




## Interoffice Memorandum

## AGENDA ITEM

September 21, 2017

TO: Mayor Teresa Jacobs  
—AND—  
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director   
Community, Environmental and Development  
Services Department

**CONTACT PERSON: David D. Jones, P.E., CEP, Manager  
Environmental Protection Division  
407-836-1405**

SUBJECT: October 3, 2017 – Consent Item  
Request for Renewal of the Solid Waste Management Facility  
Permit for a Class III Landfill by Hubbard Construction Company  
dba Mid-Florida Materials

Hubbard Construction Company dba Mid-Florida Materials is requesting renewal of Solid Waste Management Facility Permit No. SW-232027-LFCD-85/1212 for a Class III landfill known as Mid-Florida Materials. The site for the facility is approximately 220 acres located on the western side of Golden Gem Road, approximately ½ mile north of Ponkan Road, at 3602 Golden Gem Road, Apopka in unincorporated Orange County. The Parcel ID numbers for the site are 23-20-27-00-0000-035 and 14-20-27-00-0000-019. The subject property is located in District 2.

The site has been operated as a borrow pit since the 1960s. Hubbard Construction Company began operating a 40-acre construction and demolition debris disposal facility at this site in 1987. In 1997 it was expanded to 80 acres and in 2000, to the current total of 220 acres. On September 23, 2014, the Board approved a permit modification to allow disposal of Class III solid waste and required the installation of a bottom liner prior to filling in the northern 100- acre portion of the site. The site has a total waste footprint of approximately 173 acres.

On February 15, 2017, the Environmental Protection Division (EPD) received an application for permit renewal. Since its initial submittal, the application has undergone a series of revisions in response to EPD's requests for additional information. These revisions were necessary to ensure compliance with requirements under County Code Chapter 32, Article V. The review is now complete.

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October 3, 2017—Consent Item

Request for Renewal of the Solid Waste Management Facility Permit for a Class III Landfill  
by Hubbard Construction Company dba Mid-Florida Materials

During the past year, the first 56 of the 173 acres of fill area have attained final elevation and a low-permeability final cover has been installed. There are currently no outstanding Notices of Violation for the facility. Over the current permit period the facility operators have worked with EPD staff to resolve any issues that have arisen, including objectionable odors and sequence of filling. Objectionable odors were addressed with additional initial cover soils, passive flares, and are expected to be further reduced by the construction of the final cover. Sequence of filling has been addressed through closer scrutiny of sequencing plans, visual cell markers, and installation of GPS systems on earth-moving equipment.

As part of the permit renewal process, the applicant sampled groundwater for the approximately 70 parameters required by Florida Department of Environmental Protection (FDEP) for this type of facility. As an added precaution, County Code also requires sampling for the Florida Primary and Secondary Drinking Water Standards at the time of permit renewal. The applicant requested relief from evaluation of a small subset of the additional parameters and the use of alternate laboratory test methodologies for several others. This still resulted in screening for approximately 160 parameters beyond the FDEP requirements. Based upon an evaluation of the supporting documentation provided, the sampling history of the site, and the lower likelihood of these parameters being present in Class III waste, EPD staff supported this request.

The current permit has an expiration date of December 3, 2017. In conjunction with the permit renewal, the operator has taken the opportunity to update some final technical aspects of the bottom liner and leachate collection system design. This includes the relocation of the leachate collection tanks. Based on remaining airspace, the facility is anticipated to operate until approximately the year 2038. However, this estimate can be impacted by factors such as market conditions, recycling rates, and compaction rates. Upon approval, the permit shall be renewed for a period of five years with a new expiration date of December 3, 2022.

The complete application forms are available on file at EPD. The proposed updates to the existing Board conditions of approval are attached.

