

**PENALTY COMPUTATION WORKSHEET**

Respondent: Angelo's Aggregate Materials, Ltd., Mr. Dominic Iafrate  
 Facility: Enterprise Class III Landfill and Recycling Facility  
 Permit Number: Permit No. 177982-007-SO/T3

Name of Department Staff Responsible for the Penalty Computations: Stephanie Watson  
 Date of Initial Computation: November 27, 2007

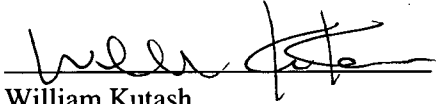
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Revision Date:

**PART I - Penalty Determinations**

WL item	Violation Type	ELRA Schedule	Potential for Harm	Extent of Deviation	Matrix Amount	Adjustment	Total
1. Failure to comply with approved plans for method and sequence of filling	Failure to comply with any other Departmental rule  GEN-13	\$500	Minor	Moderate	\$500	\$500  100% History of Non- compliance	\$1,000
2. Unpermitted disposal of solid waste (Class I waste in the "spotted/pushed" waste)	Unpermitted disposal of solid waste (Class I)  SW-2	\$3,000	Major	Minor	\$4,600- \$5,999		\$5,999
3. Failure to provide adequate spotting to inspect incoming waste	Insufficient personnel to properly operate the facility including spotters  GEN-7	\$1,000	Moderate	Minor	\$1,200 - \$1,999		\$1,999
4. Failure to maintain adequate initial cover	Failure to maintain adequate initial cover  SW-10	\$3,000	Moderate	Major	\$3,200 - \$4,599		\$3,200
5. Failure to maintain adequate intermediate cover	Failure to maintain adequate intermediate cover  SW-10	\$3,000	Moderate	Major	\$3,200 - \$4,599		\$3,200
6. Failure to control the off-site migration of objectionable odor	Failure to comply with any other Departmental rule  GEN-13	\$500	Minor	Moderate	\$500		\$500

7. Failure to maintain interior lanes between yard waste piles at least 15 feet wide	Failure to comply with any other Departmental rule GEN-13	\$500	Moderate	Minor	\$1,200 - \$1,999		\$1,999
Subtotal		\$11,500					\$17,897
<b>Penalty Summary</b>							
Department Costs and Expenses:							\$500
Penalty:							\$17,897
Penalty with Costs:							<b>\$18,397</b>

  
William Kutash

12/11/07  
Date

Waste Program Administrator  
Southwest District

- Under 403.121(5), F.S. of the Environmental Litigation and Reform Act, the administrative penalty for failure to comply with any other Departmental statute or rule not otherwise identified in this section is \$500.
- Under 403.121(3)(e), F.S. of the Environmental Litigation and Reform Act, the administrative penalty for unauthorized disposal of Class I solid waste is \$3,000.
- Under 403.121(4)(e), F.S. of the Environmental Litigation and Reform Act, the administrative penalty for failure to maintain adequate staff is \$1,000.
- Under 403.121(3)(e), F.S. of the Environmental Litigation and Reform Act, the administrative penalty for failure to properly maintain leachate control (initial cover) is \$3,000.
- Under 403.121(3)(e), F.S. of the Environmental Litigation and Reform Act, the administrative penalty for failure to properly maintain leachate control (intermediate cover) is \$3,000.
- Under 403.121(5), F.S. of the Environmental Litigation and Reform Act, the administrative penalty for failure to comply with any other Departmental statute or rule not otherwise identified in this section is \$500.
- Under 403.121(5), F.S. of the Environmental Litigation and Reform Act, the administrative penalty for failure to comply with any other Departmental statute or rule not otherwise identified in this section is \$500.

Part II - Adjustments

ADJUSTMENTS:

Total Dollar Amount: \$500

100 % History of Non-compliance

Justification: 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 of filling" 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. The facility has a "history of non-compliance" with regard to this deficiency.

Level of Enforcement Case:

- Minimal Enforcement Case: \$100-\$500.00
- Average Enforcement Case: \$ 500.00-\$1,000.00
- Complex Enforcement Case: \$ 1,000.00-\$5,000.00

This case has been classified as an Minimal Enforcement Case, for an Enforcement Cost of \$ 500.00

12. Improper use or reuse of recovered fines or screened materials debris from the construction and demolition debris waste stream.
13. Failure to operate disposal areas so that adverse environmental and public health impacts, such as blowing litter and vectors, are minimized.
14. Failure to manage CCA treated wood as provided in subsection 62-701.730(20), F.A.C.
15. Disposal of construction and demolition debris that exceeds the design height, if foundation analysis does not demonstrate sufficient support.
16. Disposal of construction and demolition debris waste beyond the permitted footprint.

