

Memorandum

**Florida Department of
Environmental Protection**

SOUTHWEST DISTRICT

TO: Larry Morgan
Office of General Counsel

THROUGH: *W/K* William Kutash, Administrator
Division of Waste Management

Susan Pelz, P.E., Section Manager
Solid Waste Section, Southwest District *SP 5/25/06*

FROM: Stephanie Watson, Enforcement Coordinator *SW 5/24/06*
Solid Waste Section, Southwest District

DATE: May 24, 2006

SUBJECT: Angelo's Aggregate Materials, Ltd.
d/b/a Enterprise Class III Landfill and Recycling Facility

OGC Case No. 06-0783

Case Closure Request

All provisions of the subject Short Form Consent Order have been met;

Penalty Amount \$3,500.00

The receipt for and the balance of this amount were received on May 18, 2006. Therefore, it is requested that the case be closed in LCT.

Enclosure: Copy of executed Short Form Consent Order OGC Case No. 06-0783

**Florida Department
Department of Environmental Protection
Interoffice Memorandum**

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: W ☒ William Kutash, Waste Program Administrator
FROM/THROUGH: SP 5/25/06 ☒ Susan Pelz, P.E., Program Supervisor
SP 5/24/06 ☒ Stephanie Watson, Enforcement Coordinator

DATE: May 24, 2006

FILE NAME: ANGELO'S AGGREGATE MATERIALS,
INC./ENTERPRISE CLASS III LANDFILL

OGC FILE NO. 06-0783

PROGRAM: WASTE MANAGEMENT

COUNTY: PASCO

TYPE OF DOCUMENT:

☐ DRAFT OR ☒ FINAL
☐ FINAL ORDER
☐ WARNING LETTER

☐ NOV
☐ CASE REPORT
☐ INSPECTION REPORT

☒ CONSENT ORDER
☐ PENALTY AUTHORIZATION

Action Required: Final Short Form Consent Order, OGC Case No. 06-0783, for Angelo's Aggregate Materials, Inc. for your review and signature.

Description Of Violations:

- 1) Failure to notify the Department that limestone was encountered during construction of Cell 14
- 2) Construction of Cell 5 was not in accordance with permit

Total Penalty Amount: \$3,500

☐ Penalty Amount Approval Required by OGC

NOTE: Ms. Getzoff had requested that this document be signed by the Waste Program Administrator.

Check for \$3500 rec'd 5/18/06



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

May 25, 2006

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

RE: Consent Order, OGC File No.: 06-0783
Enterprise Class III Landfill and Recycling Facility, Pasco County

Dear Mr. Iafrate:

A review of Department files confirms that all the terms and conditions of the above referenced Short Form Consent Order have been complied with and, therefore, the Department is closing its case on the matter.

Your efforts in resolution of this case are appreciated.

Sincerely,

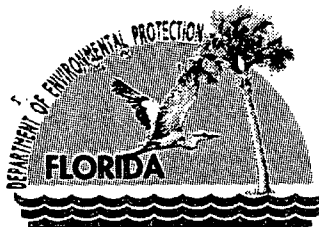
William Kutash
Program Administrator
Division of Waste Management
Southwest District

wk/sw
Enclosure:
cc:

Copy of executed Short Form Consent Order OGC File No.: 06-0783
Susan Pelz, P.E., FDEP – Solid Waste
Stephanie Watson, FDEP – Solid Waste
Joseph M. Polito, 2290 First National Building, Detroit, Michigan 48226-3506

"More Protection, Less Process"

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Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

May 3, 2006

CERTIFIED MAIL 7004 0750 0003 0516 2208
RETURN RECEIPT REQUESTED

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

SUBJECT: Proposed Settlement of #WL06-0004SW51SWD
OGC File No.: 06-0783

Dear Mr. Iafrate:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated February 23, 2006, a copy of which is attached. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. The corrective actions required to bring your facility into compliance have been performed. The Department acknowledges that you do not agree with and dispute the Department's position and that you expressly deny that any presently actionable violation occurred. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$3,000, along with \$500 to reimburse the Department costs, for a total of \$3,500.

The civil penalty in this case includes one alleged violation of \$2,000.00 or more.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission or evidence of liability or of fault. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Attn: Sandra Wilson, 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926, within thirty (30) days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

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Dept. of Environmental
Protection
MAY 18 2006
Southwest District

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

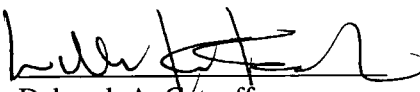
(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

If you do not sign and return this letter to the Department at the District address within fifteen (15) days of receipt of this letter, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

FOR THE RESPONDENT:

I, Dominic Iafrate, on behalf Angelo's Aggregate Materials, Ltd., **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

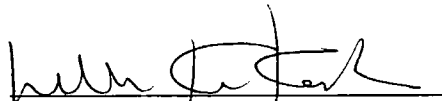
By: 

Date: 5/15/06

FOR DEPARTMENT USE ONLY

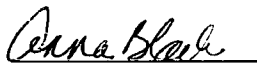
DONE AND ENTERED this 22nd day of May, 2006.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Deborah A. Getzoff
District Director
Southwest District

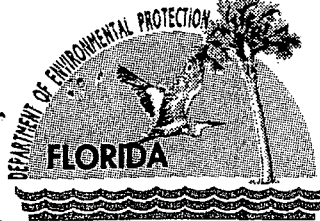
FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to
§120.52, Florida Statutes,
With the designated Department
Clerk, receipt of which is hereby
Acknowledged.


Clerk

5/25/06
Date

Copies furnished to:
Lea Crandall, Tallahassee OGC (Executed copy only)
Sandra Wilson, FDEP Tampa (Executed copy only)



Jeb Bush
Governor

Department of Environmental Protection

295997

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

February 23, 2006

CERTIFIED MAIL 7002 3150 0003 8463 3520
RETURN RECEIPT REQUESTED

Mr. Dominic Iafrate, President
Angelo's Aggregate Materials, Ltd.
1755 20th Avenue SE
Largo, FL 33771

RE: Warning Letter # WL06-0004SW51SWD
Enterprise Class III Landfill and Recycling Facility
Permit No. 177982-002-SO and Permit No. 177982-001-SC
Pasco County

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 Certification of Construction Completion for Cell 14, dated December 9, 2005, and Certification of Construction Completion for Cell 5, dated February 2, 2006, which were submitted to the Department by Tetra Tech HAI on behalf of Angelo's Aggregate Materials, Ltd., indicate that violations of Florida Statutes and Rules may exist at Enterprise Class III Landfill and Recycling Facility:

- 1) The Certification of Construction Completion for Cell 14, which was received by the Department on December 16, 2005, indicates that, during the construction of Cell 14, limestone was encountered. Construction activities were not ceased and the Department was not notified. This is contrary to Specific Condition 5.a. of Permit No. 177982-001-SC.
- 2) The Certification of Construction Completion for Cell 5, which was received by the Department on February 3, 2006, indicates that the construction of Cell 5 has been completed. This is contrary to the permitted construction sequence found in above-referenced permits and the Department-approved Operations Plan.

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 5.a. of Permit No. 177982-001-SC states "In the event that limestone is encountered during

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construction (excavation) of new disposal areas (cells), the excavation activities shall cease and the Department shall be notified. This notification shall include the location, elevation, and extent of limestone noted on a plan sheet, a description of the materials encountered, and a plan of action which ensures that groundwater will not be adversely affected by the construction and operation of the new disposal area (cell). Construction activities shall not resume in the affected area until the Department-approved plan of action has been completed." Rule 62-701.320, F.A.C. states "No solid waste management facility shall be constructed, operated, maintained, modified, or closed without a permit issued by the Department." Specific Condition 3 of Permit No. 177982-002-SO and Specific Condition 3 of Permit No. 177982-001-SC states "Any construction, operation, closure, or other activities not previously approved as part of this permit may require a separate Department permit unless the Department determines a permit modification to be more appropriate. Permits shall be modified in accordance with the requirements of 62-4.080, F.A.C." Specific Condition 11.a. of Permit No. 177982-002-SO states "The sequence of filling shall be in accordance with the sequences described in the Operations Plan and as shown in Figures 3-17 (Sequence 1), 3-18 (Sequence 2), and the related cross-sections (Figures 3-24, 3-25, 3-26 and 3-27), or as otherwise approved in writing by the Department." Specific Condition 2 of Permit No. 177982-001-SC states "This permit is valid for Sequences 1 and 2 construction of the facility in accordance with the reports, plans and other information as follows..." Section 8.1 of the facility's Operations Plan states "the sequence of filling operations are as follows (see Figures 3-17 through 3-18)..."

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 \$3,500 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, within seven (7) days of receipt of this Warning Letter 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. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Deborah A. Getzoff
District Director
Southwest District

dag/sw

cc: Steve Morgan, FDEP
Stephanie Watson, FDEP
Bret Galbraith, FDEP

295Q91

Florida Department of Environmental Protection - Enterprise Applications

Query Coll Rpts Rind Exit CRA Window

ORACLE

Cash Receiving Application - Collection Point Log Remittance

CL AREA **SWD** Logged Total **CRAF006A \$3,500.00**

Collection Point Log Remittance

Remittance ID **673362** Type **99** Received Date **05/18/2006** Status **RECEIVED**

System Receipt **643523** PNR Check # **4708441** Amount **3,500.00**

SSN/FEID Name **ANGELO'S AGGREGATE MATERIALS LTD**

First Middle Title Suffix

Address1 **PO BOX 1493**

Address2

City **LARGO** ST **FL** Zip **33779**

Country Short Comments **OGC 06-0783 SW**

PAYMENT(S)

Payment ID	Distribution	Object	Code/Description	Payment Amount	Reference#	Appl	Fund*	Status
746765	SWD	018003	LCT-REIMB LEGAL	\$500.00	060783		ECOSYS	COMPLETE
746766	SWD	012008	LCT-PENALTIES	\$3,000.00	060783		ECOSYS	COMPLETE

COMMIT FREQUENTLY **\$3,500.00** Payment Total

Press STAR to instant Collection Point or enter FAA

start | Inbox | 4 Inter... | Document | 9:14 AM

Bank of America. 

