

# Freeport landfill continues dumping despite revoked permit

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Operators of a Freeport area landfill are fighting the Florida Department of Environmental Protection to continue debris and demolition disposal, despite records indicating the facility is not in compliance with state or federal environmental regulations.

On Nov. 9, the DEP sent a letter to Todd Schweizer, the president of the Fort Walton Beach company that owns the landfill. The DEP effectively denied a permit renewal to construct, operate, or modify the Coyote East C&D Facility at 2377 Hwy. 20.

The denial cites violations of state surface and ground water standards and a failure to initiate corrective actions. The DEP also claims the company failed to submit a mandatory Site Assessment Report (SAR) addressing or amending the violations.

Despite the denial of its permit and a history of noncompliance, Coyote East continues to operate pending an indefinite rebuttal process.

Coyote has been under special scrutiny since 1999, when more than 10 acres of debris caught fire and burned for three days. In 2000, environmental consulting group Gallet & Associates released a two-year water quality report revealing high levels of lead, aluminum, benzene, sulfate, iron and total dissolved solids (TDS) in 40-foot test wells at the landfill.

But the report concluded that data trends for TDS and sulfate were becoming positive, while high iron and aluminum levels could have been caused by "over aggressive well purging."

Peter Dohms, a Gallet geologist who co-authored the report, explained that contractors collecting water samples must purge wells at a low-flow rate to get a more representative result.

"Sometimes the wells are purged to a point where we see higher turbidity," Dohms said. "More metals can be attracted to the turbid water and the results can get skewed."

Along with the report, Dohms wrote a letter to former DEP Solid Waste Section Supervisor Jack McNulty suggesting Coyote "should ensure wells are properly maintained and constituents in question should be closely monitored." Dohms concluded "no further action should be required."

Coyote's permit was renewed the following week.

## RECENT TESTS REVEAL NEGATIVE TRENDS

In 2003, consulting work for Coyote East was passed from Gallet & Associates to Brown, Burdine & Associates. Testing continued on a semi-annual basis and records show that results continued to sour.

Concurrent testing in 2004 and 2005 not only showed increasingly higher levels of the contaminants found four years earlier, but also the first traces of arsenic, a primary drinking water standard of concern regulated by the Environmental Protection Agency.

In August 2004, a test of one Coyote well yielded iron levels 22 times above the regulated amount, aluminum levels 40 times above the regulated amount, and more than twice the regulated amounts of sulfate and TDS. Arsenic was first detected in January 2005, but trends have shown increasing levels in at least two sites, with one well showing more than five times the regulated amount as recently as September 2006.

## DEP REGULATORS 'NOT AGGRESSIVE ENOUGH,' FINES A 'JOKE'

Coyote was initially notified of high contaminant levels in a letter dated April 14, 2005. At that point, Coyote was instructed to initiate corrective actions and complete a SAR within 270 days, or by Jan. 9, 2006. The SAR is a requirement of Florida administrative codes.

When a SAR was never filed, the DEP notified Coyote with five follow-up letters on Jan. 30, Feb. 27, April 5, July 9, and Aug. 15. Meanwhile, Coyote petitioned and received a deadline extension on July 19, and suggested the SAR would be submitted on or before Aug. 20. It never was.

A DEP memo to Northwest District Director Richard Fancher dated Nov. 7 said "it has been 572 days since the facility has been notified that a site assessment needed to be developed and submitted. No additional time extension has been approved."

The memo recommended the issuance of the notice of denial, which was delivered two days later along with a penalty assessment levying fines against the operators of the facility.

Anita Page, executive director of the South Walton Community Council, said although the contamination has been going on for years, the DEP has done little to curb it.

"The DEP really doesn't like to deal with problems," Page said. "They are not aggressive enough with regulations and continue to turn a blind eye to serious problems."

Page said the \$10,500 administrative fine imposed against the landfill Nov. 8 was "a joke."

"The fines don't even address the problems," Page said. "[The DEP] is asking them to pay for the paperwork."

Jeff Brown, a partner in Brown, Burdine & Associates, said the delay in Coyote's SAR has simply been time related.

"Work has continued on the SAR but my understanding is there has been some disagreement over the due date," Brown said. "We expect to come up with a report in January but right now the ball is in [the DEP's] court."

## AREA RESIDENTS EXPRESS MIXED FEELINGS

In July 2006, amidst concerns over contaminant levels at Coyote, a representative of the DEP visited 13 area residents to test private wells in the vicinity for caustic chemicals or toxic metals. The tests only revealed a single well with unusually high levels of iron, but nothing necessarily alarming.

James Dunaway has lived less than a mile from the east boundary of the Coyote site for 36 years. Before it was developed, he enjoyed hunting and fishing in the area and also raised a family. Although he was offered a connection to Freeport's municipal water system last year, he refused to pay the \$1,200 meter installation fee. Instead, Dunaway's house is served by a 300-foot deep drilled well that taps the upper Floridan aquifer. His well was one tested by the DEP.

"I was concerned when they came by about the testing," Dunaway said. "But they checked it out and said it's all good."

"Still, I know [contaminants] will come down eventually."

Dunaway said his immediate issue with Coyote and another landfill in the area is aesthetics. He said it's not uncommon for a breeze to carry rotten odors across his property, so much so that it "makes it hard to breath and burns your eyes," Dunaway said.

He also wonders how high the landfill will be built up, and if it will remain indefinitely.

Near Coyote's western boundary, homeowner Helen Gardner chuckled when asked if she would ever switch to municipal water.

"I lived in South Walton for 20 years and I would go the to store to buy bottled water just to make coffee. I wouldn't ever get it from the tap," Gardner said. "Well water is better."

Meanwhile, long-time Freeport resident John Van Doren, who has watched the landfill expand from his kitchen window, does not share Gardner's indifference.

"It's hard to find anyone who gives a damn about what goes on over there," Van Doren said.

A retired engineer, Van Doren claims he has become a reluctant expert on state landfill regulations while disputing Coyote on property surveys, buffer zones, waste regulations and height restrictions.

"I don't want to level all these accusations because I have a lot to loose," Van Doren said cautiously. "However, with them in my back yard, I've accumulated stacks of personal evidence about how they operate every day."

Publicly, Van Doren has written letters to the DEP contesting setback measurements from the landfill to his private well, which is one of the closest private wells to the facility. DEP standard operating procedures call for a landfill setback to be 500 feet from the nearest private well, but Van Doren's well is within 300 feet. He claims a neighbor has a well within 100 feet of Coyote's disposal area.

Jeff Brown explained Van Doren's concerns with the proximity of the landfill to his drinking water source were unfounded.

"There is no issue with the Van Doren's wells," Brown said. "They have a deep well, several hundred feet below a thick clay layer.

"People in Walton and Okaloosa counties have a good setup in respect to the fortuitousness of the drinking water supply," Brown said. "Because of that clay layer, there are caveats that allow the setback to be smaller – we're talking about two different aquifers."