

e-mail

To: Clair Fancy

Thru: Jim Pennington

From: Dennis Tober

Subject: Samsula

Date: 7/31/00

Please find attached summary of air compliance violations as result of letter of July 13, 2000 from J.A. Jurgens, P.A., Attorneys at Law requesting the Department to issue a Notice of Intent to Deny to Samsula Recycling, Inc. in response to their permit application.

~~Samsula Recycling, Inc. is affiliated with Samsula Landfill, Inc. and Yancey's Landclearing, Inc. Therefore, all three are included in the summary. The summary contains data related to their air compliance history only.~~

This report summarizes a compliance incident associated with the Rock Crusher operation located at Samsula Recycling, Inc. Airs ID#: 7775112 and a compliance incident associated with the Air Curtain Incinerator located at Samsula Landfill, Inc. Airs ID: 1270154. There is not an air permit associated with the operation known as Yancey's Landclearing, Inc. All compliance and enforcement actions to date have been initiated and are presently conducted for resolve by the DEP Central District Office.

**Summary of Air Compliance History**

**for**

**Samsula Recycling, Inc.**

**Samsula Landfill, Inc.**

**Yancy's Land Clearing, Inc.**

Samsula Recycling, Inc. Airs ID: 7775112 ( ARMS Database)

Office	Activity	Activity Notes	Date Done	Description	Compliance Status
CD	Complaint Inspection	Rock Crusher was dismantled at Time of Inspection (operated for about 1 month)	7/13/00	Facility Wide	MNC  Being Resolved with Incident of 4/17/00
CD	Warning Letter Issued		6/20/00		
CD	Complaint Inspection	Evidence of Crusher Operation Obtained	4/17/00	Facility Wide	MNC

Summary: Two (2) violations occurring on 4/17/00 and 7/13/00 regarding the rock crusher resulting in a violation code MNC which is presently under resolve.

Samsula Landfill, Inc. Airs.ID: 1270154 ( ARMS Database)

Office	Activity	Activity Notes	Date Done	Description	Compliance Status
CD	Consent Order Executed	Consent order for Air/Wetland Violation	2/22/00		No Penalty entered Into ARMS
CD	Complaint Inspection	No Notes Entered Into ARMS	11/10/99	Air Curtain Incinerator	MNC

Summary: One (1) violation related to Air Curtain Incinerator resulting in a violation code MNC

Yancey's Landclearing Inc.

Summary: No separate air permit for Yancey's Landclearing, Inc. Yancey's Landclearing, Inc. listed under Samsula Recycling, Inc Airs ID: 7775112 and Samsula Landfill, Inc. Airs ID: 1270154

Complaint Record

There are 6 complaints listed in the ARMS database from 12/01/98 to 7/11/00 related to air curtain incinerator and the rock crusher

Asbestos Violations

The Bureau of Air Monitoring and Mobile Sources reports that there are no violations on record for asbestos related issues

## Air Compliance Chronology

### Samsula Recycling, Samsula Landfill, Inc.

As Submitted by DEP Central District Office

#### Samsula Chronology

1. December 3, 1998 Department inspection. Construction and operation of an AC incinerator without a permit, and improperly designed.
2. January 17, 1999 Enforcement Meeting
3. February 23, 1999 Enforcement Meeting \$750.00 fine. Source not to operate the AC without repairing and permit. The company to conduct VE immediately upon operation. The purpose was to insure the repairs were properly made.
4. April 4, 1999 Construction permit issued. Expiration date 3/31/2004. Operation application required within a 180 days of permit. Permit states a VE is due within 30 days of operation.
5. November 9, 1999 Third party attorney advised the Department of violation. No application for operation permit and an unpermitted rock crusher on site.
6. November 10, 1999 DEP inspection. Alan Zahm consulted by Compliance Section as to whether a permit is needed for the Crusher. Zahm states he doesn't interpret it to be subject to Subpart 000.
7. December 2, 1999 Letter from Volusia County representative stating he spoke with John Turner that permit may be required if the particulates exceeded a certain level.
8. Warning Letter sent for failure to comply with the terms of the consent order.

9. December 20, 1999 Meeting held with Samsula representative. Discussion held with the company to pay a fine and apply for an operation permit or surrender permit. Company stated that it plans to move the incinerator 1500 feet. Shine requested of permitting supervisor the construction permit was still alive, and the answer was yes, but the company is in noncompliance with the application condition. Company records indicated the AC ceased operation on 6-5-99. Old Consent Order still alive. Company can not operate the source without repairs and testing.

10. January 24, 2000 Demand letter sent for stipulated penalties of \$1250.00 for failure to comply with the terms of the Consent Order.

11. January 27, 2000 Site inspection. Design capacity of the crusher obtained. According to the report the crusher has not been operated since June 1999.

12. February 4, 2000 Monies paid. Administrator advised that permit is needed and the company is subject to Subpart 000, and to initiate enforcement.

13. Warning letter drafted on 2-7-2000, and meeting is scheduled for Friday 2-11-2000 at 11AM.

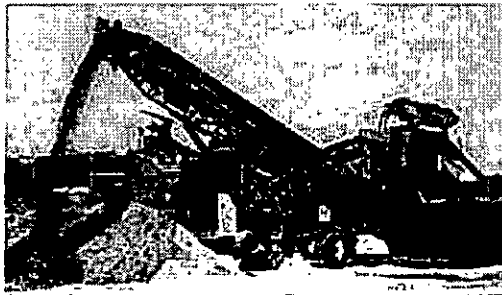
14. DEP representatives met with Samsula representatives On February 11, 2000 in regard to the air curtain incinerator, rock crusher, solid waste and wetland issues. According to Samsula representatives informed the air curtain incinerator has been completely dismantled. Samsula agreed to submit an application and not operate rock crusher without a permit. Samsula signs consent order.

# Portable ~~UltraMax~~ 1200-25CC



The most portable, closed-circuit plant with the largest production on the market today, the UltraMax 1200-25 is totally self-contained.

On-plant, double-deck screening means big profit potential for the large, custom-crushing operation through high-volume, multiple-product production, precise product sizing and the ability to change product specifications rapidly.



## Plant Specs:

**Crusher Size:** 3-Stage, UltraMax 25 (32,500 lbs.)

**Rotor Diameter & Width:** 47" x 47"

**Crusher Feed Opening:** 48" x 34"

**Feed Hopper:** 17 cubic yds./23 tons

**Vibrating Grizzly Feeder:** 16' x 45 1/2' with 5' tapered step grizzly

**Integral Double-Deck Vibrating Screen:** 5' x 16'

**Discharge System:** 42" to double-deck screen

**On-Plant Power Supply:** 305 HP diesel and 100 Kw generator; plant-mounted electrical panel

**Fast Hydraulic Lift/Leveling System:** Standard on-board, gas-powered; also used for secondary curtain settings & crusher access

**Travel Height:** 13' 6"

**Weight:** 122,500 lbs.

## Recycle

UltraMax 1400-45

**UltraMax 1200-25CC**

Plant Features

UltraMax 1000-15CV

UltraMax 1000-15CC

UltraMax 500-05CV

## UltraMax Impactor

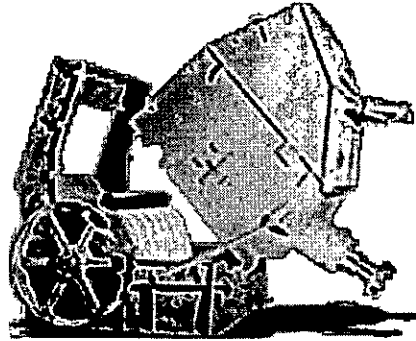


[\(back to top\)](#)



### **Portability Means Profitability**

In the recycle business, mobility is everything. To make money, you've got to ditch the multi-day setups and tear downs - and the added labor. The UltraMax Series is quick in/quick out.



All models are self-contained, easy-to-transport, and outfitted with a standard, built-in, hydraulic lift and leveling system that allows relocation in a fraction of the setup and teardown time.

### Recycle

UltraMax 1400-45

UltraMax 1200-25CC

UltraMax 1000-15CV

UltraMax 1000-15CC

UltraMax 500-05CV

### **UltraMax Impactor**

Look Inside!

### **Ultra-High Reduction Ratio**

A 3-stage crushing action results in uniform cubical product, high crush count, a reduction ratio in excess of 24 to 1 and cubicity necessary to meet Superpave specs. When you need a variety of marketable products at lower costs per ton - choose the UltraMax.

### **The Industry's Most Aggressive & Dependable Solid-Steel Rotor Backed By Team Eagle's 5-Year Rotor Replacement Guarantee**

This sculptured, solid-steel rotor is the industry's heaviest. It absorbs the shock of huge, slabby, reinforced concrete with ease. That's why we back it with a 5-year rotor guarantee that our competitors won't offer.

### **Primary And Secondary Curtains Are Designed For Maximum Wear Life**

The UltraMax Series features a simple, reversible, one-piece primary curtain that's gravity-hung and fully adjustable for maximum wear life. A hydraulically-adjustable secondary curtain has interchangeable liners for optimum product sizing and wear life. The massive weight of the curtains allows the gap settings to be constantly maintained to ensure uniform product size.

### **Sculptured Solid-Steel 3-Bar Rotor Design For Optimum Rotor Penetration, Less Wear & Increased Profitability**

The UltraMax is able to achieve higher reduction ratios, production rates and highly cubical Superpave specs. Team Eagle's extensive investment in wear metal alloy research and development has resulted in a blow bar that will far outlast the



competition and in the end, will enhance your profitability.

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1622	HEAVY CONSTRUCTION OTHER THAN BLDG CONSTR-CONTRACT HEAVY CONSTRUCTION, EXCEPT HIGHWAY AND STREET BRIDGE, TUNNEL, & ELEVATED HIGHWAY
1623	HEAVY CONSTRUCTION OTHER THAN BLDG CONSTR-CONTRACT HEAVY CONSTRUCTION, EXCEPT HIGHWAY AND STREET WATER, SEWER, AND UTILITY LINES
1629	HEAVY CONSTRUCTION OTHER THAN BLDG CONSTR-CONTRACT HEAVY CONSTRUCTION, EXCEPT HIGHWAY AND STREET HEAVY CONSTRUCTION, NEC

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**New Mexico Clay**

[Ceramic King](#) [Table of contents](#) [Text search](#)

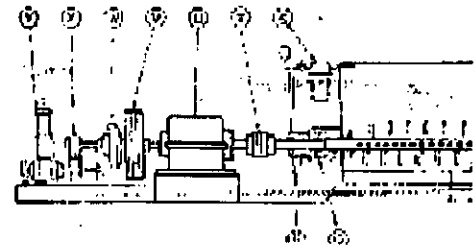
3300 Girard NE, Albuquerque New Mexico 87107 USA 1-800-781-2529 [duncanpaintstore.com](http://duncanpaintstore.com)

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**Large Pugmill**



This extruder began life as a Vac Air, it has been massively altered by Professional Equipment Repair and Mfg. of Albuquerque NM. It has been used to produce clay for potters for many years.



Old Vac air pug mill.

It is very Large! it could be used for extruding tile with the proper die. Die on it now is 5 3/4" square. 13' long 75hp motor. 240v 3 phase.

\$ 5,000.00

1 2 HP vacuum pump \$1,200.





	J. A. JURGENS, P.A. Attorneys at Law	
J. A. Jurgens	505 Wekiva Springs Road Suite 500	Of Counsel: Bricklemyer Smolker & Bolves, P.A.
Scott M. Price	Longwood, Florida 32779 Telephone: (407) 772-2277	500 E. Kennedy Blvd. Suite 200
Albert E. Ford II	Facsimile (407) 772-2278	Tampa, Florida 33602

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July 13, 2000

**VIA FEDERAL EXPRESS W/ ENCLOSURES**  
**VIA FACSIMILE W/OUT ENCLOSURES**  
**850-922-6979**

**RECEIVED**  
**JUL 17 2000**  
**BUREAU OF AIR REGULATION**

William Leffler, P.E.  
Professional Engineer II  
Florida Department of Environmental  
Protection  
Air Resource Management  
2600 Blair Stone Road  
MS 5500  
Tallahassee, FL 32399

**Re: Application of Samsula Recycling, Inc.-Relocatable, Concrete and Construction Debris Crusher**

Dear Mr. Leffler:

As you know, this firm represents Arthur Drewry, Robert H. and Zeta M. Baker, and William D. and Georgia M. Towner, homeowners and property owners on State Road 415, New Smyrna Beach, Florida 32168, adjacent to the proposed location of the subject crusher. Based on the following comments and concerns, the Department is urged to issue a Notice of Intent to Deny to Samsula Recycling, Inc. in response to their permit application.

**I. Applicant's History of Violation of Department Rules and Standards.**

As you know Rule 62-4.070, FAC, requires the Department to issue a permit "only if the applicant affirmatively provides the Department with reasonable assurance . . . that the construction, expansion, modification, operation, activity of the installation will not [violate] Department standards or rules." Rule 62-4.070 (5), FAC, further requires that the Department "take into consideration a permit applicants violation of any Department rules

at any installation” when making its reasonable assurance determination. Given the applicants long history of repeated violations of Department rules and standards, the Department must conclude that the applicant has failed to provide reasonable assurances to the Department as required for issuance of the permit.