Cashier's Check

No. 4708441

Notice to Purchaser: In the event this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

VOID AFTER 90 DAYS
Date MAY 16, 2006

Banking Center MADEIRA BEACH BANKING CENTER


0001001 00013 004708441

ANGEL'S AGGREGATE MATERIALS, LTD.
Remitter (Purchased By)

\$ **3500.00**

Pay **THREE THOUSAND FIVE HUNDRED DOLLARS AND 00 CENTS**

To
The
Order Of
DEPT. OF ENVIRO. PROTECT. OGC FILE#06-0783
ECOSYSTEMS MGMT. & RESTORATION TRUST FUND


Authorized Signature

Bank of America, N.A.
San Antonio, Texas

⑈4708441⑈ ⑆114000019⑆ 001641002054⑈

THE ORIGINAL DOCUMENT HAS REFLECTIVE WATERMARK ON THE BACK

Date: 5/3/06

Number of pages, including cover page: 7

To: Joe Polito

From: Stephanie Watson

Phone: _____

Phone: (813) 632-7600, Ext:

Fax: 248.952.5628

Fax: (813) 632-7664

cc: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments: Per your request: Copies of - April 25, 2006 call 14 COG,
May 3, 2006 response to TetraTech HAI March 3 & 23, 2006
letters, + May 3, 2006 Short Form Consent Order

Stephanie

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8124895255628	NORMAL	3,11:42	3'13"	8	* O K	
Telephone Number	Mode	Start	Time	Pages	Result	Note

May 3 2006 11:46

P.1

** Transmit Conf. Report **

WASTE MGT TAMPA SWD Fax: 81363227664



State of Florida
Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Fax

Date: 5/3/06

Number of pages, including cover page: 7

To: Joe Polito

From: Stephanie Watson

Phone: _____

Phone: (813) 632-7600, Ext: _____

Fax: 248.952.5628

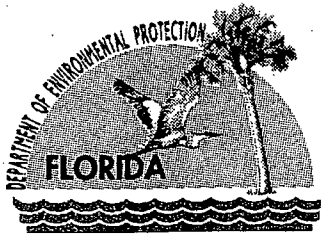
Fax: (813) 632-7664

CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments: Copies of -
Per your request: April 25, 2006 call 14 COC,
May 3, 2006 response to TetraTech HAI March 3 & 23, 2006
letters, + May 3, 2006 Short Form Consent Order

Stephanie



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

Mr. Dominic Iafrate
Angelo's Aggregate Materials, Ltd.
1755 20th Ave. S.E.
Largo, Fl. 33771

April 25, 2006

RE: Enterprise Recycling & Disposal Class III Landfill
Permit Nos.: 177982-001-SC and 177982-002-SO, Pasco County
Certification of Construction Completion, Cell 14 (5.78 acres), temporary stormwater pond

Dear Mr. Iafrate:

On March 8, 2006, an inspection of the above-referenced facility relative to construction completion and adherence to the permit issued by the Florida Department of Environmental Protection (FDEP) was made by Stephanie Watson, Jeff Glas and Mary Ellen Edwards (FDEP) and Jeff Rogers (Enterprise Landfill). Certification of Construction Completion dated September 19, 2005 (received September 20, 2005) and additional information dated December 9, 2005 (received December 16, 2005) and March 23, 2006 (received March 24, 2006), has been received by the Department. Based on the information submitted and the site inspection, the Department approves the construction certification for the use of Cell 14 as a temporary stormwater pond.

Please be reminded that prior to the proposed use of Cell 14 for waste disposal, a revised or updated Certification of Construction completion may be required by the Department based on the condition of the Cell 14 clay layer at that time.

Based on the site inspection and certification documentation, the Department approves the use of Cell 14 as a temporary stormwater pond in accordance with Operation Permit 177982-002-SO and the stormwater management permit (ERP) for the site (as appropriate). If you have any questions, you may contact me at (813) 632-7600 ext. 386.

Sincerely,

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

sjp
cc:

Jennifer Deal, P.E., Hartman & Associates, 201 E. Pine St., Ste. 1000, Orlando, FL 32801, w/attachment
William Kutash, Waste Program Administrator, FDEP Tampa
Fred Wick, FDEP, Tallahassee
Douglas Hyman, P.E., FDEP Tampa, ERP

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Is your RETURN ADDRESS completed on the reverse side?

Enterprise CL (LTF) (Responser Ltrs)

SENDER ~~066~~ 06-0783

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Dominic Iafrate, President
Angelo's Aggregate Materials, LTD
P O Box 1493
Largo, FL 337791

4a. Article Number

7004 0750 0003 0516 2192

4b. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

5-4-06

5. Received By: (Print Name)

TAMMY SIMMONS

6. Signature: (Addressee or Agent)

X. *[Signature]*

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

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

7004 0750 0003 0516 2192

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)

Total Postage

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+

Mr. Dominic Iafrate, President
Angelo's Aggregate Materials, LTD
P O Box 1493
Largo, FL 337791

PS Form 3800, June 2002

See Reverse for Instructions

Mailed
5-3-06
Postmark Here *ab*



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

State of Florida
Dept. of Environmental Protection
Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

MAY 05 2006

Stephanne Watson
Salid Clarke

Southwest District



Department of Environmental Protection

295997

Jeb Bush
Governor

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

CERTIFIED MAIL 7004 0750 0003 0516 2192
RETURN RECEIPT REQUESTED

May 3, 2006

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

RE: Response to March 3, 2006 and March 23, 2006 Letters from Tetra Tech HAI
Enterprise Class III Landfill and Recycling Facility, Permit No. 177982-002-SO and 177982-001-SC
OGC File No.: 06-0783, Pasco County

Dear Mr. Iafrate:

The Department received the submittals "Response to Warning Letter #WL06-0004SW51SWD," (dated March 3, 2006) on March 6, 2006, and "Confining Material Verification, Cell 14 West Side Slope," (dated March 23, 2006) on March 24, 2006. Both were submitted by Tetra Tech HAI on behalf of Angelo's Aggregate Materials, Ltd (Angelo's). This letter has been prepared in response to these submittals.

The "Response to Warning Letter #WL06-0004SW51SWD" was submitted as a written response to the two items in the Warning Letter, which was issued to Enterprise Class III Landfill on February 23, 2006. Tetra Tech HAI indicated that Angelo's failure to notify the Department when limestone was encountered during the construction of Cell 14 was a misunderstanding on Angelo's part, and that Angelo's understands that the notification requirement in Specific Condition 5.a. of Permit No. 177982-001-SC is to remain in the permit. Tetra Tech HAI indicated that Angelo's future cell construction and certification will be in accordance with the current construction permit and Department-approved Operations Plan. Tetra Tech indicated that Angelo's has a mine permit from Pasco County, which allows them to mine soils from the property, and that Angelo's intends to excavate soils from the site independent of landfill construction. The Department accepts these responses to the Warning Letter.

The submittal "Response to Warning Letter #WL06-0004SW51SWD" also included a proposal for notification by Angelo's if and when limestone is encountered during landfill cell construction in the future. Unfortunately, the proposal in Angelo's March 3, 2006 letter does not include sufficient detail to adequately evaluate the proposal. Further, the Department does not object to clarifying the limestone notification requirements in the permit, but if the information is intended to modify the construction requirements for the facility, the appropriate administrative mechanism to effect the proposed change is a modification to the current permit, instead of as part of the resolution of the pending enforcement case.

The submittal "Confining Material Verification, Cell 14 West Side Slope," which was submitted in response to item #1 in the Warning Letter, contained borings logs and a survey of the locations where limestone fragments were encountered during the construction of Cell 14. The Department accepts the information provided in that report, and has sent an approval letter for the Cell 14 temporary stormwater pond under separate cover. If you have any questions concerning this letter, please contact me at the address listed above or at (813) 632-7600 x 386.

Sincerely,

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

sjp/sw
cc:

William Kutash, Waste Program Administrator, FDEP- Tampa
Stephanie Watson, FDEP - Tampa, Solid Waste
David Thulman, FDEP OGC

"More Protection, Less Process"

Printed on recycled paper.

**Florida Department
Department of Environmental Protection
Interoffice Memorandum**

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: WM ☒ William Kutash, Waste Program Administrator
FROM/THROUGH: g/4/26 ☒ Susan Pelz, P.E., Program Supervisor
SW 4/21 ☒ Stephanie Watson, Enforcement Coordinator

DATE: April 21, 2006

FILE NAME: ANGELO'S AGGREGATE MATERIALS,
INC./ENTERPRISE CLASS III LANDFILL

OGC FILE NO. 06-0783

PROGRAM: WASTE MANAGEMENT

COUNTY: PASCO

TYPE OF DOCUMENT:

☒ DRAFT OR ☐ FINAL
☐ FINAL ORDER
☐ WARNING LETTER

☐ NOV
☐ CASE REPORT
☐ INSPECTION REPORT

☒ CONSENT ORDER
☐ PENALTY AUTHORIZATION

Action Required: Short Form Consent Order, OGC Case No. 06-0783, for Angelo's Aggregate Materials, Inc. for your review and signature.

Description Of Violations:

- 1) Failure to notify the Department that limestone was encountered during construction of Cell 14
- 2) Construction of Cell 5 was not in accordance with permit

Summary of Corrective Actions Needed: Payment of penalty.

Total Penalty Amount: \$3,500 ☐ Penalty Amount Approval Required by OGC

Note: Ms. Getzoff requested that this document be signed by the Waste Program Administrator

Is your RETURN ADDRESS completed on the reverse side?

Letter: Proposed Settlement of WLD6-00045251SWD

SENDER: OGC # 06-0783

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Dominic Iafrate, President
Angelo's Aggregate Materials, LTD
P O Box 1493
Largo, FL 337791

4a. Article Number

7004 0750 0003 0516 2208

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5.4.06

5. Received By: (Print Name)

TAMMY SIMMONS

6. Signature: (Addressee or Agent)

X [Signature]

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

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

Thank you for using Return Receipt Service.

7004 0750 0003 0516 2208

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)	
Total Postage	

Sent To

Street, Apt. No. or PO Box No.

City, State, Zip

Mr. Dominic Iafrate, President
Angelo's Aggregate Materials, LTD
P O Box 1493
Largo, FL 337791

PS Form 3800, June 2002 See Reverse for Instructions

mailed
5-3-06
Postmark Here [initials]



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

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

Dept. of Environmental
Protection
State of Florida
Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 34677-0926
MAY 6 2006

Stephanie Watson
Solid Waste

Southwest District



Jeb Bush
Governor

Department of Environmental Protection

295191

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

May 3, 2006

CERTIFIED MAIL 7004 0750 0003 0516 2208
RETURN RECEIPT REQUESTED

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

SUBJECT: Proposed Settlement of #WL06-0004SW51SWD
OGC File No.: 06-0783

Dear Mr. Iafrate:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated February 23, 2006, a copy of which is attached. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. The corrective actions required to bring your facility into compliance have been performed. The Department acknowledges that you do not agree with and dispute the Department's position and that you expressly deny that any presently actionable violation occurred. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$3,000, along with \$500 to reimburse the Department costs, for a total of \$3,500.

The civil penalty in this case includes one alleged violation of \$2,000.00 or more.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission or evidence of liability or of fault. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Attn: Sandra Wilson, 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926, within thirty (30) days of your signing this letter.

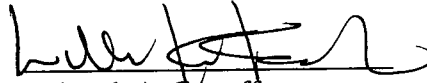
Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

"More Protection, Less Process"

Printed on recycled paper.

If you do not sign and return this letter to the Department at the District address within fifteen (15) days of receipt of this letter, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

FOR THE RESPONDENT:

I, Dominic Iafrate, on behalf Angelo's Aggregate Materials, Ltd., **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____

Date: _____

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2006.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff
District Director
Southwest District

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to
§120.52, Florida Statutes,
With the designated Department
Clerk, receipt of which is hereby
Acknowledged.

Clerk

Date

Copies furnished to:
Lea Crandall, Tallahassee OGC (Executed copy only)
Sandra Wilson, FDEP Tampa (Executed copy only)

NOTICE OF RIGHTS

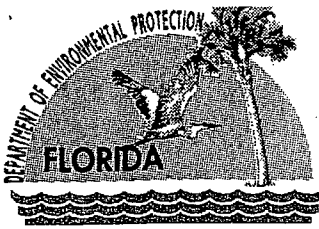
Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

295997
Colleen M. Castille
Secretary

February 23, 2006

CERTIFIED MAIL 7002 3150 0003 8463 3520
RETURN RECEIPT REQUESTED

Mr. Dominic Iafrate, President
Angelo's Aggregate Materials, Ltd.
1755 20th Avenue SE
Largo, FL 33771

RE: Warning Letter # WL06-0004SW51SWD
Enterprise Class III Landfill and Recycling Facility
Permit No. 177982-002-SO and Permit No. 177982-001-SC
Pasco County

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 Certification of Construction Completion for Cell 14, dated December 9, 2005, and Certification of Construction Completion for Cell 5, dated February 2, 2006, which were submitted to the Department by Tetra Tech HAI on behalf of Angelo's Aggregate Materials, Ltd., indicate that violations of Florida Statutes and Rules may exist at Enterprise Class III Landfill and Recycling Facility:

- 1) The Certification of Construction Completion for Cell 14, which was received by the Department on December 16, 2005, indicates that, during the construction of Cell 14, limestone was encountered. Construction activities were not ceased and the Department was not notified. This is contrary to Specific Condition 5.a. of Permit No. 177982-001-SC.
- 2) The Certification of Construction Completion for Cell 5, which was received by the Department on February 3, 2006, indicates that the construction of Cell 5 has been completed. This is contrary to the permitted construction sequence found in above-referenced permits and the Department-approved Operations Plan.

