

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	November 19, 2013	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
		<input type="checkbox"/> Public Hearing	
Submitted By:	County Attorney		
Submitted For:	County Attorney		

I. EXECUTIVE BRIEF

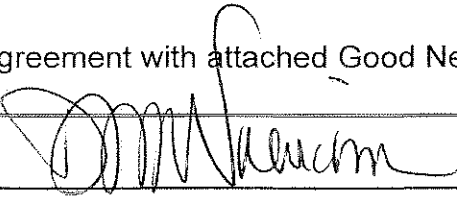
Motion and Title: Staff recommends motion to approve: a settlement agreement with the Town of Palm Beach, settling administrative petitions in *Solid Waste Authority of Palm Beach County et. al., v. State of Florida, Department of Environmental Protection et. al.*, OGC Case Nos. 12-1527, 12-1528, SWVA Nos.; 12-01, 12-02 (State of Florida Department of Environmental Protection, Palm Beach County Health Department).

Summary: The proposed Settlement Agreement resolves two administrative petitions filed by Palm Beach County and the Solid Waste Authority challenging a request for variance and a request for solid waste permit renewal by the Town of Palm Beach for two landscape material landfills operated at Skees Road and Okeechobee Boulevard in West Palm Beach. The proposed Settlement Agreement provides for the incorporation of a Good Neighbor Plan into the solid waste permit renewal, which requires the Town of Palm Beach to implement additional dust control, fire prevention, and pest control measures, including the installation of additional landscaping on the border between the landfill and the neighboring homes at the Okeechobee Blvd. facility and the use of ascertainable benchmarks to measure active landscape pile heights. District 2. (ATP)

Background and Justification: The Town of Palm Beach owns two Class III landfills used exclusively for landscaping material, one at 5976 Okeechobee Blvd and one at 1300 Skees Road, in West Palm Beach, Florida. The Town of Palm Beach sought variances from the Florida Department of Environmental Protection, seeking to be exempted from the covering, compaction, and sloping requirements set forth in the Florida Administrative Code. The Town also sought a permit renewal from the Palm Beach County Department of Health. (continued on p. 3).

Attachments:

1. Stipulated Settlement Agreement with attached Good Neighbor Plan.

Recommended by:		10/30/13
		Date

Approved by:		
		Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Costs		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	* <u>0</u>				
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* No fiscal impact

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

<p><u>Susan Neary</u> 11/6/13 OFMB 11/6/13</p>	<p><u>Dr. J. Jacob</u> 11/12/13 Contract Development and Control At the time of our review the Settlement Agreement was not executed.</p>
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B. Legal Sufficiency:

Amy Taylor Petuch
Assistant County Attorney

C. Other Department Review:

Water Utilities Department Director

This Summary is not to be used as a basis for payment.

Background and Justification (Continued from page 1):

The Okeechobee Blvd. landfill is near a neighborhood and has elicited complaints regarding pests, dust, and vegetative material migrating from the landfill site onto nearby properties. The Town of Palm Beach also received a Notice of Violation from the Palm Beach County Fire Rescue Department for failure to comply with perimeter road requirements for fire rescue vehicular access and issues regarding adequate water supply to the landfill site.

The County filed administrative petitions challenging both the request to Department of Environmental Protection for a variance and the request to the Health Department for permit renewals. The parties met with Health Department representatives and concerned neighbors to discuss possible resolution of the fire protection issues and the neighbor's concerns. The Town of Palm Beach has offered to undertake the actions set forth in the Good Neighbor Plan, which is attached to the settlement agreement and will be incorporated into the solid waste permit requirements, in order to alleviate the concerns of both the neighbors and the County. The Good Neighbor Plan calls for additional landscaping at the Okeechobee Blvd. landfill along the property boundary between the landfill and the adjacent neighborhood, additional pest control, maintenance of fire rescue perimeter roads, and the provision of a measuring benchmark to determine that active landscape piles are being kept within the pile height requirements of the administrative code. In exchange for incorporation of the Good Neighbor Plan provisions into the applicable permits, the County would dismiss with prejudice the pending administrative petitions. Each party would bear its own costs. County Fire Rescue staff and staff at the Solid Waste Authority are in agreement with the provisions of the proposed settlement.

STIPULATED SETTLEMENT AGREEMENT

THIS STIPULATED SETTLEMENT AGREEMENT is entered into by and between Palm Beach County (hereinafter "County"), the Solid Waste Authority of Palm Beach County (hereinafter "SWA"), collectively referred to herein as "Petitioners", and Town of Palm Beach (hereinafter "Respondent" or "Town") as a complete and final settlement of all claims raised in the administrative cases brought by the County challenging the Town's Solid Waste Permit variance and Solid Waste Permit renewals, as more particularly set forth below:

RECITALS

WHEREAS, the Town of Palm Beach owns two Class III Landfills, at 5976 Okeechobee Blvd and 1300 Skees Road, West Palm Beach, Florida, operated pursuant to a Solid Waste Permit issued to the Town by the Palm Beach County Health Department; and

WHEREAS, the Town of Palm Beach sought a permit renewal from the Palm Beach County Health Department for its Solid Waste Permits to operate the two landfills, references by Draft Permit Projects Nos: 49084-003-SO (WACS Id No. 65864) and 48963-002-SO (WACS ID No. 65863); and

WHEREAS, the Town of Palm Beach sought variances from the Florida Department of Environmental Protection for the two Class III landfills, referenced by internal administrative numbers "SWVA No.:12-01" and "SWVA No.: 12-02," to exempt the landfills from the covering, compaction, and sloping requirements set forth in relevant portions of the Florida Administrative Code; and

WHEREAS, the County owns property near both landfills and provides Fire Rescue services to both landfill sites; and

WHEREAS, SWA provides coordinate resource recovery and waste management for Palm Beach County pursuant to Chapter 2001-331 and has designated the Town's landfills as part of SWA's coordinate solid waste disposal system; and

WHEREAS, the County and SWA filed Administrative Petitions challenging both the permit renewals and the variances with the Palm Beach County Health Department and the Florida Department of Environmental Protection (OGC Case Nos.: 12-1527 and 12-1528); and

WHEREAS, both parties desire to resolve the pending administrative challenges amicably and without further litigation.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein and in consideration of the benefits to accrue to each of the parties, the receipt and sufficiency of which are hereby acknowledge, the parties hereby represent and agree as follows:

1. Recitals. The foregoing Recitals are true and correct and are hereby incorporated into this Agreement.

2. Good Neighbor Program. The Town of Palm Beach and Palm Beach County agree that the Good Neighbor Program, attached hereto as Exhibit A, will be implemented as a condition of the Palm Beach County Health Department permit. The text of the permit condition shall be as follows:

"The Town of Palm Beach shall implement the Good Neighbor Program, attached to this permit as _____, with all landscaping, fencing and earthworks referenced therein completed within 90 days of the effective date of this agreement. The Town also agrees to cooperate with the Palm Beach County Health Department (Health Department) to facilitate verification, as necessary, including but not limited to providing site access at reasonable times and under reasonable conditions to allow for inspection, and providing appropriate documentation. Unless an alternative date is mutually agreed upon, on the anniversary date of permit issuance, the Town agrees to submit an annual report to the Health Department, with a courtesy copy sent to Palm Beach County, documenting: (1) pest control inspections and any maintenance efforts undertaken in response to those inspections, and (2) a labeled aerial photograph showing landfill material cell locations, footprint dimensions, peak cell heights (NGVD), descriptions of the areas of each cell where new material was deposited in the prior year, maximum depth of decomposing material for each cell, location and minimum width of firebreaks and access roads, and water supply sources."

