



FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FLORIDA 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

October 6, 2021

Dennis Jenkins, Authorized Agent
Marion Tree Trimming
1400 NW 18th Street
Ocala, FL 34475
mariontree@yahoo.com

Re: Compliance Assistance Offer
Marion Tree Trimming
SW Facility ID #95242
Marion County

Dear Mr. Jenkins:

An inspection was conducted at your property on August 16, 2021. During this inspection, potential non-compliance was noted. The purpose of this letter is to offer compliance assistance as a means of resolving these matters.

Specifically, potential non-compliance with the requirements of Chapter 403, Florida Statutes and Chapters 62-701 and 62-709, Florida Administrative Code were observed. Please see the attached inspection report for a full account of Department observations and recommendations.

We request you review the items of concern noted and respond in writing within **30 days** of receipt of this Compliance Assistance Offer. Your written response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a schedule describing how/when the issue will be addressed. Please see page five of the attached inspection report for corrective action required.
2. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for the case manager to visit your facility to discuss the items of concern.

It is the Department's desire that you are able to adequately address the aforementioned issues so that this matter can be closed. Your failure to respond promptly may result in the initiation of formal enforcement proceedings.

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Please address your response and any questions to Amada Fernandez of the Central District Office at 407-897-4159 or via e-mail at Amada.M.Fernandez@floridadep.gov. We look forward to your cooperation with this matter.

Sincerely,

A handwritten signature in cursive script that reads "David S. Smicherko".

David Smicherko, Manager
Central District
Florida Department of Environmental Protection

Enclosures: Inspection Report

cc: Amada Fernandez, FDEP



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name: MARION TREE TRIMMING
On-site Inspection Start Date: 08/16/2021
On-site Inspection End Date: 08/16/2021
WACS No.: 95242
Facility Street Address: 1400 NW 18TH STREET
City: OCALA
County Name: MARION
Zip: 34475

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Amada M Fernandez, Inspector

Other Participants: Anthony Lafon, Environmental Specialist; null, null;

INSPECTION TYPE:

Follow-up Operation Inspection for WPF - Source-Separated Organics Proc Fac (SOPF)

ATTACHMENTS TO THE INSPECTION CHECKLIST:

This Cover Page to the Inspection Checklist may include any or all of the following attachments as appropriate.

Note: Checklist items with shaded boxes are for informational purposes only.

10.0 - SECTION 10.0 - REGISTERED SOURCE-SEPARATED ORGANICS PROCESSING FACILITIES

MARION TREE TRIMMING

Inspection Date: 08/16/2021

10.0 - SECTION 10.0 - REGISTERED SOURCE-SEPARATED ORGANICS PROCESSING FACILITIES**Requirements:**

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

FACILITY TYPE(S)	MATERIAL(S) PROCESSED	PRODUCTS	METHOD OF COMPOSTING
<input type="checkbox"/> Yard Trash Transfer Station	<input checked="" type="checkbox"/> Yard Trash	<input checked="" type="checkbox"/> Mulch	<input type="checkbox"/> Windrow
<input checked="" type="checkbox"/> Yard Trash Recycling	<input type="checkbox"/> Manure	<input type="checkbox"/> Firewood	<input type="checkbox"/> Passive aerated windrows
	<input type="checkbox"/> Animal byproducts	<input type="checkbox"/> Fuel	<input type="checkbox"/> Aerated static piles
	<input type="checkbox"/> Pre-consumer vegetative waste	<input type="checkbox"/> Compost	<input type="checkbox"/> In-vessel composting
	<input type="checkbox"/> Vegetative waste	<input type="checkbox"/> Soil Amendment	
		<input type="checkbox"/> Soil	
		<input type="checkbox"/> Other	

Item No.	REQUIREMENTS AND PROHIBITIONS APPLICABLE TO ALL REGISTERED SOURCE-SEPARATED ORGANICS PROCESSING FACILITIES	Ok	Not Ok	Unk	N/A
10.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted or registered solid waste management facility or other exempt facility? 62-701.300(1)(a)	✓			
10.2	Have objectionable odors been caused or allowed in violation of Chapter 62-296, F.A.C.? 62-709.300(7)(a)	✓			
10.3	Unauthorized storage or processing in a way or location that violates air quality or water quality standards? 62-709.300(7)(b), 62-701.300(1)(b)	✓			
10.4	Do geological formations or subsurface features provide support for the facility? 62-709.300(7)(b), 62-701.300(2)(a)	✓			
10.5	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e), 62-709.320(3)	✓			
10.6	Unauthorized storage or processing in any natural or artificial water body (e.g. ground water and wetlands within DEP jurisdiction)? 62-709.300(7)(b), 62-701.300(2)(d)	✓			
10.7	Unauthorized storage or processing on the right of way of any public highway, road, or alley? 62-709.300(7)(b), 62-701.300(2)(f)	✓			
10.8	Unauthorized open burning of solid waste except in accordance with Department requirements? 62-709.300(7)(b), 62-701.300(3)	✓			
10.9	Unauthorized incorporation of CCA treated wood into material that will be applied as a ground cover, soil or soil amendment? 62-709.300(7)(b), 62-701.300(14)	✓			
10.10	Unauthorized unconfined emissions of particulate matter in violation of paragraph 62-296.320(4)(c), F.A.C.? 62-709.300(7)(b), 62-701.300(15)	✓			
10.11	Does the facility have the necessary operational features and equipment - unless otherwise specified? Including: 62-709.320(2)(a)				
10.11.1	Effective barrier to prevent unauthorized entry and dumping? 62-709.320(2)(a)1		✓		
10.11.2	Dust and litter control methods? 62-709.320(2)(a)2	✓			
10.12	Does the facility have the necessary fire protection and control provisions to deal with accidental burning of solid waste? Including 62-709.320(2)(a)3				
10.12.1	20-foot all-weather access road all around the perimeter? 62-709.320(2)(a)3.a.		✓		
10.12.2	No material mechanically compacted? 62-709.320(2)(a)3.b.	✓			