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 5.a. of Permit No. 177982-001-SC states "In the event that limestone is encountered during

"More Protection, Less Process"

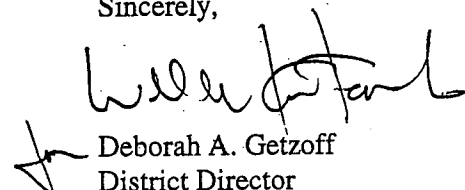
Printed on recycled paper.

construction (excavation) of new disposal areas (cells), the excavation activities shall cease and the Department shall be notified. This notification shall include the location, elevation, and extent of limestone noted on a plan sheet, a description of the materials encountered, and a plan of action which ensures that groundwater will not be adversely affected by the construction and operation of the new disposal area (cell). Construction activities shall not resume in the affected area until the Department-approved plan of action has been completed." Rule 62-701.320, F.A.C. states "No solid waste management facility shall be constructed, operated, maintained, modified, or closed without a permit issued by the Department." Specific Condition 3 of Permit No. 177982-002-SO and Specific Condition 3 of Permit No. 177982-001-SC states "Any construction, operation, closure, or other activities not previously approved as part of this permit may require a separate Department permit unless the Department determines a permit modification to be more appropriate. Permits shall be modified in accordance with the requirements of 62-4.080, F.A.C." Specific Condition 11.a. of Permit No. 177982-002-SO states "The sequence of filling shall be in accordance with the sequences described in the Operations Plan and as shown in Figures 3-17 (Sequence 1), 3-18 (Sequence 2), and the related cross-sections (Figures 3-24, 3-25, 3-26 and 3-27), or as otherwise approved in writing by the Department." Specific Condition 2 of Permit No. 177982-001-SC states "This permit is valid for Sequences 1 and 2 construction of the facility in accordance with the reports, plans and other information as follows..." Section 8.1 of the facility's Operations Plan states "the sequence of filling operations are as follows (see Figures 3-17 through 3-18)..."

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 \$3,500 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, within seven (7) days of receipt of this Warning Letter 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. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,


Deborah A. Getzoff
District Director
Southwest District

dag/sw

cc: Steve Morgan, FDEP
Stephanie Watson, FDEP
Bret Galbraith, FDEP

Watson, Stephanie M.

From: Ryder, Anneliese [ARyder@honigman.com] on behalf of Polito, Joseph M.
[JPolito@honigman.com]
Sent: Monday, May 01, 2006 5:15 PM
To: Watson, Stephanie M.
Cc: diafrate@iafrate.com; jarnold@jonesedmunds.com; Kutash, William; Pelz, Susan
Subject: Angelo's Aggregates/Enterprise Landfill - Settlement No. WL06-0004SW51SWD OGC File No. 06-0783

Stephanie:

I tried to reach you by phone this afternoon, but got your voicemail. Please be advised that my client and I have reviewed yours drafts of April 26, 2006 regarding the Enterprise Landfill short form Consent Agreement and letter from Susan Pelz and we find them to be acceptable for purposes of resolution of this matter. I would appreciate it if, in the final draft of the Consent Agreement, you indicate in the signature line for the Respondent that it is being signed by Dominic Iafrate on behalf of Angelo's Aggregate Materials, Ltd., as I had provided in my draft of April 11, 2006. Also, in the draft letter from Ms. Pelz, there is a reference to a letter being sent regarding the limestone fragments encountered during the construction of Cell 14. I understand that that letter has been sent in final form. Could you please PDF or fax me a copy of that letter. I would also appreciate it if you would copy me on your drafts when they are finalized and sent to my client. Thanks again for your cooperation in getting this matter resolved. It was a pleasure to meet and work with you.

Joe

-----Original Message-----

From: Watson, Stephanie M. [mailto:Stephanie.M.Watson@dep.state.fl.us]
Sent: Wednesday, April 26, 2006 2:46 PM
To: Polito, Joseph M.
Cc: diafrate@iafrate.com; jarnold@jonesedmunds.com; Kutash, William; Pelz, Susan
Subject: RE: Angelo's/Enterprise Landfill - Short Form Consent Order

Joe,

The Department does not object to your request to review and respond to the documents by Monday, May 1, 2006.

Thank you,

Stephanie

Stephanie Watson, FDEP SW District Office, Solid Waste Section
Telephone: 813-632-7600, ext. 451 (SunCom 514-9155, ext. 451)
Facsimile: 813-632-7664 (SunCom fax 514-9219); E-mail:
stephanie.m.watson@dep.state.fl.us
<mailto:stephanie.m.watson@dep.state.fl.us>

-----Original Message-----

From: Stewart, Dorene [mailto:DStewart@honigman.com] On Behalf Of Polito, Joseph M.
Sent: Wednesday, April 26, 2006 12:24 PM
To: Watson, Stephanie M.
Cc: diafrate@iafrate.com; jarnold@jonesedmunds.com
Subject: RE: Angelo's/Enterprise Landfill - Short Form Consent Order

Thank you. I have been waiting for these. Unfortunately, I am tied up on other matters through Friday. As I told you last week, I would like the opportunity to review the drafts and to discuss any issues with you before they are finalized. You have had my draft for over two weeks. Given my schedule, I will not be able to get back to you this until Monday, May 1st. Please let me know whether this is satisfactory or not as soon as possible.

Joe

-----Original Message-----

From: Watson, Stephanie M. [mailto:Stephanie.M.Watson@dep.state.fl.us]
Sent: Wednesday, April 26, 2006 11:19 AM
To: Polito, Joseph M.
Cc: Pelz, Susan; Kutash, William; Thulman, David; diafrate@iafrate.com
Subject: RE: Angelo's/Enterprise Landfill - Short Form Consent Order

Hi Joe,

I have attached the revised Short Form Consent Order. The majority of the changes that you proposed were acceptable. However, we addressed the March 3 and March 23, 2006 submittals in a separate letter, which is also attached.

We anticipate mailing both documents tomorrow.

Stephanie

Stephanie Watson, FDEP SW District Office, Solid Waste Section
Telephone: 813-632-7600, ext. 451 (SunCom 514-9155, ext. 451)
Facsimile: 813-632-7664 (SunCom fax 514-9219); E-mail:
stephanie.m.watson@dep.state.fl.us
<mailto:stephanie.m.watson@dep.state.fl.us>

-----Original Message-----

From: Stewart, Dorene [mailto:DStewart@honigman.com] On Behalf Of Polito, Joseph M.
Sent: Friday, April 21, 2006 11:47 AM
To: Watson, Stephanie M.; Polito, Joseph M.
Cc: Pelz, Susan; Kutash, William; Thulman, David; diafrate@iafrate.com
Subject: RE: Angelo's/Enterprise Landfill - Short Form Consent Order

Thanks for the response Stephanie. I would appreciate seeing drafts of the two documents before they are finalized or signed by FDEP so that we can discuss and hopefully resolve any remaining issues. Please let me know if that is acceptable. Thanks.

Joe

-----Original Message-----

From: Watson, Stephanie M. [mailto:Stephanie.M.Watson@dep.state.fl.us]
Sent: Friday, April 21, 2006 8:03 AM
To: Polito, Joseph M.
Cc: Pelz, Susan; Kutash, William; Thulman, David
Subject: Angelo's/Enterprise Landfill - Short Form Consent Order

Hi Joe,

I received your telephone message today from four days ago. The voicemail message light on our telephones were not working, so I apologize for the delay in getting back to you.

The District and OGC have reviewed your proposed Short Form Consent Order.

The majority of the changes that you proposed appeared to be acceptable. However, the Department's technical review and approval of the March 3, and March 23, 2006 submittals does not appear to be appropriately addressed in the Short Form Consent Order, and will be addressed in a separate letter.

We should have the Short Form for Ms. Getzoff's signature, and technical review letter, prepared by the end of next week.

Thanks, Stephanie

Stephanie Watson, FDEP SW District Office, Solid Waste Section
Telephone: 813-632-7600, ext. 451 (SunCom 514-9155, ext. 451)
Facsimile: 813-632-7664 (SunCom fax 514-9219); E-mail:
stephanie.m.watson@dep.state.fl.us
<mailto:stephanie.m.watson@dep.state.fl.us>

-----Original Message-----

From: Polito, Joseph M. [mailto:JPolito@honigman.com]
Sent: Tuesday, April 11, 2006 11:25 AM
To: Watson, Stephanie M.
Cc: Kutash, William; Thulman, David; diafrate@iafrate.com;
jarnold@jonesedmunds.com
Subject: Angelo's/Enterprise Landfill - Short Form Consent Agreement

Per your request during our discussions last Friday regarding the above matter, I have drafted a proposed short form consent agreement for your consideration. I understand that you are still reviewing Angelo's prior submissions referred to in this draft. I look forward to hearing back from

you so that we may complete the resolution of this matter.

<<Microsoft Word -
DETROIT-_2123850-v2-Short_Form_Consent_Order_DOC.pdf>>

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding tax-related penalties or (ii) promoting, marketing or recommending to another person any transaction or matter addressed in this communication.

Confidential: This electronic message and all contents contain information from the law firm of Honigman Miller Schwartz and Cohn LLP which may be privileged, confidential or otherwise protected from disclosure. The information is intended to be for the addressee only. If you are not the addressee, any disclosure, copy, distribution or use of the contents of this message is prohibited. If you have received this electronic message in error, please notify us immediately (313.465.7000) and destroy the original message and all copies.

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding tax-related penalties or (ii) promoting, marketing or recommending to another person any transaction or matter addressed in this communication.

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IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding tax-related penalties or (ii) promoting, marketing or recommending to another person any transaction or matter addressed in this communication.

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'firm' of Honigman Miller Schwartz and Cohn LLP which may be privileged, confidential or otherwise protected from disclosure. The information is intended to be for the addressee only. If you are not the addressee, any disclosure, copy, distribution or use of the contents of this message is prohibited. If you have received this electronic message in error, please notify us immediately (313.465.7000) and destroy the original message and all copies.

SHORT FORM CONSENT ORDER

from OGC
website

(Date)

(Respondent's Name and Address)

SUBJECT: Proposed Settlement of _____ (Case)
OGC File No.: _____

Dear:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated _____, a copy of which is attached. **(The corrective actions required to bring your facility into compliance have been performed or no corrective actions are required to bring your facility into compliance.)** The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. (If the violations addressed by this CO are different from the violations cited in the Warning Letter, then specifically state in the Warning Letter the violations that are addressed by this CO) In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$_____, along with \$_____ to reimburse the Department costs, for a total of \$_____.

[USE EITHER (A) OR (B)]

(A) The civil penalties are apportioned as follows: **[individually cite the specific rules and/or statutes along with the amount assessed for each, e.g. \$1,500.00 for violation of Rule 62-601.500(2), Florida Administrative Code; \$375.00 for violation of Rules 62-600.740(2)(e) and 62-601.300(1)(a), Florida Administrative Code; \$750.00 for violation of Rule 62-699.310, Florida Administrative Code]**

(B) The civil penalty in this case includes {insert #} violations of \$2,000.00 or more.]

