



Florida Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926
Telephone: 813-632-7600

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

December 3, 2009

Hillsborough County Solid Waste Management Department
Mr. Barry Boldissar, Director
P.O. Box 1110
Tampa, FL 33601

RE: Consent Order, OGC File No.: 09-3117
Hillsborough County Southeast Class I Landfill
Hillsborough County

Dear Mr. Boldissar:

A review of Department files confirms that all the terms and conditions of the above-referenced Short Form Consent Order have been complied with and, therefore, the Department is closing its case on the matter.

The County's effort in resolution of this case is appreciated.

Sincerely,

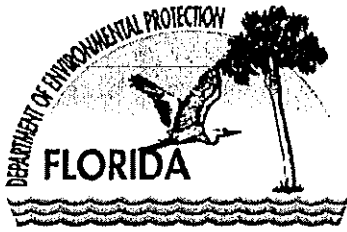
William Kutash
Program Administrator
Division of Waste Management
Southwest District

wk/sw

Enc: Copy of referenced executed Short Form Consent Order

ec: Susan Pelz, P.E., FDEP SWD – Solid Waste
Melissa Madden, FDEP SWD – Solid Waste

Patricia Berry, Hillsborough County SWMD, berry@hillsboroughcounty.org
Larry Ruiz, Hillsborough County SWMD, RRuizLE@HillsboroughCounty.org
Cindy Pelley, Hillsborough County SWMD, pelleyca@hillsboroughcounty.org



Florida Department of Environmental Protection

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Temple Terrace, Florida 33637-0926
Telephone: 813-632-7600

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

July 6, 2009

Inserted Into OCULUS Date: <u>7-17-09</u> Initials: <u>MS</u>
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Certified Mail Return Receipt No. 7008 0150 0003 4893 8190

Dept. Of Environmental Protection

Hillsborough County Solid Waste Management Department
Mr. Barry Boldissar, Director
P.O. Box 1110
Tampa, FL 33601

JUL 16 2009

Southwest District

RE: Proposed Settlement of Warning Letter #WI.08-0013SW29SWD
Hillsborough County Southeast Class I Landfill
OGC File No.: 09-3117

Dear Mr. Boldissar:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated September 30, 2008, a copy of which is attached. The corrective actions required to bring Hillsborough County's (the County's) Southeast Class I Landfill (facility) into compliance have been performed. In order to resolve the matter identified in the attached Warning Letter, the Department has calculated civil penalties in the amount of \$3,000.00, along with \$500.00 to reimburse the Department costs, for a total of \$3,500.00.

The Department has determined that the entire civil penalty of \$3,000.00 may be offset through the implementation of the In-Kind Project that is described in the County's submittals dated February 25, 2009 (received via email), April 21, 2009 (letter received April 23, 2009), and July 2, 2009 (received via email) together attached as Exhibit I. The County shall pay the Department's costs of \$500.00 within 30 days of signing this letter. The payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Attention: Sandra Wilson, 13051 N. Telecom Parkway, Temple Terrace, FL 33637.

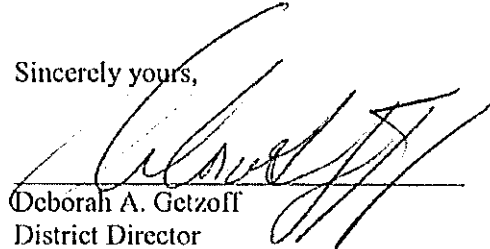
As provided in the previous paragraph, the Department is giving the County the option to offset the civil penalty with an In-kind Project. This option requires that the County strictly comply with the requirements and deadlines for implementing, completing, and submitting a notification of In-kind Project completion to the Department. Upon signing this letter, the County shall implement the approved In-kind Project in accordance with the requirements of Exhibit I hereto. The In-kind Project must be completed no later than October 7, 2009. The County shall notify the Department by telephone or in writing when the in-kind projects starts. The County's failure to timely complete the approved In-kind Project or timely provide the Department with the notification of In-kind Project completion will cause the In-kind Project option to be forfeited and the balance of the civil penalty, \$3,000.00, shall be due within 10 days of notice from the Department.

