FDEP Central District  
Solid Waste Section  
3319 Maguire Blvd, Suite 2332  
Orlando, FL 32803

and to:

(electronic only)  
Florida Department of Environmental Protection  
Solid Waste Section, MS 4565  
2600 Blair Stone Road  
Tallahassee, Florida, 32399-2400

3. Water Quality Monitoring Plan. The water quality monitoring plan is called the Monitoring Plan Implementation Schedule (MPIS). There is one MPIS for the entire TFRL solid waste management facility. The new version (dated 3/12/2012) is included as Appendix 3. **It is made a part of this permit and all other permits for the TFRL solid waste management facility.** The MPIS or its attachments may be revised or updated at any time. The revised/updated documents will be issued with a new date and effective for the next sampling event.

### E. Gas Management System Requirements

1. Construction Requirements. A landfill gas management system will be installed as part of the closure construction activities. All construction shall be done in accordance with the approved gas management system design, drawings, and specifications section O and drawings 4 to 6 (Reference No. 7 - Appendix 2). The Department shall be notified before any changes, other than minor deviations, to

the approved design are implemented in order to determine whether a permit modification is required.

2. Certification of Construction Completion.
  - a. The closure of the North Cell Phase I will be done in stages. The amount of work done depends upon the scope of work in each contract that is awarded. A Certification of Construction Completion shall be submitted for the work accomplished by each scope of work.
  - b. After construction is completed the engineer of record shall certify to the Department in accordance with Rule 62-701.320(9)(b), F.A.C., that the permitted construction is complete and was performed in substantial conformance with the approved construction plans except where minor deviations were necessary. All deviations shall be described and the reasons therefore enumerated.
3. Operational Requirements. Gas controls shall be operated and maintained so that they function as designed.
4. Monitoring Requirements. Monitoring for methane gas at the property boundary and within structures on the property shall be performed quarterly to determine the effectiveness of the gas migration controls. The gas monitoring results shall be reported as a percent of the lower explosive limit (LEL), calibrated to methane. The report shall be submitted to the Department under separate cover no later than 15 days after the end of the period in which the monitoring occurred.
5. Gas Remediation Plan. The facility landfill gas management system shall be operated to prevent the concentration of combustible gases from exceeding 25% of the lower explosive limit in structures, excluding gas control or recovery components, and from exceeding the lower explosive limit at or beyond the property boundary. If either of these limits is exceeded then a gas remediation plan shall be designed and implemented in accordance with Rule 62-701.530(3)(a), F.A.C.
6. Odor Remediation Plan. The facility shall be operated to control objectionable odors. If objectionable odors are confirmed beyond the property boundary then upon notification by the Department the permittee shall develop and implement an odor remediation plan in accordance with the requirements of Rule 62-701.530(3)(b), F.A.C.

## **F. Financial Assurance and Cost Estimates**

1. The 2012 total approved financial assurance cost estimates (which were provided in Appendix B Attachment R-1 of Reference No. 1 - Appendix 2 for North Cell Phase I and South Cell) are the following:

Area of Facility	Date of Estimate	Closing Cost Estimate	30- Year Long-Term Care Estimate
North Cell Phase I (65.64 acres)	12/6/2011	\$9,364,941.36	\$5,259,774.30
South Cell (114 acres)	12/6/2011		\$3,425,467.65
TOTALS		\$9,364,941.36	\$8,685,241.95

Please check with Frank Hornbrook, [frank.hornbrook@dep.state.fl.us](mailto:frank.hornbrook@dep.state.fl.us), to determine whether the value of the current financial assurance instrument for Volusia County is sufficient for this facility.

2. Financial Assurance Mechanism. The permittee shall maintain compliance with the financial assurance requirements of Rule 62-701.630, F.A.C. The permittee shall maintain, in good standing, the financial assurance mechanisms. Supporting documentation and evidence of increases associated with cost estimate increases shall be submitted within the time frames specified in Rule 62-701.630, F.A.C.

All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection  
Financial Coordinator - Solid Waste Section  
2600 Blair Stone Road, MS 4565  
Tallahassee, Florida 32399-2400

3. Cost Estimates.
  - a. The permittee shall submit annual closure cost estimates adjustments for inflation, in accordance with the requirements of Rule 62-701.630(3) and (4), F.A.C., and 40 CFR Part 264.142(a) and .144(a) using Form 62-701.900(28).
  - b. An owner or operator using an escrow account shall submit the annual inflation adjusted estimate(s) between July 1 and September 1. An owner or operator using a letter of credit, guarantee bond, performance bond,



