



# Florida Department of Environmental Protection

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## **ELECTRONIC MAIL**

[jerry@alternativewasteservices.com](mailto:jerry@alternativewasteservices.com)

Mr. Jerry Lourenco, Manager  
Friends Recycling, LLC  
2350 NW 27th Avenue  
Ocala, FL 34475

OWL-SW-07-0012

Marion County - SW  
Friends Recycling, LLC, C&D Disposal and Recycling  
Permit(s) SO42-0019600-005  
Warning Letter

Dear Mr. Lourenco:

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 this matter.

A review of Department's records for the above-referenced facility located at 2350 N.W. 27<sup>th</sup> Avenue, Ocala, Marion County, Florida (Section 2, Township 15 South and Range 21 East) indicated that violations of Chapter 403, Florida Statutes and Chapter 62-701, Florida Administrative Codes (F.A.C.) may exist at the above-described location.

Specifically solid waste was disposed of outside of the allowable permitted and certified area (Cell #1) of the disposal facility. The potential violations are listed in "Summary of Non-compliance Items (Attachment 1).

Section 403.161(1)(b), Florida Statutes (F.S.) requires each person to comply with any rule, regulation, or permit adopted or issued by the Department. Activities at your facility that may be contributing to violations of statutes or rules should cease immediately.

The Department has calculated penalties for the potential violations described in Attachment 1. The penalty worksheet, Attachment 2, is enclosed. The penalty amount was calculated in accordance with Section 403.121, Florida Statutes, and the Department's Guidelines for Characterizing Solid Waste Violations.

You are requested to contact William Rodriguez or Gloria-Jean De Pradine by telephone at (407) 893-3328 or by e-mail at [william.rodriguez@dep.state.fl.us](mailto:william.rodriguez@dep.state.fl.us) or [gloria.depradine@dep.state.fl.us](mailto:gloria.depradine@dep.state.fl.us) within 10 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

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.

We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



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Vivian F. Garfein  
Director, Central District

Date: August 17, 2007

FTL/gnd/wr

Attachments:

1. Summary of Non-compliance Items and Recommended Corrective Actions
2. Penalty Computation Worksheet

cc: Debby Valin, [Debby.Valin@dep.state.fl.us](mailto:Debby.Valin@dep.state.fl.us) Pollution Prevention Program, Central District

Attachment 1  
**Summary of Potential Noncompliance Items**

**1. Regulation**

**Section 403.161(1)(b), F.S: Rule 62-701.300(1)(a); and Permit SO42-0019600-005, Specific Condition #31 Phase 2 Operations**

Operations within the Phase 2 shall not commence until the following requirements have been completed:

- (a) The Department has been notified and the financial assurance mechanism has been updated to include closure and include closure and long-term care costs for Phase 2 in accordance with the approved cost estimate and updated with the appropriate inflation factors as noted in Specific Condition #33.
- (b) The professional engineer of record has submitted a signed and sealed ***Certification of Construction Completion*** of a Solid Waste Management Facility form and if necessary, record drawings depicting any substantial deviations from the approved plan and specifications.
- (c) The permittee has received written authorization from the Department's Central District, accepting the ***Certification of Construction Completion*** and updated financial assurance mechanism.

**Potential Violation**

A review of Friend's Recycling, LLC, Disposal and Recycling Facility permit application (Engineer's Report dated July 10, 2007, Page 3, Section 2.4.3 Sequence of work) indicated that Cell #2 is now receiving waste. Also, a previous site inspection revealed that solid waste was being disposed in Cell #2 (Phase 2). The Department does not have on file a ***Certification of Construction Completion*** for Cell #2 submitted by the facility, or documentation of the Department accepting the ***Certification of Construction Completion*** for Cell #2.

**Recommended Corrective Action**

Provide a Certificate of Construction Completion for Cell 2 within 30 days of receipt of this letter.

**2. Regulation**

**Section 403.161(1)(b), F.S: Rule 62-701.300(1)(a); and Permit SO42-0019600-005, Specific Condition #23**

The facility shall meet the certification requirements of Rule 62-701.730(3), F.A.C.

**Potential Violation**

Information submitted to the Department indicates that filling is occurring in Cell 2. Also inspections conducted at the facility indicated that waste was placed for

disposal in Cell 2. The Department was neither notified nor was the Certification of Construction submitted to the Department prior to placement of waste in Cell #2.

**3. Regulation**

**Rule 62-4-090 F.A.C. and Permit #SO42-0019600-005, Specific Condition #28**

An operation permit renewal application must be submitted to the Department 60 days prior to the operation of expiration of the permit.

