



# Florida Department of Environmental Protection

South District  
P.O. Box 2549  
Fort Myers, Florida 33902-2549

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

March 25, 2008



Lindsey Sampson, Director  
Lee County Solid Waste Division  
10500 Buckingham Road  
Fort Myers, Florida 33905

Re: Lee County - SW  
Lee County Resource Recovery Facility  
Siting Application #PA 90-30  
Lee County Yard Trash Processing Facility (YTPF)  
Waste Tire Collection

Dear Mr. Sampson:

An inspection of the referenced facility, conducted by Department personnel on March 20, 2008 indicates there may be a violation of Chapter 403, Florida Statutes (F.S.) and the rules promulgated thereunder. A copy of the inspection report is enclosed for your perusal. Department personnel observed the following:

Florida Administrative Code (F.A.C.) Rule 62-709.320(4)(e) states that only yard trash, and bags used to collect yard trash, shall be accepted at the YTPF. Any other material shall be containerized. Treated wood was observed mixed with the piles of unprocessed yard trash at the facility. Discussion with County personnel revealed that all wood segregated from the construction and demolition debris received at the transfer station was brought to the yard trash processing area for grinding. The ground waste was then taken to Okeelanta for fuel.

Any activity on the property that may be contributing to violations of the above described statutes and rules should cease immediately. Continued activities on the property in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties pursuant to Sections 403.141 and 403.161, F.S.

Lindsey Sampson, Director  
Siting Application No. PA 90-30  
March 25, 2008  
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Please transfer all non-vegetative solid waste from the referenced facility to a Department approved solid waste management facility permitted to accept such waste by April 4, 2008.

During the inspection, it was also observed that a representative of Leal Tires was offloading greater than 25 tires in the waste tire processing area without a waste tire collector decal. Please be sure that, in accordance with 62-711.530(3)(b), for all waste tires received at the facility, the name and waste tire collector registration number of the collector who delivered the waste tires to the facility should be recorded. If more than five waste tires were delivered by a person who is not a waste tire collector, the number of tires delivered and the person's name, address and telephone number should also be recorded.

If you have any questions concerning this matter, please contact **Teresa Zilko-Miller or Bill Krumbholz at (239) 332-6975**. Your cooperation is appreciated.

Please be advised that this Non-Compliance Letter is part of an agency investigation preliminary to agency action within the meaning Section 120.57(5), F.S.

Sincerely,



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Charles Emery III  
Acting Environmental Administrator

Enclosure  
CE/TZM/rcd

cc: James Meriwether, New Hope Power Partnership (Florida Crystals)  
AJ Satyal, FDEP



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SOLID WASTE MANAGEMENT FACILITY  
INSPECTION CHECKLIST

Facility Name: LEE COUNTY TRANS. STN, YTPF: WASTE TIRE  
WACS No.: 93715 COMET Project Number: 286198/298564 (YTPF)  
Inspection Date: 3/20/08 Permit No.: PA90-30 (Waste to Energy) Expiration Date: May 1, 2008  
Facility Address: 10500 BUCKINGHAM RD. YTPF  
City: FT. MYERS County: LEE Zip: 33915 Reg.  
Permittee or Operating Authority: LEE COUNTY  
Telephone Number (Permittee or Operating Authority): 239-461-3302

Inspection Participants (Include ALL Facility and Department Employees With Corresponding Titles):

Principal Inspector: TERESA ZILKO-MILLER

Other Participants: TIM LAMONTAGNE, BILL NEWMAN

TYPE OF FACILITY (check all that apply):

Landfill:

- ☐ Class I  
☐ Class II  
☐ Class III

C&D Facility:

- ☐ Disposal  
☐ Disposal w/Recycling  
☐ Land Clearing

Waste Processing Facility:

- ☒ Transfer Station  
☐ C&D Recycling  
☐ Class III MRF  
☐ MSW MRF  
☐ Pulverizer/Shredder  
☐ Compactor/Baling  
☐ Other \_\_\_\_\_

Other Facilities:

- ☐ Composting Facility  
☐ WTE Facility  
☒ Waste Tire Facility  
☒ Yard Trash Processing Facility  
☐ Stationary Soil Treatment Facility  
☐ Incinerator/Trench Burner  
☐ Unauthorized Disposal  
☐ Other \_\_\_\_\_

TYPE OF INSPECTION (check all that apply):

- ☐ Operation  
☐ Closure  
☐ Long-Term Care

- ☐ Complaint Investigation  
☐ Routine Inspection  
☐ Follow-up Inspection

☐ Other \_\_\_\_\_

ATTACHMENTS TO THE INSPECTION CHECKLIST (check all that apply):

This Cover Page includes the following attachments.

