



Florida Department of Environmental Protection

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Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

February 8, 2007

Steve Bowden, Esq.
4502 Twin Oaks Drive
Pensacola, FL 32506

Re: Louisiana Investment Group, L.L.C., Escambia County, Florida
Case No. 2006-CA-001207

Mr. Bowden,

I write in response to your phone call of Friday, February 2, 2007, in which you indicated that Saufley Landfill employees had become ill from exposure to hydrogen sulfide gas. While the primary responsibility for the health and safety of Saufley Landfill employees rests with the facility owner, the Department understands and shares your concerns about their welfare and the health and safety of the surrounding neighborhood. With that in mind, the Department contacted the Escambia County Department of Health on February 2, 2007 to request assistance. Health Department employees visited the site on Monday, February 5, 2007 and conducted limited monitoring around the perimeter of the facility; they concluded that the hydrogen sulfide levels do not appear to pose a health risk to the community.

The Department also contacted the Occupational Safety & Health Administration ("OSHA"). Equipment and employee training is available to allow Saufley to continue to work at the site in a safe manner. You may obtain more information about the appropriate protective gear and safety precautions from OSHA. Given the fact that four people work at the site, these measures should not be cost prohibitive.

During our conversation, you asked if the Department would agree to allow Saufley to cap the landfill in its current condition. The Department will not agree to your request because we believe it is possible for Saufley to comply with the Contempt Order of January 3, 2007. Moreover, from a technical standpoint, we do not believe the landfill can be closed in its current condition because of the steep side slopes. Three to one slopes will be required for closure. Further, no stormwater management system is in place on the site.

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Saufley Landfill, Escambia County

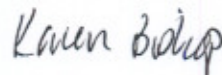
On Tuesday, February 06, 2007, the Department visited the site and noted that the equipment had been moved offsite and that no one was present. It appears that all work at the site has ceased. If Saufley needs to temporarily stop lowering the height while it obtains necessary safety equipment and training for its employees, other required work can still be done that does not involve moving waste. For example, the excavation of Area A and Area B can continue, debris can be removed from the Otis English property, and the slopes can be shaped. The Department expects Saufley to take all reasonable measures to comply with the Contempt Order.

The Department inspected Saufley landfill on February 2, 2007. Department staff noted a strong odor along the south side of landfill. Additionally, the south side slopes of the debris pile have exposed waste. Paragraph B of the Contempt Order requires LIG to use whatever means and methods are necessary to control odors, hydrogen sulfide gas, and particulate matter. Additionally, LIG was to apply one initial application to all exposed waste at the facility, and *thereafter, cover all exposed waste daily*. If LIG does not come into compliance with the Contempt Order, the Department will file a second motion for contempt. Please note that any extension of time to complete the work must be obtained from the Court as provided in paragraph D of the Contempt Order.

Finally, on the evening of February 8th, the Department received a complaint that Saufley landfill was accepting waste. Department staff observed a dump truck filled with C&D debris parked in the landfill driveway and another truck filled with C&D debris just east of the house; both trucks were parked inside the fence. The Escambia County Sheriff's office responded to the call. The driver indicated they were Brennon's trucks and they were just parking there overnight and would be driving to Joiner in the morning to dispose of the material. As you know, the Stipulated Order of Temporary Injunction prohibits Saufley landfill from accepting waste.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Karen Bishop
Assistant General Counsel