**MINOR:**

1. Failure to operate the facility to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C.
2. Failure to maintain segregated disposal areas for construction and demolition debris at a solid waste landfill.
3. Failure to post signs indicating the name of the operating authority, traffic flow, hours of operation and restrictions or conditions of disposal.
4. ~~Failure to follow the method and sequence of filling waste in the~~ operations plan.
5. Lift depths exceed 10 feet and are not authorized by the operation plan.

**EXTENT OF DEVIATION**

**MAJOR:**

1. Acceptance and processing of non-construction and demolition debris waste at a construction and demolition debris recycling facility. Cited two times.
2. On-site disposal of construction and demolition debris in violation of the solid waste prohibitions of Rule 62-701.300, F.A.C.
3. Disposal of construction and demolition debris greater than 25 percent within any setback requirement established for the facility.
4. Disposal of construction and demolition debris greater than 25 feet beyond the disposal footprint.
5. Exceeding the design height by greater than 20 feet.
6. Facility currently does not have at least one trained operator for the facility.
7. Facility currently has no trained spotter.
8. Failure to remove unauthorized waste from the waste stream and place into appropriate containers or secure storage areas in a timely manner as noted on three consecutive inspections.
9. Storage of Class I waste for more than 30 days.
10. Storage of Class III waste for more than 90 days.
11. Failure to follow the method and sequence of filling waste in the operation plan. Cited two times.
12. Lift depths exceed 10 feet and are not authorized by the operation plan. Cited two times.

**MODERATE:**

1. Acceptance and processing of non-construction and demolition debris waste at a construction and demolition debris recycling facility. Cited one time.
2. Improper use or reuse of more than 20 cubic yards of recovered fines or screened materials debris from the construction and demolition debris waste stream.
3. Disposal of construction and demolition debris greater than 10 percent within any setback requirement established for the facility.
4. Disposal of construction and demolition debris greater than 10 feet but less than or equal to 25 feet beyond the permitted footprint.
5. Exceeding the design height by greater than 10 feet but less than or equal to 20 feet.
6. On-site disposal of construction and demolition debris in violation of Rule 62-701.730(17), except Rule 62-701.300, F.A.C.
7. Failure to maintain working face and internal slopes of all disposal units not greater than three feet horizontal to one foot vertical rise (3H:1V) and reasonable assurance is not provided in operation plan that fires can be controlled in steeply sloped areas.
8. Failure to compact and slope waste during the life of the facility to assure that the requirements of Rule 62-701.730(9), F.A.C. can be met.
9. Failure to comply with schedule for compaction and grading included in the operation plan.
10. Failure to follow the method and sequence of filling waste in the operation plan. Cited one time.
11. Lift depths exceed 10 feet and are not authorized by the operation plan. Cited one time.
12. Facility has a trained spotter, but fails to maintain at least one trained spotter on duty at the working face to inspect the incoming waste at all times waste is being accepted at the site.
13. Failure to maintain access control to the disposal facility by fencing or other effective barriers to prevent disposal of solid waste other than construction and demolition debris on three consecutive inspections.
14. Failure to remove unauthorized waste material from the waste stream and place into appropriate containers or secure storage areas in a timely manner as noted on two consecutive inspections or three inspections within 2 years.
15. Failure to operate the facility to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C.
16. Failure to operate disposal areas so that adverse environmental and public health impacts, such as blowing litter and vectors, such that deficiencies are noted on two consecutive inspections or three inspections within 2 years or the non-compliance results in numerous citizen complaints.
17. Storage of Class I waste for more than 7 days.
18. Storage of Class III waste for more than 60 days.
19. Failure to manage CCA treated wood as provided in Rule 62-701.730(20), F.A.C.

**MINOR:**

1. Improper use or reuse of less than 20 cubic yards of recovered fines or screened materials debris from the construction and demolition debris waste stream.
2. Disposal of construction and demolition debris less than 10 percent within any setback requirement established for the facility or disposal of construction and demolition debris less than or equal to 10 feet beyond the permitted footprint.
3. Exceeding the design height by less than or equal to 10 feet.
4. Failure to maintain access control to the disposal facility by fencing or other effective barriers to prevent disposal of solid waste other than construction and demolition debris.
5. Failure to remove unauthorized waste from the waste stream and place into appropriate containers or secure storage areas in a timely manner.
6. Failure to maintain segregated disposal areas for construction and demolition debris at a solid waste landfill.
7. Failure to operate disposal areas so that adverse environmental and public health impacts, such as blowing litter and vectors, are minimized.
8. Storage of Class III waste for more than 30 days.
9. Failure to post signs indicating the name of the operating authority, traffic flow, hours of operation and restrictions or conditions of disposal.

