



FLORIDA DEPARTMENT OF Environmental Protection

Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 30, 2024

Thomas Mulligan, P.E., Director
Brevard County Solid Waste Management Department
2725 Judge Fran Jamieson Way
Building A, Suite 118
Viera, Florida 32940
thomas.mulligan@brevardfl.gov

Re: Warning Letter
Brevard Central Landfill
SW Facility ID #16256
Brevard County

Dear Mr. Mulligan:

A routine compliance inspection was conducted at your facility on April 16, 2024. During this inspection, possible violations of Chapter 403, F.S., Chapter 62-701, Florida Administrative Code (F.A.C.) were observed.

During the inspection Department personnel noted the following:

- Erosion was noted along the south, east, and north side slopes of Cell 1 at the South Landfill.
- Waste was observed protruding through the side slopes along the south, east, and north sides of Cell 1 at the South Landfill.
- Leachate seeps were noted along the south, east, and north side slopes of Cell 1 at the South Landfill. Leachate was also noted to be mixed with storm water in the drainage ditch along the south, east, and north side slopes.
- Multiple monitoring wells were observed without a lock throughout the facility. MW-14DR was observed with the cap broken during the time of the inspection.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.162 and 403.121, Florida Statutes.

Please contact David Janson, at (407) 897-4141 or David.Janson@FloridaDEP.gov, within **7 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any

Brevard Central Landfill; Facility ID No.:16256
Warning Letter
Page 2 of 2
May 30, 2024

violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Watkins".

Aaron Watkins, Director
Central District
Florida Department of Environmental Protection

AW/nh/jef/dj

Enclosure: Inspection Report

cc: FDEP: Micheal Eckoff, Jenny E Farrell, David Janson
Vicky Pena, Engineer Vicky.Pena@brevardfl.gov



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name: BREVARD CENTRAL LANDFILL
On-site Inspection Start Date: 04/16/2024
On-site Inspection End Date: 04/16/2024
WACS No.: 16256
Facility Street Address: 2250 ADAMSON ROAD
City: COCOA
County Name: BREVARD
Zip: 32926

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: David Janson, Inspector

Other Participants: Michael Eckoff, Environmental Consultant ; Vicky Pena, Engineer; Thomas Mulligan , Director of Solid Waste; James Dixon, Supervisor ;

INSPECTION TYPE:

Routine Operation Inspection for Landfill - Class I

ATTACHMENTS TO THE INSPECTION CHECKLIST:

This Cover Page to the Inspection Checklist may include any or all of the following attachments as appropriate.

Note: Checklist items with shaded boxes are for informational purposes only.

1.0 - SECTION 1.0 - FILE REVIEW

2.0 - SECTION 2.0 - LANDFILL OPERATION AND MAINTENANCE

Inspection Date: 04/16/2024

1.0 - SECTION 1.0 - FILE REVIEW

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	FILE REVIEW (Pre- or Post-Inspection, as appropriate.)	Ok	Not Ok	Unk	N/A
1.1	For landfills and C&D disposal facilities, does the facility have a current plan for the method and sequence of filling wastes? 62-701.500(2)(f) for landfills; 62-701.730(7)(a) for C&D debris sites	✓			
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK) Waste reports (annually) 62-701.500(4) Annual estimate of remaining life 62-701.500(13)(c)	✓			
1.3	Is gas monitoring being performed as required by the permit? 62-701.500(9), 62-701.530(2)	✓			
1.4	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)(c)	✓			
1.5	Is water quality sampling and testing performed according to standard procedures and at the required frequencies? 62-701.510(2) for landfills; 62-701.730(8) and 62-701.730(10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.	✓			
1.6	Do the results of the water quality testing suggest there may be adverse impacts to water quality from the operation of the solid waste facility? 62-701.510(3) and (4); 62-701.730(4)(c) and (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.			✓	
1.7	For closed landfills and C&D disposal facilities with final elevations higher than 20 feet above grade, has a final survey report verifying the final elevations and contours of the facility been submitted to the Department? 62-701.600(6)(b), 62-701.730(9)(e)				✓
1.8	Is financial assurance adequate? 62-701.630 for landfills; 62-701.710(7)(a) and 62-701.710(1)(d)1. for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(a) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities. NOTE: The Solid Waste Financial Coordinator in Tallahassee can assist with this information.	✓			
1.9	Are cost estimates current and adjusted every year? 62-701.630(4) for landfills; 62-701.710(7)(a) and 62-701.710(1)(d)1. for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(b) and 62-713.600(6)(c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.	✓			
1.10	For C&D debris disposal and disposal with recycling facilities, is an Annual Report submitted to the Department for the disposal operation by February 1st of each year? 62-701.730(12)				✓
1.11	For C&D recycling facilities with no disposal, is an Annual Report for the recycling facility submitted to the Department by February 1st of each year? 62-701.710(8)(b)				✓
1.12	For compost facilities, has the compost product been sampled and analyzed every 20,000 tons or every 3 months (whichever is sooner)? 62-709.530(1)				✓
1.13	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)				✓

