



Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Carol M. Browner, Secretary

December 9, 1992

Tom Nelson, President and General Manager
Trail Ridge Landfill, Inc.
Post Office Box 548
Baldwin, Florida 32234

Dear Mr. Nelson:

Modification No. 219482 of Permit No. SC16-184444
Trail Ridge Landfill - Duval County

On December 8, 1992, the Northeast District Office received your request for an informal administrative hearing on the above-referenced modification. The petition should have been filed with the Department's Office of General Counsel within 14 days from receipt of the Notice of Modification, December 8, 1992.

Failure to file the petition with the appropriate office within the appropriate time frame constitutes a waiver of any right to request a hearing under Section 120.57, Florida Statutes; therefore, the Department is returning your petition.

Sincerely,

Mary C. Nogas, P. E.
Solid Waste Supervisor

MCN:shl *MF*

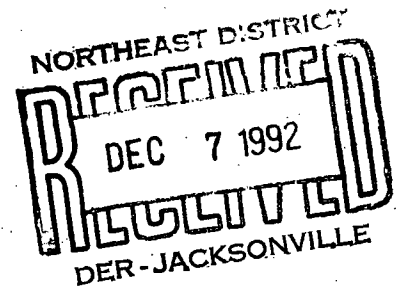
Enclosure

Trail Ridge Landfill, Inc.
5110 U.S. Highway 301
P.O. Box 548
Baldwin, Florida 32234
904/289-9100



A Waste Management Company

December 2, 1992



Ms. Mary C. Nogas, P.E.
Department of Environmental Regulations
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256

Re: Trail Ridge Landfill
Permit #SC16-184444, Specific Condition 50
Permit #161821182, Specific Condition 10
Wetland Creation Area

Dear Ms. Nogas,

The wetland creation area as-built survey is hereby submitted in accordance with the above referenced permits. The planting of the wetland creation area was completed on November 22, 1992.

If you have any questions concerning this matter, please call.

Sincerely,

Tom Nelson
General Manager

cc: Mike Eaton (FDER)
Jim Lukens

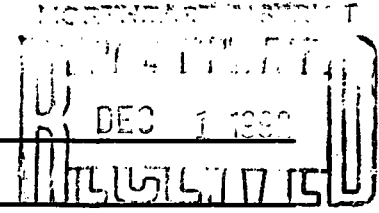
MAP(S)/ PLAN(S)

SCANNED

SEPARATELY

NATIONAL SEAL COMPANY
CERTIFICATE OF ACCEPTANCE
OF SOIL SUBGRADE SURFACE

PROJECT NAME: Trail Ridge Landfill
PROJECT NUMBER: FQ-2030
OWNER: City of Jacksonville/WMNA, Inc.
LOCATION: Baldwin, FL 32206



DER-JACKSONVILLE

I, the undersigned, a duly appointed representative of National Seal Company (NSC), have visually observed the soil subgrade surface described below, and found it to be an acceptable surface on which to install geomembrane.

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Area Being Accepted: SECONDARY 60 MIL GEOMEMBRANE PANEL
NO'S S-486 THRU S-495, PHASE IIA.

NATIONAL SEAL REPRESENTATIVE:

Date: Nov 20, 1992
Signature: [Signature]
Name: ~~Phillip Weller~~ JACK MURPHY
Title: Superintendent

OWNERS REPRESENTATIVE:

Date: NOV. 20, 1992
Signature: [Signature]
Name: John Gillyard
Title: C.Q.A. Manager
Company: GeoSyntec Consultants

GEOSYNTEC CONSULTANTS

Construction Quality Assurance Division

1200 South Federal Highway, Suite 204

Boynton Beach, Florida 33435

(407) 736-5400

To Florida Dept. of Env. Regulation
7825 Bay Meadows Way - Ste. B200
Jacksonville, Florida 32256-7577

TRANSMITTAL

Date <i>NOV. 20, 1992</i>	Job No. FQ2030
Attention Ms. Mary Nogas, P.E. NORTHEAST ENERGY	
Re: Trail Ridge Landfill	DEC 1 1992
Phases I and II	

DER-JACKSONVILLE

We are sending you ☒ attached ☐ under separate covers via _____ the following items:

Drawings

 **Prints**

Plans

Specifications

Samples

Reports

 Copy of Letter

☒ Other Installer's Certificate of Subgrade Acceptance.

