

Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

Mr. Yancy McDonald  
363 State Road 415  
New Smyrna Beach, Florida 32168

OCD-SW-00-0270

Volusia County - SW  
Samsula Landfill  
Letter of Non-compliance

Dear Mr. McDonald:

On May 31, 2000, representatives of the Florida Department of Environmental Protection conducted a routine inspection at the above referenced facility to determine the status of compliance with the Department's solid waste regulations.

At the time of the inspection, the following deficiencies were observed.

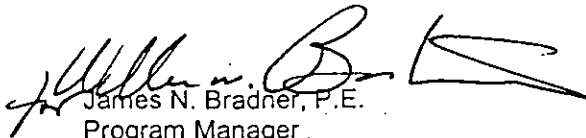
- Unauthorized items that need to be removed for proper disposal include three mattresses, one large stuffed animal, one projector, several computer monitors, one television, one tire, one automobile seat, two rolls of carpet, one bicycle, a few bags of yard trash, one patio umbrella, one full paint can, and one full load of mixed Class III waste items.
- There was no spotter on the working face.
- The north side needs to be worked to a 3:1 slope.

Therefore, the facility did not appear to be in compliance. A copy of the inspection report is enclosed for your review.

As discussed with Scott Haskins, a follow up inspection will be performed approximately two weeks from this last inspection date.

If you have any questions, please contact Jennifer Deal at (407) 893-3328.

Sincerely,

  
James N. Bradner, P.E.  
Program Manager  
Solid Waste

Date JUNE 8, 2000

JNB/jd  
Enclosure

cc: Danielle Marshall, Volusia County Environmental Management

"More Protection, Less Process"

Printed on recycled paper.



Jeb Bush  
Governor

# Department of Environmental Protection

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767  
April 13, 2000

David B. Struhs  
Secretary

Mr. Yancey McDonald  
363 State Road 415  
New Smyrna Beach, Florida 32168

OCD-SW-00-0180

Volusia County – SW  
Samsula C&D Landfill  
Letter of Non-Compliance

Dear Mr. McDonald:

On April 7, 2000, a representative of the Florida Department of Environmental Protection conducted a routine inspection at the above referenced facility to determine the status of compliance with the department's solid waste regulations. At the time of the inspection, the following were observed:

1. Water in the borrow pit used for waste disposal.
2. Three discarded boats in the disposal working face.

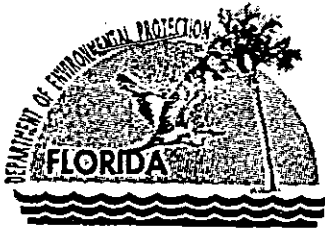
During a telephone conversation on April 10, 2000, Michael Stokes, the facility operator, informed us that the water was the result of a recent six-inch rainfall. He was informed that disposal of solid waste in water is prohibited, and that clean debris may be used as buffer between water and waste. Mr. Stokes agreed to remove the three boats for proper disposal.

A copy of the inspection report is enclosed for your review. We will appreciate your cooperation in promptly correcting the non-compliance items noted above. Please contact me at 407-893-3329 if you have questions or need further information.

Sincerely,

James N. Bradner, P.E.  
Solid Waste Program Manager

JNB/ll  
Enclosure



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

Mr. Yancy McDonald  
363 State Road 415  
New Smyrna Beach, Florida 32168

OCD-SW-00-0078

Volusia County - SW  
Samsula Landfill  
Letter of Non-compliance

Dear Mr. McDonald:

On January 6, 2000, representatives of the Florida Department of Environmental Protection conducted a routine inspection at the above referenced facility to determine the status of compliance with the Department's solid waste regulations.

At the time of the inspection, the following deficiencies were observed.

- Land clearing debris was being disposed in the filled dewatered pit. At the time of the inspection, the Department had not yet received a letter from Tom Bechtol stating that the ground elevation is now above the estimated maximum ground water elevation.
- Some Class III waste items were observed along the north slope of the landfill.
- Waste along the north slope needs to be pulled back to the proper limit, as indicated during the inspection.

Therefore, the facility did not appear to be in compliance. A copy of the inspection report is enclosed for your review.

If you have any questions pertaining to this matter, please contact Jennifer Deal at (407) 893-3328.

Sincerely,

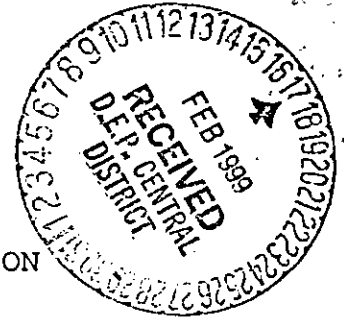
James N. Bradner, P.E.  
Program Manager  
Solid Waste

Date 2/22/2000

JNB/jd  
Enclosure

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

CERTIFIED:  
Z-461 771 748



BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

IN THE OFFICE OF THE  
CENTRAL DISTRICT

Complainant,

OGC FILE NO.98-2907

vs.

YANCEY LANDCLEARING INC.

Respondent.

---

CONSENT ORDER

This Consent Order is made and entered into between the State of Florida Department of Environmental Protection ("Department") and Yancey Landclearing Inc., ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

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 Chapter 403, Florida Statutes ( F.S.), and the rules promulgated thereunder in Florida Administrative Code (F.A.C.) Title 62. The Department has jurisdiction over the matters addressed in the Consent Order.

2. Respondent, is a person within the meaning of Section 403.031 (5), Florida Statutes.

3. Respondent owns and operates a Construction and Demolition Debris Disposal Site ("facility"). The facility is located at 363 State Road 415, approximately 2.5 miles South of the intersection of State Road 44 and State Road 415. Section 26, Township 17 South, Range 32 East, Latitude 28° 59' 24'' North, Longitude 81° 43' 10'' West, Volusia County, Florida. The site encompasses an area of 50.67 acres of which 15.74 is designated for disposal ("disposal area"). The site is more specifically described as:

Tract 9 and 10, except the North 1/4 east of State Road 415; and Tract 12, except the East of State Road 415, all in Block 3.

4. On September 7, 1995 the General Permit #S064-275715 was approved by the Department and is due to expire on September 9, 2000. On December 23, 1996 Rule 62-701.730 F.A.C., became effective requiring all Construction and Demolition Debris (C&D) Disposal Sites, to modify their general permit to include financial assurance and a groundwater monitoring plan by April 1, 1998. Respondent submitted a "Notification of Intent to Modify a General Permit for Construction and Demolition Debris Disposal Site." This notification (Permit Application #S064-0138211-001) was approved on May 20, 1998 with the conditions that financial assurance arrangement for the facility was to be made within 30 days of receipt of the approval letter and that the groundwater

monitoring plan (Permit Application SO64-0138211-002) remained under review.

