



FLORIDA DEPARTMENT OF Environmental Protection

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2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

REQUEST FOR ADDITIONAL INFORMATION

October 14, 2022

Anthony Roman, Senior District Manager
Vista Landfill, LLC
242 West Keene Road
Apopka, FL 32703

Re: First Request for Additional Information (RAI)
Orange County – Solid Waste
Facility Name: Vista Landfill, LLC
Facility ID: 87081
DEP Application No.: 0165969-033-SC-T3

Dear Mr. Roman:

Thank you for your application to construct Cells 7 & 8 submitted on September 15, 2022 for the above referenced Facility. A review of your application and supporting documentation indicates the application is incomplete. Please provide the information in the attached document and refer to this RAI in your response. The response to this RAI must be signed, sealed, and dated by a registered Florida Professional Engineer.

To continue the processing of your application, the Department must receive a response within 90 days of this letter, unless a written request for additional time to provide the requested information is submitted and approved. It is the Department's desire to provide prompt turnaround times on permit applications, and a quicker response to this RAI shortens the timeframe for which a final decision on the application can be made. Pursuant to Rule 62-4.055(1), F.A.C. and Section 120.60, F.S., failure of an applicant to provide timely requested information by the applicant deadline may result in denial of the application. You are encouraged to contact this office to discuss the items requested to assist you in developing a complete and adequate response.

Your processor will be Jeremy.R.Hart@FloridaDEP.gov and can be contacted at (850)245-8961, Jeremy.R.Hart@FloridaDEP.gov. Please submit your response by email to SWPP@FloridaDEP.gov, with a copy to Jeremy.R.Hart@FloridaDEP.gov.

Vista Landfill, LLC

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Sincerely,



Jeremy Hart

Professional Geologist II

cc: Ramil Mijares, Ph.D. P.E., Geosyntec Consultants, Inc., RMijares@Geosyntec.com
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Attached: List of Requested Information

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1. **[PDF p. 13]** Application, Section 3.5.7, p. 8. Refer to the following statements:

“Being a private airfield, the Carter Airport does not have an operating airport runway for public use. Hence, none of the three facilities shown in Appendix H are subject to the airport restrictions and notification requirements of subsection 62-701.320(13), F.A.C.”

Chapter 62-701, F.A.C. does not appear to differentiate between public vs. private airports regarding notification of facility expansion. Please provide copies of notification letters to the noted Carter Airport, Federal Aviation Administration, and the Florida Department of Transportation. Regulatory reference: Paragraph 62-701.320(13)(c), F.A.C.

2. **[PDF pp. 16 and 62]** Application, Section 3.8, p. 11 and Appendix C-Supplemental HGI Report. The geotechnical evaluation included in the 2007 permit modification application could not be found. There is a strong likelihood that the information is filed in the DEP’s Oculus file system, however at the time of this 2022 application review, the evaluation could not be located. Either contact DEP staff regarding this information or provide any pertinent excerpts such as a site plan showing soil boring locations within the Cells 7 and 8 footprint and a summary of slope stability, bearing capacity, and settlement. Regulatory reference: Paragraph 62-701.410(3)(e), F.A.C.
3. **[PDF p. 71]** Appendix C-Supplemental HGI Report, Section 3, third bullet, p. 5. Refer to the following sentences:

“Concentrations greater than the PDWS of 10 milligrams per liter (mg/L) have been observed only at MW-11A. Previous reports have suggested the presence of nitrate at the Site could be attributed to the nearby operating rapid infiltration basins.”

The reference to the “rapid infiltration basins” was assumed to be in relation to the basins associated with the Orange County Utilities Northwest Water Reclamation Facility (NWRf). The facility is located at 701 W. McCormick Road and ~0.5 mile southwest of the Vista Landfill. The treated effluent from the wastewater treatment plant uses rapid infiltration basins (RIBs) as one of three methods of treated effluent disposal, two of which are via land disposal. The two land disposal methods are rapid infiltration basin and constructed wetland. The nearest basins are located ~0.5 mile south and west southwest of MW-11A. The constructed wetland is located ~0.35 mile southwest of MW-11A.

According to the facility’s wastewater permit FLA010798 (issued 4/4/18 and expires 4/3/23), the effluent discharge limit is 12 mg/l as a single occurrence. The Total Nitrogen (Nitrite + Nitrate + Ammonia) limit is 3 mg/l as an annual average. The permit limit for Nitrate for the infiltration basin monitoring wells is 10 mg/l. A summary of the Nitrate levels for MW-11A during the well’s period of record (2017-2022) is shown below:

SAMPLE DATE	9/14/17	12/12/17	6/12/18	12/7/18	6/18/19	12/5/19
NITRATE CONCENTRATION, mg/l	13	9.5	6.1	5.1	6.1	13

SAMPLE DATE	2/3/20	7/6/20	12/2/20	6/7/21	12/8/21	6/21/22
NITRATE CONCENTRATION, mg/l	11	9.67	10.7	15.1	16.4	17.5

Bold values indicate a concentration >10-mg/l limit.