The applicant, Samsula Recycling, Inc. , Samsula Landfill, Inc. and Yancey’s Land Clearing, Inc. are companies with the same principal, Charles Yancey McDonald, and manager, Michael Stokes. Thus, for purposes of Rule 62-4.070 (5), FAC, Department administrative precedent requires that the Department consider the violations of Yancey’s Land Clearing, Inc., Samsula Landfill, Inc., and those of Charles Yancey McDonald as though they were those of the applicant, Samsula Recycling, Inc. This precedent was established by DEP in the Suwannee American Cement Company, Inc. record of decision for an air permit application, wherein the Department denied Suwannee American’s permit application based on the poor environmental record of Anderson Columbia, Inc. because the two companies’ principals were the same.

The environmental records of Yancey McDonald and the companies of which he is a principal contain a litany of violations of DEP rules, all of which are a matter of record of DEP. On January 17, 2000, a Verified Complaint filed with the Department against Yancey’s Land Clearing, Inc. and Samsula Landfill, Inc. by this firm on behalf of Drewry, Bakers and Towners details a lengthy history of environmental violations by Yancey McDonald and his companies. The Department’s response to this Verified Complaint was the entry of a Consent Order on February 22, 2000 with Samsula Landfill, Inc. and Yancey’s Land Clearing, Inc., wherein the Department made specific findings of fact that numerous significant violations of Department rules and statutes had been committed by Yancey McDonald’s companies and related entities, corporate and personal.

Moreover, as documented by the attached correspondence and documents from the Department, in less than sixty days of entering into the Consent Order, Samsula Landfill, Inc., directly violated the Consent Order by moving the rock crusher to another county without informing the Department and operating and continuing to operate it without first

obtaining a Department Air Permit as required by paragraph twelve of the Consent Order. Even after receiving a Department Warning Letter, Samsula Landfill, Inc. continued its unpermitted operation of the crusher, offering as an excuse only an undated and meaningless lease proposal from an individual that does not even have a permit for the specific crusher at issue, copy attached. Yesterday, it was established by DEP inspector Tom Mulligan that the applicant again surreptitiously moved the crusher to a new location in a third county and then attempted to dismantle and remove the crusher to conceal the unpermitted operation in expectation of a Department inspection. These most recent willful violations coupled with a long history of similar types of violations of DEP rules and other agencies demonstrates that the applicant has not provided reasonable assurances to the Department for the issuance of the applied for permit.

## **II. Industrial Wastewater Permit Requirement.**

Rule 62-620.300 (2), FAC, prohibits any industrial wastewater facility or activity “which will reasonably be expected to be a source of water pollution, from being operated constructed or modified without a DEP Industrial Wastewater Permit.” Heavy reliance is placed on the use of “water suppression equipment” to control the emissions of particulate matter (“PM”) throughout the subject application and response to the RAI. See, e.g., paragraphs three and four, Page 1-1 of permit application. The wastewater resulting from this proposed industrial activity will reasonably be expected be a source of water pollution in the form of significant changes in the pH, BOD, DO and total suspended solids of the contact water. Thus, an industrial wastewater permit from the Department should be required for this proposed industrial activity. By failing to address this issue, the applicant has failed to provide the Department reasonable assurances that the proposed activity can be conducted without violating Department standards and rules.

## **III. Particulate Matter Emission Limits.**

The applicants assurance that they will be able to control the PM emissions is highly suspect at best. The Bakers who are immediately adjacent to the former location of the operation of the crusher, and their neighbors, the Towners, have been inundated and, at

times, overwhelmed by the PM generated by the operation of the rock crusher. As part of the Verified Complaint, Mr. Towner provided the Department photographic evidence documenting large plumes of PM emitted from the crusher leaving the facility and settling onto the Bakers' and Towners' property. We will be glad to provide you a copy of the video tape for your review. The misery of the Bakers and Towners caused by this uncontrolled particulate matter generated by the operation of the rock crusher contrasts with the statement that "Samsula Recycling, Inc. operates the crushing activity relatively dust free" (Page 6 paragraph 1 of the permit application), which is wholly inaccurate.

Moreover, there is no mention in the response to the Department's RAI that the applicant will be able to achieve compliance with the PM standard of 0.05 g/dscm as required by 40 CFR Section 60.672 (a)(1). Given the failure to address this issue and the long history of unconfined PM emissions, the applicant has failed to provide reasonable assurance that it can operate the crusher without violating this air pollution standard.

#### **IV. Noise.**

We respectfully must take issue with the statement in paragraph three of your letter to Mr. Barry Appleby of Volusia County concerning the Department's regulation of noise. While it is recognized that noise regulation has at times been an issue with the Department, the Department clearly has the authority to impose permit conditions related to noise. This authority is derived from the definition of "pollution" found in Section 403.031 (7), F.S., and the definition of "air pollution" found in Rules 62- 204.200 (3) and 62-210.200 (22), FAC. Specifically "noise" is defined as a pollutant by Section 403.021 (7), F.S. Further, Rules 62-204.200 (3) and 62-210.200 (2), FAC, define "air pollution" to include the presence of "pollutants", which includes noise pursuant to Section 403.031 (7), F.S., "in quantities which are or may be harmful to human health or welfare, animal or plant lives or property, or unreasonably interfere with the enjoyment of life or property, including outdoor recreation." The fact that these definitions of air pollution contained in these rules tracks verbatim that of Section 403.031 (7), F.S., further supports the conclusion that noise is

clearly included within the definition of air pollution. In fact, the Palm Beach County circuit court has previously determined that noise is a form of pollution governed under Chapter 403, as specifically referenced in the Verified Complaint under 403.412 against Palm Beach County International Airport. Therefore, the Department has the authority to impose limitations regarding noise within the subject permit application process. It would be recommended under the circumstances that the Department recognize that a violation of Volusia County's Noise Ordinance "would be injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with enjoyment of life or property, including outdoor recreation", and, therefore, require compliance with same.

If it is the Department's position that it does not have standards for the regulation of noise, then this is a violation of Section 403.061 (11), F.S., which clearly requires that the Department promulgate standards for the abatement of excessive and unnecessary noise. Thus, the Department's choice in this instance seems clear. Either interpret it's own air pollution control rules to include the control of excessive and unnecessary noise or immediately initiate rule making in order to comply with the requirements of Section 403.061 (11), F.S.

**V. Other Emissions.**

Exception is taken regarding statements made in a response to the RAI in items 8 and 10. There the applicant claims that the "the loader is not operated continuously to feed the crusher and should not be considered as part of the crusher operation and not included in the permit conditions." To the contrary, the loader must be considered as part of the crusher operation because 40 CFR Section 60.972 (a) provides that discharges to the atmosphere "from any transfer point on a belt conveyor" is subject to the PM and opacity standards contained in that section. Clearly, there will be discharges into the atmosphere from the transfer point on belt conveyors from the loader unloading concrete debris onto the conveyor point. Therefore, the discharges from these transfers are subject to the standards contained in the referenced section. Applicant's failure to indicate how or whether these transfers will comply with this requirement indicates that the applicant has failed to provide reasonable



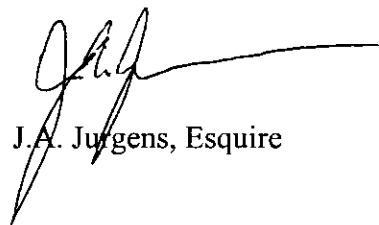
Mr. William Leffler  
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July 12, 2000

assurances that the operation can be conducted in compliance with applicable Department standards. Furthermore, it has been the experience of the Bakers and Towners that the operation of this loader and the associated unloading into the rock crusher has been a highly significant source of PM and this issue must be addressed by the Department.

Thank you for the opportunity to provide comments on this permit application. On behalf of Arthur Drewry, Robert H. and Zeta M. Baker and William D. and Georgia M. Towner, we look forward to your response.

Sincerely yours,

J.A. JURGENS, P.A.

A handwritten signature in black ink, appearing to read 'J.A. Jurgens', with a long horizontal flourish extending to the right.

J.A. Jurgens, Esquire

enclosures

JAJ/aer

cc: Douglas Weaver, Esquire, County Attorney's Office, Volusia County  
Mr. Arthur Drewry  
Mr. & Mrs. Baker  
Mr. & Mrs. Towner  
Keith W. Brickleyer, Esquire  
Mr. James Bradner, FDEP, Central District

**INSPECTION REPORT FORM  
AIR POLLUTION EMISSION SOURCES**

<b>FACILITY:</b> Samsula Landfill	<b>DISTRICT:</b> Central District
	<b>COUNTY:</b> Volusia

<b>ADDRESS:</b> 363 SR 44 New Smyrna Beach, FL	<b>CONTACT:</b> Lori Williams
(Chip's Dozer) Michael Grady (Plant Superintendent, Southdown Inc) Chuck McDonald (Crusher Operator, Yancey's)	

<b>ARMS#</b> 4859	<b>PERMIT #:</b> Permit Applied For	<b>EXPIRATION DATE:</b> N/A
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<b>SOURCE DESCRIPTION:</b> Portable Rock Crusher
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<b>INSPECTION DATE:</b> April 10 and 17, 2000	<b>AUDIT TYPE:</b>
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<b>Complaint Inspection</b>	<b>COMPLIANCE STATUS:</b> Non-Compliance
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<b>INSPECTION COMMENTS/RECOMMENDATIONS:</b> On April 10, 2000, Tom Mulligan of FDEP received a telephone call from Lori Williams of Chip's Dozer, an Ormond Beach business with a permit pending for a portable rock crusher unit. Ms. Williams stated that a portable rock crusher that was previously located at the Samsula Landfill site was not taken out of operation and dismantled pending an FDEP permit, as it was reported to FDEP by Samsula Landfill. Ms. Williams alleged that the portable rock crusher had been relocated from the Samsula Landfill site to a site somewhere in Seminole County where SR 415 meets SR 46. Ms. Williams alleged that the rock crusher was being operated from this site despite the lack of a permit issued to the Samsula Landfill by FDEP. Mr. Mulligan immediately drove to the area to investigate. Mr. Mulligan drove SR 46 from the Lake/Seminole County border to the Seminole/Volusia County border and drove SR 415 from SR 46 to the Seminole/Volusia County border. Mr. Mulligan stopped and investigated all sites where dump trucks were entering or exiting directly from or onto SR 46 or SR 415. Mr. Mulligan observed no evidence of a rock crusher at that time. Mr. Mulligan returned to the Central District offices and telephoned Ms. Williams to request a more accurate location of the crusher. Ms. Williams stated that she did not have one, but would attempt to clarify the location and subsequently inform Mr. Mulligan. The location was obtained from Ms. Williams on April 13, 2000. The location of the crusher is on the grounds of the Southdown, Inc. Plant #59, located on 2490 Country Club Road in Sanford, Seminole County, Florida. Mr. Mulligan visited Plant #59 on April 17, 2000. Contact was made with Mr. Michael Grady, the plant superintendent for Southdown, Inc. Plant #59. Mr. Mulligan identified himself to Mr. Grady and asked Mr. Grady if the rock crusher located on the north end of his site was in operation on a regular basis. Mr. Grady confirmed that the rock crusher is operated regularly on the site. Mr. Mulligan asked Mr. Grady for permission to inspect the rock crusher, take photographs, and speak to the operator of the crusher. Mr. Grady granted Mr. Mulligan permission to conduct the aforementioned activities on his site. Mr. Mulligan then made contact with Mr. Chuck McDonald of Yancey's. Mr. McDonald was pointed out as the person in charge of the rock crusher by one of the employees present at the crusher. Mr. Mulligan identified himself to Mr. McDonald. Mr. Mulligan asked Mr. McDonald if the rock crusher on the Southdown site is the same crusher that had been located at the Samsula Landfill. Mr. McDonald confirmed that the crusher was previously located on the Samsula Landfill site. Mr. Mulligan informed Mr. McDonald that the crusher does not have a permit to operate from the FDEP. Mr. McDonald stated that Yancey's had been subcontracted by PatCo (Dave Richardson 813-248-5557), and that PatCo has a permit to operate a rock crusher. Mr. Mulligan then took four photographs of the rock crusher, including the aggregate piles that were made by crushing activities. The rock crusher was not operating at the time of inspection. The crusher was running, as evidenced by the diesel smoke coming from the exhaust of the running engine on the crusher. The engine was turned off by one of the employees after Mr. Mulligan identified himself.
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<b>INSPECTOR(S) NAME(S):</b> Thomas J. Mulligan
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<b>SIGNATURE(S):</b> Original signed by T. Mulligan 4/17/00	<b>DATE:</b>
-------------------------------------------------------------	--------------

April 17, 2000

PERM FORM NO. 85-1

**Subject: Re: SAMSULA LANDFILL**

**Date: Thu, 27 Apr 2000 13:18:52 -0500 (EST)**

**From: Tom Mulligan ORL 407/894-7555 <Tom.Mulligan@dep.state.fl.us>**

**To: Lori Williams <chipsdoz@bellsouth.net>**

PatCo has a permit to operate the crusher owned by PatCo. Permits are not transferable and apply only to the crusher that was listed on the permit application. The operator I spoke to at the Southdown site admitted to me that the crusher on site was previously at Samsula Landfill. Therefore, it is being operated without a permit.