Section No.	Section Title
<input type="checkbox"/> 1.0	File Review
<input type="checkbox"/> 2.0	Landfill Operation and Maintenance
<input type="checkbox"/> 3.0	Landfill Long-Term Care
<input checked="" type="checkbox"/> 4.0	Waste Processing Facilities
<input type="checkbox"/> 5.0	C&D Debris Disposal Facilities
<input type="checkbox"/> 6.0	Recycling Operations at C&D Debris Disposal Facilities
<input type="checkbox"/> 7.0	Land Clearing Debris Disposal Facilities
<input type="checkbox"/> 8.0	Compost Facilities
<input type="checkbox"/> 9.0	Waste Tire Facilities
<input checked="" type="checkbox"/> 10.0	Yard Trash Processing Facilities
<input type="checkbox"/> 11.0	Stationary Soil Treatment Facilities
<input type="checkbox"/> 12.0	WTE Facilities
<input type="checkbox"/> 13.0	Compliant Investigations
<input checked="" type="checkbox"/> 14.0	Narrative and Signatures

# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION INSPECTION CHECKLIST

## SECTION 4.0 – WASTE PROCESSING FACILITIES

### REQUIREMENTS:

THE REQUIREMENTS LISTED IN THIS INSPECTION CHECKLIST ARE BASED UPON RULES OF THE FLORIDA ADMINISTRATIVE CODE. A "NOT OK" RESPONSE TO A REQUIREMENT (UNLESS OTHERWISE NOTED) REFLECTS A POSSIBLE VIOLATION OF THE CORRESPONDING DEPARTMENT RULE(S) AT THE TIME OF THE INSPECTION. EACH POSSIBLE VIOLATION IS DISCUSSED IN THE NARRATIVE SECTION OF THIS REPORT. SOME REQUIREMENTS MAY BE IDENTIFIED AS "OK" BUT ARE DISCUSSED FURTHER IN THE "AREAS OF CONCERN" PORTION OF THE NARRATIVE SECTION.

SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(16))		OK	Not OK	Unk	N/A
4.1	Unauthorized disposal/storage prohibited, except yard trash, within 500' of a potable water well? 62-701.300(2)(b)	✓			
4.2	Unauthorized disposal/storage prohibited, except yard trash, within 1000' of a potable water well serving a community water system? 62-701.300(2)(h)	✓			
4.3	Unauthorized storage/disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK): 62-701.300(12) <input type="checkbox"/> 100 feet for potable water wells (except on-site)? <input type="checkbox"/> 50 feet for water bodies? <input type="checkbox"/> 200 feet for community water supply wells?	✓			
4.4	Unauthorized disposal/storage prohibited in an area subject to frequent and periodic flooding unless flood protection measures in place? 62-701.300(2)(d)	✓			
4.5	Unauthorized disposal/storage prohibited in any natural or artificial body of water including ground water? 62-701.300(2)(e)	✓			
4.6	Unauthorized disposal/storage prohibited, except yard trash, within 200' 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)(f)	✓			
4.7	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			
4.8	Are the following prohibited wastes or special wastes properly managed? (Check any that are Not OK) <input type="checkbox"/> Hazardous waste 62-701.300(4) <input type="checkbox"/> PCB wastes 62-701.300(5) <input type="checkbox"/> Biomedical waste 62-701.300(6) <input type="checkbox"/> Lead-acid batteries 62-701.300(8)(a) <input type="checkbox"/> Yard trash 62-701.300(8)(c) <input type="checkbox"/> White goods 62-701.300(8)(d) <input type="checkbox"/> Whole waste tires 62-701.300(8)(e) <input type="checkbox"/> Liquids 62-701.300(10) <input type="checkbox"/> Used oil, except as exempted 62-701.300(11) <input type="checkbox"/> Lead-acid batteries, mercury-containing switches and lamps in WTEs 62-701.300(9)	✓			

WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE		OK	Not OK	Unk	N/A
4.9	Do the tipping, processing, sorting, storage and compaction areas that are in an enclosed building or covered area have adequate ventilation? 62-701.710(3)(a)	✓			
4.10	For areas not enclosed, is litter controlled and are litter control devices maintained? 62-701.710(3)(a)	✓			
4.11	Is leachate collection and removal system maintained and operated as required? 62-701.710(3)(b)	✓			
4.12	Are all drains and leachate conveyances kept clean so that leachate flow is not impeded? 62-701.710(4)(b)	✓			
4.13	Are the following records or plans current and available on-site? (Check any that are Not OK.) <input type="checkbox"/> Operation and Maintenance Manual 62-701.710(4)(a)1. <input type="checkbox"/> Contingency Plan 62-701.710(4)(a)3. <input type="checkbox"/> Operation records 62-701.710(9)(a)	✓			
4.14	Is the Operation and Maintenance Manual substantially followed? 62-701.710(4)(a)1.	✓			
4.15	Are putrescibles stored no longer than 48 hours or as otherwise allowed in the Operation and Maintenance Plan? 62-701.710(4)(b)	✓			

WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE (continued)		OK	Not OK	Unk	N/A
4.16	Are areas where waste is stored or processed cleaned at least weekly to prevent odor and vector problems? 62-701.710(4)(b)	✓			
4.17	Are the operating hours posted at the facility? 62-701.710(4)(c)1.	✓			
4.18	Is a trained operator on duty whenever the facility is operating? 62-701.710(4)(c)1.	✓			
4.19	Is at least one trained spotter on duty at all times that waste is received at the facility to inspect the incoming waste? 62-701.710(4)(c)2.	✓			
4.20	Are prohibited materials removed from the waste stream and placed into appropriate containers for disposal at a permitted facility? 62-701.710(4)(c)2.	✓			
4.21	Is the facility operated to control objectionable odors? 62-701.710(4)(d)	✓			
4.22	Is adequate fire protection equipment available and operational? 62-701.710(4)(e)	✓			
4.23	Is access to the facility controlled by fencing or other effective barriers to prevent disposal of unauthorized waste? 62-701.710(4)(f)	✓			
4.24	If the facility is a Transfer Station and is claiming the financial assurance exemption, does it manage the waste on a first-in, first-out basis and store waste for no greater than 7 days? 62-701.710(10)(a)	✓			
4.25	Is stormwater effectively controlled? 62-701.710(8)	✓			
4.26	Are all specific conditions in the permit being followed? 62-701.320(1)	✓			

WASTE PROCESSING FACILITY CLOSURE		OK	Not OK	Unk	N/A
4.27	Has the solid waste residue been properly disposed of within 30 days after receiving the final solid waste shipment? 62-701.710(6)(c)				✓
4.28	Has closure been completed within 180 days after receiving the final solid waste shipment? 62-701.710(6)(d)				✓

# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION INSPECTION CHECKLIST

## SECTION 10.0 – YARD TRASH PROCESSING FACILITIES

TYPE OF FACILITY (check all that apply):

- ☐ Yard Trash Transfer Station  
☒ Yard Trash Recycling  
☒ Accepts vegetative debris  
☐ Accepts clean wood

Produces:

- ☒ Mulch  
☐ Firewood  
☒ Fuel  
☐ Other

Method of Composting:

- ☐ Windrow (turning equipment)  
☐ Passive aerated windrows  
☐ Aerated static piles  
☐ In-vessel composting

### REQUIREMENTS:

THE REQUIREMENTS LISTED IN THIS INSPECTION CHECKLIST ARE BASED UPON RULES OF THE FLORIDA ADMINISTRATIVE CODE. A "NOT OK" RESPONSE TO A REQUIREMENT (UNLESS OTHERWISE NOTED) REFLECTS A POSSIBLE VIOLATION OF THE CORRESPONDING DEPARTMENT RULE(S) AT THE TIME OF THE INSPECTION. EACH POSSIBLE VIOLATION IS DISCUSSED IN THE NARRATIVE SECTION OF THIS REPORT. SOME REQUIREMENTS MAY BE IDENTIFIED AS "OK" BUT ARE DISCUSSED FURTHER IN THE "AREAS OF CONCERN" PORTION OF THE NARRATIVE SECTION.

SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(16))		OK	Not OK	Unk	N/A
10.1	Unauthorized disposal/storage prohibited, except yard trash, within 500' of a potable water well? 62-701.300(2)(b)	✓			
10.2	Unauthorized disposal/storage prohibited, except yard trash, within 1000' of a potable water well serving a community water system? 62-701.300(2)(h)	✓			
10.3	Unauthorized storage/disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK): 62-701.300(12) & 62-709.320(3)(a), (b) & (c) <input type="checkbox"/> 100 feet for potable water wells (except on-site)? <input type="checkbox"/> 50 feet for water bodies? <input type="checkbox"/> 200 feet for community water supply wells?	✓			
10.4	Unauthorized disposal/storage in a dewatered pit without liner or leachate controls? 62-701.300(2)(c)	✓			
10.5	Unauthorized disposal/storage prohibited in an area subject to frequent and periodic flooding unless flood protection measures in place? 62-701.300(2)(d) & 62-709.320(3)	✓			
10.6	Unauthorized disposal/storage prohibited in any natural or artificial body of water including ground water? 62-701.300(2)(e) & 62-709.320(3)	✓			
10.7	Unauthorized disposal/storage prohibited, except yard trash, within 200' 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)(f) & 62-709.320(3)	✓			
10.8	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3) & 62-709.320(3)	✓			
10.9	Are the following prohibited wastes or special wastes properly managed? (Check any that are Not OK) <input type="checkbox"/> Hazardous waste 62-701.300(4) <input type="checkbox"/> PCB wastes 62-701.300(5) <input type="checkbox"/> Biomedical waste 62-701.300(6) <input type="checkbox"/> Lead-acid batteries 62-701.300(8)(a) <input type="checkbox"/> Yard trash 62-701.300(8)(c) <input type="checkbox"/> White goods 62-701.300(8)(d) <input type="checkbox"/> Whole waste tires 62-701.300(8)(e) <input type="checkbox"/> Liquids 62-701.300(10) <input type="checkbox"/> Used oil, except as exempted 62-701.300(11) <input type="checkbox"/> Lead-acid batteries, mercury-containing switches and lamps in WTEs 62-701.300(9) NOTE: Rule 62-709.320(4)(e) requires the following materials be containerized and removed immediately – treated or untreated biomedical waste, hazardous wastes or materials containing ≥ 50 ppm PCBs.	✓			
YARD TRASH PROCESSING FACILITY OPERATION AND MAINTENANCE		OK	Not OK	Unk	N/A
10.10	Is there an effective barrier to prevent unauthorized entry and dumping into the facility site? 62-709.320(4)(a)1.	✓			
10.11	Are dust control methods adequate? 62-709.320(4)(a)2.	✓			

