



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel L. Vinyard Jr.
Secretary

May 10, 2011



VIA ELECTRONIC MAIL

Edilberto Lopez – President
Discount Rock & Sand, Inc.
P O Box 504484
Marathon, FL 33050
E-mail: discountrockandsand@yahoo.com

Re: Monroe County – SW
Discount Rock and Sand
10500 Aviation Blvd, Marathon, FL
Registered Source Separated Organics Processing Facility
WACS ID No. 98733

Dear Mr. Lopez:

A solid waste complaint inspection was conducted at the above referenced facility on April 7, 2011. A copy of the inspection report is attached for your records. This inspection was conducted under the authority of Section 403.091, Florida Statutes and Chapter 403, Part IV, Florida Statutes, and was designed to ascertain compliance status with Florida Administrative Code (F.A.C.) Chapters 62-701 and 62-709.

The attached report details possible violations or areas of concern observed during the inspection. An *Explanation* section is included under each non-compliance item or area of concern followed by a recommended *Corrective Actions* section. It is a violation of Section 403.161(1)(b), F.S. to fail to comply with any rule or regulation adopted or issued by the Department.

We have set aside Wednesday, May 25, 2011 at 9:00 a.m. at our Marathon Office at 2796 Overseas Highway, Suite 221, Marathon, FL 33050 to discuss the issues detailed in the inspection report. If this date and time is not convenient based on your current schedule, please contact Barbara Nevins at 305-289-7073 or Edward Russell at 305-289-7072 within seven days by phone or e-mail for rescheduling. We will reschedule for your convenience.

Potential penalties will be discussed at that time which may include monetary settlements. The Department is interested in reviewing any additional facts you may have and wish to bring with you to the meeting. You may bring anyone with you to the meeting that you feel could help resolve this matter.

If you have already arranged for the proper disposal of the solid waste observed in the roll-off containers, please bring copies of the disposal receipts with you to the meeting.

Any activities at your facility that may be contributing to violations of the above-reference described statues or rules should be ceased immediately. Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. We look forward to your cooperation in completing the investigation and resolution of this matter.

Whenever possible, please submit written documentation by way of e-mail to Barbara.Nevins@dep.state.fl.us or Edward.Russell@dep.state.fl.us. Please include the above Facility WACS ID 98733 in all correspondences. If you have any questions, please feel free to call Barbara Nevins or Edward Russell, contact us via e-mail, or write to the letterhead address.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling the Bureau of Personnel Services at (850) 245-2511, or by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice) via the Florida Relay Service.

Sincerely,



Jon M. Iglehart
Director of District Management

Enclosures
BN/rcd

cc: File
Charles Emery, FDEP Fort Myers (Charles.Emery@dep.state.fl.us)
Bill Krumbholz, FDEP Fort Myers (Bill.Krumbholz@dep.state.fl.us)



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name: DISCOUNT ROCK AND SAND

On-Site Inspection Start Date: 04/07/2011

On-Site Inspection End Date: 04/07/2011

WACS No.: 98733

Facility Street Address: 10500 Aviation Blvd

City: Marathon

County Name: MONROE

Zip: 33050

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Barbara Nevins, Inspector

Other Participants: Ed Lopez, Business Owner

INSPECTION TYPE:

Routine Operation Inspection for Other Facilities - Source-Separated Organics (SOPF) facility

Complaint Investigation Inspection for Other Facilities - Unauthorized Disposal facility

ATTACHMENTS TO THE INSPECTION CHECK LIST:

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

SECTION 1.0 - FILE REVIEW

SECTION 10.0 - REGISTERED SOURCE-SEPARATED ORGANICS PROCESSING FACILITIES

SECTION 13.0 - COMPLAINT INVESTIGATIONS

Inspection Date: 04/07/2011

SECTION 1.0 - FILE REVIEW**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.

