

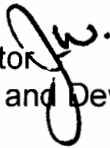


Interoffice Memorandum

AGENDA ITEM

March 25, 2019

TO: Mayor Jerry L. Demings  
- AND -  
Board of County Commissioners

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

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

SUBJECT: April 23, 2019 – Consent Item  
Approval of Application SW-18-08-001 to Renew Solid Waste  
Management Facility Permit No. 04-F13-1560 for a Construction  
and Demolition Debris Disposal Facility by OCE West Orange,  
LLC

The Environmental Protection Division (EPD) has received application SW-18-08-001 to renew Solid Waste Management Facility Permit No. 04-F13-1560 for a Construction and Demolition Debris Disposal Facility by OCE West Orange, LLC. The renewal application is for closure and long-term care only.

The property is approximately 44 acres located at the northwest corner of the intersection of Schofield Road and County Road 545, at 7902 Avalon Road, Winter Garden, Florida 34787. The Parcel ID number for the site is 29-23-27-0000-00-008. The subject property is located in District 1.

The facility has approximately 33.5 acres of disposal area that has been filled with construction and demolition (C&D) debris. EPD has been notified that the facility stopped accepting C&D debris as of August 10, 2018. Closure construction has been conducted in a series of phases, progressively as areas were filled. The construction of the two feet of cover soils over the entire fill area is now complete, with fine grading of the stormwater ponds in the final stages.

C&D debris disposal facilities are required to be maintained and monitored during a post-closure long-term care period of five years. As a condition of approval of the initial permit, the permittee entered into an agreement to offer donation of the site to the County after the completion of the long-term care activities. After that, within a limited time-frame, the County may then choose to either reject the property, or accept it for use as it sees fit.

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April 23, 2019 – Consent Item

Approval of Application SW-18-08-001 to Renew Solid Waste Management Facility Permit No. 04-F13-1560 for a Construction and Demolition Debris Disposal Facility by OCE West Orange, LLC

There are currently no outstanding Notices of Violation for the facility. During the past permit period the facility operators have worked with EPD staff to resolve any issues that have arisen, including waste screening and conformance to approved plans.

As part of the permit renewal process, the applicant sampled groundwater for the approximately 43 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 179 parameters beyond the FDEP requirements. Based upon an evaluation of the supporting documentation, the sampling history of the site, and the lower likelihood of these parameters being present in C&D debris, EPD staff supported this request.

The closure and long-term care permit is essential for the facility to continue its closure responsibilities. The current permit, 04-F13-1560, has an expiration date of September 9, 2018. In accordance with County Code Sec. 32-214(g), the facility has operated under an extension during the renewal application review period. That review is now complete.

In accordance with County Code Section 32-214(f), the Board may approve permit applications for a maximum period of five years. Upon approval, the permit shall be renewed for a period of five years with a new expiration date of April 22, 2024. The complete application forms are available on file at EPD. The proposed updates to the permit conditions are attached and include updates to reflect the latest submittals.

**ACTION REQUESTED: Approval of Permit Application SW-18-08-001 to renew Solid Waste Management Facility Permit No. 04-F13-1560, for a Construction and Demolition Debris Facility by OCE West Orange, LLC, for the period of five years, subject to the updated permit conditions. District 1**

DB/AM/DJ/JVW: mg  
Attachments

## Attachment - Updated Permit Conditions

### 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. Construction and Demolition Debris Landfill Permit, CDS Sitework and Trucking, Inc.; dated April 30, 2001, updated February 8, 2002; prepared by Universal Engineering and Sciences of Orlando, Florida.
  - b. West Orange Environmental Resources Permit Renewal Application; dated June 2009; prepared by James E. Golden P.G. and Jeff Wild P.E. of HSA Golden, Orlando, FL
  - c. Response to Completeness Review 1; dated October 13, 2009; prepared by James E. Golden P.G. and Jeff Wild P.E. of HSA Golden, Orlando, FL
  - d. Response to Completeness Review 2; dated April 12, 2010; prepared by James E. Golden P.G. and David Leggett P.E. of HSA Golden, Orlando, FL
  - e. Response to Completeness Review 3; dated June 9, 2010; prepared by James E. Golden P.G. and David Leggett P.E. of HSA Golden, Orlando, FL
  - f. Response to Request for Additional Information 1; dated September 21, 2010 and September 29, 2010; prepared by James E. Golden P.G. and David Leggett P.E. of HSA Golden, Orlando, FL
  - g. Response to Request for Additional Information 2; dated March 18, 2011; prepared by James E. Golden P.G. and Andrew J. Schier P.E. of HSA Golden, Orlando, FL
  - h. West Orange Environmental Resources Permit Renewal Application; dated September 18, 2013, received September 20, 2013; prepared by James E. Golden P.G. and John P. Smith P.E. of HSA Golden, Orlando, FL
  - i. Response to Completeness Review 1; dated January 16, 2014; prepared by James E. Golden P.G. and John P. Smith P.E. of HSA Golden, Orlando, FL
  - j. Response to Request for Additional Information 1; dated February 28, 2014; prepared by James E. Golden P.G. and John P. Smith P.E. of HSA Golden, Orlando, FL
  - k. OCE West Orange-Closure Permit Renewal Application; dated July 24, 2018; submitted August 20, 2018; prepared by James E. Golden P.G. and Glenn Semanisin P.E., Grove Scientific and Engineering, Orlando, FL
  - l. Response to Technical Review 1; dated October 26, 2018; prepared by James E. Golden P.G. and Glenn Semanisin P.E., Grove Scientific and Engineering, Orlando, FL
  - m. Semi-Annual Groundwater Quality Monitoring Report – December 2018; dated February 11, 2019; prepared by J. Travis Hess Murray and James E. Golden P.G., Grove Scientific and Engineering, Orlando, FL
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. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