[illegible]

These are transmitted as checked below:

 For approval

 For your use

As you requested

☐ Approved as submitted

☐ Approved as noted

☐ Returned for corrections

Resubmit _____ copies for approval

Submit _____ copies for distribution

☐ Return _____ corrected prints

Remarks

Copy to WMI-F

Signed

John Dillman
CQA CONSULTANT

GEOSYNTEC CONSULTANTS

Construction Quality Assurance Division

1200 South Federal Highway, Suite 204

Boynton Beach, Florida 33435

(407) 736-5400

To Florida Dept. of Env. Regulation
7825 Bay Meadows Way - Ste. B200
Jacksonville, Florida 32256-7577

TRANSMITTAL

Date	NOV 19, 1992	Job No.	FQ2030
Attention	Ms. Mary Nogas, P.E.		
Re:	Trail Ridge Landfill		
Phases I and II	DEC 1 1992		

We are sending you ☒ attached ☐ under separate covers via _____ the following items:

☐ Drawings ☐ Prints ☐ Plans

☐ Specifications ☐ Samples ☐ Reports ☐ Copy of Letter

☒ Other Installer's Certificate of Subgrade Acceptance.

[illegible]

These are transmitted as checked below:

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☐ As you requested ☐ Returned for corrections ☐ Return _____ corrected prints

Remarks

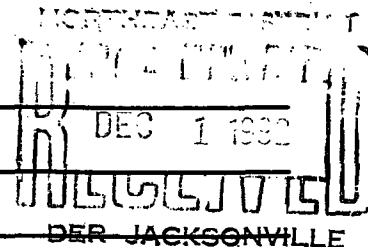
Copy to WMI-F

Signed

John Gillard
CQA CONSULTANT

NATIONAL SEAL COMPANY
CERTIFICATE OF ACCEPTANCE
OF SOIL SUBGRADE SURFACE

PROJECT NAME: Trail Ridge Landfill
PROJECT NUMBER: FQ-2030
OWNER: City of Jacksonville/WMNA, Inc.
LOCATION: Baldwin, FL 32206



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Area Being Accepted: SECONDARY 60 MIL GEOMEMBRANE PANEL
NO'S S-479 THRU S-485, PHASE IIA.

NATIONAL SEAL REPRESENTATIVE:

Date: Nov 19 1992
Signature: [Signature]
Name: ~~Phillip Weller~~ JACK MAHUGH
Title: Superintendent

OWNERS REPRESENTATIVE:

Date: NOV. 19, 1992
Signature: [Signature]
Name: John Gillyard
Title: C.Q.A. Manager
Company: GeoSyntec Consultants

November 18, 1992

Larry Hipsh
Trail Ridge Landfill
5110 U.S. Highway 301
Jacksonville, Florida

DRAFT

Dear Mr. Hipsh:

We have observed for some time that you have consistently required a complete TCLP test on all "type A" special wastes. These "type A" wastes include spill cleanup residues and most industrial wastes other than products which have exceeded shelf life. This morning you told Andy White that persons with more than 220 pounds of special waste must have this test performed to demonstrate that their material is not a hazardous waste. We assume that by this statement you were defining your policy as neither federal nor state regulations support such a statement.

Federal regulations regarding this subject are found in 40 CFR 262.11. They state in part:

"A person who generates a solid waste as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using the following method:...

"(c)...must then determine whether the waste is identified in subpart C of 40 CFR part 261 by either:...

"(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used."

Please note that neither the regulation nor the other sections of regulations referenced mention anything about a 220 lb threshold. It also specifically allows a generator to use his knowledge of his materials and processes in determining whether his waste is a hazardous waste. The TCLP test is neither (always) necessary nor (always) sufficient in performing a hazardous waste determination. The 220 lb threshold is a part of the conditionally exempt generator regulations found in 40 CFR 261.5 and has nothing whatsoever to do with waste determinations.

The Florida Department of Environmental Regulation (FDER) has adopted the above federal regulations regarding this subject.

The complete TCLP test includes leaching tests for eight metals, six pesticides, and twenty five non-pesticide organics. The cost of this test is about twelve to fifteen hundred dollars.