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order **(include other forms of payment when appropriate)** and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, _____, within _____ days of your signing this letter. **(Optional** - The payment shall be made in _____ equal (monthly, quarterly, yearly) installment payment of \$ _____ commencing within _____ days of your signing this letter. Final payment is due no later than _____. Failure to timely make any installment payment will allow the Department, at its discretion, to accelerate the balance which will become immediately due.)

SHORT FORM CONSENT ORDER
PAGE TWO

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address by _____ (date), the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

Director of District Management

FOR THE RESPONDENTS:

I, _____ on behalf of _____, **HEREBY
ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____

Date: _____

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 200__.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Director of District Management

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to

§120.52, Florida Statutes,
With the designated Department
Clerk, receipt of which is hereby
Acknowledged.

Clerk

Date

Copies furnished to:

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

Watson, Stephanie M.

From: Polito, Joseph M. [JPolito@honigman.com]
Sent: Tuesday, April 11, 2006 11:25 AM
To: Watson, Stephanie M.
Cc: Kutash, William; Thulman, David; diafrate@iafrate.com; jarnold@jonesedmunds.com
Subject: Angelo's/Enterprise Landfill - Short Form Consent Agreement



Microsoft Word -
DETROIT-_2123...

Per your request during our discussions last Friday regarding the above matter, I have drafted a proposed short form consent agreement for your consideration. I understand that you are still reviewing Angelo's prior submissions referred to in this draft. I look forward to hearing back from you so that we may complete the resolution of this matter.

<<Microsoft Word - DETROIT-_2123850-v2-Short_Form_Consent_Order_DOC.pdf>>

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding tax-related penalties or (ii) promoting, marketing or recommending to another person any transaction or matter addressed in this communication.

Confidential: This electronic message and all contents contain information from the law firm of Honigman Miller Schwartz and Cohn LLP which may be privileged, confidential or otherwise protected from disclosure. The information is intended to be for the addressee only. If you are not the addressee, any disclosure, copy, distribution or use of the contents of this message is prohibited. If you have received this electronic message in error, please notify us immediately (313.465.7000) and destroy the original message and all copies.

SHORT FORM CONSENT ORDER

DRAFT 4/10/06

(Date)

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

SUBJECT: Proposed Settlement of #WL06-0004SWS/SWD
OGC File No.: [NEED]

Dear Mr. Iafrate:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter, dated February 23, 2006, a copy of which is attached. The Department finds that you were in violation of the rules and statutes cited in the attached Warning Letter. **The corrective actions required to bring your facility into compliance have been performed.** In particular, the Department acknowledges and accepts the responses contained in letters to the Department, dated March 3, 2006 and March 23, 2006, regarding this matter from Tetra Tech HAI. The Department acknowledges that you do not agree with and dispute the Department's position and that you expressly deny that any presently actionable violation occurred. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$3,000.00, along with \$500.00 to reimburse the Department costs, for a total of \$3,500.00.

The civil penalties are apportioned as follows:

(A) \$1,000.00 for one alleged violation of Florida Administrative Code (F.A.C.) 62-4-160(1) as provided in Section 403.121(3)(f), Florida Statutes.

(B) The civil penalty in this case also includes \$2,000.00 for one alleged violation of F.A.C. 62-4-160(1) as provided in Section 403.121(3)(d), Florida Statutes.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission or evidence of liability or of fault. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, to the attention of Solid Waste Manager, 13051 Telecom Parkway N., Tampa, FL 33637, within thirty (30) days of your signing this letter.

SHORT FORM CONSENT ORDER
PAGE TWO

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address within fifteen (15) days of receipt of this letter, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

Director of District Management

FOR THE RESPONDENTS:

I, Dominic Iafrate, on behalf of Angelo's Aggregate Materials, LTD. **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____

Date: _____

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 200__.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Director of District Management

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to
§120.52, Florida Statutes,
With the designated Department
Clerk, receipt of which is hereby
Acknowledged.

Clerk

Date

Copies furnished to:

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

DETROIT.2123850.2



TETRA TECH HAI

Mark A. Rynning, PE, M.B.A.
James E. Christopher, PE
Charles W. Drake, PG
William D. Musser, PE, PH
Lawrence E. Jenkins, P.S.M.
Jon D. Fox, PE
Jill M. Hudkins, PE

Roderick K. Cashe, PE
Douglas P. Dufresne, PG
Daniel M. Nelson, PE

Andrew T. Woodcock, PE, M.B.A.
John P. Toomey, PE
Jennifer L. Woodall, PE
Valerie C. Davis, PG
Charles M. Shultz, PE
Sean M. Parks, AICP QEP
W. Bruce Lafrenz, PG
James R. Warner, PE

March 23, 2006

Via UPS Overnight

Ms. Susan J. Pelz, P.E.
Florida Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, Florida 33637

**Subject: Confining Material Verification, Cell 14 West Side Slope
Enterprise Recycling & Disposal Facility
FDEP Permit No. 177982-001-SC/MM
Specific Condition No. 5) a) 1) & Attachment 1
Pasco County, Florida**

Tt HAI # 98.0104.023, File 12.0

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

MAR 24 2006

SOUTHWEST DISTRICT
TAMPA

3/23/06
Letter

Dear Ms. Pelz:

On behalf of Angelo's Aggregate Materials, Ltd. (Angelo's) and consistent with our recent discussions, Tetra Tech HAI (Tt HAI) is submitting this summary of field borings completed on March 7, 2006 at the above facility. More specifically, the borings were performed on the west side slope of Cell 14 in the location where limestone fragments were encountered in heavy clay during construction of Cell 14 as part of the temporary stormwater pond.

During this construction, Angelo's excavated the area where the limestone fragments were found and placed back at least three feet of compacted clay obtained from on-site stockpiled confining material. As discussed with the Department on February 28, 2006, Tt HAI's professional geologist was to perform borings in this area with a hand auger to confirm the presence of confining material.

Tt HAI's professional geologist completed five borings to a depth of three feet in this location. At boring location AB-3, one small limestone fragment (2-3 inches in diameter) was found. The boring was moved approximately 1-foot from the original location to check for additional fragments. No additional fragments were found in any of the borings and we believe the one fragment found to be incidental and of no consequence.

Boring logs and a survey of the locations are attached for your review. Based on the surveyed locations, the area where limestone fragments were encountered is west of the designed pond slope, above the elevation of the temporary pond (top of bank of the temporary pond is 80 ft, NGVD).



TETRA TECH HAI

Ms. Susan J. Pelz, P.E.
March 23, 2006
Page 2

Based upon our discussions, it is my understanding that the Department will accept the foregoing as compliant with the certification requirements of Specific Condition No. 5) a) 1) and Attachment 1 of FDEP Permit No. 177982-001-SC/MM.

Please call me if you have any questions.

Very truly yours,

Tetra Tech HAI

 3-23-06

Miguel Gargia, P.G.
Project Hydrogeologist

MAG/sma/98.0104.023/corresp/pelz-2.jld.doc

cc: Jeff Rogers, Angelo's
Joe Polito

Watson, Stephanie M.

From: Watson, Stephanie M.
Sent: Friday, April 07, 2006 3:42 PM
To: Joe Polito (E-mail)
Cc: Pelz, Susan; Thulman, David
Subject: Short Form Consent Order template

Tracking:	Recipient	Read
	Joe Polito (E-mail)	
	Pelz, Susan	Read: 4/7/2006 3:52 PM
	Thulman, David	

Hi Joe,

Here is the web link to the Short Form Consent Order template on the DEP website. I thought that it may be easier for you to have the electronic version:

<http://www.dep.state.fl.us/legal/Enforcement/appendix/models/sfco.doc>

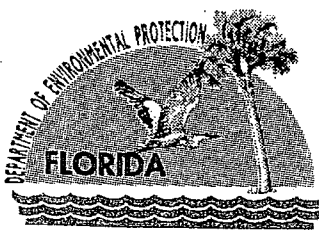
Could you please send your proposed changes to me by Wednesday, April 12, of next week?

Thank you,

Stephanie

Stephanie Watson, FDEP SW District Office, Solid Waste Section
Telephone: 813-632-7600, ext. 451 (SunCom 514-9155, ext. 451)
Facsimile: 813-632-7664 (SunCom fax 514-9219); E-mail: stephanie.m.watson@dep.state.fl.us

4/7/2006



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

DATE: 4/7/06

TIME: 1:30 PM

LOCATION / CONFERENCE ROOM: Admin Conf. Room

SUBJECT: Enterprise Class III Landfill Warning Letter

ATTENDEES

NAME	AFFILIATION	TELEPHONE #	E-mail ADDRESS
<u>Stephanie Watson</u>	<u>dep solid waste</u>	<u>813 7632-7600x451</u>	
<u>Angelo LAFRATE</u>	<u>Angelos</u>	<u>810 217 9953</u>	
<u>Dominick LAFRATE</u>	<u>"</u>	<u>810 217 0726</u>	<u>DIAFRATE@LAFRATE.COM</u>
<u>Joseph M. Polito</u>	<u>Angelia - Army</u>	<u>313-465-7514</u>	<u>jpolito@harrisman.com</u>
<u>John Arnold</u>	<u>Jones Edmunds for AA</u>	<u>352/377-5821</u>	<u>Jarnold@Jonesedmunds.com</u>
<u>William Kutash</u>	<u>FDEP Waste Adm.</u>	<u>813-632-7600 x353</u>	<u>Kutash-W@DEP.STATE.FL</u>
<u>STEVE MORGAN</u>	<u>FDEP-SOLID WASTE</u>	<u>(813)632-7600 x385</u>	<u>STEVE.MORGAN@DEP.STATE.FL</u>
<u>David Thulman</u>	<u>FDEP- Solid Waste OGC</u>	<u>via teleconference</u>	
<u>Susan Pelz</u>	<u>FDEP- Solid waste</u>	<u>via teleconference</u>	

Watson, Stephanie M.

Subject: Enterprise Warning Letter Meeting
Location: Admin Conf Room

Start: Fri 4/7/2006 1:30 PM
End: Fri 4/7/2006 3:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Required Attendees: Morgan, Steve; Pelz, Susan; Kutash, William; Thulman, David
Optional Attendees: Black, Anna

To discuss the \$3,500 in penalties assessed in the Enterprise WL. Dominic lafrate and Joe Polito will be attending. I requested that Joe Polito send me an agenda for the meeting.

Anna, could you please reserve the Admin. Conf. Room and a Meet-me-number. Thank you.



WL.2-06.sw.doc



pen
calc.2-06.sw.doc

A large, stylized handwritten signature in black ink, appearing to be 'Stephanie M. Watson'.

YOUR MMCC FOR 4/7

1-4 PM

14 LINES

Handwritten initials 'JP' in a circle, followed by the text **PHONE 850/921-5320**

CONF# 14B0406

Enterprise Warning Letter Class # landfill

SN (Explanation of penalties)

seg change require permit and

BK - construction is foundation of good environmental protection
protective system must be in place (gw wells)

- renewal application

JP - is there a way that we can reach a reality of needs
Mo vs admitting
- next step

BK - self policing we rely heavily we didn't do multi day
we used discretion

SFCO 2 pg letter

AI what is difference between sand + limestone?

BK principles indicates that dissolution + collapse - when you
start wetting tops threaten drinking water

clarification - as sand

→ proposed SFCO ^{to} email

March 3 + March 23

JP We've responded on ~~Mar 23~~ in two letters. We'd like to know that
corrective actions are ~~up~~ completed.