Inspection Date: 04/16/2024

2.0 - SECTION 2.0 - LANDFILL OPERATION AND MAINTENANCE

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300 (18))	Ok	Not Ok	Unk	N/A
2.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility. 62-701.300(1)(a)	✓			
2.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	✓			
2.2	Unauthorized storage or disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) 100 feet from potable water wells (except on-site)? 50 feet from water bodies?	✓			
2.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event.) 62-701.300(2)(d)	✓			
2.4	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e)	✓			
2.5	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			
2.6	Are the following unauthorized wastes or special wastes properly controlled, managed and disposed? (Check any that are Not OK) Hazardous waste 62-701.300(4) Biomedical waste 62-701.300(6) Yard trash 62-701.300(8)(c) Whole waste tires 62-701.300(8)(e) Regulated asbestos waste 62-701.520(3), 62-701.730(19) Used oil and oily wastes, except as exempted 62-701.300(11) PCB wastes 62-701.300(5) Lead-acid batteries 62-701.300(8)(a) White goods 62-701.300(8)(d) Liquids 62-701.300(10) CCA treated wood 62-701.300(14) Biological waste - Disposal of dead animals due to disease 62-701.520(5)(a) Biological waste - Disposal of dead poultry and hatchery residue 62-701.520(5)(b) Biological waste - Disposal of captive wildlife, fish or marine mammals, and domestic animals that have not died due to disease 62-701.520(5)(c)	✓			
2.7	Are only permitted waste types disposed at facility? 62-701.340(2), 62-701.500(6)(a), 62-701.500(2)(c)	✓			