**INSPECTION REPORT FORM  
AIR POLLUTION EMISSION SOURCES**

FACILITY: Samsula Landfill		DISTRICT: Central District	
COUNTY: Volusia			
ADDRESS: 363 SR 44 New Smyrna Beach, FL		CONTACT: Lori Williams	
(Chip's Dozer) Michael Grady (Plant Superintendent, Southdown Inc)			
ARMS# 4859	PERMIT #: Permit Applied For	EXPIRATION DATE: N/A	
SOURCE DESCRIPTION: Portable Rock Crusher			
INSPECTION DATE: April 25, 2000		AUDIT TYPE:	
Follow-up Inspection		COMPLIANCE STATUS: Non-Compliance	
INSPECTION COMMENTS/RECOMMENDATIONS: On April 25, 2000, Lori Williams of Chip's Dozer contacted Tom Mulligan of FDEP and informed him that the rock crusher formerly located at the Samsula Landfill site was in operation at the moment in Sanford. Mr. Mulligan immediately drove to the Southdown, Inc. Plant #59 located at 2490 Country Club Road in Sanford, Seminole County, Florida. Contact was made with Mr. Michael Grady, Plant Superintendent. Mr. Mulligan asked, and was granted, permission to enter the site to photograph the rock crusher, which was in operation at the time. Mr. Mulligan attempted to photograph the crusher in operation, but a camera malfunction prevented the capture of any photographic evidence. Mr. Mulligan did confirm that the crusher was in operation at the time of the site visit. The crusher does not have an operating permit issued by FDEP.			
INSPECTOR(S) NAME(S): Thomas J. Mulligan			
SIGNATURE(S): Original signed by T. Mulligan 4/25/00			DATE:

April 25, 2000  
PERM FORM NO. 85-1

**Subject: Re: YANCEY MCDONALD**

**Date: Fri, 23 Jun 2000 08:26:25 -0400 (EDT)**

**From: Caroline Shine ORL 407/893-3336 <Caroline.Shine@dep.state.fl.us>**

**To: Lori Williams <chipsdoz@bellsouth.net>, JOHN TURNER <John.B.Turner@dep.state.fl.us>, CAROLINE SHINE <Caroline.Shine@dep.state.fl.us>, TOM MULLIGAN <TOM.MULLIGAN@dep.state.fl.us>**

**CC: Leonard Kozlov ORL <Leonard.Kozlov@dep.state.fl.us>**

Lori;

The Department has issued the letter to Samsula to come into office. At this point, the Department is gathering information about the number of days the company has run without the permit, and Demand Letter for the penalties will issued.

If you have any documentation that can assist in determining the numbers of days, please mail to my attention.

Caroline Shine

**Subject: Re: FWD: YANCEY**

**Date: Mon, 15 May 2000 15:37:08 -0400 (EDT)**

**From: Caroline Shine ORL 407/893-3336 <Caroline.Shine@dep.state.fl.us>**

**To: Tom Mulligan ORL 407/894-7555 <Tom.Mulligan@dep.state.fl.us>, CHIPSDOZ@BELLSOUTH.NET, "John B. Turner ORL" <John.B.Turner@dep.state.fl.us>**

**CC: Leonard Kozlov ORL <Leonard.Kozlov@dep.state.fl.us>**

LORI:

TOM ASKED ME TO RESPOND TO YOUR INQUIRY. TOM HAS VISITED THE SITE IN RESPONSE TO YOUR COMPLAINT TO SEE IF THE CRUSHER WAS OPERATING, AND THE NUMBER OF THE DAYS IT HAS BEEN OPERATING. HE DID VERIFY THAT IT WAS OPERATING BUT HAS BEEN UNABLE TO ASCERTAIN THE NUMBER OF DAYS OF OPERATION.

THE PREVIOUS CONSENT ORDER SIGNED BY THIS COMPANY HAS STIPULATED PENALTIES FOR EACH DAY OF OPERATION WITHOUT A PERMIT, AND A PENALTY WILL BE ASSESSED VIA A DEMAND LETTER.

JOHN TURNER, TOM'S SUPERVISOR HAS ASKED ME TO ASCERTAIN THE NUMBER OF THE DAY BY REQUESTING A COPY OF OPERATION RECORDS SINCE THE RECORDS WERE NOT AVAILABLE IN THE FIELD. WHEN THE TOTAL NUMBER OF DAYS ARE DETERMINED, ENFORCEMENT WILL PROCEED TO COLLECT THE APPROPRIATE PENALTIES.



# Department of Environmental Protection

Jeb Bush  
Governor

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

David B. Struhs  
Secretary

CERTIFIED LETTER

7099 3400 0006 1320 1665

WARNING LETTER

OWL-AP-00-489

Charles Yancey McDonald, President  
Samsula Landfill, Inc.  
2455 Tomoka Farms Road  
Daytona Beach, Florida 32124

Volusia County - AP  
Unpermitted Rock Crusher

Dear Mr. McDonald:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. Department inspections conducted on April 10, 17, and 25, 2000 of your rock crusher located at 2490 Country Club Road, Sanford, Seminole County, Florida County, Florida indicates that violations of Florida Statutes and Rules may exist at the above described facility. The following was observed:

The rock crusher previously cited in OWL-AP-00-468 as operating without a permit has been relocated to another location and is currently being operated without a permit.

Section 403.161(1)(b), Florida Statutes, provides that it shall be a violation of this chapter, and it shall be prohibited for any person to fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department pursuant to its lawful authority.

Section 403.087(1), Florida Statutes, provides that no stationary installation which will reasonably be expected to be a source of air or water pollution shall be operated, maintained, constructed, expanded, or modified without an appropriate and currently valid permit issued by the Department, unless exempted by Department rules.

Rule 62-4.030, Florida Administrative Code, General Prohibition, provides that any stationery installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, constructed, expanded, or modified without the appropriate and valid permit issued by the Department, unless the source is exempted by Department rule.

*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

*Printed on recycled paper.*

Charles Yancey McDonald  
OWL-AP-00-489  
Page Two

Rule 62-210.300, F.A.C. Permits Required provides: The owner or operator of any emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain an appropriate permit from the Department prior to beginning construction, modification, or initial or continued operation of the emissions unit unless exempted pursuant to Department rule or statute.

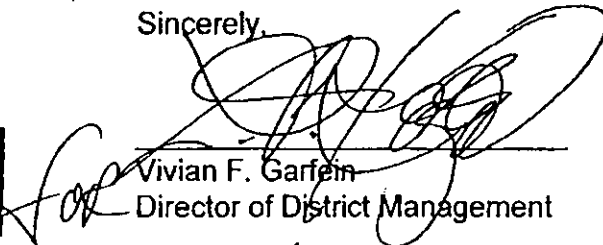
40 Code of Federal Regulation, Section 60.7 provides The owner or operator subject to the Provisions of this part shall furnish the Administrator written notification of the date construction of an affected facility is commenced postmarked not later than 30 days after such a date.

**Within fifteen (15) days receipt of this Warning Letter, please bring in work logs which identifies each day the crusher was in operation during calendar year 2000.**

The activities described in this letter, and any other activities at your facility that may be contributing to violations of the above described statutes or rules should be ceased. You are requested to contact Caroline Shine at 407-893-3336 or at the above address within fifteen (15) days receipt of this Warning Letter to arrange a meeting to discuss the matter. The Department is interested in reviewing 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 the matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

  
Vivian F. Garfain  
Director of District Management

Date 6-20-00

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:  
Charles Yancey McDonald

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here  
6/21

Name (Please Print Clearly; to be completed by addressee)  
Carroll LP OWL-00-489  
Street, Apt. No. or P.O. Box No.  
Tru Co.  
City, State, ZIP+4

5997 02PT 9000 0NHF 44N1

**Samsula Landfill, Inc.**

363 S.R. 413  
New Smyrna Beach, FL 32168

Phone 904-423-6769  
Fax 904-423-1436

Mr. Darryl Hickling  
P.O. Box 1031  
New Smyrna Beach, FL 32168

**Lease Agreement**

Samsula Landfill, Inc. proposes to lease Darryl Hickling, one Eagle 1200 Crusher for a price of \$7,000.00 per month. Said equipment will be maintained by Samsula Landfill, Inc.'s mechanics. Lessee will be responsible for fuel and daily lubrication of the equipment. Any failure due to abuse or abnormal operation of the equipment will be the sole responsibility of the lessee to bring back to new condition. Leaser has the option to take roadbase in trade for the lease amount at the price of \$5.00 per cubic yard. Samsula will give Mr. Hickling a 15 days notice when lease is up in the event Hickling is not done with equipment.

  
Michael Stokes-Samsula Landfill, Inc.

  
Darryl Hickling



BEFORE THE STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

ROBERT H. AND ZETTA M. BAKER,  
WILLIAM D. AND GEORGIA M. TOWNER,  
& ARTHUR DREWRY,  
Plaintiffs,

v.

YANCEY'S LAND CLEARING, INC.,  
SAMSULA LANDFILL, INC., &  
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

Defendants.

---

**VERIFIED COMPLAINT**

Plaintiffs, Robert H. and Zetta M. Baker ("Bakers"), William D. and Georgia M. Towner ("Towners"), and Arthur Drewry ("Drewry") submit this verified complaint pursuant to Section 403.412 (2)(c), Florida Statutes, and state as follows:

1. This is a verified complaint pursuant to Section 403.412 (2)(c), Florida Statutes, alleging that DEP has failed to enforce its rules and regulations enacted to protect the air, water and other natural resources of the State by allowing Yancey's Land Clearing, Inc ("Yancey's") and Samsula Landfill, Inc. ("Samsula") to illegally operate a construction and demolition debris ("C & D") landfill and an associated rock crusher.

## PARTIES

3. Defendants Yancey's and Samsula operate a C & D landfill located at 363 S.R. 415, New Smyrna Beach, FL 32168.
  
4. Plaintiffs, Bakers, are applying as natural persons and citizens of the State and may maintain this action as provided for in Section 403.412 (2)(a), Florida Statutes. Plaintiffs, Bakers, own and live at property located at 353 S.R. 415, New Smyrna Beach, FL 32168. The Bakers' property is immediately adjacent to the subject C & D landfill and consequently they have interests which are adversely affected by DEP's failure to require Defendants Yancey's and Samsula to operate its landfill and rock crusher in compliance with the environmental laws of Florida.
  
5. Plaintiffs, Towners, are applying as natural persons and citizens of the State and may maintain this action as provided for in Section 403.412 (2)(a), Florida Statutes. Plaintiffs, Towners, own and live at property located at 355 S.R. 415, New Smyrna Beach, FL 32168. The Towners' property is adjacent to the subject C & D landfill and consequently they have interests which are adversely affected by DEP's failure to require Defendants Yancey's and Samsula to operate its landfill and rock crusher in compliance with the environmental laws of Florida.
  
6. Plaintiff, Drewry, is applying as a natural person and citizen of the State and may

maintain this action as provided for in Section 403.412 (2)(a), Florida Statutes. Plaintiff Drewry owns property located at 2885 S.R. 415, New Smyrna Beach, FL 32168. Plaintiff Drewry's property is adjacent to the subject C & D landfill and consequently has interests which are adversely affected by DEP's failure to require Defendants Yancey's and Samsula to operate its landfill and rock crusher in compliance with the environmental laws of Florida.

7. Defendant, DEP, is responsible for the enforcement of environmental statutes in Chapter 403, Florida Statutes, and environmental regulations contained in Florida Administrative Code, Chapter 62.

#### **JURISDICTION AND VENUE**

8. Pursuant to Section 403.412 (6), Florida Statutes, jurisdiction and venue for the instant action is in Volusia County because that is where the subject C & D landfill and related violations are located.

#### **PRELIMINARY STATEMENT**

9. Pursuant to Section 403.412 (2)(a)(1.), Florida Statutes, Plaintiffs, Bakers, Towners, and Drewry, seek to maintain an action for injunctive relief against DEP to compel DEP to enforce the laws of the State of Florida contained in Chapter 403, Florida

Statutes, and environmental regulations promulgated pursuant thereto and contained in Title 62, Florida Administrative Code.

10. Pursuant to Section 403.412 (2)(a)(2.), Florida Statutes, Plaintiff's Bakers, Towners, and Drewry, further seek to maintain an action for injunctive relief against Defendants Yancey's and Samsula to enjoin them from violating laws of the State of Florida contained in Chapter 403, Florida Statutes, and Title 62, Florida Administrative Code.