We believe that your requirement for complete TCLP testing of special waste without consideration for the type, source, and quantity of the waste has the following undesirable characteristics:

1. It encourages illegal dumping, non-reporting of spills and other improper measures in order to avoid high laboratory costs. This is clearly harmful to the environment.
2. It leads generators to question our judgement and to attempt to hide their special waste in their regular waste. This is clearly harmful to the landfill.
3. The cost of unnecessary testing is burdensome to smaller businesses. This is clearly harmful to the community that we are here to serve.

It has been the practice of the City, with the knowledge and consent of FDER, to allow generators to suggest appropriate parameters for laboratory analysis and impose additional requirements only when our previous experience (or lack of same) with such wastes lead us to believe that more testing is required. We believe that that practice should be continued.

For example, you recently required Adcom Wire to have their wastewater treatment sludge to be tested by TCLP for all parameters including pesticides. We see no plausible mechanism by which this waste might contain any of the pesticides on the TCLP list. Having visited their plant and observed their process, we consider it unlikely that any other organic TCLP constituent is present in that waste in significant concentrations. One might readily argue that it is equally protective of the environment and the landfill to screen such wastes with total petroleum hydrocarbon, BTX, and/or total organic halogen testing (which costs much less) and then require subsets of the TCLP as indicated.

We believe that it is in the best interest of all concerned for you to reevaluate your testing requirements and allow them to be based on the type of waste in question rather than fixed list of parameters. If you have any questions or wish to discuss this matter further, please call Andy or me to arrange a meeting.

Sincerely,

Steven L. Waterman
Solid Waste Specialist

SW

cc: Scott D. Kelly, P.E.
Joel D. Scott
Vicky G. Valade, FDER
Reading File
LOFS

DRAFT

GEOSYNTEC CONSULTANTS

Construction Quality Assurance Division

1200 South Federal Highway, Suite 204

Boynton Beach, Florida 33435

(407) 736-5400

To Florida Dept. of Env. Regulation
7825 Bay Meadows Way - Ste. B200
Jacksonville, Florida 32256-7577

TRANSMITTAL

Date	Job No.
NOV. 18 1992	FQ2030
Attention	NORTHEAST DISTRICT
Ms. Mary Nogas, P.E.	
Re:	
Trail Ridge Landfill	DEC 1 1992
Phases I and II	
	DER-JACKSONVILLE

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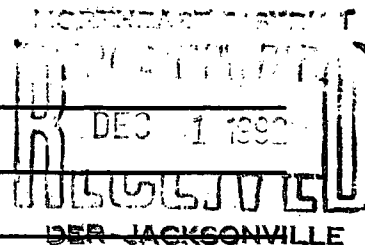
Remarks

Copy to WMI-F

Signed

NATIONAL SEAL COMPANY
CERTIFICATE OF ACCEPTANCE
OF SOIL SUBGRADE SURFACE

PROJECT NAME: Trail Ridge Landfill
PROJECT NUMBER: FQ-2030
OWNER: City of Jacksonville/WMNA, Inc.
LOCATION: Baldwin, FL 32205



I, the undersigned, a duly appointed representative of National Seal Company (NSC), have visually observed the soil subgrade surface described below, and found it to be an acceptable surface on which to install geomembrane.

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Area Being Accepted: SECONDARY 60 MIL GEOMEMBRANE PANEL
NO'S S-474 THRU S-478, PHASE 1EA.

NATIONAL SEAL REPRESENTATIVE:

Date: Nov. 18, 1992
Signature: [Signature]
Name: ~~Phillip Welles~~ JACK MANHUGH
Title: Superintendent

OWNERS REPRESENTATIVE:

Date: NOV. 18, 1992
Signature: [Signature]
Name: John Gillyard
Title: C.Q.A. Manager
Company: GeoSyntec Consultants



TRANSMITTAL

(407) 736-5400

Date	Job No.
NOV. 17, 1992	E02030
Attention	
Ms. Mary Nogas, P.E.	
Re:	DEC 1 1992
Trail Ridge Landfill	
Phases I and II	
	DER-JACKSONVILLE

To Florida Dept. of Env. Regulation
7825 Bay Meadows Way - Ste. B200
Jacksonville, Florida 32256-7577

We are sending you ☒ attached ☐ under separate covers via _____ the following items:

☐ Drawings ☐ Prints ☐ Plans

☐ Specifications ☐ Samples ☐ Reports ☐ Copy of Letter

☒ Other Installer's Certificate of Subgrade Acceptance.

