



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 24, 2024

Sent electronically to: dlaubacker@bhs-llc.com

Mr. Daniel Laubacker, Authorized Representative
Ancient City Wood Recycling, LLC & Ancient City Farm, LLC
395 Saint Marks Pond Boulevard
St. Augustine, Florida 32095

**SUBJECT: Department of Environmental Protection v. Ancient City Wood
Recycling, LLC & Ancient City Farm, LLC (dba Ancient City Wood
Yard)**
OGC File No. 24-0372
WACS ID No. 107550 & Air Facility ID No. 1090467
St. Johns County – Air and Solid Waste Enforcement

Dear Mr. Laubacker:

Enclosed is a copy of the executed Consent Order to resolve Case Number 24-0372. The effective date of this Order is May 24, 2024, and all timeframes will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties.

Should you have any questions concerning the Consent Order, please contact Chris Azcuy, at Chris.Azcuy@FloridaDEP.gov, or by phone at (904) 256-1529. Your continued cooperation in the matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Joni Petry".

Joni Petry
Environmental Administrator

Enclosure: Executed Consent Order

ec: FDEP-OGC: Lea Crandall, Agency Clerk
FDEP-NED: Tom Kallemeyn, Joni Petry, Chris Azcuy, Anna McClure, Sarah Harris
DEP_NED
FDEP-DARM: Jessica Dalton
FDEP-DWM: Kim Walker
Ancient City Wood Recycling, LLC: Paul Laubacker, plaubacker@bhs-llc.com



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May 24, 2024

Sent electronically to: dlaubacker@bhs-llc.com

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Ancient City Wood Recycling, LLC & Ancient City Farm, LLC
395 Saint Marks Pond Boulevard
St. Augustine, Florida 32095

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FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 10, 2024

Sent electronically to: dlaubacker@bhs-llc.com

Mr. Daniel Laubacker, Authorized Representative
Ancient City Wood Recycling, LLC & Ancient City Farm, LLC
395 Saint Marks Pond Boulevard
St. Augustine, Florida 32095

SUBJECT: Department of Environmental Protection v. Ancient City Wood Recycling, LLC & Ancient City Farm, LLC (dba Ancient City Wood Yard)
OGC File No. 24-0372
WACS ID No. 107550 & Air Facility ID No. 1090467

Mr. Laubacker:

The State of Florida Department of Environmental Protection ("Department") finds that Ancient City Wood Recycling, LLC and Ancient City Farm, LLC (dba Ancient City Wood Yard) ("Respondents") failed to properly store and process vegetative debris at the facility, as well as improperly operated the Air Curtain Incinerator, which resulted in a vegetative debris fire at the facility from February 14, 2024, through March 12, 2024. Based on the site visits conducted by Department staff and a review of the facility's operational records, the Department finds that the Respondent violated air and solid waste rules and regulations, which include:

- Unauthorized open burning of vegetative debris, in violation of Rules 62-701.300(3) and 62-709.300(7)(b), Florida Administrative Code ("Fla. Admin. Code").
- Failure to notify the Department, or local entities, of the vegetative debris fire, in violation of Rules 62-4.130 and 62-701.320(16)(c-d), Fla. Admin. Code, and Permit Condition C.1., Section 4, of Air Operation Permit No. 1090467-004-AO.
- Failure to timely process vegetative debris (within six months of intake), in violation of Rule 62-709.320(2)(e)1, Fla. Admin. Code.

- Failure to maintain the vegetative debris such that debris was no more than 50-ft. from mechanized firefighting equipment, in violation of Rule 62-709.320(2)(a)3.c., Fla. Admin. Code.
- Unauthorized air emissions (excess visible emissions and unconfined particulate matter) leaving the property grounds, in violation of Rules 62-296.320(4)(b)1, 62-296.320(4)(c), 62-701.300(1)(b), and 62-709.300(7)(b), Fla. Admin. Code, and Permit Conditions A.11., Section 3, and C.11., Section 4, of Air Operation Permit No. 1090467-004-AO.
- Failure to maintain the air curtain incinerator setbacks (vegetative debris or “combustible structure” within 50-ft. of the incinerator), in violation of Rule 62-296.401(b)(7), Fla. Admin. Code, and Permit Condition 3., Section 3, of Air Operation Permit No. 1090467-004-AO.
- Failure to properly maintain the air curtain incinerator to ensure proper combustion (ash build-up to higher than one-third of the pit depth, in violation of Rule 62-296.401(b)(9), Fla. Admin. Code, and Permit Condition 3., Section 3, of Air Operation Permit No. 1090467-004-AO.

Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department’s Offer

Based on the violations described above, the Department is seeking \$23,500.00 in civil penalties and \$1,000.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$24,500.00. The civil penalties are apportioned as follows:

- \$13,500.00 for the unauthorized open burning of vegetative debris for three weeks (\$4,500.00 per week), pursuant to 403.121(3)(e), Fla. Stat.
- \$1,500.00 for the failure to notify the Department, or local entities, of the vegetative debris fire, pursuant to 403.121(4)(e), Fla. Stat.
- \$1,000.00 for the failure to timely process vegetative debris (within six months of intake), pursuant to 403.121(5), Fla. Stat.

- \$1,000.00 for the failure to maintain the vegetative debris so that debris was no more than 50-ft. from mechanized firefighting equipment, pursuant to 403.121(5), Fla. Stat.
- \$4,500.00 for the unauthorized air emissions (excess visible emissions and unconfined particulate matter) leaving the property grounds (\$1,500.00 per week), pursuant to 403.121(3)(f), Fla. Stat.
- \$1,000.00 for the failure to maintain the air curtain incinerator setbacks (vegetative debris or “combustible structure” within 50-ft. of the incinerator), pursuant to 403.121(5), Fla. Stat.
- \$1,000.00 for the failure to properly maintain the air curtain incinerator to ensure proper combustion (ash build-up to higher than one-third of the pit depth, pursuant to 403.121(5), Fla. Stat.

Respondent’s Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256, **within 30 days of the issuance of this Consent Order**. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), Fla. Stat., and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, Fla. Stat., and the attached Notice of Rights.

By accepting this offer you, Daniel Laubacker:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent’s right to an administrative hearing pursuant to Sections 120.569 and 120.57, Fla. Stat., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent’s right to an appeal pursuant to Section 120.68, Fla. Stat.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department’s right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violations referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent must pay \$23,500.00 in eight equal monthly installments of \$3,000.00 (except for the last monthly installment of \$2,500.00). The first payment is due by May 30, 2024, and must include the Department costs of \$1,000.00, for a total of \$4,000.00. Your final payment is due no later than December 30, 2024. Failure to timely make any installment payment will enable the Department, at its discretion, to accelerate the remaining balance to become immediately due.

- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, Fla. Stat.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, Fla. Stat. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Christopher Azcuy at (904) 256-1529, or at Chris.Azcuy@FloridaDEP.gov.

Sincerely,

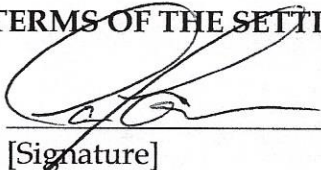


Thomas G. Kallemeyn
Assistant Director
Northeast District

FOR THE RESPONDENTS:

I, Daniel Laubacker [Daniel Laubacker], **HEREBY ACCEPT**
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By:



[Signature]

Date:

5/29/24

Title:

Owner

Authorized Representative, Ancient City Wood Recycling, LLC & Ancient City Farm, LLC

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 24th day of May 2024, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong
District Director
Northeast District

Filed, on this date, pursuant to section 120.52, Fla. Stat., with the designated Department Clerk, receipt of which is hereby acknowledged.

Roxanne M. Smith
Clerk

May 24, 2024
Date

Attachments: Notice of Rights
 [Warning Letter No. WL24-035](#)

Final clerked copy furnished to:

FDEP-OGC: Lea Crandall, Agency Clerk (lea.crandall@floridadep.gov) [executed copy]

FDEP-NED: Anna McClure, Chris Azcuy, Joni Petry, Tom Kallemeyn, Sarah Harris, DEP_NED

FDEP-DARM: Jessica Dalton [executed copy]

FDEP-DWM: Kim Walker [executed copy]

Ancient City Wood Recycling, LLC: Paul Laubacker, plaubacker@bhs-llc.com

NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, 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 at the address indicated above. Failure to file a petition within the 21-

day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

February 19, 2024

Sent electronically to: plaubacker@bhs-llc.com

Mr. Paul Laubacker
Ancient City Wood Yard
395 Saint Marks Pond Boulevard
St. Augustine, Florida 32095

**RE: Warning Letter No. WL24-035
Ancient City Wood Yard
WACS ID No. 107550 and Air Facility ID No. 1090467
St. Johns County – Solid Waste & Air**

Dear Mr. Laubacker:

A complaint investigation was conducted at your facility on February 16, 2024. During this investigation, possible violations of Chapter 403, Florida Statutes (“Fla. Stat.”), and Chapters 62-4, 62-296, 62-701, and 62-709, Florida Administrative Code (“Fla. Admin. Code”), were observed.

