

Is your RETURN ADDRESS completed on the reverse side?

Wanna letter #WLO7-0019SW.51 SWD

SENDER: Enterprise Class III
 ■ Complete items 1 and/or 2 for additional services.
 ■ Complete items 3, 4a, and 4b. Permit # 177982-00780
 ■ Print your name and address on the reverse of this form so that we can return this card to you.
 ■ Attach this form to the front of the mailpiece, or on the back if space does not permit.
 ■ Write "Return Receipt Requested" on the mailpiece below the article number.
 ■ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to: 7007 0710 0005 3635 5959

Mr. Dominic Iafrate, President
 Angelo's Aggregate Materials, LTD
 P O Box 1493
 Largo, FL 33771

4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
12-13-7

5. Received By: (Print Name)
J. Brunson

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
X [Signature]

PS Form **3811**, December 1994 102595-98-B-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.

7007 0710 0005 3635 5959

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

MAILED
12-11-07
 92
 Postmark Here

Total Postage ?

Sent To
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4

Mr. Dominic Iafrate, President
 Angelo's Aggregate Materials, LTD
 P O Box 1493
 Largo, FL 33771

UNITED STATES POSTAL SERVICE

ST PETERSBURG FL 337

HAPPY HOLIDAYS
First Class Mail
Postage & Fees Paid
USPS
Permit No. 610

13 DEC 2007 PM 3:11

• Print your name, address, and ZIP Code in this box •

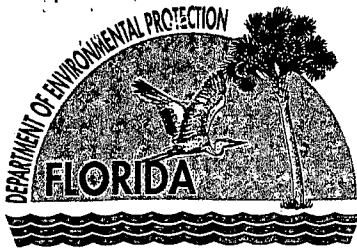
Dept. of Environmental Protection

DEC 18 2007

Florida Department of Environmental Protection
Southwest District
c/o Stephanie Watson - Solid Waste
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Southwest District





Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

310021
Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

December 11, 2007

CERTIFIED MAIL 7007 0710 0005 3635 5959
RETURN RECEIPT REQUESTED

Angelo's Aggregate Materials, Ltd.
Mr. Dominic Iafrate, President
P.O. Box 1493
Largo, Florida 33779

RE: Warning Letter # WL07-0019SW51SWD
Enterprise Class III Landfill and Recycling Facility
Permit No. 177982-007-SO
Pasco County

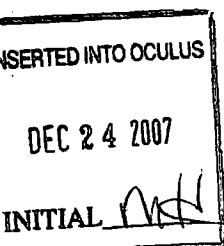
WARNING
LETTER
12/11/07

Dear Mr. Iafrate:

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. A Department compliance inspection of the Enterprise Class III Landfill and Recycling Facility conducted on October 15, 2007 and a follow-up inspection conducted on October 25, 2007 indicate that violations of Florida Statutes and Rules may exist at the facility.

- 1) At the time of the inspection, the facility was filling waste in Cell 3 of the landfill. Cell 4 was filled with half of a lift (eastern half) of waste before beginning to fill in Cell 3. The facility's approved sequence of filling indicates that the facility will fill in Cell 4 with six 10 to 12 foot lifts of waste and then fill in Cell 3. This is contrary to Plan sheets entitled, Angelo's Recycled Materials Enterprise Recycling and Disposal Facility (25 sheets), dated November 2006 (received November 13, 2006), prepared by JEA, Specific Condition C.13.a. of Permit 177982-007-SO, and Section 8.1 of the Operation Plan.

Angelo's Aggregate Materials, Ltd.'s Enterprise Class III Landfill and Recycling Facility was previously found in violation for failure to comply with the facility's approved sequence as related to cell construction, as indicated in the Department's February 3, 2006 Warning Letter #WL06-0004SW51SWD, which was resolved through Short Form Consent Order OGC Case No. 06-0783, executed on May 25, 2006.