① Bk We need to review two letters
SSP We can agree that there is no continuing violation
JP We haven't had a chance to review March 23 letter
Can we have certainly going forward.

② Bk room for clarification if inconsistency is encountered
JP ~~that~~ We want to add language.

③ DJ pencil in language in SF CO + send it to Susan (she'll
send it to me).

Date: 5/13/06

Number of pages, including cover page: 8

To: Jeff Rogers From: Stephanie Watson
 Phone: _____ Phone: (813) 632-7600, Ext:
 Fax: 352 567 9448 Fax: (813) 632-7664
 CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments: Copy of Inspection Report for 3/8/06
inspection. Report was mailed on 3/10/06.

Stephanie

"More Protection, Less Process"

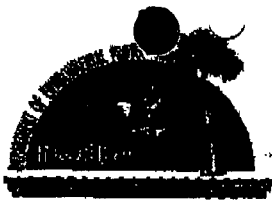
Printed on recycled paper.

813525679448	Check condition of remote Fax.	D.O. 7
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Mar 14 2006 7:43

P.1

** Transmit Conf. Report **



State of Florida
Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Fax

Date: 5/13/06

Number of pages, including cover page: 8

To: Jeff Rogers From: Stephanie Watson
Phone: Phone: (813) 632-7600, Ext:
Fax: 352 567 9448 Fax: (813) 632-7664
cc:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments: Copy of Inspector Report for 3/8/06
Inspector. Report was mailed on 3/10/06.

Stephanie

"More Protection, Less Process"

Printed on recycled paper.

***** - - - - - *****

- FLA DEPT ENV PROT SMD -

STN NO. COMM. ABBR NO. STATION NAME/TEL NO. PAGES DURATION 008/008 00:03:11 813525679448

FILE NO.=345

MODE = MEMORY TRANSMISSION START=MAR-14 08:41 END=MAR-14 08:44

***** -COMM. JOURNAL- ***** DATE MAR-14-2006 ***** TIME 08:44 *****



State of Florida
Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Fax

Date: 5/13/06

Number of pages, including cover page: 8

To: Jeff Rogers From: Stephanie Watson
Phone: _____ Phone: (813) 632-7600, Ext: _____
Fax: 352 567 9448 Fax: (813) 632-7664
CC: _____

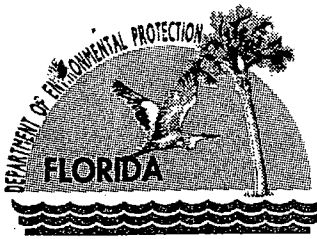
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments: Copy of Inspection Report for 3/8/06
inspection. Report was mailed on 3/10/06.

Stephanie

"More Protection, Less Process"

Printed on recycled paper.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

March 10, 2006

Angelo's Aggregate Materials, Ltd.
Mr. Angelo Iafrate
1755 20th Ave S.E.
Largo, FL 33771

Re: Site Inspection Report
Enterprise Class III Landfill & Recycling Facility
Permit No. 177982-002-SO
Pasco County

Dear Mr. Iafrate:

Please find the enclosed Site Inspection Report for the Enterprise Class III Landfill & Recycling Facility for the March 8, 2006 inspection.

Please respond to the Department regarding the noted deficiencies within seven (7) days of the date of this letter.

Per Mr. Jeff Roger's request for documentation regarding the sequence of excavation operations at Enterprise Landfill, I have included a copy of page 3-6 taken from the Engineering Report, Section 3.7 of the "Enterprise Recycling and Disposal Facility Class III Landfill Permit Application," dated November 2000, which was prepared for Sid Larkin & Sons, Inc by HAI. This document describes the previously approved phasing of the landfill/excavation operation at the Enterprise facility.

If you have any questions or comments, please contact me at (813) 632-7600 ext. 451. Thank you for your cooperation.

Sincerely,

Stephanie Watson
Solid Waste Section
Southwest District

Enclosure

cc: Susan Pelz, P.E., FDEP - Solid Waste
Yanisa Angulo, P.E., FDEP - IW/Stormwater
Jeff Rogers, 41111 Enterprise Road, Dade City, FL 33525
Joel Smolen, FDEP - Air

"More Protection, Less Process"

Printed on recycled paper.



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOLID WASTE MANAGEMENT FACILITY INSPECTION CHECKLIST

Facility Name: Enterprise Class III Landfill & Recycling Facility _____

WACS No. _____ GMS I.D. Number (if available): _____

Inspection Date: 03/8/06 _____ Permit No.: 177982-002-SO _____ Expiration Date: 10/05/06 _____

Facility Address : Enterprise and Auton Rd. _____

City: Dade City _____ County: Pasco _____ Zip: _____

Permittee or Operating Authority: Angelo's Aggregate Materials, Ltd. _____

Telephone Number (Permittee or Operating Authority): _____

Inspection Participants (Include ALL Landfill and Department Employees Specifying Titles):

Principal Inspector: Stephanie Watson _____

Other Participants: Jeff Rogers (Angelo's), Maryellen Edwards, Jeff Glas (ERP) _____

TYPE OF FACILITY (check all that apply):

Landfill: <input type="checkbox"/> Class I <input type="checkbox"/> Class II <input checked="" type="checkbox"/> Class III	C&D Facility: <input type="checkbox"/> Disposal <input type="checkbox"/> Disposal w/Recycling <input type="checkbox"/> Land Clearing	Waste Processing Facility: <input type="checkbox"/> Transfer Station <input type="checkbox"/> C&D Recycling <input type="checkbox"/> Class III MRF <input type="checkbox"/> MSW MRF <input type="checkbox"/> Pulverizer/Shredder <input type="checkbox"/> Compactor/Baling <input type="checkbox"/> Other _____	Other Facilities: <input type="checkbox"/> Composting <input type="checkbox"/> WTE Facility <input type="checkbox"/> Incinerator/Trench Burner <input type="checkbox"/> Unauthorized Disposal <input type="checkbox"/> Other _____
--	--	---	--

TYPE OF INSPECTION (check all that apply):

<input type="checkbox"/> Construction Completion <input checked="" type="checkbox"/> Operation <input type="checkbox"/> Closure <input type="checkbox"/> Long-Term Care	<input type="checkbox"/> Complaint Investigation <input type="checkbox"/> Routine Inspection <input type="checkbox"/> Reinspection <input type="checkbox"/> Facility File Review	<input type="checkbox"/> Other _____
--	---	--------------------------------------

REQUIREMENTS:

THE REQUIREMENTS LISTED IN THIS INSPECTION CHECKLIST ARE BASED UPON RULES OF THE FLORIDA ADMINISTRATIVE CODE. A "NO" RESPONSE TO A REQUIREMENT (UNLESS OTHERWISE NOTED) REFLECTS A VIOLATION OF THE CORRESPONDING DEPARTMENT RULE(S). EACH VIOLATION IS DISCUSSED IN THE NARRATIVE SECTION OF THIS REPORT.

I. SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(16))		YES	NO	Unk	N/A
1.	Unauthorized disposal/storage prohibited in areas lacking geological support? 62-701.300(2)(a)	X			
2.	Unauthorized disposal/storage prohibited, except yard trash, within 500' of a potable water well? 62-701.300(2)(b)	X			
3.	Unauthorized disposal/storage prohibited in a dewatered pit unless pit is lined and has leachate controls? 62-701.300(2)(c)	X			
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)	X			
5.	Unauthorized disposal/storage prohibited in any natural or artificial body of water including ground water? 62-701.300(2)(e)	X			

I. SOLID WASTE PROHIBITIONS (CONTINUED)		YES	NO	Unk	N/A
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)	X			
7.	Unauthorized disposal/storage prohibited on the right of way of any public highway, road or alley? 62-701.300(2)(g)	X			
8.	Unauthorized disposal/storage prohibited, except yard trash, within 1000' of a potable water well serving a community water system? 62-701.300(2)(h)	X			
9.	Is open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	X			
10.	Is hazardous waste disposal prohibited? 62-701.300(4)	X			
11.	Is PCB disposal prohibited except in accordance with Department requirements? 62-701.300(5)	X			
12.	Unless specifically authorized, is the known disposal of untreated biomedical waste prohibited? 62-701.300(6)	X			
13.	Is lead-acid battery disposal prohibited? 62-701.300(8)(a)	X			
14.	Is yard trash disposal prohibited in lined landfills? 62-701.300(8)(c)	X			
15.	Is the disposal of white goods prohibited? 62-701.300(8)(d)	X			
16.	Is whole waste tire disposal prohibited except in accordance with Department requirements? 62-701.300(8)(e)	X			
17.	Is the known disposal of lead-acid batteries, mercury-containing devices, or spent mercury-containing lamps in waste-to-energy facilities prohibited? 62-701.300(9)	X			
18.	Is the facility in compliance with the liquid restrictions on disposal? 62-701.300(10)	X			
19.	Is the disposal of used oil or used oil mixed with wastes prohibited in landfills with the exception of: (1) oily wastes, sorbents or other materials used for maintenance or to clean up spills, leaks or accidental releases of used oil; and (2) soils contaminated with used oil from spills and accidental releases? 62-701.300(11) and 62-701.300(8)(b)	X			
20.	Is the unauthorized storage/disposal of yard trash prohibited within the minimum setbacks for potable water wells (except on-site), water bodies and community water supply wells? 62-701.300(12)	X			
21.	Is the storage of solid waste in an approved tank prohibited within 500 feet of any existing community water supply well or within 100 of any other existing potable water supply well? 62-701.300(13)	X			
22.	Is the facility exempted from the prohibitions because of indoor storage in an areas with an impervious surface and leachate collection system? 62-701.300(14)		X		
23.	Is the facility exempted from the prohibitions because of storage in a vehicle that is enclosed or covered and the vehicle has been unloaded or moved over public highways within the previous seven days? 62-701.300(15)		X		

II. CLASS I, II & III LANDFILLS		YES	NO	Unk	N/A
A. CONSTRUCTION VERIFICATION					
1.	Subgrade or foundation adequately prepared? 62-701.400(3)(a)2				
2.	Liner construction/installation according to plans? 62-701.400(3)				
3.	Leachate collection and removal system installed according to plans? 62-701.400(4)				
4.	Disposal units constructed at planned intervals? 62-701.400(2)				
5.	Gas management system installed according to plans (if currently required)? 62-701.530(3) & (4)				
6.	Soil monitoring probes (for monitoring combustible gases) installed along property boundaries as needed? 62-701.530(2)(b)				
7.	Surface water management system construction according to plans? 62-701.400(9)				
8.	Ground water monitoring system constructed according to approved plan? 62-701.510(2)				
9.	Leachate storage constructed according to plans? 62-701.400(6)				
10.	Liner quality assurance plan followed? 62-701.400(7)				
B. OPERATION AND MAINTENANCE					
11.	Trained operator on-site at Class I and III landfills during operation? 62-701.500(1)	X			
12.	At least one spotter at each working face during operation at Class I and III? 62-701.500(1)	X			