During this investigation, Department personnel noted the following:

- Unauthorized open burning, pursuant to Rules 62-709.300(7)(b) and 62-701.300(3), Fla. Admin. Code, which resulted in:
 - Objectionable odors, pursuant to Rule 62-709.300(7)(a), Fla. Admin. Code.
 - Unauthorized processing that violates air quality standards and results in unconfined particulate matter emissions, pursuant to Rules 62-296.320(4)(b)1, 62-296.320(4)(c), 62-701.300(1)(b), and 62-709.300(7)(b), Fla. Admin. Code, and Permit Conditions A.11., Section 3, and C.11., Section 4, of Air Operation Permit No. 1090467-004-AO.
- Improper operation of the Air Curtain Incinerator (“ACI”, Emission Unit No. 002), as noted by:
 - ACI located less than 50 feet from vegetative debris piles, pursuant to Rule 62-296.401(b)(7), Fla. Admin. Code, and Permit Condition 3., Section 3, of Air Operation Permit No. 1090467-004-AO.
 - Ash build-up in the ACI to higher than one-third of the pit depth, which may impede combustion, pursuant to Rule 62-296.401(b)(9), Fla. Admin. Code, and Permit Condition 3., Section 3, of Air Operation Permit No. 1090467-004-AO.

- Failure to notify the Department or other local entities in a timely manner, pursuant to Rules 62-4.130 and 62-701.320(16)(c-d), Fla. Admin. Code, and Permit Condition C.1., Section 4, of Air Operation Permit No. 1090467-004-AO.

Additionally, Department personnel noted the following areas of concern during the site visit:

- Timely processing; yard waste is to be sized reduced within six (6) months, pursuant to Rule 62-709.320(2)(e)1, Fla. Admin. Code.
- Material more than 50 feet from motorized firefighting equipment, pursuant to Rule 62-709.320(2)(a)3.c., Fla. Admin. Code.

The Department has advised the facility to immediately discontinue the acceptance of any new solid waste material to the site.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121, 403.141, and 403.161, Fla. Stat.

Please respond in writing within **7 days** of your receipt of this Warning Letter. Please direct your written response to Christopher Azcuy via email at Chris.Azcuy@FloridaDEP.gov, or you may contact him directly at (904) 256-1529, to discuss. The Department is interested in receiving any facts that you may have which might assist in determining whether any violations have occurred.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Fla. Stat. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,



Gregory J. Strong
District Director

cc: FDEP-NED: Thomas Kallemeyn, Joni Petry, Chris Azcuy, Anna McClure, Tori Rhode, Kathryn Craver, DEP_NED
Florida Forestry Service: Chad Smitherman, Chad.Smitherman@FDACS.gov



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name: ANCIENT CITY WOOD YARD
On-site Inspection Start Date: 02/16/2024
On-site Inspection End Date: 02/16/2024
WACS No.: 107550
Facility Street Address: 495 SAINT MARKS POND BLVD
City: SAINT AUGUSTINE
County Name: ST. JOHNS
Zip: 32095

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Anna McClure, Inspector

Other Participants: Cory Mundorff, Inspector in Training; Tori Rohde, Inspector; Paul Laubacker, Owner;

INSPECTION TYPE:

Complaint Investigation Inspection for WPF - Source-Separated Organics Proc Fac (SOPF)

ATTACHMENTS TO THE INSPECTION CHECKLIST:

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

Note: Checklist items with shaded boxes are for informational purposes only.