Based on a review of the historical water quality data for the treated effluent and the infiltration basin monitoring wells, the following summary is provided:

LOCATION	PERIOD	CONCENTRATION, mg/l	
		NITRATE	TOTAL NITROGEN
Treated Effluent to RIBs	2017 - 2022	<7.5 (typ 1 - 4)	<4.5 (typ 1 - 3)
Treated Effluent to Constructed Wetland	2017 - 2022	<0.5 (except one @ 1.1)	0.6 – 1.5
RIB Monitoring Wells	2017 - 2022	<1.5 - <7.7 ¹	N/A
NWRF Permit Limit ² – Treated Effluent	N/A	12 (single sample)	3 (annual average)
NWRF Permit Limit ² - Groundwater	N/A	10	None

¹ For 20 monitoring wells presented on five figures (See Figures 28 – 32 of Source document).

² Permit No. FLA010798

Source: Carollo, FLA010798 Orange County Utilities Northwest Water Reclamation Facility, Operation Permit Renewal, 483 pages, 10/5/22. (Refer to Attachment 11-Operation & Maintenance Performance Report).

While all the NWRF Nitrate and Total Nitrogen data have not been presented for the duration of the Vista Landfill, the presented data likely reflects a representative sample due to the required permit limits. Given the NWRF’s permit limits and the presented historical data, there appears to be a discrepancy with the phrase, “...the presence of nitrate at the Site could be attributed to the nearby operating rapid infiltration basins.”

Provide a rationale that supports this assertion and disputes the landfill being the cause of the elevated Nitrate levels, especially given the proximity of MW-11A to the property line. Regulatory reference: Paragraphs 62-701.300(1)(b) and 62-701.500(8)(b), F.A.C.

4. [PDF p. 71] Appendix C-Supplemental HGI Report, Section 3, p. 5. Based on a review of the historical water quality data, several exceedances of Mercury were detected in MW-6AR. A summary of the concentrations greater than the 2-ug/l limit is presented below:

SAMPLE DATE	12/16/15	2/2/16	6/16/16	12/15/16	6/14/17	12/13/17	6/13/18	12/7/18
MERCURY CONCENTRATION, ug/l	2.6	3.3	6.8	5.4	5.7	6.6	9.6	7.2

SAMPLE DATE	6/19/19	12/9/19	6/2/20	12/3/20	6/8/21	12/9/21	6/22/22
MERCURY CONCENTRATION, ug/l	2.7	2.6	2.78	3.94	3.35	3.94	2.09

Refer to Figure 1 for a plot of the accompanying data.

- a. Provide a reason for excluding this parameter from the discussion in the groundwater quality evaluation.
- b. If evaluation monitoring has been conducted,
 - 1) Provide a summary of the past activities.
 - 2) Clarify whether corrective action has been initiated, especially given the well’s proximity to the property line.
- c. If evaluation monitoring has not been conducted, provide a rationale for not performing the monitoring.

Regulatory reference: Paragraphs 62-701.300(1)(b), 62-701.500(8)(b), and 62-701.510(6), F.A.C.

5. **[PDF p. 72]** Appendix C-Supplemental HGI Report, Section 3, p. 6. Refer to the following statement:

“Based upon the information presented herein, existing contaminated areas do not appear to be present within the proposed Cells 7 and 8 footprint and the constituents detected above screening levels represent background conditions.”

As discussed in Comment Nos. 3 and 4, the exceedances may not be attributed to background conditions. Clarify this quoted statement considering the discussions in the referenced comments. Regulatory reference: Paragraphs 62-701.510(3)(b), (5)(b), and (6)(a), F.A.C.

6. **[PDF p.73]** Appendix C- Supplemental HGI Report, Section 4, p.7. Refer to the following statement:

“A total of four potable well locations from the SJRWMD WCP and FDOH databases were confirmed to plot within the 500 ft search radius from the proposed Cells 7 and 8 footprint along McQueen Road. However, each of the four wells identified within the 500 ft search radius were previously identified in Attachment 9 of the 2011 Permit Renewal Application [HSA Golden, 2011]. The 2011 Permit Renewal Application cites the following:” homes along McQueen Road

with wells are provided with potable water by a water utility, hence the wells are not used for potable purposes”.

