



Department of Environmental Protection

Jeb Bush
Governor

Northwest District
160 Governmental Center
Pensacola, Florida 32502-5794

Colleen Castilla
Secretary

June 16, 2004

Mr. Jerry Phillips
Florida PEER
P. O. Box 14463
Tallahassee, Florida 32317-4463

Dear Mr. Phillips:

This is in response to your letter transmitting the white papers authored by Florida PEER regarding the Department's activity at the Big Wheel Construction and Demolition Debris Disposal facility situated on Steelfield Road, Bay County, Florida.

The Department has regulated a solid waste disposal facility at this site since 1992. During this time, several actions were initiated by the Department to ensure compliance including numerous compliance and follow-up inspections, correspondence letters, warning letters, denial of a proposed permit application, execution of a Consent Order, and assessment and collection of Department expenses and civil penalties.

The Department has always pursued a range of options that efficiently and effectively use its limited resources to resolve alleged violations and prevent further violations. The methods chosen by the Department depend upon the type of violation, the qualitative environmental impact, the behavior motivating the violation and the likelihood of success in obtaining compliance with the law. It is our belief that information reported in your white papers does not include the complete compliance history of this site and that it lacks a factual basis and represents a basic misunderstanding of the Department's rules governing the described activities.

The compliance and enforcement efforts initiated by the Northwest District staff have resulted in corrective action and facility operations that are now in compliance with Department rules without the need for lawsuits or other inefficient processes. When a permittee displays a willingness to address certain kinds of violations, and initiates action to prevent future problems from occurring, we evaluate whether accomplishing compliance without formal enforcement is the best use of the Department's resources. While there are situations that

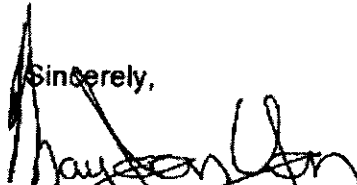
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warrant initiating formal legal action, we do not feel that this is the case for the Big Wheel facility.

I hope you find this clarification helpful. In the event you would like to discuss this in more detail, please feel free to contact me at (850) 595-8300, extension 1195.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Jean Von", written over the typed name and title.

Mary Jean Von
Director of District Management

MJY:my