3. Dismissal of Administrative Petitions. In return for the Health Department's modification of the permit, and the Town's consent to the modification, the County and SWA shall file Notices of Voluntary Dismissal with Prejudice in all the administrative petitions identified in the Whereas Clauses of this Agreement. The parties stipulate that there are no other pending administrative matters associated with either landfill, and this agreement resolves all disputes.
4. Attorney's Fees and Costs. Each party shall be responsible for its own attorney's fees and costs in the above-referenced administrative proceedings.
5. Notice. Any notice required by this Agreement shall be made in writing to the following:

If to the County:

Amy Taylor Petrick, Esq.
Senior Assistant County Attorney
Palm Beach County Attorney's Office
300 North Dixie Highway, Suite 359
West Palm Beach, FL 33401

If to the Solid Waste Authority:

Mark Hammond
Executive Director
Solid Waste Authority of Palm Beach County
7501 North Jog Road
West Palm Beach, FL 33412

If to the Town:

Peter Elwell
Town Manager
360 South County Road
Palm Beach FL 33480

6. Headings. The paragraph headings or captions appearing in this Agreement are for convenience only, are not part of this Agreement, and are not to be considered in interpreting this Agreement. The Parties acknowledge that this Agreement is a negotiated document and neither party shall be construed as the drafter of the Agreement.
7. Waiver/Amendment. No waiver of any provision of this Agreement shall be effective against any party hereto unless it is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver. This Agreement may be modified and amendment only by written instrument executed by the parties here.
8. Ongoing Obligations. This Agreement binds all of the parties' successors-in-interest, heirs, and assigns, as to any and all obligations contained within the Good Neighbor Program that are continuing in nature.
9. Effective Date. This Agreement is effective as of the date of the signature by the Mayor of Palm Beach County and shall remain in full force and effect unless and until the Agreement is terminated by written Agreement of the parties.

[the remainder of this page left intentionally blank]

IN WITNESS WHEREOF, this Settlement Agreement has been executed, with counterpart signatures on separate pages, by Palm Beach County, the Solid Waste Authority of Palm Beach County, and the Town of Palm Beach, and their respective counsel on the dates indicated below.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

By: _____
Its: _____
Date: _____

By: _____
Its: _____
Date: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Amy Taylor Petrick
Amy Taylor Petrick
Senior Assistant County Attorney

ATTEST:

SOLID WASTE AUTHORITY OF
PALM BEACH COUNTY, FLORIDA

By: Sandra Vassalotti
Its: Records Mgr/Clerk
Date: 10/9/2013

By: Mark Hammond
Its: Executive Director
Date: 10/09/2013

ATTEST:

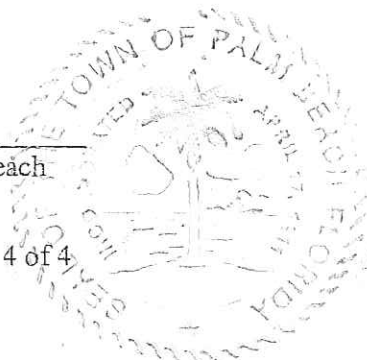
TOWN OF PALM BEACH, FLORIDA

By: Susan A. Owens, MMC
Its: Town Clerk
Date: 11/12/13

By: Gail L. Coniglio
Its: Mayor
Date: 11/12/13

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: [Signature]
Counsel for the Town of Palm Beach



TOWN OF PALM BEACH
Good Neighbor Program



September 25, 2013

Town of Palm Beach Good Neighbor Program | 2013

Background

The Town of Palm Beach operates two landfills in Palm Beach County for vegetative waste from the Town of Palm Beach. These facilities dispose of grass clippings and plant trimmings that are routinely collected from homes, businesses and institutions within the Town.

- *Okeechobee Site.* The Okeechobee Landfill currently operating under Permit number 0049084-003-SO is located at 5976 Okeechobee Boulevard, West Palm Beach and consists of approximately 9 acres for disposal operations on alternating timelines with the other facility. Approximately 93,331 cubic yards of yard waste are received at this landfill every 18 months during the operational cycle/rotation. This is a non-public use facility; therefore, only authorized employees of the Town of Palm Beach are permitted to use this landfill. This site was operated and permitted as a yard trash composting site from 1985 to 2006 when a permit for the current Class III landfill was issued.
- *Skees Road Site.* The Skees Road Landfill currently operating under Permit number 0048963-002-SO is located at 1300 Skees Road between Okeechobee Boulevard and Belvedere Road in West Palm Beach and consists of approximately 28 acres for disposal operations on alternating timelines with the other facility. Approximately 189,110 cubic yards of yard waste are received at this landfill annually during the operational cycle/rotation. This is a non-public use facility therefore; only authorized employees of the Town of Palm Beach are permitted to use this landfill. Similar to the other landfill location, this site was operated and permitted as a yard trash composting site from 1985 to 2006 when a permit for the current Class III landfill was issued.

After discussions with community stakeholders, including representatives of Palm Beach County and of the adjacent neighborhoods, the Town identified five recurring concerns – fire, dust, pests, landscaping, and fencing – related to its management of the Okeechobee and Skees Road landfill sites. The Town strives to be a good neighbor in the management of its properties. To respond to those concerns, this document provides historic context and supporting evidence in the appendices. In addition, for each citizen concern, the Town explains the measures it is using to prevent, minimize, mitigate, or respond to the citizen's concerns, even proposing measures not otherwise required by law.

Fire Management

Historic Context. The Town is proud of its fire prevention and management record at the two landfill facilities. The Okeechobee landfill has experienced only a single fire, and that was over 50 years ago, when the Okeechobee site was managed as a waste incineration site. There have been no fires at that location since the site use changed to exclusively vegetative waste disposal. The Skees Road landfill has experienced two fires, one in November 1968 and the other in January 1980. Documents supporting these facts are attached as Exhibit A.

Town of Palm Beach Good Neighbor Program | 2013

Fire Prevention Measures. History shows that fires are rare, and current conditions at the landfills show that the sites are unlikely to experience fires. Most fires occur at the surfaces where fuel and oxygen are abundant. But here, the vegetative nature of the disposal materials means that little fuel for fires exist, because the waste decomposes into soil. In fact, after Palm Beach County and Town fire authorities conducted joint site inspections, and they mutually concluded that only the upper profile of the site, with newly deposited or still decomposing material, is subject to the risk of fire. Moreover, the Town limits working pile heights for active cells to 15 feet to minimize the total volume of potentially flammable materials and to limit the amount of heat that accumulates. A cross-section of a typical cell showing the sequence of accumulation of vegetative material is shown in each landfill's operation plan.

Fire Response Measures. In the unlikely event that fires were to occur, the Town has taken numerous measures to ensure its prompt control in the future, including:

- Access around the disposal perimeters exists and in the case of the Okeechobee Boulevard site, has been enhanced and maintained to provide sufficient area for firefighting operations, per on-site consultations with the Palm Beach County Fire-Rescue staff. Also, an access agreement with LWDD (see Exhibit B) allows emergency access to the west boundary of this site.
- Cell sizes of decomposing materials are limited to 100' x 200' and separated by 15' fire breaks.
- Onsite water supply is provided for Okeechobee Landfill by the current placement of hydrants located on Okeechobee Boulevard at the property corners. At the Skees Landfill, the existing surface water body (pond) provides adequate drafting capabilities, per on-site consultations with the Palm Beach County Fire-Rescue staff. These various fire response issues are depicted graphically in the attached (see Exhibits C and D).

Dust Control

Historic Context. In the history of operations at the Okeechobee Boulevard and Skees Road landfills, the Town has never been cited by a regulatory authority for any concern associated with dust. A recent on-site test conducted by the Palm Beach County Health Department found no air quality concerns. The routine inspection reports conducted by the Health Department also indicate there is no deficiency, and the Town is shown as compliant on a recent inspection report (see Exhibit E, Item No. 2.33).

Dust Control Measures. While the trucks and bulldozers working at these locations do move over unpaved roads, the Town has adopted numerous measures to control the dust conditions that occur during the dry season. On the major movement corridors at the locations, the Town has laid crushed asphalt. The Town acquired a water truck, which can be used to control dust from dirt roads. Town employees driving vehicles also adhere to on-site speed limits. Active cells are limited to a height of 15 feet of non-decomposed material to limit airborne dirt and dust, and dormant cells are allowed to overgrow with vegetation to limit exposed dirt and airborne dirt. In addition, although not mandated by law, the Town's plan for landscaping the western perimeter of the Okeechobee site, using palms, will also create a landscape buffer to further prevent dust from migrating off-site.

Town of Palm Beach Good Neighbor Program | 2013

Pest Control

Historic Context. The presence of insects and wildlife, including even termites or rodents, is part of the natural background conditions of undeveloped lands, and can be beneficial to the decomposition process at a vegetative landfill. However, the Town has never observed a significant amount of animals or insects at the vegetative landfills, and the Palm Beach County Health Department has never cited the Town for rodent or vermin issues at either site. In 2011-2012, the Town investigated concerns about an insect outbreak near the Skees Road site, and an independent exterminator concluded that the Town's facility was not the source. And in 2012 and 2013, an independent consultant inspected the Okeechobee site, finding that there is no indication of an increased population of any particular species that would become a nuisance. Importantly, at the Okeechobee site, a canal separates the landfill from the adjacent neighborhood, drastically reducing the potential for animals to migrate from the landfill to become a local nuisance. The pest control inspection report from 2013 is attached as Exhibit F.