**ENVIRONMENTAL LAWS AND REGULATIONS AT ISSUE**

11. Section 403.087, Florida Statutes, prohibits the construction, operation, maintenance, or expansion of any stationary installation that is reasonably expected to be a source of air or water pollution without an appropriate and currently valid Department permit.
12. The subject C & D landfill and the associated rock crusher are "stationary installations" as used in Section 403.087, Florida Statutes, and "installations" as defined by Section 403.031(4), Florida Statutes.
13. Section 403.708 (1)(a), Florida Statutes, prohibits any person from placing or depositing any solid waste in or on the land or waters located within the State except in a manner approved by the Department.

14. Samsula and Yancey's operate the subject C & D landfill pursuant to DEP permit number SO64-275715.
15. The operation of the subject C & D landfill is subject to DEP regulations found in Rule 62.701.730, Florida Administrative Code ("FAC").

**ILLEGAL OPERATION OF A PERMITTED LANDFILL**

16. Rule 62-701.730 (7), FAC, requires owners and operators of C & D landfills to submit an operating plan describing the operation and maintenance, emergency and contingency plans, and types of equipment that will be used at the C & D landfill. All activities at the C & D landfill are required by this rule to be performed in accordance with the plan as submitted to DEP. A true and correct copy of the plan submitted to DEP as required by this rule is attached hereto and incorporated herein by reference as Exhibit "A." Hereinafter this plan shall be referred to as "operational plan."
17. The operational plan restricts the operation of the subject C & D landfill to the hours of 7:00am-5:30pm, Monday-Saturday.

### **ILLEGAL OPERATION OUTSIDE OF PERMITTED HOURS**

18. Despite the clear restrictions of hours of operation between 7:00 am-5:30 pm imposed by the operational plan and, consequently, Rule 62-701.730(7), FAC, the Defendants, Samsula and Yancey's, have operated and continue to operate by allowing trucks to dump waste as early as 5:30-6:00 in the morning and in operating well past 5:30 pm. This illegal operation of the C & D Landfill substantially affects the Plaintiffs Bakers, Towners, and Drewry because said operation is potentially harmful or injurious to human health and/or welfare and it unreasonably interferes with their enjoyment of life and property.

### **ILLEGAL FAILURE TO CONTROL ACCESS**

19. The operational plan and Rule 62-701.730 (7)(c), FAC, require that access to the subject C & D landfill be restricted to prevent disposal of solid waste other than C & D debris. Despite the clear requirements of the operational plan and Rule 62-701.730 (7)(c), FAC, Defendants, Samsula and Yancey's, have not restricted access to the C & D Landfill by virtue of not locking the gate to said landfill and/or having no gate at all. Plaintiffs, Bakers, Towners, and Drewry, are affected by this illegal operation by Defendants Samsula and Yancey's because of the substantial threat to the environment that exists in the potential for disposal of solid wastes other than that allowed by DEP regulations at the subject C & D landfill.

### **ILLEGAL DISPOSAL OF SOLID WASTE**

20. Defendant, Yancey's and Samsula, are only permitted to store and dispose of C & D debris at the subject C&D Landfill. Storage and disposal of any other solid waste is prohibited by Sections 403.707(1) and 403.708(1)(a), Florida Statutes, and Rules 62-701-730 (4)(c), (6) and (7)(d), FAC. Despite these clear prohibitions in Sections 403.707(1) and 403.708(1)(a), Florida Statutes, Rules 62-701-730 (4)(c), (6) and (7)(d), FAC, and the clear limitations of Defendant Yancey's permit, Defendants, Samsula and Yancey's, have been and continue to illegally dispose of solid wastes other than C&D debris. The illegal disposal of prohibited solid wastes includes, but is not limited to, vegetative wastes and yard wastes. Plaintiffs, Bakers, Towners, and Drewry, are affected by these violations of DEP rules and subject permit because of the environmental threats and human health concerns related to the illegal disposal of solid wastes.

### **ILLEGAL FAILURE TO CONTROL DUST**

21. Paragraph 18.0 of page B1-2 of the operational plan requires that Defendant, Yancey's, water the road leading into the subject C & D landfill in order to control dust. Despite the clear requirements prescribed by the operational plan and, consequently, Rule 62-701.730(7), FAC, Defendant, Yancey's, has failed to water the roads to control dust. This failure to water the roads has resulted in the

production of large dust clouds that leave the subject C & D landfill and settle onto Plaintiffs', Bakers, Towners, and Drewry, adjacent property. Defendants, Bakers, Drewry and Towners, are affected by this illegal failure to control dust because of the obvious threats to human health and environment and unreasonable interference with the enjoyment of life and property that these dust clouds cause.

### **ILLEGAL OPERATION OF A ROCK CRUSHER**

22. Without a valid permit from DEP for the operation of a rock crusher, Defendants, Samsula and Yancey's, have been and continue to operate a rock crusher at the subject C & D landfill that emits concrete dust and other fugitive emissions and produces high levels of noise pollution and vibrations. Pursuant to Section 403.087, Florida Statutes, and Chapter 62-210, FAC, the operation of a rock crusher of this type requires a DEP permit. Plaintiffs, Bakers, Towners, and Drewry, are affected by this illegal operation of a rock crusher by Defendant, Samsula and Yancey's, because of the substantial threats to the environment and human health and unreasonable interference with the enjoyment of life and property caused by the concrete dust and fugitive emissions from the rock crusher. Also, the high levels of noise pollution and vibrations produced by the rock crusher have been and continue to cause damage to Plaintiff Bakers' home including undermining the foundation and causing cracks in the wall structures of their home.



### ILLEGAL FILLING OF WETLANDS

23. As evidenced by a May 12, 1999 letter from Volusia County, a true and correct copy of which is attached hereto and incorporated herein by reference as "Exhibit B," Defendant, Samsula, has located an air curtain incinerator ("ACI") and associated fill in designated wetlands without a DEP permit in violation of Chapter 62-312 and other wetlands regulations promulgated pursuant to Chapter 373, Florida Statutes. DEP was mailed a copy of said letter by Volusia County as a carbon copy recipient on May 12, 1999.

### ILLEGAL LOCATION AND MAINTENANCE OF INCINERATOR

24. Besides being illegally located in jurisdictional wetlands, the ACI does not have an operational permit as required by DEP construction permit # 1270154-001-AC, a true and correct copy of which is attached hereto and incorporated herein by reference as "Exhibit C." In paragraph 15 of said permit, Defendant, Samsula, was clearly required to submit an application for an operating permit within 6 months of receiving the referenced construction permit. Approximately three months have passed since this deadline and no such permit application has been submitted. The failure to timely submit an application for an operating permit as provided for in the DEP permit is a violation of the permit and Section 403.161, Florida Statutes. Plaintiffs, Bakers, Towners, and Drewry, are affected by this illegal ACI being

maintained by Defendant, Samsula, because of the substantial and potential threats to the environment and human health caused by maintaining an unpermitted air pollution source in illegally filled wetlands.

25. DEP should immediately file for a temporary and permanent injunction requiring Defendant, Samsula, to immediately remove the ACI from the wetlands and forthwith apply for an operating permit after or simultaneous with the removal from the wetlands or, in the alternative, dismantle and remove the ACI from Defendants' property.

#### **HISTORY OF ENVIRONMENTAL VIOLATIONS**

26. Besides the violations just described, Defendant, Yancey's, and the officer of said company, Yancey McDonald, have a lengthy history of environmental violations at the subject C & D facility.
27. The first record of an environmental violation at the subject C & D landfill known to Plaintiffs at this time is found in records of the St. Johns River Water Management District in the file of record No. 94-1447, a Consent Order entered against Yancey McDonald. In this record, the St. Johns River Water Management District details how 5 to 7 acres of wetlands at the subject C & D landfill were cleared and excavated under Yancey McDonald's ownership and control in 1992. The record further details how, despite repeated warnings from the St. Johns River Water Management District in 1992 and 1993 that permits were required before further excavation could

continue, Yancey McDonald continued to excavate and clear wetlands without the required permits in 1993 and 1994.

28. The record of DEP reveals a similar pattern of violations by Defendant, Yancey's, including repeat violations after warning from DEP. The record of DEP reveals that on May 14, 1998, Gloria DePradine, a DEP solid waste inspector, discovered that Defendant, Yancey's, was placing land clearing debris in a dewatered pit in violation of DEP rules. The operator/manager was instructed to cease this violation both at the time of the inspection and in a follow-up letter. A follow-up inspection by DEP revealed that the same manager was again putting waste in the dewatered pit despite the clear warnings from DEP to the contrary. These inspections also revealed that Defendant, Yancey's, was performing work that illegally impacted wetlands. DEP entered a Consent Order against Defendant, Yancey's, OGC File No. 98-2097, that details these violations that resulted in the issuance of a civil penalty and the requirement for restoration work. Plaintiffs also have a reasonable basis to believe that the dewatering activity was performed without the required consumptive use permit from the St. Johns Water Management District.

29. Defendant, Yancey's and Samsula, also had and continue to have numerous environmental violations with Volusia County. These include wetlands violations and solid waste violations. Just in the last week, Volusia County Environmental Management has sent Defendant, Yancey's, and Yancey McDonald two separate Notices of Violation, true and correct copies of which are attached hereto and

incorporated herein by reference as "Exhibit D."

30. The January 5, 2000 Notice of Violation concerns the operation of the rock crusher in violation of Volusia County's Noise Ordinance.
31. The January 5, 2000 Notice of Violation pertains to Defendant, Yancey's, failure to obtain necessary permits for monitoring wells at the subject landfill. The operator for Defendant, Yancey's and Samsula, was warned on May 12, 1999 by Volusia County that permits for the monitoring wells was required. See, Exhibit C. Seven months have passed without Defendants, Yancey's and Samsula, obtaining the required permits from Volusia County.
32. These examples show a long and well-established trend of the Defendants, Yancey's and Samsula, operating without the required permits from regulatory agencies even after warnings from said agencies. This negative track record demonstrates the need for DEP to take swift action to secure a temporary and permanent injunction to prevent the continued irreparable harm caused by Defendants', Yancey's and Samsula, illegal environmental acts.
33. DEP has been recently stating publicly that "compliance counts." The Plaintiffs desire that DEP implement this "motto" especially in light of the history of Defendants' long record of environmental violations

WHEREFORE, Plaintiffs, Bakers, Towners and Drewry, respectfully request that DEP immediately file an action seeking a temporary and permanent injunction against Defendants, Yancey's and Samsula, to:

- A. Enjoin Defendants, Yancey's and Samsula, from operating the rock crusher until all appropriate and valid permits are obtained from DEP;
- B. Enjoin Defendants, Yancey's and Samsula, from operating the rock crusher in a manner such that noise, fugitive emissions, or vibrations are produced that cause threats to the environment and human health or an unreasonable interference with Plaintiffs', Bakers, Towners and Drewry, enjoyment of life and property;
- C. Require that Defendants, Yancey's and Samsula, take all necessary steps to prevent fugitive dust and emissions from entering the referenced property of the Plaintiffs, Bakers, Towners and Drewry;
- D. Require that Defendants, Yancey's and Samsula, remove the ACI from the premises;
- E. Enjoin Defendants, Yancey's and Samsula, from conducting further work in wetlands without the required permits;
- F. Enjoin Defendants, Yancey's and Samsula from operating the ACI until all appropriate and valid permits are obtained from DEP and Volusia County; and,
- G. Require that Defendants, Yancey's and Samsula, pay a civil penalty of \$10,000 for each day of each environmental violation that they commit or have committed at the Defendants' property.

Plaintiffs further request that DEP agree to the intervention of Plaintiffs, Bakers, Towners, and

Drewry, as parties to any case filed by DEP against Defendants, Yancey's and Samsula. Should DEP fail to immediately file an action against Defendants, Yancey's and Samsula, then Plaintiffs, Baker, Towners and Drewry, hereby give notice of their intent to proceed with an action against DEP and/or Defendants, Yancey's and Samsula, to obtain such a result themselves pursuant to Section 403.412(2)(a), Florida Statutes.

Dated this 17<sup>th</sup> day of January, 2000.

We, the undersigned Plaintiffs, Robert H. Baker, Zetta M. Baker, William D. Towner, Georgia M. Towner, and Andrew Drewry have personal knowledge of the facts stated herein and do hereby SWEAR AND AFFIRM that the facts stated herein are true and correct.

Robert H. Baker  
Robert H. Baker

Zetta M. Baker  
Zetta M. Baker

William D. Towner  
William D. Towner

Georgia M. Towner  
Georgia M. Towner


Andrew Drewry  
Andrew  
Arthur

Before me this 17<sup>th</sup> day of January, 2000, appeared, Robert H. Baker, Zetta M. Baker, William D. Towner, Georgia M. Towner, and ~~Andrew~~ Drewry all of whom are personally known to me or produced identification such as \_\_\_\_\_, and who swore or affirmed the truth of the foregoing statement and subscribed same in my presence.