[illegible]

These are transmitted as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As you requested ☐ Returned for corrections ☐ Return _____ corrected prints

Remarks

Copy to WMI-F

Signed

**NATIONAL SEAL COMPANY
CERTIFICATE OF ACCEPTANCE
OF SOIL SUBGRADE SURFACE**

PROJECT NAME: Trail Ridge Landfill

PROJECT NUMBER: FQ-2030

OWNER: City of Jacksonville/WMNA, Inc.

LOCATION: Baldwin, FL 32206

DEC 1 1992
DER-JACKSONVILLE

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Area Being Accepted: SECONDARY 60 MIL GEOMEMBRANE PANEL
NO'S S-467 THRU S-473, PHASE IIB.

NATIONAL SEAL REPRESENTATIVE:

Date: Nov. 17 - 1992

Signature: [Signature]

Name: ~~Phillip Weller~~ JACK MANUSH

Title: Superintendent

OWNERS REPRESENTATIVE:

Date: NOV. 17, 1992

Signature: [Signature]

Name: John Gillyard

Title: C.Q.A. Manager

Company: GeoSyntec Consultants



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

Interoffice Memorandum

TO: Mary Nogas, P.E.
Solid Waste Supervisor, Northeast District

THROUGH: Brian S. Cheary, Ph.D.
Waste Cleanup Manager, Northeast District

FROM: Richard S. Rachal *RSR*
Waste Cleanup Section, Northeast District

DATE: November 16, 1992

SUBJECT: Piezometer Data
Trail Ridge Class I Landfill
Duval County, Florida

The information submitted by Golder and Associates (received October 16, 1992) indicates that the wells present are adequately monitoring groundwater in accordance with the permit requirements. No further information is required at this time.

c.c. B. Cheary, Ph.D.
file



Signed

NATIONAL SEAL COMPANY
CERTIFICATE OF ACCEPTANCE
OF SOIL SUBGRADE SURFACE

DEC 1 1992

DER-JACKSONVILLE

PROJECT NAME: Trail Ridge Landfill

PROJECT NUMBER: FQ-2030

OWNER: City of Jacksonville/WMNA, Inc.

LOCATION: Baldwin, FL 32206

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Area Being Accepted: SECONDARY 60 MIL GEOMEMBRANE PANEL
NO'S S-457 THRU S-466, PHASE .

NATIONAL SEAL REPRESENTATIVE:

Date: Nov. 12, 1992

Signature: [Signature]

Name: ~~Phillip Weller~~ JACK MANUSH

Title: Superintendent

OWNERS REPRESENTATIVE:

Date: Nov. 12, 1992

Signature: [Signature]

Name: John Gillyard

Title: C.Q.A. Manager

Company: GeoSyntec Consultants

NOV 12 1992

Dept. of Environmental Reg.
Office of General CounselIN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDACOASTAL ENVIRONMENTAL
SOCIETY, INC., et al.,

Appellants,

NOT FINAL UNTIL TIME EXPIRES
TO FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED,

v.

CASE NO. 91-3840

DEPARTMENT OF ENVIRONMENTAL
REGULATION, et al.,

Appellees.

Opinion filed November 10, 1992.

An appeal from the Department of Environmental Regulation,
Carol Browner, Secretary.Kenneth F. Hoffman and Thomas G. Tomasello, Oertel, Hoffman,
Fernandez & Cole, P.A., Tallahassee, for Appellants.William D. Preston and Thomas M. DeRose, Hopping, Boyd, Green &
Sams, Tallahassee, for Appellee Trail Ridge Landfill, Inc.William H. Congdon, Assistant General Counsel, Department of
Environmental Regulation, Tallahassee, for Appellee Department of
Environmental Regulation.

PER CURIAM.

In this administrative appeal, appellants Coastal Environmental Society, Inc., and Baldwin-Maxville Coalition, Inc., contest the final agency action of appellee Department of Environmental Regulation (DER) adopting the hearing officer's

recommendation to grant several permits, including a management and storage of surface waters (MSSW) permit, in connection with the construction of a solid waste facility (landfill) proposed by appellee Trail Ridge Landfill, Inc. (Trail Ridge). Three of the four issues raised on appeal are without merit, and we affirm without discussion as to those points. We address the remaining issue, reverse and remand to the DER with directions.