**Potential Violation:**

The permit expiration date is September 4, 2007. The facility management was notified by letter dated June 15, 2007 that the required date for submittal of the renewal application was July 6, 2007. The application was not received until July 16, 2007.

**4. Regulation**

**Section 403.161(1)(b), F.S: Rule 62-701.300(1)(a); and Permit SO42-0019600-005, Specific Condition #27.**

The Department shall be notified and approval obtained prior to executing any substantial changes or revisions to the construction/operation authorized by the permit.

**Potential Violation**

Information submitted to the Department indicates that filling is occurring in Cell 2. Also an inspection conducted at the facility indicated that waste was placed for disposal in Cell 2. The Department was neither notified nor was the Certification of Construction submitted to the Department prior to placement of waste in Cell #2.

**Recommended Corrective Action (Items 2-4)**

Schedule a meeting within 10 days of receipt of this warning letter to discuss corrective actions necessary for the resolution of this case.

## Attachment 2

### PENALTY COMPUTATION WORKSHEET

Violator's Name: Friends Recycling, LLC. /Gerald Lourenco

Violator's Facility: Friend's Recycling, LLC, C&D Disposal and Recycling

Name of Department Staff Responsible for Penalty Computation: William Rodriguez

Date: August 10, 2007

#### PART I - Penalty Determination

	Violation Type	ELRA	Multi-Day	Adjustment	Total
1	<u>Section 403.161(1)(b)</u> <u>Permit #SO42-0019600-005</u> <u>Specific Condition #31</u> <u>Disposal of C&amp;D debris beyond permitted footprint or design height</u>	\$2,000.00 <u>SW-1</u>	4	\$8,000.00	\$8,000.00
2	<u>Permit# SO42-0019600-005</u> <u>Specific Condition #23</u> <u>Section 403.121(4)(e), F.S.</u> <u>Failure to submit required notification to the Department</u>	\$1,000.00 <u>GEN-11</u>	0	\$0	\$1,000.00
3	<u>Section 403.161(1)(b)</u> <u>Permit #SO42-0019600-005</u> <u>Specific Condition #28</u> <u>Section 403.121(5), F.S.</u> <u>Failure to comply with any other Departmental statute or rule requirement not otherwise identified in this section</u>	\$500.00 <u>GEN-13</u>	0	\$0	\$500.00
4	<u>Permit# SO42-0019600-005</u> <u>Specific Condition #27</u> <u>Section 403.121(4)(e), F.S.</u> <u>Failure to submit required notification to the Department</u>	\$1,000.00 <u>GEN-11</u>	0	\$0	\$2,000.00

Total Penalties for all Violations	\$10,500.00
Cost and Expenses Incurred by the Department	\$750.00
<b><u>TOTAL</u></b>	<b><u>\$11,250.00</u></b>

The penalties calculated were based on the Guidelines for the Characterization of Solid Waste Violations. Economic benefit could not be calculated because the requirements for specific condition #31 must still be completed.



William Rodriguez

August 17, 2007

Date



Vivian F. Garfein

August 17, 2007

Date

## PENALTY COMPUTATION WORKSHEET

### Part II - Multi-day Penalties and Adjustments

#### ADJUSTMENTS

##### MULTI-DAY PENALTIES

##### Dollar amount

Number of days matrix amount is to be multiplied: **4**  
(approximately **4** months from time of inspection to  
submittal of permit application)

\$2000.00

##### TOTAL

**\$8000.00**

#### Justification

A site inspection conducted at the facility on February 22, 2006, revealed that solid waste was being disposed in Cell #2 (Phase 2). The renewal permit application received on July 16, 2007 confirmed that Cell 2 was receiving waste.

The current Permit #SO42-0019600-005 only authorized disposal for Phase 1 AKA Cell 1. Page 1 of the permit specifically states that waste shall not be placed for disposal in Phase 2, AKA Cell 2, until the requirements of Specific Condition 31 have been completed.

Specific Condition # 31 stated that operations within the Phase 2 shall not commence until the following requirements have been completed:

- Notification to the Department that the financial mechanism had been updated to include closure and long-term care costs for Phase 2.
- Submittal by the professional engineer of record a signed and sealed ***Certification of Construction Completion*** of a Solid Waste Management Facility form and if necessary, record drawings depicting any substantial deviations from the approved plan and specifications.
- Receipt by the permittee written authorization from the Department's Central District, accepting the ***Certification of Construction Completion*** and updated financial assurance mechanism.

Adequate financial assurance has been provided for both phase 1 and 2 closure and long-term care.