Item No.	FILE REVIEW (Pre- or Post-Inspection, as appropriate.) Completed	Ok	Not Ok	Unk	N/A
1.1	For landfills and C&D disposal facilities, does the facility have a current plan for the method and sequence of filling wastes? 62-701.500(2)(f) for landfills; 62-701.730(7)(a) for C&D debris sites				✓
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK) <input type="checkbox"/> Waste reports (annually) 62-701.500(4) <input type="checkbox"/> Annual estimate of remaining life 62-701.500(13)(c)				✓
1.3	Is leachate sampled, tested and disposed as required? 62-701.500(8)(a), 62-701.510(6)(c)				✓
1.4	Is gas monitoring being performed as required by the permit? 62-701.500(9), 62-701.530(2)				✓
1.5	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)(c)				✓
1.6	Is water quality sampling and testing performed according to standard procedures and at the required frequencies? 62-701.510(2) for landfills; 62-701.730(4)(b) and (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.7	Do the results of the water quality testing suggest there may be adverse impacts to water quality from the operation of the solid waste facility? 62-701.510(3) and (4); 62-701.730(4)(c) and (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.8	For closed landfills and C&D disposal facilities with final elevations higher than 20 feet above grade, has a final survey report verifying the final elevations and contours of the facility been submitted to the Department? 62-701.600(6)(b), 62-701.730(9)(d)				✓
1.9	Is financial assurance adequate? 62-701.630 for landfills; 62-701.710(7)(a) and (10)(a) for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(a) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities. NOTE: The Solid Waste Financial Coordinator in Tallahassee can assist with this information.				✓
1.10	Are cost estimates current and adjusted every year? 62-701.630(4) for landfills; 62-701.710(7)(b) and (10)(a) for waste processing facilities; 62-701.730(11)(b) and (c) for C&D debris facilities; 62-713.600(6)(b) and (c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.				✓
1.11	For C&D debris disposal and disposal with recycling facilities, is an Annual Report submitted to the Department for the disposal operation by April 1st of each year? 62-701.730(12)				✓
1.12	For C&D recycling facilities with no disposal, is an Annual Report for the recycling facility submitted to the Department by April 1st of each year? 62-701.710(9)(b)				✓
1.13	For compost facilities, has the compost product been sampled and analyzed every 20,000 tons or every 3 months (whichever is sooner)? 62-709.530(1)				✓
1.14	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)				✓

Inspection Date: 04/07/2011

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)

- ☒ Yard Trash Transfer Station
☐ Yard Trash Recycling

MATERIAL(S) PROCESSED

- ☒ Yard Trash
☐ Manure
☐ Animal byproducts
☐ Pre-consumer vegetative waste
☐ Vegetative waste

PRODUCES

- ☐ Mulch
☐ Firewood
☐ Fuel
☐ Compost
☐ Soil Amendment
☐ Soil
☐ Other

METHOD OF COMPOSTING

- ☐ Windrow
☐ Passive aerated windrows
☐ Aerated static piles
☐ In-vessel composting

Item No.	REQUIREMENTS AND PROHIBITIONS APPLICABLE TO ALL REGISTERED SOURCE-SEPARATED ORGANICS PROCESSING FACILITIES Completed	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.	✓			
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)				

Inspection Date: 04/07/2011

Item No.	REQUIREMENTS AND PROHIBITIONS APPLICABLE TO ALL REGISTERED SOURCE-SEPARATED ORGANICS PROCESSING FACILITIES Completed	Ok	Not Ok	Unk	N/A
10.16					
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 Completed	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 Completed	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)				✓
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) <ul style="list-style-type: none"> <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 				✓

Inspection Date: 04/07/2011

Item No.	REQUIREMENTS AND PROHIBITIONS APPLICABLE TO ONLY THOSE FACILITIES THAT BLEND MANURE OR COMPOST VEGETATIVE WASTES, ANIMAL BYPRODUCTS OR MANURE Completed	Ok	Not Ok	Unk	N/A
10.35	<input type="checkbox"/> of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius. 62-709.350(7)(b)				✓

Inspection Date: 04/07/2011

SECTION 13.0 - COMPLAINT INVESTIGATIONS**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.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(18)) Completed	Ok	Not Ok	Unk	N/A
13.1	Unauthorized storing, processing, or disposing of solid waste except as authorized at a permitted solid waste management facility or a facility exempt from permitting under this chapter? 62-701.300(1)(a)		✓		
13.2	Unauthorized storing, processing, or disposing of solid waste in a manner or location that causes air quality standards to be violated or water quality standards or criteria of receiving waters to be violated? 62-701.300(1)(b)				✓
13.3	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)				✓
13.4	Unauthorized disposal or storage in a dewatered pit without liner or leachate controls? 62-701.300(2)(c)				✓
13.5	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event.) 62-701.300(2)(d)				✓
13.6	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)				✓
13.7	Unauthorized storage or disposal on the right of way of any public highway, road or alley? 62-701.300(2)(f)				✓
13.8	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)				✓
13.9	Are the following unauthorized wastes or special wastes properly managed? (Check any that are Not OK)				
13.9.1	CCA treated wood being ground into mulch, compost, or any wood product that is applied to the ground or burned 62-701.300(14)				✓
13.10	Unauthorized storage or disposal of yard trash within 100 feet of potable water wells (except on-site), and/or 50 feet of water bodies? 62-701.300(12)				✓
13.11	Waste tire prohibitions:				
13.11.1	Maintaining a waste tire site consisting of more than 1500 tires that is not an integral part of a permitted waste tire processing facility. 62-711.400(1)				✓
13.11.2	Disposing of waste tires except as permitted at a permitted solid waste management facility. 62-711.400(2)				✓
13.11.3	Storing waste tires only as a part of a waste tire collection center, permitted waste tire processing facility, permitted solid waste management facility, or other exempt facility. 62-711.400(4)				✓
13.11.4	Contracting with only registered or exempt waste tire collectors for the transportation, disposal, or processing of more than 25 waste tires. 62-711.400(5)				✓