- 2) Unacceptable waste, including excessive amounts of household garbage, toys, bedding, clothing, shoes, and food containers/bottles, was observed in the "spotted/pushed" waste in the working face. A whole waste tire was observed protruding through the cover in Cell 4. This is contrary to Rule 62-701.200(14), F.A.C., Specific Condition C.10.c(3) of Permit No. 177982-007-SO, and Section 5.4 of the facility's approved Operation Plan.
- 3) There were approximately two spotters on the ground at the working face at the time of the inspection. Department staff observed multiple loads being unloaded that were promptly pushed and compacted without being spotted. Loads were not segregated after they were dumped, but were mixed as they were being pushed and compacted. The loads were not spotted after being "spread" and were pushed into the "spotted waste" as soon as they were dumped. Spotters did not appear to inspect incoming waste as it was unloaded and spread, and or to remove unacceptable waste, in accordance with the facility's permit and Operation Plan. This is contrary to Rule 62-701.500(1), F.A.C., Specific Condition C.10.b of Permit No.177982-007-SO, and Section 5.1 of the facility's Department approved Operations Plan.
- 4) Initial cover on waste in Cell 4 was inadequate. Exposed waste, including a tire, shoes, and mattresses, was observed. Strong landfill gas odors were also noted in this area. Erosion was observed on the edge of the western side of the half-lift in Cell 4. This is contrary to Rule 62-701.500(7)(e), F.A.C., Specific Condition C.11.a. of Permit No. 177982-007-SO, and Sections 8.2 and 9.0 of the Operations Plan.
- 5) Intermediate cover on waste in Cells 1, 2, and 15 was inadequate. Erosion with exposed waste in deep cuts was observed along the northern road. Pondered water was observed along the eastern edge of the top of Cells 1, 2, and 15. This is contrary to Rule 62-701.500(7)(f), F.A.C., Specific Conditions C.11.c. and C.6.e. of Permit No. 177982-007-SO, and Sections 8.2 and 9.0 of the Operation Plan.
- 6) During the Department's October 15, 2007 inspection, staff noted off-site odor on Enterprise Road beyond the landfill property boundary. Department staff noted this in the inspection report. The facility's Operations Plan indicates that the Site Manager will immediately take corrective actions by placing cover to abate odors. During the Department's October 25, 2007 follow-up inspection, staff again noted off-site odor beyond the landfill boundary. It appears that the facility failed to "immediately" abate the off-site migration of objectionable odors, as required by the facility's Operation Plan. This is contrary to Rule 62-701.530(3)(b), F.A.C., Specific Conditions C.5.a. and C.5.b. of Permit No.177982-007-SO, and Section 10.1 of the Operations Plan.
- 7) Department staff observed that the interior lanes in the Yard Trash Processing Facility were not at least 15 feet wide. This is contrary to Rule 62-709.320(4)(a)3.b., F.A.C. and Specific Condition C.9.c. of Permit No. 177982-007-SO.

Rule 62-4.160(1), Florida Administrative Code ("F.A.C."), states, "The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are 'permit conditions' and are binding and enforceable pursuant to Section 403.141, 403.727, or 403.859, F.S." Rule 62-4.160(2), F.A.C. states, "This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department." Specific Condition A.7. of Permit No. 177982-007-SO states, "It is a violation of this permit for failure to comply with all conditions and deadlines."

Plan sheets, entitled, Angelo's Recycled Materials Enterprise Recycling and Disposal Facility (25 sheets) dated November 2006 (received November 13, 2006) prepared by JEA. Specific Condition C.13.a. of Permit No. 177982-007-SO states, "The method and sequence of filling shall be in accordance with the Permit Drawings, and as described in the Operations Plan and Engineering Report..." Section 8.1 of the Operation Plan indicates that the facility will fill in Cell 4 with six 10 to 12 foot lifts of waste and then fill in Cell 3.

Rule 62-701.200(14), F.A.C. states, "Class III waste means yard trash, construction and demolition debris, processed tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, or other materials approved by the Department that are not expected to produce leachate which poses a threat to public health or the environment." Specific Condition C.10.c(3) of Permit No. 177982-007-SO states, "Unauthorized wastes shall be removed from the incoming loads immediately, and no other loads shall be dumped in the vicinity until all unacceptable wastes have been removed and stored in containers provided." Section 5.4 of the facility's approved Operation Plan states, "The Enterprise RDF Class III Landfill will accept only those solid wastes as defined in F.A.C., Chapter 62-701.200(14) as Class III wastes."

Rule 62-701.500(1), F.A.C. states, "All Class I and Class III landfills shall have at least one trained spotter at each working face at all times when the landfill receives waste to detect unauthorized wastes." Specific Condition C.10.b of Permit No. 177982-007-SO states, "A trained spotter shall be positioned at the working face to inspect each load from ground level (i.e. while off of the equipment) as it is being received, unloaded and as it is spread and compacted and remove unacceptable wastes." Section 5.1 of the facility's Department approved Operations Plan states, "The second inspection...will occur at the working face...the spotter stationed at the working face will be responsible for spotting trucks bringing in disposal loads. The spotter will show the driver where to unload, and will also inspect the trucks to make sure unacceptable materials are not unloaded. The spotter will have authority to ensure that unacceptable materials are reloaded on the truck the material was brought on...The third inspection will occur as the waste is spread by the equipment operator. Any unacceptable wastes observed will be placed in the appropriate container located at the working face."