**ACTION REQUESTED:**    **Approval of the renewal of Solid Waste Management Facility Permit No. SW-232027-LFCD-85/1212 for a Class III Landfill as requested by Hubbard Construction Company dba Mid-Florida Materials for the Mid-Florida Materials facility, subject to the conditions of approval. District 2**

DB/AM/DJ/JVW: mg

Attachments: Site Plan  
Updated Permit Conditions



**Attachment - Updated Permit Conditions for Permit No. SW-232027-LFCD-85/1212**

**General**

1. In the case of any conflict among these conditions, or between these conditions and applicable laws, the more extensive and restrictive requirements shall apply.
2. All plans, reports and other supporting documents submitted with the permit application, as approved, are incorporated as part of this permit, and operation shall proceed in accordance with these documents and the permit conditions. This permit includes, at a minimum, the following documents:
  - a. Landfill Permit Modification Application for Mid-Florida Materials Company Construction and Demolition (C&D) Debris: dated December 1999, prepared by Roderick K. Cashe, P.E., and James E. Golden, P.G., of Hartman & Associates, Inc., Orlando, Florida;
  - b. Updated Needs Assessment: dated January 21, 2000, prepared by James E. Golden, P.G., of Hartman & Associates, Inc., Orlando, Florida;
  - c. Permit Renewal Application: dated April 28, 2005, and submitted by James E. Golden, P.G. and David L. Legget, P.E. of HSA Golden, Orlando, Florida;
  - d. EPD Request for Additional Information: dated June 9, 2005;
  - e. Response to Orange County EPD and revised application: dated August 8, 2005, and submitted by Mitchell F. Katz, PhD and David L. Legget, P.E. of HSA Golden, Orlando, Florida;
  - f. Name Change Request (revised application form): dated August 31, 2006, and submitted by James E. Golden P.G. and James T. Show, P.E., HSA Golden, Orlando, Florida;
  - g. Revised Application Form (page 3): dated November 27, 2007, and submitted by James E. Golden P.G., HSA Golden, Orlando, Florida;
  - h. Permit Modification Application (for submittal date only): dated May 19, 2011, received May 24, 2011, submitted by James E. Golden P.G. and Andrew J. Schier, P.E., HSA Golden, Orlando, Florida; Note: superseded by standalone permit renewal application dated October 17, 2012;
  - i. Permit Renewal Application Addendum: dated October 17, 2012, submitted by James E. Golden P.G. and John P. Smith, P.E., HSA Golden, Orlando, Florida;
  - j. EPD Completeness Review #1: dated November 19, 2012;
  - k. Response to Completeness Review #1, Permit Renewal Revised: dated November 28, 2012, submitted by James E. Golden P.G., and John P. Smith, P.E., HSA Golden, Orlando, Florida;
  - l. Permit Modification Application: dated May 19, 2011, received May 24, 2011, submitted by James E. Golden P.G. and Andrew J. Schier, P.E., HSA Golden, Orlando, Florida;
  - m. EPD Completeness Review 1, dated Jul 15, 2011;
  - n. Revised Response to Completeness Review 1 and Preliminary Technical Review, dated May 18, 2012, received May 22, 2012, submitted by James E. Golden P.G., and John P. Smith, P.E., HSA Golden, Orlando, Florida;
  - o. Permit Renewal – Major Modification – Additional Information, dated July 26, 2012, received July 30, 2012, submitted by James E. Golden P.G., and John P. Smith, P.E., HSA Golden, Orlando, Florida;
  - p. EPD Request for Additional Information dated September 5, 2012;
  - q. Major Modification – Request for Additional Information 1 (Response), dated October 25, 2012, received October 29, 2012, submitted by James E. Golden P.G., and John P. Smith, P.E., HSA Golden, Orlando, Florida;
  - r. Renewal Application for Class III Landfill, dated February 14, 2017, submitted by Robert E. Mackey, P.E., S2L, Incorporated, Maitland, Florida;
  - s. Completeness Review (CR1) – Response, dated May 5, 2017, submitted by Robert E. Mackey, P.E., S2L, Incorporated, Maitland, Florida;
  - t. Technical Review (TR1) – Response, dated July 3, 2017, submitted by Robert E. Mackey, P.E., S2L, Incorporated, Maitland, Florida;
3. Facility construction and operations based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified

by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.