Notary Public Lori Williams  
Commission Number: CC567086  
My Commission expires: 8/31/00

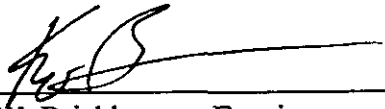


**LORI WILLIAMS**  
My Comm. Exp. 8/31/00  
Bonded By Service Ins  
No. CC567086  
 Personally Known |  Other I.D.



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J.A. Jurgens, Esquire  
Florida Bar No. 637165  
**J.A. Jurgens, P.A.**  
505 Wekiva Springs Road, Suite 500  
Longwood, FL 32779  
Phone: (407) 772-2277  
Fax (407) 772-2278  
Attorney for Plaintiffs



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Keith W. Brickleymer, Esquire  
Florida Bar No. 363820  
**Brickleymer Smolker & Bolves, P.A.**  
500 East Kennedy Boulevard, Suite 200  
Tampa, FL 33602  
Phone: (813) 223-3888  
Fax (813) 228-6422  
Attorney for Plaintiffs

Samsula Landfill  
BET Project No. 98126  
08126.02.wpd

**SAMSULA LANDFILL**  
**VOLUSIA COUNTY, FLORIDA**

**DESCRIPTION OF OPERATIONS**

- 1.0 The landfill is open for operation between the hours of 7:00 a.m. to 5:30 p.m. Monday through Saturday. The landfill is closed to the public on Sunday.
- 2.0 Access is limited to one way into the facility and one way out of the facility. All vehicles enter through an entrance gate and are stopped at the facility's office for inspection by the Operator, Site Supervisor, and/or spotter. All vehicles return to the facility's office and are checked out of the facility.
- 3.0 Waste screening procedures include a three tier detection system throughout the facility. The Operator, Site Supervisor and/or spotter manages all entry and initial site inspection of materials. Spotters are located at the working face of the landfill and inspect all loads and separate recyclable materials and prohibited waste.
- 4.0 Traffic control procedures include the placement of stop and directional signs at appropriate entrances and intersections throughout the facility.
- 5.0 Waste is placed along the working face of the landfill. Land clearing debris, C&D debris and roofing materials are separated and placed in designated areas. Concrete and non-ferrous metals are separated and recycled. Any unauthorized waste inadvertently accepted by the facility is placed in designated on-site dumpsters or containers to be hauled to the Tomoka Landfill or other appropriate facility.
- 6.0 Compaction and application of cover material is accomplished by the use of a REX 3-55 Trashmaster compactor, front-end loader and bulldozer. Intermediate cover material is placed on all areas except the working face of the landfill. At a minimum, intermediate cover is placed at the end of each work week, and daily cover is placed as necessary to minimize blown litter. All cover material is available on-site.
- 7.0 Spotters are located at the office and at the working face of the landfill. A minimum of 2 spotters are available during operating hours.
- 8.0 Daily inspections of the facility are conducted by the operator. This includes all equipment, access points, covered and working face of the landfill and personnel associated with the facility.
- 9.0 Prohibited waste control is regulated on a daily basis by the Operator, Site Supervisor, spotters, and equipment operators at all times.

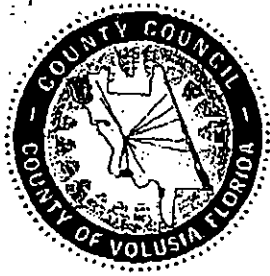
B1-1

EXHIBIT "A"



Samsula Landfill  
BET Project No. 98126  
98126.02.wpd

- 10.0 Procedures include containing the material to a properly confined area, notification of proper authorities if deemed necessary, proper disposal of material off premises, notification of haulers and proper record maintenance.
- 11.0 Odor Control is accomplished by waste screening and removal of putrescible waste and application of cover. Additionally, all gypsum board and drywall material will be identified by the spotters and equipment operators and broken up and scattered so as to prevent accumulations of material.
- 12.0 Management of fuels and fluids for equipment is maintained on a daily basis and inspected for leaks. Equipment is removed from site if evidence of leakage is observed. All other fluids from incoming haul vehicles and/or as part of load are immediately contained and properly stored. Fuel for equipment is stored in a 350 gallon above-ground storage tank on site. All fuel and oil is stored according to OSHA and FDEP standards. Complete records are maintained for all related activity.
- 13.0 Sequence of cell filling is accomplished by adding material to the working face in 3 to 5 foot lifts, and spreading appropriately as needed. Width of the working face of the landfill is maintained at 100 feet or less.
- 14.0 Record keeping is part of the daily operations of the facility. Records such as daily count of vehicles and amount of debris, FDEP annual report, description of unacceptable waste, inspection records and operator/spotter training are maintained for the facility.
- 15.0 Permits, Plans and Supporting Documents are all maintained and documented as part of the operation plan for the facility.
- 16.0 Access Control is accomplished by fencing along the front (west) boundary of the site, and Natural Vegetation Buffer around the entire perimeter of the property. Entrance gate is locked whenever the facility is not in operation. Access is limited to one gate and proper signage is posted for trespassing. Security is maintained by a Certified Operator that lives on site.
- 17.0 Employee Health and Safety is maintained by weekly safety meeting held by the operator and staff. First aid stations are placed throughout the facility and proper protection such as steel toed boots, gloves and protective clothing is provided to landfill workers.
- 18.0 Maintenance Plan is established and includes the routine maintenance of all equipment used for the landfill operations on a scheduled basis. Access road is an all-weather shell road which is routinely graded. A 4,000 gallon tanker applies water, as needed for dust control.
- 19.0 Emergency Phone List is posted at the facility's office.
- 20.0 List of Equipment and Employees is presented on Figure B1-1



# County of Volusia

Environmental Management

123 West Indiana Avenue • DeLand, Florida 32720-4621  
Telephone: (904)736-5927 • (904)254-4612 • (904)423-3303  
Suncom (904)377-5927 • Fax (904)822-5727

May 12, 1999

Mike Stokes  
Operator  
Samsula Landfill  
363 S.R. 415  
New Smyrna Beach, FL 32168

**Reference: Follow-up letter**

Dear Mike:

Per your request I am sending you a reminder regarding the groundwater monitoring well requirements for the County as well as a follow-up discussion of observations at your landfill. As discussed on May 6, permits are required from our Well Program for all groundwater monitoring wells. Please contact Tom Carey, Program Manager, at (904) 423-3303, extension 2073, to discuss the specifics of these requirements. Original notification of these permitting requirements was sent by me to all permitted Construction and Demolition Debris Landfill on January 22, 1998, before the state's regulatory deadline for application submission.

A second item discussed on May 6, was the construction of the Air Curtain Incinerator (ACI) on the eastern side of the landfill. The County zoning ordinance requires a special exception for the construction of an ACI. I have contacted Mary Robinson, Zoning Director and Carol Kerrigan, Code Enforcement Manager, about your facility and the requirements for the ACI. Since the landfill itself and the area for the ACI are contained on the same parcel, parcel number 7226-01-03-0090, the ACI would be considered an expansion of a non-conforming use. Please contact both Mary and Carol to discuss the remedies for this situation.

In addition, based on review of your site plan in the application sent to the Florida Department of Environmental Protection (FDEP), the area where you have placed the ACI, is designated wetlands. As such, this construction might require permits from our Wetlands Department and also the Environmental Resource Permitting Section of FDEP.



Printed On  
Recycled Paper

EXHIBIT "B"

May 12, 1999

Mike Stokes  
Operator  
Samsula Landfill

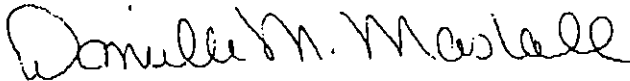
Reference: Follow-up letter

Page two

We understand there are setbacks in the state regulations for the placement of the ACI from the working face of the landfill, which may be the cause for the placement of the ACI in this area. Please contact Randall Sleister, Wetlands Program Manager at (904) 423-3303, extension 2092 to discuss the local requirements and Sue Leitholf with the FDEP at (407)894-7555 for their requirements.

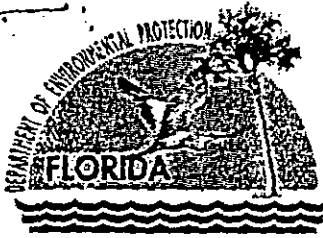
We would be happy to set a meeting with you and the County staff involved in the permitting of the ACI to discuss remedies. We understand you would like to try to deal with this item yourself, but because the site is already under enforcement for the maintenance building, it might be in your best interest to notify the attorney you have already retained. Please contact Randall Sleister if you would like to set a meeting.

Sincerely,



Danielle M. Marshall  
Environmental Specialist

c: Jennifer Deal, FDEP - Solid Waste  
Carol Kerrigan  
Mary Robinson



# Department of Environmental Protection

Jeb Bush  
Governor

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

David B. Struhs  
Secretary

Permittee:  
Samsula Landfill, Inc.  
363 State Road 415  
New Smyrna, Florida 32168

Atten: Charles Y. McDonald  
President

I.D. Number: 1270154  
Permit Number: 1270154-001-AC  
Expiration Date: March 31, 2004  
County: Volusia  
Latitude/Longitude:  
28° 59' 24"N/81° 04'10"W  
Project: Air Curtain Incinerator

This permit is issued under the provisions of Chapter(s) 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-210. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

The permittee can construct an air curtain incinerator. The air curtain incinerator is manufactured by Qualico and is a Model 4239 T trench burner with 35 feet of 18-inch diameter carrier pipe and 37 feet of manifold.

This emission unit is located at 363 State Road 415, New Smyrna, Volusia County, Florida.

General Conditions, which are pages 2 and 3 are mailed only to the permittee.

Permittee:  
Samsula Landfill, Inc.

Atten: Charles Y. McDonald,  
President

I.D. Number: 1270154  
Permit Number: 1270154-001-AC  
Expiration Date: March 31, 2004  
County: Volusia

SPECIFIC CONDITIONS:

OPERATING CONDITIONS

1. The maximum permitted operating hours are 2496 hours per consecutive twelve months, updated monthly, per the application.
2. The maximum permitted combustion rate is 3,900 tons of wood waste, per consecutive twelve months, updated monthly, per the application.
3. The following operational conditions must be adhered to [Rule 62-296.401(7), F.A.C.]:
  - a) The only materials that can be burned in the air curtain combustor are wood wastes, consisting of trees, logs, large brush, stumps relatively free of soil, unbagged leaves and yard trash, tree surgeon debris, and clean dry lumber such as pallets.
  - b) The burning of sawdust, paper, trash, tires, garbage, plastics, liquid wastes, chemically treated or painted wood, and other similar materials is expressly prohibited.
  - c) Only virgin oil, natural gas, or liquefied petroleum gas may be used to start the fire. The use of waste oil, chemicals, gasoline, or tires is expressly prohibited.
  - d) In no case shall an air curtain incinerator be started before sunrise. For refractory lined air curtain incinerators, charging must have completely stopped before sunset. For all other air curtain incinerators, charging must have completely stopped two hours before sunset.
  - e) The air curtain combustor must be located at least three hundred (300) feet from any pre-existing occupied building located off site.
  - f) The material shall not be loaded into the air curtain combustor such that it will protrude above the air curtain.
  - g) Ash shall not be allowed to build up in the chamber to higher than 1/3 the chamber depth or to the point where the ash begins to impede combustion, whichever occurs first.
  - h) A detailed operation and maintenance guide must be available to the operators at all times, and the permittee must provide the proper training to all operators before they work at the combustor. The Department may request a copy of this guide.
4. The incinerator must be maintained in good operating condition to insure that emission standards are met at all times and to minimize safety hazards [General Condition #6].
5. To limit particulate air pollution, fire hazards, etc., the incinerator shall not be operated under conditions which cause excess emissions of hot burning materials. Such conditions include, but are not limited to, high winds, improper operating or loading procedures, improper maintenance, improper

Permittee:  
Samsula Landfill, Inc.

I.D. Number: 1270154  
Permit Number: 1270154-001-AC  
Expiration Date: March 31, 2004  
County: Volusia

Atten: Charles Y. McDonald,  
President

materials, etc. A spark arrestor or other means may be needed to control particulate air pollutants and the hazards they may pose.

6. An operator must be in attendance at all times to insure proper loading, air flow adjustments, spark control and to keep the air intakes clear of obstructions.

#### EMISSION LIMITS

7. The emission limitations for this air curtain incinerator are as follows (Rule 62-296.401(7), F.A.C.):
  - a) Outside of startup periods, no visible emissions (5 percent opacity or less) shall be allowed, except that an opacity of up to 20 percent shall be permitted for not more than three minutes in any one hour.
  - b) During startup periods, which shall not exceed the first 30 minutes of operation, an opacity of up to 35 percent, averaged over a six-minute period, shall be allowed.
  - c) The general excess emissions rule, Rule 62-210.700, F.A.C., shall not apply to air curtain incinerators.
8. No objectionable odors will be allowed, as per Rule 62-296.320(2), F.A.C.