The County's signing this letter constitutes its acceptance of the Department's offer to resolve this matter on these terms. If the County elects to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the

Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

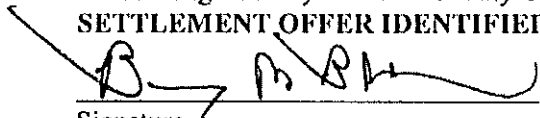
If the County does not sign and return this letter to the Department at the District address within 15 days of receiving it, the Department will assume that the County is not interested in settling this matter on the above described terms, and will proceed accordingly. None of the County's rights or substantial interests are determined by this letter unless a representative of the County signs it and it is filed with the Department Clerk.

Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

FOR THE RESPONDENT:

I, Barry Boldissar, Director of Hillsborough County Solid Waste Management Department, on behalf of Hillsborough County Board of County Commissioners, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**


Signature

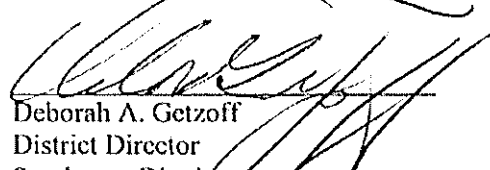
7/13/09
Date



FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 14th day of July, 2009, in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Deborah A. Getzoff
District Director
Southwest District

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes, With the designated Department Clerk, receipt of which is hereby Acknowledged.

Anna Brady 7-17-09
Clerk Date

Copies furnished to: Lea Crandall, OGC Tallahassee (executed copy only)
Sandra Wilson, FDEP Tampa (executed copy only)

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order; (d) A statement of when and how the petitioner received notice of the Consent Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition *is* filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jill Kolkamp
Lt. Governor

Michael W. Sole
Secretary

September 30, 2008

CERTIFIED MAIL 7007 2680 0000 5032 7412
RETURN RECEIPT REQUESTED

Hillsborough County Solid Waste Management Department
Mr. Barry Boldissar, Director
P.O. Box 1110
Tampa, FL 33601

RE: Warning Letter # WL08-0013SW29SWD
Hillsborough County Southeast Class I Landfill
Permit No. 35435-007-SO
Hillsborough County

Dear Mr. Boldissar:

The purpose of this letter is to advise the Hillsborough County Solid Waste Management Department (the County) of possible violations of law for which the County may be responsible and to seek the County's cooperation in resolving the matter. An August 26, 2008 inspection of the Hillsborough County Southeast Class I Landfill indicates that violations of Florida Statutes and Rules may exist at the facility as follows:

- 1) During the inspection, a leachate discharge was discovered at temporary pumping station TPS-6. Leachate was observed flowing over the side of the containment wall and outside of the lined landfill footprint into the stormwater ditch and onto the access road on the north side of the pumping station. Leachate had been flowing over the containment wall for an undetermined amount of time prior to discovery by Department and County staff. The discharge appeared to be caused by an open drain valve.

On August 26, 2008, County staff provided to the Department a Leachate Spill Report that indicated that a County employee who started the pump had inadvertently opened the drain valve for the priming tank, causing approximately 2,200 gallons of leachate to spill into the containment area. County staff estimated that 1,600 gallons were contained and 600 gallons spilled over the containment wall into a portion of the stormwater ditch and onto the western perimeter shell road. This is contrary to Rule 62-701.500(8)(b), Florida Administrative Code (F.A.C.) and Specific Conditions 7.b. and 16.a. of Permit No. 35435-007-SO.

"More Protection. Less Process."
www.dep.state.fl.us

Rule 62-701.500(8)(b), F.A.C. states, "The landfill operator is responsible for the operation of the leachate collection and removal system and for maintaining the system as designed for the design period." Specific Condition 7.b. of Permit No. 35435-007-SO states, "Leachate shall not be deposited, injected, dumped, spilled, leaked, or discharged in any manner to soils, surface water or groundwater outside the liner and leachate management systems at any time." Specific Condition 16.a. of Permit No. 35435-007-SO states, "Leachate shall be managed in accordance with the requirements of Rule 62-701, F.A.C., the Operations Plan, and other applicable Department rules."

Rule 62-4.160(1), 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 the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department."

The deficiencies noted above and any other activities at your facility that may be contributing to violations of State rules and statutes 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 \$3,500 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. The County is requested to contact Ms. Stephanie Watson of this office at telephone number (813) 632-7600, extension 451, within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts the County may have that will assist in determining whether any violations have occurred. The County may bring anyone to the meeting that the County feels could help resolve this matter. We look forward to the County's cooperation in completing the investigation and resolution of this matter.

Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

deg/sw
cc: Patricia Berry, same address as above
Larry Ruiz, same address as above
Ron Cope, HCEPC
William Kutash, FDEP SWD
Susan Pele, FDEP SWD
Steve Morgan, FDEP SWD
Melissa Madden, FDEP SWD

EXHIBIT I

Watson, Stephanie M.

From: Cindy Pelley [pelleyca@HillsboroughCounty.ORG]
Sent: Wednesday, February 25, 2009 4:19 PM
To: Watson, Stephanie M.
Cc: PATRICIA BERRY
Subject: RE: WL08-0013SW29SWD
Attachments: pumpB 002.jpg; pumpB 001.jpg

Stephanie:

The SWMD has developed a conceptual plan for the proposed in-kind project to offset the referenced civil penalty. We've determined that building a containment area around Pump Station B (photo attached) could be considered a capital/facility improvement project.

Pump Station B: This leachate management station contains both primary and back-up vacuum assisted pumps. Depicted in photo Pump B 001 (attached) you can view the primary pump (orange in color) and the back-up pump in the adjacent containment area (containment area yellow in color). Just outside of the photograph to the north, lies Pump Station A, which is a sump also referred to as "Leachate Sampling Location 001".

Conceptual Plan: Our conceptual plan is to expand the existing concrete pad sitting under the canopy area on all sides including the back-up pump station (existing concrete would most likely be removed from both areas) and adding a containment wall that would contain up to 1 hour of pump capacity (due to the size of the suction heads, these pumps are capable of pumping 75 gallons per minute/4500 gallons per hour). The new containment area would be hard piped directly to the adjacent sump.

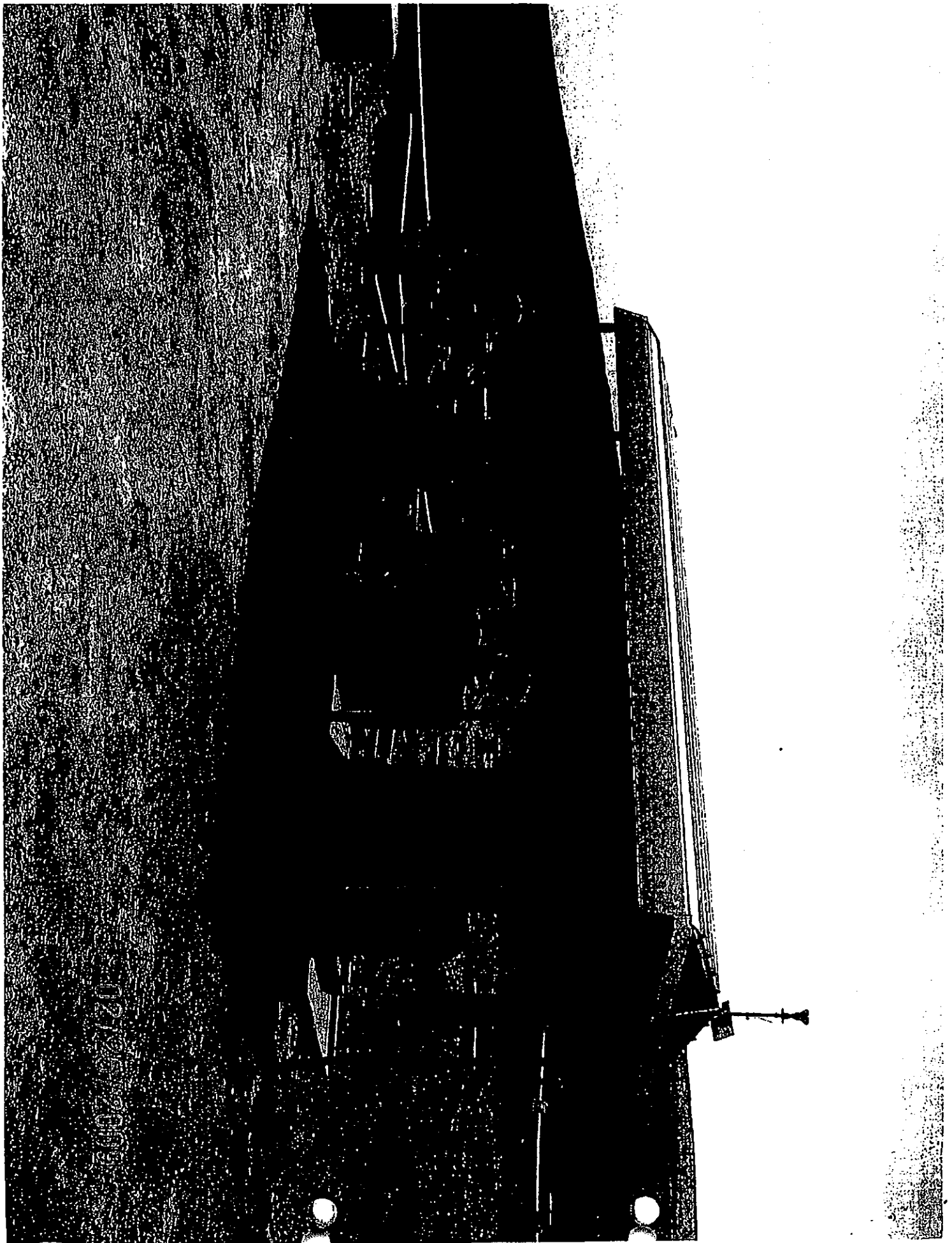
Costs: A rough estimate for a new concrete containment area based on 40ft length by 20ft width with a 12 inch wall (height) including moving and relocating existing equipment would be approximately \$6000.00. A design plan and drawing signed and sealed by a PE would be approximately \$2000.00, depending on DEP requirements.