4. Facility construction and operations shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or his or her authorized agent) to the BCC at the public hearing where this permit was approved, where such promise or representation, whether oral or written, was relied upon by the BCC in approving the permit, could have reasonably been expected to have been relied upon by the BCC in approving the permit, or could have reasonably induced or otherwise influenced the BCC to approve the permit. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the BCC by the applicant (or his or her authorized agent) if it was expressly made to the BCC at a public hearing where the permit was considered or approved.
5. Cost estimates for financial assurance shall be revised at least annually and also whenever changes in operation would cause a revised cost estimate to exceed the amount available through the financial assurance mechanism. Cost estimates shall be based upon the time period in the facility operation when the extent and manner of its operation make closing most expensive, subject to EPD approval.

#### Security and Site Access Conditions

6. The facility shall be open to the County for the purpose of inspection during normal working hours of the facility and at any other time when work is in progress. During periods of inactivity, such as during post-closure, upon request, the County shall be provided access to the site within one business day.
7. The hours of operation are limited to:

Monday - Friday:	7:00 a.m. – 5:00 p.m. (each day)
Saturday:	7:00 a.m. – 2:00 p.m.
Sunday:	Closed

Receipt or shipment of waste, and waste processing, are limited to within the hours of operation.

8. Site access shall be controlled by a locking gate and an at least 6-foot-high security chain link fence around the perimeter of the site, or equivalent EPD approved method. Fences or walls shall comply with Section 38-1408, Orange County Code.
9. Warning signs shall be posted in accordance with Section 32-216(a)(13)c. and Chapter 31.5 (Orange County Sign Ordinance) Orange County Code.

#### Operations and Waste Quality Control

10. This facility may receive for disposal on site: up to ~~3,500 cubic yards~~ 1,400 tons per day, annual average, of Class III waste.
11. Each shipment of incoming waste must be inspected by a spotter, or interim spotter, trained and performing duties in accordance with Rule 62-701.320(15), Florida Administrative Code. Spotters shall perform their duties from a location where they can thoroughly inspect each shipment of waste for prohibited materials. The spotter(s) shall have the authority and responsibility to reject unauthorized loads. If unauthorized waste is identified during or after unloading, the spotter(s) shall have the authority and responsibility to reload the customer's vehicle for removal from the site. Finally, if reloading is not feasible, the spotter(s) shall have the authority and responsibility to assess appropriate surcharges and have the unauthorized material removed by on-site personnel. In all instances the transporter and generator of the unauthorized solid waste must be notified to prevent future occurrences, and a log of all such unauthorized waste shipments shall be maintained at the site.
12. The operator shall inform the County immediately of the receipt of any shipment containing greater than 25 gallons or 220 pounds of hazardous waste, or of the greater than de minimis discharge of any

hazardous waste in the facility, and provide a written plan within 5 days advising the date of discovery and how the hazardous waste was properly disposed. If laboratory confirmation is needed, the laboratory results shall be provided to the County. Once waste is confirmed to be hazardous, it shall be properly managed within 5 days. In the case of release or discharge above threshold quantities, the permittee shall notify State Watch Office (1-800-320-0519).

13. The permittee shall implement a plan designed to minimize the amount of Chromated Copper Arsenate (CCA) treated wood that is delivered to the facility, or to separate CCA treated wood from other wastes at the facility to the greatest degree practicable, prior to disposal in Cells 3A-6A. CCA treated wood that is temporarily stored at the facility shall be managed so as to minimize any potential release of leachate to the environment, which may include storage in containers, in buildings, on a lined area, or under a secured tarp. CCA treated wood that is separated from other wastes at the facility shall not be disposed of at an unlined solid waste disposal ~~facility-unit or cell~~. CCA treated wood may be disposed onsite in the bottom lined Cells 7-10, and within the bottom lined areas of Cells 7A/8A/9A.
14. Weekly cover shall be applied in Cells 3A-6A using low permeability soils or equivalent with a hydraulic conductivity in the range of  $5 \times 10^{-4}$  cm/sec or less.