5. On May 14, 1998 an inspection was conducted at the facility. During the course of the inspection the Department alleges that it observed landclearing debris being placed in a dewatered pit. Also, the Department alleges it observed that solid waste was disposed within 15 feet of wetlands on the east side of the disposal area.

6. On June 23, 1998, Respondent was notified by letter to cease disposal of the landclearing debris in the pit. On August 4, 1998, the Department alleges that a follow-up inspection at the facility indicated that the landclearing debris was again being disposed in the dewatered pit.

7. On August 19, 1998, a Warning Letter (OWL-SW-98-007) was issued to Respondent in which the Department alleged that Respondent had violated Rules 62-701.300 (2) (d) (f) and (g) by the disposal of landclearing debris in water and disposal of solid waste within 200 feet of a wetland.

8. Respondent and its representatives met with the Department on September 22, 1998, to discuss the above referenced Warning Letter and corrective actions.

9. THEREFORE, having reached a resolution of the matter Department and Respondent mutually agree and it is,  
ORDERED:

10. Subsequent to the meeting, an inspection conducted at the facility on January 18, 1999, indicated that the landclearing debris (solid waste) was removed from the dewatered pit which is

currently being filled with clean fill, consisting mainly of concrete. Respondent shall maintain a separation layer consisting of five feet of clean fill between the ground water and any solid waste placed in this area for disposal.

11. Immediately upon the effective date of this Consent Order and continuing thereafter, Respondent shall forthwith comply with all Department rules regarding solid waste management. Respondent shall implement the terms of this Consent Order within the time periods required below and shall thereafter remain in full compliance with all applicable rules in Chapter 62-701, F.A.C.

12. Respondent shall operate the facility according to the Department approved operations plan.

13. Within 30 days of the effective date of this Consent Order, Respondent shall submit a proposal addressing permanent leachate control methods on the east side of the disposal area adjacent to the wetlands in accordance with Rule 62-701.300(2)(g), F.A.C. The proposal ("Proposal") shall be prepared, signed, and sealed by a professional engineer, registered in Florida and shall demonstrate to the Department that permanent leachate control methods will result in compliance with water quality standards under Chapters 62-302 and 62-550, F.A.C.

*Complete*

14. Upon review of the Proposal the Department may request additional information. Any additional information shall be submitted to the Department within 30 days of receipt of the Department's written request. If additional information is not submitted in a timely manner, the Department will approve or deny

the proposal as submitted. Upon approval, the Proposal shall be incorporated herein and made part of this Consent Order and Respondent shall implement the conditions in the Proposal pursuant to the approved schedule.

15. If, upon review of the Proposal and any additional requested information, the Department determines that the objectives of Paragraph 13 have not been adequately addressed, the Department, at its option, may require Respondent to remove the waste a minimum distance of 200 feet from the edge of the wetlands.

2/15/99  
16. Within 30 days of the effective date of this Consent Order, Respondent shall submit proof of financial assurance issued in favor of the State of Florida, in the amount of the closing and long-term care cost estimates for the facility. Proof of financial assurance shall consist of one or more of the following instruments which, comply with the requirements of Rule 62-701.630(6) F.A.C.: trust fund, surety bonds guaranteeing payment; surety bonds guaranteeing performance; irrevocable letter of credit; insurance; and financial test and corporate guarantee.

17. Within 30 days of the effective date of the Consent Order, Respondent shall submit all information requested in the Department's April 27, 1998, incompleteness letter for the Permit Application, a true and correct copy of which is attached hereto as "Exhibit A". Upon review of the information, the Department may request additional information. Any additional information requested shall be submitted to the Department within 30 days of receipt of the Department's written request.



8/1/99  
18. Within 60 days of the approval of the groundwater monitoring plan, Respondent shall install the monitoring wells according to the approved plan.

8/11/99  
19. Within 70 days of the approval of the groundwater monitoring plan, Respondent shall conduct the first semi-annual sampling event, and shall submit the laboratory analytical report to the Department within 45 days of the first sampling event.

2/15/99 Done  
20. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department \$2040 in settlement of matters addressed in this Consent Order. The amount includes \$1540.00 in settlement of alleged violations of Chapter 403, Florida Statutes, and of Chapter 62-701, F.A.C., and \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the Department of Environmental Protection and shall include thereon the OGC No. 98-2907 assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund" (EMRTF). The payment shall be sent to the Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Orlando, Florida 32803-3767.

21. Respondent agrees to pay the Department stipulated penalties in the amount of \$200.00 per day for each and every day Respondent fails to timely comply with any of the requirements of

paragraphs 12, 13, 16, 17, 19 and 20 of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 30 days of written demand from the Department, Respondent 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." The 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. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in paragraph 20 of this Consent Order.

22. Respondent will remain liable to the Department for any natural resource damages resulting from the violations alleged herein and for the correction, control, and abatement of any pollution emanating from Respondent's facility.

23. If any event occurs which causes delay, or the reasonable likelihood of delay, in complying with the requirements or deadlines of this Consent Order, Respondent shall have the burden of proving that the delay was, or will be, caused by the

circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Economic circumstances shall not be considered circumstances beyond the control of Respondent, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department orally within 24 hours or by the next working day and shall, within seven days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay, and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of Respondent's right to request

an extension of time for compliance with the requirements or deadlines of this Consent Order.

24. 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 Section 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 60Q-2.010, Florida Administrative Code.

A person whose substantial interests are affected by the Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes.

Mediation is not available in this proceeding.

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

26. 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.

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

28. Respondent shall allow all authorized representatives of the Department access to the site at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the rules of the Department.

29. 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

Program Manager  
Solid Waste Section, Central District  
Florida Department of Environmental Protection,  
3319 Maguire Boulevard, Suite 232,  
Orlando, Florida 32803-3767.

30. 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 terms of this Consent Order.

31. Respondent waives its right to an administrative hearing afforded by Sections 120.569 and 120.57, Florida Statutes, on the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, but waives that right upon signing this Consent Order.

32. The Department, for and in consideration of the complete and timely performance by Respondent 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 Settlement Agreement. Respondent acknowledges but waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, but waives that right upon signing this Consent Order.

33. Nothing herein shall be construed to limit the authority of the Department to undertake any action against any settling Respondent in response to or to recover the costs of responding to conditions at or from the site that require Department action to

abate an imminent hazard to public health, welfare or the environment.

34. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, their 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.

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

36. This Consent Order is a settlement of the Department's civil and administrative authority arising from Chapters 403 and 376, Florida Statutes, to pursue the allegations addressed herein. This Consent Order does not address settlement of any criminal liabilities which may arise from Sections 403.161(3) through (5), 403.413(5), 403.727(3)(b), 376.302(3) and (4), or 376.3071(10), Florida Statutes, nor does it address settlement of any violation which may be prosecuted criminally or civilly under federal law.

