



Florida Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, Florida 32502-5794

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

October 2, 2007

Sent via email to:
tschweizer@trinityinvestmentsnwf.com

WARNING LETTER

Mr. Todd Schweizer, President
4 Laguna Street, Suite 201
Fort Walton Beach, Florida 32548

Dear Mr. Schweizer:

The purpose of this letter is to advise you of possible violations of law which you may be responsible and to seek your cooperation in resolving the matter. The Department has received complaints of and staff have detected possible objectionable odors from hydrogen sulfide gas that may be emanating from your facility known as Coyote Navarre C&D Debris Disposal Facility (DEP File No. 0005651-004-SO, WACS No. 13332) located at 3201 Five Forks Road, Navarre, Santa Rosa County, Florida

Objectionable Odor is defined in **Rule 62-210.200(208), Florida Administrative Code** (F.A.C.) as "Any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance."

On September 11, 2007, the Department received complaints from local property owners and/or residents in the vicinity of your facility of odors that would appear to be consistent with the definition of "objectionable odor." Our Inspector investigated and did detect a sulfur or hydrogen sulfide odor at the gate area of your facility along Five Forks Road. On September 24, 2007, staff from our office detected the same odor along Five Forks road about 100 yards northeast of MW-8. These Department visits confirmed the presence of odor beyond your facility property boundaries.

On September 26, 2007, the Santa Rosa County Solid Waste staff measured hydrogen sulfide in air at three locations along Five Forks Road just south of your facility and many measurements were well above possible odor detection levels.

The possible violations of law for which you may be responsible are as follows:

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

Rule 62-701.730(7) (e), Florida Administrative Code (F.A.C.) states "The facility shall be operated to control objectionable odors in accordance with **Rule 62-296.320(2), F.A.C.** If objectionable odors are detected off-site, the owner or operator shall comply with the requirements of **Rule 62-701.530(3) (b), F.A.C.**

Rule 62-701.530(3) (b), F.A.C. requires that if gas concentrations cause objectionable odors beyond the landfill property boundary, the owner or operator shall:

1. Implement a routine odor monitoring program to determine the timing and extent of any off-site odors; and
2. If the monitoring program confirms the existence of objectionable odors, submit to the Department for approval an odor remediation plan for the gas releases. The plan shall describe the nature and extent of the problem and the proposed remedy. The remedy shall be initiated within 30 days of approval.

The Facility Permit, Permit File Number 0005651-004-SO, Specific Condition Paragraph 32 ("Objectionable Odor Prohibited") states that the "Permittee shall not cause, suffer, allow, or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An objectionable odor is any odor present in the outdoor atmosphere, which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance."

It is the intent of this office to resolve this matter as quickly as possible. Any activities at the facility that may be contributing to violations of the above permit conditions, statutes or rules should be ceased.

Due to the complaints received, reports received and verification by the Department, you are hereby advised that the following actions should be taken to assure your compliance with Department rules:

1. Immediately initiate an odor monitoring program for your facility in accordance with Rule 62-701.530(3) (b), F.A.C.

2. Submit a copy of your Odor Monitoring Plan to the Department on or before October 10, 2007. As a minimum, the Odor Monitoring Plan should include but not be limited to
 - A site plan identifying odor monitoring locations
 - Indicate if a hydrogen sulfide sensing device will be used. If so give make, model number and reading range.
 - A daily inspection log that will include date, time, wind direction, temperature, observed weather condition (cloudy, sunny, rain, fog, etc.), person making the observations (print name and initial), odor condition detected (none, slight, strong), hydrogen sulfide reading if available.
3. Submit a preliminary odor remediation plan on or before October 10, 2007 identifying specific actions that will be taken if objectionable odors are detected at the facility property boundaries.

Follow-up inspections by Department personnel will be conducted to confirm compliance. In the event you fail to perform the required corrective actions, the Department may initiate legal actions to enforce the provisions of the permit and **Chapter 403 F.S.**

This Warning Letter is part of an agency investigation preliminary to agency action in accordance with **Section 120.57(4), F.S.** The Department looks forward to working with you to resolve this matter. It is requested that on or before October 10, 2007, you contact Marshall Seymore, Solid Waste Section Supervisor, by phone at 850-595-8360, extension 1246 or by email at marshall.seymore@dep.state.fl.us to arrange a meeting to resolve the possible violations.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Richard Fancher', with a stylized flourish extending to the right.

W. Richard Fancher
District Director

WRF/mkl

cc: Chris Russell, Russell.Chris@epamail.epa.gov
Julian Cooley, JulianC@co.santa-rosa.fl.us
Matthew Szymoniak, Matthew_Szymoniak@doh.state.fl.us