CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Frank DiMaria
3428 E. Atlantic Boulevard
Pompano Beach, FL 33062

Subject: Site Rehabilitation Completion Order
Hammond Road Landfill
North Hammond Road
Fort Pierce, St. Lucie County
FDEP Facility ID# OGC Case No. 91-1531

Dear Mr. DiMaria:

The Florida Department of Environmental Protection (Department) is in receipt of the following technical documents, prepared and submitted by Atlantis Environmental Engineering, SRC Environmental Solutions, Inc., Shaw Environmental Consultants, Inc., and Robert R. Maschue, for this site:

- Consent Order, executed on October 19, 1991
- CAP Addendum, prepared by SRC Environmental Solutions, Inc. (SRC), dated April 18, 1994.
Mr. Frank DiMaria  
FDEP Facility ID# OGC Case No. 91-1531  
Page two  

- Consent Order Amendment, executed on June 3, 1998  

The Southeast District’s Waste Cleanup Section has reviewed the Site Rehabilitation Completion Report and Request for No Further Action Proposal (SRCR) dated October 25, 2004 (received October 28, 2004), prepared and submitted by Robert Maschue, P.G., for this site. Documentation submitted with the SRCR confirms that criteria set forth in the executed Consent Order Amendment (OGC Case No. 91-1531) have been met. The SRCR is hereby incorporated by reference in this Site Rehabilitation Completion Order (Order). Therefore, you are released from any further obligation to conduct site rehabilitation at the site for contamination associated with the former landfill listed above, except as set forth below. Failure to abide by the following requirements will result in the revocation of this Order.

1. Disturbing the cover on the landfill site has the potential to impact groundwater quality. The Department shall be notified prior to any construction activities, including land clearing, taking place on the property. The owner shall demonstrate that construction activities and the ultimate use of the property will not impact groundwater quality. The Department issued a document titled, “Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida” dated May 3, 2001 that provides guidance on what is required to demonstrate that water quality will not be impacted. Alternatively, the owner may reopen case through the state Brownfields or similar cleanup program.

2. If a subsequent discharge of Benzene, Chlorobenzene and/or other contaminants of concern increase above the levels approved in this Order, or if a subsequent discharge of occurs at the site, the Department may require site rehabilitation to reduce concentrations of contaminants of concern to the levels approved in the SRCR or otherwise allowed by Rule.

3. Disclaimer stating that SCRO is only for the assessment and remediation related to this case and does not cover other discharges or areas not covered under the activities of this case.

4. Additionally, you are required to properly abandon all monitoring wells within 60 days of receipt of this Order. The monitoring wells must be plugged and abandoned in accordance with the requirements of Rule 62-532.500(4), F.A.C.

Legal Issues

The Department’s Order shall become final unless a timely petition for an administrative proceeding (hearing) is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), within 21 days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.
JAN 18 2005

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Mr. Frank DiMaria
3428 E. Atlantic Boulevard
Pompano Beach, FL 33062

Subject: Site Rehabilitation Completion Order
Hammond Road Landfill
North Hammond Road
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- Consent Order, executed on October 19, 1991
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"More Protection, Less Process"

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P.E. CERTIFICATION

Site Rehabilitation Completion Report and Request for No Further Action Proposal (SRCR) for Hammond Road Landfill, North Hammond Road, Fort Pierce, St. Lucie County, FL. OGC Case No. 91-1531.

I hereby certify that in my professional judgment, the components of this Site Rehabilitation Completion Report and Request for No Further Action Proposal does satisfy the requirements set forth in the Consent Order and "Corrective Actions for Contamination Site Cases" (Corrective Actions. However, I have not evaluated and do not certify aspects of this plan that are outside my area of expertise (including, but not limited to, electrical, mechanical, and structural features).

X I personally completed this review.

This review was conducted by __________ working under my direct supervision.

Lee C. Hoefert, P.E.
Professional Engineer II
Waste Cleanup Section

Date
• Consent Order Amendment, executed on June 3, 1998

The Southeast District’s Waste Cleanup Section has reviewed the Site Rehabilitation Completion Report and Request for No Further Action Proposal (SRCR) dated October 25, 2004 (received October 28, 2004), prepared and submitted by Robert Maschue, P.G., for this site. Documentation submitted with the SRCR confirms that criteria set forth in the executed Consent Order Amendment (OGC Case No. 91-1531) have been met. The SRCR is hereby incorporated by reference in this Site Rehabilitation Completion Order (Order). Therefore, you are released from any further obligation to conduct site rehabilitation at the site for contamination associated with the former landfill listed above, except as set forth below. Failure to abide by the following requirements will result in the revocation of this Order:

(1) Disturbing the cover on the landfill site has the potential to impact groundwater quality. The Department shall be notified prior to any construction activities, including land clearing, taking place on the property. The owner shall demonstrate that construction activities and the ultimate use of the property will not impact groundwater quality. The Department issued a document titled, “Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida” dated May 3, 2001 that provides guidance on what is required to demonstrate that water quality will not be impacted. Alternatively, the owner may reopen case through the state Brownfields or similar cleanup program.