Inspection Date: 04/16/2024

2.6.5	Recommended guidance for Item 2.6 above. Facility was provided a copy of the Department's Disposal of Deceased Domestic Animals Guidance Document dated November 9, 2018. (Note: The Guidance Document is to provide direction regarding the disposal of deceased domestic animals pursuant to Chapter 62-701.520(5), F.A.C. and Chapter 823.041, F.S.) Yes No N/A				
Item No.	LANDFILL OPERATION AND MAINTENANCE	Ok	Not Ok	Unk	N/A
2.8	Is there a trained operator on-site at Class I and III landfills when receiving wastes? 62-701.500(1)	✓			
2.9	Is there at least one trained spotter at each working face when receiving wastes at Class I and III landfills? 62-701.500(1)	✓			
2.10	Are the following records or plans current and available on-site? (Check any that are Not OK) Training Plan 62-701.320(15)(a) Operating Plan 62-701.500(2) Waste weight records 62-701.500(4) Precipitation records 62-701.500(8)(g) Load-checking program records 62-701.500(6)(a) Training records 62-701.320(15)(a) Operation record 62-701.500(3) Quantity of leachate 62-701.500(8)(f)	✓			
2.11	Is the operation plan substantially followed? 62-701.500(2)	✓			
2.12	Is incoming waste weighed? 62-701.500(4)(a) and 62-701.500(2)(d)	✓			
2.13	Is the method and sequence of filling waste according to plans? 62-701.500(2)(f)	✓			
2.14	Is access properly controlled to prevent unauthorized waste disposal? 62-701.500(5)	✓			
2.15	Is waste compacted as required? 62-701.500(7)(a)	✓			
2.16	Are the working face and side slopes above ground graded to a slope no greater than 3 feet horizontal to 1 foot vertical rise? 62-701.500(7)(c)	✓			
2.17	Is a narrow working face practiced? 62-701.500(7)(d)	✓			
2.18	Is the frequency, amount and quality of initial cover, as required? 62-701.500(7)(e)	✓			
2.19	Is the frequency, amount and quality of intermediate cover, as required? 62-701.500(7)(f)		✓		
2.20	Is litter controlled and are litter control devices maintained? 62-701.500(7)(i) and 62-701.500(11)(f)	✓			
2.21	Is erosion control adequate? 62-701.500(7)(j)		✓		
2.22	Is the leachate collection and removal system maintained and operated as required? 62-701.500(2)(j), 62-701.500(8)(b) and 62-701.500(8)(h)	✓			
2.23	Is leachate disposed of or treated as required? 62-701.500(8)(b), 62-701.500(8)(c) and 62-701.500(8)(d)	✓			
2.24	If leachate recirculation is practiced at the facility, is it done in accordance with Department requirements and the Operation Plan? 62-701.400(5)				✓
2.25	Is gas controlled to not cause objectionable odors beyond the property boundary? 62-701.530(3)(b)	✓			
2.26	Is gas controlled to not allow combustible gas concentrations to exceed specified limits? 62-701.530(3)(a)	✓			
2.27	Are gas vents intact and functioning properly? 62-701.500(9), 62-701.530(1)(a)3	✓			
2.28	Is mixing of leachate and stormwater prevented or minimized? 62-701.500(10), 62-701.400(9)(b)		✓		
2.29	Is stormwater management system maintained and operated as required? 62-701.500(10)	✓			
2.30	Is there sufficient operating equipment? 62-701.500(11)(a)	✓			
2.31	Is there sufficient reserve equipment (or other arrangements)? 62-701.500(11)(b)	✓			
2.32	Are communication facilities adequate? 62-701.500(11)(c)	✓			
2.33	Are approved dust control methods adequate? 62-701.500(11)(d)	✓			

Inspection Date: 04/16/2024

2.34	Are fire protection and fire fighting capabilities adequate and operational? 62-701.500(11)(e)	✓			
2.35	Are there required signs for operational directions and public information? 62-701.500(11)(g)	✓			
2.36	Are all-weather access roads and inside perimeter roads properly maintained? 62-701.500(12)	✓			
2.37	Are groundwater wells intact and properly maintained? 62-701.510(2)(b), 62-701.620(8)		✓		
2.38	Are all additional specific conditions (not otherwise addressed above) in the permit, Department order, or certification, if any, being followed? 62-701.320(1), 403.161, F.S.	✓			

Inspection Date: 04/16/2024

Current Violations:

Rule: **62-701.500(7)(f)**

Question Number: 2.19

Explanation: Waste was observed protruding through the side slopes along the south, east, and north sides of Cell 1 at the South Landfill.

Corrective Action: Apply and maintain intermediate cover to the initial cover as soon as possible.

Attachments

Waste Protruding South Side



Rule: **62-701.500(7)(k)**

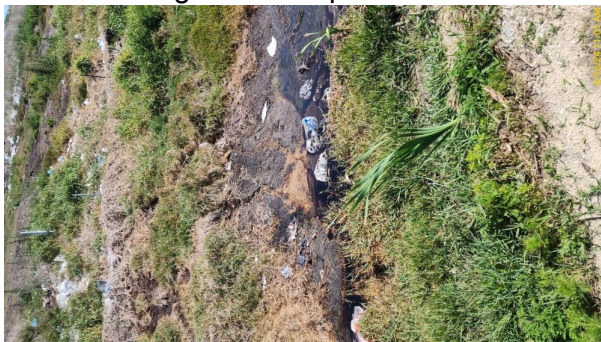
Question Number: 2.21

Explanation: Erosion was noted at the time of the inspection along the south, east, and north side slopes of Cell 1 of the South Landfill where leachate seeps had occurred.

