



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Mr. Bruce E. Kennedy
Assistant County Administrator
Pasco County Utilities
7530 Little Road
New Port Richey, Fl. 34654

February 12, 2009

RE: West Pasco County Landfill Cell A-4, Construction
Power Plant Certification No. PA87-23

Dear Mr. Kennedy:

This is to acknowledge receipt of the additional information dated January 13, 2009 (received January 14, 2009), dated January 16, 2009 (received via e-mail January 22, 2009), dated and received via e-mail January 26, 2009, and dated and received via e-mail February 12, 2009, prepared by CDM, to construct Cell A-4 of the Class I Landfill (ash monofill) at the solid waste management facility referred to as the West Pasco Class I Landfill.

As required by Condition of Certification [COC] #XIII.D.1., the construction of new disposal cells shall meet the requirements of Chapter 62-701, F.A.C. This letter constitutes notice that the information submitted **does not meet** the requirements of Chapter 62-701, F.A.C., and construction is **not authorized** at this time.

The information provided is incomplete. This is the Department's fifth request for additional information. Please provide the information listed below promptly. Evaluation of your proposed project will be delayed until all requested information has been received.

Chapter 62-701, F.A.C. requires that:

- The landfill will be "designed, constructed, operated, maintained, closed, and monitored throughout its design period to control the movement of waste and waste constituents into the environment so that water quality standards...will not be violated" as required by Rule 62-701.340(1), F.A.C.;
- The site will "provide structural support for the facility including total wastes to be disposed of and structures to be built on the site", as required by Rule 62-701.340(4)(a), F.A.C.;
- The liner will be "[i]nstalled upon a base and in a geologic setting capable of providing structural support to prevent overstressing of the liner due to settlements and applied stresses" as required by Rule 62-701.400(3)(a)2., F.A.C.

APPENDIX F - Geotechnical Investigation, Rule 62-701.410, F.A.C. The geotechnical investigation and report provided in Appendix F does not meet the requirements of Rules 62-701.410(2)&(3), F.A.C. The Department has consistently provided this comment throughout the post certification submittal review process, has requested that the applicant provide a revised geotechnical report that meets these requirements and has indicated that it would review each revised geotechnical report in its entirety for compliance with these requirements. The applicant has failed to meet the requirements of Rules 62-701.410(2)&(3), F.A.C. as follows:

1. Rule 62-701.410(2)(b), F.A.C.: Rule 62-701.410(2)(b), F.A.C. requires that the geotechnical site inspection and report explore and address the presence of muck, previously filled areas, soft ground, lineaments, and sinkholes.

a. The geotechnical report provided in Appendix F specifically states, "An evaluation for the existence of or the potential for sinkhole development was not part of the scope of services for this project."

b. During the February 3, 2009 meeting with the applicant and their consultants, the Department requested the applicant provide an updated sinkhole evaluation, re-evaluating the 1987 Jammal & Associates site-wide sinkhole investigation data as it specifically relates to the construction of Cell A-4 and taking into consideration sinkhole occurrences in the vicinity of the facility since 1987 and the additional subsurface investigation conducted as part of this post certification submittal. Rather than conducting the requested updated sinkhole evaluation, the February 12, 2009 submittal reports some of the findings in the Jammal report in the area of Cell A-4 and states, "CDM relied upon these previously submitted and accepted findings while preparing the construction details for the A-4 cell." As previously requested during the February 3, 2009 meeting, please provide a current, updated, independent evaluation, in accordance with Rule 62-701.410(2)(b), F.A.C. of soft ground, lineaments, and sinkholes for sinkhole potential within and in the immediate vicinity of the proposed Cell A-4 footprint that at a minimum includes the following:

1) An evaluation that identifies areas of loose sands and other anomalies that could indicate potentially unstable areas beneath or within the immediate vicinity the proposed landfill footprint and adequately explains or addresses this potential, and/or identifies sufficient geotechnical measures necessary to modify the foundation to provide adequate structural support for the landfill.