Based on this basic conceptual plan and rough cost estimate do you think this project would be appropriate for in-kind? Please feel free to contact me with any questions or clarifications while reviewing this information.

Thank you,
Cindy

Cindy A. Pelley
Environmental Specialist II
Landfill Services Section
Solid Waste Management Department
County Center, 24th Floor
Phone: (813) 276-2933
Cell: (813) 919-1156
Fax: (813) 276-2965
E-mail: pelleyca@hillsboroughcounty.org

>>> "Watson, Stephanie M." <Stephanie.M.Watson@dep.state.fl.us>
>>> 2/25/2009 8:08 AM >>>
Cindy,



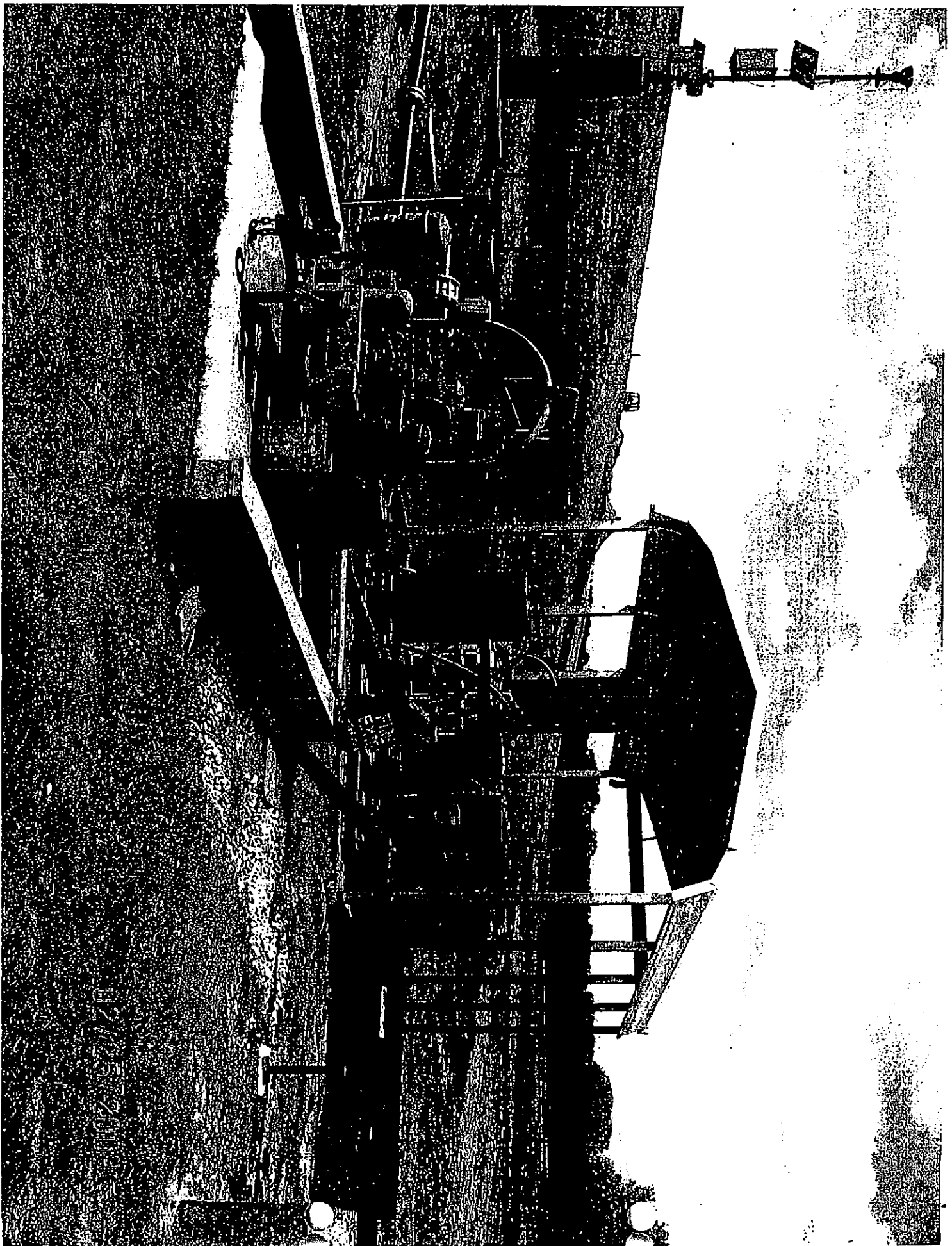
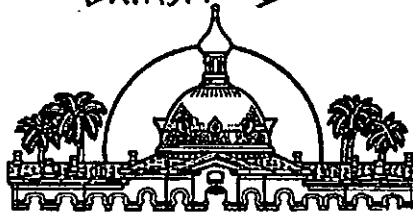