10.0 - SECTION 10.0 - REGISTERED SOURCE-SEPARATED ORGANICS PROCESSING FACILITIES

13.0 - SECTION 13.0 - COMPLAINT INVESTIGATIONS

Inspection Date: 02/16/2024

10.0 - SECTION 10.0 - REGISTERED SOURCE-SEPARATED ORGANICS PROCESSING FACILITIES

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

FACILITY TYPE(S)	MATERIAL(S)	PRODUCE(S)	METHOD OF COMPOSTING
Yard Trash Transfer Station	PROCESSED Yard Trash	Mulch Firewood	Windrow
Yard Trash Recycling	Manure Animal byproducts Pre-consumer vegetative waste Vegetative waste	Fuel Compost Soil Amendment Soil Other	Passive aerated windrows Aerated static piles In-vessel composting

Item No.	REQUIREMENTS AND PROHIBITIONS APPLICABLE TO ALL REGISTERED SOURCE-SEPARATED ORGANICS PROCESSING FACILITIES	Ok	Not Ok	Unk	N/A
10.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted or registered solid waste management facility or other exempt facility? 62-701.300(1)(a)	✓			
10.2	Have objectionable odors been caused or allowed in violation of Chapter 62-296, F.A.C.? 62-709.300(7)(a)		✓		
10.3	Unauthorized storage or processing in a way or location that violates air quality or water quality standards? 62-709.300(7)(b), 62-701.300(1)(b)		✓		
10.4	Do geological formations or subsurface features provide support for the facility? 62-709.300(7)(b), 62-701.300(2)(a)	✓			
10.5	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e), 62-709.320(3)	✓			
10.6	Unauthorized storage or processing in any natural or artificial water body (e.g. ground water and wetlands within DEP jurisdiction)? 62-709.300(7)(b), 62-701.300(2)(d)	✓			
10.7	Unauthorized storage or processing on the right of way of any public highway, road, or alley? 62-709.300(7)(b), 62-701.300(2)(f)	✓			
10.8	Unauthorized open burning of solid waste except in accordance with Department requirements? 62-709.300(7)(b), 62-701.300(3)		✓		
10.9	Unauthorized incorporation of CCA treated wood into material that will be applied as a ground cover, soil or soil amendment? 62-709.300(7)(b), 62-701.300(14)	✓			
10.10	Unauthorized unconfined emissions of particulate matter in violation of paragraph 62-296.320(4)(c), F.A.C.? 62-709.300(7)(b), 62-701.300(15)	✓			
10.11	Does the facility have the necessary operational features and equipment - unless otherwise specified? Including: 62-709.320(2)(a)				
10.11.1	Effective barrier to prevent unauthorized entry and dumping? 62-709.320(2)(a)1	✓			
10.11.2	Dust and litter control methods? 62-709.320(2)(a)2	✓			
10.12	Does the facility have the necessary fire protection and control provisions to deal with accidental burning of solid waste? Including 62-709.320(2)(a)3				
10.12.1	20-foot all-weather access road all around the perimeter? 62-709.320(2)(a)3.a.	✓			
10.12.2	No material mechanically compacted? 62-709.320(2)(a)3.b.	✓			
10.12.3	No material more than 50 feet from access by motorized firefighting equipment? 62-709.320(2)(a)3.c.		✓		
10.13	Is the facility operated in a manner to control vectors? 62-709.320(2)(b)	✓			
10.14	Is the facility operated in a manner to control objectionable odors per with Rule 62-296.320(2), F.A.C.? 62-709.320(2)(c)	✓			
10.15	Are any installed drains and leachate or condensate conveyances kept cleaned? 62-709.320(2)(d)				✓
10.16	Is the received solid waste processed timely as follows? 62-709.320(2)(e)				