II. CLASS I, II & III LANDFILLS (CO. IUED)		YES	NO	Unk	N/A
B. OPERATION AND MAINTENANCE (CONTINUED)					
13.	Is the training plan maintained and available on-site and is it being followed properly? 62-701.320(15)(a)	X			
14.	Are training records maintained and available on-site at the facility? 62-701.320(15)(a)	X			
15.	Approved operating plan and permit, operating and waste records maintained? 62-701.500(2), (3), (4), (8)(f), (8)(g), (13)	X			
16.	Is the operation plan substantially <u>complied with at all times</u> and revised as needed? 62-701.500(2)		X		
17.	Weighing or measuring of incoming waste? 62-701.500(4)(a)&(2)(d)	X			
18.	Method and sequence of filling waste according to plans? 62-701.500(2)(f)	X			
19.	Is access properly controlled to prevent unauthorized waste disposal? 62-701.500(5)	X			
20.	Load checking program implemented? 62-701.500(6)	X			
21.	Waste compaction as required? 62-701.500(7)(a)	X*			
22.	Working face and side grades above ground sloped no greater than 3 ft. horizontal to 1 ft. vertical rise? 62-701.500(7)(c)	X			
23.	Is a narrow working face practiced? 62-701.500(7)(d)	X			
24.	Are only permitted waste types disposed at facility? 62-701.340(3), 62-701.500(6)(a)&(2)(c)	X			
25.	Is an adequate quantity of acceptable cover material available as stated in permit application? 62-701.330(3)(e)4, 62-701.530(1)(a)	X			
26.	Frequency, amount and quality of initial cover, as required? 62-701.500(7)(e)	X			
27.	Initial cover adequate to control birds, blowing wastes, disease vectors or fires? 62-701.500(7)(e)	X			
28.	Frequency, amount and quality of intermediate cover, as required? 62-701.500(7)(f)		X		
29.	Uncontrolled and unauthorized scavenging prohibited? 62-701.500(7)(h)	X			
30.	Litter controlled and litter control devices maintained? 62-701.500(7)(i) and (11)(f)	X			
31.	Adequate erosion control? 62-701.500(7)(j)	X			
32.	Is leachate sampled and tested as required? 62-701.500(8)(a) & 62-510(6)(c)				X
33.	Leachate collection and removal system maintained and cleaned as required? 62-701.500(2)(j), 62-701.500(8)(b) & (h)				X
34.	Leachate disposed of or treated as required? 62-701.500(8)(b), (c) and (d))				X
35.	If leachate recirculation is practiced at the facility, is it done in accordance with Department requirements and the Operation Plan? 62-701.400(5)				X
36.	Gas monitoring according to permit? 62-701.500(9) & 62-701.530(2)	X			
37.	Gas controlled to not cause objectionable odors beyond the property boundary? 62-701.530(3)(b)			X	
38.	Gas controlled to not allow combustible gas concentrations to exceed specified limits? 62-701.530(3)(a)			X	
39.	Gas pressures not interfering with or causing failure of the liner or leachate control system? 62-701.530(1)(a)4.			X	
40.	Gas vents intact and functioning properly? 62-701.500(9) & 62-701.530(1)(a)3.			X	
41.	Mixing of leachate and stormwater prevented or minimized? 62-701.500(10) & 62-701.400(9)(c)	X			
42.	Peak discharge stormwater run-on to unclosed portions of the landfill prevented as required? 62-701.500(10), 62-701.400(9)(b)	X			
43.	Retention and/or detention ponds/ditches, culverts, berms maintained? 62-701.500(10)		X		
44.	Sufficient operating equipment? 62-701.500(11)(a)	X			
45.	Sufficient reserve equipment (or other arrangements)? 62-701.500(11)(b)	X			
46.	Adequate communication facilities? 62-701.500(11)(c)	X			
47.	Adequate approved dust control methods? 62-701.500(11)(d)		X		
48.	Fire protection and fire fighting facilities adequate and operational? 62-701.500(11)(e)	X			
49.	Required signs for operational directions and public information? 62-701.500(11)(g)	X			
50.	Are all-weather access roads and inside perimeter roads properly maintained? 62-701.500(12)	X			
51.	Ground water wells intact and functioning properly? 62-701.510(2)(b), 62-701.620(9)			X	
52.	Water quality sampling and testing according to standard procedures and at required frequencies? 62-701.510(2)	X			
53.	Is there proper control, management or disposal of special wastes? 62-701.520	X			
54.	Are all specific conditions in the permit being followed? 62-701.320(1)		X		

VI. NARRATIVE

Explanation for all "NO" responses and other comments (continue on separate sheet if necessary)

II.A.12 Operators are Jeff Rogers and Mickey Hazellief; the spotter is Mario Martinez. _____

II.B.16 Operation Plan has not been complied with at all times, i.e. Section 8.1 (intermediate cover), Section 12 (dust), Section 10.3 (stormwater control) _____

II.B.21 Equipment operator is in process of making a stormwater bench on east side of Cell 15; waste not compacted above and below where bench will be installed. _____

II.B.28 The west slope of Cell 15 lacked an adequate amount of intermediate cover because waste was observed. _____

II.B.43 The northern side slope of Pond I exhibited some erosion. _____

II.B.47 The landfill has a water truck for dust control; however, entrance road was dusty from incoming/outgoing trucks and was not watered down. _____

II.B.51 Department staff did not inspect all groundwater monitoring wells. Staff observed that MW-3 and MW-4 have been installed. However, it has been determined that these wells are not adequate, and the facility intends to install replacement wells in the Floridan aquifer. _____

II.B.54 Specific Conditions of Permit not being followed, i.e., #17.b. (intermediate cover), #39 (dust), #40 (erosion in stormwater pond) _____

Comments: Department staff indicated to Jeff Rogers that the Department has not received a written response to the Department inspection on 09/07/05, as requested. _____

The Department issued Warning Letter WL06-0004SW51SWD to the Permittee on 02/23/06. The Department received a written response to the Warning Letter on 03/06/06. However, this response did not address the \$3,500 in penalties, therefore the enforcement case has not been resolved to date. _____

Department staff observed cell markers in Cell 5, and observed that no waste has been placed in this cell. A permit modification, which was issued by the Department on March 1, 2006, authorized the recent construction of Cell 5, which was constructed out of permitted sequence. _____

Cells 14 and 16 are temporary stormwater ponds. _____

In the area west of Cell 14, Department staff observed stakes, which denote auger borings where limestone was encountered. Staff observed several pieces of limestone in this area (1 foot wide) and a larger piece near Cell 13 (about five feet wide). _____

Signed: Stephanie Watson 3/10/06 Mailed to Permittee 3/10/06
DEP Representative Date Date

PLEASE RESPOND TO THE ABOVE DEFICIENCIES, IN WRITING, TO THE DEPARTMENT WITHIN SEVEN (7) DAYS STATING CORRECTIVE ACTIONS.

Enterprise Recycling and Disposal Facility Class III Landfill Permit Application

PASCO COUNTY, FLORIDA

Prepared For

Sid Larkin & Son, Inc.

November 2000

HAI Project No. 99-331.01



**HARTMAN &
ASSOCIATES, INC.**

engineers, hydrogeologists, surveyors & management consultants

ORLANDO • FORT MYERS • PLANTATION • JACKSONVILLE • DESTIN

November 2000

by HAI

3.7 EXCAVATION OPERATIONS

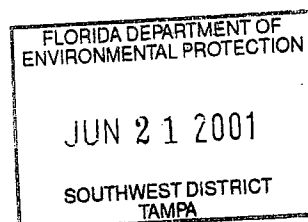
The soils on the proposed site will be excavated and removed for road base and filling operations. A Pasco County permit application has been submitted which allows an excavation setback of 200 feet and a restoration slope of 6H:1V. Figure 3-7 (C-2) presents the phasing of the landfilling/excavation operation at the Enterprise facility. Based on setbacks of 200 feet, a landfill/excavation base ranging from 80 to 86 feet NGVD (at least 5 feet above seasonal high water table), existing topography, and landfill excavation slope of 2H:1V, we estimated the existing soil available for excavation operations to be approximately 4,351,700 cyds. The approximate rate of soil removal from the site will be 400,000 cyds per year.

Excavation slopes will not exceed 6H:1V pursuant to the Pasco County permit; however, once an excavation phase is complete, a portion of the excavated soils from the mining operation will be used as landfill construction material. An estimated 800,000 cyds of soils will be reserved to provide adequate cover material for the landfill operation. A slope stability analysis is discussed in Section 3.8.1 and Section 4 - Geotechnical Report.

The first excavations will take place in Phase 1/Cell 14, Phase 2/Cell 16, and Phase 3/Cell 15, in the in the Northeast corner. This area will serve as a temporary stormwater pond. Excavation will continue towards the south into Phase 4/Cell 1, and will follow the sequence shown in Figure 3-7 (C-2).

Excavation will be such that 2H:1V slopes will only be encountered on the outer edge boundaries of the cells. A 3H:1V working face slope, beginning at the 2H:1V slope face, will be used for landfilling the waste. Ample space shall be maintained between the working face and the 6H:1V excavation slope of the adjacent cell to allow for a berm and stormwater conveyance, as shown in the sequencing figures, 3-17 through 3-22.

The current working cell shall be overcut by 50 feet in order to provide for truck traffic and stormwater transport to the temporary pond. A six (6) foot wide berm will prevent stormwater from entering the working face. An open channel will transport stormwater to the temporary pond. See Figure 3-12, (G-1).





TETRA TECH HAI

Mark A. Rynning, PE, M.B.A.
James E. Christopher, PE
Charles W. Drake, PG
William D. Musser, PE, Ph.D.
Lawrence E. Jenkins, P.S.M.
Jon D. Fox, PE
Jill M. Hudson, PE

Roderick K. Cashe, PE
Douglas P. DuVivier, PG
Daniel H. Nelson, PE

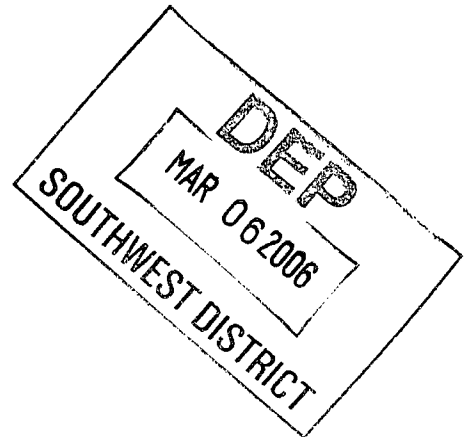
Andrew T. Woodcock, PE, M.B.A.
John P. Toomey, PE
Jennifer L. Woodall, PE
Valerie C. Davis, PG
Charles M. Shultz, PE
Susan M. Parks, AICP, QEP
W. Bruce LaFrenz, P.C.
James R. Warner, PE

March 3, 2006

3/3/06
LETTER

Via UPS Overnight

Ms. Stephanie Watson
Florida Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, Florida 33637



**Subject: Response to Warning Letter #WL06-0004SW51SWD
Enterprise Recycling & Disposal Facility
FDEP Permit No. 177982-001-SC, 177982-002-SO
Pasco County, Florida**

Tt HAI #98.0104.023, File 12.0

Dear Ms. Watson:

On behalf of Angelo's Aggregate Materials, Ltd. (Angelo's), Tetra Tech HAI (Tt HAI) is submitting this response to your warning letter, dated February 23, 2006. Your comments are stated first with our responses following.

Comment 1: The Certification of Construction Completion for Cell 14, which was received by the Department on December 16, 2005, indicates that, during the construction of Cell 14, limestone was encountered. Construction activities were not ceased and the Department was not notified. This is contrary to Specific condition 5.a. of Permit No. 177982-001-SC.

Response: During the previous construction permit modification for this facility, Angelo's voluntarily agreed to a condition requiring the construction of a three-foot thick confining layer at the base of each landfill cell. Angelo's did not realize that the condition requiring Department notification upon finding limestone during construction was still included in the permit, as they assumed this condition was removed and replaced with the above mentioned confining layer condition. As a result, Angelo's did not notify Tt HAI or the Department of this finding. This was a misunderstanding on the part of Angelo's.