## 5.0 CLASS III LANDFILLS

### 5.1 Unauthorized Disposal of Solid Waste

#### POTENTIAL FOR HARM

Disposal of any of the following wastes in the quantities listed below.

##### **MAJOR:**

1. Hazardous waste.
2. Liquid and non-liquid polychlorinated biphenyl (PCB) at concentration of 50 parts per million or greater.
3. Untreated biomedical waste.
4. Improper or uncontrolled disposal of friable asbestos containing material (greater than 1 percent by weight).
5. Lead-acid batteries improperly stored or disposed of at the site.
6. Used oil at a Class III or unlined landfill.
7. Disposal of Class I waste.

##### **MODERATE:**

1. Non-hazardous waste either liquid or solid that is not designated in the permit.
2. Storage of Class I waste.

##### **MINOR:**

1. Unauthorized disposal of white goods.
2. Whole waste tires in the working face of Class III landfill.

#### EXTENT OF DEVIATION

Disposal of any of the following waste in the quantities listed below.

##### **MAJOR:**

1. PCB at concentration of 50 parts per million or greater in the form of contaminated soil, rags or other debris.
2. Hazardous waste greater than 25 gallons or 220 pounds in lined Class III landfills.
3. Hazardous waste in any quantity in an unlined Class III.
4. Biomedical waste (untreated) greater than 25 pounds in both lined and unlined Class III.
5. Regulated (Friable) asbestos greater than 1 cubic meter that is not wetted, bagged and covered.
6. Used oil greater than 550 gallons in lined Class III.
7. Used oil greater than 25 gallons in unlined Class III.
8. 10 or more lead acid batteries.
9. Non-hazardous waste either liquid greater than 1000 gallons or solid greater than 20 cubic yards in both lined and unlined landfills.

10. Class I waste greater than 5 cubic yards on site more than 7 days, or less than 5 cubic yards on site greater than 14 days.

**MODERATE:**

1. Hazardous waste less than 25 gallons or 220 pounds. (lined Class III)
2. Biomedical waste (untreated) less than 25 pounds Class III.
3. Regulated asbestos less than 1 cubic meter that is not wetted, bagged and covered.
4. Used oil less than 25 gallons in an unlined Class III.
5. Used oil between 25 to 550 gallons in a lined a Class III.
6. Lead acid batteries between 5 to 10.
7. Non-hazardous waste not designated in the permit which includes either liquid between 25 to 1000 gallons or solid less than 20 but greater than 5 cubic yards.
8. 10 or more whole waste tires in the landfill.
9. Class I waste greater than 5 cubic yards on site greater than 48 hours or less than 5 cubic yards on site greater than 7 days.

**MINOR:**

1. Used oil less than 25 gallons in a lined Class III.
2. Non-hazardous waste not designated in the permit which includes either liquid less than 25 gallons or solid less than 5 cubic yards.
3. Waste tires less than 10.
4. Class I waste less than 5 cubic yards on site greater than 48 hours.

**5.2 Facility Operations (Class III lined/unlined)****POTENTIAL FOR HARM:****MAJOR:**

1. No trained spotter on duty at the working face during the operation of the landfill.

**MODERATE:**

1. Insufficient personnel or equipment to properly operate the facility, including spotters, attendants and trained operators.
2. Failure to maintain adequate cover, including initial and intermediate.
3. Failure to maintain fire control facilities.
4. Failure to implement a waste checking program (weekly random inspection).
5. Failure to provide adequate access control.
6. Failure to control or correct erosion resulting in exposed waste.
7. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical slopes on the working face of the cell and all site grades above land surface.

6. Failure to control dust and litter so that the litter is beyond the working face and not picked up within 24 hours.
7. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical slopes on the initial cover of the cell.

**MINOR:**

#3

1. Failure to segregate less than 5 tons of (Class I) prohibited waste.
2. Insufficient personnel so that routine duties cannot be implemented.
3. Failure to control dust and litter so that the litter is beyond the working face but not picked up within 24 hours.
4. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical slopes on the initial cover and working face the cell.
5. All other violations with a minor potential for harm.



10. Class I waste greater than 5 cubic yards on site more than 7 days, or less than 5 cubic yards on site greater than 14 days.