#### Ancillary Operations Conditions

15. The site may perform ancillary operations for the recycling of metals, concrete, as well as yard trash as proposed. Any other ancillary operations may not be performed without prior EPD approval.
16. Stockpiling of materials to be recycled longer than 6 months is not permitted.
17. Recovered materials must be shipped out within 1 year of processing.

#### Community Issues

18. The only permitted haul routes (for vehicular travel to and from the site) are:
  - a. On Golden Gem Road between the site and Ponkan Road
  - b. From Plymouth-Sorrento Road to Ponkan Road to Golden Gem Road
  - c. From SR441 to Ponkan Road to Golden Gem Road

At least once per quarter, the permittee shall notify customers of routes that are approved and not approved, and of their obligations under this permit and Section 32-111 "Loads on vehicles", Orange County Code.

19. The permittee will cooperate with appropriate Orange County agencies, including the Orange County Sheriff's Department concerning posting of both the Orange County right-of-way on Golden Gem Road and appropriate locations on the permitted site to make clear that early arrival of trucks prior to commencement of landfill operations at 7 a.m., and stopping, standing, or parking of vehicles either within the Golden Gem Road right-of-way or on the permitted site are prohibited and will result in the issuance of traffic citations by the Orange County Sheriff's Department.
20. The permittee will bear at least 50 percent of the cost for additional deputies as the Sheriff may determine are necessary to enforce the previous condition (Condition ~~24~~ 19), unless other arrangements acceptable to the County Administrator are made between the permittee and the operators of the adjacent landfill [Orange County Environmental, LLC].
21. The permittee shall be responsible for clean-up of all litter generated from the permittee's operation per Section 32-113 and 32-216(a)(13), Orange County Code. In addition, on an as needed basis, but not less than once per week while operating, the permittee shall be responsible for clean-up of customer generated litter from:
  - a. Ponkan Road between Plymouth-Sorrento Road and Golden Gem Road
  - b. Golden Gem Road between Ponkan Road and the site entrance.

Clean-up shall take place along publicly accessible right-of-ways and with all necessary safety precautions.

22. The facility shall be operated to control objectionable odors in accordance with Chapter 15 and Section 32-216(a)(26), Orange County Code, and Section 62-701.530, Florida Administrative Code.
23. Excessive growth of grass, weeds, and brush on property shall be minimized in accordance with Chapter 28, Article II, Orange County Code.
24. In areas not approved for processing of wastes, storage of recovered materials, or disposal, the accumulation of trash, junk, debris, and nonliving plant material shall be minimized in accordance with Chapter 28, Article II, Orange County Code.
25. Vectors and pests shall be controlled through the appropriate use of pesticides and other approved methods to minimize impact on adjacent properties.
26. Fugitive dust emissions shall be controlled per Chapter 15, Orange County Code and Section 62-296.320, Florida Administrative Code.
27. The permittee will continue its good neighbor policy relating to surrounding residents, including acceptance of appropriate construction and demolition debris in small quantities, donation of small quantities of clay for the private use of surrounding residents, and continuing assistance in connection with the Zellwood Corn Festival operations.
28. The permittee will enter into an agreement with the County to donate the southerly 120 acres of the site (the "Park Site") to Orange County after post-closure of the site is completed according to the post-closure plan. The terms of the agreement shall include the following:
  - a. Within an agreed-upon time period after post-closure of the landfill is completed, the permittee shall offer to donate the park site to the County, and the offer shall remain in effect for no fewer than 270 days.
  - b. Upon the County's receipt of the offer to donate, the County staff shall have 180 days to review the status of the park site and submit a report to the Board of County Commissioners (BCC) as to its suitability as park land.
  - c. The County shall accept donation of the park site after post-closure and submission of the staff report unless the BCC decides at that time not to accept the site.
  - d. The permittee shall indemnify the County, hold the County harmless from all liability arising out of any site conditions which occur or were caused prior to donation to the County and liability arising from any site conditions occurring after donation to the County, the cause of which conditions can be traced to the time the applicant was operating the landfill or to the post-closure time period, except for liability arising out of settling of the land.
  - e. Should the County accept donation of the park site, the County shall use the site for park or recreational purposes only, failing which, the park site shall be reconveyed to the permittee.