In 1990, Trail Ridge filed applications with DER to build and operate a solid waste management facility consisting of a Class I landfill (148 acres) and a Class III landfill (28 acres) in southwest Duval County. In total, the proposed landfill site would encompass some 1,288 acres located approximately 3 miles south of Interstate 10, 1.5 miles west of U.S. Highway 301 and 1.14 miles north of State Road 228 and would likely have an adverse impact upon wetland areas if not in compliance with DER rules and regulations.

Among the issues raised on appeal, appellants argue that the MSSW permit should not be issued because DER failed to obtain an advisory report from the St. Johns River Water Management District assessing the environmental impact of the MSSW system, as required by Section 403.707(4), Florida Statutes (1991),¹ and

¹ Section 403.707(4), Florida Statutes (1991), provides:

When application for a permit for a Class I or Class II solid waste disposal area is made, it is the duty of the department to provide a copy of the application, within 7 days after filing, to the water management district having juris-

Florida Administrative Code Rule 17-701.030(7).² In response, while conceding failure to obtain the advisory report, appellees first argue that such an advisory report is not strictly required in that the DER is capable of assessing such environmental impact, has in fact done so, and also that the DER has statutory authority to issue MSSW permits pursuant to Section 373.413(1) and 373.416(1), Florida Statutes (1991). More specifically, appellees argue that the water management district has by interagency agreement delegated to the DER authority to issue an MSSW permit for the Trail Ridge landfill under Section 373.046,

diction where the area is to be located. The water management district shall prepare an advisory report as to the impact on water resources. This report shall contain the district's recommendations as to the disposition of the application and shall be submitted to the department no later than 30 days prior to the deadline for final agency action by the department.

² Florida Administrative Code Rule 17-701.030(7), provides:

Water Management District Report. Upon receipt of a construction permit application for a Class I or Class II landfill the Department shall, within 7 days, provide a copy of the application to the water management district having jurisdiction where the landfill is to be located. The water management district shall prepare an advisory report as to the impact on water resources. This report shall contain the water management district's recommendations about the disposition of the application and shall be submitted to the Department no later than 30 days prior to the deadline for final agency action by the Department.

Florida Statutes (1991).³ In addition, appellees argue that the failure to obtain an advisory report from the water management district must be considered no more than harmless error, in that the environmental impact of the project has already been properly assessed by the DER.

Assuming that appellees are correct in asserting that the water management district may delegate to the DER authority to issue MSSW permits, a question on which we need not express an opinion, the authority to enter into interagency agreements with respect to the issuance of MSSW permits would operate within the scope of Chapter 373, pertaining to various water management projects including, for example, dams and resevoirs. With respect to the construction of solid waste facilities, however, the legislature has expressly and unequivocally provided in Section 403.707(4), that the DER must obtain an advisory report

³ Section 373.046(1), Florida Statutes (1991), provides:

The department may enter into interagency agreements conducting programs or exercising powers related to or affecting the water resources of the state. Such agreements may establish principle-agency or contract relationships; provide for cross-deputization of enforcement personnel; provide for consolidation of facilities, equipment, or personnel; or provide such other relationships as may be deemed beneficial to the public interest. Such interagency agreements shall be promulgated in the same manner as rules and regulations, subject to chapter 120. All state agencies conducting programs or exercising powers relating to or affecting the water resources of the state are hereby authorized to delegate such authority to the department or any of the several water management districts pursuant to such interagency agreements.

from the appropriate water management district assessing the environmental impact of any proposed MSSW system to be built in connection with the construction of a solid waste facility. We must assume that the legislature had a specific reason for requiring this procedure, which may differ from the procedure prescribed under Chapter 373, and thus we cannot overlook the DER's purposeful failure to adhere to this statutory scheme.

In determining whether an agency action should be remanded due to error in the proceedings the reviewing court must ask whether a material error may have impaired either the fairness of the proceedings or the correctness of the action taken. §120.68(8), Fla. Stat. (1991). In the present case, because the required advisory report was not completed by the water management district, it is impossible to know whether the water management district would have assessed the environmental impact of the Trail Ridge landfill differently than the DER, or expressed other concerns which could have been explored by appellants at the hearing below. In view of the fact that the required advisory report was not completed, we perceive a substantial likelihood that the fairness of the proceedings or the correctness of the action may have been impaired. We reverse the order appealed on this issue alone, and remand to the DER with directions that the agency reconsider Trail Ridge's application for the MSSW permit after DER has complied with the above noted statutory requirements.



