

SOLID WASTE VIOLATIONS – MODEL CORRECTIVE ACTIONS

The following are sample paragraphs for solid waste corrective actions that can be included in Paragraph 5 of the Solid Waste Model Consent Order. Clicking on the following links will direct you to the corresponding corrective action paragraph.

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GENERAL PROHIBITIONS

- a) Within # days of the effective date of this Order, Respondent shall remove and properly dispose of all solid waste from within 200 feet of a water body, as required in Rule 62-701.300, F.A.C.
- b) Within # days of the effective date of this Order, Respondent shall remove and properly dispose all solid waste from the right of way from any public highway or road, as required in Rule 62-701.300, F.A.C.
- c) Within # days of the effective date of this Order, Respondent shall remove and properly dispose of all solid waste from any area of the Property which is subject to frequent and periodic flooding, as required in Rule 62-701.300, F.A.C.
- d) Within # days of the effective date of this Order, Respondent shall remove and properly dispose of all solid waste from within 500 feet of any shallow water supply well, as required in Rule 62-701.300, F.A.C.
- e) Within # days of the effective date of this Order, Respondent shall remove and properly dispose of all solid waste from within the dewatered pit(s) on the Property, as required in Rule 62-701.300, F.A.C.
- f) Within # days of the effective date of this Order, Respondent shall remove and dispose of all solid waste from the areas delineated on Exhibit #, which is attached and incorporated in this Order.
- g) Effective immediately, Respondent shall cease open burning of solid waste on the Property, as required in Rule 62-701.300(3), F.A.C.
- h) Effective immediately, Respondent shall cease accepting biohazardous waste for disposal at the Facility.
- i) Effective immediately, Respondent shall cease accepting lead-acid batteries, used oil, yard trash, white goods, or whole waste tires in its landfill, as required in Rule 62-701.300(8), F.A.C.
- j) Within # days of the effective date of this Order, Respondent shall submit an application to the Department for final closure of the landfill and otherwise meet the requirements of Rule 62-701.600, F.A.C.

CLOSURE PLAN AND FINANCIAL ASSURANCE

YOU MUST INCLUDE THE FOLLOWING PARAGRAPH IF

- 1) the permittee has allowed waste to accumulate outside of the Facility's permitted footprint or has accepted waste not included in permit criteria, AND
- 2) the consent order or an issued permit modification allows continued operation under the changed circumstances.

Within # days of the effective date of this Order, Respondent shall submit a revised closure plan in accordance with Department rules to address the [Choose one](#). Should the Department determine that the revised closure plan is insufficient, Respondent shall resubmit another revised closure plan which addresses the previous plan's deficiencies within # days. Within # days of submitting the revised closure plan, the Department will review the plan and determine its sufficiency. Within # days of the Department's determination, Respondent shall submit proof of financial assurance sufficient to complete closure under the approved revision to the closure plan.

GROUND WATER CLEAN UP

a) IF 62-780 REQUIREMENTS MUST BE MET

ADD SUBPARAGRAPHS (i) through (iv) IF YOU WANT TO REQUIRE COMPLIANCE WITH RULE 62-780, F.A.C.

i) Immediately upon the effective date of this Order, Respondent shall commence a Site Assessment in accordance with Rule 62-780.600, F.A.C. Within # days of the effective date of the Order, Respondent shall submit a Site Assessment Report ("SAR") in accordance with Rule 62-780.600(8), F.A.C. The Department will review the SAR in accordance with Rule 62-780.600(9), F.A.C.

ii) Upon Department approval of the SAR, Respondent shall commence and complete all further tasks required by Chapter 62-780, F.A.C. in accordance with the requirements and time schedules identified in that chapter.

iii) Respondent shall continue evaluation monitoring in accordance with Rule 62-701.510(7)(a)(7), F.A.C. and may resume routine monitoring only upon the Department's written approval of the SAR required in subparagraph #(a), above.

Comment [OGC1]: Rule requires 270 days, but the facts of your case may merit a different deadline.

iv) If contaminants are detected and confirmed in any additional Facility compliance wells in concentrations that exceed both background levels and water quality standards or criteria, Respondent shall notify the Department within # days of this finding and shall initiate corrective actions in accordance with the applicable provisions of Chapter 62-780, F.A.C.

b) IF PETROLEUM CONTAMINATION IS PRESENT

Effective immediately, Respondent shall comply with the requirements of Chapter 62-770, F.A.C. For purposes of Rule 62-770.250, F.A.C. the date of discovery shall be [DATE](#).