Inspection Date: 02/16/2024

10.16.1	Is yard trash size-reduced or removed within 6 months or time needed to receive 3,000 tons or 12,000 cubic yards, whichever is greater? (Separated logs with 6 inch diameter or greater can be stored for up to 12 months before being size-reduced or removed.) 62-709.320(2)(e)1		✓		
10.16.2	Is putrescible waste (e.g. vegetative wastes, animal byproducts or manure) processed and incorporated into the composting material, or removed from the facility, within 48 hours? 62-709.320(2)(e)2				✓
10.17	Is any treated or untreated biomedical waste; hazardous waste; or any materials having (PCB) concentration of 50 ppm or greater containerized and removed immediately? 62-709.320(2)(f), 62-701.300(4), 62-701.300(5), 62-701.300(6)				✓
10.18	Have all residuals, solid waste and recyclable materials been removed and recycled or disposed and has any remaining processed material been properly used or disposed upon the facility ceasing operations? 62-709.320(2)(g)				✓
10.19	If temperature is used to show disinfection or vector attraction achieved, are records kept for at least three years? 62-709.320(4)(b)				✓
10.20	Is the registration for the facility current and on file with the Department? 62-709.320(3)(b)	✓			
10.21	Are renewal applications for annual registration of the facility submitted to the Department by July 1st, if applicable? 62-709.320(3)(c)	✓			
10.22	Are monthly records of incoming and outgoing material kept on-site or at another location as indicated on the registration form for at least three years? 62-709.320(4)(a)			✓	
10.23	Are Annual Reports, based upon the preceding calendar year, summarizing monthly records, submitted to the Department as required? 62-709.320(4)(a)	✓			
Item No.	REQUIREMENTS AND PROHIBITIONS APPLICABLE TO YARD TRASH ONLY FACILITIES	Ok	Not Ok	Unk	N/A
10.24	Unauthorized storage or processing within 100 feet from off-site potable water well that existed before facility registered? 62-709.300(7)(b) and 62-701.300(12)(a)	✓			
10.25	Unauthorized storage or processing within 50 feet from any body of water, including wetlands? (Does not include parts of permitted stormwater system, or water bodies totally within facility with no discharge to surface waters.) 62-709.300(7)(b), 62-701.300(12)(b)	✓			
10.26	Is processed material removed from facility within 18 months, unless longer storage authorized by permit? 62-709.330(2)	✓			
10.27	Is the facility accepting only yard trash, and bags used to collect yard trash and containerizing any other material? 62-709.330(3)	✓			
Item No.	REQUIREMENTS AND PROHIBITIONS APPLICABLE TO ONLY THOSE FACILITIES THAT BLEND MANURE OR COMPOST VEGETATIVE WASTES, ANIMAL BYPRODUCTS OR MANURE	Ok	Not Ok	Unk	N/A
10.28	Unauthorized storage or processing within 500 feet off-site potable water well that existed before facility registered? 62-709.300(7)(b) and 62-701.300(2)(b)				✓
10.29	Unauthorized storage or processing within 200 feet from any body of water, including wetlands? (Does not include parts of permitted stormwater system, or water bodies totally within facility with no discharge to surface waters.) 62-709.300(7)(b), 62-701.300(2)(e)				✓
10.30	Unauthorized storage or processing within 10,000 feet of any licensed and operating airport runway used by turbine powered aircraft, or within 5,000 feet of any licensed and operating airport runway used only by piston engine aircraft, unless applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft? 62-709.300(7)(b), 62-701.320(13)(b)				✓
10.31	Is the carbon:nitrogen ratio of the blended feedstocks greater than 20? 62-709.350(2)				✓
10.32	Do piles exceed 12 feet in height? 62-709.350(3)				✓
10.33	Is all material removed within 18 months, unless longer storage authorized by permit? 62-709.350(5)				✓
10.34	Is there documentation showing that disinfection has been achieved? Note that this is not required if they are composting only pre-consumer vegetative waste with or without yard trash. 62-709.350(6)				✓
10.35	Is there vector attraction reduction controls that include one of the following? 62-709.350(7) Temperature monitoring records showing the waste was composted for at least 14 days, with temperature no lower than 40 degrees Celsius and average temperature of the material being composted higher than 45 degrees Celsius. or 62-709.350(7)(a) Results of testing showing the specific oxygen uptake rate (SOUR) for material being composted or blended equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius. 62-709.350(7)(b)				✓