37. If all of the requirements of this Consent Order have not been fully satisfied, Respondent shall, at least 14 days prior to a sale or conveyance of the property, (1) notify the Department of such sale or conveyance, and (2) provide a copy of this Consent Order with all attachments to the new owner.

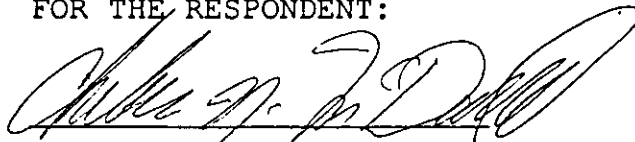


38. This Consent Order is a final order of the Department pursuant to Section 120.52(7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

DATE

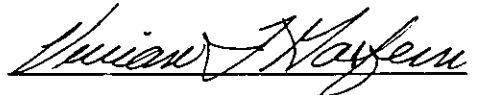
2-12-99



Yancey Landclearing, Inc.  
Yancey McDonald  
2455 Tomoka Farms Road  
Daytona Beach, Fl 32124

DONE AND ORDERED this 18<sup>th</sup> day of February, 1998<sup>9</sup>, in Orlando, Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



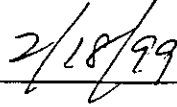
VIVIAN F. GARFEIN  
Director of District Management  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

FILING AND ACKNOWLEDGMENT

Filed, on this date, pursuant to Section 120.52 F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

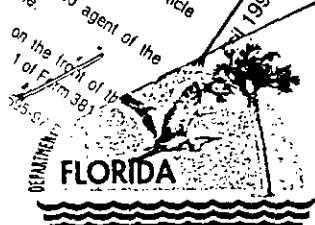


CLERK



DATE

cc: Al Ford, Office of General Counsel, FDEP  
Robert Riggio, Attorney



Department of  
Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

CERTIFIED:  
Z-470 718 137

Mr. Yancey McDonald  
2455 Tomoka Farms Road  
Daytona Beach, FL 32124

OWL-SW-98-0007

Volusia County - SW  
Samsula Landfill  
Warning Letter

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. Field inspections conducted on May 15, and August 5, 1998, at property located at 363 State Road 415, New Smyrna Beach Volusia County, Florida, 32168 indicated that violations of Chapter 403, Florida Statutes, and the rules promulgated thereunder, may exist at the above described location.

Department personnel observed the following at the above described location:

Disposal of land clearing debris, within a dewatered borrow pit.

Disposal of construction and demolition debris within 200 feet of a wetland area.

A review of the Department's files indicated that a request for additional information to process the groundwater monitoring plan has not been received as of this date.

It is a violation of Sections 403.161(1)(b), Florida Statutes, and Chapters 62-4 and 62-701, Florida Administrative Code, for any permittee to fail to comply with any permit issued by the Department.

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

Printed on recycled paper.

Further it is a violation to fail to comply with any rule or regulation adopted by the Department pursuant to its lawful authority.

The activities observed during the Department's field inspection or any other activities at your facility that may be contributing to violations of the above described statues or rules, should be ceased.

You are requested to contact Ms. Gloria-Jean De Pradine of this office at (407) 893-3328, within 10 days of receipt of this Warning Letter, to arrange a meeting to discuss this 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 this matter.

Please be advised that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes.

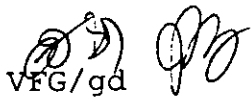
We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Vivian F. Garfein  
Director of District Management

Date: August 19, 1998



VFG/gd  
Enclosures

cc: Danielle Marshall - Volusia County

ATTACHMENT I

List of Potential Violations and Suggested Corrective Actions

1. Section 403.161(1)(b) Florida Statutes, (F.S.) and Rules 62-701.300(2)(d) and (2)(f) Florida Administrative Code, (F.A.C).

Potential Violation: Disposal of landclearing debris in a dewatered pit.

During the inspection on May 14, 1998, landclearing debris (solid waste) was observed in a pit that was being dewatered. The manager of the facility was notified verbally and by letter to cease disposal of the debris in the pit. However, during a follow-up inspection on August 5, 1998, this unauthorized activity was again observed.

Suggested Corrective Actions: Owner/operator shall remove the landclearing debris from the pit. In order to dispose of the landclearing debris in the pit, the seasonal high water table must be determined and 5 feet of clean fill be placed as a separation layer between the water table and waste.

2. Rules 62-701.300(1)(b), Section 403.161(1)(b), F.S.

Potential Violation: Storage and/or disposal of solid waste in a manner and location that causes water quality standards or criteria of receiving water to be violated.

Solid waste is disposed within 200 feet of a wetland and in a dewatered pit.

3. Rule 62-701.300(2)(g) F.A.C.

Potential Violation: Unauthorized storage and/or disposal of solid waste within 200 feet of a wetland.

Landclearing debris disposed within 50 feet of a wetland. On June 7, 1995, supporting documentation for the permit renewal application stated that C&D debris was placed within the 200 feet of the wetland, and that the existing debris would be removed and a 200 foot buffer of natural vegetation be created. However, this has not been done.

Suggested Corrective Action (Items 2 & 3 above): All solid waste shall be removed to a distance of 200 feet from the edge of the wetland and a minimum 200 foot buffer shall be maintained at all times.

4. Rule 62-701.730 (1)(a) (3) (a) F.A.C. and Section 120.60 (2), F.S

**Potential Violation:** Failure to provide a timely response to the Department's request for additional information needed to continue and complete processing of the ground water monitoring plan. Failure to provide ground water monitoring plan within 90 days of April 1, 1998.

On April 27, 1998, the Department sent you a letter (OCD-SW-98-0142) listing deficiencies in the hydrogeological investigation and the proposed ground water monitoring plan. Records indicate that you received the letter on April 28, 1998, and have not responded with the required information. More than 90 days have elapsed since the requirement for ground water monitoring became effective.

**Suggested Corrective Action:** Provide the information requested in the Department's letter (OCD-SW-98-0142) within 15 days of receipt of this letter.

The owner/operator shall schedule a meeting with the Department to discuss the potential violations listed above. It is recommended that your engineer of record be included in this meeting.

# COLELLA & ASSOCIATES, INC.

Engineers / Scientists / Contractors Solving Environmental Issues

May 25, 2000

Mr. William Leffler, P. E.  
Air Resources Management  
Florida Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

RECEIVED

Project No.: 00-110

MAY 26 2000

BUREAU OF AIR REGULATION

Additional Information Submittal  
Air Construction Permit Application  
Relocatable Concrete Crusher  
Samsula Recycling, Inc.  
New Smyrna Beach, Volusia County, Florida

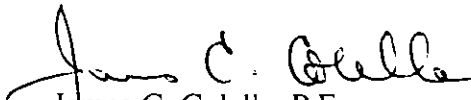
Dear Mr. Leffler:

Samsula Recycling, Inc. (Samsula) received and reviewed the February 21, 2000, letter from the Florida Department of Environmental Protection's (FDEP) requesting additional information to process the air construction permit application for the mobile crusher. Samsula directed Colella & Associates, Inc., to respond and provide the requested information. Per our conversation, each response is provided on a separate page. The FDEP letter is provided in Appendix A for reference as the FDEP requests will not be repeated herein. Tabs 1 through 13 provide the responses of the 13 FDEP questions.