- financial test, corporate guarantee, trust fund or insurance shall submit the inflation adjusted cost estimate(s) between January 1 and March 1.
- c. All submittals in response to this specific condition shall be sent to the District Office and a copy to the address identified in Specific Condition F.1. or to the following email address:  
[Solid.Waste.Financial.Coordinator@dep.state.fl.us](mailto:Solid.Waste.Financial.Coordinator@dep.state.fl.us)

### G. Closure Requirements

1. Closure Design. All closure construction shall be done in accordance with the approved closure design plan as described in the references in Appendix 2. The Department shall be notified before any changes, other than minor deviations, to the approved closure design are implemented in order to determine whether a permit modification is required.
2. Final Cover System. The final cover system for the North Cell shall consist of a minimum of twelve inches of initial soil cover (grading layer), a LLDPE geomembrane, a biplanar geocomposite drainage net, and 24 inches of protective cover soil, including six inches of top soil capable of supporting vegetative growth. Sod will be placed on top of the protective soil cover. The components of the final cover system shall meet the requirements of Rule 62-701.600(3)(g), F.A.C. as demonstrated by the technical specifications in Appendix D of Reference No. 3 - Appendix 2 and Attachment R19 of Reference No. 4 - Appendix 2.
3. Final Cover Design - Side Slopes. The side slope design for the North Cell closure is shown on Sheets C-05 of the Closure Design Drawings and detail sheets C-06 through C-09 of Reference No. 3 - Appendix 2. The maximum side slope is 3H:1V, Rule 62-701.600(3)(e), F.A.C. A series of 19-foot wide drainage terraces are located at approximate elevations of 69, 107, 145 and 185 feet NGVD, as a means of collecting stormwater from the slopes. Terraces will drain at a slope of one percent to direct stormwater to a series of 18-inch and 24-inch diameter downdrains. Downdrains will be constructed at approximately 400-foot centers and discharge stormwater within the perimeter drainage channels. The top portion on the North Cell will have a 4 percent slope to direct runoff to the downdrains.
4. Closure Sequencing. The final cover shall be constructed in three sequences, to allow the County to install final cover over areas that have reached final

- permitted elevation as shown on Sheet 00C-04 in Appendix A of Reference No. 3 - Appendix 2.
5. Construction Quality Assurance Plan. The Construction Quality Assurance (CQA) Plan submitted with the permit modification application in Appendix C of Reference No. 3 - Appendix 2 shall be followed for installing and testing the liner system and related components. The CQA engineer or his designee shall be on-site at all times during construction of the liner system to monitor the construction activities.
  6. North Cell Elevation. The final (maximum) elevation of the Tomoka Farms Road Landfill - North Cell, Class I shall not exceed 193 feet NGVD as shown on Sheet 00C-03 in Appendix A of Reference No. 3 - Appendix 2.
  7. Survey after Construction: A survey shall be performed by an engineer or registered surveyor to verify that final contours and elevations of the facility are in accordance with the plans as approved in this permit. Aerial mapping techniques that provide equivalent survey accuracy may be substituted for the survey. Contours should be shown at no greater than five-foot intervals. The landfill owner or operator shall submit this information to the Department along with the Certification of Construction Completion required in Specific Condition No. 2.G.8.
  8. Certification of Closure Construction Completion
    - a. The closure of the North Cell Phase I will be done in stages. The amount of work done depends upon the scope of work in each contract that is awarded. A Certification of Construction Completion shall be submitted for the work accomplished by each scope of work.
    - b. After closure construction has been completed, the engineer of record shall certify to the Department on Form 62-701.900(2) that the closure is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefore enumerated.
  9. Notification of Closure Activities: The permittee shall notify the Department 30 days prior to commencing initial closure activities such as constructing the cap, side slopes, and stormwater drainage facilities, and shall notify the Department at least 10 days before completing these activities.

10. Declaration to the Public After closing operations are approved by the Department, the facility owner or operator shall file a declaration to the public in the deed records in the office of the county clerk of the county in which the facility is located. The declaration shall include a legal description of the property on which the facility is located and a site plan specifying the area actually filled with construction and demolition debris. The declaration shall also include a notice that any future owner or user of the site should consult with the Department prior to planning or initiating any activity involving the disturbance of the facility's cover, monitoring system or other control structures. A certified copy of the declaration shall be filed with the Department, Rule 62-701.730(9)(f), F.A.C.