5. 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.
6. 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

7. 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.
8. ~~The hours of operation are limited to:~~

~~Monday – Friday: 7:00 a.m. – 7:00 p.m. (each day)~~

~~Saturday: 9:00 a.m. – 6:00 p.m.~~

~~Sunday: Closed~~

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

9. 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.
10. 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

11. ~~This facility may receive for disposal on site: up to 3,000 cubic yards per day, annual average, of construction and demolition debris waste.~~
12. ~~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.

13. 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).
14. 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. 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.

#### Ancillary Operations Conditions

15. The site may perform ancillary operations for the recycling of metal, paper, glass, plastic, textile, rubber, asphalt, soil, yard waste, PVC, concrete, and clean wood 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 permitted haul routes (for vehicular travel to and from the site) are:
  - a. From SR 50 to Avalon Road (CR 545) to Schofield Road
  - b. From US 192 to Avalon Road (CR 545) to Schofield Road
  - c. From SR 429 to Avalon Road (CR 545 to Schofield Road)
  - d. From SR 429 along Schofield Road to site

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 shall pay to the County the cost of the equivalent of one deputy sheriff to provide enforcement of traffic laws on C.R. 545 during operating hours of the permitted facility one day per week for the duration of the permit.
20. 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. Avalon Road between Porter Road and Phil Ritson Way~~

~~b. Schofield Road between SR 429 and CR 545~~

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

21. 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.
22. Excessive growth of grass, weeds, and brush on property shall be minimized in accordance with Chapter 28, Article II, Orange County Code.
23. 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.
24. Vectors and pests shall be controlled through the appropriate use of pesticides and other approved methods to minimize impact on adjacent properties.
25. Fugitive dust emissions shall be controlled per Chapter 15, Orange County Code and Section 62-296.320, Florida Administrative Code. In addition, if County staff determines that dust suppression is inadequate, County staff may order the installation and operation of a water spray system in the affected areas to improve dust suppression.
26. ~~All landscaping and signage in the perimeter setbacks, described in the application, will be completed within six (6) months of permit issuance.~~
27. The standards in Ch. 15 Article V (Noise Pollution) for residential areas shall apply along the north property boundary. To address exceedances of permissible sound levels, County staff may restrict the location, type, and timing of equipment used onsite, including but not limited to haul vehicles, compactors, and concrete crushing equipment.
28. The operator shall be responsible for ensuring the restoration of any features still required including berms, landscaping, fences, etc. that may be impacted by right-of-way acquisition.

#### Reporting and Record Keeping Conditions

29. 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;
30. ~~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;~~
31. ~~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;~~

32. 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;

33. EPD is to receive copies of all correspondence between the applicant, owner or operator, and FDEP.

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

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

#### Closing Conditions

35. ~~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 of August 10, 2018.~~

36. 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.

37. The permittee shall continue to monitor and maintain the facility for five (5) 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 five (5) years.

38. ~~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.~~

39. Closed disposal 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 disposal areas.

40. Applicant agrees that it will enter into an agreement with the County to deed the site to Orange County after closure and post closure care of the site is completed according to the closure and post closure plan. Such agreement will provide for: conveyance of the property to the County within an agreed upon time after the above post closure of the landfill site, subject to acceptance by the Board of County Commissioners (BCC) at that time; a provision to hold the County harmless for any conditions which occur or were caused prior to conveyance to the County; and a provision that the BCC will allow use of the property as it sees fit. Applicant agrees to enter into such agreement to convey the site to the County within 6 months of permit issuance, unless such time period is extended by written agreement executed by the County.

