



Charlie Crist  
Governor

Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General

March 19, 2010

Commissioner Burt Aaronson  
Chair/Palm Beach County  
301 North Olive Ave., Suite 1201  
West Palm Beach, FL 33401

**RE: Use of Recycled and Other Materials as Fill**

Dear Commissioner Aaronson:

I would like to thank you for your letter of concern that we received on March 10, 2010, (attached) and welcome the opportunity to respond. We have conducted an initial review of the subject material and its use as fill relative to reported public health concerns. I would like to address each item in your letter separately.

**Recycled Fill Material – Recovered Screen Material**

This review included; our epidemiology surveillance network, toxicological data, scientific analytical data, research studies, process generation & operational evaluation and material sample analysis reports. The characterization of this material has classified it relatively inert chemically with a low potential to leach. This material has been and continues to be extensively studied and evaluated under the direction of the Florida Department of Environmental Protection (DEP) to insure that it is generated, stored and disposed of/used in a manner that protects the public health and the environment. According to DEP Guidelines and Specific Permit Conditions the permittee shall conduct baseline sampling and then continued routine sampling. These analysis reports must be submitted to the Department. This self-monitoring requirement is an industry standard practice and would require revision at the state level to change or modify these requirements.

Based on our review the PBCHD has determined that the state regulated recovered screen material (RSM) presents a minimal potential to create a public health concern when properly used as a fill material.

**Other Fill Materials**

Dumping Litter Prohibited. - - Unless otherwise authorized by law or permit, it is unlawful for any person to dump litter in any manner or amount: Florida Statutes 403.413 Florida Litter Law. The placement of any material on private property requires the property owners consent. If the property owner gives consent other fill materials such as; earth materials (rock & soil), uncontaminated concrete including embedded pipe or steel, brick, glass and ceramics may be used. PBCHD responds to complaints related to fill use and investigates where the material came from and whether the property owner has given consent or if this is an illegal dumping activity.



Palm Beach County Health Department  
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Additional local and neighborhood concerns regarding the use of fill materials may include odors, appearance and community acceptance. Local jurisdictions may in act more restrictive, prohibitive or limit use or application of fill material.

The PBCHD plans to further evaluate your concerns and review them with the Florida Department of Environmental Protection, Solid Waste Authority of Palm Beach County, the Palm Beach County Engineer/Land Development Office, Palm Beach County Building Department and Code Enforcement. Additionally, we plan to conduct special unannounced inspections and collect random representative samples of this material at the permitted C&D Debris Recycling facility in Palm Beach County that is permitted to offer RSM for fill. We plan to review the sample analysis reports of soil samples that were collected by DEP March 2-4, 2010, on home sites within the Acreage Community as part of the ongoing cancer cluster investigation. This analytical data was designed to evaluate chemicals of concern including chemicals associated with RSM.

We plan to submit to you within 45 days a final report of our findings relative to the use of fill material in Palm Beach County with specific recommendations and options for consideration if needed.

Please contact Mr. John O'Malley our Environmental Public Health Director at (561) 837-5921 or myself at (561) 671-4003 if you have any questions or concerns.

Sincerely,



Alina Alonso, M.D.  
Director  
Palm Beach County Health Department

cc: Palm Beach County Board of County Commissioners  
Michelle Damone, President, ITID Board of Supervisors  
Robert Weisman, County Administrator  
Barbara Alterman, Director, PZ&B  
George T. Webb, P.E., County Engineer  
Mark Hammond, Executive Director - SWA  
Richard Tedder, FDEP  
Jack Long, FDEP  
Joe Lurix, FDEP