TRANSMITTAL

Date	Job No.
NOV. 11, 1992	FQ2030
Attention	
Ms. Mary Noqas, P.E.	
Re:	
Trail Ridge Landfill	
Phases I and II	

Job No. FQ2030

Attention
Ms. Mary Nogas, P.E.

Re: Trail Ridge Landfill

Phases I and II

☐ Drawings ☐ Prints ☐ Plans
☐ Specifications ☐ Samples ☐ Reports ☐ Copy of Letter
☒ Other Installer's Certificate of Subgrade Acceptance.

NORTHEAST DISTRICT
RECEIVED NOV 13 1992
DER-JACKSONVILLE

<input type="checkbox"/> For approval	<input type="checkbox"/> Approved as submitted	<input type="checkbox"/> Resubmit _____ copies for approval
<input checked="" type="checkbox"/> For your use	<input type="checkbox"/> Approved as noted	<input type="checkbox"/> Submit _____ copies for distribution
<input type="checkbox"/> As you requested	<input type="checkbox"/> Returned for corrections	<input type="checkbox"/> Return _____ corrected prints

none

Signed

John M. Wynn
CQA CONSULTANT

NATIONAL SEAL COMPANY
CERTIFICATE OF ACCEPTANCE
OF SOIL SUBGRADE SURFACE

PROJECT NAME: Trail Ridge Landfill

PROJECT NUMBER: FQ-2030

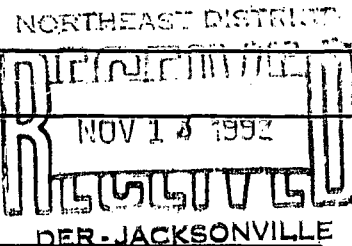
OWNER: City of Jacksonville/WMNA, Inc.

LOCATION: Baldwin, FL 32204

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Area Being Accepted: SECONDARY GEOMEMBRANE PANEL NO'S S-450
THRU S-456, PHASE II-B.



NATIONAL SEAL REPRESENTATIVE:

Date: 11-11-92

Signature: *Jack McHugh*

Name: Phillip Weller Jack McHugh

Title: Superintendent

OWNERS REPRESENTATIVE:

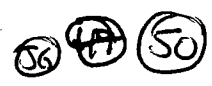
Date: NOV. 11, 1992

Signature: *John Gillyard*

Name: John Gillyard

Title: C.Q.A. Manager

Company: GeoSyntec Consultants



(407) 736-5400

John J. Gifford
CQA CONSULTANT

36 49 50
NSC

NATIONAL SEAL COMPANY
CERTIFICATE OF ACCEPTANCE
OF SOIL SUBGRADE SURFACE

PROJECT NAME: Trail Ridge Landfill

PROJECT NUMBER: FQ-2030

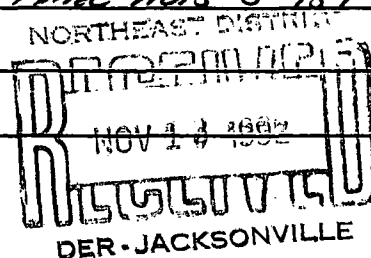
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LOCATION: Baldwin, FL

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Area Being Accepted: SECONDARY GEOMEMBRANE PANEL NO'S S-434
THRU S-449, PHASE II-R.



NATIONAL SEAL REPRESENTATIVE:

Date: 11-10-92

Signature: *Jack McHugh*

Name: Phillip Weller Jack McHugh

Title: Superintendent

OWNERS REPRESENTATIVE:

Date: NOV. 10 1992

Signature: *John Gillyard*

Name: John Gillyard

Title: C.Q.A. Manager

Company: GeoSyntec Consultants

I N T E R O F F I C E M E M O R A N D U M

Date: 20-Oct-1992 06:59am EST
From: Mary Nogas JAX
NOGAS_M
Dept: Northeast District Offi
Tel No: 904/448-4320 X355
SUNCOM: SC 880-4320

TO: Chris McGuire TAL (MCGUIRE_C)

CC: Mary Jean Yon TAL (YON_MJ)

Subject: Initial Cover

We wrote a warning letter to Waste Management for Trail Ridge Landfill for, among other things violating 17-701.050(6(m)). We said "Initial cover is not being applied in accordance with FAC...Adequate initial cover was not being maintained in areas on top of waste cell."