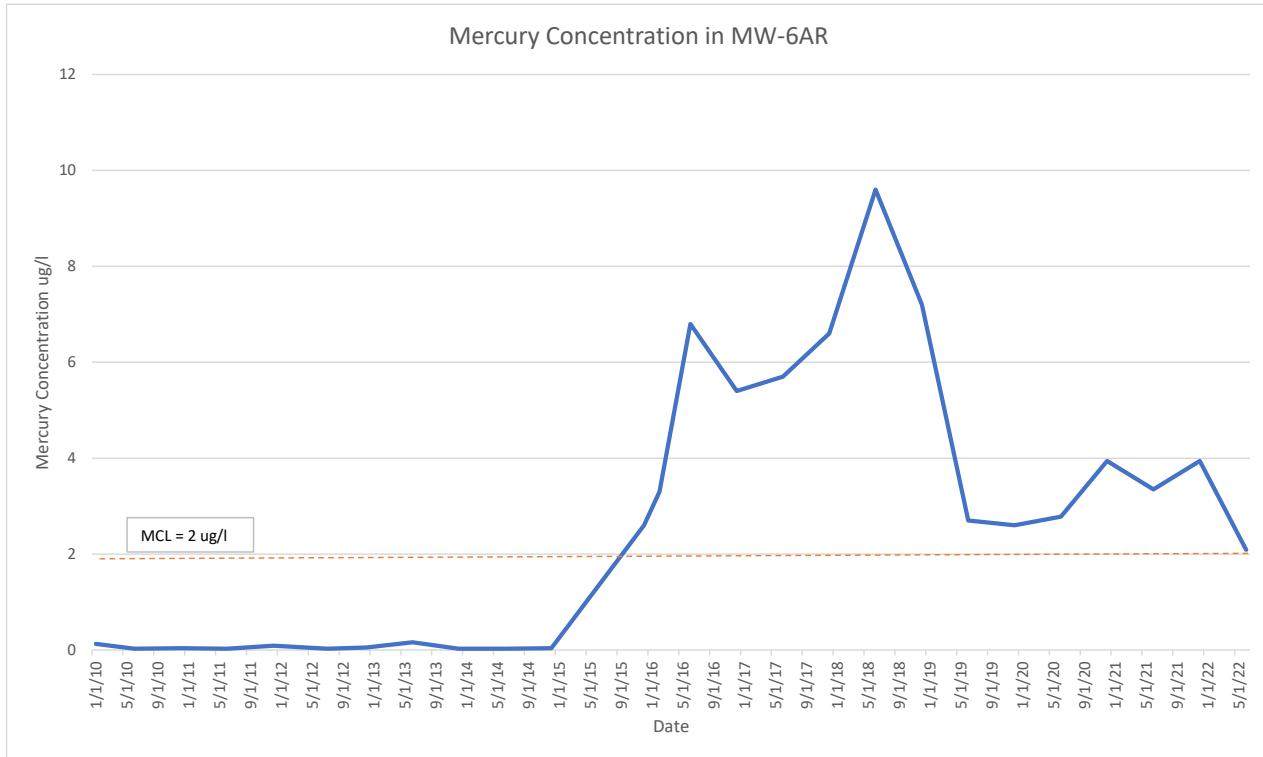
Please provide the following documentation:

- a. A signed letter from each property owner stating that the residences are connected to the City’s municipal water supply and that the potable wells located at these properties will no longer be used for personal consumption or have been properly abandoned;
- b. A cover letter signed and sealed by a P.E. stating that the residences have been connected; and
- c. Documents showing that these residences have paid impact fees to the City of Apopka for water connections.

Regulation reference: Paragraph 62-701.300(2)(b), F.A.C.

7. **[PDF p.384]** Appendix G-Financial Assurance Cost Estimate, Attachment A-FDEP Closure Cost Estimating Form, Section 1. Following the submittal of the Certification of Construction Completion for Cell 6 in 2019, the Closure Cost Estimating Forms submitted to the Department reported 53.8 acres of disposal footprint for Cells 1 – 6, but the most recent Closure Cost Estimating Form submitted with the application reported 49.2 acres for Cells 1 – 6. Please explain the acreage discrepancy and provide the acreage for each cell or resubmit a revised Closure Cost Estimating Form for the correct acreage. Regulation reference: 62-701.900(28), F.A.C.
8. **[PDF p. 417]** Permit Application Drawings, Drawing No. 8 of 23, Detail B/5. Provide a description that demonstrates the proposed design will provide an equal degree of protection given that the bottom liner would appear to be in contact with groundwater. Regulation reference: Paragraph 62-701.400(11), F.A.C.

Figure 1. Mercury Concentration in Monitoring Well MW-6AR for 2010 - 2022.
Vista Class III Landfill
WACS #: 87081



Note: Background well MW-1A had reported concentrations of <0.027 - <0.049 ug/l (i.e., below detection limit) between 2010 and 2022.
Source: FDEP, REDD Database, 2022.