Rule 62-701.500(7)(e), F.A.C. states, "Initial cover shall be applied and maintained at landfills in order to minimize any adverse environmental, safety, or health effects such as those resulting from birds, unauthorized wastes, blowing litter, odors, disease vectors, or fires." Specific

Condition C.11.a. of Permit No. 177982-007-SO states, "Initial cover shall be applied and maintained at the end of each week in accordance with Rule 62-701.500(7)(e), F.A.C., so as to protect public health and welfare." Specific Condition C.5.a. of Permit No. 177982-007-SO states, "The owner or operator shall control odors...." Section 8.2 of the Operations Plan states, "The following engineering controls will be used to minimize erosion at the working face...." Section 9.0 of the Operations Plan states, "Initial cover is planned to be...placed weekly in approximately 6-inch layers on the compacted lifts to control vectors...."

Rule 62-701.500(7)(f), F.A.C. states, "An intermediate cover in addition to the six-inch initial cover shall be applied and maintained within seven days of cell completion if additional solid waste will not be deposited within 180 days of cell completion." Specific Condition C.11.c. of Permit No. 177982-007-SO states, "Intermediate cover shall be applied and maintained in accordance with Rule 62-701.500(7)(f), F.A.C." Specific Condition C.6.e. of Permit No. 177982-007-SO states, "Intermediately covered areas, or areas which discharge to the stormwater management system, which exhibit significant erosion shall be repaired within 48 hours of detection, or by the close of the next business day, whichever occurs first." "Significant" means...waste is exposed." Section 8.2 of the Operation Plan states, "Ponding of water near the top of the slope should not be allowed, since seepage through the slope may initiate erosion." Section 9.0 of the Operation Plan states, "An intermediate cover of one (1) foot of compacted soil will be applied if final cover or an additional lift is not to be applied within 180 days of cell completion."

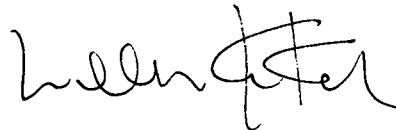
Rule 62-701.530(3)(b), F.A.C. states, "The facility shall be operated to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C. Specific Condition C.5.a. of Permit No.177982-007-SO states, "The owner or operator shall control odors...arising from the operation so as to protect the public health and welfare." Specific Condition C.5.b. of Permit No.177982-007-SO states, "To reduce the potential for the off-site migration of objectionable odors, the owner or operator shall...apply soil cover in accordance with Operations Plan." Section 10.1 of the Operations Plan states, "The Enterprise RDF site Manager will conduct daily and weekly inspections of the landfill and will check for objectionable odors or gas by driving around the perimeter of the site, record the results, and notify the FDEP and County of any positive detection and *immediately* take corrective actions [emphasis added]. Corrective actions will include placement of soil cover, or mulch, or lime containing materials such as crushed concrete that is documented to abate the odors. The facility only accepts Class III debris for disposal and accepts no putrescible household wastes."

Rule 62-709.320(4)(a)3.b., F.A.C. states," There shall be interior lanes at least 15 feet wide." Specific Condition C.9.c. of Permit No. 177982-007-SO states, "The yard trash processing facility shall be operated in accordance with the requirement of Rule 62-709.320, F.A.C., the Operations Plan, and the conditions of this permit."

The deficiencies noted above and any other activities at your facility that may be contributing to violations of the above rules should be ceased. The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. It is typically Department policy to initiate enforcement action and seek civil penalties of **\$18,397** for conditions such as those described above.

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. You are requested to contact Ms. Stephanie Watson of this office at telephone number (813) 632-7600, extension 451, or by email, Stephanie.M.Watson@dep.state.fl.us, within fifteen days (15) 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. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



William Kutash
Waste Program Administrator
Southwest District

wk/sw

cc: Susan Pelz, P.E., FDEP SWD
Steve Morgan, FDEP SWD
Nancy Gaskin, FDEP SWD
Melissa Madden, FDEP SWD
Mary Jean Yon, Waste Division Director, Tallahassee