**MODERATE:**

1. Hazardous waste less than 25 gallons or 220 pounds. (lined Class III)
2. Biomedical waste (untreated) less than 25 pounds Class III.
3. Regulated asbestos less than 1 cubic meter that is not wetted, bagged and covered.
4. Used oil less than 25 gallons in an unlined Class III.
5. Used oil between 25 to 550 gallons in a lined a Class III.
6. Lead acid batteries between 5 to 10.
7. Non-hazardous waste not designated in the permit which includes either liquid between 25 to 1000 gallons or solid less than 20 but greater than 5 cubic yards.
8. 10 or more whole waste tires in the landfill.
9. Class I waste greater than 5 cubic yards on site greater than 48 hours or less than 5 cubic yards on site greater than 7 days.

**MINOR:**

1. Used oil less than 25 gallons in a lined Class III.
2. Non-hazardous waste not designated in the permit which includes either liquid less than 25 gallons or solid less than 5 cubic yards.
3. Waste tires less than 10.
4. Class I waste less than 5 cubic yards on site greater than 48 hours.

**5.2 Facility Operations (Class III lined/unlined)**

**POTENTIAL FOR HARM:**

**MAJOR:**

1. No trained spotter on duty at the working face during the operation of the landfill.

**MODERATE:**

#4, #5

1. Insufficient personnel or equipment to properly operate the facility, including spotters, attendants and trained operators.
2. Failure to maintain adequate cover, including initial and intermediate.
3. Failure to maintain fire control facilities.
4. Failure to implement a waste checking program (weekly random inspection).
5. Failure to provide adequate access control.
6. Failure to control or correct erosion resulting in exposed waste.
7. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical slopes on the working face of the cell and all site grades above land surface.

8. Failure to control dust by allowing unconfined emissions of particulate matter in violation of Rule 62-296.320(4)(c), F.A.C.

**MINOR:**

1. Failure to control litter.
2. Failure to maintain access road.
3. Failure to properly compact wastes.
4. Failure to weigh waste at county owned disposal facility.
5. Failure to segregate Construction and Demolition debris from other solid waste at Class I landfill.
6. Failure to control or correct erosion.
7. Failure to install and maintain a recording rain gauge.

**EXTENT OF DEVIATION:**

**MAJOR:**

44, 45

1. No spotter or trained operator on duty while facility is receiving waste.
2. ~~Failure to apply weekly cover and/or use unapproved cover.~~
3. Failure to segregate more than 10 tons of C&D debris from the Class I waste stream.
4. Failure to maintain equipment causing it to be inoperable with no backup equipment. Cited for three consecutive inspections.
5. Failure to implement or provide records of waste checking program.
6. Failure to begin corrective action for erosion within a period of 2 weeks.
7. Failure to provide access control. Cited for three consecutive inspections.
8. Failure to control litter so that the litter is off site, and in the storm water system for more than 24 hours.
9. Failure to maintain a maximum of 3 feet horizontal to 1 foot vertical slopes on the working face of the cell and all site grades above land surface.
10. Failure to comply with all of the requirements listed in the MINOR category above.
11. Failure to comply with any one of the requirements listed in the MINOR category above, cited for three consecutive inspections.

**MODERATE:**

1. Failure to segregate between 5 to 10 tons of (Class I) prohibited waste.
2. Missing or inoperable fire equipment at the landfill.
3. Inoperable equipment with no backup equipment but can be secured within 24 hours.
4. Failure to complete corrective action for erosion within a period of 2 weeks.
5. Failure to provide access control cited for two consecutive inspections.

**MODERATE:**

1. Methane gas has reached the LEL at or beyond the landfill boundary and is venting to the atmosphere.

**MINOR:**

#6

1. Gas is causing objectionable odors at or beyond the facility boundary.
2. Submittal of gas monitoring results.

**EXTENT OF DEVIATION**

**MAJOR:**

1. Any methane gas results over 25 percent the LEL in a structure or 100 percent the LEL beyond the landfill boundary.
2. Failure to conduct 2 of the 4 quarterly monitoring events within a 1 year period.
3. Failure to submit gas monitoring results within 6 months of due date.
4. Any verified objectionable odor that persists for seven consecutive days.
5. Failure to submit a remediation plan for a methane gas release within seven days of detection in accordance with Rule 62-701.400(10)(c)3.b., F.A.C.
6. Failure to complete the remedy for gas remediation within sixty days of detection in accordance with Rule 62-701.400(10)(c)3.b., F.A.C.
7. Failure to take all necessary steps to ensure protection of human health in the event of a methane gas release in accordance with Rule 62-701.400(10)(c)3.a., F.A.C.

**MODERATE:**

#6

1. Failure to conduct one quarterly gas monitoring event.
2. Failure to submit gas sampling results within 3 months of due date.
3. Any verified objectionable odor that persists for 24 hours.