2) An evaluation of the data generated as part of the original power plant site certification and presented in the 1987 Jammal & Associates Geotechnical Report in Volume IV, Attachment 2 of the Pasco County, Florida Solid Waste Resource Recovery Facility Application for Power Plant Site Certification;

3) An evaluation of the sinkhole occurrences both on-site and in the vicinity of the site since the 1987 Jammal Report;

4) An evaluation of the additional subsurface investigation conducted as part of this post certification submittal;

5) An evaluation of any additional site investigation conducted, as deemed necessary; and

6) An evaluation of the proposed construction details for Cell A-4 that address the findings in Comments (1) through (5) above.

c. The February 12, 2009 submittal appears to indicate that only borings D-40 and E-40 were located within the footprint of Cell A-4. A review of the 1987 Jammal report appears to indicate that other borings are located within or within close enough proximity of the Cell A-4 footprint and warrant consideration in the Rule 62-701.410(2)(b), F.A.C. evaluation. Please verify and include all borings in the footprint and vicinity of Cell A-4 in the evaluation, as applicable.

d. The February 12, 2009 submittal does not provide documentation demonstrating that the subsurface conditions and sinkhole potential have not changed from the conditions shown and characterized in the 1987 Jammal report, and therefore does not provide required reasonable assurance. Please address these issues in the evaluation accordingly.

2. **Rule 62-701.630, F.A.C.** The revised cost estimates received December 10, 2009 and January 9, 2009, as Attachment 18 of the submittal (total for closing \$15,185,187.86 and long-term care \$984,862.73/year x 5 years = \$29,545,881.75), are approved. (See attached letter) Please work directly with Mr. Fred Wick, Solid Waste Section, FDEP, 2600 Blair Stone Road, MS 4565, Tallahassee, Florida 32399-2407 to arrange for an appropriate funding mechanism in compliance with the requirements of Rule 62-701.630, F.A.C. Proof of approval of financial assurance funding shall be required prior to authorization to operate Cell A-4. **This comment is for informational purposes only and does not necessarily require a response.**

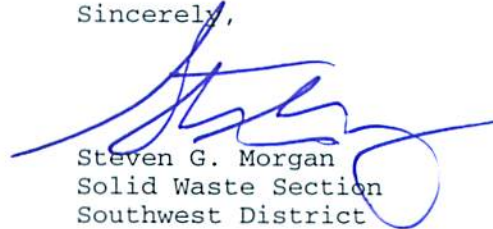
Please provide all responses that relate to engineering for design and operation, including plan sheets, signed and sealed by a professional engineer. Responses that relate to the facility operations should be included as part of the Operation Plan. All replacement pages should be numbered, and with revision date.

This staff assessment is preliminary and is designed to assist in the review of the application prior to final agency action. The comments provided herein are not the final position of the Department and may be subject to revision pursuant to additional information and further review.

Please respond by the **March 16, 2009**, responding to all of the information requests and indicating when a response to any unanswered questions will be submitted. If the response will require longer than **the date noted above**, you should develop an alternate specific timetable for the submission of the requested information for Department review and consideration. Pursuant to the provisions of Rule 62-4.055(1), F.A.C., if the Department does not receive a timely, complete response to this request for information the Department may issue a final determination denying your application. A denial for lack of information or response will be unbiased as to the merits of the application. The applicant may reapply as soon as the requested information is available.

You are requested to submit 4 copies of your response to this letter as one complete package. Should you have any questions or comments or wish to set up a meeting to discuss this letter and subsequent submittals, please contact me at (813) 632-7600 ext. 385.

Sincerely,



Steven G. Morgan
Solid Waste Section
Southwest District

sgm

attachment

cc: Aamod Sonawane, P.E., CDM, sonawaneas@cdm.com
John Power, Pasco County, jpower@pascocountyfl.net
Donna Huber, Pasco County, jhuber@pascocountyfl.net
Cindy Mulkey, FDEP Siting, FDEP (e-mail)
Richard Tedder, P.E., FDEP Tallahassee (e-mail)
Frank Hornbrook, FDEP, Tallahassee, (e-mail)
Mara Nasca, FDEP Tampa, Air (e-mail)
Jeff Greenwell, P.E., FDEP Tampa, Water Facilities (e-mail)
William Kutash, FDEP Tampa, Waste (e-mail)
John Morris, P.G., FDEP Tampa SW (e-mail)
Susan Pelz, P.E., FDEP Tampa SW (e-mail)