YARD TRASH PROCESSING FACILITY OPERATION AND MAINTENANCE (continued)		OK	Not OK	Unk	N/A
10.12	Are there fire protection and control methods to deal with accidental burning of solid waste? 62-709.320(4)(a)3.	✓			
10.13	Is all weather access road, at least 20 feet wide, all around the perimeter of the site? 62-709.320(4)(a)3.a.	✓			
10.14	Are interior lanes at least 15 feet wide? 62-709.320(4)(a)3.b.	✓			
10.15	Is no part of the area that is occupied by processed or unprocessed material more than 50 feet from access by motorized fire fighting equipment? 62-709.320(4)(a)3.c.	✓			
10.16	Is facility operated in a manner to control disease vectors, and to control objectionable odors? 62-709.320(4)(b)	✓			
10.17	Is yard trash received at the facility processed or removed within 6 months, or within the period required to receive 3,000 tons or 12,000 cubic yards, whichever is greatest? [Segregated logs must be processed or removed within 12 months.] 62-709.320(4)(c)	✓			
10.18	Is processed material removed from the facility within 18 months, if not authorized under another Department solid waste management facility permit? 62-709.320(4)(d)	✓			
10.19	Are only yard trash and bags used to collect yard trash accepted at the facility? 62-709.320(4)(e)		✓		
10.20	Are unauthorized wastes containerized and putrescible materials removed within 48 hours? 62-709.320(4)(e)	✓			

YARD TRASH REGISTRATION		OK	Not OK	Unk	N/A
10.21	Is the registration for the facility current and on file with the Department? 62-709.320(5)(b)	✓			
10.22	Are renewal applications for annual registration of the facility submitted to the Department by April 1 <sup>st</sup> , if applicable? 62-709.320(5)(c)	✓			
10.23	Are monthly records of incoming and outgoing material kept on-site or at another location as indicated in the registration form for at least three years? 62-709.320(6)	✓			
10.24	Are Annual Reports, based upon the preceding calendar year, summarizing monthly records, submitted to the Department as required? 62-709.320(6)	✓			

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
INSPECTION CHECKLIST

SECTION 14.0 – NARRATIVE AND SIGNATURES

REQUIREMENTS:

THIS SECTION PROVIDES AN OPPORTUNITY FOR THE DEPARTMENT INSPECTOR TO ADD A NARRATIVE EXPLAINING ANY REQUIREMENTS IDENTIFIED AS "NOT OK" AT THE TIME OF THE INSPECTION. SOME REQUIREMENTS MAY BE IDENTIFIED AS "OK" BUT ARE DISCUSSED FURTHER IN THE "AREAS OF CONCERN" PORTION OF THE NARRATIVE SECTION.

14.1 Explanation for all "NOT OK" responses (continue on separate sheet if necessary).

10.19 - the transfer station is currently operating as a C/D material recovery facility. All recovered wood, including treated wood, is being transferred to the YTPF pad for processing. The processed material is sent to Okeelanta for fuel. Treated wood should not be accepted at the YTPF. Okeelanta should not be accepting treated wood as fuel. Please remove all treated wood from the YTPF. Future loads

14.2 Explanation for all "UNK", responses (continue on separate sheet if necessary).

of wood from the Transfer Station should only go to a facility permitted to accept such waste.

Please contact the Department once an alternative route for the wood has been established

Signed:

DEP Representative

Date

Received:

Site Representative

Date

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

Lee County Transfer Station and Yard Trash Processing Facility  
March 20, 2008



Treated wood mixed with unprocessed yard trash