EXHIBIT I



Hillsborough County
Florida

Office of the County Administrator
Patricia G. Bean

BOARD OF COUNTY COMMISSIONERS

Kevin Beckner
Rose V. Ferlita
Ken Hagan
Al Higginbotham
Jim Norman
Mark Sharpe
Kevin White

ADMINISTRATORS

Lucia E. Garrys
Carl S. Harness
Eric R. Johnson
Michael S. Merrill
Manus J. O' Donnell
Edith M. Stewart

April 21, 2009

Mr. William Kutash, P.G.
Waste Program Administrator
Florida Department of Environmental Protection
Southwest District
13051 N. Telecom Pkwy
Temple Terrace, Florida 33637

Dept. of Environmental Protection

APR 23 2009

Southwest District

RE: Response for Request for Additional Information Regarding In-Kind Proposal
Warning Letter # WL08-0013SW29SWD
Southeast County Landfill
Hillsborough County

Dear Mr. Kutash:

The Hillsborough County Solid Waste Management Department (SWMD) has received your Request for Additional information dated April 9, 2009 in regards to the conceptual in-kind plan proposed on February 25, 2009 to off-set civil penalties assessed in Warning Letter # WL08-0013SW29SWD. Department questions are listed followed by the SWMD responses in bold.

- 1) It appears that Pump Station B is not connected to the facility's telemetry system. Since it is not connected to the telemetry system, or otherwise does not have an overflow protection method, in the event of a malfunction, it appears that the proposed containment area could have a discharge similar to that experienced at TPS-6. Please revise the proposal to indicate that Pump Station B will be connected to the facility's telemetry system or have an alternative overflow protection system.

SWMD Response: Pump Station B is already connected to the facility's telemetry system. We also proposed as part of the conceptual plan (submitted on February 25, 2009, attached) to hard pipe the proposed containment area at Pump Station B to the existing adjacent containment area of Pump Station A.

In-Kind RAI Response
April 21, 2009

Pump Station A is a sump also referred to as "Leachate Sampling Location 001" located just to the north of Pump Station B. The connection of these two containment areas will assure overflow protection for Pump Station B.

- 2) Please provide as estimated timeframe for each activity associated with the in-kind project, including the anticipated project completion date.