Angelo's understands that this condition is to remain in the construction permit. In the event limestone is encountered again during landfill cell construction, Angelo's proposes the following:

- For limestone fragments embedded in clay, Angelo's proposes to continue construction in order to determine the lateral extent of the limestone/clay matrix across the cell floor. Construction activities would need to cease only long enough to survey the extent of the limestone. The extent would be surveyed and located on a site plan

201 East Pine Street, Suite 1000, Orlando, FL 32801
Tel 407.839.3955 Fax 407.839.3790
www.tetrattech.com



TETRA TECH HAI

Ms. Stephanie Watson

March 3, 2006

Page 2

for submittal to the Department along with the written notification. Corrective action would include over-excavation of the area and filling with at least 3-feet of low permeability clay, as required by the construction permit.

- For limestone not embedded in clay, construction would continue only to determine the lateral extent of the limestone across the cell floor. The extent would be surveyed and located on a site plan for submittal to the Department along with the written notification and proposed plan for corrective action. Construction would not continue until receipt of corrective action approval from the Department.

Comment 2: The Certification of Construction Completion for Cell 5, which was received by the Department of February 3, 2006, indicates that the construction of Cell 5 has been completed. This is contrary to the permitted construction sequence found in above-referenced permits and the Department-approved Operations Plan.

Response: Future cell construction and certification will be in accordance with the modified construction permit and Department approved Operations Plan. Please note, Angelo's has a mine permit from Pasco County which allows them to mine soils from the property. Angelo's intends to excavate soils from the site, depending on market demand, independent of landfill construction. Soil mining at the site will be conducted in accordance with the requirements of the Pasco County permit.

It is my understanding that Angelo's has contacted you directly to further discuss these issues, as requested in your warning letter. Please call me if you have any further questions.

Very truly yours,

Tetra Tech HAI

Jennifer L. Deal, P.E.
Project Manager

JLD/cr/98.0104.023/corresp/watson.jld

cc: Jeff Rogers, Angelo's
Joseph Polito, Honigman Miller Schwartz and Cohn LLP

Memorandum

Florida Department of Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: Wmk
X Deborah A. Getzoff, Director of District Management
 James Cleary, Asst. Director of District Management
 William Kutash, Program Administrator
 OGC

FROM/THROUGH: William Kutash, Program Administrator
Steve Morgan, Interim Program Supervisor sw 2/12/06
Stephanie Watson, Environmental Specialist III sw 2/12/06

DATE: February 20, 2006

FILE NAME: Dominic Iafrate/ Enterprise Class III Landfill and Recycling Facility OGC FILE#
PROGRAMS: Solid Waste COUNTY: Pasco

TYPE OF DOCUMENT:

WARNING X FINAL ORDER CASE REPORT
DRAFT OR FINAL NOV CONSENT ORDER
PENALTY AUTHORIZATION SHORT FORM CONSENT ORDER

BRIEF DESCRIPTION OF VIOLATION: Warning Letter # WL06-0004SW51SWD
Failure to notify the Department that limestone was encountered during construction of Cell 14; Cell 5 was constructed, which is contrary to the permitted construction sequence

SUMMARY OF CORRECTIVE ACTIONS NEEDED: Cell 14 – no corrective actions; Cell 5 – no corrective actions, but the permittee is not authorized to begin operation in Cell 5 until the pending permit modification is issued and the Permittee receives approval of the certification of construction completion and authorization to operate from the Department. Payment of penalty is required.

PENALTY SUMMARY:

ELRA PENALTY	<u>\$3,000</u>	POTENTIAL FOR HARM:	<u> </u>
EXTENT OF DEVIATION:	<u> </u>	COST AND EXPENSES:	<u>\$500</u>
PENALTY AMOUNT:	<u>\$3,000</u>		

TOTAL PENALTY AMOUNT: \$3,500 APPROVED BY SECRETARY: N/A

Enterprise Class III LF and Return Warning Letter # WL06-000452

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>[Signature]</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No if YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>Mr. Dominic Iafrate, President Angelo's Aggregate Materials, LTD 1755 - 20th Ave., S.E. Largo, FL 33779-1493</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <u>7002 3150 0003 8463 3520</u></p>	
<p>PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-P-4081</p>	

#WL06-000452W512WD

2002 3150 0003 8463 3520

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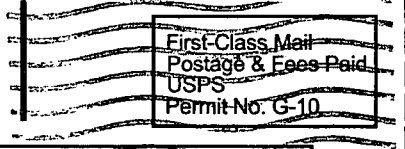
Street, Apt. No., or PO Box No.

City, State, ZIP+

Mr. Dominic Iafrate, President
 Angelo's Aggregate Materials, LTD
 1755 - 20th Ave., S.E.
 Largo, FL 33779-1493

PS Form 3800, June 2002 See Reverse for Instructions

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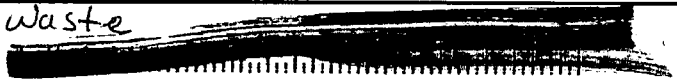
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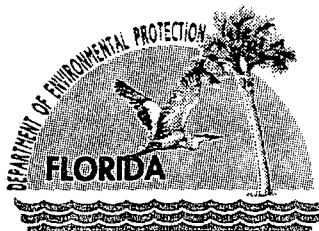
SOUTHWEST DISTRICT

State of Florida
Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Stephanie Watson
Solid waste



C073



Jeb Bush
Governor

Department of Environmental Protection

295997

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

February 23, 2006

CERTIFIED MAIL 7002 3150 0003 8463 3520
RETURN RECEIPT REQUESTED

Mr. Dominic Iafrate, President
Angelo's Aggregate Materials, Ltd.
1755 20th Avenue SE
Largo, FL 33771

WARNING
LETTER
2/23/06

RE: Warning Letter # WL06-0004SW51SWD
Enterprise Class III Landfill and Recycling Facility
Permit No. 177982-002-SO and Permit No. 177982-001-SC
Pasco County

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 Certification of Construction Completion for Cell 14, dated December 9, 2005, and Certification of Construction Completion for Cell 5, dated February 2, 2006, which were submitted to the Department by Tetra Tech HAI on behalf of Angelo's Aggregate Materials, Ltd., indicate that violations of Florida Statutes and Rules may exist at Enterprise Class III Landfill and Recycling Facility:

- 1) The Certification of Construction Completion for Cell 14, which was received by the Department on December 16, 2005, indicates that, during the construction of Cell 14, limestone was encountered. Construction activities were not ceased and the Department was not notified. This is contrary to Specific Condition 5.a. of Permit No. 177982-001-SC.
- 2) The Certification of Construction Completion for Cell 5, which was received by the Department on February 3, 2006, indicates that the construction of Cell 5 has been completed. This is contrary to the permitted construction sequence found in above-referenced permits and the Department-approved Operations Plan.

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 5.a. of Permit No. 177982-001-SC states "In the event that limestone is encountered during

"More Protection, Less Process"

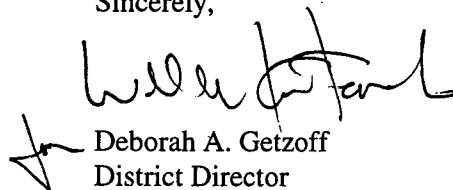
Printed on recycled paper.

construction (excavation) of new disposal areas (cells), the excavation activities shall cease and the Department shall be notified. This notification shall include the location, elevation, and extent of limestone noted on a plan sheet, a description of the materials encountered, and a plan of action which ensures that groundwater will not be adversely affected by the construction and operation of the new disposal area (cell). Construction activities shall not resume in the affected area until the Department-approved plan of action has been completed." Rule 62-701.320, F.A.C. states "No solid waste management facility shall be constructed, operated, maintained, modified, or closed without a permit issued by the Department." Specific Condition 3 of Permit No. 177982-002-SO and Specific Condition 3 of Permit No. 177982-001-SC states "Any construction, operation, closure, or other activities not previously approved as part of this permit may require a separate Department permit unless the Department determines a permit modification to be more appropriate. Permits shall be modified in accordance with the requirements of 62-4.080, F.A.C." Specific Condition 11.a. of Permit No. 177982-002-SO states "The sequence of filling shall be in accordance with the sequences described in the Operations Plan and as shown in Figures 3-17 (Sequence 1), 3-18 (Sequence 2), and the related cross-sections (Figures 3-24, 3-25, 3-26 and 3-27), or as otherwise approved in writing by the Department." Specific Condition 2 of Permit No. 177982-001-SC states "This permit is valid for Sequences 1 and 2 construction of the facility in accordance with the reports, plans and other information as follows..." Section 8.1 of the facility's Operations Plan states "the sequence of filling operations are as follows (see Figures 3-17 through 3-18)..."

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 \$3,500 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, within seven (7) days of receipt of this Warning Letter 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. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,


Deborah A. Getzoff
District Director
Southwest District

dag/sw

cc: Steve Morgan, FDEP
Stephanie Watson, FDEP
Bret Galbraith, FDEP

PENALTY COMPUTATION WORKSHEET

Respondent: Angelo's Aggregate Materials, Ltd./ Mr. Dominic Iafrate, President
Facility: Enterprise Class III Landfill and Recycling Facility
Permit Number: 177982-002-SO and 177982-006-SC/MM

Name of Department Staff Responsible for the Penalty Computations: Stephanie Watson

Date of Initial Computation February 20, 2006

Revision Date(s):

PART I - Penalty Determinations

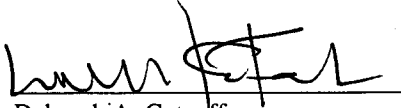
WL item	Violation Type	ELRA Schedule	Potential for Harm	Matrix Amount	Multi day	Adjustments	Total
#1 Failure to notify the Department that limestone was encountered during construction of Cell 14	Failure to submit required notification to the Department GEN-11	\$1,000					\$1,000
# 2 Construction of Cell 5 (contrary to the permitted construction sequence)	Failure to construct in compliance with permit GEN-6	\$ 2,000					\$2,000

1. Under 403.121(4)(d), of the Environmental Litigation and Reform Act, the administrative penalty for failure to construct in compliance with a permit is \$2,000.
2. Under 403.121(4)(e), of the Environmental Litigation and Reform Act, the administrative penalty for failure to submit required notification to the Department is \$1,000.

Costs/Expenses	\$ 500
----------------	--------

Summary of Penalty Determinations and Costs

VIOLATION TYPE	ELRA AMOUNT	PART II & III ADJUSTMENTS	FINAL Matrix Calculation	FINAL PENALTY AMOUNT \$
1. Failure to submit required notification to the Department GEN-11	\$1,000			\$1,000
2. Failure to construct in compliance with permit GEN-6	\$2,000			\$2,000
Costs:				\$500
Total				\$3,500


Deborah A. Getzoff
District Director
Southwest District

2/23/06
Date

Departmental Costs & Expenses

The following guidelines were followed in estimating the costs to be recovered in settling this enforcement action.

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 a Minimal Enforcement Case, for an Enforcement Cost of \$ 500.00.

Watson, Stephanie M.

From: Jennifer L. Deal, P.E. [Jennifer.deal@tetrattech.com]
Sent: Monday, February 20, 2006 4:04 PM
To: Morgan, Steve
Cc: Pelz, Susan; Watson, Stephanie M.
Subject: RE: Permit Fees, Enterprise Landfill

Steve,

Thank you for your reply. I will forward the information to Angelo's. Prior to sending the hard copy letters to Angelo's, please revise the letter regarding cell certification to reference construction of Cell 5, not Cell 15. Please give me a call if you have any questions about this request. Thank you.