### **H. Long Term Care Requirements**

1. Post-Closure Care of South Cell. The Permittee shall continue to monitor and maintain the integrity and effectiveness of the final cover as well as other appurtenances, control erosion, fill subsidences, comply with the ground water monitoring plan and gas monitoring program, and maintain the stormwater system, in accordance with an approved closure plan at the South Cell.
2. Stabilization Report. At the next permit renewal, the permittee shall submit a report to the Department that addresses stabilization of the South Cell. The submittal shall include the technical report required in Rule 62-701.510(9)(b), F.A.C., and shall also address subsidence, barrier layer effectiveness, storm water management, and gas production and management. Because South Cell does not have a bottom liner, the submittal will not address leachate collection and removal system effectiveness, leachate quality, and leachate quantity.
3. Use of Closed Landfill Areas: Closed landfill areas, if disturbed, are a potential hazard to public health, ground water and the environment. The Department retains regulatory control over any activities which may affect the integrity of the environmental protection measures such as the landfill cover, drainage, liners, monitoring system, gas management system, or leachate and stormwater controls. Consultation with the Department is required prior to conducting activities at the closed landfill.
4. Construction on Closed Landfill: Pursuant to Section 403.705(1), Florida Statutes, (F.S.), the following guidance is provided for use of a closed landfill.

- a. Enclosed ground level and underground structures should be avoided due to the potential for explosive concentrations of methane gas. Special construction and ventilation techniques must be employed if such structures are proposed.
  - b. Ponding of water, excessive irrigation, or any disturbance of cover soils should be avoided unless there is assurance that moisture will not percolate into the buried waste.
  - c. Concentrated weight loadings should be avoided to prevent uneven settlement.
  - d. The effectiveness and integrity of landfill cover and any liners or barriers must not be disturbed when structures are built, particularly when pilings are used.
  - e. Underground utilities and similar installations that cross, or are placed within 200 feet of any filled areas, should be avoided. If they cannot, a properly located gas barrier or ventilation system should be placed at each property boundary to prevent methane gas migration along the utility line to off-site structures.
5. Long-Term Care Period. The 30-year long-term care period will not begin until the official closing date has been established by FDEP.

Executed in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

---

Jeff Prather  
Director, Central District

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

\_\_\_\_\_  
**Clerk**

\_\_\_\_\_  
**Date**

Enclosures:

1. Appendix 1 - General Conditions
2. Appendix 2 - List of Documents Incorporated into Permit
3. Appendix 3 - Water Quality Monitoring Plan Implementation Schedule (3/12/2012)

#### APPENDIX 1 - General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are “permit conditions” and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.) The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
6. 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.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup and auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - (a) Have access to and copy any records that must be kept under conditions of this permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
  - (a) A description of and cause of noncompliance; and
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

The Permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence

shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300, Florida Administrative Code (F.A.C.), as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. The permittee shall comply with the following:
  - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring information) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - c. Records of monitoring information shall include:
    1. the date, exact place, and time of sampling or measurements;
    2. the person responsible for performing the sampling or measurements;
    3. the dates analyses were performed;
    4. the person responsible for performing the analyses;
    5. the analytical techniques or methods used;
    6. the results of such analyses.



14. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

DRAFT

APPENDIX 2 - List of Documents Incorporated into Permit

1. Tomoka Farms Road Landfill Class I – Closure of North Cell Phase I and Post-Closure Care of South Cell “Application for Renewal of Existing Closure Permit”, signed and sealed by Kanishka Perera, P.E. HDR Engineering, Inc. Jacksonville, Florida, dated December 6, 2011. Received and stamped December 7, 2011, DEP-Central District.
2. Response to FDEP’s 1st Request for Additional Information from Kanishka Perera, P.E. HDR Engineering, Inc. Jacksonville, Florida, dated January 27, 2012. Received and stamped January 30, 2012, DEP-Central District.
3. Tomoka Farms Road Landfill, North Cell Class I Closure, Intermediate Modification Permit Application, Prepared By: HDR Engineering, Inc., Jacksonville, Florida 32202, dated August 25, 2010. Received and stamped September 14, 2010, Central District – DEP.
4. Response to First Request for Additional Information from HDR Engineering, Inc., dated November 11, 2010 (Tomoka Farms Road Landfill, North Cell Class I Closure, Intermediate Modification Permit Application, dated November 2010). Received and stamped November 12, 2010, Central District – DEP.
5. Closure Permit Application, Tomoka Farms Road Landfill – North and East Class I Cell, November 15, 2006. Received and stamped December 1, 2006, Central District – DEP.
6. Tomoka Farms Road Landfill, North and East Cell Closure Permit Drawings dated October 2006 (included with November 15, 2006 Closure Permit Application, Tomoka Farms Road Landfill – North and East Class I Cell). Received and stamped December 1, 2006, Central District – DEP.
7. Application for Intermediate Modification of Operation Permit to Construct and Operate a Landfill Gas Collection and Control System, dated October 2, 2003. Received and stamped October 15, 2003, Central District – DEP.