They replied "This was not the case. Initial cover had been applied. What we are dealing with here is your staff's policy for maintaining initial cover. The rules do not address maintenance of initial cover except by reference to vector and litter control. It does make reference to minimizing unnecessary cover material and the 1988 Florida Waste Act was passed with the primary purpose of maximizing Class I landfill space. In order for me to operate this facility to your staff's policy concerning maintenance of initial cover would be in direct conflict with the stated requirements in the above cited references. Initial daily cover is applied at Trail Ridge as per FAC 17-701.050(5)(m). During the normal course of operation, this initial cover may diminish. This may occur primarily because of the high rainfall events which have occurred at the site and throughout Northeast Florida in recent days. When this happens, additional cover is applied to control vectors and/or blowing litter. Therefore, I believe if you or your staff feel that this procedure as outlined above is not in keeping with the rule requirement referenced, I would like to know the basis for this position."

The subject of maintaining initial cover came up once before, with another permittee. At that time, our advice from OGC was that of course they had to maintain initial cover (they were arguing there was nothing in the rule specifically requiring it). We told that permittee we'd be happy to see him before a judge/hearing officer over it, and he decided to improve his cover.

This is obviously a little different, and we'd like to know where we stand legally.

On the inspection side, if we buy his argument, how would we know he ever applied it initially? We're only out there 4 times/year. Not to your surprise, I'm sure, our office does not buy his arguments &

is ready to push it - but, occasionally, discretion comes before
valor - Do we have Tally support ?

I N T E R O F F I C E M E M O R A N D U M

Date: 20-Oct-1992 09:31am EST
From: Chris McGuire TAL
MCGUIRE_C
Dept: Office General Counsel
Tel No: 904/488-9730
SUNCOM:

TO: Mary Nogas JAX (NOGAS_M)

CC: Mary Jean Yon TAL (YON_MJ)

Subject: RE: Initial Cover

It is true that 17-701 does not now specifically require maintenance of daily cover. The proposed 17-701 does (17-701.500(7)(e)). But Waste's conceit that once applied, daily cover can then be removed or eroded and still be in compliance is specious. This would circumvent the obvious intent and purpose of the rule, and we have never so interpreted it.

Whether or not your Warning Notice was appropriate is, of course, not for me to say from this distance. I know that there is still some variability among the Districts on enforcement of cover requirements. But you should, in my opinion, feel free to reject the argument that you can never take enforcement for daily cover violations unless you are physically on site watching them not apply it.

Trail Ridge Landfill, Inc.
5110 U.S. Highway 301
P.O. Box 548
Baldwin, Florida 32234
904/289-9100

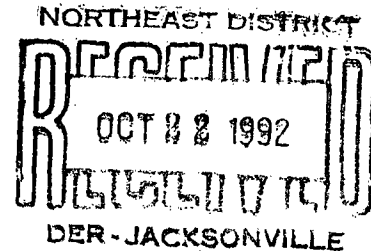


A Waste Management Company

October 19, 1992

CERTIFIED MAIL

#P 415 284 934



Ms. Mary C. Nogas, P.E.
Department of Environmental Regulations
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256

**Re: Trail Ridge Landfill
Waste Tire Process Facility**

Dear Ms. Nogas,

This information is provided in response to your October 2, 1992 request for additional information. Our response corresponds to the order of items listed Attachment No. 1 to your request.

1. The maximum tire storage capacity did not account for capacity loss due to the tire pile sideslopes. A more accurate storage capacity, accounting for sideslopes, is 2400 tons. At a processing rate of 100 tons per day, the capacity conforms to Rule 17-711.530(2) F.A.C.
2. To comply with Rule 17-711.530(3)(b), we will record the name and waste tire collector ID number of each collector delivering waste tires to the facility. The quantity of tires received from each collector will be recorded. In addition, the name, address and telephone number of all persons, who are not waste tire collectors and deliver more than five waste tires, will be recorded.
3. A mobile tire shredder is available from within the company. While the shredder is scheduled to process tires at Trail Ridge Landfill on a quarterly basis, we do not have an intercompany contract for its services.
4. The maximum height dimension is included on the revised and attached drawing.

If you have any questions concerning this response, please call.

