



# FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis  
Governor

Jeanette Nuñez  
Lt. Governor

Shawn Hamilton  
Secretary

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

September 17, 2024

Kirk Wills, Southern Region Engineer  
ACMS, INC.  
835 CR 529  
Lake Panasoffkee, FL 33538 6517  
[kirk.wills@wasteconnections.com](mailto:kirk.wills@wasteconnections.com)

Re: Warning Letter  
ACMS Class I Landfill  
SW Facility ID #85764  
Sumter County

Dear Mr. Wills:

A routine compliance inspection was conducted at your facility on August 7, 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:

- Spotters on the working face failed to detect unauthorized waste placed in the landfill on May 26, 2024.
- Erosion was noted along the south side of Cell 4 and the west side slopes of Cells 1-4.
- Leachate seepage was observed along the side slopes of Cell 1, with the potential for runoff into the stormwater pond.

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](mailto: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 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,



Aaron Watkins, Director  
Central District  
Florida Department of Environmental Protection

Enclosure: Inspection Report

cc: FDEP: Michael Eckoff, Jenny E Farrell, David Janson  
Heather Wilmoth, [Heather.Wilmoth@WasteConnections.com](mailto:Heather.Wilmoth@WasteConnections.com)



Florida Department of  
Environmental Protection  
Inspection Checklist

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**FACILITY INFORMATION:**

**Facility Name:** ACMS CLASS I LANDFILL  
**On-site Inspection Start Date:** 08/07/2024  
**On-site Inspection End Date:** 08/07/2024  
**WACS No.:** 85764  
**Facility Street Address:** 1032 CR 529A  
**City:** LAKE PANASOFFKEE  
**County Name:** SUMTER  
**Zip:** 33538

**INSPECTION PARTICIPANTS:**

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: David Janson, Inspector

Other Participants: Michael Eckoff, Environmental Consultant ; Mary St. John, Environmental Consultant ; Heather Wilmoth

**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

## 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) <ul style="list-style-type: none"> <li><input type="checkbox"/> Waste reports (annually) 62-701.500(4)</li> <li><input type="checkbox"/> Annual estimate of remaining life 62-701.500(13)(c)</li> </ul>	✓			
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(8)(f) 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)				✓

## 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) <ul style="list-style-type: none"> <li><input type="checkbox"/> 100 feet from potable water wells (except on-site)?</li> <li><input type="checkbox"/> 50 feet from water bodies?</li> </ul>	✓			
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) <ul style="list-style-type: none"> <li><input type="checkbox"/> Hazardous waste 62-701.300(4)</li> <li><input type="checkbox"/> Biomedical waste 62-701.300(6)</li> <li><input type="checkbox"/> Yard trash 62-701.300(8)(c)</li> <li><input type="checkbox"/> Whole waste tires 62-701.300(8)(e)</li> <li><input type="checkbox"/> Regulated asbestos waste 62-701.520(3), 62-701.730(19)</li> <li><input type="checkbox"/> Used oil and oily wastes, except as exempted 62-701.300(11)</li> <li><input type="checkbox"/> PCB wastes 62-701.300(5)</li> <li><input type="checkbox"/> Lead-acid batteries 62-701.300(8)(a)</li> <li><input type="checkbox"/> White goods 62-701.300(8)(d)</li> <li><input type="checkbox"/> Liquids 62-701.300(10)</li> <li><input type="checkbox"/> CCA treated wood 62-701.300(14)</li> <li><input type="checkbox"/> Biological waste - Disposal of dead animals due to disease 62-701.520(5)(a)</li> <li><input type="checkbox"/> Biological waste - Disposal of dead poultry and hatchery residue 62-701.520(5)(b)</li> <li><input type="checkbox"/> 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)</li> </ul>	✓			
2.7	Are only permitted waste types disposed at facility? 62-701.340(2), 62-701.500(6)(a), 62-701.500(2)(c)	✓			

