

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,**

**vs.**

**OGC CASE NO. 06-1157**

**LOUISIANA INVESTMENT GROUP, L.L.C.**  
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**FINAL CLOSURE ORDER**

To: Louisiana Investment Group, L.L.C.  
c/o Brennon Vinet  
6023 Chandelle Circle  
Pensacola FL 32507

Certified Mail Number:

Pursuant to the authority of Sections 403.061(8) and 403.704(15), Florida Statutes (Fla. Stat.), Chapter 62-701, Florida Administrative Code (Fla. Admin. Code), and 40 C.F.R. §264.143, the State of Florida Department of Environmental Protection (Department) hereby gives notice to Louisiana Investment Group, L.L.C. (LIG) of the following findings of fact and conclusions of law.

**FINDINGS OF FACT**

1. The Department is the administrative agency of the State of Florida which has the authority to administer and enforce the provisions of Chapter 403, Fla. Stat., and the rules promulgated thereunder in Title 62, Fla. Admin. Code. The Department regulates construction and demolition debris disposal facilities pursuant to Section 403.707, Fla. Stat.

2. LIG is an active Florida Corporation registered with the Florida Division of Corporations, that owns and previously operated the Saufley Landfill Inc., C & D Disposal Facility (“Facility”), located at 5660 Saufley Field Road, Pensacola, Florida, Escambia County.
3. LIG’s financial assurance mechanism is a closure insurance policy issued by Evanston Insurance Company.
4. Policy Number 07EIL00279 expired on January 21, 2008. The Department received notice of the expiration on January 29, 2008. On January 30, 2008, the Department notified LIG that the policy was no longer in effect, and instructed LIG to submit proof of financial assurance to the Department by February 6, 2008.
5. To date, LIG has not submitted any documentation to the Department demonstrating that it has paid the policy premium which was due on or before January 21, 2008, or demonstrating that it has substituted an alternate form of financial assurance for the Facility.
6. LIG has failed to place final cover and to seed or plant vegetative cover on the Facility within 180 days after it reached its final grade.
7. LIG has failed to construct a stormwater management system which controls stormwater in accordance with Part IV of Chapter 373, Fla. Stat. and Chapter 62-25, Fla. Admin. Code.
8. LIG has failed to submit a complete permit renewal application to the Department.

### **CONCLUSIONS OF LAW**

The Department has evaluated the Findings of Fact with regard to the requirements of Chapter 403, Fla. Stat. and Title 62, Fla. Admin. Code. Based on the foregoing facts, the Department has made the following conclusions of law:

9. LIG is a person within the meaning of Sections 403.031(5) and 403.703(22), Fla. Stat.
10. The Facility accepts construction and demolition debris, as defined in Rule 62-701.200(27), Fla. Admin. Code.
11. A construction and demolition debris disposal facility is a solid waste management facility within the meaning of Rule 62-701.200(118), Fla. Admin. Code and Section 403.703(35), Fla. Stat.
12. No solid waste management facility may be constructed, operated, maintained, modified, or closed without a permit issued by the Department, in accordance with Rule 62-701.320(1), Fla. Admin. Code.
13. Rule 62-701.730(11), Fla. Admin. Code requires the owner or operator of an off-site construction and demolition debris disposal facility to provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing and long-term care cost estimates for the facility.
14. 40 C.F.R. §264.143(e)(6), as adopted by reference in Rule 62-701.630, Fla. Admin. Code, provides that the owner or operator must maintain its insurance policy in full force and effect until the Secretary of the Department consents to the termination of the policy.
15. Rule 62-701.730(9)(b), Fla. Admin. Code requires that final cover and seeding or planting of vegetative cover be placed on the disposal unit within 180 days after it has reached its final grade.
16. Rule 62-701.730(9)(c), Fla. Admin. Code requires the owner or operator to provide a certification of closure construction completion to the Department within 30 days after closing, covering, and seeding the disposal unit.

17. Based upon the above findings and conclusions, the Department has determined that LIG has failed to maintain financial assurance in accordance with Department rules, has failed to close the Facility and provide a certification of closure construction completion to the Department in accordance with Department rules, and has failed to obtain a permit to close the Facility, as required by Department rules.

Therefore, it is ORDERED:

18. LIG shall close the Saufley Landfill Inc., C&D Disposal Facility ("Facility"), located at 5660 Saufley Field Road, Pensacola, Florida, Escambia County within 21 days of entry of this Order, in accordance with Rule 62-701.730(9), Fla. Admin. Code.

19. If LIG fails to close the Facility in accordance with this Order, the Department will pursue appropriate enforcement action, which may include revoking the administratively extended operating permit, denying LIG's renewal permit application, and finding the Facility abandoned.

DATED this 11th day of February 2008.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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W. Richard Fancher  
Director of District Management  
Northwest District  
160 Governmental Center  
Pensacola, Florida 32502

**FILING AND ACKNOWLEDGMENT**

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



\_\_\_\_\_  
Clerk

February 11, 2008  
Date

cc: Lea Crandall, Agency Clerk [Lea.crandall@dep.state.fl.us](mailto:Lea.crandall@dep.state.fl.us)

## NOTICE OF RIGHTS

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed agency action 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) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the respondent or any of the parties listed below must be filed within 21 days of receipt of this written notice. Petitions filed by other persons must be filed within 21 days of publication of the notice or receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within twenty-one days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the respondent at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;

(d) A statement of all material facts disputed by 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 which 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; and

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

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any

such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In accordance with Section 120.573, F.S., the Department advises that mediation is not available in this case under the provisions of that statute. This does not prevent any interested parties from agreeing to other forms of alternate dispute resolution.

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, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, 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 thirty days after this order is filed with the clerk of the Department.