(2) If concentrations of Benzene, Chlorobenzene and/or other contaminants of concern increase above the levels approved in this Order, or if a subsequent discharge of occurs at the site, the Department may require site rehabilitation to reduce concentrations of contaminants of concern to the levels approved in the SRCR or otherwise allowed by Rule.

(3) This order applies to the assessment and remediation related to this case. This case is limited to the areas and parameters that were assessed in the documents listed above. A completion request for any other areas or parameters that are not covered in this order will need to be submitted to the Department and will require a separate assessment and remediation, if necessary.

(4) Additionally, you are required to properly abandon all monitoring wells within 60 days of receipt of this Order. The monitoring wells must be plugged and abandoned in accordance with the requirements of Rule 62-532.500(4), F.A.C.
Legal Issues

The Department’s Order shall become final unless a timely petition for an administrative proceeding (hearing) is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), within 21 days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

(A) If you choose to accept the Department’s decision regarding the SRCR you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.

(B) If you choose to challenge the decision, you may do the following:

(1) File a request for an extension of time to file a petition for hearing with the Agency Clerk in the Office of General Counsel of the Department within 21 days of receipt of this Order; such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing; or

(2) File a petition for administrative hearing with the Agency Clerk in the Office of General Counsel of the Department within 21 days of receipt of this Order.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Administrative Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from Frank DiMaria, shall mail a copy of the request to Frank DiMaria at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this Order. Petitioner, if
different from Frank DiMaria, shall mail a copy of the petition to Frank DiMaria at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Subsections 120.54(5)(b)4. and 120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

(a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner’s representative, if any, the site owner’s name and address, if different from the petitioner, the FDEP facility number, and the name and address of the facility;
(b) A statement of when and how each petitioner received notice of the Department’s action or proposed action;
(c) An explanation of how each petitioner’s substantial interests are or will be affected by the Department’s action or proposed action;
(d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
(e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department’s action or proposed action;
(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department’s action or 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 Department to take with respect to the Department’s action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the clerk of the Department (see below).
Questions

Any questions regarding the Department’s review of your NFAP should be directed to Lee Hoefert at (561) 681-6676. Questions regarding legal issues should be referred to the Department’s Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

The FDEP Facility Number for this site is OGC Case No. 91-1531. Please use this identification on all future correspondence with the Department.

Kevin R. Neal
District Director
Southeast District

cc: Robert Maschue, P. G., Solutech, Inc.
Alex Padva
City Attorney, City of Fort Pierce
Michael Cushman
DEP/OGC
DEP/Port St. Lucie Office
St. Lucie County Health Department
File

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Rachel Oleary
Clerk
AUG 21 2002

Mr. Frank DiMaria  
3428 E. Atlantic Boulevard  
Pompano Beach, FL 33062

St. Lucie County  
SW - Hammond Road Landfill  
Enforcement File

RE: Groundwater Data  
Hammond Road Landfill, OGC Case No. 91-1531

Dear Mr. DiMaria:

A file review of this case shows no activity since December 1998. The Department sent a letter to you on October 5, 1998 that included comments from the review of groundwater sampling results received by the Department on July 20, 1998. On November 20, 1998, your consultant Alex Padva replied that he would respond to the comments when the next round of sampling results were submitted. The sampling was to have taken place December 4, 1998. No sampling data or response to our letter has been received.

Please advise of any progress that you have made since December 1998. You may contact Lee Hoefert at 561/681-6676.

Sincerely,

Paul Wierzbicki, P.G.  
Waste Cleanup Section  
Southeast District

Attachments

cc: O.J. Carlo DEP/SED/SW  
St. Lucie County Health Department  
DEP/PSL  
File (2)
Fax

To: Jim Harmon  
From: ALEX PADVA

Fax: 561/681-6770  
Pages: 1 including this one

Phone: 561/681-6730  
Date: November 20, 1998

Re: Hammond Landfill  
CC: Mr. Frank DiMaria

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

This is to advise you that our next sampling at the Hammond Landfill in Fort Pierce is scheduled for December 4, at about 10:00 a.m.

When I send you the results of this next sampling event, I will make all possible efforts to comply with the MOP. At that time, I will also address your concerns about the previous results as expressed in the last letter to Mr. DiMaria. I will make corrections and amendments to the submission, if needed.

If this plan of action does not meet your expectations, please call me.
October 5, 1998

Mr. Frank DiMaria
3428 E. Atlantic Boulevard
Pompano Beach, FL 33062

St. Lucie County
SW - Hammond Road Landfill
Enforcement File

RE: Groundwater Data
Hammond Road Landfill, OGC Case No. 91-1531

Dear Mr. DiMaria:

The above referenced data has been reviewed by our Waste Cleanup Section. Please review the attached comments and respond to this office in writing within 30 days from receipt of this letter. If you have any questions, please contact Mr. Jim Harmon at telephone number 561/681-5730 or myself at 561/681-6668.

Sincerely,

Lee C. Hoefert
Lee C. Hoefert, P.E.
Solid Waste Section
Southeast District

Attachment

cc: Alex Padva, Ph.D.
Jim Harmon, SED/WCU

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

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