COMBUSTIBLE GASES

USE THE FOLLOWING PARAGRAPH IF THERE IS AN EXCEEDANCE OF THE LOWER EXPLOSIVE LIMIT FOR COMBUSTIBLE GASES WAS REPORTED AT THE FACILITY'S PROPERTY BOUNDARY IN VIOLATION OF RULE 62-701.530(1)(a)(1)(b), F.A.C.

Within # days of the effective date of this Order, Respondent shall submit to the Department for approval a Gas Remediation Plan ("Gas Plan"), prepared by a professional engineer registered in the State of Florida, that proposes activities to remediate combustible gas concentrations exceeding 100% of the lower explosive limit at the Property boundary, specifically at gas monitoring probe(s) ###. The Gas Plan must include a proposed schedule of completion. If additional information is necessary for Respondent to complete or the Department to approve the Gas Plan specified in paragraph #, the Department will make a written request to Respondent for additional information. Within # days of said request, Respondent shall provide all requested information to the Department, unless the requested information requires additional work, in which case Respondent shall submit to the Department, within # days of the request, a reasonable written schedule for completing the work necessary to provide the requested information. Such schedule is subject to Department approval. Within # days of receipt of Department approval of the Gas Plan, Respondent shall initiate the activities proposed in the Gas Plan. These activities must be completed within the time frames specified in the approved Gas Plan.

UNPERMITTED OPERATION VIOLATIONS

a) **IF YOU WANT DISPOSAL STOPPED**

Immediately upon the effective date of this Order, Respondent shall cease acceptance, disposal, and burial of solid waste on or at the Facility.

b) **IF YOU WANT DISPOSAL STOPPED AND SOLID WASTE REMOVED**

Effective immediately, Respondent shall cease acceptance of solid waste at the Site. Within # days of the effective date of this Order, all solid waste shall be removed from the Site and properly disposed of at [Choose one](#). Within # days of removing solid waste as required by this paragraph, Respondent shall submit to the Department copies of disposal receipts documenting that all solid waste has been removed from the facility, the name and location of the disposal facility, and the date(s) and the amount(s) of material disposed.

Comment [OGC2]: If you think seeking a temporary injunction may be more appropriate, contact OGC.

c) **IF HAZARDOUS WASTE MUST BE REMOVED**

Within # days of the effective date of this Order, Respondent shall remove and properly dispose of all hazardous waste at the Facility in accordance with the requirements of Chapter 62-730, F.A.C.

d) **IF YOU WANT DOCUMENTATION OF PROPER DISPOSAL**

Within # days of the removal of solid waste from the Facility, Respondent shall submit to the Department a detailed itemized report describing how and when the solid waste was removed from the Facility, and where it was disposed. Respondent shall also include copies of all of the disposal receipts received by Respondent. Disposal receipts shall include the name and location of the disposal facility, and the date(s) and the amount(s) of material disposed of.

e) **IF RECYCLING IS AN OPTION**

Within # days of the effective date of this Order, Respondent shall remove all of the unauthorized material such as [Describe the unauthorized material](#) that has been disposed of at

the Facility, and either recycle it or transport it to an appropriate permitted solid waste management facility for final disposal.

PERMITTED OPERATION VIOLATIONS

ADD SUBPARAGRAPHS (a) through (e) IF YOU WANT TO ALLOW CONTINUED OPERATION OF AN OPERATING FACILITY AND SOURCE OF POLLUTION IS NOT APPARENT. SUBPARAGRPHS (f) and (g) are optional.

a) Within # days of the effective date of this Order, Respondent shall prepare and submit a Site Water Management Plan ("SWMP") to the Department. The objective of the SWMP is to present the routing of all water at the site, including storm water; to assess the facility's potential for causing surface or ground water pollution; and to propose operational or structural changes to the facility to prevent further unpermitted discharges. The SWMP shall include:

- i) a complete description of the flow path and pollutant concentrations of all water streams;
- ii) a complete description, including site map, of all proposed pollution abatement, treatment or control construction or installation;
- iii) a complete description of all proposed operational changes;
- iv) a proposed schedule for implementing the recommendations in the SWMP, including specific deadlines for implementing all operational changes and the permitting, construction and completion of all structural changes; and
- v) the signature and seal of a professional engineer registered in the State of Florida.