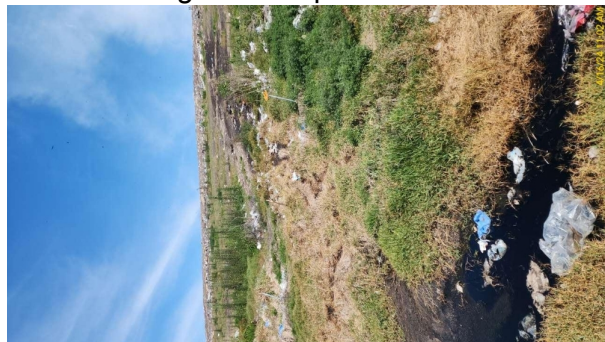
Corrective Action: Please propose a corrective action schedule to address areas of erosion noted along the south, east, and north side slopes of Cell 1 of the South Landfill.

Attachments

Erosion Along South Slope



Erosion Along East Slope



Rule: **62-701.400(9)(b), 62-701.500(10)**

Question Number: 2.28

Explanation: Leachate seepage was observed along the southern, eastern, and northern slopes of Cell 1 of the Class 1 South Landfill, with the potential for runoff into the stormwater pond.

Corrective Action:

Inspection Date: 04/16/2024

The facility shall submit a corrective action plan to the Department describing the leachate seepage problem and shall include a description and timeline of

corrective actions. In an email dated April 19, 2024 Vicky Pena stated that the facility began correcting the deficiencies on April 18, 2024 and will continue to report progress to DEP.

Attachments

Leachate Mixing w/ Stormwater(S)



Leachate Seep Along Cell 1(E)



Leachate Mixing w/ Stormwater (E)



Leachate mixing w/ Stormwater (N)



Rule: 62-701.510(2)(b), 62-701.620(8)

Question Number: 2.37

Explanation: 62-701.510(5) "Monitoring wells shall be locked to minimize the potential for unauthorized access."
Multiple monitoring wells were observed without a lock throughout the facility. MW-14DR was observed with the cap broken during the time of the inspection.

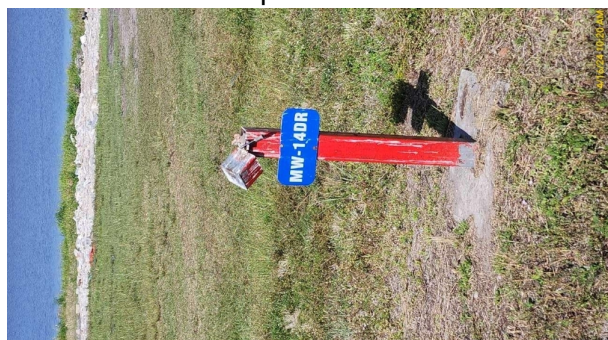
Corrective Action: The facility shall lock all monitoring wells as soon as possible to prevent unauthorized access.

Attachments

Groundwater Well Unlocked



MW-14DR Well Cap Broken



Inspection Date: 04/16/2024

Comments

Solid Waste Operation Permit - Class I South Landfill

Permit ID: 0075133-024-SO-01 ; Permit Modification: 0075133-027-SO-IM issued September 20, 2022

Permit Issued: March 11, 2020

Permit Expires: March 11, 2030

Solid Waste Operation Permit - Class 1 Slurry Wall Landfill

Permit ID: 0075133-020-SO-01 ; Permit Modification 0075133-023-SO-MM issued March 10, 2015

Permit Issued: April 3, 2014

Permit Expires: April 3, 2024*

*The facility submitted a permit renewal for the SWL in a timely manner on January 26, 2024. The Department issued a Request for Additional Information on March 8, 2024.

Section 1.0 - File Review

Item 1.2 - The 2023 Solid Waste Quantity Report was received on January 12, 2024.

Item 1.4 - The 3rd quarter 2023 gas monitoring report was received on July 27, 2023. The 4th quarter 2023 gas monitoring report was received on October 30, 2023. The 1st quarter 2024 gas monitoring report was received on February 23, 2024.