Be advised that the mobile crusher when operating at the Samsula Landfill will be located in the southwest corner of the site as shown in Figure 1, at least 500-feet from any existing residential property.

If you have any questions or comments regarding the information presented herein, please call us at 904-322-9080.

Respectfully yours,  
COLELLA & ASSOCIATES, INC.

  
James C. Colella, P.E.  
Principal 41545  
2-5/16/00

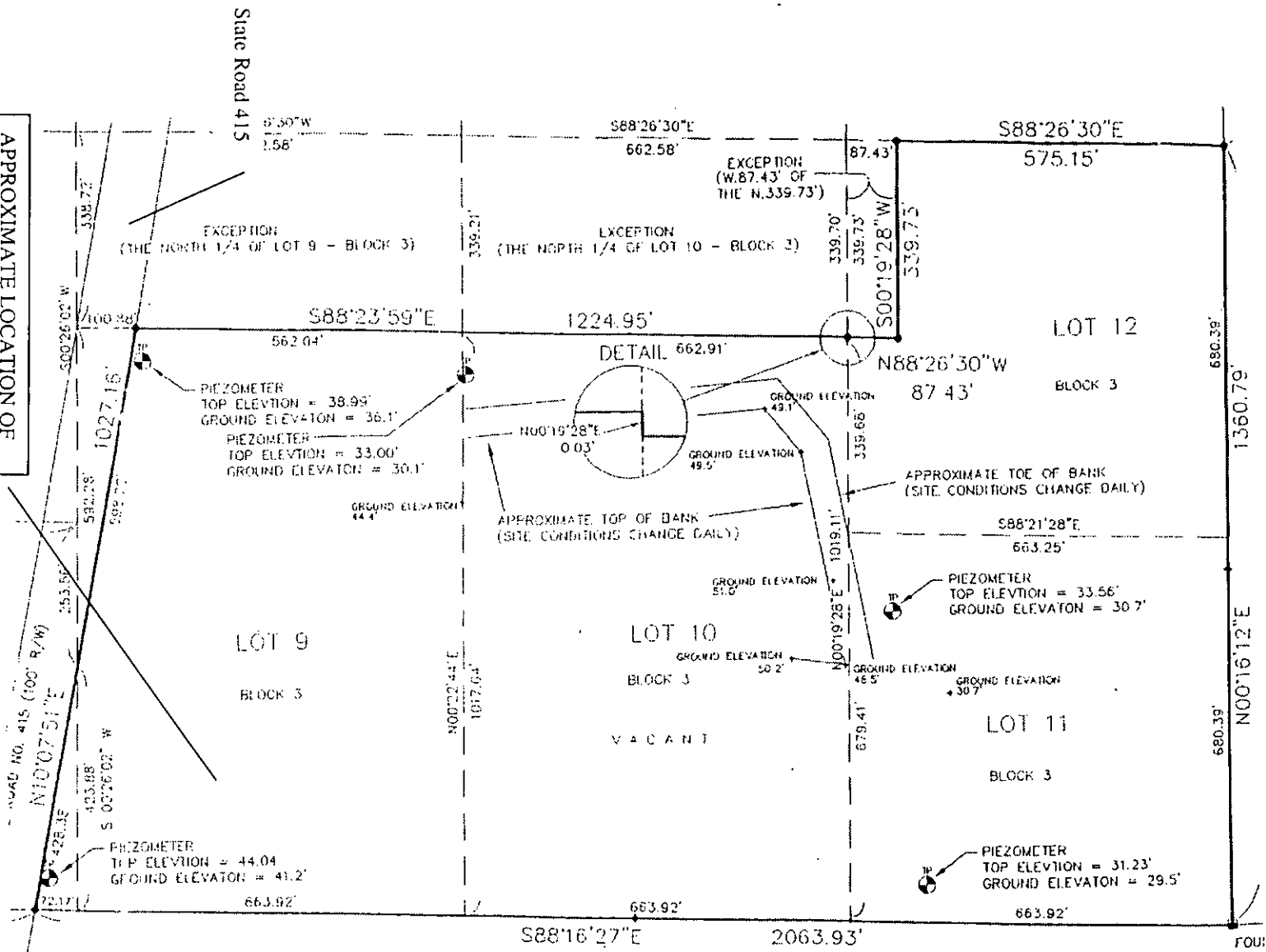
cc: Mr. Michael Stokes, Samsula Recycling, Inc.

ENCLOSURES

APPROXIMATE LOCATION OF THE PROPOSED CRUSHER AND STOCKPILING OPERATIONS

FIGURE 1  
SITE MAP & CRUSHER LOCATION

SAMSULA LANDFILL  
363 STATE ROAD 415  
NEW SMYRNA BEACH, FLORIDA  
COLELLA & ASSOCIATES, INC.



FOUR CORNER (CEP)  
SOU SEC TOU





APPENDIX A  
FDEP FEBRUARY 21, 2000 LETTER

**1. 40 CFR 60, SUBPART OOO**

Samsula Recycling, Inc. (Samsula) has made the assertion that the Eagle UltraMax 1200-25 Model crusher was not subject to Subpart OOO based on the through-put capacity (120-tons per hour) of the unit with the screens in-place. Samsula's operation generates a crushed aggregate within a specified gradation which requires the screens to be in-place and thus reduces the capacity of the crusher as identified by the manufacturer in the previous submittal in Appendix B. The crushed aggregate is the product that Samsula sells, and as such they would not operate the crusher without the screens.

Subpart OOO regulations indicate that if the crusher was mobile and did not exceed a capacity of 150-ton-per hour, the associated regulations would not be applicable. Based on the discussions FDEP staff and reviewing EPA's interpretation, the capacity of the crusher is the maximum capacity of the crusher without out any controls. Samsula's Eagle UltraMax 1200-25 crusher has a maximum capacity of 250-tons per hour. Eventhough the crusher has the greater capacity, the business only operates the equipment to generate and sell smaller aggregate that requires the screens which reduces the through-put to 120-tons per hour.

Samsula has not contacted nor has received correspondence from the EPA that support the conclusion that Subpart OOO is not applicable. Accordingly, Samsula will operate the crusher to not exceed the fugitive emission standards in 40 CFR 60.672(b) for conveyor transfer points and (c) for crusher operations. The fugitive emissions shall not exceed 10 and 15 percent opacity for the conveyor transfer points and crusher operations, respectively.

