

March 2, 2020



VIA ELECTRONIC MAIL

Aaron Watkins, Director
Central District
Florida Department of Environmental Protection
3319 Maguire Blvd. Suite 232 Orlando, Florida 32803

**Subject: Florida Recyclers of Brevard-Melbourne Landfill
WACS # 18444
3351 Sarno Road
Melbourne, FL 32934**

Dear Mr. Watkins:

On behalf of Florida Recyclers of Brevard (FRB), Grove Scientific & Engineering Co., (GSE) would like to initially respond to your "warning letter" dated February 4, 2020. The subject letter states the following:

"A complaint inspection was conducted at your facility on January 23, 2020. During this inspection, possible violations of Chapter 403, F.S., 62-701, Florida Administrative Code (F.A.C.), and Chapter 62-709, F.A.C. were observed.

During the inspection Department personnel noted the following:

1. Objectionable odors were noted off-site beyond the property boundary.
2. The facility did not have an all-weather access road, at least 20 feet wide, around the perimeter of the site.
3. The facility failed to ensure there were 50 foot fire breaks in the piles of processed and unprocessed material.
4. Processed material has been stored on site for longer than 18 months."

The February 4, 2020 letter was the first notice to FRB of these alleged violations noted in the inspection. The site has been in operation for over 20 years, and this is the first time these types of issues have been noted in an FDEP inspection.

To address #1, FRB does not believe that their facility is the source on any off-site objectionable odors that may have been detected at the Westwood condos to the east. FRB has conducted odors surveys in the mornings and evenings at the Westwood condos for the last 3 weeks, with no odor detections, except from the full dumpsters in their parking lots.

There are numerous potential odor sources surrounding the FRB facility: the Sarno Road Class III landfill (active working face directly west, at the end of New York Ave.); Brevard County Class I transfer station, and the dredge spoil disposal site, due west of the Westwood condos. All these sites have the potential of generating objectionable odors.

GSE conducted an on-site odor evaluation survey on March 2, 2020, and found only very faint, barely perceptible, organic type odors. These odors were not objectionable per ASTM-n-butanol reference scale, or an n-1, and only detected within the center of the FRB site, near freshly turned mulch piles. These very faint odors do not have the strength to travel off site and create the alleged violations. The results of the GSE evaluation will be submitted to the Department by March 11, 2020.

FRB requests that they be provided the FDEP (Mary Powers) inspection report that allegedly detected off-site odors attributed to the FRB site. We would also would like the names and addresses of the Westwood condo complainants', to be able to better understand their complaints.

On items #2 and 3, a 20-foot wide perimeter road does exist at the site. During the January 23, 2020 inspection, a piece of broken heavy equipment was blocking the road at one point, which has since been removed to clear the road. Additional 50-foot fire brakes have also been cut thru the mulch piles. These breaks and perimeter road will be maintained open.

On # 4, the FRB facility is not only a C&D disposal facility, it is also a yard waste processing facility, and retail sales of recycled rock, colored mulch, and soils location called Simply Organics. It is not your typical mulching facility. Ms. Powers has requested, in her February 28, 2020 email, , that we supply additional information on how the yard waste is managed, stored, processed, and estimated quantities moved thru the retail business. This information will be supplied to the Department by March 11, 2020.

We met with the Department concerning this warning letter on February 28, 2020. In attendance was David Smicherko, Mary Powers, and Nathan Hess, FDEP, David Smith and Andrew Cannella, FRB, and myself. We appreciate that the Department requested the meeting to "receive any facts you may have that will assist in determining whether any violations have occurred", and that it was a "preliminary agency action". As we stated at the meeting, FRB wants to assist the Department in determining the source of the supposed objectionable odors, and thus offered to conduct an odor evaluation on-site, continued off-site monitoring (especially after a complaint call) and to draft an Odor Remediation plan, to immediately prevent, or remediate any on site odors.

However, at the meeting, Mr. Hess threatened penalties, and a Consent Order to enforce compliance on FRB for the alleged violations. With all due respect to Mr. Hess, FRB strongly objects to this tactic, when it has not been proven that the FRB site is the source of any off-site odors. All of the non-compliance items listed in the warning letter are "minor" deviations from the rules, since this is FRB's first alleged violations, and they have shown good faith actions to comply. Therefore, fines, and a consent odor are not warranted to force compliance.

FRB is committed to maintaining in compliance, and to working with the Department to determine the source of the area objectionable odors, if they exist.

Sincerely,

Grove Scientific & Engineering



James E. Golden, P.G.

Vice President, Principal Hydrogeologist

Cc: David Smith, Andrew Cannella, Nathan Hess, Mary Powers, David Smicherko, Jack Kirshenbaum