



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

July 21, 2010

Certified Mail Return Receipt No. 7009 1410 0001 0092 0352

Hillsborough County Solid Waste Management Department
Mr. Barry Boldissar, Director
Post Office Box 1110
Tampa, Florida 33601

Subject: Warning Letter #WL10-005SW29SWD
Southeast County Class I Landfill, WACS ID #41193
Gas Collection & Control System Construction Permit No: 35435-016-SC/08
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. A review of the Department's permitting files regarding for the Southeast County Class I Landfill Permit No: 35435-016-SC/08 indicates that violations of Florida Statutes and Rules may exist at the Southeast County Class I Landfill ("the facility").

- 1) On February 4, 2009, the Department issued Permit No: 35435-016-SC/08 ("the Permit") to the County, which authorizes construction of the landfill gas collection and control system for Phase I-VI and Sections 7 & 8 at the facility ("the LFG collection and control system"). The design of the LFG collection and control system is depicted in the Department-approved drawings entitled, "Southeast County Landfill Gas Collection and Control Project," dated October 8, 2008, received October 8, 2008, submitted by SCS Engineers ("Design Drawings"). For the Certification of Construction Completion ("COC") for the LFG collection and control system, the Department received as-built drawings entitled, "Southeast County Landfill Gas Collection and Control System Project," dated April 15, 2010, received April 16, 2010, submitted by SCS Engineers ("Record Drawings"). Detail 3 on Sheet 13 of 30 of the Record Drawings depicts a horizontal collector wellhead ("wellhead") on the upslope horizontal landfill

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gas collector. Sheet 5 of 50 of the Record Drawings depicts that wellheads were installed at 13 upslope horizontal landfill gas collectors. The installation of wellheads is a modification of the LFG collection and control system that was not included in the Design Drawings approved by the Department.

- 2) On July 8, 2010, the Department received email correspondence from SCS that indicated that the County has been operating the LFG collection and control system since January 19, 2010. Specific Condition #C.1.b. of the Permit indicates that operation of the LFG collection and control system is not authorized until 1) a COC that meets that the requirements of Specific Conditions #B.2. and #B.3. of the Permit has been submitted and approved by the Department and 2) a permit modification of Operation Permit No. 35435-014-SO/01 or its successor that authorizes operation of the LFG collection and control system is issued by the Department. Specific Condition #C.1.b. authorized temporary operation of the system for up to 180 days to allow for system start-up and operational adjustments while the certification of construction completion and permit modification submittals and approvals required by this specific condition were completed. On December 31, 2009, the County notified the Department that temporary start-up operation of the system began on December 16, 2009. Based on the December 16, 2009 start-up date, authorization for temporary operation of the system expired on June 14, 2010. According the Department's files, a COC was received on April 16, 2010, but has not been approved. An application for a permit modification of Operation Permit No. 35435-014-SO (Permit Modification No. 35435-018-SO/MM) was received on May 20, 2010, but has not been approved. Because a COC has not been approved, a permit modification that authorizes operation of the LFG collection and control system has not been issued, and authorization for temporary startup operation of the system expired on June 14, 2010, the County is not currently authorized by the Permit to operate the LFG collection and control system.

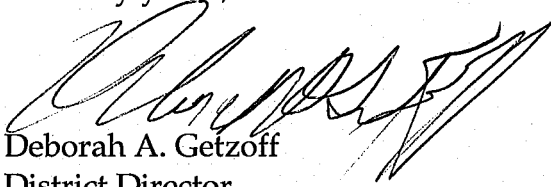
Chapter 403.707(1), Florida Statutes ("F.S.") provides: "No solid waste management facility may be operated, maintained, constructed, expanded, modified, or closed without an appropriate and currently valid permit issued by the Department." Rule 62-701.320(1), Florida Administrative Code ("F.A.C.") provides: "...no solid waste management facility shall be constructed, operated, maintained, modified, or closed without a permit issued by the Department...."

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." Specific Condition #A.3.a. of the Permit provides: "Any construction, operation or other activities not previously approved as part of this permit shall require a separate Department permit unless the Department determines a permit modification to be more appropriate, or unless otherwise approved in writing by the Department. Any significant changes to the construction or operation at the facility shall require a permit modification. Permits shall be modified in accordance with the requirements of Rule 62-4.080, F.A.C. A modification which is reasonably expected to lead to substantially different environmental impacts which required a detailed review by the Department is considered a substantial modification." Specific Condition #C.1.b. of the Permit provides: "This permit does not authorize the operation of the Phase I-VI and Sections 7 & 8 gas collection and control system and other related appurtenances until the following requirements have been completed and submitted by the Permittee, and approved by the Department: 1) Certification of Construction Completion requirements of Specific Conditions #B.2. and #B.3., 2) Issuance of a permit modification of Operation Permit No. 35438-014-SO/01 or its successor, submitted in accordance with Specific Condition #A.3.a., that authorizes operation of the landfill gas collection and control system and its related appurtenances."

The activities at the facility that may be contributing to violations of the above-described statutes or 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 administrative imposition of penalties up to \$10,000.00 pursuant to Section 403.121, F.S., or the judicial imposition of civil penalties up to \$10,000.00 per violation per day pursuant to Sections 403.141 and 403.161, F.S. It is typically Department policy to initiate enforcement action and seek civil penalties of \$3,500.00 and \$700.00 in Department costs 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(5), F.S. The County is requested to contact Stephanie Watson at (813) 632-7600, ext. 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

cc: William Kutash, P.G., Waste Program Administrator, FDEP SWD
Susan Pelz, P.E., Solid Waste Section, FDEP SWD
Steve Morgan, Solid Waste Section, FDEP SWD
Stephanie Watson, Solid Waste Section, FDEP SWD
Melissa Madden, Solid Waste Section, FDEP SWD
Mara Nasca, Air Program Administrator, FDEP SWD
Ron Cope, HCEPC