**2. Eagle UltraMax 1200-25 Crusher Information**

- (i). Rated Capacity of the Existing Facility being Replaced, tons per hour - N/A
- (ii). Rated Capacity of the Replacement Equipment, tons per hour - Crusher is new and has a capacity of 250 tons per hour .
- (iii). Date of Manufacture of the Crusher - 1996 Model.
- (iv). Crusher Through-put Verses Breaker Bar Spacing/Aggregate Size - The manufacturer does not have the requested information. The maximum capacity with no screens and the maximum bar spacing is 250 tons per hour. With the screens in-place and the bar spacing at the desired spacing for the product being produced by Samsula Recycling, Inc., the capacity of the crusher is 120 tons per hour.
- (v). Horsepower Applied Verses the Through-put Passing Each Screen - The crusher's horsepower can range from 228 to 305, but is always operated at 305, generating 1,800 rpm, to produce the desired product.

**3. Eagle UltraMax 1200-25 Screen Information**

- (i). Total Surface Area of Each Screen - 160 square feet (total); 80 square feet each (2 screens)
- (ii). Date of Manufacture of the Screens - 1996

**4. Eagle UltraMax 1200-25 Screen Cross Conveyor**

The screen cross conveyor can be reversed to direct the +1/2 diameter aggregate to a stock-pile. However, Samsula plans to operate the cross screen conveyor to discharge to the crusher return conveyor and install a water spray bar to minimize the generation of dust at the transfer points; conveyor to conveyor and conveyor to crusher hopper.

Air Construction Permit Application  
Relocatable Crusher  
Samsula Recycling, Inc.

## **5. Performance Tests**

No performance tests have been performed to date. Upon receipt of the air construction permit, Samsula Recycling, Inc., will conduct the necessary performance test(s) to demonstrate compliance within the stipulated schedule.

## **6. Materials to be Crushed**

Materials delivered to the crusher location will be inspected by a Samsula Recycling, Inc. (Samsula), representative for acceptance and crushing to minimize the potential of asbestos containing materials being crushed. The materials that Samsula plans to crush include:

- Concrete construction debris.
- Concrete from roads and bridge supports/abutments.
- Rejects from concrete block plants.
- Asphalt pavement.

Materials not to be crushed by Samsula include:

- Concrete pipes.
- Painted concrete blocks.
- Siding from buildings and houses.

## 7. Emissions from Internal Combustion Engine

The following table summarizes the emissions (particulates, volatile organic compounds and carbon monoxide), using EPA Publication AP-42, 5th Edition, from the internal combustion engine operating the crusher.

- Emission Point -- Diesel Exhaust (S01, see figure in Tab 9)
- SCC -- 2-02-001-02 and 203-001-01
- Reference for Emission Factor -- AP-42, 5th edition, Chapter 3.3, Table 3.3-1

### Emissions

A	B	C	D	E
Pollutant	Emission Factor (lb/hp-hr)	Annual Operation, Hours	Diesel Engine Horsepower	Annual Emissions, pounds (tons) (B x C x D)
NOx	0.031	5,824	305 at 1,800 rpm	55,066 (27.5)
CO	0.0068	5,824	305 at 1,800 rpm	12,080 (6.04)
SOx	0.00205	5,824	305 at 1,800 rpm	3,640 (1.8)
PM-10	0.0022	5,824	305 at 1,800 rpm	3,908 (1.95)
VOC	0.00247	5,824	305 at 1,800 rpm	4,388 (2.2)



**8. Eagle UltraMax 1200-25 Diesel Engine Fuel Consumption**

The permit application identified both diesel engines using a total of approximately 12-gallons of diesel. The loader also consumes approximately 6-gallons per hour No. 2 virgin diesel by actual measurements. 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.

The diesel engine of the crusher consumes approximately 6-gallons per hour of No. 2 virgin diesel (see specification sheet in Tab 11) by actual measurements.

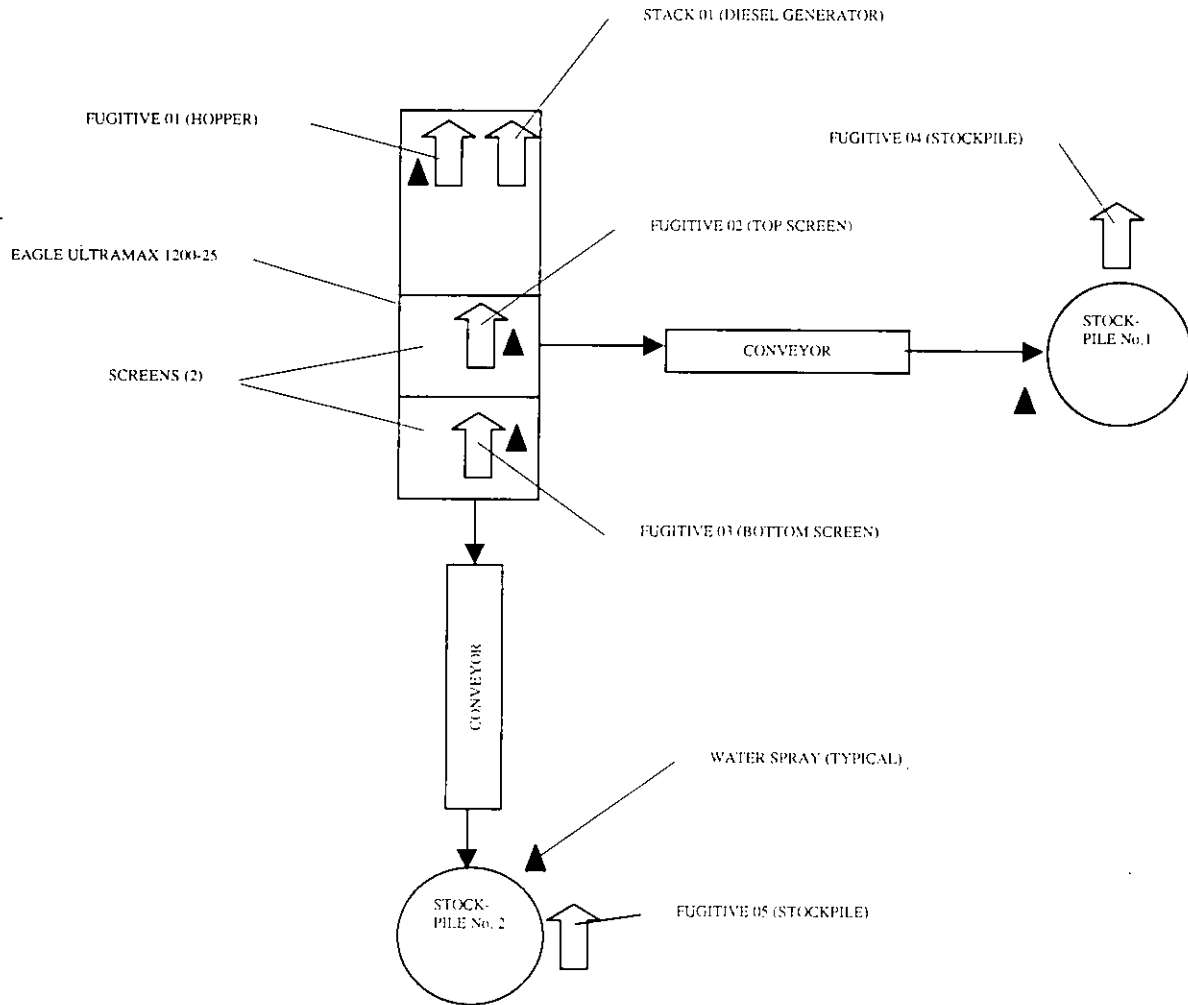
**9. Emissions from the Crusher**

The following table summarizes the particulate emissions, using EPA Publication AP-42, 5th Edition, from the operation of the crusher and conveyor transfer points.