#### Site Monitoring / Stormwater Conditions

29. If deemed appropriate by Orange County EPD, the permittee shall provide an additional monitoring well at a location to be determined by the permittee and EPD.
30. If deemed appropriate by Orange County EPD, in addition to the groundwater sampling events required by this permit, EPD may conduct an additional annual sampling event at the owner's expense.
31. Side slopes will be 5H:1V or flatter during the excavation except, in Cells 3A -6A up to 100 lineal perimeter feet will be allowed to be steeper than 5H:1V, but never steeper than 2H:1V, to allow backfill at the slopes with C&D debris or Class III waste in accordance with the approved operation plan during the landfill operation. In Cells 7 -10 side slopes of 3H:1V or flatter are allowed during liner installation and subsequent filling.



32. The pit floor is to be graded in accordance with the approved interim stormwater management plan prior to accepting waste. Ponding of water at the pit floor is not allowed, except in appropriate operation phase ponds; it must be graded progressively to cause stormwater runoff to flow away from the debris. The approved post closure plan is to be constructed progressively as the site is closed.

#### Reporting and Record Keeping Conditions

33. The following items shall be made available for review during inspections at the facility:
- a. A copy of the complete permit including plans, reports, and other supporting documents;
34. The following items shall be retained for a period of at least 3 years and made available for review during inspections at the facility:
- a. Copies of unauthorized-waste receipt logs maintained in an unauthorized-waste receipt logbook;
  - b. Copies of manifests for any hazardous waste, universal waste, or regulated non-hazardous waste, shipped off-site;
  - c. Copies of credentials and training records for operators and spotters;
35. The following items shall be submitted to the EPD on a quarterly basis and made available for review during inspections at the facility:
- a. A report of solid waste type and quantity managed at the facility, including the amount and destination of treated, recycled or recovered materials leaving the site for reuse, used as raw material or disposed;
  - b. A report of inspections and any repairs performed to site access control structures (e.g. gate, fence, signs, etc.);
  - c. A report of inspections and any repairs performed to environmental protection measures such as the landfill cover, drainage, liners, monitoring system, as well stormwater controls;
36. The following items shall be submitted to the EPD on an annual basis:
- a. Certified topographic survey in accordance with Section 32-215(a)(2) Orange County Code;
  - b. An estimate of remaining volume (airspace);
  - c. Current cost estimates for closure and post-closure activities and proof of financial assurance in accordance with Section 32-216(a)(27) Orange County Code;

#### Fires, Emergency Preparedness, and Continuity of Operations

37. The operator shall inform the EPD immediately of any fires that persist longer than one hour.

#### Closing Conditions

38. The permittee shall notify the EPD in writing prior to ceasing operations, and shall specify a closing date. No waste shall be received by the facility after the closing date.
39. The permittee shall provide a certification of closure construction completion to the EPD within 30 days after closing, covering, and seeding the disposal unit. The owner or operator shall also provide a final survey report done by a professional surveyor and meet the requirements of Section 32-215(a)(2) Orange County Code.
40. The permittee shall continue to monitor and maintain the facility for thirty years from the date of closing. This time period shall be extended if assessment monitoring or corrective action has been initiated or if site-specific conditions make it likely that any contamination which may emanate from the disposal area would not be detected within thirty years.



41. For the final groundwater sampling event, prior to the end of the post-closure period, wells shall be sampled for all of the parameters specified for well background evaluation in Section 32-216(a)(24)c. Orange County Code.
42. Closed landfill areas, if disturbed, are a potential hazard to public health, ground water and the environment. The EPD retains regulatory control over any activities which may affect the integrity of the environmental protection measures such as the landfill cover, drainage, liners, monitoring system, or leachate and stormwater controls. Consultation with the EPD is required prior to conducting activities at the closed landfill areas.

