

Rolling Hills C&D Facility

Background Information & Frequently Asked Questions



Background

The Florida Department of Environmental Protection (DEP) took enforcement action against South Palafox Properties, LLC., revoking their permit due to compliance issues at the Rolling Hills construction and demolition (C&D) debris disposal facility located at 6990 Rolling Hills Road, Pensacola. The compliance issues included failure to apply soil cover, elevated levels of hydrogen sulfide (H₂S) emanating from the facility, impacts to ground-water and surface water and disposal of unauthorized waste. South Palafox petitioned the department's action and the case went before an administrative law judge. The administrative proceedings resulted in the issuance of a Final Order of Permit Revocation. South Palafox was required to close the facility in accordance with state regulations. They ceased operation of the facility, but failed to properly close it as required. The department took the necessary steps to secure the facility's financial assurance – which is required when obtaining a permit – and took over the closure of the facility.

Through a competitive bid process, the department secured a contractor to perform the closure which began in late 2016. Florida Administrative Code (FAC) 62-701.730(9)(b), requires that the final cover consist of a 24-inch-thick soil layer, or a 30-inch-thick layer consisting of approximately 50 percent soil and 50 percent ground or chipped yard trash by volume. The upper six inches must be capable of supporting vegetation, and be graded and compacted to eliminate ponding, promote drainage and minimize erosion. The final cover also is to be vegetated. These closure requirements help ensure the long-term integrity of the closed facility and minimize infiltration and erosion.

Why was the facility's permit revoked?

There were eight counts included in the Notice of Revocation issued by the department on July 31, 2014.

1. Violation of surface water quality standards
2. Failure to implement/install Remedial Action Plan (RAP)
3. Failure to provide adequate financial assurance
4. Respondent failed to provide financial assurance for corrective action
5. Objectionable odor
6. Failure to remove unauthorized waste
7. Disposal of unauthorized waste
8. Facility is outside permitted dimensions (disposal area)

What is the status of the facility closure?

A significant amount of onsite work for formal closure of the facility has been conducted. However, the contractor hired to complete the closure did not complete the work in accordance with the approved design. At this time, the aspects of the closure that remain incomplete are primarily related to site stabilization, stormwater control structures and final cover.

The department has selected Geosyntec as the construction management firm to oversee completion of the closure of the Rolling Hills facility. Geosyntec will assess current site conditions and then collect and evaluate bids from construction subcontractors. The department expects to authorize the start of construction in early June.

Is the community's drinking water safe?

Yes. The nearby Wedgewood Community is served by the Emerald Coast Utilities Authority (ECUA) public drinking water system. DEP identified the ECUA well locations closest to the facility, reviewed monitoring data for the ECUA system and found no indication of impacts to drinking water from the Rolling Hills facility.

In addition, in response to heightened concerns by the community, DEP conducted independent end of tap sampling at the Community Center and nine individual residences. The samples were analyzed for 25 parameters, including constituents found in the ground-water at the Rolling Hills Facility. We compared the highest levels detected to the Maximum Contaminant Level, which is the highest level allowed by State and Federal Safe Drinking Water Standards, and found no contaminants to be above these standards.

What are the impacts to ground-water?

The permit issued to Rolling Hills to operate a construction and demolition debris disposal facility required that the facility install ground-water monitoring wells and submit quarterly monitoring reports to the department. This is required so the department can determine if and how activities at the site impact ground-water.

Monitoring data reveals that elevated levels of arsenic, boron, ammonia, iron and total dissolved solids have been detected in the ground-water monitoring wells.

Ground-water impacts was an enforcement count in the permit revocation, and a count in the lawsuit and Final Judgement. South Palafox submitted semi-annual ground-water monitoring reports as required by their permit until October of 2016. South Palafox continued to submit quarterly monitoring reports in accordance with the RAP until May 2017.

The department conducted an on-site ground-water sampling event at the Rolling Hills C&D facility on March 1, 2019. Compared to previous monitoring data, some concentrations had increased, and others had decreased. Overall, the most recent results were consistent with previous ground-water data from the site.

In July 2013, the facility was issued an order to implement a RAP to address the ground-water impacts. The system was designed to treat the ground-water. On Jan. 28, 2019, DEP confirmed that the facility's remedial system is no longer operational.

What are the surface water impacts from the facility?

At the time of permit revocation, water quality monitoring at the facility found the surface water samples did not meet the water quality standards for iron, copper, lead, zinc and mercury.

The department conducted on-site surface water sampling at the facility on Feb. 19, 2019. Iron and aluminum were elevated in those samples, but copper, lead and zinc were not detected.

As noted previously, the facility was required to implement a remedial system that would remove iron and aluminum from the ground-water before it could leave the site and impact surface water, but DEP confirmed on Jan. 28, 2019, that the facility's remedial system is no longer operational.

What causes odor from the facility?

The odor is likely the result of the decomposition of the construction and demolition debris material at the site – primarily from the breakdown of drywall that results in the production of H₂S and produces a rotten egg like smell. Air monitoring data reveals a significant drop in H₂S levels since September of 2016, shortly after the closure began. A properly designed and implemented closure plan, ensuring the stabilization of the site, will prevent odors from the facility.

Who will pay for the closure of the facility?

The facility had a financial assurance bond in place for closure in the amount of \$651,633. DEP secured the funds from the facility's closure bond and is using those funds for closure.

DEP will seek reimbursement from South Palafox Properties in accordance with the Final Judgement issued June 7, 2016, which requires South Palafox Properties to pay the difference between the existing financial assurance amount for closure and the amount of the cost estimate for closure of the facility in its current condition.

What is DEP doing to hold South Palafox Properties accountable?

On March 22, 2019, DEP filed a Motion for Contempt in Circuit Court against South Palafox Properties, LLC for failing to comply with the Final Judgement. The Final Judgement required South Palafox to continue remediation of the ground-water contamination in accordance with the approved RAP, and to remediate all surface water quality exceedances.