- Emission Points -- Fugitive 01 through 03 (see figure in this tab)

**Crusher Operation (water suppression control provided at the hopper and at the two (2) conveyor transfer points)**

A	B	C	D	E	F	G
Emission Point	Location	SCC	AP-42, 5th Edition Emission Factor, pound/ton (Reference)	Production, tons/hour	Operation, hours/year	Emissions, pounds/year (tons/year) (D x E x F)
01	Crusher Hopper	3-05-020-01	0.0007 (Table 11.19.2-2)	250	5.824	1.020 (0.5)
02	Top Screen Conveyor	3-05-020-06	0.000048 (Table 11.19.2-2)	250	5.824	70 (0.035)
03	Bottom Screen Conveyor	3-05-020-06	0.000048 (Table 11.19.2-2)	250	5.824	70 (0.035)



**RESPONSE 9 FIGURE**  
**EMISSION POINTS & CONTROLS**  
 EAGLE ULTRAMAX 1200-25  
 SAMSULA LANDFILL  
 363 STATE ROAD 415  
 NEW SMYRNA BEACH, FLORIDA  
**COLELLA & ASSOCIATES, INC.**

### 10. Other Emissions

The following table summarizes the particulate emissions, using EPA Publication AP-42, 5th Edition, from the product stock piles. The emissions from the loader traffic and loader engine are insignificant as the loader will not be used continuously, only to feed the crusher hopper. In addition, the area surrounding the crusher operation will be maintained wet to minimize dust generation. See figure in Tab 9 for location of Fugitive Emission Points 04 and 05.

#### Stockpile (water suppression control)

A	B	C	D	E	F
Emission Point	Location	AP-42, 5th Edition Emission Factor, pound/ton (Reference)	Daily Stockpile, tons	Days of Stockpiling	Annual Emissions, pounds (tons) (C x D x E)
04	Stockpile No. 1	0.00137 (See 1. below)	4,000	365	2,000 (1)
05	Stockpile No. 2	0.00137 (See 1. below)	4,000	365	2,000 (1)

1. Chapter 13.2.4 of AP-42, 5th Edition. Equation (1) was used.

$$E = k (0.0032)(U/5)^{1.3}/(M/2)^{1.4}$$

where:

E = emission factor (pound per ton)

k = particle size multiplier (used 0.35 for 10 um)

U = mean wind speed (used 15 mph)

M = material moisture content (used 4.8 percent)



**AMERADA HESS CORPORATION  
#2 HEATING OIL  
SULFUR LIMITS BY STATE**

STATE	COUNTY or REGION	SULFUR LIMIT, Wt. %
CT	Statewide	0.3
DE	Statewide	0.3
FL	Statewide	0.5
GA	Statewide	0.5
MA	Statewide	0.3
MD	Statewide	0.3
MS	Statewide	4.5 (1,2)
NC	Statewide	0.5
NH	Statewide	0.4
NJ	Passaic, Bergen, Morris, Essex, Hudson, Union, Somerset, Middlesex, Monmouth, Mercer, Burlington, Camden & Gloucester	0.2
	Ocean, Atlantic, Cape May, Cumberland, Sussex, Warren, Hunterdon & Salem	0.3
NY	New York City	0.2
	Nassau, Rockland & Westchester	0.37
	Erie County, City of Lackawanna & So. Buffalo	1.1 (2)
	Suffolk County towns of Babylon, Brookhaven, Huntington, Islip & Smithtown	1.0 (2)
	Remainder of State	1.5 (2)
PA	City of Philadelphia	0.2
	Southeast PA Air Basin - inner zone	
	Southeast PA Air Basin - outer zone	0.3
	Allentown-Bethlehem-Easton, Erie, Harrisburg, Johnstown, Lancaster, Reading, Scranton-Wilkes-Barre, Upper Beaver Valley & York Air Basins	
	Allegheny County, Lower Beaver Valley & Monongahela Valley Air Basins: non-air basin areas	0.5
RI	Statewide	1.0 (2)
SC	Statewide	0.5
VA	Arlington, Fairfax, Loudoun, Prince William	1.0 (1,2)
	Remainder of State	2.5 (1,2)
VT	Statewide	2.0 (2)

(1) Equivalent fuel sulfur content based on SO<sub>2</sub> emission limits.

(2) ASTM D396 0.5% max. sulfur limit will govern.

**AMERADA HESS CORPORATION  
MARKETING SPECIFICATION  
#2 Heating Oil**

Test	ASTM Method	Typical	Minimum	Maximum
Gravity, API @ 60°F	D - 1298	31.0	30.0	-
Appearance (1)	-	Passes	Dyed red (1)	-
Corrosion, 3 hrs. @ 122°F	D-130	1	-	3
Flash Point, °F	D - 93	150	125	-
Water & Sediment, Vol.%	D - 1796	Nil	-	0.05
Cloud Point, °F	D - 2500	+15	-	+24
Pour Point, °F	D - 97	0	-	+10
Sulfur, Wt.%	D - 4294	0.14	-	See Table
Viscosity, cSts @ 40°C	D - 445	3.1	1.9	3.4
Viscosity, SSU @ 100°F	D - 88	37.0	32.6	37.9
CCR, 10% Btms, Wt.%	D - 4530	0.12	-	0.35
Ash, Wt.%	D - 482	<0.001	-	0.01
Distillation, °F	D - 86			
90% Recovered		630	540	640

This product will meet ASTM D-396 specifications for No. 2 Fuel Oil.

(1) Meets EPA and IRS requirements for red dye concentration.

Post-It® Fax Note	7671	Date	5/25/00	# of pages	2
To	Jim Colella	From			
Co./Dept.		Co.			
Phone #	904 322-9080	Phone #	800 437 7872		
Fax #	0068	Fax #			

## 12. Product Production

Samsula Recycling, Inc. (Samsula), expects to generally have a continuous production based on the current market, but production will be based on availability of material to crush and the need of crushed aggregate.