**MINOR:**

1. Failure to submit gas monitoring results within one month of due date.

**2.3.2 Construction of Gas Monitoring System**

**POTENTIAL FOR HARM**

**MODERATE:**

1. Failure to construct gas monitoring and/or management system in accordance with the permit.

**POTENTIAL FOR HARM**

**MAJOR:**

1. Un-containerized storage of putrescible waste or storage of putrescible waste for more than 48 hours.
2. Part of the area occupied by processed or unprocessed material is greater than 50 feet from access by motorized fire fighting equipment.

**MODERATE:**

1. Failure to maintain an all-weather access road, at least 20 feet wide, all around the perimeter of the site.
- #7 2. Failure to maintain interior lanes between yard waste piles at least 15-feet wide.

**MINOR:**

1. Construction, operation or modification of a yard trash processing facility without registration with the Department.
2. Failure to process all yard trash within 6 months of receipt or within the period required for receiving 3,000 tons or 12,000 cubic yards, whichever is longer.
3. Failure to remove processed material from the site within 18 months or as otherwise approved by the Department.
4. Failure to provide access control.
5. Failure to control dust or litter.
6. Failure to operate the facility to control objectionable odors.

**EXTENT OF DEVIATION**

**MAJOR:**

1. Processing of greater than 100 cubic yards of yard trash without a registration.
2. Greater than 20 cubic yards of un-containerized putrescible waste.
3. Third consecutive violation for failure to process all yard trash within 6 months of receipt or within the period required for receiving 3,000 tons or 12,000 cubic yards, whichever is longer.
4. Third consecutive violation for failure to remove processed material from the site within 18 months or as otherwise approved by the Department.
5. Third consecutive violation for failure to provide access control.
6. Third consecutive violation for failure to maintain an all-weather access road, at least 20 feet wide, all around the perimeter of the site.
7. Third consecutive violation for failure to maintain interior lanes between yard waste piles at least 15 feet wide.
8. Third consecutive violation for part of the area occupied by processed or unprocessed material being greater than 50 feet from access by motorized fire fighting equipment.
9. Third consecutive violation for failure to operate the facility to control objectionable odors.

**MODERATE:**

1. Processing of greater than 20 cubic yards but less than or equal to 100 cubic yards of yard trash without a registration.
2. Greater than 5 but less than or equal to 20 cubic yards of putrescible waste.
3. Second consecutive violation for failure to process all yard trash within 6 months of receipt or within the period required for receiving 3,000 tons or 12,000 cubic yards, whichever is longer.
4. Second consecutive violation for failure to remove processed material from the site within 18 months or as otherwise approved by the Department.
5. Second consecutive violation for failure to provide access control.
6. Second consecutive violation for failure to maintain an all-weather access road, at least 20 feet wide, all around the perimeter of the site.
7. Second consecutive violation for failure to maintain interior lanes between yard waste piles at least 15 feet wide.
8. Second consecutive violation for part of the area occupied by processed or unprocessed material being greater than 50 feet from access by motorized fire fighting equipment.
9. Second consecutive violation for failure to operate the facility to control objectionable odors.

**MINOR:**

1. Storage of less than or equal to 20 cubic yards of yard trash in water.
2. First violation for failure to process all yard trash within 6 months of receipt or within the period required for receiving 3,000 tons or 12,000 cubic yards, whichever is longer.
3. First violation for failure to remove processed material from the site within 18 months or as otherwise approved by the Department.
4. First violation for failure to provide access control.
5. Failure to control dust or litter.
6. First violation for failure to maintain an all-weather access road, at least 20 feet wide, all around the perimeter of the site.
7. First violation for failure to maintain interior lanes between yard waste piles at least 15 feet wide.
8. First violation for part of the area occupied by processed or unprocessed material being greater than 50 feet from access by motorized fire fighting equipment.
9. First violation for failure to operate the facility to control objectionable odors.

#7

## Gaskin, Nancy

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**From:** Pelz, Susan  
**Sent:** Tuesday, October 23, 2007 7:29 AM  
**To:** John Arnold  
**Cc:** Gaskin, Nancy; Madden, Melissa; Watson, Stephanie M.; Morgan, Steve  
**Subject:** Enterprise Inspection 10/15/07

John,

An item that was inadvertently left off the inspection report.

- The petroleum storage tanks in the yard trash area appear to be leaking. Leakage was observed around the gauge on one tank and the impacted soils were observed (presence of petroleum was confirmed by odor of soil) on the ground around one of the tanks.

Please include a response to this item as well as the other items listed in the inspection report.

If you have any questions, please call or email (email is better).

Susan J. Pelz, P.E.  
Solid Waste Program Manager  
Southwest District

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