Inspection Date: 04/07/2011

Current Violations:

Rule: 62-701.300(1)(a)

Question Number: 13.1

Explanation: Pursuant to F.A.C. Rule 62-701.300(1)(a) no person shall store, process, or dispose of solid waste except at a permitted solid waste management facility or a facility exempt from permitting under this chapter.

Six 20-cubic-yard roll off containers, filled with construction and demolition debris, were stored at the property.

Mr. Lopez has knowledge of this prohibition. In August 2009, Department staff discovered C&D waste stored in roll-off containers at another Discount Rock and Sand property in Marathon, WACS ID 98515. A warning letter was sent, a meeting was held, and corrective actions were completed. No penalty was assessed for that first time violation.

Corrective Action: Cease storage of solid waste at the facility without a permit. Remove the waste observed, taking it for proper disposal. Within 10 days of receipt of this report, submit disposal receipts to the Department.

Attachments:

Discount Rock and Sand #1485



#1486



#1487



Inspection Date: 04/07/2011

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

Question Number: 10.12.1

Explanation: F.A.C. Rule 62-709.320(2)(a)3.a. requires an all-weather access road, at least 20 feet wide, all around the perimeter of the site.

Corrective Action: Within 10 days of receipt of this report relocate the yard trash pile so that there is a 20 ft wide access road around the perimeter.

Attachments:

Yard trash pile



Pre-existing Violations:

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

Question Number: 10.12.1

Explanation: Pursuant to F.A.C. Rule 62-709.320(2)(a)3.a., there shall be an all-weather access road, at least 20 feet wide, all around the perimeter of the site. Approximately 40-60 cubic yards of yard trash (YT) was stored in a corner of the property, without a 20 foot wide perimeter road for fire fighting equipment.

Corrective Action: Reposition the yard trash storage pile to allow an all-weather access road, at least 20 feet wide, all around the perimeter of the site.

Comments:

10/19/2010

Photos taken are attached to this report. The camera numbers the photos automatically and sequentially. For this site the numbers are 1641-1643

A composite of the three photos is attached showing the entire site from the gate.

One of the photos, number 1642, is shown separately so that it is a larger picture. This photo is centered on the yard trash pile. Note that there is no 20 ft wide access road around the perimeter.

Attachments:

Inspection Date: 04/07/2011

composite, photos 1641-1643

Photo 1642



COMMENTS:

04/07/2011

This site visit followed receipt of a complaint from a residential neighbor regarding dust from activity at the site. When I arrived at the gate, it was locked. A worker opened the gate but would not allow me access. He called Mr. Lopez who said that he must be present for my inspection. He was at another site in Marathon, where I also was investigating a dust complaint, so I met him there. We returned to this Aviation site for an inspection. Mr. Lopez provided his cell phone number so that he can be called directly for access in the future.

Regarding the dust complaint, there was no activity at the site. Sprinklers were on, wetting the paved roadway into the property. No dust was observed.

For SOPF: This is the first year of registration, good until August 2011, therefore questions 10.21 and 10.23 were answered NA. During the October 19, 2010 inspection it was noted that there was no 20 foot perimeter road around the yard trash (YT) pile. Comments and photos from the 10-19-10 inspection are also in this current report since the issue was not resolved. A non-compliance letter was sent in October 26, 2010 requesting a meeting to resolve this issue. The meeting was scheduled as a compliance assistance meeting to explain the SOPF requirements. The meeting was never held. Mr. Lopez says that there is an access road behind the YT pile which can be used by firefighters.

Inspection Date: 04/07/2011

Signed:

Barbara Nevins

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE**PRINCIPAL INSPECTOR SIGNATURE**

4/7/2011

DATE

Ed Lopez

REPRESENTATIVE NAME

Business Owner

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

Discount Rock and Sand

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.