Inspection Date: 02/16/2024

13.0 - SECTION 13.0 - COMPLAINT INVESTIGATIONS

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62- 701.300 (18))	Ok	Not Ok	Unk	N/A
13.1	Unauthorized storing, processing, or disposing of solid waste except as authorized at a permitted solid waste management facility or a facility exempt from permitting under this chapter? 62-701.300(1)(a)				✓
13.2	Authorized or unauthorized storing, processing, or disposing of solid waste in a manner or location that causes air quality standards to be violated or water quality standards or criteria of receiving waters to be violated? 62-701.300(1)(b)				✓
13.3	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)				✓
13.4	Unauthorized disposal or storage in a dewatered pit without liner or leachate controls? 62-701.300(2)(c)				✓
13.5	Unauthorized disposal or storage prohibited in any natural or artificial body of water including groundwater and wetlands? (Does not apply to standing water after a storm event.) 62-701.300(2)(d)				✓
13.6	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e)				✓
13.7	Unauthorized storage or disposal on the right of way of any public highway, road or alley? 62- 701.300(2)(f)				✓
13.8	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)				✓
13.9	Are the following unauthorized wastes or special wastes properly managed? (Check any that are Not OK)				
13.9.1	CCA treated wood being ground into mulch, compost, or any wood product that is applied to the ground or burned 62-701.300(14)				✓
13.10	Unauthorized storage or disposal of yard trash within 100 feet of potable water wells (except on-site), and /or 50 feet of water bodies? 62-701.300(12)				✓
13.11	Waste tire prohibitions:				
13.11.1	Maintaining a waste tire site consisting of more than 1500 tires that is not an integral part of a permitted waste tire processing facility. 62-711.400(1)				✓
13.11.2	Disposing of waste tires except as permitted at a permitted solid waste management facility. 62-711.400 (2)				✓
13.11.3	Storing waste tires only as a part of a waste tire collection center, permitted waste tire processing facility, permitted solid waste management facility, or other exempt facility. 62-711.400(4)				✓
13.11.4	Contracting with only registered or exempt waste tire collectors for the transportation, disposal, or processing of more than 25 waste tires. 62-711.400(5)				✓
13.12	Is disposal of bodies of domestic animals, upon the death of such animals due to disease, accomplished pursuant to Section 823.041(1), F.S.? 62-701.520(5)(a)				✓
13.13	Is disposal of dead poultry and hatchery residue accomplished pursuant to Section 583.181(2), F.S.? 62-701.520(5)(b)				✓
13.14	Are bodies of captive wildlife, of fish or marine mammals, as well as bodies of domestic animals that have not died due to disease, either used, burned, disposed of in a Class I landfill, or disposed of on the property where they died, or other properties approved of by the Department, provided they are buried at least two feet below the surface of the ground and above the water table? 62-701.520(5)(c)				✓
13.14.5	For biological waste disposal complaints, the Facility or Responsible Party was provided a copy of the Department's Disposal of Deceased Domestic Animals Guidance Document dated November 9, 2018. (Note: The Guidance Document is to provide direction regarding the disposal of deceased domestic animals pursuant to Chapter 62-701.520(5), F.A.C. and Chapter 823.041, F.S.) Yes No N/A				

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13.15	Are all additional specific conditions (not otherwise addressed above) in the permit, registration, Department order or certification, if any, being followed? 62-701.320(1), 403.161, F.S.		✓		
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Inspection Date: 02/16/2024

Current Violations:

Rule: **62-709.300(7)(a)**

Question Number: 10.2

Explanation: Department personnel observed approximately 5 acres of yard trash on fire causing excessive odors to be leaving the site. Rule 62-709.300(7)(a), Florida Administrative Code (Fla. Admin. Code) states "No person shall cause or allow the discharge of air pollutants that cause objectionable odor in violation of Chapter 62-296, F.A.C"

Corrective Action: Facility shall extinguish the fire and cease open burning immediately. Additionally, the Facility shall contact the Department within 7 days of receipt of Warning Letter to discuss plan of action.

Rule: **62-701.300(1)(b), 62-709.300(7)(b)**

Question Number: 10.3

Explanation: See Item 10.2.

Corrective Action: See Corrective Actions for Item 10.2.

Rule: **62-701.300(3), 62-709.300(7)(b)**

Question Number: 10.8

Explanation: See item 10.2

Corrective Action: See Corrective Actions for Item 10.2.

Attachments

Facility Entrance (North Side)



South Perimeter of Facility



Facility Fire



Rule: **403.161, 62-701.320(1)**

Question Number: 13.15

Inspection Date: 02/16/2024

Explanation:

Facility failed to notify the Department or any other state or local entities of the fire occurring at the facility. Rule 62-701.320(16)(c-d), Fla. Admin. Code, states "In the case of a fire within the waste pile at a solid waste management facility, all reasonable efforts shall be made to immediately extinguish or control the fire. If the fire cannot be extinguished or controlled within an hour, the owner or operator shall immediately:

1. Implement the contingency plan which is included as part of its operation plan,
 2. Cease accepting waste for disposal in those areas of the facility impacted by the fire; and,
 3. Notify the department and the local government having jurisdiction over the facility of the fire and of the fire control plan being implemented by the owner or operator,
- (d) If the fire cannot be extinguished or controlled within 48 hours, the owner or operator shall notify the local fire protection agency and seek its assistance, and shall also notify the local government and any neighbors likely to be affected by the fire."