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2.6.5	<p>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.)</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> N/A</p>				
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	<p>Are the following records or plans current and available on-site? (Check any that are Not OK)</p> <p><input type="checkbox"/> Training Plan 62-701.320(15)(a)</p> <p><input type="checkbox"/> Operating Plan 62-701.500(2)</p> <p><input type="checkbox"/> Waste weight records 62-701.500(4)</p> <p><input type="checkbox"/> Precipitation records 62-701.500(8)(g)</p> <p><input type="checkbox"/> Load-checking program records 62-701.500(6)(a)</p> <p><input type="checkbox"/> Training records 62-701.320(15)(a)</p> <p><input type="checkbox"/> Operation record 62-701.500(3)</p> <p><input type="checkbox"/> Quantity of leachate 62-701.500(8)(f)</p>	✓			
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)	✓			

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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.	✓			

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

Question Number: 2.21

Explanation: Erosion was noted at the time of the inspection along the south side of Cell 4 and the west side slopes of Cells 1-4.

Corrective Action: Please propose a corrective action schedule to address areas of erosion noted along the southside of Cell 4 and the west side slopes of Cells 1-4.

**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 side slopes of Cell 1, with the potential for runoff into the stormwater pond.

Corrective Action: 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.

**Attachments**

Leachate seep along east slopes

Rule: **62-701.500(1)**

Question Number: 2.9

Explanation: Spotters on the working face failed to detect unauthorized waste dumped in the landfill on May 26, 2024. The unauthorized waste consisted of 46 one-gallon containers with an approximate eleven year old Iodine Tincture 7% in a semi-solid, thick mud-like physical state.

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**Corrective Action:**

Review and update Operating Plan and spotter training procedures to rectify the unauthorized dumping.

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**Comments**

Permit ID: 0161263-014-SO-01

Permit Issued: December 21, 2015

Permit Renewal due: October 21, 2035

Permit Expires: December 21, 2035

**Section 1.0 - File Review**

Item 1.2 - The Waste Quantity Report for 2023 was received on January 31, 2024. The Annual Estimate of Remaining Life Report for 2024 was received on July 26, 2024.

Item 1.5. The second 2023 semi-annual water quality report was received on July 19th, 2023. The first 2024 semi-annual water quality report was received on January 22, 2024.

Item 1.6 - Water quality reports are reviewed as a separate function and are not considered part of this inspection.

Item 1.8 - According to an email dated August 6, 2024 from the Department's Financial Assurance Section, this facility is in compliance with financial assurance as this time.

Item 1.9 - The 2024 cost estimate was reviewed and approved on March 14, 2024.

**Section 2.0 - Landfill Operation and Maintenance**

Item 2.8,2.9 - Mitchell Cline, C.J. Folks, Clint Peeler, Korey Huebach, Jonathan Davis, and Heather Wilmoth were onsite operators and spotters at the time of the inspection.

Item 2.9 - \*\* At the time of the inspection, it was discussed with landfill personnel that spotters on the working face failed to detect unauthorized waste dumped in the landfill on May 26, 2024. \*\*

Item 2.10 - Records were reviewed while onsite and after the inspection during a file review. The current operation plan onsite was date November 15, 2022.

Item 2.13 - The working face was observed during the inspection, no issues were noted.

Item 2.21 - \*\* At the time of the inspection, erosion was noted along the south side of Cell 4 and the west side slopes of Cells 1-4. \*\*

Item 2.28 - \*\*At the time of the inspection, Leachate seepage was observed along the side slopes of Cell 1, with the potential for runoff into the stormwater pond. \*\*

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**Signed:**

David Janson

**PRINCIPAL INSPECTOR NAME****PRINCIPAL INSPECTOR SIGNATURE**

Michael Eckoff

**INSPECTOR NAME**

NO SIGNATURE REQUIRED

**INSPECTOR SIGNATURE**

Mary St. John

**REPRESENTATIVE NAME**

NO SIGNATURE REQUIRED

**REPRESENTATIVE SIGNATURE**

Inspector

**PRINCIPAL INSPECTOR TITLE**

FDEP

09/05/2024

**ORGANIZATION****DATE**

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.

Heather Wilmoth

**REPRESENTATIVE NAME**

NO SIGNATURE REQUIRED

**REPRESENTATIVE SIGNATURE****REPRESENTATIVE TITLE**

Waste Connections

**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.

**Report Approvers:**

**Approver:** Jenny E. Farrell

**Inspection Approval Date:** 09/09/2024