

CIVIL PENALTY AUTHORIZATION

CENTRAL FLORIDA DISTRICT

Investigator:

Date Submitted:

1. VIOLATOR(S): Orange County
2. LOCATION OF VIOLATION: Pine Hills Landfill, Pine Hills Road, Orange County
3. NATURE OF VIOLATION:

Orange County owns and operates a county traffic department operations, maintenance and repair complex at 2450 33rd Street, Orlando, Florida. (33rd Street Complex.) Orange County also owns and operates a permitted Class III landfill located south of the junction of Clarcona-Ocoee Road on the east side of Pine Hills Road in Orange County, Florida (Pine Hills Landfill) (operation permit # SO48-112085). The Pine Hills Landfill is authorized to receive only trash, such as construction and demolition debris (non-hazardous material generally not considered to be water soluble), and yard trash. (Rule 17-7.02014), (65), (72); 17-7.050 (1c), F.A.C.).

On March 19, 1986 DER personnel investigated a complaint from an ex-employee of Orange County concerning improper disposal of hazardous waste generated from Orange County Traffic Department Operations into the Pine Hills Landfill by traffic department personnel. The March 19 inspection at the Pine Hills Landfill revealed the presence of at least ten (10) unmarked, unlabeled 55-gallon drums containing waste material generated by the traffic department. These drums were in the process of being covered over, and but for the inspection would have been combined in the landfill with other disposal materials. The drums were subsequently removed from the Pine Hills Landfill on March 19, 1986.

On March 21, 1986, the Department's Central Florida District manager contacted the Orange County administrator regarding this matter and was assured that an internal investigation would be conducted and that full county cooperation would be provided toward resolution of the issues raised. During an April 23, 1986 meeting, the Department requested

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Orange County to conduct a hazardous waste determination on waste material contained in the ten (10) 55-gallon drums. On July 29, 1986, Orange County's Environmental Protection Office advised the Department in writing that the ten drums contained yellow traffic paint containing constituents regulated as hazardous waste under 40 CFR, part 261. On October 3, 1986, the Department received notification from Orange county's highway department manager that the ten drums had been shipped by a certified hazardous waste transporter to a permitted hazardous waste disposal site at Greensborough, N.C.

Statements received from current and former Orange County traffic department personnel subsequent to the March 19, 1986 inspection indicated traffic department hazardous waste management to be in a general state of non-compliance with RCRA requirements at the time of the inspection. Local media attention to this matter has been high, and it is felt that the regulated community will be studying the Department's handling of this case as a reference point for their own activities.

4. PENALTY RATIONALE:

In accordance with EPA and Department penalty policies, it has been determined that the violations for which civil penalties are being sought against Orange County involved a "major potential for harm" and a "major extent of deviation" from the applicable hazardous waste regulations, placing the violations in the 20,000 - 25,000 matrix cell range. "Major potential for harm" was chosen due to the relative toxicity of the waste material (high concentration of organic solvents and chromates), the manner in which it was disposed of (thrown over the working face of the landfill among construction rubble, which could have caused the drums to break open), and the fact that these drums were accessible to the public during landfill operation hours. The location of the landfill is also a factor, since there are homes in the vicinity using private wells for drinking water supply. "Major extent of deviation" was chosen because no extent of the hazardous waste regulations concerning hazardous waste handling or disposal was complied with during this incident (the drums would have been buried and possibly punctured with subsequent dumping of tree limbs and construction debris) and because the intent to RCRA was not implemented in any manner.

5. PENALTY RECOMMENDATION:

I recommend that \$25,000 in civil penalties be sought against Orange County as calculated on the attached civil penalty worksheets.

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Director of District Management

_____ Approved _____ Disapproved

Chief Deputy General Counsel

Date: _____

Comments: _____