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Item No.	REQUIREMENTS AND PROHIBITIONS APPLICABLE TO ALL REGISTERED SOURCE-SEPARATED ORGANICS PROCESSING FACILITIES	Ok	Not Ok	Unk	N/A
10.12.3	No material more than 50 feet from access by motorized firefighting equipment? 62-709.320(2)(a)3.c.		✓		
10.13	Is the facility operated in a manner to control vectors? 62-709.320(2)(b)	✓			
10.14	Is the facility operated in a manner to control objectionable odors per with Rule 62-296.320(2), F.A.C.? 62-709.320(2)(c)	✓			
10.15	Are any installed drains and leachate or condensate conveyances kept cleaned? 62-709.320(2)(d)				✓
10.16	Is the received solid waste processed timely as follows? 62-709.320(2)(e)				
10.16.1	Is yard trash size-reduced or removed within 6 months or time needed to receive 3,000 tons or 12,000 cubic yards, whichever is greater? (Separated logs with 6 inch diameter or greater can be stored for up to 12 months before being size-reduced or removed.) 62-709.320(2)(e)1		✓		
10.16.2	Is putrescible waste (e.g. vegetative wastes, animal byproducts or manure) processed and incorporated into the composting material, or removed from the facility, within 48 hours? 62-709.320(2)(e)2	✓			
10.17	Is any treated or untreated biomedical waste; hazardous waste; or any materials having (PCB) concentration of 50 ppm or greater containerized and removed immediately? 62-709.320(2)(f), 62-701.300(4), 62-701.300(5), 62-701.300(6)	✓			
10.18	Have all residuals, solid waste and recyclable materials been removed and recycled or disposed and has any remaining processed material been properly used or disposed upon the facility ceasing operations? 62-709.320(2)(g)				✓
10.19	If temperature is used to show disinfection or vector attraction achieved, are records kept for at least three years? 62-709.320(4)(b)				✓
10.20	Is the registration for the facility current and on file with the Department? 62-709.320(3)(b)	✓			
10.21	Are renewal applications for annual registration of the facility submitted to the Department by July 1st, if applicable? 62-709.320(3)(c)	✓			
10.22	Are monthly records of incoming and outgoing material kept on-site or at another location as indicated on the registration form for at least three years? 62-709.320(4)(a)	✓			
10.23	Are Annual Reports, based upon the preceding calendar year, summarizing monthly records, submitted to the Department as required? 62-709.320(4)(a)	✓			
Item No.	REQUIREMENTS AND PROHIBITIONS APPLICABLE TO YARD TRASH ONLY FACILITIES	Ok	Not Ok	Unk	N/A
10.24	Unauthorized storage or processing within 100 feet from off-site potable water well that existed before facility registered? 62-709.300(7)(b) and 62-701.300(12)(a)	✓			
10.25	Unauthorized storage or processing within 50 feet from any body of water, including wetlands? (Does not include parts of permitted stormwater system, or water bodies totally within facility with no discharge to surface waters.) 62-709.300(7)(b), 62-701.300(12)(b)	✓			
10.26	Is processed material removed from facility within 18 months, unless longer storage authorized by permit? 62-709.330(2)	✓			
10.27	Is the facility accepting only yard trash, and bags used to collect yard trash and containerizing any other material? 62-709.330(3)	✓			
Item No.	REQUIREMENTS AND PROHIBITIONS APPLICABLE TO ONLY THOSE FACILITIES THAT BLEND MANURE OR COMPOST VEGETATIVE WASTES, ANIMAL BYPRODUCTS OR MANURE	Ok	Not Ok	Unk	N/A
10.28	Unauthorized storage or processing within 500 feet off-site potable water well that existed before facility registered? 62-709.300(7)(b) and 62-701.300(2)(b)				✓
10.29	Unauthorized storage or processing within 200 feet from any body of water, including wetlands? (Does not include parts of permitted stormwater system, or water bodies totally within facility with no discharge to surface waters.) 62-709.300(7)(b), 62-701.300(2)(e)				✓
10.30	Unauthorized storage or processing within 10,000 feet of any licensed and operating airport runway used by turbine powered aircraft, or within 5,000 feet of any licensed and operating airport runway used only by piston engine aircraft, unless applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft? 62-709.300(7)(b), 62-701.320(13)(b)				✓

