

May 26, 2004

James D. Borders
Area Director
Occupational Safety and Health Administration
United States Department of Labor
Ribault Building, Suite 227
1851 Executive Center Drive
Jacksonville, Florida 32207

Re: Complaint of OSHA Violations
Big Wheel C & D Disposal Facility
11640 Steelfield Road, Bay County, Panama City, Florida

Dear Mr. Borders:

PEER is a not-for-profit environmental oversight organization dedicated to ensuring that government employees who are working in the environmental arena are allowed to fulfill the obligations of their jobs absent undue interference. On occasion we are provided with information that signals a need for further investigation. If problems are detected we attempt to remedy those problems to the extent possible.

Our office recently learned of alleged violations of several state and federal environmental laws. The violations were occurring at a construction and demolition debris landfill that is located northwest of Panama City, Florida. The landfill has been commonly referred to under several names; however, the property upon which it is operated is owned by Big Wheel Recycling of Florida, Inc. The landfill is operated by Aztec Environmental, Inc. ("Aztec").

The operation of this landfill began in August 2, 2001, when the Florida, Department of Environmental Protection ("FDEP"), issued a construction and demolition permit to Aztec. The permit governs the manner in which Aztec can receive and dispose of construction and demolition debris. It also prohibits the receipt and handling of regulated asbestos containing material ("RACM").

Florida PEER has learned through a review of the FDEP's compliance and enforcement files that on at least two occasions in October 2002 and March 2003 the FDEP identified violations with respect to the receipt of RACM and/or ACM at the facility. The FDEP was alerted to these violations in September 2002 by employees who were observing the same. In October 2002 the FDEP inspectors went to the site and identified non-friable asbestos that had been rendered friable by virtue of the same being crushed. It was thus airborne. In March 2003 the inspectors identified asbestos containing material ("ACM") at the site, though it is unknown whether it had been rendered friable. At any rate, there is

no indication that any of the workers at the site were wearing any protective clothing in order to protect them from the hazards presented by the handling of this material.

Despite identifying the clear violations, the FDEP has taken no enforcement with respect to these (and numerous other) violations at this site. We have filed a complaint with the FDEP asking that they take the necessary enforcement.

I am enclosing three documents for your review and consideration. First, please find our completed Notice of Alleged Safety or Health Hazards filed under the Occupational Safety and Health Act of 1970. By filing this complaint we are asking that your Department investigate the issues presented therein and take appropriate enforcement in connection therewith.

Second, I am enclosing a copy of two White Papers prepared by Florida PEER in regard to this site. These White Papers deal with the asbestos contamination at the site, as well as groundwater violations that have been identified by the FDEP. I am asking that these two White Papers be incorporated into the above-referenced complaint that accompanies this letter.

Thank you for your kind assistance in this matter. Please feel free to contact me should you have any questions regarding the matters contained herein.

Sincerely,

Jerry Phillips
Director

Encl.