Samsula does not have or currently plan to incorporate a production weighing scale. Samsula plans to maintain a daily log of the following to demonstrate that the crusher is not operating beyond its capacity.

- Date and Hours of the Crusher Operation (start and stop).
- Total Hours of the Crusher Operation.
- Estimation of stockpiled crushed materials prior to operating crusher each day.
- Number of Trucks transporting crushed product from the site and an estimation of the respective tonnage.
- Estimation of stockpiled crushed materials at the of each day.
- Process Weight per Day -- [Stockpile (Startup) - Stockpile (Shutdown)] + Tonnage of Product Hauled off-site. If the stockpile tonnage results in a negative number for the day, the value will be added to the tonnage hauled to represent the actual tonnage processed. If the stockpile tonnage results in a positive number, the value will not be added to the tonnage hauled to represent the actual tonnage processed.
- Crusher Capacity - To verify that the crusher capacity of 250 tons per-hour is not exceeded, the process weight per day will divided by the hours of crusher operation and logged.

Other operating information to be collected and maintained include:

- Water pressure to the spray heads.
- Daily fuel used by the crusher's engine.
- Water truck operation (hours of operation, start and stop times).
- Maintenance performed on crusher.
- Reason water truck was not operating.



Air Construction Permit Application  
Relocatable Crusher  
Samsula Recycling, Inc.

### **13. Time Meter**

Samsula Recycling, Inc., has an electrical cumulative running hour meter on their Eagle UltraMax 1200-25 crusher.

# INTEROFFICE MEMORANDUM

**Date:** 08-May-2000 04:35pm  
**From:** James C Colella  
JCBJCOLELLA-CAI@prodigy.net  
**Dept:**  
**Tel No:**

**To:** William Leffler TAL 850/488-1344 22 ( William.Leffler@dep.state.fl.us )

**Subject:** Re: Samsula Recycling, Inc

Bill

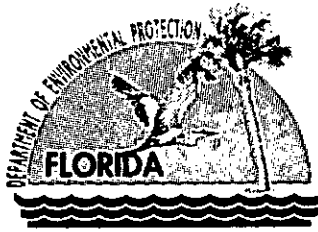
Have not received copies of similar air construction permit applications for similar crushers as we discussed a week or so ago. Just a reminder. Thanks  
Jim Colella

----- Original Message -----

From: William Leffler TAL 850/488-1344 222-3146 (home)  
<William.Leffler@dep.state.fl.us>  
To: <jcbjcolella-cai@prodigy.net>  
Sent: Friday, April 21, 2000 2:22 PM  
Subject: Samsula Recycling, Inc

> Our request for additional information is attached. Mailed today.  
>

*copy of manuals —*



Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

David B. Struhs  
Secretary

May 15, 2000

James Colella PE  
Colella and Associates, Inc  
805 Smokerise Boulevard  
port Orange, Florida 32127

Re Samsula Recycling, Inc

Enclosed is a copy of a recently issued air construction permit for a concrete crusher similar to that owned by your client. We are constantly revising the language of these permits to better express the intent and limitations of the law and regulations currently in effect, so there may be some minor editorial changes.

I call to your attention the general conditions ( the last three pages of the permit) [The permit] does not authorize any injury to public or private property or any invasion of personal property rights, nor any infringement of federal, state or local laws or regulations (G3) these general conditions also leave your client with responsibility for any injury or harm to human health or welfare, animal or plant life...(G5).

I understand that you have nearly completed the request for additional information. When this information arrives, we will restart the clock and continue processing the application on its technical merits.

Should there be any futher questions please call me at 850 921 9522.

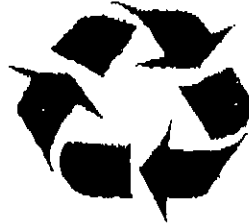
Sincerely,

William Leffler PE  
Permit Engineer

*"More Protection, Less Process"*

*Printed on recycled paper.*

SAMSULA LANDFILL, INC.  
 363 S.R. 415  
 NEW SMYRNA BEACH, FL 32168  
 PHONE: 904-423-6769  
 FAX: 904-423-6769 (MUST CALL FIRST)



FAX COVER SHEET

DATE: 5-12-00 TOTAL NUMBER OF PAGES: 5

SEND TO: William Leffler

ATTENTION: \_\_\_\_\_

FAX NUMBER: 850-922-6979

FROM: Mike Stokes

COMMENTS:

MR Leffler,  
Here's just a small amount of evidence of harassment  
from the County. It clearly shows how the violations  
started pouring in Aug. 98, when they found out we weren't  
going out of business from there rate decrease in Jan. 98.  
All violations are either dismissed or tied up in litigation.  
If I can help you with anything, give me a call.

Thanks,  
Mike Stokes

makers are embarking on a waste issues new legislative session — "I intend to hit the ground running," said Rooney, who is

The company was to have started service Jan. 1, but BFI balked because of unspecified

The contract was awarded to BFI Dec. 10, said Postal Service spokeswoman Diane Todd, but she could not provide details

not honor the deal, the incumbent contractor, Rutigliano Paper Stock Inc., had gone to court to block the award because

# WASTE NEWS™

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from product design to disposal and recovery

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January 19, 1998

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## Enviro equity lawsuits target sites

Latino advocates sue USA, county

By Mary Greczyn



Title VI complaints

(Jan. 5, 1997)

The U.S. Environmental Protection Agency is investigating

Federal decision focuses on site impact, not intent

By Mary Greczyn



## County of Volusia, Florida

Date: February 15, 2000

## AGENDA ITEM

Page 2 of 3

Subject: Yancey McDonald's Non-Conforming  
Landfill Report

Service Center/Group: GMES/Growth Mgmt.  
Activity: Administration  
File No: GM-ADM-00-021

## Part I Non-Conforming Status

- April 16, 1991 Mr. Clyde Hart requests confirmation of a non-conforming landfill on ±400 acres located on the east side of S.R. 415, approximately 1.25 miles south of S.R. 44 (Map 1).
- May 02, 1991 The County Zoning Enforcement Official (ZEO) makes a determination that the landfill is not a non-conforming use and is, therefore, in violation of Volusia County Zoning Ordinance.
- January, 1992 Code Board upholds ZEO determination.
- June 09, 1992 Judge McFerrin Smith rules that the ZEO applied an unconstitutional standard in considering Mr. Hart's application for a non-conforming use. The Judge ordered the ZEO to apply the competent and substantial evidence standard of proof in making a non-conforming determination. The ZEO applies the competent and substantial evidence standard of proof and determines that ±145 acres is a non-conforming landfill (Map 2). In addition the ZEO's determination includes the following stipulations:
- A 50-foot wide natural landscape buffer along the entire east boundary of the site.
  - A 100-foot wide natural landscape buffer located along the entire north boundary of the site.
  - The subject landfill can only receive materials currently authorized under the State Department of Environmental Regulation Notification of Intent.