b) In preparing the SWMP, the Respondent shall take into account that rainwater or any other water which has come into contact with solid waste must be properly treated before discharge.

c) Upon review of the SWMP, the Department may request additional information. Any additional information shall be submitted to the Department within 30 days of receipt of the Department's written request therefore.

d) Upon approval, the SWMP shall be incorporated herein and made a part of this Order and the Respondent shall implement the proposals in the SWMP pursuant to the approved schedule.

e) If, upon review of the SWMP, and any requested additional information, the Department determines that the objectives of Paragraph [Insert # of paragraph a] have not been adequately addressed, the Department, at its option, may choose to either:

i) Draft specific modifications to the SWMP and notify the Respondent that these modifications are incorporated in the SWMP; or

ii) Notify Respondent that it has failed to meet the requirements for submittal of an acceptable SWMP, and take legal action to enforce compliance with this Order pursuant to all of its remedies in Chapter 403, Florida Statutes.

f) Respondent shall immediately surrender its permit to operate the Facility to the Department.

g) Respondent shall immediately stop accepting all unauthorized materials at the Facility.

Comment [OGC3]: Use if you have a permitted site accepting unpermitted material.

TIRES

ADD WHICHEVER OF THE FOLLOWING SUBPARAGRAPHS ARE APPLICABLE

a) Within # days of the effective date of this Order, Respondent shall remove and properly dispose of all waste tires on the Property. Respondent shall retain the disposal receipts and make them available to the Department upon request.

b) Within # days of the effective date of this Order, Respondent shall separate the waste tires at the Property into piles no greater than 50 feet wide; 10,000 square feet in area; and 15 feet high. Respondent shall maintain 50 foot wide fire lanes between waste tire piles, as required in Rule 62-711.540, F.A.C.

- c) Within # days of the effective date of this Order, Respondent shall take measures that are necessary to control mosquitoes on the Property, as required in Rule 62-711.540, F.A.C.
- d) Effective immediately, Respondent shall not conduct any activity on the Property which involves the use of open flames, as required in Rule 62-711.540, F.A.C.
- e) Effective immediately, Respondent shall post signs at the entrance to the Property which specify the operating hours, cost of disposal, and site rules, as required in Rule 62-711.540, F.A.C.
- f) Effective immediately, Respondent shall maintain the access road to the Property to provide passage for any motor vehicle at any time, as required in Rule 62-711.540, F.A.C.
- g) Within # days of the effective date of this Order, Respondent shall control access to the Site by erecting a fence and gate around the property, as required in Rule 62-711.540, F.A.C.
- h) Effective immediately, Respondent shall provide an attendant at the Site, who shall be present during all times the persons other than the Respondent are depositing tires on the Site, as required in Rule 62-711.540, F.A.C.
- i) Within # days of the effective date of this Order, Respondent shall construct a berm around the perimeter of the storage area of sufficient size to prevent liquid runoff from a fire from entering water bodies, as required in Rule 62-711.540, F.A.C.
- j) Effective immediately, Respondent shall install and maintain communication equipment at the Site so that local fire protection authorities can be contacted, as required in Rule 62-711.540, F.A.C.
- k) Effective immediately, Respondent shall notify the local fire protection authorities and conduct a fire safety survey of the Site as required in Rule 62-711.540, F.A.C.
- l) Within # days of the effective date of this Order, Respondent shall prepare an emergency preparedness manual for the Site which meets the requirements of Rule 62-711.540, F.A.C.
- m) Effective immediately, the Respondent shall maintain records of the quantity of waste tires and processed tires received at the Site, stored at the Site, and shipped from the Site, as required in Rule 62-711.540, F.A.C.

n) Within # days of the effective date of this Order, Respondent shall close the Site pursuant to the requirements of Rule 62-711.700, F.A.C.

o) Within # days of the effective date of this Order, Respondent shall remove and properly store or dispose of all waste tires located within 200 feet of a water body, as required in Rule 62-711.540, F.A.C.

p) Within # days of the effective date of this Order, Respondent shall divert all stormwater and flood waters around and away from waste tire storage areas at the Site, as required in Rule 62-711.540, F.A.C.

LAND CLEARING DEBRIS

Within # days of the effective date of this Order, Respondent shall remove and properly dispose of all land clearing debris from the Property. Respondent may either chip the land clearing debris into mulch before removal or dispose of it at a Department permitted solid waste management facility.

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