Pest Control Measures. The Town now obtains annual independent site inspections for animal and insect pests. If serious problems arise, the Town will retain experts to take appropriate pest control measures.

Landscape Improvements

Historic Context. For many years, the Okeechobee landfill had a row of Australian pines along the adjacent canal (i.e. the western property boundary common to Lake Worth Drainage District property). However, these trees are considered an exotic invasive species, and were removed about 4 years ago by the Lake Worth Drainage District. At the Skees Road location, natural vegetation also provides a buffer, separating the road from the interior managed property. Some Australian pines still exist at the Skees Road site in isolated locations.

Landscape and View Enhancement Measures. In accordance with permit conditions, the Town manages its landfills to limit pile heights to 15 feet of non-decomposed material, and to a maximum overall elevation of 52' NGVD. Although not mandated by law, the Town is planting perimeter landscaping on the western boundary of the Okeechobee site, consisting of palms expected to grow 15 to 20 feet tall. The plantings will obscure views of the landfill piles to the typical observer standing at off-site locations. A digital rendering of the proposed plantings is attached as Exhibit G.

Fencing

Historic Context. There is no history of vandalism or substantial trespassing concerns at either the Okeechobee or Skees Road locations. Fencing/gates at both locations restrict any unauthorized vehicular access. Documents showing examples of the existing fencing are attached as Exhibit H.

Fencing Measures. The Town installed additional fencing and gates at the Okeechobee site in August 2013 to conform with permit conditions.

Conclusion. The Town of Palm Beach has been and will continue to be a good neighbor to the people of Palm Beach County when managing its vegetative landfills at Skees Road and Okeechobee Boulevard.

EXHIBIT A

Exhibit A

MAYOR CLAUDE D. REESE

COUNCIL

EDGAR H. LATHAM, JR., PRESIDENT
EARL BLAIR, PRES. PRO TEM.
JAMES D. STURROCK
JOHN U. CUSHMAN
JAMES E. HOLLINGSWORTH



B. ARNOLD, TOWN MANAGER
BARTLETT ARNOLD, JR., ADMINISTRATIVE ASSISTANT
HUGH G. BRUCE, CLERK AND TREASURER
E. L. MIDDLETON, TOWN ATTORNEY
FRED A. MEAD, CHIEF POLICE DEPARTMENT
C. A. PEED, CHIEF FIRE DEPARTMENT
DAVID A. LARRABEE, SUPT. OF PUBLIC WORKS
EDWARD A. EHINGER, JR., BUILDING INSPECTOR
G. T. BROBERG, JR., POLICE JUDGE
KENNETH LANSDOWNE, TAX COLLECTOR AND ASSES
ROBERT G. HUTCHEON, TOWN ENGINEER

P.W. copy

Town of Palm Beach

P. O. Box 2029

Palm Beach, Florida 33480

November 13, 1968

TO: MR. B. ARNOLD, TOWN MANAGER
FROM: DEPARTMENT OF PUBLIC WORKS
RE: FIRE AT SKEE'S ROAD TRASH DISPOSAL SITE

On November 5th, 1968, at 9:30 P.M., Bob O. Grice was notified by Mr. Hoffman, who had been notified by the Sheriff's Department, that the trash dump was on fire. Bob Grice then proceeded to the dump site and unlocked the gate to allow a truck from the Westward Volunteer Fire Department to enter. The Westward Fire Department stayed at the scene until their pumper truck was out of water, at which time they left the scene.

On the following day, November 6, 1968, at 8:00 A.M., Bob Grice called and advised David Larrabee, Public Works Superintendant, of the situation and asked for assistance. David Larrabee called the office of the Town Manager and explained the situation and then contacted Chief Peed of the Palm Beach Fire Department. Chief Peed dispatched a pumper and crew to the dump where they set up and pumped all day. That evening, the fire fighting pump at the dump and another from the Public Works Department were set up and have been run by two men 24 hours a day until Tuesday, November 12, 1968, when the night shift was eliminated. At the present time, one pump is in operation to prevent a possible flare up. The fire appears to be out and the smoke problem is eliminated.

As a matter of record, this is only the second fire that has occurred at a Town of Palm Beach Trash dump, in the last twenty years. The first fire was at the trash dump at the incinerator on Okeechobee Road. Prior to that all trash was burned.

MEMORANDUM:

TO: Mr. G. R. Frost, Town Manager

FROM: S. P. Hadley

SUBJECT: Skees Rd. Fire 1/5-6/80 — *file*

DATE: January 7, 1980

1/5/80

14:55 First Public Works contact, L. Greene at Cocoanut Row office. Called out L. Carpenter, S. White, M. Hudson, M. Hagood and N. Ouellette.

15:15 P.W. units responding from garage 102, 115 and 268.

15:35 102 10-97, M.P.F.D. 10-97 with 2-pumpers, 1-tanker, and 1-rescue, fire area near northeast corner of lake, extending easterly approximately 110 yards, wind ENE 10-15 knots.

15:45 115 & 268 10-97, fire jump to southeast corner of property, distance approximately 150 yards, second area well involved before on-site fire units could respond.

16:00 Additional M.P.F.D. units arriving, 1-engine and 1-service van.

16:20 123 10-97 with 4" pump and fire hose, equipment set up and put into service with 2-2½" lines.

16:30 P.B.F.D. Chief Crockett 10-97, additional P.W. personnel responding, T. Trenton, J. Patterson, J. Gloster, W. Simmons and R. Mobley.

16:45 120 10-97 with 6" pump, unit put into service for ground flooding, additional personnel L. Penfield and J. Kerchaert.

17:00 Forestry Service 10-97 with tractor plow, worked east perimeter road, east of second fire area. Mr. Hadley advised of status.

18:00 Forestry Service disengaged, extra fire hose from P.B.F.D. arrived and put in service for 2½" line extensions, R. Bishop and S. Hadley 10-97.

18:30 117 10-97, J. Blackwell, with a 2" and a 3" pump, set up another 2½" line and a 1½" line.

19:30 S. Winn 10-97.

19:40 M.P.F.D. disengaged, flame depressed in both fire areas.

20:05 J. Sansbury, County Administrator 10-97.

Memo to: Mr. G. R. Frost
From: S. P. Hadley
Re: Skees Rd. Fire
Date: January 7, 1980

20:25 Town bulldozer arrived on Merle Merchant transporter. Transporter sent to Dyer Blvd. for County bulldozer.

20:40 Town bulldozer put into service on second fire area at southeast corner of property with Mike Hoffman operating. This area was out of reach for our water pumping equipment.

21:45 County bulldozer arrived and put in service on the first fire area, nearest the lake, operator Dwight Williams, County Aquatic Weed Control Supervisor. Due to the amount of water put into area one, the dozer was very effective in knocking down and putting out the fire.

22:50 County dozer moved to second fire area.

23:30 Secured pumping apparatus to first fire area and started picking up equipment.

1/6/80
00:45 120 & 123 10-19 S-1 with 2", 4" & 6" pumps.

01:00 Tom Sanders, Dyer Blvd. Foreman, relieved Williams on the County dozer.

01:50 Set up 3" pump and one 2½" line for second fire area after clearing a path from the southeast corner of our property to a lake on the adjacent parcel of land to the south.

04:00 No smoke condition in both areas, all apparatus secured.

09:00 Five Public Works personnel, clean-up and work on hot spots.

15:00 Clean up secured.

17:30 R. Bishop and M. Hoffman used bulldozer to work a couple of hot spots. No further activity.

At present, the site is occupied through the regular work day, every day. We are reworking the perimeter road and putting out any flare-ups that occur.

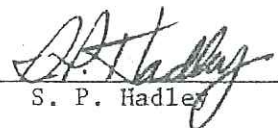

S. P. Hadley

EXHIBIT B

TO: David L. Crockett, Fire Chief, Town of Palm Beach
FROM: S. P. Hadley, Supt. of Public Works
SUBJECT: Skees Road Fire (January 5-6, 1980)


January 9, 1980

I would like to take this opportunity to extend to you my personal acknowledgement for your participation in this action.