## Part II Code Violation Status

- August 24, 1998 Mr. Yancey McDonald, owner of Yancey's Landfill (Map 3), was cited for a violation for constructing a building without permits and inspection approvals.
- November 18, 1998  
February 17, 1999  
April 21, 1999 Code Board continues case on these dates due to ongoing discussions with Mr. McDonald's attorney, Jim Morris, regarding the status of the nonconformity and options for coming into compliance.
- April 16, 1999 Mr. Morris submits a variance application for construction of the additional building. The application was not accepted by the ZEO. The ZEO determined it is not eligible for a variance because the County Zoning Ordinance, Section 600.02(c), prohibits the construction of a structure in conjunction with a nonconforming use and Section 1003.03 does not authorize variances for additional buildings in conjunction with non-conforming uses.
- June 16, 1999 Mr. Morris appeared before the Code Board and testified that he will apply for a Special Exception to legitimize the landfill.
- August 19, 1999 Mr. McDonald was cited for having an air-curtain incinerator without an approved Special Exception.

## County of Volusia, Florida

Date: February 15, 2000

## AGENDA ITEM

Page 3 of 3

Subject: Yancey McDonald's Non-Conforming  
Landfill Report

Service Center/Group: GMES/Growth Management  
Activity: Administration  
File No: GM-ADM-00-021

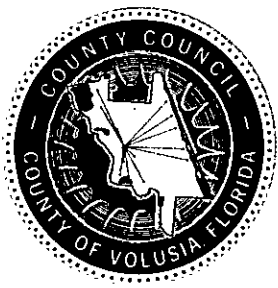
## Part II Continued

- September 15, 1999 Code Board cancels their meeting due to Hurricane Floyd and continues the case until October 6, 1999.
- September 20, 1999 Mr. Morris files a Special Exception application for a landfill and air curtain incinerator.
- November 09, 1999 Planning and Land Development Regulation Commission approves landfill Special Exception.
- November 11, 1999 Notice of Appeal filed on landfill Special Exception approval to County Council.
- December 05, 1999  
December 11, 1999  
January 19, 2000 Code Board continues case due to processing of the Special Exception appeal.
- January 03, 2000 Barry Appleby, County Environmental Manager, notifies Mr. McDonald that certain provisions of the County's Noise Ordinance may be violated and, if violation is not resolved, it will be referred to Code Board. Noise violations under review are the result of the use of a rock crusher.
- January 20, 2000 At County Council Appeal Hearing, Mr. Morris withdraws Special Exception application on behalf of his client, Mr. McDonald.
- February 02, 2000 Code Board hearing determines building to be in noncompliance for failure to obtain building permits and inspection approvals, and hearing to impose fines scheduled for March 15, 2000
- February 10, 2000 Randy Sleister, County Environmental Manager, refers wetland violation to Code Board.

DS:nab:cb

g:\admin\wp0000\agendadm00021





# County of Volusia

Environmental Management Services Group

123 West Indiana Avenue

DeLand, Florida 32720

April 28, 2000

RECEIVED

MAY 01 2000

BUREAU OF AIR REGULATION

Mr. William Leffler, P.E.  
Air Permitting Engineer  
Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Dear Mr. Leffler:

Volusia County staff have reviewed the Air Construction Permit Application for a mobile concrete crusher, operated by Samsula Recycling, Inc, prepared by Colella & Associates, Inc. Staff have a number of concerns regarding this equipment and would like to provide the following comments on the record for your consideration as part of the permitting process.

1. There has been no demonstration to the County that the crusher can legally be located at the proposed site. This landfill is designated a non-conforming use under the County Zoning Ordinance, which prohibits any expansion of the use at this site. You should not permit any facility that violates local land use regulations. The land use Issue should be resolved prior to any permitting decision by the state.
2. The permit application contained inaccurate information: the crusher was operational in December 1999, not February 2000 as stated. Our Environmental Office received a noise complaint from the Bakers on 12/29/99 and performed the first noise measurement on 12/30/99. A Notice of Violation went out 1/3/2000, since the equipment was in violation of our local noise regulation.
3. Nothing in the application addresses noise emissions or noise control measures. Although noise level is not considered an issue for the air permit, the State Constitution says that citizens are entitled to peace and quiet; that basic right, as excerpted from the Constitution below, should be addressed as part of the application.

#### **SECTION 7. Natural resources and scenic beauty.—**

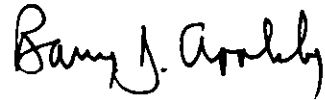
(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the conservation and protection of natural resources.



4. The equipment is rated at 200 tons per hour, yet the application says it will only be operated at 120 tons per hour, thereby qualifying for an exemption from 40 CFR 60.670, which requires additional controls if 150 tons or more per hour are processed. How will the capacity be restricted to ensure the 120 tons per hour is not exceeded and how will it be enforced?
5. The stated hours of operation are excessive. The landfill itself is not open that number of hours. The hours should be reduced and the calculations for the various emissions re-done. Because of the likelihood of nuisance complaints, the crusher should operate only 8 hours per day, 5 days per week.
6. This equipment was in violation of the County's Noise Ordinance when it was located in the NW part of the landfill, in or adjacent to the landscape buffer and within 100 yards of the Baker property. The application should detail the specific site on the property where the crusher will be located and demonstrate compliance with the Noise Ordinance.
7. The permit should require all equipment to be operated in accordance with manufacturer's specifications, including exhaust controls, mufflers and safety provisions.
8. The permit should require engineered controls to address vibration problems generated by the operation of the crusher.
9. Since this is used equipment, DEP should perform an operational inspection on the equipment to verify that all components are present, in acceptable condition and functioning in accordance with specifications. This should include the dust suppression system and noise abatement measures, which the manufacturer says comes with the apparatus.
10. There are questions regarding this facility/equipment being designated portable as opposed to stationary. How often will it have to move to be considered portable and how long can it remain at one site to be considered portable. Who will track and enforce these requirements?
11. This landfill is currently under a consent order with DEP for violations. The landfill has existing violations before the County Code Enforcement Board. If an applicant has a history of violations and non-compliance with local and state rules, do you have the flexibility to deny the permit application based on a history of non-compliance?

We appreciate the opportunity to comment on this permit application. Please send a copy of your letter of intent when it is available, in case we decide to contest or pursue an administrative hearing to formulate permit stipulations. If additional information is desired, please let me know.

Sincerely yours,

A handwritten signature in black ink that reads "Barry J. Appleby". The signature is written in a cursive style with a large initial 'B' and 'A'.

Barry J. Appleby, Manager  
Pollution Control Activity

cc: Legal Department  
Danielle Marshall