Sincerely,

Tom Nelson
General Manager

cc: Jim Lukens

DEPARTMENT OF ENVIRONMENTAL REGULATION

INTEROFFICE MEMORANDUM

To: _____
To: _____
To: _____
To: _____

NORTHEAST DISTRICT - JACKSONVILLE

TO: Richard Rachal
FROM: Mary Nogas
DATE: October 16, 1992
SUBJECT: Trail Ridge Landfill
Permit SC16-184444

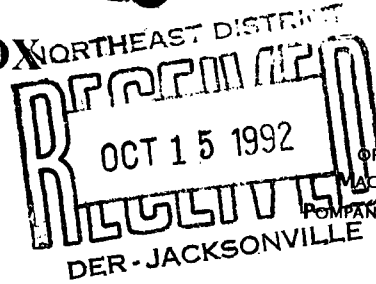
Attached is a copy of Golder's piezometer report for Trail Ridge.

Please review and respond by November 5, 1992.

Thanks.

J. ALAN COX

ATTORNEY AT LAW



820 EAST PARK AVENUE
SUITE F-100
TALLAHASSEE, FLORIDA 32301-2600

(904) 222-4480
FACSIMILE: 561-1188

October 9, 1992

Ernest E. Frey, P.E.
Director of District Management
Florida Dept. of Environmental Regulation
Northeast District
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida 32256-7577
(Attn: Mike Fitzsimmons/Mary Nogas)

RE: Trail Ridge Landfill (Duval County)
Permit No. SC16-184444

Dear Mr. Frey:

Thank you very much for continuing to provide me with notification of any action in this permit. Please note, my address recently has changed to:

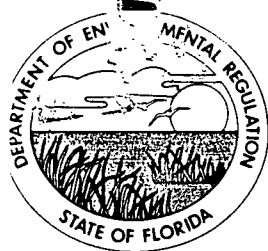
J. Alan Cox
820 East Park Avenue
Suite F-100
Tallahassee, Florida 32301-2600
(904) 222-4480

I would appreciate you correcting your records to reflect that change.

Sincerely,

J. Alan Cox

JAC/tc



Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Carol M. Browner, Secretary

October 2, 1992

CERTIFIED - RETURN RECEIPT

Mr. Tom Nelson
President and General Manager
Trail Ridge Landfill, Inc.
Post Office Box 548
Baldwin, Florida 32234

Dear Mr. Nelson:

Trail Ridge Landfill
Minor Modification - Tire Processing Facility
Permit No. SC16-184444
DER File No. 219482
Duval County - Solid Waste

The Department has reviewed your request for a minor modification of the referenced permit to allow waste tire processing at the landfill, received September 23 1992. The following review is enclosed:

Attachment No. 1, Review Memorandum dated September 29, 1992, prepared by Susan Li

The information requested in this review is required in order for the Department to proceed with the processing of your modification request. Please provide the requested information within thirty (30) days from the date of receipt of this letter. Action on the minor modification will be delayed until the requested information has been received in this office.

If you have any questions concerning this matter, please contact me.

Sincerely,

Mary C. Nogas, P. E.
Solid Waste Supervisor

MCN:sll

cc: Allan Williams, P. E., City of Jacksonville
Douglas Miller, P. E., England, Thims & Miller

Administration 448-4300
Air 448-4310
Waste Management 448-4320



Water Facilities 448-4330
Water Management 448-4340
FAX 448-4366

DEPARTMENT OF ENVIRONMENTAL REGULATION

INTEROFFICE MEMORANDUM

To: _____
To: _____
To: _____
To: _____

NORTHEAST DISTRICT - JACKSONVILLE

TO: Files

FROM: Susan S. Li

DATE: September 29, 1992

SUBJECT: Review Memorandum
Trail Ridge Landfill Minor Modification Request
Waste Tire Processing Facility
Application No. 219482

The following items need to be addressed:

1. Please address the maximum storage in tons, to conform to Rule 17-711.530(2), FAC; your maximum storage on page 3 of 4 of the application form has exceeded the maximum allowable.
2. Your proposed record keeping does not appear to comply with Rule 17-711.530(3)(b), FAC; please address.
3. Please provide a copy of a bona fide contract to comply with Rule 17-711.510(4), FAC.
4. Please indicate the maximum height dimension on your drawing to comply with Rule 17-711.540(2)(b), FAC.