Your assistance and guidance throughout the course of our efforts to put this fire out was truly appreciated.

Your actions display a sincere dedication to your profession and to the Town.

Thank you,



S. P. Hadley
Supt. of Public Works

cc: P. W. File
Read File

WILL CALL #166

7. Either party shall have the right to terminate this Temporary Access Agreement upon written Notice of Termination to the other party.

8. Notices in conjunction with this Temporary Access Agreement shall be sent by mail to the following addresses unless notified to the contrary:

LWDD: Lake Worth Drainage District
13081 Military Trail
Delray Beach, FL 33484
Attn: Ronald L. Crone

Copy to: Mark A. Perry, Esq.
Lake Worth Drainage District
13081 Military Trail
Delray Beach, FL 33484

TOWN OF PALM BEACH: Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
Attn: Peter Elwell, Town Manager

Copy to:

10. Except as modified herein, this Temporary Access Agreement shall be subject to all applicable provisions of law. A copy of this Temporary Access Agreement shall be filed with the Clerk of the Circuit Court of Palm Beach County, Florida.

IN WITNESS WHEREOF, the parties have hereunto executed this Temporary Access Agreement the day and year first above written.

WITNESSES:

LAKE WORTH DRAINAGE DISTRICT

By: C. David Goodlett
C. David Goodlett, President

Attest: Carol W. Connolly
Carol W. Connolly,
Assistant Secretary



13081 Military Trail
Delray Beach, FL 33484

STATE OF FLORIDA :
COUNTY OF PALM BEACH :

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared C. DAVID GOODLETT and CAROL W. CONNOLLY, the President and Assistant Secretary respectively, of the LAKE WORTH DRAINAGE DISTRICT, both of whom acknowledged executing the foregoing instrument; and both of whom are known to me, and did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this the 23 day of August, 2012.

Joann M. Aylor
Notary Public



Notary Stamp or Seal

WITNESSES:

[Signature]
(1) Witness Signature

SUSAN A. OWENS
Printed Name of Witness

[Signature]
(2) Witness Signature

Cheri Corbett
Printed Name of Witness

TOWN OF PALM BEACH, FLORIDA

By: [Signature]

Peter Elwell, Town Manager
Printed Name and Title

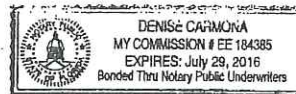
360 South County Road
Palm Beach, Florida 33480

STATE OF FLORIDA :
COUNTY OF PALM BEACH :

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared PETER ELWELL, the Town Manager on behalf of TOWN OF PALM BEACH, FLORIDA. He is known to me or provided _____ as identification, and did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this the 16 day of AUGUST, 2012.

[Signature]
Notary Public Denise Carmona



Notary Stamp or Seal

**SKETCH AND LEGAL DESCRIPTION
15' ACCESS EASEMENT**

Exhibit 'A' - 1 of 2

LEGAL DESCRIPTION: 15 ACCESS EASEMENT

A 15 FOOT STRIP OF LAND LYING IN SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 15 FEET OF THE WEST 52.47 FEET OF THE WEST ONE-HALF (W 1/2) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF THE NORTHEAST ONE-QUARTER (NE1/4), SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA;

ALONG WITH

THE EAST 15 FEET OF THE WEST 53.46 FEET OF THE NORTHWEST ONE-QUARTER (NW1/4) OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4), SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA;

LESS AND EXCEPT THE NORTH 50.00 FEET OF THE THE WEST ONE-HALF (W 1/2) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF THE NORTHEAST ONE-QUARTER (NE1/4), SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA;

SAID LANDS CONTAINING 29,592 SQUARE FEET OR 0.68 ACRES MORE OR LESS.

SAID LANDS SITUATE WITHIN, PALM BEACH COUNTY, FLORIDA.

NOTES:

- 1) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY. (THIS IS NOT A SURVEY)
- 2) NOT VALID WITHOUT THE SIGNATURE AND EMBOSSED SEAL OF A FLORIDA REGISTERED LAND SURVEYOR.
- 3) RECORD INFORMATION SHOWN HEREON WAS TAKEN FROM RECORD PLATS OBTAINED FROM THE PUBLIC RECORDS OF PALM BEACH COUNTY. LAKE WORTH DRAINAGE DISTRICT CANAL RIGHT OF WAY MAP NUMBER E3-1B SHEET 30B OF 163 DATED MAY 1999. FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 93280-2503 SHEETS 4 AND 5 OF 7, LATEST REVISION DATE OF 10-06-97.
- 4) L.W.D.D. REQUIRED RIGHT OF WAY AS DEPICTED HEREON IS BASED SOLELY UPON L.W.D.D.'S FILE AND NOT A SEARCH OF RECORDS OF THE CLERK OF THE COURT, PALM BEACH COUNTY, FLORIDA.

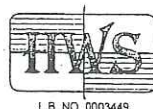
LEGEND:

L.W.D.D. = LAKE WORTH DRAINAGE DISTRICT
O.R.B. = OFFICIAL RECORDS BOOK
PG. = PAGE
D.E. = DRAINAGE EASEMENT
R.O.W. = RIGHT OF WAY
SEC. = SECTION

HELLER-WEAVER AND SHEREMETA, INC.
FLORIDA STATE L.B. NO. 3449

BY: DANIEL C. LAAK
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REG. NO. 5118

REVISIONS
7-20-2012
PER L.W.D.D. COMMENTS



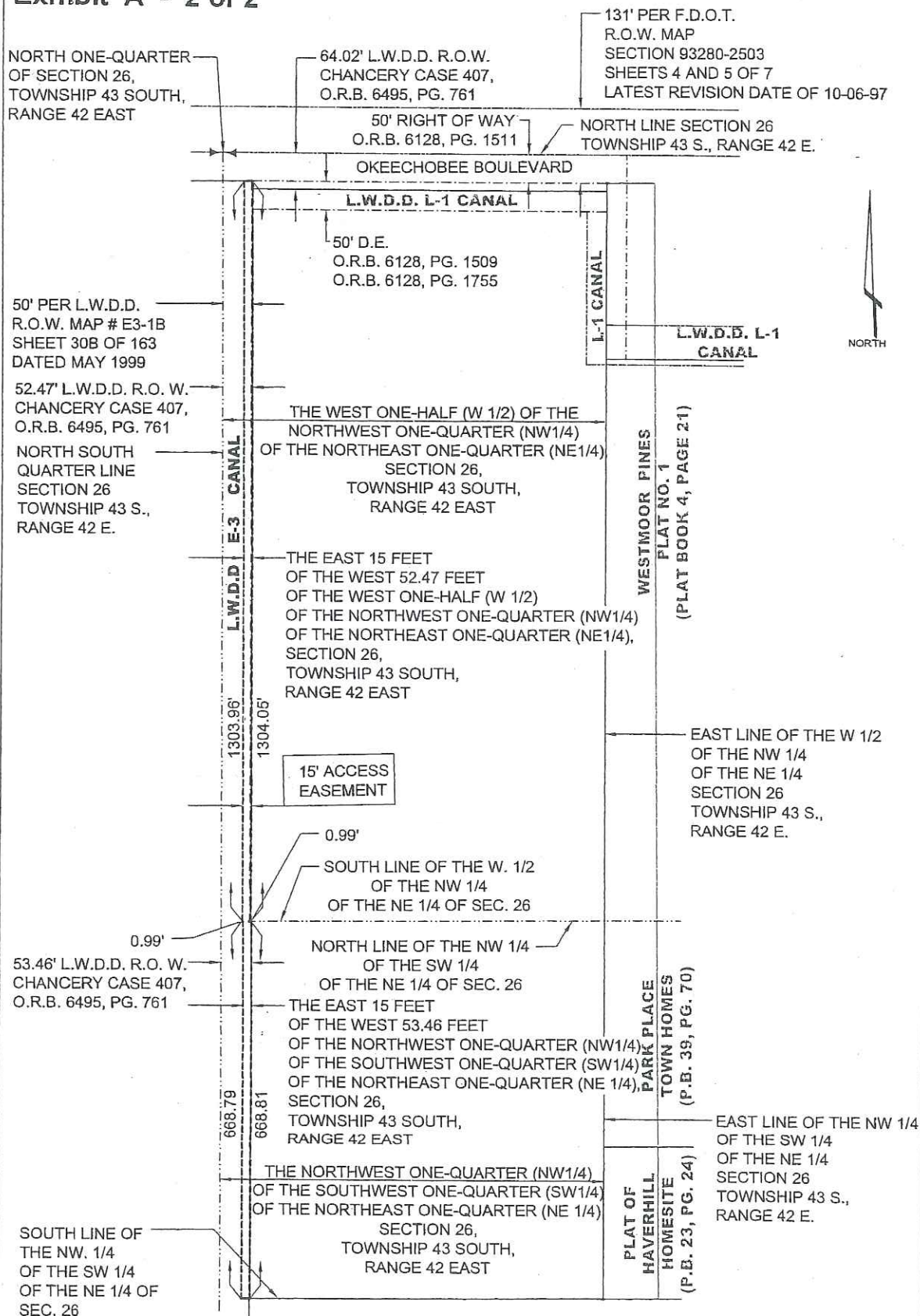
Heller - Weaver and Sheremeta, inc.
Surveyors and Mappers
310 S.E. 1st Street, Suite 5 Delray Beach, Florida 33483
(561) 243-8700 - Phone (561) 243-8777 - Fax