Corrective Action: See Corrective Action for Item 10.2.

Current Areas of Concern:

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

Question Number: 10.12.3

Explanation: At the north end of the working area, Department personnel observed a yard trash pile that was over 100 feet wide. Rule 62-709.320(2)(a)3.c., Fla. Admin. Code, states "None of the processed or unprocessed material shall be more than 50 feet from access by motorized firefighting equipment."

Corrective Action: See Corrective Actions for Item 10.2.

Rule: 62-709.320(2)(e)1.

Question Number: 10.16.1

Explanation: Based off the amount of unprocessed material actively burning at the site, the Department will need to verify the rate at which the facility has been receiving material as well as processing material.

Corrective Action: See Corrective Actions for Item 10.2.

Comments

This investigation was in response to a complaint received by the Department on 2/15/24 that stated that there was uncontrolled smoke being emitted by the Facility. Department Air and Solid Waste Compliance staff conducted the initial investigation and confirmed that there was an active uncontrolled open burn at the Facility. Speaking with the owner, Paul Laubacker, the fire started around 11:30am on 2/14/24. This Facility does have an active permit for operations utilizing an Air Curtain Incinerator (ACI) (Air Permit No. 1090467-004-AO). At this time, the fire is believed to have started due an ember jump from ACI operations into an unprocessed yard trash pile. This is the third instance of accidental open burning that has occurred at this facility in the past 19 months; see below comment for additional history.

In addition to the open burning concerns, Department staff also noted staining at the Facility's diesel tanks.

Inspection Date: 02/16/2024

Currently, the Department has notified the Facility that they must cease accepting waste while there is an active fire in reference to Rule 62-701.320(16), Fla. Admin. Code. All violations within this report are subject to change as well as additional violations may be added as the investigation continues.

For further background, this Facility has received multiple complaints due to open burning activities early in 2022 and received compliance assistance from the District's Air Compliance section. In May 2022 the Facility received a permit to construct an earthen trench ACI (Air Permit No. 1090467-001-AC). At the time, Department staff were unaware of the air permit language changing to exclude solid waste conditions, instead requiring the permittee to obtain separate permit coverage through Solid Waste in the form of a permit or SOPF registration. Upon issuance of the air construction permit, Paul Laubacker was advised prior to operating, he would need to register his facility as an SOPF.

During the first week of July 2022, the Facility experienced a fire that was believed to have begun due to a lightning strike. This fire lasted approximately 2 weeks. At the time the Facility had not begun constructing the trench or operating an ACI, but was believed to have excessive material stored on site. In response, the Facility was offered compliance assistance from the Department and received their SOPF registration in September 2022. Since that time, Department staff have conducted multiple visits to observe Visible Emissions Testing and offer compliance assistance since.

During April of 2023, the Facility experienced another fire that was believed to have started from a spontaneous combustion event. The fire was ruled out by May 5, 2023, by FFS. The Department and the Facility entered into a Short Form Consent Order (OGC 23-0969) on July 27, 2023, for penalties assessed for unauthorized open burning, discharged air of pollutants that resulted in objectional odors and a decrease in air quality standards. This case was closed on January 30, 2024.

Checklist Section 13 was added in order to document the violation for failure to notify.

Attachments

ACI



Within ACI Trench



Diesel Staining



Addt. Facility Fire Photo



Inspection Date: 02/16/2024

Signed:

Anna McClure

Inspector

PRINCIPAL INSPECTOR NAME

PRINCIPAL INSPECTOR TITLE



DEP

02/16/2024

PRINCIPAL INSPECTOR SIGNATURE

ORGANIZATION

DATE

Cory Mundorff

Inspector in Training

INSPECTOR NAME

INSPECTOR TITLE

NO SIGNATURE REQUIRED

DEP

INSPECTOR SIGNATURE

ORGANIZATION

Tori Rohde

Inspector

INSPECTOR NAME

INSPECTOR TITLE

NO SIGNATURE REQUIRED

DEP

INSPECTOR SIGNATURE

ORGANIZATION

Paul Laubacker

Owner

REPRESENTATIVE NAME

REPRESENTATIVE TITLE

NO SIGNATURE REQUIRED

Ancient City

REPRESENTATIVE SIGNATURE

ORGANIZATION

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.

Report Approvers:

Approver: Anna McClure

Inspection Approval Date: 02/19/2024