Jennifer

-----Original Message-----

From: Morgan, Steve [mailto:Steve.Morgan@dep.state.fl.us]
Sent: Monday, February 20, 2006 3:52 PM
To: Jennifer.deal@tetrattech.com
Cc: Pelz, Susan; Watson, Stephanie M.
Subject: RE: Permit Fees, Enterprise Landfill

Jennifer:

That was my fault. When I was processing the application, it did not occur to me that the fee was for 2 modifications. Please do not have Gary sign the form, but instead disregard it. If he has already signed and returned it, we simply will not process it. Attached are e-copies of the Cell 15 construction certification RAI letter and the financial assurance cost estimate approval letter.

The permittee's notification to the Department, through submittal of the construction certification, that they constructed Cell 15 contrary to their permitted construction sequence will subject the permittee to enforcement action by the Department. The permit modification applications submitted on January 24, 2006 have been reviewed and accordingly the Department will be making their permit decision on the modifications within 90 days of that date. Please note that the permittee's current compliance status may be considered in the Department's permitting decision on the modifications.

Please advise your client that under no circumstances is the permittee to begin operation in Cell 15 prior to issuance of the pending permit modifications and receipt of approval of the certification of construction completion and authorization to operate from the Department.

Please feel free to e-mail or call me if you have any further questions.

Steven G. Morgan, Environmental Engineer Florida Department of Environmental Protection Southwest District - Solid Waste Section
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

phone - (813) 632-7600 x385
fax - (813) 632-7664
e-mail - steve.morgan@dep.state.fl.us

-----Original Message-----

From: Jennifer L. Deal, P.E. [mailto:Jennifer.deal@tetrattech.com]
Sent: Thursday, February 16, 2006 2:24 PM
To: Morgan, Steve

Subject: Permit Fees, Enterprise Landfill

Hi Steve,

I received a call from Gary at Angelo's today regarding an overpayment of permitting fees (\$250) for the Enterprise Recycling and Disposal Facility in Dade City. A payment of \$500 was included in the permit modification request, per my earlier discussion with Susan Pelz. She stated that since Angelo's wanted to change the sequence of construction and disposal operations, modifications to both the construction and operation permits for the facility would be required, and therefore would require two minor modification fees.

If only one permit fee is actually required, would you please let me know? Gary asked that I confirm this with you prior to his signing the notice they received. Thank you for your assistance.

Jennifer L. Deal, P.E.
Tetra Tech HAI
201 E. Pine Street, Ste. 1000
Orlando, Florida 32801
407-839-3955

Watson, Stephanie M.

From: Morgan, Steve
Sent: Monday, February 20, 2006 3:52 PM
To: 'Jennifer.deal@tetrattech.com'
Cc: Pelz, Susan; Watson, Stephanie M.
Subject: RE: Permit Fees, Enterprise Landfill



EnterpriseCell Enterprise Class III
15-Cert.RAI #1 ... revised C...

Jennifer:

That was my fault. When I was processing the application, it did not occur to me that the fee was for 2 modifications. Please do not have Gary sign the form, but instead disregard it. If he has already signed and returned it, we simply will not process it. Attached are e-copies of the Cell 15 construction certification RAI letter and the financial assurance cost estimate approval letter.

The permittee's notification to the Department, through submittal of the construction certification, that they constructed Cell 15 contrary to their permitted construction sequence will subject the permittee to enforcement action by the Department. The permit modification applications submitted on January 24, 2006 have been reviewed and accordingly the Department will be making their permit decision on the modifications within 90 days of that date. Please note that the permittee's current compliance status may be considered in the Department's permitting decision on the modifications.

Please advise your client that under no circumstances is the permittee to begin operation in Cell 15 prior to issuance of the pending permit modifications and receipt of approval of the certification of construction completion and authorization to operate from the Department.

Please feel free to e-mail or call me if you have any further questions.

Steven G. Morgan, Environmental Engineer
Florida Department of Environmental Protection
Southwest District - Solid Waste Section
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

phone - (813) 632-7600 x385
fax - (813) 632-7664
e-mail - steve.morgan@dep.state.fl.us

-----Original Message-----

From: Jennifer L. Deal, P.E. [mailto:Jennifer.deal@tetrattech.com]
Sent: Thursday, February 16, 2006 2:24 PM
To: Morgan, Steve
Subject: Permit Fees, Enterprise Landfill

Hi Steve,

I received a call from Gary at Angelo's today regarding an overpayment of permitting fees (\$250) for the Enterprise Recycling and Disposal Facility in Dade City. A payment of \$500 was included in the permit modification request, per my earlier discussion with Susan Pelz. She stated that since Angelo's wanted to change the sequence of construction and disposal operations, modifications to both the construction and operation permits for the facility would be required, and therefore would require two minor modification fees.

If only one permit fee is actually required, would you please let me know?
Gary asked that I confirm this with you prior to his signing the notice they
received. Thank you for your assistance.

Jennifer L. Deal, P.E.
Tetra Tech HAI
201 E. Pine Street, Ste. 1000
Orlando, Florida 32801
407-839-3955



TETRA TECH HAI

A. Rynning, PE, M.B.A.
 E. Christopher, PE
 W. Drake, PG
 D. Musser, PE, PH
 E. Jenkins, PSM

February 2, 2006

Via UPS Overnight

K. Cashe, PE
 P. Dufresne, PG
 Fox, PE
 M. Nelson, PE

Mr. Steve Morgan

Florida Department of Environmental Protection

Southwest District

13051 Telecom Parkway

Temple Terrace, Florida 33637

T. Woodcock, PE, M.B.A.
 Toomey, PE
 L. Woodall, PE
 A. Terrero, PE, DEE
 J. Perkins, PE
 C. Davis, PG
 M. Shultz, PE
 I. Parks, AICP, QEP
 C. LaFrenz, PG
 K. Stewart, PE
 W. Hardin, PE
 Warner, PE

Subject: Cell 5 Confining Layer Certification
Enterprise Recycling & Disposal Facility
Angelo's Aggregate Materials, Ltd.
FDEP Permit Nos. 177982-001-SC, 177982-002-SO
Pasco County, Florida

Tt HAI #99.0331.026

File 12.0

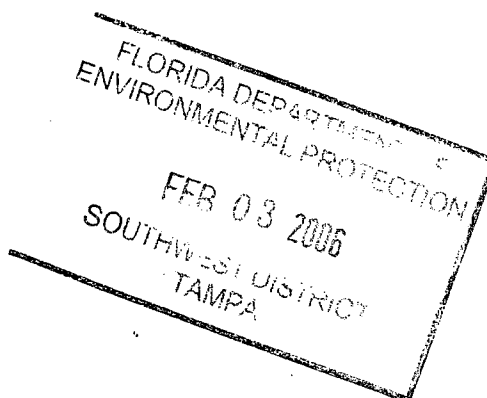
Dear Mr. Morgan:

At the request of Angelo's Aggregate Materials, Ltd. (Angelo's), Tetra Tech HAI (Tt HAI) is submitting this construction certification for Cell 5 at the above referenced facility. The Certification of Construction Completion, DEP Form 62-701.900(2), is included in Appendix A.

Specific Condition 9.c. of the facility construction permit #177982-001-SC, in part, states "The maximum hydraulic conductivity below or as part of each cell floor shall be less than 1×10^{-6} cm/sec in a continuous layer of at least 36 inches in thickness, unless otherwise approved in writing by the Department."

Confining Layer Construction

A representative of Universal Engineering Sciences (UES) was on-site to document construction activities and verify that the work was performed to Tt HAI's criteria. This included verification of the use of appropriate confining material and compaction equipment, coordination with Foresight Surveyors, Inc. (Foresight) for documentation of the excavation and fill elevations, and on-site soil testing and permeability test sample collection. Angelo's used a track hoe to excavate the cell. In accordance with the approved construction plans, the cell floor was over-excavated by at least three-feet and confining material was compacted into the cell floor in lifts of at least 12-inches in thickness. Foresight verified the excavation grades to ensure that the appropriate base elevation was achieved. Surveys of the constructed areas were also completed to ensure the appropriate cell floor grades and confining material thickness were achieved. Copies





TETRA TECH HAI

Mark A. Rynning, PE, M.B.A.
James E. Christopher, PE
Charles W. Drake, PG
William D. Musser, PE, PH
Lawrence E. Jenkins, P.S.M.

Roderick K. Cashe, PE
Douglas P. Dufresne, PG
Jon D. Fox, PE
Daniel M. Nelson, PE

Andrew T. Woodcock, PE, M.B.A.
John P. Toomey, PE
Jennifer L. Woodall, PE
Rafael A. Terrero, PE, DEE
Jill M. Hudkins, PE
Valerie C. Davis, PG
Charles M. Shultz, PE
Sean M. Parks, AICP, QEP
W. Bruce Lafrenz, PG
Alexis K. Stewart, PE
Christopher W. Hardin, PE
James R. Warner, PE

December 9, 2005

Via UPS Ground

Ms. Susan Pelz, P.E.
Florida Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

**Subject: Response to Comments, dated December 5, 2005
Enterprise Recycling & Disposal Facility
FDEP Permit No. 177982-001-SC, 177982-002-SO
Pasco County, Florida**

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

DEC 16 2005

SOUTHWEST DISTRICT
TAMPA

Tt HAI #99.0331.023, File 12.0

Dear Ms. Pelz:

On behalf of Angelo's Aggregate Materials, Ltd. (Angelo's), Tetra Tech HAI (Tt HAI) is submitting this response to your comments, dated December 5, 2005, regarding the certification of the confining layer for Cell 14 at the above facility. Your comments are stated first with our responses following.

Comment 1: Please provide a figure that shows the locations of permeability retests # RT-1, RT-2, and RT-3.

Response: The retest locations were performed in the locations of the original permeability tests. The locations are summarized in the following table.

Retest #	Original Test #	Location
RT-1	2-4	2-4 / 2059
RT-2	3-3	3-3 / 2064
RT-3	3-4	3-4 / 2065

The test locations are listed on the Test Results sheet, Report No. PW #1. The original locations were indicated on the figures previously provided by Universal Engineering Sciences.

Comment 2: Photos # 4, 6F, and 7G (attached for reference) appear to show a white material in a layer in the background, being dumped into the cell as part of the construction, and at the permeability location stake. Please clarify what this White/gray material is. In the event that limestone was encountered during construction, please provide a figure that delineates the extent of the limestone encountered.



TETRA TECH HAI

Ms. Susan Pelz, P.E.
December 9, 2005
Page 2

Response: The white/gray material being dumped into Cell 14 for construction and at the permeability location stake is confining material (white/gray clay material). The white/gray material in the background of the photos is limestone fragments and white clay. A small area of limestone was encountered on the west side slope of Cell 14 during excavation.

During the previous construction permit modification for this facility, Angelo's voluntarily agreed to a condition requiring the construction of a three-foot thick confining layer at the base of each landfill cell. Angelo's did not realize that the condition requiring Department notification upon finding limestone during construction was still included in the permit, as they assumed this condition was removed and replaced with the above mentioned confining layer condition. As a result, Angelo's did not notify Tt HAI or the Department of this finding. This was a misunderstanding on the part of Angelo's. Please see the attached map, provided by Angelo's, indicating the area where limestone was encountered.

Since the modified construction permit requires construction of the three-foot confining layer, Angelo's requests to revise the construction permit to remove the notification requirement.

We trust this response will satisfy the Department's concerns. Please call me if you have any further questions.

Very truly yours,

Tetra Tech HAI

Jennifer L. Deal, P.E.
Project Manager

JLD/cr/99.0331.023/corresp/PELZ1
cc: Jeff Rogers, Angelo's