L.W.D.D. PROJECT # 12-1179P.04

DATE:	6-21-2012
SCALE:	AS NOTED
DRAWN BY:	CADD
CHECKED BY:	D.C.L.
SHEET:	1 OF 2
FILE NO.	12-15446.103-SS1

**SKETCH AND LEGAL DESCRIPTION
15' ACCESS EASEMENT**

Exhibit 'A' - 2 of 2



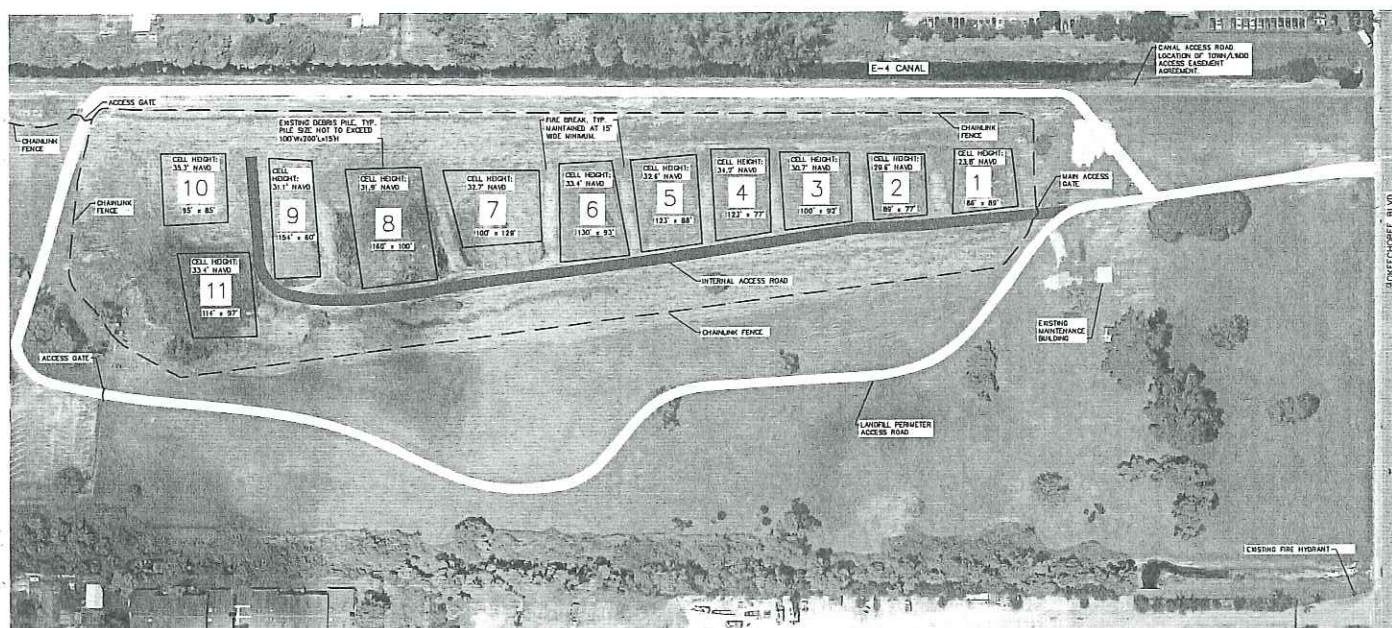
REVISIONS	
7-20-2012	PER L.W.D.D. COMMENTS



Heller - Weaver and Sheremeta, inc.
Surveyors and Mappers
310 S.E. 1st Street, Suite 5 Delray Beach, Florida 33483
(561) 243-8700 - Phone (561) 243-8777 - Fax

DATE:	6-21-2012
SCALE:	1" = 200' FB:
DRAWN BY:	CADD
CHECKED BY:	D.C.L.
SHEET:	2 OF 2
FILE NO.	12-15446.103-SS2

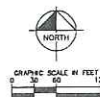
EXHIBIT C



working name: K:\WPB_Chu\044063113\CAO\C-1 QUC[CH-ORCE DTE.dwg Layout1 Sep 19, 2013 4:54pm by: Julia.Finl

FIRE RESPONSE PLAN				DATE SEPT. 2013 PROJECT NO. N/A	TOWN OF PALM BEACH	OKEECHOBEE BLVD LANDFILL 5976 OKEECHOBEE BLVD, WEST PALM BEACH, FL	SHEET NUMBER 1
--------------------	--	--	--	--	--------------------	---	-----------------------

EXHIBIT D



MAX. OPERATION
CELL ELEVATION =
55' NGVD

FINAL CLOSURE
CELL ELEVATION =
52' NGVD

MAXIMUM DEBRIS
PILE DEPTH = 15'
*PER APPROVED
CLOSURE PLAN

DATE	REVISION	DATE	BY

FIRE RESPONSE PLAN

DATE
SEPT. 2013
PROJECT NO.
N/A

TOWN OF PALM BEACH

PALM BEACH COUNTY

FLORIDA

SKEES ROAD LANDFILL
1300 SKEES ROAD, WEST PALM BEACH, FL

SHEET NUMBER

EXHIBIT E



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name: TOWN OF PALM BEACH YARD TRASH #2(OKEECHOBEE RD)

On-Site Inspection Start Date: 06/20/2013

On-Site Inspection End Date: 06/20/2013

WACS No.: 65864

Facility Street Address: OKEECHOBEE BLVD, W MILITARY TR

City: WEST PALM BEACH

County Name: PALM BEACH

Zip: 33417

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Binod Basnet, Inspector

Other Participants: Romeo Washington, Facility Representative

INSPECTION TYPE:

Routine Operation Inspection for Landfill - Class III facility

ATTACHMENTS TO THE INSPECTION CHECK LIST:

This Cover Page to the Inspection Checklist may include any or all of the following attachments as appropriate.

SECTION 1.0 - FILE REVIEW

SECTION 2.0 - LANDFILL OPERATION AND MAINTENANCE

Inspection Date 06/20/2013

SECTION 1.0 - FILE REVIEW**Requirements:**

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	FILE REVIEW (Pre- or Post-Inspection, as appropriate.) Completed	Ok	Not Ok	Unk	N/A
1.1	For landfills and C&D disposal facilities, does the facility have a current plan for the method and sequence of filling wastes? 62-701.500(2)(f) for landfills; 62-701.730(7)(a) for C&D debris sites	✓			
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK) <input type="checkbox"/> Waste reports (annually) 62-701.500(4) <input type="checkbox"/> Annual estimate of remaining life 62-701.500(13)(c)	✓			
1.3	Is gas monitoring being performed as required by the permit? 62-701.500(9), 62-701.530(2)				✓
1.4	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)(c)				✓
1.5	Is water quality sampling and testing performed according to standard procedures and at the required frequencies? 62-701.510(2) for landfills; 62-701.730(4)(b) and (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.	✓			
1.6	Do the results of the water quality testing suggest there may be adverse impacts to water quality from the operation of the solid waste facility? 62-701.510(3) and (4); 62-701.730(4)(c) and (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.	✓			
1.7	For closed landfills and C&D disposal facilities with final elevations higher than 20 feet above grade, has a final survey report verifying the final elevations and contours of the facility been submitted to the Department? 62-701.600(6)(b), 62-701.730(9)(d)				✓
1.8	Is financial assurance adequate? 62-701.630 for landfills; 62-701.710(7)(a) and (10)(a) for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(a) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities. NOTE: The Solid Waste Financial Coordinator in Tallahassee can assist with this information.	✓			
1.9	Are cost estimates current and adjusted every year? 62-701.630(4) for landfills; 62-701.710(7)(b) and (10)(a) for waste processing facilities; 62-701.730(11)(b) and (c) for C&D debris facilities; 62-713.600(6)(b) and (c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.	✓			
1.10	For C&D debris disposal and disposal with recycling facilities, is an Annual Report submitted to the Department for the disposal operation by April 1st of each year? 62-701.730(12)				✓
1.11	For C&D recycling facilities with no disposal, is an Annual Report for the recycling facility submitted to the Department by April 1st of each year? 62-701.710(9)(b)				✓
1.12	For compost facilities, has the compost product been sampled and analyzed every 20,000 tons or every 3 months (whichever is sooner)? 62-709.530(1)				✓
1.13	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)				✓