#### Waivers

43. A waiver has been approved to allow this Class III landfill to be constructed and operated, as shown on the approved plans, within the Primary and/or Secondary Floridan Aquifer Vulnerability Zones of the Wekiva Study Area
44. A waiver has been approved to allow the EPD manager to make a determination concerning liner exemption in Cells 3A-6A utilizing an equivalent FDEP determination, in lieu of results of the review by a third-party consultant.
45. A waiver has been approved to allow a less than 5 foot separation between the base grades and the Seasonal High Water Table, in the bottom lined portions of the landfill, Cells 7-10, as shown on the approved plans.
46. A waiver has been approved for elevations of up to 50 feet above grade as indicated on the approved plans.
47. A waiver has been approved to allow reduced setbacks, 50 feet for C&D debris and 100 ft for Class III waste, placed above grade in the southern and portions of the western boundaries, as indicated on the approved plans.
48. No trees are required along the boundary shared with the adjacent landfill, unless the adjacent site is developed as other than a solid waste management facility in the future.
49. A waiver has been approved to allow the use of plans depicting base grade and final grades using 2-foot instead of 1-foot contour intervals.

#### Board of Zoning Adjustment

50. Development shall conform to the Mid-Florida Materials Company C & D Landfill Modification Special Exception Site Plan dated "Received September 18, 2012," and the Tree Mitigation Plan dated "Received August 27, 2012" and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this site plan and the actual site plan dated "Received September 18, 2012", the condition of approval shall control to the extent of such conflict or inconsistency.
51. No landfill traffic shall be allowed on any portion of Golden Gem Road located north of the site.
52. The haul route from Plymouth-Sorrento Road to Golden Gem Road shall be cleaned by the landfill operator daily of any debris falling from landfill bound trucks.
53. The pit floor shall be graded in accordance with the approved interim storm water management plan prior to accepting waste. Ponding of water at the pit floor is not allowed, except in appropriate

operation phase ponds. The pit floor shall be graded progressively to cause storm water runoff to flow away from the debris.

54. This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations may apply. The applicant shall comply with Orange County Comprehensive Plan 2010-2030 Destination 2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.
55. Provide an executed modified fire-fighting agreement with OCFRD or provide an alternate method for the supply of water for fire-fighting purposes.
56. A left turn lane at the intersection of Ponkan Road and Golden Gem Road shall be constructed as determined, at any time either prior to or during the operational life of the Class III landfill, by the County Engineer if warranted and at the cost of the applicant.
57. After the site reaches its capacity the land use shall revert to permitted uses and special exception uses of the A-1 zoning district.
58. The use of an incinerator shall be prohibited with the exception of a wood waste incinerator if authorized by State of Emergency declared by Executive Order by the Governor of the State of Florida.

#### Additional Conditions

59. In addition to any water quality monitoring required under OCC-Chapter 32 Article V, Orange County Code, the water quality monitoring plan shall include the semi-annual collection and testing of groundwater samples from at least seven (7) monitoring wells screened in the upper Floridan aquifer, at locations and phased as approved by EPD.
60. This facility will neither accept, nor dispose of onsite, materials identified as regulated asbestos containing materials.
61. Within one year of permit issuance, the permittee shall install landscaping along the entire eastern property boundary line, consistent with a Type C opaque buffer, as described in OCC-Section 24-5 Buffer Yards, Orange County Code. Prior to commencing operations in Cell 7, the permittee shall install landscaping along the entire northern property boundary line, consistent with a Type C opaque buffer, as described in OCC Section 24-5 Buffer Yards, Orange County Code.
62. The establishment of a Class I landfill on any portion of the site shall be prohibited.
63. Within one year of permit issuance, the permittee shall modify the existing Agreement to Offer Donation of the south 120 acres to the County, to include the entire 220 acre site, under the same terms and conditions.
64. Within two years of permit issuance, the permittee shall establish and continue to maintain an annual recycling rate of 50%, by volume or by weight, of incoming materials to the extent economically feasible. The permittee shall establish a goal of a 75% recycling rate by the year 2020, and shall use its best efforts to attain such goal, to the extent economically feasible.

- End of Conditions -