41. The applicant's proposed post closure uses are not approved with this landfill application. Post closure development shall comply with the Orange County Comprehensive Plan, including Horizon West Village Classification, as well as all other applicable federal, state, and county laws, ordinances, and regulations.



#### Waivers

42. A waiver has been approved for elevations of up to 20 feet above grade as depicted on the approved plans.
43. A waiver has been approved to allow a reduction of setbacks from 200 feet to 50 feet for waste placed above grade along the western boundary with CR 429, as depicted on the approved plans.
44. Reduced setback along area of right-of-way acquisition. a) In conjunction with the Roadway Agreement for acquisition of approximately 54 feet right-of-way along Avalon Road (CR 545), a waiver has been approved to allow a reduction of setbacks from 200 feet to approximately 146 feet for waste placed above grade along the eastern boundary. b) In conjunction with the Roadway Agreement for acquisition of approximately 56 feet right-of-way along Schofield Road, a waiver has been approved to allow a reduction of setbacks from 150 feet to approximately 94 feet for waste placed above grade along the southern boundary.

#### Board of Zoning Adjustment \*

45. Development shall conform to the West Orange Environmental Resources C & D Disposal & Recycling Facility Special Exception Site Plan dated "Received March 6, 2014" 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 March 6, 2014", the condition of approval shall control to the extent of such conflict or inconsistency;
46. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.002, the applicant shall obtain all other applicable state or federal permits before commencement of development;
47. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate;
48. A road agreement shall be approved by the BCC for the conveyance of road right of way for the 4 lane widening for Avalon Road (CR 545) and Schofield Road projects. The necessary right of way shall be dedicated at no cost to the County. The road agreement shall also address the October 21, 1999 [DRC] conditions of approval #2 and #3;
  - #2 A right turn acceleration lane on CR 545 at Schofield Road shall be provided. (DE)
  - #3 A left turn lane along CR 545 (Avalon Road) at Schofield Road shall be provided. (DE)
49. Prior to performing any earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for storm water discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer;
50. The recycling facility shall cease operation at the time of closing of the solid waste disposal facility;
51. The landfill shall cease operations no later than September 9, 2018;



52. Applicant shall comply with all applicable setbacks along the north property line; and
53. Except as may be amended, modified and/or superseded, the previous [BZA] conditions of approval shall apply:
- #3 The applicant or operator shall be required to pulverize all drywall or to cover the waste stack in the landfill on a weekly basis with six (6) inches of soil, subject to approval by the Orange County Environmental Protection Division.
  - #4 The applicant or operator shall construct and maintain an eight (8) feet high sodded, irrigated soil berm on the western and northern boundaries of the landfill.
  - #5 The applicant or operator shall place trees on 40 feet centers on the western and northern boundaries of the landfill;
  - #6 The applicant or operator shall implement a routine gas monitoring program in accordance with Florida Administrative Code provisions applicable to C and D landfills, to monitor quarterly all waste filled areas for the presence of landfill gas. If large amounts of methane gas are detected or odors are found to be a nuisance, a gas control system shall be designed and installed. This condition is subject to approval by the Orange County Environmental Protection Division.
  - #7 Hours of operation on Saturdays are restricted between 9:00 am and 6:00 pm. There shall be no operation on Sundays.
- \* Additional BCC Condition for Special Exception (Jun 3, 2014):  
Waste shall be placed in not less than 4 phases, with each phase having an area of between 6 to 10 acres. Final cover for a phase shall be installed and completed within 180 days of the date filling the subsequent phase begins. Final cover shall be installed in the north portion of the site, which is already filled, within 180 days of permit approval. Prior to permit issuance, applicant shall submit a revised operations and closure plan that is consistent with this condition.

- End of Conditions -

## Image from my new Desktop 48750 71



Figure 1 is a schematic diagram of a landfill cell. It shows a cross-section of the cell with several layers. At the top, there is a layer labeled '50''. Below this is a '6' VEGETATION SUPPORT LAYER'. Underneath that is a '2' SOIL & MULCH (100-40% MULCH)' layer. Below this is another '2' VEGETATION SUPPORT LAYER'. At the bottom of the cell is a layer labeled 'C&D WASTE'. On the right side, there is a 'DRAIN' indicated by an arrow pointing to the 6' vegetation support layer. Another 'DRAIN' is shown on the right side, below the 2' vegetation support layer.

PROJECT #
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