



Florida Department of Environmental Protection

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RETURN RECEIPT REQUESTED

August 15, 2008

Mr. Bradley Arnold, County Administrator
Sumter County Board of County Commissioners
209 North Florida Street
Bushnell, Florida 33513

RE: Warning Letter # WL08-0008SW60SWD
Sumter County Materials Recovery Facility
Permit No. 126941-003-SO
Sumter County

Dear Mr. Arnold:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A Department inspection conducted at the Sumter County Materials Recovery Facility on June 26, 2008 indicates that violations of Florida Statutes and Rules may exist:

- 1) Department staff observed a significant quantity of leachate ponded on the floor of the MRF building. This leachate appeared to have overflowed from the two floor drains in the building. Facility staff indicated that they allow leachate to fill the collection tank in order to accommodate the volume of the vacuum truck employed to haul this leachate off-site. Once the tank was full to capacity, the automatic float system for the leachate sump pump had been disabled, by county staff, to avoid overfilling the tank. This resulted in leachate accumulating in the collection piping and ultimately overflowing the floor drains. Facility staff indicated that a rainfall event had also contributed to the leachate overflow on the MRF building floor. These conditions indicate a failure to operate the leachate collection system as it was designed and permitted to function. These conditions are contrary to Rule 62-701.710(3)(b) and (4)(b), Florida Administrative Code, and Specific Condition 12.a of Permit No. 126941-003-SO.

Rule 62-4.160(1), Florida Administrative Code ("F.A.C.") states: "The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are 'permit conditions' and are binding and enforceable pursuant to Section 403.141, 403.727, or 403.859, F.S." Rule 62-4.160(2), F.A.C. states, "This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from

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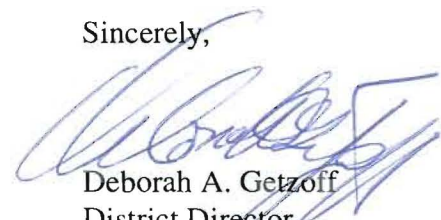
the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.”

Rule 62-701.710(3)(b), F.A.C. states, “the facility shall be designed with a leachate control system to...minimize the presence of standing water.” Rule 62-701.710(4)(b), F.A.C. states, “Areas where waste is stored or processed shall be cleaned at least weekly to prevent odor or vector problems...” and “...all drains and leachate conveyances shall be kept clean so that leachate flow is not impeded.” Specific Condition 12.a of Permit No. 126941-003-SO states, “Floors shall be free of standing liquids.”

The deficiencies noted above and any other activities at your facility that may be contributing to violations of the above rules should be ceased. The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. It is typically Department policy to initiate enforcement action and seek civil penalties of **\$3,000** for conditions such as those described above.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. You are requested to contact Ms. Nancy Gaskin of this office at telephone number (813) 632-7600, extension 375, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Deborah A. Getzoff
District Director
Southwest District

cc: Susan Pelz, P.E., FDEP SWD
Stephanie Watson, FDEP SWD
Melissa Madden, FDEP SWD