Inspection Date 06/20/2013

SECTION 2.0 - LANDFILL OPERATION AND MAINTENANCE**Requirements:**

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(18)) Completed	Ok	Not Ok	Unk	N/A
2.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility. 62-701.300(1)(a)	✓			
2.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	✓			
2.2	Unauthorized storage or disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) <input type="checkbox"/> 100 feet from potable water wells (except on-site)? <input type="checkbox"/> 50 feet from water bodies?	✓			
2.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event.) 62-701.300(2)(d)	✓			
2.4	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e)	✓			
2.5	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			
2.6	Are the following unauthorized wastes or special wastes properly controlled, managed and disposed? (Check any that are Not OK) <input type="checkbox"/> Hazardous waste 62-701.300(4) <input type="checkbox"/> Biomedical waste 62-701.300(6) <input type="checkbox"/> Yard trash 62-701.300(8)(c) <input type="checkbox"/> Whole waste tires 62-701.300(8)(e) <input type="checkbox"/> Regulated asbestos waste 62-701.520(3), 62-701.730(19) <input type="checkbox"/> Used oil and oily wastes, except as exempted 62-701.300(11) <input type="checkbox"/> PCB wastes 62-701.300(5) <input type="checkbox"/> Lead-acid batteries 62-701.300(8)(a) <input type="checkbox"/> White goods 62-701.300(8)(d) <input type="checkbox"/> Liquids 62-701.300(10) <input type="checkbox"/> CCA treated wood 62-701.300(14)	✓			
2.7	Are only permitted waste types disposed at facility? 62-701.340(2), 62-701.500(6)(a), 62-701.500(2)(c)	✓			

Item No.	LANDFILL OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
2.8	Is there a trained operator on-site at Class I and III landfills when receiving wastes? 62-701.500(1)	✓			
2.9	Is there at least one trained spotter at each working face when receiving wastes at Class I and III landfills? 62-701.500(1)	✓			
2.10	Are the following records or plans current and available on-site? (Check any that are Not OK) <input type="checkbox"/> Training Plan 62-701.320(15)(a) <input type="checkbox"/> Operating Plan 62-701.500(2) <input type="checkbox"/> Waste weight records 62-701.500(4) <input type="checkbox"/> Precipitation records 62-701.500(8)(g)	✓			

Inspection Date 06/20/2013

Item No.	LANDFILL OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
2.10	<input type="checkbox"/> Load-checking program records 62-701.500(6)(a) <input type="checkbox"/> Training records 62-701.320(15)(a) <input type="checkbox"/> Operation record 62-701.500(3) <input type="checkbox"/> Quantity of leachate 62-701.500(8)(f)	✓			
2.11	Is the operation plan substantially followed? 62-701.500(2)	✓			
2.12	Is incoming waste weighed? 62-701.500(4)(a) and (2)(d)				✓
2.13	Is the method and sequence of filling waste according to plans? 62-701.500(2)(f)	✓			
2.14	Is access properly controlled to prevent unauthorized waste disposal? 62-701.500(5)	✓			
2.15	Is waste compacted as required? 62-701.500(7)(a)	✓			
2.16	Are the working face and side slopes above ground graded to a slope no greater than 3 feet horizontal to 1 foot vertical rise? 62-701.500(7)(c)	✓			
2.17	Is a narrow working face practiced? 62-701.500(7)(d)	✓			
2.18	Is the frequency, amount and quality of initial cover, as required? 62-701.500(7)(e)				✓
2.19	Is the frequency, amount and quality of intermediate cover, as required? 62-701.500(7)(f)				✓
2.20	Is litter controlled and are litter control devices maintained? 62-701.500(7)(i) and (11)(f)	✓			
2.21	Is erosion control adequate? 62-701.500(7)(j)	✓			
2.22	Is the leachate collection and removal system maintained and operated as required? 62-701.500(2)(j), 62-701.500(8)(b) and (h)				✓
2.23	Is leachate disposed of or treated as required? 62-701.500(8)(b), (c) and (d)				✓
2.24	If leachate recirculation is practiced at the facility, is it done in accordance with Department requirements and the Operation Plan? 62-701.400(5)				✓
2.25	Is gas controlled to not cause objectionable odors beyond the property boundary? 62-701.530(3)(b)				✓
2.26	Is gas controlled to not allow combustible gas concentrations to exceed specified limits? 62-701.530(3)(a)				✓
2.27	Are gas vents intact and functioning properly? 62-701.500(9), 62-701.530(1)(a)3				✓
2.28	Is mixing of leachate and stormwater prevented or minimized? 62-701.500(10), 62-701.400(9)(b)				✓
2.29	Is stormwater management system maintained and operated as required? 62-701.500(10)	✓			
2.30	Is there sufficient operating equipment? 62-701.500(11)(a)	✓			
2.31	Is there sufficient reserve equipment (or other arrangements)? 62-701.500(11)(b)	✓			
2.32	Are communication facilities adequate? 62-701.500(11)(c)	✓			
2.33	Are approved dust control methods adequate? 62-701.500(11)(d)				✓
2.34	Are fire protection and fire fighting capabilities adequate and operational? 62-701.500(11)(e)	✓			
2.35	Are there required signs for operational directions and public information? 62-701.500(11)(g)	✓			
2.36	Are all-weather access roads and inside perimeter roads properly maintained? 62-701.500(12)	✓			
2.37	Are ground water wells intact and properly maintained? 62-701.510(2)(b), 62-701.620(8)	✓			
2.38	Are all additional specific conditions (not otherwise addressed above) in the permit, Department order, or certification, if any, being followed? 62-701.320(1), 403.161, F.S.	✓			

COMMENTS:

06/20/2013

I (Binod Basnet) arrived at Town of Palm Beach Landfill at Okeechobee Blvd to conduct a routine operation inspection at 10:00 am. Mr. Romeo Washington, the facility representative, was also

Inspection Date 06/20/2013

present on site during the time of inspection. The facility is not in operation at this time as the yard wastes from the Town of Palm Beach are taken to the landfill at Skees Road. The landfill has been closed since September of 2012.

During the inspection, it was noted that there have been some vegetation growth all across the landfill. The facility representative has been advised to mow the vegetation periodically. There have been vegetation growth around the groundwater monitoring wells also.

It was observed that the facility has maintained the access road inside the landfill and also constructed a perimeter road at the south side of the landfill.

Quarterly groundwater sampling was conducted at MW-2 and MW-4R. The result showed that there were exceedances of Sodium, Chloride and TDS at MW-2 and Ammonia as N and TDS at MW-4R.

The inspection was concluded at 10:35 am.