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Item No.	REQUIREMENTS AND PROHIBITIONS APPLICABLE TO ONLY THOSE FACILITIES THAT BLEND MANURE OR COMPOST VEGETATIVE WASTES, ANIMAL BYPRODUCTS OR MANURE	Ok	Not Ok	Unk	N/A
10.31	Is the carbon:nitrogen ratio of the blended feedstocks greater than 20? 62-709.350(2)				✓
10.32	Do piles exceed 12 feet in height? 62-709.350(3)				✓
10.33	Is all material removed within 18 months, unless longer storage authorized by permit? 62-709.350(5)				✓
10.34	Is there documentation showing that disinfection has been achieved? Note that this is not required if they are composting only pre-consumer vegetative waste with or without yard trash. 62-709.350(6)				✓
10.35	Is there vector attraction reduction controls that include one of the following? 62-709.350(7) <input type="checkbox"/> Temperature monitoring records showing the waste was composted for at least 14 days, with temperature no lower than 40 degrees Celsius and average temperature of the material being composted higher than 45 degrees Celsius. or 62-709.350(7)(a) <input type="checkbox"/> Results of testing showing the specific oxygen uptake rate (SOUR) for material being composted or blended equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius. 62-709.350(7)(b)				✓

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Current Violations:

Rule: 62-709.320(2)(a)1.

Question Number: 10.11.1

Explanation: The facility gate was open at the time of inspection, and no personnel were on-site to prevent unauthorized entry or dumping.

Corrective Action: An attendant must be present at all times that the facility is open and accepting loads. If an attendant is not present, the gate must be closed to prevent unauthorized entry or dumping.

Rule: 62-709.320(2)(a)3.c.

Question Number: 10.12.3

Explanation: Several piles were more than 50 feet wide such that material was more than 50 feet from access by motorized firefighting equipment.

Corrective Action: Break up piles to be less than 50 feet wide such that material shall not be more than 50 feet from access by motorized firefighting equipment. Ensure piles are appropriately separated to allow for fire break lanes.

Pre-existing Violations:

Rule: 62-709.320(2)(a)3.a.

Question Number: 10.12.1

Explanation: At the time of inspection, there was not an all-weather access road, at least 20 feet wide, all around the perimeter of the site.

Corrective Action: Process or move all unprocessed yard trash in the areas where the perimeter is impeded.

Rule: 62-709.320(2)(e)1.

Question Number: 10.16.1

Explanation: During the inspection, it was noted that stockpiled materials appeared to be older than 6 months and not processed. >50 CY of yard trash observed throughout facility. Estimated >60,000 CY of materials stored throughout the property and have not been processed within the expected time frames. Vegetation was observed growing on top of several piles of yard trash.

Corrective Action: Unprocessed yard trash that has been on-site for 6 months or more must be size-reduced or removed as soon as possible.

COMMENTS:

Department personnel conducted an inspection at Marion Tree Trimming on August 16, 2021. At the time of the inspection, the gate to the facility was open, but no one was on-site. The facility must maintain access control to prevent unauthorized entry and dumping by having an attendant on-site when the facility is accepting loads and closing the gate when an attendant is not on-site. There was not an all-weather access road, at least 20 feet wide, all around the perimeter of the site. The facility must maintain a 20-foot all-weather access road all around the perimeter. Several piles were more than 50 feet wide such that material was more than 50 feet from access by motorized firefighting equipment. The facility must reduce pile sizes to less than 50 feet wide and must maintain fire break lanes between piles such that firefighting equipment may reach within 50 feet of all material on-site. Unprocessed yard trash appeared to have been stored on-site for more than 6 months or time needed to receive 12,000

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cubic yards. Vegetation was noted growing on top of several of the piles of unprocessed yard trash. The facility must size-reduce or remove unprocessed yard trash within 6 months or time needed to received 3,000 tons or 12,000 cubic yard, whichever is greater. Logs with 6 inch diameter or greater were stored separately in a pile. On October 5, 2021, Lori Rose emailed records of incoming and outgoing waste to the Department. Records of incoming waste indicated the facility has received about 11,150 cubic yards in only three months.

ATTACHMENTS:

No 20 foot access road



Inadequate fire break lanes



Vegetation growing on piles



Piles > 50 ft wide



Inspection Date: 08/16/2021

Signed:

Amada M Fernandez

Inspector

PRINCIPAL INSPECTOR NAME**PRINCIPAL INSPECTOR TITLE**

DEP

10/05/2021

PRINCIPAL INSPECTOR SIGNATURE**ORGANIZATION****DATE**

Anthony Lafon

Environmental Specialist

INSPECTOR NAME**INSPECTOR TITLE**

NO SIGNATURE REQUIRED

DEP

INSPECTOR SIGNATURE**ORGANIZATION**

null

REPRESENTATIVE NAME**REPRESENTATIVE TITLE**

NO SIGNATURE REQUIRED

REPRESENTATIVE SIGNATURE**ORGANIZATION**

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.

Report Approvers:**Approver:** David Smicherko**Inspection Approval Date:** 10/05/2021