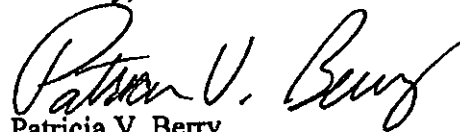
SWMD Response: The following is the anticipated timeframe for each activity required to complete the project:

- a) **Surveying the existing pads at Pump Station B and the existing containment area for Pump Station A: Three (3) weeks for completion.**
- b) **Engineered plans designed by Jones Edmunds: Two (2) weeks for completion.**
- c) **Hillsborough County must obtain three (3) quotes for projects over the cost of \$5000.00: Two (2) weeks for completion.**
- d) **Site preparation and construction activities: Four (4) weeks for completion.**
- e) **Final submittal, completion letter with drawing depicting containment pad details submitted to FDEP: Two (2) weeks for completion.**

The SWMD estimates the proposed project will take 13 weeks (90 days) to complete following FDEP approval. Please contact Cindy Pelley at (813) 276-2933 if you have any questions or concerns.

Dept. of Environmental Protection

Sincerely,



Patricia V. Berry
Landfill Services Section Manager
Solid Waste Management Department

APR 23 2009

Southwest District

CC: Barry Boldissar, SWMD
Larry Ruiz, SWMD
Cindy Pelley, SWMD
Susan Pelz, FDEP
Stephanie Watson, FDEP

EXHIBIT I

Watson, Stephanie M.

From: Pelley, Cindy [PelleyCA@HillsboroughCounty.ORG]
Sent: Thursday, July 02, 2009 11:47 AM
To: Watson, Stephanie M.
Cc: Berry, Patricia
Subject: RE: Hillsborough County Southeast Class I Landfill In-kind project proposal

Stephanie,

I just spoke to Patty and we have no issues with these three requirements. Just be aware that once we receive authorization from you to move forward with the in-kind it may take 30-60 days to have a sign made and that will be out of our control.

Thanks,
Cindy

From: Watson, Stephanie M. [mailto:Stephanie.M.Watson@dep.state.fl.us]
Sent: Thursday, July 02, 2009 11:31 AM
To: Pelley, Cindy
Subject: RE: Hillsborough County Southeast Class I Landfill In-kind project proposal

Thanks, Cindy.

Stephanie Watson

Florida Department of Environmental Protection, Southwest District, Solid Waste Section
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926
Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: stephanie.m.watson@dep.state.fl.us

From: Pelley, Cindy [mailto:PelleyCA@HillsboroughCounty.ORG]
Sent: Thursday, July 02, 2009 11:26 AM
To: Watson, Stephanie M.
Subject: RE: Hillsborough County Southeast Class I Landfill In-kind project proposal

Stephanie,

I don't think any of these items will be an issue and we have already looked at them but Patty's in a meeting at the landfill and I haven't heard back from her yet. When I get a definite ok from her I'll contact you before your 1:30 meeting.

Thanks,
Cindy

From: Watson, Stephanie M. [mailto:Stephanie.M.Watson@dep.state.fl.us]
Sent: Thursday, July 02, 2009 10:16 AM
To: Pelley, Cindy
Cc: Pelz, Susan; Berry, Patricia
Subject: Hillsborough County Southeast Class I Landfill In-kind project proposal

Cindy,

Please note the in-kind project option requires compliance with certain requirements and deadlines for implementing, completing, and submitting a final report to the Department. Please send a reply to this email that indicates that Hillsborough County (the County) will complete the following, so that I may include your email in the Exhibit to the Short Form Consent Order:

- 1) Please indicate that during the implementation of the in-kind project, the County will, on a monthly basis (if the in-kind project is expected to take longer than one month to complete) beginning on the 5th of the month and continuing until the in-kind project is completed, submit a progress report to the Department that documents the in-kind project activities completed during the previous calendar month;
- 2) Please indicate that, during the implementation of the in-kind project, the County will place appropriate sign(s) at the project site indicating that the County's involvement with the project is the result of a Department enforcement action. Please note that the County may remove the sign(s) after the project has been completed. However, after the project has been completed, the County shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action;
- 3) Please indicate that, within 15 days of completing the in-kind project, the County will notify the Department, by certified mail, of the project completion and request a verification letter from the Department. Please indicate that the County will submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

Please let me know if you have any questions about this email.

Thank you,

Stephanie

Stephanie Watson

Florida Department of Environmental Protection, Southwest District, Solid Waste Section

13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926

Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: stephanie.m.watson@dep.state.fl.us

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

THINK AT THE SINK!

During this ongoing drought, every drop of water counts.

Learn how you can cut water use at <http://www.hillsboroughcounty.org/water/conserve>

THINK AT THE SINK!

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