ATTACHMENTS:

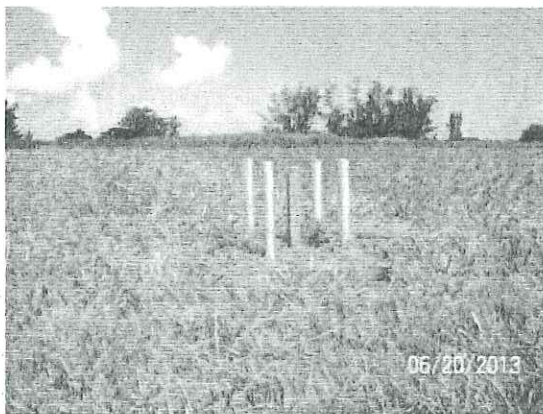
Groundwater monitoring well



Groundwater monitoring well



Groundwater monitoring well



Eastern side view of the landfill



Inspection Date 06/20/2013

Western side view of the landfill



Fire Breaks



Access Road



New perimeter road on south side



Inspection Date 06/20/2013

Signed:

Binod Basnet

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE
PRINCIPAL INSPECTOR SIGNATURE

FDOH-PBC

ORGANIZATION

6/20/2013

DATE

Romeo Washington

REPRESENTATIVE NAME

Facility Representative

REPRESENTATIVE TITLE
REPRESENTATIVE SIGNATURE

TOPB Landfill

ORGANIZATION

6/20/2013

DATE**Supervisor:** Laxmana Tallam

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.

EXHIBIT F



2895 W Prospect Road, Fort Lauderdale, FL 33309
Phone: (954) 467-6067 Fax: (954) 717-0594

ATTN: Romeo Washington
Town of Palm Beach
5976 Okeechobee Blvd
West Palm Beach, FL 33401
Phone (561) 227-7039
Email romeowashington@palmbeach.com

February 28, 2013

RE: Site Evaluation for Nuisance Wildlife — Okeechobee Vegetative Landfill

Thank you for the opportunity to evaluate your property and offer our findings and solutions.

A site inspection was done between Monday, February 11, 2013 and Friday, February 15, 2013, to evaluate the approximate populations and species of wildlife that are present; specifically small mammals that may be or may become a nuisance for the surrounding community. The evaluation was performed by Critter Control, a national wildlife management company, with over 30 years of experience.

Evaluation methods included but were not limited to visual sight inspections, trail cameras and traps for small rodents. The site was inspected daily at different times of the day and evening. The trail cameras were set up in locations of trails and anywhere evidence of wildlife was found. Raccoon populations in Florida can be as high as 100 per square mile and adult raccoons can have a home range of 1 to 3 miles (Kern, 34).

The site location was divided up into three zones to be evaluated.

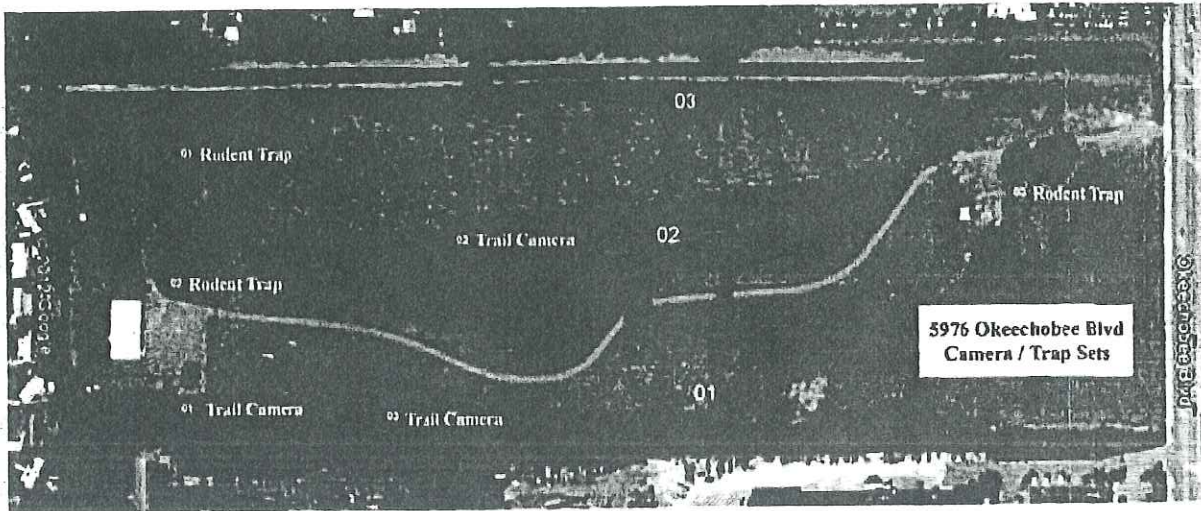
Zone 1	The most eastern property line starting from Okeechobee Blvd south to the property line
Zone 2	Vegetation located center of property west of the road path and east of the decomposition pile
Zone 3	West side of the decomposition pile and east of the canal and property line

Below is an overhead visual graph defining the area of concern and the placement of cameras to detect and record wildlife activity for the purpose of this proposal.



2895 W Prospect Road, Fort Lauderdale, FL 33309
Phone: (954) 467-6067 Fax: (954) 717-0594

Graph of Site – Placement of Detection / Evaluation Devices



The eastern boundary of the property is covered by heavy low vegetation with a few adult trees. Though it can provide some cover and food source for wildlife, it appears to be used only for travel.



2895 W Prospect Road, Fort Lauderdale, FL 33309
Phone: (954) 467-6067 Fax: (954) 717-0594

Property Inspection Log and Summary

Zone 1					
Trail Camera	Date	Device	Sight Inspection		Findings
	2/11/2013	Installed field camera	n/a	Active	Trails and raccoon droppings
	2/12/2013	n/a	n/a	n/a	
	2/13/2013	n/a	n/a	n/a	Raccoon feces
	2/14/2013	n/a	n/a	n/a	
	2/15/2013	n/a	n/a	n/a	
Zone 2					
Trail Camera	Date	Device	Sight Inspection		Findings
	2/11/2013	Installed field camera	n/a	Active	Raccoon droppings
	2/12/2013	n/a	n/a	n/a	
	2/13/2013	n/a	n/a	n/a	
	2/14/2013	n/a	n/a	n/a	
	2/15/2013	n/a	n/a	n/a	
Zone 3					
Trail Camera	Date	Device	Sight Inspection		Findings
	2/11/2013	Installed field camera	n/a	Active	dog tracks
	2/12/2013	n/a	n/a	n/a	
	2/13/2013	n/a	light rodent activity	n/a	Raccoon digging
	2/14/2013	n/a	n/a	n/a	
	2/15/2013	n/a	n/a	n/a	

The table above represents devices placed, inspections completed and findings based on our research.



2895 W Prospect Road, Fort Lauderdale, FL 33309
Phone: (954) 467-6067 Fax: (954) 717-0594

Documented Inspection Report

During our inspection we found numerous trails throughout the vegetation. Some trails are used by people to travel to the homes on the east side of the property. Other smaller trails through the vegetation were created by small animals.

Zone 1

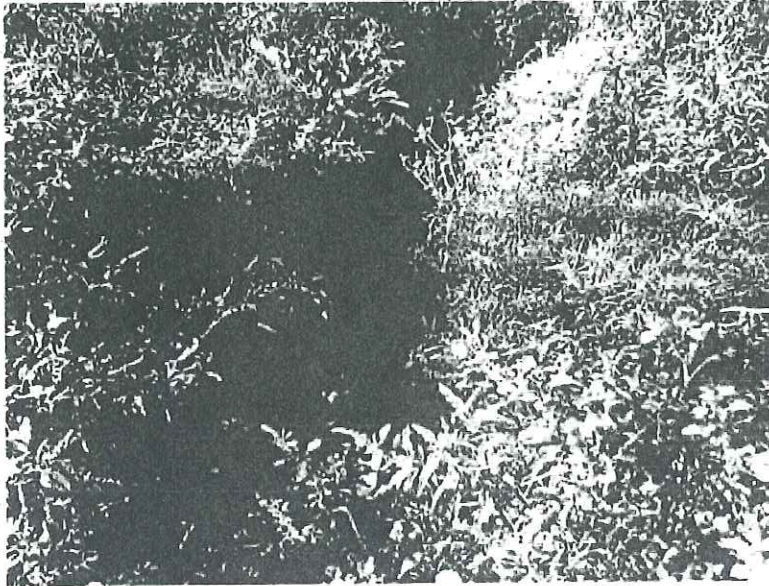
A trail camera was set up on February 11, 2013 along the east property line as dedicated on the map above. The camera was left for 24 hours at a junction of several trails. No activity was observed. On February 13, 2013, the camera was then moved 100 yards to the south- installed along trails and left for 24 hours. Also, during our visual inspection, evidence of a raccoon frequenting the area was seen (see image below). On February 15, 2013, the camera was retrieved but no activity or pictures were taken. Rodent traps were set and baited for 5 days along the vegetation and trails. No activity was found.