Item 1.5 - The 1st semi annual 2023 groundwater monitoring report was received on May 18, 2023. The 2nd semi annual 2023 groundwater monitoring report was received on November 27, 2023.

Item 1.6 - The groundwater monitoring reports are reviewed as a separate function and not part of this inspection.

Item 1.8 - In an email dated April 25, 2024, the Departments Financial Coordinator stated that at this time the facility is in Compliance with Financial Assurance and funding is adequate.

Item 1.9 - Current 2023 cost estimates were determined to be adequate for the South Landfill and the Slurry Wall Landfill.

Section 2.0 - Landfill Operation and Maintenance

Item 2.1.1 - No unauthorized waste was observed at the facility at the time of the inspection.

Item 2.8 - Jeremy Davis - Class I,III Landfill Operator (current until January 31, 2027). Anthony Conner - Class I,III Landfill Operator (current until August 31, 2028). Scott Gilbert - Class I,III Landfill Operator (current until January 31, 2027). Jeff Hess - Spotter (current until November 27, 2026). Johnny Gardner - Spotter (current until March 21, 2025). Jarvis Smith - Spotter (current until June 26, 2026).

Item 2.10 - An electronic copy of the Operation Plan dated July 11, 2022 was reviewed during and after the inspection. Random load checks are being conducted three times a week and reports were reviewed during the inspection.

Item 2.19 - Waste was observed protruding through the south, east, and north side slopes of Cell 1 at the South Landfill. **See above violation with attached photos**

Item 2.21 - Erosion was observed at the time of the inspection along the south, east, and north side slopes where leachate seeps had occurred of Cell 1 at the South Landfill. **See above violation with attached photos**

Item 2.28 - Leachate seeps observed along the south, east, and north side slopes of Cell 1 at the South Landfill were observed during the inspection. Leachate and stormwater were mixing in the stormwater conveyance channel along the south, east, and north sides of Cell 1 at the South Landfill. **See above violation with attached photos**

Item 2.37 - Multiple groundwater monitoring wells were observed unlocked and the labels appeared hard to read. One well, MW-14DR, was observed with the cap broken. **See above violation with attached photos**

Item 2.38 - 3rd quarter 2023 slurry wall monitoring report was received September 26, 2023. 4th quarter 2023 slurry wall monitoring report was received January 3, 2024. 1st quarter 2024 slurry wall monitoring

Inspection Date: 04/16/2024

report was received April 15, 2024 and reviewed on April 16, 2024. Appendix 3.34 - MPIS Mid-Permit Report 3 is due March 31, 2026, covering sampling conducted between November 2023 and November 2025.

Inspection Date: 04/16/2024

Signed:

David Janson

Inspector

PRINCIPAL INSPECTOR NAME

PRINCIPAL INSPECTOR TITLE

David Janson

DEP

04/24/2024

PRINCIPAL INSPECTOR SIGNATURE

ORGANIZATION

DATE

Michael Eckoff

Environmental Consultant

INSPECTOR NAME

INSPECTOR TITLE

NO SIGNATURE REQUIRED

FDEP

INSPECTOR SIGNATURE

ORGANIZATION

Vicky Pena

Engineer

REPRESENTATIVE NAME

REPRESENTATIVE TITLE

NO SIGNATURE REQUIRED

Brevard County

REPRESENTATIVE SIGNATURE

ORGANIZATION

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.

Thomas Mulligan

Director of Solid Waste

REPRESENTATIVE NAME

REPRESENTATIVE TITLE

NO SIGNATURE REQUIRED

Brevard County

REPRESENTATIVE SIGNATURE

ORGANIZATION

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.

James Dixon

Supervisor

Inspection Date: 04/16/2024

REPRESENTATIVE NAME

REPRESENTATIVE TITLE

NO SIGNATURE REQUIRED

Brevard County

REPRESENTATIVE SIGNATURE

ORGANIZATION

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Report Approvers:

Approver: Jenny E. Farrell

Inspection Approval Date: 05/06/2024