#### COMPLIANCE TESTING

9. The emission unit must be tested for visible emissions in accordance with DEP Method 9 [Rule 62-297.401(9), F.A.C.] for 30 minutes during startup and for 60 minutes during normal operation within 30 days after being placed in operation. For any other approved method to be utilized, the Department must give prior written approval.
10. At least 15 days prior to the date on which each formal compliance test is due to begin, the permittee shall provide written notification of the test to the air compliance section of this office. The notification must include the following information: the date, time, and location of each test; the name and telephone number of the facility's contact person who will be responsible for coordinating the test [Rule 62-297.310(7)(a)9, F.A.C.].
11. Testing of emissions shall be conducted with the emissions unit operation at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity [Rule 62-297.310(2), F.A.C.].
12. The weight and type of material burned must be entered in the visible emission test report.

Permittee:

Samsula Landfill, Inc.

I.D. Number: 1270154

Permit Number: 1270154-001-AC

Expiration Date: March 31, 2004

County: Volusia

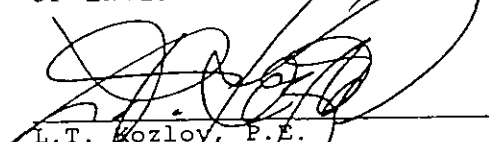
Atten: Charles Y. McDonald,  
President

13. A copy of the compliance test results must be submitted to the compliance section of this office within 45 days after the last sampling run of each test is completed [Rule 62-297.401(8)b, F.A.C.].
14. A DEP Form No. 62-210.900(5), F.A.C. "Annual Operating Report for Air Pollutant Emitting Facility", including the Emissions Report, shall be completed for each calendar year on or before March 1 of the following year and submitted to the air compliance section of this office [Rule 62-210.370(3)(a), F.A.C.].

PERMIT APPLICATION

15. An operating permit is required for operation of this source. To obtain an operating permit, the permittee must demonstrate compliance with the conditions of the construction permit and submit the application fee, along with compliance test results and Application for Air Permit to the Department's Central Florida District office [Rule 62-4.220, F.A.C.]. The application shall be submitted no later than 180 days after receipt of this permit.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
L.T. Kozloy, P.E.  
Program Administrator  
Air Resources Management

Issued: 4-12-99

1165 TAKEN - FOR WORK IN PROGRESS

ENVIRONMENTAL MANAGEMENT SERVICE GROUP  
123 West Indiana Avenue  
DeLand, Florida 32720-4621  
January 3, 2000

CERTIFIED MAIL #P 919 009 269

Mr. Yancey McDonald  
Samsula Landfill  
363 South State Road 415  
New Smyrna Beach, FL 32168

Dear Mr. McDonald:

This Department is responsible for enforcement of Ordinance Number 83-22, as adopted by the Volusia County Council. As a result of an investigation conducted by staff from this office, I have reason to believe that you are presently violating certain provisions of this Ordinance as indicated on the attached notice.

In accordance with the penalty section of this Ordinance, violations are punishable by not more than sixty (60) days imprisonment in jail, or by a fine not to exceed five hundred (\$500) dollars or both such fine and imprisonment. Each day the violation continues shall be deemed a separate offense. Other legal remedies may be pursued as appropriate.

Therefore, you are hereby advised to respond to the specific violations alleged on the attached notice by taking suitable corrective action as indicated. Be advised this office will perform a re-inspection at the conclusion of the allotted time for corrective action. If the violation is not resolved at that time, I shall initiate other enforcement proceedings at our disposal, which may include a hearing before the Code Enforcement Board, or other suitable legal actions.

Your voluntary compliance with this Ordinance will be appreciated. It is to your advantage to resolve this alleged violation immediately to avoid further enforcement action. If you have any questions concerning this matter, please contact Barry Appleby as soon as possible, at 904/423-3303, extension 2734.

Very truly yours,



Environmental Management

Attachment  
cc: Enforcement File

EXHIBIT "D"



COUNTY OF VOLUSIA  
ENVIRONMENTAL MANAGEMENT SERVICE GROUP  
NOTICE OF VIOLATION

**1. NATURE OF THE ALLEGED VIOLATION:**

Noise exceeding the commercial daytime decibel limit of 65 dbA at the southern property line of the Baker residence, in violation of Volusia County Ordinance 83-22. The source of the noise is the crushing and grinding apparatus and associated conveyers and vehicles at the Samsula Landfill, producing a L10 value of 74 dbA, in violation of the ordinance.

**2. LOCATION OF THE ALLEGED VIOLATION:**

The Baker residence, 353 South SR 415, New Smyrna Beach, Florida

**3. LEGAL DESCRIPTION, INCLUDING PARCEL NUMBER:**

Parcel Number 7226-01-03-0040  
Legal Description: 26-17-32 N 1/4 of tracts 9 & 10 E of road exc E  
553.8 ft on N/L of lot 10 blk 3 Howe & Curriers MB 4 PG 44 per OR 2457  
PG 1074

**4. CORRECTIVE ACTION TO RESOLVE ALLEGED VIOLATION:**

Reduce the total noise generated by the crushing and grinding apparatus and appurtenant operations to a maximum of 60 dbA at the property line to achieve nighttime compliance with Ordinance 83-22.

**5. TIME LIMIT FOR CORRECTIVE ACTION:**

Thirty (30) days from receipt of notice

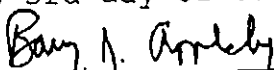
**6. ADDITIONAL EXPLANATION:**

Please call to discuss possible solutions to this situation. The easiest way to resolve the violation is to move the apparatus to a remote part of the property, away from adjacent neighbors.

If this violation is not corrected by the time limit specified above, the violation will be forwarded to the Volusia County Code Enforcement Board, which has the power to levy a fine of up to \$250 per day against your real and/or personal property for each day the violation continues beyond the date set by the Board for compliance. Further, you may be subject to a fine not to exceed \$500 or by imprisonment in the County jail for a period not to exceed 60 days, or by both such fine and imprisonment.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original Notice of Violation for this alleged violation was sent by certified mail this 3rd day of January 2000.

  
\_\_\_\_\_  
Environmental Management

NOISE MEASUREMENT FIELD DATA SHEET

DATE: 12/30/79 TIME: 10:10 AM TECHNICIAN: B. APPLESBY

COMPLAINANT INFORMATION: NAME: MS. ETTA RAVER

ADDRESS: 353 SANTA SR 415 CITY: NEW SPRING BEACH

TELEPHONE: 428-5882 OTHER:

NOISE SOURCE: NAME: SANDRA WADSWORTH 412-6769

ADDRESS: SR 415 CONTACT:

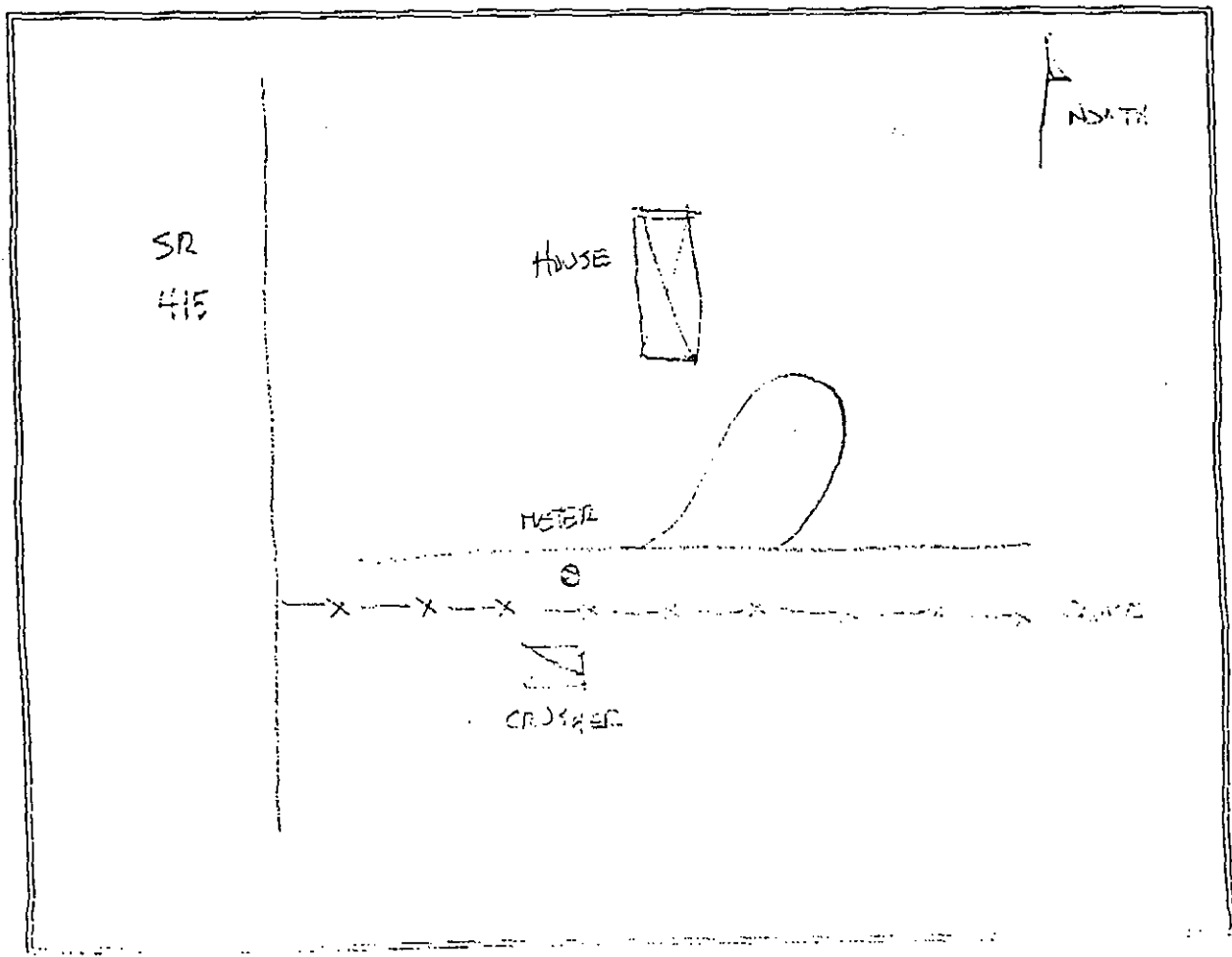
METEOROLOGICAL CONDITIONS (ESTIMATED) WIND DIRECTION: N/A

WIND SPEED: LT 5 TEMPERATURE: ~ 50 HUMIDITY: ~ 45

PHYSICAL DESCRIPTION OF TEST AREA: ADJACENT TO ENTRANCE  
Road to house off SR 415

NOTE ANY SOUND REFLECTING OBJECTS: SOME VEGETATION

SKETCH OF TEST AREA (Show source, location of test equipment, complainant's property and other important features)



COUNTY OF VOLUSIA, FLORIDA  
NOTICE OF CODE VIOLATION

---

JANUARY 5, 2000

COMPLAINT NO: 000104025

YANCEYS LAND CLEARING INC  
2455 TOMOKA FARMS RD  
DAYTONA BEACH FL 32124-3731

YOU ARE HEREBY ADVISED THAT AN ENVIRONMENTAL CODE VIOLATION EXISTS AT:

363 S SR 415, NEW SMYRNA BEACH, FL 32168

ON JANUARY 4, 2000

ORDINANCE: COUNTY OF VOLUSIA CODE OF ORDINANCES, CHAPTER 74  
SECTION 74-39(A)

DESCRIPTION:

SEVERAL MONITORING WELLS HAVE BEEN INSTALLED AT THIS  
SITE WITHOUT A PERMIT.

ACTION REQUIRED:

CALL OUR OFFICE WITH THE NAME OF THE WELL INSTALLER. A  
PERMIT APPLICATION MUST BE SUBMITTED TO OUR OFFICE. THE \$20  
PERMIT FEE MUST BE PAID FOR EACH ONE OF THE WELLS, A \$150.00  
LATE FEE MUST BE PAID FOR EACH ONE OF THE WELLS.

THIS IS A VIOLATION OF THE ABOVE ORDINANCE.

PLEASE BE ADVISED THAT THIS VIOLATION MUST BE CORRECTED WITHIN 15 DAYS.  
IF YOU HAVE ANY QUESTIONS, PLEASE CALL BETWEEN 7:30AM-5PM, THE  
VOLUSIA COUNTY ENVIRONMENTAL OFFICE.

DELAND (904) 736-5927 X2873.  
DAYTONA BEACH (904) 254-4612 X2873.  
NEW SMYRNA BEACH (904) 423-3303 X2873.

---

TOM CAREY ENVIRONMENTAL SPECIALIST  
ENVIRONMENTAL MANAGEMENT  
123 WEST INDIANA AVENUE  
DELAND, FL. 32720-4253

**COPY**

DEP CERTIFIED MAIL NO.: P 248 041 823

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT )  
OF ENVIRONMENTAL PROTECTION )  
 )  
Complainant, )  
 )  
vs. )  
 )  
SAMSULA LANDFILL, INC., and )  
YANCEY'S LAND CLEARING, INC., )  
 )  
Respondents . )  
 )

IN THE OFFICE OF THE  
CENTRAL DISTRICT  
  
OGC FILE NO: 00-0210

---

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Protection ("Department") and Samsula Landfill, Inc., and Yancey's Land Clearing, Inc., ("Respondents") to reach settlement of certain matters at issue between the Department and Respondents .