Zone 1 Fresh raccoon feces



2895 W Prospect Road, Fort Lauderdale, FL 33309
Phone: (954) 467-6067 Fax: (954) 717-0594



Close-up of Zone 1 animal pathway

Zone 2

The area just east of the decomposition piles is covered with heavy, low vegetation. Very little evidence of wildlife activity was noted here- with only a few trails into the brush. This area provides little food and coverage for larger mammals such as raccoons and opossums. However, there is light rodent activity and we did visually note some additional raccoon feces in this area.



2895 W Prospect Road, Fort Lauderdale, FL 33309
Phone: (954) 467-6067 Fax: (954) 717-0594

Zone 3

There was no activity noted on either the trail camera or the rodent traps. However, we did note some animal digging upon the visual site inspection on February 13, 2013.

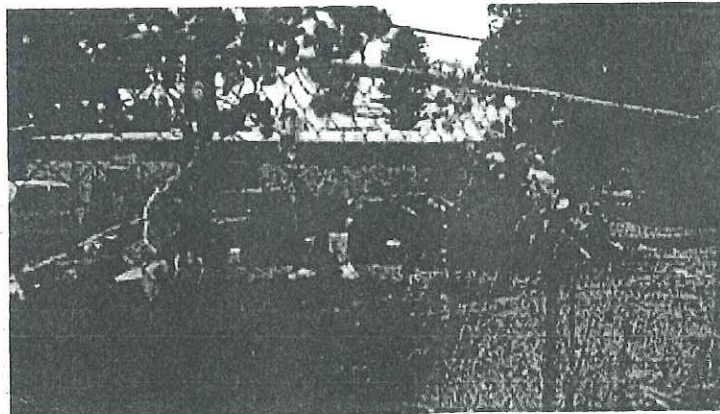
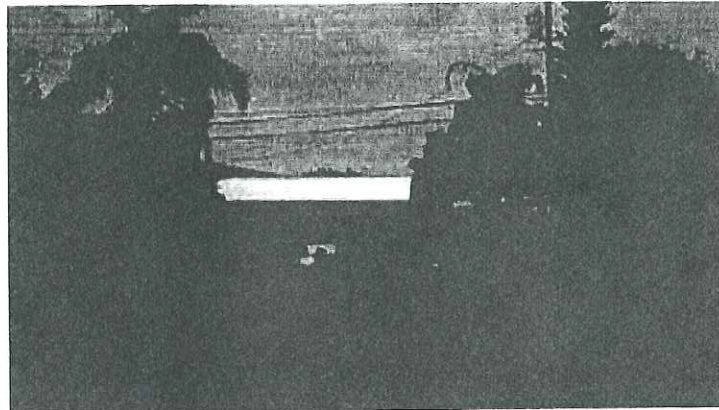


Zone 3 Raccoon digging



2895 W Prospect Road, Fort Lauderdale, FL 33309
Phone: (954) 467-6067 Fax: (954) 717-0594

Surrounding Community – Previous Example Photos



The same conditions conducive to attracting nuisance wildlife in and around the neighborhoods to the south and to the west of the property are still prevalent during the 2013 inspection. The southern neighborhood has mobile homes without or with poor-conditioned skirting; also, there was excessive yard debris, clutter and materials on private property. Although it may seem harmless, these circumstances will provide sufficient coverage for wildlife to harbor and hide.

Urban wildlife populations have increased over the past thirty years due to the ease of ability to locate food and shelter. For example, trashcans, dog and cat food left outside for outdoor domestic animals, debris piles and many other common human practices. More often than not, humans do not realize that they are creating these formidable nuisance wildlife occurrences as a result of their own actions.



2895 W Prospect Road, Fort Lauderdale, FL 33309
Phone: (954) 467-6067 Fax: (954) 717-0594

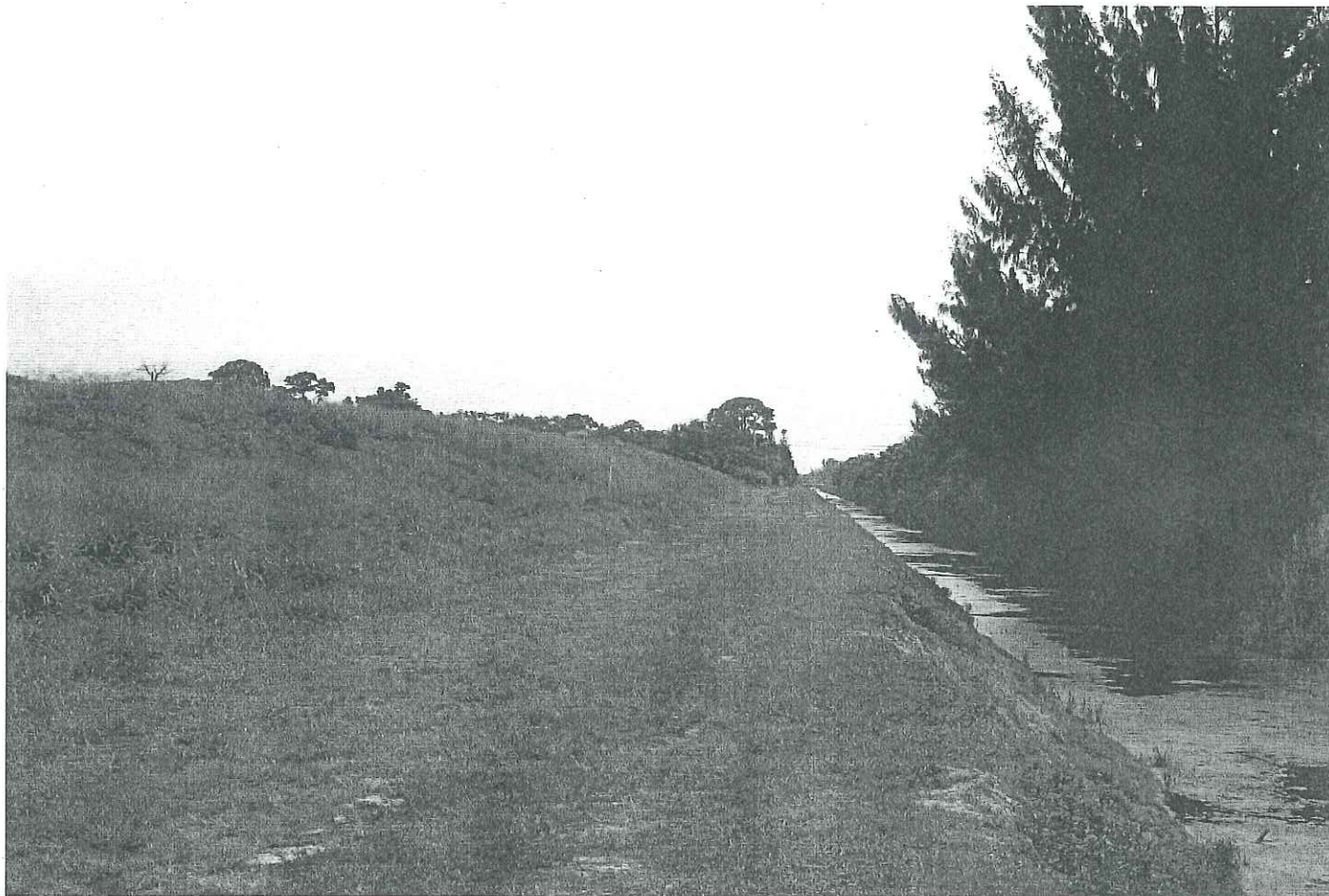
Conclusion

During our time spent at the Okeechobee vegetative landfill, we did find evidence of some wildlife activity. However, we found no indication of an increased population of any particular species that would become a nuisance. Reducing the vegetation on the east and center berm will aid in the prevention of increased rodent populations. Compared to other natural areas in south Florida, we found less wildlife activity than would be expected.

Respectfully,

Joe Felegi
Inspector | Critter Control of Florida
Office (954) 467-6067
Cell (954) 931-8186
Email jfelegi@crittercontrolfl.com
"Protecting People, Property and Wildlife"

EXHIBIT G



Existing condition along West property line: looking South

prepared by:

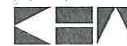


Kimley-Horn
and Associates, Inc.



Newly Planted Areca and Fox Tail Palms: looking South

prepared by:



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EXHIBIT H