The Department finds:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Part IV of Chapters 373 and 403, Florida Statutes, and the

rules promulgated thereunder, Florida Administrative Code ("F.A.C.") Title 62. The Department has jurisdiction over the matters addressed in this Consent Order.

2. Respondents are corporations doing business in Florida and are registered with the Florida Division of Corporations. Each Respondent is a "person" within the meaning of Sections 373.019(12) and 403.031(5), Florida Statutes. The Respondent Samsula Landfill, Inc., owns and operated a stationary air curtain incinerator located at a Department permitted construction and demolition Landfill. The location of the landfill is 363 State Road 415, Volusia County, Florida, Latitude 28° 59' 24" N and Longitude 81° 04 ' 10" W. The Respondent Samsula Landfill, Inc., was issued Department Air Construction Permit 1270154-001-AC for the air curtain incinerator. The Respondent Yancey's Land Clearing, Inc., was issued Department Solid Waste Permit S064-275715 for the landfill ("Facility").

3. Inspections conducted by Department personnel on November 10, 1999 and January 27, 2000 revealed the Respondents have operated a rock crusher at the Facility without a Department permit. The crusher has a design capacity of 250 tons per hour and is subject to Part 40 Code of Federal Regulation, Section 60.670. The Respondents' operation of the rock crusher is a violation of Section 403.161(1)(b) and 403.087(1), Florida Statutes, and Rules 62-4.030 and 62-210.300, Florida Administrative Code.

4. An inspection by Department personnel on December 6, 1999 revealed the air curtain incinerator and fill had been placed within wetlands without a valid permit from the Department. The activity was conducted on the property referenced in paragraph 2 within the landward extent of Spruce Creek, surface waters as defined by

Florida Law, Latitude 28° 59' 28" N and Longitude 81° 03' 58" W . The filling of the wetland without an appropriate Department or Water Management District permit, or without having first obtained an appropriate exemption is a violation of Section 373.430, Florida Statutes and Rule 40C-4.041(1), Florida Administrative Code. The Respondents do not agree that this area is a wetland area or that they have violated Florida Statutes and Rules.

5. The Department informed the Respondents of the Respondents' violations of Florida Statutes, and applicable Department Rules in Warning Letter OWL AP-00-468, dated February 11, 2000, and during an informal meeting held at the Department's Orlando office on February 11, 2000 between the Respondents' representatives and the Department. At the meeting, the Respondents' representatives informed the Department that they had previously dismantled the air curtain incinerator and put the parts in storage.

6. Having reached a resolution of the matter, the Department and the Respondents mutually agree and it is,

ORDERED:

7. Commencing immediately upon the effective date of this Consent Order, the Respondents shall not re-construct or operate the Facility's air curtain incinerator within the wetland areas described in paragraph 4 of this Consent Order.

8. The Respondents must notify the Department in writing 15 days in advance of the air curtain incinerator being moved and re-constructed in an upland portion of its Facility. The air curtain incinerator must comply with Rule 62-296.401(7), F.A.C., to specifically include depth and width requirements.

9. The Respondents shall not re-construct the air curtain incinerator at a location outside of this Facility without having first obtained an appropriate Department Air Pollution Permit for the construction and operation outside of the Facility. The air curtain incinerator must comply with Rule 62-296.401(7), F.A.C., to specifically include depth and width requirements.

10. If Respondents obtain the permits described in paragraph 9 of this Consent Order or if Respondents relocate the air curtain incinerator to an upland portion of Facility as discussed in Paragraph 8, upon initial operation of the air curtain incinerator the Respondents shall conduct a DEP Method 9 Visible Emissions Observation in accordance with Rule 62-297.401, F.A.C. The Respondents shall notify the Department of the observation test, in writing, at least 15 days prior to the observation. The results of the observation shall be submitted to the Department within 7 days of the completion of the observation.

11. If the results of the observation referenced in paragraph 10 of this Consent Order do not demonstrate compliance with 62-296.401, F.A.C., and applicable permits, the Respondents shall notify the Department in accordance with paragraph 10, above, and immediately cease operation of the air curtain incinerator until repairs are made and the air curtain incinerator is retested to demonstrate compliance. Any retest must follow the procedures described in paragraph 10 of this Consent Order. The Respondents shall demonstrate compliance with Rule 62-296.401 F.A.C., and applicable permits prior to continued operation of the Facility's air curtain incinerator.

12. If Respondents' wish to use the rock crusher referenced in Paragraph 3 of this Consent Order, Respondents must submit an appropriate permit application for

Department consideration. The Respondents shall not operate the rock crusher without first having been issued an appropriate Department Air permit.

13. Respondents shall implement and complete the Restoration Actions listed below in the manner specified within 15 days of the effective date of this Consent Order:

a. Turbidity barriers such as staked hay bales and staked silt screen shall be installed at the edge of the Restoration Area, depicted in Exhibit A, to control turbidity during all restoration activities.

b. Remove all fill from within Restoration Area, depicted in Exhibit A, down to the natural, undisturbed, adjacent wetland grade. All fill removed from the restoration area shall be placed in a contained upland location which will not discharge to surface waters

c. Replant the Restoration Area, depicted in Exhibit A, with at least 80 (eighty): Sweet Gum (Liquidambar styraciflua), Red Maple (Acer rubrum), Sweet Bay (Magnolia virginiana), Blackgum (Nyssa sylvatica), Pond Pine (Pinus serotina) or Lobolly Bay (Gordonia lasianthus) in minimum one gallon container on 6 foot centers.

14. With the exception of the activities described in the Restoration Actions, effective immediately and henceforth, Respondents shall not conduct any dredging, filling, or construction activities on or within the landward extent of surface waters without first obtaining a valid Department permit or written notification from the Department that the activities as proposed appear to be exempt from Department permitting requirements.



15. Commencing immediately upon the effective date of this Consent Order, the Respondents shall operate the Facility according to the Landfill Operation Plan approved by the Department. The Operation Plan is contained in Attachment B of the document entitled *Supporting Documentation, General Permit Modification, Samsula Landfill, Volusia County, Florida, Permit No. SO64-275715*. Respondent shall take the necessary precautions to control any dust at the landfill as specified in Section 18.0, Page B1-2 of the Operation Plan. Respondents notified the Department on December 30, 1999 of its amendment to the Operation Plan, which notification changed its hours of operation to 6:00 a.m. to 6:00 p.m.

16. Respondents shall control access to the Facility during the hours that the facility is not operating. Respondents shall close and lock the gate when the facility is not in operation.

17. Respondents agrees to pay the Department stipulated penalties in the amount of \$200.00 per day for each and every day the Respondent fails to timely comply with any of the requirements of paragraphs 7-16 of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 20 days of written demand from the Department, Respondents shall make payment of the appropriate stipulated penalties to "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767. The Department may make demands for payment at any time after

violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

18. Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or

modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Meditation is not available to petitioners in this case.

19. Entry of this Consent Order does not relieve Respondents of the need to comply with the applicable federal, state or local laws, regulations or ordinances.

20. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

21. Respondents are fully aware that a violation of the terms of this Consent Order may subject Respondents to judicial imposition of damages, civil penalties up to \$10,000.00 per offense and criminal penalties.

22. Respondents shall allow all authorized representatives of the Department access to the property and Facility at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the rules and statutes of the Department.

23. All plans, applications, penalties, stipulated penalties, costs and expenses, and information required by this Consent Order to be submitted to the Department should be sent to Florida Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767.

24. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the

25. The Department, for and in consideration of the complete and timely performance by Respondents of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Consent Order. Respondents acknowledge but waive their right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this Consent Order. Respondents acknowledge their right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, but waive that right upon signing this Consent Order.

26. The provisions of this Consent Order shall apply to and be binding upon the parties, its officers, its directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

27. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both of the Respondents and the Department.

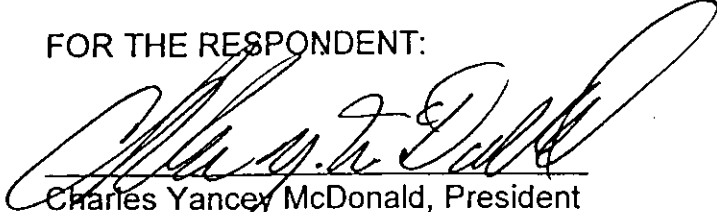
28. In the event of a sale or conveyance of the facility or of the property upon which the facility is located, if all of the requirements of this Consent Order have not been fully satisfied, Respondents shall, at least 30 days prior to a sale or conveyance of the property or facility, (1) notify the Department of such sale or conveyance, (2) provide the name and address of the purchaser, or operator, or person(s) in control of the facility, and (3) provide a copy of this Consent Order with all attachments to the new owner. The sale or conveyance of the facility, or the property upon which the facility is located shall not relieve the Respondents of the obligations imposed in this Consent Order.

29. This Consent Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Consent Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law.

30. This Consent Order is a final order of the Department pursuant to Section 120.52(7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with

Chapter 120, Florida Statutes. Upon the timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

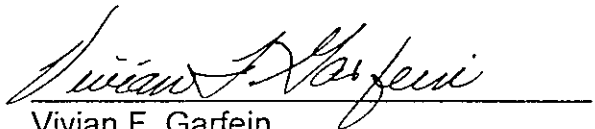


Charles Yancey McDonald, President  
Yancey's Land Clearing, Inc.  
Samsula Landfill, Inc.

2-18-00  
Date

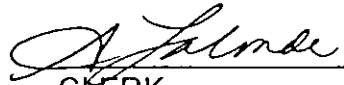
Done and ordered this 22nd day of February, 2000 in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Vivian F. Garfein  
Director of District Management  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

FILING AND ACKNOWLEDGMENT FILED,  
on this date, pursuant to §120.52, Florida  
Statutes, with the designated Department Clerk  
receipt of which is hereby acknowledged.

  
CLERK 2/22/00  
Date

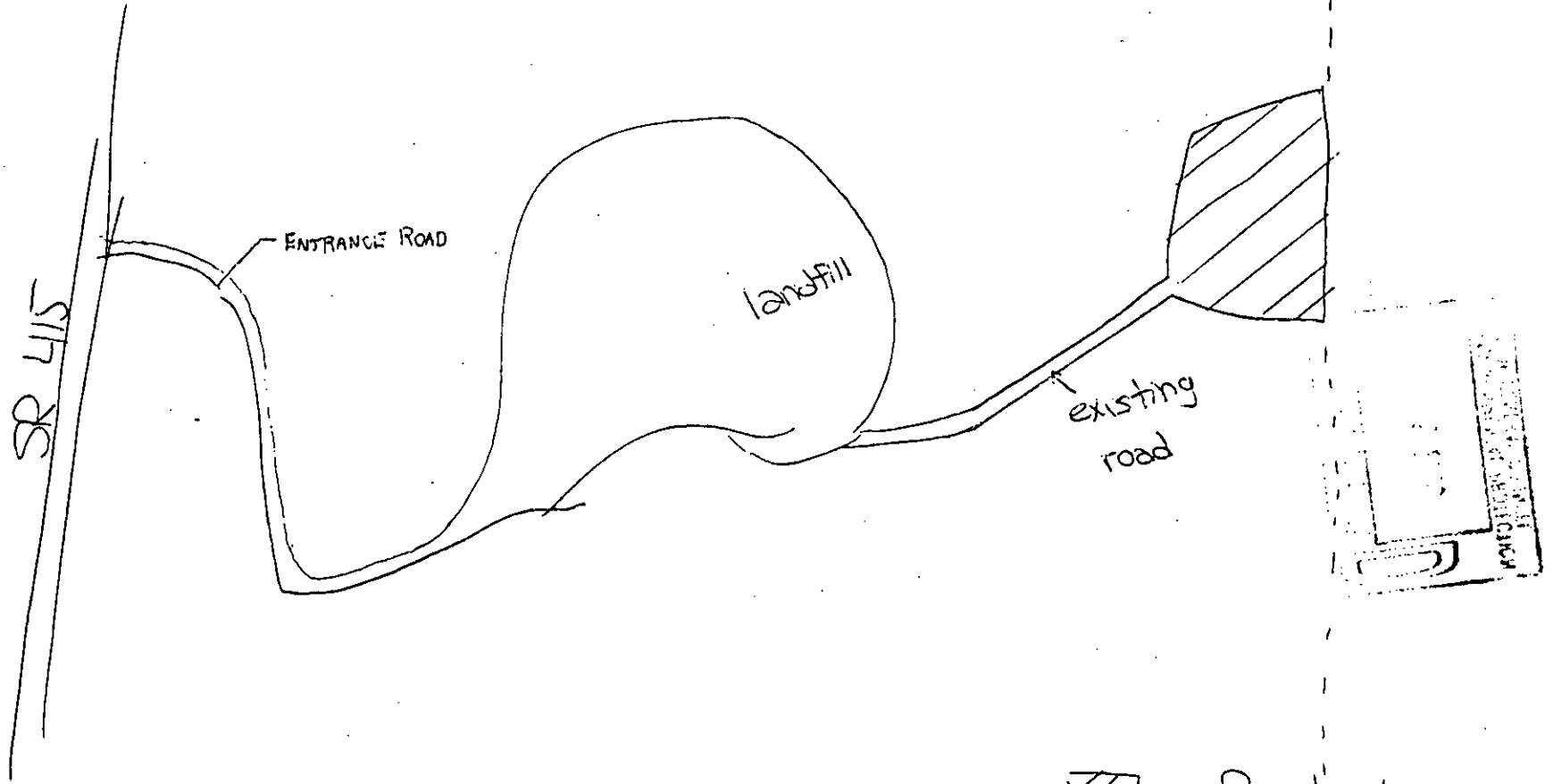
cc: Larry Morgan

Samsula Landfill  
OGC File

No. 00-0210

exhibit A

SR 415



 = Restoration Area  
APPROX SIZE: 1.7 ACRES

Not to scale - DIMENSIONS EXTRACTED FROM AERIAL PHOTO DATED 12/26/95

# INTEROFFICE MEMORANDUM

**Sensitivity:** COMPANY CONFIDENTIAL

**Date:** 14-Jul-2000 10:14am  
**From:** Caroline Shine ORL 407/893-333  
SHINE\_C@a1.deporl.dep.state.fl.us

**Dept:**  
**Tel No:**

**To:** CHIPS DOZER ( chipsdoz@bellsouth.net )  
**To:** Leonard Kozlov ORL ( KOZLOV\_L@a1.deporl.dep.state.fl.us )  
**To:** Trina Blakemore TAL ( BLAKEMORE\_T@a1.epic6.dep.state.fl.us )  
**To:** William Leffler TAL ( LEFFLER\_W@a1 )

**Subject:** Re: SAMSULA LANDFILL

Lori:

We have spoken with your attorney Al Ford regarding this matter, and DEP is continuing to investigate the matter. Al Ford has also spoken with the DEP attorney and permitting staff. At the enforcement recent meeting, Mike Stokes stated he has leased the equipment, no documentation provided. Prior to the meeting we requested that he bring operation records, which he did not provide. The meeting was fruitless at this point and will have to be rescheduled after review of the document.

The crusher has been dismantled from the Orange County location and it is not known to me where it is at this point.

We have spoken with Bill Leffler and updated him on our actions. The matter remains open and the DEP will take appropriate actions.

CAROLINE,

I SPOKE TO OUR ATTORNEY TODAY AND HE SAID THAT WILLIAM LEFFLER IN TALLAHASSEE IS IN THE PROCESS OF ORDERING A INTENT TO ISSUE PERMIT. I DON'T UNDERSTAND HOW THIS CAN HAPPEN... YANCEY IS UNDER A CONSENT ORDER NOT TO OPERATE THAT CRUSHER AND HAS BEEN OPERATING IT SINCE APRIL 17, 2000. NOW HE HAS MOVED THE CRUSHER TO ANOTHER LOCATION AND RUNNING IT. HE IS SAYING THAT HE HAS IT LEASED TO PATCO. THAT DOES NOT MATTER, OUR CRUSHER PERMIT IS ONLY FOR OUR CRUSHER. IT IS NONTRANSFERABLE AND THE FACILITY LOCATION IS LISTED... PLEASE LET ME KNOW AS TO WHAT CAN BE DONE SO THAT HE CAN BE MADE TO STOP OPERATION OF HIS CRUSHER... WHEN YOU E-MAILED ME ON 6/23/00 YOU SAID THAT SAMSULA HAD BEEN ISSUED A LETTER TO COME INTO THE OFFICE. WHAT WAS THE OUTCOME OF THAT MEETING ? AS I STATED BEFORE WHEN WE HAD THE MEETING WITH YOU, WE FOLLOWED YOUR INSTRUCTIONS AND SHUT OUR CRUSHER DOWN UNTIL THE PERMIT WAS ISSUED. WHY DOESN'T HE HAVE TO DO THE SAME ?

THANKS,



# INTEROFFICE MEMORANDUM

**Sensitivity:** COMPANY CONFIDENTIAL

**Date:** 13-Jul-2000 03:57pm

**From:** Leonard Kozlov ORL 407/894-755

KOZLOV\_L@a1.deporl.dep.state.fl.us

**Dept:**

**Tel No:**

**To:** See Below

**Subject:** Samsula Landfill Rock Crusher

Bruce,

I understand that Bill Leffler has placed on your desk the statewide rock crusher permit for issuance. There is I think about forty days left on the clock. Presently we have preliminary enforcement action with these folks because they are now traveling around different places operating with out a permit. After having a meeting with Vivian about these folks and their violations, she would like to hold up or possibly deny the permit. The permit is under the name of Samsula Recycling, Inc. The AIRS ID is 7775112. Please call me on this. Thanks

Len

**Distribution:**

<b>To:</b> Bruce Mitchell TAL	( MITCHELL_B@A1 )
<b>CC:</b> Alan Zahm ORL	( ZAHM_A@a1.deporl.dep.state.fl.us )
<b>CC:</b> Caroline Shine ORL	( SHINE_C@a1.deporl.dep.state.fl.us )
<b>CC:</b> William Leffler TAL	( LEFFLER_W@A1 )
<b>CC:</b> Jonathan Holtom TAL	( HOLTOM_J@A1 )
<b>CC:</b> Scott Sheplak TAL	( SHEPLAK_S@A1 )

**APPENDIX C - DUST SUPPRESSION PLAN**  
**SAMSULA RECYCLING, INC.**

1. **Crusher**
  - Crusher's spray bar and associated nozzles in the hopper will be maintained operational.
  - Water supply to be provided by tanker or hard piping to water supply prior to operating crusher.
  - Crusher will not operate if the spray bar/nozzles or other devices to apply water in the hopper are not functioning.
  - Water pressure to be maintained at least 135 psi to develop adequate misting and coverage.
  - Crusher operator will operate the crusher in a manner to minimize dust generation during crushing by controlling the flow of water to the spray bar/nozzles.
  
2. **Work Area**
  - A water truck or other water application system will apply water to the ground surface to minimize dust being generated from the delivery of concrete debris, from the loading of the crusher's hopper, from the conveying of processed materials, from stockpiling the processed materials, from loading the processed materials into trucks, and from the truck traffic hauling the processed materials.
  - Crusher operator will control the water application rate onto the ground surface to minimize dust generation from wind erosion and/or equipment traffic.
  - The crusher will not operate if dust suppression in the work area is not controlled.
  
3. **Processed Materials Conveyors**
  - Maintain the water spray equipment operational at the loading point of the processed material from the crusher onto the discharge conveyors (2).
  - Water supply to be provided by tanker or hard piping to water supply prior to operating crusher and conveyors.
  - Crusher will not operate if the spray bar/nozzles or other devices to apply water at the loading points of the discharge conveyors are not functioning.
  - Water pressure to be maintained at least 135 psi to develop adequate misting and coverage.
  - Crusher operator will control the flow of water to the spray bar/nozzles to maintain a relatively dust free working environment.
  
4. **Stockpiled Materials**
  - All stockpiles will be sprayed with water to minimize dust generation by wind erosion and/or the handling of the materials during loading operations.
  - Water supply to be provided by tanker or hard piping to water supply prior to operating crusher and conveyors.
  - Adequate spray heads will be provided for each stockpile and the water pressure will be maintained at least 135 psi to develop adequate misting and coverage.
  - Crusher operator will control the water application rate onto the stockpiles to minimize dust generation from wind erosion and/or loading operations.
  
5. **Exception**
  - Stockpiles and the work area watering can be suspended during rain events and subsequent to a rain event if dust is not being generated. Upon first notice of dust generation by wind erosion and/or equipment movement, water application will begin.



# Department of Environmental Protection

Jeb Bush  
Governor

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

David B. Struhs  
Secretary

AL FORD 407 772 2278  
TO: Bill Leffler SC 2926979 DATE: 7/11/00

DEPT: \_\_\_\_\_ FAX#: \_\_\_\_\_

Number of Pages: 4 (including cover page)

FROM: Caroline Stone

PROGRAM: AIR RESOURCES MGMT SECTION \_\_\_\_\_

TELEPHONE # 407-893-3333, 3334  
SC 325-3333, 3334

FAX #: 407-897-5963  
SC 342-5963

COMMENTS:

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"Protect, Conserve and Manage Florida's Environment and Natural Resources"

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# Department of Environmental Protection

Jeb Bush  
Governor

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

David B. Struhs  
Secretary

CERTIFIED LETTER  
7099 3400 0006 1320 1665

WARNING LETTER  
OWL-AP-00-489

Charles Yancey McDonald, President  
Samsula Landfill, Inc.  
2455 Tomoka Farms Road  
Daytona Beach, Florida 32124

Volusia County - AP  
Unpermitted Rock Crusher

Dear Mr. McDonald:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. Department inspections conducted on April 10, 17, and 25, 2000 of your rock crusher located at 2490 Country Club Road, Sanford, Seminole County, Florida County, Florida indicates that violations of Florida Statutes and Rules may exist at the above described facility. The following was observed:

The rock crusher previously cited in OWL-AP-00-468 as operating without a permit has been relocated to another location and is currently being operated without a permit.

Section 403.161(1)(b), Florida Statutes, provides that it shall be a violation of this chapter, and it shall be prohibited for any person to fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department pursuant to its lawful authority.

Section 403.087(1), Florida Statutes, provides that no stationary installation which will reasonably be expected to be a source of air or water pollution shall be operated, maintained, constructed, expanded, or modified without an appropriate and currently valid permit issued by the Department, unless exempted by Department rules.

Rule 62-4.030, Florida Administrative Code, General Prohibition, provides that any stationery installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, constructed, expanded, or modified without the appropriate and valid permit issued by the Department, unless the source is exempted by Department rule.

*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

*Printed on recycled paper.*

Charles Yancey McDonald  
OWL-AP-00-489  
Page Two

Rule 62-210.300, F.A.C. Permits Required provides: The owner or operator of any emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain an appropriate permit from the Department prior to beginning construction, modification, or initial or continued operation of the emissions unit unless exempted pursuant to Department rule or statute.

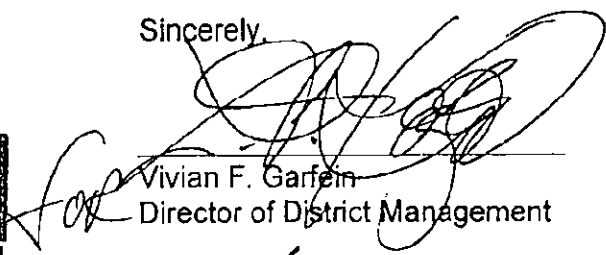
40 Code of Federal Regulation, Section 60.7 provides The owner or operator subject to the Provisions of this part shall furnish the Administrator written notification of the date construction of an affected facility is commenced postmarked not later than 30 days after such a date.

**Within fifteen (15) days receipt of this Warning Letter, please bring in work logs which identifies each day the crusher was in operation during calendar year 2000.**

The activities described in this letter, and any other activities at your facility that may be contributing to violations of the above described statutes or rules should be ceased. You are requested to contact Caroline Shine at 407-893-3336 or at the above address within fifteen (15) days receipt of this Warning Letter to arrange a meeting to discuss the matter. The Department is interested in reviewing 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 the matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

  
Vivian F. Garfein  
Director of District Management

Date 6-20-00

5991 02PT 9000 CTHE LANA

<b>U.S. Postal Service</b>	
<b>CERTIFIED MAIL RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
Article Sent To:	
<u>Charles Yancey McDonald</u>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here  
6/21

Name (Please Print Clearly, to be completed by addressee) <u>Samuel L. DOWL-00-489</u>
Street, Apt. No., or P.O. Box No. <u>Yule Co.</u>
City, State, ZIP+4

**Samsula Landfill, Inc.**

363 S.E. 413  
New Smyrna Beach, FL 32168

Phone 904-423-6769  
Fax 904-423-1436

Mr. Darryl Hickling  
P.O. Box 1031  
New Smyrna Beach, FL 32168

**Lease Agreement**

Samsula Landfill, Inc. proposes to lease Darryl Hickling, one Eagle 1200 Crusher for a price of \$7,000.00 per month. Said equipment will be maintained by Samsula Landfill, Inc.'s mechanics. Lessee will be responsible for fuel and daily lubrication of the equipment. Any failure due to abuse or abnormal operation of the equipment will be the sole responsibility of the lessee to bring back to new condition. Leaser has the option to take roadbase in trade for the lease amount at the price of \$5.00 per cubic yard. Samsula will give Mr. Hickling a 15 days notice when lease is up in the event Hickling is not done with equipment.

  
Michael Stokes-Samsula Landfill, Inc.

  
Darryl Hickling